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Title: Our Legal Heritage: King Aethelbert - King George III, 600 A.D. - 1776

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Release date: September 16, 2012 [EBook #40780]

Language: English

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## **OUR LEGAL HERITAGE**

King Aethelbert - King George III, 1776, 600 A.D. - 1776

By

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Preface

This book was written for people with an interest in English legal history who don't know where to start reading, as I didn't. Its purpose is also to look at history through its laws, which do not lend themselves to interpretation, and thus points of view, as does conventional history; one cannot argue with the black letter of the law. Attorneys will be interested in reading about the historical context in which the legal doctrines they learned in law school developed. This book includes the complete law codes of King Alfred and of King Aethelbert, the law code of King Canute, paraphrased, excerpts from the law code of Henry I, the entire Magna Carta, and the statutes of England relevant to English life, but excluding such topics as Scottish affairs and wars with Ireland. It also includes the inception of the common law system, which was praised because it made law which was not handed down by an absolutist king; the origin of the jury system; the meaning of the Magna Carta provisions in their historical context; and the emergence of attorneys. This book is a primer. One may read it without prior knowledge of history or law, although it will be more meaningful to attorneys than to others. It can serve as an introduction on which to base further reading in English legal history. It defines terms unique to English legal history. However, the meaning of some terms in King Aethelbert's code in Chapter 1 are unknown or inexact. In the Table of Contents, the title of each chapter denotes an important legal development in the given time period for that chapter. Each chapter is divided into

three sections: The Times, The Law, and Judicial Procedure. The Times section sets a background and context in which to better understand the law of that period. The usual subject matter of history such as battles, wars, royal intrigues, periods of corruption, and international relations are omitted as not helping to understand the process of civilization and development of the law. Standard practices are described, but there are often variations with locality. Also, change did not come abruptly, but with vacillations, e.g. the change from pagan to Christian belief and the change to allowance of loans for interest. The scientific revolution was accepted only slowly. There were often many attempts made for change before it actually occurred, e.g. gaining Parliamentary power over the king's privileges, such as taxation. The Law section describes the law governing the behavior and conduct of the populace. It includes law of that time which is the same, similar, or a building block to the law of today. In earlier times this is both statutory law and the common law of the courts. The Magna Carta, which is quoted in Chapter 7, is the first statute of England and is listed first in the "Statutes of the Realm" and the "Statutes at Large". The law sections of Chapters 7 - 18 mainly quote or paraphrase almost all of these statutes. Excluded are statutes which do not help us understand the development of our law, such as statutes governing Wales after its conquest and statutes on succession rights to the throne. The Judicial Procedure section describes the process of applying the law and trying cases, and jurisdictions. It also contains some examples of cases. Money is expressed in pounds, shillings, pence, scaetts, or marks, which is a Danish denomination. There are twenty shillings in a pound. A mark in silver is two-thirds of a pound. Shillings are abbreviated: "s." The pre-Norman English shilling was divided into 4 pence or pennies. In Henry I's time, the shilling was divided into 5 pence. The Norman shilling was introduced by Henry II and was divided into 12 pennies. This penny was literally one pennyweight of silver, so a pound sterling thus weighed 240 pennyweights. Pence are abbreviated "d.", for the Roman denarius. For example, six shillings and two pence is denoted 6s.2d. A scaett was a coin of silver and copper of lesser denomination; there were 20 scaetts to one shilling. There were no coins of the denomination of shilling during pre-Norman times.

#### Dedication and Acknowledgements

A Vassar College faculty member once dedicated her book to her students, but for whom it would have been written much earlier. This book "Our Legal Heritage" is dedicated to the faculty of Vassar College, without whom it would never have been written. Much appreciation goes to Professor James Curtin of Loyola Law School for his review and comments on this book's medieval period: Chapters 4-10, and especially his comment that "I learned quite a bit about life in those days from your work." Thanks go to Loyola University Law School Professor George Anastaplo for introducing me to Professor Curtin. Much appreciation goes to Professor Lacey Baldwin Smith of Northwestern University's History Department for his review and comments on this book's Tudor and Stuart periods: Chapters 11-17, especially his comment that he learned a lot. Thanks go to Northwestern University Law School Professor Steven Presser for introducing me to Professor Smith. Finally, many thanks go to fellow Mensan William Wedgeworth for proof-reading the entire book.

#### Table of Contents

Chapters:

1. Tort law as the first written law: to 600
2. Oaths and perjury: 600-900
3. Marriage law: 900-1066
4. Martial "law": 1066-1100
5. Criminal law and prosecution: 1100-1154
6. Common Law for all freemen: 1154-1215
7. Magna Carta: the first statute: 1215-1272
8. Land law: 1272-1348
9. Legislating the economy: 1348-1399
10. Equity from Chancery Court: 1399-1485
11. Use-trust of land: 1485-1509
12. Wills and testaments of lands and goods: 1509-1558
13. Consideration and contract Law: 1558-1601
14. Welfare for the poor: 1601-1625
15. Independence of the courts: 1625-1642
16. Freedom of religion: 1642-1660
17. Habeas Corpus: 1660-1702
18. Service of Process instead of arrest: 1702-1776

Appendix: Sovereigns of England

Bibliography

#### Chapter 1

The Times: before 600 A.D.

The settlement of England goes back thousands of years. At first, people hunted and gathered their food. They wore animal skins over their bodies for warmth and around their feet for protection when walking. These skins were sewn together with bone needles and threads made from animal sinews.

They carried small items by hooking them onto their belts. They used bone and stone tools, e.g. for preparing skins. Their uncombed hair was held by thistlethorns, animal spines, or straight bone hair pins. They wore conical hats of bound rush and lived in rush shelters.

Early clans, headed by kings, lived in huts on top of hills or other high places and fortified by circular or contour earth ditches and banks behind which they could gather for protection. They were probably dug with antler picks and wood spades. The people lived in rectangular huts with four wood posts supporting a roof. The walls were made of saplings, and a mixture of mud and straw. Cooking was in a clay oven inside or over an open fire on the outside. Water was carried in animal skins or leather pouches from springs lower on the hill up to the settlement. Forests abounded with wolves, bears, deer, wild boars, and wild cattle. They could more easily be seen from the hill tops. Pathways extended through this camp of huts and for many miles beyond.

For wives, men married women of their clan or bought or captured other women, perhaps with the help of a best man. They carried their unwilling wives over the thresholds of their huts, which were sometimes in places kept secret from her family. The first month of marriage was called the honeymoon because the couple was given mead, a drink with fermented honey and herbs, for the first month of their marriage. A wife wore a gold wedding band on the ring finger of her left hand to show that she was married.

Women usually stayed at home caring for children, preparing meals, and making baskets. They also made wool felt and spun and wove wool into a coarse cloth. Flax was grown and woven into a coarse linen cloth. Spinning the strands into one continuous thread was done on a stick, which the woman could carry about and spin at anytime when her hands were free. The weaving was done on an upright or warp-weighted loom. People of means draped the cloth around their bodies and fastened it with a metal brooch inlaid with gold, gems, and shell, which were glued on with glue that was obtained from melting animal hooves. People drank from hollowed-out animal horns, which they could carry from belts. They could tie things with rawhide strips or rope braids they made. Kings drank from animal horns decorated with gold or from cups of amber, shale, or pure gold. Men and women wore pendants and necklaces of colorful stones, shells, amber beads, bones, and deer teeth. They skinned and cut animals with hand-axes and knives made of flint dug up from pits and formed by hitting flakes off. The speared fish with barbed bone prongs or wrapped bait around a flint, bone, or shell fish hook. On the coast, they made bone harpoons for deep-sea fish. The flint ax was used to shape wood and bone and was just strong enough to fell a tree, although the process was very slow.

The king, who was tall and strong, led his men in hunting groups to kill deer and other wild animals in the forests and to fish in the streams. Some men brought their hunting dogs on leashes to follow scent trails to the animal. The men threw stones and spears with flint points at the animals. They used wood clubs to beat them, at the same time using wood shields to protect their bodies. They watched the phases of the moon and learned to predict when it would be full and give the most light for night hunting. This began the concept of a month. Circles of stone like Stonehenge were built with alignments to paths of the moon.

If hunting groups from two clans tried to follow the same deer, there might be a fight between the clans or a blood feud. After the battle, the clan would bring back its dead and wounded. A priest officiated over a funeral for a dead man. His wife would often also go on the funeral pyre with him.

The priest also officiated over sacrifices of humans, who were usually offenders found guilty of transgressions. Sacrifices were usually made in time of war or pestilence, and usually before the winter made food scarce.

The clan ate deer that had been cooked on a spit over a fire, and fruits and vegetables which had been gathered by the women. They drank water from springs. In the spring, food was plentiful. There were eggs of different colors in nests and many hare to eat. The goddess Easter was celebrated at this time.

Later, there was farming and domestication of animals such as horses, pigs, sheep, goats, chicken, and cattle. Of these, the pig was the most important meat supply, being killed and salted for winter use. Next in importance were the cattle. Sheep were kept primarily for their wool. Flocks and herds were taken to pastures. The male cattle, with wood yokes, pulled ploughs in the fields of barley and wheat. The female goat and cow provided milk, butter, and cheese. The chickens provided eggs. The hoe, spade, and grinding stone were used. Thread was spun with a hand-held spindle which one hand held while the other hand alternately formed the thread from a mass and then wound it around the spindle. A coarse cloth was woven and worn as a tunic which had been cut from the cloth. Kings wore tunics decorated with sheet gold. Decorated pottery was made from clay and used to hold liquids and for food preparation and consumption. During the period of "lent" [from the word "lencten", which means spring], it was forbidden to eat any meat or fish. This was the season in which many animals were born

and grew to maturity. Wood carts with four wheels were used to transport produce and manure. Horses were used for transportation of people or goods. Wood dug-out boats and paddles were used to fish on rivers or on the seacoast.

Clans had settlements near rivers. Each settlement had a meadow, for the mowing of hay, and a simple mill, with round timber huts, covered with branches or thatch or turf supported by a ring of posts. Inside was a hearth with smoke going up through a hole in the roof, and a cauldron for cooking food. There was an upright loom in the darkness. The floor was swept clean. At the door were spears or bags of slingstones ready for immediate use. The King lived in the largest hut. Gullies outside carried off excess water. Each hut had a garden for fruit and vegetables. A goat or cow might be tied out of reach of the garden. There was a fence or hedge surrounding and protecting the garden area and dwelling. Buckets and cauldrons which had originated from the Mediterranean were used. Querns with the top circular stone turned by hand over the bottom stone were used for grinding grain. There were ovens to dry and roast grain. Grain was first eaten as a porridge or cereal. There were square wood granaries on stilts and wood racks on which to dry hay. Grain was stored in concealed pits in the earth which were lined with drystone or basket work or clay and made airtight by sealing with clay or dung. Old pits were converted into waste dumps, burials, or latrines. Outside the fence were an acre or two of fields of wheat and barley, and sometimes oats and rye. Wheat and rye were sown in the fall, and oats and barley in the spring. Sowing was by men or two oxen drawing a simple scratch plough. The crops were all harvested in the summer. In this two-field system, land was held by peasants in units designed to support a single extended family. These fields were usually enclosed with a hedge to keep animals from eating the crop and to define the territory of the settlement from that of its neighbors. Flax was grown and made into linen cloth. Beyond the fields were pastures for cattle and sheep grazing. There was often an area for beehives. This was subsistence level farming.

Pottery was given symmetry when formed with use of a wheel and heated in increasingly hot kilns. From kilns used for pottery, it was noticed that lumps of gold or copper ore within would melt and assume the shape of what they had been resting on. These were the first metals, and could be beaten into various shapes, such as ornaments. Then the liquid ore was poured into moulds carved out of stones to make axes [small pointed tool for piercing holes in leather, wood, or other soft materials] and daggers, which were reheated and hammered to become strong. Copper-tipped drills, chisels, punches and awls were also made.

The bodies of deceased were buried far away from any village in wood coffins, except for kings, who were placed in large stone coffins after being wrapped in linen. Buried with them were a few personal items, such as copper daggers, flat copper axes, and awls. The deceased was buried in a coffin with a stone on top deep in the earth to keep the spirit of the dead from coming out to haunt the living.

It was learned that tin added to the copper made a stronger metal: bronze. Stone hammers, and bronze and iron tools, were used to make cooking pots, weapons, breast plates, and horse bits, which were formed from moulds and/or forged by bronze smiths and blacksmiths from iron extracted from iron ore heated in bowl-shaped hearths. Typically one man operated the bellows to keep the fire hot while another did the hammering. Bronze was made into sickles for harvesting, razors for shaving, tweezers, straight hair pins, safety pins for clothes, armlets, neck-rings, and mirrors. Weapons included bows and arrows, flint and copper daggers, bronze swords and spears, stone axes, and shields of wood with bronze mountings. The bows and arrows probably evolved from spear throwing rods. Kings in body armor fought with chariots drawn by two horses. The horse harnesses had bronze fittings. The chariots had wood wheels, later with iron rims. When bronze came into use, there was a demand for its constituent parts: copper and tin, which were traded by rafts on waterways and the sea. When iron came into use, there were wrought iron axes, saws, adzes [ax with curved blade used to dress wood], files, ploughshares, harrows [set of spikes to break clods of earth on ploughed land and also to cover seed when sown], scythes, billhooks [thick knife with hooked point used to prune shrubs], and spits for hearths. Lead was mined. There was some glassmaking of beads. Wrought iron bars were used as currency.

Hillforts now had wooden palisades on top of their banks to protect the enclosed farmsteads and villages from stock wandering off or being taken by rustlers, and from attacks by wild animals or other people. Later a rampart was added from which sentries could patrol. These were supported by timber and/or stone structures. Timbers were probably transported by carts or dragged by oxen. At the entrances were several openings only one of which really allowed entry. The others went between banks into dead ends and served as traps in which to kill the enemy from above. Gates were of wood, some hung from hinges on posts which could be locked. Later guard chambers were added, some with space for hearths and beds. Sometimes further concentric circles of banks and ditches, and perhaps a second rampart, were added around these forts. They could reach to 14 acres. The ramparts are sufficiently widely spaced to make sling-shooting out from them highly effective, but to minimize the dangers from sling-shooting from without. The additional banks and ditches could be used to create

cattle corridors or to protect against spear-thrown firebrands. However, few forts had springs of water within them, indicating that attacks on them were probably expected to be short. Attacks usually began with warriors bristling with weapons and blowing war trumpets shouting insults to the foe, while their kings dashed about in chariots. Sometimes champions from each side fought in single combat. They took the heads of those they killed to hang from their belts or place on wood spikes at the gates. Prisoners, including women and children, might become slaves. Kings sometimes lived in separate palisades where they kept their horses and chariots.

Circles of big stones like Stonehenge were rebuilt so that the sun's position with respect to the stones would indicate the day of longest sunlight and the day of shortest sunlight. Between these days there was an optimum time to harvest the crops before fall, when plants dried up and leaves fell from the trees. The winter solstice, when the days began to get longer was cause for celebration. In the next season, there was an optimum time to plant seeds so they could spring up from the ground as new growth. So farming gave rise to the concept of a year. Certain changes of the year were celebrated, such as Easter, named for the Goddess of the Dawn, which occurred in the east (after lent); May Day celebrating the revival of life; Lammass around July, when the wheat crop was ready for harvesting; and on October 31 the Celtic eve of Samhain, when the spirits of the dead came back to visit homes and demand food or else cast an evil spell on the refusing homes; and at which masked and costumed inhabitants representing the souls of the dead paraded to the outskirts of the settlements to lead the ghosts away from their homes; and at which animals and humans, who might be deemed to be possessed by spirits, were sacrificed or killed perhaps as examples, in huge bonfires [bonefires] as those assembled looked out for spirits and evil beings.

There was an agricultural revolution from the two-field system in which one field was fallow to the three-field system, in which there were three large fields for the heavy and fertile land. Each field was divided into long and narrow strips. Each strip represented a day's work with the plough. One field had wheat, or perhaps rye, another had barley, oats, beans, or peas, and the third was fallow. It had been observed that legumes such as peas and beans restored the soil. These were rotated yearly. There was a newly invented plough that was heavy and made of wood and later had an attached iron blade. The plough had a mould-board which caught the soil stirred by the plough blade and threw it into a ridge alongside the furrow dug by the plough blade. This plough was too heavy for two oxen and was pulled by a team of about eight to ten oxen. Each ox was owned by a different man as was the plough, because no one peasant could afford the complete set. Each freeman was allotted certain strips in each field to bear crops. His strips were far from each other, which insured some very fertile and some only fair soil, and some land near his village dwelling and some far away. These strips he cultivated, sowed with seed, and harvested for himself and his family. After the harvest, they reverted to common ownership for grazing by pigs, sheep, and geese. As soon as haymaking was over, the meadows became common grazing land for horses, cows, and oxen. Not just any inhabitant, but usually only those who owned a piece of land in the parish were entitled to graze their animals on the common land, and each owner had this right of pasture for a definite number of animals. The faster horse replaced the ox as the primary work animal. Other farm implements were: coulter, which gave free passage to the plough by cutting weeds and turf, picks, spades and shovels, reaping hooks and scythes, and sledge hammers and anvils. Strips of land for agriculture were added from waste land as the community grew. Waste lands were moors bristling with brushwood, or gorse, heather and wanton weeds, reed-coated marshes, quaking peat-bogs, or woods grown haphazard on sand or rock. With iron axes, forests could be cleared to provide more arable land.

Some villages had a smith, a wheelwright, and a cooper. There were villages which had one or two market days in each week. Cattle, sheep, pigs, poultry, calves, and hare were sold there. London was a town on the Thames River under the protection of the Celtic river god Lud: Lud's town. It's huts were probably built over the water, as was Celtic custom. It was a port for foreign trade. Near the town was Ludhill. Each Celtic tribe in England made its own coinage. Silver and bronze were first used, and then gold. The metal was put into a round form and then placed between two engraved dies, which were hit.

Flint workers mined with deer antler picks and ox shoulder blade shovels for flint to grind into axes, spearheads, and arrowheads. Mine shafts were up to thirty feet deep and necessitated the use of chalk lamps fueled by animal fat with wicks of moss. The flint was hauled up in baskets.

Common men and women were now buried in tombs within memorial burial mounds of earth with stone entrances and interior chambers. A man's weapons and shield were buried with him and a woman's spindle and weaving baton, and perhaps beads or pottery with her. At times, mounds of earth would simply be covered over piles of corpses and ashes in urns. In these mass graves, some corpses had spear holes or sword cuts, indicating death by violence. The Druid priests, the learned class of the Celts, taught the Celts to believe in reincarnation of the soul after death of one body into another body. They also threw prized possessions into lakes and rivers as sacrifices to water gods. They placed images of gods and goddesses in shrines, which were sometimes large enough to be temples. They

thought of their gods as supernatural magicians.

With the ability to grow food and the acquisition of land by conquest by invading groups, the population grew. There were different classes of men. The freemen were eorls [noble freemen] or ceorls [ordinary free farmers]. Slaves were not free. Freemen had long hair and beards. Slaves' hair was shorn from their heads so that they were bald. Slaves were chained and often traded. Prisoners taken in battle, especially native Britons taken by invading groups, became slaves. A slave who was captured or purchased was a "theow". An "esne" was a slave who worked for hire. A "weallas" was a Welsh slave. Criminals became slaves of the person wronged or of the king. Sometimes a father pressed by need sold his children or his wife into bondage. Debtors, who increased in number during famine, which occurred regularly, became slaves by giving up the freeman's sword and spear, picking up a slave's mattock [pick ax for the soils], and placing their head within a lord's or lady's hands. They were called wite- theows. The original meaning of the word lord was "loaf-giver". Children with a slave parent were slaves. The slaves lived in huts around the homes of big landholders, which were made of logs and consisted on one large room or hall. An open hearth was in the middle of the earthen floor of the hall, which was strewn with rushes. There was a hole in the roof to let out the smoke. Here the landholder and his men would eat meat, bread, salt, hot spiced ale, and mead while listening to minstrels sing about the heroic deeds of their ancestors. Richer men drank wine. There were festivals which lasted several days, in which warriors feasted, drank, gambled, boasted, and slept where they fell. Physical strength and endurance in adversity were admired traits.

Slaves often were used as grain grinders, ploughmen, sowers, haywards, woodwards, shepherds, goatherds, swineherds, oxherds, cowherds, dairymaids, and barnmen. Slaves had no legal rights. A lord could kill his slave at will. A wrong done to a slave was regarded as done to his owner. If a person killed another man's slave, he had to compensate him with the slave's purchase price. The slave owner had to answer for the offenses of his slaves against others, as for the mischief done by his cattle. Since a slave had no property, he could not be fined for crimes, but was whipped, mutilated, or killed.

During famine, acorns, beans, peas, and even bark were ground down to supplement flour when grain stocks grew low. People scoured the hedgerows for herbs, roots, nettles, and wild grasses, which were usually left for the pigs. Sometimes people were driven to infanticide or group suicide by jumping together off a cliff or into the water.

Several large kingdoms came to replace the many small ones. The people were worshipping pagan gods when St. Augustine came to England in 596 A.D. to Christianize them. King Aethelbert of Kent and his wife, who had been raised Christian on the continent, met him when he arrived. The King gave him land where there were ruins of an old city. Augustine used stones from the ruins to build a church which was later called Canterbury. He also built the first St. Paul's church in London. Aethelbert and his men who fought with him and ate and lived in his household [gesiths] became Christian. A succession of princesses went out from Kent to marry other Saxon kings and convert them to Christianity.

Augustine knew how to write, but King Aethelbert did not. The King announced his laws at meetings of his people and his eorls would decide the punishments. There was a fine of 120s. for disregarding a command of the King. He and Augustine decided to write down some of these laws, which now included the King's new law concerning the church.

These laws concern personal injury, killing, theft, burglary, marriage, adultery, and inheritance. The blood feud's private revenge for killing had been replaced by payment of compensation to the dead man's kindred. One, or one's blood kindred, paid a man's "wergeld" [worth] to his blood kindred for causing his wrongful death. The wergeld [wer] of a king was an unpayable amount of about 7000s., of an aetheling [a king-worthy man of the extended royal family] was 1500s., of an eorl, 300s., of a ceorl, 100s., of a laet [agricultural worker in Kent, which class was between free and slave], 40-80s., and of a slave nothing. At this time a shilling could buy a cow in Kent or a sheep elsewhere. If a ceorl killed an eorl, he paid three times as much as an eorl would have paid as murderer. Personal injury was compensated by a "bot". The penalty for slander was tearing out of the tongue. If an aetheling was guilty of this offense, his tongue was worth five times that of a ceorl, so he had to pay proportionately more to ransom it. The crimes of murder, treachery to one's own lord, arson [burning a house], house breaking, and open theft, were punishable by death and forfeiture of all property.

## The Law

### **"THESE ARE THE DOOMS [DECREES] WHICH KING AETHELBERHT ESTABLISHED IN THE DAYS OF AUGUSTINE**

1. [Theft of] the property of God and of the church [shall be compensated], twelve fold; a bishop's property, eleven fold; a priest's property, nine fold; a deacon's property, six fold; a cleric's property,

three fold; church frith [breach of the peace of the church; right of sanctuary and protection given to those within its precincts], two fold [that of ordinary breach of the public peace]; maethl-frith [breach of the peace of a meeting place], two fold. 2. If the King calls his leod [his people] to him, and any one there do them evil, [let him compensate with] a twofold bot [damages for the injury], and 50 shillings fine to the King. 3. If the King drink at any one's home, and any one there do any lyswe [evil deed], let him make twofold bot. 4. If a freeman steal from the King, let him repay nine fold. 5. If a man slay another in the King's tun [enclosed dwelling premises], let him make bot with 50 shillings. 6. If any one slay a freeman, 50 shillings to the King, as drihtin beah [payment to a lord in compensation for killing his freeman]. 7. If the King's ambiht-smith [smith or carpenter] or laad-rine [man who walks before the King or guide or escort], slay a man, let him pay a half wergeld. 8. [Offenses against anyone or any place under] the King's mund byrd [protection or patronage], 50 shillings fine. 9. If a freeman steal from a freeman, let him make threefold bot; and let the King have the wite [fine] and all the chattels [necessary to pay the fine]. (Chattels was a variant of "cattle" and was usually a beast, though it could mean any personal property.) 10. If a man lie with the one of the King's female servants, let him pay a bot of 50 shillings. 11. If she be a corn-grinding slave, let him pay a bot of 25 shillings. The third [class of servant] 12 shillings. 12. Let the King's fedesl [tenant or boarder] be paid for with 20 shillings. 13. If a man slay another in an eorl's tun [premises], let [him] make bot with 12 shillings. 14. If a man lie with an eorl's birele [female cupbearer], let him make bot with 20 shillings. 15. [Offenses against a person or place under] a ceorl's mund byrd [protection], 6 shillings. 16. If a man lie with a ceorl's birele [female cupbearer], let him make bot with 6 shillings; with a slave of the second [class], 50 scaetts; with one of the third, 30 scaetts. 17. If any one be the first to invade a man's tun [premises], let him make bot with 6 shillings; let him who follows, with 3 shillings; after, each, a shilling. 18. If a man furnish weapons to another where there is a quarrel, though no injury results, let him make bot with 6 shillings. 19. If a weg-reaf [highway robbery] be done [with weapons furnished by another], let him [the man who provided the weapons] make bot with 6 shillings. 20. If the man be slain, let him [the man who provided the weapons] make bot with 20 shillings. 21. If a [free] man slay another, let him make bot with a half wergeld of 100 shillings. 22. If a man slay another, at the open grave let him pay 20 shillings, and pay the whole wergeld within 40 days. 23. If the slayer departs from the land, let his kindred pay a half leod. 24. If any one bind a freeman, let him make bot with 20 shillings. 25. If any one slay a ceorl's half-aeta [loaf or bread eater; domestic or menial servant], let him make bot with 6 shillings. 26. If [anyone] slay a laet [semi-slave] of the highest class, let him pay 80 shillings; of the second class, let him pay 60 shillings; of the third class, let him pay 40 shillings. 27. If a freeman commit edor-breach [breaking through the fenced enclosure and forcibly entering a ceorl's dwelling], let him make bot with 6 shillings. 28. If any one take property from a dwelling, let him pay a three-fold bot. 29. If a freeman goes with hostile intent through an edor [the fence enclosing a dwelling], let him make bot with 4 shillings. 30. If [in so doing] a man slay another, let him pay with his own money, and with any sound property whatever. 31. If a freeman lie with a freeman's wife, let him pay for it with his wergeld, and obtain another wife with his own money, and bring her to the other [man's dwelling]. 32. If any one thrusts through the riht-ham-scyld [legal means of protecting one's home; the perimeter of a homestead], let him adequately compensate. 33. If there be feax-fang [seizing someone by the hair], let there be 50 scaetts for bot. 34. If there be an exposure of the bone, let bot be made with 3 shillings. 35. If there be a cutting of the bone, let bot be made with 4 shillings. 36. If the outer hion [outer membrane covering the brain] be broken, let bot be made with 10 shillings. 37. If it be both [outer and inner membranes covering the brain], let bot be made with 20 shillings. 38. If a shoulder be lamed, let bot be made with 30 shillings. 39. If an ear be struck off, let bot be made with 12 shillings. 40. If the other ear hear not, let bot be made with 25 shillings. 41. If an ear be pierced, let bot be made with 3 shillings. 42. If an ear be mutilated, let bot be made with 6 shillings. 43. If an eye be [struck] out, let bot be made with 50 shillings. 44. If the mouth or an eye be injured, let bot be made with 12 shillings. 45. If the nose be pierced, let bot be made with 9 shillings. 46. If it be one ala, let bot be made with 3 shillings. 47. If both be pierced, let bot be made with 6 shillings. 48. If the nose be otherwise mutilated, for each [cut, let] bot be made with 6 shillings. 49. If it be pierced, let bot be made with 6 shillings. 50. Let him who breaks the jaw bone pay for it with 20 shillings. 51. For each of the four front teeth, 6 shillings; for the tooth which stands next to them 4 shillings; for that which stands next to that, 3 shillings; and then afterwards, for each a shilling. 52. If the speech be injured, 12 shillings. If the collar bone be broken, let bot be made with 6 shillings. 53. Let him who stabs [another] through an arm, make bot with 6 shillings. If an arm be broken, let him make bot with 6 shillings. 54. If a thumb be struck off, 20 shillings. If a thumb nail be off, let bot be made with 3 shillings. If the shooting [fore] finger be struck off, let bot be made with 8 shillings. If the middle finger be struck off, let bot be made with 4 shillings. If the gold [ring] finger be struck off, let bot be made with 6 shillings. If the little finger be struck off, let bot be made with 11 shillings. 55. For every nail, a shilling. 56. For the smallest disfigurement of the face, 3 shillings; and for the greater, 6 shillings. 57. If any one strike another with his fist on the nose, 3 shillings. 58. If there be a bruise [on the nose], a shilling; if he receive a right hand bruise [from protecting his face with his arm], let him [the striker] pay a shilling. 59. If the bruise [on the arm] be black in a part not covered by the clothes, let bot be made with 30 scaetts. 60. If it be covered under

the clothes, let bot for each be made with 20 scaetts. 61. If the belly be wounded, let bot be made with 12 shillings; if it be pierced through, let bot be made with 20 shillings. 62. If any one needs medical attention, let bot be made with 30 shillings. 63. If any one be cearwund [badly wounded], let bot be made with 3 shillings. 64. If any one destroy [another's] organ of generation [penis], let him pay him with 3 wergelds: if he pierce it through, let him make bot with 6 shillings; if it be pierced within, let him make bot with 6 shillings. 65. If a thigh be broken, let bot be made with 12 shillings; if the man become halt [lame], then friends must arbitrate. 66. If a rib be broken, let bot be made with 3 shillings. 67. If [the skin of] a thigh be pierced through, for each stab 6 shillings; if [the wound be] above an inch [deep], a shilling; for two inches, 2; above three, 3 shillings. 68. If a sinew be wounded, let bot be made with 3 shillings. 69. If a foot be cut off, let 50 shillings be paid. 70. If a great toe be cut off, let 10 shillings be paid. 71. For each of the other toes, let one half that for the corresponding finger be paid. 72. If the nail of a great toe be cut off, 30 scaetts for bot; for each of the others, make bot with 10 scaetts. 73. If a freewoman loc-bore [with long hair] commit any leswe [evil deed], let her make a bot of 30 shillings. 74. Let maiden bot [compensation for injury to an unmarried woman] be as that of a freeman. 75. For [breach of] the mund [protection] of a widow of the best class, of an eorl's degree, let the bot be 50 shillings; of the second, 20 shillings; of the third, 12 shillings; of the fourth, 6 shillings. 76. If a man carry off a widow not under his own protection by right, let the mund be twofold. 77. If a man buy a maiden as wife, let the bargain stand, if it be without fraud; but if there be fraud, let him bring her home again, and let his property be restored to him. 78. If she bear a live child, she shall have half the property, if the husband die first. 79. If she wish to go away with her children, she shall have half the property. 80. If the husband wish to keep them [the children], [she shall have the same portion] as one child. 81. If she bear no child, her paternal kindred shall have the fioh [her money and chattels] and the morgen-gyfe [morning gift: a gift made to the bride by her husband on the morning following the consummation of the marriage]. 82. If a man carry off a maiden by force, let him pay 50 shillings to her controller, and afterwards buy the consent of the controller [to the marriage]. 83. If she be betrothed to another man and money has changed hands, let him [who carried her off] make bot [to the intended bridegroom] with 20 shillings. 84. If restitution [of the girl] is made, bot of 35 shillings; and 15 shillings to the King. 85. If a man lie with an esne's [slave's] wife, her husband still living, let him make twofold bot. 86. If one esne [slave] slay another unoffending, let him pay for him at his full worth. 87. If an esne's [slave's] eye and foot be struck out or off, let him be paid for at his full worth. 88. If any one bind another man's esne [slave], let him make bot with 6 shillings. 89. Let [compensation for] weg-reafe [highway robbery] of a theow [slave] be 3 shillings. 90. If a theow steal, let him [the owner] make twofold bot [twice the value of the stolen goods]."

## Judicial Procedure

The King and his freemen would hear and decide cases of wrongful behavior such as breach of the peace. Punishment would be given to the offender by the community. The bots, wergelds, and wifes were high and often could not be paid. If a man could not or would not pay, he could be outlawed, to be killed by anyone with impunity or punished by hanging; beheading; burning; drowning; stoning; precipitation from a cliff; loss of ears, nose, upper-lip, hands and feet; castration; flogging; or sale into slavery.

There were occasional meetings of "hundreds", which were 100 households, to settle widespread disputes. The chief officer was "hundreder" or "constable". He was responsible for keeping the peace of the hundred.

The concept of a wrong to a person or his kindred is still primary and that of offense to the community secondary. Very slowly did the concept emerge that that members of the community must be content with legal remedies and must not seek private vengeance and that public offenses cannot be altered by private agreement.

The Druid priests decided all disputes of the Celts.

## Chapter 2

### The Times: 600-900

The country was inhabited by Anglo-Saxons. The French called it "Angleterre", which means the angle or end of the earth. It was called "Angle land", which later became "England".

A community was usually an extended family. Its members lived a village in which a stone church was the most prominent building. They lived in one-room huts with walls and roofs made of wood, mud, and



straw. Hangings covered the cracks in the walls to keep the wind out. Smoke from a fire in the middle of the room filtered out of cracks in the roof. Grain was ground at home by rotating by hand one stone disk on another stone disk. Some villages had a mill powered by the flow of water or by horses. All freeholders had the duty of watch [at night] and ward [during the day], of following the hue and cry to chase an offender, and of taking the oath of peace. These three duties were constant until 1195.

Farmland surrounded the villages and was farmed by the community as a whole under the direction of a lord. There was silver, copper, iron, tin, gold, and various types of stones from remote lead mines and quarries in the nation. Silver pennies replaced the smaller scaetts. Freeman paid "scot" and bore "lot" according to their means for local purposes.

Offa, the strongest of the Saxon kings, minted high-quality silver pennies. He traded woolen coats for lava grindstones with Emperor Charlemagne, who used a silver denarius coin. There were 12 denarii to the solidus and 20 soldi to the pound of silver. These denominations were taken by England as 12 pennies to the shilling and 20 shillings to the pound. The pound sign, an "L" with a hash mark derived from the word Libra, which meant weighing scales.

Everyone in the village went to church on Sunday and brought gifts such as grain to the priest. Later, contributions in the form of money became customary, and then expected. These "tithes" were spent for church repair, the clergy, and poor and needy laborers. The church fixed the amount to be one-tenth, but local custom determined the amount. There was also church-scot: a payment to the clergy in lieu of the first fruits of the land. There were also offerings, originally voluntary but afterwards compulsory, for sacraments. The priest was the chaplain of a landlord and his parish was coextensive with that landlord's holding and could include one to several villages. The priest and other men who helped him, lived in the church building. Some churches had lead roofs and iron hinges, latches, and locks on their doors. The land underneath had been given to the church by former kings and persons who wanted the church to say prayers to help their souls go from purgatory to heaven and who also selected the first priest. The priest conducted Christianized Easter ceremonies in the spring and (Christ's mass) ceremonies in winter in place of the pagan Yuletide festivities. Burning incense took the place of pagan burnt animal offerings, which were accompanied by incense to disguise the odor of burning flesh. Holy water replaced haunted wells and streams. Christian incantations replaced sorcerer's spells. Nuns assisted priests in celebrating mass and administering the sacraments. They alone consecrated new nuns. Vestry meetings were community meetings held for church purposes. The people said their prayers in English, and the priest conducted the services in English. A person joined his hands in prayer as if to offer them for binding together in submission.

The church baptized babies and officiated or gave blessings at marriage ceremonies. It also said prayers for the dying, gave them funerals, and buried them. There were burial service fees, candle dues, and plough alms. A piece of stone with the dead person's name marked his grave. It was thought that putting the name on the grave would assist identification of that person for being taken to heaven. The church heard the last wish or will of the person dying concerning who he wanted to have his property. The church taught that it was not necessary to bury possessions with the deceased. The church taught boys and girls.

Every man carried a horn slung on his shoulder as he went about his work so that he could at once send out a warning to his fellow villagers or call them in chasing a thief or other offender. The forests were full of outlaws, so strangers who did not blow a horn to announce themselves were presumed to be fugitive offenders who could be shot on sight with impunity. An eorl could call upon the ceorl farmers for about forty days to fight off an invading group.

There were several kingdoms, whose boundaries kept changing due to warfare, which was a sin according to the church. They were each governed by a king and witan of wise men who met at a witanagemot, which was usually held three times a year, mostly on great church festivals and at the end of the harvest. The king and witan chose the witan's members of bishops, eorldormen, and thegns [landholding farmers]. The king and hereditary claims played a major part in the selection of the eorldormen, who were the highest military leaders and often of the royal family. They were also chief magistrates of large jurisdictional areas of land. The witan included officers of the king's household and perhaps other of his retinue. There was little distinction then between his gesith, fighting men, guards, household companions, dependents, and servants. The king was sometimes accompanied by his wife and sons at the witanagemot. A king was selected by the witan according to his worthiness, usually from among the royal family, and could be deposed by it. The witan and king decided on laws, taxes, and transfers of land. They made determinations of war and peace and directed the army and the fleet. The king wore a crown or royal helmet. He extended certain protections by the king's peace. He could erect castles and bridges and could provide a special protection to strangers.

A king had not only a wergeld to be paid to his family if he were killed, but a "cynebot" of equal

amount that would be paid to his kingdom's people. A king's household had a chamberlain for the royal bedchamber, a marshall to oversee the horses and military equipment, a steward as head of household, and a cupbearer. The king had income from fines for breach of his peace; fines and forfeitures from courts dealing with criminal and civil cases; salvage from ship wrecks; treasure trove [assets hidden or buried in times of war]; treasures of the earth such as gold and silver; mines; saltworks; tolls and other dues of markets, ports, and the routes by land and by river generally; heriot from heirs of his special dependents for possession of land (usually in kind, principally in horses and weapons). He also had rights of purveyance [hospitality and maintenance when traveling]. The king had private lands, which he could dispose of by his will. He also had crown lands, which belonged to his office and could not be alienated without consent of the witan. Crown lands often included palaces and their appendant farms, and burhs. It was a queen's duty to run the royal estate. Also, a queen could possess, manage, and dispose of lands in her name. Violent queens waged wars. Kingdoms were often allied by marriage between their royal families. There were also royal marriages to royalty on the continent.

The houses of the wealthy had ornamented silk hangings on the walls. Some had fine white ox horn shaved so thin they were transparent for windows. Brightly colored drapery, often purple, and fly nets surrounded their beds, which were covered with the fur of animals. They slept in bed clothes on pillows stuffed with straw. Tables plated with silver and gems held silver candlesticks, gold and silver goblets and cups, and lamps of gold, silver, or glass. They used silver mirrors and silver writing pens. There were covered seats, benches, and footstools with the head and feet of animals at their extremities. They ate from a table covered with a cloth. Servants brought in food on spits, from which they ate. Food was boiled, broiled, or baked. The wealthy ate wheat bread and others ate barley bread. Ale made from barley was passed around in a cup. Mead made from honey was also drunk.

Men wore long-sleeved wool and linen garments reaching almost to the knee, around which they wore a belt tied in a knot. Men often wore a gold ring on the fourth finger of the right hand. Leather shoes were fastened with leather thongs around the ankle. Their hair was parted in the middle and combed down each side in waving ringlets. The beard was parted in the middle of the chin, so that it ended in two points. The clergy did not wear beards. Great men wore gold-embroidered clothes, gilt buckles and brooches, and drank from drinking horns mounted in silver gilt or in gold. Well-to-do women wore brightly colored robes with waist bands, headbands, necklaces, gem bracelets, and rings. Their long hair was in ringlets and they put rouge on their cheeks. They had beads, pins, needles, tweezers of bronze, and workboxes of bronze, some highly ornamented. They were often doing needlework. Silk was affordable only by the wealthy.

Most families kept a pig and pork was the primary meat. There were also sheep, goats, cows, deer, hare, and fowl. Fowl was obtained by fowlers who trapped them. The inland waters yielded eels, salmon, and trout. In the fall, meat was salted to preserve it for winter meals. There were orchards growing figs, nuts, grapes, almonds, pears, and apples. Also produced were beans, lentils, onions, eggs, cheese, and butter. Pepper and cinnamon were imported.

Fishing from the sea yielded herrings, sturgeon, porpoise, oysters, crabs, and other fish. Sometimes a whale was driven into an inlet by a group of boats. Whale skins were used to make ropes.

The roads were not much more than trails. They were often so narrow that two pack horses could hardly pass each other. The pack horses each carried two bales or two baskets slung over their backs, which balanced each other. The soft soil was compacted into a deep ditch which rains, floods, and tides, if near the sea, soon turned into a river. Traveling a far distance was unsafe as there were robbers on the roads. Traveling strangers were distrusted. It was usual to wash one's feet in a hot tub after traveling and to dry them with a rough wool cloth.

There were superstitions about the content of dreams, the events of the moon, and the flights and voices of birds were often seen as signs or omens of future events. Herbal mixtures were drunk for sickness and maladies. From the witch hazel plant was made a mild alcoholic astringent, which was probably used to clean cuts and sooth abrasions.

In the peaceful latter part of the 600s, Theodore, who had been a monk in Rome, was appointed archbishop and visited all the island speaking about the right rule of life and ordaining bishops to oversee the priests. Each kingdom was split up into dioceses each with one bishop. Thereafter, bishops were selected by the king and his witan, usually after consulting the clergy and even the people of the diocese. The bishops came to be the most permanent element of society. They had their sees in villages or rural monasteries. The bishops came to have the same wergeld as an eorldorman: 1200s., which was the price of about 500 oxen. A priest had the wergeld as a landholding farmer [thegn], or 300s. The bishops spoke Latin, but the priests of the local parishes spoke English. Theodore was the first archbishop whom all the English church obeyed. He taught sacred and secular literature, the books of holy writ, ecclesiastical poetry, astronomy, arithmetic, and sacred music. Theodore discouraged slavery

by denying Christian burial to the kidnapper and forbidding the sale of children over the age of seven. A slave became entitled to two loaves a day and to his holydays. A slave was allowed to buy his or his children's freedom. In 673, Theodore started annual national ecclesiastical assemblies, for instance for the witnessing of important actions. The bishops, some abbots, the king, and the eorldormen were usually present. From them the people learned the benefit of common national action. There were two archbishops: one of Canterbury in the south and one of York in the north. They governed the bishops and could meet with them to issue canons that would be equally valid all over the land. A bishop's house contained some clerks, priests, monks, and nun and was a retreat for the weary missionary and a school for the young. The bishop had a deacon who acted as a secretary and companion in travel, and sometimes as an interpreter. Ink was made from the outer husks of walnuts steeped in vinegar.

The learned ecclesiastical life flourished in monastic communities, in which both monks and nuns lived. Hilda, a noble's daughter, became the first nun in Northumbria and abbess of one of its monasteries. There she taught justice, piety, chastity, peace, and charity. Several monks taught there later became bishops. Kings and princes often asked her advice. Many abbesses came to run monastic communities; they were from royal families. Women, especially from royal families, fled to monasteries to obtain shelter from unwanted marriage or to avoid their husbands. Kings and eorldormen retired to them.

Danish Vikings made several invasions in the 800s, so the witan imposed a danegeld tax on land that was assessed on everyone every ten to twenty years for maintaining forces sufficient to clear the British seas of Danish pirates or to buy off the ravages of the Danish. It was 1s. and later 2s. upon every hide of land, where a hide was probably the amount of land which could support a family or household for a year or as much land as could be tilled annually by a single plough. It was stored in a strong box under the King's bed. King Alfred the Great, who had lived for awhile in Rome, unified the country to defeat the invaders. He established fortifications called "burhs", usually on hill tops or other strategic locations on the borders to control the main road and river routes into his realm. The burhs were seminal towns. They were typically walled enclosures with towers and an outer ditch and mound, instead of the hedge or fence enclosure of a tun. Inside were several wooden thatched huts and a couple of churches, which were lit by earthen oil lamps. The populace met at burhgemotes. The land area protected by each burh became known as a "shire", which means a share of a larger whole. The shire or local landowners were responsible for repairing the burh fortifications. There were about thirty shires.

Alfred gathered together fighting men who were at his disposal, which included eorldormen with their hearthbands (retinues of men each of whom had chosen to swear to fight to the death for their eorldorman, and some of whom were of high rank), the King's thegns, shire thegns (local landholding farmers, who were required to bring fighting equipment such as swords, helmets, chain mail, and horses), and ordinary freemen, i.e. ceorls (who carried food, dug fortifications, and sometimes fought). Since the King was compelled to call out the whole population to arms, the distinction between the king's thegns from other landholders disappeared. Some great lords organized men under them, whom they provisioned. These vassals took a personal oath to their lord "on condition that he keep me as I am willing to deserve, and fulfill all that was agreed on when I became his man, and chose his will as mine." Alfred had a small navy of longships with 60 oars to fight the Viking longships.

Alfred divided his army into two parts so that one half of the men were fighting while the other half was at home sowing and harvesting for those fighting. Thus, any small-scale independent farming was supplanted by the open-field system, cultivation of common land, more large private estates headed by a lord, and a more stratified society in which the king and important families more powerful and the peasants more curtailed. The witan became mere witnesses. Many free ceorls of the older days became bonded. The village community tended to become a large private estate headed by a lord. But the lord does not have the power to encroach upon the rights of common that exist within the community.

In 886, a treaty between Alfred and the Vikings divided the country along the war front and made the wergeld of every free farmer, whether English or Viking, 200s. Men of higher rank were given a wergeld of 4 1/2 marks of pure gold. A mark was probably a Viking denomination and a mark of gold was equal to nine marks of silver in later times and probably in this time. The word "earl" replaced the word "eorldormen" and the word "thegn" replaced the word "aetheling" after the Danish settlement. The ironed pleats of Viking clothing indicated a high status of the wearer. The Vikings brought combs and the practice of regular hair-combing to England.

King Alfred gave land with jurisdictional powers within its boundaries such as the following: "This is the bequest which King Alfred make unequivocally to Shaftesbury, to the praise of God and St. Mary and all the saints of God, for the benefit of my soul, namely a hundred hides as they stand with their produce and their men, and my daughter Aethelgifu to the convent along with the inheritance, since she took the veil on account of bad health; and the jurisdiction to the convent, which I myself

possessed, namely obstruction and attacks on a man's house and breach of protection. And the estates which I have granted to the foundation are 40 hides at Donhead and Compton, 20 hides at Handley and Gussage 10 hides at Tarrant, 15 hides at Iwerve and 15 hides at Fontmell.

The witnesses of this are Edward my son and Archbishop Aethelred and Bishop Ealhferth and Bishop Aethelhead and Earl Wulfhere and Earl Eadwulf and Earl Cuthred and Abbot Tunberht and Milred my thegn and Aethelwulf and Osric and Brihtulf and Cyma. If anyone alters this, he shall have the curse of God and St. Mary and all the saints of God forever to all eternity. Amen."

Sons usually succeeded their fathers on the same land as shown by this lifetime lease: "Bishop Denewulf and the community at Winchester lease to Alfred for his lifetime 40 hides of land at Alresford, in accordance with the lease which Bishop Tunbriht had granted to his parents and which had run out, on condition that he renders every year at the autumnal equinox three pounds as rent, and church dues, and the work connected with church dues; and when the need arises, his men shall be ready both for harvesting and hunting; and after his death the property shall pass undisputed to St. Peter's. These are the signatures of the councilors and of the members of the community who gave their consent, namely ..."

Alfred invented a graduated candle with spaces indicating one hour of burning, which could be used as a clock. He used a ventilated cow's horn to put around the top of the candle to prevent its blowing out, and then devised a wooden lantern with a horn window. He described the world as like a yolk in the middle of an egg whose shell moves around it. This agreed with the position of Ptolemy Claudius of Alexandria, who showed the curvature of the earth from north to south by observing that the Polar Star was higher in the north and lower in the south. That it was curved from east to west followed from the observation that two clocks placed one west and one east would record a different time for the same eclipse of the moon.

Alfred wrote poems on the worthiness of wisdom and knowledge in preference to material pleasures, pride, and fame, in dealing with life's sorrow and strife. His observations on human nature and his proverbs include:

1. As one sows, so will he mow.
2. Every man's doom [judgment] returns to his door.
3. He who will not learn while young, will repent of it when old.
4. Weal [prosperity] without wisdom is worthless.
5. Though a man had 70 acres sown with red gold, and the gold grew like grass, yet he is not a whit the worthier unless he gain friends for himself.
6. Gold is but a stone unless a wise man has it.
7. It's hard to row against the sea flood; so it is against misfortune.
8. He who toils in his youth to win wealth, so that he may enjoy ease in his old age, has well bestowed his toil.
9. Many a man loses his soul through silver.
10. Wealth may pass away, but wisdom will remain, and no man may perish who has it for his comrade.
11. Don't choose a wife for her beauty nor for wealth, but study her disposition.
12. Many an apple is bright without and bitter within.
13. Don't believe the man of many words.
14. With a few words a wise man can compass much.
15. Make friends at market, and at church, with poor and with rich.
16. Though one man wielded all the world, and all the joy that dwells therein, he could not therewith keep his life.
17. Don't chide with a fool.
18. A fool's bolt is soon shot.
19. If you have a child, teach it men's manners while it is little. If you let him have his own will, he will cause you much sorrow when he comes of age.
20. He who spares the rod and lets a young child rule, shall rue it when the child grows old.
21. Either drinking or not drinking is, with wisdom, good.
22. Relatives often quarrel together.
23. The barkless dog bites ill.
24. Be wise of word and wary of speech, then all shall love you.
25. We may outride, but not outwit, the old man.
26. Be not so mad as to tell your friend all your thoughts.
27. If you and your friend fall out, then your enemy will know what your friend knew before.
28. Don't choose a deceitful man as a friend, for he will do you harm.
29. The false one will betray you when you least expect it.
30. Don't choose a scornful false friend, for he will steal your goods and deny the theft.
31. Take to yourself a steadfast man who is wise in word and deed; he will prove a true friend in need.

To restore education and religion, Alfred disseminated the Anglo- Saxon Chronicles; the Venerable Bede's Ecclesiastical History of the English Nation; the "Consolidation of Philosophy" by Roman philosopher Boethius, which related the use of adversity to develop the soul, and described the goodness of God and how the highest happiness comes from spiritual values and the soul, which are eternal, rather than from material or earthly pursuits, which are temporal; and Pope Gregory's Pastoral Care, which he had translated into English and was the fundamental book on the duty of a bishop, which included a duty to teach laymen; and Orosius' History of the World, which he had translated into English. Alfred's advice to pastors was to live as they had been taught from books and to teach this manner of life to others. To be avoided was pride, the mind's deception of seeking glory in the name of doing good works, and the corruption of high office. Bede was England's first scholar, first theologian, and first historian. He wrote poetry, theological books, homilies, and textbooks on grammar, rhetoric [public speaking and debating], arithmetic, and astronomy. He adhered to the doctrine that death

entered the world by the sin of Adam, the first man. He began the practice of dating years from the birth of Christ and believed that the earth was round. Over the earth was a fiery spherical firmament. Above this were the waters of the heavens. Above this were the upper heavens, which contained the angels and was tempered with ice. He declared that comets portend downfalls of kingdoms, pestilence, war, winds, or heat. This reflected the church's view that a comet was a ball of fire flung from the right hand of an angry God as a warning to mankind, usually for disbelief. Storms were begun by the devil.

A famous poem, the oral legend of Beowulf, a hero who led his men into adventures and performed great feats and fought monsters and dragons, was put into writing with a Christian theme. In it, loyalty to one's lord is a paramount virtue. Also available in writing was the story of King Arthur's twelve victorious battles against the pagan Saxons, authored by Nennius.

There were professional story tellers attached to great men. Others wandered from court to court, receiving gifts for their story telling. Men usually told oral legends of their own feats and those of their ancestors after supper.

Alfred had monasteries rebuilt with learned and moral men heading them. He built a nunnery which was headed by his daughter as prioress. He built a strong wall with four gates around London, which he had taken into his control. He appointed his son-in-law, who was one of his eorldormen, to be alderman [older man] to govern London and to be the shire's earl. A later king built a palace in London, although Winchester was still the royal capital town. When the king traveled, he and his retinue were fed by the local people at their expense.

After Alfred's death, his daughter Aethelflred ruled the country for seven years. She had more fortified burhs built and led soldiers to victories.

Burhs grew into towns and some towns into boroughs by obtaining a charter from the king. Their citizens were landholding freemen called "burgesses". A borough typically was a place of refuge with earth works, and perhaps a garrison; it had a market place in which men could buy cattle and other goods and have the sale attested by official witnesses and toll was taken from them; and it had a meeting place at which a court was held.

Under the royalty were the nobles. An earl headed each shire as representative of the King. The term "earl" came to denote an office instead of a nobleman. He led the array of his shire to do battle if the shire was attacked. He executed all royal commands. An earl received grants of land and could claim hospitality and maintenance for himself, his officers, and his servants. He collected a third of the revenues derived from tolls and duties levied in the boroughs of his shire. The office tended to be hereditary. Royal representatives called "reeves" started to assist them. The reeve took security from every person for the maintenance of the public peace. He also tracked cattle thieves, brought suspects to court, gave judgments according to the doom books, and delivered offenders to punishment.

Under the earls were the thegns. By service to the King, it was possible for a ceorl to rise to become a thegn and to be given land by the King. Other thegns performed functions of magistrates. A thegn was later identified as a person with five hides of land, a kitchen, a church, a bell house, a judicial place at the burhgemote [a right of magistracy], and an appointment in the King's hall. He was bound to service in war by virtue of his landholding instead of by his relationship to the king. Nobility was now a territorial attribute, rather than one of birth. The wergeld of a thegn was 1200s. when that of a ceorl or ordinary freeman was 200s. The wergeld of an earl or bishop was four times that of a thegn: 5800s. The wergeld of a king or archbishop was six times that of a thegn: 7200s. The higher a man's wergeld, the higher was his legal status in the scale of punishment, giving credible evidence, and participation in legal proceedings. The sokemen were freemen who had inherited their own land, chose their own lord, and attended and were subject to their lord's court. That is, their lord has sake [sac] and soke [soc] jurisdiction over them - the right to hold a court and to receive the profits of jurisdiction. A ceorl typically had a single hide of land. A smallholder rented land of about 30 acres from a landlord, which he paid by doing work on the lord's demesne [land held by the one lowest in the scale of holding who has a general right of doing with it what he pleases] land, paying money rent, or paying a food rent such as in eggs or chickens. Smallholders made up about two fifths of the population. A cottager had one to five acres of land and depended on others for his living. Among these were shepherds, ploughmen, swineherds, and blacksmiths. They also participated in the agricultural work, especially at harvest time.

It was possible for a thegn to become an earl, probably by the possession of forty hides. He might even acquire enough land to qualify him for the witan. Women could be present at the witanagemot and shiregemote [meeting of the people of the shire]. They could sue and be sued in the courts. They could independently inherit, possess, and dispose of property. A wife's inheritance was her own and under no control of her husband.

Marriage required the consent of the lady and her friends. The man also had to arrange for the foster lean, that is, remuneration for rearing and support of expected children. He also declared the amount of money or land he would give the lady for her consent, that is, the morgengift, and what he would bequeath her in case of his death. It was given to her on the morning after the wedding night. The family of the bride was paid a "mund" for transferring the rightful protection they possessed over her to the family of the husband. If the husband died and his kindred did not accept the terms sanctioned by law, her kindred could repurchase the rightful protection. If she remarried within a year of his death, she had to forfeit the morgengift and his nearest kin received the lands and possessions she had. The word for man was "waepnedmenn" or weaponed person. A woman was "wifmenn" or wife person, with "wif" being derived from the word for weaving.

Great men and monasteries had millers, smiths, carpenters, architects, agriculturists, fishermen, weavers, embroiders, dyers, and illuminators.

For entertainment, minstrels sang ballads about heroes or Bible stories, harpers played, jesters joked, and tumblers threw and caught balls and knives. There was gambling, dice games, and chasing deer with hounds.

Fraternal guilds were established for mutual advantage and protection. A guild imposed fines for any injury of one member by another member. It assisted in paying any murder fine imposed on a member. It avenged the murder of a member and abided by the consequences. It buried its members and purchased masses for his soul.

Mercantile guilds in seaports carried out commercial speculations not possible  
by the capital of only one person.

There were some ale houses, probably part of certain dwellings.

It was usual for a dying man to confess his sins to a priest. For the sake of his soul, the priest often suggested the man give some of his chattel to the church, the poor, or other pious uses. By the 700s, the words of a dying man giving chattel for the sake of his soul were expected to be carried out. Later is the "post obit gift" by which a man gives land to the church, with the king's consent, but enjoys the land during his lifetime by stating in writing "I give certain land after my death" in a special "book". The church takes possession of the land after his death. He may make a conditional such gift, leaving the land to his wife for her life with a rent paid to the church and the church taking possession of the land on her death. These two procedures coalesce into one written will used in the 800s, 900s, and 1000s. This will also includes distributions to family and kinsmen and perhaps to creditors. If the will is made by the very great people: kings, queens, king's sons, bishops, earldormen, and king's thegns, it requires the king's consent, which may be bought by a large heriot. And a bishop usually sets his cross to the will, denouncing any who infringe it to the torments of hell. The dead man's parish church is paid a mortuary when he is buried.

## The Law

The special authority of the king and his peace gradually superseded the customary jurisdiction of the local courts as to preservation of the peace and punishment of offenses. All criminal offenses became breaches of the king's peace and were deemed acts of personal disobedience and made an offender the king's enemy. This notion developed from the special sanctity of the king's house and his special protection of his attendants and servants. An offender made fines to the king for breach of his peace and fines and forfeitures to him from court decisions in criminal and civil cases. Offenses especially dealt with in various parts of the Anglo-Saxon laws were treason, homicide, wounding, assault, and theft. Treason to one's lord, especially to the king, was punishable by death. Compassing or imagining the king's death was treason.

King Alfred collected regulations from various church synods and commanded that many of them which English forefathers had observed to be written out - those which appealed to him; and many of those that did not appeal to him he rejected, with the consent of his Witan or commanded them to be observed in a different way. "These are the regulations which the Almighty God himself spoke to Moses and ordered him to observe and subsequently the only-born son of the Lord, our God, that is the Savior Christ confirmed ...": 1. Do not love other strange gods before me. 2. Do not speak My name idly, for you will not be guiltless with Me if you idly speak My name. 3. Remember to hallow the rest-day. Work for yourselves six days, and on the seventh day rest yourselves. For in six days, God the Father made the heavens and the earth, the seas and all creatures that are in them, and rested himself on the seventh day, and therefore God has sanctified it. 4. Honour your father and your mother that God gave you so that you may be the longer living on earth. 5. Do not kill. 6. Do not lie in sexual union secretly. 7. Do not steal. 8. Do not speak false evidence. 9. Do not wish for your neighbour's property unrightfully.

10. Do not make yourselves golden or silver gods. 11. If anyone buy a Christian slave, let him serve for six years and on the seventh let him be free without payment. With such clothes as he entered into service, let him leave with. If he has a wife of his own providing, let her leave with him. If the master provided him with a wife, both she and her children shall belong to the master. If the slave then says 'I do not want to leave my master or my wife or my child or my property', let his master bring him to the door of the Temple and perforate his ear with an awl as a sign that he shall ever afterwards be a slave. 12. Though someone sell his daughter into slavery do not let her be a slave entirely as are other maid servants. He has not the right to sell her abroad among foreign people. But if he who bought her does not care for her, let her be free among a foreign people. But if he i.e. the purchaser allows his son to cohabit with her, give her the morning gift and ensure that she has clothing and that she has the value of her maidenhood, that is the dowry - let him give her that. If he does none of those things for her, then she shall be free. 13. The person who slays another deliberately shall suffer death. He that has killed another in self defense or involuntarily or unintentionally, as God delivered him i.e. the victim into his hands and providing he i.e. the killer did not set a trap for him - in that case let him be worthy of his life, and of settling by customary compensation, if he should seek asylum. If however anyone deliberately and intentionally kills his neighbour treacherously, pluck him from my altar so that he should suffer death. 14. He that attacks his father or his mother shall suffer death. 15. He that abducts a freeman and sell him, and it is proved so that he cannot absolve himself, let him suffer death. He that curses his father or his mother, let him suffer death. 16. If someone attacks his neighbour with a stone or with his fist, but he i.e. the victim can still get about with the aid of a staff, let him i.e. the aggressor provide him with a doctor and do his i.e. the victim's work for him for as long as he i.e. the victim cannot himself. 17. He that attacks his own non-free servant or his maidservant, and they are not dead as a result of the attack but live two or three days, he i.e. the aggressor shall not be so entirely guilty, because it was his own property he damaged. But if the slave be dead the same day, then the guilt rests on him i.e. the aggressor. 18. If anyone in the course of a dispute injure a pregnant woman, let him make compensation for the hurt as judges decide in his case. If she be dead, let him give life for life. 19. If anyone put out another's eye, let him give his own for it. Tooth for tooth. Hand for hand. Foot for foot. Burn for burn. Wound for wound. Bruise for bruise. 20. If anyone strike the eye of his slave or maidservant out and so makes them one-eyed, let him free them for that. If he strike out a tooth, let him do the same. 21. If an ox gore a man or woman so that they are dead, it it be stoned to death and do not let the flesh be eaten. The owner shall not be liable if the ox was butting two days before that or even three and the owner did not know of it. But if he knew of it and would not shut it i.e. the animal in, and then it killed a man or woman, let it be stoned to death and let the master be killed or made to pay as the Witan consider proper. If it gore a son or daughter, let the same penalty apply. But if it gore a slave or serving-woman, let the owner give 30 shillings of silver and let the ox be stoned to death. 22. If anyone dig a well or open up a closed one and does not close it up again, let him pay for whatever cattle fall in; but let him have the dead animal for his own use. 23. If an ox wound another man's ox so it is dead, let them sell the live ox and share the proceeds, and also the flesh of the dead ox. But if the owner knew the ox was butting and would not restrain it, let him hand over the other i.e. live ox for it but let him have all the flesh of the dead ox for his own use. 24. If anyone steal another man's ox and kill or sell it, let him give two oxen in restitution. And four sheep for one stolen. If he i.e. the thief does not have anything to give in restitution, let him be sold himself to raise the money. 25. If a thief break into a man's house by night and is killed there, he i.e. the house-owner shall not be guilty of manslaughter. But if he i.e. the house-owner does this after sunrise, he is guilty of manslaughter, and shall himself perish, unless he acted in self-defence. If there is found in the possession of the living thief things he had already stolen, let him make restitution for it two-fold. 26. If anyone damage another man's vineyard or his crops or any part of his estate, let him pay compensation according to how it is assessed. 27. If a fire is lit in order to burn rubbish, let him who started the fire pay compensation for any consequent damage. 28. If anyone entrusts any possession to his friend and the friend appropriates it for himself, let him i.e. the friend clear himself and prove that he committed no fraud in the matter. If it was livestock, and he says that raiders took it, or it perished of itself, and if he has proof, he need not pay up. But if he has no proof, and the original owner does not believe him, let him make an oath to clear himself. 29. If anyone seduce an uncommitted woman and sleeps with her, let him pay for her and take her then as his wife. But if the woman's father is unwilling to let her go, then let the seducer hand over money in proportion to her dowry. 30. The women who are accustomed to harbour enchanters and wizards and witches - do not allow them to live. 31. And he that has intercourse with animals shall suffer death. 32. And he that sacrifices to idols, rather than to God alone, let him suffer death. 33. Do not harass visitors from abroad and foreigners, for you were formerly strangers on the land of the Egyptians. 34. Do not harm widows and step-children, neither do them any injury. If you do otherwise, they will call upon Me and I will listen to them, and then I will slay you with my sword and I will ensure that your wives shall be widows and your children orphans. 35. If you hand over money as a loan to your comrade who wishes to live with you, do not coerce him like an underling and do not oppress him with the interest. 36. If someone has only a single garment to cover and clothe himself with and he hands it over as a pledge, let it be returned before the sun sets. If you do not do so then he will call

unto Me, and I will listen to him because I am very clement. 37. Do not reproach you Lord, nor curse the lord of the people. 38. Your tithe i.e. tenth-part of profit and your first-fruits of moving animals and growing crops, offer to God. 39. All the flesh that wild animals leave, do not eat it but give it to the dogs. 40. Do not bother to give credence to the word of a false man, and do not approve his opinions; do not repeat any of his assertions. 41. Do not join in the false judgment and evil aspirations of the many nor join in their rumours and outcry, against your own conscience, at the incitement of some ignorant person. Do not support them. 42. If the stray cattle of another man come into your possession, though it be the property of your enemy, let him know about it. 43. Judge equably, do not lay down one rule for the rich, another for the poor; do not decide one way for a friend, another for a foe. 44. Always shun falsehood. 45. Never slay a righteous and innocent man. 46. Never accept bribes, for they very often blind the minds of wise men and pervert their words. 47. Do not behave unkindly to foreigners and visitors from abroad; do not harass them with unjust acts. 48. Never swear an oath by heathen gods, nor in any circumstances call upon them. Alfred also issued a set of laws to cover the whole country that he derived from laws of various regional kings in England as follows: "1. First we insist that there is particular need that each person shall keep his oath and his pledge carefully. If anyone be compelled to give either of these wrongly, either to support treachery to his lord or to provide any unlawful aid, then it is better to forswear than to fulfil. But if he pledge himself to that which it is right for him to fulfil and fails, let him submissively hand over his weapons and his possessions to his friends to keep, and stay forty days in prison in a property of the king. Let him undergo there whatever the bishop prescribes as penance, and let his kinsmen feed him if he himself has no food. If he has no kin or has no food, let the king's officer feed him. If one has to compel him to this i.e. to surrender, and otherwise he is unwilling to co-operate - if they have to bind him he shall forfeit his weapons and his possessions. If he is slain while resisting, let him lie uncompensated. If he makes an escape before the time is up, and he is recaptured, let him stay forty days in prison as he would have previously. But if he gets away, let him be banished and excommunicated from all the churches of Christ. Further, if someone has provided surety for him, let him compensate for the breach of surety as custom require him, and atone for the breach of pledge as his confessor imposes in his case. 2. If anyone seek out as sanctuary for any offence any of the monastic houses to which the king's revenue applies, or any other exempt community that is worthy of respect he shall have a period of three days of immunity, unless he wants to negotiate before that. If someone harms him during that period, either by assault or by fettering him, or by a penetrating wound, let the aggressor pay compensation for each of such attacks according to proper practice, both with wergeld and with a fine, and 120 shillings to that community, as compensation for breach of sanctuary, and let his own possessions be forfeit. 3. If anyone violate the king's surety, let him pay compensation for the original charge as customary law direct, and for the violation of surety with five pounds of the purer pennies. In the case of breach of an archbishop's surety or protection, let him compensate with three pounds. For violation of the surety or protection of another bishop or official [earldorman], let him make compensation with two pounds. 4. If anyone plot against the king's life, either directly or by harbouring outlaws or indirectly through the agency of his men, let him be liable with his life and with all that he owns. If he desire to prove himself loyal, let him do that by paying a king's wergeld. Similar protection we ordain for all ranks, both common and noble [earl]: whoever plots against his master's life shall be liable with his life and with all that he owns - or let him show his loyalty by paying his master's wergeld. 5. Also we appoint to every church that a bishop has consecrated this right of sanctuary: that if a party to a feud run or ride to the church, then no one may drag him forth for seven days. If however anyone does that, then let him be liable at the rate of breach of a king's protection and at the rate of breach of church sanctuary - more if he take more from the site. [And the sanctuary seeker shall be safe] if he can survive hunger, and unless he himself try to fight his way out. If the community have greater need of their church, let them keep him in another building, and let that not have the more doors than the church itself; Let the church official ensure that no one give the sanctuary-seeker food during that period. If he himself is willing to hand over his weapons to his foes, let them keep him for 30 days and inform his kin about him. Also it shall count as sanctuary if some man seek out a church about any offence that had not previously been revealed, and there confess himself in God's name - let the penalty be half remitted. He that steal on Sunday or at Yule or at Easter or on Holy Thursday or on the Rogation days - for each of those we intend that there should be a double-penalty, as during Lent. 6. If anyone steal something in a church, let him pay a plain compensation and the fine such as they consider appropriate to the plain compensation, and let them strike the hand off with which he did it i.e. the deed. If he wishes to redeem his hand, and they consent to that, let him pay in proportion to his wergeld. 7. If anyone fights in the king's hall or draw his weapon, and he is seized, let the penalty be at the king's judgement, either death or life, as he is willing to grant him. If he escapes and is captured later, let him pay in proportion to his wergeld, and atone for the offence with wergeld and fine, as he may deserve by his act. 8. If anyone abducts a nun of a nunnery without the king's or the bishop's leave, let him pay 120 shillings, half to the king, half to the bishop and the church patron who had charge of the nun. If she lives longer than he that abducted her, let her not have any of his estate. If she bears a child, let that not have any more of the estate than the mother. If anyone slay her child let him pay the king the maternal kindred's



share; to the paternal kin let him pay their share. 9. If anyone slay a woman with child, while the child still be within her, let him pay full compensation for the woman and half compensation for the child according to the wergeld of the father's kin. Let the fine payable to the king always be 60 shillings, until the corresponding simple compensation rises to 30 shillings. When the simple compensation rises to that level, then let the fine be 120 shillings. Formerly there was a defined fine for a gold-thief, and a horse-thief and a bee-thief and many special fines greater than others. Now all are alike except for an illegal slayer and that is 120 shillings. 10. If a man has intercourse with the wife of a 1200 shilling wergeld man, let him pay in compensation 120 shillings to the husband. For a 600 shilling wergeld man i.e. husband, let him pay in compensation 100 shillings. For a common man [ceorl] i.e. husband, let him make compensation of 40 shillings. 11. If someone grabs the breast of a common woman, let him compensate with five shillings. If he throws her to the ground but does not have sexual intercourse with her, let him compensate with 60 shillings. If he has sexual intercourse with her let him compensate with sixty shillings. If some other man had previously lain with her, then let the compensation be half that. If someone accuse her of complicity, let her clear herself with an oath guaranteed by sixty hides of land, or forfeit half the compensation. If this happens to a nobly born woman, let the compensation increase in proportion to the wergeld. 12. If someone burns or cuts down another person's trees without permission, let him pay over 5 shillings for each substantial tree, and thereafter, no matter how many there are, five pence for each tree, and thirty shillings as a fine. 13. In the course of their joint work felling trees, if someone is killed by accident, let the tree involved be given to his kin, and let them remove it off the property within 30 days; otherwise let him possess it that owns the forest. 14. If someone is born dumb or deaf, so that he can neither deny or confess his sins, let the father make compensation for his misdeeds. 15. If someone fights or draws his weapon in the presence of an archbishop, let him make compensation with 150 shillings. If this occurs before another bishop or royal official [earldorman] let him make compensation with 100 shillings. 16. If someone steals a cow or mare and drives off a foal or calf, let him pay over one shilling as well as paying compensation for the adult animals according to their value. 17. If anyone entrust a child into the keeping of others, and he i.e. the offspring die while in that guardianship, let him that did the fostering prove his innocence of any crime if anyone accuse him of it. 18. If anyone grabs at a nun's clothing or breast with sexual intent, unless with her consent, let him pay double the rate of compensation we previously arranged for a lay-person. If she commit adultery and she is a betrothed woman, if she is a commoner, let 60 shillings be paid in compensation to the guarantor, and let that be in livestock or cattle, but let no one give any human as part of it. If she be of 600 shilling wergeld, let 100 shillings be paid in compensation to the guarantor. If she be of 1200 shilling wergeld, let compensation of 120 shillings be paid to the guarantor. 19. If anyone lends his weapon to another so that he may kill with it, they may combine, if they are willing, in the matter of paying the wergeld. If they are unwilling to co-operate, let him that proffered the weapon pay a third part of the wergeld and a third part of the fine. If he i.e. the loaner of the weapon prefer to clear himself and assert that he knew of no evil-intent in making the loan, he may do so. 20. If someone entrust cattle to another man's monk, without the approval of the patron if that monk, and it gets lost, let he that originally owned it suffer the loss. 21. If a priest slay another man, let all that he i.e. the priest brought into the monastic community be turned over to the possession of the victim's representatives, and let the bishop unfrock him; then he shall be removed from the monastery, unless the civil patron interceded for him. 22. If someone wishes in the local assembly to declare a claim for debt to the king's officer, and then wishes to cancel it, let him impute i.e. transfer it to a truer source if he can. If he cannot, let him forfeit the single value. 23. If a dog rends or bites someone, for the first misdeed let the owner hand over 6 shillings, if he is still giving it food. For as second occurrence, let him give 12 shillings, and for a third 30 shillings. If, upon any of these misdeeds, the dog escapes, nonetheless the penalty proceeds. If the dog commit more misdeeds and he i.e. the owner still keeps him, let him pay compensation at the level of a full wergeld as well as wound-compensation according to what he i.e. the dog has done. 24. If an ox wounds someone, let him i.e. the owner hand the animal over or come forward with some solution. 25. If someone forces a commoner's slave-woman to sexual intercourse, let him compensate the owner with 5 shillings and pay 60 shillings fine. If a male slave compel a female slave to sexual intercourse, let him atone with his testicles. 26. If someone force an underage woman into sexual intercourse, let the compensation be as that of an adult person. 27. If someone without kin on his father's side gets into a fight and kills someone, if he has maternal relatives, let them pay a third part of the wergeld; and a third part his guild-brethren; for a third part unpaid let him flee. If he has no maternal relatives, let the guild-brethren pay a half; for a half unpaid let him flee. 28. If someone kill a man so circumstanced and if he has no kinfolk, let them pay half the wergeld to the king, half to his guild-brethren. 29. If anyone in a group kills a 200 shilling wergeld man who is guiltless, let him that acknowledges the blow pay over wergeld and fine, and let every man who was of the party hand over 30 shillings in token of his complicity. 30. If it is a case of a 600 shilling wergeld man, let each of them pay 60 shillings as a token of their complicity, and let him that struck the fatal blow pay wergeld and fine. 31. If he that is killed is a 1200 shilling wergeld man, let each of them pay 120 shillings, and let the one who struck the fatal blow pay wergeld and fine. If a group commit this sort of killing, and later deny responsibility on oath, let them all be accused, and let them

pay over the wergeld as a group, and together pay one fine such as corresponds to the wergeld. 32. If someone commits slander and it is proved against him, let him make atonement with no lighter penalty than having his tongue cut out. I.e. the tongue must not be redeemed for any lesser value than would be reckoned in proportion to the wergeld. 33. If someone reproach another with breach of church-witnessed pledge and wishes to accuse him of not fulfilling any of those pledges that he gave him, let the accuser make his preliminary oath in four churches, and the other i.e. the accused, if he wishes to assert his good faith - let him do that in twelve churches. 34. Also it is laid down for traders that they should produce before the king's officer at the local assembly those people that they are taking inland with them, and let it be established how many of them there are. And let them take only such men as they can afterward be accountable for at the local assembly. And if they have need of more men along with them on their journey, let it always be declared, as often as is necessary, to the king's officer before the assembly. 35. If someone restrains a free man who is innocent, let him pay compensation of ten shillings. If he flogs him, compensation of twenty shillings. If he put him to torture compensation of thirty shillings. If as a humiliation he shave his head like a homolan, let him pay compensation of ten shillings. If he shaves him i.e. his head like a priest's, without binding him let him pay compensation of thirty shillings. If he shaves off his beard, let him pay compensation of twenty shillings. If he ties him up and then shaves his head like a priest's, let him pay compensation of sixty shillings. 36. It is established that if someone has a spear over his shoulder and someone else impales himself upon it, he i.e. the spear-carrier shall pay the wergeld without any fine. If he is impaled from in front, let him i.e. the spear-carrier pay the wergeld. If someone accuses him i.e. the spear-carrier of deliberately doing it, let him assert his innocence at a rate corresponding to the fine, and by that finish with the fine. And this applies if the point is above the rest of the shaft; if they are both level, point and shaft, let it count as no risk. 37. If someone wants to seek a new lord, transferring from one district to another district, let him do it with the knowledge of the chief officer to whom he was originally responsible in his shire. If he does it without his i.e. the officer's knowledge, let him who harbours him as his follower pay over 120 shillings as a fine. But let him divide it, paying the king half in the shire where the man was originally answerable, and half in that he has moved to. If he i.e. the man who moves had done anything wrong where he came from, let him who receives him as his follower pay the compensation and a fine of 120 shillings to the king. 38. If someone starts a fight in front of the king's officer at an assembly, let him pay compensation of wergeld and a fine, as it is customary; and as a priority a fine of 120 shillings to the officer [earldorman] concerned. If he disturb the assembly by drawing a weapon, let him pay 120 shillings to the officer by way of fine. If something of this sort occurs before the king's officer's deputy or a royal priest, let him pay 30 shillings by way of fine. 39. If someone starts a fight on the floor of a free man's house, let him pay compensation of six shillings to the freeman. If he draws his weapon but does not fight, let the compensation be half that. If either of these offences takes place in the house of a 600 shilling wergeld man, let the rate rise to triple the compensation due the freeman. In the case of a 1200 shilling wergeld man, a rate twice that of the compensation of the 600 shilling wergeld man. 40. For breaking into a royal residence the penalty shall be 120 shillings. Into an archbishop's, ninety shillings. Into another bishop's or a royal officer's, 60 shillings. Into a 1200 shilling wergeld man's, thirty shillings. Into a 600 shilling wergeld man's fifteen shillings. For breaking into a freeman's property the penalty shall be five shillings. If something of this kind takes place while the levy [fyrd] is on duty elsewhere, or during Lent, let it be a double compensation. If someone sets aside holy custom publicly in Lent without an exemption, let him pay a compensation of 120 shillings. 41. The man who has charter land [bocland] which his kin left him, is not allowed, we enact, to part with it outside his kin-group, if there is written evidence or spoken witness that it was forbidden to be done by those people who originally acquired it or by those who passed it to him. Let him i.e. the one who opposes the alienation process declare any such stipulation in the presence of the king and the bishop, with his own kin attending. 42. Also we command that the man who knows his enemy is quiescent at home should not start a fight before he has asked him for justice. If he has the strength to surround his enemy and besiege him, let him contain him for 7 days within and not attack him if he i.e. the enemy is willing to abide within. After seven days if he is willing to surrender and hand over his weapons, let him i.e. the avenger keep him unharmed for thirty days and inform his kinsmen and his friends about him. But if he i.e. the enemy flee to a church, let the matter be resolved according to the privilege of the church, as we detailed above. But if he i.e. the avenger does not have the resources to besiege him i.e. the enemy, let him ride to the royal officer and ask him for help. If he i.e. the officer is unwilling to assist, let him ride and ask the king, before he mounts an attack. Further, if someone happen upon his enemy and did not know beforehand that he was quiescent at home, if he i.e. the enemy is willing to hand over his weapons, let him be held for thirty days and inform his friends about him; if he is not willing to hand over his weapons then he i.e. the avenger may attack him. If he i.e. the enemy is willing to surrender and hand over his weapons and yet someone still attacks him, let the aggressor pay over wergeld and wound compensation, according to what he has done, and pay a fine, and lose his kin-status. We also declare someone may fight in support of his lord without blame, if anyone has attacked the lord; so too the lord may fight in support of his follower. In the same way, someone may fight on behalf of his blood relative if someone attack him wrongfully, but not take the side of a kinsman against his lord - that we

do not permit. Someone may fight blamelessly if he discovers another with his lawful wife behind closed doors or under the one cover, or with his legitimate daughter, or with his legitimate sister or with his mother if she was given lawfully to his father. 43. To all free people let these following days be granted as holidays but not to slaves and servile workers; twelve days at Christmas and the day that Christ overcame the Devil, and St. Gregory's commemoration day, and seven days before Easter and seven after, and one day at the celebration of St. Peter and St. Paul and the full week in harvest before St. Mary's Mass, and one day for the celebration of All Hallows. The four Wednesdays in the Ember weeks shall be granted to all slaves to sell to anyone that pleases them to anything either that any man will give them in God's name or what they in any spare time can manage." 44.-77. The compensations for wounds is as follows: head if both bones of the head be pierced 30s., head if the outer bone only be pierced 15s.; an inch long wound in the area of the hair 1s., an inch long wound in the front of the hair 2s.; striking off the other ear 30s., if the hearing be affected so that he cannot hear 60s.; putting out an eye 60s. 6 1/3 d., if the eye stay in the head but he can see nothing with it 1/3 of the compensation be remitted; striking off a nose 60s.; striking a front tooth 8s., a back tooth 4s., a canine tooth 15s.; severing cheeks 15s., breaking a chin bone 12s.; perforating a windpipe 12s.; removing a tongue the same compensatin for any eye; wounding in the shoulder so that the muscle fluid flows out 30s.; shattering the arm above the elbow 15s.; shattering both arm bones 30s.; striking off the thumb 30s., if the nail is struck off 5s.; striking off the forefinger 15s., for the nail 4s.; striking off the middle finger 12s., for the nail 2s.; striking off the ring finger 17s., for the nail 4s.; striking off the little finger 9s., for the nail 1s.; wounding in the belly 30s., if the wound go through the body 20s. for each opening; perforating the thigh or hip 30s., if it be disabled 30s.; piercing the leg below the knee 12s., if he is disabled below the knee 30s.; striking off the great toe 20s., the second toe 15s., the middle toe 9s., the fourth toe 6s., the little toe 5s.; wounding in the testicles so that he cannot bear children 80s.; cutting off the arm below the elbow with the hand cut off 80s., wounding before the hair-line and below the sleeve and below the knee twice the value; permanently damaging the loins 60s., if they are stabbed 15s., if they are pierced through 30s.; wounding in the shoulder if the victim be alive 80s.; maiming a hand outwardly, providing it can be treated effectively 20s., if half the hand be lost 40s.; breaking a rib without breaking the skin 10s., if the skin be broken and the bone be extruded 15s.; cutting away an eye hand or foot 66s. 6 1/3 d.; cutting off the leg at the knee 80s.; breaking a shoulder 20s.; hacking into a shoulder so that the bone extrudes 15s.; severing the tendon of the foot and if it can be treated so that will be sound again 12s., but if he is lame on account of the wound and he cannot be cured 30s.; severing the lesser tendon 6s.; severing the muscles up by the neck and damage them so severely that he has no control over them and however lives on thus maimed 100s., unless the Witan appoint him a juster and greater sum.

### Judicial Procedure

Cases were held at monthly meetings of the hundred court. The king or one of his reeves, conducted the trial by compurgation, which was an appeal to the supernatural.

In compurgation, the one complaining, called the "plaintiff", and the one defending, called the "defendant", each told their story and put his hand on the Bible and swore "By God this oath is clean and true". A slip or a stammer would mean he lost the case. Otherwise, community members would stand up to swear on behalf of the plaintiff or the defendant as to their reputation for veracity. The value of a man's oath was commensurate with his value or wergeld. A man's brothers were usually his compurgators. The number of compurgators varied according to the nature of the case and the rank of the persons concerned. If there were too few "compurgators", usually twelve in number, or recited poorly, their party lost. If this process was inconclusive, the parties could bring witnesses to declare such knowledge as they had as neighbors. These witnesses, male and female, swore to particular points determined by the court.

If compurgation failed, the defendant was told to go to church and to take the sacrament only if he was innocent. If he took the sacrament, he was tried by the process of "ordeal", which was administered by the church. In the ordeal by cold water, he was given a drink of holy water and then bound hand and foot and thrown into water. If he floated, he was guilty because the holy water had rejected him. If he sank, he was innocent. It was not necessary to drown to be deemed innocent. In the ordeal by hot water, he had to pick up a stone from inside a boiling cauldron. If his hand was healing in three days, he was innocent. If it was festering, he was guilty. A similar ordeal was that of hot iron, in which one had to carry in his hands a hot iron for a certain distance. In the ordeal of the consecrated morsel, one would swallow a morsel; if he choked on it, he was guilty. The results of the ordeal were taken to indicate the will of God.

An archbishop's or bishop's oath was incontrovertible. If they were accused, they could clear themselves with an oath that they were guiltless. Lesser ranks could clear themselves with the oaths of at least three compurgators of their rank or, for more serious offenses, undergo the ordeal.

The shire and hundred courts were held for free tenants of a lord and the judges were the tenants themselves. The feudal courts were held for unfree tenants and the lord or his steward was the judge.

The earl presided over the shire court. He received one-third of the profits of justice. The judges were the owners of certain pieces of land. The shire court was held twice a year. There was little distinction between secular and spiritual jurisdiction. A bishop sat on the shire court. The shire court fulfilled all three functions of government: judicial, legislative, and executive.

The courts had no efficient mode of compelling attendance or enforcing their orders, except by outlawing the offender, that is, putting him outside the protection of the law, so that anyone might kill him with impunity. In grave cases, a special expedition could be called against an offender.

The individual wronged had his choice of payment in money or engaging in a blood feud. The sums of money of the system of bot, wer, and wite were enormous, and often could not be paid. Then a man could be declared outlaw or sold as a slave. If a person was outlawed, he also forfeited all his goods to the king.

Cases of general importance concerned mayslaying, wounding, and cattle-stealing.

A person convicted of murder, i.e. killing by stealth or robbery [taking from a person's robe, that is, his person or breaking into his home to steal] could be hung and his possessions confiscated.

A man had a self-help right to arrest a thief hand-habbende [a thief found with the stolen goods in his hands] and a thief back-berend [a thief found with the stolen goods on his back or about his person].

Any inanimate or animate object or personal chattel which was found by a court to be the immediate cause of death was forfeited as "deodand", for instance, a tree from which a man fell to his death, a beast which killed a man, a sword of a third party not the slayer that was used to kill a man. The deodand was to go to the dead man's kin so they could wreak their vengeance on it, which in turn would cause the dead man to lie in peace.

This is a lawsuit regarding rights to feed pigs in a certain woodland: "In the year 825 which had passed since the birth of Christ, and in the course of the second Indiction, and during the reign of Beornwulf, King of Mercia, a council meeting was held in the famous place called Clofesho, and there the said King Beornwulf and his bishops and his earls and all the councilors of this nation were assembled. Then there was a very noteworthy suit about wood pasture at Sinton, towards the west in Scirhylte. The reeves in charge of the pigherds wished to extend the pasture farther, and take in more of the wood than the ancient rights permitted. Then the bishop and the advisors of the community said that they would not admit liability for more than had been appointed in Aethelbald's day, namely mast for 300 swine, and that the bishop and the community should have two thirds of the wood and of the mast. The Archbishop Wulfred and all the councilors determined that the bishop and the community might declare on oath that it was so appointed in Aethelbald's time and that they were not trying to obtain more, and the bishop immediately gave security to Earl Eadwulf to furnish the oath before all the councilors, and it was produced in 30 days at the bishop's see at Worcester. At that time Hama was the reeve in charge of the pigherds at Sinton, and he rode until he reached Worcester, and watched and observed the oath, as Earl Eadwulf bade him, but did not challenge it. Here are the names and designations of those who were assembled at the council meeting ..."

## Chapter 3

The Times: 900-1066

There were many large landholders such as the King, earls, and bishops. Earls were noblemen by birth, and often relatives of the King. They were his army commanders and the highest civil officials, each responsible for a shire. A breach of the public peace of an earl would occasion a fine. Lower in social status were freemen: sokemen, and then, in decreasing order, villani [villeins], bordarii, and cottarii. The servi were the slaves. Probably all who were not slaves were freemen.

Kings typically granted land in exchange for services of military duties, maintaining fortresses, and repairing bridges. Less common services required by landlords include equipping a guard ship and guarding the coast, guarding the lord, military watch, maintaining the deer fence at the King's residence, alms giving, and church dues. Since this land was granted in return for service, there were limitations on its heritability and often an heir had to pay a heriot to the landlord to obtain the land. A heriot was originally the weapons and armor of a man killed, which went to the King. The heriot of a

thegn who had soken [or jurisdiction over their own lands] came to be about 80s.; of a king's thegn about four lances, two coats of mail, two swords, and 125s.; of an earl about eight horses, four saddled and four unsaddled, eight lances, four coats of mail, four swords, and 500s.

There were several thousand thegns, rich and poor, who held land directly of the King. Some thegns had soken and others did not. Free farmers who had sought protection from thegns in time of war now took them as their lords. A freeman could choose his lord, following him in war and working his land in peace. All able-bodied freemen were liable to military service in the fyrd [national militia], but not in a lord's private wars. In return, the lord would protect him against encroaching neighbors, back him in the courts of law, and feed him in times of famine. But often, lords raided each other's farmers, who fled into the hills or woods for safety. Often a lord's fighting men stayed with him at his large house, but later were given land with inhabitants on it, who became his tenants. The lords were the ruling class and the greatest of them sat in the King's council along with bishops, abbots, and officers of the King's household. The lesser lords were local magnates, who officiated at the shire and hundred courts.

Staghunting, foxhunting, and hawking were reserved for lords who did not work with their hands. Every free born person had the right to hunt other game.

There was a great expansion of arable land. Some land had been specifically allocated to certain individuals. Some was common land, held by communities. If a family came to pay the dues and fines on certain common land, it could become personal to that family and was then known as heirland. Most land came to be privately held from community-witnessed allotments or inheritance. Bookland was those holdings written down in books. This land was usually land that had been given to the church or monasteries because church clerics could write. So many thegns gave land to the church, usually a hide, that the church held 1/3 of the land of the realm. Folkland was that land that was left over after allotments had been made to the freemen and which was not common land. It was public land and a national asset and could be converted to heirland or bookland only by action of the king and witan. It could also be rented by services to the state via charter. A holder of folkland might express a wish, e.g. by testamentary action, for a certain disposition of it, such as an estate for life or lives for a certain individual. But a distinct act by the king and witan was necessary for this wish to take effect. Small private transactions of land could be done by "livery of seisin" in the presence of neighbors. "Seisin" is rightful possession. A man in possession of land is presumed to have "seisin", unless and until someone else can establish a better title by legal process. All estates in land could be let, lent, or leased by its holders, and was then known as "loenland".

Ploughs and wagons could be drawn by four or more oxen or horses in sets of two behind each other. Oxenshoes and horseshoes prevented lameness due to cracked hooves. Horse collars especially fitted for horses, replaced oxen yoke that had been used on horses. The horse collar did not restrict breathing and enabled horses to use the same strength of oxen. Also, horses had better endurance and faster speed.

A free holder's house was wood, perhaps with a stone foundation, and roofed with thatch or tiles. There was a main room or hall, with bed chambers around it. Beyond was the kitchen, perhaps outside under a lean-to. These buildings were surrounded by a bank or stiff hedge.

Simple people lived in huts made from wood and mud, with one door and no windows. They slept around a wood-burning fire in the middle of the earthen floor. They wore shapeless clothes of goat hair and unprocessed wool from their sheep. They ate rough brown bread, vegetable and grain broth, ale from barley, bacon, beans, milk, cabbage, onion, apples, plums, cherries, and honey for sweetening or mead. Vegetables grown in the country included onions, leeks, celery, lettuce, radish, carrots, garlic, shallots, parsnip, dill, chervil, marigold, coriander, and poppy. In the summer, they ate boiled or raw veal and wild fowl such as ducks, geese, or pigeons, and game snared in the forest. Poultry was a luxury food, but recognized as therapeutic for invalids, especially in broth form [chicken soup]. Venison was highly prized. There were still some wild boar, which were hunted with long spears, a greyhound dog, and hunting horns. They sometimes mated with the domestic pigs which roamed the woodlands. In September, the old and infirm pigs were slaughtered and their sides of bacon smoked in the rafters for about a month. Their intestines provided skin for sausages. In the fall, cattle were slaughtered and salted for food during the winter because there was no more pasture for them. However, some cows and breed animals were kept through the winter.

For their meals, people used wooden platters, sometimes earthenware plates, drinking horns, drinking cups from ash or alderwood turned on a foot-peddled pole lathe, and bottles made of leather. Their bowls, pans, and pitchers were made by the potter's wheel. Water could be boiled in pots made of iron, brass, lead, or clay. Water could be carried in leather bags because leather working preservative techniques improved so that tanning prevented stretching or decaying. At the back of each hut was a hole in the ground used as a latrine, which flies frequented. Moss was used for toilet paper. Parasitical

worms in the stool were ubiquitous.

Most of the simple people lived in villages of about 20 homes circling a village green or lining a single winding lane. There were only first names, and these were usually passed down family lines. To grind their grain, the villagers used hand mills with crank and gear, or a communal mill, usually built of oak, driven by power transmitted through a solid oak shaft, banded with iron as reinforcement, to internal gear wheels of elm. Almost every village had a watermill. It might be run by water shooting over or flowing under the wheel.

Clothing for men and women was made from coarse wool, silk, and linen and was usually brown in color. Only the wealthy could afford to wear linen or silk. Men also wore leather clothing, such as neckpieces, breeches, ankle leathers, shoes, and boots. Boots were worn when fighting. They carried knives or axes under metal belts. They could carry items by tying leather pouches onto their belts with their drawstrings. They wore leather gloves for warmth and for heavy working with their hands.

People were as tall, strong and healthy as in the late 1900s, not having yet endured the later malnourishment and overcrowding that was its worst in the 1700s and 1800s. Their teeth were very healthy. Most adults died in their 40s, after becoming arthritic from hard labor. People in their 50s were deemed venerable. Boys of twelve were considered old enough to swear an oath of allegiance to the king. Girls married in their early teens, often to men significantly older.

The lands of the large landholding lords were administered by freemen. They had wheat, barley, oats, and rye fields, orchards, vineyards for wine, and beekeeping areas for honey. On this land lived not only farm laborers, cattle herders, shepherds, goatherds, and pigherds, but craftsmen such as goldsmiths, hawkkeepers, dogkeepers, horsekeepers, huntsmen, foresters, builders, weaponsmiths, embroiders, bronze smiths, blacksmiths, watermill wrights, wheelwrights, wagon wrights, iron nail makers, potters, soap makers (made from wood ashes reacting chemically with fats or oils), tailors, shoemakers, salters (made salt at the "wyches", which later became towns ending with '-wich'), bakers, cooks, and gardeners. Most men did carpentry work. Master carpenters worked with ax, hammer, and saw to make houses, doors, bridges, milk buckets, washtubs, and trunks. Blacksmiths made gates, huge door hinges, locks, latches, bolts, and horseshoes. The lord loaned these people land on which to live for their life, called a "life estate", in return for their services. The loan could continue to their widows or children who took up the craft. Mills were usually powered by water. Candles were made from beeswax, which exuded a bright and steady light and pleasant smell, or from mutton fat, which had an unpleasant odor. The wheeled plough and iron-bladed plough made the furrows. One man held the plough and another walked with the oxen, coaxing them forward with a stick and shouts. Seeds were held in an apron for seeding. Farm implements included spades, shovels, rakes, hoes, buckets, barrels, flails, and sieves. Plants were pruned to direct their growth and to increase their yield. Everyone got together for feasts at key stages of the farming, such as the harvest. Easter was the biggest feast. When the lord was in the field, his lady held their estate. There were common lands of these estates as well as of communities. Any proposed new settler had to be admitted at the court of this estate.

The land of some lords included fishing villages along the coasts. From the sea were caught herrings, salmon, porpoises, sturgeon, oysters, crabs, mussels, cockles, winkles, plaice, flounder, and lobsters. Sometimes whales were driven into an inlet by many boats. River fish included eels, pike, minnows, burbot, trout, and lampreys. They were caught by brushwood weirs, net, bait, hooks, and baskets. Oysters were so numerous that they were eaten by the poor. The king's peace extended over the waterways. If mills, fisheries, weirs, or other structures were set up to block them, they were to be destroyed and a penalty paid to the king.

Other lords had land with iron mining industries. Ore was dug from the ground and combined with wood charcoal in a shaft furnace to be smelted into liquid form. Wood charcoal was derived from controlled charring of the wood at high temperatures without using oxygen. This burned impurities from it and left a purer carbon, which burned better than wood. The pure iron was extracted from this liquid and formed into bars. To keep the fire hot, the furnaces were frequently placed at windswept crossings of valleys or on the tops of hills.

Some lords had markets on their land, for which they charged a toll for participation. There were about fifty markets in the nation. Cattle and slaves (from the word "slav") were the usual medium of exchange. An ox was still worth about 30d. Shaking hands was symbolic of an agreement for a sale, which had to be carried out in front of witnesses at the market for any property worth over 20d. The higher the value of the property, the more witnesses were required. Witnesses were also required for the exchange of property and to vouch for cattle having being born on the property of a person claiming them. People traveled to markets on deep, sunken roads and narrow bridges kept in repair by certain men who did this work as their service to the King. The king's peace extended to a couple of high roads, i.e. highways, running the length of the country and a couple running its width.

Salt was used throughout the nation to preserve meat over the winter. Inland saltworks had an elaborate and specialized organization. The chief one used saltpans and furnaces to extract salt from natural brine springs. They formed little manufacturing enclaves in the midst of agricultural land, and they were considered to be neither large private estates headed by a lord nor appurtenant to such. They belonged jointly to the king and the local earl, who shared, at a proportion of two to one, the proceeds of the tolls upon the sale of salt and methods of carriage on the ancient salt ways according to cartload, horse load, or man load. Sometimes there were investors in a portion of the works who lived quite at distance away. The sales of salt were mostly retail, but some bought to resell. Peddlers carried salt to sell from village to village.

Some smiths traveled for their work, for instance, stonewrights building arches and windows in churches, and lead workers putting lead roofs on churches.

An example of a grant of hides of land is: "[God has endowed King Edred with England], wherefore he enriches and honors men, both ecclesiastic and lay, who can justly deserve it. The truth of this can be acknowledged by the thegn AElfsige Hunlafing through his acquisition of the estate of 5 hides at Alwalton for himself and his heirs, free from every burden except the repair of fortifications, the building of bridges and military service; a prudent landowner church dues, burial fees and tithes. [This land] is to be held for all time and granted along with the things both great and small belonging to it."

A Bishop gave land to a faithful attendant for his life and two other lives as follows: "In 904 A.D., I, Bishop Werfrith, with the permission and leave of my honorable community in Worcester, grant to Wulfsige, my reeve, for his loyal efficiency and humble obedience, one hide of land at Aston as Herred held it, that is, surrounded by a dyke, for three lives and then after three lives the estate shall be given back without any controversy to Worcester."

At seaports on the coast, goods were loaded onto vessels owned by English merchants to be transported to other English seaports. London was a market town on the north side of the Thames River and the primary port and trading center for foreign merchants. Streets that probably date from this time include Milk, Bread, and Wood Streets, and Honey Lane. There were open air markets such as Billingsgate. There were wooden quays over much of the river front. Houses were made of wood, with one sunken floor, or a ground floor with a cellar beneath. Some had central stone hearths and earth latrines. There were crude pottery cooking pots, beakers and lamps, wool cloth, a little silk, simple leather shoes, pewter jewelry, looms, and quernstones (for grinding flour). Wool, skins, hides, wheat, meal, beer, lead, cheese, salt, and honey were exported. Wine (mostly for the church), fish, timber, pitch, pepper, garlic, spices, copper, gems, gold, silk, dyes, oil, brass, sulphur, glass, slaves, and elephant and walrus ivory were imported. Goods from the continent were sold at open stalls in certain streets. Furs and slaves were traded. There was a royal levy on exports by foreigners merchants. Southwark, across the Thames River from London, was reachable by a bridge. Southwark contained sleazy docks, prisons, gaming houses, and brothels.

Guilds in London were first associations of neighbors for the purposes of mutual assistance. They were fraternities of persons by voluntary compact to assist each other in poverty, including their widows or orphans and the portioning of poor maids, and to protect each other from injury. Their essential features are and continue to be in the future: 1) oath of initiation, 2) entrance fee in money or in kind and a common fund, 3) annual feast and mass, 4) meetings at least three times yearly for guild business, 5) obligation to attend all funerals of members, to bear the body if need be from a distance, and to provide masses for the dead, 6) the duty of friendly help in cases of sickness, imprisonment, house burning, shipwreck, or robbery, 7) rules for decent behavior at meetings, and 8) provisions for settling disputes without recourse to the law. Both the masses and the feast were attended by the women. Frequently the guilds also had a religious ceremonial to affirm their bonds of fidelity. They readily became connected with the exercise of trades and with the training of apprentices. They promoted and took on public purposes such as the repairing of roads and bridges, the relief of pilgrims, the maintenance of schools and almshouses, and the periodic performance of pageants and miracle plays telling scriptural history, which could last for several days. The devil often was prominent in miracle plays.

Many of these London guilds were known by the name of their founding member. There were also Frith Guilds (peace guilds) and a Knights' Guild. The Frith Guild's main object was to enforce the King's laws, especially the prevalent problem of theft. They were especially established by bishops and reeves. Members met monthly and contributed about 4d. to a common fund, which paid a compensation for items stolen. They each paid 1s. towards the pursuit of the thief. The members were grouped in tens. Members with horses were to track the thief. Members without horses worked in the place of the absent horse owners until their return. When caught, the thief was tried and executed. Overwhelming force was used if his kindred tried to protect him. His property was used to compensate the victim for his loss and then divided between the thief's wife, if she was innocent, the King, and the guild. Owners

of slaves paid into a fund to give one half compensation to those who lost slaves by theft or escape, and recaptured slaves were to be stoned to death or hanged. The members of the peace guild also feasted and drank together. When one died, the others each sang a song or paid for the singing of fifty psalms for his soul and gave a loaf.

The Knights' Guild was composed of thirteen military persons to whom King Edgar granted certain waste land in the east of London, toward Aldgate, and also Portsoken, which ran outside the eastern wall of the city to the Thames, for prescribed services performed, probably defense of the vulnerable east side of the city. This concession was confirmed by King Edward the Confessor in a charter at the suit of certain citizens of London, the successors of these knights. Edward granted them sake and soke, the right to hold a court for the offender and to receive the profits of jurisdiction, over their men.

Edward the Confessor made these rules for London:

1. Be it known that within the space of three miles from all parts outside of the city a man ought not to hold or hinder another, and also should not do business with him if he wish to come to the city under its peace. But when he arrives in the city, then let the market be the same to the rich man as to the poor.

2. Be it also known that a man who is from the court of the king or the barons ought not to lodge in the house of any citizen of London for three nights, either by privilege or by custom, except by consent of the host. For if he force the host to lodge him in his house and there be killed by the host, let the host choose six from his relatives and let him as the seventh swear that he killed him for the said cause. And thus he will remain quit of the murder of the - - deceased towards the king and relatives and lords of the deceased.

3. And after he has entered the city, let a foreign merchant be lodged wherever it please him. But if he bring dyed cloth, let him see to it that he does not sell his merchandise at retail, but that he sell not less than a dozen pieces at a time. And if he bring pepper, or cumin, or ginger, or alum, or brasil wood, or resin, or incense, let him sell not less than fifteen pounds at a time. But if he bring belts, let him sell not less than a thousand at a - - time. And if he bring cloths of silk, or wool or linen, let him see that he cut them not, but sell them whole. But if he bring wax, let him sell not less than one quartanum. Also a foreign merchant may not buy dyed cloth, nor make the dye in the city, nor do any work which belongs by right to the citizens.

4. Also no foreign merchant with his partner may set up any market within the city for reselling goods in the city, nor may he approach a citizen for making a bargain, nor may he stop longer in the City.

Every week in London there was a folkmete at St. Paul's churchyard, where majority decision was a tradition. By 1032, it had lost much of its power to the husting [household assembly in Danish] court. The folkmete then had responsibility for order and was the sole authority for proclaiming outlaws. It met three times a year at St. Paul's churchyard and there acclaimed its sheriff and its justiciar, or if the king had chosen his officer, heard who was chosen and listened to his charge. It also yearly arranged the watch and dealt with risks of fire. It was divided into wards, each governed by an alderman who presided over the wardmete, and represented his ward at the folkmete. Each guild became a ward. The chief alderman was the portreeve. London paid one-eighth of all the taxes of England.

Later in the towns, merchant guilds grew out of charity associations whose members were bound by oath to each other and got together for a guild feast every month. Some traders of these merchant guilds became so prosperous that they became landholders. Many market places were dominated by a merchant guild, which had a monopoly of the local trade. In the great mercantile towns all the land and houses would be held by merchants and their dependents, all freeholders were connected with a trade, and everyone who had a claim on public office or magistracy would be a member of the guild. The merchant guild could admit into their guild country villeins, who became freemen if unclaimed by their lords for a year and a day. Every merchant who had made three long voyages on his own behalf and at his own cost ranked as a thegn. There were also some craft guilds composed of handicraftsmen or artisans. Escaped bonded agricultural workers, poor people, and traders without land migrated to towns to live, but were not citizens.

Towns were largely self-sufficient, but salt and iron came from a distance. The King's established in every shire at least one town with a market place where purchases would be witnessed, and a mint where reliable money was coined by a moneyer, who put his name on his coins. There were eight moneyers in London. Coins were issued to be of value for only a couple of years. Then one had to exchange them for newly issued ones at a rate of about 10 old for 8 or 9 new. The difference constituted a tax. Roughly 10% of the people lived in towns. Some took surnames such as Tanner, Weaver, or Carpenter. Some had affectionate or derisive nicknames such as clear-hand, fresh friend, soft bread, foul beard, money taker, or penny purse. Craftsmen in the 1000s included goldsmiths,



embroiderers, illuminators of manuscripts, and armorers.

Edward the Confessor, named such for his piety, was a king of 24 years who was widely respected for his intelligence, resourcefulness, good judgment, and wisdom. His educated Queen Edith, whom he relied on for advice and cheerful courage, was a stabilizing influence on him. They were served by a number of thegns, who had duties in the household, which was composed of the hall, the courtyard, and the bedchamber. They were important men - thegns by rank. They were landholders, often in several areas, and held leading positions in the shires. They were also priests and clerics, who maintained the religious services and performed tasks for which literacy was necessary. Edward was the first king to have a "Chancellor", who was the first great officer of state. He kept a royal seal and was the chief royal chaplain. He did all the secretarial work of the household and court, drew up and sealed the royal writs, conducted the king's correspondence, and kept all the royal accounts. The word "chancellor" signified a screen behind which the secretarial work of the household was done. He had the special duty of securing and administering the royal revenue from vacant benefices. The second great office was that of Treasurer, who headed the Exchequer. The most important royal officers were the chamberlains, who took care of the royal bedchamber and adjoining wardrobe used for dressing and storage of valuables, and the priests. These royal officers had at first been responsible only for domestic duties, but gradually came to assume public administrative tasks.

Edward wanted to avoid the pressures and dangers of living in the rich and powerful City of London. So he rebuilt a monastic church, an abbey, and a palace at Westminster about two miles upstream. He started the growth of Westminster as a center of royal and political power; kings' councils met there. Royal coronations took place at the abbey. Since Edward traveled a lot, he established a storehouse-treasury at Winchester to supplement his traveling wardrobe. At this time, Spanish stallions were imported to improve English horses. London came to have the largest and best trained army in England.

The court invited many of the greatest magnates and prelates [highest ecclesiastical officials, such as bishops] of the land to the great ecclesiastical festivals, when the king held more solemn courts and feasted with his vassals for several days. These included all the great earls, the majority of bishops, some abbots, and a number of thegns and clerics. Edward had a witan of wise men to advise him, but sometimes the King would speak in the hall after dinner and listen to what comments were made from the mead-benches. As the court moved about the country, many men came to pay their respects and attend to local business. Edward started the practice of King's touching people to cure them of scrofula, a disease which affected the glands, especially in the head and neck. It was done in the context of a religious ceremony.

The main governmental activities were: war, collection of revenue, religious education, and administration of justice. For war, the shires had to provide a certain number of men and the ports quotas of ships with crews. The king was the patron of the English church. He gave the church peace and protection. He presided over church councils and appointed bishops. As for the administration of justice, the public courts were almost all under members of Edward's court, bishops, earls, and reeves. Edward's mind was often troubled and disturbed by the threat that law and justice would be overthrown, by the pervasiveness of disputes and discord, by the raging of wicked presumption, by money interfering with right and justice, and by avarice kindling all of these. He saw it as his duty to courageously oppose the wicked by taking good men as models, by enriching the churches of God, by relieving those oppressed by wicked judges, and by judging equitably between the powerful and the humble. He was so greatly revered that a comet was thought to accompany his death.

The king established the office of the Chancery to draft documents and keep records. It created the writ, which was a small piece of parchment [sheep skin] addressed to a royal official or dependent commanding him to perform some task for the King. By the 1000s A.D., the writ contained a seal: a lump of wax with the impress of the Great Seal of England which hung from the bottom of the document. Writing was done with a sharpened goose-wing quill. Ink was obtained from mixing fluid from the galls made by wasps for their eggs on oak trees, rainwater or vinegar, gum arabic, and iron salts for color.

A King's grant of land entailed two documents: a charter giving boundaries and conditions and a writ, usually addressed to the shire court, listing the judicial and financial privileges conveyed with the land. These were usually sac [jurisdiction of a lord to hold court and to impose fines and amercements] and soke [jurisdiction of a private court of a noble or institution to execute the laws and administer justice over inhabitants and tenants of the estate], toll [right to have a market and to collect a payment on the sale of cattle and other property on one's own estate] and team [a privilege granted by royal charter to the lord of a manor for the having, restraining, and judging of villeins with their children, goods, and chattels], and infangenetheof [the authority to hang and take the chattels of a thief caught on his estate].

The town of Coventry consisted of a large monastery estate, headed by an abbot, and a large private estate headed by a lord. The monastery was granted by Edward the Confessor full freedom and these jurisdictions: sac and soke, toll and team, hamsocne [the authority to fine a person for breaking into and making entry by force into the dwelling of another], forestall [the authority to fine a person for robbing others on the road], bloodwite [the authority to impose a forfeiture for assault involving bloodshed], fightwite [the authority to fine for fighting], weordwite [the authority to fine for manslaughter, but not for willful murder], and mundbryce [the authority to fine for any breach of the peace, such as trespass on lands].

Every man was expected to have a lord to whom he gave fealty. He swore by a fealty oath such as: "By the Lord, before whom this relic is holy, I will be to faithful and true, and love all that he loves, and shun all that he shuns, according to God's law, and according to the world's principle, and never, by will nor by force, by word nor by work, do ought of what is loathful to him; on condition that he keep me as I am willing to deserve, and all that fulfill that our agreement was, when I to him submitted and chose his will." If a man was homeless or lordless, his brothers were expected to find him such, e.g. in the folkote. Otherwise, he was to be treated as a fugitive and could be slain, and anyone who had harbored him would pay a penalty. Brothers were also expected to protect their minor kinsmen. When the oath of fealty was sworn, the man usually did homage to this lord symbolized by holding his hands together between those of his lord.

Marriages were determined by men asking women to marry them. If a woman said yes, he paid a sum to her kin for her "mund" [jurisdiction or protection over her] and gave his oath to them to maintain and support the woman and any children born. As security for this oath, he gave a valuable object or "wed". The couple were then betrothed. Marriage ceremonies were performed by priests in churches. The groom had to bring friends to his wedding as sureties to guarantee his oath to maintain and support his wife and children. Those who swore to take care of the children were called their "godfathers". The marriage was written into church records. After witnessing the wedding, friends ate the great loaf, or first bread made by the bride. This was the forerunner of the wedding cake. They drank special ale, the "bride ale" (from hence the work "bridal"), to the health of the couple.

Women could own land, houses, and furniture and other property. They could even make wills that disinherited their sons. This marriage agreement with an Archbishop's sister provides her with land, money, and horsemen:

"Here in this document is stated the agreement which Wulfric and the archbishop made when he obtained the archbishop's sister as his wife, namely he promised her the estates at Orleton and Ribbesford for her lifetime, and promised her that he would obtain the estate at Knightwick for her for three lives from the community at Winchcombe, and gave her the estate at Alton to grant and bestow upon whomsoever she pleased during her lifetime or at her death, as she preferred, and promised her 50 mancuses of gold and 30 men and 30 horses. The witnesses that this agreement was made as stated were Archbishop Wulfstan and Earl Leofwine and Bishop Aethelstan and Abbot Aelfward and the monk Brihtheah and many good men in addition to them, both ecclesiastics and laymen. There are two copies of this agreement, one in the possession of the archbishop at Worcester and the other in the possession of Bishop Aethelstan at Hereford."

This marriage agreement provided the wife with money, land, farm animals and farm laborers; it also names sureties, the survivor of whom would receive all this property:

"Here is declared in this document the agreement which Godwine made with Brihtric when he wooed his daughter. In the first place he gave her a pound's weight of gold, to induce her to accept his suit, and he granted her the estate at Street with all that belongs to it, and 150 acres at Burmarsh and in addition 30 oxen and 20 cows and 10 horses and 10 slaves. This agreement was made at Kingston before King Cnut, with the cognizance of Archbishop Lyfing and the community at Christchurch, and Abbot Aelfmaer and the community at St. Augustine's, and the sheriff Aethelwine and Sired the old and Godwine, Wulfheah's son, and Aelfsige cild and Eadmaer of Burham and Godwine, Wulfstan's son, and Carl, the King's cniht. And when the maiden was brought from Brightling Aelfgar, Sired's son, and Frerth, the priest of Forlstone, and the priests Leofwine and Wulfsig from Dover, and Edred, Eadhelm's son, and Leofwine, Waerhelm's son, and Cenwold rust and Leofwine, son of Godwine of Horton, and Leofwine the Red and Godwine, Eadgifu's son, and Leofsunu his brother acted as security for all this. And whichever of them lives the longer shall succeed to all the property both in land and everything else which I have given them. Every trustworthy man in Kent and Sussex, whether thegn or commoner, is cognizant of these terms. There are three of these documents; one is at Christchurch, another at St. Augustine's, and Brihtric himself has the third."

Nuns and monks lived in segregated nunneries and monasteries on church land and grew their own food. The local bishop usually was also an abbot of a monastery. The priests and nuns wore long robes

with loose belts and did not carry weapons. Their life was ordered by the ringing of the bell to start certain activities, such as prayer; meals; meetings; work in the fields, gardens, or workshops; and copying and illuminating books. They chanted to pay homage and to communicate with God or his saints. They taught justice, piety, chastity, peace, and charity; and cared for the sick. Caring for the sick entailed mostly praying to God as it was thought that only God could cure. They bathed a few times a year. They got their drinking water from upstream of where they had located their latrines over running water. The large monasteries had libraries, dormitories, guesthouses, kitchens, butteries to store wine, bakehouses, breweries, dairies, granaries, barns, fishponds, orchards, vineyards, gardens, workshops, laundries, lavatories with long stone or marble washing troughs, and towels. Slavery was diminished by the church by excommunication for the sale of a child over seven. The clergy taught that manumission of slaves was good for the soul of the dead, so it became frequent in wills. The clergy were to abstain from red meat and wine and were to be celibate. But there were periods of laxity. Punishment was by the cane or scourge.

The Archbishop of Canterbury began anointing new kings at the time of coronation to emphasize that the king was ruler by the grace of God. As God's minister, the king could only do right. From 973, the new king swore to protect the Christian church, to prevent inequities to all subjects, and to render good justice, which became a standard oath.

It was believed that there was a celestial hierarchy, with heavenly hosts in specific places. The heavenly bodies revolved in circles around the earthly world on crystal spheres of their own, which were serene, harmonious, and eternal. This contrasted with the change, death, and decay that occurred in the earthly world. Also in this world, Aristotle's four elements of earth, air, fire, and water sought their natural places, e.g. bubbles of air rising through water. The planets were called wanderers because their motion did not fit the circular scheme.

God intervened in daily life, especially if worshipped. Jesus Christ, his mother the Virgin Mary and saints were also worshipped. Saints such as Bede and Hilda performed miracles, especially ones of curing. Their spirits could be contacted through their relics, which rested at the altars of churches. Sin resulted in misfortune. When someone was said to have the devil in him, people took it quite literally. Omens foretold events. A real Jack Frost nipped noses and fingers and made the ground too hard to work. Little people, elves, trolls, and fairies inhabited the fears and imaginings of people. The forest was the mysterious home of spirits. People prayed to God to help them in their troubles and from the work of the devil. Prayer was often a charm to conjure up friendly spirits rather than an act of supplication. Sorcerers controlled the forces of nature with the aid of spirits. Since natural causes of events were unknown, people attributed events to wills like their own. Illness and disease were thought to be caused by demons and witches. To cure illness, people hung charms around their neck and went to good witches for treatments of magic and herbs. For instance, the remedy for "mental vacancy and folly" was a drink of "fennel, agrimony, cockle, and marche". Some herbs had hallucinogenic effects, which were probably useful for pain. Blood-letting by leeches and cautery were used for most maladies, which were thought to be caused by imbalance of the four bodily humors: sanguine, phlegmatic, choleric, and melancholic. These four humors reflected the four basic elements air, water, fire, and earth. Blood was hot and moist like air; phlegm was cold and moist like water; choleric or yellow bile was hot and dry like fire; and melancholy or black bile was cold and dry like earth. Bede had explained that when blood predominates, it makes people joyful, glad, sociable, laughing, and talking a great deal. Phlegm renders them slow, sleepy, and forgetful. Red choleric makes them thin, though eating much, swift, bold, wrathful, and agile. Black choleric makes them serious of settled disposition, even sad. To relieve brain pressure and/or maybe to exorcise evil spirits, holes were made in skulls by a drill with a metal tip that was caused to turn back and forth by a strap wrapped around a wooden handle. A king's daughter Edith inspired a cult of holy wells, whose waters were thought to alleviate eye conditions. Warmth and rest were also used for illness. Agrimony boiled in milk was thought to relieve impotence in men.

It was known that the liver casted out impurities in the blood. The stages of fetal growth were known. The soul was not thought to enter a fetus until after the third month, so presumably abortions within three months were allowable.

The days of the week were Sun day, Moon day, Tiw's day (Viking god of war), Woden's day (Viking god of victory, master magician, calmer of storms, and raiser of the dead), Thor's day (Viking god of thunder), Frig's day (Viking goddess of fertility and growing things), and Saturn's day (Roman god). Special days of the year were celebrated: Christmas, the birthday of Jesus Christ; the twelve days of Yuletide (a Viking tradition) when candles were lit and houses decorated with evergreen and there were festivities around the burning of the biggest log available; Plough Monday for resumption of work after Yuletide; February 14th with a feast celebrating Saint Valentinus, a Roman bishop martyr who had married young lovers in secret when marriage was forbidden to encourage men to fight in war; New Year's Day on March 25th when seed was sown and people banged on drums and blew horns to

banish spirits who destroy crops with disease; Easter, the day of the resurrection of Jesus Christ; Whitsunday, celebrating the descent of the Holy Spirit on the apostles of Jesus and named for the white worn by baptismal candidates; May Day when flowers and greenery was gathered from the woods to decorate houses and churches, Morris dancers leapt through their villages with bells, hobby horses, and waving scarves, and people danced around a May pole holding colorful ribbons tied at the top so they became entwined around the pole; Lammas on August 1st, when the first bread baked from the wheat harvest was consecrated; Harvest Home when the last harvest load was brought home while an effigy of a goddess was carried with reapers singing and piping behind, and October 31st, the eve of the Christian designated All Hallow Day, which then became known as All Hallow Even, or Halloween. People dressed as demons, hobgoblins, and witches to keep spirits away from possessing them. Trick or treating began with Christian beggars asking for "soul cake" biscuits in return for praying for dead relatives. Ticktacktoe and backgammon were played.

The languages of invaders had produced a hybrid language that was roughly understood throughout the country. The existence of Europe, Africa, Asia, and India were known. Jerusalem was thought to be at the center of the world. There was an annual tax of a penny on every hearth, Peter's pence, to be collected and sent to the pope in Rome yearly. Ecclesiastical benefices were to pay church-scot, a payment in lieu of first fruits of the land, to the pope.

### The Law

There were several kings in this period. The king and witan deliberated on the making of new laws, both secular and spiritual, at the regularly held witanagemot. There was a standard legal requirement of holding every man accountable, though expressed in different ways, such as the following three:

Every freeman who does not hold land must find a lord to answer for him. Every lord shall be personally responsible as surety for the men of his household. [This included female lords.] (King Athelstan)

"And every man shall see that he has a surety, and this surety shall bring and keep him to [the performance of] every lawful duty. 1. -And if anyone does wrong and escapes, his surety shall incur what the other should have incurred. 2. -If the case be that of a thief and his surety can lay hold of him within twelve months, he shall deliver him up to justice, and what he has paid shall be returned to him." (King Edgar)

Every freeman who holds land, except lords with considerable landed property, must be in a local tithing, usually ten to twelve men, in which they serve as personal sureties for each other's peaceful behavior. If one of the ten landholders in a tithing is accused of an offense, the others have to produce him in court or pay a fine plus pay the injured party for the offense, unless they could prove that they had no complicity in it. If the man is found guilty but can not pay, his tithing must pay his fine. The chief officer is the "tithing man" or "capital pledge". There were probably ten tithings in a hundred. (King Edward the Confessor).

Canute reigned from 1016 to 1035. The following are substantially all the laws of Canute with an \* before ones of special interest.

Proclamations of Canute are:

All my reeves, under pain of forfeiting my friendship and all that they possess and their own lives, shall govern my people justly everywhere, and to pronounce just judgments with the cognizance of the bishops of the dioceses, and to inflict such mitigated penalties as the bishop may approve and the man himself may be able to bear.

I enjoin upon all the sheriffs and reeves throughout my kingdom that, as they desire to retain my friendship and their own security, they employ no unjust force towards any man, either rich or poor, but that all, both nobles and commoners, rich and poor, shall have their right of just possession, which shall not be infringed upon in any way, either for the sake of obtaining the favour of the king or of gratifying any powerful person or of collecting money for me; and I have no need that monoey should be collected for me by any unust exactions.

Ecclesiastical laws of Canute are:

Above all else, love and honour one God, and uphold one Christian faith, and love King Canute with due fidlity.

\*Maintain the security and sanctity of the churches of God, and frequently attend them for the

salvation of our souls and our own benefit. He who violates the protection given by the church of God within its walls, or the protection granted by a Christian king in person shall lose both land and life, unless the king is willing to pardon him. Homicide within the church's walls shall not be atoned for by any payment of compensation, and everyone shall pursue the miscreant, unless it happen that he escapes from there and reaches so inviolable a sanctuary that the king, because of that, grants him his life, upon condition that he makes full amends both towards God and towards men. The first condition is that he shall give his own wergeld to Christ and to the king and by that means obtain the legal right to offer compensation. And if the king allows compensation, amends for the violation of the protection of the church shall be made by the payment to the church of the full fine for breach of the king's mund, and the purification of the church shall be carried out as is fitting, and compensation both to the king and to the lord of the slain man shall be fully paid, and supplication shall earnestly be made to God. If the protection of the church is broken by offenses such as fighting or robbery, without the taking of life, amends shall diligently be made in accordance with the nature of the offense. The penalty for violation of the protection of a principal church is 5 pounds, for a church of medium rank is 120s., for a church with a graveyard 60s., and for a country chapel where there is no graveyard, 30s.

Maintain the security and sanctity of holy things and priests according to their rank, for they drive away devils, baptize anyone, hallow the Eucharist, and intercede to Christ for the needs of the people. If an accusation of evil practices is made against a priest and he knows himself to be guiltless, he shall say Mass, if he dares, and thus clear himself by the Holy Communion in the cases of a simple accusation, and by the Holy Communion with two supporters of the same ecclesiastical rank in the case of a triple accusation. If he has no supporters, he shall go to the ordeal of consecrated bread.

No monk who belongs to a monastery may demand or pay compensation incurred by vendetta because he leaves the law of his kindred behind when he accepts monastic rule.

If a priest is concerned in false witness or perjury or is the accessory and accomplice of thieves, he shall be cast out from the fellowship of those in holy orders and forfeit every privilege, unless he make amends both towards God and towards men, as the bishop shall prescribe, and find surty for future behavior.

Servants of God shall call upon Christ to intercede for all Christian people and practice celibacy. Those who turn away from marriage and observe celibacy shall enjoy the privileges of a thegn.

\*No Christian man shall marry among his own kin within six degrees of relationship or with the widow of a man as nearly related to him as that, or with a near relative of his first wife's. No man shall marry his god-mother, a nun, or a divorced woman. He shall not commit adultery. He shall have no more wives than one, with whom he shall remain as long as she lives.

Ecclesiastical dues shall be paid yearly, namely, plough alms 15 days after Easter, the tithe [tenth] of young animals at Pentecost, and the tithe of the fruits of the earth at All Saints. Otherwise the king's reeve, the bishop's reeve, and the lord's reeve shall take what is due and assign him the next tenth, and the eight remaining parts shall go half to the lord and half to the bishop.

Peter's Pence shall be paid by St. Peter's Day or pay the bishop the penny and 30d. in addition and 120s. to the king.

Church dues shall be paid at Martinmas, or pay the bishop eleven fold and 120s. to the king.

Any thegn with a church with attached graveyard on his land shall give a third part of his own tithes to his church. If he has a church without a graveyard, he shall give his priest whatever he desires from the nine remaining parts.

Light dues shall be paid a halfpenny worth of wax from every hide three times a year.

Payment for the souls of the dead should be rendered before the grave is closed.

\*All festivals and fasts, such as Lent, shall be observed. The festival of every Sunday shall be observed from noon on Saturday till dawn on Monday. No trading, public gatherings, hunting, or secular occupations shall be done on Sunday. We forbid ordeals and oaths during festivals and fasts.

To avoid the torment of hell, let us turn away from sin and confess our misdeeds to our confessors and cease from evil and make amends.

Each of us shall treat others as we desire to be treated.

Every Christian man shall prepare himself for the sacrament at least three times a year. Every friend shall abide by his oath and pledge. Every injustice shall be cast out from this land.

Let us be faithful and true to our lord and promote his honour and carry out his will. And likewise, it is the duty of every lord to treat his men justly.

Men of every estate shall readily submit to the duty which befits them.

Every Christian man shall learn the Creed and the Pater Noster, the sacred prayer taught by Christ to his disciples which contains all the petitions necessary for this life and the life to come. He who does not learn it may not sponsor another man at baptism or at confirmation.

\*Guard against grievous sins and devilish deeds and make amends according to one's confessor's advice.

Fear God, be in terror of sin, and dread the Day of Judgment.

The bishops shall give example of our duty towards God.

Secular laws of Canute are:

All men, both rich and poor, shall be entitled to the benefit of the law, and just decisions shall be pronounced on their behalf.

Those in authority to give judgment shall consider very earnestly "And forgive us our trespasses as we forgive them that trespass against us." Christian people shall not be condemned to death for trivial offenses.

We forbid the all too prevalent practice of selling Christian people out of the country, especially into heathen lands. Care shall be taken that the souls which Christ bought with his own life be not destroyed.

\*Any wizards or sorcerers, those who secretly compass death, prostitutes, thieves, and robbers shall be destroyed unless they cease and make amends.

We forbid heathen practices, namely the worship of idols, heathen gods, and the sun or moon, fire or water, springs or stones or any kind of forest trees, or indulgence in witchcraft or the compassing of death in any way, either by sacrifice or by divinations or by the practice of any such delusions.

\*Murderers and perjurers, injurers of the clergy, and adulterers shall submit and make amends or depart with their sins from their native land.

\*Hypocrites and liars, robbers and plunderers shall incur the wrath of God, unless they desist and make amends.

\*There shall be one currency free from all adulteration throughout the land and no one shall refuse it. He who coins false money shall forfeit the hand with which he made it, and he shall not redeem it in any way, either with gold or silver. If the reeve is accused of having granted his permission to the man who coined the false money, he shall clear himself by the triple oath of exculpation and, if it fails, he shall have the same sentence as the man who coined the false money.

\*Measures and weights shall be diligently corrected and an end put to all unjust practices.

The repair of fortifications and bridges, and the preparation of ships and the equipment of military forces shall be diligently undertaken for the common need, whenever the occasion arises.

\*In Wessex and Mercia, the king is entitled to payments for violation of his mund, attacks on people's houses, assault, and neglecting military service. In the Danelaw, he is entitled to payments for fighting, breach of the peace and attacks on people's houses, and neglect of military service.

\*If anyone does the deed of an outlaw, the king alone shall have power to grant him security. He shall forfeit all his land to the king without regard to whose vassal he is. Whoever feeds or harbours the fugitive shall pay 5 pounds to the king, unless he clears himself by a declaration that he did not know that he was a fugitive.

\*He who promotes injustice or pronounces unjust judgments, as a result of malice or bribery, shall forfeit 120s. to the king, in districts under English law, unless he declares on oath that he did not know how to give a more just verdict, and he shall lose forever his rank as a thegn, unless he redeem it from the king, provided the latter is willing to allow him to do so. In the Danelaw he shall forfeit his lahslit.

\*He who refuses to observe just laws and judgments shall forfeit, in districts under English law, a fine to the party entitled thereto - either 120s. to the king, 60s. to the earl, or 30s. to the hundred, or to all of them if they were all concerned.

\*If a man seeks to accuse another man falsely in such a way as to injure him in property or in reputation, and if the latter can refute the accusation brought against him, the first shall forfeit his tongue, unless he redeems himself with his wergeld.

No one shall appeal to the king, unless he fails to obtain justice within his hundred. Everyone shall attend the hundred court, under pain of fine, whenever he is required by law to attend it.

The borough court shall be held at least three times and the shire court at least twice, under pain of fine. The bishop of the diocese and the earldorman shall attend and they shall direct the administration of both ecclesiastical and secular law.

\*No one shall make distraint [seizure of personal property out of the possession of an alleged wrongdoer into the custody of the party injured, to procure a satisfaction for a wrong committed] of property either within the shire or outside it, until he has appealed for justice three times in the hundred court. If on the third occasion he does not obtain justice, he shall go on the fourth occasion to the shire court, and the shire court shall appoint a day when he shall issue his summons for the fourth time. And if this summons fails, he shall get leave from the one court or the other, to take his own measures for the recovery of his property.

\*Every freeman over age 12 must be in a tithing if he desires to have the right of exculpation and of being atoned for by the payment of his wergeld, if he is slain, and to be entitled to the rights of a freeman, whether he has an establishment of his own or is in the service of another. Everyone shall be brought within a hundred and under surety, and his surety shall hold and bring him to the performance of every legal duty.

\*Everyone over age 12 shall take an oath that he will not be a thief or a thief's accomplice.

Every trustworthy man, who has never earned a bad reputation and who has never failed either in oath or in ordeal, shall be entitled to clear himself within the hundred by the simple oath of exculpation. For an untrustworthy man compurgators for the simple oath shall be selected within three hundreds, and for the triple oath, throughout the district under the jurisdiction of the borough court; otherwise he shall go to the ordeal. When a simple oath of exculpation is involved, the case shall be begun with a simple oath of accusation; but where a triple oath of exculpation is involved, it shall be begun with a triple oath of accusation. A thegn may have a trustworthy man give his oath of accusation for him.

No man may vouch to warranty unless he has three trustworthy witnesses to declare whence he acquired the stock which is attached in his possession. The witnesses shall declare that, in bearing testimony on his behalf to the effect that he acquired it legally, they are speaking the truth, in accordance with what they saw with their eyes and heard with their ears.

\*No one shall buy anything over 4d. in value, either livestock or other property, unless he has four men as trustworthy witnesses, whether the purchase be made within a town or in the open country. If, however, any property is attached, and he who is in possession of it has no such witnesses, no vouching to warranty shall be allowed, but the property shall be given up to its rightful owner and also the supplementary payment, and the fine to the party who is entitled thereto. And if he has witnesses in accordance with what we have declared above, vouching to warranty shall take place three times. On the fourth occasion he shall prove his claim to it or give it back to its rightful owner. No one shall claim ownership where fraud is involved.

\*If anyone who is of bad reputation and unworthy of public confidence fails to attend the court meetings three times, men shall be chosen from the fourth meeting who shall ride to him, and he may then still find a surety, if he can. If he cannot, they shall seize him either alive or dead, and they shall take all that he has. And they shall pay to the accuser the value of his goods, and the lord shall take half of what remains and the hundred half. And if anyone, either kinsman or stranger, refuses to ride against him, he shall pay the king 120s.

\*The proved thief and he who has been discovered in treason against his lord, whatever sanctuary he seeks, shall never be able to save his life.

He who in court tries to protect himself or one of his men by bringing a countercharge shall have wasted his words, and shall meet the charge brought by his opponent in such a way as the hundred court shall determine.

No one shall entertain any man for more than three days, unless he is committed to this charge by the man whom he has been serving. And no one shall dismiss one of his men from his service until he is quit of every accusation which has been brought against him.

\*If anyone comes upon a thief and of his own accord lets him escape without raising the hue and cry, he shall make compensation by the payment of the thief's wergeld, or clear himself with the full oath, asserting that he did not know him to be guilty of any crime. And if anyone hears the hue and cry and neglects it, he shall pay the full fine for insubordination [120s] to the king, or clear himself by the full oath.

\*Regarding thoroughly untrustworthy men, if anyone has forfeited the confidence of the hundred, and he has charges brought against him to such an extent that he is accused by three men at once, no other course shall be open to him but to go to the triple ordeal. If, however, his lord asserts that he has failed neither in oath nor in ordeal since the assembly was held at Winchester, the lord shall choose two trustworthy men within the hundred - unless he has a reeve who is qualified to discharge this duty - and they shall swear that he has never failed in oath or ordeal or been convicted of stealing. If the oath is forthcoming, the man who is accused there shall choose whichever he will - either the simple ordeal or an oath equivalent to a pound in value, supported by compurgators found within the three hundreds, in the case of an object over 30d. in value. If they dare not give the oath, the accused shall go to the triple ordeal, which shall be opened by five compurgators selected by the accuser and he himself shall make a sixth. If the accused is proved guilty, on the first occasion he shall pay double value to the accuser and his wergeld to the lord who is entitled to receive his fine, and he shall appoint trustworthy sureties, that hence forth he will desist from all wrong-doing. And on the second occasion, if he is proved guilty, there shall be no compensation but to have his hands or his feet cut off or both, according to the nature of the offense. And if he has wrought still greater crime, he shall have his eyes put out and his nose and ears and upper lip cut off or his scalp removed, whichever of these penalties is determined by those with whom rests the decision of the case; and thus punishment shall be inflicted, while, at the same time, the soul is preserved from injury. If, however, he escapes and avoids the ordeal, his surety shall pay the value of his goods to the plaintiff and the wergeld of the accused to the king or to the man who is entitled to receive his wergeld. And if the lord is accused of advising the man who had done wrong to escape, he shall choose five trustworthy men, and shall himself make a sixth, and shall clear himself of the accusation. If he succeeds in clearing himself, he shall be entitled to the wergeld. And if he fails, the king shall take the wergeld, and the thief shall be treated as an outlaw by the whole nation.

Every lord shall be personally responsible as surety for the men of his own household. And if any accusation is brought against one of them, he shall answer if within the hundred in which he is accused. And if he is accused and escapes, the lord shall pay the man's wergeld to the king. And if the lord is accused of advising him to escape, he shall clear himself with the help of five thegns, himself making a sixth. And if he fails to clear himself, he shall pay his own wergeld to the king, and the man shall be an outlaw towards the king.

If a slave is found guilty at the ordeal, he shall be branded on the first occasion. And on the second occasion, he shall not be able to make any amends except by his head.

\*Concerning untrustworthy men, if there is anyone who is regarded with suspicion by the general public, the king's reeve shall go and place him under surety so that he may be brought to do justice to those who have made charges against him. If he has no surety, he shall be slain and buried in unconsecrated ground. And if anyone interposes in his defense, they shall both incur the same punishment. And he who ignores this and will not further what we have all determined upon shall pay 120s. to the king.

The various boroughs shall have one common law with regard to exculpation.

If a friendless man or one come from afar is so utterly destitute of friends as not to be able to produce a surety, on the first occasion that he is accused he shall go to prison, and wait there until he goes to God's ordeal where he shall experience whatever he can. Verily, he who pronounces a more severe judgment upon whom is friendless or come from afar than upon one of his own acquaintances injures himself.

\*Concerning perjury, if anyone swears a false oath on the relics and is convicted, he shall lose his hand or half his wergeld which shall be divided between the lord and the bishop. And henceforth he shall not be entitled to swear an oath, unless he makes amends to the best of his ability before God, and finds surety that ever afterwards he will desist from such perjury.

\*Concerning false witness, if anyone has given testimony which is manifestly false, and is convicted thereof, his testimony henceforth shall be valueless, and he shall pay to the king or to the lord of the manor a sum equivalent to his healfang [payment due only to those very closely related to a killed man].

Special care must be taken to prevent lawlessness at sacred seasons and in sacred places. The greater a man is and the higher his rank, the more stringent shall be the amends which he shall be



required to make to God and to men for lawless behavior. And ecclesiastical amends shall be diligently exacted in accordance with the directions contained in the canon law, and secular amends in accordance with secular law.

If anyone slays a priest of the altar, he shall be both excommunicated and outlawed, unless he make amends to the best of his ability by pilgrimage, and likewise by the payment of compensation to the kin of the slain man, or else he shall clear himself by an oath equal in value to his wergeld. He shall begin to make amends to God and men within 30 days, under pain of forfeiting all that he possesses.

If an attempt is made to deprive a man in orders or a stranger of his goods or his life, the king shall act as his kinsman and protector unless he has some other. And such compensation as is fitting shall be paid to the king, or he shall avenge the deed to the uttermost.

If a minister of the altar commits homicide or any other great crime, he shall be deprived of his ecclesiastical office and banished, and shall travel as a pilgrim as far as the Pope appoints for him and zealously make amends. If he seeks to clear himself, he shall do so by the triple mode of proof. If he does not begin to make amends both to God and men within 30 days, he shall be outlawed.

If anyone binds or beats or deeply insults a man in holy orders, he shall make amends towards him and shall pay the fine due to the bishop for sacrilege, in accordance with the rank of the injured man, and to his lord or to the king the full fine for breach of his mund, or he shall clear himself by the full process of exculpation.

If a man in holy orders commits a capital crime, he shall be arrested, and his cases shall be reserved for the bishop's decision.

If a condemned man desires confession, he shall never be refused him or pay the king 120s. or he shall clear himself by selecting five men and be himself the sixth.

\*No condemned man shall be put to death during the Sunday festival, unless he flees or fights, but he shall be arrested and kept in custody until the festival is over. If a freeman works during a church festival, he shall make amends by payment of his healfang and make amends to God according to the directions given him. If a slave works, he shall undergo the lash or pay the fine, according to the nature of the offense. If a lord compels his slave to work during a church festival, he shall lose the slave, who shall then obtain the rights of a freeman and the lord shall pay a fine or clear himself.

If a freeman breaks an ordained fast, he shall pay a fine. If a slave does so, he shall undergo the lash or pay the fine in accordance with the nature of the deed.

If anyone openly causes a breach of the fast of Lent by fighting or by intercourse with women or by robbery or by any great misdeed, he shall pay double compensation just as he must do during a high festival. If he denies the charge, he shall clear himself by the triple process of exculpation.

\*If anyone refuses by force the payment of ecclesiastical dues, he shall pay the full fine or he shall clear himself: he shall select 11 men and himself make a twelfth. If he wounds anyone, he shall make amends and pay the full fine to the lord and redeem his hands from the bishop or lose them. If he kills a man, he shall be outlawed and pursued with hostility. If he so acts as to bring about his own death by setting himself against the law, no compensation shall be paid for him.

If anyone injures one of the clergy, he shall make amends according to the rank of the person injured, either by the payment of his wergeld or a fine or by the forfeiture of all his property.

\*If anyone commits adultery, he shall make amends according to the nature of the offense. It is wicked adultery for a pious man to commit fornication with an unmarried woman, and much worse with the wife of another man or with any woman who has taken religious vows.

\*If anyone commits incest, he shall make amends according to the degree of relationship between them, either by the payment of wergeld or of a fine, or by the forfeiture of all his possessions.

\*If anyone does violence to a widow or maiden, he shall pay his wergeld.

\*If a woman commits adultery, her husband shall have all she possesses and she shall lose her nose and her ears.

If a married man commits adultery with his own slave, he shall lose her and make amends to God and to men.

\*If anyone has a lawful wife and also a concubine, no priest shall perform for him any of the offices which must be performed for a Christian man, until he desists and makes amends as the bishop shall

direct.

Foreigners, if they will not regularize their unions, shall be driven from the land with their possessions, and shall depart in sin.

\*Any murderer shall be given up to the kinsmen of the slain man. The bishop shall pronounce judgment.

\*If anyone plots against the king or his own lord, he shall forfeit his life and all that he possesses, unless he proves himself innocent by the triple ordeal.

\*If anyone violates the protection of a king, archbishop or bishop, he shall pay 5, 3, or 2 pounds respectively as compensation.

\*Anyone who fights at the king's court shall lose his life, unless pardoned by the king.

\*If a man unjustly disarms another, he shall compensate him by the payment of his healfang. If he binds him, he shall compensate by the payment of half his wergeld.

If anyone is guilty of a capital deed of violence while serving in the army, he shall lose his life or his wergeld.

\*If a man makes forcible entry into another man's house, he shall pay 5 pounds to the king. If he is slain in such a case, no compensation shall be paid for his death.

\*Anyone guilty of robbery shall restore the stolen goods and pay the injured man as much again and forfeit his wergeld to the king.

\*According to secular law, assaults upon houses, arson, theft which cannot be disproved, murder which cannot be denied, and treachery towards a man's lord are crimes for which no compensation can be paid.

If anyone neglects the repair of fortifications or bridges or military service, he shall pay 120s. to the king or he shall clear himself with the support of 11 compurgators out of 14 nominated by the court.

The whole nation shall assist in the repair of churches.

If anyone unlawfully maintains an excommunicated person, he shall deliver him up in accordance with the law, and pay compensation to him to whom it belongs, and to the king his wergeld. Anyone keeping and maintaining an excommunicated man or an outlaw shall risk losing his life and all his property.

Greater leniency shall be shown in passing judgment and in imposing penance on the weak than on the strong because they cannot bear an equally heavy burden. So we distinguish between age and youth, wealth and poverty, freemen and slaves, the sound and the weak.

\*When a man is an involuntary agent in evil-doing or does something unintentionally, he is more entitled to clemency.

All my reeves shall provide for me from my own property and no man need give them anything as purveyance. If any of my reeves demands a fine, he shall forfeit his wergeld to me. The public has been so far too greatly oppressed by this.

\*If a man dies intestate [without a will], whether through negligence or sudden death, his lord shall take no more than his legal heriot. The property shall be divided among his wife and children and near kinsmen according to the share which belongs to him.

Heriots shall be fixed with regard to the rank of the person for whom they are paid. The heriot of any earl is eight horses, four saddled and four unsaddled, four helmets, four coats of chainmail, eight spears, eight shields, four swords, and 200 mancuses of gold. The heriot of a king's thegn is four horses, two saddled and two unsaddled, two swords, four spears, four shields, four helmets, four coats of chain mail and 50 mancuses of gold, but among the Danes who possess rights of jurisdiction 4 pounds. The heriot of an ordinary thegn is a horse and its trappings and his weapons or his healfang in Wessex, and in Mercia 2 pounds, and in East Anglia 2 pounds. The heriot of a man who stands in a more intimate relationship to the king shall be two horses, one saddled and one unsaddled, one sword, two spears, two shields, and 50 mancuses of gold. The heriot of a man who is inferior in wealth is 2 pounds.

When a householder has dwelt all his time free from claims and charges, his wife and children shall dwell there unmolested by litigation.

\*Every widow who remains a year without a husband shall do what she herself desires. If within the space of a year, she chooses a husband, she shall lose her morning gift and all the property she had from her first husband, and his nearest relatives shall take the land and property which she had held. And the second husband shall forfeit his wergeld to the king or the lord to whom it has been granted. And although she has been married by force, she shall lose her possessions, unless she leaves the man and returns home. And no widow shall be too hastily consecrated as a nun. And every widow shall pay heriots within a year without incurring a fine, if it has not been convenient for her to pay earlier.

\*No woman or maiden shall be forced to marry a man whom she dislikes, nor shall she be given for money, except the suitor desires of his own freewill to give something.

If anyone sets his spear at the door to another man's house, he himself having an errand inside, or if anyone carefully lays any other weapons where they might remain quietly, and another seizes the weapon and works mischief with it, he shall pay compensation for it. He who owns the weapon may clear himself by asserting that the mischief was done without his desire or authority or advice or cognizance.

\*If anyone carries stolen goods home to his cottage and is detected, the owner shall have what he has tracked. The wife shall be clear of any charge of complicity unless the goods had been put under her lock and key or in her storeroom, her chest, or her cupboard. But no wife can forbid her husband from depositing anything in his cottage.

Until now it has been the custom for grasping persons to treat a child which lay in the cradle, even though it had never tasted food, as being guilty as though it were fully intelligent. I forbid this practice.

The man who, through cowardice, deserts his lord or his comrades in an expedition, either by sea or by land, shall lose all he possesses and his own life, and the lord shall take back the property and the land which he had given him. And if he has land held by title-deed it shall pass into the king's hands.

The heriots of the man who falls before his lord during a campaign, whether within the country or abroad, shall be remitted, and the heirs shall succeed to his land and property and make a very just division of the same.

He who, with the cognizance of the shire, has performed the services demanded from a landowner on expedition, either by sea or by land, shall hold his land unmolested by litigation during his life, and at his death shall have the right of disposing of it or giving it to whomsoever he pleases.

\*Every man is entitled to hunt in the woods and fields on his own property. But everyone, under pain of incurring the full penalty, shall avoid hunting on my preserves.

There shall never be any interference with bargains successfully concluded or with the legal gifts made by a lord.

Every man shall be entitled to protection in going to and from assemblies, unless he is a notorious thief.

\*He who violates the law shall forfeit his wergeld to the king. And he who violates it again, shall pay his wergeld twice over. And if he is so presumptuous as to break it a third time, shall lose all he possesses.

Love God and follow his law and obey our spiritual leaders, for it is their duty to lead us to the judgment of God according to our works wrought. Do what is right and good and guard against the hot fire of hell. God Almighty have mercy upon us all, as His Will may be. Amen.

The Laws for London were:

"1. The gates called Aldersgate and Cripplegate were in charge of guards. 2. If a small ship came to Billingsgate, one halfpenny was paid as toll; if a larger ship with sails, one penny was paid. 1) If a hulk or merchantman arrives and lies there, four pence is paid as toll. 2) From a ship with a cargo of planks, one plank is given as -toll. 3) On three days of the week toll for cloth [is paid] on Sunday and Tuesday and Thursday. 4) A merchant who came to the bridge with a boat containing fish paid one halfpenny as toll, and for a larger ship one penny." 5) - 8) Foreigners with wine or blubber fish or other goods and their tolls. (Foreigners were allowed to buy wool, melted sheep fat [tallow], and three live pigs for their ships.) "3. If the town reeve or the village reeve or any other official accuses anyone of having withheld toll, and the man replies that he has kept back no toll which it was his legal duty to pay, he shall swear to this with six others and shall be quit of the charge. 1) If he declares that he has paid toll, he shall produce the -man to whom he paid it, and shall be quit of the charge. 2) If, however, he cannot produce

the man to whom he paid it, he shall pay the actual toll and as much again and five pounds to the King. 3) If he vouches the taxgatherer to warranty [asserting] that he paid toll to him, and the latter denies it, he shall clear himself by the ordeal and by no other means of proof. 4. And we [the king and his counselors] have decreed that a man who, within the town, makes forcible entry into another man's - house without permission and commits a breach of the peace of the worst kind and he who assaults an innocent person on the King's highway, if he is slain, shall lie in an unhonored grave. 1) If, before demanding justice, he has recourse to violence, but does not lose his life thereby, he shall pay five pounds for breach of the King's peace. 2) If he values the goodwill of the town itself, he shall pay us thirty shillings as compensation, if the King will grant us -this concession." 5. No base coin or coin defective in quality or weight, foreign or English, may be used by a foreigner or an Englishman. (In 956, a person found guilty of illicit coining was punished by loss of a hand.)

## Judicial Procedure

There were courts for different geographical communities: shires, hundreds, and vills. The arrangement of the whole kingdom into shires was completed by 975 after being united under King Edgar.

A shire was a large area of land, headed by an earl. A shire reeve or "sheriff" represented the royal interests in the shires and in the shire courts. This officer came to be selected by the king and earl of the shire to be a judicial and financial deputy of the earl and to execute the law. The office of sheriff, which was not hereditary, was also responsible for the administration of royal lands and royal accounts. The sheriff summoned the freemen holding land in the shire, four men selected by each community or township, and all public officers to meet twice a year at their "shiremotes". Actually only the great lords - the bishops, earls, and thegns - attended. The shire court was primarily concerned with issues of the larger landholders. Here the freemen interpreted the customary law of the locality. The earl declared the secular law and the bishop declared the spiritual law. They also declared the sentence of the judges. The earl usually took a third of the profits, such as fines and forfeits, of the shire court, and the bishop took a share. In time, the earls each came to supervise several shires and the sheriff became head of the shire and assumed the earl's duties there, such as heading the shire fyrd. The shire court also heard cases which had been refused justice at the hundredmote and cases of keeping the peace of the shire.

The hundred was a division of the shire, having come to refer to a geographical area rather than a number of households. The monthly hundredmote could be attended by any freeman holding land (or a lord's steward), but was usually attended only by reeve, thegns, parish priest, and four representatives selected by each agrarian community or village - usually villeins. Here transfers of land were witnessed.

The sheriff, or a reeve in his place, presided over minor local criminal and peace and order issues. When the jurisdiction was in the hands of a sheriff, it was called the sheriff's tourn. All residents were expected to attend this court. When the jurisdiction was in private hands, it was called a leet court. Leet jurisdiction derived from sac and soke jurisdiction. Sac and soc jurisdiction was possession of legal powers of execution and profits of justice held by a noble or institution over inhabitants and tenants of the estate, exercised through a private court.

The sheriff usually held each hundred court, which heard civil cases. The suitors to these courts were the same as those of the shire courts. They were the judges who declared the law and ordered the form of proof, such as compurgatory oath and ordeal. They were customarily thegns, often twelve in number. They, as well as the king and the earl, received part of the profits of justice. Summary procedure was followed when a criminal was caught in the act or seized after a hue and cry. Every freeman over age twelve had to be in a hundred and had to follow the hue and cry.

In 997, King Ethelred in a law code ordered the sheriff and twelve leading magnates of each shire to swear to accuse no innocent man, nor conceal any guilty one. This was the germ of the later assize, and later still the jury.

The integrity of the judicial system was protected by certain penalties: for swearing a false oath, bot as determined by a cleric who has heard his confession, or, if he has not confessed, denial of burial in consecrated ground. Also a perjurer lost his oath-worthiness. Swearing a false oath or perjury was also punishable by loss of one's hand or half one's wergeld. A lord denying justice, as by upholding an evildoing thegn of his, had to pay 120s. to the king for his disobedience. Furthermore, if a lord protected a theow of his who had stolen, he had to forfeit the theow and pay his wer, for the first offense, and he was liable for all he property, for subsequent offenses. There was a bot for anyone harboring a convicted offender. If anyone failed to attend the gemot thrice after being summoned, he was to pay the king a fine for his disobedience. If he did not pay this fine or do right, the chief men of

the burh were to ride to him, and take all his property to put into surety. If he did not know of a person who would be his surety, he was to be imprisoned. Failing that, he was to be killed. But if he escaped, anyone who harbored him, knowing him to be a fugitive, would be liable pay his wer. Anyone who avenged a thief without wounding anyone, had to pay the king 120s. as wite for the assault.

"And if anyone is so rich or belongs to so powerful a kindred, that he cannot be restrained from crime or from protecting and harboring criminals, he shall be led out of his native district with his wife and children, and all his goods, to any part of the kingdom which the King chooses, be he noble or commoner, whoever he may be - with the provision that he shall never return to his native district. And henceforth, let him never be encountered by anyone in that district; otherwise he shall be treated as a thief caught in the act."

Courts controlled by lords of large private estates had various kinds of jurisdiction recognized by the King: sac and soke [possession of legal powers of execution and profits of justice held by a noble or institution over inhabitants and tenants of the estate, exercised through a private court], toll [right to collect a payment on the sale of cattle and property] and team [right to hold a court to determine the honesty of a man accused of illegal possession of cattle], infangenetheof [the authority to judge and to hang and take the chattels of a thief caught on the property], and utfangenetheof [the authority to judge, punish, and take the chattels of a thief dwelling out of his liberty, and committing theft without the same, if he were caught within the lord's property]. Some lords were even given jurisdiction over breach of the royal peace, ambush and treacherous manslaughter, harboring of outlaws, forced entry into a residence, and failure to answer a military summons. Often this court's jurisdiction overlapped that of the hundred court and sometimes a whole hundred had passed under the jurisdiction of an abbot, bishop, or earl.

A lord and his noble lady, or his steward, presided at this court. The law was administered here on the same principles as at the hundred court. Judges of the leet [minor criminal jurisdiction] of the court of a large private estate were chosen from the constables and four representatives selected from each community, village, or town.

The vill [similar to village] was the smallest community for judicial purposes. There were several vills in a hundred.

Before a dispute went to the hundred court, it might be taken care of by the head tithing man, e.g. cases between vills, between neighbors, and some compensations and settlements, namely concerning pastures, meadows, harvests, and contests between neighbors.

In London, the Hustings Court met weekly and decided such issues as wills and bequests and commerce matters. The folkmote of all citizens met three times a year. Each ward had a leet court.

The king and his witan decided the complaints and issues of the nobility and those cases which had not received justice in the hundred or shire court. The witan had a criminal jurisdiction and could imprison or outlaw a person. The witan could even compel the king to return any land he might have unjustly taken. Especially punishable by the king was "oferhrynesse": contempt of the king's law. It covered refusal of justice, neglect of summons to gemot or pursuit of thieves, disobedience to the king's officers, sounding the king's coin, accepting another man's dependent without his leave, buying outside markets, and refusing to pay Peter's pence.

The forests were peculiarly subject to the absolute will of the king. They were outside the common law. Their unique customs and laws protected the peace of the animals rather than the king's subjects. Only special officials on special commissions heard their cases.

The form of oaths for compurgation were specified for theft of cattle, unsoundness of property bought, and money owed for a sale. The defendant denied the accusation by sweating that "By the Lord, I am guiltless, both in deed and counsel, and of the charge of which ... accuses me." A compurgator swore that "By the Lord, the oath is clean and unperjured which ... has sworn." A witness swore that "In the name of Almighty God, as I here for ... in true witness stand, unbidden and unbought, so I with my eyes oversaw, and with my ears overheard, that which I with him say."

If a theow man was guilty at the ordeal, he was not only to give compensation, but was to be scourged thrice, or a second geld [compensation] be given; and be the wite of half value for theows.

This lawsuit between a son and his mother over land was heard at a shire meeting: "Here it is declared in this document that a shire meeting sat at Aylton in King Cnut's time. There were present Bishop AEthelstan and Earl Ranig and Edwin, the Earl's son, and Leofwine, Wulfsgige's son, and Thurkil the White; and Tofi the Proud came there on the King's business, and Bryning the sheriff was present, and AEthelweard of Frome and Leofwine of Frome and Godric of Stoke and all the thegns of

Herefordshire. Then Edwin, Enneawnes son, came traveling to the meeting and sued his own mother for a certain piece of land, namely Wellington and Cradley. Then the bishop asked whose business it was to answer for his mother, and Thurkil the White replied that it was his business to do so, if he knew the claim. As he did not know the claim, three thegns were chosen from the meeting [to ride] to the place where she was, namely at Fawley, and these were Leofwine of Frome and Aethelsige the Red and Winsige the seaman, and when they came to her they asked her what claim she had to the lands for which her son was suing her. Then she said that she had no land that in any way belonged to him, and was strongly incensed against her son, and summoned to her kinswoman, Leofflaed, Thurkil's wife, and in front of them said to her as follows: 'Here sits Leofflaed, my kinswoman, to whom, after my death, I grant my land and my gold, my clothing and my raiment and all that I possess.' And then she said to the thegns: 'Act like thegns, and duly announce my message to the meeting before all the worthy men, and tell them to whom I have granted my land and all my property, and not a thing to my own son, and ask them to be witnesses of this.' And they did so; they rode to the meeting and informed all the worthy men of the charge that she had laid upon them. Then Thurkil the White stood up in the meeting and asked all the thegns to give his wife the lands unreservedly which her kinswoman had granted her, and they did so. Then Thurkil rode to St. Aethelbert's minister, with the consent and cognizance of the whole assembly, and had it recorded in a gospel book."

## Chapter 4

The Times: 1066-1100

William came from Normandy, France, to conquer England. He claimed that the former King, Edward, the Confessor, had promised the throne to him when they were growing up together in Normandy, if Edward became King of England and had no children. The Conqueror's men and horses came in boats powered by oars and sails. The conquest did not take long because of the superiority of his military expertise to that of the English. He organized his army into three groups: archers with bows and arrows, horsemen with swords and stirrups, and footmen with hand weapons. Each group played a specific role in a strategy planned in advance. The English army was only composed of footmen with hand weapons such as spears and shields. They fought in a line holding up their shields to overlap each other and form a shieldwall. The defeat of the English was thought to have been presaged by a comet.

At Westminster, he made an oath to defend God's holy churches and their rulers, to rule the whole people subject to him with righteousness and royal providence, to enact and hold fast right law, and to utterly forbid rapine and unrighteous judgments. This was in keeping with the traditional oath of a new king.

Declaring the English who fought against him to be traitors, the Conqueror declared their land confiscated. But he allowed those who were willing to acknowledge him to redeem their land by a payment of money. As William conquered the land of the realm, he parceled it out among the barons who fought with him so that each baron was given the holdings of an Anglo-Saxon predecessor, scattered though they were. The barons again made oaths of personal loyalty to him [fealty]. They agreed to hold the land as his vassals with future military services to him and receipt of his protection. They gave him homage by folding their hands within his and saying "I become your man for the tenement I hold of you, and I will bear you faith in life and member [limb] and earthly honor against all men". They held their land "of their lord", the King, by knight's service. The king had "enfeoffed" them [given them a fief: a source of income] with land. The theory that by right all land was the King's and that land was held by others only at his gift and in return for specified service was new to English thought. The original duration of a knight's fee until about 1100 was for his life; thereafter it was heritable. The word "knight" came to replace the word "thegn" as a person who received his position and land by fighting for the King. The exact obligation of knight's service was to furnish a fully armed horseman to serve at his own expense for forty days in the year. This service was not limited to defense of the country, but included fighting abroad. The baron led his own knights under his banner. The foot soldiers were from the fyrd or were mercenaries. Every free man was sworn to join in the defense of the king, his lands and his honor, within England and without.

The Saxon governing class was destroyed. The independent power of earls, who had been drawn from three great family houses, was curtailed. Most died or fled the country. Some men were allowed to redeem their land by money payment if they showed loyalty to the Conqueror. Well-born women crowded into nunneries to escape Norman violence. The people were deprived of their most popular leaders, who were excluded from all positions of trust and profit, especially all the clergy. The earldoms became fiefs instead of magistracies.

The Conqueror was a stern and fierce man and ruled as an autocrat by terror. Whenever the people revolted or resisted his mandates, he seized their lands or destroyed the crops and laid waste the countryside and so that they starved to death. This example pacified others. His rule was strong, resolute, wise, and wary. He was not arbitrary or oppressive. The Conqueror had a strict system of policing the nation. Instead of the Anglo-Saxon self-government throughout the districts and hundreds of resident authorities in local courts, he aimed at substituting for it the absolute rule of the barons under military rule so favorable to the centralizing power of the Crown. He used secret police and spies and the terrorism this system involved. This especially curbed the minor barons and preserved the public peace.

The English people, who outnumbered the Normans by 300 to 1, were disarmed. Curfew bells were rung at 7:00 PM when everyone had to remain in their own dwellings on pain of death and all fires and candles were to be put out. This prevented any nightly gatherings, assassinations, or seditions. Order was brought to the kingdom so that no man dare kill another, no matter how great the injury he had received. The Conqueror extended the King's peace on the highways, i.e. roads on high ground, to include the whole nation. Any individual of any rank could travel from end to end of the land unharmed. Before, prudent travelers would travel only in groups of twenty.

The barons subjugated the English who were on their newly acquired land. There began a hierarchy of seisin of land so that there could be no land without its lord. Also, every lord had a superior lord with the king as the overlord or supreme landlord. One piece of land may be held by several tenures. For instance, A, holding by barons' service of the King, may enfeoff B, a church, to hold of him on the terms of praying for the souls of his ancestors, and B may enfeoff a freeman C to hold of the church by giving it a certain percentage of his crops every year. There were about 200 barons who held land directly of the King. Other fighting men were the knights, who were tenants or subtenants of a baron. Knighthood began as a reward for valor on the field of battle by the king or a noble. The value of a knight's fee was 400s. [20 pounds] per year. Altogether there were about 5000 fighting men holding land.

The essence of Norman feudalism was that the land remained under the lord, whatever the vassal might do. The lord had the duty to defend the vassals on his land. The vassal owed military service to the lord and also the service of attending the courts of the hundred and the county [formerly "shire"], which were courts of the King, administering old customary law. They were the King's courts on the principle that a crime anywhere was a breach of the King's peace. The King's peace that had covered his residence and household had extended to places where he might travel, such as highways, rivers, bridges, churches, monasteries, markets, and towns, and then encompassed every place, replacing the general public peace. Infraction of the King's peace incurred fines to the King.

This feudal bond based on occupancy of land rather than on personal ties was uniform throughout the realm. No longer could a man choose his lord and transfer his land with him to a new lord. He held his land at the will of his lord, to be terminated anytime the lord decided to do so. A tenant could not alienate his land without permission of his lord. In later eras, tenancies would be held for the life of the tenant, and even later, for his life and those of his heirs.

This uniformity of land organization plus the new requirement that every freeman take an oath of loyalty directly to the king to assist him in preserving his lands and honor and defending him against his enemies, which oath would supersede any oath to any other man, gave the nation a new unity. The king could call men directly to the fyrd, summon them to his court, and tax them without intervention of their lords. And the people learned to look to the king for protection from abuse by their lords.

English villani, bordarii, cottarii, and servi on the land of the barons were subjugated into a condition of "villeinage" servitude and became "tied to the land" so that they could not leave the land without their lord's permission, except to go on a pilgrimage. The villeins formed a new bottom class as the population's percentage of slaves declined dramatically. They held their land of their lord, the baron. To guard against uprisings of the conquered people, the barons used villein labor to build about a hundred great stone castles, with moats and walls with towers around them, at easily defensible positions such as hilltops all over the nation.

A castle could be built only with permission of the King. A typical castle had a stone building of about four floors [a keep] on a small, steep hill. Later it also had an open area surrounded by a stone curtain-wall with towers at the corners. Around the outside of the wall were ditches and banks and perhaps a moat. One traveled over these via a drawbridge let down at the gatehouse of the enclosing wall. On either side of the gatehouse were chambers for the guards. Arrows could be shot through slits in the enclosing walls. Inside the enclosed area might be stables, a granary, barracks for the soldiers, and workshops. The only winter feed was hay, for which the horses, breeding animals, milkcow, and workoxen had a priority over other animals. The bulk of the cattle were usually slaughtered and salted.

The castle building typically was entered by an outer wood staircase to the guard room on the second

floor. The first [ground] floor had a well and was used as a storehouse and/or dungeons for prisoners. The second floor had a two-storied great hall, with small rooms and aisles around it within the thick walls. There was also a chapel area on the second floor. There were small areas of the third floor which could be used for sleeping. The floors were wood and were reached by a spiral stone staircase in one corner of the building. Sometimes there was a reservoir of water on an upper level with pipes carrying the water to floors below. Each floor had a fireplace with a slanted flue going through the wall to the outside. There were latrines in the corner walls with a pit or shaft down the exterior of the wall, sometimes to the moat. Furs and wool clothes were hung on the walls there in the summer to deter the moths. The first floor had only arrow slits in the walls, but the higher floors had small windows.

Some curtain-wall castles did not have a central building. In these, the hall was built along the inside of the walls, as were other continuous buildings. The kitchens and chapels were in the towers. Lodgings were in buildings along the curtain-walls, or on several floors of the towers.

The great hall was the main room of the castle. The hall was used for meals and meetings at which the lord received homages, recovered fees, and held the view of frankpledge [free pledge in Latin], in which freemen agreed to be sureties for each other and pay a claim directed at one of them if that man escaped. At the main table, the lord and his lady sat on benches with backs or chairs. The table was covered first with a wool cloth that reached to the floor, and then by a smaller white linen cloth. Everyone else sat on benches at trestle tables, which consisted of planks on trestles and could be dismantled, e.g. at night. Over the main door were the family arms. On the walls were swords ready for instant use. On the upper parts of the walls could be fox skins and perhaps a polecat skin, and keepers' and huntsmen's poles. There were often hawk perches overhead. At the midday dinner, courses were ceremonially brought in to music, and ritual bows were made to the lord. The food at the head table was often tasted first by a servant as a precaution against poison. Hounds, spaniels, and terriers lay near the hearth and cats, often with litters, nestled nearby. They might share in dinner, but the lord may keep a short stick near him to defend morsels he meant for himself. Hunting, dove cotes, and carp pools provided fresh meat. Fish was compulsory eating on Fridays, on fast days, and during Lent. Cooking was done outside on an open fire, roasting on spits and boiling in pots. Some spits were mechanized with a cogged wheel and a weight at the end of a string. Other spits were turned by a long handle, or a small boy shielded from the heat by a wet blanket, or by dogs on a treadmill. Underneath the spit was a dripping pan to hold the falling juices and fat. Mutton fat was used for candles. Bread, pies, and pastry dishes were baked in an oven: a hole in a fireproof stone wall fitted with an iron door, in which wood was first burnt to heat the oven walls. It could also be used for drying fruit or melting tallow. Fruits were also preserved in honey. Salt was stored in a niche in the wall near the hearth and put on the table in a salt cellar which became more elaborate over the years. Salt was very valuable and gave rise to the praise of a man as the salt of the earth. Costly imported spices such as cinnamon, cloves, nutmeg, ginger, pepper, and a small quantity of sugar were kept in chests. Pepper was always on the table to disguise the taste of tainted meat. Spices were tried for medicinal use. Drinks included wine, ale, cider from apples, perry from pears, and mead. People carried and used their own knives. There were no forks. Spoons were of silver or wood. People also ate with their fingers and washed their hands before and after meals. It was impolite to dig into the salt bowl with a knife not previously wiped on bread or napkin, which was linen. It was unmannerly to wipe one's knife or one's greasy fingers on the tablecloth or, to use the tablecloth to blow one's nose. Feasts were stately occasions with costly tables and splendid apparel. There were practical jokes, innocent frolics, and witty verbal debating with repartee. They played chess, checkers, and various games with cards and dice. Most people could sing and some could play the lute.

Lighting of the hall at night was by oil lamps or candles on stands or on wall fixtures. For outside activities, a lantern [a candle shielded by a metal cage with panels of finely shaved horn: lant horn] was used. The residence of the lord's family and guests was at a screened off area at the extreme end of the hall or on a higher floor. Chests stored garments and jewels. Iron keys and locks were used for chests and doors. The great bed had a wooden frame and springs made of interlaced rope or strips of leather. It was covered with a feather mattress, sheets, quilts, fur covers, and pillows. Drapery around the bed kept out cold drafts and provided privacy. There was a water bowl for washing in the morning. A chamber pot was kept under the bed for nighttime use. Hay was used as toilet paper. The lord's personal servants slept nearby on benches or trundle beds. Most of the gentlemen servants slept communally in a "knight's chamber". The floor of the hall was strewn with straw, on which common folk could sleep at night. There were stools on which to sit. Cup boards (boards on which to store cups) and chests stored spices and plate. One-piece iron shears were available to cut cloth. Handheld spindles were used for weaving; one hand held the spindle [a small stick weighted at one end] while the other hand alternately formed the thread and wound it around the spindle. On the roofs there were rampart walks for sentry patrols and parapets from which to shoot arrows or throw things at besiegers. Each tenant of the demesne [household or message] of the king where he had a castle had to perform a certain amount of castle guard duty for its continuing defense. These knights performing castle-guard



duty slept at their posts. Bathing was done in a wooden tub located in the garden in the summer and indoors near the fire in winter. The great bed and tub for bathing were taken on trips with the lord. The entire household was of men, except for the lord's lady with a few lady companions. The ladies rode pillion [on a cushion behind the saddle] or in litters suspended between two horses.

Markets grew up outside castle walls. Any trade on a lord's land was subject to "passage", a payment on goods passing through, "stallage", a payment for setting up a stall or booth in a market, and "pontage", a payment for taking goods across a bridge.

The Norman man was clean shaven on his face and around his ears and at the nape of the neck. His hair was short. He wore a long-sleeved under-tunic of linen or wool that reached to his ankles. Over this the Norman noble wore a tunic without sleeves, open at the sides, and fastened with a belt. Over one shoulder was his cloak, which was fastened on the opposite shoulder by being drawn through a ring brooch and knotted. He wore tight thick cloth stockings to protect him from the mud and leather shoes. Common men wore durable, but drab, wool tunics to the knee so as not to impede them in their work. They could roll up their stockings when working in the fields. A lady wore a high-necked, long-sleeved linen or wool tunic fitted at the waist and laced at the side, but full in the skirt, which reached to her toes. She wore a jeweled belt, passed twice around her waist and knotted in front. Her hair was often in two long braids, and her head and ears covered with a white round cloth held in place by a metal circlet like a small crown. Its ends were wound around her neck. In winter, she wore over her tunic a cloak edged or lined with fur and fastened at the front with a cord. Clothes of both men and ladies were brightly colored by dyes or embroidery. The Norman knight wore an over-tunic of leather or heavy linen on which were sewn flat rings of iron and a conical iron helmet with nose cover. He wore a sword at his waist and a metal shield on his back, or he wore his sword and his accompanying retainers carried spear and shield.

Norman customs were adopted by the nation. As a whole, Anglo-Saxon men shaved their beards and whiskers from their faces, but they kept their custom of long hair flowing from their heads. But a few kept their whiskers and beards in protest of the Normans. Everyone had a permanent surname indicating parentage, place of birth, or residence, such as Field, Pitt, Lane, Bridge, Ford, Stone, Burn, Church, Hill, Brook, Green. Other names came from occupations such as Shepherd, Carter, Parker, Fowler, Hunter, Forester, Smith. Still other came from personal characteristics such as Black, Brown, and White, Short, Round, and Long. Some took their names from animals such as Wolf, Fox, Lamb, Bull, Hogg, Sparrow, Crow, and Swan. Others were called after the men they served, such as King, Bishop, Abbot, Prior, Knight. A man's surname was passed on to his son.

Those few coerls whose land was not taken by a baron remained free and held their land "in socage" and became known as sokemen. They were not fighting men, and did not give homage, but might give fealty, i.e. fidelity. Many free sokemen were caught up in the subjugation by baron landlords and were reduced almost to the condition of the unfree villein. The services they performed for their lords were often indistinguishable. They might also hold their land by villein tenure, although free as a person with the legal rights of a freeman. The freeman still had a place in court proceedings which the unfree villein did not.

Great stone cathedrals were built in fortified towns for the Conqueror's Norman bishops, who replaced the English bishops. Bishops periodically inspected the parishes in their dioceses to maintain discipline and settle any matters that were beyond the local priest's competence, for instance the sacrament of confirmation, in which was conferred upon a Christian soul a special strengthening grace after he confirmed his belief in the tenets of Christianity. Most of the existing and new monasteries functioned as training grounds for scholars, bishops, and statesmen rather than as retreats from the world's problems to the security of religious observance. The number of monks grew as the best minds were recruited into the monasteries.

The Conqueror made the church subordinate to him. Bishops were elected only subject to the King's consent. The bishops had to accept the status of barons. Homage was exacted from them before they were consecrated, and fealty and an oath afterward. The Conqueror imposed knight's service on bishoprics, abbeys, and monasteries, which was usually commuted to a monetary amount. Bishops had to attend the King's court. Bishops could not leave the realm without the King's consent. No royal tenant or royal servant could be excommunicated, nor his lands be placed under interdict, without the King's consent. Interdict could demand, for instance, that the church be closed and the dead buried in unconsecrated ground. No church rules could be made without his agreement to their terms. No letters from the pope could be received without the King's permission. The Archbishop of Canterbury was still recognized as a primary advisor to the king. Over the years, the selection for this office frequently became a source of contention among king, pope, and clergy.

Men continued to give land to the church for their souls, such as this grant which started the town of

Sandwich: "William, King of the English, to Lanfranc the Archbishop and Hugoni de Montfort and Richard son of Earl Gilbert and Haimo the sheriff and all the thegns of Kent, French and English, greeting. Know ye that the Bishop of Bayeux my brother for the love of God and for the salvation of my soul and his own, has given to St. Trinity all houses with their appurtenances which he has at Sandwich and that he has given what he has given by my license." Many private owners of churches gave them to cathedrals or monastic communities, partly to ensure their long term survival, and partly because of church pressure.

When the land was all divided out, the barons had about 3/7 of it and the church about 2/7. Most of the barons had been royal servants. The king retained about 2/7, including forests for hunting, for himself and his family and household, on which he built many royal castles and hundreds of manor [large private estate headed by a lord] houses throughout the nation. He built the massive White Tower in London. It was tall with four turrets on top, and commanded a view of the river and bridge, the city and the surrounding countryside. The only windows were slits from which arrows could be shot. On the fourth and top floor was the council chamber and the gallery of the chapel. On the third floor was the banqueting hall, the sword room, and the chapel. The king and his household slept in apartments on these upper floors. Stairs went up to the gateway entrance on the second floor, which were hidden by a wall. The garrison's barracks were on the first floor (ground floor). Any prisoners were kept in cells at a level below the first floor. The other castles were often built at the old fortification burhs of Alfred. Each had a constable in charge, who was a baron. Barons and earls had castle-guard duty in the king's castles. The Conqueror was constantly moving about the land among his and his barons' castles, where he met with his magnates and conducted public business, such as deciding disputes about holding of land. Near his own castles and other of his property, he designated many areas as royal hunting forests. Anyone who killed a deer in these forests was mutilated, for instance by blinding. People living within the boundaries of the designated forestland could no longer go into nearby woods to get meat or honey, dead wood for firing, or live wood for building. Swineherds could no longer drive pigs into these woods to eat acorns they beat down from oak trees. Making clearings and grazing livestock in the designated forestland were prohibited. Most of the nation was either wooded or bog at this time.

London was a walled town of one and two story houses made of mud, twigs, and straw, with thatched roofs. It included a bundle of communities, townships, parishes, and lordships. There were churches, a goods market, a fish market, quays on the river, and a bridge over the river. Streets probably named by this time include Bread Street, Milk Street, Honey Lane, Wood Street, and Ironmonger Lane. Fairs and games were held outside the town walls in a field called "Smithfield". The great citizens had the land qualifications of knights and ranked as barons on the Conqueror's council. The freemen were a small percentage of London's population. There was a butchers' guild, a pepperers' guild, a goldsmiths' guild, the guild of St. Lazarus, which was probably a leper charity (of which there were many in the 1000s and 1100s), the Pilgrims' guild, which helped people going on pilgrimages, and four bridge guilds, probably for keeping the wooden London Bridge in repair. Men told the time by sundials, some of which were portable and could be carried in one's pocket. London could defend itself, and a ringing of the bell of St. Paul's Church could shut every shop and fill the streets with armed horsemen and soldiers led by a soldier portreeve. Across the Thames from London on its south side was Southwark, a small trading and fishing settlement.

The Conqueror did not interfere with landholding in London, but recognized its independence as a borough in this writ: "William the King greets William, Bishop of London, and Gosfrith the portreeve, and all the burgesses [citizens] of London friendly. Know that I will that you be worthy of all the laws you were worthy of in the time of King Edward. And I will that every child shall be his father's heir after his father's day. And I will not suffer any man to do you wrong. God preserve you."

So London was not subjected to the Norman feudal system. It had neither villeins nor slaves. Whenever Kings asserted authority over it, the citizens reacted until the king "granted" a charter reaffirming the freedoms of the city and its independence.

Under pressure from the ecclesiastical judges, the Conqueror replaced the death penalty by that of the mutilation of blinding, chopping off hands, and castrating offenders. Castration was the punishment for rape. But these mutilations usually led to a slow death by gangrene.

The Normans used the Anglo-Saxon concepts of jurisdictional powers. Thus when the Conqueror confirmed "customs" to the abbot of Ely, these were understood to include the following: 1) sac and soke - the right to hold a court of private jurisdiction and enjoy its profits, 2) toll - a payment in towns, markets, and fairs for goods and chattel bought and sold, 3) team - persons might be vouched to warranty in the court, the grant of which made a court capable of hearing suits arising from the transfer of land, 4) infangenthef - right of trying and executing thieves on one's land, 4) hamsocne [jurisdiction over breach of the right of security and privacy in a man's house, e.g. by forcible entry], 5) grithbrice - violation of the grantees' special peace, for instance that of the sheriff, 6) fightwite - fine for

a general breach of the peace, 7) fyrdwite - fine for failure to appear in the fyrd.

Every shire, now called "county", had at least one burh, or defensible town. Kings had appointed a royal moneyer in each burh to mint silver coins such as pennies for local use. On one side was the King's head in profile and on the other side was the name of the moneyer. When a new coinage was issued, all moneyers had to go to London to get the new dies. The Conqueror's head faced frontally on his dies, instead of the usual profile used by former Kings.

The Conqueror held and presided over his council three times a year, as was the custom, at Easter, Christmas, and Whitsuntide, which coincided with the great Christian festivals. This was an advisory council and consisted of the Conqueror's wife and sons, earls, barons, knights, officers of the King's household, archbishops, and bishops. It replaced the witan of wise men. It dealt with fundamental matters of law, state, war, and church. Earldoms and knighthoods were conferred and homages to the king were witnessed. Bishops were nominated. Attendance at the council, like attendance at courts, was regarded as a burden rather than a privilege. The Conqueror's will was the motive force which underlay all the council's action. When it was administering royal justice, it was called the Royal Court.

The Justiciar was the head of all legal matters and he or the Conqueror's wife represented the King at the Royal Court in his absence from the realm. The chamberlain was a financial officer of the household; his work was rather that of auditor or accountant. The Chancellor headed the Chancery and the chapel. Other household offices were steward, butler, constable, and marshal. The Treasurer was responsible for the collection and distribution of revenue and was the keeper of the royal treasure at the palace at Winchester. He was also an important member of the household and sat in the Exchequer at Westminster, where he received the accounts of the sheriffs. The Exchequer was composed of the Justiciar as head, the chancellor, the constable, two chamberlains, the marshal and other experienced councilors. The word "Exchequer" came from the chequered cloth on the table used to calculate in Roman numerals the amount due and the amount paid. The word "calculate" derives from the word "calculi", meaning pebbles. It was a kind of abacus. The Exchequer received yearly from the sheriffs of the counties taxes, fines, treasure trove, goods from wrecks, deodands, and movable property of felons, of persons executed, of fugitives, and of outlaws due to the Crown. The Conqueror presided yearly over feasts involving several thousand guests at Westminster Hall, which was 250 feet by 70 feet with a high ceiling, the largest hall in England.

The Conqueror's reign was a time of tentative expedients and simple solutions. He administered by issuing writs with commands or prohibitions. These were read aloud by the sheriffs in the county courts and other locations. Administration was by the personal servants of his royal household, such as the chancellor, chamberlain, constable, marshals, steward, and butler. The language of government changed to Latin. The chancellor was from the clergy and supervised the writers and clerks, who were literate, and appended the great seal before witnesses to documents. He also headed the staff of the royal chapel. The chamberlain was a financial officer who audited and accounted. The constable was responsible for supplies for the knights of the royal household. He also supervised the care of horses, hounds, hawks, and huntsmen, houndsmen, and foresters. The marshals came from less important families than the constable and they preserved order in the king's hall and recorded expenditures of the household officers on tallies. The steward was a great baron whose duties were chiefly ceremonial, such as placing the dishes before the king at banquets.

Sheriffs, who had first been head of shires, became powerful figures as the primary agents for enforcing royal edicts. There was no longer supervision of them by earls nor influence on them by bishops. They were customarily prominent barons. They collected the royal taxes, executed royal justice, and presided over and controlled the hundred and county courts. They were responsible for remitting a certain sum annually. If a sheriff received more than necessary, he retained the difference as his lawful profit of office. If he received less than necessary, he had to make up the difference from his own pocket. Before rendering this account, he paid the royal benefactions to religious houses, provided for the maintenance of stock on crown lands, paid for the costs of provisions supplied to the court, and paid for traveling expenses of the king and his visitors. The payments were initially paid in kind: e.g. grain, cattle, horses, hounds, and hawks. Sheriffs also took part in the keeping of castles and often managed the estates of the King. Most royal writs were addressed to the sheriff and county courts. They also led the county militia in time of war or rebellion. At times, a sheriff usurped royal rights, used royal estates for his own purposes, encroached on private land and rights, extorted money, and collected revenues only for his own pockets. Over the centuries, there was much competition for the authority to select the sheriff, e.g. by the king, the county court, the barons, and the Exchequer. There was also much pressure to limit his term to one year. Over time, the powers of the sheriffs slowly declined.

Royal income came from customary dues, profits of coinage and of justice, and revenues from the King's own estates. For war, there was no change in the custom that a man with five hides of land was

required to furnish one heavy armed horseman for forty days service in a year. The fyrd was retained. A threat of a Viking invasion caused the Conqueror to reinstate the danegeld tax at 6s. per hide, which was three times its old rate. (The price of an ox was still about 30d.) To impose this tax uniformly, he sent commissioners to conduct surveys by sworn verdicts of appointed groups of local men. A detailed survey of land holdings and the productive worth of each was made in 1086. The English called it the "Doomsday Book" because there was no appeal from it.

The survey revealed, for instance, that one estate had "on the home farm five plough teams: there are also 25 villeins and 6 cotters with 14 teams among them. There is a mill worth 2s. a year and one fishery, a church and four acres of meadow, wood for 150 pigs and two stone quarries, each worth 2s. a year, and two nests of hawks in the wood and 10 slaves." This estate was deemed to be worth 480s. a year.

Laxton "had 2 carucates of land [assessed] to the geld. [There is] land for 6 ploughs. There Walter, a man of [the lord] Geoffrey Alselin's has 1 plough and 22 villeins and 7 bordars [a bordar had a cottage and a small amount land in return for supplying small provisions to his lord] having 5 ploughs and 5 serfs and 1 female serf and 40 acres of meadow. Wood [land] for pannage [foraging by pigs] 1 league in length and half a league in breadth. In King Edward's time it was worth 9 pounds; now [it is worth] 6 pounds."

Ilbert de Laci has now this land, where he has twelve ploughs in the demesne; and forty-eight villani, and twelve bordars with fifteen ploughs, and three churches and three priests, and three mills of ten shillings. Wood pastures two miles long, and one broad. The whole manor five miles long and two broad. Value in King Edward's time sixteen pounds, the same now.

That manor of the town of Coventry which was individually held was that of the Countess of Coventry, who was the wife of the earl of Mercia. "The Countess held in Coventry. There are 5 hides. The arable land employs 20 ploughs. In the demesne lands there are 3 ploughs and 7 bondmen. There are 50 villeins and 12 bordars with 20 ploughs. The mill there pay[s] 3 shillings. The woodlands are 2 miles long and the same broad. In King Edward's time and afterwards, it was worth 22 pounds [440 s.], now only 11 pounds by weight. These lands of the Countess Godiva Nicholas holds to farm of the King."

The survey shows a few manors and monasteries owned a salthouse or saltpit in the local saltworks, from which they were entitled to obtain salt.

In total there were about 110,000 villani [former coerls regarded as customary, irremovable cultivator tenants]; 82,000 bordarii; 7,000 cotarii and cotseti [held land by service of labor or rent paid in produce], and 25,000 servi [landless laborers]. There are no more theows. This survey resulted in the first national tax system of about 6s. per hide of land.

The survey also provided the Conqueror with a summary of customs of areas. For instance, in Oxfordshire, "Anyone breaking the King's peace given under his hand and seal to the extent of committing homicide shall be at the King's mercy in respect of his life and members. That is if he be captured. And if he cannot be captured, he shall be considered as an outlaw, and anyone who kills him shall have all his possessions. The king shall take the possessions of any stranger who has elected to live in Oxford and who dies in possession of a house in that town, and without any kinfolk. The king shall be entitled to the body and the possessions of any man who kills another within his own court or house excepting always the dower of his wife, if he has a wife who has received dower.

The courts of the king and barons became schools of chivalry wherein seven year old noble boys became pages or valets, wore a dagger and waited upon the ladies of the household. At age fourteen, they were advanced to squires and admitted into more familiar association with the knights and ladies of the court. They perfected their skills in dancing, riding, fencing, hawking, hunting, jousting, and engaged in team sports in which the goal was to put the other side to rout. They learned the knightly art of war. Enemy fighters were to be taken and held for ransom rather than killed. Those engaging in rebellion were to be pardoned and restored to some or all of their lands and titles. Lords' sons could be mutually exchanged with an enemy's as security for peace. After achieving knighthood, a man usually selected a wife from the court at which he grew up. Parents tried to send their daughters to a household superior in social status not only to learn manners, but to make a good marriage. A girl who did not marry was often sent to a nunnery; a dowry was necessary before her acceptance.

The following incidents of land tenure began (but were not firmly established until the reign of Henry II). Each tenant, whether baron or subtenant, was to pay an "aid" in money for ransom if his lord was captured in war, for the knighthood of his lord's eldest son, and for the marriage of his lord's eldest daughter. The aid was theoretically voluntary. Land could be held by an heir only if he could fight. The eldest son began to succeed to the whole of the lands in all military tenures. Actually, William and his sons insisted on undivided succession rather than a strict application of the primogeniture rule that the

eldest son inherit. Younger sons of great houses became bishops. An heir of a tenant had to pay a heavy "relief" on succession to his estate. The relief replaced the heriot. If there was a delay in proving heirship or paying relief, the lord would hold the land and receive its income in the meantime, often a year. If an heir was still a minor or female, he or she passed into his lord's wardship, in which the lord had guardianship of the heir and possession of the estate, with all its profits. The mother was not made a minor's guardian. No longer was the estate protected by the minor's kin as his birthright. A female heir was expected to marry a man acceptable to the lord. The estate of an heiress and her land was generally sold to the highest bidder. If there were no heirs, the land escheated [reverted] to the lord. If a tenant committed felony, his land escheated to his lord. The word "felony" came from the Latin word meaning "to deceive" and referred to the feudal crime of betraying or committing treachery against one's lord.

Astrologers resided with the families of the barons. People went to fortune tellers' shops. There was horse racing, steeple races, and chess for recreation. Girls had dolls; boys had toy soldiers, spinning tops, toy horses, ships, and wooden models.

The state of medicine is indicated by this medical advice brought to the nation by William's son after treatment on the continent: "If thou would have health and vigor Shun cares and avoid anger. Be temperate in eating And in the use of wine. After a heavy meal Rise and take the air Sleep not with an overloaded stomach And above all thou must Respond to Nature when she calls."

The Conquerer allowed Jewish traders to follow him from Normandy and settle in separate sections of the main towns. Then engaged in long distance trade, money changing, and money lending. They loaned money for interest for the building of castles and cathedrals. Christians were not allowed by the church to engage in this usury. The Jews could not become citizens nor could they have standing in the local courts. Instead, a royal justiciar secured justice for them. They could practice their own religion.

William the Conquerer was succeeded as king by his son William II (Rufus), who transgressed many of the customs of the nation to get more money for himself. He was killed by an arrow of a fellow hunter while they and William's younger brother Henry were hunting together in a crown forest. Henry then became king.

## The Law

The notion of the king's peace extended until it was the normal and general safeguard of the public order.

The Norman conquerors brought no code of written law. William's laws largely affirmed the laws of the nation as they were in the times of Edward I. These are substantially all of the laws of William I:

All freemen shall swear an oath of loyalty to William I and shall uphold his lands and honors and defend them against enemies and aliens. William will protect them and exact no more than legally owed service.

If a Frenchman summons an Englishman for perjury, murder, theft, homicide or open robbery, the Englishman shall defend himself by whichever method he prefers, either the ordeal of iron or trial by combat. The person defeated shall pay a fine to the king. If an Englishman summons a Frenchman and declines to prove the charge by ordeal or by combat, the Frenchman shall clear himself by a comprehensive oath.

For a charge of outlawry, an Englishman shall clear himself by the ordeal of iron. When an Englishman brings a charge of outlawry against a Frenchman, the Frenchman will defend himself by combat or by a comprehensive oath, at the choice of the Englishman.

All the men whom I brought with me [Normans] or who come after me shall enjoy my protection. If any of them is slain, his lord shall arrest the slayer within five days, if he can. If not, he shall begin to pay me a "murdrum" fine of 46 marks of silver from the property of that lord as long as it lasts. If the property of the lord fails, the whole hundred in which the murder was committed shall pay in common what remains.

All freemen shall be in a frankpledge, so that the frankpledge may bring him to justice, if he has committed an offense or the members of the frankpledge shall pay the claim unless clearing themselves of the charge of any knowledge of fraud by the runaway. The hundred and county courts shall be attended as before. Those who are required to appear shall be summoned once. And if they refuse to appear on the second summons, an ox [worth 30d.] shall be confiscated. And so for the third summons, another ox. And if they refuse the fourth summons, the "ceapgeld" [120s.] shall be paid and also the fine for insubordination.

"Everyone who wishes to be admitted to the benefit of the law and to be qualified to obtain legal rights shall be in frankpledge."

In Mercia, a surety has a month and a day to find an escaped person accused of larceny or robbery, or else shall swear with eleven compurgators that he had not known him to be a thief, that he was not accessory to his flight, and that he cannot find him. Then he shall pay for the stolen goods and 20s. in lieu of the head of the accused man and 4d. to the jailor, a farthing for the spade, and 40s. to the king.

Every lord shall be personally responsible as surety for his servant so that, if an accusation is brought against him, he shall bring him for trial in the hundred court. And if he escapes while he is under the accusation, the lord shall pay his wergeld. And if the lord is accused of being an accessory to his flight, he shall clear himself with 5 compurgators, and if he cannot, he shall pay compensation to the king; and the man shall be an outlaw.

All freemen shall keep themselves supplied with arms and horses or pay the full fine of insubordination.

All earls, barons, knights, tenants by serjeanty and all free men shall be ready to perform their service defending me against enemies and aliens, by virtue of their fiefs, which are hereditary. Or pay the fine for insubordination.

The heriot of an earl, which falls to the King, is 8 horses - 4 of them bridled and saddled - 4 coats of mail, 4 helmets, 4 shields, 4 lances and 4 swords. Of the other 4 horses, 2 shall be hunters and 2 riding horses with bridles and halters. The heriot of a baron is 4 horses - 2 bridled and saddled - 2 coats of mail, 2 helmets, 2 shields, 2 swords and 2 lances. And of the other 2 horses, 1 shall be a hunter and 1 a riding horse with bridles and halters. The heriot of a thegn of lower rank to his liege lord shall be discharged by (delivering up) his father's horse, as it was in the day of his death, his helmet, his shield, his coat of mail, and lance and his sword. And if he was without equipment, having neither horse nor arms, it shall be discharged by the payment of 100 s. The heriot of a villain: he shall give to this lord the best animal that he has, either a horse, an ox, or a cow. And further all villeins shall be in frankpledge. For those who hold their land by the payment of rent, the legal heriot shall be the equivalent of a year's rent.

No one shall entertain a man for more than 3 days, unless he is committed to this charge by the man with whom he was formerly serving. And no one shall let any of his men leave him after an accusation has been brought against him. All men shall keep the law of Edward relating to the tenure of estates.

I prohibit the slaying or hanging of anyone for any offense, but his eyes shall be put out and he shall suffer castration, so the trunk remains alive as a sign of his treachery and wickedness. If a person violates this, he shall pay the insubordination fee.

All cities, boroughs, castles, hundreds and wapentakes shall be guarded every night on all sides against malefactors and enemies, as our sheriffs, ealdormen, reeves and other officials and servants best provide.

The protection of the church is inviolable. Whatever crime a man has committed, if he can make his way to a holy church, he shall have protection for life and limb. And if anyone lays hands on him there, he shall pay for anything he has taken and a fine of 100s. for a bishop's church, abbey or monastery, 20s. for a parish church, and 10s. for a chapel.

"If a man wishes to prove against his lord that he has an agreement for his land, he must do so by means of his fellow-tenants whom he summons as witnesses, for he cannot do so by means of strangers."

If a man slays another he shall pay manbot to the lord of the slain man in the amount of 10s. for a free man and 20s. for a slave.

The wergeld of a thegn is 20 pounds in Mercia and 25 pounds in Wessex. The wergeld of a villain is 100s. (20s. would buy a stallion, 10s. a bull and 5s. a boar.) 10s. of the wergeld shall be paid to the widow and children and the relatives and orphans shall divide what remains among themselves.

The archbishop shall have as compensation for breach of his protection 40s. in Mercia, a bishop 20s., an earl 20s., a baron 10s., and a sokeman 40d.

If a man wounds another he shall pay for medical attendance and if he is wounded on the face, or a part which is visible, for every inch 8d., on the head or any hidden place, for every inch 4d., for every piece of bone drawn out of the wound 4d.

If a man cuts off the hand or foot of another, he shall pay half his wergeld according to his inherited rank. For the thumb he shall pay half the value of his hand, for the finger next the thumb, 15s. according to the English reckoning (i.e. 4d. to the shilling), for the middle finger 16s., for the ring-finger 17s., for the little finger 5s., for the nail if it is cut away from the flesh, 5 English s., for the nail of the little finger 4d.

"If a man poisons another, he shall be slain or sent into permanent exile."

There is a 100s. fine for violation of the king's peace or attack on people's houses or for premeditated waylaying.

If anyone slays or assaults anyone who is traveling through the country on any of the following four highways, namely, Watling Street, Ermine Street, the Fosse Way, the Icknied Way, he violates the king's peace. (Two of these streets extended the length of the kingdom and two extended across its width.)

For the guarding of roads, every 10 hides of the hundred shall supply a man between Michaelmas and Martinmas, or pay compensation for any livestock taken over the road, unless they have raised the hue and cry of been subject to force.

A peasant is not to be harassed or ejected except for not performing his legal services. A peasant leaving the estate where he was born must be returned to it.

If a father finds his daughter in adultery in his own or in his son-in-laws house, he may slay the adulterer. The same holds for a son and his mother during the father's lifetime.

"He who assaults the wife of another man shall forfeit his wergeld to his lord."

"If anyone assaults a woman he shall suffer castration as a penalty."

"If a woman who is pregnant is sentenced to death or to mutilation, the sentence shall not be carried out until she is delivered."

If anyone knocks out a man's eye by any kind of accident, he shall pay 70 English shillings as compensation. And if he destroys the sight without displacing the pupil, he shall pay only half the sum.

"If a man dies intestate [without a will], his children shall divide the inheritance equally among themselves."

And if anyone comes upon a thief and of his own accord lets him escape, without raising the hue and cry, he shall make compensation by the payment of the thief's value or clear himself.

"And if anyone hears the hue and cry and neglects it, he shall pay the fine for neglecting it to the king, or clear himself."

If a man captures a thief without the hue and cry being given, the injured man shall pay 10s. as a fine for neglecting to arrest the thief.

If theft is discovered on anyone's land and the thief is discovered, the lord of the estate and the thief's wife shall have half of his property and the claimants shall have their goods, if they find them. And with regard to the other half, if the theft is discovered in a district over which the lord has rights of jurisdiction, the wife shall lose her share and it shall pass to the lord.

"Further, we forbid the buying or selling of any livestock except within towns and before three trustworthy witnesses, likewise that of any second-hand goods without a surety and warrantor." The penalty is twice the value of the goods and the fine for insubordination.

No one shall buy anything of 4d. in value, either livestock or other property, unless he has 4 men as witnesses either from a town or a village. If anyone claims it and he has no witnesses and no warrantor, the goods shall be given up to the claimant and the fine shall be paid to the party who is entitled thereto. And if he has such witnesses, vouching to warranty shall take place three times; and on the fourth occasion he shall prove his ownership of it or deliver it up.

If anyone has taken livestock into his care, whether horses or oxen or cows or sheep or pigs, the man who claims them shall pay 8d. and no more in return for the care of them, however many there are up to a hundred head of cattle. As for one pig, 1d. for one sheep, 1d., and so on up to 8d. And he shall give pledge and find surety, that if another man comes forward within a year and a day to claim them, he will bring it for decision to the court of the man who had taken them into his own care.

Strayed livestock and found property shall be exhibited in three parts of the neighborhood. Anyone

who claims it shall give pledge and surety and if another claims it within a year and a day, he will bring it for decision to the court of the man who found it.

The attachment of livestock: If anyone desires to claim it as stolen, and is willing to give pledge and find surety for prosecuting his claim, he who has possession of it must name his warrantor if he has one. If not, he shall name his surety and his witnesses, and produce them at the appointed day and time, if he has them, and the claimant shall give a pledge with 5 compurgators, and the other shall give the livestock into the hands of his warrantor or his surety, whichever of these he has. And if he has neither but has witnesses that he bought it in the public market and that he does not know whether his warrantor or his pledge is dead or alive, he shall swear to this along with his witnesses with a simple oath. In this way he shall lose his goods, but escape punishment, if they bear witness that he obtained a surety for them. And, in Mercia, if he can produce neither warrantor nor witness, he shall lose the goods and pay in addition compensation to the claimant and forfeit is wergeld to his lord. And if he can prove that it is of his own breeding by means of witnesses drawn from three parts of his neighborhood he shall have won his case.

There shall be no market or fair except in boroughs or castles or other enclosed or well-guarded places.

Weights and measures shall be stamped and reliable as before.

"Likewise if slaves have remained for a year and a day, without being claimed, in our cities or in our walled boroughs or in our castles, from that day they shall become free men."

I forbid anyone to sell a Christian out of the country, especially into heathen lands, or pay the fine for insubordination to me.

Anyone can set free a slave of his by presenting him to the sheriff in the county court and giving him the arms of a freeman, namely a lance and sword.

If I cast your things overboard from a ship in fear of death, then you cannot bring a charge against me. The things that remained in the ship shall be divided in common according to the value of the goods originally belonging to each person.

He who possesses livestock of the value of 30 d. shall pay Peter's Pence, and then his laborers, herdsman, and servants shall be exempt. Otherwise he shall pay a fine of 30d. to the bishop and 40s. to the king.

If a man accuses another of theft and the latter is a free man and can produce witnesses to prove that he is entitled to the benefit of the law, he shall clear himself by the simple oath (of exculpation). And those who have been (previously) accused shall clear themselves by the oath with selected compurgators, that is by means of 14 qualified men nominated (by the court) of whom 11 must act as the accused man's compurgators to clear him of the charge, if he can find as many to do so. And if he cannot find them, he shall defend himself against the charge by the ordeal. And the plaintiff shall swear by means of 7 men nominated (by the court), of whom 5 must act as his compurgators, that he does nothing through malice or for any other reason than to obtain his legal right.

And if anyone is accused of breaking into a church or a treasury, and has no previous convictions, he shall clear himself with 11 compurgators found among 14 qualified men nominated (by the court). And if he has been previously accused, he shall clear himself with three times as many, namely with 35 compurgators found among 42 qualified men nominated (by the court). And if he cannot find them, he shall go to the triple ordeal, just as he had (to produce) a triple oath. And if he has previously paid compensation for theft, he shall go to the water ordeal.

He who gives a false judgment shall forfeit his wergeld to his lord, unless he can swear on the holy relics that he did not know how to give a better decision.

No one shall be condemned to death for a trivial crime, but another penalty shall be devised according to the nature and magnitude of the crime.

He who makes an unjust judgment because of rage, malice, or bribery forfeits 40s. to the king and loses his right of jurisdiction.

A judgment given in a case between those concerned cannot affect injuriously others who are not present.

He who refuses to observe just law and just judgment shall forfeit a fine to the party who is entitled



thereto, the king 6 pounds, an earl 40s. and to all those who have a court in England.

No one shall appeal to the king until he fails to obtain justice in the hundred or county courts.

"When a man carries on a suit in any court other than that in which the king is present in person, and it is maintained against him that he has said something which he will not acknowledge - if he can prove by means of a trustworthy man, who has seen and heard all the suit, that he did not say it, then the validity of his word shall be admitted."

"And if anyone who has charges brought against him in the hundred court to such an extent that 4 men accuse him, he shall clear himself with 11 compurgators."

"No one shall make distraint of property whether in the county court or outside it, until he has demanded justice three times in the hundred or in the county courts." If the man against whom he is bringing his charge fails to appear the fourth time, he shall get leave to make distraint for what is his own.

If anyone who is accused and against whom evidence of untrustworthiness is given fails three times to attend the court proceedings, and if, at the fourth meeting of the court, the summoners bring forward his three defections, he shall once more be asked to find a surety and appear before the court. And if he refuses, he shall be seized, alive or dead, and all that he has shall be taken, and the value of his goods shall be paid to the claimant, and the lord of the thief shall take half of what remains and the hundred half.

One God shall be honored throughout the kingdom.

By charter, William granted to Londoners all the rights they had in the time of King Edward and willed that every child should be his father's heir.

#### Judicial Procedure

"Ecclesiastical" courts were created for bishops to preside over cases concerning the cure of souls and criminal cases, in which the ordeal was used. When the Conqueror did not preside over this court, an appeal could be made to him.

The hundred and county courts now sat without clergy and handled only "civil" cases. They were conducted by the King's own appointed sheriff. Only freemen and not bound villeins had standing in this court. They continued to transact their business in the English language.

The local jurisdictions of thegns who had grants of sac and soke or who exercised judicial functions among their free neighbors were now called "manors" and their owners conducted a manor court.

The Conqueror's Royal Court ["Curia Regis"] replaced the witan. It was composed of those to whom William had made grants of land on the understanding that they should perform certain feudal services to him. When the Conqueror wished to determine the national laws, he summoned twelve elected representatives of each county to declare on oath the ancient lawful customs and law as they existed in the time of the popular King Edward the Confessor. The recording of this law was begun. A person could spend months trying to catch up with the Royal Court to present a case. Sometimes the Conqueror sent the Justiciar or commissioners to hold his Royal Court in the various districts. The commissioner appointed groups of local men to give a collective verdict upon oath for each trial he conducted. The Conqueror allowed, on an ad hoc basis, certain high-level people such as bishops and abbots and those who made a large payment, to have land disputes decided by an inquiry of recognitors. Besides royal issues, the Royal Court heard appeals from lower court decisions. It used English, Norman, feudal, Roman, and canon law legal principles to reach a decision, and was flexible and expeditious. The powers of the shire court were lessened by the expanding authority of the Royal Court.

Trial by combat could be used in two instances: 1) a dispute between a Frenchman and an Englishman over seisin of land initiated by a writ of right, or 2) a criminal appeal of felony brought by an Englishman or Frenchman against the other. Each combatant first swore to the truth of his cause and undertook to prove by his body the truth of his cause by making the other surrender by crying "craven" [craving forgiveness]. The combatants used weapons like pickaxes and shields. Presumably the man in the wrong would not fight as well because he was burdened with a guilty conscience. Although this trial was thought to reflect God's will, it favored the physically fit and adept person. After losing the trial by combat, the guilty person would be punished appropriately.

London had its own traditions. All London citizens met at its folkmote, which was held three times a

year to determine its public officers, to raise matters of public concern, and to make ordinances. Its criminal court had the power of outlawry as did the county courts. Trade, land, and other civil issues were dealt with by the Hustings Court, which met every Monday in the Guildhall. The city was divided into wards, each of which was under the charge of an elected alderman [elder man]. (The election was by a small governing body and the most wealthy and reputable men and not a popular election.) The aldermen had special knowledge of the law and a duty to declare it at the Hustings Court. Each alderman also conducted wardmotes in his ward and decided criminal and civil issues between its residents. Within the wards were the guilds of the city.

King William I decided a lawsuit regarding land on the basis of testimony of the county thus: "William, by God's grace king of the English, to Bishop Walkelin, {Sheriff} Hugh de Port and his lieges of Hampshire, greeting. I notify you that I have restored to Archbishop Thomas of York one hide of land pertaining to the church of Mottisfont, as Archbishop Ealdred best had it at the time of King Edward, in meadows and wood and pasture and in common pasturage for as many animals as the maximum he could have there at the time of King Edward, as was testified before Bishop [William] of Durham and Bertram de Verdun and devised by the men of the county. Farewell. Witnesses: Bishop William of Durham and Bertram de Verdun."

The Royal Court decided this case: "At length both parties were summoned before the King's court, in which there sat many of the nobles of the land of whom Geoffrey, bishop of Coutances, was delegated by the King's authority as judge of the dispute, with Ranulf the Vicomte, Neel, son of Neel, Robert de Usepont, and many other capable judges who diligently and fully examined the origin of the dispute, and delivered judgment that the mill ought to belong to St. Michael and his monks forever. The most victorious King William approved and confirmed this decision."

## Chapter 5

The Times: 1100-1154

King Henry I, son of William the Conqueror, furthered peace between the Normans and native English by his marriage to a niece of King Edward the Confessor called Matilda. She married him on condition that he grant a charter of rights undoing some practices of the past reigns of William I and William II. Peace was also furthered by the fact that Henry I had been born in England and English was his native tongue. The private wars of lords were now replaced by less serious mock battles.

Henry was a shrewd judge of character and of the course of events, cautious before taking action, but decisive in carrying out his plans. He was faithful and generous to his friends. He showed a strong practical element of calculation and foresight. Although illiterate, he was intelligent and a good administrator. He had an efficient intelligence gathering network and an uncanny knack of detecting hidden plans before they became conspiratorial action. He made many able men of inferior social position nobles, thus creating a class of career judges and administrators in opposition to the extant hereditary aristocracy. He loved books and built a palace at Oxford to which he invited scholars for lively discussion. Euclid's "Elements" ", which deduced from axioms the properties of lines, circles, and spheres, was introduced into England.

Queen Matilda served as regent of the kingdom in Henry's absence, as William's queen had for him. Both queens received special coronation apart from their husbands; they held considerable estates which they administered through their own officers, and were frequently composed of escheated honors. Matilda was learned and a literary patron. She founded an important literary and scholastic center. Her compassion was great and her charities extensive. In London she founded several almshouses and a caregiving infirmary for lepers. These were next to small monastic communities. She also had new roads and bridges built.

Henry issued charters restoring customs which had been subordinated to royal impositions by previous Kings, which set a precedent for later Kings. His coronation charter describes certain property rights he restored after the oppressive reign of his brother, William II.

"Henry, King of the English, to Samson the bishop, and Urse of Abbetot, and to all his barons and faithful vassals, both French and English, in Worcestershire, greeting.

[1.] Know that by the mercy of God and by the common counsel of the barons of the whole kingdom of England I have been crowned king of this realm. And because the kingdom has been oppressed by unjust exactions, I now, being moved by reverence towards God and by the love I bear you all, make free the Church of God; so that I will neither sell nor lease its property; nor on the death of an archbishop or a bishop or an abbot will I take anything from the demesne of the Church or from its

vassals during the period which elapses before a successor is installed. I abolish all the evil customs by which the kingdom of England has been unjustly oppressed. Some of those evil customs are here set forth.

[2.] If any of my barons or of my earls or of any other of my tenants shall die his heir shall not redeem his land as he was wont to do in the time of my brother, but he shall henceforth redeem it by means of a just and lawful relief. Similarly the men of my barons shall redeem their lands from their lords by means of a just and lawful relief.

[3.] If any of my barons or of my tenants shall wish to give in marriage his daughter or his sister or his niece or his cousin, he shall consult me about the matter; but I will neither seek payment for my consent, nor will I refuse my permission, unless he wishes to give her in marriage to one of my enemies. And if, on the death of one of my barons or of one of my tenants, a daughter should be his heir, I will dispose of her in marriage and of her lands according to the counsel given me by my barons. And if the wife of one of my tenants shall survive her husband and be without children, she shall have her dower and her marriage portion [that given to her by her parents], and I will not give her in marriage unless she herself consents.

[4.] If a widow survives with children under age, she shall have her dower and her marriage portion, so long as she keeps her body chaste; and I will not give her in marriage except with her consent. And the guardian of the land, and of the children, shall be either the widow or another of their relations, as may seem more proper. And I order that my barons shall act likewise towards the sons and daughters and widows of their men.

[5.] I utterly forbid that the common mintage [a forced levy to prevent loss to the King from depreciation of the coinage], which has been taken from the towns and counties, shall henceforth be levied, since it was not so levied in the time of King Edward [the Confessor]. If any moneyer or other person be taken with false money in his possession, let true justice be visited upon him.

[6.] I forgive all pleas and all debts which were owing to my brother, except my own proper dues, and except those things which were agreed to belong to the inheritance of others, or to concern the property which justly belonged to others. And if anyone had promised anything for his heritage, I remit it, and I also remit all 'reliefs' which were promised for direct inheritance.

[7.] If any of my barons or of my men, being ill, shall give away or bequeath his movable property, I will allow that it shall be bestowed according to his desires. But if, prevented either by violence or through sickness, he shall die intestate as far as concerns his movable property, his widow or his children, or his relatives or one of his true men shall make such division for the sake of his soul, as may seem best to them.

[8.] If any of my barons or of my men shall incur a forfeit, he shall not be compelled to pledge his movable property to an unlimited amount, as was done in the time of my father [William I] and my brother; but he shall only make payment according to the extent of his legal forfeiture, as was done before the time of my father and in the time of my earlier predecessors. Nevertheless, if he be convicted of breach of faith or of crime, he shall suffer such penalty as is just.

[9.] I remit all murder fines which were incurred before the day on which I was crowned King; and such murder fines as shall now be incurred shall be paid justly according to the law of King Edward [by sureties].

[10.] By the common counsel of my barons I have retained the forests in my own hands as my father did before me.

[11.] The knights, who in return for their estates perform military service equipped with a hauberk [long coat] of mail, shall hold their demesne lands quit of all gelds [money payments] and all labor services; I make this concession as my own free gift in order that, being thus relieved of so great a burden, they may furnish themselves so well with horses and arms that they may be properly equipped to discharge my service and to defend my kingdom.

[12.] I establish a firm peace in all my kingdom, and I order that this peace shall henceforth be kept.

[13.] I restore to you the law of King Edward together with such emendations to it as my father [William I] made with the counsel of his barons.

[14.] If since the death of my brother, King William [II], anyone shall have seized any of my property, or the property of any other man, let him speedily return the whole of it. If he does this no penalty will be exacted, but if he retains any part of it he shall, when discovered, pay a heavy penalty to me.

Witness: Maurice, bishop of London; William, bishop-elect of Winchester; Gerard, bishop of Hereford; Henry the earl; Simon the earl; Walter Giffard; Robert of Montfort-sur-Risle; Roger Bigot; Eudo the steward; Robert, son of Haimo; and Robert Malet.

At London when I was crowned. Farewell."

Henry took these promises seriously, which resulted in peace and justice. Royal justice became a force to be reckoned with by the multiplication of justices. Henry had a great respect for legality and the forms of judicial action. He became known as the "Lion of Justice".

The payment of queen's gold, that is of a mark of gold to the queen out of every hundred marks of silver paid, in the way of fine or other feudal incident, to the king, probably dates from Henry I's reign.

A woman could inherit a fief if she married. The primary way for a man to acquire control of land was to marry an heiress. If a man were in a lower station than she was, he had to pay for his new social status as well as have royal permission. A man could also be awarded land which had escheated to the King. If a noble woman wanted to hold land in her own right, she had to make a payment to the King. Many widows bought their freedom from guardianship or remarriage from the King. Women whose husbands were at war also ran the land of their husbands.

Barons were lords of large holdings of farmland called "manors". Many of the lesser barons left their dark castles to live in semi-fortified stone houses, which usually were of two rooms with rug hangings for drafts, as well as the sparse furniture that had been common to the castle. There were shuttered windows to allow in light, but which also let in the wind and rain when open. The roof was of thatch or narrow overlapping wood shingles. The stone floor was strewn with hay and there was a hearth near the center of the floor, with a louvered smoke hole in the timber roof for escape of smoke. There were barns for grain and animals. Beyond this area was a garden, orchard, and sometimes a vineyard. The area was circumscribed by a moat over which there was a drawbridge to a gatehouse.

The smaller room was the lord and lady's bedroom. It had a canopied bed, chests for clothing, and wood frames on which clothes could be hung. Life on the manor revolved around the larger room, or hall, where the public life of the household was passed. There, meals were served. The daily diet typically consisted of milk, soup, porridge, fish, vegetables, and bread. Open hospitality accompanied this communal living. There was little privacy. Manor household villeins carried the lord's sheaves of grain to the manor barn, shored his sheep, malted his grain, and chopped wood for his fire. At night some slept on the floor of the hall. Others, who were cottars and bordars, had their own dwellings nearby.

The manor house of lesser lords or knights was still built of wood, although it often had a stone foundation.

About 35% of the land was arable land, about 25% was common pasture land (for grazing only) or meadow land (near a stream or river and used for hay or grazing), and about 15% was woodland. There were these types of land and wasteland on each manor. The arable land was allotted to the villeins in strips to equalize the best and worst land and their distance from the village where the villeins lived. There was three-way rotation of wheat or rye, oats or barley, and fallow land. Cows, pigs, sheep, and fowl were kept. The meadow was allocated for hay for the lord's household and each villein's. The villeins held land of their lord for various services such as agricultural labor or raising domestic animals. The villeins worked about half of their time on their lord's fields [his demesne land], which was about a third of the farmland. This work was primarily to gather the harvest and to plough with oxen, using a yoke over their shoulders, and to sow in autumn and Lent. They threshed grain on barn floors with flails cut from holly or thorn, and removed the kernels from the shafts by hand. Work lasted from sunrise to sunset and included women and children. The older children could herd geese and pigs, and set snares for rabbits. The young children could gather nuts and berries in season and other wild edibles, and could pick up little tufts of wool shed by sheep. The old could stay in the hut and mind the children, keep the fire going and the black pot boiling, sew, spin, patch clothes, and cobble shoes. The old often suffered from rheumatism. Many people had bronchitis. Many children died of croup [inflammation of the respiratory passages]. Life expectancy was probably below thirty-five.

The villein retained his customary rights, his house and land and rights of wood and hay, and his right in the common land of his township. Customary ways were maintained. The villeins of a manor elected a reeve to communicate their interests to their lord, usually through a bailiff, who directed the labor. Sometimes there was a steward in charge of several of a lord's manors, who also held the manorial court for the lord. The steward held his land of the lord by petty serjeanty, which was a specific service to the lord. Other serjeanty services were carrying the lord's shield and arms, finding attendants and esquires for knights, helping in the lord's hunting expeditions, looking after his hounds,

bringing fuel, doing carpentry, and forging irons for ploughs. The Woodward preserved the timber. The Messer supervised the harvesting. The Hayward removed any fences from the fields after harvest to allow grazing by cattle and sheep. The Coward, Bullard, and Calvert tended the cows, bulls, and calves; the Shepherd, the sheep; and the Swineherds the pigs. The Ponder impounded stray stock. There were varieties of horses: war horses, riding horses, courier horses, pack horses, and plough horses.

The majority of manors were coextensive with a single village. The villeins lived in the village in one-room huts enclosed by a wood fence, hedge, or stone wall. In this yard was a garden of onions, leeks, mustard, peas, beans, parsley, garlic, herbs, and cabbage and apple, pear, cherry, quince, and plum trees, and beehives. The hut had a high-pitched roof thatched with reeds or straw and low eaves reaching almost to the ground. The walls are built of wood-framing overlaid with mud or plaster. Narrow slits in the walls serve as windows, which have shutters and are sometimes covered with coarse cloth. The floor is dirt and may be covered with straw or rushes for warmth, but usually no hearth. In the middle is a wood fire burning on a hearthstone, which was lit by making a spark by striking flint and iron together. The smoke rose through a hole in the roof. At one end of the hut was the family living area, where the family ate on a collapsible trestle table with stools or benches. Their usual food was beans and peas, oatmeal gruel, butter, cheese, vegetables, honey, rough bread made from a mixture of wheat, barley, and rye flour, herrings or other salt fish, and some salted or smoked bacon. Butter had first been used for cooking and as a medicine to cure constipation. For puny children it could be salted down for the winter. The bread had been roasted on the stones of the fire; later there were communal ovens set up in villages. Cooking was done over the fire by boiling in iron pots hung from an iron tripod, or sitting on the hot stones of the fire. They ate from wood bowls using a wood spoon. When they had fresh meat, it could be roasted on a spit. Liquids were heated in a kettle. With drinking horns, they drank water, milk, buttermilk, apple cider, mead, ale made from barley malt, and bean and vegetable broth. They used jars and other earthenware, e.g. for storage of salt. They slept on straw mattresses or sacks on the floor or on benches. The villein regarded his bed area as the safest place in the house, as did people of all ranks, and kept his treasures there, which included his farm implements, as well as hens on the beams, roaming pigs, and stalled oxen, cattle, and horses, which were at the other end of the hut. Fires were put out at night to guard against fire burning down the huts. The warmth of the animals then helped make the hut warm. Around the room are a couple of chests to store salt, meal, flour, a broom made of birch twigs, some woven baskets, the distaff and spindle for spinning, and a simple loom for weaving. All clothes were homemade. They were often coarse, greasy wool and leather made from their own animals. The man wore a tunic of coarse linen embroidered on the sleeves and breast, around which he wore a girdle of rope, leather, or folded cloth. Sometimes he also wore breeches reaching below the knee. The woman wore a loose short-sleeved gown, under which was a tight fitting garment with long loose sleeves, and which was short enough to be clear of the mud. If they wore shoes, they were clumsy and patched. Some wore a hood-like cap. For really bad weather, a man wore on his head a hood with a very elongated point which could be wrapped around his neck. Sometimes a short cape over the shoulders was attached. Linen was too expensive for commoners.

The absence of fresh food during the winter made scurvy prevalent; in the spring, people eagerly sought "scurvy grass" to eat. Occasionally there would be an outbreak of a nervous disorder due to the ergot fungus growing in the rye used for bread. This manifested itself in apparent madness, frightening hallucinations, incoherent shouting, hysterical laughing, and constant scratching of itching and burning sensations.

The villein and his wife and children worked from daybreak to dusk in the fields, except for Sundays and holydays. He had certain land to farm for his own family, but had to have his grain milled at his lord's mill at the lord's price. He had to retrieve his wandering cattle from his lord's pound at the lord's price. He was expected to give a certain portion of his own produce, whether grain or livestock, to his lord. However, if he fell short, he was not put off his land. The villein, who worked the farm land as his ancestor ceorl had, now was so bound to the land that he could not leave or marry or sell an ox without his lord's consent. If the manor was sold, the villein was sold as a part of the manor. When his daughter or son married or if he sent his son to school, he had to pay a "merchet" to his lord. He could not have a son educated without the lord's permission, and this usually involved a fee to the lord. His best beast at his death, or "heriot", went to his lord. If he wanted permission to live outside the manor, he paid "chevage" yearly. Woodpenny was a yearly payment for gathering dead wood. Sometimes a "tallage" payment was taken at the lord's will. The villein's oldest son usually took his place on his land and followed the same customs with respect to the lord. For an heir to take his dead ancestor's land, the lord demanded payment of a "relief", which was usually the amount of a year's income but sometimes as much as the heir was willing to pay to have the land. The usual aids were also expected to be paid.

A large village also had a smith, a wheelwright, a millwright, a tiler and thatcher, a shoemaker and tanner, a carpenter wainwright and carter.

Markets were about twenty miles apart because a farmer from the outlying area could then carry his produce to the nearest town and walk back again in the daylight hours of one day. In this local market he could buy foodstuffs, livestock, household goods, fuels, skins, and certain varieties of cloth.

The cloth was crafted by local weavers, dyers, and fullers. The weaver lived in a cottage with few and narrow windows and little furniture. He worked in the main, and sometimes the only, room. First the raw wool was washed with water at the front door to remove the grease. Then its fibers were disentangled and made fine with hand cards with thistle teeth, usually by the children. Then it was spun by a spinning wheel into thread, usually by the wife. On a double frame loom, a set of parallel threads was strung lengthwise. A device worked by a pedal lifted half of these threads—every other thread—while the other half remained in place. Between the lifted threads and the stationary threads a shuttle was thrown by the weaver from one hand to another. Then the threads which had remained stationary were raised by a second pedal and the shuttle thrown back. The shuttle carried a spool so that, as it moved, it left a thread behind it running crosswise or at right angles to the lengthwise threads and in and out between them. The lengthwise threads were called the "warp"; the shuttle thread was the "woof" or the "weft". In making cloth, it was the warp which, as the loom moved, took the worst beating. With the constant raising and lowering, these threads would wear and break, whereas the weft on which there was little strain remained intact. None of the cotton yarn which the old-fashioned wheels had spun was strong enough for warp. So it was necessary to use linen thread for the warp.

Since one loom could provide work for about six spinners, the weaver had his wool spun by other spinners in their cottages. Sometimes the master weaver had an apprentice or workman working and living with him, who had free board and lodging and an annual wage. Then a fuller made the cloth thick and dense by washing, soaping, beating, and agitating it, with the use of a community watermill which could be used by anyone for a fixed payment. The cloth dried through the night on a rack outside the cottage. The weaver then took his cloth, usually only one piece, to the weekly market to sell. The weavers stood at the market holding up their cloth. The cloth merchant who bought the cloth then had it dyed or dressed according to his requirements. Its surface could be raised with teazleheads and cropped or sheared to make a nap. Some cloth was sold to tailors to make into clothes. Often a weaver had a horse for travel, a cow for milk, chickens for eggs, perhaps a few cattle, and some grazing land. Butchers bought, slaughtered, and cut up animals to sell as meat. Some was sold to cooks, who sold prepared foods. The hide was bought by the tanner to make into leather. The leather was sold to shoemakers and glovemakers. Millers bought harvested grain to make into flour. Flour was sold to bakers to make into breads. Wood was bought by carpenters and by coopers, who made barrels, buckets, tubs, and pails. Tilers, oilmakers and rope makers also bought raw material to make into finished goods for sale. Wheelwrights made ploughs, harrows, carts, and later wagons. Smiths and locksmiths worked over their hot fires.

Games with dice were sometimes played. In winter, youths ice-skated with bones fastened to their shoes. They propelled themselves by striking the ice with staves shod with iron. On summer holidays, they exercised in leaping, shooting with the bow, wrestling, throwing stones, and darting a thrown spear. The maidens danced with timbrels. Since at least 1133, children's toys included dolls, drums, hobby horses, pop guns, trumpets, and kites.

The cold, indoors as well as outdoors, necessitated that people wear ample and warm garments. Men and women of position dressed in long full cloaks reaching to their feet, sometimes having short full sleeves. The cloak generally had a hood and was fastened at the neck with a brooch. Underneath the cloak was a simple gown with sleeves tight at the wrist but full at the armhole, as if cut from the same piece of cloth. A girdle or belt was worn at the waist. When the men were hunting or working, they wore gown and cloak of knee length. Men wore stockings to the knee and shoes. The fashion of long hair on men returned.

The nation grew with the increase of population, the development of towns, and the growing mechanization of craft industries. There were watermills for crafts and for supplying and draining water in all parts of the nation. In flat areas, slow rivers could be supplemented by creating artificial waterfalls, for which water was raised to the level of reservoirs. There were also some iron-smelting furnaces. Coal mining underground began as a family enterprise. Stone bridges over rivers could accommodate one person traveling by foot or by horseback and were steep and narrow. The wheelbarrow came into use to cart materials for building castles and cathedrals.

Merchants, who had come from the low end of the knightly class or high end of the villein class, settled around the open market areas, where main roads joined. They had plots narrow in frontage along the road and deep. Their shops faced the road, with living space behind or above their stores. Town buildings were typically part stone and part timber as a compromise between fire precautions and expense.

Towns, as distinct from villages, had permanent markets. As towns grew, some became boroughs by paying a fee to obtain a charter for self-government from the king giving the town judicial and commercial freedom. They were literate enough to do accounts. So they did their own valuation of the sum due to the crown so as not to pay the sheriff any more than that. These various rights were typically expanded in future times, and the towns received authority to collect the sum due to the crown rather than the sheriff. This they did by obtaining a charter renting the town to the burgesses at a fee farm rent equal to the sum thus deducted from the amount due from the county. The freemen were "free of the borough", which meant they had exclusive rights and privileges with respect to it. Selling wholesale could take place only in a borough. Burgesses were free to marry. They were not subject to defense except of the borough. They were exempt from attendance at county and hundred courts. The king assessed a tallage [ad hoc tax] usually at ten per cent of property or income. In the boroughs, merchant and manufacturing guilds controlled prices and assured quality. The head officer of the guild usually controlled the borough, which excluded rival merchant guilds. A man might belong to more than one guild, e.g. one for his trade and another for religion. The frankpledge system prevailed in the boroughs.

Craft guilds grew up in the towns, such as the tanners at Oxford, which later merged with the shoemakers into a cordwainers' guild. There were weavers' guilds in several towns, including London, which were given royal sanction and protection for annual payments (twelve pounds of silver for London). They paid an annual tribute and were given a monopoly of weaving cloth within a radius of several miles. Guild rules covered attendance of the members at church services, the promotion of pilgrimages, celebration of masses for the dead, common meals, relief of poor brethren and sisters, the hours of labor, the process of manufacture, the wages of workmen, and technical education. King Henry standardized the yard as the length of his own arm.

Trades and crafts, each of which had to be licensed, grouped together by specialty in the town. Cloth makers, dyers, tanners, and fullers were near an accessible supply of running water, upon which their trade depended. Streets were often named by the trade located there, such as Butcher Row, Pot Row, Cordwainer Row, Ironmonger Row, Wheeler Row, and Fish Row. Hirers of labor and sellers of wheat, hay, livestock, dairy products, apples and wine, meat, poultry, fish and pies, timber and cloth all had a distinct location. Some young men were apprenticed to craftsmen to assist them and learn their craft.

London had bought the right to have an elected mayor. The Norman word "mayor" replaced "portreeve". Henry I granted the Londoners the right to elect a sheriff and a justiciar from among themselves. London had at least twenty wards, each governed by its own alderman. Most of them were named after people. London was ruled by sixteen families linked by business and marriage ties. These businesses supplied luxury goods to the rich and included the goldsmiths [sold cups, dishes, girdles, mirrors, purses knives, and metal wine containers with handle and spout], vintners [wine merchants], mercers [sold textiles, haberdashery, combs, mirrors, knives, toys, spices, ointments, and potions], drapers, and pepperers, which later merged with the spicers to become the "grocers", skinnners, tanners, shoemakers, woolmen, weavers, fishmongers, armorers, and swordsmiths. There were bakehouses at which one could leave raw joints of meat to be cooked and picked up later. These businesses had in common four fears: royal interference, foreign competition, displacement by new crafts, and violence by the poor and escaped villeins who found their way to the city. When a non-freeholder stayed in London he had to find for frankpledge, three sureties for good behavior. Failure to do so was a felony and the ward would eject him to avoid the charge of harboring him with its heavy fine. The arrival of ships with cargoes from continental ports and their departure with English exports was the regular waterside life below London Bridge. Many foreign merchants lived in London. Imports included timber, hemp, fish, and furs. There was a fraternal organization of citizens who had possessed their own lands with sac and soke and other customs in the days of King Edward. There were public bathhouses, but they were disreputable. A lady would take an occasional bath in a half cask in her home. The church warned of evils of exposing the flesh, even to bathe.

Middlesex County was London's territory for hunting and farming. All London craft work was suspended for one month at harvest time. London received this charter for self-government and freedom from the financial and judicial organization of the county:

"Henry, by the grace of God, King of England, to the Archbishop of Canterbury and the bishops, abbots, earls, barons, justiciars, sheriffs and all his loyal subjects, both French and English, throughout the whole of England - greeting.

1. -Be it known to you that I have granted Middlesex to my citizens of London to be held on lease by them and their heirs of me and my heirs for 300 pounds paid by tale [yearly], upon these terms: that the citizens themselves [may] appoint a sheriff, such as they desire, from among themselves, and a justiciar, such as they desire, from among themselves, to safeguard the pleas of my Crown [criminal cases] and to conduct such pleas. And there shall be no other justiciar over the men of London.

2. -And the citizens shall not take part in any [civil] case whatsoever outside the City walls.

- -1) And they shall be exempt from the payment of scot and danegeld and the murder fine.

- -2) And none of them shall take part in trial by combat.

- -3) And if any of the citizens has become involved in a plea of the Crown, he shall clear himself, as a citizen of London, by an oath which has been decreed in the city.

- -4) And no one shall be billeted [lodged in a person's house by order of the King] within the walls of the city nor shall hospitality be forcibly exacted for anyone belonging to my household or to any other.

- -5) And all the citizens of London and all their effect [goods] shall be exempt and free, both throughout England and in the seaports, from toll and fees for transit and market fees and all other dues.

- -6) And the churches and barons and citizens shall have and hold in peace and security their rights of jurisdiction [in civil and criminal matters] along with all their dues, in such a way that lessees who occupy property in districts under private jurisdiction shall pay dues to no one except the man to whom the jurisdiction belongs, or to the official whom he has placed there.

- -7) And a citizen of London shall not be amerced [fined by a court when the penalty for an offense is not designated by statute] to forfeiture of a sum greater than his wergeld, [hereby assessed as] 100 shillings, in a case involving money.

- -8) And further there shall be no miskenning [false plea causing a person to be summoned to court] in a husting [weekly court] or in a folkmote [meeting of the community], or in any other court within the City.

- -9) And the Hustings [court] shall sit once a week on Monday.

- -10) And I assure to my citizens their lands and the property mortgaged to them and the debts due to them both within the City and without.

- -11) And with regard to lands about which they have pled in suit before me, I shall maintain justice on their behalf, according to the law of the City.

- -12) And if anyone has exacted toll or tax from citizens of London, the citizens of London within the city shall [have the right to] seize [by process of law] from the town or village where the toll or tax was exacted a sum equivalent to that which the citizen of London gave as toll and hence sustained as loss.

- -13) And all those who owe debts to citizens shall pay them or shall clear themselves in London from the charge of being in debt to them.

- -14) But if they have refused to pay or to come to clear themselves, then the citizens to whom they are in debt shall [have the right to] seize [by process of law] their goods [including those in the hands of a third party, and bring them] into the city from the [town, village or] county in which the debtor lives [as pledges to compel appearance in court].

- -15) And the citizens shall enjoy as good and full hunting rights as their ancestors ever did, namely, in the Chilterns, in Middlesex, and in Surrey.

Witnessed at Westminster."

The above right not to take part in any case outside the city relieved London citizens from the burden of traveling to wherever the King's court happened to be, the disadvantage of not knowing local customs, and the difficulty of speaking in the language of the King's court rather than in English. The right of redress for tolls exacted was new because the state of the law was that the property of the inhabitants was liable to the king or superior lord for the common debt.

Newcastle-on-Tyne was recognized by the king as having certain customs, so the following was not called a grant:

"These are the laws and customs which the burgesses of Newcastle upon Tyne had in the time of Henry King of England and ought to have.

[1] -Burgesses can distrain [take property of another until the other performs his obligation] upon foreigners within, or without their own market, within or without their own houses, and within or without their own borough without the leave of the reeve, unless the county court is being held in the borough, and unless [the foreigners are] on military service or guarding the castle.



[2] -A burgess cannot distrain upon a burgess without the leave of the reeve.

[3] -If a burgess have lent anything of his to a foreigner, let the debtor restore it in the borough if he admits the debt, if he denies it, let him justify himself in the borough.

[4] -Pleas which arise in the borough shall be held and -concluded there, except pleas of the Crown.

[5] -If any burgess be appealed [sued] of any plaint, he shall not plead without the borough, unless for default of [the borough] court.

[6] -Nor ought he to answer without day and term, unless he have fallen into 'miskenning' [error in pleading], except in matters which pertain to the Crown.

[7] -If a ship have put in at Tynemouth and wishes to depart, the burgesses may buy what they will [from it].

[8] -If a plea arise between a burgess and a merchant, it shall be concluded before the third ebb of the tide.

[9] -Whatever merchandise a ship has brought by sea must be landed, except salt; and herring ought to be sold in the ship.

[10] If any man have held land in burgage for a year and a day, lawfully and without claim, he shall not answer a claimant, unless the claimant have been without the realm of - -England, or a child not of age to plead.

[11] If a burgess have a son, he shall be included in his father's freedom if he be with his father.

[12] If a villein come to dwell in the borough, and dwell there a year and a day as a burgess, he shall abide altogether, unless notice has been given by him or by his master that he is dwelling for a term.

[13] If any man appeal [sue] a burgess of any thing, he cannot do [trial by] battle with the burgess, but the burgess shall defend himself by his law, unless it be of treason, whereof he is bound to defend himself by [trial by] battle.

[14] Neither can a burgess do [trial by] battle against a foreigner, unless he first go out of the borough.

[15] No merchant, unless he be a burgess, may buy [outside] the town either wool or leather or other merchandise, nor within the borough except [from] burgesses.

[16] If a burgess incur forfeit, he shall give six ounces [10s.] to the reeve.

[17] In the borough there is no merchet [payment for marrying off a daughter] nor heriot nor bloodwite [fine for drawing blood] nor stengesdint [fine for striking with a stick].

[18] Every burgess may have his own oven and handmill if he will, saving the right of the King's oven.

[19] If a woman be in forfeit for bread or beer, no one ought to interfere but the reeve. If she forfeit twice, she shall be chastised by her forfeit. If three times, let justice be done on her.

[20] No one but a burgess may buy webs [woven fabrics just taken off the loom] to dye, nor make nor cut them.

[21] A burgess may give and sell his land and go whither he will freely and quietly unless there be a claim against him."

The nation produced sufficient iron, but a primitive steel [iron with carbon added] was imported. It was scarce and expensive. Steel was used for tools, instruments, weapons and armor. Ships could carry about 300 people. Navigation was by simple charts that included wind direction for different seasons and the direction of north. The direction of the ship could be generally determined when the sky was clear by the position of the sun during the day or the north star during the night.

Plays about miracles wrought by holy men or saints or the sufferings and fortitude of martyrs were performed, usually at the great church festivals. Most nobles could read, though writing was still a specialized craft. There were books on animals, plants, and stones. The lives of the saints as told in the book "The Golden Legend" were popular. The story of the early King Arthur was told in the book "The History of the Kings of England". The story at this time stressed Arthur as a hero and went as follows: Arthur became king at age 15. He had an inborn goodness and generosity as well as courage. He and his knights won battles against foreign settlers and neighboring clans. Once, he and his men

surrounded a camp of foreigners until they gave up their gold and silver rather than starve. Arthur married Guenevere and established a court and retinue. Leaving Britain in the charge of his nephew Modred, he fought battles on the continent for land to give to his noblemen who did him service in his household and fought with him. When Arthur returned to Britain, he made battle with his nephew Modred who had crowned himself King. Arthur's knight Gawain, the son of his sister, and the enemy Modred were killed and Arthur was severely wounded. Arthur told his kinsman Constantine to rule Britain as king in his place.

The intellectual world included art, secular literature, law, and medicine. There were about 90 physicians.

The center of government was a collection of tenants-in-chief, whose feudal duty included attendance when summoned, and certain selected household servants of the King. The Exchequer became a separate body. The payments in kind, such as grain or manual services, from the royal demesnes had been turned into money payments. The great barons made their payments directly to the Exchequer. The income from royal estates was received by the Exchequer and then commingled with the other funds. Each payment was indicated by notches on a stick, which was then split so that the payer and the receiver each had a half showing the notches. The Exchequer was the great school for training statesmen, justices, and bishops. The Chancellor managed the domestic matters of the Crown's castles and lands. The great offices of state were sold for thousands of pounds, which caused their holders to be on their best behavior for fear of losing their money by being discharged from office. One chancellor paid Henry about 3000 pounds for the office. Henry brought sheriffs under his strict control, free from influence by the barons. He maintained order with a strong hand, but was no more severe than his security demanded.

Forests were still retained by Kings for their hunting of boars and stags. A master forester maintained them. The boundaries of the Royal Forests were enlarged. They comprised almost one-third of the kingdom. Certain inhabitants thereof supplied the royal foresters with meat and drink and received certain easements and rights of common therein. The forest law reached the extreme of severity and cruelty under Henry I. Punishments given included blinding, emasculation, and execution. Offenders were rarely allowed to substitute a money payment. When fines were imposed they were heavy.

A substantial number of barons and monasteries were heavily in debt to the Jews. The interest rate was 43% (2d. per pound per week). The king taxed the Jews at will.

### The Law

Henry restored the death penalty (by hanging) for theft and robbery, but maintained William I's punishment of mutilation by blinding and severing of limbs for other offenses, for example, bad money. He decreed in 1108 that false and bad money should be amended, so that he who was caught passing bad denarii should not escape by redeeming himself but should lose his eyes and members. And since denarii were often picked out, bent, broken, and refused, he decreed that no denarius or obol, which he said were to be round, or even a quadrans, if it were whole, should be refused. (Money then reached a higher level of perfection, which was maintained for the next century.)

Counterfeiting law required that "If any one be caught carrying false coin, the reeve shall give the bad money to the King however much there is, and it shall be charged in the render of his farm [payment] as good, and the body of the offender shall be handed over to the King for judgment, and the serjeants who took him shall have his clothes."

The forest law stated that: "he that doth hunt a wild beast and doth make him pant, shall pay 10 shillings: If he be a freeman, then he shall pay double. If he be a bound man, he shall lose his skin." A "verderer" was responsible for enforcing this law, which also stated that: "If anyone does offer force to a Verderer, if he be a freeman, he shall lose his freedom, and all that he hath. And if he be a villein, he shall lose his right hand." Further, "If such an offender does offend so again, he shall lose his life."

A wife's dower is one-third of all her husband's freehold land, unless his endowment of her at their marriage was less than one-third.

Debts to townsmen were recoverable by this law: "If a burgess has a gage [a valuable object held as security for carrying out an agreement] for money lent and holds this for a whole year and a day, and the debtor will not deny the debt or deliver the gage, and this is proved, the burgess may sell the gage before good witnesses for as much as he can, and deduct his money from the sum. If any money is over he shall return it to the debtor. But if there is not enough to pay him, he shall take distress again for the amount that is lacking."

Judicial activity encouraged the recording of royal legislation in writing which both looked to the past and attempted to set down law current in Henry's own day in the *Leges Henrici Primi*. This showed an awareness of the ideal of written law as a statement of judicial principles as well as of the practice of kingship. In this way, concepts of Roman law used by the Normans found their way into English law. The laws of Henry I in the *Leges Henrici Primi* have as subjects judicial procedure, proper judging, conduct of people involved in litigation, litigation procedure, required witnesses, evidence, credibility, quotes from legal references, oaths, perjury, geographical divisions of England, court sessions and attendance, order of court proceedings, adjournments, frankpledge, strangers, types of causes and their manner of hearing, royal jurisdiction, ecclesiastical pleas of the king, offenses, compensations, penalties, reliefs, the king's peace, forest pleas, exculpation, soke, jurisdiction of royal judges, the king's judges, summons, oathhelpers, transfer of cases, trials of pleas, unjust judgments, sureties, lords who sue, accusations, court procedure, pleadings, postponements, record of proceedings, failure to appear, counsel, summoning the hundred, summoning the county court, distrains, partners of common property, rights of jurisdiction of a lord over his man, holdings in farm, disputes between neighbors, trial by battle, slaves, pleas between a lord's reeve and those who are subject to him, suits by royal judges, wergelds, murdrum fine, letting go of a thief, slaying of or by a cleric, confessions, men of ill repute, ordeals, compensations, bondmen, intent, inheritance, dowries, homicide by magicians, definition of homicide, killing one's lord, foreigners, debtors, illegitimacy, foundlings, the king's peace, homicide in the king's court, royal highways, self-defense, drinking assemblies, mutual enemies, leading into wrong-doing, lent arms, marauders, weapons, killing a relative, pledge, negligence, and wounds to body parts. A sampling of the laws of Henry I follows: "These are the jurisdictional rights which the king of England has in his land solely and over all men, reserved through a proper ordering of peace and security: breach of the king's peace given by his hand or writ; Danegeld; the pleas of contempt of his writs or commands; the death or injury of his servants wherever occurring; breach of fealty and treason; any contempt or slander of him; fortifications consisting of three walls; outlawry; theft punishable by death; murdrum; counterfeiting his coinage; arson; hamsocn [breach of the right of security and privacy in a man's house by forcible entry into it]; forestel [attacking an enemy unexpectedly or lying in wait for him on the road and attacking him] passenger on the king's highway]; fyrding [action regarding the military array or land force of the whole country]; flymenfyrn [the reception or relief of a fugitive or outlaw]; premeditated assault; robbery; stretbreche [destroying a road by closing it off or diverting it or digging it up]; unlawful appropriation of the king's land or money; treasure-trove; wreck of the sea; things cast up by the sea; rape; abduction; forests; the reliefs of barons; fighting in the king's dwelling or household; breach of the peace in the king's troop; failure to perform burgbot [a contribution to the repair of castles or walls of defense, or of a borough]; or brigbot [a tribute or contribution to the repair of bridges]; or firdfare [a summoning forth to a military expedition]; receiving and maintaining an excommunicated person or an outlaw; violation of the king's protection; flight in a military or naval battle; false judgment; failure of justice; violation of the king's law." "Some pleas cannot be compensated for with money; these are: husbreche [housebreaking or burglary], arson, manifest theft, palpable murder, treachery towards one's lord, and violation of the peace of the church or the protection of the king through the commission of homicide." "Compensation is effected by the payment of one hundred shillings for the following: grithbreche [breach of the peace], stretbreche, forestel, violation of the king's protection, hamsocn, and flymenfyrn." Hamsocn is an attack on a house and occurs if anyone assaults another in his own house or the house of someone else with a band of men or pursues him so that he hits the door or the house with arrows or stones or produces a perceptible blow from any source. It also is committed if anyone goes with premeditation to a house where he knows his enemy to be and attacks him there, whether he does this by day or by night. It also occurs if anyone pursues a person fleeing into a mill or sheepfold. If in a court of house dissension has arisen and fighting follows as well, and someone pursues another person fleeing into the other house, it shall be considered hamsocn if there are two roofs there. The following place a man in the king's mercy: breach of his peace which he gives to anyone by his own hand; contempt of his writs and anything which slanders injuriously his own person or his commands; causing the death of his servants in a town or fortress or anywhere else; breach of fealty and treason; contempt of him; construction of fortifications without permission; the incurring of outlawry (anyone who suffers this shall fall into the king's hand, and if he has any bocland [lands held by deed or other written evidence of title]; manifest theft punishable by death." If any Englishman is slain without fault on his part, compensation shall be paid to his relatives according to this wergeld. Wite and manbot shall be paid to the appropriate lords in accordance with the amount of the wergeld. Where a wergeld of 200s. is payable, then 30s. must be paid as manbot, which equals 5 mancuses; where the wergeld is 1200s., that is, for a thegn, the manbot is 120s, which amounts to 20 mancuses. "For the oath of a thegn equals the oaths of six villeins; if he is killed he is fully avenged by the slaying of six villeins and if compensation is paid for him, his wergeld is the wergeld for six villeins." Some freemen are 200 men, some 600 men, and others 1200 men. A 200 man has a wergeld of 200s., which equal 4 pounds. A 1200 man is a person of noble rank, that is, a thegn, whose wergeld is 1200s., which equal 25 pounds. His

healsfang is 120s., which today equals 50s. (40 sheep are worth 20s., as is one horse.) Homicide by a magical potion or witchcraft or sorcery practiced with images or by any kind of enchantment cannot be compensated. If the bewitched person does not die, but suffers some change of the skin or demonstrable physical sickness, compensation shall be paid as prescribed by the ancient provisions of wise men, in accordance with the circumstances. "If anyone kills his lord, then if in his guilt he is seized, he shall in no manner redeem himself but shall be condemned to scalping or disemboweling or to human punishment which in the end is so harsh that while enduring the dreadful agonies of his tortures and the miseries of his vile manner of death he may appear to have yielded up his wretched life before in fact he has won an end to his sufferings, and so that he may declare, if it were possible, that he had found more mercy in hell than had been shown to him on earth." "If anyone kills his man without his having merited death, he shall just the same pay compensation for him to his relatives according to the amount of his wergeld, because the man was his to render service, not to be killed." "A person who breaks the king's peace which he confers on anyone with his own hand shall, if he is seized, suffer the loss of his limbs." "If anyone has the king's peace given by the sheriff or other official and a breach of it is committed against him, then this is a case of grithbreche and compensation of one hundred shillings shall be paid, if settlement can be effected by payment of compensation." "On whosoever's land a slaying takes place, the lord who has his rights of soke and sake shall, if the slayer, when caught on the spot, is released on providing security or is detained after being charged, receive the fihtwite." If anyone is slain in an attack by a band of marauders, the slayer shall pay the wergeld to the relatives, and manbot to the lord, and all who were present shall pay hlothbot, that is to say, they shall pay compensation of 30s. for a 200 man, 60s. for a 600 man, and 120s. for a 1200 man. In the case of every payment of wergeld for a slaying, two parts are the responsibility of the paternal kindred, and one third part is the responsibility of the maternal kin. If the kindred of a man who slays another abandons him and will not pay compensation for him, then all the kindred shall be free from the feud except the wrongdoer alone, if they thereafter provide him with neither food nor protection. "If a woman commits homicide, vengeance shall be taken against her or her descendants or her blood relatives (or she shall pay compensation for it), not against her husband or his innocent household." Amends shall nonetheless be made whether these things are done intentionally or unintentionally. However, the possibility of a friendly settlement or of clemency is to be treated as the more likely or the more remote depending on the degree of blame attaching to the person who has been slain, and according to the circumstances. If a woman is slain, compensation is to be paid according to her wergeld, which is decided by her paternal relationship. The manbot shall be determined by the standing of the lord. "Any person may aid his lord without incurring a wite if anyone attacks him, and may obey him in all lawful matters except in the case of breach of feudal loyalty, theft, murder, and similar offences, the commission of which has in absolutely no way been permitted, and which are branded as crimes by the laws." In the same way a lord must in the appropriate circumstances keep his man with advice as well as support, and may do so in all ways without penalty. "Anyone who fights in the king's dwelling shall forfeit his life." "If anyone commits the offence of blodwite [an amercement for bloodshed], fihtwite [a fine for making a quarrel to the disturbance of the peace], legerwite [fine for unlawful cohabitation], or anything of that nature, and he escapes from the scene without being obliged to provide security for future appearance in court or without a charge being laid there, the jurisdiction at law belongs to his own lord." Infiht or insocna is the offense committed by those who are living in community in a house; this is compensated for by a payment of the wite to the head of the household, if he has jurisdiction over accuser and accused. If anyone leaps to arms and disturbs the peace of a house, but does not strike anyone, his liability is half the penalty. Compensation for wounds are as follows: on the head if both bones have been pierced 30s.; on the head if only the outer bone has been pierced 15s.; a wound under the hair one inch long 5d., that is, 1s.; a wound in front of the hair 10d, that is 2s.; injury to the throat 12s.; injury on the neck causing a curvature or stiffness or a lasting disability 100s. plus whatever has been paid out for medical treatment.; external injury to the hand 20s.; if half the hand flies off 60s.; rib broken but the skin remains whole 10s.; rib broken and the skin is broken and the bone is drawn out 15s.; loss of any eye or hand or foot or tongue 66s.6d. and a third part of a penny; loss of sight but with the eye remaining in the head 22s.2d.; wound on the shoulder if the person lives 80s.; shoulder wound so that the fluid from the joints runs out 30s.; shoulder maimed 20s.; an injury within a shoulder so that a bone is drawn out 15s.; arm broken above the elbow 15s.; both bones in the arm broken 30s.; arm cut off below the elbow 80s.; wound in the belly 30s.; pierced through the belly 20s. for each opening; a thigh pierced or broken 30s.; shin struck off below the knee 80s.; the shin broken 30s.; shin pierced below the knee 12s.; broken shinbone 12s.; wound in the genitals so that there is loss of the capacity to procreate 80s.; loins maimed 60s.; loins pierced through 30s.; loins punctured 15s.; injury to the great sinews of another's lower leg if they recover through response to medical treatment 12s.; injury to the sinews which causes lameness 30s.; injury to the small sinews 6s.; striking a blow without causing blood to flow 5d. for each blow up to a total of three blows, no matter how many blows are actually struck, for a total of 15d.; knocking out first teeth or incisors 8s.; canines or 'cheek' teeth 4s.; molars 15s.; broken cheeks 15s.; a thumb cut off 30s.; a thumbnail cut off 5s.; an index finger 15s; an index fingernail 3s.; a middle or 'unchaste' finger 121s; a

middle fingernail 2s.; a ring finger or 'medical' finger 17s.; a ring fingernail 4s.; an 'ear' finger 9s.; an 'ear' fingernail 1s., that is 5d.; the big toe cut off 20s.; the second toe 15s.; the third toe 9s.; the fourth toe 6s., the fifth toe 5s.; "If anyone suffers a wound, not involving the cutting off or maiming or breaking of a limb, on an uncovered and visible place (for example, in front of the hair or below the sleeve or beneath the knees), the compensation to be paid shall be double what would be due in the case of a wound inflicted on the head under the hair or on the limbs beneath the clothes, that is, on a concealed place." "Anyone who commits a theft, who betrays his lord, who deserts him in a hostile encounter or military engagement, who is defeated in trial by battle or who commits a breach of the feudal bond shall forfeit his land." In the case of stolen property worth more than 30d., the accused shall choose which of the two he wishes, either the simple ordeal or an oath of the value of one pound with oath helpers taken from three hundreds. "If anyone dares to dig up or despoil, in scandalous and criminal fashion, a body buried in the ground or in a coffin or a rock or a pyramid or any structure, he shall be regarded as an outlaw." "If a person condemned to death wishes to confess, it shall never be refused him." "If anyone who is a father dies and leaves as son or daughter to inherit, they shall not maintain an action or submit to a court judgment before reaching fifteen years of age; but they shall remain seised, under guardians and trustees in the lawful custody of their relatives, just as their father was on the day when he was alive and dead." "If anyone dies without children, his father or mother shall succeed to the inheritance, or his brother or sister, if neither father nor mother is living." If he does not possess these relatives, then his father's or mother's sister, and thereafter relatives up to the fifth 'joint', whoever are the nearest in relationship, shall succeed by the law of inheritance. While the male line subsists, and the inheritance descends from that side, a woman shall not succeed. "The first born son shall have the father's ancestral fee' the latter shall give any purchases or subsequent acquisitions of his to whomever he pleases." If a person has bockland which his kinsmen have left him, he shall not dispose of it outside his kindred. "If a wife survives her husband she shall have in permanent ownership her dowry and her maritagium which had been settled on her by written documents or in the presence of witnesses and her morning-gift and a third part of all their jointly acquired property in addition to her clothing and her bed." "If a woman dies without children, her blood relatives shall divide up her share with her husband." A man may fight against a person whom he finds with his wedded wife, after the second or third prohibition, behind closed doors or under the one covering, or with his daughter whom he begot on his wife, or with his sister who was legitimately born, or with his mother who was lawfully wedded to his father. There is pecuniary compensation if a married woman commits fornication and she is of the rank of ceorl or belongs to the 600s. class or the 1200s. class, and physical mutilation has been prescribed for those persisting in the offence. "Women who commit fornication and destroy their embryos, and those who are accessories with them, so that they abort the foetus from the womb, are by an ancient ordinance excommunicated from the church until death." A milder provision has now been introduced: they shall do penance for ten years. "If anyone kills or while sleeping crushes another person's child who has been entrusted to him for rearing or instruction, he shall pay compensation for him just as if he had killed an adult person." The county meetings shall be attended by the bishops, earls, sheriffs, deputies, hundredmen, aldermen, stewards, reeves, barons, vavassors [those who hold of a baron], village reeves, and the other lords of lands who shall with diligence see to it that failure to punish evildoers or the viciousness of officials or the corruption of judges shall not destroy those suffering under their accustomed afflictions. Every cause shall be determined in the hundred court or county court or the hallmoot of those who have soke or in the courts of feudal lords or in the boundary courts of feudal equals or as it pertains to established places for court proceedings. "In the case of soke of pleas, some of these profits belong peculiarly and exclusively to the royal treasury, some are shared by it with others, some belong to the sheriffs and royal officials in their farm, and some belong to the lords who have soke and sake." "The king's judges shall be the barons of the county and those who hold free lands in the counties, by whom the causes and of individuals must be dealt with by the presentation in turn of complaint and defense." Anyone who violates or subverts the written law shall forfeit his wergeld on the first occasion; on the second occasion the penalty is twice the wergeld; and anyone who ventures to do it a third time shall lose whatever he possesses. "Each person is to be judged by men who are of equal status and from the same district as himself." "No one of high status shall be condemned by the judgment of lesser men." "Whoever gives an unjust judgment shall forfeit one hundred and twenty shillings and shall lose his judicial authority unless he redeems it from the king." If there are contrary opinions among the judges in serious pleas, the decision of the most substantial men and that with which the royal justice has concurred shall prevail. "Some persons are slaves by birth, others become slaves subsequently; of the latter, some are enslaved by purchase, some by way of satisfaction for an offence, some give themselves in slavery or are given by another person, and some become slave by falling under any other classifications, all of which we may wish nevertheless to be included in that one category of slavery, for which we propound the description 'accident' - so that the position has been expressed in this way: some are slaves by accident, others by birth." Church law provided that only consent between a man and woman was necessary for marriage. There needn't be witnesses, ceremony, nor consummation. Consent could not be coerced. Penalties in marriage agreements for not going through

with the marriage were deemed invalid. Villeins and slaves could marry without their lords' or owners' permission. A couple living together could be deemed married. Persons related by blood within certain degrees, which changed over time, of consanguinity were forbidden to marry. This was the only ground for annulment of a marriage. A legal separation could be given for adultery, cruelty, or heresy. Annulment, but not separation, could result in remarriage. Fathers were usually ordered to provide some sustenance and support for their illegitimate children. The court punished infanticide and abortion. Counterfeiters of money, arsonists, and robbers of pilgrims and merchants were to be excommunicated. Church sanctuary was to be given to fugitives of violent feuds until they could be given a fair trial.

### Judicial Procedure

Courts extant now are the Royal Court, the King's Court of the Exchequer, county courts, and hundred courts, all of which were under the control of the King. His appointed justices administered justice in these courts on regular circuits. Instead of being the presiding official at the county court, the sheriff now only produced the proper people and preserved order at the county courts and presided over the nonroyal pleas and hundred courts. He impaneled recognitors, made arrests, and enforced the decisions of the royal courts. Also there are manor courts, borough courts, and ecclesiastical courts. In the manor courts, the lord's reeve generally presided. The court consisted of the lord's vassals and declared the customs and law concerning such offenses as failure to perform services and trespass on manorial woods, meadow, and pasture.

The King's Royal Court heard issues concerning the Crown and breaches of the King's peace, which included almost all criminal matters: murder, robbery, rape, abduction, arson, treason, breach of fealty, housebreaking, ambush, certain kinds of theft, premeditated assault, and harboring outlaws or excommunicants. Henry personally presided over hearings of important legal cases. He punished crime severely. He hanged homicides, exiled traitors, and frequently used loss of hand and foot. In comparison, William had no one hanged, but used emasculation and exoculation frequently. Offenders were brought to justice not only by the complaint of an individual or local community action, but by official prosecutors. A prosecutor was now at trials as well as a justice. Trial is still mostly by compurgation but trial by combat was relatively common.

These offenses against the king placed merely personal property and sometimes land at the king's mercy. Thus the Crown increased the range of offenses subject to its jurisdiction and arrogated to itself profits from the penalties imposed. The death penalty could be imposed for murder and replaced the old wergeld. But a murderer could be given royal pardon from the death penalty so that he could pay compensation to the relatives.

The Royal Court also heard these offenses against the king: fighting in his dwelling, contempt of his writs or commands, encompassing the death or injury of his servants, contempt or slander of the King, and violation of his protection or his law. It heard these offenses against royal authority: complaints of default of justice or unjust judgment, pleas of shipwrecks, coinage, treasure trove [money buried when danger approached], forest prerogatives, and control of castle building.

Slander of the king, the government, or high officials was punishable as treason, felony, misprision of treason, or contempt, depending on the rank and office of the person slandered and the degree of guilt.

Henry began the use of writs to intervene in civil matters such as inquiry by oath and recognition of rights as to land, the obligations of tenure, the legitimacy of heirs, and the enforcement of local justice. Writs were requested by people who wanted to come to the Royal Court. The Royal Court used its superior coercive power to enforce the legal decisions of the county, hundred, and private courts. It also reviewed miscarriages of justice and unlawful procedures in these courts. There was a vigorous interventionism in the land law subsequent to appeals to the king in landlord-tenant relations, brought by a lord or by an undertenant. Assizes [those who sit together] of local people who knew relevant facts were put together to assist the court. Henry appointed some locally based justices. Also, he sent justices from the Royal Court out on eyres [journeys] to hold assizes. This was done at special sessions of the county courts, hundred courts, and manor courts. Records of the verdicts of the Royal Court were sent with these itinerant justices for use as precedent in these courts. Thus royal authority was brought into the localities and served to check baronial power over the common people. These itinerant justices also transacted the local business of the Exchequer in each county. Henry created the office of Chief Justiciar, which carried out judicial and administrative functions and could travel anywhere in the country and make legal decisions in the king's name.

The Royal Court retained cases of gaol delivery [arrested person who had been held in gaol was delivered to the court] and amercements [discretionary money payments which took the place of the old wites]. It also decided cases in which the powers of the popular courts had been exhausted or had

failed to do justice. The Royal Court also decided land disputes between barons who were too strong to submit to the county courts.

The King's Court of the Exchequer reviewed the accounts of sheriffs, including receipts and expenditures on the Crown's behalf as well as sums due to the Treasury, located still at Winchester. These sums included rent from royal estates, the Danegeld land tax, the fines from local courts, and aid from baronial estates. Its records were the "Pipe Rolls", so named because sheets of parchment were fastened at the top, each of which dropped into a roll at the bottom and so assumed the shape of a pipe.

The county and hundred courts assessed the personal property of individuals and their taxes due to the King. The county court decided land disputes between people who had different barons as their respective lords.

The free landholders were expected to attend county, hundred, and manor courts. They owed "suit" to it. The suitors found the dooms [laws] by which the presiding officer pronounced the sentence.

The county courts heard cases of theft, brawling, beating, and wounding, for which the penalties could be exposure in the pillory or stocks. The pillory held an offender's head and hands in holes in boards, and the stocks held one's hands and feet. Here the public could scorn and hit the offender or throw fruit, mud, and dead cats at him. For sex offenders and informers, stones were usually thrown. Sometimes a person was stoned to death. Damages in money replaced the old bots. The county courts met twice yearly. If an accused failed to appear after four successive county courts, he was declared outlaw at the fifth and forfeited his civil rights and all his property. He could be slain by anyone at will.

The hundred court met once a month to hear neighborhood disputes, for instance concerning pastures, meadows and harvests. Usually present was a priest, the reeve, four representative men, and sometimes the lord or his steward in his place. Sometimes the chief pledges were present to represent all the men in their respective frankpledges. The bailiff presided over all these sessions except two, in which the sheriff presided over the full hundred court to take the view of frankpledge, which was required for those who did not have a lord to answer for him.

The barons held court on their manors at a "hallmote" for issues arising between people living on the manor, such as bad ploughing on the lord's land or letting a cow get loose on the lord's land, and land disputes. This court also made the decision of whether a certain person was a villein or freeman. The manor court took over issues which had once been heard in the vill or hundred court. The baron charged a fee for hearing a case and received any fines he imposed, which amounted to significant "profits of justice".

Boroughs held court on trading and marketing issues in their towns such as measures and weights, as well as issues between people who lived in the borough. The borough court was presided over by a reeve who was a burgess as well as a royal official.

Wealthy men could employ professional pleader-attorneys to advise them and to speak for them in a court.

The ecclesiastical courts, until the time when Henry VIII took over the church, dealt with family matters such as marriage, annulments, marriage portions and settlements of money or goods, legitimacy, undue wifebeating, child abuse, orphans, bigamy, adultery, incest, fornication, and separations between husband and wife. There were no divorces. They also dealt during this time with drunkenness, personal possessions, defamation, slander which did not cause material loss (and therefore had no remedy in the temporal courts), libel, perjury, usury, mortuaries [the second best beast or fees at death], sacrilege, sorcery, witchcraft, blasphemy [speaking ill of God], heresy [a belief by a baptized person that is knowingly contrary to the doctrine of the church], tithe payments, oblations for performing the Eucharist including expenses for the bread and wine, church fees such as for the clergy and the poor, simony [buying or selling ecclesiastical preferment or pardons], pensions, certain offenses on consecrated ground, and breaches of promises under oath, e.g. to pay a debt, provide services, or deliver goods.

They decided inheritance and will issues which did not concern land, but only personal property. This developed from the practice of a priest usually hearing a dying person's will as to the disposition of his goods and chattel when he made his last confession. So the church court came to determine the validity of wills, interpret them, regulate their created testamentary executors, and determine the legatees. It also came to determine intestate matters. It provided guardianship of infants during probate of their personal property. Trial was first by compurgation, with oath-helpers swearing to or against the veracity of the alleged offender's oath.

The ecclesiastical court's penalties were intended to reform and determined on a case-by-case basis.

The canon law of Christendom was followed, without much change by the English church or nation. A penitent who was sincerely contrite was first expected to confess his sin to a priest, who gave him God's forgiveness. This removed the guilt of the sin and eternal punishment in hell. But then justice required a "satisfaction", which could be met in this world or in the next. Accordingly, the priest or ecclesiastical court then imposed a "penance", i.e. some act of a religious nature. Penance could include confession and public repentance of the sin before the parish, making apologies and reparation to persons affected, public embarrassment such as being dunked in water (e.g. for women scolds), walking a route barefoot and clad only in one's underwear, whippings, extra work, fasting, vigils, prayers for help to live righteously, reading, meditation, solitary life, a diet of bread and water for a specified time, fines, gifts to the church, alms to the poor, various kinds of good deeds, and imprisonment in a "penitentiary". For more serious sins, there could be a long fast, a diet of bread and water for a number of years, or a distant pilgrimage, for instance to Rome or Jerusalem. For those whose penance was incomplete at the time of their death, there was a temporary state of purgatory wherein some sort of suffering fulfilled the remaining debt. Souls in purgatory could be aided by the prayers of the faithful on earth. The truly penitent could hope for the remission of all or part of their purgation by obtaining an indulgence from a higher authority than the priest.

The ultimate penalty of the church was excommunication, a social ostracism in which no one could give the person drink, food, or shelter and he could speak only to his spouse and servants. Excommunication included denial of the sacraments of baptism, penance, mass [lord's supper}, and extreme unction [prayers for spiritual healing] at death; which were necessary for salvation of the soul; and the sacrament of confirmation. A person could also be denied a Christian burial in consecrated ground. However, the person could still marry and make a will. The purpose of excommunication was to restore the person to spiritual health rather than to punish him. Excommunication was usually imposed for failure to obey an order or for showing contempt of the law or of the courts. It required a hearing and a written reason. The king's court could order a recalcitrant excommunicant imprisoned until he satisfied the claims of the church. If this measure failed, it was possible to turn the offender over to the state for punishment, e.g. for blasphemy or heresy. Blasphemy was thought to cause God's wrath expressed in famine, pestilence, and earthquake and was usually punished by a fine or corporal punishment, e.g. perforation or amputation of the tongue. It was tacitly understood that the punishment for heresy was death by burning. There were no heresy cases up to 1400 and few after that. The state usually assured itself the sentence was just before imposing it. The court of the rural dean was the ecclesiastical parallel of the hundred court of secular jurisdiction and usually had the same land boundaries. The archdeacons, who had been ministers of the bishop in all parts of his diocese alike, were now each assigned to one district, which usually had the same boundaries as the county. Each bishop headed a diocese. Over the bishops were the two Archbishops of Canterbury and of York.

The ecclesiastical court had one judge and no jury. Most cases dealt with offenses against the church, such as working on Sunday, and sexual mores. The court used testimony and depositions of witnesses, oaths of the parties, confessions, physical and written evidence, presumptions of common knowledge, and inquests of impartial, sworn men who made unanimous determinations. The accuser had to meet the burden of proof. The accused could be required to answer questions under oath, thus giving evidence against himself. It was not necessary to have an accuser; a judge could open a case based on public rumor. The judge made a written decision that did not include his reasoning. He read the decision aloud in a public session of the court. If an accused disobeyed a court order to appear or to do penance, he could be excommunicated.

Common law held that ecclesiastical courts could not give money damages. But costs were paid by the loser and included expenses of producing witnesses, writing of documents, and fees of lawyers. An appeal could be made from the archdeacon to the bishop to the metropolitan to the Pope. Henry acknowledged occasional appellate authority of the pope, but expected his clergy to elect bishops of his choice.

There was a separate judicial system for the laws of the forest. There were itinerant justices of the forests and four verderers of each forest county, who were elected by the votes of the full county court, twelve knights appointed to keep vert [everything bearing green leaves] and venison, and foresters of the king and of the lords who had lands within the limits of the forests. Every three years, the officers visited the forests in preparation for the courts of the forest held by the itinerant justices. The inferior courts were the woodmote, held every forty days, and the swein [freeman or freeholder within the forest] mote, held three times yearly before the verderers as justices, in which all who were obliged to attend as suitors of the county court to serve on juries and inquests were to be present.

In this lawsuit, King Henry I decided that since the abbots and monks of Battle had proved before him that certain lands, belonging to the manor of Alciston, are no possession of theirs, so they are to be quit of the services due there: " Henry, king of the English, to Ralph, bishop of Chichester, and all his



ministers of Sussex, greeting. Know that as the abbot of Battle and the monks deraigned [proved] before me that they do not have those lands which you said they had, namely, Ovington, Coding ( in Hove), Batsford (in Warbleton), Daningawurde, Shuyswell ( in Etchingam), Boarzell ( in Ticehurst), Winenham, Wertesce, Brembreshoc and Seuredeswelle, which of old belonged to Alciston and contain seven hides of land of the fifty hides in Alciston and its appurtenances, I order that they shall be free and quit on this account and that none shall molest them any further, but concerning these lands and these hides they shall be completely free and quit as concerning lands which they do not have and of which they are not seised. I also order by royal authority that their manor called Alciston, which my father gave to the church of Battle with other lands for his soul, shall be so free and quit of shires and hundreds and all customs of land-service as my father himself held it most freely and quietly, and namely concerning the work on London Bridge and on the castle of Pevensey. This I command upon my forfeiture. Witness: William de Pont de l'Arche. At Westbourne.

In this lawsuit, King Henry I ordered a bishop and sheriff to put another bishop in possession of certain churches according to the verdict of twelve men: " Henry, by God's grace, etc. to H(erbert), bishop of Norwich, and Robert the sheriff, greeting. I order that you let Richard, bishop of London, have the churches of Blythburgh and Stowe with all the customs that belong to them as twelve among the better men of the hundred will be able to swear and as I ordered in my other writ. And let this not be left undone because of my voyage to Normandy, and let him hold them in peace and honour with suit, soke, toll and team and infangthief and with all other customs, as ever any of my predecessors most honourably and most quietly held them. Witness, etc."

In this lawsuit, King Henry I grants that an abbot should continue to have his mint after his moneyer suffered punishment like all the others in England: "Henry, king of the English, to Everard bishop of Norwich, Robert fitz Walter and all his barons and lieges, French and English, of Suffolk, greeting. I grant that, justice having been done to his moneyer as was done to the other moneyers of England, the abbot of St. Edmunds shall have in the vill of St. Edmunds his mint, moneyer and exchange as he used to have it before. Witnesses: (John), bishop of Lisieux, (Bernard), bishop of St. David's and Robert de Sigillo, At Rouen."

In this lawsuit, King Henry I held proven the ownership of certain wood and land: "Henry, king of the English, to the bishop of Lincoln and the sheriff and the barons and faithful, French and English, of Bedfordshire, greeting. Know that Abbot Reginald of Ramsey has deraigned in my court to the advantage of the church of Ramsey the wood of Crawley and the land pertaining to it against Simon de Beauchamp, about which they were in dispute, and the aforesaid abbot gave to Simon 20 marks of silver and two palfreys [riding horses] so that Simon granted them to him out of goodwill and gave up his claim. And I will and firmly order that the aforesaid church of Ramsey shall hold that wood and the aforesaid land belonging to the wood well and in peace, honourably and by perpetual right. Witnesses: bishop Roger of Salisbury and bishop Alexander of Lincoln, King David of Scotland, Geoffrey the chancellor, Earl Robert of Leicester, Adam de Port, Hugh Bigod, William d'Aubigny the butler, Geoffrey de Clinton, William of d'Aubigny Brito."

## Chapter 6

The Times: 1154-1215

King Henry II and Queen Eleanor, who was twelve years older, were both intelligent, educated, energetic, well-traveled, and experienced in affairs of state. Henry was the first Norman king to be fully literate and he learned Latin. He had many books and maintained a school. Eleanor often served as regent during Henry's reign and the reigns of their two sons: Richard I, the Lion- Hearted, and John. She herself headed armies. Henry II was a modest, courteous, and patient man with an astonishing memory and strong personality. He was indifferent to rank and impatient of pomp to the point of being careless about his appearance. He usually dressed in riding clothes and was often unkempt. He was thrifty, but generous to the poor. He was an outstanding legislator and administrator.

Henry II took the same coronation oath as Edward the Confessor regarding the church, laws, and justice. Not only did he confirm the charter of his grandfather Henry I, but he revived and augmented the laws and institutions of his grandfather and developed them to a new perfection. Almost all legal and fiscal institutions appear in their first effective form during his reign. For instance, he institutionalized the assize for a specific function in judicial proceedings, whereas before it had been an ad hoc body used for various purposes. The term "assize" here means the sitting of a court or council. It came to denote the decisions, enactments, or instructions made at such.

Henry's government practiced a strict economy and he never exploited the growing wealth of the

nation. He abhorred bloodshed and the sacrifice of men's lives. So he strove diligently to keep the peace, when possible by gifts of money, but otherwise with armed force. Robbers were hanged and any man who raped a woman was castrated. Foreign merchants with precious goods could journey safely through the land from fair to fair. These fairs were usually held in the early fall, after harvesting and sheep shearing. Foreign merchants bought wool cloth and hides. Frankpledge was revived, now applying to the unfree and villeins. No stranger could stay overnight (except for one night in a borough), unless sureties were given for his good behavior. A list of such strangers was to be given to itinerant justices.

Henry had character and the foresight to build up a centralized system of government that would survive him. He learned about the counties' and villages' varying laws and customs. Then, using the model of Roman law, he gave to English institutions that unity and system which in their casual patchwork development had been lacking. Henry's government and courts forged permanent direct links between the king and his subjects which cut through the feudal structure of lords and vassals.

He developed the methods and structure of government so that there was a great increase in the scope of administrative activity without a concurrent increase of personal power of the officials who discharged it. The government was self-regulating, with methods of accounting and control which meant that no official, however exalted, could entirely escape the surveillance of his colleagues and the King. At the same time, administrative and judicial procedures were perfected so that much which had previously required the King's personal attention was reduced to routine.

The royal household translated the royal will into action. In the early 1100s, there had been very little machinery of central government that was not closely associated with the royal household. There was a Chief Justiciar for legal matters and a Treasurer. Royal government was largely built upon what had once been purely domestic offices. Kings had called upon their chaplains to pen letters for them. By Henry II's reign, the Chancery was a highly efficient writing office through which the King's will was expressed in a flow of writs, and the Chancellor an important and highly rewarded official, but he was still responsible for organizing the services in the royal chapel. Similarly, the chamberlains ran the household's financial departments. They arranged to have money brought in from a convenient castle treasury, collected money from sheriffs or the King's debtors, arranged loans with the usurers, and supervised the spending of it. It was spent for daily domestic needs, the King's almsgiving, and the mounting of a military campaign. But they were still responsible for personal attendance upon the king in his privy chamber, taking care of his valuable furs, jewels, and documents, and changing his bed linens. There were four other departments of the household. The steward presided over the hall and kitchens and was responsible for supplying the household and guests with food supplies. The butler had duties in the hall and cellars and was responsible for the supply of wine and ale. The marshall arranged lodgings for the King's court as it moved about from palaces to hunting lodges, arranged the pay of the household servants, and supervised the work of ushers, watchmen, fire tenders, messengers and huntsmen. The constable organized the bodyguard and escorts, arranged for the supply of castles, and mustered the royal army. The offices of steward, constable, chamberlain, butler were becoming confined to the household and hereditary. The Justiciar, Chancellor, and Treasurer are becoming purely state offices. They were simply sold or rented, until public pressure resulted in a requirement of ability.

Henry's council included all his tenants-in-chief, which included archbishops, bishops, abbots, priors, earls, barons, knights and socage tenants of the crown, whether they made payments directly to him or through a sheriff. The higher ones were served with a writ addressed to them personally. Knights and below were summoned by a general writ to the sheriff.

Henry brought order and unity by making the King's Royal Court the common court of the land. Its purpose was to guard the King's peace by protecting all people of free status throughout the nation and correct the disparity in punishments given by local courts. The doctrine of felony developed, with punishment by death relacing the old wites. Heretofore, the scope of the King's peace had varied to cover as little as the King's presence, his land, and his highway. The royal demesne had shrunk to about 5% of the land. The Common Law for all the nation was established by example of the King's Royal Court. Henry erected a basic, rational framework for legal processes which drew from tradition but lent itself to continuous expansion and adaptation.

A system of writs originated well-defined actions in the royal courts. Each court writ had to satisfy specific conditions for this court to have jurisdiction over an action or event. This system determined the Royal Court's jurisdiction over the church, lords, and sheriffs. It limited the jurisdiction of all other courts and subordinated them to the Royal Court. Inquests into any misdeeds of sheriffs were held, which could result in their dismissal.

Henry and Eleanor spoke many languages and liked discussing law, philosophy, and history. So they gathered wise and learned men about them, who became known as courtiers, rather than people of

social rank. They lived in the great and strong Tower of London, which had been extended beyond the original White Tower, as had other castles, so that the whole castle and grounds were defended instead of just the main building. The Tower of London was in the custody of one of the two justiciars. On the west were two strongly fortified castles surrounded by a high and deeply entrenched wall, which had seven double gates. Towers were spaced along the north wall and the Thames River flowed below the south wall. To the west was the city, where royal friends had residences with adjoining gardens near the royal palace at Westminster. The court was a center of culture as well as of government. The game of backgammon was played. People wore belts with buckles, usually brass, instead of knotting their belts.

London extended about a mile along the Thames and about half a mile inland. It had narrow twisting lanes, some with a ditch down the middle for water runoff. Most of its houses were two stories, the ground floor having booths and workshops, and the upper floor living space. Most of the houses were wooden structures. The richer merchants' and knights' houses were built of stone. Walls between houses had to be stone to a height of 16 feet and thatched roofs were banned because there had been many fires. There was poor compliance, but some roofs were tiled with red brick tiles. The population was about 40,000. There were over 126 churches for public worship, thirteen monasteries (including nunneries), and St. Paul's Cathedral. All were built of stone. The churches gave a place of worship for every 300 inhabitants and celebrated feast days, gave alms and hospitality to strangers, confirmed betrothals or agreements of marriage, celebrated weddings, conducted funerals, and buried the dead. The synod of Westminster of 1175 prescribed that all marriages were to be performed by the church. A bare exchange of words was sufficient to constitute a marriage. Church law required a warning prior to suspension or excommunication. Monastic, cathedral, and parish schools taught young boys grammar so they could sing and read in church services. Nuns taught girls. Fish but no meat was eaten on Fridays. There was dark rye bread and expensive white wheat bread. Vegetables included onions, leeks, and cabbage. Fruits included apples, pears, plums, cherries, and strawberries. Water was obtained from streams running through the town to the Thames and from springs. Only the rich, palaces, and churches could afford beeswax candles; others had homemade tallow [cow or sheep fat] candles which smelled and gave off smoke. Most people washed their bodies. Even the poor had beds and bed clothes. The beds were often shared. Few babies survived childhood. If a man reached 30, he could expect to live until age 50. Thousands of Londoners died during a hot summer from fevers, plague and the like.

In London, bells heralded the start and finish of all organized business. The sellers of merchandise and hirers of labor were distributed every morning into their several localities according to their trade. Vendors, craftsmen, and laborers had their customary places. Some vendors walked the streets announcing their wares for sale. There were craft guilds of bakers, butchers, cloth workers, and saddlers, as well as of weavers. Vendors on the Thames River bank sold cooked fish caught from the river and wine from ships and wine cellars. Cook shops sold roasted meats covered with hotly spiced sauces.

London Bridge was built of stone for the first time. It was supported by a series of stone arches standing on small man-made islands. It had such a width that a row of wood houses and a chapel was built on top of it. In the spring it was impassable by ships because the flow of water under it varied in height on either side of the bridge by several feet at half tide. The bridge had the effect of slowing down the flow upstream, which invited wherries and rowboats and stately barges of the nobility. In winters in which it froze over, there was ice skating, ice boating, and fishing through holes in the ice.

Outside each city gate were clusters of ragged buildings, small monasteries and hostelries, groups of huntsmen's kennels, and fencing schools. Outside one of the gates, a horse market was held every week. Horses wore horseshoes made of iron or of a crude steel. From the southwest gate of the city along the north river bank toward Westminster, there was a gradually extending line of rich men's mansions and bishops' palaces. On the southern bank of the Thames River was growing the disorderly suburb of Southwark, with fishermen's and boatmen's hovels, and taverns and brothels that were frequented by drunkards, rakes, and whores. On the north side of the city was a great forest with fields and wells where students and other young men from the city took walks in the fresh evening air. In some fields, country folk sold pigs, cows, oxen and sheep. Mill wheels turned at various streams. Near London in the country was a glass factory. At sunset, the gates of London were closed for the night. All taverns had to be closed, all lights put out, and all fires banked or covered when the bell of the church of St. Martin le Grand rang at 9:00 p.m. Anyone found on the streets after this curfew could be arrested. Gangs of young nobles or gangs of thieves, cutpurses, and looters roamed the streets after dark and sometimes rioted. Offenders were often beheaded and their heads placed on spikes on London Bridge.

Men in London had begun weaving cloth, which formerly had been done by women. Some of the cloth was exported. The weavers guild of London received a charter by the King in 1155, the first granted to

any London craft: "Know that I have conceded to the Weavers of London to hold their guild in London with all the liberties and customs which they had in the time of King Henry [I], my grandfather; and that none may intermeddle with the craft within the city, nor in Southwark, nor in other places pertaining to London except through them and except he be in their guild, otherwise than was accustomed to be done in the time of King Henry, my grandfather ...So that each year they render thence to me two marks of gold at the feast of St. Michael. And I forbid that any shall do injury or contumely to them on this account under penalty of 10 pounds [200s.]. Witness T[homas], Chancellor, and Warinus, son of Gerard, Chamberlain, at Winchester." The liberties obtained were: 1) The weavers may elect bailiffs to supervise the work of the craft, to punish defaulters, and to collect the ferm [amount owed to the King]. The bailiffs were chosen from year to year and swore before the mayor of London to do and keep their office well and truly. 2) The bailiffs may hold court from week to week on pleas of debt, agreements, covenants [promises for certain performance], and minor trespasses. 3) If any of the guild members are sued in any other court on any of the above pleas, the guild may challenge that plea to bring it to the guild court. 4) If any member is behind in his share of the payment to the King, the bailiffs may distrain his loom until he has paid this.

The weavers' guild punished members who used bad thread in their weaving or did defective weaving by showing the default to the mayor, with opportunity for the workman to make entreaty, and the mayor and twelve members of the guild then made a verdict of amercement of 1/2 mark and the workman of the cloth was also punished by the guild bailiffs according to guild custom. The weavers' guild tradition of brotherliness among members meant that injury to a fellow weaver incurred a severe penalty. If a weaver stole or eligned [removed them to a distance where they were unreachable] any other weaver's goods falsely and maliciously, then he was dismissed from the guild and his loom was taken by the guild to fulfill his portion of the annual payment to the King. The weavers were allowed to buy and to sell in London freely and quietly. They had all the rights of other freemen of the city.

Paying an annual payment freed the weavers from liability to inconsequent royal fines. Failure to make this payment promptly might have led to loss of the right, hence the rigorous penalty of distraint upon the looms of individual weavers who fell into arrears.

Thus from the middle of the 1100s, the weavers enjoyed the monopoly of their craft, rights of supervision which ensured a high standard of workmanship, power to punish infractions of their privileges, and full control of their members. In this they stand as the prototype of English medieval guilds. These rights represented the standard which all bodies of craftsmen desired to attain. The right of independent jurisdiction was exceptional.

In Henry II's charter to London, London did not retain its right to appoint its own sheriff and justice given by Henry I. London's chief magistrate was the mayor, who was appointed by the King, until 1191. Then the mayor was elected yearly by the aldermen of the city wards and approved by the king. He was typically a rich prince chosen by the barons and chief merchants of London. The commoners had no voice in his selection, but they could still approve or disapprove of the actions of the city government at ward and folk motes. At certain periods, a king asserted royal power over the selection of mayor and governance of the city. There were three ways to become a citizen of London: being the son of a citizen, apprenticeship in a craft for seven years, and purchase of citizenship. London and Westminster growth led to their replacing Winchester as the capital.

St. Barthomew infirmary was established in London for the care of sick pilgrims traveling to the shrine of Becket in Canterbury. It had been inspired by a monk who saw a vision of St. Barthomew telling him to build a church and an infirmary.

Trading was facilitated by the stabilization of the amount of silver metallic content of the English coinage, which was called "sterling" [strong] silver. The compass, a magnetic lodestone [leading stone] needle mounted on a cork and floated in a bowl of water, assisted the navigation of ships. With it, one could tell the general direction of a ship when the skies were cloudy as well as clear. And one could generally track one's route by using the direction and speed of travel to calculate one's new position. London became a major trading center for foreign goods from many lands.

About 5% of the knights were literate. Wealthy men sent their sons to school in monasteries to prepare them for a livelihood in a profession or in trade or to the town of Oxford, whose individual scholars had migrated from Paris and had attracted disciples for a long time. These schools grew up around St. Mary's Church, but had not been started by the church as there was no cathedral school in Oxford. Oxford had started as a burh and had a royal residence and many tradesmen. It was given its basic charter in 1155 by the King. This confirmed to it all the customs, laws and liberties [rights] as those enjoyed by London. It became a model charter for other towns.

Bachelors at Oxford studied the arts of grammar, rhetoric, and logic, and then music, arithmetic, geometry, and astronomy, until they mastered their discipline and therefore were authorized to teach

it. Teaching would then provide an income sufficient to support a wife. The master of arts was analogous to the master craftsman of a guild. From 1190, the civil law was studied, and shortly thereafter, canon law. Later came the study of medicine. The use of paper supplemented the use of parchment for writing. Irregular edged paper was made from linen, cotton, straw, and/or wood beaten to a pulp and then spread out over a wire mesh to dry.

Theologians taught that the universe was made for the sake and service of man, so man was placed at the center of the universe. Man was made for the sake and service of God.

Every freeman holding land of a lord gave homage and fealty to him, swearing to bear him faith of the tenement held and to preserve his earthly honor in all things, saving the faith owed to the king. Homage was done for lands, for free tenements [including meadows, pastures, woods, and wastes], for services, and for rents precisely fixed in money or in kind. Homage could be done to any free person, male or female, adult or minor, cleric or layman. A man could do several homages to different lords for different fees, but there had to be a chief homage to that lord of whom he held his chief tenement. Homage was not due for dower, from the husband of a woman to whom a tenement was given as a marriage portion, for a fee given in free alms, or until the third heir, either for free maritagium [a marriage portion of land which is given with a daughter in marriage, that is not bound to service and passes to the daughter's heirs in whatever way had been stipulated by her family when the grant was made] or for the fee of younger sisters holding of the eldest. All fiefs to be inherited by the eldest son had to be intact. Every lord could exact fealty from his servants.

In this era, the English national race and character was formed. Only a few barons still had lands in Normandy. Stories of good King Arthur were popular and set ideals for behavior and justice in an otherwise barbaric age where force was supreme. His last battle in which he lay wounded and told a kinsman to rule in his place and uphold his laws was written in poem ("Layamon's Brut"). Romantic stories were written and read in English. The custom of "bundling" was started by ladies with their knights, who would lie together in bed without undressing and with one in a sack the top of which was tied around his neck, as part of a romantic courtship. Wealthy men often gave their daughters dowries in case they were widowed. This might be matched by a marriage settlement by a prospective husband.

Intermarriage had destroyed any distinction of Normans by look or speech alone, except for the Anglo-Saxon manor villeins, who worked the farm land and composed about two-thirds of the population. Villeins were bound to the land and could, on flight, be brought back to it. They could not give homage, but could give fealty. A villein had the equipment to farm, fish, make cheese, keep poultry, brew beer, hedge, and cut wood. Although the villeins could not buy their freedom or be freed by their lord, they became less numerous because of the preference of landholders for tenants motivated to perform work by potential loss of tenure. Also, the Crown's protection of all its subjects in criminal matters blurred the distinction between free and unfree men.

The boroughs were dominated by lords of local manors, who usually had a house in the borough. Similarly, burgesses usually had farmland outside the borough. Many boroughs were granted, by the king or manor lord, the right to have a common seal for the common business of the town. Some boroughs were given the authority to confer freedom on the villein by enrolling him in their guild or allowing him to stay in the borough for a year and a day. The guilds met frequently in their drinking halls and drew up regulations for the management of their trade. Each borough was represented by twelve reputable burgesses. Each vill was represented by a reeve and four reputable men. Certain towns sponsored great seasonal fairs for special goods, such as cloth. About 5% of the population lived in towns.

In the early 1180s, the horizontal-axle windmill was invented, probably in eastern England, on the analogy of the horizontal-axle watermill. It was very useful in flat areas where streams were too slow for a watermill unless a dam were built. But a dam often flooded agricultural land. Some watermill wheels were moved by tidal currents.

London guilds of craftsmen such as weavers, fullers, bakers, loriners (makers of bits, spurs, and metal mountings of bridles and saddles), cordwainers (makers of leather goods such as shoes), pepperers, and goldsmiths were licensed by the King, for which they paid him a yearly fee. There were also five Bridge Guilds (probably raising money for the future construction of London Bridge in stone) and St. Lazarus' Guild. The wealthy guilds, which included the goldsmiths, the pepperers, and three bridge guilds had landholding members who had been thegns or knights and now became a class of royal officials: the King's minters, his chamberlain, his takers of wines, his collectors of taxes. The weavers of Oxford paid 27s. [two marks] to have a guild. The shoemakers paid 67s. [five marks].

In 1212, master carpenters, masons, and tilers made 3d. per day, their servers (the journeymen of a later time) made 1 1/2 d., free stone carvers 2 1/2 d., plasterers and daubers, diggers and sievers less. All received food in addition or 1 1/2 d. in its stead.

Sandwich was confirmed in its port rights by this charter: "Henry II to his sheriff and bailiffs of Kent, greeting. I will and order that the monks of the Holy Trinity of Canterbury shall have fully all those liberties and customs in Sandwich which they had in the time of King Henry my grandfather, as it was adjudged in pursuance of his command by the oath of twelve men of Dover and twelve men of Sandwich, to wit, that the aforesaid monks ought to have the port and the toll and all maritime customs in the same port, on either side of the water from Eadburge gate as far as markesfliete and a ferryboat for passage. And no man has there any right except they and their ministers. Wherefore I will and firmly command you and the men of Sandwich that ye cause the aforesaid monks to have all their customs both in the port and in the town of Sandwich, and I forbid any from vexing them on this account. And they shall have my firm peace."

Henry gave this charter to the town of Bristol in 1164: "Know ye, that I have granted to my burgesses of Bristol, that they shall be quit both of toll [a reasonable sum of money or portion of the thing sold, due to the owner of the fair or market on the sale of things tollable therein. It was claimed by the lord of the fee where the fair or market was held, by virtue of a grant from the Crown either ostensible or presumed] and passage [money paid for crossing a river or for crossing the sea as might be due to the Crown] and all custom [customary payments] throughout my whole land of England, Normandy, and Wales, wherever they shall come, they and their goods. Wherefore I will and strictly command, that they shall have all their liberties and acquittances and free customs fully and honorable, as my free and faithful men, and that they shall be quit of toll and passage and of every other customs: and I forbid any one to disturb them on this account contrary to this my charter, on forfeiture of ten pounds [200s.]."

John, when he was an earl and before he became King, granted these liberties to Bristol about 1188:

- 1) -No burgess may sue or be sued out of Bristol.
- 2) -The burgesses are excused from the murdrum fine.
- 3) -No burgess may wage duel [trial by combat], unless sued for death of a stranger.
- 4) -No one may take possession of a lodging house by assignment or by livery of the Marshall of the Earl of Gloucester against the will of the burgesses (so that the town would not be responsible for the good behavior of a stranger lodging in the town without first accepting the possessor of the lodging house).
- 5) -No one shall be condemned in a matter of money, unless -according to the law of the hundred, that is, forfeiture of 40s.
- 6) -The hundred court shall be held only once a week.
- 7) -No one in any plea may argue his cause in mickenning.
- 8) -They may lawfully have their lands and tenures and mortgages and debts throughout my whole land, [from] whoever owes them [anything].
- 9) -With regard to debts which have been lent in Bristol, and mortgages there made, pleas shall be held in the town according to the custom of the town.
- 10) If any one in any other place in my land shall take toll of the men of Bristol, if he does not restore it after he is required to, the Prepositor of Bristol may take from him a distress at - - Bristol, and force him to restore it.
- 11) No stranger tradesman may buy within the town from a man who is a stranger, leather, grain, or wool, but only from a burgess.
- 12) No stranger may have a shop, including one for selling wine, unless in a ship, nor shall sell cloth for cutting except at the fair.
- 13) No stranger may remain in the town with his goods for the purpose of selling his goods, but for forty days.
- 14) No burgess may be confined or distrained any where else within my land or power for any debt, unless he is a debtor or surety (to avoid a person owed a debt from distraining another person of the town of the debtor).
- 15) They shall be able to marry themselves, their sons, their daughters and their widows, without the license of their lords. (A lord had the right of preventing his tenants and their families from marrying

without his consent.)

16) No one of their lords shall have the wardship or the disposal of their sons or daughters on account of their lands out of the town, but only the wardship of their tenements which belong to their own fee, until they become of age.

17) There shall be no recognition [acknowledgment that something done by another person in one's name had one's authority] in the town.

18) No one shall take tyne [wooden barrel with a certain quantity of ale, payable by the townsmen to the constable for the use of the castle] unless for the use of the lord Earl, and that according to the custom of the town.

19) They may grind their grain wherever they may choose.

20) They may have their reasonable guilds, as well or better than they had them in the time of Robert and his son William [John's wife's grandfather and father, who were earls of Gloucester when the town and castle of Bristol were part of the honor of Gloucester].

21) No burgess may be compelled to bail any man, unless he himself chooses it, although he may be dwelling on his land.

We have also granted to them all their tenures, messuages [dwelling house with adjoining land and adjacent buildings], in copses [thicket from which wood was cut], in buildings on the water or elsewhere to be held in free burgage [tenant to pay only certain fixed services or payments to his lord, but not military service (like free socage)]. We have granted also that any of them may make improvements as much as he can in erecting buildings anywhere on the bank and elsewhere, as long as the borough and town are not damaged thereby. Also, they shall have and possess all waste land and void grounds and places, to be built on at their pleasure.

Newcastle-on-Tyne's taxes were simplified in 1175 as follows:

"Know ye that I have granted and by this present charter have confirmed to my burgesses of Newcastle upon Tyne, and to all their things which they can assure to be their own, acquittance from toll and passage and pontage and from the Hanse and from all other customs throughout all my land. And I prohibit all persons from vexing or disturbing them therein upon forfeiture to me."

We grant to our upright men on Newcastle-on-Tyne and their heirs our town of Newcastle-on-Tyne with all its appurtenances at fee farm for 100 pounds to be rendered yearly to us and our heirs at our Exchequer by their own hand at the two terms, to wit, at Easter 50 pounds and at Michaelmas 50 pounds, saving to us our rents and prizes and assizes in the port of the same town.

Ranulph, earl of Chester, made grants to his burgesses of Coventry by this charter: "That the aforesaid burgesses and their heirs may well and honorably quietly and in free burgage hold of me and my heirs as ever in the time of my father and others of my ancestors they have held better more firmly and freer. In the second place I grant to them all the free and good laws which the burgesses of Lincoln have better and freer. I prohibit and forbid my constables to draw them into the castle to plead for any cause, but they may freely have their portimote [leet court] in which all pleas belonging to me and them may be justly treated of. Moreover they may choose from themselves one to act for me whom I approve, who a justice under me and over them may know the laws and customs, and keep them to my counsel in all things reasonable, every excuse put away, and may faithfully perform to me my rights. If any one happen to fall into my amercement he may be reasonably fined by my bailiff and the faithful burgesses of the court. Furthermore, whatever merchants they have brought with them for the improvement of the town, I command that they have peace, and that none do them injury or unjustly send them into court. But if any foreign merchant shall have done anything improper in the town that same may be regulated in the portimote before the aforesaid justice without a suit at law."

Henry confirmed this charter of the earl's by 1189 as follows: I have confirmed all the liberties and free customs the earl of Chester granted to them, namely, that the same burgesses may well and honorably hold in free burgage, as ever in the time of the father of the beforesaid earl, or other of his ancestors, they may have better or more firmly held; and they may have all the laws and customs which the citizens of Lincoln have better and freer (e.g. their merchant guilds); all men brought to trade may be subject to the guild customs and assize of the town; those who lawfully hold land in the town for a year and a day without question and are able to prove that an accuser has been in the kingdom within the year without finding fault with them, from thence may hold the land well and in peace without pleading; those who have remained in the town a year and a day without question, and have submitted to the customs of the town and the citizens of the town are able to show through the laws and customs of the town that the accuser stood forth in the kingdom, and not a fault is found of them, then they may

remain in peace in the town without question]; and that the constable of the aforesaid earl shall not bring them into the castle to plead in any case. But they may freely have their own portmanmote in which all pleas appertaining to the earl and to them may be justly treated of. Moreover they may choose one from themselves to act for the earl, whom I approve, who may be a justice under the earl and over them, and who to the earl may faithfully perform his rights, and if anyone happen to fall into the earl's forfeiture he shall be acquit for 12 pence. If by the testimony of his neighbors he cannot pay 12 pence coins, by their advice it shall be so settled as he is able to pay, and besides, with other acquittances, that the burgesses shall not provide anything in corody [allowance in food] or otherwise whether for the said earl or his men, unless upon condition that their chattels shall be safe, and so rendered to them. Furthermore, whatever merchants they have brought with them for the improvement of the town they may have peace, and none shall do them injury or unjustly send them into suit at law. But if any foreign merchant has done anything improper in the town that shall be amended [or tried] in the portmanmote before the aforesaid justice without a suit. And they who may be newcomers into the town, from the day on which they began to build in the town for the space of two years shall be acquit of all charges.

Mercantile privileges were granted to the shoemakers in Oxford thus: "Know ye that I have granted and confirmed to the corvesars of Oxford all the liberties and customs which they had in the time of King Henry my grandfather, and that they have their guild, so that none carry on their trade in the town of Oxford, except he be of that guild. I grant also that the cordwainers who afterwards may come into the town of Oxford shall be of the same guild and shall have the same liberties and customs which the corvesars have and ought to have. For this grant and confirmation, however, the corvesars and cordwainers ought to pay me every year an ounce of gold."

A guild merchant for wool dominated and regulated the wool trade in many boroughs. In Leicester, only guildsmen were permitted to buy and sell wool wholesale to whom they pleased or to wash their fells in borough waters. Certain properties, such as those near running water, essential to the manufacture of wool were maintained for the use of guild members. The waterwheel was a technological advance replacing human labor whereby the cloth was fulled. The waterwheel turned a shaft which lifted hammers to pound the wet cloth in a trough. Wool packers and washers could work only for guild members. The guild fixed wages, for instance to wool wrappers and flock pullers. Strangers who brought wool to the town for sale could sell only to guild members. A guildsman could not sell wool retail to strangers nor go into partnership with a man outside the guild. Each guild member had to swear the guildsman's oath, pay an entrance fee, and subject himself to the judgment of the guild in the guild court, which could fine or suspend a man from practicing his trade for a year. The advantages of guild membership extended beyond profit in the wool trade. Members were free from the tolls that strangers paid. They alone were free to sell certain goods retail. They had the right to share in any bargain made in the presence of a guildsman, whether the transaction took place in Leicester or in a distant market. In the general interest, the guild forbade the use of false weights and measures and the production of shoddy goods. It maintained a wool beam for weighing wool. It also forbade middlemen from profiting at the expense of the public. For instance, butchers' wives were forbidden from buying meat to sell again in the same market unless they cooked it. The moneys due to the king from the guilds of a town were collected by the town reeve.

When the king wanted to raise an army, he summoned his major baron tenants-in-chief, who commanded their own armed dependent vassals, and he directed the sheriffs to command the minor tenants-in-chief and supply them with equipment. A baron could assemble an army in a day, but might use it to resist any perceived misgovernment by a king. Armed conflict did not interfere much with daily life because the national wealth was still composed mostly of flocks and herds and simple buildings. Machinery, furniture, and the stock of shops were still sparse. Life would be back to normal within a week.

Henry wanted to check this power of the barons. So he took over or demolished their adulterine castles and restored the fyrd, which was a military draft of every freeman to serve in defense of the realm. At the King's call, barons were to appear in mail suit and helmet with sword and horse, knights and freeholders with 213s.[16 marks] of rent or chattels in coat of mail with shield and lance, freeholders of 133s.[10 marks] with lance and hauberk [coat of armor] and iron headpiece, burgesses and poorer freemen with lance and headpiece and wambais, and such as millers with pike and leather shirt. The spiritual and other baronies paid a commutation for personal service, called "scutage", at the rate of 27s. per knight's fee. Barons and knights paid according to their knight's fee a scutage ranging from 10s. to 27s. As of 1181, the military obligations of villeins were defined. The master of a household was responsible for every villein in his household. Others had to form groups of ten and swear obedience to the chief of the group. The sheriff was responsible for maintaining lists of men liable for military service and procuring supplies. This national militia could be used to maintain the peace. The sheriff could call upon the military array of the county as a "posse comitatus" to take a band of thieves



into custody or to quell disorder. For foreign wars, Henry decided to use a mercenary army and a mercenary fleet.

However, the nobility who were on the borders of the realm had to maintain their private armies for frequent border clashes. The other nobility now tended towards tournaments with mock foot battles between two sides. Although subject to knightly rules, serious injury and death often resulted. For this reason, the church opposed them, but unsuccessfully.

New taxes replaced the Danegeld tax. Freeholders of land paid taxes according to their ploughable land ("hidage", by the hide, and later "carucage", by the smaller Norman carucate). The smaller measure curtailed estates and increased taxation. It was assessed from 2-5s. per carucate [100 acres] and collected for the king by knights with little or no remuneration, and later by inquest of neighbors. The towns and demesne lands of the crown paid a tax based on their produce that was collected by the itinerant justices. Merchants were taxed on their personal property, which was determined by an inquest of neighbors. Clergy were also taxed. This new system of taxation increased the royal income about threefold. There was a standard for reliefs paid of 100s. [5 pounds] for a knight's fee and 2,000s. [100 pounds] for a barony. At the end of Henry's reign, his treasure was over 900,000 pounds. Every hide of land paid the sheriff 2s. annually for his services in the administration and defense of the county.

Barons and their tenants and subtenants were offered an alternative of paying shield money ["scutage"] of 26s.8d. per fee in commutation for and instead of military service for their fiefs. This enabled Henry to hire soldiers who would be more directly under his own control and to organize a more efficient army.

Henry II restored the silver coinage to its standard of purity. The first great inflation in England occurred between 1180 and 1220. Most goods and services increased threefold over these forty years.

Great households, whether of baron, prelate, monastery, or college gave their officers and servants allowances of provisions and clothing called "liveries". The officer of such departments as the buttery [cellar storing butts of wine], the kitchen, the napery [for linen cloth], and the chandlery had his fixed allowances for every day and his livery of clothing at fixed times of the year or intervals of years.

The administration of a great estate is indicated by the Pipe Roll of the Bishopric of Winchester, 1208-1209, as follows:

"Downton: William FitzGilbert, and Joselyn the reeve, and Aylward the cellarer render account of 7 pounds 12s.11d. for arrears of the previous year. They paid and are quit. And of 3 pounds 2s.2d. for landgafol. And of 12d. by increment of tax for a park which William of Witherington held for nothing. And of 2s.6d. by increment of tax for half a virgate of land which James Oisel held without service. And of 19s. for 19 assize pleas in the new market. And of 10s. by increment of tax for 10 other assize pleas in the market this year. Sum of the whole tax 36 pounds 14s.8d. In quittance of one reeve, 5s. In quittance for repairing the bridge, 5s.; of one forester, 4s.; of two haywards from Downton and Wick, 4s.; of one hayward from Witherington, 20d.; of fourteen drivers from Downton, Wick, and Nunton, for the year, 28s.; of two drivers from Witherington for the year, 4s.4d.; of two drivers for half the year, 2s.; of one swineherd, of one neaterd, of one cowherd, for the year, 6s.; of three shepherds from Wick, Barford, and Nunton, for the year, 6s.; of one shepherd from Witherington, for the year, 20d.; of four customary tenants, for the year, 8s. Sum of the quittances, 74s.8d. Remainder 33 pounds.

Livery: For livery to John the dean, for Christmas tax, 7 pounds 10s. by one tally. To the same for Easter tax, 8 pounds by one tally. To the same for St. John's tax, 8 pounds by one tally. To the same for St. Michael's tax, 8 pounds 10s. by one tally. To the same for corn [grain] sold in the field 26 pounds by two tallies. To the same for standing corn [growing crops of grain], purchases, and cheeses, 20 pounds 16s.10d. To the same for wool, 6 pounds 13s.4d. by one tally. To the same for tallage 39 pounds by one tally. Sum: 134 pounds 10s.2d.

Expenses: For ironwork of 8 carts for year and one cart for half the year, 32s.10d. For shoeing of 2 plough horses for the year, 2s.8d. For wheels for carts, 2s.9d. For 6 carts made over, 12d. before the arrival of the carpenter. For wages of the smith for the year, 8s.6d. For one cart bound in iron bought new, 5s.7d. For wheels purchased for one cart to haul dung, 12d. For leather harness and trappings, iron links, plates, halters, 14d. For purchase of 2 ropes, 3d. For purchase of 2 sacks, 8d. For purchase of 5 locks for the granary, 11d. For making 2 gates for the sheepfold, 2s. For one gate for the farm yard, 12d. For an ax and tallow purchased and for repairing the spindles of the mill for the year, 6s.10d. For one millstone purchased for the mill 24s. For making one gate near the mill, 12d. For meat prepared in the larder, 3s. For beer bought for cleaning carcasses, 2s.1d. For digging 158 perches of land around the pasture in the marsh, 32s.11d.; for each perch 2d.1ob. For the dovecote newly made,

22s.11d.1ob. For cutting 100 thick planks for flooring both dispensary and butlery, 6s.3d. For nails or pegs bought for planking beyond the cellar, 16d. For enclosing the garden by making 2 gates, 6s.7d.1ob. For digging in the gardens, 8s.5d. For the winter work of 55 carts, 9s.2d. For the Lent work of 49 carts, 8s.6d. For spreading 6 acres with dung, 6d. For threshing 24 quarters of wheat at Mardon for seed, 5s. For winnowing the same, 7d. For winnowing 36 quarters of grain for seed, 3s.9d. For threshing 192 quarters of grain 32s.; for each quarter 2d. For threshing 20 quarters of mixed corn [grain], 2s.6d. For threshing 42 quarters of barley, 3s.6d. For threshing 53 quarters of oats, 2s.2d.1ob. For hauling gravel to the bridge and causeway, 4d. For cost of dairy, viz., 3 tines of salt, cloth, and pots, 6s.10d. For purchase of 17 oxen, 5 pounds 13s. For hoeing 140 acres, 5s.10d. For wages of two carters, one neatherd, for the year, 9s. For wages of one carpenter for the year, 6s.8d. For wages of one dairy woman, 2s.6d. For payment of mowers of the meadow at Nunton, 6d. For 8 sheep purchased, 8s. For wages of one neatherd from Nunton, 12d. For carrying 2 casks of wine by Walter Locard, in the time of Martinmas, 8s.2d. For the carrying of 2 casks of wine from Southampton to Downton by the seneschal, 3s.6d. at the feast of St. Lawrence. For digging 22 perches in the farmyard, 6s.5d.; for each perch 3d.1ob. For allowance of food of Robert of Lurdon, who was sick for 21 days, with his man, 5s.3d. For allowance of food to Sewal who was caring for 2 horses of the lord bishop for 3 weeks, 21d. For allowance of food for Roger Walselin, for the two times he made gifts to the lord king at Clarendon, 4s.9d. by two tallies. For allowance of food of Master Robert Basset, for 3 journeys, 9s.3d.1ob. For livery of William FitzGilbert, 60s.10d. For 30 ells of canvas purchased for laying over the wool, and 2 cushions prepared for the court, 5s. For 8 sheep purchased, with lambs, 8s. Sum: 2 pounds.23d. Sum of livery and expenses: 159 pounds 12s.1d. And there is owing: 5 pounds 9s.4d.1ob.

Produce of Granary: The same render account of 221 and a half quarters and 1 strike from all the produce of grain; and of 24 quarters brought from Mardon. Sum: 245 and a half quarters and 1 strike. For sowing 351 acres, 127 quarters. For bread for the lord bishop, 18 and a half quarters delivered to John de Dispensa by three tallies. For the balance sold, 110 quarters and 1 strike. The same render account of 38 and a half quarters from all the produce of small corn [grain]. For the balance sold, all. The same render account of 29 quarters and 1 strike from all the produce of mixed corn [grain]. For seeding 156 acres, 53 quarters and 1 strike. For bread for 3 autumnal works, 9 quarters. For the balance sold, 27 quarters. The same render account of 178 and a half quarters from all the produce of barley. For sowing 102 and a half acres, 49 and a half quarters. For payment for carts, 1 quarter. For payment for hauling dung, 2 quarters. For allowance of food of two carters, one carpenter, one neatherd, one dairy woman, for the year, 32 and a half quarters. For feeding hogs in the winter, 2 quarters. For the balance sold, 91 and a half quarters. It is quit.

The same render account of 311 quarters and 2 bushels from all the produce of oats. In sowing 221 and a half acres, 110 and a half quarters. For prebends [revenues paid for a clergyman's salary] of the lord bishop and lord king, on many occasions, 131 and a half quarters and 2 bushels, by five tallies. For prebends of Roger Wakelin, 2 and a half quarters and 3 bushels. For prebends of Master Robert Basset, 3 and a half quarters and 1 bushel. For provender [dry food for livestock] of 2 horses of the lord bishop and 1 horse of Richard Marsh, for 5 weeks, 5 and a half quarters and 2 bushels. For provender of 2 horses of the lord bishop who stayed 16 nights at Downton, 4 quarters. For that sent to Knoyle, 18 quarters. For provender of 1 horse of Robert of Lurdon for 3 weeks, 1 and a half quarters. For prebends of two carters 7 quarters and 2 bushels. For the balance sold, 12 quarters. And there remains 14 quarters and 1 strike. The same render account of 6 and a half quarters from the whole produce of beans. For planting in the garden half a quarter. For the balance sold, 6 quarters. It is quit.

The same render account of 4 quarters and 1 strike from all the produce of peas. For sowing 6 acres, 1 and a half quarters. For the balance sold 2 and a half quarters and 1 strike. It is quit. The same render account of 4 quarters from all the produce of vetches [pea plants used for animal fodder]. For feeding pigs in the winter, all. It is quit.

Beasts of Burden: The same render account of 104 oxen remaining from the previous year. And of 2 yoked from useless animals. And of 1 from the will of Robert Copp. And of 17 purchased. Sum: 124. Of living ones sold, 12. Of dead, 21. Sum: 33. And there remain 91 oxen. The same render account of 2 goats remaining from the previous year. All remain.

The same render account of 19 cows remaining from the previous year. And of 7 yoked from useless animals, and of 1 found. Sum: 27. By death, 1. By killing, brought for the need of the lord bishop at Cranbourne, 2. Sum: 3. And there remain 24 cows. The same render account of 7 heifers and 2 steers remaining from the previous year. In yoked cows, 7 heifers. In yoked oxen, 2 bulls. Sum: 9.

The same render account of 12 yearlings remaining from the previous year. By death, 1. There remain 11, of which 5 are female, 6 male.

The same render account of 13 calves born this year from cows, because the rest were sterile. In

tithes, 1. There remain 12. The same render account of 858 sheep remaining from the previous year. And of 47 sheep for the payment of herbage, after birth, and before clipping. And of 8 bought before birth. And of 137 young ewes mixed with two-year-olds. Sum: 1050. In live ones sold at the time of Martinmas, 46. In those dead before birth, 20. In those dead after birth and before shearing, 12. Sum: 78. And there remain 972 sheep.

The same render account of 584 wethers [castrated rams] remaining from the previous year. And of 163 wethers mixed with two-year-olds. And of 16 rams from Lindsey, which came by brother Walter before shearing. Sum: 763. In living ones sold at the time of Martinmas, 27 wethers, 10 rams. Paid to the men of Bishopton before shearing by writ of the seneschal, 20. By death, before shearing, 14. Sum: 71. And there remain 692 sheep. The same render account of 322 old sheep remaining, with lambs from the previous year. By death before shearing, 22. And there remain 300; whence 137 are young ewes, mixed with sheep, and 163 males, mixed with wethers.

The same render account of 750 lambs born from sheep this year because 20 were sterile, and 30 aborted. In payment of the smith, 2; of shepherds, 3. In tithes, 73. In those dead before shearing, 105. Sum: 181. And there remain 569 lambs.

The same render account of 1664 large sheepskins whence 16 were from the rams of Lindsey. In tithes, 164. In payment of three shepherds, 3. In the balance sold 1497 skins with 16 skins from Lindsey which made 11 pondera.

The same render account of 569 lamb skins. In the balance sold, all, which made 1 and a half pondera.

The same render account of 138 cheeses from arrears of the previous year. And of 19 small cheeses. And of 5 larger ones from the arrears of the previous year. And of 273 cheeses which were begun the 6th of April and finished on the feast of St. Michael, both days being counted. And they made cheeses two by two for 96 days, viz. from the 27th April to the vigil of the feast of St. Peter in Chains, both days being counted. Sum: 435 cheeses. In tithes 27. In payment of a shepherd, and mowers of the meadow from Nunton, 2. In duty of a carter, 3. In autumnal work, 10. In expenses of the bishop in the kitchen, 2 by one tally. In the balance sold, 133 cheeses, which made 10 heads, from arrears of the previous year. In the balance sold, 177 cheeses, which made 18 heads in this year. In expenses of the lord king and lord bishop on the feasts of St. Leonard and St. Martin, 19 small cheeses, and 5 larger ones from the arrears of the previous year. And there remain 52 small cheeses which make one head.

The same render account of 124 hogs remaining from the previous year. And of 29 that were born of sows. Sum: 153 pigs. In tithes, 2. By death, 9. In those killed for the larder, 83. Sum: 95 pigs. And there remain 58 pigs. Also 19 suckling pigs. Sum of the whole: 77 pigs.

The same render account of 48 chickens from arrears of the previous year. And of 258 chickens for cheriset. Sum: 306. In expenses of the lord bishop on the feast of St. Martin, 36 by one tally. In expenses of the same on the feast of St. Leonard, 106, by one tally. In expenses of the lord king and bishop on the feast of the Apostles Peter and Paul, 131 chickens, by two tallies. In allowance for food for Roger Wakelin, 8. In allowance of food for Master Robert Basset, 4. By death, 21. Sum: 306 chickens. It is quit.

The same render account of 273 chickens, 27 sticæ of eels, 4 suckling pigs, freed for the expenses of the lord king and bishop. From the Larder: The same freed for the expenses of the lord bishop meat of 2 cows taken to Cranbourne.

The same render account of 13 sides of bacon, arrears of the previous year. And of 5 oxen and 1 quarter of old beef from arrears of the previous year. And of 84 hogs from Downton. And of 71 hogs from Mardon. And of 10 hogs from Overton. And of 9 hogs from High-Clere. And of 14 hogs from Harwell. And of 7 hogs from Knoyle. Sum: 203 hogs, and meat of 5 oxen and one quarter. In expenses of the lord bishop at the feast of St. Martin, 8 sides of bacon. In expenses of the same at the feast of St. Leonard, 17 sides of bacon, the meat of 5 oxen, and 1 quarter of an ox. In expenses of the same on the morrow of the feast of the Holy Cross, delivered to Nicolas the cook, 27 sides of bacon. In expenses of the lord bishop delivered to the same cook at Knoyle on the Saturday before the feast of St. Michael, 15 sides of bacon. In expenses of the same and of the lord king on the feast of the Apostles Peter and Paul, 50 sides of bacon. In allowance of food to Master Robert Basset on the feast of All Saints, half a side of bacon. In allowance of food to the same on Wednesday and Thursday before Pentecost, 1 side of bacon. In those sent to Knoyle for autumnal work, 6 sides of bacon. In three autumnal festivals at Downton, 9 and a half sides of bacon. Sum: 134 sides of bacon. And there remain 74 sides of bacon.

The same render account of skins, sausages, and offal of the said hogs. In expenses of the lord king and lord bishop at the feast of St.

Leonard, all. Nothing remains."

King Richard the Lion-hearted, unlike his father, was interested in warfare. He spent most of his term on crusade to recover Jerusalem. For his expenses, he imposed a tax of one-tenth of rents and income from personal property and goods. He also sold town charters, heiresses and heirs, widows, sheriffdoms, justiceships, earldoms, and licenses for tournaments. In 1198, the bishop barons had refused to pay for a campaign of Richard's war in Normandy arguing that military service was only due within the kingdom of England. When Richard was captured, every person in the realm was required to pay a part of his ransom of 100,000 pounds, which was double the whole revenue of the crown. Aids, tallages, and carucage were imposed. The heaviest impost was one-fourth of revenue or of goods from every person. The crusaders' contact with Arabs brought to England an expansion of trade, Arab horses, and arabic numerals, which included "zero" and greatly facilitated arithmetic, which was very difficult with Roman numerals. The church decreed that those who went on these crusades would be remitted of their sins.

At the end of this period was the reign of King John, a short man. After his mother Eleanor's death in 1204, John ruled without her influence. He had no conscience and his oaths were no good. He trusted and was trusted by no one. He had a huge appetite for money. He imposed 2,000 pounds [3,000 marks] on London for confirmation of its charter. He imposed levies on the capital value of all personal property and goods. It began the occasional subsidies called "tenths and fifteenths" from all people on incomes from movables: one-tenth from boroughs and royal demesne land, and one-fifteenth elsewhere. He sold the wardships of minors and the marriages of heiresses to the highest bidder, no matter how base. He appointed unprincipled men to be both sheriff and justice, enabling them to blackmail property holders with vexatious writs and false accusations. Writs were withheld or sold at exorbitant prices. Crushing penalties were imposed to increase the profits of justice. He asserted over fowls of the air the same exclusive right as over beasts of the forest. The story of Robin Hood portrays John's attempt to gain the crown prematurely while Richard was on the Crusades to recover Jerusalem for Christendom. In 1213, strong northern barons refused a royal demand for service in France or scutage, arguing that the amount was not within custom or otherwise justified. John had private and public enemies. No one trusted him and he trusted no one. His heavy handed and arbitrary rule quickly alienated all sectors of the population: other barons, bishops, London, and the commons. They joined the barons to pressure him to sign the Magna Carta, much of which restated Henry II's work. Since John had extracted many heavy fines from barons by personally adjudging them blameworthy in disputes with others, the barons wanted judgment by their peers under the established law of the courts. In arms, the barons forced John to sign the Magna Carta correcting his abuses.

### The Law

During the 1100s and 1200s, changes took place with regard to wills which gradually established a definite common law. They were: The king's court condemns the post obit gift of land because it was rung from a man in the agony of dying when he had most probably lost his memory and his reason, and it disappeared in the late 1100s, except for burgage tenements. The primogeniture scheme for the descent of land had been well established in the course of the 1100s and the concept of a definite heir as appointed by God was now established. Heirship now has nothing to do with chattels. The church takes jurisdiction by 1200 over succession of chattels and succession assumes a testamentary character with witnesses and with an executor to carry out the dead man's will and pay his debts. A will only dealt with the dead man's part of his chattels, the law providing parts for the wife and children. If there were both wife and children, the wife took one-third and the children, except for the heir, one-third and the man could will the remaining third. If there is a wife but no child or a child but no wife, one half went to the surviving wife or children, except for the heir, and one-half was governed by the will. If there was no will, which was rare, the situation was unsettled, but usually the church distributed the remaining portion for the good of the dead man's soul.

By statute, no one, including the lord of a manor, may take land from anyone else, for instance, by the customary process of distress, without a judgment from the Royal Court. This did not apply to London, where a landlord leasing or renting land could take distress in his fee.

No one, including the lord of a manor, shall deprive an heir of the land possessed by his father, i.e. his birthright.

A tenant may marry off a daughter unless his lord shows some just cause for refusing to consent to the marriage. A tenant had to pay an "aid" to his lord when the lord's daughter married, when the lord's son was knighted, or when the lord's person was ransomed.

A man [or woman] may not will away his land, but he may sell it during his lifetime.

The land of a knight or other tenant of a military fee is inherited by his eldest son. The socage land of a free sokeman goes by its ancient custom before the Norman Conquest.

If a man purchased land after his marriage, his wife's dower is still one-third of the land he had when they married, or less if he had endowed her with less. But he could then enlarge her dower to one-third of all of his lands. The same rule applied if the man had no land, but endowed his wife with chattel or money instead.

Dower law prevented a woman from selling her dower during the life of her husband. But he could sell it or give it away. On his death, its possessor had to give the widow the equivalent worth of the property.

A widower with a child born of the marriage had all his wife's lands by curtesy of the nation for his lifetime to the exclusion of her heirs.

The Capital Messuage [Chief Manor] could not be given in dower or divided,  
but went in its entirety to its heir.

Heirs were firstly sons, then daughters jointly, then grandsons per stirpes, then granddaughters per stirpes, then brothers, and then sisters of the decedent. [By taking "per stirpes" instead of "per capita", a person's share goes to that person's heirs if that person predeceases the ancestor-decedent.] Male heirs of land held by military service or sons of knights who were under the age of twenty-one were considered to be in custody of their lords. The lord had wardship over the heir's land, excluding the third that was the widow's dower for her life. He also had wardship over the heir's body or person and had the right to arrange the ward's marriage, which he did as early as when the ward was age 6. Both wardships were lucrative and could be bought and sold. The heir's guardian had to maintain the heir in a manner suitable to his dignity and restore to him when he came of age his inheritance in good condition discharged from debts. Otherwise the lord could take the profits of the land. The guardianship was not fiduciary. The ward lived with his guardian and was taught to fight. When he came of age, he did homage and fealty for the land. The mother did not have a right to the guardianship of a son who was an heir. Male heirs of sokemen who were under the age of fifteen were in the custody of their nearest kindred. The son of a burgess came of age when he could count money, measure cloth, and manage his father's concerns.

Female heirs remained in the custody of their lords until they married. The lord was bound to find a marriage for his ward when she became fourteen years of age and then deliver her inheritance to her. She could not marry without her lord's consent, because her husband was expected to be the lord's ally and to do homage to him. But if a female heir lost her virginity, her inheritance escheated to her lord. A woman with property could not do homage because she could not perform military service, but she generally swore fealty. She could receive homage from men.

Bastards were not heirs, even if their father married their mother after birth.

Any adult inheriting land had to pay a "relief" to the lord of the land. For a knight's fee, this was 100s. For socage land, this was one year's value. The amount for a barony depended upon the King's pleasure.

Heirs (but not widows) were bound to pay the debts of their fathers and ancestors. A man who married a woman who had inherited land could not sell this land without the consent of its heirs.

When a man dies, his wife shall take one-third and his heirs shall take one-third of his chattels [movables or personal property]. The other third he may dispose of by will. If he had no heirs and no will, all his chattels would escheat to his lord. Any distribution of chattels would take place after all the decedent's debts were paid from the property.

A will required two witnesses. The testator could name an executor, but if he did not, the next of kin was the executor. A will could not be made by a man on his death bed because he may well have lost his memory and reason. Also, he could not give to a younger son if in so doing, he would deprive his lawful heir. But he could give a marriage gift to a daughter regardless of the lawful heir.

Usury was receiving back more than what was lent, such as interest on a loan of money. When a usurer died, all his movables went to the King.

A villein may not buy his own freedom (because all that he has is his lord's), but may be set free by his lord or by someone else who buys his freedom for him. He shall also be freed if the lord seduced his wife, drew his blood, or refused to bail him either in a civil or criminal action in which he was afterwards cleared. But a freed villein did not have status to plead in court, even if he had been knighted. If his free status were tried in court, only a freeman who was a witness to his being set free

could avail himself of trial by combat to decide the issue. However, if the villein remained peacefully in a privileged town a year and a day and was received into its guild as a citizen, then he was freed from villeinage in every way.

A freeman who married a villein lost his freedom. If any parent of a child was a villein, then the child was also a villein.

All shipwrecked persons shall be treated with kindness and none of their goods or merchandise shall be taken from them.

If one kills another on a vessel, he shall be fastened to the dead body and thrown with it into the sea.

If one steals from another on a vessel, he shall be shaven, tarred and feathered, and turned ashore at the first land.

Passage on the Thames River may not be obstructed by damming up the river on each side leaving a narrow outlet to net fish. All such weirs shall be removed.

### Judicial Procedure

Henry II wanted all freemen to be equally protected by one system of law and government. So he opened his court, the Royal Court, to all people of free tenure. A court of five justices professionally expert in the law (rather than earls and barons), traveled with the King, and on points of difficulty consulted with him. Justices began to be more than presiding officers; they, instead of the lay and clerical tenants-in-chief who attended, rendered the judgments. The chief court was in Westminster, where the weightiest decisions were made. Other professional itinerant justices appeared periodically in all counties of the nation to hear certain criminal and civil cases and to hear citizens' private civil suits [common pleas]. They came to perform many other tasks, including promulgating and enforcing new legislation, seeking out encroachments on royal rights, reviewing the local communities' and officials' performance of their public duties, imposing penalties for failure to do them or for corruption, gathering information about outlaws and nonperformance of homage, and assessing feudal escheats to the crown, wardships to which the king was entitled, royal advowsons, feudal aids owed to the King, tallages of the burgesses, and debts owed to the Jews. The decision-making of itinerant justices on circuits begins the process which makes the custom of the Royal Court the common law of the nation. The county courts, where the traveling justices heard all manner of business in the counties, adopted the doctrines of the Royal Court, which then acquired an appellate jurisdiction. The itinerant justices came from the same small group of royal justices who were on the Royal Court and the Exchequer, which was headed by the justiciar. Difficult cases were decided by the king and wise men of his council.

The Royal Court was chiefly concerned with 1) the due regulation and supervision of the conduct of local government, 2) the ownership and possession of land held by free tenure ("free tenement" was decided by justices to be one held for life or one held heritably [a fee]), and 3) the repression of serious crime, including homicide, mayhem [injuring a limb so as to make it useless], robbery, arson, and rape.

Henry was determined to protect lawful seisin of land and issued assizes giving the Royal Court authority to decide land law issues which had not been given justice in the county or lord's court. But he did not ordain that all litigation respecting free tenements, e.g. right of seisin, should take place in the king's court. Rather he gave protection to mere possession of land, which could be justified because possession was intimately associated with the maintenance of the king's peace. These assizes included issues of novel disseisin [recent ejectment] of a person's free tenement or of his common of pasture which belonged to his freehold. By the assize of novel disseisin, an ejected possessor could have a jury of recognitors decide whether the ejectment had been just or not. Though the petty assize of disseisin only provided a swift preliminary action to protect possession pending the lengthy and involved grand assize on the issue of which party had the more just claim or ultimate right of seisin, the latter action was only infrequently invoked. The temptation of a strong man to seize a neighbor's land to reap its profits for a long time until the neighbor could prove and enforce his right was deterred. Any such claim of recent dispossession [novel disseisin] had to be made within three years of the disseisin.

An example of a writ of novel disseisin is: The king to the sheriff, greeting. N has complained to me that R unjustly and without a judgment has disseised him of his free tenement in [Houndsditch] since my last voyage to Normandy. Therefore I command you that, if N gives you security for prosecuting his claim, you are to see that the chattels which were taken from the tenement are restored to it, and that the tenement and the chattels remain in peace until Sunday after Easter. And meanwhile you are to see that the tenement is viewed by twelve free and lawful men of the neighborhood, and their names endorsed on this writ. And summon them by good summoners to be before me or my justices on the

Sunday after Easter, ready to make the recognition. And summon R. or his bailiff if he himself cannot be found, on the security of gage [something given as security for performance] and reliable securities to be there then to hear the recognition. And have there the summoners, and this writ and the names of the sureties. Witness etc.

Then an assize panel of recognition summoned concurrently with the defendant and before he had pleaded, viewed the land in question and answered, from their knowledge, these questions of fact: 1) Was the plaintiff disseised of the freehold in question, unjustly and without judgment? 2) Did the defendant commit the disseisin? Testimony of a warrantor (or an attorney sent by him in his place) or a charter of warranty served to prove seisin by gift, sale, or exchange. No pleadings were necessary and the action could proceed and judgment given even without the presence of the defendant. The justices amerced the losing party with a monetary penalty. A successful plaintiff might be awarded damages to compensate for the loss of revenue.

There was also a writ for issues of inheritance of land called "mort d'ancestor". By the assize of mort d'ancestor, an heir of a tenant who died and who was refused the land by the lord could have this refusal determined to be just or unjust. For this issue, the Royal Court used an assize panel of twelve men to decide whether the ancestor was seised as of fee in his demesne, if the plaintiff was the nearest heir, and whether the ancestor had died, gone on a crusade but not returned, or had become a monk. Then it could give possession to the heir. Since about 1150, heiresses divided the land of their father if there was no son. The widow, of course, retained her dower rights. As of 1176, the widow held her dower from the heir instead of from the husband's lord. If the heir was a minor, the guardian lord would be in actual control of the land. A national policy was implemented that in the case of the death of a freeholder, the rights of the family, his will, and his debts were to be provided for before relief was paid to his lord.

Eventually royal justices acquired authority to decide the ultimate question of right to land using the grand assize as an alternative to the traditional procedures which ended in trial by combat. Issues of the ultimate right of seisin were brought to the Royal Court by a contestant in a local court who "put himself [or herself] upon the King's grand assize". The assize consisted of twelve knights from the county or neighborhood who were elected by four knights of the same county or neighborhood (selected by the sheriff or the suitors) and who were known as truthful men and were likely to possess knowledge of the facts, either from personal seeing or hearing, or from statements which their fathers had made to them from their personal knowledge. The avenue by which a person who felt he had not had justice in the manor court on his claim for certain freehold land appealed to the king was by writ of right after the manor court's decision or by a writ praecipe during the manor court's proceeding. An example of a writ praecipe is: "The king to the sheriff greeting. Command [praecipe] N. to render to R. justly and without delay one hide of land in a certain vill, which the said R. complains that the aforesaid N. is withholding from him. If he does not do so, summon him by good summoners to be before me or my justices on the day after the octaves of Easter, to show why he has not done so. And have the summoners and this writ. Witness." When the parties appeared in court, the claimant states his suit such as: "I claim against this N. the fee of half a knight and two carucates of land in a certain vill as my right and my inheritance, of which my father (or grandfather) was seized in his demesne as of fee in the time of King Henry the First, and from which he took the profits to the value of five shillings at least, in grain and hay and other profits; and this I am ready to prove by this freeman of mine, H., and if any evil befalls him then by this other man or by this third man, who saw and heard it". Then the defendant chose to deny the claim word for word with proof by combat or to put himself upon the grand assize of the king. If he chose trial by combat, the parties or their champions fought. The party losing, usually by crying craven, had to pay a fine of 60s. If the grand assize was chosen, the action was removed to the Royal Court. A writ of grand assize was issued as follows: "The king to the sheriff, greeting. Summon by good summoners the following twelve, namely, A. B. ..., to be before me or my justices at a certain place on a certain day, ready to declare on oath whether N. or R. has the greater right in one hide of land (or other things claimed) which the aforesaid R. claims against the aforesaid N., who is tenant, and in respect of which the aforesaid N., who is tenant, has put himself upon my assize and has sought a recognition to determine which of them has the greater right in the things claimed. And meanwhile the twelve shall view the land (or tenements [including meadows, pastures, woods, wastes, and rights of common] from which the services are demanded). And summon by good summoners N., who is tenant, to be there to hear the recognition. Witness..." The claimant could object to any of the twelve knights for just cause as determined by the court. Each of the twelve gave an oath as to whether the plaintiff's or the defendant's position was correct. This oath was not to speak falsehood nor conceal truth according to knowledge gained by eyewitness or "by the words of their fathers and by such words as they are bound to have such confidence in as if they were their own". If any did not know the truth of the matter, others were found until twelve agreed [the recognitors] on which party had the greater right. Perjury was punished by forfeiture of all one's goods and chattels to the king and at least one year's imprisonment. If the tenant in court vouched another to warranty, such as the lord to whom he

paid homage, that warrantor would stand in his place in the proceedings. If the warrantor lost, he would have to give to his vassal equivalent land in exchange. Burgage tenure was not usually decided by assize. Also, if the parties were relatives, neither the assize nor the combat was available to them, but the matter had to be decided by the law of inheritance.

Itinerant justices could conduct these assizes: petty and grand. In 1198, the hundred is empowered to act on all the business of the session, including all recognitions and petty assizes ordered by the king's writ, where the property in dispute was worth no more than 200s. [ten pounds] a year. The four knights came to be selected by the suitors of the county court rather than by the sheriff.

This assize procedure extended in time to all other types of civil actions.

Removable to the Royal Court from the county courts were issues of a lord's claim to a person as his villein, service or relief due to a lord, dower rights, a creditor's refusal to restore a gage [something given as security] to a debtor who offered payment or a deposit, money due to a lender, a seller, or a person to whom one had an obligation under a charter, fish or harvest or cattle taken from lands unjustly occupied, cattle taken from pasture, rights to enjoy a common, to stop troubling someone's transport, to make restitution of land wrongfully occupied, to make a lord's bailiff account to him for the profits of the manor. As of 1187, pleas concerning amounts of money less than 40s. were not heard by the Royal Court.

The Royal Court also decided disputes regarding baronies, nuisance or encroachments on royal land or public ways or public waterways, such as diverting waters from their right course and issues of nuisance by the making or destroying of a ditch or the destruction of a pond by a mill to the injury of a person's freehold. Other pleas of the Crown were: insult to the royal dignity, treason, breaches of safe-conducts, and injury to the King's servants.

Henry involved the Royal Court in many criminal issues, using the agencies of the county and hundred courts. To detect crimes, he required itinerant royal justices to form juries of presentment {indictment} composed of usually 12 knights or other landholders of every neighborhood and 4 respectable men of each township and ask them if any person were suspected of any murder, robbery, theft, etc. (These later evolved into grand juries). These assizes were an ancient institution in many parts of the country. What Henry's assize did was to insist upon the adoption of a standard procedure everywhere systematically. The procedure was made more regular instead of depending on crime waves. If indicted, the suspected persons were then sent directly to the ordeal. Henry abolished trial by compurgation in the Royal Courts. If determined guilty, the offender forfeited his chattels to the king and his land reverted to his landlord. The penalty prescribed by the assize of Clarendon of 1166 was loss of a foot and abjuring the realm. The assize of Northampton of 1176 added loss of the right hand. Often, a man who had a bad reputation had to abjure the realm even if he had successfully undergone the ordeal. The most serious criminal matters such as killing the king or sedition or betraying the nation or the army, fraudulent concealment of treasure trove [finding a hoard of coins which had been buried when danger approached], breach of the King's peace, homicide, murder (homicide for which there were no eyewitnesses), burning (a town, house, men, animals or other chattel for hatred or revenge), robbery, rape and falsifying (e.g. false charters or false measures or false money) were punishable by death or loss of limb. Murders were now punished alike because the applicability of the murdrum fine couldn't be determined since it was impossible to prove that the slain man had been English since he would have been mutilated to hide his nationality.

Women did not serve on juries. Having the jury of presentment precluded free men from being sent to the ordeal by compurgation oaths of the villeins. As of 1194, this jury of presentment procedure applied not only to criminal cases, but also to civil, and fiscal cases.

As before, a person could also be brought to trial by the accusation of the person wronged by a felony ["appeal"]. If the accused still denied the charge after the accuser testified and the matter investigated by inquiries and interrogation and then analyzed, trial by combat was held, unless the accuser was over the age of sixty or maimed, in which case the accused went to the ordeal.

The procedure of Henry II's assizes was extended from case to case as men lost faith in the older types of proof. The ordeal fell into disuse when the church prohibited blessing of ordeals in its Lateran Council of 1215.

Henry introduced the petty or trial jury of 12 reputable men to provide a workable alternative to the ordeal, compurgation, and combat. These jurors were expected to know or to find out the facts that could lead to a decision. Gradually, witnesses had to be brought in to testify to facts the jurors didn't know.

Housebreaking, harboring outlaws, and interference with the royal perquisites of shipwreck and the



beasts of the sea which were stranded on the coast [such as whales and sturgeon] were also punishable in the Royal Court.

Trespass was a serious and forcible breach of the peace onto land that developed from the criminal law of felony. Trespass becomes a general term for almost all wrongful acts and defaults against a person, land, or chattels. It covered only direct damages due to physical contact. There are two main punishments: 1) amercement of a sum of money determined by at least two peers of the offender and 2) imprisonment in gaol redeemable by agreement to a fine after a couple of years in gaol. Another punishment was abjuration of a town or of the realm. In boroughs, an offending burgess may lose liberties or have to abjure their trade or craft. Pillory and tumbrel [e.g. ducking stool] was usual for bakers and alewives who broke the assizes of bread and beer, which was often.

The Royal Court had grown substantially and was not always presided over by the King. To avoid court agents from having too much discretionary power, there was a systematic procedure for bringing cases to the Royal Court. First, a plaintiff had to apply to the King's Chancery for a standardized writ into which the cause had to fit. The plaintiff had to pay a fee and provide a surety that the plea was brought in good faith. The progress of the suit was controlled at crucial points by precisely formulated writs to the sheriff, instructing him for instance, to put the disputed property under royal protection pending a decision, to impanel an assize and have it view the property in advance of the justices' arrival, to ascertain a point of fact material to the plea, or to summon a 'warrantor' to support a claim by the defendant.

The Royal Court kept a record on its cases on parchment kept rolled up: its "rolls". The oldest roll of 1194 is almost completely comprised of land cases.

Anyone could appoint an agent, an "attorney", to appear in court on his behalf, it being assumed that the principal could not be present and royal authorization given. A wife could represent her husband. The principal was then bound by the actions of his agent. Gradually men appeared who made a business of representing whoever would employ them. The common law system became committed to the "adversary system" with the parties struggling judicially against each other.

The Royal Court took jurisdiction over issues of whether certain land was civil or ecclesiastical [assize utrum], and therefore whether the land owed services or payment to the Crown or not. It also heard issues of disturbance of advowson, a complex of rights to income from a church and to the selection of a parson for the church [assize of darrein [last] presentment]. By this assize, the identity of the patron who last presented an incumbent to a particular church could be discovered. Many churches had been built by a lord on his manor for his villeins. The lord had then appointed a parson and provided for his upkeep out of the income of the church. In later times, the lord's chosen parson was formally appointed by the bishop. By the 1100s, many lords had given their advowsons to abbeys. This procedure used twelve recognitors selected by the sheriff.

As before, the land of any person who had been outlawed or convicted of a felony escheated to his lord. His personal property, goods, and chattels became the King's. If he was executed, his heirs received nothing because they were of the same blood as the felon, which was corrupt: "corruption of the blood". The loss of civil rights and capacities after a sentence of death for felony or treason, which resulted in forfeiture of property and corruption of the blood, was called "attainder".

There were two courts of the sheriff: the shire court for civil and criminal matters and the sheriff's tourn for petty crime only. The shire and borough courts heard cases of felonies, accusations against freemen, tort, and debts. The knights made the county courts work as legal and administrative agencies of the Crown.

The manor court heard cases arising out of the unfree tenures of the lord's vassals. It also heard distraint, also called "distress", issues. Distraint was a landlord's method of forcing a tenant to perform the services of his fief. To distraint by the fief, a lord first obtained a judgment of his court. Otherwise, he distrained only by goods and chattels without judgment of his court. A distraint was merely a security to secure a person's services, if he agreed he owed them, or his attendance in court, if he did not agree that he owed them. Law and custom restricted the type of goods and chattels distrainable, and the time and manner of distraint. For instance, neither clothes, household utensils, nor a riding horse was distrainable. The lord could not use the chattels taken while they were in his custody. If cattle in custody were not accessible to the tenant, the lord had to feed them at his expense. The lord, if he were not the King, could not sell the chattel. This court also determined inheritance and dower issues.

The court of the vill enforced the village ordinances. The hundred court met twice a month and dealt with the petty crimes of lowly men in the neighborhood of a few vills.

Franchise courts had jurisdiction given by special royal grant, such as the Courts of the Chancellors of Oxford and Cambridge Universities.

The peace of the sheriff still exists for his county. The King's peace may still be specially given, but it will cease upon the death of the King. Law required every good and lawful man to be bound to follow the hue and cry when it was raised against an offender who was fleeing. The village reeve was expected to lead the chase to the boundary of the next jurisdiction, which would then take the responsibility to catch the man.

Before Henry's reign, the church, with the pope's backing, had become more powerful and asserted more authority. Henry tried to return to the concept of the king being appointed by God and as the head of the church as well as of the state, as in Henry I's time, and to include the church in his reform of the legal system, which would make the spiritual jurisdiction and temporal jurisdiction conform to a common justice. Toward this end, he published the Constitutions of Clarendon. But the Archbishop of Canterbury, Thomas Becket, refused to agree to them, although as Chancellor he had seen the beneficial effects on the kingdom of Henry's legal measures. The disagreement came to a head in Henry's attempt to establish the principle of "one law to all" by having church clerics punished by the civil courts as before, instead of having "benefit of clergy" to be tried and punished only in ecclesiastical courts, even for secular crimes. Clerics composed about one-sixth the population. The church courts had characteristically punished with spiritual penalties of a fine or a penance, and at most defrocking. It could not impose a death penalty, even for murder. When Archbishop Becket was murdered and became a martyr, "benefit of clergy" became a standard right, except for offenses in the king's forests. Appeals could be made to the pope without the king's permission. The king could take a criminal cleric's chattels, but not his life. However, though theoretically bishops were elected by the body of bishops with the approval of the king, as a practical matter, the king chose the bishops and the abbots. It was a constant matter of dispute, in which the pope would sometimes involve himself. Selection of archbishops was also a frequent matter of contention between king and pope.

The church copied the assize procedure developed by the Royal Court to detect ecclesiastical offenses though it retained trial by compurgation. Bishops could request the Chancery to imprison an offender who had remained excommunicant for forty days, until he made amends. Chancery complied as a matter of course. This went on for six centuries.

The delineations of jurisdiction among these courts were confused and there was much competing and overlapping of jurisdictions. However, the court could appoint arbitrators or suggest to the parties to compromise to avoid the harshness of a decisive judgment which might drive the losing party to violent self-help.

The office of coroner was established about 1194 to supplement the judicial investigations of crimes with local officers prior to the arrival of the itinerant justices. Four knights who were residents of the county and possessed sufficient land were elected by the county court for life. Sometimes they had county and royal connections instead. They received no pay. They determined if sudden deaths were accidental or due to murder and the cause of death of prisoners. They also held inquests on other crime such as bodily injury, rape, and prison break. They attached [arrested] the accused and evaluated and guarded his chattels until after the trial. If the accused was found guilty, his possessions went to the King. The coroner sat with the sheriff at every county court and went with him on his turns. This office and the forbidding of sheriffs to act as justices in their own counties reduced the power of the sheriffs. The responsibility of receiving the oath of the peace is changed from the sheriff to knights, the duty of the sheriffs being only to receive and keep the criminals taken by these knights until the justices came to try them.

Also, at this time, the constitution of the grand jury of the county was defined. First, four knights were to be chosen in the county court. These were to select on oath two knights from each hundred. These two, also on oath, are to add by co-optation ten more for the jury of the hundred.

In London, if one of two witnesses for the defense died while an action was pending, the survivor, after offering his oath, could proceed to the grave of the dead witness, and there offer oath as to what the dead man would have sworn if he had been alive. If a foreigner was bound to make oath for debt or any misdeed, he could make it with six others, his own oath being the seventh; but if could not find six supporters, he alone could make the oath and take it in the six nearest churches.

In London, the method of capital punishment was being confined to hanging, instead of also being in the form of beheading, burning, drowning, stoning, or hurling from a cliff. In cases of drowning, the offender was first sewn up in a sack with a snake, a dog, an ape, and a cock.

Chief Justiciar Ranulph Glanvill wrote a treatise on the writs which could be brought in the Royal Court and the way they could be used. It was a practical manual of procedure and of the law

administered in the Royal Court.

There are personal actions such as "debt" for specific chattel or specific sum of money. The action for debt splits into two actions. The "detinue" action is for wrongful detention of personal property which originally was rightfully acquired as by loan, rent, or left for safe-keeping and its award is for the specific chattel detained or its value. The action of "replevin" is available to the tenant to recover personal property which had been wrongly distrained, usually cattle; the goods are "repledged" pending action. Also, but rarely used, are "covenant" to protect termors for leases of land for terms of years, and "trespass": a semi-criminal action brought by a private party for an offense punishable by death (or in the 1100s by mutilation) such as murder, rape, robbery, or mayhem, that is done with force of arms and against the peace of the king. The use of trespass grew as private actions for felony were supplanted by public indictment. It occasioned outlawry in default of appearance. About 1200, outlawry was not used for crimes falling short of felony. These personal actions were initiated in common law courts by their respective writs.

These are some of the cases of novel disseisin brought to the king's court:

Woodbridge v. Bardolf (1194, king's court): Ralf of Woodbridge seeks before the justices his free tenement in Hebston by the assize of novel disseisin against Hugh Bardolf. Against which assize Hugh said that he had that seisin by judgment of his court for the default of the same Ralf. And the court has recorded the summons and distrains reasonably made on the same Ralf. And Ralf himself has acknowledged the summons and distrains and said that he ought not hold anything from him in that land; rather, it is of another's fee. And because neither he nor anyone for him has complained to the justices that Hugh unjustly drew him into a plea concerning a tenement which Ralf himself held of the fee of another lord, it is considered that Hugh hold in peace. And let Ralf plead by writ of right if he want and be in mercy for his false claim.

Turroc v. fitz Walter (1194, king's court): The assize came to recognize if Clement son of Walter unjustly and without judgment disseised Matilda of Turroc of her free tenement within the assize. Clement comes and says that he disseised her by judgment of his court. The court is present and records that she occupied more of her lord's land than she had in dower by the sheriff and by order of the lord king, so that she was summoned and distrained to come in to court, and she so responded that she remained in mercy of 10s. by judgment, so that for that amercement and for other complaints she made fine with her lord for 1/2 mark and put her land in pledge in his court and did not want to render the 1/2 mark. And therefore by judgment of his court he seised it. Matilda denies all word for word. And the same Clement only produces two men from his court; and it is considered that it was no court. Judgment: let Matilda have her seisin and let Clement be in mercy for disseisin.

Fitz Hereward v. Prior of Lecton (1195, king's court): The assize came to recognize if the prior of Lecton unjustly and without judgment disseised Reginald son of Hereward and Essolda his wife of his free tenement in Clapston after the first coronation of the lord king. The prior says that the assize ought not be taken thereof, because he seised that land by judgment of his court for default of his service and his rent, whereof he has his court present, which asserts the same thing. It is considered that the prior replevy [give back] to them their land and give them a day in his court concerning the arrears of rents and services. And let him treat them justly by judgment of his court.

Stanfeld v. Brewes (1199, king's court): The assize comes to recognize if Simon of Brewes and Luke cleric and Peter of Brewes unjustly and without a judgment disseised Odo of Stanfeld and Juliana his wife of her free tenement in Michehey within the assize. Simon says that the assize ought not be taken thereof, because he took that land into his hand by judgment of his court — which he produced and which attests to this — for default of his service. And it was testified that Odo holds that land from the same Simon. Simon was ordered to replevy that land to Odo as well as the chattels and to treat him rightfully in his court.

fitz William v. Amice et al. (1200, king's court): The assize comes to recognize if Amice who was the wife of Richard earl of Clare and Hugh of Ceriton, John of Cornherd, William of Wattevill, Alexander son of Gilbert, Alexander son of Matthew, Bartholomew son of Alexander, Robert of Cornherd, and Geoffrey son of Leveric unjustly and without judgment disseised Richard son of William of Sudbury of his free tenement in Sudbury after the feast of St Michael next before the coronation of the lord king. The countess says that, when she was separated by papal order from the earl of Clare her husband by reason of consanguinity, to which husband the vill of Sudbury had been given with her as marriage portion, she came to Sudbury and convoked her court and made the same Richard to be summoned to come to show by what warrant he held her land. He willingly entered into the plea and vouched the earl of Clare her former husband to warrant and at the day given him to have [his warrantor] he did not have him. And thus by consideration of her court she seised her land and holds it. Which court she produced and which attests this. Richard comes and denies that he was ever summoned or came into

her court by summons or vouched to warranty or so lost seisin by consideration of the court of the countess. And this he offers [to prove]. It is considered that he defend himself 12-handed that he did not willingly enter into the plea and vouch to warranty. Let him wage his law [prove by the 12-handed oath, thus, by compurgation]. Pledges of the law: Hugh son of Hugh, Wido of Sudbury. Day is given them at the quindene of St. John.

This is the suit of Richard of Sudbury: [there follow the names, but only of 10 men] against the countess Amice who was the countess of Clare, concerning whom he had complained concerning a novel disseisin of his free tenement in Sudbury. She said that by judgment of her court for default of warranty which he had vouched did she make the [dis]seisin and thereof did she produce suit. And he denied against her and against the suit, and law was adjudged. And he comes with his law and makes it with the abovesaid suit. Therefore it is considered that he recover thereof his seisin; let the countess be in mercy for unjust disseisin and also her men, of whom the same Richard has complained. And let the same countess return to him the damages done thereof by a jury of law-worthy men of the vicinity. The names of the men of the countess are in the writ.

A sample of crown pleas in several hundreds or wapentakes [Danish name for a hundred] from 1201 to 1203 are:

1. -Denise, who was wife to Anthony, appeals Nicholas Kam of the death of Anthony, her husband, for that he wickedly slew her husband; and this she offers to prove against him under award of the court. And Nicholas defends all of it. It is considered that Denise's appeal is null, for in it she does not say that she saw the deed. The jurors being asked, say that they suspect him of it; the whole county likewise suspects him. Let him purge himself by water [ordeal] under the Assize. He has waged his law.

2. -William de Ros appeals Ailward Bere, Roger Bald, Robert Merchant, and Nicholas Parmenter, for that they came to his house and wickedly in the king's peace took away from him a certain villein of his whom he kept in chains because he wished to run away, and led him off, and in robbery carried away his wife's coffer with one mark of silver and other chattels; and this he offers to prove by his son, Robert de Ros, who saw it. And Ailward and the others have come and defended the felony, robbery, and breach of the king's peace, and say that (as the custom is in Cornwall) Roger of Prideaux, by the sheriff's orders, caused twelve men to come together and make oath about the said villein, whether he was the king's villein or William's and it was found that he was the king's villein, so the said Roger the serjeant demanded that [William] should surrender him, and he -refused, so [Roger] sent to the sheriff, who then sent to deliver [the villein], who, however, had escaped and was not - - to be found, and William makes this appeal because he wishes to keep the chattels of Thomas [the villein], to wit, two oxen, one cow, one mare, two pigs, nine sheep, eleven goats. - - And that this is so the jurors testify. Judgment: William and Robert in mercy for the false claim. William's amercement, a half-mark. Robert's amercement, a half-mark. Pledge for the mark, Warin, Robert's son. Let the king have his chattels from William. Pledge for the chattels, Richard, Hervey's son.

3. -Serlo of Ennis-Caven appeals Osbert of Dimiliock and Jordan, Walter's son, for that they in the king's peace wickedly assaulted, beat and seriously wounded him, so that by reason of the beating three bones were extracted from his head; and this he offers to prove against him under the court's award as a man maimed by that mayhem. And it is testified by the coroners that the wounds when fresh were shown in the county [court], and that [the bones were broken] as aforesaid. And Osbert and Jordan come and defend word by word. It is considered that Osbert do purge himself by ordeal of iron on account of the appeal, for Serlo betook himself against Osbert in the first instance. And let Jordan be in custody until it be known how Osbert shall fare. And the other persons who are appealed as accessories are to be under pledge until [Osbert's fate] be known.

4. -The jurors say that they suspect William Fisman of the death of Agnes of Chilleu, for the day before he had threatened her body and goods. And the four neighboring townships being sworn, suspect him of it. It is considered that he purge himself by water under the Assize.

5. -William Burnell and Luke of the Well are suspected of the burglary at the house of Richard Palmer by the jurors of the hundred, and by the four neighboring townships, which are sworn. Let them purge themselves by water under the Assize.

6. -Malot Craue appeals Robert, Godfrey's son, of rape. He comes and defends. It is testified that he thus raped her and that she was seen bleeding. By leave of the justices they made concord on the terms of his espousing her.

7. -Walter Wifin was burgled, and of his chattels taken from his house in the burglary certain boots were found in the house of Lefchild of Ranam, and the said Walter pursues - - those boots as his. And Lefchild said that he bought them in Bodmin market for 2 1/2 pence, but he knows not from whom. And besides Walter says that eleven ells of linen cloth, part of the stolen goods, were sold in Lefchild's

house, and all the other proceeds of the burglary, and that Lefchild was the receiver of the burglars, namely, Robert of Hideford -and Alan the Foresters, whom he [Walter] had appealed of the -crime. And Lefchild defends. The jurors on being asked, say that they suspect Lefchild of the said receipt. So let him purge himself by water under the Assize.

8. -Eadmer of Penwithen appeals Martin, Robert and Thomas of Penwithen, for that Robert wounded him in the head so that twenty-eight pieces of bone were extracted, and meanwhile - - Martin and Thomas held him; and this he offers to deraign against the said Robert as a man thereby maimed, under the court's award. And Robert comes and defends all of it word - - by word. It is considered that he purge himself by ordeal of iron. Let the others be in custody until it be known how Robert shall fare. Afterwards Eadmer came and withdrew himself, and submitted to an amercement of one mark. Pledges, Reinfrid, Gill's son, and Philip his brother. Let the other appellees go quit.

9. -Reginald le Teinus accused of the receipt and fellowship of Robert the outlaw comes and defends. The jurors say that they suspect him, and the four neighboring townships say - - that they suspect him of it. So let him purge himself by water under the Assize. And there must be inquiry as to Richard Revel, who was sheriff when the said Robert escaped - - from his custody.

10. Osbert of Reterth appeals Odo Hay, for that he assaulted him as he was returning from Bodmin market, and in the king's peace and wickedly struck him on the hand with a stick, and afterwards struck him on the arm with his sword -so that he is maimed; and this he offers to prove as a maimed man. And Odo defends it all. And that [Osbert] is maimed is testified by knights sent to see him. Judgment: let [Odo] purge himself by ordeal of iron because of this appeal.

11. Wulward of Wadebridge was burgled. And Odo Hay, Lawrence Smith, Osbert Mediciner, and Benet his son, William Miller, Robert of Frokemere, and Maud his sister, are suspected of the burglary by the jurors of the hundred and by the four nearest townships, which are sworn. Let the males purge themselves by water under the Assize, and Maud by ordeal of - - iron. Roger Morand fled for that burglary, and he was living in Bodmin, [which town is] therefore in mercy.

12. Robert, Godfrey's son, appeals Philip, William's son, for that he came on the land of [Robert's] lord Richard Fortescue, and wickedly and in the king's peace and in robbery took eight oxen and a mantle, cape, and sword, and carried them off; and this he offers to prove against him by his body under award of the court. And Philip comes and defends all of it word by word. It is considered that the appeal is null, for the oxen were not Robert's, but - - Richard's. The jurors being asked, say that [Philip] did no robbery to [Richard]. So Richard Fortescue is in mercy for a false appeal, and let Philip be quit.

13. Peter Burel appeals Anketil of Wingely, for that he wickedly in the king's peace assaulted him in the field where he was pasturing his oxen, and beat him, and gave him - - four wounds in the head, and in robbery took from him an ax and a sword; and this he offers to prove against him; but he shows no wound. And Anketil defends. And the county records - - that [Peter] first appealed Roger of Tregadec of the same robbery and of the same wounds. Therefore - it is considered that the appeal is null, and let Peter be in mercy for a false appeal. His amercement, a half-mark; pledge for it, Ralph Giffard.

14. The jurors are in mercy for a silly presentment, for they presented an appeal which was made in the hundred [court] and which was not presented in the county [court].

15. Lucy of Morwinstow appeals Robert de Scaccis and Roland -of Kellio and Peter of Lancarf of robbing her of twenty shillings and eight pence, and of a cloak, price a half-mark. And it is testified by the jurors that they did not rob her, and that she is a hireling, and that a man lay with her in a garden, and the boys hooted her, so that she left her cloak, and the boys took it and pawned it for two gallons of wine. It is considered that Robert do give her three pence in respect of the wine and do go quit. And Roland and Peter neither come nor essoin [present an excuse for nonappearance] themselves. And their pledges were Nicholas brother of Alfred of Bodmin and Herbert Reeve of Bodmin, who are therefore in mercy.

16. Osbert Church accused of the death of Roland, son of Reginald of Kennel, on the appeal of the said Reginald, was detained in gaol and defends word by word. And Reginald - - offers proof by the body of a certain freeman, Arkald, who has his [Reginald's] daughter to wife, who is to prove in his stead, since he has passed the age of sixty. Osbert Church defends all of it. The knights of the hundred of Penwith say that they suspect him of the said death. The - - knights of kerrier [hundred] say the same. The knights of Penwith [hundred] say the same. The knights of Pyder [hundred] say the same. Judgment: let him purge himself by water, and Reginald is in mercy, for he does not allege sight and hearing, and because he has withdrawn himself, and put another in his place, who neither saw nor heard and yet - - offered to prove it, and so let both Reginald and Arkald be in mercy. Osbert is purged by the water. Osbert's pledges: Henry Little, Henry of Penant, Ossulf Black, Roger of Trevithow, John of Glin, Ralph of Trelew.

17. Roger of Wick [was] appealed of the death of Brictrmer by the appeal of Hawise, Brictrmer's wife, and was captured in flight, as say John of Winielton and Ralph of Mertherin, but the flight is not testified by the hundred. Kerier [hundred] says the same. Penwith [hundred] says the same. So is considered that he purge himself by water. He is purged. Roger's pledges: Ralph of Trelew, Ogier of Kurnick, Richard, Simon's son, Alfred Malvoisin, Everwin of Lande, John of Kewerion, Warin of Tiwardeni, Baldwin Tirel, Roger of - - Trevithow, John of Glin, William of Dunham, Thomas, Osbert's - - son.

18. Richard, William's son, appealed Luke, Richard's son, and William, the servant of Alan Clerk, of robbery and of binding him. The appellees have not come nor essoined themselves. The county together with the wapentake says that they were appealed, not of the king's peace, but of the sheriff's peace, so that the suit was and is in the county [court], and therefore they were not attached to come before the justices. Therefore the jurors are in mercy for presenting what they ought not to have presented.

19. William, Hawise's son, appeals Richard, son of Robert of Somercotes, for that he came in the king's peace to his house at Somercotes, and broke his house and robbed him of [an abrasion] shillings, and a cape and surcoat, and twenty-five fowls, and twenty shillings worth of corn [grain], and wounded him in the head with the wound that he shows; and this he offers to prove against him as the court shall consider etc. And Richard comes and defends the breach of the king's peace and the housebreaking, wounding and -robbery, but confesses that he came to a certain house, which William asserts to be his [William's], as to his -[Richard's] own proper house, which escheated into his hand on the death of Roger his villein, and there he took certain chattels which were his villein's and which on his villein's - - death were his [Richard's] own: to wit, five thraves of oats, thirteen sheaves of barley, and twenty-five fowls; and he offers the king twenty shillings for an inquest [to find] whether this be so or no. And William says that Richard says this unjustly, for the said Roger never had that house nor dwelt therein, nor were those chattels Roger's, but he [William] held that house as his own, and the chattels there seized were his. The jurors being questioned whether Roger did thus hold the house of Richard in villeinage, say, Yes. Also the coroners and the whole county testify that [William] never showed any wound until now; and the wound that he now shows is of recent date. Therefore it is considered that the appeal is null, and let Richard go quit, and William be in mercy for his false claim. Pledges for the amercement, Gilbert, Robert's son, and Richard, Haldeng's son.

20. Astin of Wispington appeals Simon of Edlington, for that he wickedly and in the king's peace assaulted him in his meadows and put out his eye, so that he is maimed of that eye; and this he offers to prove etc. Simon comes and defends all of it word by word. And the coroners and the county testify that hitherto the appeal has been duly sued, at first by [Astin's] wife, and then by [Astin himself]. Judgment: let law be made, and let it be in the election of the appellee whether he or Astin shall carry the iron. He has chosen that Astin shall carry it. Astin has waged the law. Simon's pledges, William of Land and his frankpledge and Ralph of Stures. Astin's pledges, Roger Thorpe, Osgot of Wispington, and William, Joel's brother. Afterwards came [the appellor and appellee] and both put themselves in mercy.

21. Gilbert of Willingham appeals Gilbert, Geoffrey's son, for that he in the king's peace and wickedly set fire to his house and burned it, so that after the setting fire [the appellor] went forth and raised hue and cry so that his neighbors and the township of Willingham came thither, and he showed them [the appellee] in flight and therefore they pursued him with the cry; and this he offers etc. And the appellee defends all of it word by word etc. And the - - neighbors and the township of Willingham being questioned, say that they never saw him in flight, and that [the appellor] never showed him to them. Likewise the jurors say that in their belief he appeals him out of spite rather than for just cause. Therefore it is considered that the appeal is null, and the appellee is in mercy for a half-mark [7s.]. Pledge for the amercement, Robert Walo.

22. William burel appeals Walter Morcock, for that he in the king's peace so struck and beat Margery, [William's] wife, that he killed the child in her womb, and besides this beat her and drew blood. And William of Manby, the beadle, testifies that he saw the wound while fresh and the blood in the wapentake [court]. And the serjeant of the riding and the coroners and the twelve knights testify that they never saw wound nor blood. And so it is considered that the appeal is null, for one part of the appeal being quashed, it is quashed altogether, and William Burel is in mercy. Let him be in custody. And William Manby is in mercy for false testimony. Pledges for William's amercement, Richard of Bilsby, Elias of Welton.

23. William Marshall fled for the death of Sigerid, Denis' mother, whereof Denis appeals him; and he was in the Prior of Sixhills' frankpledge of Sixhills, which is in mercy, and his chattels were two cows and one bullock. Afterwards came the Prior of Sixhills and undertook to have William to right before the justices. And he came, and then Denis, Sigerid's son, came and appealed him of his mother's death. And it was testified that [Denis] had an elder brother, and that nine years are past since [Sigerid] died, and that she lived almost a year after she was wounded, and that Denis never appealed [William] before

now. Therefore it is - - considered that the appeal is null and that Denis be in mercy. Pledge for the amercement, his father, Ralph, son of Denis.

24. Alice, wife of Geoffrey of Carlby, appealed William, Roger's son, and William his son and Roger his son of the death of William her brother. And Alice does not prosecute. Therefore let her be in mercy and let her be arrested. To - judgment against the sheriff who did not imprison the said persons who were attached, whereas they are appealed of homicide, and to judgment also as to a writ which he ought to produce.

25. Hawise, Thurstan's daughter, appeals Walter of Croxby -and William Miller of the death of her father and of a wound -given to herself. And she has a husband, Robert Franchenay, - - who will not stir in the matter. Therefore it is considered that the appeal is null, for a woman has no appeal against anyone save for the death of her husband or for rape. And - - let Robert be in mercy on his wife's account, for a half-mark [7s.], and let the appellees be quit. Pledge for Robert's amercement, Richard Dean of Mareham, who has lay property. Wapentake of Aswardhurn.

26. Juliana of Creeton appeals Adam of Merle of battery and robbery. And Adam does not come, but essoins himself as being in the king's service beyond seas. And for that it is not allowed to anyone appealed of the king's peace to leave the land without a warrant before he has been before justices learned in the law, his pledges are in mercy: to wit, Segar of Arceles, Alan of Renington, and Robert of Searby. Adam himself is excused from the plea by the essoin that he has cast.

27. Thomas, Leofwin's son, appeals Alan Harvester, for that he in the king's peace assaulted him as he went on the highway, and with his force carried him into Alan's house, and struck him on the arm so that he broke a small bone of his arm, whereby he is maimed, and robbed him of his cape and his knife, and held him while Eimma, [Alan's] wife, cut off one of his testicles and Ralph Pilate the other, and when he was thus dismembered and ill-treated, the said Alan with his force carried him back into the road, whereupon as soon as might be he raised the cry, and the neighbors came to the cry, and saw him thus ill-treated, and then at once he sent to the king's serjeant, who came and found, so [Thomas] says, the robbed things in Alan's house and then as soon as might be [Thomas] went to the wapentake [court] and - - to the county [court] and showed all this. So inquiry is made of the king's serjeant, who testifies that he came to Alan's house and there found the knife and the testicles in a little cup, but found not the cape. Also the whole county testifies that [Thomas] never before now appealed Alan of breaking a bone. And so it is considered that the appeal is null, and that [Thomas] be in mercy, and that the other appellees be quit. Thomas also appeals Emma, Alan's wife, for that she in the peace aforesaid after he was placed in her lord's house cut off one of his testicles. He also appeals Ralph Pilate, for that he cut off the other of his - - testicles.

28. The twelve jurors presented in their verdict that Austin, Rumfar's son, appealed Ralph Gille of the death of his brother, so that [Ralph] fled, and that William, Rumfar's son, appealed Benet Carter of the same death, and Ranulf, Ralph's son, appealed Hugh of Hyckham of the same death and Baldwin of Elsham and Ralph Hoth and Colegrim as accessories. And the coroners by their rolls testify this also. But the county records otherwise, namely, that the said Ralph Gille, Benet, Hugh, Baldwin, Ralph [Hoth] and Gocegrim were all appealed by Ranulf, Ralph's son, and by no one else, so that four of them, to wit, Ralph Gille, Hugh, Benet and Colegrim, were outlawed at the suit of the said Ranulf, and that the said persons were not appealed by anyone other than the said Ranulf. And for that the county could not [be heard to] contradict the coroners and the said jurors who have said their say upon oath, it is considered etc. Thereupon the county forestalled the judgment and before judgment was pronounced made fine with 200 pounds [4,000s.] [to be collected throughout the county], franchises excepted.

29. Hereward, William's son, appeals Walter, Hugh's son, for that he in the king's peace assaulted him and wounded him in -the arm with an iron fork and gave him another wound in the head; and this he offers to prove by his body as the court shall consider. And Walter defends all of it by his body. And it is testified by the coroners and by the whole county that Hereward showed his wounds at the proper time and has made sufficient suit. Therefore it is considered that there be battle. Walter's pledges, Peter of Gosberton church, and Richard Hereward's son. Hereward's pledges, William his father and the Prior of Pinchbeck. Let them come armed in the quindene of St. Swithin at Leicester.

30. William Gering appeals William Cook of imprisonment, to wit, that he with his force in the king's peace and wickedly, while [Gering] was in the service of his lord Guy at the forge, took him and led him to Freiston to the house of William Longchamp, and there kept him in prison so that his lord could not get him replevied; and this he offers to prove as the court shall consider. And William Cook comes and defends the felony and imprisonment, but confesses that whereas he had sent his lord's servants to seize the beasts of the said Guy on account of a certain amercement which [Guy] had incurred in the court of [Cook's] lord [Longchamp], and which though often summoned he had refused to pay, [Gering] came and rescued the beasts that had been seized and wounded a servant of [Cook's] lord, who had

been sent to seize them, whereupon [Cook] arrested [Gering] until -he should find pledges to stand to right touching both the wounding and the rescue, and when [Gering's] lord [Guy] came -for him, [Cook] offered to let him be replevied, but this [Guy] refused, and afterwards he repeated the offer before the king's serjeant, but even then it was refused, and then [Cook] let [Gering] go without taking security. And Guy says that he puts himself upon the wapentake, whether the imprisonment took place in manner aforesaid, and whether he [Guy] at once showed the matter to the king's serjeant, or no. And William Cook does the same. And the wapentake says that the alleged [imprisonment] took place in Lent, and Guy did not show the matter to the wapentake until a fortnight before St. Botolph's day. And the county together with the coroners says that they never heard the suit in their court. Therefore it is considered that the appeal is null, and Guy is in mercy. And let William and those who are appealed as accessories go quit.

31. The jurors say that Andrew, sureman's son, appealed Peter, Leofwin's son, Thomas Squire and William Oildene of robbery. And he does not prosecute. So he and Stephen Despine and Baldwin Long are in mercy, and the appellees go without day. Afterwards comes Andrew and says that [the appellees] imprisoned him by the order of William Malesoures in the said William's house, so that he sent to the sheriff that the sheriff might deliver him, whereupon the sheriff sent his serjeant and others thither, who on coming there found him imprisoned and delivered him and he produces witnesses, to wit, Nicholas Portehors and Hugh, Thurkill's son, who testify that they found him imprisoned, and he vouches the sheriff to warrant this. And the sheriff, on being questioned, says that in truth he sent thither four lawful men with the serjeant on a complaint made by Nicholas Portehors on Andrew's behalf. And those who were sent thither by the sheriff testify that they found him at liberty and disporting himself in William's house. Therefore it is considered that the appeal is null [and Andrew is in mercy] for his false complaint and Nicholas Portehors and Hugh, Thurkill's son, are in mercy for false testimony. Andrew and Hugh are to be in custody until they have found pledges [for their amercement].

32. The jurors say that Geoffrey Cardun has levied new customs other than he ought and other than have been usual, to wit, in taking from every cart crossing his land at Winwick with eels, one stick of eels, and from a cart with greenfish, one greenfish, and from a cart with salmon, half a salmon, and from a cart with herrings, five herrings, whereas he ought to take no custom for anything save for salt crossing his land, to wit, for a cartload, one bole of salt, and in that case the salter ought to have a loaf in return for the salt, and also if the salter's cart breaks down, the salter's horses ought to have pasture on Geoffrey's land without challenge while he repairs his cart. And Geoffrey comes and confesses that he takes the said customs, and ought to take them, for he and his ancestors have taken them from the conquest of England, and he puts himself on the grand assize of our lord the king, and craves that a recognition be made whether he ought to take those customs or no. And afterwards he offers the king twenty shillings that this action may be put before Sir Geoffrey FitzPeter [the Justiciar]. Pledge for the twenty shillings, Richard of Hinton.

33. The jurors say that Hugh, son of Walter Priest, was outlawed for the death of Roger Rombald at the suit of Robert Rombald, and afterwards returned under the [protection of the] king's writ, and afterwards was outlawed for the same death on the appeal of Geoffrey, Thurstan's son. The county therefore is asked by what warrant they outlawed the same man twice for the same death, and says that of a truth in King Richard's time the said Hugh was - - outlawed at the suit of one Lucy, sister of the said Roger, so that for a long time afterwards he hid himself; and at length he came into the county [court] and produced letters of Sir Geoffrey FitzPeter in the form following: "G. FitzPeter etc. to the sheriff of Northamptonshire, greeting, Know thou that the king hath pardoned to Hugh, son of the priest of Grafton, his flight and the outlawry adjudged to him for the death of a certain slain man, and hath signified to us by his letters that we be aiding to the said Hugh in reestablishing the peace between him and the kinsfolk of the slain; wherefore we command thee that thou be aiding to the said Hugh in making the peace aforesaid, and do us to wit by thy letters under seal what thou hast done in this matter, since we are bound to signify the same to the king. In witness etc. by the king's writ from beyond seas." And the said letters being read in full county [court] the county told the said Hugh that he must find pledges that he would be in the king's peace, and he went away to find pledges, and afterwards did not appear. But the kinsfolk of the slain, having heard that Hugh had returned after his outlawry, came to the next county [court] and Robert Rombald produced Geoffrey, Thurstan's son, who said that if he saw the said Hugh he would sue against him the death of the said Roger, who was [his kinsman]. And the county showed him how Hugh had brought the Justiciar's letters pardoning him the flight and outlawry, and that he was to find pledges to stand to the king's peace, but had not returned. Whereupon the king's serjeant was ordered to seek Hugh and bring him to a later county [court]. And at a later county [court] Geoffrey offered himself against Hugh, and Hugh did not appear; whereupon the king's serjeant being questioned said that he had not found him, and the county advised [Geoffrey] to come to another county [court], because if in the meantime Hugh could be found, he would be brought to the county [court]. Then at the third county [court] the said Geoffrey offered himself, and it



was testified by the serjeant that Hugh had not yet been found, wherefore the county said that as Hugh would not appear to the king's peace, he must bear the wolf's head as he had done before. To judgment against the coroners and the twelve jurors.

34. Robert of Herthale, arrested for having in self-defense slain Roger, Swein's son, who had slain five men in a fit of madness, is committed to the sheriff that he may be in custody as before, for the king must be consulted about this matter. The chattels of him who killed the five men were worth two shillings, for which Richard [the sheriff must account].

35. Sibil, Engelard's daughter, appeals Ralph of Sandford, for that he in the king's peace and wickedly and in breach of the peace given to her in the county [court] by the sheriff, came to the house of her lord [or husband] and broke her chests and carried off the chattels, and so treated her that he slew the child that was living in her womb. Afterwards she came and said that they had made a compromise and she withdrew herself, for they have agreed that Ralph shall satisfy her for the loss of the chattels upon the view and by the appraisement of lawful men; and Ralph has assented to this.

36. William Pipin slew William [or John] Guldeneman and fled. He had no chattels. Let him be exacted. And Hugh Fuller was taken for this death and put in gaol because the said John [or William] was slain in his house. And Hugh gives to the king his chattels which were taken with him, that he may have an inquest [to find] whether he be guilty thereof or no. The jurors say that he is not guilty, and so let him go quit thereof. And William Picot is in mercy for having sold Hugh's chattels before he was convicted of the death, and for having sold them at an undervalue, for he sold them, as he says, for three shillings, and the jurors - - say that they were worth seventeen shillings, for which William Picot and those who were his fellows ought to account. And William says that the chattels were sold by the advice of his fellows, and his fellows deny this.

37. Robert White slew Walter of Huford and fled. The jurors say that he was outlawed for the death, and the county and the coroners say that he was not outlawed, because no one sued against him. And because the jurors cannot [be heard to] contradict the county and the coroners, therefore they are in mercy, and let Robert be exacted. His chattels were [worth] fifteen shillings, for which R. of Ambresleigh, the sheriff, must account.

38. Elyas of Lilleshall fled to church for the death of a woman slain at Lilleshall. He had no chattels. He confessed the death and abjured the realm. Alice Crithecreche and Eva of Lilleshall and Aldith and Mabel, Geoffrey and Robert of Lilleshall, and Peter of Hopton were taken for the death of the said woman slain at Lilleshall. And Alice, at once after the death, fled to the county of Stafford with some of the chattels of the slain, so it is said, and was taken in that county and brought back into Shropshire and there, as the king's serjeant and many knights and lawful men of the county testify, in their presence she said, that at night - - she heard a tumult in the house of the slain; whereupon she came to the door and looked in, and saw through the middle of the doorway four men in the house, and they came out and - - caught her, and threatened to kill her unless she would conceal them; and so they gave her the pelf [booty] that she had. And when she came before the [itinerant] justices she denied all this. Therefore she has deserved death, but by way of dispensation [the sentence is mitigated, so] let her - eyes be torn out. The others are not suspected, therefore let them be under pledges.

39. William, John's son, appeals Walter, son of Ralph Hose, for that when [William's] lord Guy of Shawbury and [William] had come from attending the pleas of our lord the king in the county court of Shropshire, there came five men in the forest of Haughmond and there in the king's peace and wickedly assaulted his lord Guy, and so that [Walter], who was the fourth among those five, wounded Guy and was accessory with the others in force as aid so that Guy his lord was killed, and after having wounded his lord he [Walter] came to William and held him so that he could not aid his lord; and this he offers to deraign [determine by - - personal combat] against him as the court shall consider. And Walter comes and defends all of it word by word as the court etc. It is considered that there be battle [combat] between them. The battle [combat] is waged. Day is given them, at Oxford on the morrow of the octave of All Saints, and then let them come armed. And Ralph [Walter's father] gives the king a half-mark that he may have the custody of his son, [for which sum] the pledges are John of Knighton and Reiner of Acton, and he is committed to the custody of Ralph Hose, Reiner of Acton, John of Knighton, Reginald of Leigh, Adam of Mcuklestone, William of Bromley, Stephen of Ackleton, Eudo of Mark.

40. Robert, son of Robert of Ferrers, appeals Ranulf of Tattsworth, for that he came into Robert's garden and wickedly and in the king's peace assaulted Robert's man Roger, and beat and wounded him so that his life was despaired of, and robbed him [Roger?] of a cloak, a sword, a bow and arrows: and the said Roger offers to prove this by his body as the court shall consider. And Ranulf comes and defends the whole of it, word by word, and offers the king one mark of silver that he may have an inquest of lawful knights [to say] whether he be guilty thereof or no. Also he says that Roger has never until now appealed him of this, and prays that this be allowed in his favor. [Ranulf's] offering is

accepted. The jurors say that in truth there was some quarrel between Robert's gardener, Osmund, and some footboys, but Ranulf was not there, and they do not suspect him of any robbery or any tort done to Robert or to Osmund. Also the county records that the knights who on Robert's complaint were sent to view Osmund's wounds found him unwounded and found no one else complaining, and that Robert in his plaint spoke of Osmund his gardener and never of Roger, and that Roger never came to the county [court] to make this appeal. Therefore it is considered that Ranulf be quit, and Robert and Roger in mercy. Pledge for Ranulf's mark, Philip of Draycot. Pledges for the amercement, Henry of Hungerhill, and Richard Meverell. Pledge for Roger, the said Robert.

41. One L. is suspected by the jurors of being present when Reinild of Hemchurch was slain, and of having aided and counseled her death. And she defends. Therefore let her purge herself by the ordeal of iron; but as she is ill, the ordeal is respited until her recovery.

42. Andrew of Burwarton is suspected by the jurors of the death of one Hervey, for that he concealed himself because of that death. Therefore let him purge himself by ordeal of water.

43. Godith, formerly wife of Walter Palmer, appeals Richard of Stonall, for that he in the king's peace wickedly and by night with his force came to her house and bound her and her husband, and afterwards slew the said Walter her husband; and this she offers to prove against him as wife of the slain as the court shall consider. And he defends all of it. And the jurors and the whole neighborhood suspect him of that death. And so it is considered that he purge himself by ordeal of iron for he has elected to bear the iron.

44. The jurors of Oflow hundred say that the bailiffs of Tamworth have unjustly taken toll from the knights of Staffordshire, to wit, for their oxen and other beasts. And the men of Lichfield complain that likewise they have taken toll from them, more especially in Staffordshire. And the bailiffs deny that they take anything from the knights in Staffordshire. And for that they cannot [be heard to] contradict the jurors, the bailiffs are in mercy. As to the men of Lichfield, [the Tamworth bailiffs] say that they ought to have, and in King Henry's time had, toll of them, more especially of the merchants, as well in Staffordshire as in Warwickshire. And the burgesses of Lichfield offer the king a half-mark for an inquest by the county. And the county records that in King Henry's time the men of - - Lichfield did not pay toll in Staffordshire. Therefore the bailiffs are in mercy.

## Chapter 7

### The Times 1215-1272

Tenures in land were free or not free; the free tenures were (1) military service, (2) grand serjeanty, (3) free socage, and (4) frankalmoin. For military service, in general, every man knows his place, knows how many days he must fight and with what arms. But this institution is becoming unstable. Sometimes a substantial payment called scutage is taken instead. As feudalism became less military and less rough, daughters were permitted to inherit fiefs. It became customary to divide the property of a deceased man without a son equally among his daughters. Lords were receiving homage from all the daughters and thereby acquiring marriage rights over all of them. Also, if a son predeceased his father but left a child, that child would succeed to the father's land in the same way that the deceased would have. The ill, the aged, women, and ecclesiastics could send a substitute to military service. There are certain reliefs, and wardship and marriage fees associated with military tenure. Grand serjeanty was various and included carrying the banner of the king, or his lance, carrying his sword at his coronation, carrying his letters, summoning his barons, conveying his treasure from place to place, being his steward, marshal, chamberlain or constable. Many serjeanties were connected with warfare, such as light horsemen, infantry, bowmen, captains of the national militia, leading the infantry of certain hundreds, military transport, carriage of armour on a horse, munitions of war such as lances, arrows or knives. A man could hold by serjeanty of a mesne lord, such as presiding over the lord's court, riding with the lord or on his errands, feeding his hounds, or supplying bows and arrows. Tenure in free socage may involve a nominal service to a lord, such as the gift every year of a rose, a sparrowhawk, a pair of gloves, a pair of gilt spurs, or a pound of pepper, or of incense or of wax. Tenure in socage may originate by a gift of land to a daughter or younger son, or to some dependant for past services, or a purchase with a gross sum. There were no wardship or marriage or other fees associated with a tenure in free socage. Tenure in frankalmoin ["free alms" for the poor to relieve the king of this burden] was land held by ecclesiastics in right of their churches and of God. This service was spiritual, often for saying prayers for the deceased donor so that he could go from purgatory to heaven, and it was an indefinite service. In general, land could be alienated or subinfeudated without the lord's consent and thus come to be held in another tenure. Land escheated [returned] to the lord if there were no heirs, or in case of felony after the king has possessed and taken the profits of the land for year and day. In case

of treason, a tenant's lands were all forfeited to the king. The tenure of socage obligated the tenant to fixed agricultural services, for which a nominal payment called a "quit rent" could be substituted. Socage did not entail rights of wardship or marriage. Socage grew at the expense of the other tenures. The unfree tenure was villein tenure. Villeins were tied to a piece of land and were bound to perform for their lord indefinite agricultural services and could be physically recovered in case they left the land. Villeins were subject to a lord's court and were not protected by the king's court.

The major types of freemen were: nobles, knights, ecclesiastics, Jews, and women. The nobles were the earls and barons. They did not have noble blood, but were tenants in chief of certain land by the king's will. The king consulted them and they obeyed his summons and gave him counsel. They were entitled to be judged in cases of treason or felony, by their peers, that is, each other. Lower in status are the knights. They were active in royal justice, making the decisions in the most important cases. Ecclesiastics were bishops; abbots; and monks, nuns, and friars, who had taken vows of poverty and obedience; and clergy. The difference between a monk and a friar was a cloistered life versus an active life. Jews came to England after the Conquest and were under the special protection of the king. All they had belonged to the king. A Jew could lend money for interest, which was disallowed for Christians. Jews were subject to the courts of justice, but could also settle their disputes by their own Hebrew law. They were expelled in 1290. Women could hold land, even by military tenure, own chattels [typically beasts and coins], make a will, make a contract, and could sue and be sued. They could give evidence in court, but could not be jurors or judges. Women who had husbands had to defer to them in certain property matters.

Nobles, doctors, and attorneys wore tunics to the ankle and an over-tunic almost as long, which was lined with fur and had long sleeves. A hood was attached to it. A man's hair was short and curled, with bangs on the forehead. The tunic of merchants and middle class men reached to the calf. The laborer wore a tunic that reached to the knee, cloth stockings, and shoes of heavy felt, cloth, or perhaps leather. Ladies wore a full-length tunic with moderate fullness in the skirt, and a low belt, and tight sleeves. A lady's hair was concealed by a round hat tied on the top of her head. Over her tunic, she wore a cloak. Monks and nuns wore long black robes with hoods.

Baron landholders' semi-fortified stone manor houses were improved and extended. Many had been licensed to be embattled or crenelated [wall indented at top with shooting spaces]. They were usually quadrangular around a central courtyard. The central and largest room was the hall, where people ate and slept. The hall had a hearth for fire in the center of the room if the hall was one story high. Sometimes the lord had a room with a sleeping loft above it. If the hall was more than one story high, it had a fireplace at one end so that the smoke could go up and out the roof. Other rooms each had a fireplace. There were small windows around the top story and on the inside of the courtyard. They were usually covered with oiled paper. Windows of large houses were of opaque glass supplied by a glassmaking craft. The glass was thick, uneven, distorted, and greenish in color. The walls were plastered. The floor was wood with some carpets. Roofs were timbered with horizontal beams. Many roofs had tiles supplied by the tile craft, which baked the tiles in kilns or over an open fire. Because of the hazard of fire, the kitchen was often a separate building, with a covered way connecting it to the hall. It had one or two open fires in fireplaces, and ovens. Sometimes there was a separate room for a dairy.

Furniture included heavy wood armchairs for the lord and lady, stools, benches, trestle tables, chests, and cupboards. Outside was an enclosed garden with cabbages, peas, beans, beetroots, onions, garlic, leeks, lettuce, watercress, hops, herbs, nut trees for oil, some flowers, and a fish pond and well. Bees were kept for their honey.

The barons now managed and developed their estates to be as productive as possible, often using the successful management techniques of church estates. They kept records of their fields, tenants, and services owed by each tenant, and duties of the manor officers, such as supervision of the ploughing and harrowing. Annually, the manor's profit or loss for the year was calculated. Most manors were self-supporting except that iron for tools and horseshoes and salt for curing usually had to be obtained elsewhere. Wine, tar, canvas and millstones were imports from other countries and bought at fairs, as was fish, furs, spices, and silks. Sheep were kept in such large numbers that they were susceptible to a new disease "scab". Every great household was bound to give alms.

Manors averaged about ten miles distance between each other, the land in between being unused and called "wasteland". Statutes after a period of civil war proscribing the retaking of land discouraged the enclosure of waste land.

Husbandry land held in villeinage was inherited according to the custom of its manor as administered in the lord's manorial court. (The royal courts had jurisdiction of land held in socage. i.e. free tenure.) The heir could be the oldest son, the youngest son, a son chosen by the father to succeed him, or

divided among the sons. If there were no sons, one of the daughters inherited the land or it was divided among all the daughters. If there were no heirs, the land went back to the lord. Land could not be sold or alienated so that the heir did not inherit, without the consent of the lord. Manorial custom also determined the manner of descent of goods and chattels. A common custom for a villein was that his best beast go to his lord as heriot and his second best beast go to the parish priest as mortuary. Then, after debts and burial expenses had been paid, a number of tools and utensils needed for husbandry and housekeeping went with the land to its heir. These were the "heirlooms", "loom" in old English meaning tool. This usually included, for a holding of more than 5 acres, a coulter, a plowshare, a yoke, a cart, an axe, a cauldron, a pan, a dish, and a cask. Finally, the remaining goods and chattels went one-third to the widow, one-third to his children except for the heir to the land, and one-third according to the deceased's last will and testament. A son might take his share before the death of his father in order to go out into the world and seek his fortune, for instance in the church or military, upon which event the father had to pay his lord a fine for his son permanently leaving the manor. Many country boys became bound apprentices in nearby boroughs or farm laborers. Others married heiresses of land. By the custom of "curtesy of the nation", he held this land for his lifetime if he had a child born of the marriage, even if his wife predeceased him. If a man remained on the family land, he had no right to marry. Often, there were agreements over land holdings that were recorded in the manor books. For instance, it was common for a father or mother to hand his or her holding over to the heir in exchange for sustenance in old age. An heir usually did not marry until after receiving his land. Manorial custom determined whether a father's consent was necessary for a son or daughter to marry, the nature of any agreement ("trothplight") between the families as to lands and goods brought to the marriage, the amount of her marriage portion, and the son's endowment (her "dower") of lands and goods promised to the bride at the church door that would provide for her support after his death. If dower was not specified, it was understood to be one-third of all lands and tenements. At the next hallmote, if manorial custom required it, the son would pay a fine to his lord for entry onto the land and for license to marry. From 1246, priests taught that betrothal and consummation constituted irrevocable marriage.

Some villeins bought out their servitude by paying a substitute to do his service or paying his lord a firm (from hence, the words farm and farmer) sum to hire an agricultural laborer in his place. This made it possible for a farm laborer to till one continuous piece of land instead of scattered strips.

Looms were now mounted with two bars. Women did embroidery. The clothing of most people was made at home, even sandals. The village tanner and bootmaker supplied long pieces of soft leather for more protection than sandals. Tanning mills replaced some hand labor. The professional hunter of wolves, lynx, or otters supplied head coverings. Every village had a smith and possibly a carpenter for construction of ploughs and carts. The smith obtained coal from coal fields for heating the metal he worked. Horse harnesses were homemade from hair and hemp. There were watermills and/or windmills for grinding grain, for malt, and/or for fulling cloth. The position of the sails of the windmills was changed by manual labor when the direction of the wind changed.

Most men wore a knife because of the prevalence of murder and robbery. It was an every day event for a murderer to flee to sanctuary in a church, which would then be surrounded by his pursuers while the coroner was summoned. Usually, the fugitive would confess, pay compensation, and agree to leave the nation permanently.

County courts were the center of decision-making regarding judicial, fiscal, military, and general administrative matters. The writs for the conservation of the peace, directing the taking of the oath, the pursuit of malefactors, and the observance of watch and ward, were proclaimed in full county court; attachments were made in obedience to them in the county court. The county offices were: sheriff, coroner, escheator, and constable or bailiff. There were 28 sheriffs for 38 counties. The sheriff was usually a substantial landholder and a knight who had been prominent in the local court. He usually had a castle in which he kept persons he arrested. He no longer bought his office and collected certain rents for himself, but was a salaried political appointee of the King. He employed a deputy or undersheriff, who was an attorney, and clerks. If there was civil commotion or contempt of royal authority, the sheriff of the county had power to raise a posse of armed men to restore order. The coroner watched the interests of the crown and had duties in sudden deaths, treasure trove, and shipwreck cases. There were about five coroners per county and they served for a number of years. They were chosen by the county court. The escheator was appointed annually by the Treasurer to administer the Crown's rights in feudal land, which until 1242 had been the responsibility of the sheriff. He was usually chosen from the local gentry. The constable and bailiff operated at the hundred and parish [the geographical area of a church's members] level to detect crime and keep the peace. They assisted sheriffs and Justices of the Peace, organized watches for criminals and vagrants at the village level, and raised the hue and cry along the highway and from village to village in pursuit of offenders who had committed felony or robbery. The constables also kept the royal castles; they recruited, fed, and commanded the castle garrison.

County knights served sheriffs, coroners, escheators, and justices on special royal commissions of gaol-delivery. They sat in judgment in the county court at its monthly meetings, attended the two great annual assemblies when the lord, knights and freeholders of the county gathered to meet the itinerant justices who came escorted by the sheriff and weapon bearers. They served on the committees which reviewed the presentments of the hundreds and village, and carried the record of the county court to Westminster when summoned there by the kings' justices. They served on the grand assize. As elected representatives of their fellow knights of the county, they assessed any taxes due from each hundred. Election might be by nomination by the sheriff from a fixed list, by choice, or in rotation. They investigated and reported on local abuses and grievances. The King's justices and council often called on them to answer questions put to them on oath. In the villages, humbler freeholders and sokemen were elected to assess the village taxes. Six villeins answered for the village's offenses before the royal itinerant justice.

Reading and writing in the English language was taught. The use of English ceased to be a mark of vulgarity. In 1258 the first governmental document was issued in English as well as in Latin and French, and later Latin started falling into disuse. Boys of noblemen were taught reading, writing, Latin, a musical instrument, athletics, riding, and gentlemanly conduct. Girls were taught reading, writing, music, dancing, and perhaps household nursing and first aid, spinning, embroidery, and gardening. Girls of high social position were also taught riding and hawking. Grammar schools taught, in Latin, grammar, dialectic (ascertaining word meaning by looking at its origin, its sound (e.g. soft or harsh), its power (e.g. robust and strong sound), its inflection, and its order; and avoiding obscurity and ambiguity in statements), and rhetoric [art of public speaking, oratory, and debate]. The teacher possessed the only complete copy of the Latin text, and most of the school work was done orally. Though books were few and precious, the students read several Latin works. Girls and boys of high social position usually had private teachers for grammar school, while boys of lower classes were sponsored at grammar schools such as those at Oxford. Discipline was maintained by the birch or rod.

There was no examination for admission as an undergraduate to Oxford, but a knowledge of Latin with some skill in speaking Latin was a necessary background. The students came from all backgrounds. Some had their expenses paid by their parents, while others had the patronage of a churchman, a religious house, or a wealthy layman. They studied the "liberal arts", which derived its name from "liber" or free, because they were for the free men of Rome rather than for the economic purposes of those who had to work. The works of Greek authors such as Aristotle were now available; the European monk Thomas Aquinas had edited Aristotle's works to reconcile them to church doctrine. He opined that man's intellectual use of reason did not conflict with the religious belief that revelation came only from God, because reason was given to man by God. He shared Aristotle's belief that the earth was a sphere, and that the celestial bodies moved around it in perfect circles. Latin learning had already been absorbed without detriment to the church.

A student at Oxford would become a master after graduating from a seven year course of study of the seven liberal arts: [grammar, rhetoric (the source of law), Aristotelian logic (which differentiates the true from the false), arithmetic, including fractions and ratios, (the foundation of order), geometry, including methods of finding the length of lines, the area of surfaces, and the volume of solids, (the science of measurement), astronomy (the most noble of the sciences because it is connected with divinity and theology), music and also Aristotle's philosophy of physics, metaphysics, and ethics; and then lecturing and leading disputations for two years. He also had to write a thesis on some chosen subject and defend it against the faculty. A Master's degree gave one the right to teach. Further study for four years led to a doctorate in one of the professions: theology and canon or civil law.

There were about 1,500 students in Oxford. They drank, played dice, quarreled a lot and begged at street corners. There were mob fights between students from the north and students from the south and between students and townsmen. But when the mayor of Oxford hanged two students accused of being involved in the killing of a townswoman, many masters and students left for Cambridge. In 1214, a charter created the office of Chancellor of the university at Oxford. He was responsible for law and order and, through his court, could fine, imprison, and excommunicate offenders and expel undesirables such as prostitutes from the town. He had authority over all crimes involving scholars, except murder and mayhem. The Chancellor summoned and presided over meetings of the masters and came to be elected by indirect vote by the masters who had schools, usually no more than a room or hall with a central hearth which was hired for lectures. Students paid for meals there. Corners of the room were often partitioned off for private study. At night, some students slept on the straw on the floor. Six hours of sleep were considered sufficient. In 1231, the king ordered that every student must have his name on the roll of a master and the masters had to keep a list of those attending his lectures.

In 1221 the friars established their chief school at Oxford. They were bound by oaths of poverty, obedience, and chastity, but were not confined within the walls of a monastery. They walked barefoot from place to place preaching. They begged for their food and lodgings. They replaced monks, who had

become self-indulgent, as the most vital spiritual force among the people.

The first college was founded in 1264 by Walter de Merton, former Chancellor to the King, at Oxford. A college had the living arrangements of a Hall, with the addition of monastic-type rules. A warden and about 30 scholars lived and ate meals together in the college buildings. Merton College's founding documents provided that: [1] "The house shall be called the House of the Scholars of Merton, and it shall be the residence of the Scholars forever. [2] There shall be a constant succession of scholars devoted to the study of letters, who shall be bound to employ themselves in the study of Arts or Philosophy, the Canons or Theology. Let there also be one member of the collegiate body, who shall be a grammarian, and must entirely devote himself to the study of grammar; let him have the care of the students in grammar, and to him also let the more advanced have recourse without a blush, when doubts arise in their faculty. [3] There is to be one person in every chamber, where Scholars are resident, of more mature age than the others, who is to make his report of their morals and advancement in learning to the Warden [4] The Scholars who are appointed to the duty of studying in the House are to have a common table, and a dress as nearly alike as possible. [5] The members of the College must all be present together, as far as their leisure serves, at the canonical hours and celebration of masses on holy and other days. [6] The Scholars are to have a reader at meals, and in eating together they are to observe silence, and to listen to what is read. In their chambers, they must abstain from noise and interruption of their fellows; and when they speak they must use the Latin language. [7] A Scrutiny shall be held in the House by the Warden and the Seniors, and all the Scholars there present, three times a year; a diligent inquiry is to be instituted into the life, conduct, morals, and progress in learning, of each and all; and what requires correction then is to be corrected, and excesses are to be visited with condign punishment. . ."

Educated men (and those of the 1200s through the 1500s), believed that the earth was the center of the universe and that it was surrounded by a giant spherical dome on which the stars were placed. The sun and moon and planets were each on a sphere around the earth that was responsible for their movements. The origin of the word "planet" meant "wanderer" because the motion of the planets changed in direction and speed. Astrology explained how the position of the stars and planets influenced man and other earthly things. For instance, the position of the stars at a person's birth determined his character. The angle and therefore potency of the sun's rays influenced climate, temperament, and changes of mortal life such as disease and revolutions. Unusual events such as the proximity of two planets, a comet, an eclipse, a meteor, or a nova were of great significance. A star often was thought to presage the birth of a great man or a hero. There was a propitious time to have a marriage, go on a journey, make war, and take herbal medicine or be bled by leeches, the latter of which was accompanied by religious ceremony. Cure was by God, with medical practitioners only relieving suffering. But there were medical interventions such as pressure and binding were applied to bleeding. Arrow and sword wounds to the skin or to any protruding intestine were washed with warm water and sewn up with needle and silk thread. Ribs were spread apart by a wedge to remove arrow heads. Fractured bones were splinted or encased in plaster. Dislocations were remedied. Hernias were trussed. Bladder stones blocking urination were pushed back into the bladder or removed through an artificial opening in the bladder. Surgery was performed by butchers, blacksmiths, and barbers.

Roger Bacon, an Oxford master, began the science of physics. He read Arab writers on the source of light rays being from the object seen, the nature of refraction and reflection of light, and the properties of lenses. He studied the radiation of light and heat. He studied angles of reflection in plane, spherical, cylindrical, and conical mirrors, in both their concave and convex aspects. He did experiments in refraction in different media, e.g. air, water, and glass, and knew that the human cornea refracted light, and that the human eye lens was doubly convex. He comprehended the magnifying power of convex lenses and conceptualized the combination of lenses which would increase the power of vision by magnification. He realized that rays of light pass so much faster than those of sound or smell that the time is imperceptible to humans. He knew that rays of heat and sound penetrate all matter without our awareness and that opaque bodies offered resistance to passage of light rays. He knew the power of parabolic concave mirrors to cause parallel rays to converge after reflection to a focus and knew that a mirror could be produced that would start a fire at a fixed distance. These insights made it possible for jewelers and weavers to use lenses to view their work instead of glass globes full of water, which distorted all but the center of the image: "spherical aberration". The lens, whose opposite surfaces were sections of spheres, took the place of the central parts of the globe over the image.

He knew about magnetic poles attracting, if different and repelling, if the same, and the relation of magnets' poles to those of the heavens and earth. He calculated the circumference of the world and the latitude and longitude of terrestrial positions. He foresaw sailing around the world. He studied the planetary motions and astronomical tables to forecast future events. He did calculations on days in a month and days in a year which later contributed to the legal definition of a leap year. His explanation of a rainbow as a result of natural laws was contrary to theological opinion that a rainbow was placed

in the heavens to assure mankind that there was not to be another universal deluge.

Bacon began the science of chemistry when he took the empirical knowledge as to a few metals and their oxides and some of the principal alkalis, acids, and salts to the abstract level of metals as compound bodies the elements of which might be separated and recomposed and changed among the states of solid, liquid, and gas. When he studied man's physical nature, health, and disease, he opined that the usefulness of a talisman was not to bring about a physical change, but to bring the patient into a frame of mind more conducive to physical healing. He urged that there be experiments in chemistry to develop medicinal drugs.

He studied different kinds of plants and the differences between arable land,  
forest land, pasture land, and garden land.

Bacon was an extreme proponent of the inductive method of finding truths, e.g. by categorizing all available facts on a certain subject to ascertain the natural laws governing it. His contribution to the development of science was abstracting the method of experiment from the concrete problem to see its bearing and importance as a universal method of research. He advocated changing education to include studies of the natural world using observation, exact measurement, and experiments.

The making and selling of goods diverged e.g. as the cloth merchant severed from the tailor and the leather merchant severed from the butcher. These craftsmen formed themselves into guilds, which sought charters to require all craftsmen to belong to the guild of their craft, to have legal control of the craft work, and be able to expel any craftsman for disobedience. These guilds were composed of master craftsmen, their journeymen, and apprentices. These guilds determined the wages and working conditions of the craftsmen and petitioned the borough authorities for ordinances restraining trade, for instance by controlling the admission of outsiders to the craft, preventing foreigners from selling in the town except at fairs, limiting purchases of raw materials to suppliers within the town, forbidding night work, restricting the number of apprentices to each master craftsmen, and requiring a minimum number of years for apprenticeships. In return, these guilds assured quality control. In some boroughs, they did work for the town, such as maintaining certain defensive towers or walls of the town near their respective wards. In some boroughs, fines for infractions of these regulations were split between the guild and the government.

In some towns, the merchant guilds attempted to directly regulate the craft guilds. Crafts fought each other. There was a street battle with much bloodshed between the goldsmiths and the parmenters and between the tailors and the cordwainers in 1267 in London. There was also a major fight between the goldsmiths and the tailors in 1268. The Parish Clerks' Company was chartered in 1233.

The citizens of London had a common seal for the city. London merchants traveled throughout the nation with goods to sell exempt from tolls. Most of the London aldermen were woolmongers, vintners, skimmers, and grocers by turns or carried on all these branches of commerce at once. Jews were allowed to make loans with interest up to 2d. a week for 20s. lent. There are three inns in London. Inns typically had narrow facades, large courtyards, lodging and refreshment for the well-off, warehousing and marketing facilities for merchants, and stabling and repairs for wagons. Caregiving infirmaries such as "Bethlehem Hospital" were established in London. One was a lunatic infirmary founded by the sheriff of London. Benefactors conveyed plots of land with houses to the city for the benefit and use of the Franciscan friars who came to London as missionaries because the friars' law forbade them from owning anything. The city held the land in trust for the beneficiaries, the friars. Only tiles were used for roofing in London, because wood shingles were fire hazards and fires in London had been frequent. Some areas near London are disclaimed by the king to be royal forest land, so all citizens could hunt there and till their land there without interference by the royal foresters. The Sheriff's court in London lost its old importance and handled mainly trespass and debt cases, while important cases went to the Hustings, which was presided over by the Mayor with the sheriffs and aldermen in attendance. From the early 1200s, the Mayor's Court took on the work which the weekly Husting could not manage. This consisted mostly of assault and robbery cases. Murder and manslaughter cases were left to the royal courts.

London aldermen were elected by the citizens of their respective wards in wardmotes, in which was also arranged the watch, protection against fire, and probably also assessment of the taxes within the ward. There was much effort by the commoners to influence the governance of the city. In 1261 they forced their way into the townmote and by this brute show of strength, which threatened riot, they made their own candidate mayor. Subsequent elections were tumultuous.

The Tower of London now had outer walls of fortress buildings surrounded by a wide and deep moat, over which was one stone causeway and wooden drawbridge. Within this was an inner curtain wall with twelve towers and an inner moat. The palace within was a principal residence of English monarchs, whose retinue was extensive, including the chief officers of state: Lord High Steward, Lord High

Chancellor, Lord High Treasurer, Lord Great Chamberlain, Lord High Constable, Keeper of the Seals, and the King's Marshall; lesser officials such as the Chamberlain of the Candles, Keeper of the Tents, Master Steward of the Larder, Usher of the Spithouse, Marshall of the Trumpets, Keeper of the Books, Keeper of the Dishes and of the Cups, and Steward of the Buttery; and numbers of cat hunters, wolf catchers, clerks and limners, carters, water carriers, washerwomen and laundresses, chaplains, lawyers, archers, huntsmen, hornblowers, barbers, minstrels, guards and servitors, and bakers and confectioners. The fortress also contained a garrison, armory, chapels, stables, forge, wardrobe for a tailor's workroom and secure storage of valuable clothes, silver plate, and expensive imports such as sugar, rice, almonds, dried fruits, cinnamon, saffron, ginger, galingale, zedoary, pepper, nutmeg, and mace. There was a kitchen with courtyard for cattle, poultry, and pigs; dairy, pigeon loft, brewery, beehives, fruit stores, gardens for vegetables and herbs; and sheds for gardeners. There was also a mint, which minted a gold penny worth 2s. of silver, a jewel house, and a menagerie (with leopards, lions, a bear, and an elephant). The fortress also served as a state prison. Most prisoners there had opposed the royal will; they were usually permitted to live in quarters in the same style they were used to, including servants and visits by family and friends. But occasionally prisoners were confined in irons in dark and damp dungeons.

The King's family, immediate circle, and most distinguished guests dined elegantly in the Great Hall at midday. They would first wash their hands in hot water poured by servants over bowls. The table had silver plate, silver spoons, and cups of horn, crystal, maple wood, or silver laid on a white cloth. Each guest brought his own knife in a leather sheath attached to a belt or girdle. A procession of servitors brought the many dishes to which the gentlemen helped the ladies and the young their seniors by placing the food in scooped-out half-loaves of bread that were afterwards distributed to the poor. A wine cup was handed around the table. In the winter after dinner, there would often be games of chess or dice or songs of minstrels, and sometimes dancing, juggler or acrobat displays, or storytelling by a minstrel. In the summer there were outdoor games and tournaments. Hunting with hounds or hawks was popular with both ladies and gentlemen. The King would go to bed on a feather mattress with fur coverlet that was surrounded by linen hangings. His grooms would sleep on trundle beds in the same room. The queen likewise shared her bedchamber with several of her ladies sleeping on trundle beds. Breakfast was comprised of a piece of bread and a cup of wine taken after the daily morning mass in one of the chapels. Sometimes a round and deep tub was brought into the bedchamber by servants who poured hot water onto the bather in the tub. Baths were often taken in the times of Henry III, who believed in cleanliness and sanitation. Henry III was also noted for his luxurious tastes. He had a linen table cloth, goblets of mounted cocoa-nut, a glass cup set in crystal, and silk and velvet mattresses, cushions, and bolster. He had many rooms painted with gold stars, green and red lions, and painted flowers. To his sister on her marriage, he gave goldsmith's work, a chess table, chessmen in an ivory box, silver pans and cooking vessels, robes of cloth of gold, embroidered robes, robes of scarlet, blue, and green fine linen, Genoese cloth of gold, two napkins, and thirteen towels.

In the King's 1235 grant to Oxford, the Mayor and good men were authorized to take weekly for three years 1/2 d. on every cart entering the town loaded with goods, if it was from the county, or 1d. if it came from outside the county; 1/4 d. for every horse load, except for brushwood; 1/2 d. on every horse, mare, ox, or cow brought to sell; and 1/2 d. for every five sheep, goats, or pigs.

English ships had one mast with a square sail. The hulls were made of planks overlapping each other. There was a high fore castle [tower] on the bow, a top castle on the mast, and a high stern castle from which to shoot arrows down on other ships. There were no rowing oars, but steering was still by an oar on the starboard side of the ship. The usual carrying capacity was 30 tuns [big casks of wine each with about 250 gallons]. On the coasts there were lights and beacons. Harbors at river mouths were kept from silting up. Ships were loaded from piers. The construction of London Bridge had just been finished. Bricks began to be imported for building. About 10% of the population lived in towns.

Churches had stained glass windows.

Newcastle-on-Tyne received these new rights:

1. -And that they shall justly have their lands and tenures and mortgages and debts, whoever owes them to them.

2. -Concerning their lands and tenures within the town, right shall be done to them according to the custom of the city Winton.

3. -And of all their debts which are lent in Newcastle-on-Tyne and of mortgages there made, pleas shall be held at Newcastle-on-Tyne.

4. -None of them shall plead outside the walls of the City of Newcastle-on-Tyne on any plea, except pleas of tenures outside the city and except the minters and my ministers.



5. -That none of them be distrained by any without the said city for the repayment of any debt to any person for which he is not capital debtor or surety.

6. -That the burgesses shall be quit of toll and lastage [duty on a ship's cargo] and pontage [tax for repairing bridges] and have passage back and forth.

7. -Moreover, for the improvement of the city, I have granted them that they shall be quit of year's gift and of scotale [pressure to buy ale at the sheriff's tavern], so that my sheriff of Newcastle-on-Tyne or any other minister shall not make a scotale.

8. -And whosoever shall seek that city with his merchandise, whether foreigners or others, of whatever place they may be, they may come sojourn and depart in my safe peace, on paying - - the due customs and debts, and any impediment to these rights is prohibited.

9. -We have granted them also a merchant guild.

10. And that none of them [in the merchant guild] shall fight by combat.

The king no longer lives on his own from income from his own lands, but takes money from the treasury. A tax of a percentage of 1/15 the of personal property was levied in 1225 for a war, in return for which the king signed the Magna Carta. It was to be paid by all tenants-in-chief, men of the royal domain, burgesses of the boroughs and cities, clerical tenants-in-chief, and religious houses. The percentage tax came to be used frequently and ranged from about 1/40 th to 1/5 th. In 1294, this tax was bifurcated into one percentage amount for the rural districts and a higher one for urban districts, because the burgesses had greater wealth and much of it was hard to uncover because it was in the possession of customers and debtors. It was usually 1/10 th for towns and royal domains and 1/15 th in the country. This amount of money collected by this tax increased with the wealth of the country.

The king takes custody of lands of lunatics and idiots, as well as escheats of land falling by descent to aliens. Henry III took 20s. from his tenants-in-chief for the marriage of his daughter, and two pounds for the knighting of his son.

By 1250, the king was hiring soldiers at 2s. per day for knights, and 9d. a day for less heavily armed soldiers, and 6d. a day for crossbowmen. Some castle-guard was done by watchmen hired at 2d. a day. Ships were impressed when needed. Sometimes private ships were authorized to ravage the French coasts and take what spoil they could.

While King Henry III was underage, there was much controversy as to who should be his ministers of state, such as justiciar, chancellor, and treasurer. This led to the concept that they should not be chosen by the king alone. After he came of age, elected men from the baronage fought to have meetings and his small council in several conferences called great councils or parliaments (from French "to speak the mind") to discuss the levying of taxes and the solution of difficult legal cases, the implementation of the Magna Carta, the appointment of the king's ministers and sheriffs, and the receipt and consideration of petitions. The barons paid 1/30 the tax on their personal property to have three barons of their choice added to the council. Statutes were enacted. Landholders were given the duty of electing four of their members in every county to ensure that the sheriff observed the law and to report his misdemeanors to the justiciar. They were also given the duty of electing four men from the county from whom the exchequer was to choose the sheriff of the year. Earl Montfort and certain barons forced King Henry III to summon a great council or parliament in 1265 in which the common people were represented officially by two knights from every county, two burgesses from every borough, and two representatives from each major port. So the King's permanent small council became a separate body from parliament and its members took a specific councilor's oath in 1257 to give faithful counsel, to keep secrecy, to prevent alienation of ancient demesne, to procure justice for the rich and poor, to allow justice to be done on themselves and their friends, to abstain from gifts and misuse of patronage and influence, and to be faithful to the queen and to the heir.

## The Law

The barons forced successive Kings to sign the Magna Carta until it became the law of the land. It became the first statute of the official statute book. Its provisions express the principle that a king is bound by the law and is not above it. However, there is no redress if the king breaches the law.

The Magna Carta was issued by John in 1215. A revised version was issued by Henry III in 1225 with the forest clauses separated out into a forest charter. The two versions are replicated together, with the formatting of each indicated in the titles below.

{John, by the grace of God, King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Count of Anjou: To the Archbishops, Bishops, Abbots, Earls, Barons, Justiciaries, Foresters, Sheriffs, Reeves, Ministers, and all Bailiffs and others, his faithful subjects, Greeting. Know ye that in the presence of God, and for the health of our soul, and the souls of our ancestors and heirs, to the honor of God, and the exaltation of Holy Church, and amendment of our realm, by the advice of our reverend Fathers, Stephen, Archbishop of Canterbury, Primate of all England, and Cardinal of the Holy Roman Church; Henry, Archbishop of Dublin; William of London, Peter of Winchester, Jocelin of Bath and Glastonbury, Hugh of Lincoln, Walter of Worcester, William of Coventry, and Benedict of Rochester, Bishops; Master Pandulph, the pope's subdeacon and familiar; Brother Aymeric, Master of the Knights of the Temple in England; and the noble persons, William Marshall, Earl of Pembroke; William, Earl of Salisbury; William, Earl of Warren; William, Earl of Arundel; Alan de Galloway, Constable of Scotland; Warin Fitz-Gerald, Peter Fitz-Herbert, Hubert de Burgh, Seneschal of Poitou, Hugh de Neville, Matthew Fitz-Herbert, Thomas Basset, Alan Basset, Philip Daubeny, Robert de Roppelay, John Marshall, John Fitz-Hugh, and others, our liegemen:}

**HENRY BY THE GRACE OF GOD, KING OF ENGLAND, LORD OF IRELAND, DUKE OF NORMANDY AND GUYAN AND EARL OF ANJOU, TO ALL ARCHBISHOPS, BISHOPS, ABBOTS, PRIORS, EARLS, BARONS, SHERIFFS, PROVOSTS, OFFICERS AND TO ALL BAILIFFS AND OTHER OUR FAITHFUL SUBJECTS WHICH SHALL SEE THIS PRESENT CHARTER, GREETING.**

**KNOW YE THAT WE, UNTO THE HONOR OF ALMIGHTY GOD, AND FOR THE SALVATION OF THE SOULS OF OUR PROGENITORS AND SUCCESSORS KINGS OF ENGLAND, TO THE ADVANCEMENT OF HOLY CHURCH AND AMENDMENT OF OUR REALM, OF OUR MERE AND FREE WILL, HAVE GIVEN AND GRANTED TO ALL ARCHBISHOPS, BISHOPS, ABBOTS, PRIORS, EARLS, BARONS, AND TO ALL FREE MEN OF THIS OUR REALM, THESE LIBERTIES FOLLOWING, TO BE KEPT IN OUR KINGDOM OF ENGLAND FOREVER.**

#### **[I. A CONFIRMATION OF LIBERTIES]**

First, we have granted to God, and by this our present Charter confirmed, for us and our heirs forever, that the English Church shall be free and enjoy her whole rights and her liberties inviolable. {And that we will this so to be observed appears from the fact that we of our own free will, before the outbreak of the dissensions between us and our barons, granted, confirmed, and procured to be confirmed by Pope Innocent III the freedom of elections, which is considered most important and necessary to the English Church, which Charter we will both keep ourself and will it to be kept with good faith by our heirs forever.} We have also granted to all the free men of our realm, for us and our heirs forever, all the liberties underwritten, to have and to hold to them and their heirs of us and our heirs.

#### **[II. THE RELIEF OF THE KING'S TENANT OF FULL AGE]**

If any of our earls, barons, or others who hold of us in chief by knight's service dies, and at the time of his death his heir is of full age and owes to us a relief, he shall have his inheritance on payment of [no more than] the old relief; to wit, the heir or heirs of an earl, for an entire earldom, 100 pounds [2,000s.]; the heir or heirs of a baron of an entire barony, {100 pounds} 100 MARKS; the heir or heirs of an entire knight's fee, 100s. at the most [about 1/3 of a knight's annual income]; and he who owes less shall give less, according to the old custom of fees.

#### **[III. THE WARDSHIP OF AN HEIR WITHIN AGE. THE HEIR A KNIGHT]**

BUT IF THE HEIR OF SUCH BE UNDER AGE, HIS LORD SHALL NOT HAVE THE WARD OF HIM, NOR OF HIS LAND, BEFORE THAT HE HAS TAKEN OF HIM HOMAGE. If, however, any such heir is under age and in ward, he shall have his inheritance without relief or fine when he comes of age, THAT IS, TWENTY-ONE YEARS OF AGE. SO THAT IF SUCH AN HEIR NOT OF AGE IS MADE A KNIGHT, YET NEVERTHELESS HIS LAND SHALL REMAIN IN THE KEEPING OF HIS LORD UNTO THE AFORESAID TERM.

#### **[IV. NO WASTE SHALL BE MADE BY A GUARDIAN IN WARD'S LANDS]**

The guardian of the land of any heir thus under age shall take therefrom only reasonable issues, customs, and services, without destruction or waste of men or goods. And if we commit the custody of any such land to the sheriff or any other person answerable to us for the issues of the same land, and he commits destruction or waste, we will take an amends from him and recompense therefore. And the land shall be committed to two lawful and discreet men of that fee, who shall be answerable for the

issues of the same land to us or to whomsoever we shall have assigned them. And if we give or sell the custody of any such land to any man, and he commits destruction or waste, he shall lose the custody, which shall be committed to two lawful and discreet men of that fee, who shall, in like manner, be answerable to us as has been aforesaid.

#### **[IV. GUARDIANS SHALL MAINTAIN THE INHERITANCE OF THEIR WARDS AND OF BISHOPRICKS, ETC.]**

The guardian, so long as he shall have the custody of the land, shall keep up and maintain the houses, parks, fishponds, pools, mills, and other things pertaining thereto, out of the issues of the same, and shall restore to the heir when he comes of age, all his land stocked with {ploughs and tillage, according as the season may require and the issues of the land can reasonably bear} PLOUGHS AND ALL OTHER THINGS, AT THE LEAST AS HE RECEIVED IT. ALL THESE THINGS SHALL BE OBSERVED IN THE CUSTODIES OF VACANT ARCHBISHOPRICKS, BISHOPRICKS, ABBEYS, PRIORIES, CHURCHES, AND DIGNITIES, WHICH APPERTAIN TO US; EXCEPT THIS, THAT SUCH CUSTODY SHALL NOT BE SOLD.

#### **[VI. HEIRS SHALL BE MARRIED WITHOUT DISPARAGEMENT]**

Heirs shall be married without loss of station. {And the marriage shall be made known to the heir's nearest of kin before it is agreed.}

[VII. A WIDOW SHALL HAVE HER MARRIAGE, INHERITANCE, AND QUERENTINE (period of forty days during which the widow has a privilege of remaining in the mansion house of which her husband died seized). THE KING'S WIDOW, ETC.]

A widow, after the death of her husband, shall immediately and without difficulty have her marriage portion [property given to her by her father] and inheritance. She shall not give anything for her marriage portion, dower, or inheritance which she and her husband held on the day of his death, and she may remain in her husband's house for forty days after his death, within which time her dower shall be assigned to her. IF THAT HOUSE IS A CASTLE AND SHE LEAVES THE CASTLE, THEN A COMPETENT HOUSE SHALL FORTHWITH BE PROVIDED FOR HER, IN WHICH SHE MAY HONESTLY DWELL UNTIL HER DOWER IS ASSIGNED TO HER AS AFORESAID; AND IN THE MEANTIME HER REASONABLE ESTOVERS OF THE COMMON [NECESSARIES OR SUPPLIES SUCH AS WOOD], ETC.

No widow shall be compelled [by penalty of fine] to marry so long as she has a mind to live without a husband, provided, however, that she gives security that she will not marry without our assent, if she holds of us, or that of the lord of whom she holds, if she holds of another.

#### **[VIII. HOW SURETIES SHALL BE CHARGED TO THE KING]**

Neither we nor our bailiffs shall seize any land or rent for any debt as long as the debtor's goods and chattels suffice to pay the debt AND THE DEBTOR HIMSELF IS READY TO SATISFY THEREFORE. Nor shall the debtor's sureties be distrained as long as the debtor is able to pay the debt. If the debtor fails to pay, not having the means to pay, OR WILL NOT PAY ALTHOUGH ABLE TO PAY, then the sureties shall answer the debt. And, if they desire, they shall hold the debtor's lands and rents until they have received satisfaction of that which they had paid for him, unless the debtor can show that he has discharged his obligation to them.

{If anyone who has borrowed from the Jews any sum of money, great or small, dies before the debt has been paid, the heir shall pay no interest on the debt as long as he remains under age, of whomsoever he may hold. If the debt falls into our hands, we will take only the principal sum named in the bond.}

{And if any man dies indebted to the Jews, his wife shall have her dower and pay nothing of that debt; if the deceased leaves children under age, they shall have necessaries provided for them in keeping with the estate of the deceased, and the debt shall be paid out of the residue, saving the service due to the deceased's feudal lords. So shall it be done with regard to debts owed persons other than Jews.}

#### **[IX. THE LIBERTIES OF LONDON AND OTHER CITIES AND TOWNS CONFIRMED]**

The City of London shall have all her old liberties and free customs, both by land and water. Moreover, we will and grant that all other cities, boroughs, towns, and ports shall have all their liberties and free customs.

{No scutage or aid shall be imposed in our realm unless by common counsel thereof, except to ransom our person, make our eldest son a knight, and once to marry our eldest daughter, and for these

only a reasonable aid shall be levied. So shall it be with regard to aids from the City of London.}

{To obtain the common counsel of the realm concerning the assessment of aids (other than in the three aforesaid cases) or of scutage, we will have the archbishops, bishops, abbots, earls, and great barons individually summoned by our letters; we will also have our sheriffs and bailiffs summon generally all those who hold lands directly of us, to meet on a fixed day, but with at least forty days' notice, and at a fixed place. In all such letters of summons, we will explain the reason therefor. After summons has thus been made, the business shall proceed on the day appointed, according to the advice of those who are present, even though not all the persons summoned have come.}

{We will not in the future grant permission to any man to levy an aid upon his free men, except to ransom his person, make his eldest son a knight, and once to marry his eldest daughter, and on each of these occasions only a reasonable aid shall be levied.}

**[X. NONE SHALL DISTRAIN FOR MORE SERVICE THAN IS DUE.]**

No man shall be compelled to perform more service for a knight's fee nor any freehold than is due therefrom.

**[XI. COMMON PLEAS SHALL NOT FOLLOW THE KING'S COURT]**

People who have Common Pleas shall not follow our Court traveling about the realm, but shall be heard in some certain place.

**[XII. WHERE AND BEFORE WHOM ASSIZES SHALL BE TAKEN. ADJOURNMENT FOR DIFFICULTY]**

{Land assizes of novel disseisin, mort d'ancestor and darrein presentment shall be heard only in the county where the property is situated, and in this manner: We or, if we are not in the realm, our Chief Justiciary, shall send two justiciaries through each county four times a year [to clear and prevent backlog], and they, together with four knights elected out of each county by the people thereof, shall hold the said assizes in the county court, on the day and in the place where that court meets.}

**ASSIZES OF NOVEL DISSEISIN, MORT D'ANCESTOR SHALL BE HEARD ONLY IN THE COUNTY WHERE THE PROPERTY IS SITUATED, AND IN THIS MANNER: WE, OR IF WE ARE NOT IN THE REALM, OUR CHIEF JUSTICIARY, SHALL SEND JUSTICIARIES THROUGH EACH COUNTY ONCE A YEAR, AND THEY TOGETHER WITH KNIGHTS OF THAT COUNTY SHALL HOLD THE SAID ASSIZES IN THE COUNTY.**

{If the said assizes cannot be held on the day appointed, so many of the knights and freeholders as were present on that day shall remain as will be sufficient for the administration of justice, according to the amount of business to be done.}

**AND THOSE THINGS THAT AT THE COMING OF OUR FORESAID JUSTICIARIES, BEING SENT TO TAKE THOSE ASSIZES IN THE COUNTIES, CANNOT BE DETERMINED, SHALL BE ENDED BY THEM IN SOME OTHER PLACE IN THEIR CIRCUIT; AND THOSE THINGS WHICH FOR DIFFICULTY OF SOME ARTICLES CANNOT BE DETERMINED BY THEM, SHALL BE REFERRED TO OUR JUSTICES OF THE BENCH AND THERE SHALL BE ENDED.**

**[XIII. ASSIZES OF DARREIN PRESENTMENT]**

**ASSIZES OF DARREIN PRESENTMENT SHALL ALWAYS BE TAKEN BEFORE OUR JUSTICES OF THE BENCH AND THERE SHALL BE DETERMINED.**

**[XIV. HOW MEN OF ALL SORTS SHALL BE AMERCED AND BY WHOM]**

A freeman shall be amerced [made to pay a fine to the King] for a small offense only according to the degree thereof, and for a serious offense according to its magnitude, saving his position and livelihood; and in like manner a merchant, saving his trade and merchandise, and a villein saving his tillage, if they should fall under our mercy. None of these ameracements shall be imposed except by the oath of honest men of the neighborhood.

Earls and barons shall be amerced only by their peers, and only in accordance with the seriousness of the offense.

{No amercement shall be imposed upon a cleric's lay tenement, except in the manner of the other persons aforesaid, and without regard to the value of his ecclesiastical benefice.}

**NO MAN OF THE CHURCH SHALL BE AMERCED EXCEPT IN ACCORDANCE WITH THE SERIOUSNESS OF THE OFFENSE AND AFTER HIS LAY TENEMENT, BUT NOT AFTER THE QUANTITY OF HIS SPIRITUAL BENEFICE.**

**[XV. MAKING OF BRIDGES AND BANKS]**

No town or freeman shall be compelled to build bridges over rivers OR BANKS except those bound by old custom and law to do so.

**[XVI. DEFENDING OF BANKS]**

**NO BANKS [LAND NEAR A RIVER] SHALL BE DEFENDED [USED BY THE KING ALONE, E.G. FOR HUNTING], FROM HENCEFORTH, BUT SUCH AS WERE IN DEFENSE IN THE TIME OF KING HENRY [III] OUR GRANDFATHER, BY THE SAME PLACES AND IN THE SAME BOUNDS AS IN HIS TIME.**

**[XVII. HOLDING PLEAS OF THE CROWN]**

No sheriff, constable, coroners, or other of our bailiffs shall hold pleas of our Crown [but only justiciars, to prevent disparity of punishments and corruption].

{All counties, hundreds, wapentakes, and tithings (except our demesne manors) shall remain at the old rents, without any increase.}

**[XVIII. THE KING'S DEBTOR DYING, THE KING SHALL BE FIRST PAID]**

If anyone holding a lay fee of us dies, and our sheriff or our bailiff show our letters patent [public letter from a sovereign or one in authority] of summons for a debt due to us from the deceased, it shall be lawful for such sheriff or bailiff to attach and list the goods and chattels of the deceased found in the lay fee to the value of that debt, by the sight and testimony of lawful men [to prevent taking too much], so that nothing thereof shall be removed therefrom until our whole debt is paid; then the residue shall be given up to the executors to carry out the will of the deceased. If there is no debt due from him to us, all his chattels shall remain the property of the deceased, saving to his wife and children their reasonable shares.

{If any freeman dies intestate, his chattels shall be distributed by his nearest kinfolk and friends, under supervision of the Church, saving to each creditor the debts owed him by the deceased.}

**[XIX. PURVEYANCE FOR A CASTLE]**

No constable or other of our bailiffs shall take grain or other chattels of any man without immediate payment, unless the seller voluntarily consents to postponement of payment. THIS APPLIES IF THE MAN IS NOT OF THE TOWN WHERE THE CASTLE IS. BUT IF THE MAN IS OF THE SAME TOWN AS WHERE THE CASTLE IS, THE PRICE SHALL BE PAID TO HIM WITHIN 40 DAYS.

**[XX. DOING OF CASTLE-GUARD]**

No constable shall compel any knight to give money for keeping of his castle in lieu of castle-guard when the knight is willing to perform it in person or, if reasonable cause prevents him from performing it himself, by some other fit man. Further, if we lead or send him into military service, he shall be excused from castle-guard for the time he remains in service by our command.

**[XXI. TAKING OF HORSES, CARTS, AND WOOD]**

No sheriff or bailiff of ours, or any other man, shall take horses or carts of any freeman for carriage without the owner's consent. HE SHALL PAY THE OLD PRICE, THAT IS, FOR CARRIAGE WITH TWO HORSES, 10d. A DAY; FOR THREE HORSES, 14d. A DAY. NO DEMESNE CART OF ANY SPIRITUAL PERSON OR KNIGHT OR ANY LORD SHALL BE TAKEN BY OUR BAILIFFS.

Neither we nor our bailiffs will take another man's wood for our castles or for other of our necessities without the owner's consent.

**[XXII. HOW LONG FELONS' LANDS SHALL BE HELD BY THE KING]**

We will hold the lands of persons convicted of felony for only a year and a day [to remove the chattels and movables], after which they shall be restored to the lords of the fees.

**[XXIII. IN WHAT PLACE WEIRS SHALL BE REMOVED]**

All fishweirs [obstructing navigation] shall be entirely removed by the Thames and Medway rivers, and throughout England, except upon the seacoast.

**[XXIV. IN WHAT CASE A PRAECIPE IN CAPITE IS NOT GRANTABLE]**

The [royal] writ called "praecipe in capite" [for tenements held in chief of the Crown] shall not in the future be granted to anyone respecting any freehold if thereby a freeman [who has a mesne lord] may not be tried in his lord's court.

**[XXV. THERE SHALL BE BUT ONE MEASURE THROUGHOUT THE REALM]**

There shall be one measure of wine throughout our realm, one measure of ale, and one measure of grain, to wit, the London quarter, and one breadth of dyed cloth, russets, and haberjets, to wit, two {ells} YARDS within the selvages. As with measures so shall it also be with weights.

**[XXVI. INQUISITION OF LIFE AND LIMB]**

Henceforth nothing shall be given or taken for a writ of inquisition upon life or limb, but it shall be granted freely and not denied.

**[XXVII. TENURE OF THE KING IN SOCAGE AND OF ANOTHER BY KNIGHT'S SERVICE. PETTY SERJEANTY.]**

If anyone holds of us by fee farm, socage, or burgage, and also holds land of another by knight's service, we will not by reason of that fee farm, socage, or burgage have the wardship of his heir, or the land which belongs to another man's fee. Nor will we have the custody of such fee farm, socage, or burgage unless such fee farm owe knight's service. We will not have the wardship of any man's heir, or the land which he holds of another by knight's service, by reason of any petty serjeanty which he holds of us by service of rendering us knives, arrows, or the like.

**[XXVIII. WAGES OF LAW SHALL NOT BE WITHOUT WITNESS]**

In the future no [royal] bailiff shall upon his own unsupported accusation put any man to trial or oath without producing credible witnesses to the truth of the accusation.

**[XXIX. NONE SHALL BE CONDEMNED WITHOUT TRIAL. JUSTICE SHALL NOT BE SOLD OR DELAYED.]**

No freeman shall be taken, imprisoned, disseised OF HIS FREEHOLD OR LIBERTIES OR FREE CUSTOMS, OR BE outlawed, banished, or in any way ruined, nor will we prosecute or condemn him, except by the lawful judgment of his peers or by the law of the land.

To no one will we sell [by bribery], to none will we deny or delay, right or justice.

**[XXX. MERCHANT STRANGERS COMING INTO THIS REALM SHALL BE WELL USED]**

All merchants shall have safe conduct to go and come out of and into England, and to stay in and travel through England by land and water, to buy and sell, without evil tolls, in accordance with old and just customs, except, in time of war, such merchants as are of a country at war with us. If any such be found in our realm at the outbreak of war, they shall be detained, without harm to their bodies or goods, until it be known to us or our Chief Justiciary how our merchants are being treated in the country at war with us. And if our merchants are safe there, then theirs shall be safe with us.

{Henceforth anyone, saving his allegiance due to us, may leave our realm and return safely and securely by land and water, except for a short period in time of war, for the common benefit of the realm.}

**[XXXI. TENURE OF A BARONY COMING INTO THE KING'S HANDS BY ESCHEAT]**

If anyone dies holding of any escheat, such as the honor of Wallingford, Nottingham, Boulogne, {Lancaster,} or other escheats which are in our hands and are baronies, his heir shall not give any relief or do any service to us other than he would owe to the baron, if such barony had been in the baron's hands. And we will hold the escheat in the same manner in which the baron held it. NOR SHALL WE HAVE, BY OCCASION OF ANY BARONY OR ESCHEAT, ANY ESCHEAT OR KEEPING OF ANY OF OUR MEN, UNLESS HE WHO HELD THE BARONY OR ESCHEAT ELSEWHERE HELD OF US IN CHIEF.

Persons dwelling outside the forest [in the county] need not in the future come before our justiciaries of the forest in answer to a general summons unless they are impleaded or are sureties for any person or persons attached for breach of forest laws.

**[XXXII. LANDS SHALL NOT BE ALIENED TO THE PREJUDICE OF THE LORD'S SERVICE]**

**NO FREEMAN FROM HENCEFORTH SHALL GIVE OR SELL ANY MORE OF HIS LAND, BUT SO THAT OF THE**

**RESIDUE OF THE LANDS THE LORD OF THE FEE MAY HAVE THE SERVICE DUE TO HIM WHICH BELONGS TO THE FEE.**

{We will appoint as justiciaries, constables, sheriffs, or bailiffs only such men as know the law of the land and will keep it well.}

**[XXXIII. PATRONS OF ABBEYS SHALL HAVE THE CUSTODY OF THEM WHEN VACANT]**

All barons who had founded abbeys of which they have charters of English Kings or old tenure, shall have the custody of the same when vacant, as is their due.

All forests which have been created in our time shall forthwith be disafforested. {So shall it be done with regard to river banks which have been enclosed by fences in our time.}

{All evil customs concerning forests and warrens [livestock grounds in forests], foresters and warreners, sheriffs and their officers, or riverbanks and their conservators shall be immediately investigated in each county by twelve sworn knights of such county, who are chosen by honest men of that county, and shall within forty days after this inquest be completely and irrevocably abolished, provided always that the matter has first been brought to our knowledge, or that of our justiciars, if we are not in England.}

{We will immediately return all hostages and charters delivered to us by Englishmen as security for the peace or for the performance of loyal service.}

{We will entirely remove from their offices the kinsmen of Gerald de Athyes, so that henceforth they shall hold no office in England: Engelard de Cigogne, Peter, Guy, and Andrew de Chanceaux, Guy de Cigogne, Geoffrey de Martigny and his brothers, Philip Mark and his brothers, and Geoffrey his nephew, and all their followers.}

{As soon as peace is restored, we will banish from our realm all foreign knights, crossbowmen, sergeants, and mercenaries, who have come with horses and arms, to the hurt of the realm.}

{If anyone has been disseised or deprived by us, without the legal judgment of his peers, of lands, castles, liberties, or rights, we will immediately restore the same, and if any disagreement arises on this, the matter shall be decided by judgment of the twenty- five barons mentioned below in the clause for securing the peace. With regard to all those things, however, of which any man was disseised or deprived, without the legal judgment of his peers, by King Henry [II] our Father or our Brother King Richard, and which remain in our hands or are held by others under our warranty, we shall have respite during the term commonly allowed to the Crusaders, excepting those cases in which a plea was begun or inquest made on our order before we took the cross; when, however, we return from our pilgrimage, or if perhaps we do not undertake it, we will at once do full justice in these matters.}

{Likewise, we shall have the same respite in rendering justice with respect to the disafforestation or retention of those forests which Henry [II] our Father or Richard our Brother afforested, and concerning custodies of lands which are of the fee of another, which we hitherto have held by reason of the fee which some person has held of us by knight's service, and to abbeys founded on fees other than our own, in which the lord of that fee asserts his right. When we return from our pilgrimage, or if we do not undertake it, we will forthwith do full justice to the complainants in these matters.}

**[XXXIV. IN WHAT ONLY CASE A WOMAN SHALL HAVE AN APPEAL OF DEATH]**

No one shall be arrested or imprisoned upon a woman's appeal for the death of any person other than her husband [since no woman was expected to personally engage in trial by combat].

**[XXXV. AT WHAT TIME SHALL BE KEPT A COUNTY COURT, SHERIFF'S TURN AND A LEET COURT (COURTS OF CRIMINAL JURISDICTION EXCEPTING FELONIES)]**

**NO COUNTY COURT FROM HENCEFORTH SHALL BE HELD, BUT FROM MONTH TO MONTH; AND WHERE GREATER TIME HAS BEEN USED, THERE SHALL BE GREATER. NOR SHALL ANY SHERIFF, OR HIS BAILIFF, KEEP HIS TURN IN THE HUNDRED BUT TWICE IN THE YEAR; AND NO WHERE BUT IN DUE PLACE AND ACCUSTOMED TIME, THAT IS, ONCE AFTER EASTER, AND AGAIN AFTER THE FEAST OF SAINT MICHAEL. AND THE VIEW OF FRANKPLEDGE [THE RIGHT OF ASSEMBLING THE WHOLE MALE POPULATION OVER 12 YEARS EXCEPT CLERGY, EARLS, BARONS, KNIGHTS, AND THE INFIRM, AT THE LEET OR SOKE COURT FOR THE CAPITAL FRANKPLEDGES TO GIVE ACCOUNT OF THE PEACE KEPT BY INDIVIDUALS IN THEIR RESPECTIVE TITHINGS] SHALL BE LIKEWISE AT THE FEAST OF SAINT MICHAEL WITHOUT OCCASION, SO THAT EVERY MAN MAY HAVE HIS LIBERTIES WHICH HE HAD, OR USED TO HAVE, IN THE TIME OF KING HENRY [III] OUR GRANDFATHER, OR WHICH HE HAS SINCE PURCHASED. THE VIEW OF FRANKPLEDGE SHALL BE SO DONE, THAT OUR PEACE MAY BE KEPT; AND THAT THE TYTHING BE WHOLLY KEPT AS IT HAS BEEN ACCUSTOMED; AND THAT THE SHERIFF SEEK NO OCCASIONS, AND THAT HE BE CONTENT WITH SO MUCH AS THE SHERIFF**

**WAS WONT TO HAVE FOR HIS VIEW-MAKING IN THE TIME OF KING HENRY OUR GRANDFATHER.**

**[XXXVI. NO LAND SHALL BE GIVEN IN MORTMAIN]**

**IT SHALL NOT BE LAWFUL FROM HENCEFORTH TO ANY TO GIVE HIS LAND TO ANY RELIGIOUS HOUSE, AND TO TAKE THE SAME LAND AGAIN TO HOLD OF THE SAME HOUSE [THEREBY EXTINGUISHING THE FEUDAL RIGHTS OF THE TEMPORAL LORD]. NOR SHALL IT BE LAWFUL TO ANY HOUSE OF RELIGION TO TAKE THE LANDS OF ANY, AND TO LEASE THE SAME TO HIM OF WHOM HE RECEIVED IT. IF ANY FROM HENCEFORTH GIVE HIS LANDS TO ANY RELIGIOUS HOUSE, AND THEREUPON BE CONVICTED, THE GIFT SHALL BE UTTERLY VOID, AND THE LAND SHALL ACCRUE TO THE LORD OF THE FEE.**

{All fines unjustly and unlawfully given to us, and all ameracements levied unjustly and against the law of the land, shall be entirely remitted or the matter decided by judgment of the twenty-five barons mentioned below in the clause for securing the peace, or the majority of them, together with the aforesaid Stephen, Archbishop of Canterbury, if he himself can be present, and any others whom he may wish to bring with him for the purpose; if he cannot be present, the business shall nevertheless proceed without him. If any one or more of the said twenty-five barons has an interest in a suit of this kind, he or they shall step down for this particular judgment, and be replaced by another or others, elected and sworn by the rest of the said barons, for this occasion only.}

{If we have disseised or deprived the Welsh of lands, liberties, or other things, without legal judgment of their peers, in England or Wales, they shall immediately be restored to them, and if a disagreement arises thereon, the question shall be determined in the Marches by judgment of their peers according to the law of England as to English tenements, the law of Wales as to Welsh tenements, the law of the Marches as to tenements in the Marches. The same shall the Welsh do to us and ours.}

{But with regard to all those things of which any Welshman was disseised or deprived, without legal judgment of his peers, by King Henry [II] our Father or our Brother King Richard, and which we hold in our hands or others hold under our warranty, we shall have respite during the term commonly allowed to the Crusaders, except as to those matters whereon a suit had arisen or an inquisition had been taken by our command prior to our taking the cross. Immediately after our return from our pilgrimage, or if by chance we do not undertake it, we will do full justice according to the laws of the Welsh and the aforesaid regions.}

{We will immediately return the son of Llywelyn, all the Welsh hostages, and the charters which were delivered to us as security for the peace.}

{With regard to the return of the sisters and hostages of Alexander, King of the Scots, and of his liberties and rights, we will do the same as we would with regard to our other barons of England, unless it appears by the charters which we hold of William his father, late King of the Scots, that it ought to be otherwise; this shall be determined by judgment of his peers in our court.}

**[XXXVII. SUBSIDY IN RESPECT OF THIS CHARTER, AND THE CHARTER OF THE FOREST, GRANTED TO THE KING.]**

**ESCUAGE [SERVICE OF THE SHIELD, A TENURE IN KNIGHTS' SERVICE] FROM HENCEFORTH SHALL BE TAKEN AS IT WAS WONT TO BE IN THE TIME OF KING HENRY [II] OUR GRANDFATHER; RESERVING TO ALL ARCHBISHOPS, BISHOPS, ABBOTS, PRIORS, TEMPLERS, HOSPITALERS, EARLS, BARONS, AND ALL PERSONS AS WELL SPIRITUAL AS TEMPORAL; ALL THEIR FREE LIBERTIES AND FREE CUSTOMS, WHICH THEY HAVE HAD IN TIME PASSED. AND ALL THESE CUSTOMS AND LIBERTIES AFORESAID, WHICH WE HAVE GRANTED TO BE HELD WITHIN THIS OUR REALM, AS MUCH AS PERTAINS TO US AND OUR HEIRS, WE SHALL OBSERVE.**

{All the customs and liberties aforesaid, which we have granted to be enjoyed, as far as it pertains to us towards our people throughout our realm, let all our subjects, whether clerics or laymen, observe, as far as it pertains toward their dependents.}

**AND ALL MEN OF THIS OUR REALM, AS WELL SPIRITUAL AS TEMPORAL (AS MUCH AS IN THEM IS) SHALL OBSERVE THE SAME AGAINST ALL PERSONS IN LIKE WISE. AND FOR THIS OUR GIFT AND GRANT OF THESE LIBERTIES, AND OF OTHER CONSTRAINED IN OUR CHARTER OF LIBERTIES OF OUR FOREST, THE ARCHBISHOPS, BISHOPS, ABBOTS, PRIORS, EARLS, BARONS, KNIGHTS, FREEHOLDERS, AND OUR OTHER SUBJECTS, HAVE GIVEN UNTO US THE FIFTEENTH PART OF ALL THEIR MOVABLES. AND WE HAVE GRANTED UNTO THEM ON THE OTHER PART, THAT NEITHER WE, NOR OUR HEIRS, SHALL PROCURE OR DO ANY THING WHEREBY THE LIBERTIES IN THIS CHARTER CONTAINED SHALL BE INFRINGED OR BROKEN. AND IF ANY THING BE PROCURED BY ANY PERSON CONTRARY TO THE PREMISES, IT SHALL BE HAD OF NO FORCE NOR EFFECT.**

**[ENFORCEMENT]**

{Whereas we, for the honor of God and the reform of our realm, and in order the better to allay the discord arisen between us and our barons, have granted all these things aforesaid. We, willing that



they be forever enjoyed wholly and in lasting strength, do give and grant to our subjects the following security, to wit, that the barons shall elect any twenty-five barons of the realm they wish, who shall, with their utmost power, keep, hold, and cause to be kept the peace and liberties which we have granted unto them and by this our present Charter have confirmed, so that if we, our Justiciary, bailiffs, or any of our ministers offends in any respect against any man, or transgresses any of these articles of peace or security, and the offense is brought before four of the said twenty-five barons, those four barons shall come before us, or our Chief Justiciary if we are out of the realm, declaring the offense, and shall demand speedy amends for the same. If we or, in case of our being out of the realm, our Chief Justiciary fails to afford redress within forty days from the time the case was brought before us or, in the event of our having been out of the realm, our Chief Justiciary, the aforesaid four barons shall refer the matter to the rest of the twenty-five barons, who, together with the commonalty of the whole country, shall distrain and distress us to the utmost of their power, to wit, by capture of our castles, lands, and possessions and by all other possible means, until compensation is made according to their decision, saving our person and that of our Queen and children; as soon as redress has been had, they shall return to their former allegiance. Anyone in the realm may take oath that, for the accomplishment of all the aforesaid matters, he will obey the orders of the said twenty-five barons and distress us to the utmost of his power; and we give public and free leave to everyone wishing to take oath to do so, and to none will we deny the same. Moreover, all such of our subjects who do not of their own free will and accord agree to swear to the said twenty-five barons, to distrain and distress us together with them, we will compel to do so by our command in the aforesaid manner. If any one of the twenty-five barons dies or leaves the country or is in any way hindered from executing the said office, the rest of the said twenty-five barons shall choose another in his stead, at their discretion, who shall be sworn in like manner as the others. In all cases which are referred to the said twenty-five barons to execute, and in which a difference arises among them, supposing them all to be present, or in which not all who have been summoned are willing or able to appear, the verdict of the majority shall be considered as firm and binding as if the whole number had been of one mind. The aforesaid twenty-five shall swear to keep faithfully all the aforesaid articles and, to the best of their power, to cause them to be kept by others. We will not procure, either by ourself or any other, anything from any man whereby any of these concessions or liberties may be revoked or abated. If any such procurement is made, let it be null and void; it shall never be made use of either by us or by any other.}

#### [AMNESTY]

{We have also fully forgiven and pardoned all ill-will, wrath, and malice which has arisen between us and our subjects, both clergy and laymen, during the disputes, to and with all men. Moreover, we have fully forgiven and, as far as it pertains to us, wholly pardoned to and with all, clergy and laymen, all offenses made in consequence of the said disputes from Easter in the sixteenth year of our reign until the restoration of peace. Over and above this, we have caused letters patent to be made for Stephen, Archbishop of Canterbury, Henry, Archbishop of Dublin, the above-mentioned Bishops, and Master Pandulph, for the aforesaid security and concessions.}

{Wherefore we will that, and firmly command that, the English Church shall be free and all men in our realm shall have and hold all the aforesaid liberties, rights, and concessions, well and peaceably, freely, quietly, fully, and wholly, to them and their heirs, of us and our heirs, in all things and places forever, as is aforesaid. It is moreover sworn, as will on our part as on the part of the barons, that all these matters aforesaid shall be kept in good faith and without deceit. Witness the above-named and many others. Given by our hand in the meadow which is called Runnymede, between Windsor and Staines, on the fifteenth day of June in the seventeenth year of our reign.}

**THESE BEING WITNESSES: LORD S. ARCHBISHOP OF CANTERBURY, E. BISHOP OF LONDON, F. BISHOP OF BATHE, G. OF WINCESTER, H. OF LINCOLN, R. OF SALISBURY, W. OF ROCHESTER, X. OF WORCESTER, F. OF ELY, H. OF HEREFORD, R. OF CHICHESTER, W. OF EXETER, BISHOPS; THE ABBOT OF ST. EDMONDS, THE ABBOT OF ST. ALBANS, THE ABBOT OF BELLO, THE ABBOT OF ST. AUGUSTINES IN CANTERBURY, THE ABBOT OF EVESHAM, THE ABBOT OF WESTMINSTER, THE ABBOT OF BOURGH ST. PETER, THE ABBOT OF REDING, THE ABBOT OF ABINDON, THE ABBOT OF MALMBURY, THE ABBOT OF WINCHCOMB, THE ABBOT OF HYDE, THE ABBOT OF CERTESEY, THE ABBOT OF SHERBURN, THE ABBOT OF CERNE, THE ABBOT OF ABBOREBIR, THE ABBOT OF MIDDLETON, THE ABBOT OF SELEBY, THE ABBOT OF CIRENCESTER, H. DE BURGH JUSTICE, H. EARL OF CHESTER AND LINCOLN, W. EARL OF SALISBURY, W. EARL OF WARREN, G. DE CLARE EARL OF GLOUCESTER AND HEREFORD, W. DE FERRARS EARL OF DERBY, W. DE MANDEVILLE EARL OF ESSEX, H. DE BYGOD EARL OF NORFOLK, W. EARL OF ALBEMARLE, H. EARL OF HEREFORD, F. CONSTABLE OF CHESTER, G. DE TOS, H. FITZWALTER, R. DE BYPONTE, W. DE BRUER, R. DE MONTEFICHET, P. FITZHERBERT, W. DE AUBENIE, F. GRESLY, F. DE BREUS, F. DE MONEMUE, F. FITZALLEN, H. DE MORTIMER, W. DE BEUCHAMP, W. DE ST. JOHN, P. DE MAULI, BRIAN DE LISLE, THOMAS DE MULTON, R. DE ARGENTEYN, G. DE NEVIL, W. DE MAUDUIT, F. DE BALUN, AND OTHERS. GIVEN AT WESTMINSTER THE 11TH DAY OF FEBRUARY THE 9TH YEAR OF OUR REIGN.**

**WE, RATIFYING AND APPROVING THESE GIFTS AND GRANTS AFORESAID, CONFIRM AND MAKE STRONG ALL THE SAME FOR US AND OUR HEIRS PERPETUALLY, AND BY THE TENOUR OF THESE PRESENTS, DO RENEW THE SAME; WILLING AND GRANTING FOR US AND OUR HEIRS, THAT THIS CHARTER, AND ALL SINGULAR HIS**

**ARTICLES, FOREVER SHALL BE STEADFASTLY, FIRMLY, AND INVIOABLY OBSERVED; AND IF ANY ARTICLE IN THE SAME CHARTER CONTAINED, YET HITHERTO PERADVENTURE HAS NOT BEEN KEPT, WE WILL, AND BY ROYAL AUTHORITY, COMMAND, FROM HENCEFORTH FIRMLY THEY BE OBSERVED.**

Felonies are serious crimes which can be punished by loss of life or member. By common law, they now consist of homicide, mayhem, wounding, false imprisonment, arson, rape, robbery, burglary, and larceny. A felon's lands go to his lord or to the king and his chattels are confiscated. If a man accused of felony flies, he can be outlawed. Treason was a special felony, which was punishable by hanging after being drawn behind a horse along the rough road to the gibbet. Petty treason was treason to one's lord and included adultery with the lord's wife, violation of his daughter, and forgery of his seal. High treason was to the king and include clipping of the king's coin and making counterfeit money. A traitor's land was forfeited to the king. Treason had no benefit of clergy.

Statutes which were enacted after the Magna Carta follow:

Nuisance is recognized by this statute: "Every freeman, without danger, shall make in his own wood, or in his land, or in his water, which he has within our Forest, mills, springs, pools, clay pits, dikes, or arable ground, so that it does not annoy any of his neighbors."

Anyone taking a widow's dower after her husband's death must not only return the dower, but pay damages in the amount of the value of the dower from the time of death of the husband until her recovery of seisin.

Widows may bequeath the crop of their ground as well of their dowers as of their other lands and tenements.

Freeholders of tenements on manors shall have sufficient ingress and egress from their tenements to the common pasture and as much pasture as suffices for their tenements.

"Grain shall not be taken under the pretense of borrowing or the promise of after-payment without the permission of the owner."

"A parent or other who forcefully leads away and withholds, or marries off, an heir who is a minor (under 14), shall yield the value of the marriage and be imprisoned until he has satisfied the king for the trespass. If an heir 14 years or older marries without his Lord's permission to defraud him of the marriage and the Lord offers him reasonable and convenient marriage, without disparagement, then the Lord shall hold his land beyond the term of his age, that, of twenty one years, so long that he may receive double the value of the marriage as estimated by lawful men, or after as it has been offered before without fraud or collusion, and after as it may be proved in the King's Court. Any Lord who marries off a ward of his who is a minor and cannot consent to marriage, to a villain or other, such as a burgess, whereby the ward is disparaged, shall lose the wardship and all its profits if the ward's friends complain of the Lord. The wardship and profit shall be converted to the use of the heir, for the shame done to him, after the disposition and provision of his friends." (The "marriage" could be annulled by the church.)

"If an heir of whatever age will not marry at the request of his Lord, he shall not be compelled thereunto; but when he comes of age, he shall pay to his Lord the value of the marriage before receiving his land, whether or not he himself marries."

"Interest shall not run against any minor, from the time of death of his ancestor until his lawful age; so nevertheless, that the payment of the principal debt, with the interest that was before the death of his ancestor shall not remain."

The value of debts to be repaid to the king or to any man shall be reasonably determined by the debtor's neighbors and not by strangers. A debtors' plough cattle or sheep cannot be taken to satisfy a debt.

The wards and escheats of the king shall be surveyed yearly by three people assigned by the King. The sheriffs, by their counsel, shall approve and let to farm such wards and escheats as they think most profitable for the King. The Sheriffs shall be answerable for the issues thereof in the Exchequer at designated times. The collectors of the customs on wool exports shall pay this money at the two designated times and shall make yearly accounts of all parcels in ports and all ships.

By statute leap year was standardized throughout the nation, "the day increasing in the leap year shall be accounted in that year", "but it shall be taken and reckoned in the same month wherein it grew and that day and the preceding day shall be counted as one day."

"An English penny [1 d.], called a sterling, round and without any clipping, shall weigh 32 wheat grains dry in the middle of the ear."

Measurements of distance were standardized to twelve inches to a foot, three feet to a yard, and so forth up to an acre of land.

Goods which could only be sold by the standard weights and measures (such as ounces, pounds, gallons, bushels) included sacks of wool, leather, skins, ropes, glass, iron, lead, canvas, linen cloth, tallow, spices, confections cheese, herrings, sugar, pepper, cinnamon, nutmeg, wheat, barley, oats, bread, and ale. The prices required for bread and ale were based on the market price for the wheat, barley, and oats from which they were made.

The punishment for repeated violations of required measures, weights, or prices of bread and ale by a baker or brewer; selling of spoiled or unwholesome wine, meat, fish by brewers, butchers, or cooks; or a steward or bailiff receiving a bribe was reduced to placement in a pillory with a shaven head so that these men would still be fit for military service and not overcrowd the gaols.

Forest penalties were changed so that "No man shall lose either life or member [limb] for killing of our deer. But if any man be taken and convicted for taking our venison, he shall make a grievous fine, if he has anything. And if he has nothing to lose, he shall be imprisoned for a year and a day. And after that, if he can find sufficient sureties, he shall be delivered, and, if not, he shall abjure the realm of England."

The Forest Charter provided that: Every freeman may allow his pigs to eat in his own wood in the King's forest. He may also drive his pigs through the King's forest and tarry one night within the forest without losing any of his pigs. But people having greyhounds must keep them out of the forest so they don't maim the deer.

The Forest Charter also allowed magnates traveling through the King's forest on the King's command to come to him, to kill one or two deer as long as it was in view of the forester if he was present, or while having a horn blown, so it did not seem to be theft.

After a period of civil war, the following statutes were enacted:

"All persons, as well of high as of low estate, shall receive justice in the King's Court; and none shall take any such revenge or distress by his own authority, without award of our court, although he is damaged or injured, whereby he would have amends of his neighbor either higher or lower." The penalty is a fine according to the trespass.

A fraudulent conveyance to a minor or lease for a term of years made to defraud a Lord of a wardship shall be void. A Lord who maliciously and wrongfully alleges this to a court shall pay damages and costs.

If a Lord will not render unto an heir his land when he comes of age or takes possession away from an heir of age or removes anything from the land, he shall pay damages. (The king retained the right to take possession of an heir's land for a year or, in lieu of this, to take one year's profit from the land in addition to the relief.)

Kinsmen of a minor heir who have custody of his land held in socage shall make no waste, sale, nor destruction of the inheritance and shall answer to the heir when he comes of age for the issues of the land, except for the reasonable costs of these guardians.

No lord may distrain any of his tenants. No one may drive animals taken by distraint out of the county where they have been taken.

"Farmers during their terms, shall not make waste, sale, nor exile of house, woods, and men, nor of any thing else belonging to the tenements which they have to farm".

Church law required that planned marriages be publicly announced [banns] by the priest so that any impediment could be made known. If a marriage was clandestine or both parties knew of an impediment, or it was within the prohibited degrees of consanguinity, the children would be illegitimate. According to church rules, a man could bequeath his personal property subject to certain family rights. These were that if only the wife survived, she received half the property. Similarly, if children survived, but no wife, they received half the property. When the wife and children survived, each party received one third. The church hoped that the remaining fraction would go to the church as a reward for praying for the deceased's soul. It taught that dying without a will was sinful. Adults were to confess their sins at least yearly to their parish priest, which confession would be confidential.

Ecclesiastical offenses included fornication, adultery, incest, and bigamy, for which the punishment was usually whipping or a money payment. Heresy and sorcery were so infrequent that there was no machinery aptly suited for their suppression.

Henry de Bracton, a royal justice and the last great ecclesiastical attorney, wrote an unfinished treatise: *A Tract on the Laws and Customs of England*, systematizing and organizing the law of the court rolls with definitions and general concepts and describing court practice and procedure. It was influenced by his knowledge of Roman legal concepts, such as *res judicata*, and by his own opinions, such as that the law should go from precedent to precedent. He also argued that the will and intent to injure was the essence of murder, so that neither an infant nor a madman should be held liable for such and that degrees of punishment should vary with the level of moral guilt in a killing. He thought the deodand to be unreasonable.

Bracton defines the requirements of a valid and effective gift, still applicable in 2000, as: "It must be complete and absolute, free and uncoerced, extorted neither by fear nor through force. Let money or service play no part, lest it fall into the category of purchase and sale, for if money is involved there will then be a sale, and if service, the remuneration for it. If a gift is to be valid the donor must be of full age, for if a minor makes a gift it will be ineffective since (if he so wishes) it shall be returned to him in its entirety when he reaches full age. Also let the donor hold in his own name and not another's, otherwise his gift may be revoked. And let him, at the least, be of sound mind and good memory, though an invalid, ill and on his death bed, for a gift made under such conditions will be good if all the other [requirements] of a valid gift are met. For no one, provided he is of good memory, ought to be kept from the administration or disposition of his own property when affected by infirmity, since it is only then that he must make provision for his family, his household and relations, given stipends and settle his bequests; otherwise such persons might suffer damage without fault. But since charters are sometimes fraudulently drawn and gifts falsely taken to be made when they are not, recourse must therefore be had to the country and the neighborhood so that the truth may be declared."

In Bracton's view, a villein could buy his own freedom and the child of a mixed marriage was free unless he was born in the tenement of his villein parent.

#### Judicial Procedure

The Royal Court spawned several courts with different specialties and became more like departments of state than offices of the King's household. The justices were career civil servants knowledgeable in the civil and canon law. The Court of the King's Bench (a marble slab in Westminster upon which the throne was placed) traveled with the king and primarily heard criminal cases and pleas of the Crown. Any use of force, however trivial, was interpreted as breach of the royal peace and could be brought before the King's Bench. Its records were the *coram rege* rolls. The Court of Common Pleas primarily heard civil cases brought by one subject against another. Pursuant to the Magna Carta, it sat only at one place, the Great Hall in Westminster. It had concurrent jurisdiction with the King's Bench over trespass cases. Its records were the *de banco* rolls. The Court of the Exchequer with its subsidiary department of the Treasury was in almost permanent session at Westminster, primarily collecting the Crown's revenue and enforcing the Crown's rights. A department of the Exchequer watched over the affairs of the Jews. There was no sharp line demarking the jurisdictions of these courts. No pleas could be brought against the king; rather a petition was addressed to him, which he would answer by an executive writ.

Appeals from these courts could be made to the king and/or his small council. In 1234, the justiciar as the principal royal executive officer and chief presiding officer over the Royal Court ended. In 1268, a chief justiciar was appointed to hold pleas before the king. About the same time the presiding justice of the Court of Common Pleas also came to be styled chief justice. Henceforth, a justiciar was a royal officer who dealt only with judicial work. The justiciars were no longer statesmen or politicians, but rather men learned in the law.

Membership in or attendance at the great council or parliament no longer rested upon feudal tenure, but upon a writ of summons which was, to a degree, dependent on the royal will.

Crown pleas included issues of the King's property, fines due to him, murder (a body found with no witnesses to a killing), homicide (a killing for which there were witnesses), rape, wounding, mayhem, consorting, larceny, robbery, burglary, arson, poaching, unjust imprisonment, selling cloth by nonstandard widths, selling wine by nonstandard weights. Crown causes were pled by the king's serjeants or servants at law, who were not clerics. Apprentices at law learned pleading from them.

Between the proprietary action and the possessory assizes there is growing use in the king's courts of writs of entry, by which a tenant may be ordered to give up land, e.g. by a recent flaw in a tenant's title, for a term which has expired, by a widow for her late husband's land, or by an heir who has become of full age from his guardian. For instance: "...Command Tertius that ... he render to Claimant, who is of full age, as it is said, ten acres ...which he claims to be his right and inheritance and into which the said Tertius has no entry save by Secundus, to whom Primus demised [gaged] them, who had only the

wardship thereof while the aforesaid Claimant was under age, as he says...". But most litigation about land is still through the writ of right for proprietary issues and the assizes of novel disseisin and mort d'ancestor for possessory issues. Actions for debt; covenant; and account, e.g by a lord to his bailiff and receiver of his money, were actions in the king's court.

Royal itinerant justices, who were members of the royal courts, traveled on eyre on regular circuits to the counties every seven years. They had an administrative function as well as a judicial function. They gave interrogatories to local assizes of twelve men to determine what had happened there since the last eyre. Information was acquired on royal proprietary rights, escheats, wardships, treasury matters, and official misdoings of royal officers, sheriffs, coroners, and bailiffs, which could be dealt with in an administrative way. (These administrative duties ceased in the first half of the 1300s.) All boroughs had to send twelve burgesses who were to indict any burgesses suspected of breaking the royal law. Every crime, every invasion of royal rights, and every neglect of police duties was to be presented and tried. Suspects were held in gaol until their cases could be heard and gaol breaks were common. Punishment after trial was prison for serious crimes, expulsion from the realm for less serious crimes, and pledges for good behavior for lesser crimes. Fines and amercements both for individual criminal offenses and local communities' faults brought revenue into the Exchequer as profits of justice. The king could increase fines and amercements or pardon a person found guilty. The visitation of these justices was anticipated with trepidation. In 1237, the residents of Cornwall hid in the woods rather than face the itinerant justices. (The court of the justices in eyre lasted until 1971.)

Royal coroners held inquests on all sudden deaths to determine whether they were accidental or not. If not, royal justices held trial. They also had duties in treasure trove and shipwreck cases.

Justices of assize, Justices of the Peace, and itinerant justices operated at the county level. The traditional county courts had lost much jurisdiction to the royal courts and were now limited to personal actions in causes involving usually no more than 40s. The great majority of cases had to do with 1) writ of right for recovery of land, 2) the possessory assizes for the protection of possession, 3) debt for recovery of money owed, such as rent 4) detinue for detention of a chattel, such as beasts and 5) covenant for breach of a contract, later to be limited to contracts under seal. There were also pleas of trespass and claims of fugitive villeins and their goods, nuisances, and encroachments. The action of trespass had broken free of the criminal law, which had been divided into the two categories of felony and trespass. But then the field of tort began to separate itself from that of crime and the more serious trespasses remained criminal while the less serious attached themselves to the civil sphere.

The sheriff still constitutes and conducts the court, assisted by elected coroners. The earl of the county had little to do with its court except to take one-third of its profits of justice. The county court met every three or four weeks, usually in the sheriff's castle located in the chief borough of the county, but some met in the open air. It is attended by suitors, certain freeholders of the county who are bound to attend it, that is, to do suit to it. They are the judges of the court.

The hundred court decided cases of theft, viewing of boundaries of land, claims for tenurial services, claims for homage, relief, and for wardship; enfeoffments made, battery and brawls not amounting to felony, wounding and maiming of beasts, collection of debts, trespass, detinue, and covenant, which now requires a sealed writing; defamation, and inquiries and presentments arising from the assizes of bread and ale and measures. The action of debt was used for five main purposes: 1) money lent, 2) the price of goods sold, 3) arrears of rent due upon a lease for years, 4) money due from a surety, and 5) a debt confessed by a sealed document. A paid bailiff had responsibility for the hundred court, which met every three weeks. Freeholders of these hundreds owe suit to it; these suitors are the judges.

Twice a year the sheriff visited each hundred in the county to hold a turn, a court for small offenses, such as encroachment of public land, brewing and baking contrary to government regulations, and use of dishonest weights and measures. Everyone who held freehold land in the hundred except the greater magnates had to attend or be fined for absence. The sheriff annually viewed frankpledge, in which every layman without land that could be forfeited for felony, including villeins, were checked for being in a tithing, a group of neighbors responsible for each other's good conduct. This applied to every boy who had reached the age of twelve. He had to swear on the Bible "I will be a lawful man and bear loyalty to our lord the King and his heirs, and I will be justiciable to my chief tithing man, so help me God and the saints." Each tithing man paid a penny to the sheriff. The sheriff was the judge in his turn. Coordinate with the sheriff's turn was a leet court, which had private jurisdiction over the same small offences. If a county or a hundred court gave a false judgment, it had to pay a fine.

Manorial courts were those in which a lord had for his tenants. It was presided over by the lord, or his steward, who decided the outcomes of cases, with or without the villeins attending it, based on the customs of the manor. It had a civil jurisdiction, and dealt typically with land issues and minor offenses, such as, actions when the amount at stake is less than 40 s., of debt, detinue, trespass and covenant.

40s. was the equivalent of around 13 oxen or 80 sheep. Usually, the lord's court had a single manor with a single vill.

The cities and boroughs, having a degree of organization and independence, had municipal courts whose jurisdiction was determined by privileges given by charter from the king or by prescription of ancient origin. Court was held by the sheriff, and after a time by its mayor, at the borough's weekly meeting of its burgesses. The burgesses would take the profits of the court and the tolls and house-rents that had been paid to the sheriff.

Still in existence is the old self-help law of hamsocne, the thief hand-habbende, the thief back-berend, the old summary procedure where the thief is caught in the act, Aethelstan's laws, and Edward the Confessor's laws. Under the name of "actio furti" [appeal of larceny] is the old process by which a thief can be pursued and goods vindicated. As before and for centuries later, deodands were forfeited to the king to appease God's wrath. These chattel which caused the death of a person were usually oxen, carts, cart teams, horses, boats, cauldrons, or millwheels. Then they were forfeited to the community, which paid the king their worth. Sometimes the justices named the charitable purpose for which the deodand was to be spent, such as the price of a boat to go to the repair of a bridge.

Five cases from a county court are:

1) "John Croc was drowned from his horse and cart in the water of Bickney. Judgment: misadventure. The price of the horse and cart is 4s.6d. deodand."

2) "Willam Ruffus was crushed to death by a certain trunk. The price of the trunk is 4d., for which the sheriff is to answer. 4d. deodand."

3) "William le Hauck killed Edric le Poter and fled, so he is -to be exacted and outlawed. He was in the tithing of Reynold Horloc in Clandon of the abbot of Chertsey (West Clandon), so it is in mercy. His chattels were 4 s., for which the bailiff of the abbot of Chertsey is to answer."

4) "Richard de Bregells, accused of larceny, comes and denies the whole and puts himself on the country for good or ill. The twelve jurors and four vills say that he is not guilty, -so he is quit."

5) William le Wimpler and William Vintner sold wine contrary to the statute, so they are in mercy.

Other cases dealt with issues of entry, e.g. whether land was conveyed or just rented; issues of whether a man was free, for which his lineage was examined; issues of to which lord a villein belonged; issues of nuisance such as making or destroying a bank, ditch, or hedge; diverting a watercourse or damming it to make a pool; obstructing a road, and issues of what grazing rights were conveyed in pasture land, waste, woods, or arable fields between harvest and sowing. Grazing right disputes usually arose from the ambiguous language in the grant of land "with appurtenances".

Courts awarded specific relief as well as money damages. If a landlord broke his covenant to lease land for a term of years, the court restored possession to the lessee. If a lord did not perform the services due to his superior lord, the court ordered him to perform the services. The courts also ordered repair by a lessee.

Debts of country knights and freeholders were heard in the local courts; debts of merchants and burgesses were heard in the courts of the fairs and boroughs; debts due under wills and testaments were heard in the ecclesiastical courts. The ecclesiastical courts deemed marriage to legitimize bastard children whose parents married, so they inherited personal property and money of their parents. Proof was by compurgation. Church law required excommunication to be in writing with the reasons therefore, and a copy given to the excommunicant. A church judge was required to employ a notary or two men to write down all acts of the judge and to give a copy to the parties to protect against unjust judges. No cleric was allowed to pronounce or execute a sentence of death or to take part in judicial tests or ordeals. Anyone knowingly accepting a stolen article was required to restore it to its owner. Heretics were to be excommunicated.

Trial by combat is still available, although it is extremely rare for it to take place. In the appeal of felony, when offered combat, a defendant could choose between combat and recourse to a verdict of his neighbors.

The manor court imposed penalties on those who did not perform their services to the manor and the lord wrote down the customs of the manor for future use in other courts.

By statute, no fines could be taken of any man for fair pleading in the Circuit of Justiciars, county, hundred, or manor courts.

Various statutes relaxed the requirements for attendance at court of those who were not involved in a case as long as there were enough to make the inquests fully. And "every freeman who owes suit to the county, tything, hundred, and wapentake, or to the Court of his Lord, may freely make his attorney attend for him." All above the rank of knight were exempted from attendance on the sheriff's turn, unless specifically summoned. Prelates and barons were generally excepted from the county courts by the charters of their estates. Charters of boroughs often excepted their representatives at the county court when there were no justices. Some barons and knights paid the sheriff to be excused. The king often relieved the simple knights by special license. There was frequently a problem of not having enough knights to hold the assizes. Henry III excused the attendance at hundred courts of all but those who were bound to special service, or who were concerned in suits.

Trespass has become a writ of course in the common law. It still involves violence, but its element of breach of the peace extends to those breaches which do not amount to felony. It can include assault and battery, physical force to land, and physical force to chattels, e.g. assaulting and beating the plaintiff, breaking into his close, or carrying off his goods. One found guilty is fined and imprisoned. As in criminal matters, if a defendant does not appear at court, his body can be seized and imprisoned, and if he cannot be found, he may be outlawed. Trespass to goods results in damages, rather than the return of the goods.

Various cases from the manors of the abbey of Bec in 1248-1249 are:

1. Ragenilda of Bec gives 2s. for having married without licence. Pledge, William of Pinner. The same Ragenilda demands against Roger Loft and Juliana his wife a certain messuage which belonged to Robert le Beck, and a jury of twelve lawful men is granted her in consideration of the said fine, and if she recovers seisin she will give in all 5s. And twelve jurors are elected, to wit, John of Hulle, William Maureward, Robert Hale Walter But, Walter Sigar, William Brihtwin, Richard Horseman, Richard Leofred, William John's son, Hugh Cross, Richard Pontfret and Robert Croyser, John Bisuthe and Gilbert Bisuthe who are sworn. And they say that the said Ragenilda has the greater right. Therefore let her have seisin.

2. Richard Guest gives 12d. and if he recovers will give 2s. to have a jury of twelve lawful men as to whether he has the greater right in a certain headland at Eastcot which Ragenilda widow of William Andrews holds, or the said Ragenilda. Pledges for the fine, John Brook and Richard of Pinner. And the said Ragenilda comes and says that she has no power to bring that land into judgment because she has no right in it save by reason of the wardship of the son and heir of her husband, who is under age. And Richard is not able to deny this. Therefore let him await [the heir's] full age.

3. Walter Hulle gives 13s.4d. for licence to dwell on the land of the Prior of Harmondsworth so long as he shall live and as a condition finds pledges, to wit, William Slipper, John Bisuthe, Gilbert Bisuthe, Hugh Tree, William John's son, John Hulle, who undertake that the said Walter shall do to the lord all the services and customs which he would do if he dwelt on the lord's land and that his heriot shall be secured to the lord in case he dies there [i.e. at Harmondsworth].

4. Geoffrey Sweyn demands the moiety of one virgate of land which John Crisp and Alina Hele hold, and he gives 2s. to have a jury, and if he recovers will give 20s. And the said jurors come and say upon their oath that the said Geoffrey has no right in the said land. Therefore let the said tenants go thence without day and let the said Geoffrey pay 2s. Pledges, Hugh Bussel and Godfrey Francis.

5. Juliana Saer's daughter demands as her right the moiety of one messuage with a croft, which messuage William Snell and Goda his wife, sister of the said Juliana hold. And they have made accord by leave [of the court] to the effect that the said William and Goda give to the said Juliana a barn and the curtilage nearest the Green and two selions [a ridge of land between two furrows] in the western part of the said croft [a small enclosed field]. And the said William put himself in mercy. Fine, 12d.

6. Hugh of Stanbridge complains of Gilbert Vicar's son and William of Stanbridge that the wife of the said Gilbert who is of [Gilbert's] mainpast and the said William unjustly etc. beat and unlawfully struck him and dragged him by his hair out of his own proper house, to his damage 40s. and to his dishonor 20s., and [of this] he produces suit. And Gilbert and William come and defend all of it fully. Therefore let each of them go to his law six-handed. Afterwards they make accord to this effect that in case the said Hugh shall hereafter in any manner offend against [Gilbert and William] and thereof shall be convicted he will give the lord 6s.8d. by way of penalty and will make amends to [Gilbert and William] according to the judgment of six lawful men, and the others on their part will do the like by him. And Hugh put himself in mercy. Fine, 3s. Pledges, John Tailor and Walter Brother.

7. Breakers of the assize [of beer:] William Idle (fined 6d.), maud carter's widow (6d.), Walter Carter.

8. John Witriche in mercy for carrying off thorns. Fine, 6d.
9. Robert Dochi in mercy (fine, 2d.) for divers trespasses. Pledges, Gilbert Priest's son, Ralph Winbold and Walter Green.
10. Ailwin Crisp in mercy for his cow caught in the lord's pasture when ward had been made. Fine, 12d.
11. John Bernard in mercy for his beasts caught by night in the lord's meadow. Fine, 2s.
12. Richard Love gives 12d. to have a jury of twelve touching a rod of land which Robert of Brockhole and Juliana his wife hold. This action is respited to the next court [when the jurors are to come] without further delay. Afterwards the jurors come and say upon their oath that the said Richard has the greater right in the said land. Therefore let him have seisin.
13. William Blackbeard in mercy for not coming with his law as he was bound to do. Pledges, Geoffrey of Wick and Geoffrey Payn. Fine, 6d.
14. It was presented that Stephen Shepherd by night struck his sister with a knife and grievously wounded her. Therefore let him be committed to prison. Afterwards he made -fine with 2s. Pledge, Geoffrey of wick.
15. It was presented that Robert Carter's son by night invaded the house of Peter Burgess and in felony threw stones at his door so that the said Peter raised the hue. Therefore let the said Robert be committed to prison. Afterwards he made fine with 2s.
16. Nicholas Drye, Henry le Notte (fine, 12d.) and Thomas Hogue (fine, 12d.) were convicted for that they by night invaded the house of Sir Thomas the Chaplain and forcibly expelled thence a man and woman who had been taken in there as guests. Therefore they are in mercy. Pledges of the said Thomas, Richard of Lortemere and Jordan of Paris. Pledges of the said Henry, Richard Pen...and Richard Butry.
17. Adam Moses gives half a sextary of wine to have an inquest as to whether Henry Ayulf accused him of the crime of larceny and used opprobrious and contumelious words of him. Afterwards they made accord and Henry finds security for an amercement. Fine, 12d.
18. Isabella Sywards in mercy for having sold to Richard Bodenham land that she could not warrant him.
19. All the ploughmen of great Ogbourne are convicted by the oath of twelve men....because by reason of their default [the land] of the lord was ill ploughed whereby the lord is damaged to the amount of 9s.... And Walter Reaper is in mercy for concealing [i.e. not giving information as to] the said bad ploughing. Afterwards he made fine with the lord with 1 mark.
20. From Ralph Joce 6s.8d. for his son, because he [the son] unlawfully carried off grain from the lord's court. Pledge, Geoffrey Joce.
21. From Henry Pink 12d. for a trespass by waylaying.
22. From Eve Corner 6d. for a trespass of her pigs.
23. From Ralph Scales 6d. for timber carried off.
24. From William Cooper 12d. for ploughing his own land with the lord's plough without licence.
25. From Hugh Newman 12d. for trespass in the wood.
26. From Richard Penant 12d. for the same.
27. From Helen widow of Little Ogbourne 6d. for the same.
28. From Nicholas Siward 6d. for a false complaint against William Pafey.
29. From William Pafey 12d. for fighting with the said Nicholas.
30. From the widow of Ralph Shepherd 6d. for a trespass in Pencombe.
31. Richard Blund gives a half-mark and if he recovers will -give two marks and a half to have a jury of the whole court, to inquire whether he has the greater right in a virgate of land which Hugh Frith holds in wardship with Cristiana daughter of Simon White, or the said Cristiana. Pledges for the fine, Richard Dene, William Hulle, John of Senholt, Hugh Smith, and William Ketelburn. And the whole court



say upon their oath that the said Richard has greater right in the said land than anyone else. Therefore let him recover his seisin.

32 -....Miller gives 2d. [the Latin translates as 4s.] for a trespass against the assize of beer and because the lord's grain has been ill kept at the mill. Pledges, John Orped and Joce Serjeant.

33. Noah gives 2s. in the same way for an inquest as to one acre. Afterwards they submit themselves to arbitrators, who adjudge that the said Robert shall pay 3s. to the said Roger and 6s. to the said Gilbert and 7s. to the said Noah, and that he will do so [Robert] finds pledges.

34. Ralph Bar in mercy for having beaten one of the lord's men. Pledges, Herbert Rede and Ralph Brunild.

35. For the common fine of the township, a half-mark.

36. John Boneffiant found pledges, to wit, William Smith and William of Bledlow, that he will not eloin himself from the lord's land and that he will be prompt to obey the lord's summons.

## Chapter 8

The Times: 1272-1348

King Edward I was respected by the people for his good government, practical wisdom, and genuine concern for justice for everyone. He loved his people and wanted them to love him. He came to the throne with twenty years experience governing lesser lands on the continent which were given to him by his father Henry III. He spoke Latin, English, and French. He gained a reputation as a lawgiver and as a peacemaker in disputes on the continent. His reputation was so high and agreement on him as the next king so strong that England was peaceful in the almost two years that it took him to arrive there from continental business. He was truthful, law-abiding, and kept his word. He had close and solid family relationships, especially with his father and with his wife Eleanor, to whom he was faithful. He was loyal to his close circle of good friends. He valued honor and adhered reasonably well to the terms of the treaties he made. He was generous in carrying out the royal custom of subsidizing the feeding of paupers. He visited the sick. He was frugal and dressed in plain, ordinary clothes rather than extravagant or ostentatious ones. He disliked ceremony and display.

At his accession, there was a firm foundation of a national law administered by a centralized judicial system, a centralized executive, and an organized system of local government in close touch with both the judicial and the executive system. To gain knowledge of his nation, he sent royal commissioners into every county to ask about any encroachments on the King's rights and about misdeeds by any of the King's officials: sheriffs, bailiffs, or coroners. The results were compiled as the "Hundred Rolls". They were the basis of reforms which improved justice at the local as well as the national level. They also rationalized the array of jurisdictions that had grown up with feudal government. Statutes were passed by a parliament of two houses, that of peers (lords) and that of an elected [rather than appointed] commons, and the final form of the constitution was fixed.

A wife was expected to obey her husband. A husband was deemed the guardian of his wife. If he starved or mistreated her, he was subject to punishment by the church court, even excommunication if necessary. The king's court punished a husband who killed or maimed his wife. The common law as to husband and wife took a final shape with six basic principles: 1. A husband, but not the wife, could alienate his wife's land during the marriage, but not to take effect after his death, e.g. by will. 2. A widow was entitled for her life a dower of one-third of any land by her husband. 3. The husband can take possession of the wife's chattels and can alienate them during his life without her permission. He can sue for all debts due her without her permission. If he survives her, he is entitled to be administrator of her estate. She can make no will without his permission. 4. The husband can give away all his chattels, except for her necessary clothes and her jewelry and paraphernalia. 5. The husband is liable for debts incurred or wrongs committed by his wife even before their marriage. 6. A wife cannot contract on her own behalf, but may purchase on credit certain necessities and household goods.

The church elaborated on these principles with a doctrine for women-covert, i.e. women under the protection or coverture of a husband, and not living separately such as when a man went to sea or to war. She had a right to the necessities of life. Her jewelry, but not her apparel, could go to his creditors if his assets didn't cover his debts. The husband also had the right to the rents and profits from his wife's real estate, but not the real estate itself, unless by the birth of a child he became tenant for life by courtesy. Only the father, but not the mother had authority over their children. A father had a right to his child's services, and could sue a third party for abducting, enticing away, or injuring the child,

just as he could for his servants. A husband was answerable for a wife's torts and trespasses, except for battery. For this reason, he was allowed to chastise her, restrain her liberty for gross misbehavior, and punish her by beating for some misdemeanors. If she was a merchant when she married, she could still sell her goods in the open market. There could be no divorce, but only separation. If separated, she had a right to alimony from him to maintain herself.

There were many conveyances of land to husband and wife and their heirs. This created a tenancy by the entirety. This land could not be alienated by only one spouse without the other. On the death of one spouse, the surviving spouse became the sole tenant of the whole.

Wardships of children and widows were sought because they were very profitable. A guardian could get one tenth of the income of the property during the wardship and a substantial marriage amount when the ward married. Parents often made contracts to marry for their young children. This avoided a forced marriage by a ward should the parents die.

Most earldoms and many baronages came into the royal house by escheat or marriage. The royal house employed many people. The barons developed a class consciousness of aristocracy and became leaders of society. Many men, no matter of whom they held land, sought knighthood. The king granted knighthood by placing his sword on the head of able-bodied and moral candidates who swore an oath of loyalty to the king and to defend "all ladies, gentlewomen, widows and orphans" and to "shun no adventure of your person in any war wherein you should happen to be". A code of knightly chivalry became recognized, such as telling the truth and setting wrongs right. About half of the knights were literate. In 1278, the king issued a writ ordering all freeholders who held land of the value of at least 400s. to receive knighthood at the King's hands.

At the royal house and other great houses gentlemanly jousting competitions, with well-refined and specific rules, took the place of violent tournaments with general rules. Edward forbade tournaments at which there was danger of a "melee". At these knights competed for the affection of ladies by jousting with each other while the ladies watched. Courtly romances were common. If a man convinced a lady to marry him, the marriage ceremony took place in church, with feasting and dancing afterwards. Romantic stories were at the height of their popularity. A usual theme was the lonely quest of a knight engaged in adventures which would impress his lady.

Riddles include: 1. I will make you a cross, and a thing will not touch you, and you will not be able to leave the house without breaking that cross. Answer: Stand before a post in your house, with your arms extended. 2. What you do not know, and I do not know, and no one can know after I have told you. Answer: I will take a straw from the floor of the room, measure its inches, tell you the length, and break the straw. 3. A pear tree bears all the fruit a pear tree can bear and did not bear pears. Answer: It bore only one pear.

The dress of the higher classes was very changeable and subject to fashion as well as function. Ladies no longer braided their hair in long tails, but rolled it up in a net under a veil, often topped with an elaborate and fanciful headdress. They wore non-functional long trains on their tunics and dainty shoes. Men wore a long gown, sometimes clasped around the waist. Overtunics were often lined or trimmed with native fur such as squirrel. People often wore solid red, blue, or green clothes. Only monks and friars wore brown. The introduction of buttons and buttonholes to replace pins and laces made clothing warmer, and it could be made tighter. After Edward I established the standard inch as three continuous dried barleycorns, shoes came in standard sizes and with a right one different from a left one. The spinning wheel came into existence to replace the handheld spindle. Now one hand could be used to form the thread while the other hand turned a large upright wheel that caused the thread to wind around the spindle, which did not have to be held by hand. This resulted in an uninterrupted spinning motion which was not interrupted by alternately forming the thread and winding it on the spindle.

In the 1300s, there were extremes of fashion in men's and women's clothing including tight garments, pendant sleeves down to the ground, coats so short they didn't reach the hips or so long they reached the heels, hoods so small they couldn't cover the head, and shoes with long curved peaks like claws at the toes. Both men and women wore belts low on the hips. The skirt of a lady's tunic was fuller and the bodice more closely fitted than before. Her hair was usually elaborately done up, e.g. with long curls or curled braids on either side of the face. A jeweled circlet was often worn around her head. Ladies wore on their arms or belts, cloth handbags, which usually contained toiletries, such as combs made of ivory, horn, bone, or wood, and perhaps a little book of devotions. A man wore a knife and a bag on his belt. Some women painted their faces and/or colored their hair. There were hand-held glass mirrors. Some people kept dogs purely as pets.

There was a great development of heraldic splendor with for instance, crests, coat-armor, badges, pennons [long, triangular flag], and helmets. They descended through families. Not only was it a mark

of service to wear the badge of a lord, but lords wore each other's badges by way of compliment.

Lords surrounded themselves with people of the next lower rank, usually from nearby families, and had large households. For instance, the king had a circle of noblemen and ladies about him. A peer or great prelate had a household of about 100-200 people, among which were his inner circle, companions, administrators, secretaries, bodyguards and armed escort, chaplain, singing priests and choirboys, and servants. All officers of the household were gentlemen. The secretary was usually a clerk, who was literate because he had taken minor clerical orders. Since the feudal obligation of the tenants was disappearing, a lord sometimes hired retainers to supplement his escort of fighting men. They proudly wore his livery of cloth or hat, which was in the nature of a uniform or badge of service. A nobleman and his lady had a circle of knights and gentlemen and their ladies. A knight had a circle of gentlemen and their ladies.

The great barons lived in houses built within the walls of their castles. Lesser barons lived in semi-fortified manors, many of which had been licensed to be embattled or crenelated. Their halls were two stories high, and usually built on the first rather than on the second floor. Windows came down almost to the floor. The hall had a raised floor at one end where the lord and lady and a few others sat at a high table. The hearth was in the middle of the room or on a wall. Sometimes a cat was used to open and shut the louvers of the smoke outlet in the roof. The lord's bedroom was next to the hall on the second floor and could have windows into the hall and a spiral staircase connecting the two rooms. There was a chapel, in which the lord attended mass every morning. The many knights usually lived in unfortified houses with two rooms.

In the great houses, there were more wall hangings, and ornaments for the tables. The tables were lit with candles or torches made of wax. Plates were gold and silver. The lord, his lady, and their family and guests sat at the head table, which was raised on a dais. On this high table was a large and elaborate salt cellar. One's place in relationship to the salt cellar indicated one's status: above or below the salt. Also, those of higher status at the table ate a superior bread. The almoner [alms giver] said grace. Gentlemen poured the lord's drink [cupbearer], served his meat [carver], and supervised the serving of the food [sewer]. A yeoman ewery washed the hands of the lord and his guests and supplied the napkins, ewers [pitchers], and basins. A yeoman cellarer or butler served the wine and beer. The yeoman of the pantry served the bread, salt, and cutlery. The steward presided over the table of household officers of gentle birth. The marshall of the hall, clerk of the kitchen, or other yeomen officers supervised other tables. Salt and spices were available at all tables. Most people ate with their fingers, although there were knives and some spoons. Drinking vessels were usually metal, horn, or wood. A marshall and ushers kept order. Minstrels played musical instruments or recited histories of noble deeds or amusing anecdotes. Reading aloud was a favorite pastime. The almoner collected the leftovers to distribute to the poor.

In lesser houses people ate off trenchers [a four day old slab of coarse bread or a piece of wood with the middle scooped out like a bowl], or plates of wood or pewter [made from tin, copper, and lead]. They often shared plates and drinking vessels at the table.

Queen Eleanor, a cultivated, intelligent, and educated lady from the continent, fostered culture and rewarded individual literary efforts, such as translations from Latin, with grants of her own money. She patronized Oxford and Cambridge Universities and left bequests to poor scholars there. She herself had read Aristotle and commentaries thereon, and she especially patronized literature which would give cross-cultural perspectives on subjects. She was kind and thoughtful towards those about her and was also sympathetic to the afflicted and generous to the poor. She shared Edward's career to a remarkable extent, even accompanying him on a crusade. She had an intimate knowledge of the people in Edward's official circle and relied on the advice of two of them in managing her lands. She mediated disputes between earls and other nobility, as well as softened her husband's temper towards people. Edward granted her many wardships and marriages and she arranged marriages with political advantages. She dealt with envoys coming to the court. Her intellectual vitality and organized mentality allowed her to deal with arising situations well. Edward held her in great esteem. She introduced to England the merino sheep, which, when bred with the English sheep, gave them a better quality of wool. She and Edward often played games of chess and backgammon.

Farm efficiency was increased by the use of windmills in the fields to pump water and by allowing villeins their freedom and hiring them as laborers only when needed. Customary service was virtually extinct. A man could earn 5d. for reaping, binding, and shocking into a pile, an acre of wheat. A strong man with a wife to do the binding could do this in a long harvest day. Harvests were usually plentiful, with the exception of two periods of famine over the country due to weather conditions. Then the price of wheat went way up and drove up the prices of all other goods correspondingly. The story of outlaw Robin Hood, who made a living by robbing, was passed around. This Robin Hood did not give to the poor. But generally, there was enough grain to store so that the population was no longer periodically

devastated by famine. The population grew and all arable land in the nation came under the plough. The acre was standardized. About 1300, the price of an ox was 9s., a heifer or cow 7s., a hide 2s.6d., a cart horse 2 or 3 pounds. Farm women went to nearby towns to sell eggs and dairy products, usually to town women.

Although manors needed the ploughmen, the carters and drivers, the herdsman, and the dairymaid on a full-time basis, other tenants spent increasing time in crafts and became village carpenters, smiths, weavers or millers' assistants. Trade and the towns grew. Smiths used coal in their furnaces.

Money rents often replaced service due to a lord, such as fish silver, malt silver, or barley silver. The lord's rights are being limited to the rights declared on the extents [records showing service due from each tenant] and the rolls of the manor. Sometimes land is granted to strangers because none of the kindred of the deceased will take it. Often a manor court limited a fee in land to certain issue instead of being inheritable by all heirs. Surveyors' poles marked boundaries declared by court in boundary disputes. This resulted in survey maps showing villages and cow pastures.

The revival of trade and the appearance of a money economy was undermining the long-established relationship between the lord of the manor and his villeins. As a result, money payments were supplementing or replacing payments in service and produce as in Martham, where Thomas Knight held twelve acres in villeinage, paid 16d. for it and 14d. in special aids. "He shall do sixteen working days in August and for every day he shall have one repast - viz. Bread and fish. He shall hoe ten days without the lord's food - price of a day 1/2 d. He shall cart to Norwich six cartings or shall give 9d., and he shall have for every carting one leaf and one lagena - or gallon - of ale. Also for ditching 1d. He shall make malt 3 1/2 seams of barley or shall give 6d. Also he shall flail for twelve days or give 12d. He shall plough if he has his own plough, and for every ploughing he shall have three loaves and nine herrings ... For carting manure he shall give 2."

Another example is this manor's holdings, when 3d. would buy food for a day: "Extent of the manor of Bernehorne, made on Wednesday following the feast of St. Gregory the Pope, in the thirty-fifth year of the reign of King Edward, in the presence of Brother Thomas, keeper of Marley, John de la More, and Adam de Thruhleghe, clerks, on the oath of William de Gococombe, Walter le Parker, Richard le Knyst, Richard the son of the latter, Andrew of Estone, Stephen Morsprich, Thomas Brembel, William of Swynham, John Pollard, Roger le Glide, John Syward, and John de Lillingewist, who say that there are all the following holdings:... John Pollard holds a half acre in Aldithewisse and owes 18d. at the four terms, and owes for it relief and heriot. John Suthinton holds a house and 40 acres of land and owes 3s.6d. at Easter and Michaelmas. William of Swynham holds one acre of meadow in the thicket of Swynham and owes 1d. at the feast of Michaelmas. Ralph of Leybourne holds a cottage and one acre of land in Pinden and owes 3s. at Easter and Michaelmas, and attendance at the court in the manor every three weeks, also relief and heriot. Richard Knyst of Swynham holds two acres and a half of land and owes yearly 4s. William of Knelle holds two acres of land in Aldithewisse and owes yearly 4s. Roger le Glede holds a cottage and three roods of land and owes 2s.6d. Easter and Michaelmas. Alexander Hamound holds a little piece of land near Aldewisse and owes one goose of the value of 2d. The sum of the whole rent of the free tenants, with the value of the goose, is 18s.9d. They say, moreover, that John of Cayworth holds a house and 30 acres of land, and owes yearly 2s. at Easter and Michaelmas; and he owes a cock and two hens at Christmas of the value of 4d. And he ought to harrow for two days at the Lenten sowing with one man and his own horse and his own harrow, the value of the work being 4d.; and he is to receive from the lord on each day three meals, of the value of 5d., and then the lord will be at a loss of 1d. Thus his harrowing is of no value to the service of the lord. And he ought to carry the manure of the lord for two days with one cart, with his own two oxen, the value of the work being 8d.; and he is to receive from the lord each day three meals at the value as above. And thus the service is worth 3d. clear. And he shall find one man for two days, for mowing the meadow of the lord, who can mow, by estimation, one acre and a half, the value of the mowing of an acre being 6d.: the sum is therefore 9d. And he is to receive each day three meals of the value given above. And thus that mowing is worth 4d. clear. And he ought to gather and carry that same hay which he has cut, the price of the work being 3d. And he shall have from the lord two meals for one man, of the value of 1 1/2 d. Thus the work will be worth 1 1/2 d. clear. And he ought to carry the hay of the lord for one day with a cart and three animals of his own, the price of the work being 6d. And he shall have from the lord three meals of the value of 2 1/2 d. And thus the work is worth 3 1/2 d. clear. And he ought to carry in autumn beans or oats for two days with a cart and three animals of his own, the value of the work being 12d. And he shall receive from the lord each day three meals of the value given above. And thus the work is worth 7d. clear. And he ought to carry wood from the woods of the lord as far as the manor, for two days in summer, with a cart and three animals of his own, the value of the work being 9d. And he shall receive from the lord each day three meals of the price given above. And thus the work is worth 4d. clear. And he ought to find one man for two days to cut heath, the value of the work being 4d., and he shall have three meals each day of the value given above: and thus the lord will lose, if he receives the service, 3d.

Thus that mowing is worth nothing to the service of the lord. And he ought to carry the heath which he has cut, the value of the work being 5d. And he shall receive from the lord three meals at the price of 2 1/2 d. And thus the work will be worth 2 1/2 d. clear. And he ought to carry to Battle, twice in the summer season, each time half a load of grain, the value of the service being 4d. And he shall receive in the manor each time one meal of the value of 2d. And thus the work is worth 2d. clear. The totals of the rents, with the value of the hens, is 2s.4d. The total of the value of the works is 2s.3 1/2 d., being owed from the said John yearly. William of Cayworth holds a house and 30 acres of land and owes at Easter and Michaelmas 2s. rent. And he shall do all customs just as the aforesaid John of Cayworth. William atte Grene holds a house and 30 acres of land and owes in all things the same as the said John. Alan atte Felde holds a house and 16 acres of land (for which the sergeant pays to the court of Bixley 2s.), and he owes at Easter and Michaelmas 4s., attendance at the manor court, relief, and heriot. John Lyllingwyst holds a house and four acres of land and owes at the two terms 2s., attendance at the manor court, relief, and heriot. The same John holds one acre of land in the fields of Hoo and owes at the two periods 2s., attendance, relief, and heriot. Reginald atte Denne holds a house and 18 acres of land and owes at the said periods 18d., attendance, relief, and heriot. Robert of Northehou holds three acres of land at Saltcote and owes at the said periods attendance, relief, and heriot. Total of the rents of the villeins, with the value of the hens, 20s. Total of all the works of these villeins, 6s.10 1/2 d. And it is to be noted that none of the above-mentioned villeins can give their daughters in marriage, nor cause their sons to be tonsured, nor can they cut down timber growing on the lands they hold, without licence of the bailiff or sergeant of the lord, and then for building purposes and not otherwise. And after the death of any one of the aforesaid villeins, the lord shall have as a heriot his best animal, if he had any; if, however, he have no living beast, the lord shall have no heriot, as they say. The sons or daughters of the aforesaid villeins shall give, for entrance into the holding after the death of their predecessors, as much as they give of rent per year. Sylvester, the priest, holds one acre of meadow adjacent to his house and owes yearly 3s. Total of the rent of tenants for life, 3s. Petronilla atte Holme holds a cottage and a piece of land and owes at Easter and Michaelmas - ; also, attendance, relief, and heriot. Walter Herying holds a cottage and a piece of land and owes at Easter and Michaelmas 18d., attendance, relief, and heriot. Isabella Mariner holds a cottage and owes at the feast of St. Michael 12d., attendance, relief, and heriot. Jordan atte Melle holds a cottage and 1 1/2 acres of land and owes at Easter and Michaelmas 2s., attendance, relief, and heriot. William of Batelesmere holds one acre of land with a cottage and owes at the feast of St. Michael 3d., and one cock and one hen at Christmas of the value of 3d., attendance, relief, and heriot. John le Man holds half an acre of land with a cottage and owes at the feast of St. Michael 2s., attendance, relief, and heriot. Hohn Werthe holds one rood of land with a cottage and owes at the said term 18d., attendance, relief, and heriot. Geoffrey Caumbreis holds half an acre and a cottage and owes at the said term 18d., attendance, relief, and heriot. William Hassok holds one rood of land and a cottage and owes at the said term 18d., attendance, relief, and heriot. The same man holds 3 1/2 acres of land and owes yearly at the feast of St. Michael 3s. for all. Roger Doget holds half an acre of land and a cottage, which were those of R. the miller, and owes at the feast of St. Michael 18d., attendance, relief, and heriot. Thomas le Brod holds one acre and a cottage and owes at the said term 3s., attendance, relief, and heriot. Agnes of Cayworth holds half an acre and a cottage and owes at the said term 18d., attendance, relief, and heriot. Total of the rents of the said cottagers, with the value of the hens, 34s.6d. And it is to be noted that all the said cottagers shall do as regards giving their daughters in marriage, having their sons tonsured, cutting down timber, paying heriot, and giving fines for entrance, just as John of Cayworth and the rest of the villeins above mentioned." The above fines and penalties, with heriots and reliefs, are worth 5s. yearly.

Often one village was divided up among two or more manors, so different manorial customs made living conditions different among the villagers. Villages usually had carpenters, smiths, saddlers, thatchers, carters, fullers, dyers, soapmakers, tanners, needlers, and brassworkers. Each villein had his own garden in which to grow fruit and vegetables next to his house, a pig (which fattened more quickly than other animals), strips in the common field, and sometimes an assart [a few acres of his own to cultivate as he pleased on originally rough uncultivated waste land beyond the common fields and the enclosed common pastures and meadows]. Most villeins did not venture beyond their village except for about ten miles to a local shrine or great fair a couple times a year. At the fair might be fish, honey, spices, salt, garlic, oil, furs, silks, canvas, soap, pans, pots, grindstones, coal, nails, tar, iron, shovels, brushes, pails, horses, and packsaddles. Early apothecaries might sell potions there. Men and women looking for other employment might attend to indicate their availability.

Under Edward I, villages were required to mount watches to protect life and property and were called upon to provide one man for the army and to pay his wages.

People told time by counting the number of rings of the church bell, which rang on the hour. Every Sunday, the villagers went to church, which was typically the most elaborate and centrally located building in the village. The parishioners elected churchwardens, who might be women. This religion brought comfort and hope of going to heaven, rather than hell, after judgment by God at death if sin

was avoided or forgiven. On festival days, Bible stories, legends, and lives of saints were read or performed as miracle dramas. They learned to avoid the devil, who was influential in lonely places like forests and high mountains. At death, the corpse was washed, shrouded, and put into a rectangular coffin with a cross on its lid. Priests sang prayers amid burning incense for the deliverance of the soul to God while interring the coffin into the ground. Men who did not make a will risked the danger of an intestate and unconfessed death. The personal property of a man dying intestate now went to the church as a trust for the dead man's imperiled soul instead of to the man's lord.

Unqualified persons entered holy orders thereby obtaining "benefit of clergy", and then returned to secular employments retaining this protection.

A villein could be forever set free from servitude by his lord as in this example:

"To all the faithful of Christ to whom the present writing shall come, Richard, by the divine permission, abbot of Peterborough and of the Convent of the same place, eternal greeting in the Lord: Let all know that we have manumitted and liberated from all yoke of servitude William, the son of Richard of Wythington, whom previously we have held as our born bondman, with his whole progeny and all his chattels, so that neither we nor our successors shall be able to require or exact any right or claim in the said William, his progeny, or his chattels. But the same William, with his whole progeny and all his chattels, shall remain free and quit and without disturbance, exaction, or any claim on the part of us or our successors by reason of any servitude forever.

We will, moreover, and concede that he and his heirs shall hold the messuages, land, rents, and meadows in Wythington which his ancestors held from us and our predecessors, by giving and performing the fine which is called merchet for giving his daughter in marriage, and tallage from year to year according to our will, - that he shall have and hold these for the future from us and our successors freely, quietly, peacefully, and hereditarily, by paying to us and our successors yearly 40s. sterling, at the four terms of the year, namely: at St. John the Baptist's day 10s., at Michaelmas 10s., at Christmas 10s., and at Easter 10s., for all service, exaction, custom, and secular demand; saving to us, nevertheless, attendance at our court of Castre every three weeks, wardship, and relief, and outside service of our lord the King, when they shall happen. And if it shall happen that the said William or his heirs shall die at any time without an heir, the said messuage, land rents, and meadows with their appurtenances shall return fully and completely to us and our successors. Nor will it be allowed to the said William or his heirs to give, sell, alienate, mortgage, or encumber in any way, the said messuage, land, rents, and meadows, or any part of them, by which the said messuage, land, rents, and meadows should not return to us and our successors in the form declared above. And if this should occur later, their deed shall be declared null, and what is thus alienated shall come to us and our successors...

Given at Borough, for the love of Lord Robert of good memory, once abbot, our predecessor and maternal uncle of the said William, and at the instance of the good man, Brother Hugh of Mutton, relative of the said abbot Robert, A.D. 1278, on the eve of Pentecost."

Villeins who were released from the manorial organization by commutation of their service for a money payment took the name of their craft as part of their name, such as, for the manufacture of textiles, Weaver, Draper, Comber, Fuller, Napper, Cissor, Tailor, Textor; for metalwork, Faber, Ironmonger; for leatherwork, Tanner; for woodwork, building and carpentry, Carpenter, Cooper, Mason, Pictor; for food production, Baker, Pistor. Iron, tin, lead, salt, and even coal were providing increasing numbers of people with a livelihood.

Many new boroughs were founded as grants of market rights by the king grew in number. These grants implied the advantage of the King's protection. In fact, one flooded town was replaced with a new town planned with square blocks. It was the charter which distinguished the borough community from the other communities existing in the country. It invested each borough with a distinct character. The privileges which the charter conferred were different in different places. It might give trading privileges: freedom from toll, a guild merchant, a right to hold a fair. It might give jurisdictional privileges: a right to hold court with greater or less franchises. It might give governmental privileges: freedom from the burden of attending the hundred and county courts, the return of writs, which meant the right to exclude the royal officials, the right to take the profits of the borough, paying for them a fixed sum to the Crown or other lord of the borough, the right to elect their own officials rather than them being appointed by the king or a lord, and the right to provide for the government of the borough. It might give tenurial privileges: the power to make a will of lands, or freedom from the right of a lord to control his tenants' marriages. It might give procedural privileges: trial by combat is excluded, and trial by compurgation is secured and regulated. These medieval borough charters are very varied, and represent all stages of development and all grades of franchise. Boroughs bought increasing rights and freedoms from their lord, who was usually the King.

In the larger towns, where cathedrals and public building were built, there arose a system for

teaching these technical skills and elaborate handicraft, wood, metal, stained glass, and stone work. A boy from the town would be bound over in apprenticeship to a particular craftsman, who supplied him with board and clothing. The craftsman might also employ men for just a day. These journeymen were not part of the craftsman's household as was the apprentice. After a few years of an apprenticeship, one became a journeyman and perfected his knowledge of his craft and its standards by seeing different methods and results in various towns. He was admitted as a master of his trade to a guild upon presenting an article of his work worthy of that guild's standard of workmanship: his "masterpiece". Women, usually wives of brethren only, could be admitted. The tailors' guild and the skimmers' guild are extant now.

When guilds performed morality plays based on Bible stories at town festivals, there was usually a tie between the Bible story and the guild's craft. For instance, the story of the loaves and fishes would be performed by the Bakers' or Fishmongers' Guild. The theme of the morality play was the fight of the Seven Cardinal Virtues against the Seven Deadly Sins for the human soul, a life-long battle. The number seven was thought to have sacred power; there were seven sacraments, seven churches in the Biblical Apocalypse, seven liberal arts and seven devilish arts. The seven sacraments were: baptism, confirmation, Lord's Supper, penance, orders, matrimony, and extreme unction.

A borough was run by a mayor elected usually for life. By being members of a guild, merchant-traders and craftsmen acquired the legal status of burgesses and had the freedom of the borough. Each guild occupied a certain ward of the town headed by an alderman. The town aldermen, who were unpaid, made up the town council, which advised the mayor. The Mayor of London received 40 pounds for hospitality, but in small towns, 20s. sufficed. Often there were town police, bailiffs, beadles [messengers], a town crier, and a town clerk. London offices included recorder, prosecutor, common sergeant, and attorneys. In the center of town were the fine stone houses, a guildhall with a belfry tower, and the marketplace - a square or broad street, where the town crier made public announcements with bell or horn. Here too was the ducking stool for scandalmongers and the stocks which held offenders by their legs and perhaps their hands to be scorned and pelted by bystanders with, for instance, rotten fruit and filth. No longer were towns dominated by the local landholders.

In London there were 4 royal princes, 6 great earls, 17 barons, 26 knights, and 11 female representatives of the peerage (counted in 1319). There was a wall with four towers surrounding the White Tower, and this castle was known as the Tower of London. Another wall and a moat were built around it and it has reached its final form. Hovels, shops, and waste patches alternated with high walls and imposing gateways protecting mansions. The mansions had orchards, gardens, stables, brewhouses, bakeries, guardrooms, and chapels. London streets were paved with cobbles and sand. Each citizen was to keep the street in front of his tenement in good repair. Later, each alderman appointed four reputable men to repair and clean the streets for wages. The repair of Bishopsgate was the responsibility of the Bishop because he received one stick from every cart of firewood passing through it. Rules as to tiled roofs were enforced. A 1297 ordinance required all taverns to close at curfew, an hour that fluctuated. Prostitutes were expelled from the city because the street with their bawdy houses had become very noisy. Women huckster-retailers, nurses, servants, and loose women were limited to wearing hoods furred with lambskin or rabbitskin and forbidden to wear hoods furred with vair or miniver [grey or white squirrel] in the guise of good ladies. An infirmary for the blind was founded by a mercer, who became its first prior.

The London mayoral elections were hotly fought over until in 1285, when the aldermen began to act with the aid of an elected council in each of the twenty-four wards, which decentralized the government of the city. Each ward chose certain of its inhabitants to be councilors to the aldermen. This council was to be consulted by him and its advice to be followed. In 1291, the aldermen for the first time included a fishmonger. The Fishmongers were the only guild at this time, besides the Weavers, which had acquired independent jurisdiction by the transfer of control of their weekly hallmote from a public official to themselves. Craftsmen began to take other public offices too. By the reign of Edward II, all the citizens were obliged to be enrolled among the trade guilds. A great quarrel between the weaver's guild and the magistracy began the control of the city by the craft guilds or city companies. Admission to freedom of the city [citizenship] was controlled by the citizens, who decided that no man of English birth, and especially no English merchant, who followed any specific mystery [French word for a calling or trade] or craft, was to be admitted to the freedom of the city except on the security of six reputable men of that mystery or craft. No longer could one simply purchase citizenship. Apprentices had to finish their terms before such admission, and often could not afford the citizenship fee imposed on them. Only freemen could sell wares in the city, a custom of at least two hundred years.

As economic activity in London became more complex and on a larger scale in the 1200s, some craftsmen were brought under the control of other crafts or merchants. The bakers fell under the control of the wholesale grain dealers; the weavers became pieceworkers for rich cloth merchants; the bladmakers and shearers were employed by cutlers; coppersmiths were controlled by girdlers; fullers

were controlled by entrepreneurial dyers; and the painters, joiners, and lorimers were controlled by the saddlers. Guilds moved their meeting places from churches, which were now too small, to guild halls. The controlling officers of the large guilds met at the Guildhall, which became the seat of mayoral authority. London streets in existence by this time include Cordwainer, Silver, Cannon (Candlewick), and Roper. Lanes included Ironmonger, Soper, Spurrier, Lad (ladles), Distaff, Needles, Mede, Limeburner, and Hosier. Fighting among groups was common in London. There was a street fight on a large scale in 1327 between the saddlers and a coalition of joiners, painters, and lorimers (makers of metal work of saddles). Much blood was shed in the street battle between the skimmers and the fishmongers in 1340. There was a city ordinance that no one except royal attendants, baronial valets, and city officials were to go about armed. Disputes among neighbors that were brought to court included the use and upkeep of party walls, blocked and overflowing gutters, cesspits too close to a neighbor's property, noisy tenants, loss of light, and dangerous or overhanging structures.

In 1275, a goldsmith was chief assay-master of the King's mint and keeper of the exchange at London. The king gave the Goldsmiths' Company the right of assay [determination of the quantity of gold or silver in an object] and required that no vessels of gold or silver should leave the maker's hands until they had been tested by the wardens and stamped appropriately. In 1279, goldsmith William Farrington bought the soke of the ward containing the goldsmiths' shops. It remained in his family for 80 years. A patent of 1327 empowered the guild to elect a properly qualified governing body to superintend its affairs, and reform subjects of just complaint. It also prescribed, as a safeguard against a prevailing fraud and abuse, that all members of the trade should have their standing in Cheapside or in the King's exchange, and that no gold or silver should be manufactured for export, except that which had been bought at the exchange or of the trade openly.

Some prices in London were: large wooden bedstead 18s., a small bedstead 2s., a large chest for household items 2s., feather beds 2-3s., a table 1s., a chair 4-6d., cloth gown lined with fur 13- 20s., plain coats and overcoats 2-8s., caps 2-8d., a pair of pen- cases with inkhorn 4d., a skin of parchment 1d., 24 sheets of paper 6d, a carcass of beef 15s., a pig 4s., a swan 5s., and a pheasant 4s. There was a problem with malefactors committing offenses in London and avoiding its jurisdiction by escaping to Southwark across the Thames. So Southwark was given a royal charter which put it under the jurisdiction of London for peace and order matters and allowed London to appoint its tax collector. London forbade games being played because they had replaced practice in archery, which was necessary for defense.

A royal inquiry into the state of the currency indicated much falsification and coin-clipping by the Jews and others. About 280 Jews and many Englishmen were found guilty and hanged. The rest of the Jews, about 16,000, were expelled in 1290. This was popular with the public because of the abuses of usury. There had been outbreaks of violence directed at the Jews since about 1140. The king used Italian bankers instead because he thought them more equitable in their dealings. The lepers were driven out of London in 1276. Exports and imports were no longer a tiny margin in an economy just above the subsistence level. Exports were primarily raw wool and cloth, but also grain, butter, eggs, herring, hides, leather goods such as bottles and boots, embroideries, metalware, horseshoes, daggers, tin, coal, and lead. Imported were wine, silk, timber, furs, rubies, emeralds, fruits, raisins, currents, pepper, ginger, cloves, rice, cordovan leather, pitch, hemp, spars, fine iron, short rods of steel, bow-staves of yew, tar, oil, salt, cotton (for candlewicks), and alum (makes dyes hold). Ships which transported them had one or two masts upon which sails could be furled, the recently invented rudder, and a carrying capacity of up to 200 tuns [about one ton]. Many duties of sheriffs and coroners were transferred to county landholders by commissions. In coastal counties, there were such commissions for supervising coastal defense and maintaining the beacons. Each maritime county maintained a coast guard, which was under the command of a knight. Ports had well-maintained harbors, quays, and streets. By 1306 there was an office of admiral of the fleet of the ships of the southern ports.

Women could inherit land in certain circumstances. Some tenants holding land in chief of the king were women.

Regulation of trade became national instead of local. Trade was relatively free; almost the only internal transportation tolls were petty portages and viages levied to recoup the expense of a bridge or road which had been built by private enterprise. Responsibility for the coinage was transferred from the individual moneyers working in different boroughs to a central official who was to become Master of the Mint. The round half penny and farthing [1/4 penny] were created so that the penny needn't be cut into halves and quarters anymore.

Edward I called meetings of representatives from all social and geographic sectors of the nation at one Parliament to determine taxes due to the Crown that would replace feudal aids. He declared that "what touches all, should be approved by all". He wanted taxes from the burgesses in the towns and the clergy's ecclesiastical property as well as from landholders. He argued to the clergy that if barons had



to both fight and pay, they who could do no fighting must at least pay. When the clergy refused to pay, he put them outside the royal protection and threatened outlawry and confiscation of their lands. Then they agreed to pay and to renounce all papal orders contrary to the King's authority.

Edward I wanted to bring all his subjects under his immediate authority by the process of bringing all together to the same assembly under his common presidency. So his Model Parliament of 1295 was composed of the three communities. The first were the lords, which included seven earls and forty-one barons. Because of the increase of lesser barons due to a long national peace and prosperity, the lords attending were reduced in numbers and peerage became dependent not on land tenure, but on royal writ of summons. The great barons were chosen by the king and received a special summons in their own names to the council or Parliament. Others were called by a general summons. The second community was the clergy, represented by the two archbishops, bishops from each of eighteen dioceses, and sixty-seven abbots. The third community was the commons. It was composed of two knights elected by the suitors who were then present at the county court, two burgesses elected by principal burgesses of each borough, and two representatives from each city. The country knights had a natural affinity with the towns in part because their younger sons sought their occupation, wife, and estate there. Also, great lords recruited younger brothers of yeoman families for servants and fighting men, who ultimately settled down as tradesmen in the towns. The country people and the town people also had a community of interest by both being encompassed by the county courts. The peasants were not represented in the county courts nor in Parliament. One had to have land to be entitled to vote in Parliament because the landowner had a stake in the country, a material security for his good behavior.

Parliaments without knights and burgesses still met with the king. But it was understood that no extraordinary tax could be levied without the knights and burgesses present. Ordinary taxes could be arranged with individuals, estates, or communities. The lower clergy ceased to attend Parliament and instead considered taxes to pay to the king during their national church convocations, which were held at the same time as Parliament. For collection purposes, their diocesan synod was analogous to the county court. The higher clergy remained in Parliament because they were feudal vassals of the king.

Edward's council was the highest tribunal. It comprised the Chancellor, Treasurer and other great officers of state, the justices of the three courts, the master or chief clerks of the Chancery, and certain selected prelates and barons. The council assisted the king in considering petitions. Most petitions to the King were private grievances of individuals, including people of no social rank, such as prisoners. Other petitions were from communities and groups, such as religious houses, the two universities, boroughs, and counties. These groups sometimes formed alliances in a common cause. Women sometimes petitioned. From 1293, the petitions were placed in four stacks for examination by the King and council, by the Chancery, by the Exchequer, or by the justices. Many hours were spent hearing and answering petitions. From 1305, the petitions were presented to the king in full Parliament.

The king still exercised a power of legislation without a full Parliament. He might in his council issue proclamations. The Chief Justices still had, as members of the king's council, a real voice in the making of laws. The king and his justices might, after a statute has been made, put an authoritative interpretation upon it. Royal proclamations had the same force as statutes while the king lived; sometimes there were demands that certain proclamations be made perpetual by being embodied in statutes, e.g. fixing wages. There was no convention that agreement or even the presence of representatives was required for legislation. The idea that the present can bind the absent and that the majority of those present may outvote the minority was beginning to take hold. Edward I's councilors and justices took an oath to give, expedite, and execute faithful counsel; to maintain, recover, increase, and prevent the diminution of, royal rights; to do justice, honestly and unsparingly; to join in no engagements which may prevent the councilor from fulfilling his promise; and to take no gifts in the administration of justice, save meat and drink for the day. These were in addition to other matters sworn to by the councilors.

Parliament soon was required to meet at least once a year at the Great Hall at Westminster located beside the royal palace. London paid its representatives 10s. per day for their attendance at Parliament. From the time of Edward II, the counties paid their knight-representatives 4s. daily, and the boroughs paid their burgess-representatives 2s. daily. When it convened, the Chancellor sat on the left and the Archbishop of Canterbury on the right of the king. Just below and in front of the king his council sits on wool sacks brought in for their comfort from wool stored nearby. It answers questions. Behind them on the wool sacks sit the justices, who may be called upon to give legal advice, e.g. in framing statutes. Then come the spiritual and lay barons, then the knights, and lastly the elected burgesses and citizens. Lawmaking became a function of Parliament, of which the King's council is a part, instead of a function of the king with his council and justices. The common people now had a voice in lawmaking, though legislation could be passed without their consent. The first legislation proposed by the commons was alteration of the forest laws governing the royal pleasure parks. Such a statute was passed in a bargain for taxes of a percentage of all movables, which were mostly foodstuffs and

animals. The king offered to give up the royal right to tax merchandise for a new tax: customs on exports. The barons and knights of the county agreed to pay an 11th, the burgesses, a 7th, and the clergy a 10th on their other movables. In time, several boroughs sought to be included in the county representation so they could pay the lower rate. This new system of taxation began the decline of the imposition of feudal aids, knights' fees, scutages, carucage, and tallage, which had been negotiated by the Exchequer with the reeves of each town, the sheriff and county courts of each county, and the bishops of each diocese.

The staple [depot or mart, from the French "estaple"] system began when the export of wool had increased and Parliament initiated customs duties of 6s.8d. on every sack of wool, woollens [sheepskin with wool still on it], or skins exported in 1275. These goods had to be assessed and collected at certain designated ports. Certain large wool merchants, the merchants of the staple, were allowed to have a monopoly on the purchase and export of wool. Imports of wine were taxed as tunnage as before, that is there was a royal right to take from each wine ship one cask for every ten at the price of 20s. per cask.

In 1297, Edward I confirmed the Magna Carta and other items. Judgments contrary to Magna Carta were nullified. The documents were to be read in cathedral churches as grants of Edward and all violators were to be excommunicated. He also agreed not to impose taxes without the consent of Parliament after baronial pressure had forced him to retreat from trying to increase, for a war in France, the customs tax on every exported sack of wool to 40s. from the 6s. 8d. per sack it had been since 1275. The customs tax was finally fixed at 10s. for every sack of wool, 2s. for each tun [casket] of wine, and 6d. for every pound's worth of other goods. The "tenths and fifteenths" tax levied on income from movables or chattels became regular every year. Edward also confirmed the Forest Charter, which called for its earlier boundaries. And he agreed not to impound any grain or wool or and like against the will of the owners, as had been done before to collect taxes. Also, the special prises or requisitions of goods for national emergency were not to be a precedent. Lastly, he agreed not to impose penalties on two earls and their supporters for refusing to serve in the war in France when the king did not go.

The Magna Carta is the first statute. From 1299, statutes were recorded in a Statute Roll as they were enacted.

By the end of the 1200s, the King's wardrobe, where confidential matters such as military affairs were discussed in his bedroom, became a department of state with the King's privy seal. The keeper of the privy seal was established as a new office by Edward I in 1318. The wardrobe paid and provisioned the knights, squires, and sergeants of the king and was composed mostly of civil servants. It traveled with the King. The Crown's treasure, plate, tents, hangings, beds, cooking utensils, wine, and legal and financial rolls were carried on pack horses or in two-wheeled carts drawn by oxen, donkeys, or dogs. The people in the entourage rode horses or walked. The other two specialized administrative bodies were the Exchequer, which received most of the royal revenue and kept accounts at Westminster, and the Chancery, which wrote royal writs, charters, and letters, and kept records.

The chief functions of administration in the 1300s were performed by the council, chancery, wardrobe, chamber [room off wardrobe for dressing and for storage], and exchequer. Many of the chancellors had come from the wardrobe and chamber. In time, the chancellor ceased to be a part of the king's personal retinue and to follow the court. The chancery became primarily a department of central administration rather than a secretariat and record-keeping part of the royal household. The king used a privy seal to issue directives to the chancery. Edward III made some merchant earls and appointed them to be his ministers. He did not summon anyone to his council who did not have the confidence of the magnates [barons, earls, bishops, and abbots].

There was a recoinage due to debasement of the old coinage. This increased the number of coins in circulation. The price of wheat went from about 7s. in 1270 to about 5s. per quarter in 1280. Also the price of an ox went from 14s. to 10s. Then there were broad movements of prices, within which there were wide fluctuations, largely due to the state of the harvest. From 1280 to 1290, there was runaway inflation. In some places, both grain and livestock prices almost doubled between 1305 and 1310. Wheat prices peaked at 15s.5d. a quarter in the famine year of 1316. In 1338, prices dropped and remained low for twenty years. The poor were hurt by high prices and the lords of the manors were hurt by low prices.

As before, inadequate care and ignorance of nutrition caused many infant deaths. Accidents and disease were so prevalent that death was always near and life insecure. Many women died in childbirth.

Edward I always sought the agreement of Parliament before assembling an army or taking actions of war, and Parliamentary consent came to be expected for such. He completed the conquest and annexation of Wales in 1284. The feudal army was summoned for the last time in the 100 year war with

France, which began in 1337. In it the English longbow was used to pierce French knights' armor. There had been much competition between the strength of arrows to pierce and the heaviness of armor to resist. Guns and cannon with gunpowder were introduced in 1338. A system to raise an army by contract was developed. Contracts were made with nobles, knights, or esquires who undertook to enlist an agreed number of armored men-at-arms and archers, who were paid wages. The King provided transport for each contractor and his retinue, baggage, and horses. The title of "knight" now resumed its military character as well as being a social rank.

After Edward I died in 1307, there was a period of general lawlessness and contests for power between earls and barons and the irresponsible King Edward II, who was not a warrior king. He eventually was assassinated. Also in 1307, Parliament required the king to obtain its consent for any exchange or alteration of the currency.

By 1319, the guilds of London had become so powerful that they extracted a charter from the king that to be a citizen of London one had to be a member of a guild.

By 1326, scholars, the nobility, and the clergy had reading eyeglasses, which had been invented in Italy, probably by the glass blowers. Italy was famous for its glasswork. The first eyeglasses were fabricated by pouring molten glass into curved molds. The actual shape was difficult to control because thermal expansion and contraction resulted in bubbles and other optical imperfections.

As of 1336, importing foreign cloth or fur, except for use by the King's family, was prohibited, as was the export of unwoven wool. Later, this was relaxed and a customs tax of 33% was imposed on wool exported.

Foreign cloth workers were allowed by statute to come to live in the nation, be granted franchises, and be in the King's protection. But no cloth was to be exported until it was fulled. During the reign of Edward III, Flanders weavers were encouraged to come to England to teach the English how to weave and finish fine cloth. A cloth industry grew with all the manufacturing processes under the supervision of one capitalist manufacturer, who set up his enterprise in the country to avoid the regulations of the towns. The best places were hilly areas where there were many streams and good pasture for flocks of sheep. He hired shearers to cut the nap as short as possible to give a smooth surface, then spinsters to card and spin the wool in their country cottages, then weavers, and then fullers and dyers to come to fulling mills established near streams for their waterpower. Fulling became mechanized as heavy wooden hammers run by water- power replaced feet trampling the cloth covered with soap or fuller's clay. The shaft loom was a technological advance in weaving. This loom was horizontal and its frames, which controlled the lifting of the warp threads, could each be raised by a foot treadle. This left both hands free to throw and catch the shuttle attached to the weft thread from side to side through the warp. Also many more weaving patterns became possible through the use of different thread configurations on the frames.

In 1341, the commons forced King Edward III and council to approve their petition when Parliament was still in session so that they would draft the legislation in true accordance with the petition. This had not been done when drafting had been done after Parliament ended, when the phrase "saving the prerogatives of the king" was often added. Also the lords and commons consulted each other and joined in petitions. But they usually stated their conclusions to the king separately. It was considered a burden rather than a privilege to attend Parliament and elections for such were not often contested. They were conducted according to local custom until 1600.

In 1348, the Commons voted a tax of 1/15 th on movables for three years with the proviso that it be spent only on the war against Scotland. This began the practice of appropriation of funds. In 1381, began the practice of appointing treasurers of the subsidies to account to Parliament for both receipts and disbursements.

Alien merchants were under the king's special protection. In return for paying extra import and export duties, Edward III gave alien merchants full rights of trade, travel, and residence in England free of all local tolls and restrictions, and guaranteed a fair hearing of their commercial and criminal cases in special pie powder (after French "pie poudrous" or dusty feet) courts at fairs.

## The Law

Edward I remodeled the law in response to grievances and to problems which came up in the courts. The changes improved the efficiency of justice and served to accommodate it to the changing circumstances of the social system.

"No man by force of arms, malice or menacing shall disturb anyone in making free election [of sheriffs, coroners, conservators of the peace by freeholders of the county]."

"No city, borough, town, nor man shall be amerced without reasonable cause and according to the severity of his trespass. That is, every freeman saving his freehold, a merchant saving his merchandise, a villein saving his wainage [implements of agriculture], and that by his peers."

No distress shall be taken of ploughing-cattle or sheep.

No loan shall be made for interest.

If an heir who is a minor is married off without the consent of the guardian, the value of the marriage will be lost and the wrongdoer imprisoned. If anyone marries off an heir over 14 years of age without the consent of the guardian, the guardian shall have double the value of the marriage. Moreover, anyone who has withdrawn a marriage shall pay the full value thereof to the guardian for the trespass and make amends to the King. And if a lord refuses to marry off a female heir of full age and keep her unmarried because he covets the land, then he shall not have her lands more than two years after she reaches full age, at which time she can recover her inheritance without giving anything for the wardship or her marriage. However, if she maliciously refuses to be married by her lord, he may hold her land and inheritance until she is the age of a male heir, that is, 21 years old and further until he has taken the value of the marriage.

Aid to make one's son a knight or marry off his daughter of a whole knight's fee shall be taken 20s., and 40s. [yearly income from] land held in socage 20s. [5%], and of more, more; and of less, less; after the rate. And none shall levy such aid to make his son a knight until his son is 15 years old, nor to marry his daughter until she is seven year old.

The common law of inheritance for land has assumed its final form with six rules. 1) A living descendant excludes his or her own descendants. 2) A dead descendant is represented by his or her own descendants. 3) Males exclude females of equal degree. 4) Among males of equal degree, only the eldest inherits. 6) The rule that a dead descendant is represented by his or her descendants overrides the preference for the male sex. If there were no descendants, the land escheated to its lord.

By statute, a conveyance of land which is the inheritance of a minor child by his guardian or lord to another is void.

Dower shall not abate because the widow has received dower of another man unless part of the first dower received was of the same tenant and in the same town. But a woman who leaves her husband for another man is barred from dower.

A tenant for a term of years who has let land from a landlord shall not let it lie waste, nor shall a landlord attempt to oust a tenant for a term of years by fictitious recoveries.

When two or more hold wood, turfland, or fishing or other such thing in common, wherein none knows his several, and one does waste against the minds of the others, he may be sued.

Lands which are given to a man and his wife upon condition that if they die without heirs, the land shall revert to the donor or his heir, may not be alienated to defeat this condition.

If a man takes land in marriage with a wife, and she dies before him, the land will revert to the donor or his heir, unless the couple has a child, in which case the husband will have the land by the courtesy of the nation for his life before it reverts to the donor or his heir.

Young salmon shall not be taken from waters in the spring.

A free tenant may alienate his land freely, but if the alienation was for an estate in fee simple [to a man and his heirs, with a full right of alienation by the man otherwise than on his death], the person acquiring the land would hold of the land's lord and not of the person alienating the land. (This halted the growth of subinfeudation and caused services as well as incidents of aids, relief, escheat, wardship, and marriage to go directly to the Chief Lord. It also advantaged the Crown as overlord, which then acquired more direct tenants.)

One may create an estate which will descend in unbroken succession down the line of inheritance prescribed in the original gift as long as that line should last, instead of descending to all heirs. This was called a "fee simple conditional" holding of land. The successive occupants might draw the rents and cut the wood, but on the death of each, his heir would take possession of an unencumbered interest, unfettered by any liability for the debt of his ancestor or by any disposition made by him during his lifetime e.g. a wife's estate in dower or a husband's estate in courtesy. If there was no issue, it reverted to the original donor. This curtailed the advantage of tenants of the greater barons who profited by increased wardships and reliefs from subinfeudation from subdivision and better cultivation of their land while still paying the greater barons fixed sums. This statute that protected reversionary

estates incidentally established a system of entails. This new manner of holding land: "fee tail", is in addition to the concepts of land held in fee simple and land held for life. The donor could give directions that an estate of inheritance go to a man or woman and certain classes of particular heirs rather than reverting to himself. A fee tail was often given to a man and the issue of his body. No donee or nor his heirs could alienate the land held in fee tail. Interests in remainder or reversion of estates in land replaced the lord's tenurial right to succeed to land by escheat if his tenant dies without heirs.

Anyone disseising another whereby he also robs him or uses force and arms in the disseisin shall be imprisoned and fined. The plaintiff shall recover seisin and damages.

"All must be ready at the command and summons of sheriffs, and at the cry of the country, to sue and arrest felons as necessary as well within franchise as without." Otherwise, he shall be fined. A Lord defaulting shall lose his franchise to the King. A Bailiff defaulting shall be imprisoned a year as well as fined, or be imprisoned two years if he cannot pay the fine. A sheriff, coroner, or any other bailiff who conceals a felony will be imprisoned for a year and pay a fine, or be imprisoned for three years if he cannot pay the fine.

Villeins must report felons, pursue felons, serve in the watch, and clear growth of concealing underwood from roads. They must join the military to fight on the borders when called. Desertion from the army is punishable.

Accessories to a crime shall not be declared outlaw before the principal is proven guilty. (This made uniform the practice of the various counties.)

Only those imprisoned for the smaller offenses of a single incidence of petty larceny, receipt of felons, or accessory to a felony, or some other trespass not punishable by life or limb shall be let out by sufficient surety. Prisoners who were outlawed or escaped from prison or are notorious thieves or were imprisoned for felonious house burning, passing false money, counterfeiting the King's seal, treason touching the king himself, or other major offenses or have been excommunicated by the church may not be released.

Killing in self-defense and by mischance shall be pardoned from the King's indictment. Killing by a child or a person of unsound mind shall be pardoned from the King's indictment. (But a private accuser can still sue.)

Any man who ravishes [abducts] any woman without her consent or by force shall have the criminal penalty of loss of life or limb. (The criminal penalty used to be just two years in prison.)

Trespasses in parks or ponds shall be punished by imprisonment for three years and a fine as well as paying damages to the wronged person. After his imprisonment, he shall find a surety or leave the nation.

"Forasmuch as there have been often times found in the country devisors of tales, where discord, or occasion of discord, has many times arisen between the King and his people, or great men of this realm; For the damage that has and may thereof ensue, it is commanded, that from henceforth none be so hardy to tell or publish any false news or tales, whereby discord or occasion of discord or slander may grow between the King and his people, or the great men of the realm." Anyone doing so shall be imprisoned until he brings into the court the first author of the tale.

A system of registration and enforcement of commercial agreements was established by statute. Merchants could obtain a writing of a debt sealed by the debtor and authenticated by royal seal or a seal of a mayor of certain towns, and kept by the creditor. Failure to pay a such a debt was punishable by imprisonment and, after three months, the selling of borough tenements and chattels and of county lands. During the three months, the merchant held this property in a new tenure of "statute merchant". (Prior to this, it was difficult for a foreign merchant to collect a debt because he could not appear in court which did not recognize him as one of its proper "sutors" or constituents, so he had to trust a local attorney. Also, the remedy was inadequate because the history of the law of debt was based on debt as a substitute for the blood feud, so that failure to pay meant slavery or death. Also a debtor's land was protected by feudal custom, which was contrary to the idea of imposing a new tenant on a lord.)

"In no city, borough, town, market, or fair shall a person of the realm be distrained for a debt for which he is not the debtor or pledge."

Anyone making those passing with goods through their jurisdiction answer to them in excess of their jurisdiction shall be grievously amerced to the King.

No market town shall take an outrageous toll contrary to the common custom

of the nation.

Since good sterling money has been counterfeited with base and false metal outside the nation and then brought in, foreigners found in the nation's ports with this false money shall forfeit their lives. Anyone bringing money into the nation must have it examined at his port of entry. Payments of money shall be made only by coin of the appropriate weight delivered by the Warden of the Exchange and marked with the King's mark. (A currency exchange was established at Dover for the exchange of foreign currency for English sterling.)

The silver in craftwork must be sterling and marked with the Leopard's Head. The gold in craftwork must meet the standard of the Touch of Paris.

The assize of bread and ale had been and was enforced locally by local inspectors. Now, the Crown appointed royal officers for the gauge of wines and measurement of cloths. Edicts disallowed middlemen from raising prices against consumers by such practices as forestalling [intercepting goods before they reached the market and then reselling them] or engrossing [buying a large supply of a commodity to drive up the price] and price regulation was attempted. For instance, prices were set for poultry and lamb, in a period of plenty. Maximum prices were set for cattle, pigs, sheep, poultry, and eggs in 1314, but these prices were hard to enforce. In London examples of prices set are: best hen 3d.2q., best wild goose 4d., best hare 4d., best kid 10d., best lamb 4d., best fresh herrings 12 for 1d., best pickled herrings 20 for 1d., best haddock 2d., best fresh salmon 3s.

Freemen may drive their swine through the King's demesne Forest to feed in their own woods or elsewhere. No man shall lose his life or limb for killing deer in the Forest, but instead shall be grievously fined or imprisoned for a year.

The Forest Charter allowed a man to cut down and take wood from his own woods in the King's forest to repair his house, fences, and hedges. He may also enclose his woods in the King's forest with fences and hedges to grow new trees and keep cattle and beasts therefrom. After seven years growth of these new trees, he may cut them down for sale with the King's permission.

Each borough has its own civil and criminal ordinances and police jurisdiction. Borough courts tended to deal with more laws than other local courts because of the borough's denser populations, which were composed of merchants, manufacturers, and traders, as well as those engaged in agriculture. Only borough courts have jurisdiction over fairs. In some boroughs the villein who resides for a year and a day becomes free, a right first given by Henry II in his charter for Nottingham. There are special ordinances relating to apprentices. There are sometimes ordinances against enticing away servants bound by agreement to serve another. The wife who is a trader is regarded in many places as a feme sole [single woman rather than a woman covert, who was under the protection of a husband]. There may be special ordinances as to the liability of masters for the acts of their apprentices and agents, or as to brokers, debt, or earnest money binding a bargain. The criminal and police jurisdiction in the borough was organized upon the same model as in the country at large, and was controlled by the King's courts upon similar principles, though there are some survivals of old rules, such as mention of the bot and the wer. The crimes committed are similar to those of the country, such as violence, breaches of the assize of bread and beer, stirring up suits before the ecclesiastical courts, digging up or obstructing the highway, not being enrolled in a tithing, encroachments upon or obstructions of rights of common. The most striking difference with the country at large are the ordinances on the repair or demolition of buildings, encroachments on another's building, fires, and nuisances. Specimens of other characteristic urban disputes are: selling bad food, using bad materials, unskillful or careless workmanship, fraudulent weights and measures, fraud in buying and selling, forestalling or regrating [buying in one market to resell in another market], acting in a way likely to endanger the liberties of the borough, usury, trading without being a citizen, assisting other unlicensed persons to trade, unlawfully forming a guild, complaints against various guilds in which trade might be organized. Since the ordinances were always liable to be called in question before the King's courts, they tended to become uniform and in harmony with the principles of the common law. Also, trading between boroughs kept them knowledgeable about each other's customs and conditions for trade, which then tended to standardize. Boroughs often had seals to prove communal consent and tended to act as a corporate body.

Borough ordinances often include arson such as this one: "And if a street be set on fire by any one, his body shall be attached and cast into the midst of the fire." Robbery by the miller was specially treated by an ordinance that "And if the miller be attainted [found guilty] of robbery of the grain or of the flour to the amount of 4d., he shall be hanged from the beam in his mill."

In London, an ordinance prescribed for bakers for the first offense of making false bread a forfeiture of that bread. For the second offense was prescribed imprisonment, and for the third offense placement

in the pillory. A London ordinance for millers who caused bread to be false prescribed for them to be carried in a tumbrel cart through certain streets, exposed to the derision of the people.

By statute, no one may make a gift or alienation of land to the church. An attempt to do so will cause the land to escheat to the lord, or in his default, to the King. Religious houses may not alienate land given to them by the king or other patrons because such gifts were for the sake of someone's soul. An attempt to do so will cause the land to revert to the donor or his heir. If the church did not say the prayers or do the other actions for which land was given to it, the land will revert to the donor or his heir. Land may not be alienated to religious bodies in such a way that it would cease to render its due service to the King. (The church never died, never married, and never had children.) The church shall send no money out of the nation. (This statute of mortmain was neutralized by collusive lawsuits in which the intended grantor would sue the intended grantee claiming superior title and then would default, surrendering the land to the intended grantee by court judgment.)

"Concerning wrecks of the sea, where a man, a dog, or a cat escape alive out of the ship, that such ship nor barge nor anything within them shall be deemed wreck, but the goods shall be saved and kept by view of the Sheriff, Coroner, or the King's Bailiff". If anyone proves the goods were his within a year and a day, they shall be restored to him without delay. Otherwise, they shall be kept by the King. "And where wreck belongs to one other than the King, he shall have it in like manner". If he does otherwise, he shall be imprisoned and pay damages and fine.

Some statutes applied only to Kent County, which had a unique position between London and the continent. Money flowed between England and the continent through Kent. So Kent never developed a manorial system of land holding, but evolved from a system of clans and independent villages directly into a commercial system.

In Kent, all men are free and may give or sell their lands without permission of their lords, as before the Conquest.

One could sell or give away his land without the consent of one's lord. The services of the land, however, could only be sold to the chief lord. Inheritance of land was to all sons by equal portions, and if there were no sons, then to all daughters in equal portions. The eldest brother has his choice of portion, then the next oldest, etc. The goods of a deceased person were divided into three parts after his funeral expenses and debts were paid. One third went to the surviving spouse. One third went to the deceased's sons and daughters. One third could be disposed by will of the decedent. If there were no children, one half went to the spouse and one half went according to will. If an heir was under 15 years old, his next of kin to whom inheritance could not descend was to be his guardian. A wife who remarried or bore a child lost her dower land. A husband lost his dower if he remarried. If a tenant withheld rent or services, his lord could seek award of court to find distress on his tenement and if he could find none, he could take the tenement for a year and a day in his hands without manuring it. If the tenant paid up in this time, he got the tenement back. If he didn't within a year and a day, however, the lord could manure the land. A felon forfeited his life and his goods, but not his lands or tenements. A wife of a felon had the dower of one half of her husband's lands and tenements.

The common law recognized the tort of false imprisonment if a man arrested as a felon, a person who was not a felon.

## Judicial Procedure

The highest court was the king and his council in Parliament. It heard the most important causes, important because they concern the king, or because they concern very great men (e.g. treason), or because they involve grave questions of public law, or because they are unprecedented. It has large, indefinite powers and provides new remedies for new wrongs. The office of great justiciar disappears and the Chancellor becomes the head of the council. The Chancellor heads the Chancery, which is the secretarial department of the Royal Court. A litigant could not proceed without first obtaining a writ from Chancery. The Chancellor could form new writs.

After the council were the royal courts of the King's Bench, Common Pleas, and the Exchequer, which had become separate, each with its own justices and records. The Court of Common Pleas had its own Chief Justice and usually met at Westminster. This disadvantaged the small farmer, who would have to travel to Westminster to present a case. The King's Council maintained a close connection with the Court of the King's Bench, which heard criminal cases and appeals from the Court of Common Pleas. It traveled with the King. There were many trespass cases so heard by it in the reign of Edward I. The King's Council did a great deal of justice, for the more part criminal justice. It was supported by the populace because it dealt promptly and summarily with rebellion or some scandalous acquittal of a notorious criminal by bribed or partial jurors, and thereby prevented anarchy. Its procedure was to

send for the accused and compel him to answer upon oath written interrogatories. Affidavits were then sworn upon both sides. With written depositions before them, the Lords of the council, without any jury, acquit or convict. Fines and imprisonments were meted out to rioters, conspirators, bribers, and perjured jurors. No loss of life or limb occurred because there had been no jury.

In criminal cases, witnesses acquainted with particular facts were added to the general assize of twelve lawful men from each hundred and four lawful men from each town to testify to facts unknown by the assize men. The assize was bifurcated into the grand jury of twelve to twenty-four knights and the petty jury or trial jury of twelve free and lawful men, which replaced ordeal, compurgation, and trial by combat as the method of finding the truth. The men of the petty jury as well as those of the grand jury were expected to know or to acquaint themselves with the facts of the cases. The men of the petty jury tended to be the same men who were on the grand jury.

Felony was determined by common law to be one of seven offenses: treason, homicide, arson, rape, robbery, burglary, and grand larceny, the last of which involved over 12d., where 12d. was enough to keep a man from starvation for eight days. High treason included covered the making of counterfeit money and the clipping of coin. Burglary was an offense committed in times of peace and consisted of breaking into churches, houses, and into the walls and gates of villages and boroughs. These seven offenses could be prosecuted by indictment or private accusation by an individual. They were appealable, that is, the accuser must in general offer trial by battle. The penalties involved loss of life or limb or, if he fled, outlawry. Actually, the death penalty was replacing loss of life or limb. Death by hanging was the usual punishment. A felon's goods were confiscated by the crown and his land was forfeited to the crown for a year and a day and waste, after which it escheated to the felon's lord. The crimes of wounding, mayhem, and false imprisonment were not now felonies. The peace of the king now did not die with the king, but renewed automatically without an interval before the inauguration of a new king.

Notorious felons who would not consent or put themselves on inquests for felonies with which they were charged at royal courts were put in strong and hard imprisonment to persuade them to accept trial by assize. This inducement progressed into being loaded with heavy chains and placed on the ground in the worst part of the prison and being fed a only little water one day and a little bread the next. Sometimes pieces of iron or stones were placed one another onto their prone bodies to persuade them to plead. This then developed into being loaded with as much iron as could be borne, and finally into being pressed to death ["peine forte et dure"]. Many of these men chose to die by this pressing so that their families could inherit their property, which would have been forfeited if they had been convicted of serious crimes.

The most common cases in the Court of Common Pleas were detinue, "debt" [for money due from a sale, for money loaned, for rent upon a lease for years, from a surety, promised in a sealed document, or due to arbitrators to whom a dispute had been submitted] and "account" [e.g. against bailiffs of manors, a guardian in socage, and partners]. It also heard estovers [right to use during a lease] of wood, profit by gathering nuts, acorns, and other fruits in wood, corody [allowance of food], yearly delivery of grain, toll, tunnage, passage, keeping of parks, woods, forests, chases, warrens, gates, and other bailiwicks, and offices in fee.

The itinerant justices gradually ceased to perform administrative duties on their journeys because landed society had objected to their intrusiveness. Edward I substituted regular visitations of Justices of Assize for the irregular journeys of the itinerant justices. Each one of four circuits had two Justices of Assize. From about 1299, these Justices of Assize heard cases of gaol delivery. Their jurisdiction expanded to include serious criminal cases and breach of the king's peace. One woman was indicted to every 9 men. 16% of the women who were indicted were convicted compared to 30% of the men.

Breaches of the forest charter laws were determined by justices of the King's forest, parks, and chases, along with men of assize.

Coroners' inquest procedures were delineated by statute and included describing in detail in the coroner's rolls every wound of a dead body, how many may be culpable, and people claiming to have found treasure who might be suspects.

The precedent for punishment for treason was established by the conviction of a knight, David ab Gruffydd, who had turned traitor to the Welsh enemy, after fighting with Edward and being rewarded with land, during the conquest of Wales. He had plotted to kill the King. He was found guilty of treason by Parliament and condemned to be dragged at the heels of horses for being a traitor to his knightly vows, hanged by the neck for his murders, cut down before consciousness left him to have his entrails cut out for committing his crimes during the holy week of Easter, and his head cut off and his body divided into four parts for plotting against the King's life. The head was placed on the Tower of London and his body sections were placed in public view at various other locations in England. This came to be



known as "hanging, drawing, and quartering". Prior to this the penalty had usually been imprisonment followed by ransom. The penalty for a woman of treason, e.g. killing her husband, who was her lord, was burning at the stake.

Trial by combat is now limited to certain claims of enfeoffment of large land holding and is barred for land held in socage, burgage, or by marriage. (Trial by combat eventually fell into disuse, but was not abolished until 1819.) Assize is the usual manner of trial, but compurgation remains in the borough court long after it becomes obsolete in the royal courts. It came to be that defendants no longer request assizes but are automatically put to them.

Numerous statutes protect the integrity of the courts and King's offices by double and treble damages and imprisonment for offenses such as bribery, false informers, conspiracy to falsely move or maintain pleas, champerty [covenant between a litigant and another for the other to have a part or profit in the award in return for maintaining the suit], conflict of interest by court officers taking part in a quarrel pending in court or working any fraud whereby common right may be delayed or disturbed. There had been many abuses, the most common of which was extortion by sheriffs, who gaoled people without cause to make them pay to be released. The 1275 prohibition of maintenance of a quarrel of a party in court by a nonparty was extended in 1327 to all persons, including the king's councilors and ministers, and great men, e.g. by sending letters. In 1346, this prohibition specifically included prelates, earls, barons taking in hand quarrels other than their own, or maintaining them for gift, promise, amity, favor, doubt, or fear, in disturbance of law and hindrance of right. The reason given was that there had been persons disinherited, delayed or disturbed in their rights, and not guilty persons convicted or otherwise oppressed. All great men were required to put out of their service all maintainers who had been retained, and void their fees and robes, without giving them aid, favor, or comfort. This law was not obeyed.

The king reserved to himself and his council in its judicial capacity the correction of all breaches of the law which the lower courts had failed to remedy, whether from weakness, partiality, corruption, or jury timidity, and especially when the powerful barons defied the courts. The Chancery also sought to address causes which were impeded in their regular course, which often involved assaults, batteries, and forcible dispossessions.

Disputes within the royal household were administered by the King's steward. He received and determined complaints about acts or breaches of the peace within twelve miles around the King's person or "verge". He was assisted by the marshal in the "court of the hall" and by the clerk of the market when imposing fines for trading regulation violations in the "court of the market".

Ecclesiastical courts were successful in their competition with the secular courts for jurisdiction over testamentary matters [concerning wills] and intestate succession [no will] to chattels.

There were local courts of the vill, borough, manor, hundred, county, sheriff, escheator, and royal bailiff, with overlapping jurisdictions. The county court in its full session, that is, as it attended the itinerant justices on their visitation, contained the archbishops, bishops, priors, earls, barons, knights, and freeholders, and from each township four men and the reeve, and from each borough twelve burgesses. It was still the folkmote, the general assembly of the people. In 1293, suitors who could not spend 40s. a year within their county were not required to attend their county court.

The most common plea in the hundred court was trespass. It also heard issues concerning services arising out of land, detention of chattels, small debts, wounding or maiming of animals, and personal assaults and brawls not amounting to felony. It met every three weeks. The sheriff held his turn twice a year and viewed frankpledge once a year. In Chancery, the court of the Chancellor, if there is a case with no remedy specified in the law, that is similar to a situation for which there is a writ, then a new writ may be made for that case. This was called "trespass on the case". This covered indirect as well as direct contact with a person, land, or chattels. An example is that trespass would not apply to a boat whose rope attaching it to land was cut because the trespass did not have contact with the boat. Only the rope would be the result of the trespass. Trespass on the case would include the boat. The two chancery justices were the Lord Chancellor and the Master of the Rolls.

When Edward I came to the throne, over half of the approximately 600 hundred courts had gone under the jurisdiction of a private lord owing to royal charter, prescriptive right, and usurpation. The sheriff's powers in these hundreds varied. In some, the sheriff had no right of entry. So Edward I created the writ of Quo Warranto [by what right], by which all landholders exercising manor or franchise jurisdictions must bring their ancestors' charters before a traveling justice for the Common Pleas for examination and interpretation as to whether they had a charter or were going beyond their charters and infringing upon the jurisdiction of the Royal Court. As a result, many manor courts were confined to manorial matters and could no longer view frankpledge or hear criminal cases, which were reserved for the royal courts. In the manor courts which retained criminal jurisdiction, there was a

reassertion of the obligation to have present a royal coroner, whose duty it was to see that royal rights were not infringed and that the goods of felons were given to the Crown and not kept by the lords. Some who could not produce a charter lost it; but later, uninterrupted use of a jurisdiction since 1189 sufficed to retain that jurisdiction.

In the manor courts, actions of debt, detinue, and covenant were frequent. Sometimes there are questions of a breach of warranty of title in agreements of sale of land. Accusations of defamation were frequent; this offense could not be taken to the King's court, but it had been recognized as an offense in the Anglo-Saxon laws. In some cases, the damages caused are specifically stated. For instance, defamation of a lord's grain would cause other purchasers to forbear buying it. There are frequent cases of ordinary thefts, trespasses, and assaults. The courts did rough but substantial justice without distinction between concepts such as tort and contract. In fact, the action of covenant was the only form of agreement enforceable at common law. It required a writing under seal and awarded damages. Manor court law was not technical, but elastic, and remedies could include injunctions, salary attachment, and performance of acts. The steward holding the manor court was often a lawyer.

Some pleas in the manors of the abbey of Bec were:

1. -Hugh le Pee in mercy (fine, 12d.) for concealing a sheep for half a year. Pledges, Simon of Newmere, John of Senholt

2. -William Ketelburn in mercy (fine, 13s.4d.) for divers trespasses. Pledge, Henry Ketelburn.

3. -Hugh Derwin for pasture, 6d. Richard Hulle for divers trespasses, 12d. Henry Stanhard for pasture, 6d.

4. -William Derwin for a trespass, 6d.; pledge, William Sperling.

5. -Hugh Hall gives the lord 12d. that he may have the judgment of the court as to a tenement and two acres of land, which he demands as of right, so he says. And it being asserted that the said land is not free[hold] let the court say its say. And the court says that the tenement and one of the two acres are of servile condition and that the other acre is of free condition. The case is reserved for the lord's presence. Pledge, John Brian.

6. -John Palmer is put in seisin of his father's tenement and -gives the lord 53s.4d. as entry money.

7. -William Ketelburn gives the lord 6s.8d. that he may be removed from the office of reeve. Pledge, Robert Serjeant.

8. -William Frith for subtraction of work, 6d. John Reginald -for the same, 6d. John of Senholt, 12d. William Ketelburn, 12d.

9. -For the common fine to be paid on S. Andrew's day, 100s.

10. It is presented by the chief pledges that Godfrey Serjeant has made default; also that John le Pee has unlawfully thrown up a bank; therefore let it be set to rights.

11. Robert Smith is put in seisin of his father's tenement and gives the lord four pounds for entry money. Pledge, Robert Serjeant.

12. William Ketelburn for a trespass, 13s.4d.

13. William Fleming gives four pounds for leave to contract [marriage] with widow Susan. Pledge, Richard Serjeant.

14. John Mabely gives the lord 3s. to have the judgment of twelve men as to certain land whereof Noah deforces him; pledges, Richard Smith, Ralph Bernard. The said jurors say - - that Noah the Fat has right; therefore etc.

15. Agnes Stampelove gives the lord 2s. for leave to come and go in the vill but to dwell outside the lord's land. Pledge, Richard Smith.

16. Godfrey Tailor the younger for a trespass, 2s.

17. Whereas Godfrey Tailor the younger has demanded against Noah a farthing land, now the action is compromised in manner following: Godfrey for himself and his heirs remises to the said Noah and his heirs all right and claim which he has or can have in the said farthing land by reason of the gift made by his grandfather John Tailor.

18. Agnes Mabely is put in seisin of a farthing land which her mother held, and gives the lord 33s.4d.

for entry money. Pledges, Noah, William Askil.

19. The full court declares that in case any woman shall have altogether quitted the lord's domain and shall marry a freeman, she may return and recover whatever right and claim she has in any land; but if she shall be joined to a serf, then she cannot do this during the serf's lifetime, but after his death she may. t

20. William Alice's son is put in seisin of a bakehouse in the King's Street, and shall keep up the house at his own cost and gives 12d. for entry money, and 10s. annual rent payable at three terms, viz. 3s.4d. at Martinmas, 3s.4d. at Lady Day, 3s.4d. at Christmas. Pledges, Adam Clerk, John Deboneir.

20. John son of Alma demands a cottage which Henry Fleming holds and gives the lord 12d. for the oath and recognition of 12 men; pledge, Richard Jordan. The jurors say that Henry Fleming has the better right.

21. Baldwin Cobbler's son finds [as pledges] Walter Cobbler, Roger of Broadwater, Robert Linene, William Frances, that notwithstanding his stay in London he will always make suit with his tithing and will at no time claim any liberty contrary to the lord's will and will come to the lord whenever the lord wills.

22. Simon Patrick gives the lord 12d. to have the judgment of the court as to a cottage of which the widow of Geoffrey Dogers deforces him; pledge, Simon of Strode. The said -jurors say that the said Simon has the better right. And the said Simon remises and quitclaims all his right to his sister Maud and her husband John Horin, [who] gives the lord 10s. for entry money; pledges, Simon Patrick, John Talk.

23. Hugh Wiking for not making suit at the lord's mill, 12d.

24. It was presented that William Derwin and John Derwin (fine, 12d.) committed a trespass against Agnes Dene, and the cry was raised, therefore etc.

25. Hugh Churchyard contracted [marriage] without the lord's leave; [fine] 12d.

26. Let Juliana Forester be distrained for her default, also William Moor.

27. John Kulbel in mercy (fine, 12d.) for not producing Gregory Miller, and he is commanded to produce him at the next court.

28. Hugh Andrew's son gives the lord 4s. for leave to marry; pledge, Robert Serjeant.

29. Juliana Forester gives the lord 12d. in order that for the future no occasion may be taken against her for neglect of suit of court.

30. John Franklain is put in seisin of his father's tenement and gives the lord 20s. for entry; pledge, Robert Serjeant.

31. Henry Cross gives the lord 4s. for license to marry; pledge, Robert Serjeant.

32. Isabella Warin gives the lord 4s. for leave to give her daughter Mary in marriage; pledge, John Serjeant.

33. It is presented by the whole township that Ralph le War has disseised the lord of a moiety of a hedge, whereas it had often been adjudged by award of the court that the said hedge belongs as to one moiety to the lord and as to the other to Ralph, and the said Ralph claims and takes to his use the whole to the lord's damage etc. Also they say that the said Ralph holds Overcolkescroft, which land by right is the lord's.

34. It is presented by unanimous verdict of the whole court that if anyone marries a woman who has right in any land according to the custom of the manor and is seised thereof by the will of the lord, and the said woman surrenders her right and her seisin into the hands of the lord and her husband receives that right and seisin from the hands of the lord, in such case the heirs of the woman are for ever barred from the said land and the said right remains to the husband and his heirs. Therefore let William Wood, whose case falls under this rule, hold his land in manner aforesaid. And for the making of this inquest the said William gives the lord 6s.8d.

35. The tenements of Lucy Mill are to be seized into the lord's hands because of the adultery which she has committed and the bailiff is to answer for them.

- -The chief pledges present that Cristina daughter of Richard Maleville has married at London without the lord's licence; therefore let the said Richard be distrained. He has made fine with 12d. Also

that Alice Berde has done the same; therefore let her be distrained. Also that Robert Fountain -has committed a trespass against William Gery; therefore the said Robert is in mercy; pledge, Humfrey; fine, 6d. Also that Richard Maleville has drawn blood from Stephen Gust; therefore he is in mercy; fine, 2s.

36. Geoffrey Coterel in mercy for a battery; fine, 12d.; pledge, Adam Serjeant. Geoffrey Coterel for trespass in the hay; fine, 6d.; pledge, Alan Reaper. Hugh of Senholt in mercy for trespass in the green wood; fine, 6d.

37. Hugh Wiking in mercy for delay in doing his works; fine, 6d. Hugh Churchyard for trespass in [cutting] thorns; fine, 6d. Thomas Gold in mercy for trespass in the wood; fine, 3d.; pledge, Robert Grinder.

38. William Dun in mercy for subtraction of his works due in autumn; fine, 2s. Avice Isaac for the same, 6d.; Hugh Wiking -for the same, 6d.; Agnes Rede in mercy for her daughter's trespass in the corn [grain], 6d.

39. Walter Ash in mercy for not making suit to the lord's mill; fine, 6d. Hugh Pinel in mercy for diverting a watercourse to the nuisance of the neighbors; fine, 6d.; pledge, Robert Fresel.

40. John Dun in mercy for carrying off corn [grain] in the autumn; pledge, Adam White. Alan Reaper gives the lord 12d. on account of a sheep which was lost while in his custody.

41. Adam White in mercy for bad mowing; fine, 6d. Hugh Harding in mercy for the same; fine, 6d.

42. The chief pledges present that Henry Blackstone (fine, 6d.), Hugh Churchyard (fine, 18d.), Walter Ash (fine, 6d.), Henry of Locksbarow (fine, 12d.), Avice Isaac (fine, 6d.), Richard Matthew (fine, 6d.), Hugh Wiking (fine,—), Ralph Dene (fine, 6d.), John Palmer (fine, 12d.), John Coterel (fine, 6d.), John Moor (fine, 6d.), John Cubbel (fine, 12d.), Hugh Andrew (fine, 6d.), Philip Chapman (fine, 6d.), John Fellow (fine, 12d.), Robert Bailiff (fine, 6d.), Alice Squire (fine, 12d.), John Grately (fine,—), Richard Hull (fine, 6d.), Osbert Reaper (fine, 6d.), and Robert Cross (fine, 6d.), have broken the assize of beer. Also that Henry of Senholt, Henry Brown, Hugh Hayward, Richard Moor, Juliana Woodward, Alice Harding, Peronel Street, Eleanor Mead make default. Also that Walter Ash (fine,—), John Wiking (fine,—), John Smart (fine,—), and Henry Coterel have married themselves without the lord's licence; therefore let them be distrained to do the will of the lord.

43. Alan Reaper for the trespass of his foal; fine, 6d.

44. Philip Chapman in mercy for refusing his gage to the lord's bailiff; fine, 3d.

45. William Ash in mercy for trespass in the growing crop; fine, 6d.

46. John Iremonger in mercy for contempt; fine, 6d.

47. The chief pledges present that William of Ripley (fine, 6d.), Walter Smith (no goods), Maud of Pasmere (fine, 6d.), have received [strangers] contrary to the assize; therefore - - they are in mercy.

48. Maud widow of Reginald of Challow has sufficiently proved that a certain sheep valued at 8d. is hers, and binds herself to restore it or its price in case it shall be demanded from her within year and day; pledges, John Iremonger and John Robertd; and she gives the lord 3d. for [his] custody [of it].

The Court of Hustings in London is empowered to award landlords their tenements for which rent or services are in arrears if the landlord could not distrain enough tenant possessions to cover the arrearages.

Wills are proven in the Court of Husting, the oldest court in London, which went back to the times of Edward the Confessor. One such proven will is:

"Tour (John de La) - To Robert his eldest son his capital messuage and wharf in the parish of Berchingechurch near the land called 'Berewardesland'. To Agnes his wife his house called 'Wyvelattestone', together with rents, reversions, etc. in the parish of S. Dunstan towards the Tower, for life; remainder to Stephen his son. To Peter and Edmund his sons lands and rents in the parish of All Hallows de Berhyngchchurch; remainders over in default of heirs. To Agnes, wife of John le Keu, fishmonger, a house situate in the same parish of Berhyng, at a peppercorn [nominal] rent."

The Court of the Mayor of London heard diverse cases, including disputes over goods, faulty or substandard goods, adulteration, selling food unfit for human consumption, enhancing the price of goods, using unlawful weighing beams, debts, theft, distrains, forgery, tavern brawling, bullying, and gambling. Insulting or assaulting a city dignitary was a very serious crime; an attack on the mayor was

once capitally punished. Sacrilege, rape, and burglary were punished by death. Apart from the death penalty, the punishment meted out the most was public exposure in the pillory, with some mark of ignominy slung round the neck. If the crime was selling bad food, it was burnt under the offender's nose. If it was sour wine, the offender was drenched in it. Standing in the pillory for even one hour was very humiliating, and by the end of the day, it was known throughout the city. The offender's reputation was ruined. Some men died in the pillory of shame and distress. A variation of the pillory was being dragged through the streets on a hurdle. Prostitutes were carted through the streets in coarse rough cloth hoods, with penitential crosses in their hands. Scolds were exposed in a "thewe" for women. In more serious cases, imprisonment for up to a year was added to the pillory. Mutilation was rare, but there are cases of men losing their right hands for rescuing prisoners. The death penalty was usually by hanging. The following four London cases pertain to customs, bad grain, surgery, and apprenticeship, respectively.

This is a lawsuit: "John le Paumer was summoned to answer Richer de Refham, Sheriff, in a plea that, whereas the defendant and his Society of Bermen [carriers] in the City were sworn not to carry any wine, by land or water, for the use of citizens or others, without the Sheriff's mark, nor lead nor cause it to be led, whereby the Sheriff might be defrauded of his customs, nevertheless he caused four casks of wine belonging to Ralph le Mazun of Westminster to be carried from the City of Westminster without the Sheriff's mark, thus defrauding the latter of his customs in contempt of the king etc. The defendant acknowledged the trespass. Judgment that he remain in the custody of the Sheriff till he satisfy the King and the Court for offense."

This is a lawsuit: "Walter atte Belhaus, William atte Belhous, Robert le Barber dwelling at Ewelleshalle, John de Lewes, Gilbert le Gras, John his son, Roger le Mortimer, William Ballard atte Hole, Peter de Sheperton, John Brun and the wife of Thomas the pelterer, Stephen de Haddeham, William de Goryngg, Margery de Frydaiestrate, Mariot, who dwells in the house of William de Harwe, and William de Hendone were attached to answer for forestalling all kinds of grain and exposing it, together with putrid grain, on the pavement, for sale by the bushel, through their men and women servants; and for buying their own grain from their own servants in deception of the people. The defendants denied that they were guilty and put themselves on their country. A jury of Richard de Hockeeye and others brought in a verdict of guilty, and the defendants were committed to prison till the next Parliament."

This is a lawsuit: "Peter the Surgeon acknowledged himself bound to Ralph de Mortimer, by Richard atte Hill his attorney, in the sum of 20s., payable at certain terms, the said Ralph undertaking to give Peter a letter of acquittance [release from a debt]. This Recognizance arose out of a covenant between them with regard to the effecting of a cure. Both were amerced for coming to an agreement out of Court. A precept was issued to summon all the surgeons of the City for Friday, that an inquiry might be made as to whether the above Peter was fitted to enjoy the profession of a surgeon."

This is a lawsuit: "Thomas de Kydemenstre, shoemaker, was summoned to answer William de Beverlee, because he did not clothe, feed and instruct his apprentice Thomas, William's son, but drove him away. The defendant said that the apprentice lent his master's goods to others and promised to restore them or their value, but went away against his wish; and he demanded a jury. Subsequently, a jury of William de Upton and others said the apprentice lent two pairs of shoes belonging to his master and was told to restore them, but, frightened by the beating which he received, ran away; further that the master did not feed and clothe his apprentice as he ought, being unable to do so, to the apprentice's damage 40d., but that he was now in a position to look after his apprentice. Thereupon Thomas de Kydemenstre said he was willing to have the apprentice back and provide for him, and the father agreed. Judgment that the master take back the apprentice and feed and instruct him, or that he repay to the father, the money paid to the latter, and that he pay the father the 40d. and be in mercy."

A professional class of temporal attorneys whose business it is to appear on behalf of litigants is prominent in the nation. The idea of representation has spread outwards from a king who has so many affairs that he can not conduct them in person. Men often appear to defend themselves in the king's court by attorney. But attorneys do not conduct prospective litigation for a client. Attorneys are now drawn from the knightly class of landed gentlemen, instead of ecclesiastical orders. Since it was forbidden for ecclesiastics to act as advocates in the secular courts, those who left the clergy to become advocates adopted a close-fitting cap to hide their tonsures, which came to be called a "coif". The great litigation of the nation is conducted by a small group of men, as is indicated by the earliest Year Books of case decisions compiled by attorneys and students attending the court. These attorneys sit in court and will sometimes intervene as *amicus curiae* [friends of the court]. Parliament refers difficult points of law to them as well as to the justices. These reports became so authoritative that they could be cited in the courts as precedent. Groups of attorneys from the countryside who are appearing in London courts during term-time and living in temporary lodgings start to form guild-like fellowships and buy property where they dine and reside together, called the Inns of Court. They begin to think of

themselves as belonging to a profession, with a feeling of responsibility for training the novices who sat in court to learn court procedures and attorney techniques. They invited these students to supper at the Inns of Court for the purpose of arguing about the day's cases. The Inns of Court evolved a scheme of legal education, which was oral and used disputations. Thus they became educational institutions as well as clubs for practicing attorneys. The call to the bar of an Inn was in effect a degree. To be an attorney one had to be educated and certified at the Inns of Court. They practice law full time. Some are employed by the King. Justices come to be recruited from among those who had passed their lives practicing law in court, instead of from the ecclesiastical orders. All attorneys were brought under the control of the justices.

There are two types of attorney: one attorney appears in the place of his principal, who does not appear. The appointment of this attorney is an unusual and a solemn thing, only to be allowed on special grounds and with the proper formalities. For instance, a poor person may not be able to afford to travel to attend the royal court in person. The other one is the pleader-attorney, who accompanies his client to court and advocates his position with his knowledge of the law and his persuasiveness. The king came to retain a number of attorneys, called his serjeants at law, to plead his causes for him. Edward directed his justices to provide for every county attorneys from among the best, the most lawful, and the most teachable, so the king and people would be well served. Thereby were attorneys brought under the control of the justices.

In 1280, the city of London made regulations for the admission of both types of attorneys to practice before the civic courts, and for their due control. In 1292 the king directed the justices to provide a certain number of attorneys and apprentices to follow the court, who should have the exclusive right of practicing before it. This begins the process which will make the attorney for legal business an "officer of the court" which has appointed him.

## Chapter 9

The Times: 1348-1399

Waves of the black death, named for the black spots on the body, swept over the nation. The black blotches were caused by extensive internal bleeding. The plague was carried in the blood of black rats and transmitted to humans by the bite of the rat flea, but this cause was then unknown. The first wave of this plague, in 1348, lasted for three years and desolated the nation by about one half the population in the towns and one third in the country. People tried to avoid the plague by flight. The agony and death of so many good people caused some to question their belief in God. Also, it was hard to understand why priests who fled were less likely to die than priests who stayed with the dying to give them the last rites. Legal and judicial, as well as other public business weere interrupted by the plague and ceased for two years. Thus begins a long period of disorganization, unrest, and social instability. Customary ways were so upset that authority and tradition were no longer automatically accepted. Fields lay waste and sheep and cattle wandered over the countryside. Local courts could seldom be held. Some monasteries in need of cash sold annuities to be paid in the form of food, drink, clothing, and lodging during the annuitant's life, and sometimes that of his widow also. Guilds and rich men made contributions to the poor and ships with provisions were sent to various parts of the country for the relief of starving people. In London, many tradesmen and artisans formed parish fraternities which united people of all social levels and women on almost equal terms with men, in communal devotion and mutual support, such as help in resolving disputes, moral guidance, money when needed, and burial and masses.

Farm workers were so rare that they were able to demand wages at double or triple the pre-plague rate. The pre-plague had been 4-6d. daily for masons, carpenters, plasterers, and tilers and 3d. for their laborers. These laborers could buy 12 cheap loaves, 3 gallons of ale, and a gallon of cheap wine or half a pair of shoes. Prices did not go up nearly as much as wages. Villeins relinquished their tenements, and deserted their manors, to get better wages elsewhere. They became nomadic, roaming from place to place, seeking day work for good wages where they could get it, and resorting to thievery on the highways or beggary where they could not. The Robin Hood legends were popular among them. In them, Robin Hood is pure outlaw and does not contribute money to the poor. Nor does he court Maid Marion.

Villeins spread political songs among each other, such as: "To seek silver to the King, I my seed sold; wherefore my land lieth fallow and learneth to sleep. Since they fetched my fair cattle in my fold; when I think of my old wealth, well nigh I weep. Thus breedeth many beggars bold; and there wakeneth in the world dismay and woe, for as good is death anon as so for to toil."

Groups of armed men took lands, manors, goods, and women by force. The villeins agreed to assist each other in resisting by force their lords' efforts to return them to servitude. A statute of laborers passed in 1351 for wages to be set at the pre-plague rates was ineffectual. Justices became afraid to administer the law. Villeins, free peasants, and craftsmen joined together and learned to use the tactics of association and strikes against their employers.

The office of Justice of the Peace was created for every county to deal with rioting and vagrants. This office required no education and was filled by volunteers. Cooperation by officials of other counties was mandated to deal with fugitives from its justice.

The Black Death visited again in 1361 and in 1369. The Black Death reduced the population from about 5 million to about 2 1/2 million. It was to rise to about 4 million by 1600.

When there were attempts to enforce the legal servitude of the villeins, they spread rhymes of their condition and need to revolt. A secret league, called the "Great Society" linked the centers of intrigue. A high poll tax, graduated from 20s. to 12d., that was to be raised for a war with France, touched off a spontaneous riot all over the nation in 1381. This tax included people not taxed before, such as laborers, the village smith, and the village tiler. Each area had its own specific grievances. There was no common political motive, except maladministration in general.

In this Peasants' Revolt, mobs overran the counties around London. The upper classes fled to the woods. Written records of the servitude of villeins were burned in their halls, which were also looted. Title deeds of landlords were burned. Rate rolls of general taxation were destroyed. Prisoners were released from gaols. Men connected with tax collection, law enforcement, attorneys, and alien merchants were beheaded. The Chief Justice was murdered while fleeing. The archbishop, who was a notoriously exploitive landlord, the chancellor, and the treasurer were murdered. Severed heads were posted on London Bridge. A mob took control of the king's empty bedchamber in the Tower. The villeins demanded that service to a lord be by agreement instead of by servitude, a commutation of villein service for rents of a maximum of 4d. per acre yearly, abolition of a lord's right for their work on demand (e.g. just before a hail storm so only his crops were saved), and the right to hunt and fish. The sokemen protested having to use the lord's mill and having to attend his court.

The revolt was suppressed and its leaders punished. The king issued proclamations forbidding unauthorized gatherings and ordering tenants of land to perform their customary services. The poll tax was dropped. For the future, the duty to deal with rioting and vagrants was given to royal justices, sheriffs, mayors, bailiffs, and constables as well as the Justices of the Peace. There was a high Justice of the Peace in each hundred and a petty constable in each parish. Justices of the Peace could swear in neighbors as unpaid special constables when disorder broke out.

The sheriff was responsible for seeing that men of the lower classes were organized into groups of ten for police and surety purposes, and for holding of hundred and county courts, arresting suspects, guarding prisoners awaiting trial, carrying out the penalties adjudged by the courts, and collecting Crown revenue through his bailiffs. Royal writs were addressed to the sheriff. Because many sheriffs had taken fines and ransoms for their own use, a term limit of one year was imposed. Sheriffs, hundreders, and bailiffs had to have lands in the same counties or bailiwicks [so they could be held answerable to the King].

Efforts were made to keep laborers at the plough and cart rather than learn a craft or entering and being educated by the church. The new colleges at the universities ceased to accept villeins as students.

Due to the shortage of labor, landlords' returns had decreased from about 20% to about 5%. But some found new methods of using land that were more profitable than the customary services of villeins who had holdings of land or the paid labor of practically free men who paid a money rent for land holdings. One method was to turn the land to sheep breeding. Others leased their demesne land, which transferred the burden of getting laborers from the landlord to the lessee-tenant. The payment was called a "farm" and the tenant a "farmer". First, there were stock-and-land leases, in which both the land and everything required to cultivate it were let together. After 50 years, when the farmers had acquired assets, there were pure land leases. Landlords preferred to lease their land at will instead of for a term of years to prevent the tenant from depleting the soil with a few richer crops during the last years of his tenancy. The commutation of labor services into a money payment developed into a general commutation of virtually all services. Lords in need of money gladly sold manumissions to their villeins.

The lord and lady of some manors now ate with their family and entertained guests in a private parlor [from French word 'to speak'] or great chamber, where they could converse and which had its own fireplace. The great chamber was usually at the fireplace end of the great hall, where there was a high table. The great hall had been too noisy for conversation and now was little used. There were also

separate chambers or bed-sitting rooms for guests or members the family or household, in which one slept, received visitors, played games, and occasionally ate.

Some farmers achieved enough wealth to employ others as laborers on their farms. The laborers lived with their employer in his barn, sleeping on hay in the loft, or in mud huts outside the barn. The farmer's family lived at one end of the barn around an open fire. Their possessions typically were: livestock, a chest, a trestle table, benches, stools, an iron or bronze cauldron and pots, brooms, wooden platters, wooden bowls, spoons, knives, wooden or leather jugs, a salt box, straw mattresses, wool blankets, linen towels, iron tools, and rush candles [used the pith of a rush reed for the wick]. Those who could not afford rush candles could get a dim light by using a little grease in a shallow container, with a few twisted strands of linen thread afloat in it. The peasants ate dark bread and beans and drank water from springs. Milk and cheese were a luxury for them. Those who could not afford bread instead ate oat cakes made of pounded beans and bran, cheese, and cabbage. They also had leeks, onions, and peas as vegetables. Some farmers could afford to have a wooden four-posted bedstead, hens, geese, pigs, a couple of cows, a couple of sheep, or two-plough oxen. July was the month when the divide between rich and poor became most apparent. The rich could survive on the contents of their barns, but the poor tried to survive by grinding up the coarsest of wheat bran and shriveled peas and beans to make some sort of bread. Grain and bread prices soared during July. Farming still occupied the vast majority of the population. Town inhabitants and university students went into the fields to help with the harvest in the summer. Parliament was suspended during the harvest.

Town people had more wealth than country people. Most townspeople slept in nightgowns and nightcaps in beds with mattresses, blankets, linen sheets, and pillows. Beds were made every morning. Bathing was by sponging hot water from a basin over the body, sometimes with herbs in it, rinsing with a splash of warm water, and drying off with a towel. Tubs used only for baths came into use. There were drapery rugs hung around beds, handheld mirrors of glass, and salt cellars. The first meal of the day was a light breakfast, which broke the fast that had lasted the night. Meals were often prepared according to recipes from cook books which involved several preparation procedures using flour, eggs, sugar, cheese, and grated bread, rather than just simple seasoning. Menus were put together with foods that tasted well together and served on plates in several courses. Children's sweets included gingerbread and peppermint drops. Sheffield cutlery was world famous. Table manners included not making sounds when eating, not playing with one's spoon or knife, not placing one's elbows on the table, keeping one's mouth clean with a napkin, and not being boisterous. There were courtesies such as saying "Good Morning" when meeting someone and not pointing one's finger at another person. King Richard II invented the handkerchief for sneezing and blowing one's nose. There were books on etiquette. Cats were the object of superstition, but there was an Ancient and Honorable Order of the Men Who Stroke Cats.

New burgesses were recruited locally, usually from within a 20 mile radius of town. Most of the freemen of the larger boroughs, like Canterbury and London, came from smaller boroughs. An incoming burgess was required to buy his right to trade either by way of a seven year apprenticeship or by payment of an entry fee. To qualify, he needed both a skill and social respectability.

Towns started acquiring from the king the right to vacant sites and other waste places, which previously was the lord's right. The perpetuity of towns was recognized by statutes of 1391, which compared town-held property to church-held property. The right of London to pass ordinances was confirmed by charter. Some towns had a town clerk, who was chief of full-time salaried officers. There was a guildhall to maintain, a weigh-house, prison, and other public buildings, municipal water supplies, wharves, cranes, quays, wash-houses, and public lavatories.

After the experience of the black death, some sanitary measures were taken. The notorious offenders in matters of public hygiene in the towns, such as the butchers, the fishmongers, and the leather tanners were assigned specific localities where their trades would do least harm. The smiths and potters were excluded from the more densely populated areas because they were fire risks. In the town of Salisbury, there was Butcher Row, Ox Row, Fish Row, Ironmongers' Row, Wheelwrights' Row, Smiths' Row, Pot Row, Silver Street, Cheese Market, and Wool Market.

For water, most communities depended on rivers that ran near by or on public wells that were dug to reach the water underground. Some towns had water public water supply systems. Fresh water was brought into the town from a spring or pond above the town by wood or lead pipes or open conduits. Sometimes tree trunks were hollowed out and tapered at the ends to fit into the funnel-shaped end of another. But they leaked a lot. In London, a conduit piped water underground to a lead tank, from which it was delivered to the public by means of pipes and brass taps in the stone framework. This was London's chief water supply. Water carriers carried water in wooden devices on their backs to houses.

The paving and proper drainage of the streets became a town concern. Building contracts began



specifying the provision of adequate cesspits for the privies at town houses, whether the latrines were built into the house or as an outhouse. Also, in the better houses, there grew a practice of carting human and animal fecal matter at night to dung heaps outside the city walls. There was one public latrine in each ward and about twelve dung carts for the whole city. Country manor houses had latrines on the ground floor and/or the basement level.

In London, the Goldsmiths, Merchant Taylors [Tailors], Skinners, and Girdlers bought royal charters, which recognized their power of self-government as a company and their power to enforce their standards, perhaps throughout the country. The Goldsmiths, the Mercers, and the Saddlers became in 1394 the first guilds to receive charters of incorporation, which gave them perpetual existence. As such they could hold land in "mortmain" [dead hand], thus depriving the king of rights that came to him on the death of a tenant-in-chief. They were authorized to bestow livery on their members and were called Livery Companies. The liverymen [freemen] of the trading companies elected London's representatives to Parliament.

In all towns, the organization of craft associations spread rapidly downwards through the trades. These associations sought self-government. Craft guilds were gaining much power relative to the old merchant guilds in governing the towns. The greater crafts such as the fishmongers, skinners, and the corders (made rope, canvas, and pitch) organized and ultimately were recognized by town authorities as self-governing craft guilds. The building trade guilds such as the tilers, carpenters, masons, and joiners, became important. Masons were still itinerant, going to sites of churches, public buildings, or commanded by the king to work on castles. The guild was not necessarily associated with a specific product. For instance, a saddle and bridle were the result of work of four crafts: joiner (woodworker), painter, saddler (leather), and lorimer (metal trappings).

In London in 1392 craft guilds included: baker, fishmonger (cut up and sold fish), fruiter, brewer, butcher, bird dealer, cook, apothecary (sold potions he had ground up), cutler (made knives and spoons), barber, tailor, shoemaker, glover (made gloves), skinner (sold furs), girdler (made girdles of cloth to wear around one's waist), pouchmaker, armorer, sheathmaker, weaver, fuller, painter, carpenter, joiner (woodworker who finished interior woodwork such as doors and made furniture), tiler, mason (cut stone for buildings), smith (made metal tools for stonemasons and builders), tallow chandler (made candles and sometimes soap from the fat and grease the housewife supplied), wax chandler (made candles), stirrup maker, spurrier (made spurs), and hosteler (innkeeper). However, the merchant guilds of the goldsmiths, vintners (sold wine), mercers (sold cloth), grocers, and drapers (finished and sold English cloth) were still strong. It was a long custom in London that freemen in one company could practice the trade of another company. There were paint mills and saw mills replacing human labor. There were apothecary shops and women surgeons. Women who earned their own living by spinning were called "spinsters".

Some prices in London were: a hen pastry 5d., a capon pastry 8d., a roast pheasant 13d., a roast heron 18d., roast goose 7d., a hen 4d., a capon 6d., three roast thrushes 2d., ten larks 3d., ten finches 1d, and ten cooked eggs 1d.

Many of the guilds bought sites on which they built a chapel, which was later used as a secular meeting place. The guild officers commonly included an alderman, stewards, a dean, and a clerk, who were elected. The guild officers sat as a guild court to determine discipline for offenses such as false weights or measures or false workmanship or work and decided trade disputes. The brethren in guild fraternity were classified as masters, journeymen, or apprentices. They were expected to contribute to the support of the sick and impoverished in their fellowship. Their code required social action such as ostracizing a man of the craft who was living in adultery until he mended his ways.

The rules of the Company of Glovers were:

1. -None but a freeman of the city shall make or sell gloves.
2. -No glover may be admitted to the freedom of the city unless with the assent of the wardens of the trade.
3. -No one shall entice away the servant of another.
4. -If a servant in the trade makes away with his master's chattels to the value of 12d., the wardens shall make good the loss; and if the servant refuses to be judged by the - - wardens, he shall be taken before the mayor and aldermen.
5. -No one may sell his goods by candlelight.
6. -Any false work found shall be taken before the mayor and aldermen by the wardens.

7. -All things touching the trade within the city between those who are not freemen shall be forfeited.

8. -Journeyman shall be paid their present rate of wages.

9. -Persons who entice away journeymen glovers to make gloves in their own houses shall be brought before the mayor and aldermen.

10. Any one of the trade who refuses to obey these regulations shall be brought before the mayor and aldermen.

Cordwainers [workers in soft cordovan leather from Spain, especially shoes] of good repute petitioned the city of London in 1375 for ordinances on their trade as follows:

"To the mayor and aldermen of the city of London pray the good folks of the trade of cordwainers of the same city, that it may please you to grant unto them the articles that follow, for the profit of the common people; that so, what is good and right may be done unto all manner of folks, for saving the honor of the city and lawfully governing the said trade.

In the first place - that if any one of the trade shall sell to any person shoes of bazen [sheepskin tanned in oak or larch-bark] as being cordwain, or of calf-leather for ox-leather, in deceit of the common people, and to the scandal of the trade, he shall pay to the Chamber of the Guildhall, the first time that he shall be convicted thereof, forty pence; the second time, 7s. half a mark; and the third time the same, and further, at the discretion of the mayor and aldermen.

Also - that no one of the trade shall keep house within the franchise if he be not free [invested with the rights or privileges] of the city and one knowing his trade, and that no one shall be admitted to the freedom without the presence of the wardens of the trade bearing witness to his standing, on the pain aforesaid.

Also - if any one of the trade shall be found offending touching the trade, or rebellious against the wardens thereof, such person shall not make complaint to any one of another trade, by reason of the discord or dissension that may have arisen between them; but he shall be ruled by the good folks of his own trade. And if he shall differ from them as acting against right, then let the offense be adjudged upon before the mayor and aldermen; and if he be found rebellious against the ordinance, let him pay to the Chamber the sum above mentioned.

Also - that no one of the trade shall entice or purloin the servant of another from the service of his master by paying him more than is ordained by the trade, on the pain aforesaid.

Also - that no one shall carry out of his house any wares connected with his trade for sale in market or elsewhere except only at a certain place situated between Soperesland and the Conduit; and that at a certain time of the day, that is to say, between prime [the first hour of the day] and noon. And that no shoes shall exceed the measure of seven inches, so that the wares may be surveyed by the good folks of the trade, because of the deceit upon the common people that might ensue and the scandal of the trade, on the pain aforesaid.

Also - that no one shall expose his wares openly for sale in market on Sundays at any place, but only within his own dwelling to serve the common people, on the pain aforesaid.

Also - that if any one sells old shoes, he shall not mix new shoes among the old in deceit of the common people and to the scandal of the trade, on the pain aforesaid."

Smithfield was a field outside the city gates at which horses were sold and raced. In 1372, the horse dealers and drovers petitioned for a tax on animals sold there to pay for cleaning the field. The city ordinance reads as follows: "On Wednesday next after the Feast of St. Margaret the Virgin came reputable men, the horse dealers and drovers, and delivered unto the mayor and aldermen a certain petition in these words: 'To the mayor, recorder, and aldermen show the dealers of Smithfield, that is to say, the coursers and drovers, that for the amendment of the said field they have granted and assented among them that for the term of three years next ensuing after the date of this petition for every horse sold in the said field there shall be paid one penny, for every ox and cow one halfpenny, for every eight sheep one penny, and for every swine one penny by the seller and the same by the purchaser who buys the same for resale.' Afterwards, on the eleventh day of August in the same year, Adam Fernham, keeper of the gaol at Newgate, Hugh, Averelle, bailiff of Smithfield, and William Godhewe, weaver, were chosen and sworn faithfully to collect and receive the said pennies in form aforesaid and to clean the field of Smithfield from time to time during such term of three years when necessary."

Many London houses were being made from stone and timber and even brick and timber, instead of just timber and mud. However, chimneys were still a luxury of the rich. They were made of stone, tile,

or plaster. There were windows of glass and a guild of glaziers was chartered by the King. A typical merchant's house had a cellar; a ground floor with a shop and storage space; a first floor with a parlor to receive guests, a spacious hall for dining, and perhaps a kitchen; and at the top, a large family bedroom and a servant's room. Stairwells between floors had narrow and winding steps. Many single-roomed houses added a second-floor room for sleeping, which was approached by a wooden or stone staircase from the outside. Their goods were displayed on a booth outside the door of the house or hung in the windows. They were stored at night in the cellar. Over the booths swung huge signs, which had to be nine feet above street level to allow a man on horseback to ride underneath. There were no sidewalks. Street repair work for wages was supervised by a stone master. The streets sloped down from the middle so that the filth of the streets would run down the sides of the road. There were many wood chips in the streets due to cutting up of firewood before taking it indoors. People often threw the rubbish from their houses onto the street although they were supposed to cart it outside the city walls and to clean the frontage of their houses once a week. Dustmen scavenged through the rubbish on the streets. Pigs and geese were no longer allowed to run at large in the streets, but had to be fed at home. There were other city rules on building, public order, the use of fountains, precautions against fire, trading rights in various districts, closing time of taverns, and when refuse could be thrown into the streets, e.g. nighttime.

Aldermen were constantly making rounds to test measures and weights, wine cups, the height of tavern signs, and the mesh of the fishing nets, which had to be at least two inches wide. They saw that the taverns were shut when curfew was rung and arrested anyone on the street after curfew who had a weapon, for no one with a sword was allowed on the streets unless he was some great lord or other substantial person of good reputation. Wards provided citizens to guard the gates in their respective neighborhood and keep its key.

The city was so dense that nuisance was a common action brought in court, for instance, vegetable vendors near a church obstructing passageway on the street or plumbers melting their solder with a lower than usual shaft of the furnace so smoke was inhaled by people nearby.

Crime in London was rare. Murder, burglary, highway robbery, and gross theft were punishable by hanging. Forgery and fraud, were punishable by the placement in the pillory or stocks or by imprisonment. Perjury was punished by confession from a high stool for the first offense, and the pillory for the second. Slander and telling lies were punished by the pillory and wearing a whetstone around one's neck. There was an ordinance passed against prostitutes in 1351. London as well as other port towns had not only prostitutes, but syphilis.

Prominent Londoners sought to elevate their social position by having their family marry into rural landholding families of position. For poor boys with talent, the main routes for advancement were the church, the law, and positions in great households.

Many master freemasons, who carved freestone or finely grained sandstone and limestone artistically with mallet and chisel, left the country for better wages after their wages were fixed by statute. The curvilinear gothic style of architecture was replaced by the perpendicular style, which was simpler and cheaper to build. Church steeples now had clocks on them with dials and hands to supplement the church bell ringing on the hour. Alabaster was often used for sepulchral monuments instead of metal or stone. With it, closer portraiture could be achieved.

In the 1300s and 1400s the London population suffered from tuberculosis, typhus, influenza, leprosy, dysentery, smallpox, diphtheria, measles, heart disease, fevers, coughs, cramps, catarrhs and cataracts, scabs, boils, tumors, and "burning agues". There were also many deaths by fires, burning by candles near straw beds when drunk, falling downstairs when drunk, and drowning in the river or wells. Children were often crushed by carts, trampled by horses, or mauled by pigs.

Towns recognized surgery as a livelihood subject to admission and oath to serve the social good. Master surgeons were admitted to practice in 1369 in London in full husting before the mayor and the aldermen and swore to: [1] faithfully serve the people in undertaking their cures, [2] take reasonably from them, [3] faithfully follow their calling, [4] present to the said mayor and aldermen the defaults of others undertaking, so often as should be necessary, [5] to be ready, at all times when they should be warned, to attend the maimed or wounded and others, [6] to give truthful information to the officers of the city as to such maimed, wounded, or others whether they be in peril of death or not, and [7] to faithfully do all other things touching their calling.

Some young girls of good families were boarded at nunneries to be taught there. Some upper class widows retired there. Only women were allowed to be present at a birth, at which they spread the knowledge of midwifery. As usual, many women died giving birth. Various ways to prevent pregnancy were tried. It was believed that a baby grew from a seed of the father planted in the woman's body.

Infant mortality was especially high in boroughs and burgh family lines usually died out. A three-generation family span was exceptional in the towns, despite family wealth.

After the plague, gentlemen no longer had their children learn to speak Norman. The grammar schools taught in English instead of Norman as of 1362. Bishops began to preach in English. English became the official language of Parliament, in 1363, and in the courts, replacing Norman and Latin.

The requirements of elementary and higher studies were adjusted in 1393 and began the public school system. William of Wykeham's school, St. Mary College of Winchester in Oxford was the prototype. The curriculum was civil law, canon law, medicine, with astronomical instruments that students made, theology, and the arts. The arts textbooks were still grammar, logic, Donatus, and Aristotle. Many laymen were literate, for instance country gentry, merchants, and craftsmen. Laymen instead of clerics were now appointed to the great offices of state.

A will in 1389 in which a wealthy citizen arranges for one son to become an attorney and the other a merchant:

"Will of William de Tonge, citizen of London: One hundred marks each to my two sons. And I will that my said two sons shall live upon the profits of the money bequeathed to them above until the age of twenty years. And if my said two sons be well learned in grammar and adorned with good manners, which shall be known at the end of twenty years, and the elder son wish to practice common law, and if it is known that he would spend his time well in that faculty, I will that over and above the profit of the said one hundred marks he shall have yearly from my rents for the term of seven years five marks. And if he should waste his time aforesaid, or if he should marry foolishly and unsuitably, I will that he receive nothing more of the said five marks.

And if younger son wishes to attend the University of Oxford or to establish himself well in the mystery of a merchant after the age of twenty years, and [if] there be knowledge of his praiseworthy progress in his faculty or his carefulness in trading ... I will that he shall receive five marks yearly in the manner described above for his maintenance, over and above the profit of the said one hundred marks to him bequeathed, for the space of seven years; and if he behave himself otherwise, I will that thereupon he be excluded from the said five marks. And in case the said bequest of 200 marks to him and his brother shall be annulled so that he shall have nothing therefrom ... then the said 200 marks shall be spent upon all the yearly chaplains who can be had to celebrate divine service in the church of All Hallows for my soul."

Most great lords were literate. Many stories described good men, who set an example to be followed, and bad men, whose habits were to be avoided. Stories were written about pilgrimage vacations of ordinary people to religious sites in England. Will Langland's poem "The Vision of William Concerning Piers Plowman" portrays a pilgrimage of common people to the shrine of Truth led by a virtuous laborer. Mystics wrote practical advice with transcendental teaching, for instance "Scale of Perfection" attributed to Walter Hilton and "Cloud of Unknowing". Richard Rolle wrote about spiritual matters, probably the "Prick of Conscience". Richard de Bury wrote "Philobiblon" about book lovers. Jean Froissart wrote the "Chronicles" on knights. Courtly ideals were expressed in "Sir Gawaine and the Grene Knyght", wherein the adventures of the hero, an Arthur knight, are allegorical in the struggle against the world, the flesh, and the devil (1370). "Pearl" eulogized all that is pure and innocent on the event of the death of a two year old child. Marco Polo's book of discoveries on his journey to China was known.

Geoffrey Chaucer was a squire and diplomat of the king. His "Tales of the Canterbury Pilgrims" portrayed characters of every social class, including the knight with his squire, abbot, prioress, nun, priest, monk, friar, poor parson of the country, summoner (who enforced the jurisdiction and levied the dues of the church courts), pardoner (sold pardons from the pope), scholar, attorney, doctor, merchant, sailor, franklin, yeoman, haberdasher, tapestry-maker, ploughman, cook, weaver, dyer, upholsterer, miller, reeve, carpenter. There were Chaucer stories about a beautiful and virtuous wife disliked by her mother-in-law, the difficulty of marriage between people of different religions, the hatred of a poor person by his brother and his neighbor, rich merchants who visited other kingdoms, the importance of a man himself following the rules he sets for other people's behavior, the spite of a man for a woman who rejected him, the relative lack of enthusiasm of a wife for sex as compared to her husband, a mother giving up her own comfort for that of her child, the revenge killing of a murderer by the dead man's friends, the joy of seeing a loved one after years of separation, that life is more sad than happy, that lost money can be retrieved, but time lost is lost forever.

Other stories in the Canterbury Tales were about two men who did not remain friends after they fell in love with the same woman, about a child who preferred to learn from an older child than from his schoolteacher, about a wife who convinced her husband not to avenge her beating for the sake of peace, about a man who woke up from bad dreams full of fear, about a man wanting to marry a

beautiful woman but later realizing a plain wife would not be pursued by other men, about a man who drank so much wine that he lost his mental and physical powers, about a woman who married for money instead of love, about a man who said something in frustration which he didn't mean, about a person brought up in poverty who endured adversity better than one brought up in wealth, about a wife who was loving and wise, about a good marriage being more valuable than money, about a virgin who committed suicide rather than be raped, about a wife persuaded to adultery by a man who said he would otherwise kill himself, about three men who found a pile of gold and murdered each other to take it all, about an angry man who wanted to kill, about a malicious man who had joy in seeing other men in trouble and misfortune, about a man whose face turned red in shame, about a wife expecting to have half of what her husband owned.

Political songs and poems were written about the evil times of King Edward II, the military triumphs of King Edward III, and the complaints of the poor against their oppressors, such as "Song of the Husbandman". John Gower wrote moralizing poems on the villein's revolt, the sins of the clergy and attorneys, and the bad rule of King Richard II, who in 1377 succeeded Edward III. Robin Hood ballads were popular. The minstrel, who was a honorable person, replaced the troubadour of older times.

There were many colleges at Oxford and Cambridge due to the prohibition of gifts to the church. Laymen instead of ecclesiastics were appointed as Chancellor. The Masters at Oxford got rid of ecclesiastical supervision by a bishop and archdeacon by 1368. One could be admitted as a student at age thirteen. The rate of maintenance for a student was 10d. weekly.

A Bachelor of Arts degree was granted after four years of study and an oral exam. Required reading in 1340 for the Bachelor's Degree was the new logic of Aristotle ("Prior and Posterior Analytics" e.g. on syllogistic logic and deduction, the "Topics", or the "Sophistical Refutations", e.g. logical fallacies such as from 'All A are B' to 'All B are A'), and a selection from these Aristotle works on physics: "Of Heaven and Earth", "On the Soul", "Of meteors", "Of Birth and Decay", or "Of Feeling and What is Felt" with "Of Memory and Recollection" and "Of Sleep and Waking", or "Of the Movement of Animals" with "Of Minor Points in Natural History".

A Master of Arts degree could be awarded after three more years of study and teaching. A Doctorate degrees in theology required ten more years of study. A Doctorate in civil or canon law required eight more years. A man with a degree in canon law who wanted to practice in a certain bishop's court had to first satisfy this bishop of his competence.

Another source of legal learning was in London, where the guilds gave rise to the Inns of Court. They used the Register of Writs, the case law of the Year Books, and disputation to teach their students.

For a doctorate in medicine from Oxford or Cambridge, five more years plus two years of practice were required. Surgery was not taught because it was considered manual labor, and there was some feeling that it was a sacrilege and dishonorable. Urinalysis and pulse beat were used for diagnosis. Epilepsy and apoplexy were understood as spasms inside the head. It was known what substances served as laxatives and diuretics. Teeth were extracted, eye cataracts were removed with a silver needle, and skin from the arm was grafted onto a mutilated face.

Englishmen who had collected books on philosophy, medicine, astronomy, and history and literature books from the continent gave their collections to the universities, which started their libraries. Paper supplemented parchment, so there were more books.

England was still an agricultural rather than a manufacturing country. Imported were cloth, silks, linen, velvets, furs, glass, wines, candles, millstones, amber, iron, and mercury. Exported were wool, leather, lead, tin, and alabaster for sculpturing. Merchant adventurers came to manufacture cloth good enough for export and began to buy up raw wool in such quantity that its export declined. They took their cloth abroad to sell, personally or by agents.

An Oxford theologian and preacher, John Wyclif, voiced the popular resentment of the materialism of the church, benefit of clergy, immorality of priests, and the selling of indulgences and pardons. Encouraged by the king, he argued against the supremacy of the papal law over the King's courts and against payments to the papacy. He opined that the church had no power to excommunicate. The friars had become mere beggars and the church was still wealthy. He proposed that all goods should be held in common by the righteous and that the church should hold no property but be entirely spiritual. He believed that people should rely on their individual consciences. He thought that the Bible should be available to people who could read English so that the people could have a direct access to God without priests or the pope. Towards this end, he translated it from Latin into English in 1384. His preachers spread his views throughout the country. The church then possessed about one-third of the land of the nation.

Parliament met about twice a year and lasted from two weeks to several months. There was a well-defined group of about fifty barons and a few spiritual peers who were always summoned to Parliament and who composed a House of Lords. "Peer" now meant a member of the House of Lords. All peers had the right to approach the king with advice. The baron peers reasoned that the custom of regular attendance was a right that should be inherited by the eldest son, or by a female heir, if there were no male heirs. However, the theory of nobility by blood as conveying political privilege had no legal recognition. No female could attend Parliament; the husband of a baroness attended Parliament in her stead. Edward III and Richard II created new peers with various titles of dignity, such as duke and marquess, which were above barons and earls. The dukes and marquesses were identified with a territorial designation such as an English county or county town. Whenever a Parliament was assembled the commons were present. The commons was composed of representatives from 100 boroughs and 37 counties. Each new Parliament required an election of representatives. The members of the commons were generally the most prominent and powerful economic and political figures of the county and were repeatedly reelected. The electors were usually influenced by the sheriff or a powerful lord who suggested suitable men. The wealthy merchants typically represented the boroughs and paid much of the taxes. Under Edward III, the commons took a leading part in the granting of taxes and the presentation of petitions and became a permanent and distinct body, the House of Commons, with a spokesman or "speaker", chosen by the Crown, and a clerk. The speaker came to be an intermediary between the Commons and the king and between the Commons and the Lords. A clerk of Parliament registered its acts and sat with the Lords. A clerk of the Crown superintended the issue of writs and the receipt of the returns and attested the signature of the king on statutes. It became a regular practice for the Chancellor to open Parliament with an opportunity to present petitions after his opening speech. The king then referred them to certain peers and justices, who decided to which court, or Parliament, they should be sent. During the 1300s, the number of barons going to Parliament gradually decreased.

At the 1376 Parliament, ("the Good Parliament") the Commons, which formerly had only consented to taxes, took political action by complaining that the King's councilors had grown rich by war profiteering at the cost of impoverishing the nation and the people were too poor to endure any more taxation for the war and held a hearing on financial malfeasance and dishonesty of two ministers. The chamberlain had extorted enormous sums, had intercepted fines meant for the king's treasury, and had sold a castle to the enemy. The steward had bought debts of the king's. The House of Lords, the High Court of Parliament, found the charges proved and dismissed them permanently from office. This established the constitutional means for impeachment and prosecution by the Commons and removal by the House of Lords of ministers. By this process, there could be no royal intimidation, as there could be in the ordinary courts. The Commons demanded that its members be elected by county citizens rather than appointed by the sheriff.

The roles of Parliament and the King's council are starting to differentiate into legislative and executive, respectively. The legislative function is lawmaking, and the executive is regulation-making that refines and effectuates the laws of Parliament. But the legislative, executive, and judicial authorities have not as yet become so completely separated that they cannot on occasion work together.

Sheriffs dealt directly with the king instead of through an earl.

From 1150 to 1400, resistance was an ordinary remedy for political disagreements. If a popular leader raised his standard in a popular cause, an irregular army could be assembled in a day. (There was no regular army, since England was protected by the sea from invasion.) So misgovernment by a king would be quickly restrained. Society recovered quickly from conflict and civil war because the national wealth consisted chiefly in flocks and herds and in the simple buildings inhabited by the people. In a week after armed resistance, the agricultural worker was driving his team. There was little furniture, stock of shops, manufactured goods, or machinery that could be destroyed.

To support a war with France, the staple was reinstated by statute of 1353 after an experiment without it in which profits of a staple went to staples outside the nation. Wool exports were inspected for quality and taxed through his officials only at the designated staple ports. These officials included collectors, controllers, searchers [inspectors], surveyors, clerks, weighers, and crane-keepers. Wool, woollens, leather, and lead sold for export had to go through the staple town. The penalty was forfeiture of lands, tenements, goods, and chattel. The mayor and constables of the staple were elected annually by the native and foreign merchants of the place. The mayor gave validity to contracts for a set fee, by seal of his office. He and the constables had jurisdiction over all persons and things touching the staple, which was regulated by the Law Merchant in all matters of contract, covenant, debt, and felonies against foreign merchants. A hue and cry was required to be raised and followed for anyone taking a cart of merchandise or slaying a merchant, denizen [resident alien] or alien, or the town would answer for the robbery and damage done. In 1363, Calais, a continental town held by the English, became the staple town for lead, tin, cloth, and wool and was placed under a group of London

capitalists: the Merchants of the Staple. All exports of these had to pass through Calais, where customs tax was collected. The staple statute remained basically unchanged for the next 200 years.

Guns and cannon were common by 1372. In the 1300s and 1400s, the king relied on mercenaries hired directly or by contract with his great nobles for foreign wars. The King reimbursed the contractors with the profits of war, such as the ransoms paid by the families of rich prisoners. The fighting men supplemented their pay by plunder. Featherbeds and blooded horses were favorite spoils of war brought back to England from the continent. As new techniques with footmen came into being, the footmen became the core of the army and the knightly abilities of the feudal tenants-in-chief became less valuable.

Many lords got men to fight with them by livery and maintenance employment agreements such as this one of 1374: "Bordeaux, February 15. This indenture, made between our lord King John [of Gaunt, of Castile, etc.] of the one part and Symkyn Molyneux, esquire, of the other part, witnesses that the said Symkyn is retained and will remain with our said lord for peace and for war for the term of his life, as follows: that is to say, the said Symkyn shall be bound to serve our said lord as well in time of peace as of war in whatsoever parts it shall please our said lord, well and fitly arrayed. And he shall be boarded as well in time of peace as of war. And he shall take for his fees by the year, as well in time of peace as of war, ten marks sterling from the issues of the Duchy of Lancaster by the hands of the receiver there who now is or shall be in time to come, at the terms of Easter and Michaelmas by even portions yearly for the whole of his life. And, moreover, our lord has granted to him by the year in time of war five marks sterling by the hands of the treasurer of war for the time being. And his year of war shall begin the day when he shall move from his inn towards our said lord by letters which shall be sent to him thereof, and thenceforward he shall take wages coming and returning by reasonable daily [payments] and he shall have fitting freightage for him, his men, horses, and other harness within reason, and in respect of his war horses taken and lost in the service of our said lord, and also in respect to prisoners and other profits of war taken or gained by him or any of his men, the said our lord will do to him as to other squires of his rank."

Forecastles and stern castles on ships were lower and broader. Underneath them were cabins. The English ship was still single masted with a single square sail. A fleet was formed with over 200 ships selected by the English admirals acting for the king at the ports. Men were seized and pressed into service and criminals were pardoned from crimes to become sailors in the fleet, which was led by the King's ship. They used the superior longbow against the French sailor's crossbow. In 1372, the Tower of London had four mounted fortress cannon and the port of Dover had six.

The war's disruption of shipping caused trade to decline. But the better policing of the narrow seas made piracy almost disappear.

English merchants may carry their merchandise in foreign ships if there are no English ships available.

Anyone may ship or carry grain out of the nation, except to enemies, after paying duties. But the council may restrain this passage when necessary for the good of the nation. Any merchant, privy or stranger, who was robbed of goods on the sea or lost his ship by tempest or other misfortune on the sea banks, his goods coming to shore could not be declared Wreck, but were to be delivered to the merchant after he proves ownership in court by his marks on the goods or by good and lawful merchants.

All stakes and obstacles set up in rivers impeding the passage of boats shall be removed.

Waterpower was replacing foot power in driving the mills where cloth was cleaned and fulled.

A boundary dispute between two barons resulted in the first true survey map. Nine cow pastures were divided by a boundary marked by a shield on a pole which the commission of true and sworn men had set up.

King Richard II, an irresponsible sovereign, asserted an absolute supremacy of the king over Parliament and declared certain statutes which he claimed to have been forced on him to be revoked. He interfered with county elections of knights to Parliament by directing sheriffs to return certain named persons. He wanted to dispense altogether with Parliament and instead have a committee of representatives. He claimed that the goods of his subjects were his own and illegally taxed the counties. There were many disputes as to who should be his ministers. High treason was extended to include making a riot and rumor, compassing or purposing to depose the King, revoking one's homage or liege to the King, or attempting to repeal a statute. When Henry Bolingbroke reported to Parliament

that another lord had cast doubt on the king's trustworthiness, a duel between them was arranged. But Richard, probably fearing the gain of power of the lord who won, instead exiled the two lords. He took possession of the Lancaster estates to which Bolingbroke was heir and forbade this inheritance. This made all propertied men anxious and they united behind Bolingbroke in taking up arms against Richard. Richard was not a warrior king and offered to resign the crown. The "Merciless Parliament" of 1388 swept out Richard's friends. Parliament deposed and imprisoned Richard. It revoked the extensions to the definition of high treason. It elected Bolingbroke, who claimed to be a descendant of Henry III, to be King Henry IV. This action established clearly that royal decrees were subordinate to parliamentary statutes, that Parliament was the ultimate legal arbiter of the realm, and that the consent of Parliament was necessary in determining kingship. The House of Commons became very powerful. It was responsible for the major part of legislation. Its members began to assert the privilege of free speech. That is, they wanted to discuss other matters than what was on the king's agenda and they opposed punishment for what they said unless it was treasonable. Henry IV agreed to their request not to consider reports of proceedings unless they came to him through official channels.

## The Law

High treason was defined by statute in 1352 as levying war against the King, aiding the King's enemies, compassing or imagining the death of the King, Queen, or their eldest son and heir, or violating the Queen or the eldest unmarried daughter or the wife of the King's eldest son and heir; making or knowingly using counterfeits of the King's great or privy seal or coinage; or slaying the Chancellor, Treasurer, or any justice in the exercise of their duty. The penalty was forfeit of life and lands.

Petty treason was defined by statute and included a servant slaying his master, a wife her husband, or a man his lord, to whom was owed faith and obedience.

No one shall tell false news or lies about prelates, dukes, earls, barons, and other nobles and great men or the Chancellor, Treasurer, a Justice, Clerk of the Privy Seal, Steward of the King's house whereby debates and discords might arise between these lords or between the lords and the commons. Cases shall be tried by the King's Council, which included the Chancellor, Treasurer, and chief justices.

Preachers drawing crowds by ingenious sermons and inciting them to riot shall be arrested by sheriffs and tried by the ecclesiastical court.

Any stranger passing at night of whom any have suspicion shall be arrested and taken to the Sheriff.

No man shall ride with a spear, upon pain of forfeiting it.

No servant of agriculture or laborer shall carry any sword or dagger, or else forfeit it, except in time of war in defense of the nation. He may carry bow and arrow [for practice] on Sundays and holy days, when he should not play games such as tennis, football, or dice.

No one may enter another's land and tenements by strong hand nor with a mob, upon pain of imprisonment and ransom at the King's will.

Charters, releases, obligations, quitclaim deeds and other deeds burnt or destroyed in uprisings shall be reissued without fee, after trial by the king and his council. Manumissions, obligations, releases and other bonds and feoffments in land made by force, coercion or duress during mob uprisings are void.

Men who rape and women consenting after a rape shall lose their inheritance and dower and joint feoffments. The husbands, or father or next of kin of such women may sue the rapist by inquisition, but not by trial by combat. The penalty is loss of life and member.

The Statute of Laborers of 1351 required all workers, from tailors to ploughmen, to work only at pre-plague wage rates and forced the vagrant peasant to work for anyone who claimed him or her. It also encouraged longer terms of employment as in the past rather than for a day at a time. Statutory price controls on food limited profits to reasonable ones according to the distance of the supply. Later, wages were determined in each county by Justices of the Peace according to the dearth of victuals while allowing a victualer a reasonable profit and a penalty was specified as paying the value of the excess wages given or received for the first offense, double this for the second offense, and treble this or forty days imprisonment for the third offense.

A fugitive laborer will be outlawed, and when found, shall be burnt in the forehead with the letter "F" for falsity.



Children who labored at the plough and cart or other agriculture shall continue in that labor and may not go into a craft.

A statute of 1363 designed to stop hoarding various types of merchandise until a type became scarce so to sell it at high prices, required merchants to deal in only one type of merchandise. It also required craftsmen to work in only one craft as before (except women who traditionally did several types of handiwork). This was repealed a year later.

Where scarcity has made the price of poultry high, it shall be lowered to 8d. for a young capon, 7d. for an old capon or a goose, 9d. for a hen, and 10d. for a pullet.

The fares for passage on boats on fresh waters and from Dover to the continent shall remain at their old rate.

Any merchant selling at a fair after it has ended will forfeit to the king twice the value of that sold.

Anyone finding and proving cloth contrary to the assize of cloth shall have one-third of it for his labor.

No shoemaker nor cordwainer shall tan their leather and no tanner shall make shoes, in order that tanning not be false or poorly done.

All denizen [foreigner permitted to reside in the realm with certain rights and privileges] and alien merchants may buy and sell goods and merchandise, in gross, in any part of the country, despite town charters or franchises, to anyone except an enemy of the King. They may also sell small wares: victuals, fur, silk, coverchiefs [an item of woman's apparel], silver wire, and gold wire in retail, but not cloth or wine. They must sell their goods within three months of arrival. Any alien bringing goods to the nation to sell must buy goods of the nation to the value of at least one-half that of his merchandise sold. These merchants must engage in no collusion to lower the price of merchandise bought, take merchandise bought to the staple, and promise to hold no staple beyond the sea for the same merchandise. An amendment disallowed denizens from taking wools, leather, woolfells, or lead for export, but only strangers.

Towns failing to bring disturbers of this right to justice shall forfeit their franchise to the king and pay double damages to the merchant. The disturber shall be imprisoned for a year.

Cloth may not be tacked nor folded for sale to merchants unless they are opened to the buyers for inspection, for instance for concealed inferior wool. Workers, weavers, and fullers shall put their seals to every cloth. Anyone may bring his own wools, woolfells, leather, and lead to the staple to sell without being compelled to sell them in the country. Special streets or warehouses were appointed with warehouse rent fixed by the mayor and constables with four of the principal inhabitants. Customs duties were regulated and machinery provided for their collection. No one may forestall or regrate, that is, buy at one price and sell at a higher price in the same locale. Forestallers were those who bought raw material on its way to market. Regrators were those who tried to create a "corner" in the article in the market itself.

Imported cloth shall be inspected by the King's officials for non-standard measurements or defects [despite town franchises].

No one shall leave the nation except at designated ports, on pain of one year's imprisonment.

Social distinctions by attire were mandated by statute of 1363. A servant, his wife, son, or daughter, shall only wear cloth worth no more than 27s. and shall not have more than one dish of meat or fish a day. Carters, ploughmen, drivers of the plough, oxherds, cowherds, shepherds, and all other people owning less than 40s. of goods and chattels shall only wear blanket and russet worth no more than 12d. and girdles of linen according to their estate. Craftsmen and free peasants shall only wear cloth worth no more than 40s. Esquires and gentlemen below the rank of knight with no land nor rent over 2,000s. a year shall only wear cloth worth no more than 60s., no gold, silver, stone, fur, or the color purple. Esquires with land up to 2,667s. per year may wear 67s. cloth, cloth of silk and silver, miniver [grey squirrel] fur and stones, except stones on the head. Merchants, citizens, burgesses, artificers, and people of handicraft having goods and chattels worth 10,000s. shall wear cloth the same value as that worn by esquires and gentlemen with land or rent within 2,000s. per year. The same merchants and burgesses with goods and chattels worth 13,333s. and esquires and gentlemen with land or rent within 400s. per year may not wear gold cloth, miniver fur, ermine [white] fur, or embroidered stones. A knight with land or rents within 2,667s. yearly are limited to cloth of 80s., but his wife may wear a stone on her head. Knights and ladies with land or rents within 8,000s. to 20,000s. yearly may not wear

fur of ermine or of letuse, but may wear gold, and such ladies may wear pearls as well as stones on their heads. The penalty is forfeiture of such apparel. This statute is necessary because of "outrageous and excessive apparel of diverse persons against their estate and degree, to the great destruction and impoverishment of all the land".

If anyone finds a hawk [used to hunt birds, ducks, and pheasant] that a lord has lost, he must take it to the sheriff for keeping for the lord to claim. If there is no claim after four months, the finder may have it only if he is a gentleman. If one steals a hawk from a lord or conceals from him the fact that it has been found, he shall pay the price of the hawk and be imprisoned for two years.

No laborer or any other man who does not have lands and tenements of the value of 40s. per year shall keep a greyhound or other hound or dog to hunt, nor shall they use nets or cords or other devices to take deer, hare, rabbits, nor other gentlemen's game, upon pain of one year imprisonment. (The rabbit had been introduced by the Normans.) This 1390 law was primarily intended to stop the meetings of laborers and artificers.

No man shall eat more than two courses of meat or fish in his house or elsewhere, except at festivals, when three are allowed [because great men ate costly meats to excess and the lesser people were thereby impoverished].

No one may export silver, whether bullion or coinage, or wine except foreign merchants may carry back the portion of their money not used to buy English commodities. The penalty for bringing false or counterfeit money into the nation is loss of life and member. An assigned searcher [inspector] for coinage of the nation on the sea passing out of the nation or bad money in the nation shall have one third of it. No foreign money may be used in the nation.

Each goldsmith shall have an identifying mark, which shall be placed on his vessel or work only after inspection by the King's surveyor.

No one shall give anything to a beggar who is capable of working.

Vagrants begging in London were banned by this 1359 ordinance: "Forasmuch as many men and women, and others, of divers counties, who might work, to the help of the common people, have betaken themselves from out of their own country to the city of London and do go about begging there so as to have their own ease and repose, not wishing to labor or work for their sustenance, to the great damage of the common people; and also do waste divers alms which would otherwise be given to many poor folks, such as lepers, blind, halt, and persons oppressed with old age and divers other maladies, to the destruction of the support of the same - we do command on behalf of our lord the King, whom may God preserve and bless, that all those who go about begging in the said city and who are able to labor and work for the profit of the common people shall quit the said city between now and Monday next ensuing. And if any such shall be found begging after the day aforesaid, the same shall be taken and put in the stocks on Cornhill for half a day the first time, and the second time he shall remain in the stocks one whole day, and the third time he shall be taken and shall remain in prison for forty days and shall then forswear the said city forever. And every constable and the beadle of every ward of the said city shall be empowered to arrest such manner of folks and to put them in the stocks in manner aforesaid."

The hundred year cry to "let the king live on his own" found fruition in a 1352 statute requiring consent of the Parliament before any commission of array for militia could be taken and a 1362 statute requiring purchases of goods and means of conveyance for the king and his household to be made only by agreement with the seller and with payment to him before the king traveled on, instead of at the low prices determined unilaterally by the king's purveyor.

Every man who has wood within the forest may take houseboot [right to take wood for repair of one's house] and heyboot [right to take material for the maintenance of hedges and fences, and the making of farming utensils] in his wood without being arrested so long as it take such within the view of the foresters.

No fecal matter, dung, garbage, or entrails of animals killed shall be put into ditches or rivers or other waters, so that maladies and diseases will not be caused by corrupted and infected air. The penalty is 400s. to the king after trial by the Chancellor.

Gifts or alienation of land to guilds, fraternities, or towns are forbidden. Instead, it escheats to its lord, or in his default, to the King.

No man will be charged to go out of his county to do military service except in case of an enemy invasion of the nation. Men who chose to go into the king's service outside the nation shall be paid wages by the king until their return.

Admiralty law came into being when ancient naval manners and customs were written down as the "Black Book of the Admiralty". This included the organization of the fleet under the Admiral, sea-maneuver rules such as not laying anchor until the Admiral's ship had, engagement rules, and the distribution of captured goods: one-fourth to the vessel owner, one-fourth to the king if the seamen were paid by the king's wages, and the rest divided among the crew and Admiral. Stealing a boat or an anchor holding a boat was punishable by hanging. Stealing an oar or an anchor was punishable by forty days imprisonment for the first offense, six months imprisonment for the second, and hanging for the third. Desertion was punishable by loss of double the amount of wages earned and imprisonment for one year. Cases were tried by jury in the Admiral's court.

Wines, vinegar, oil and honey imported shall be gauged by the King's appointees.

### Judicial Procedure

The office of Justice of the Peace was developed and filled by knights, esquires and gentlemen who were closely associated with the magnates. There was no salary nor any requirement of knowledge of the law. They were to pursue, restrain, arrest, imprison, try, and duly punish felons, trespassers, and rioters according to the law. They were expected to arrest vagrants who would not work and imprison them until sureties for good behavior was found for them. They also were empowered to inspect weights and measures.

The writ of trespass developed into three kinds according to the type of injury: to person, land, or chattels. Trespass included forcible offenses of assault and battery, false imprisonment, breaking of a fence enclosing private property, and taking away goods and chattels. The action of trespass was replacing private suits for murder and for personal injury.

Pardons may be given only for slaying another in one's own defense or by misfortune [accident], and not for slaying by lying in wait, assault, or malice aforethought.

Justices of Assize, sheriffs, and Justices of the Peace and mayors shall have power to inquire of all vagabonds and compel them to find surety of their good bearing or be imprisoned.

A reversioner shall be received in court to defend his right when a tenant for a term of life, tenant in dower, or by curtesy of the nation, or in [Fee] Tail after Possibility of Issue extinct are sued in court for the land, so as to prevent collusion by the demandants.

A person in debt may not avoid his creditors by giving his tenements or chattels to his friends in collusion to have the profits at his will.

Where there was a garnishment given touching a plea of land, a writ of deceit is also maintainable.

Actions of debt will be heard only in the county where the contract was made. The action of debt includes enforcement of contracts executed or under seal, e.g. rent due on a lease, hire of an archer, contract of sale or repair of an item. Thus there is a growing connection between the actions of debt and contract.

Executors have an action for trespass to their testators' goods and chattels in like manner as did the testator when alive.

If a man dies intestate, his goods shall be administered by his next and most lawful friends appointed. Such administrators shall have the same powers and duties as executors and be accountable as are executors to the ecclesiastical court.

Children born to English parents in parts beyond the sea may inherit from their ancestors in the same manner as those born in the nation.

A person grieved by a false oath in a town court proceeding may appeal to the King's Bench or Common Pleas, regardless of any town franchise.

It was exceptional for the King to sit on the Court of the King's Bench, which worked independently of the King and became confined to the established common law.

The Court of Common Pleas had three types of jurisdiction: 1) common law jurisdiction between person and person, including actions regarding land, which was exclusive, 2) personal actions of debt, detinue, account and covenant, and 3) mixed actions, both personal and regarding land, e.g. ejectment. It had shared jurisdiction with the Court of the King's Bench in maintenance, conspiracy, other

breaches of statute, trespass, trespass on the case, and their derivatives. Most of its business had to do with recovery of debt, from 40s. to thousands of pounds. The King's Bench and Common Pleas courts vied with each other for cases in order to get more profits of justice.

Grand juries were summoned by the sheriff to decide whether, on the evidence of the prosecution, there was a case to go to trial. The petty or trial jury heard all parties to a lawsuit and determined the facts. In 1351 a statute required that no member of a grand jury could sit on a petty jury if so challenged by the accused.

Decisions of the common law courts are appealable to the House of Lords. The king's council members who are not peers, in particular the justices and the Masters of the Chancery, are summoned by the House of Lords only as mere assistants. Parliament may change the common law by statute. The right of a peer to be tried for capital crimes by a court composed of his peers was established. There was a widespread belief that all the peers are by right the king's councilors.

No attorney may practice law and also be a Justice of Assize. No justice may take any gift except from the king nor give counsel to any litigant before him.

In 1390, there was a statute against maintainers, instigators, barretors, procurers, and embracers of quarrels and inquests because of great and outrageous oppressions of parties in court. Because this encouraged maintenance by the retinue of lords with fees, robes, and other liveries, such maintainers were to be put out of their lords' service, and could not be retained by another lord. No one was to give livery to anyone else, except household members and those retained for life for peace or for war. Justices of the Peace were authorized to inquire about yeomen, or other of lower estate than squire, bearing livery of any lord.

Whereas it is contained in the Magna Carta that none shall be imprisoned nor put out of his freehold, nor of his franchises nor free custom, unless it be by the law of the land; it is established that from henceforth none shall be taken by petition or suggestion made to the king unless by indictment of good and lawful people of the same neighborhood where such deeds be done, in due manner, or by process made by writ original at the common law; nor that none be out of his franchise, nor of his freeholds, unless he be duly brought into answer and before judges of the same by the course of law.

The Chancery came to have a separate and independent equitable jurisdiction. It heard petitions of misconduct of government officials or of powerful oppressors, fraud, accident, abuse of trust, wardship of infants, dower, and rent charges. Because the common law and its procedures had become technical and rigid, the Chancery was given equity jurisdiction by statute in 1285. King Edward III proclaimed that petitions for remedies that the common law didn't cover be addressed to the Chancellor, who was not bound by established law, but could do equity. In Chancery, if there is a case that is similar to a case for which there is a writ, but is not in technical conformity with the requirements of the common law for a remedy, then a new writ may be made for that case by the Chancellor. These were "actions on the case". Also, Parliament may create new remedies. There were so many cases that were similar to a case with no remedy specified in the common law, that litigants were flowing into the Chancery. The Chancellor gave swift and equitable relief, which was summary. The Chancery Court had no jury. With the backing of the council, the Chancellor made decisions implementing the policy of the Statute of Laborers. Most of these concerned occupational competency, for instance negligent activity of carriers, builders, shepherds, doctors, cloth workers, smiths, innkeepers, and gaolers. For instance, the common law action of detinue could force return of cloth bailed for fulling or sheep bailed for pasturing, but could not address damages due to faulty work. The Chancellor addressed issues of loss of wool, dead lambs, and damaged sheep, as well as dead sheep. He imposed a legal duty on innkeepers to prevent injury or damage to a patron or his goods from third parties. A dog bite or other damage by a dog known by its owner to be vicious was made a more serious offense than general damage by any dog. A person starting a fire was given a duty to prevent the fire from damaging property of others. The King will fine instead of seize the land of his tenants who sell or alienate their land, such fine to be determined by the Chancellor by due process. The Chancery is now a court side by side with the common law courts of Common Pleas, King's Bench, and Exchequer.

Only barons who were peers of the House of Lords were entitled to trial in the House of Lords. In practice, however, this pertained only to major crimes.

Treason was tried by the lords in Parliament, by bill of "attainder". It was often used for political purposes. Most attainders were reversed as a term of peace made between competing factions.

Attorneys presided over manorial courts and made decisions with or without the villeins in attendance based on the custom of the manor.

The King's coroner and a murderer who had taken sanctuary in a church often agreed to the penalty

of confession and perpetual banishment from the nation as follows: "Memorandum that on July 6, [1347], Henry de Roseye abjured the realm of England before John Bernard, the King's coroner, at the church of Tendale in the County of Kent in form following: 'Hear this, O lord the coroner, that I, Henry de Roseye, have stolen an ox and a cow of the widow of John Welsshe of Retherfeld; and I have stolen eighteen beasts from divers men in the said county. And I acknowledge that I have feloniously killed Roger le Swan in the town of Strete in the hundred of Strete in the rape [a division of a county] of Lewes and that I am a felon of the lord King of England. And because I have committed many ill deeds and thefts in his land, I abjure the land of the Lord Edward King of England, and [I acknowledge] that I ought to hasten to the port of Hastings, which thou hast given me, and that I ought not to depart from the way, and if I do so I am willing to be taken as a thief and felon of the lord King, and that at Hastings I will diligently seek passage, and that I will not wait there save for the flood and one ebb if I can have passage; and if I cannot have passage within that period, I will go up to the knees into the sea every day, endeavoring to cross; and unless I can do so within forty days, I will return at once to the church, as a thief and a felon of the lord King, so help me God."

Property damage by a tenant of a London building was assessed in a 1374 case: "John Parker, butcher, was summoned to answer Clement Spray in a plea of trespass, wherein the latter complained that the said John, who had hired a tavern at the corner of St. Martin-le-Grand from him for fifteen months, had committed waste and damage therein, although by the custom of the city no tenant for a term of years was entitled to destroy any portion of the buildings or fixtures let to him. He alleged that the defendant had taken down the door post of the tavern and also of the shop, the boarded door of a partition of the tavern, a seat in the tavern, a plastered partition wall, the stone flooring in the chamber, the hearth of the kitchen, and the mantelpiece above it, a partition in the kitchen, two doors and other partitions, of a total value of 21s. four pounds, 1s. 8d., and to his damage, 400s. [20 pounds]. The defendant denied the trespass and put himself on the country. Afterwards a jury [panel]... found the defendant guilty of the aforesaid trespass to the plaintiff's damage, 40d. Judgment was given for that amount and a fine of 1s. to the King, which the defendant paid immediately in court."

The innkeeper's duty to safeguard the person and property of his lodgers was applied in this case:

"John Trentedeus of Southwark was summoned to answer William Latymer touching a plea why, whereas according to the law and custom of the realm of England, innkeepers who keep a common inn are bound to keep safely by day and by night without reduction or loss men who are passing through the parts where such inns are and lodging their goods within those inns, so that, by default of the innkeepers or their servants, no damage should in any way happen to such their guests ...

On Monday after the Feast of the Purification of the Virgin Mary in the fourth year of the now King by default of the said John, certain malefactors took and carried away two small portable chests with 533s. and also with charters and writings, to wit two writings obligatory, in the one of which is contained that a certain Robert Bour is bound to the said William in 2,000s. and in the other that a certain John Pusele is bound to the same William in 800s. 40 pounds ... and with other muniments [writings defending claims or rights] of the same William, to wit his return of all the writs of the lord King for the counties of Somerset and Dorset, whereof the same William was then sheriff, for the morrow of the Purification of the Blessed Mary the Virgin in the year aforesaid, as well before the same lord the King in his Chancery and in his Bench as before the justices of the King's Common Bench and his barons of his Exchequer, returnable at Westminster on the said morrow, and likewise the rolls of the court of Cranestock for all the courts held there from the first year of the reign of the said lord the King until the said Monday, contained in the same chests being lodged within the inn of the same John at Southwark

And the said John ... says that on the said Monday about the second hour after noon the said William entered his inn to be lodged there, and at once when he entered, the same John assigned to the said William a certain chamber being in that inn, fitting for his rank, with a door and a lock affixed to the same door with sufficient nails, so that he should lie there and put and keep his things there, and delivered to the said William the key to the door of the said chamber, which chamber the said William accepted...

William says that ... when the said John had delivered to him the said chamber and key as above, the same William, being occupied about divers businesses to be done in the city of London, went out from the said inn into the city to expedite the said businesses and handed over the key of the door to a certain servant of the said William to take care of in meantime, ordering the servant to remain in the inn meanwhile and to take care of his horses there; and afterwards, when night was falling, the same William being in the city and the key still in the keeping of the said servant, the wife of the said John called unto her into her hall the said servant who had the key, giving him food and drink with a merry countenance and asking him divers questions and occupying him thus for a long time, until the staple of

the lock of the door aforesaid was thrust on one side out of its right place and the door of the chamber was thereby opened and his goods, being in the inn of the said John, were taken and carried off by the said malefactors ... The said John says ...[that his wife did not call the servant into the hall, but that] when the said servant came into the said hall and asked his wife for bread and ale and other necessaries to be brought to the said chamber of his master, his wife immediately and without delay delivered to the same servant the things for which he asked ... protesting that no goods of the same William in the said inn were carried away by the said John his servant or any strange malefactors other than the persons of the household of the said William."

On the Coram Rege Roll of 1395 is a case on the issue of whether a court crier can be seized by officers of a staple:

"Edmund Hikelyng, 'crier', sues William Baddele and wife Maud, John Olney, and William Knyghtbrugge for assault and imprisonment at Westminster, attacking him with a stick and imprisoning him for one hour on Wednesday before St. Martin, 19 Richard II.

Baddele says Mark Faire of Winchester was prosecuting a bill of debt for 18s. against Edmund and John More before William Brampton, mayor of the staple of Westminster, and Thomas Alby and William Askham, constables of the said staple, and on that day the Mayor and the constables issued a writ of *capias* against Edmund and John to answer Mark and be before the Mayor and the constables at the next court. This writ was delivered to Baddele as sergeant of the staple, and by virtue of it he took and imprisoned Edmund in the staple. Maud and the others say they aided Baddele by virtue of the said writ.

Edmund does not acknowledge Baddele to be sergeant of the staple or Mark a merchant of the staple or that he was taken in the staple. He is minister of the King's Court of his Bench and is crier under Thomas Thorne, the chief crier, his master. Every servant of the court is under special protection while doing his duty or on his way to do it. On the day in question, he was at Westminster carrying his master's staff of office before Hugh Huls, one of the King's justices, and William took him in the presence of the said justice and imprisoned him.

The case is adjourned for consideration from Hilary to Easter."

A law of equity began to be developed from decisions by the Chancellor in his court of conscience from around 1370. One such case was that of *Godwyne v. Profyt* sometime after 1393. This petition was made to the Chancellor: To the most reverend Father in God, and most gracious Lord, the bishop of Exeter, Chancellor of England. Thomas Godwyne and Joan his wife, late wife of Peter at More of Southwerk, most humbly beseech that, whereas at Michaelmas in the 17th year of our most excellent lord King Richard who now is, the said Peter at More in his lifetime enfeoffed Thomas Profyt parson of St. George's church Southwerk, Richard Saundre, and John Denewey, in a tenement with the appurtenances situated in Southwerk and 24 acres of land 6 acres of meadow in the said parish of St. George and in the parish of our Lady of Newington, on the conditions following, to wit, that the said three feoffees should, immediately after the death of the said Peter, enfeoff the said Joan in all the said lands and tenements with all their appurtenances for the life of the said Joan, with remainder after her decease to one Nicholas at More, brother of the said Peter, to hold to him and the heirs of his body begotten, and for default of issue, then to be sold by four worthy people of the said parish, and the money to be received for the same to be given to Holy Church for his soul; whereupon the said Peter died. And after his death two of the said feoffees, Richard and John, by the procurement of one John Solas, released all their estate in the said lands and tenements to the said Thomas Profyt, on the said conditions, out of the great trust that they had in the said Thomas Profyt, who was their confessor, that he would perform the will of the said Peter [at More] in the form aforesaid; and this well and lawfully to do the said Thomas Profyt swore on his *Verbum Dei* and to perform the said conditions on all points. And since the release was so made, the said Thomas Profyt, through the scheming and false covin of the said John Solas, has sold all the lands and tenements aforesaid to the same John Solas for ever. And the said John Solas is bound to the said Thomas Profyt in 100 pounds by a bond to make defense of the said lands and tenements by the bribery and maintenance against every one; and so by their false interpretation and conspiracy the said Joan, Nicholas, and Holy Church are like to be disinherited and put out of their estate and right, as is abovesaid, for ever, tortiously, against the said conditions, and contrary to the will of the said Peter [at More]. May it please your most righteous Lordship to command the said Thomas Profyt, Richard Saundre, and John Denewey to come before you, and to examine them to tell the truth of all the said matter, so that the said Joan, who has not the wherewithal to live, may have her right in the said lands and tenements, as by the examination before you, most gracious Lord, shall be found and proved; for God and in way of holy charity.

## Chapter 10

The Times: 1399-1485

This period, which begins with the reign of the usurper King, Henry IV, is dominated by war: the last half of the 100 year war with France, which, with the help of Joan of Arc, took all English land on the continent except the port of Calais, and the War of the Roses over the throne in England. The ongoing border fights with Wales and Scotland were fought by England's feudal army. But for fighting in France, the king paid barons and earls to raise their own fighting forces. When they returned to England, they fought to put their candidate on its throne, which had been unsteady since its usurpation by Henry IV. All the great houses kept bands of armed retainers. These retainers were given land or pay or both as well as liveries [uniforms or badges] bearing the family crest. In the system of "livery and maintenance", if the retainer was harassed by the law or by enemies, the lord protected him. The liveries became the badges of the factions engaged in the War of the Roses. The white rose was worn by the supporters of the house of York, and the red rose by supporters of the house of Lancaster. Great lords fought each other for property and made forcible entries usurping private property. Nobles employed men who had returned from fighting in war to use their fighting skill in local defense. Henry IV was the last true warrior king.

In both wars, the musket was used as well as the longbow. To use it, powder was put into the barrel, then a ball rammed down the barrel with a rod, and then the powder lit by a hot rod held with one hand while the other hand was used to aim the musket. Cannon were used to besiege castles and destroy their walls, so many castles were allowed to deteriorate. The existence of cannon also limited the usefulness of town walls for defense. But townspeople did not take part in the fighting.

Since the power of the throne changed from one faction to another, political and personal vindictiveness gave rise to many bills of attainder that resulted in lords being beheaded and losing their lands to the King. However, these were done by the form of law; there were no secret executions in England. Families engaged in blood feuds. Roving bands ravaged the country, plundering the people, holding the forests, and robbing collectors of Crown revenue. Some men made a living by fighting for others in quarrels. Individual life and property were insecure. Whole districts were in a permanent alarm of riot and robbery. The roads were not safe. There was fighting between lords and gangs of ruffians holding the roads, breaking into and seizing manor houses, and openly committing murders.

Peace was never well-kept nor was law ever well-executed, though fighting was suspended by agreement during the harvest. Local administration was paralyzed by party faction or lodged in some great lord or some clique of courtiers. The elections of members to Parliament were interfered with and Parliament was rarely held. Barons and earls fought their disputes in the field rather than in the royal courts. Litigation was expensive, so men relied increasingly on the protection of the great men of their neighborhood and less on the King's courts for the safety of their lives and land. Local men involved in court functions usually owed allegiance to a lord which compromised the exercise of justice. Men serving in an assize often lied to please their lord instead of telling the truth. Lords maintained, supported, or promoted litigation with money or aid supplied to one party to the detriment of justice. It was not unusual for lords to attend court with a great force of retainers behind them. Many Justices of the Peace wore liveries of magnates and accepted money from them. Royal justices were flouted or bribed. The King's writ was denied or perverted. For 6-8s., a lord could have the king instruct his sheriff to impanel a jury which would find in his favor. A statute against riots, forcible entries, and, excepting the King, magnates' liveries of uniform, food, and badges to their retainers, except in war outside the nation, was passed, but was difficult to enforce because the offenders were lords, who dominated the Parliament and the council.

With men so often gone to fight, their wives managed the household alone. The typical wife had maidens of equal class to whom she taught household management, spinning, weaving, carding wool with iron wool-combs, heckling flax, embroidery, and making garments. There were foot-treadles for spinning wheels. She taught the children. Each day she scheduled the activities of the household including music, conversation, dancing, chess, reading, playing ball, and gathering flowers. She organized picnics, rode horseback and went hunting, hawking to get birds, and hare-ferreting. She was nurse to all around her. If her husband died, she usually continued to manage the household because most men named their wife as executor of their will with full power to act as she thought best. The wives of barons shared their right of immunity from arrest by the processes of common law and to be tried by their peers.

For ladies, close-fitting jackets came to be worn over close-fitting long gowns with low, square-cut necklines and flowing sleeves, under which was worn a girdle or corset of stout linen reinforced by stiff leather or even iron. Her skirt was provocatively slit from knee to ankle. All her hair was confined by a

hair net. Headdresses were very elaborate and heavy, trailing streamers of linen. Some were in the shape of hearts, butterflies, crescents, double horns, steeples, or long cones. Men also wore hats rather than hoods. They wore huge hats of velvet, fur, or leather. Their hair was cut into a cap-like shape on their heads, and later was shoulder-length. They wore doublets with thick padding over the shoulders or short tunics over the trucks of their bodies and tightened at the waist to emphasize the shoulders. Their collars were high. Their sleeves were long concoctions of velvet, damask, and satin, sometimes worn wrapped around their arms in layers. Their legs and hips were covered with hosen, often in different colors. Codpieces worn between the legs emphasized the sensuality of the age as did ladies' tight and low-cut gowns. Men's shoes were pointed with upward pikes at the toes that impeded walking. At another time, their shoes were broad with blunt toes. Both men and women wore much jewelry and ornamentation. But, despite the fancy dress, the overall mood was a macabre preoccupation with mortality, despair, and a lack of confidence in the future. Cannon and mercenaries had reduced the military significance of knighthood, so its chivalric code deteriorated into surface politeness, ostentation, and extravagance.

Master and servants ceased to eat together in the same hall, except for great occasions, on feast days, and for plays. The lord, and his lady, family, and guests took their meals in a great chamber, usually up beneath the roof next to the upper floor of the great hall. The chimney-pieces and windows were often richly decorated with paneled stonework, tracery and carving. There was often a bay or oriel window with still expensive glass. Tapestries, damask, and tablecloths covered the tables. The standard number of meals was three: breakfast, dinner, and supper. There was much formality and ceremonial ritual, more elaborate than before, during dinners at manorial households, including processions bringing and serving courses, and bowing, kneeling, and curtsying. There were many courses of a variety of meats, fish, stews, and soups, with a variety of spices and elaborately cooked. Barons, knights, and their ladies sat to the right of the lord above the salt and were served by the lord's sewer [served the food] and carver and gentlemen waiters; their social inferiors such as "gentlemen of worship" sat below the salt and were served by another sewer and yeomen. The lord's cupbearer looked after the lord alone. A knights' table was waited on by yeomen. The gentlemen officers, gentlemen servants and yeomen officers were waited on by their own servants. The amount of food dished out to each person varied according to his rank. The almoner said grace and distributed the leftovers to the poor gathered at the gate. The superior people's hands were washed by their inferiors. Lastly, the trestle tables were removed while sweet wine and spices were consumed standing. Then the musicians were called into the hall and dancing began. The lord usually slept in a great bed in this room.

The diet of an ordinary family such as that of a small shopholder or yeoman farmer included beef, mutton, pork, a variety of fish, both fresh and salted, venison, nuts, peas, oatmeal, honey, grapes, apples, pears, and fresh vegetables. Cattle and sheep were driven from Wales to English markets. This droving lasted for five centuries.

Many types of people besides the nobility and knights now had property and thus were considered gentry: female lines of the nobility, merchants and their sons, attorneys, auditors, squires, and peasant-yeomen. The burgess grew rich as the knight dropped lower. The great merchants lived in mansions which could occupy whole blocks. In towns these mansions were entered through a gate through a row of shops on the street. Typically, there would be an oak-paneled great hall, with adjoining kitchen, pantry, and buttery on one end and a great parlor to receive guests, bedrooms, wardrobes, servants' rooms, and a chapel on the other end or on a second floor. A lesser dwelling would have these rooms on three floors over a shop on the first floor. An average Londoner would have a shop, a storeroom, a hall, a kitchen, and a buttery on the first floor, and three bedrooms on the second floor. Artisans and shopkeepers of more modest means lived in rows of dwellings, each with a shop and small storage room on the first floor, and a combination parlor-bedroom on the second floor. The humblest residents crowded their shop and family into one 6 by 10 foot room for rent of a few shillings a year. All except the last would also have a small garden. The best gardens had a fruit tree, herbs, flowers, a well, and a latrine area. There were common and public privies for those without their own. Kitchen slops and casual refuse continued to be thrown into the street. Floors of stone or planks were strewn with rushes. There was some tile flooring. Most dwellings had glass windows. Candles were used for lighting at night. Torches and oil-burning lanterns were portable lights. Furnishings were still sparse. Men sat on benches or joint stools and women sat on cushions on the floor. Hall and parlor had a table and benches and perhaps one chair. Bedrooms had beds that were surrounded by heavy draperies to keep out cold drafts. The beds had pillows, blankets, and sheets. Clothes were stored in a chest, sometimes with sweet-smelling herbs such as lavender, rosemary, and southernwood. Better homes had wall hanging and cupboards displaying plate. Laundresses washed clothes in the streams, rivers, and public conduits. Country peasants still lived in wood, straw, and mud huts with earth floors and a smoky hearth in the center or a kitchen area under the eaves of the hut.



In 1442, bricks began to be manufactured in the nation and so there was more use of bricks in buildings. Chimneys were introduced into manor houses where stone had been too expensive. This was necessary if a second floor was added, so the smoke would not damage the floor above it and would eventually go out of the house.

Nobles and their retinue moved from manor to manor, as they had for centuries, to keep watch upon their lands and to consume the produce thereof; it was easier to bring the household to the estate than to transport the yield of the estate to the household. Also, at regular intervals sewage had to be removed from the cellar pits. Often a footman walked or ran on foot next to his master or mistress when they rode out on horseback or in a carriage. He was there primarily for prestige.

Jousting tournaments were held for entertainment purposes only and were followed by banquets of several courses of food served on dishes of gold, silver, pewter, or wood on a linen cloth covering the table. Hands were washed before and after the meal. People washed their faces every morning after getting up. Teeth were cleaned with powders. Fragrant leaves were chewed for bad breath. Garlic was used for indigestion and other ailments. Feet were rubbed with salt and vinegar to remove calluses. Good manners included not slumping against a post, fidgeting, sticking one's finger into one's nose, putting one's hands into one's hose to scratch the privy parts, spitting over the table or too far, licking one's plate, picking one's teeth, breathing stinking breath into the face of the lord, blowing on one's food, stuffing masses of bread into one's mouth, scratching one's head, loosening one's girdle to belch, and probing one's teeth with a knife.

Fishing and hunting were reserved for the nobility rather than just the King.

As many lords became less wealthy because of the cost of war, some peasants, villein and free, became prosperous, especially those who also worked at a craft, e.g. butchers, bakers, smiths, shoemakers, tailors, carpenters, and cloth workers.

An agricultural slump caused poorer soils to fall back into waste. The better soils were leased by peasants, who, with their families, were in a better position to farm it than a great lord, who found it hard to hire laborers at a reasonable cost. Further, peasants' sheep, hens, pigs, ducks, goats, cattle, bees, and crop made them almost self-sufficient in foodstuffs. They lived in a huddle of cottages, pastured their animals on common land, and used common meadows for haymaking. They subsisted mainly on boiled bacon, an occasional chicken, worts and beans grown in the cottage garden, and cereals. They wore fine wool cloth in all their apparel. Brimless hats were replacing hoods. They had an abundance of bed coverings in their houses. And they had more free time. Village entertainment included traveling jesters, acrobats, musicians, and bear-baiters. Playing games and gambling were popular pastimes.

Most villeins were now being called "customary tenants" or "copy-holders" of land because they held their acres by a copy of the court-roll of the manor, which listed the number of teams, the fines, the reliefs, and the services due to the lord for each landholder. The Chancery court interpreted many of these documents to include rights of inheritance. The common law courts followed the lead of the Chancery and held that marriage land could be inherited as was land at common law. Evictions by lords decreased.

The difference between villein and freeman lessened but landlords usually still had profits of villein bondage, such as heriot, merchet, and chevage.

Social mobility was most possible in the towns, where distinctions were usually only of wealth. So a poor apprentice could aspire to become a master, a member of the livery of his company, a member of the council, an alderman, a mayor, and then an esquire for life. The distance between baron and a country knight and between a yeoman and knight was wider. Manor custom was strong. But a yeoman could give his sons a chance to become gentlemen by entering them in a trade in a town, sending them to university, or to war. Every freeman was to some extent a soldier, and to some extent a lawyer, serving in the county or borough courts. A burgess, with his workshop or warehouse, was trained in warlike exercises, and he could keep his own accounts, and make his own will and other legal documents, with the aid of a scrivener or a chaplain, who could supply an outline of form. But law was growing as a profession. Old-established London families began to choose the law as a profession for their sons, in preference to an apprenticeship in trade. Many borough burgesses in Parliament were attorneys.

A class of laborers was arising who depended entirely on the wages of industry for their subsistence. The cloth workers in rural areas were isolated and weak and often at the mercy of middlemen for employment and the amount of their wages. When rural laborers went to towns to seek employment in the new industries, they would work at first for any rate. This deepened the cleavage of the classes in the towns. The artificers in the town and the cottagers and laborers in the country lived from hand to

mouth, on the edge of survival, but better off than the old, the diseased, the widows, and the orphans. However, the 1400s were the most prosperous time for laborers considering their wages and the prices of food. Meat and poultry were plentiful and grain prices low.

In London, shopkeepers appealed to passersby to buy their goods, sometimes even seizing people by the sleeve. The drapers had several roomy shops containing shelves piled with cloths of all colors and grades, tapestries, pillows, blankets, bed draperies, and "bankers and dorsers" to soften hard wooden benches. A rear storeroom held more cloth for import or export. Many shops of skimmers were on Fur Row. There were shops of leather sellers, hosiers, gold and silver cups, and silks. At the Stocks Market were fishmongers, butchers, and poulterers. London grocers imported spices, canvas, ropery, potions, unguents, soap, confections, garlic, cabbages, onions, apples, oranges, almonds, figs, dates, raisins, dyestuffs, woad, madder (plant for medicine and dye), scarlet grains, saffron, iron, and a primitive steel. They were retailers as well as wholesalers and had shops selling honey, licorice, salt, vinegar, rice, sugar loaves, syrups, spices, garden seeds, dyes, alum, soap, brimstone, paper, varnish, canvas, rope, musk, incense, treacle of Genoa, and mercury. The Grocers did some money lending, usually at 12% interest. The guilds did not restrict themselves to dealing in the goods for which they had a right of inspection, and so many dealt in wine that it was a medium of exchange. There was no sharp distinction between retail and wholesale trading.

London grocers sold herbs for medicinal as well as eating purposes. Breadcarts sold penny wheat loaves. Foreigners set up stalls on certain days of the week to sell meat, canvas, linen, cloth, ironmongery, and lead. There were great houses, churches, monasteries, inns, guildhalls, warehouses, and the King's Beam for weighing wool to be exported. In 1410, the Guildhall of London was built through contributions, proceeds of fines, and lastly, to finish it, special fees imposed on apprenticeships, deeds, wills, and letters-patent. The Mercers and Goldsmiths were in the prosperous part of town. The Goldsmiths' shops sold gold and silver plate, jewels, rings, water pitchers, drinking goblets, basins to hold water for the hands, and covered saltcellars. The grain market was on Cornhill. Halfway up the street, there was a supply of water which had been brought up in pipes. On the top of the hill was a cage where riotous folk had been incarcerated by the night watch and the stocks and pillory, where fraudulent schemers were exposed to ridicule. No work was to be done on Sundays, but some did work surreptitiously. The barbers kept their shops open in defiance of the church. Outside the London city walls were tenements, the Smithfield cattle market, Westminster Hall, green fields of crops, and some marsh land.

On the Thames River to London were large ships with cargoes; small boats rowed by tough boatmen offering passage for a penny; small private barges of great men with carved wood, gay banners, and oarsmen with velvet gowns; the banks covered with masts and tackle; the nineteen arch London Bridge supporting a street of shops and houses and a drawbridge in the middle; quays; warehouses, and great cranes lifting bales from ship to wharf. Merchant guilds which imported or exported each had their own wharves and warehouses. Downstream, pirates hung on gallows at the low-water mark to remain until three tides had overflowed their bodies. A climate change of about 1 1/2 degree Celcius lower caused the Thames to regularly freeze over in winter.

The large scale of London trade promoted the specialization of the manufacturer versus the merchant versus the shipper. Merchants had enough wealth to make loans to the government or for new commercial enterprises. Local reputation on general, depended upon a combination of wealth, trustworthiness of character, and public spirit; it rose and fell with business success. Some London merchants were knighted by the King. Many bought country estates thereby turning themselves into gentry.

The king granted London all common soils, improvements, wastes, streets, and ways in London and in the adjacent waters of the Thames River and all the profits and rents to be derived therefrom. Later the king granted London the liberty to purchase lands and tenements worth up to 2,667s. yearly. With this power, London had obtained all the essential features of a corporation: a seal, the right to make by-laws, the power to purchase lands and hold them "to them and their successors" (not simply their heirs, which is an individual and hereditary succession only), the power to sue and be sued in its own name, and the perpetual succession implied in the power of filling up vacancies by election. Since these powers were not granted by charters, London is a corporation by prescription. In 1446, the liverymen obtained the right with the council to elect the mayor, the sheriff, and certain other corporate officers.

Many boroughs sought and obtained formal incorporation with the same essential features as London. This tied up the loose language of their early charters of liberties. Often, a borough would have its own resident Justice of the Peace. Each incorporation involved a review by a Justice of the Peace to make sure the charter of incorporation rule didn't conflict with the law of the nation. A borough typically had a mayor accompanied by his personal sword-bearer and serjeants-at-mace bearing the borough regalia, bailiffs, a sheriff, and chamberlains or a steward for financial assistance. At many

boroughs, aldermen, assisted by their constables, kept the peace in their separate wards. There might be coroners, a recorder, and a town clerk, with a host of lesser officials including beadles [a messenger of a court], aletasters, sealers, searchers [inspectors], weighers and keepers of the market, ferrymen and porters, clock-keepers and criers [cries out public announcements through the streets], paviers [maintained the roads], scavengers and other street cleaners, gatekeepers and watchmen of several ranks and kinds. A wealthy borough would have a chaplain and two or three minstrels. The mayor replaced the bailiffs as the chief magistracy.

In all towns, the wealthiest and most influential guilds were the merchant traders of mercers, drapers, grocers, and goldsmiths. From their ranks came most of the mayors, and many began to intermarry with the country knights and gentry. Next came the shopholders of skinners, tailors, ironmongers, and corvisors [shoemakers]. Thirdly came the humbler artisans, the sellers of victuals, small shopkeepers, apprentices, and journeymen on the rise. Lastly came unskilled laborers, who lived in crowded tenements and hired themselves out. The first three groups were the free men who voted, paid scot and bore lot, and belonged to guilds. Scot was a ratable proportion in the payments levied from the town for local or national purposes. Merchant guilds in some towns merged their existence into the town corporation, and their guild halls became the common halls of the town, and their property became town property.

In London, the Cutlers' Company was chartered in 1415, the Haberdashers' Company in 1417, the Grocers' Company in 1428, the Drapers' and Cordwainers' companies in 1429, the Vintners' and Brewers' companies in 1437, the Leathersellers' Company in 1444, the Girdlers' Company in 1448, the Armourers' and Brassiers' companies in 1453, the Barbers' Company in 1461, the Tallow Chandlers' Company in 1462, the Ironmongers' Company in 1464, the Dyers' Company in 1471, the Musicians' Company in 1472, the Carpenters' Company in 1477, the Cooks' Company in 1481, and the Waxchandlers' Company in 1483. The Fishmongers, which had been chartered in 1399, were incorporated in 1433, the Cordwainers in 1439, and the Pewterers in 1468.

There were craft guilds in the towns, at least 65 in London. In fact, every London trade of twenty men had its own guild. The guild secured good work for its members and the members maintained the reputation of the work standards of the guild. Bad work was punished and night work prohibited as leading to bad work. The guild exercised moral control over its members and provided sickness and death benefits for them. There was much overlapping in the two forms of association: the craft guild and the religious fraternity. Apprentices were taken in to assure an adequate supply of competent workers for the future. The standard indenture of an apprentice bound him to live in his master's house; serve him diligently; obey reasonable commands; keep his master's secrets; protect him from injury; abstain from dice, cards and haunting of taverns; not marry; commit no fornication, and not absent himself without permission. In return the master undertook to provide the boy or girl with bed, board, and lodging and to instruct him or her in the trade, craft, or mystery. When these apprentices had enough training they were made journeymen with a higher rate of pay. Journeymen traveled to see the work of their craft in other towns. Those journeymen rising to master had the highest pay rate.

Occupations free of guild restrictions included horse dealers, marblers, bookbinders, jewelers, organ makers, feathermongers, pie makers, basket makers, mirrorers, quilters, and parchment makers. Non-citizens of London could not be prevented from selling leather, metalwares, hay, meat, fruit, vegetables, butter, cheese, poultry, and fish from their boats, though they had to sell in the morning and sell all their goods before the market closed.

In the towns, many married women had independent businesses and wives also played an active part in the businesses of their husbands. Wives of well-to-do London merchants embroidered, sewed jewelry onto clothes, and made silk garments. Widows often continued in their husband's businesses, such as managing a large import-export trade, tailoring, brewing, and metal shop. Socially lower women often ran their own breweries, bakeries, and taverns. It was possible for wives to be free burgesses in their own right in some towns.

Some ladies were patrons of writers. Some women were active in prison reform in matters of reviews to insure that no man was in gaol without due cause, overcharges for bed and board, brutality, and regulation of prisoners being placed in irons. Many men and women left money in their wills for food and clothing for prisoners, especially debtors. Wills often left one-third of the wealth to the church, the poor, prisoners, infirmaries, young girls' education; road, wall, and bridge repair; water supply, markets and almshouses. Some infirmaries were for the insane, who were generally thought to be possessed by the devil or demons. Their treatment was usually by scourging the demons out of their body by flogging. If this didn't work, torture could be used to drive the demons from the body.

The guilds were being replaced by associations for the investment of capital. In associations, journeymen were losing their chance of rising to be a master. Competition among associations was starting to supplant custom as the mainspring of trade.

The cloth exporters, who were mostly mercers, were unregulated and banded together for mutual support and protection under the name of Merchant Adventurers of London. The Merchant Adventurers was chartered in 1407. It was the first and a prototype of regulated companies. That is the company regulated the trade. Each merchant could ship on his own a certain number of cloths each year, the number depending on the length of his membership in the company. He could sell them himself or by his factor at the place where the company had privileges of market. Strict rules governed the conduct of each member. He was to make sales only at certain hours on specified days. All disagreements were to be settled by the company's governor, or his deputy in residence, and those officials dealt with such disputes as arose between members of the company and continental officials and buyers. A share in the ownership of one of their vessels was a common form of investment by prosperous merchants. By 1450, the merchant adventurers were dealing in linen cloths, buckrams [a stiffened, coarse cloth], fustians [coarse cloth made of cotton threads going in one direction and linen threads the other], satins, jewels, fine woolen and linen wares, threads, potions, wood, oil, wine, salt, copper, and iron. They began to replace trade by alien traders. The history of the "Merchant Adventurers" was associated with the growth of the mercantile system for more than 300 years. It eventually replaced the staples system.

Paved roads in towns were usually gravel and sometimes cobble. They were frequently muddy because of rain and spillage of water being carried. Iron-shod wheels and overloaded carts made them very uneven. London was the first town with paviers. They cleaned and repaired the streets, filling up potholes with wood chips and compacting them with hand rams. The paviers were organized as a city company in 1479. About 1482, towns besides London began appointing salaried road paviers to repair roads and collect their expenses from the householders because the policy of placing the burden on individual householders didn't work well. London streets were lighted at night by public lanterns, under the direction of the mayor. The residents were to light these candle lanterns in winter from dusk to the 9 p.m. curfew. There were fire-engines composed of a circular cistern with a pump and six feet of inflexible hose on wheels pulled by two men on one end and pushed by two men on the other end. In 1480 the city walls were rebuilt with a weekly tax of 5d. per head.

In schools, there was a renaissance of learning from original sources of knowledge written in Greek and rebirth of the Greek pursuit of the truth and scientific spirit of inquiry. There was a striking increase in the number of schools founded by wealthy merchants or town guilds. Every cathedral, monastery, and college had a grammar school. Merchants tended to send their sons to private boarding schools, instead of having them tutored at home as did the nobility. Well-to-do parents still sent sons to live in the house of some noble to serve them as pages in return for being educated with the noble's son by the household priest. They often wore their master's coat of arms and became their squires as part of their knightly education. Sometimes girls were sent to live in another house to receive education from a tutor there under the supervision of the lady of the house. Every man, free or villein, could send his sons and daughters to school. In every village, there were some who could read and write.

In 1428, Lincoln's Inn required barristers normally resident in London and the county of Middlesex to remain in residence and pay commons during the periods between sessions of court and during vacations, so that the formal education of students would be continuous. In 1442, a similar requirement was extended to all members.

The book "Sir Gawain and the Green Knight" was written about an incident in the court of King Arthur and Queen Guenevere in which a green knight challenges Arthur's knights to live up to their reputation for valor and awesome deeds. The knight Gawain answers the challenge, but is shown that he could be false and cowardly when death seemed to be imminent. Thereafter, he wears a green girdle around his waist to remind him not to be proud.

Other literature read included "London Lickpenny", a satire on London and its expensive services and products, "Fall of Princes" by John Lydgate, social history by Thomas Hoccleve, "The Cuckoo and the Nightengale", and "The Flower and Leaf" on morality as secular common sense. King James I of Scotland wrote a book about how he fell in love. Chaucer, Cicero, Ovid, and Aesop's Fables were widely read. Malory's new version of the Arthurian stories was popular. Margery Kempe wrote the first true autobiography. She was a woman who had a normal married life with children, but one day had visions and voices which led her to leave her husband to take up a life of wandering and praying in holy possession. There were religious folk ballads such as "The Cherry Tree Carol", about the command of Jesus from Mary's womb for a cherry tree to bend down so that Mary could have some cherries from it. The common people developed ballads, e.g. about their love of the forest, their wish to hunt, and their hatred of the forest laws.

About 30% of Londoners could read English. Books were bought in London in such quantities by 1403 that the craft organizations of text-letter writers, illuminators, bookbinders, and book sellers was sanctioned by ordinance. "Unto the honorable lords, and wise, the mayor and aldermen of the city of London, pray very humbly all the good folks, freemen of the said city, of the trades of writers of text-letter, limners [illuminator of books], and other folks of London who are wont to bind and to sell books, that it may please your great sagenesses to grant unto them that they may elect yearly two reputable men, the one a limner, the other a text- writer, to be wardens of the said trades, and that the names of the wardens so elected may be presented each year before the mayor for the time being, and they be there sworn well and diligently to oversee that good rule and governance is had and exercised by all folks of the same trades in all works unto the said trades pertaining, to the praise and good fame of the loyal good men of the said trades and to the shame and blame of the bad and disloyal men of the same. And that the same wardens may call together all the men of the said trades honorably and peacefully when need shall be, as well for the good rule and governance of the said city as of the trades aforesaid. And that the same wardens, in performing their due office, may present from time to time all the defaults of the said bad and disloyal men to the chamberlain at the Guildhall for the time being, to the end that the same may there, according to the wise and prudent discretion of the governors of the said city, be corrected, punished, and duly redressed. And that all who are rebellious against the said wardens as to the survey and good rule of the same trades may be punished according to the general ordinance made as to rebellious persons in trades of the said city [fines and imprisonment]. And that it may please you to command that this petition, by your sagenesses granted, may be entered of record for time to come, for the love of God and as a work of charity."

Gutenberg's printing press, which used movable type of small blocks with letters on them, was brought to London in 1476 by a mercer: William Caxton. It supplemented the text-writer and monastic copyist. It was a wood and iron frame with a mounted platform on which were placed small metal frames into which words with small letters of lead had been set up. Each line of text had to be carried from the type case to the press. Beside the press were pots filled with ink and inking balls. When enough lines of type to make a page had been assembled on the press, the balls would be dipped in ink and drawn over the type. Then a sheet of paper would be placed on the form and a lever pulled to press the paper against the type. Linen usually replaced the more expensive parchment for the book pages.

The printing press made books more accessible to all literate people. Caxton printed major English texts and some translations from French and Latin. He commended different books to various kinds of readers, for instance, for gentlemen who understand gentleness and science, or for ladies and gentlewomen, or to all good folk. There were many cook books in use. There were convex eyeglasses for reading and concave ones for distance to correct near-sightedness. The first public library in London was established from a bequest in a will in 1423.

Many carols were sung at the Christian festival of Christmas. Ballads were sung on many features of social life of this age of disorder, hatred of sheriffs, but faith in the King. The legend of Robin Hood was popular, as were town miracle plays on leading incidents of the Bible and morality plays. Vintners portrayed the miracle of Cana where water was turned into wine and Goldsmiths ornately dressed the three Kings coming from the east. In York, the building of Noah's Ark was performed by the Shipwrights and the Flood performed by the Fishery and Mariners. Short pantomimes and disguising, forerunners of costume parties, were good recreation. Games of cards became popular as soon as cards were introduced. The king, queen, and jack were dressed in contemporary clothes. Men bowled, kicked footballs, and played tennis. In London, Christmas was celebrated with masques and mummings. There was a great tree in the main market place and evergreen decorations in churches, houses, and streets. There were also games, dances, street bonfires in front of building doors, and general relaxation of social controls. Sometimes there was drunken licentiousness and revelry, with peasants gathering together to make demands of lords for the best of his goods. May Day was celebrated with crowns and garlands of spring flowers. The village May Day pageant was often presided over by Robin Hood and Maid Marion.

People turned to mysticism to escape from the everyday violent world. They read works of mystics, such as "Scale of Perfection" and "Cloud of Unknowing", the latter describing how one may better know God. They believed in magic and sorcery, but had no religious enthusiasm because the church was engendering more disrespect. Monks and nuns had long ago resigned spiritual leadership to the friars; now the friars too lost much of their good reputation. The monks became used to life with many servants such as cooks, butlers, bakers, brewers, barbers, laundresses, tailors, carpenters, and farm hands. The austerity of their diet had vanished. The schedule of divine services was no longer followed by many and the fostering of learning was abandoned. Into monasteries drifted the lazy and miserable. Nunneries had become aristocratic boarding houses. The practice of taking sanctuary was abused; criminals and debtors sought it and were allowed to overstay the 40-day restriction and to leave at night to commit robberies. There were numerous chaplains, who were ordained because they received

pay from private persons for saying masses for the dead; They had much leisure time for mischief because they had to forego wife and family. Church courts became corrupt, but jealously guarded their jurisdiction from temporal court encroachment. Peter's Pence was no longer paid by the people, so the burden of papal exaction fell wholly on the clergy. But the church was rich and powerful, paying almost a third of the whole taxation of the nation and forming a majority in the House of Lords. Many families had kinsmen in the clergy. Even the lowest cleric or clerk could read and write in Latin.

People relied on saint's days as reference points in the year, because they did not know dates of the year. But townspeople knew the hour and minute of each day, because clocks driven by a descending weight on a cord were in all towns and in the halls of the well-to-do. This increased the sense of punctuality and lifted standards of efficiency. These weight-driven clocks replaced water clocks, which had a problem of water freezing, and sandclocks, which could measure only small time intervals.

A linguistic unity and national pride was developing. London English became the norm and predominated over rural dialects. Important news was announced and spread by word of mouth in market squares and sometimes in churches. As usual, traders provided one of the best sources of news; they maintained an informal network of speedy messengers and accurate reports because political changes so affected their ventures. News also came from peddlers, who visited villages and farms to sell items that could not be bought in the local village. These often included scissors, eyeglasses, colored handkerchiefs, calendars, fancy leather goods, watches, and clocks. Peddling was fairly profitable because of the lack of competition. But peddlers were often viewed as tramps and suspected of engaging in robbery as well as peddling.

A royal post service was established by relays of mounted messengers. The first route was between London and the Scottish border, where there were frequent battles for land between the Scotch and English.

The inland roads from town to town were still rough and without signs. A horseman could make up to 40 miles a day. Common carriers took passengers and parcels from various towns to London on scheduled journeys. Now the common yeoman could order goods from the London market, communicate readily with friends in London, and receive news of the world frequently. Trade with London was so great and the common carrier so efficient in transporting goods that the medieval fair began to decline. First the Grocers and then the Mercers refused to allow their members to sell goods at fairs. There was much highway robbery. Most goods were still transported by boats along the coasts, with trading at the ports.

Embroidery was exported. Imported were timber, pitch, tar, potash [for cloth dying], furs, silk, satin, gold cloth, damask cloth, furred gowns, gems, fruit, spices, and sugar. Imports were restricted by national policy for the purpose of protecting native industries.

English single-masted ships began to be replaced by two or three masted ships with high pointed bows to resist waves and sails enabling the ship to sail closer to the wind. 200 tons was the usual carrying capacity. The increase in trade made piracy, even by merchants, profitable and frequent until merchant vessels began sailing in groups for their mutual protection. The astrolabe, which took altitude of sun and stars, was used for navigation.

Consuls were appointed to assist English traders abroad.

Henry IV appointed the first admiral of the entire nation and resolved to create a national fleet of warships instead of using merchant ships. In 1417, the war navy had 27 ships. In 1421, Portsmouth was fortified as a naval base. Henry V issued the orders that formed the basic law of English admiralty and appointed surgeons to the navy and army.

For defense of the nation, especially the safeguard of the seas, Parliament allotted the king for life, 3s. for every tun of wine imported and an additional 3s. for every tun of sweet wine imported. From about 1413, tonnage on wine [tax per tun] and poundage [tax per pound] on merchandise were duties on goods of merchants which were regularly granted by Parliament to the king for life for upkeep of the Navy. Before this time, such duties had been sporadic and temporary.

The most common ailments were eye problems, aching teeth, festering ears, joint swelling and sudden paralysis of the bowels. Epidemics broke out occasionally in the towns in the summers. The plague swept London in 1467 and the nation in 1407, 1445, and 1471. Leprosy disappeared.

Infirmaries were supported by a tax of the king levied on nearby counties. The walls, ditches, gutters, sewers, and bridges on waterways and the coast were kept in repair by laborers hired by commissions appointed by the Chancellor. Those who benefited from these waterways were taxed for the repairs in proportion to their use thereof.

Alabaster was sculptured into tombs surmounted with a recumbent effigy of the deceased, and effigies of mourners on the sides. Few townsmen choose to face death alone and planned memorial masses to be sung to lift their souls beyond Purgatory. Chantryes were built by wealthy men for this purpose.

Chemical experimentation was still thought to be akin to sorcery, so was forbidden by King Henry IV in 1404.

Gold was minted into coins: noble, half noble, and farthing.

King Henry IV lost power to the Commons and the Lords because he needed revenue from taxes and as a usurper King, he did not carry the natural authority of a King. The Commons acquired the right to elect its own speaker. The lords who helped the usurpation felt they should share the natural power of the kingship. The council became the instrument of the Lords. Also, the Commons gained power compared to the nobility because many nobles had died in war. The consent of the Commons to legislation became so usual that the justices declared that it was necessary. The Commons began to see itself as representative of the entire commons of the realm instead of just their own counties. Its members had the freedom to consider and debate every matter of public interest, foreign or domestic, except for church matters. The Commons, the poorest of the three estates, established an exclusive right to originate all money grants to the king in 1407. The Speaker of the Commons announced its money grant to the king only on the last day of the parliamentary session, after the answers to its petitions had been declared, and after the Lords had agreed to the money grant. It tied its grants by rule rather than just practice to certain appropriations. For instance, tunnage and poundage were appropriated for naval defenses. Wool customs went to the maintenance of Calais, a port on the continent, and defense of the nation. It also put the petitions in statutory form, called "bills", to be enacted after consideration and amendment by all without alteration. Each house had a right to deliberate in privacy. In the Commons, members spoke in the order in which they stood up bareheaded. Any member of Parliament or either house or the king could initiate a bill. Both houses had the power to amend or reject a bill. There were conferences between select committees of both houses to settle their differences. The Commons required the appointment of auditors to audit the King's accounts to ensure past grants had been spent according to their purpose. It forced the King's council appointees to be approved by Parliament and to be paid salaries. About 1430, kings' councilors were required to take an oath not to accept gifts of land, not to maintain private suits, not to reveal secrets, and not to neglect the king's business. A quorum was fixed and rules made for removal from the council. For the next fifty years, the council was responsible both to the king and to Parliament. This was the first encroachment on the King's right to summon, prorogue, or dismiss a Parliament at his pleasure, determine an agenda of Parliament, veto or amend its bills, exercise his discretion as to which lords he summoned to Parliament, and create new peers by letters patent [official public letters]. Parliament was affected by the factionalism of the times. The speaker of the commons was often an officer of some great lord. In 1426, the retainers of the barons in Parliament were forbidden to bear arms, so they appeared with clubs on their shoulders. When the clubs were forbidden, they came with stones concealed in their clothing.

Kings created dukes and marquesses to be peers. A duke was given creation money or allowance of 40 pounds a year. A marquess was given 35 pounds. These new positions could not descend to an heiress, unlike a barony or earldom. An earl was given 20 pounds, which probably took the place of his one-third from the county. King Henry VI gave the title of viscount to several people; it had an allowance of 13.3 pounds and was above baron. It allowed them to be peers. There were about 55 peers. Henry VI also began the offices of Keeper of the Great Seal, Keeper of the Privy Seal, Chamberlain, Steward of the Household, to be great offices of state besides chancellor and Treasurer. They were members of his Council along with the Archbishops of Canterbury and York and about 15 other members. In King Edward IV's reign, the king's retinue had about 16 knights, 160 squires, 240 yeomen, clerks, grooms, and stablemen. The suitable annual expense of the household of the king was 13,000 pounds for his retinue of about 516 people, a duke 4,000 pounds for about 230 people, a marquess 3,000 pounds for about 224 people, an earl 2,000 pounds for about 130 people, a viscount 1,000 pounds for about 84 people, a baron 500 pounds for about 26 people, a banneret [a knight made in the field, who had a banner] 200 pounds for about 24 people, a knight bachelor 100 pounds for about 16 people, and a squire 50 pounds for about 16 people. Of a squire's 50 pounds, about 25 pounds were spent in food, repairs and furniture 5, on horses, hay, and carriage 4, on clothes, alms and oblations 4, wages 9, livery of dress 3, and the rest on hounds and the charges of harvest and hay time. Many servants of the household of the country gentleman were poor relations. They might by education and accomplishment rise into the service of a baron who could take him to court, where he could make his fortune.

Barons' households also included steward, chaplains, treasurer, accountants, chamberlain, carvers, servers, cupbearers, pages, and even chancellor. They were given wages and clothing allowances and

had meals in the hall at tables according to their degree.

The authority of the King's privy seal had become a great office of state which transmitted the King's wishes to the Chancery and Exchequer, rather than the King's personal instrument for sealing documents. Now the king used a signet kept by his secretary as his personal seal. Edward IV made the household office of secretary, who had custody the king's signet seal, a public office. The secretary was generally a member of the council. Edward IV invented the benevolence, a gift wrung from wealthy subjects.

King Edward IV introduced an elaborate spy system, the use of the rack to torture people to give information, and other interferences with justice, all of which the Tudor sovereigns later used. Torture was used to discover facts, especially about coconspirators, rather than to elicit a confession, as on the continent. It was only used on prisoners held in the Tower of London involved in state trials and could only be authorized by the king's closest councilors in virtue of the royal prerogative. The rack stretched the supine body by the wrists and legs with increasing agony at the joints until the limbs were dislocated. Some victims were permanently crippled by it; others died on it. Most told what they knew, often at the very sight of the rack. Torture was forbidden in the common law, which favored an accusatorial system, in which the accuser had to prove guilt, rather than an inquisitional system, in which the accused had to prove innocence. Edward IV applied martial law to ordinary cases of high treason by extending the jurisdiction of the politically- appointed High Constable of England to these cases, thus depriving the accused of trial by jury. He executed many for treason and never restored their forfeited land to their families, as had been the usual practice.

King Richard III prohibited the seizure of goods before conviction of felony. He also liberated the unfree villeins on royal estates.

It was declared under Parliamentary authority that there was a preference for the Crown to pass to a King's eldest son, and to his male issue after him. Formerly, a man could ascend to the throne through his female ancestry as well.

#### The Law

The forcible entry statute is expanded to include peaceful entry with forcible holding after the justices arrived and to forcible holding with departure before the justices arrived. Penalties are triple damages, fine, and ransom to the King. A forceful possession lasting three years is exempt.

By common law, a tenant could not take away buildings or fixtures he built on land because it would be wasteful. This applied to agricultural fixtures, but not to other trade fixtures. Also at common law, if a person had enjoyed light next to his property for at least 20 years, no one could build up the adjacent land so that the light would be blocked.

Women of age fourteen or over shall have livery of their lands and tenements by inheritance without question or difficulty.

Purposely cutting out another's tongue or putting out another's eyes is a felony, the penalty for which is loss of all property].

No one may keep swans unless he has lands and tenements of the estate of freehold to a yearly value of 67s., because swans of the King, lords, knights, and esquires have been stolen by yeomen and husbandmen.

The wage ceiling for servants is: bailiff of agriculture 23s.4d. per year, and clothing up to 5s., with meat and drink; chief peasant, a carter, chief shepherd 20s. and clothing up to 4s., with meat and drink; common servant of agriculture 15s., and clothing up to 3s.4d.; woman servant 10s., and clothing up to 4s., with meat and drink; infant under fourteen years 6s., and clothing up to 3s., with meat and drink. Such as deserve less or where there is a custom of less, that lesser amount shall be given.

For laborers at harvest time: mower 4d. with meat and drink or 6d. without; reaper or carter: 3d. with or 5d. without; woman laborer and other laborers: 2d with and 4d. without.

The ceiling wage rate for craftsmen per day is: free mason or master carpenter 4d. with meat and drink or 5d. without; master tiler or slater, rough mason, and mesne [intermediary] carpenter and other artificiers in building 3d. with meat and drink or 4d. without; every other laborer 2d. with meat and drink or 3d. without. In winter the respective wages were less: mason category: 3d. with or 4d. without; master tiler category: 2d. with or 4d. without; others: 1d. with or 3d. without meat and drink.

Any servant of agriculture who is serving a term with a master and covenants to serve another man



at the end of this term and that other man shall notify the master by the middle of his term so he can get a replacement worker. Otherwise, the servant shall continue to serve the first master.

No man or woman may put their son or daughter to serve as an apprentice in a craft within any borough, but may send the child to school, unless he or she has land or rent to the value of 20s. per year. This was because of scarcity of laborers and other servants of agriculture.

No laborer may be hired by the week.

Masons may no longer congregate yearly, because it has led to violation of the statute of laborers.

No games may be played by laborers because they lead to [gambling and] murders and robberies.

Apparel worn must be appropriate to one's status to preserve the industry of agriculture. The following list of classes shows the lowest class, which could wear certain apparel:

1. -Lords - gold cloth, gold corses, sable fur, purple silk
2. -Knights - velvet, branched satin, ermine fur
3. -Esquires and gentlemen with possessions to the value of 800s. per year, daughters of a person who has possessions to the value of 2,000s. a year damask, silk, kerchiefs up to 5s. in value.
4. -Esquires and gentlemen with possessions to the yearly value of 800s. 40 pounds - fur of martron or letuse, gold or silver girdles, silk corse not made in the nation, kerchief up to 3s.4d in value
5. -Men with possessions of the yearly value of 40s. excluding the above three classes - fustian, bustian, scarlet cloth in grain
6. -Men with possessions under the yearly value of 40s. excluding the first three classes - black or white lamb fur, stuffing of wool, cotton, or cadas.
7. -Yeomen - cloth up to the value of 2s., hose up to the value of 14s., a girdle with silver, kerchief up to 12d.
8. -Servants of agriculture, laborer, servant, country craftsman - none of the above clothes

Gowns and jackets must cover the entire trunk of the body, including the private parts. Shoes may not have pikes over two inches.

Every town shall have at its cost a common balance with weights according to the standard of the Exchequer. All citizens may weigh goods for free. All cloth to be sold shall be sealed according to this measure.

There is a standard bushel of grain throughout the nation.

There are standard measures for plain tile, roof tile, and gutter tile throughout the nation.

No gold or silver may be taken out of the nation.

The price of silver is fixed at 30s. for a pound, to increase the value of silver coinage, which has become scarce due to its higher value when in plate or masse.

A designee of the king will inspect and seal cloth with lead to prevent deceit. Cloth may not be tacked together before inspection. No cloth may be sold until sealed.

Heads of arrows shall be hardened at the points with steel and marked with the mark of the arrowsmith who made it, so they are not faulty.

Shoemakers and cordwainers may tan their leather, but all leather must be inspected and marked by a town official before it is sold.

To prevent deceitful tanning, cordwainers shall not tan leather. Tanners who make a notorious default in leather which is found by a cordwainer shall make a forfeiture.

Defective embroidery for sale shall be forfeited.

No fishing net may be fastened or tacked to posts, boats, or anchors, but may be used by hand, so

that fish are preserved and vessels may pass.

No one may import any articles which could be made in the nation, including silks, bows, woolen cloths, iron and hardware goods, harness and saddlery, except printed books.

The following merchandise shall not be brought into the nation already wrought: woolen cloth or caps, silk laces, ribbons, fringes, and embroidery, gold laces, saddles, stirrups, harnesses, spurs, bridles, gridirons, locks, hammers, fire tongs, dripping pans, dice, tennis balls, points, purses, gloves, girdles, harness for girdles of iron steel or of tin, any thing wrought of any treated leather, towed furs, shoes, galoshes, corks, knives, daggers, woodknives, thick blunt needles, sheers for tailors, scissors, razors, sheaths, playing cards, pins, pattens [wooden shoes on iron supports worn in wet weather], pack needles, painted ware, forcers, caskets, rings of copper or of gilt sheet metal, chaffing dishes, hanging candlesticks, chaffing balls, mass bells, rings for curtains, ladles, skimmers, counterfeit felt hat moulds, water pitchers with wide spouts, hats, brushes, cards for wool, white iron wire, upon pain of their forfeiture. One half this forfeiture goes to the king and the other half to the person seizing the wares.

No sheep may be exported, because being shorn elsewhere would deprive the king of customs.

No wheat, rye, or barley may be imported unless the prices are such that national agriculture is not hurt.

Clothmakers must pay their laborers, such as carders and spinsters, in current coin and not in pins and girdles and the like.

The term "freemen" in the Magna Carta includes women.

The election of a knight from a county to go to Parliament shall be proclaimed by the sheriff in the full county so all may attend and none shall be commanded to do something else at that time. Election is to be by majority of the votes and its results will be sealed and sent to Parliament.

Electors and electees to Parliament must reside in the county or be citizens or burgesses of a borough. To be an elector to Parliament, a knight must reside in the county and have a freehold of land or tenements there of the value of at least 40s. per year, because participation in elections of too many people of little substance or worth had led to homicides, assaults, and feuds. (These "yeomen" were about one sixth of the population. Most former electors and every leaseholder and every copyholder were now excluded. Those elected for Parliament were still gentry chosen by substantial freeholders.)

London ordinances forbade placing rubbish or dung in the Thames River or any town ditch or casting water or anything else out of a window. The roads were maintained with tolls on carts and horses bringing victuals or grains into the city and on merchandise unloaded from ships at the port. No carter shall drive his cart more quickly when it is unloaded than when it is loaded. No pie bakers shall sell beef pies as venison pies, or make any meat pie with entrails. To assist the poor, bread and ale shall be sold by the farthing.

Desertion by a soldier is penalized by forfeiture of all land and property.

The common law held that a bailee is entitled to possession against all persons except the owner of the bailed property.

Former justice Sir Thomas Littleton wrote a legal textbook describing tenancies in dower; the tenures of socage, knight's service, serjeanty, and burgage; estates in fee simple, fee tail, and fee conditional; inheritance and alienation of land. For instance, "Also, if feoffment be made upon such condition, that if the feoffor pay to the feoffee at a certain day, etc., 800s. forty pounds of money, that then the feoffor may reenter, etc., in this case the feoffee is called tenant in mortgage, ... and if he doth not pay, then the land which he puts in pledge upon condition for the payment of the money is gone from him for ever, and so dead as to the tenant, etc."

Joint tenants are distinguished from tenants in common by Littleton thus: "Joint-tenants are, as if a man be seised of certain lands or tenements, etc., and thereof enfeoffeth two, or three, or four, or more, to have and to hold to them (and to their heirs, or letteth to them) for term of their lives, or for term of another's life; by force of which feoffment or lease they are seised, such are joint-tenants. ... And it is to be understood, that the nature of joint-tenancy is, that he that surviveth shall have solely the entire tenancy, according to such estate as he hath, ..." "Tenants in common are they that have lands or tenements in fee-simple, fee-tail, or for term of life, etc., the which have such lands and tenements by several title, and not by joint title, and neither of them knoweth thereof his severalty, but

they ought by the law to occupy such lands or tenements in common pro indiviso [undivided], to take the profits in common. ...As if a man enfeoff two joint-tenants in fee, and the one of them alien that which to him belongeth to another in fee, now the other joint-tenant and the alienee are tenants in common, because they are in such tenements by several titles, ..."

There are legal maxims and customs of ancient origin which have become well established and known though not written down as statutes. Some delineated by Christopher St. Germain in "Doctor and Student" in 1518 are:

1. -The spouse of a deceased person takes all personal and real chattels of the deceased.
2. -For inheritance of land, if there are no descendant children, the brothers and sisters take alike, and if there are none, the next blood kin of the whole blood take, and if none, the land escheats to the lord. Land may never ascend from a son to his father or mother.
3. -A child born before espousals is a bastard and may not inherit, even if his father is the husband.
4. -If a middle brother purchases lands in fee and dies without heirs of his body, his eldest brother takes his lands and not the younger brother. The next possible heir in line is the younger brother, and the next after him, the father's brother.
5. -For lands held in socage, if the heir is under 14, the next friend to the heir, to whom inheritance may not descend, shall have the ward of his body and lands until the heir is 14, at which time the heir may enter.
6. -For lands held by knight's service, if the heir is under 14, then the lord shall have the ward and marriage of the heir until the heir is 21, if male, or 14 (changed to 16 in 1285), if female. When of age, the heir shall pay relief. By the right of marriage, a lord could give his ward-heirs in marriage to a suitable match. Should this match be refused, its value, determined by a judge, was forfeited to the lord.
7. -A lease for a term of years is a real chattel rather than a free tenement, and may pass without livery of seisin.
8. -He who has possession of land, though it is by disseisin, has right against all men but against him who has right.
9. -If a tenant is past due his rent, the lord may distrain his beasts which are on the land.
10. -All birds, fowls, and wild beasts of the forest and warren are excepted out of the law and custom of property. No property may be had of them unless they are tame. However, the eggs of hawks and herons and the like belong to the man whose land they are on.
11. If a man steals goods to the value of 12d., or above, it is felony, and he shall die for it. If it is under the value of 12d., then it is but petty larceny, and he shall not die for it, but shall be punished at the discretion of the judges. This not apply to goods taken from the person, which is robbery, a felony punishable by death.
12. If the son is attainted [convicted of treason or felony with the death penalty and forfeiture of all lands and goods] in the life of the father, and after he purchases his -charter of pardon of the King, and after the father dies; in this case the land shall escheat to the lord of the fee, insomuch that though he has a younger brother, yet the land shall not descend to him: for by the attainder of the elder brother the blood is corrupt, and the father in the law died -without heir.
13. A man declared outlaw forfeits his profits from land and his goods to the King.
14. He who is arraigned upon an indictment of felony shall be admitted, in favor of life, to challenge thirty-five inquirers (three whole inquests would have thirty-six) peremptorily. With cause, he may challenge as many as he has cause to challenge if he can prove it. Such peremptory challenge shall not be admitted in a private suit.
15. An accessory shall not be put to answer before the principal.
16. If a man commands another to commit a trespass, and he does it, the one who made the command is a trespasser.
17. The land of every man is in the law enclosed from other, though it lies in the open field, and a trespasser in it may be brought to court.
18. Every man is bound to make recompense for such hurt as his beasts do in the growing grain or

grass of his neighbor, though he didn't know that they were there.

19. If two titles are concurrent together, the oldest title shall be preferred.

20. He who recovers debt or damages in the King's court when the person charged is not in custody, may within a year after the judgment take the body of the defendant, and commit him to prison until he has paid the debt and damages.

21. If the demandant or plaintiff, hanging his writ (writ pending in court), will enter into the thing demanded, his writ shall abate.

22. By the alienation of the tenant, hanging the writ, or his entry into religion, or if he is made a knight, or she is a woman and takes a husband hanging the writ, the writ shall not abate.

23. The king may disseise no man and no man may disseise the king, nor pull any reversion or remainder out of him.

### Judicial Procedure

The prohibition against maintenance was given penalties in 1406 of 100s. per person for a knight or lower giving livery of cloth or hats, and of 40s. for the receiver of such. A person who brought such suit to court was to be given half the penalty. The Justices of Assize and King's Bench were authorized to inquire about such practices. The statute explicitly included ladies and any writing, oath, or promise as well as indenture. Excepted were guilds, fraternities, and craftsmen of cities and boroughs which were founded on a good purpose; universities; the mayor and sheriffs of London; and also lords, knights, and esquires in time of war. A penalty of one year in prison without bail was given. In 1468, there was a penalty of 100s. per livery to the giver of such, 100s. per month to the retainer or taker of such, and 100s. per month to the person retained. Still this law was seldom obeyed.

People took grievances outside the confines of the rigid common law to the Chancellor, who could give equitable remedies under authority of a statute of 1285 (described in Chapter 8). The Chancery heard many cases of breach of faith in the "use", a form of trust in which three parties were involved: the holder of land, feoffees to whom the holder had made it over by conveyance or "bargain and sale", and the beneficiary or receiver of the profits of the land, who was often the holder, his children, relatives, friends, an institution, or a corporation. This system of using land had been created by the friars to get around the prohibition against holding property. Lords and gentry quickly adopted it. The advantages of the use were that 1) there was no legal restriction to will away the beneficial interest of the use although the land itself could not be conveyed by will; 2) it was hard for the king to collect feudal incidents because the feoffees were often unknown 3) the original holder was protected from forfeiture of his land in case of conviction of treason if the Crown went to someone he had not supported. Chancery gave a remedy for dishonest or defaulting feoffees.

Chancery also provided the equitable relief of specific performance in disputes over agreements, for instance, conveyance of certain land, whereas the common law courts awarded only monetary damages by the writ of covenant.

Chancery ordered accounts to be made in matters of foreign trade because the common law courts were limited to accounts pursuant to transactions made within the nation. It also involved itself in the administration of assets and accounting of partners to each other.

The Chancellor took jurisdiction of cases of debt, detinue, and account which had been decided in other courts with oath-helping by the defendant. He did not trust the reliance on friends of the defendant swearing that his statement made in his defense was true. An important evidentiary difference between procedures of the Chancery and the common law courts was that the Chancellor could orally question the plaintiff and the defendant under oath. He also could order persons to appear at his court by subpoena, under pain of punishment, such as a heavy fine.

The Court of Common Pleas had three types of jurisdiction: 1) common law jurisdiction between person and person, including actions regarding land, which was exclusive, 2) personal actions of debt, detinue, account and covenant, and 3) mixed actions, both personal and regarding land, e.g. ejectment. It had shared jurisdiction with the Court of the King's Bench in maintenance, conspiracy, other breaches of statute, trespass, trespass on the case, and their derivatives. Most of its business had to do with recovery of debt, from 40s. to thousands of pounds.

Whereas the characteristic award of the common law courts was seisin of land or monetary damages, Chancery often enjoined certain action. Because malicious suits were a problem, the Chancery identified such suits and issued injunctions against taking them to any court.

The Chancery was given jurisdiction by statute over men of great power taking by force women who had lands and tenements or goods and not setting them free unless they bound themselves to pay great sums to the offenders or to marry them. A statute also gave Chancery jurisdiction over servants taking their masters' goods at his death. Chancery could issue writs of habeas corpus [produce the body] to bring a person before a court or judge.

Justices of the Peace, appointed by the Crown, investigated all riots and arrested rioters, by authority of statute. If they had departed, the Justices certified the case to the King. The case was then set for trial first before the king and his council and then at the King's Bench. If the suspected rioters did not appear at either trial, they could be convicted for default of appearance. If a riot was not investigated and the rioters sought, the Justice of the Peace nearest forfeited 2,000s. Justices of the Peace were not paid. For complex cases and criminal cases with defendants of high social status, they deferred to the Justices of Assize, who rode on circuit once or twice a year. Since there was no requirement of legal knowledge for a Justice of the Peace, many referred to the "Boke of the Justice of the Peas" compiled about 1422 for them to use. Manor courts still formally admitted new tenants, registered titles, sales of land and exchanges of land, and commutation of services, enrolled leases and rules of succession, settled boundary disputes, and regulated the village agriculture.

All attorneys shall be examined by the royal justices for their learnedness in the law and, at their discretion, those that are good and virtuous shall be received to make any suit in any royal court. These attorneys shall be sworn to serve well and truly in their offices.

Attorneys may plead on behalf of parties in the hundred courts.

A qualification for jurors was to have an estate to one's own use or one of whom other persons had estates of fee simple, fee tail, or freehold in lands and tenements, which were at least 40s. per year in value. In a plea of land worth at least 40s. yearly or a personal plea with relief sought at least 800s., jurors had to have land in the bailiwick to the value of at least 400s., because perjury was considered less likely in the more sufficient men.

In criminal cases, there were many complaints made that the same men being on the grand assize and petty assize was unfair because prejudicial. So it became possible for a defendant to challenge an indictor for cause before the indictor was put on the petty assize. Then the petty assize came to be drawn from the country at large and was a true petty or trial jury. Jurors were separated from witnesses. In the 1700s, the principle was established that a juror should not sit on a case of which he had previous knowledge.

Justices of the Peace were to have lands worth 267s. yearly, because those with less had used the office for extortion and lost the respect and obedience of the people.

A Sheriff was not to arrest, but to transfer indictments to the Justices of the Peace of the county. He had to reside in his bailiwick. The sheriff could be sued for misfeasance such as bribery in the King's court.

Impeachment was replaced with bill of attainder during the swift succession of parliaments during the civil war. This was a more rapid and efficient technique of bringing down unpopular ministers or political foes. There was no introduction of evidence, nor opportunity for the person accused to defend himself, nor any court procedure, as there was with impeachment.

An example of a case of common law decided by Court of King's Bench is Russell's Case (1482) as follows:

In the king's bench one Thomas Russell and Alice his wife brought a writ of trespass for goods taken from Alice while she was single. The defendant appeared and pleaded not guilty but was found guilty by a jury at nisi prius, which assessed the damages at 20 pounds. Before the case was next to be heard in the King's Court an injunction issued out of the Chancery to the plaintiffs not to proceed to judgment, on pain of 100 pounds, and for a long time judgment was not asked for. Then Hussey CJKB. asked Spelman and Fincham, who appeared for the plaintiff if they wanted to ask for judgment according to the verdict. Fincham [P]: We would ask for judgment, except for fear of the penalty provided for in the injunction, for fear that our client will be imprisoned by the Chancellor if he disobeys. Fairfax, JKB: He can ask for judgment in spite of the injunction, for if it is addressed to the plaintiff his attorney can ask for judgment, and vice versa. Hussey, CJKB: We have consulted together on this matter among ourselves and we see no harm which can come to the plaintiff if he proceeds to judgment. The law will not make him pay the penalty provided in the injunction. If the Chancellor wants to imprison him he must send him to the Fleet Prison, and, as soon as you are there you will inform us and we shall issue a habeas corpus returnable before us, and when you appear before us we shall discharge you, so you will

not come to much harm, and we shall do all we can for you. Nevertheless, Fairfax said he would go to the Chancellor and ask him if he would discharge the injunction. And they asked for judgment and it was held that they should recover their damages as assessed by the jury, but they would not give judgment for damages caused by the vexation the plaintiff suffered through the Chancery injunction. And they said that if the Chancellor would not discharge the injunction, they would give judgment if the plaintiff would ask for it.

An example of a petition to chancery in the 1400s is *Hulkere v. Alcote*, as follows:

To the right reverend father in God and gracious lord bishop of Bath, chancellor of England, your poor and continual bedwoman Lucy Hulkere, widow of Westminster, most meekly and piteously beseeches: that whereas she has sued for many years in the King's Bench and in the Common Pleas for withholding diverse charters and evidences of land, leaving and delaying her dower of the manor of Manthorpe in Lincolnshire and also of the manor of Gildenburton in Northamptonshire, together with the withdrawing of her true goods which her husband gave her on his deathbed to the value of 100 pounds and more, under record of notary, sued against Harry Alcote and Elizabeth of the foresaid Gildenburton within the same county of Northampton. And by collusion and fickle counsel of the foresaid Harry and Elizabeth his mother there was led and shown for him within the Common Pleas a false release, sealed, to void and exclude all her true suit by record of true clerks and attorneys of the aforesaid Common Pleas. Of the which false release proved she has a copy to show. [All this is] to her great hindrance and perpetual destruction unless she have help and remedy by your righteous and gracious lordship in this matter at this time. That it please your noble grace and pity graciously to grant a writ subpoena to command the foresaid Henry Alcote and Elizabeth Alcote to come before your presence by a certain day by you limited in all haste that they may come to Westminster to answer to this matter abovesaid, for love of God and a deed of charity, considering graciously that the foresaid Harry Alcote, with another fellow of his affinity who is not lately hanged for a thief in France led her into a garden at Gildenburton and put her down on the ground, laying upon her body a board and a summer saddle and great stones upon the board, the foresaid Harry Alcote sitting across her feet and the other at her head for to have slain her and murdered her, and by grace of our lady her mother-in-law out walking heard a piteous voice crying and by her goodness she was saved and delivered, and otherwise would be dead. Pledges to prosecute: John Devenshire of Berdevyle in Essex and James Kelom of London. Returnable in Michaelmas term.

## Chapter 11

The Times: 1485-1509

Henry Tudor and other exiles defeated and killed Richard III on Bosworth field, which ends the civil War of the Roses between the Lancaster and York factions. As King, Henry VII restored order to the nation. He was readily accepted as king because he was descended from the Lancaster royal line and he married a woman from the York royal line. Henry was intelligent and sensitive. He weighed alternatives and possible consequences before taking action. He was convinced by reason on what plans to make. In his reign of 24 years, Henry applied himself diligently to the details of the work of government to make it work well. He strengthened the monarchy, shored up the legal system to work again, and provided a peace in the land in which a renaissance of the arts and sciences, culture, and the intellectual life could flourish. His primary strategy was enacting and enforcing statutes to shore up the undermined legal system, which includes the establishment of a new court: the Court of the Star Chamber, to obtain punishment of persons whom juries were afraid to convict. It had no jury and no grand jury indictment. For speed and certainty, it tried people "ex officio": by virtue of its office. Suspects were required to take an oath ex officio, by which they swore to truthfully answer all questions put to them. A man could not refuse to answer on the grounds of self-incrimination. The Star Chamber was the room in which the King's council had met since the 1300s.

The most prevalent problems were: murder, robbery, rape or forced marriage of wealthy women, counterfeiting of coin, extortion, misdemeanors by sheriffs and escheators, bribing of sheriffs and jurors, perjury, livery and maintenance agreements, idleness, unlawful plays, and riots. Interference with the course of justice was not committed only by lords on behalf of their retainers; men of humbler station were equally prone to help their friends in court or to give assistance in return for payment. Rural juries were intimidated by the old baronage and their armed retainers. Juries in municipal courts were subverted by gangs of townsmen. Justices of the Peace didn't enforce the laws. The agricultural work of the nation had been adversely affected.

Henry made policy with the advice of his council and had Parliament enact it into legislation. He

dominated Parliament by having selected most of its members. Many of his council were sons of burgesses and had been trained in universities. He chose competent and especially trusted men for his officers and commanders of castles and garrison. The fact that only the king had artillery deterred barons from revolting. Also, the baronial forces were depleted due to the civil War of the Roses. If Henry thought a magnate was exercising his territorial power to the King's detriment, he confronted him with an army and forced him to bind his whole family in recognizances for large sums of money to ensure future good conduct. Since the king had the authority to interpret these pledges, they were a formidable check on any activity which could be considered to be disloyal. The earl of Kent, whose debts put him entirely at the King's mercy, was bound to "be seen daily once in the day within the King's house". Henry also required recognizances from men of all classes, including clergy, captains of royal castles, and receivers of land. The higher nobility now consisted of about twenty families. The heavy fines by the Star Court put an end to conspiracies to defraud, champerty [an agreement with a litigant to pay costs of litigation for a share in the damages awarded], livery, and maintenance. The ties between the nobility and the Justices of the Peace had encouraged corruption of justice. So Henry appointed many of the lesser gentry and attorneys as Justices of the Peace. Also he appointed a few of his councilors as nonresident Justices of the Peace. There were a total of about thirty Justices of the Peace per county. Their appointments were indefinite and most remained until retirement or death. Henry instituted the Yeomen of the Guard to be his personal bodyguards night and day.

Many bills of attainder caused lords to lose their land to the King. Most of these lords had been chronic disturbers of the peace. Henry required retainers to be licensed, which system lasted until about 1600. Henry was also known to exhaust the resources of barons he suspected of disloyalty by accepting their hospitality for himself and his household for an extended period of time.

Henry built up royal funds by using every available procedure of government to get money, by maximizing income from royal estates by transferring authority over them from the Exchequer to knowledgeable receivers, and from forfeitures of land and property due to attainders of treason. He also personally reviewed all accounts and initialed every page, making sure that all payments were made. He regularly ordered all men with an income of 800s. [40 pounds] yearly from lands or revenue in hand to receive knighthoods, which were avoided by those who did not want to fight, or pay a high fee. As a result, the Crown became rich and therefore powerful.

Henry's Queen, Elizabeth, was a good influence on his character. Her active beneficence was a counteracting influence to his avaricious predisposition. When Henry and his Queen traveled through the nation, they often stopped to talk to the common people. They sometimes gave away money, such as to a man who had lost his hand. Henry paid for an intelligent boy he met to go to school.

Henry had the first paper mill erected in the nation. He fostered the reading of books and the study of Roman law, the classics, and the Bible. He had his own library and gave books to other libraries.

The age of entry to university was between 13 and 16. It took four years' study of grammar, logic, and rhetoric to achieve the Bachelor of Arts degree and another five before a master could begin a specialized study of the civil law, canon law, theology, or medicine. Humanist studies were espoused by individual scholars at the three centers of higher learning: Oxford University, Cambridge University, and the Inns of Court in London. The Inns of Court attracted the sons of gentry and merchants pursuing practical and social accomplishments. The text of "readings" to members of the inns survive from this time. In the legalistic climate of these times, attorneys were prosperous.

The enclosure of land by hedges for sheep farming continued, especially by rich merchants who bought country land for this purpose. Often this was land that had been under the plough. Any villeins were given their freedom and they and the tenants at will were thrown off it immediately. That land held by copyholders of land who had only a life estate, was withheld from their sons. Only freeholders and copyholders with the custom of the manor in their favor were secure against eviction. But they could be pressured to sell by tactics such as breeding rabbits or keeping geese on adjoining land to the detriment of their crops, or preventing them from taking their traditional short cuts across the now enclosed land to their fields. The real line of distinction between rural people was one of material means instead of legal status: free or unfree. On one extreme was the well-to-do yeoman farmer farming his own land. On the other extreme was the agricultural laborer working for wages. Henry made several proclamations ordering certain enclosures to be destroyed and tillage to be restored.

Other land put to use for sheep breeding was waste land. There were three sheep to every person. The nearby woodlands no longer had wolves or lynx who could kill the sheep. Bears and elk are also gone. There were still deer, wild boar, wildcats and wild cattle in vast forests for the lords to hunt. Wood was used for houses, arms, carts, bridges, and ships.

The villages were still isolated from each other, so that a visitor from miles away was treated as warily as a foreigner. Most people lived and died where they had been born. A person's dialect

indicated his place of origin. The life of the village still revolved around the church. In some parishes, its activities were highly organized, with different groups performing different functions. For example, the matrons looked after a certain altar; the maidens raised money for a chapel or saw to the gilding of the images; the older men collected money for church repair; and the younger men organized the church ales and the church plays. Wills often left property or rents from leased land to the church. Church cows and sheep given could be leased out to villagers. Church buildings given could be leased out, turned over to the poor, used to brew ale or bake bread for church ales, or used in general as a place for church activities. Church ales would usually a good source of income; alehouses would be closed during the ceremonies and parishioners would contribute malt for the ale and grain, eggs, butter, cheese, and fruits.

The largest town, London, had a population of about 70,000. Other towns had a population less than 20,000. The population was increasing, but did not reach the level of the period just before the black death.

In most large towns, there were groups of tailors and hatmakers, glovers, and other leatherworkers. Some towns had a specialization due to their proximity to the sources of raw materials, such as nails, cutlery, and effigies and altars. Despite the spread of wool manufacturing to the countryside, there was a marked increase of industry and prosperity in the towns. The principal streets of the larger towns were paved with gravel. Guild halls became important and imposing architecturally.

A large area of London was taken up by walled gardens of the monasteries and large mansions. There were some houses of stone and timber and some mansions of brick and timber clustered around palaces. In these, bedrooms increased in number, with rich bed hangings, linen sheets, and bolsters. Bedspreads were introduced. Nightgowns were worn. Fireplaces became usual in all the rooms. Tapestries covered the walls. Carpets were used in the private rooms. Some of the great halls had tiled floors. The old trestle tables were replaced by tables with legs. Benches and stools had backs to lean on. A long gallery was used for exercise, recreation such as music and dancing, and private conversations. Women and men wore elaborate headdresses. On the outer periphery are taverns and brothels, both made of mud and straw. Houses are beginning to be built outside the walls of London along the Thames because the collapse of the power of the great feudal lords decreased the fear of an armed attack on London. The merchants introduced this idea of living at a distance from the place of work so that they could escape living in the narrow, damp, and dark lanes of the City and have more light and space. Indeed no baronial army ever threatened the king again. East of London were cattle pastures, flour mills, bakers, cloth-fulling mills, lime burners, brick and tile makers, bell founders, and ship repairing. There was a drawbridge on the south part of London Bridge for defense and to let ships through. Water sports were played on the Thames such as tilting at each other with lances from different boats.

The Tailors' and Linen Armorers' Guild received a charter in 1503 from the king as the "Merchant Tailors" to use all wares and merchandise, especially wool cloth, as well wholesale as retail, throughout the nation. Some schooling was now being made compulsory in certain trades; the goldsmiths' company made a rule that all apprentices had to be able to read and write. There are guilds of ironmongers, salters, and haberdashers [hats and caps]

A yeoman was the second-rank person of some importance, below a knight, below a gentleman, below a full member of a guild. In London, it meant the journeyman or second adult in a small workshop. These yeomen had their own fraternities and were often on strike. Some yeomen in the large London industries, e.g. goldsmiths, tailors, cloth workers, who had served an apprenticeship started their own businesses in London suburbs outside the jurisdiction of their craft to search them.

The Merchant Adventurers created a London fellowship confederacy to make membership of their society and compliance with its regulations binding on all cloth traders and to deal with common interests and difficulties such as taxation, relations with rulers, and dangers at sea. They made and enforced trading rules, chartered fleets, and organized armed convoys when the seas were unsafe and coordinated policies with Henry VII. Membership could be bought for a large fee or gained by apprenticeship or by being the son of a member.

Tudor government was paternalistic, curtailing cutthroat competition, fixing prices and wages, and licensing production under grants of monopoly to achieve a stable and contented society and a fair living for all.

Foreign trade was revived because it was a period of comparative peace. The nation sought to sell as much as possible to foreign nations and to buy at little as possible and thereby increase its wealth in gold and silver, which could be used for currency.

Ships weighed 200 tons and had twice the cargo space they had previously. Their bows were more



pointed and their high prows made them better able to withstand gales. The mariners' compass with a pivoting needle and circular dial with a scale was introduced. The scale gave precision to directions. Ships had three masts. On the first was a square sail. On the second was a square sail with a small rectangular sail above it. On the third was a three cornered lateen sail. These sails make it possible to sail in almost any direction. This opened the seas of the world to navigation. At this time navigators kept their knowledge and expertise secret from others. Adventurous seamen went on voyages of discovery, such as John Cabot to North America in 1497, following Italian Christopher Columbus' discovery of the new world in 1492. Ferdinand Magellan of Portugal circumnavigated the world in 1519, proving uncontrovertedly that the earth was spherical rather than flat. Theologians had to admit that Jerusalem was not the center of the world. Sailors overcame their fear of tumbling into one of the openings into hell that they believed were far out into the Atlantic Ocean and ceased to believe that a red sunset in the morning was due to a reflection from hell. Seamen could venture forth into the darkness of the broad Atlantic Ocean with a fair expectation of finding their way home again. They gradually learned that there were no sea serpents or monsters that would devour foolhardy mariners. They learned to endure months at sea on a diet of salt beef, beans, biscuits, and stale water and the bare deck for a bed. But there were still mutinies and disobedient pilots. Mortality rates among seamen were high. There are more navy ships, and they have some cannon.

The blast furnace was introduced in the iron industry. A blast of hot air was constantly forced from a stove into the lower part of the furnace which was heating at high temperature a mixture of the iron ore and a reducing agent that combined with the oxygen released. After the iron was extracted, it was allowed to harden and then reheated and hammered on an anvil to shape it and to force out the hard, brittle impurities. Blast furnace heat was maintained by bellows worked by water wheels. Alchemists sought to make gold from the baser metals and to make a substance that would give them immortality. There was some thought that suffocation in mines, caverns, wells, and cellars was not due to evil spirits, but to bad air such as caused by "exhalation of metals".

In 1502, German Peter Henlein invented the pocket watch and the mainspring inside it.

There were morality plays in which the seven deadly sins: pride, covetousness, lust, anger, gluttony, envy, and sloth, fought the seven cardinal virtues: faith, hope, charity, prudence, temperance, justice, and strength, respectively, for the human soul. The play "Everyman" demonstrates that every man can get to heaven only by being virtuous and doing good deeds in his lifetime. It emphasizes that death may come anytime to every man, when his deeds will be judged as to their goodness or sinfulness. Card games were introduced. The legend of Robin Hood was written down.

The Commons gained the stature of the Lords and statutes were regularly enacted by the "assent of the Lords spiritual and temporal and the Commons". The Commons now assented instead merely requested enactments.

## The Law

Royal proclamations clarifying, refining or amplifying the law had the force of parliamentary statutes. In 1486, the King proclaimed that "Forasmuch as many of the King our sovereign lord's subjects [have] been disposed daily to hear feigned, contrived, and forged tidings and tales, and the same tidings and tales, neither dreading God nor his Highness, utter and tell again as though they were true, to the great hurt of divers of his subjects and to his grievous displeasure: Therefore, in eschewing of such untrue and forged tidings and tales, the King our said sovereign lord straitly chargeth and commandeth that no manner person, whatsoever he be, utter nor tell any such tidings or tales but he bring forth the same person the which was author and teller of the said tidings or tales, upon pain to be set on the pillory, there to stand as long as it shall be thought convenient to the mayor, bailiff, or other official of any city, borough, or town where it shall happen any such person to be taken and accused for any such telling or reporting of any such tidings or tales. Furthermore the same our sovereign lord straitly chargeth and commandeth that all mayors, bailiffs, and other officers diligently search and inquire of all such persons tellers of such tidings and tales not bringing forth the author of the same, and them set on the pillory as it is above said." He also proclaimed in 1487 that no one, except peace officers, may carry a weapon, e.g. bows, arrows, or swords, in any town or city unless on a journey. He proclaimed in 1498 that no one may refuse to receive silver pennies or other lawful coin as payment regardless of their condition as clipped, worn, thin, or old, on pain of imprisonment and further punishment.

A statute provided that: Lords holding castles, manors, lands and tenements by knight's service of the king shall have a writ of right for wardship of the body as well as of the land of any minor heir of a deceased person who had the use [beneficial enjoyment of a trust] of the land for himself and his heirs as if the land had been in the possession of the deceased person. And if such an heir is of age, he shall pay relief to the lord as if he had inherited possession of the land. An heir in ward shall have an action

of waste against his lord as if his ancestor had died seised of the land. That is, lands of "those who use" shall be liable for execution of his debt and to the chief lord for his relief and heriot, and if he is a bondsman, they may be seized by the lord. The king tried to retain the benefits of feudal incidents on land by this Statute of Uses, but attorneys sought to circumvent it by drafting elaborate and technical instruments to convey land free of feudal burdens.

Any woman who has an estate in dower, or for a term of life, or in [fee] tail, jointly with her husband, or only to herself, or to her use, in any manors, lands, tenements, or other hereditaments of the inheritance or purchase of her husband, or given to the said husband and wife in tail, or for term of life, by any of the ancestors of the said husband, or by any other person seised to the use of the said husband, or of his ancestors, who, by herself or with any after taken husband; discontinue, alienate, release, confirm with warranty or, by collusion, allow any recovery of the same against them or any other seised to their use, such action shall be void. Then, the person to whom the interest, title, or inheritance would go after the death of such woman may enter and possess such premises. This does not affect the common law that a woman who is single or remarried may give, sell, or make discontinuance of any lands for the term of her life only.

All deeds of gift of goods and chattels made of trust, to the use of the giver [grantor and beneficiary of trust], to defraud creditors are void.

It is a felony to carry off against her will, a woman with lands and tenements or movable goods, or who is heir-apparent to an ancestor. This includes taking, procuring, abetting, or knowingly receiving a woman taken against her will.

A vagabond, idle, or suspected person shall be put in the stocks for three days with only bread and water, and then be put out of the town. If he returns, he shall spend six days in the stocks. (A few years later this was changed to one and three days, respectively.) Every beggar who is not able to work, shall return to the hundred where he last dwelled, is best known, or was born and stay there.

No one may take pheasants or partridges by net snares or other devices from his own warren [breeding ground], upon the freehold of any other person, or else forfeit 200s., one half to the owner of the land and the other half to the suer. No one may take eggs of any falcon, hawk, or swan out of their nest, whether it is on his land or any other man's land, on pain of imprisonment for one year and fine at the King's will, one half to the King, and the other half to the holder of the land, or owner of the swan. No man shall bear any English hawk, but shall have a certificate for any imported hawk, on pain for forfeiture of such. No one shall drive falcons or hawks from their customary breeding place to another place to breed or slay any for hurting him, or else forfeit 200s. after examination by a Justice of the Peace, one half going to the king and one half to the suer.

Any person without a forest of his own who has a net device with which to catch deer shall pay 200s. for each month of possession. Anyone stalking a deer with beasts anywhere not in his own forest shall forfeit 200s. Anyone taking any heron by device other than a hawk or long bow shall forfeit 6s.8d. No one shall take a young heron from its nest or pay 10s. for each such heron. Two justices may decide such an issue, and one tenth of the fine shall go to them.

No man shall shoot a crossbow except in defense of his house, other than a lord or one having 2,667s. of land because their use had resulted in too many deer being killed. (The longbow was not forbidden.)

No beasts may be slaughtered or cut up by butchers within the walls of a town, or pay 12d. for every ox and 8d. for every cow or other beast, so that people will not be annoyed and distempered by foul air, which may cause them sickness.

No tanner may be a currier [dressed, dyed, and finished tanned leather] and no currier may be a tanner. No shoemaker [cordwainer] may be a currier and no currier may be a shoemaker. No currier shall curry hides which have not been tanned. No tanner shall sell other than red leather. No tanner may sell a hide before it is dried. No tanner may tan sheepskins.

No long bow shall be sold over the price of 3s.4d.

Good wood for making bows may be imported without paying customs.

No grained cloth of the finest making shall be sold for more than 16s., nor any other colored cloth for more than 11s. per yard, or else forfeit 40s. for every yard so sold. No hat shall be sold for more than 20d. and no cap shall be sold for more than 2s.8d., or else forfeit 40s. for each so sold.

Silver may not be sold or used for any use but goldsmithery or amending of plate to make it good as sterling, so that there will be enough silver with which to make coinage.

Each feather bed, bolster, or pillow for sale shall be stuffed with one type of stuffing, that is, dry pulled feathers or with clean down alone, and with no sealed feathers nor marsh grass, nor any other corrupt stuffings. Each quilt, mattress, or cushion for sale shall be stuffed with one type of stuffing, that is, clean wool, or clean flocks alone, and with no horsehair, marsh grass, neatshair, deershair, or goatshair, which is wrought in lime fats and gives off an abominable and contagious odor when heated by a man's body, on pain of forfeiture of such.

Salmon shall be sold by standard volume butts and barrels. Large salmon shall be sold without any small fish or broken-bellied salmon and the small fish shall be packed by themselves only, or else forfeit 6s.8d. Herring shall be sold at standard volumes. The herring shall be as good in the middle and in every part of the package as at the ends of the package, or else forfeit 3s.4d. Eels shall be sold at standard volumes, and good eels shall not be mixed with lesser quality eels, or else forfeit 10s. The fish shall be packed in the manner prescribed or else forfeit 3s.4d. for each vessel.

Fustians shall always be shorn with the long shear, so that it can be worn for at least two years. If an iron or anything else used to dress such injures the cloth so that it wears out after four months, 20s. shall be forfeited for each default, one half to the king and the other half to the suer.

Pewter and brass ware for sale shall be of the quality of that of London and marked by its maker, on pain of forfeiture of such, and may be sold only at open fairs and markets or in the seller's home, or else forfeit 200s. If such false ware is sold, its maker shall forfeit its value, one half to the king and one half to the searchers. Anyone using false weights of such wares shall forfeit 20s., one half to the king and one half to the suer, or if he cannot pay this fine, to be put in the stocks until market day and then be put in the pillory all the market time.

No alien nor denizen [foreigner allowed to reside in the nation with certain rights and privileges] may carry out of the nation any raw wool or any woolen cloth which has not been barbed, rowed, and shorn.

Silk ribbons, laces, and girdles of silk may not be imported, since they can be made in the nation.

No one shall import wine into the nation, but on English ships, or else forfeit the wine, one half to the king and one half to the seizer of the wine.

No one may take out of the nation any [male] horse or any mare worth more than 6s.8s. or under the age of three years, upon pain of forfeiture of such. However, a denizen may take a horse for his own use and not to sell. This is to stop losing horses needed for defense of the nation and to stop the price of a horse from going up.

Freemen of London may go to fairs and markets with wares to sell, despite the London ordinance to the contrary.

Merchants residing in the nation but outside London shall have free access to foreign markets without exaction taken of more than 133s. sterling by the confederacy of London merchants, which have increased their fee so much, 400s., that merchants not in the confederacy have been driven to sell their goods in London for less than they would get at a foreign market. Exacting more is punishable by a fine of 400s. and damages to the grieved party of ten times the excess amount taken.

For the privilege of selling merchandise, a duty of scavage shall be taken of merchant aliens, but not of denizens. Any town official who allows disturbing of a person trying to sell his merchandise because he has not paid scavage, shall pay a fine of 400s.

Coin clipped or diminished shall not be current in payment, but may be converted at the King's mint into plate or bullion. Anyone refusing to take coins with only normal wear may be imprisoned by the mayor, sheriff, bailiff, constable or other chief officer. New coins, which have a circle or inscription around the outer edge, will be deemed clipped if this circle or inscription is interfered with.

The penalty for usury is placement in the pillory, imprisonment for half a year, and a fine of 400s. (The penalty was later changed to one half thereof.)

Lawbooks in use at the Inns of Court included "The Books of Magna Carta with diverse Old Statutes", "Doctor and Student" by St. Germain, "Grand Abridgment" by Fitzherbert, and "New Natura Brevium" by Lombard.

## Judicial Procedure

This statute made changes in the judicial process: The Chancellor, Treasurer, keeper of the King's

privy seal, or two of them, with a bishop selected by them, and a temporal lord of the King's council selected by them, and the two Chief Justices of the King's Bench shall constitute the Court of the Star Chamber. It shall have the authority to call before it by writ or by privy seal anyone accused of "unlawful maintenances, giving of liveries, signs and tokens, and retainers by indentures, promises, oaths, writings, or otherwise embraceries of his subjects" and witnesses, and impose punishment as if convicted under due process of law. These laws shall now be enforced: If a town does not punish the murderer of a man murdered in the town, the town shall be punished. A town shall hold any man who wounds another in peril of death, until there is perfect knowledge whether the man hurt should live or die. Upon viewing a dead body, the coroner should inquire of the killers, their abettors, and anyone present at the killing and certify these names. In addition, the murderer and accessories indicted shall be tried at the King's suit within a year of the murder, which trial will not be delayed until a private suit is taken. If acquitted at the King's suit, he shall go back to prison or let out with bail for the remainder of the year, in which time the slain man's wife or next of kin may sue. For every inquiry made upon viewing a slain body, coroners shall be paid 13s.4d. out of the goods of the slayer or from a town not taking a murderer, but letting him escape. If the coroner does not make inquiry upon viewing a dead body, he shall be fined 100s. to the King. If a party fails to appear for trial after a justice has taken bail from him, a record of such shall be sent to the King.

Henry sat on the Star Chamber. Up to 1600, it heard many cases of forgery, perjury, riot, maintenance, fraud, libel, and conspiracy. It could mete out any punishment, except death or any dismemberment. This included life imprisonment, fines, pillory, whipping, branding, and mutilation. If a Justice of the Peace does not act on any person's complaint, that person may take that complaint to another Justice of the Peace, and if there is no remedy then, he may take his complaint to a Justice of Assize, and if there is not remedy then, he may take his complaint to the King or the Chancellor. There shall then be inquiry into why the other justices did not remedy the situation. If it is found that they were in default in executing the laws, they shall forfeit their commissions and be punished according to their demerits.

Justices of the Peace shall make inquiry of all offenses in unlawful retaining, examine all suspects, and certify them to the King's Bench for trial there or in the King's council, and the latter might also proceed against suspects on its own initiative on information given.

Perjury committed by unlawful maintenance, embracing, or corruption of officers, or in the Chancery, or before the King's council, shall be punished in the discretion of the Chancellor, Treasurer, both the Chief Justices, and the clerk of the rolls.

The Star Chamber, Chancellor, King's Bench and King and council have the power to examine all defendants, by oath or otherwise, to adjudge them convicted or attainted. They can also be found guilty by confession, examination, or otherwise. If a defendant denied doing the acts of which he is convicted, he was subject to an additional fine to the king and imprisonment. Violations of statutes may be heard by the Justices of Assize or the Justices of the Peace, except treason, murder, and other felony.

Actions on the case shall be treated as expeditiously in the courts of the King's Bench and Common Pleas as actions of trespass or debt.

Proclamation at four court terms of a levy of a fine shall be a final end to an issue of land, tenements, or other hereditaments and the decision shall bind persons and their heirs, whether they have knowledge or not of the decision, except for women-covert who were not parties, persons under the age of twenty-one, in prison, out of the nation, or not of whole mind, who are not parties. These may sue within five years of losing such condition. Also, anyone not a party may claim a right, title, claim, or interest in the said lands, tenements, or other hereditaments at the time of such fine recorded, within five years after proclamations of the fine.

A defendant who appeals a decision for the purpose of delaying execution of such shall pay costs and damages to the plaintiff for the delay.

No sheriff, undersheriff, or county clerk shall enter any complaints in their books unless the complaining party is present. And no more complaints than the complaining party knows about shall be entered. The penalty is 40s. for each such false complaint, one half to the king and the other half to the suer after examination by a Justice of the Peace. This is to prevent extortion of defendants by false complaints. The justice shall certify this examination to the King, on pain of a fine of 40s. A bailiff of a hundred who does not do his duty to summon defendants shall pay a fine of 40s. for each such default, after examination by a Justice of the Peace. Sheriffs' records of fines imposed and bailiffs' records of fines collected may be reviewed by a Justice of the Peace to examine for deceit.

Any sheriff allowing a prisoner to escape, whether from negligence or for a bribe, shall be fined, if the prisoner was indicted of high treason, at least 1,333s. for each escape. However, if the prisoner was

in their keeping because of a suspicion of high treason, the fine shall be at least 800s.; and if indicted of murder or petite treason, at least 400s.; and if suspected of murder or petite treason, 200s.; and if suspected of other felonies, 100s. Petite treason was that by a wife to her husband or a man to his lord.

Any person not responding to a summons for jury service shall be fined 12d. for the first default, and 2s. for the second, and double for each subsequent default.

A pauper may sue in any court and be assigned a attorney at no cost to him.

A Justice of the Peace to whom has been reported hunting by persons disguised with painted faces or visors or otherwise, may issue a warrant for the sheriff or other county officer to arrest such persons and bring them before the justice. Such hunting in disguise or hunting at night or disobeying such warrant is a felony. This is to stop large mobs of disguised people from hunting together and then causing riots, robberies, and murders.

Benefit of clergy may be used only once, since this privilege has made clerics more bold in committing murder, rape, robbery, and theft. However, there will be no benefit of clergy in the case of murder of one's immediate lord, master, or sovereign. (This begins the gradual restriction over many years of benefit of clergy until it disappears. Also, benefit of clergy was often disregarded in unpeaceful times.)

For an issue of riot or unlawful assembly, the sheriff shall call 24 jurors, each of lands and tenements at least 20s. of charter land or freehold or 26s.8d. of copyhold or of both. For each default of the sheriff, he shall pay 400s. And if the jury acquits, then the justice, sheriff, and under-sheriff shall certify the names of any jurors maintained or embraced and their misdemeanors, or else forfeit 400s. Any person proved to be a maintainer or embracer shall forfeit 400s. to the king and be committed to ward.

The principal leaders of any riot or unlawful assembly shall be imprisoned and fined and be bound to the peace with sureties at a sum determined by the Justices of the Peace. If the riot is by forty people or heinous, the Justices of Peace shall certify such and send the record of conviction to the King.

The King's steward, Treasurer, and comptroller have authority to question by twelve discreet persons any servant of the king about making any confederacies, compassings, conspiracies, or imaginations with any other person to destroy or murder the king or one of his council or a lord. Trial shall be by twelve men of the King's household and punishment as by felony in the common law.

Changes in the judicial process other than those made by statute were made by court decision. For instance, the royal justices decided that only the king could grant sanctuary for treason and not the church. After this, the church withdrew the right of sanctuary from second time offenders.

The King's council has practically limited itself to cases in which the state has an interest, especially the maintenance of public order. Chancery became an independent court rather than the arm of the king and his council. In Chancery and the King's Bench, the intellectual revival brought by humanism inspires novel procedures to be devised to meet current problems in disputed titles to land, inheritance, debt, breach of contract, promises to perform acts or services, deceit, nuisance, defamation, and the sale of goods.

A new remedy is specific performance, that is, performance of an act rather than money damages.

Evidence is now taken from witnesses.

Various courts had overlapping jurisdiction. For instance, trespass could be brought in the Court of Common Pleas because it was a civil action between two private persons. It could also be brought in the Court of the King's Bench because it broke the King's peace. It was advantageous for a party to sue for trespass in the King's court because there a defendant could be made to pay a fine to the king or be imprisoned, or declared outlaw if he did not appear at court.

A wrongful step on the defendant's land, a wrongful touch to his person or chattels could be held to constitute sufficient force and an adequate breach of the king's peace to sustain a trespass action. Trespass on the case did not require the element of force or of breach of the peace that the trespass offense requires. Trespass on the case expands in usage to cover many types of situations. Stemming from it is "assumpsit", which provided damages for breach of an oral agreement and for a written agreement without a seal.

Parliament's supremacy over all regular courts of law was firmly established and it was called "the high court of Parliament", paradoxically, since it rarely came to function as a law court.

When a land holder enfeoffs his land and tenements to people unknown to the remainderman in [fee] tail, so that he does not know who to sue, he may sue the receiver of the profits of the land and tenements for a remedy. And the receivers shall have the same advantages and defenses as the feoffees or as if they were tenants. And if any deceased person had the use for himself and his heirs, then any of his heirs shall have the same advantages and defenses as if his ancestor had died seised of the land and tenements. And all recoveries shall be good against all receivers and their heirs, and the feoffees and their heirs, and the co- feoffees of the receivers and their heirs, as though the receivers were tenants indeed, or feoffees to their use, or their heirs of the freehold of the land and tenements.

If a person feoffs his land to other persons while retaining the use thereof for himself, it shall be treated as if he were still seised of the land. Thus, relief and heriot will still be paid for land in socage. And debts and executions of judgments may be had upon the land and tenements.

The penalty for not paying customs is double the value of the goods.

The town of London shall have jurisdiction over flooding and unlawful fishing nets in that part of the Thames River that flows next to it.

The city of London shall have jurisdiction to enforce free passage of boats on the Thames River in the city, interruption of which carries a fine of 400s., two-thirds to the king and one third to the suer.

Jurors impaneled in London shall be of lands, tenements, or goods and chattels, to the value of 133s. And if the case concerns debt or damages at least 133s, the jurors shall have lands, tenements, goods, or chattels, to the value of 333s. This is to curtail the perjury that has gone on with jurors of little substance, discretion, and reputation.

A party grieved by a false verdict of any court in London may appeal to the Hustings Court of London, which hears common pleas before the mayor and aldermen. Each of the twelve alderman shall pick from his ward four jurors of the substance of at least 2,000s. to be impaneled. If twenty-four of them find that the jurors of the petty jury has given an untrue verdict, each such juror shall pay a fine of at least 400s. and imprisonment not more than six months without release on bail or surety. However, if it is found that the verdict was true, then the grand jury may inquire if any juror was bribed. If so, such juror bribed and the defendant who bribed him shall each pay ten times the amount of the bribe to the plaintiff and be imprisoned not more than six months without release on bail or surety.

The Bishop's Court in London had nine offenders a week by 1500. Half of these cases were for adultery and sexual offenses, and the rest were for slander, blasphemy, missing church services, and breach of faith. Punishment was penance by walking barefoot before the cross in the Sunday Procession dressed in a sheet and holding a candle.

The following is an example of a case in the chancery court. "A subpoena was sued against Sir William Capell in Chancery because the plaintiff in the subpoena had borrowed 60 pounds from him in plate, which he sold for 40 pounds, and was also bound by a statute-merchant to the aforesaid Sir William in 80 pounds for payment of this money, and had also made a feoffment to certain persons of certain land and by indenture willed that if he paid the 60 pounds the feoffees should be feoffees to his use, but otherwise they should be feoffees to the use of the said Sir William; and he did not pay the money and so Sir William took the profits of the land and sued execution of the statute-merchant.

Kebell thought he could have this land in conscience, even though he had execution of the statute-merchant, because he does not have this land in return for the money in such a way that he is paid twice, but has it by way of penalty; and (the plaintiff) may bind himself to that, just as he may give the land away for nothing. If someone holds of me in return for one penny of rent, he may bind himself in 100 pounds for payment of this rent and if he fails I may have this penalty in conscience.

THE CHANCELLOR. When someone is beholden in another in a principal debt, the debtee cannot in conscience take anything in respect of this indebtedness except the principal debt, even if the debtor is bound to him in twenty penalties.

Kebell. In that case you might do much good to those who are bound in this court to keep the peace and are to forfeit their bonds.

THE CHANCELLOR. The sum which is forfeited for breaking the peace may be taken in conscience, for nothing can be well done nor can the realm be governed without peace. This court could not be held without peace. Therefore it is right that whoever acts against the peace should be punished. And by breaking the peace a crime is committed, and therefore it is right that he should pay this forfeiture. (But THE CHANCELLOR held in this case that the debtee may in conscience take so much of the penalty as represents his damage by the withholding of the debt.)"

This is the case of the Earl of Suffolk v. Berney in the Common pleas court: " If the parker of a park licences a man to kill deer in the park, and he kills a deer by virtue of this licence, both of them commit trespass; for he has no authority to do this, his authority being to keep and not to give or sell. But if someone has a warrant to take a deer, and he is a gentleman, he may take company with him and hunt there for the same deer according to his degree (but not otherwise). And it was held that if a parker has a warrant for a deer, and by virtue of that he requests various people to help him kill this deer, everyone who goes with him may chase after it by licence from the parker by parol, without writing."

An example of a manorial case is: "And they present that Margaret Edmond, who held of the lord according to the custom of the manor one cottage with curtilage, four acres of land and one acre of meadow lately in the tenure of William Crosse, took as her husband a certain unknown outsider without the lord's licence. Therefore she forfeited her estate in the aforesaid cottage and land, by reason of which there accrues to the lord as a heriot one heifer, price 4s. And thereupon William Staunton came and took the said cottage, land and meadow from the lord, to hold to himself and his according to the custom of the manor, rendering 3s. therein to the lord yearly at the terms usual there, thus 3d. yearly of increment for rent. And he will give the lord 2s. in the name of heriot when it should accrue.. And he gives nothing to the lord as a fine, but he did fealty to the lord.

Another manorial case is: And that John Mille, who held of the lord for the term of his life according to the custom of the aforesaid manor as of the part of Thomas Long, knight, one messuage and three yardlands of land there by the rent and services therein owed, has ended his last day since the last court, whereof there accrues to the lord as heriot one horse, price 10s. And that Edith, the wife of the said John, claims to hold the aforesaid messuage and land with the appurtenances while she should keep herself single and chaste according to the custom of the aforesaid manor. And she did fealty to the lord. And she was admitted as tenant therein by the pledge of William Spenser and John Smyth, both for the matter and for repair of the aforesaid tenement etc."

## Chapter 12

The Times: 1509-1558

Renaissance humanism came into being in the nation. In this development, scholars in London, Oxford, and Cambridge emphasized the value of classical learning, especially Platonism and the study of Greek literature as the means of better understanding and writing. They studied the original Greek texts and became disillusioned with the filtered interpretations of the church, for example of the Bible and Aristotle. There had long been displeasure with the priests of the church. They were supposed to preach four times yearly, visit the sick, say the daily liturgies, and hear confessions at least yearly. But there were many lapses. Many were not celibate, and some openly lived with a woman and had children. Complaints about them included not residing within their parish community, doing other work such as raising crops, and taking too much in probate, mortuary fees, and marriage fees. Probate fees had risen from at most 5s. to 60s. in the last hundred years. Mortuary fees ranged from 1/3 to 1/9 of a deceased person's goods. Sanctuary was abused. People objected to the right of arrest by ecclesiastical authorities.

Also, most parish priests did not have a theology degree or even a Bachelor's degree, as did many laymen. In fact, many laymen were better educated than the parish priests. No one other than a laborer was illiterate in the towns.

Humanist grammar [secondary] schools were established in London by merchants and guilds. In 1510, the founder and dean of St. Paul's School placed its management in the hands of London "citizens of established reputation" because he had lost confidence in the good faith of priests and noblemen. The sons of the nobility, attorneys, and merchants were starting to go to grammar school now instead of being taught at home by a tutor. At school, they mingled with sons of yeomen, farmers, and tradesmen, who were usually poor. The usual age of entry was six or seven. Classical Latin and Greek were taught and the literature of the best classical authors was read. Secondary education teachers were expected to know Latin and have studied the ancient philosophers, history, and geography. The method of teaching was for the teacher to read textbooks to the class from a prepared curriculum. The students were taught in Latin and expected not to speak English in school. They learned how to read and to write Latin, to develop and amplify a theme by logical analysis, and to essay on the same subject in the narrative, persuasive, argumentative, commending, consoling, and inciting styles. They had horn books with the alphabet and perhaps a Biblical verse on them. This was a piece of wood with a paper on it held down by a sheet of transparent horn. They also learned arithmetic (solving arithmetical problems and casting accounts). Disobedience incurred flogging by teacher as well as by parents. Spare the rod and spoil the child was the philosophy. Schools now guarded the morals and behavior of

students. There were two week vacations at Christmas and at Easter. Royal grammar books for English and Latin were proclaimed by Henry in 1543 to be the only grammar book authorized for students. In 1545, he proclaimed a certain primer of prayers in English to be the only one to be used by students.

The first school of humanist studies arose in Oxford with the Foundation of Corpus Christi College in 1516 by Bishop Richard Fox. It had the first permanent Reader or Professor in Greek. The Professor of Humanity was to extirpate all barbarisms by the study of Cicero, Sallust, Valerius Maximus, and Quintilian. The Reader of Theology was to read texts of the Holy Fathers but not those of their commentators. Oxford University was granted a charter which put the greater part of the town under control of the Chancellor and scholars. The mayor of Oxford was required to take an oath at his election to maintain the privileges and customs of the university. Roman law and other Regius professorships were founded by the king at Oxford and Cambridge. Teaching of undergraduates was the responsibility of the university rather than of the colleges, though some colleges had live-in teachers. Most colleges were exclusively for graduate fellows, though this was beginning to change. The university took responsibility for the student's morals and behavior and tutors sometimes whipped the undergraduates. For young noblemen, a more important part of their education than going to university was travel on the continent with a tutor. This exposure to foreign fields was no longer readily available through war or pilgrimage. The purpose was practical - to learn about foreign people and their languages, countries, and courts. Knowledge of the terrain, resources, prosperity, and stability of their countries was particularly useful to a future diplomatic or political career.

Understanding of the celestial world began to change. Contemporary thought was that the nature of all things was to remain at rest, so that movement and motion had to be explained by causes. The earth was stationary and the heavens were spherical and revolved around the earth every twenty-four hours. The universe was finite. The firmament extended outward in a series of rotating, crystalline, ethereal spheres to which were attached the various points of celestial geography. First came the circle of the moon. The sun orbited the earth. The fixed stars rotated on an outer firmament. Finally, there was the abode of God and his heavenly hosts. Different principles ruled the celestial world; it was orderly, stable, ageless, and enduring. But the world of man changed constantly due to its mixed four elements of air, earth, fire, and water each trying to disentangle itself from the others and seeking to find its natural location. The heavenly spheres could affect the destinies of men, such as through fate, fortune, intelligence, cherubim, seraphim, angels, and archangels. Astrologers read the celestial signs and messages.

Then a seed of doubt was cast on this theory by Nicolaus Copernicus, a timid monk in Poland, who found inconsistencies in Ptolemy's work, but saw similarity in the movements of the earth and other planets. He inferred from the "wandering" planetary movements with loops that their motion could be explained simply if they were revolving in circular paths around the sun, rather than around the earth. In his book of 1543, he also expressed his belief that the earth also revolved around the sun. This idea so shocked the world that the word "revolution" became associated with radical change. He thought it more likely that the earth rotated than that the stars moved with great speed in their large orbits. He proposed that the earth spins on its own axis about once every twenty-four hours, with a spin axis at about a 23 1/2 degree tilt from the orbital axis, thus explaining a slow change in the overall appearances of the fixed stars which had been observed since the time of Ptolemy. He deduced from astronomical measurements that the correct order of the planets from the Sun was: Mercury, Venus, Earth, Mars, Jupiter, and Saturn. The church considered his ideas heretical because contradictory to its dogma that man and the earth were the center of the universe. A central sun evoked images of pagan practices of sun worship. News of new ideas in science traveled quickly to English scholars and professionals.

The physicians of London were incorporated to oversee and govern the practice of medicine. Medicine consisted largely of magical remedies of sorcerers and astrologers and herbal remedies administered by quacks. People still generally believed that disease was caused by witches and demons. A faculty of physicians was established at Oxford and Cambridge. A Royal College of Physicians was founded in London in 1518 by the King's physician. The College of Physicians taught more practical medicine and anatomy than the universities. Only graduates of the College of Physicians or of Oxford or Cambridge were allowed to practice medicine or surgery.

Medical texts were Hippocrates and Galen. These viewed disease as only part of the process of nature without anything divine. They stressed empiricism, experience, collections of facts, evidences of the senses, and avoidance of philosophical speculations. Some observations of Hippocrates were: - "When sleep puts an end to delirium, it is a hopeful sign." -"When on a starvation diet, the patient should not be allowed to become fatigued." "Old men usually have less illness than young ones, but such as they have last, as a rule, till death." "Pleurisy, pneumonia, colds, sore throat, and headache are more likely to occur during winter seasons." "When one oversleeps, or fails to sleep, the condition suggests disease." Hippocrates had asserted that madness was simply a disease of the brain and then



Galen had agreed and advocated merciful treatment of the insane. Galen's great remedies were proper diet, exercise, massage, and bathing. He taught the importance of a good water supply and good drainage. He advised that baking bread in a large oven was superior to cooking in a small oven, over ashes, or in a pan in wholesomeness, digestibility, and flavor. Greek medicinal doctrines were assumed, such as that preservation of the health of the body was dependent on air, food, drink, movement and repose, sleeping and waking, excretion and retention, and the passions.

It was widely known that sleep was restorative and that bad news or worry could spoil one's digestion. An Italian book of 1507 showed that post-mortem examinations could show cause of death by gallstones, heart disease, thrombosis of the veins, or abscesses. In 1540 began the practice of giving bodies of hanged felons to surgeons to dissect. This was to deter the commission of felony. There was some feeling that dissection was a sacrilege, that the practice of medicine was a form of sorcery, and that illness and disease should be dealt with by prayer and/or atonement because caused by sin, the wrath of God, or by the devil. Food that was digested was thought to turn into a vapor which passed along the veins and was concreted as blood, flesh, and fat. After 1546, there was a book listing hundreds of drugs with preparation directions, but their use and application was by trial and error.

Flemish physician Andreas Vesalius, secretly dissected human corpses, finding them hanging on public gibbets or competing with dogs for those incompletely buried in cemeteries. He begged doctors to allow him to examine the bodies of their fatal cases. He ingratiated himself with judges who determined the time and place of execution of criminals. In 1543 he published the first finely detailed description of human anatomy. In it, there was no missing rib on one side of man, and this challenged the theory of the woman Eve having been made from a rib of the man Adam.

In the 1540s, Ambroise Pare from France, a barber-surgeon who was the son of a servant, was an army surgeon. Wounds at this time were treated with boiling oil and spurting vessels were closed by being seared with a red-hot iron. After he ran out of boiling oil, he observed that the soldiers without this treatment were healing better than those with this treatment. So he advocated ceasing the practice of cauterizing wounds. He also began tying arteries with cord to stop their bleeding after amputation many other surgical techniques.

In Switzerland, Theophrastus Paracelsus, an astrologer and alchemist who later became a physician, did not believe that humor imbalance caused disease nor in treatment by bloodletting or purging. He believed that there were external causes of disease, e.g. toxic matter in food, contagion, defective physical or mental constitution, cosmic influences differing with climate and country, or affliction sent Providence. He urged that wounds be kept clean rather than given poultices. In 1530, he pioneered the application of chemistry to physiology, pathology, and the treatment of disease by starting clinical diagnosis and treatment of disease by highly specific medicines, instead of by cure-alls. For instance, he used alkalis to treat disease, such as gout, indicated by certain substances in the urine, which also started urinalysis. He perceived that syphilis was caused by contagion and used mercury to cure it. He found curative powers also in opium, sulphur, iron, and arsenic. Opium was made by drying and cooking the capsule of the poppy and was one of the few really effective early drugs. Paracelsus urged alchemists to try to prepare drugs from minerals for the relief of suffering. He claimed to acquire knowledge of cures through spiritual contacts to occult wisdom. He believed that a human being has an invisible body as well as a visible one and that it is closely attuned to imagination and the spiritual aspect of an individual. He noticed that one's attitudes and emotions, such as anger, could affect one's health. He sometimes used suggestion and signs to help a patient form mental images, which translated into cures. He saw insanity as illness instead of possession by evil spirits.

Students were beginning to read for the bar by their own study of the newly available printed texts, treatises, and collections of statute law and of cases, instead of listening in court and talking with attorneys.

In 1523, Anthony Fitzherbert wrote "Boke of Husbandry", which set forth the most current methods of arable farming, giving details of tools and equipment, advice on capital outlay, methods of manuring, draining, ploughing, and rick-building. It was used by many constantly, and was often carried around in the pocket. This began a new way to disseminate new methods in agriculture. He also wrote a "Boke of Surveying", which relied on the perch rod and compass dial, and gave instruction on how to set down the results of a survey. In 1533, Gemma Frisius laid down the principles of topographical survey by triangulation. This improved the quality of surveys and produced accurate plots.

Geoffrey Chaucer's "Canterbury Tales" was a popular book. Through Chaucer, London English became a national standard and the notion of "correct pronunciation" came into being. The discoveries and adventures of Amerigo Vespucci, a Portuguese explorer, were widely read. The North and South American continents were named for him.

London merchant guilds began to be identified mainly with hospitality and benevolence instead of

being trading organizations. Twelve great companies dominated city politics and effectively chose the mayor and aldermen. They were, in order of precedence, Mercers, Grocers, Drapers, Fishmongers, Goldsmiths, Skinners, Tailors, Haberdashers, Ironmongers, Salters, Vintners, and the Clothworkers (composed from leading fullers and shearmen). The leading men of these guilds were generally aldermen and the guilds acted like municipal committees of trade and manufactures. Then they superintended the trade and manufactures of London much like a government department. They were called Livery Companies and categorized their memberships in three grades: mere membership, livery membership, and placement on the governing body. Livery members were distinguished by having the clothing of the brotherhood [its livery] and all privileges, and proprietary and municipal rights, in the fullest degree. They generally had a right to a place at the Company banquets. They were invited by the governing body, as a matter of favor, to other entertainments. These liverymen were usually those who had bought membership and paid higher fees because they were richer. Their pensions were larger than those of mere members. Those with mere membership were freemen who had only the simple freedom of the trade. The masters were usually householders. The journeymen, yeomanry, bachelors were simple freemen. Most of these companies had almshouses attached to their halls for the impoverished, disabled, and elderly members and their widows and children. For instance, many members of the Goldsmiths had been blinded by the fire and smoke of quicksilver and some members had been rendered crazed and infirm by working in that trade. The freedom and rights of citizenship of the city could only be obtained through membership in a livery company.

A lesser guild, the Leathersellers, absorbed the Glovers, Pursers, and Pouchmakers, some of whom became wage earners of the Leathersellers. But others of these craftsmen remained independent. The Whittawyers, who treated horse, deer, and sheep hides with alum and oil, had become wage earners for the Skinners.

Londoners went to the fields outside the city for recreation and games. When farmers enclosed some suburban common fields in 1514, a crowd of young men marched out to them and, crying "shovels and spades", uprooted the hedges and filled in the ditches, thus reclaiming the land for their traditional games. The last major riot in London was aroused by a speaker on May Day in 1517 when a thousand disorderly young men, mostly apprentices, defied the curfew and looted shops and houses of aliens. A duke with two thousand soldiers put it down in mid-afternoon, after which the king executed fifteen of the rioters.

Many English migrated to London. There were ambitious young men and women hopeful of betterment through employment, apprenticeship, higher wages, or successful marriage. On the other hand, there were subsistence migrants forced to leave their homes for food, work, or somewhere to live. There was much social mobility. For instance, between 1551 and 1553, of 881 persons admitted as freemen of London, 46 were the sons of gentlemen, 136 the sons of yeomen, and 289 the sons of farm workers. London grew in population about twice as fast as the nation.

There are 26 wards of London as of 1550. This is the number for the next four centuries. Each ward has an alderman, a clerk, and a chief constable. There are also in each ward about 100 to 300 elected officials including prickers, benchers, blackbootmen, fewellers [keepers of greyhounds], scribes, a halter-cutter, introducers, upperspeakers, under speakers, butlers, porters, inquestmen, scavengers, constables, watchmen, a beadle, jurymen, and common councilmen. The wardmote had inquest jurisdiction over immorality or bad behavior such as vagrancy, delinquency, illegitimacy, and disputes. This contributed greatly to social stability. In 1546, Henry ordered the London brothels closed. A small gaol was established in the Clink district of Southwark, giving the name "clink" to any small gaol. London ordinances required journeymen to work from 6 a.m. to 6 p.m. in winter, with a total of 90 minutes breaks for breakfast, dinner, and an afternoon drink, for 7d. In the summer they had to work for two hours longer for 8d. At its peak in the 1540s the court employed about 200 gentlemen, which was about half the peerage and one-fifth of the greater gentry. Henry issued a proclamation ordering noblemen and gentlemen in London not employed by the court to return to their country homes to perform their service to the king.

Though there was much agreement on the faults of the church and the need to reform it, there were many disagreements on what philosophy of life should take the place of church teachings. The humanist Thomas More was a university trained intellectual. His book "Utopia", idealized an imaginary society living according to the principles of natural virtue. In it, everything is owned in common and there is no need for money. All believe that there is a God who created the world and all good things and who guides men, and that the soul is immortal. But otherwise people choose their religious beliefs and their priests. From this perspective, the practices of other Christians, scholastic theologians, priests and monks, superstition, and ritual looked absurd. More encouraged a religious revival. Aristotle's position that virtuous men would rule best is successfully debated against Plato's position that intellectuals and philosophers would be the ideal rulers.

More believed the new humanistic studies should be brought to women as well as to men. He had tutors teach all his children Latin, Greek, logic, theology, philosophy, mathematics, and astronomy from an early age. His eldest daughter Margaret became a recognized scholar and translated his treatise on the lord's prayer. Other high class women became highly educated. They voiced their opinions on religious matters. In the 1530s, the Duchess of Suffolk spoke out for reform of the clergy and against images, relics, shrines, pilgrimages, and services in Latin. She and the countess of Sussex supported ministers and established seminaries for the spread of the reformed faith.

More pled for proportion between punishment and crime. He urged that theft no longer be punished by death because this only encouraged the thief to murder his victim to eliminate evidence of the theft. He opined that the purpose of punishment was to reform offenders. He advocated justice for the poor to the standard of justice received by the rich.

Erasmus, a former monk, visited the nation for a couple of years and argued that reason should prevail over religious belief. He wrote the book "In Praise of Folly", which noted man's elaborate pains in misdirected efforts to gain the wrong thing. For instance, it questioned what man would stick his head into the halter of marriage if he first weighed the inconveniences of that life? Or what woman would ever embrace her husband if she foresaw or considered the dangers of childbirth and the drudgery of motherhood? Childhood and senility are the most pleasant stages of life because ignorance is bliss. Old age forgetfulness washes away the cares of the mind. A foolish and doting old man is freed from the miseries that torment the wise and has the chief joy of life: garrulousness. The seekers of wisdom are the farthest from happiness; they forget the human station to which they were born and use their arts as engines with which to attack nature. The least unhappy are those who approximate the naiveness of the beasts and who never attempt what is beyond men. As an example, is anyone happier than a moron or fool? Their cheerful confusion of the mind frees the spirit from care and gives it many-sided delights. Fools are free from the fear of death and from the pangs of conscience. They are not filled with vain worries and hopes. They are not troubled by the thousand cares to which this life is subject. They experience no shame, fear, ambition, envy, or love. In a world where men are mostly at odds, all agree in their attitude towards these innocents. They are sought after and sheltered; everyone permits them to do and say what they wish with impunity. However, the usual opinion is that nothing is more lamentable than madness. The Christian religion has some kinship with folly, while it has none at all with wisdom. For proof of this, notice that children, old people, women, and fools take more delight than anyone else in holy and religious things, led no doubt solely by instinct. Next, notice that the founders of religion have prized simplicity and have been the bitterest foes of learning. Finally, no people act more foolishly than those who have been truly possessed with Christian piety. They give away whatever is theirs; they overlook injuries, allow themselves to be cheated, make no distinction between friends and enemies, shun pleasure, and feast on hunger, vigils, tears, labors, and scorn. They disdain life, and utterly prefer death. In short, they have become altogether indifferent to ordinary interests, as if their souls lived elsewhere and not in their bodies. What is this, if not to be mad? The life of Christians is run over with nonsense. They make elaborate funeral arrangements, with candles, mourners, singers, and pallbearers. They must think that their sight will be returned to them after they are dead, or that their corpses will fall ashamed at not being buried grandly. Christian theologians, in order to prove a point, will pluck four or five words out from different places, even falsifying the sense of them if necessary, and disregard the fact that their context was relevant or even contradicted their points. They do this with such brazen skill that our attorneys are often jealous of them.

Attorney Christopher St. German wrote the legal treatise "Doctor and Student", in which he deems the law of natural reason to be supreme and eternal. The law of God and the law of man, as enunciated by the church and royalty, merely supplement the law of natural reason and may change from time to time. Examples of the law of reason are: It is good to be loved. Evil is to be avoided. Do unto others as you would have them do unto you. Do nothing against the truth. Live peacefully with others. Justice is to be done to every man. No one is to wrong another. A trespasser should be punished. From these is deduced that a man should love his benefactor. It is lawful to put away force with force. It is lawful for every man to defend himself and his goods against an unlawful power.

Like his father, Henry VIII dominated Parliament. He used this power to reform the church of England in the 1530's. The Protestant reformation cause, started in Germany in 1517 by Martin Luther posting his thesis, had become identified with Henry's efforts to have his marriage of eighteen years to the virtuous Catherine annulled so he could marry a much younger woman: Anne and have a son. The end of his six successive wives was: annulled, beheaded, died; annulled, beheaded, survived. Henry VIII was egotistical, arrogant, and self-indulgent. This nature allowed him to declare himself the head of the church of England instead of the pope.

Henry used and then discarded officers of state. One such was Thomas Wolsey, the son of a town grazier [one who pastures cattle and rears them for market] and butcher, who was another supporter of classical learning. He rose through the church, the gateway to advancement in a diversity of

occupations of clergy such as secretary, librarian, teacher, attorney, doctor, author, civil servant, diplomat, and statesman. He was a court priest when he aligned himself with Henry, both of whom wanted power and glory and dressed extravagantly. But he was brilliant and more of a strategist than Henry. Wolsey called himself a reformer and started a purge of criminals, vagrants and prostitutes within London, bringing many before the council. But most of his reforming plans were not brought to fruition, but ended after his campaign resulted in more power for himself. Wolsey rose to be Chancellor to the King and also Archbishop of York. As the representative of the pope for England, he exercised almost full papal authority there. But he controlled the church in England in the King's interest. He was second only to the King and he strengthened the crown by consolidating power and income that had been scattered among nobles and officeholders. He also came to control the many courts. Wolsey centralized the church in England and dissolved the smaller monasteries, the proceeds of which he used to build colleges at Oxford and his home town. He was an impartial and respected justice. When Wolsey was not able to convince the pope to give Henry an annulment of his marriage, Henry dismissed him and took his property, shortly after which Wolsey died on his way to be imprisoned in the Tower to be tried for treason.

Thomas Cromwell, a top royal official, was a self-taught attorney, arbitrator, merchant, and accountant. He was the son of a clothworker/blacksmith/brewer/innkeeper. Like Wolsey, he was a natural orator. He drafted and had passed legislation that created a new church of England. He had all men swear an oath to the terms of the succession statute. Thomas More, the successor Chancellor to Wolsey, was known for his honesty and was a highly respected man. More did not yield to Henry's bullying for support for his statute declaring the succession to be vested in the children of his second marriage, and his statute declaring himself the supreme head of the church of England, instead of the pope. He did not expressly deny this supremacy statute, so was not guilty of treason under its terms. But silence did not save him. He was attainted for treason on specious grounds and beheaded. His conviction rested on the testimony of one perjured witness, who misquoted More as saying that Parliament did not have the power to require assent to the supremacy statute because it was repugnant to the common law of Christendom.

Henry ruled with an iron fist. In 1536, he issued a proclamation that "any rioters or those in an unlawful assembly shall return to their houses" or "we will proceed against them with all our royal force and destroy them and their wives and children." In 1538, he proclaimed that anyone hurting or maiming an officer while trying to make an arrest "shall lose and forfeit all their lands, goods, and chattel" and shall suffer perpetual imprisonment. Moreover, if one murdered such an officer, he would suffer death without privilege of sanctuary or of clergy. In 1540, he proclaimed that there would be no shooting by handgun except on a shooting range. Henry had Parliament pass bills of attainder against many people. For the first time, harsh treatment of prisoners in the Tower, such as placement in dungeons with little food, no bed, and no change of clothes, became almost a matter of policy. Through his host of spies, Cromwell heard what men said to their closest friends. Words idly spoken were distorted into treasonable utterances. Fear spread through the people. Silence was a person's only possibility of safety.

Cromwell developed a technique for the management of the House of Commons which lasted for generations. He promulgated books in defense of royal spiritual authority, which argued that canon law was not divine but merely human and that clerical authority had no foundation in the Bible. A reformed English Bible was put in all parish churches. Reformers were licensed to preach. Cromwell ordered sermons to be said which proclaimed the supremacy of the King. He instituted registers to record baptisms, marriages, and burials in every county, for the purpose of reducing disputes over descent and inheritance. He dissolved all the lesser monasteries. When Cromwell procured a foreign wife for Henry whom Henry found unattractive, he was attainted and executed.

Henry now reconstructed his council to have a fixed membership, an official hierarchy based on rank, a secretariat, an official record, and formal powers to summon individuals before it by legal process. Because it met in the King's Privy Lodgings, it was called the "Privy Council". It had an executive function and met daily instead of just during the terms of the Westminster courts from late autumn to early summer. It communicated with the king through intermediaries, of whom the most important was the King's Secretary. The judicial part of the council was the Court of the Star Chamber, which met at Westminster. When Henry went to war in France, part of the council went with him, and part of it stayed to attend the Queen Regent.

Thomas Cranmer, Archbishop of Canterbury, wrote the first English Common Book of Prayer. With its use beginning in 1549, church services were to be held in English instead of Latin. The celebration of the Lord's Supper was a communion among the parishioners and minister all sharing wine and bread. It replaced the mass, in which the priests were thought to perform a miraculous change of the substance of bread and wine into the body and blood of Christ, which the priest then offered as a sacrifice for remission of pain or guilt. This reflected the blood sacrifice of Christ dying on the cross. In the mass,

only the priests drank the wine. The mass, miracles, the worship of saints, prayers for souls in purgatory, and pilgrimages to shrines such as that of Thomas Becket, were all to be discontinued. Imprisonment or exile rather than death was made the penalty for heresy and blasphemy, and also for adultery.

After the King dissolved the greater monasteries, he took and sold their ornaments, silver plate and jewelry, lead from roofs of their buildings, and finally much of the land itself. Many maps of manors and lands were made at this time. Three monasteries were converted into the first three treating hospitals in London, one for the diseased, one for the poor, and one, Bethlehem (or "Bedlam" for short), for the mentally ill. But there were still many poor, sick, blind, aged, and impotent people in the streets since the closure of the monasteries. In 1552, there were 2,100 people in need of relief, including 300 orphans, 600 sick or aged, 350 poor men overburdened with their children, 650 decayed householders, and 200 idle vagabonds. The poor often begged at parishes, where they spread disease. London then set up a poor relief scheme. The Bridewell was established to set to work the idle, vagabonds, and prostitutes making feather bed ticks and wool-cards, drawing of wire, carding, knitting, and winding of silk. Parishes were required to give money for the poor in 1563. Other towns followed London's lead in levying a poor rate.

Henry used the proceeds from the sale of the monasteries for building many new palaces and wood ships for his navy. In war, these navy ships had heavy guns which could sink other ships. In peace time, these ships were hired out to traders. Large ships were constructed in docks, made partly by digging and partly by building walls. In 1545, Henry issued a proclamation ordering all vagabonds, ruffians, masterless men, and evil-disposed persons to serve him in his navy.

The former land of the monasteries, about 30% of the country's land, was sold and resold, usually to great landowners, or leased. Title deeds became important as attorneys sought the security that title could give. Some land went to entrepreneurial cloth manufacturers, who converted the buildings for the manufacture of cloth. They bought the raw wool and hired craftsmen for every step of the manufacturing process to be done in one continuous process. This was faster than buying and selling the wool material between craftsmen who lived in different areas. Also, it was more efficient because the amount of raw wool bought could be adjusted to the demand for cloth.

Many landowners now could live in towns exclusively off the rents of their rural land. Rents were increased so much that tenants could not pay and were evicted. They usually became beggars or thieves. Much of their former land was converted from crop raising to pasture for large herds of sheep. Arable farming required many workers, whereas sheep farming required only one shepherd and herdsman. There were exceptional profits made from the export of wool cloth. But much raw wool was still exported. Its price went up from 6s.8d. per tod [about 28 pounds] in 1340 to 20s.8d. in 1546.

Villeinage was now virtually extinct. But a lord could usually claim a small money-rent from the freeholder, sometimes a relief when his land was sold or passed at death, and occasionally a heriot from his heir.

There was steady inflation. Landlords made their leases short term so that they could raise rents as prices rose. Copyholders gradually acquired a valuable right in their holdings: their rent became less than a shilling an acre.

The knights had 70% of the land, the nobles 10%, the church 10%, and king 5%. At least 85% of the population still lived in the country. Rich traders built town or country houses in which the emphasis was on comfort and privacy. There was more furniture, bigger windows filled with glass, thick wallpaper, and formal gardens. Use of thick, insulating wallpaper rose with the rise of paper mills. It was stenciled, hand-painted, or printed. Some floors were tiled instead of stone or wood. They were still strewn with straw. The owners ate in a private dining room and slept in their own rooms with down quilts. Their soap was white. They had clothing of white linen and white wool, leather slippers, and felt hats. Men wore long tunics open at the neck and filled in with pleated linen and enormous puffed sleeves. The fortunes of landowners varied; some went into aristocratic debt by ostentatiously spending on building, clothes, food, and drink, and some became indebted by inefficient management. Some had to sell their manors and dismiss their servants.

All people generally had enough food because of the commercialization of agriculture. Even the standard meal of the peasant was bread, bacon, cheese, and beer or cider, with beef about twice a week. Also, roads were good enough for the transport of foodstuffs thereon. Four-wheeled wagons for carrying people as well as goods. Goods were also transported by the pulling of barges on the rivers from paths along the river. A plough with wheels was used as well as those without.

Henry made proclamations reminding people of the apparel laws, but they were difficult to enforce. Henry also made a proclamation limiting the consumption of certain meat according to status. Seven

dishes were allowed to bishops, dukes, marquises, and earls; six to other temporal lords; five to justices, the King's council, sheriffs, and persons with an income of at least 200 pounds yearly or goods worth 2000 pounds; four to persons with an income of at least 100 pounds or goods worth 1000 pounds; and three dishes to persons with an income of at least 100 pounds or goods worth 500 pounds. There were limits on types of meat served, such as a maximum of one dish of great fowl such as crane, swan, and peacock; eight quail per dish; and twelve larks in a dish. People used tin or pewter dishes, platters, goblets, saucers, spoons, saltcellars, pots, and basins. They used soap to wash themselves, their clothes, and their dishes. A solid, waxy soap was from evaporating a mixture of goat fat, water, and ash high in potassium carbonate. They had bedcovers on their beds. Cloth bore the mark of its weaver and came in many colors. Cloth could be held together with pins that had a shank with a hook by which they were closed. They burned wood logs in the fireplaces in their houses. So much wood was used that young trees were required by statute to be given enough lateral space to spread their limbs and were not cut down until mature. The organ and the harp, precursor to the piano, were played.

People went to barbers to cut their hair and to extract teeth. They went to people experienced with herbs, roots, and waters for treatment of skin conditions such as sores, cuts, burns, swellings, irritated eyes or scaly faces. For more complicated ailments, they went to physicians, who prescribed potions and medicines. They bought potions and medicines from apothecaries and pharmacists.

The King, earls, who ruled counties, and barons, who had land and a place in the House of Lords, still lived in the most comfort. The King's house had courtyards, gardens, orchards, wood-yards, tennis courts, and bowling alleys.

The walls of the towns were manned by the citizens themselves, with police and watchmen at their disposal. In inns, travelers slept ten to a bed and there were many fleas and an occasional rat or mouse running through the rushes strewn on the floor. The inn provided a bed and ale, but travelers brought their own food. Each slept with his purse under his pillow.

In markets, sellers set up booths for their wares. They sold grain for making oatmeal or for sowing one's own ground. Wine, butter, cheese, fish, chicken, and candles could also be bought. Butchers bought killed sheep, lambs, calves, and pigs to cut up for selling. Tanned leather was sold to girdlemakers and shoemakers. Goods bought in markets were presumed not to be stolen, so that a purchaser could not be dispossessed of goods bought unless he had knowledge that they were stolen.

The ruling group of the towns came to be composed mostly of merchants, manufacturers, attorneys, and physicians. Some townswomen were independent traders. The governed class contained small master craftsmen and journeyman artisans, small traders, and dependent servants. The major streets of London were paved with stone, with a channel in the middle. More water conduits from hills, heaths, and springs were built to provide the citizens of London with more water. The sewers carried only surface water away. Households were forbidden to use the sewers. Privies emptied into cesspools.

The Merchant Adventurers' Fellowship brought virtually all adventurers under its control and organized and regulated the national cloth trade. It had a General Court of the Adventurers sitting in the London Mercers' Hall. Various companies were granted monopolies for trade in certain areas of the world such as Turkey, Spain, France, Venice, the Baltic, and Africa. These were regulated companies. That is they obtained complete control of a particular foreign market, but any merchant who cared to join the company, pay its dues, and obey its regulations, might share in the benefits of its monopoly. The companies generally confined trade to men who were primarily merchants and not shopkeepers. In 1553 explorer Sebastian Cabot formed the Muscovy Company, which was granted a monopoly in its charter for trade with north Russia. It was oriented primarily to export English woolen cloth. It was the first company trading on a joint stock, which was arranged as a matter of convenience and safety. The risks were too great for any few individuals. It hired ships and assigned space to each member to ship his goods at his own risk. The dividend was returned to the subscribers of the capital they put in plus an appropriate share of any profits made on the voyage. The members began leaving their money with the company for the next voyage. A general stock grew up. In 1568 were the first industrial companies: Mines Royal, and Mineral and Battery Works. The cloth, mining, iron, and woodcraft industries employed full-time workers on wages. In the ironworks and foundries, the furnace blowing engines were worked by water wheels or by a gear attached to donkeys or horses. The forge hammers were worked at first by levers and later by water wheels. The day and night hammering filled the neighborhood with their noise.

Land held in common was partitioned. There were leases of mansion houses, smaller dwelling houses, houses with a wharf having a crane, houses with a timber yard, houses with a garden, houses with a shed, shops, warehouses, cellars, and stables. Lands with a dye-house or a brew-house were devised by will along with their dying or brewing implements. There were dairies making butter and cheese.

Citizens paid taxes to the king amounting to one tenth of their annual income from land or wages.

Merchants paid "forced loans" and benevolences. The national government was much centralized and had full-time workers on wages. A national commission of sewers continually surveyed walls, ditches, banks, gutters, sewers, ponds, bridges, rivers, streams, mills, locks, trenches, fish-breeding ponds, and flood gates. When low places were threatened with flooding, it hired laborers, bought timber, and hired carts with horses or oxen for necessary work. Mayors of cities repaired water conduits and pipes under their cities' ground.

The matchlock musket came into use, but did not replace the bow because its matchcord didn't remain lit in rainy weather. The matchlock was an improvement over the former musket because both hands could be used to hold and aim the matchlock musket because the powder was ignited by a device that touched a slow-burning cord to the powder when a trigger was pulled with one finger.

After the break with Rome, cooperation among villagers in church activities largely ceased. The altars and images previously taken care of by them disappeared and the paintings on the walls were covered with white or erased, and scripture texts put in their place. People now read the new Bible, the "Paraphrases" of Erasmus, Foxe's "Book of Martyrs", and the works of Bishop Jewel. The Book of Martyrs taught the duty and splendor of rising above all physical danger or suffering. The canon law of the church was abolished and its study prohibited. Professorships of the civil law were founded at the two universities. The Inns of Court grew. Attorneys had more work with the new laws passed to replace the church canons of the church. They played an important role in town government and many became wealthy. They acquired town houses in addition to their rural estates.

Church reforms included abolishing church sanctuaries. Benefit of clergy was restricted more. Parsons were allowed to marry. Archbishops were selected by the king without involvement by the pope. Decisions by archbishops in testamentary, matrimonial, and marriage annulment matters were appealable to the Court of Chancery instead of to the pope. The clergy's canons were subject to the King's approval. The control of the church added to the powers of the Crown to summon and dissolve Parliament, coin money, create peers [members of the House of Lords who received individual writs of summons to Parliament], pardon criminals, order the arrest of dangerous persons without customary process of law in times of likely insurrection, tax and call men to arms without the consent of Parliament if the country were threatened with invasion.

About 1550 there began indictments and executions for witchcraft which lasted for about a century. One of the reasons for suspecting a woman to be a witch was that she lived alone, which was very unusual.

Henry ordered all alien Anabaptists, who denied the validity of infant baptism, to leave the realm.

## The Law

Offices may not be bought and sold, but only granted by justices of the royal courts.

The King's proclamations shall be observed and kept as though they were acts of Parliament. The penalty shall not be more than that stated in the proclamation, except for heresy.

A person having land in socage or fee simple may will and devise his land by will or testament in writing.

A person holding land by knight's service may will and devise by his last will and testament in writing part of his land to his wife and other parts of his land to his children, as long as 1/3 of entailed land is left to the King.

Anyone serving the king in war may alienate his lands for the performance of his will, and if he dies, his feoffees or executors shall have the wardship of his heir and land.

A person who leases land for a term of years, even if by indenture or without a writing, may have a court remedy as do tenants of freehold for any expulsion by the lessor which is contrary to the lease, covenant, or agreement. These termers, their executors and assigns, shall hold and enjoy their terms against the lessors, their heirs and assigns. The lessor shall have a remedy for rents due or waste by a termers after recovering the land as well as if he had not recovered the land.

A lord may distrain land within his fee for rents, customs, or services due without naming the tenant, because of the existence of secret feoffments and leases made by their tenants to unknown persons.

Anyone seised of land to the use or trust of other persons by reason of a will or conveyance shall be

held to have lawful seisin and possession of the land, because by common law, land is not devisable by will or testament, yet land has been so conveyed, which has deprived married men of their courtesy, women of their dower, the king of the lands of persons attainted, the king of a year's profits from felons' lands, and lords of their escheats. (This was difficult to enforce.)

A woman may not have both a jointure [promise of husband to wife of property or income for life after his death] and dower of her husband's land. (Persons had purchased land to hold jointly with their wives)

A sale of land must be in writing, sealed, and registered in its county with the clerk of that county. If the land is worth less than 40s. per year, the clerk is paid 12d. If the land exceeds 40s. yearly, the clerk is paid 2s.6d.

An adult may lease his lands or tenements only by a writing under his seal for a term of years or a term of life, because many people who had taken leases of lands and tenements for a term of years or a term of lives had to spend a lot for repair and were then evicted by heirs of their lessors.

A husband may not lease out his wife's land.

No woman-covert, child, idiot, or person of insane memory may devise land by will or testament.

The land of tenants-in-common may be partitioned by them so that each holds a certain part.

No bishop or other official having authority to take probate of testaments may take a fee for probating a testament where the goods of the testator are under 100s., except that the scribe writing the probate of the testament may take 6d., and for the commission of administration of the goods of any man dying intestate, being up to 100s, may be charged 6d. Where the goods are over 100s. but up to 800s. sterling, probate fees may be 3s.6d. at most, whereof the official may take 2s.6d. at most, with 12d. residue to the scribe for registering the testament. Where the goods are over 800s. sterling, probate fees may be 5s. at most, whereof the official may take 2s.6d. at most, with 2s.6d. residue to the scribe, or the scribe may choose to take 1d. per 10 lines of writing of the testament. If the deceased had willed by his testament any land to be sold, the money thereof coming nor the profits of the land shall not be counted as the goods or chattel of the deceased. Where probate fees have customarily been less, they shall remain the same. The official shall approve and seal the testament without delay and deliver it to the executors named in such testaments for the said sum. If a person dies intestate or executors refuse to prove the testament, then the official shall grant the administration of the goods to the widow of the deceased person, or to the next of kin, or to both, in the discretion of the official, taking surety of them for the true administration of the goods, chattels, and debts. Where kin of unequal degree request the administration, it shall be given to the wife and, at his discretion, other requestors. The executors or administrators, along with at least two persons to whom the deceased was indebted, or to whom legacies were made, or, upon their refusal or absence, two honest kinsmen, shall make an inventory of the deceased's personal property, goods, chattels, ware, merchandise, and take it upon their oaths to the official.

No parish clergyman or other spiritual person shall take a mortuary fee or money from a deceased person with movable goods under the value of 133s., a deceased woman-covert, a child, a person keeping no house, or a traveler. Only one mortuary fee may be taken of each deceased and that in the place where he most dwelled and lived. Where the deceased's personal property and goods are to the value of 133s. or more, above his debts paid, and under 600s., a mortuary up to 3s. 4d. may be taken. Where such goods are 600s. or more and under 800s., mortuary up to 6s.8d. may be taken. Where such goods are 800s. or above, mortuary up to 10s. may be taken. But where mortuaries have customarily been less, they shall remain the same.

Executors of a will declaring land to be sold for the payment of debts, performance of legacies to wife and children, and charitable deeds for the health of souls, may sell the land despite the refusal of other executors to agree to such sale.

A man may not marry his mother, stepmother, sister, niece, aunt, or daughter.

Any clergy preaching contrary to the King's religious doctrine shall recant for the first offense. He shall abjure and bear a faggot (a badge resembling a faggot of wood which would have been used for burning him as a heretic) for the second offense. If he refuses to abjure or bear a faggot or offends a third time, he shall be burned and lose all his goods. If a layperson teaches, defends, or maintains a religious doctrine other than the King's, he shall recant and be imprisoned for twenty days for the first offense. He shall abjure and bear a faggot if he does not recant or offends a second time. He shall



forfeit his goods and suffer perpetual imprisonment if he does not abjure or bear a faggot or offends a third time.

The entry of an apprentice into a craft shall not cost more than 2s.6d. After his term, his entry shall not be more than 3s.4d. This replaced the various fees ranging from this to 40s.

No master of a craft may require his apprentice to make an oath not to compete with him by setting up a shop after the term of his apprenticeship.

No alien may take up a craft or occupation in the nation.

No brewer of ale or beer to sell shall make wood vessels or barrels, and coopers shall use only good and seasonable wood to make barrels and shall put their mark thereon. Every ale or beer barrel shall contain 32 of the King's standard gallons. The price of beer barrels sold to ale or beer brewers or others shall be 9d.

An ale-brewer may employ in his service one cooper only to bind, hoop and pin, but not to make, his master's ale vessels.

No butcher may keep a tanning-house.

Tanned leather shall be sold only in open fairs and markets and after it is inspected and sealed.

Only people living in designated towns may make cloth to sell, to prevent the ruin of these towns by people taking up both agriculture and cloth-making outside these towns. No one making cloth for sale may have more than one woolen loom or else forfeit 20s. This to protect the weavers' ability to maintain themselves and their families from rich clothiers who keep many looms and employ journeymen and unskillful persons at low wages. No one owning a fulling mill may own a weaving loom. No weaver may own a fulling mill.

No one shall shoot in or keep in his house any handgun or crossbow unless he has 2,000s. yearly.

No one may hunt or kill hare in the snow since their killing in great numbers by men other than the king and noblemen has depleted them.

No one shall take an egg or bird of any falcon or hawk out of its nest on the King's land. No one may disguise himself with hidden or painted face to enter a forest or park enclosed with a wall for keeping deer to steal any deer or hare.

Ducks and geese shall not be taken with any net or device during the summer, when they haven't enough feathers to fly. But a freeholder of 40s. yearly may hunt and take such with long bow and spaniels.

No one may sell or buy any pheasant except the King's officers may buy such for the King.

No butcher may kill any calf born in the spring.

No grain, beef, mutton, veal, or pork may be sold outside the nation.

Every person with 36 acres of agricultural land, shall sow one quarter acre with flax or hemp-feed.

All persons shall kill crows on their land to prevent them from eating so much grain at sowing and ripening time and destroying hay stacks and the thatched roofs of houses and barns. They shall assemble yearly to survey all the land to decide how best to destroy all the young breed of crows for that year. Every village and town with at least ten households shall put up and maintain crow nets for the destruction of crows.

No land used for raising crops may be converted to pasture. No woods may be converted to agriculture or pasture. The efforts to enforce these proved these prohibitions were not successful.

No one shall cut down or break up dikes holding salt water and fresh water from flooding houses and pastures.

No one shall dump tin-mining debris, dung, or rubbish into rivers flowing into ports or take any wood from the walls of the port, so that ships may always enter at low tide.

A person may lay out a new highway on his land where the old one has been so damaged by waterways that horses with carriages cannot pass, with the consent of local officials.

Only poor, aged, and disabled persons may beg. Begging without a license is punishable by whipping or setting in the stocks 3 days with only bread and water.

Alien palm readers shall no longer be allowed into the nation, because they have been committing felonies and robberies.

Butchers may not sell beef, pork, mutton, or veal from carcasses for more than 1/2 penny and 1/2 farthing [1/4 penny] per pound.

French wines may not sell at retail for more than 8d. per gallon.

A barrel maker or cooper may sell a beer barrel for 10d.

No longer may aliens bring books into the nation to sell because now there are sufficient printers and bookbinders in the nation.

No one may buy fresh fish other than sturgeon, porpoise, or seal from an alien to put to sale in the nation.

Every person with an enclosed park where there are deer, shall keep two tall and strong mares in such park and shall not allow them to be mounted by any short horse, because the breeding of good, swift, and strong horses has diminished.

A man may have only as many trotting horses for the saddle as are appropriate to his degree.

No one may maintain for a living a house for unlawful games such as bowling, tennis, dice, or cards. No artificer, craftsman, husbandman, apprentice, laborer, journeyman, mariner, fisherman may play these games except at Christmas under his master's supervision. Noblemen and others with a yearly income of at least 2,000s. may allow his servants to play these games at his house.

Hemp or flax may not be watered in any river or stream where animals are watered.

No one shall sell merchandise to another and then buy back the same merchandise within three months at a lower price. No one shall sell merchandise to be paid for in a year above the sum of 200s. per 2000s. worth of merchandise. No one shall sell or mortgage any land upon condition of payment of a sum of money before a certain date above the sum of 200s. per 2000s. per year.

No one shall commit forgery by counterfeiting a letter made in another person's name to steal any money, goods, or jewels.

No one shall libel by accusing another of treason in writing and leaving it in an open place without subscribing his own name to it.

If any servant converts to his own use more than 40s. worth of jewels, money, or goods from caskets entrusted to him for safekeeping by a nobleman or other master or mistress, it shall be a felony.

If a person breaks into a dwelling house by night to commit burglary or murder, is killed by anyone in that house, or a person is killed in self-defense, the killer shall not forfeit any lands or goods for the killing.

Killing by poisoning shall be deemed murder and is punishable by death.

A person who has committed a murder, robbery, or other felony he has committed shall be imprisoned for his natural life and be burned on the hand, because those who have been exiled have disclosed their knowledge of the commodities and secrets of this nation and gathered together to practice archery for the benefit of the foreign realm. If he escapes such imprisonment, he shall forfeit his life.

A person convicted or outlawed shall be penalized by loss of life, but not loss of lands or goods, which shall go to his wife as dower and his heirs.

Buggery may not be committed on any person or beast.

No one shall slander or libel the king by speeches or writing or printing or painting.

No one shall steal fish from a pond on another's land by using nets or hooks with bait or by drying up the pond.

The mayor of London shall appoint householders to supervise watermen rowing people across the Thames River because many people have been robbed and drowned by these rowers. All such boats must be at least 23 feet long and 5 feet wide.

No man shall take away or marry any maiden under 16 years of age with an inheritance against the will of her father.

Any marriage solemnized in church and consummated shall be valid regardless of any prior agreement for marriage.

Sheriffs shall not lose their office because they have not collected enough money for the Exchequer, but shall have allowances sufficient to perform their duties.

Butchers, brewers, and bakers shall not conspire together to sell their victuals only at certain prices. Artificers, workmen and laborers shall not conspire to work only at a certain rate or only at certain hours of the day.

No one shall sell any woolen cloth that shrinks when it is wet.

No one shall use a rope or device to stretch cloth for sale so to make it appear as more in quantity than it is.

No one may sell cloth at retail unless the town where it was dressed, dyed, and pressed has placed its seal on the cloth. Cloth may not be pressed with a hot press, but only with a cold press.

Only artificers using the cutting of leather, may buy and sell tanned leather and only for the purpose of converting it into made wares.

A beggar's child above five years may be taken into service by anyone that will.

Cattle may be bought only in the open fair or market and only by a butcher or for a household, team, or dairy, but not for resale live.

Butter and cheese shall not be bought to be sold again except at retail in open shop, fair, or market.

No man may enter a craft of cloth-making until he has been an apprentice for seven years or has married a clothiers' wife and practicing the trade for years with her and her servants sorting the wool.

No country person shall sell wares such as linen drapery, wool drapery, hats, or groceries by retail in any incorporated town, but only in open fairs.

For every 60 sheep there shall be kept one milk cow because of the scarcity of cattle.

No clothier may keep more than one wool loom in his house, because many weavers do not have enough work to support their families. No weaver may have more than two wool looms.

No clothmaker, fuller, shearman, weaver, tailor, or shoemaker shall retain a journeyman to work by the piece for less than a three month period. Every craftsman who has three apprentices shall have one journeyman. Servants in agriculture and bargemen shall serve by the whole year and not by day wages.

There shall be a sales tax of 12d. per pound of wool cloth goods for the Crown.

All people shall attend church on Sundays to remember God's benefits and goodness to all and to give thanks for these with prayers and to pray to be given daily necessities.

Anyone fighting in church shall be excluded from the fellowship of the parish community.

No one going from house to house to repair metal goods or sell small goods he is carrying may do this trade outside the town where he lives.

No one may sell ale or beer without a license, because there have been too many disorders in common alehouses. Offenders may be put in the town or county gaol for three days.

Only persons with yearly incomes of 1,333s. or owning goods worth 13,333s. may store wine in his

house and only for the use of his household.

No one may sell forged iron, calling it steel, because the edged tools and weapons made from it are useless.

Parish communities shall repair the highways for four days each year using oxen, cart, plough, shovels, and spades.

The children of priests are declared legitimate so they may inherit their ancestor's lands. The priests may be tenants by courtesy after the death of their wives of such land and tenements that their wives happened to be seized of in fee simple or in fee tail, during the spousals.

As of 1541, it was felony to practice witchcraft, sorcery, enchantment, or conjuration [invocation of spirits] for the purpose 1) of obtaining money, or 2) to consume any person in his body, members, or goods, or 3) to provoke any person to unlawful love or lucre of money, or 4) to declare where stolen goods be, or 5) to despise Christ, or 6) to pull down any cross.

The Year Books of case decisions ceased in 1535.

### Judicial Procedure

Since the nation was now peaceful, expediency was no longer needed, so judicial procedures again became lengthy and formal with records.

The Privy Council took the authority of the Star Chamber court, which organized itself as a specialty court.

A specific group of full-time councilors heard pleas of private suitors. By royal proclamation of 1546, only those admitted by the Chancellor and two chief justices may practice as counsel or in legal pleading in any of the King's courts. Also, such a person must be serjeant-at-law, reader, utter barrister, or an eight-year fellow of one of the four houses of court, except in the Court of Common Pleas.

Doctors of the civil law may practice in the church or Chancery courts.

The Chancery court enforced the obligations known as trusts, in the name of equity and good conscience. It adopted every analogy that the common law presented. Its procedure was to force the defendant to answer on oath the charges that were brought against him. All pleadings and usually testimony was put into writing. Much evidence consisted of written affidavits. There was no jury. The Chancery court did not record its decisions apparently because it did not see itself as bound by precedents.

When acting as the highest court, the House of Lords was presided over by the Chancellor, who sat on his prescribed place on the wool sacks. It had the following jurisdiction: trial of peers for high treason and serious felony, appeals on writs of error from courts of the common law, and impeachment. The House of Lords served as judge of impeachment cases, whereas the House of Commons served as fact finders.

Witnesses could be sworn in to state pertinent facts necessary for full understanding and adjudication of cases, because they are reliable now that there is no unlicensed livery and maintenance and because jurors no longer necessarily know all the relevant facts.

Justices shall tax inhabitants of the county for building gaols throughout the nation, for imprisonment of felons, to be kept by the sheriffs and repaired out of the Exchequer.

Piracy at sea or in river or creek or port are adjudicated in counties because of the difficulty of obtaining witnesses from the ship, who might be murdered or who are on other voyages on the sea, for adjudication by the admiral.

Piracy and murder on ships is punishable by death only after confession or proof by disinterested witnesses.

Land held by tenants in common may be partitioned by court order, because some of these tenants have cut down all the trees to take the wood and pulled down the houses to convert the material to their own use.

Persons worth 800s. a year in goods shall be admitted in trials of felons in corporate towns although they have no freehold of land.

Each justice of the high courts may employ one chaplain.

The bishops, nobility, and Justices of the Peace were commanded to imprison clergy who taught papal authority. Justices of the Peace and sheriffs were to watch over the bishops. The Justices of Assize were to assess the effectiveness of the Justices of the Peace as well as enforce the treason statute on circuit.

The criminal court went outside the common law to prosecute political enemies, e.g. by dispensing with a jury.

The leet court and sheriff's turn court have much less jurisdiction. They may dispose of presentments of trespasses and nuisances, but not felony or question of freehold. Such presentments are made by a set of at least twelve men, and the presented person is amerced there and then.

The humanist intellectual revival caused the church courts to try to eliminate contradictions with state law, for instance in debt, restitution, illegitimacy, and the age of legal majority.

An example of a case in the King's Bench is this: "A French priest was indicted in Kent for bringing false ducats into the realm in order to make payment, knowing them to be false. He was thereupon arraigned and found guilty, and the judgment was respited and the record sent into the King's Bench. And there he was discharged; for the statute of 25 Edw. 3 is for bringing (in) false money counterfeiting coin of the realm, and the ducats are not coin of the realm"

In the case of R. v. Thorpe "A man robbed a church in Essex and was indicted for it in Essex; and he went to Ipswich in Suffolk and a goldsmith received him; and they were both indicted in Suffolk, one as principal and the other as accessory, because the principal had brought part of the stolen goods to Ipswich. And the justices in Essex sent a writ for the principal, whereby he was there arraigned and found guilty and hanged. Then the other indictment in Suffolk was removed into the King's Bench, and upon process the sheriff returned the principal dead; so the accessory came by process and pleaded the death of the principal, and the attorney for the king confessed it, and therefore he was discharged."

In the case of R. v. More, "And then on Thursday, the first day of July, Sir Thomas more, knight (who had earlier been Chancellor of England and was afterwards discharged from the same office) was arraigned before the said SIR THOMAS AUDLEY, Chancellor and the other commissioners, for treason, in that he was an aider, counsellor and abettor to the said Fisher, and also that he falsely, maliciously, and traitorously desiring, willing, and scheming, contrived, practised and attempted to deprive the king of his dignity, name and title of Supreme Head on earth of the Church of England. (He was) found guilty, and the said Chancellor gave judgment. And the said More stood firmly upon the statute of 26 Hen 8, for he said that the Parliament could not make the king Supreme Head, etc. He was beheaded at Tower Hill,"

## Chapter 13

The Times: 1558-1601

Queen Elizabeth I was intelligent, educated, and wise about human nature. When young, she was a brilliant student and studied the Bible, philosophy, literature, oratory, and Greek and Roman history. She wrote in English, Latin, French, and Italian. She read Greek, including the Greek Testament, Greek orators, and Greek dramatists, at age seven, when the first professorship of Greek was founded at Cambridge University. Learning from books was one of her highest values throughout her life.

She read so much and was so influenced by Cicero that she acquired his style of writing. Her Chief Secretary William Cecil was so guided by Cicero's "Offices" that he carried a copy in his pocket. Cicero opined that government officials had a duty to make the safety and interest of citizens its greatest aim and to influence all their thoughts and endeavors without ever considering personal advantage. Government was not to serve the interest of any one group to the prejudice or neglect of the rest, for then discord and sedition would occur. Furthermore, a ruler should try to become loved and not feared, because men hated those whom they feared, and wished them dead. Therefore obedience proceeding from fear could not last, whereas that which was the effect of love would last forever. An oppressor ruling by terror would be resented by the citizens, who in secret would choose a worthier person. Then liberty, having been chained up, would be unleashed more fiercely than otherwise. To obtain the peoples' love, a ruler should be kind and bountiful. To obtain the peoples' trust, a ruler should be just, wise, and faithful. To demonstrate this, a ruler should be eloquent in showing the people an

understanding better than theirs, the wisdom to anticipate events, and the ability to deal with adverse events. And this demonstration should be done with modesty. One cannot get the peoples' trust by vain shows, hypocritical pretenses, composed countenances, and studied forms of words. The first goal of a ruler is to take care that each individual is secured in the quiet enjoyment of his own property. The second goal is to impose taxes that are not burdensome. The third goal is to furnish the people with necessaries. The law should be enforced keeping in mind that its fundamental purpose is to keep up agreement and union among citizens.

Elizabeth cared deeply for the welfare of all citizens of whatever class. She was sensitive to public opinion and was loved by her people. She respected truth and was sincere, avoiding guile or fraud. She claimed that she had never dishonored her tongue with a falsehood to anyone. She expected that any covert manipulations by monarchs would be found out and therefore would damage their credibility. "It becometh therefor all of our rank to deal sincerely; lest if we use it not, when we do it we be hardly believed."

She was frugal and diplomatically avoided unnecessary wars, saying that her purse was the pockets of her people. Her credit reputation was so good that she could always get loans at small rates of interest from other countries. England was a small Protestant nation threatened by the larger Catholic nations of France and Spain. When Elizabeth flirted and talked of marriage with foreign princes, they laid aside any thoughts of conquering England by war, hoping to obtain it my marriage. Not only did she not seek to conquer other lands, but she turned down an invitation to rule the Netherlands.

Elizabeth prayed for divine guidance as in this prayer: "Almighty God and King of all kings, Lord of heaven and earth, by whose leave earthly princes rule over mortals, when the most prudent of kings who administered a kingdom, Solomon, frankly confessed that he was not capable enough unless Thou broughtst him power and help, how much less am I, Thy handmaid, in my unwarlike sex and feminine nature, adequate to administer these Thy kingdoms of England and of Ireland, and to govern an innumerable and warlike people, or able to bear the immense magnitude of such a burden, if Thou, most merciful Father didst not provide for me (undeserving of a kingdom) freely and against the opinion of many men. Instruct me from heaven, and give help so that I reign by Thy grace, without which even the wisest among the sons of men can think nothing rightly. Send therefore, O inexhaustible Fount of all wisdom, from Thy holy heaven and the most high throne of Thy majesty, Thy wisdom to be ever with me, that it may keep watch with me in governing the commonwealth, and that it may take pains, that it may teach me, Thy handmaid, and may train me that I may be able to distinguish between good and evil, equity and iniquity, so as rightly to judge Thy people, justly to impose deserved punishments on those who do harm, mercifully to protect the innocent, freely to encourage those who are industrious and useful to the commonwealth. And besides, that I may know what is acceptable to Thee alone, vouchsafe that I wish, dare, and can perform it without paying respect to any earthly persons or things. So that when Thou Thyself, the just Judge, who askest many and great things from those to whom many and great things are entrusted, when Thou requirest an exact accounting, charge me not with badly administering my commonwealth and kingdom. But if by human thoughtlessness or infirmity Thy handmaid strays from the right in some thing, absolve me of it by Thy mercy, most high King and most mild Father, for the sake of Thy Son Jesus Christ; and at the same time grant that after this worldly kingdom has been exacted of me, I may enjoy with Thee an eternity in Thy heavenly and unending kingdom, through the same Jesus Christ, Thy Son and the Assessor of Thy kingdom, our Lord and Mediator. To whom with Thee and with the Holy Spirit, one everlasting King, immortal, invisible, only-wise God, be all honor and glory forever and ever, amen."

Elizabeth promoted commercial speculations, which diffused a vast increase of wealth among her people. The Elizabethan era was one of general prosperity. Her good spirits and gayness created a happy mood in the nation. She loved dancing and madrigal music was popular. She came to dress elaborately and fancifully. Her dresses were fitted not only at the waist, but along the torso by a long and pointed bodice stiffened with wood, steel, or whalebone. Her skirt was held out with a petticoat with progressively larger hoops. There were two layers of skirt with the top one parted to show the bottom one. The materials used were silks, satins, velvets, and brocades. On her dress were quiltings, slashings, and embroidery. It was covered with gold ornaments, pearls, gems, and unusual stones from America. She wore decorated gloves. Ladies copied her and discarded their simple over-tunics for elaborate dresses. The under-tunic became a petticoat and the over-tunic a dress. Often they also wore a fan with a mirror, a ball of scent, a miniature portrait of someone dear to them, and sometimes a watch. Single ladies did not wear hats, but had long, flowing hair and low cut dresses showing their bosoms. Married ladies curled their hair and wore it in high masses on their heads with jewels interwoven into it. Both gentlemen and ladies wore hats both indoors and outside and large, pleated collars around their necks (with the newly discovered starch), perfume, rings with stones or pearls, and high-heeled shoes. Gentlemen's' tight sleeves, stiffened and fitted doublet with short skirt, and short cloak were ornamented and their silk or velvet hats flamboyant, with feathers. At their leather belts

they hung pouches and perhaps a watch. They wore both rapiers [swords with cutting edges] and daggers daily as there were many quarrels. There were various artistic beard cuts and various lengths of hair, which was often curled and worn in ringlets. Barbers sought to give a man a haircut that would favor his appearance, for instance a long slender beard for a round face to make it seem narrower and a broad and large cut for a lean and straight face. Men now wore stuffed breeches and stockings instead of long hosen. Some wore a jeweled and embroidered codpiece between their legs to emphasize their virility. Both gentlemen and ladies wore silk stockings and socks over them and then boots. Coats dipped in boiled linseed oil with resin served as raincoats. Both men and women wore velvet or wool full length nightgowns with long sleeves and fur lining and trimming to bed, which was the custom for the next 150 years. Fashions changed every year due to the introduction of cheaper, lighter, and less durable cloths by immigrant craftsmen. When Elizabeth became old, she had a wig made to match her youthful long red hair. Other ladies then began wearing wigs.

Every few years, Elizabeth issued a proclamation reminding people of the apparel laws and reiterating certain provisions which had been disregarded. For instance, only the royal family and dukes and marquises in mantles [cloaks] of the garter could wear the color purple. One had to be at least an earl to wear gold or silver or sable. Only dukes, marquises, earls and their children, barons, and knights of the order could wear imported wool, velvet, crimson, scarlet, or blue, or certain furs., except that barons' sons, knights, or men who could dispense at least 200 pounds yearly could wear velvet in gowns or coats, embroidery, and furs of leopards. Spurs, swords, rapiers, daggers, and woodknives were restricted to knights and barons' sons or higher. A man who could dispense at least 100 pounds per year could wear taffeta, satin, damask, or cloth made of camels' hair and silk, in his outer garments. One had to be the son and heir or the daughter of a knight or wife of said son or a man who could dispense 20 pounds yearly or had 200 pounds worth in goods to wear silk in one's hat, bonnet, nightcap, girdle, scabbard, or hose. Yeomen, husbandmen, serving men, and craftsmen were very restricted in what they could wear. Poor men wore skirted fustian tunics, loose breeches, and coarse stockings or canvas leggings.

Children wore the same type of apparel as their elders. They were given milk at meals for good growth. It was recognized that sickness could be influenced by diet and herbs. Sickness was still viewed as an imperfect balance of the four humors.

Women spent much of their time doing needlework and embroidery. Since so many of the women who spent their days spinning were single, unmarried women became known as "spinsters".

There were many lifestyle possibilities in the nation: gentleman, that is one who owned land or was in a profession such as a attorney, physician, priest or who was a university graduate, government official, or a military officer; employment in agriculture, arts, sciences; employment in households and offices of noblemen and gentlemen; self-sufficient farmers with their own farm; fisherman or mariner on the sea or apprentice of such; employment by carriers of grain into cities, by market towns, or for digging, seeking, finding, getting, melting, fining, working, trying, making of any silver, tin, lead, iron, copper, stone, coal; glassmaker.

Typical wages in the country were: field-workers 2-3d. a day, ploughmen 1s. a week with board, shepherd 6d. a week and board, his boy 2 1/2 d., hedgers 6d. a day, threshers 3-7d. depending on the grain, thatching for five days 2d., master mason or carpenter or joiner 4d. a day and food or 8d. without food, a smith 2d. a day with food, a bricklayer 2 1/2 d. a day with food, a shoemaker 2d. a day with food. These people lived primarily on food from their own ground.

There was typical work for each month of the year in the country: January - ditching and hedging after the frost broke, February - catch moles in the meadows, March - protect the sheep from prowling dogs, April - put up hop poles, sell bark to the tanner before the timber is felled, fell elm and ash for carts and ploughs, fell hazel for forks, fell sallow for rakes, fell horn for flails, May - weed and hire children to pick up stones from the fallow land, June - wash and shear the sheep, July - hay harvest, August - wheat harvest, September and October - gather the fruit, sell the wool from the summer shearing, stack logs for winter, buy salt fish for Lent in the town and lay it up to dry, November - have the chimneys swept before winter, thresh grain in the barn, December - grind tools, repair yokes, forks, and farm implements, cover strawberry and flower beds with straw to protect them from the cold, split kindling wood with beetle and wedge, tan their leather, make leather jugs, make baskets for catching fish, and carve wood spoons, plates, and bowls.

There was a wave of building and renovation activity in town and country. Housing is now, for the first time, purely for dwelling and not for defense. Houses were designed symmetrically with decorative features instead of a haphazard addition of rooms. Windows were large and put on the outer walls instead of just inside the courtyard. A scarcity of timber caused proportionally more stone to be used for dwelling houses and proportionately more brick to be used for royal palaces and mansions. The rest

of the house was plaster painted white interspersed with vertical, horizontal, and sloping timber, usually oak, painted black. There were locks and bolts for protection from intruders. The hall was still the main room, and usually extended up to the roof. Richly carved screens separated the hall from the kitchen. The floors were stone or wood, and sometimes tile. They were often covered with rushes or plaited rush mats, on which incomers could remove the mud from their boots. Some private rooms had carpets on the floor. Walls were smoothly plastered or had carved wood paneling to control drafts. Painted cloths replaced tapestries on walls. Family portraits decorated some walls, usually in the dining room. Iron stands with candles were hung from the ceiling and used on tables. Plastered ceilings and a lavish use of glass made rooms lighter and cozy. Broad and gracious open stairways with carved wood banisters replaced the narrow winding stone steps of a circular stairwell. Most houses had several ornamented brick chimneys and clear, but uneven, glass in the windows. There were fireplaces in living rooms, dining rooms, kitchen, and bedrooms, as well as in the hall and great chamber. Parlors were used for eating and sitting only, but not for sleeping. Closets were rooms off bedrooms in which one could read and write on a writing table, and store one's books, papers, maps, calendar, medals, collections, rarities, and oddities. Sometimes there was a study room or breakfast room as well. A gentleman used his study not only to read and to write, but to hold collections of early chronicles, charters, deeds, copied manuscripts, and coins that reflected the budding interest in antiquarianism; and to study his family genealogy, for which he had hired someone to make an elaborate diagram. He was inclined to have a few classical, religious, medical, legal, and political books there. Rooms were more spacious than before and contained oak furniture such as enclosed cupboards; cabinets; buffets from which food could be served; tables, chairs and benches with backs and cushions, and sometimes with arms; lidded chests for storing clothes and linens, and occasionally chests of drawers or wardrobes, either hanging or with shelves, for clothes. Chests of drawers developed from a drawer at the bottom of a wardrobe. Carpeting covered tables, chests, and beds. Great houses had a wardrobe chamber with a fireplace in front of which the yeoman of the wardrobe and his assistants could repair clothes and hangings. Separate bedchambers replaced bed-sitting rooms. Bedrooms all led out of each other. The lady's chamber was next to her lord's chamber, and her ladies' chambers were close to her chamber. But curtains on the four-poster beds with tops provided privacy and warmth. Beds had elaborately carved bedsteads, sheets, and a feather cover as well as a feather mattress. Often family members, servants, and friends shared the same bed for warmth or convenience. Each bedroom typically had a cabinet with a mirror, e.g. of burnished metal or crystal, and comb on top. One brushed his teeth with tooth soap and a linen cloth, as physicians advised. Each bedroom had a pitcher and water bowl, usually silver or pewter, for washing in the morning, and a chamber pot or a stool with a hole over a bucket for nighttime use, and also fragrant flowers to override the unpleasant odors. The chamber pots and buckets were emptied into cesspits. A large set of lodgings had attached to it latrines consisting of a small cell in which a seat with a hole was placed over a shaft which connected to a pit or a drain. The servants slept in turrets or attics. Elizabeth had a room just for her bath.

Breakfast was substantial, with meat, and usually eaten in one's bedroom. The great hall, often hung around with bows, pikes, swords, and guns, was not abandoned, but the family took meals there only on rare occasions. Instead they withdrew to a parlor, for domestic use, or the great chamber, for entertaining. Parlors were situated on the ground floor: the family lived and relaxed there, and had informal meals in a dining parlor.

More than medieval castles and manor houses, mansions were designed with privacy in mind. The formal or "state" rooms were on the first floor above the ground floor, usually comprising a great chamber, a withdrawing chamber, one or more bedchambers, and a long gallery. Each room had carved chairs and cabinets. Taking a meal in the great chamber involved the same ceremonial ritual as in the manorial great chamber dating from the 1400s. The table was covered with a linen cloth. The lady of the house sat in a chair at the upper end of the table and was served first. People of high rank sat at her end of the table "above" the fancy silver salt cellar and pepper. People of low rank sat "below" it near the other end of the table. Grace was said before the meal. Noon dinner and supper were served by cupbearer, sewer, carver, and assistants. Fine clear Italian glass drinking vessels replaced even gold and silver goblets. Food was eaten from silver dishes with silver spoons. Some gentry used two-pronged forks. Meats were plentiful and varied: e.g. beef, mutton, veal, lamb, kid, pork, hare, capon, red deer, fish and wild fowl as well as the traditional venison and brawn [boar]. Kitchen gardens and orchards supplied apricots, almonds, gooseberries, raspberries, melons, currants, oranges, and lemons as well as the traditional apples, pears, plums, mulberries, quinces, pomegranates, figs, cherries, walnuts, chestnuts, hazel nuts, filberts, almonds, strawberries, blackberries, dewberries, blueberries, and peaches. Also grown were sweet potatoes, artichokes, cabbages, turnips, broad beans, peas, pumpkins, cucumbers, radishes, carrots, celery, parsnips, onions, garlic, leeks, endive, capers, spinach, sorrel, lettuce, parsley, mustard, cress, sage, tarragon, fennel, thyme, mint, savory, rhubarb, and medicinal herbs. The well-to-do started to grow apricots, peaches, and oranges under glass. Sugar was used to make sweet dishes. Toothpicks made of brass or silver or merely a stiff quill were used. After the meal, some men and women were invited for conversation in a withdrawing or drawing chamber.



Some might take a walk in the gardens. After the upper table was served, the food was sent to the great hall to the steward and high household officers at the high table and other servants: serving men and women, bakers, brewers, cooks, pot cleaners, laundresses, shepherds, hogherds, dairy maids, falconers, huntsmen, and stable men. What was left was given to the poor at the gates of the house. Great chambers were used primarily for meals, but also for music; dancing; plays; masques; playing cards, dice, backgammon, or chess; and daily prayers if there was no chapel.

Without the necessity of fortifications, the estate of a noble or gentleman could spread out to include not only a garden for the kitchen, but extensive orchards and beautiful formal gardens of flowers and scrubs, sometimes with fountains and maybe a maze of hedges. Trees were planted, pruned, and grafted onto each other.

Householders had the responsibility to teach their family and servants religion and morals, and often read from the Bible to them. Many thought that the writers of the Bible wrote down the exact words of God, so the passages of the Bible should be taken literally. A noble lord made written rules with penalties for his country household, which numbered about a hundred, including family, retainers, and servants. He enforced them by fines, flogging, and threats of dismissal. The lady of the house saw that the household held together as an economic and social unit. The noble's family, retainers, guests, and the head servants, such as chaplain and children's tutor, and possibly a musician, dined together at one table. The family included step children and married sons and daughters with their spouses. Young couples often lived with the parents of one of them. Chandeliers of candles lit rooms. There were sandglass clocks. Popular home activities included reading, conversation, gardening, and music-making. Smoking tobacco from a clay pipe and taking snuff became popular with men. For amusement, one of the lord's household would take his place in managing the estate for twelve days. He was called the "lord of misrule", and mimicked his lord, and issued comic orders. Clothes were washed in rivers and wells. At spring cleanings, windows were opened, every washable surface washed, and feather beds and pillows exposed to the sun.

Most dwellings were of brick and stone. Only a few were of wood or mud and straw. The average house was now four rooms instead of three. Yeomen might have six rooms. A weaver's house had a hall, two bedrooms, and a kitchen besides the shop. Farmers might have two instead of one room. A joiner had a one-room house with a feather bed and bolster. Even craftsmen, artificers and simple farmers slept on feather beds on bed frames with pillows, sheets, blankets, and coverlets. Loom tapestry and painted cloth was hung to keep out the cold in their single story homes. They also had pewter spoons and plates, instead of just wood or earthenware ones. Even the poorer class had glass drinking vessels, though of a coarse grade. The poor still used wooden plates and spoons. Laborers had canvas sheets. Richer farmers would build a chamber above the hall, replacing the open hearth with a fireplace and chimney at a wall. Poorer people favored ground floor extensions, adding a kitchen or second bedchamber to their cottages. Kitchens were often separate buildings to reduce the risk of fire. Roasting was done on a spit and baking in irons boxes placed in the fire or in a brick oven at the side of the fireplace. Sometimes dogs were used to turn a spit by continual running in a treadmill. Some people lived in hovels due to the custom in many places that a person could live in a home he built on village waste land if he could build it in one night.

Yeomen farmers still worked from dawn to dusk. Mixed farming began. In this, some of the arable land produced food for man and the rest produced food for sheep, cattle, pigs, and poultry. This was made possible by the introduction of clover, artificial grasses, and turnip and other root crops for the animals. Since the sheep ate these crops in the field, they provided manure to maintain the fertility of the soil. This meant that many animals could be maintained throughout the winter instead of being slaughtered and salted. So salted meat and salted fish were no longer the staple food of the poorer people during the winter. Farm laborers ate soup, porridge, milk, cheese, bacon, and beer or mead (depending on the district), and dark barley or rye bread, which often served as his plate. Gentlemen ate wheat bread. There was a scarcity of fruits and vegetables that adversely affected the health of the affluent as well as of the poor due to the overall decline in farming. During winter, there were many red noses and coughing. Farmers' wives used looms as well as spinning wheels with foot treadles.

The value of grain and meat rose compared to wool. Grain became six times its value in the previous reign. Wool fell from 20s.8d. per tod to 16s. So sheep farming, which had taken about 5% of the arable land, was supplanted somewhat by crop raising, and the rural population could be employed for agriculture. In some places, the threefold system of rotation was replaced by alternating land used for crops with that used for pasture. The necessity of manuring and the rotation of crops and grasses such as clover for enrichment of the soil were recognized. Wheat, rye, barley, peas, and beans were raised. There was much appropriation of common land by individual owners by sale or force. Many farms were enclosed by fences or hedges so that each holder could be independent of his neighbors. Red and black currants, rhubarb, apricots, and oranges were now grown. These independent farmers could sell wool to clothiers, and butter, cheese, and meat to the towns. They also often did smithwork and ironwork,

making nails, horseshoes, keys, locks, and agricultural implements to sell. A laborer could earn 6d. a day in winter and 7d. a day in summer. Unfree villeinage ceased on the royal estates. But most land was still farmed in common and worked in strips without enclosure. Elizabeth made several proclamations ordering the enclosure of certain enclosed land to be destroyed and the land returned to tillage. Windmills now had vanes replacing manual labor to change the position of their sails when the wind direction changed. Prosperous traders and farmers who owned their own land assumed local offices as established members of the community.

The population of the nation was about five million. Population expansion had allowed landlords to insist on shorter leases and higher rents, instead of having to choose between accepting a long lease and good rent or allowing their estates to pass out of cultivation. Over 50% of the population were on the margin of subsistence. 90% of the population lived in the countryside and 5% in the London and 5% in the other towns. Life expectancy was about 40 years of age. Over 50% were under the age of 23, while only about 9% were over 60. Fluctuations in rates of population growth were traceable back to bad harvests and to epidemics and the two were still closely related to each other: "first dirth and then plague".

Most of London was confined within the city wall. There were orchards and gardens both inside and outside the walls, and fields outside. Flower gardens and nurseries came into existence. No part of the city was more than a ten minute walk to the fields. Some wealthy merchants had four story mansions or country houses outside the city walls. The suburbs of the City of London grew in a long line along the river; on the west side were noblemen's houses on both sides of the Strand. East of the Tower was a seafaring and industrial population. Goldsmiths' Row was replete with four story houses. A few wealthy merchants became money-lenders for interest, despite the law against usury. The mayor of London was typically a rich merchant prince. Each trade occupied its own section of the town and every shop had its own signboard, for instance, hat and cap sellers, cloth sellers, grocers, butchers, cooks, taverns, and booksellers. Many of the London wards were associated with a craft, such as Candlewick Ward, Bread St. Ward, Vintry Ward, and Cordwainer Ward. Some wards were associated with their location in the city, such as Bridge Ward, Tower Ward, Aldgate Ward, Queenhithe Ward, and Billingsgate Ward. People lived at the back or on the second floor of their shops. In the back yard, they grew vegetables such as melons, carrots, turnips, cabbages, pumpkins, parsnips, and cucumbers; herbs; and kept a pig. The pigs could still wander through the streets. Hyde Park was the Queen's hunting ground. London had a small zoo of ten animals, including a lion, tiger, lynx, and wolf.

London was England's greatest manufacturing city. By 1600 the greatest trading companies in London ceased to be associated only with their traditional goods and were dominated by merchants whose main interest was in the cloth trade. Ambitious merchants joined a livery company to become freemen of the city and for the status and social benefits of membership. The companies still made charitable endowments, had funeral feasts, cared for the welfare of guild members, and made lavish displays of pageantry. They were intimately involved with the government of the city. They supplied members for the Court of Aldermen, which relied on the companies to maintain the City's emergency grain stores, to assess and collect taxes, to provide loans to the Crown, to control prices and markets, to provide armed men when trouble was expected, and to raise armies for the Crown at times of rebellion, war, or visits from foreign monarchs. From about 1540 to 1700, there were 23% involved in cloth or clothing industries such as weavers, tailors, hosiers, haberdashers, and cappers. 9% were leatherworkers such as skimmers; tanners; those in the heavy leather crafts such as shoemakers, saddlers, and cobblers; and those in the light leather crafts such as glovers and pursers. Another 9% worked in metals, such as the armorers, smiths, cutlers, locksmiths, and coppersmiths. 8% worked in the building trades. The victualing trades, such as bakers, brewers, butchers, costermongers [sold fruit and vegetables from a cart or street stand], millers, fishmongers, oystermen, and tapsters [bartender], grew from 9% before 1600 to 16% by 1700. Of London's workforce, 60% were involved in production; 13% were merchants before 1600; 7% were merchants by 1700; 7% were transport workers such as watermen, sailors, porters, coachmen, and shipwrights; and 5-9% were professionals and officials (this number declining). Life in London was lived in the open air in the streets. The merchant transacted business agreements and the attorney saw his clients in the street or at certain pillars at St. Paul's Church, where there was a market for all kinds of goods and services, including gentlemen's valets, groceries, spirits, books, and loans, which continued even during the daily service. Some gentlemen had offices distant from their dwelling houses such as attorneys, who had a good income from trade disputes and claims to land, which often changed hands. Plays and recreation also occurred in the streets, such as performances by dancers, musicians, jugglers, clowns, tumblers, magicians, and men who swallowed fire. The churches were continuously open and used by trades and peddlers, including tailors and letter-writers. Water carriers carried water in wood vessels on their shoulders from the Thames River or its conduits to the inhabitants three gallons at a time. A gentleman concocted an engine to convey Thames water by lead pipes up into men's houses in a certain section of the city. In 1581, a man took out a lease on one of the arches of London Bridge. There he built a waterwheel from

which he pumped water to residents who lived beside the bridge. Soldiers, adventurers, physicians, apprentices, prostitutes, and cooks were all distinguishable by their appearances. An ordinance required apprentices to wear long blue gowns and white breeches with stockings, with no ornamentation of silk, lace, gold or silver and no jewelry. They could wear a meat knife, but not a sword or dagger. Apprentices lived with their masters and worked from 6 or 7 a.m. to 9 p.m. Some people knitted wool caps as they walked to later sell. There were sections of town for booksellers, butchers, brewers, hosiers, shoemakers, curriers, cooks, poulterers, bow makers, textwriters, pattenmakers, and horse and oxen sellers. Large merchant companies had great halls for trade, such as the mercers, grocers, drapers, fishmongers, and goldsmiths. The other great guilds were the skippers, merchant tailors, salters, haberdashers, ironmongers, vintners, and clothworkers. Smaller guilds were those of the bakers, weavers, fruiterers, dyers, Thames watermen and lightermen, carpenters, joiners, turners, and parish clerks. The guilds insured quality by inspecting goods for a fee.

About 1571, mercer and Merchant Adventurer Thomas Gresham established the Royal Exchange as a place for merchants and brokers to meet for business purposes. It became the center of London's business life. Its great bell rang at midday and at 6 p.m. Its courtyard was lined with shops that rented at 50s. yearly and became a popular social and recreational area. Gresham formulated his law that when two kinds of money of equal denomination but unequal intrinsic value are in circulation at the same time, the one of greater value will tend to be hoarded or exported, i.e. bad money will drive good money out of circulation.

The work-saving knitting frame was invented in 1589 by minister William Lee; it knit crosswise loops using one continuous yarn and was operated by hand. The stocking knitters, who knitted by hand, put up a bitter struggle against its use and chased Lee out of the country. But it did come into use. Some framework stocking knitters paid frame rent for the use of their knitting frames. Frame knitting became a scattered industry.

By 1600 basement services were frequently found in town houses built on restricted sites in London. Lastly, provision of water supplies and improved sanitary arrangements reflected concern with private and public health. There was virtually no drainage. In the case of town houses, some owners would go to considerable effort to solve drainage problems, often paying cash to the civic authorities, but sometimes performing some service for the town at Court or at Westminster, in return for unlimited water or some drainage. Most affluent households, including the Queen's, moved from house to house, so their cesspits could be cleaned out and the vacated buildings aired after use. A few cesspits were made air tight. Otherwise, there was extensive burning of incense. Refuse was emptied out of front doors and shoveled into heaps on street corners. It was then dumped into the Thames or along the highways leading out of town. People put on perfume to avoid the stench. By 1600, the first toilet and water closet, where water flushed away the waste, was built. This provided a clean toilet area all year round. But these toilets were not much used because of sewer smells coming from them. The sky above London was darkened somewhat by the burning of coal in houses.

Taverns served meals as well as ale. They were popular meeting places for both men and women of all backgrounds to meet their friends. Men went to taverns for camaraderie and to conduct business. Women usually went to taverns with each other. Two taverns in particular were popular with the intelligentsia. Music was usually played in the background and games were sometimes played. Beer made with hops and malt was introduced and soon there were beer drinking contests. Drunkenness became a problem.

At night, the gates of the city were closed and citizens were expected to hang out lanterns. The constable and his watchmen carried lanterns and patrolled the streets asking anyone they saw why they were out so late at night. Crime was rampant in the streets and criminals were executed near to the crime scene.

There were a few horse-drawn coaches with leather flaps or curtains in the unglazed windows to keep out the weather. The main thoroughfare in London was still the Thames River. Nobles, peers, and dignitaries living on the Thames had their own boats and landings. Also at the banks, merchants of all nations had landing places where ships unloaded, warehouses, and cellars for goods and merchandise. Swans swam in the clear bright water. Watermen rowed people across the Thames for a fee. In Southwark were theaters, outlaws, cutpurses, prostitutes, and prisons. In 1550 Southwark became the 26th and last ward of London. In the summer, people ate supper outside in public.

As of old times, brokers approved by the Mayor and aldermen made contracts with merchants concerning their wares. Some contracts included holding wares as security. Some craftsmen and manual workers extended this idea to used garments and household articles, which they took as pawns, or security for money loaned. This began pawn brokerage, which was lucrative. The problem was that many of the items pawned had been stolen.

Elizabeth had good judgment in selecting her ministers and advisors for her Privy Council, which was organized like Henry VIII's Privy Council. The Queen's Privy Council of about twelve ministers handled foreign affairs, drafted official communiques, issued proclamations, supervised the county offices: the 1500 Justices of the Peace, chief constables, sheriffs, lord lieutenants, and the county militias. It fixed wages and prices in London, advised Justices of the Peace on wages elsewhere, and controlled exports of grain to keep prices down and supplies ample. It banned the eating of meat two days a week so that the fishing industry and port towns would prosper. When grain was scarce in 1596, Elizabeth made a proclamation against those ingrossers, forestallers, and ingraters of grain who increased its price by spreading false rumors that it was scarce because much of it was being exported, which was forbidden. There were labor strikes in some towns for higher wages after periods of inflation. In 1591, London authorities rounded up the sturdy vagabonds and set them to work cleaning out the city ditches for 4d. per day. During the Tudor period, the office of Secretary of State was established.

Elizabeth did not allow any gentleman to live in London purely for pleasure, but sent those not employed by the Court back to their country manors to take care of and feed the poor of their parishes. Her proclamation stated that "sundry persons of ability that had intended to save their charges by living privately in London or towns corporate, thereby leaving their hospitality and the relief of their poor neighbors, are charged not to break up their households; and all others that have of late time broken up their households to return to their houses again without delay." She never issued a license for more than 100 retainers. She was partially successful in stopping Justices of the Peace and sheriffs from wearing the liveries of great men. She continued the policy of Henry VII to replace the rule of force by the rule of law. Service of the crown and influence at court became a better route to power and fortune than individual factions based on local power structures. At the lowest level, bribery became more effective than bullying. The qualities of the courtier, such as wit, and the lawyer became more fashionable than the qualities of the soldier.

Most of the men in Elizabeth's court had attended a university, such as Francis Bacon, son of the Lord Keeper, who became a writer, attorney, member of the Commons, and experimental philosopher; and Walter Raleigh, the writer and sea fighter, who had a humble origin. Many wives and daughters of Privy Councilors attended the Queen in her privy chamber. Most of the knights or gentlemen of the royal household were also members of Parliament or Justices of the Peace for certain districts in the counties. Instead of the office of Chancellor, which was the highest legal office, Elizabeth appointed a man of common birth to be Lord Keeper of the Great Seal; she never made a Lord Keeper a peer. Elizabeth encouraged her lords to frankly make known their views to her, in public or in private, before she decided on a course of action. She had affectionate nicknames for her closest courtiers, and liked to make puns. The rooms of the Queen were arranged as they had been under Henry VIII: the great hall was the main dining room where the servants ate and which Elizabeth attended on high days and holidays; the great chamber was the main reception room, where her gentlemen and yeomen of the guard waited; the presence chamber was where she received important visitors; beyond lay her privy chamber and her bedchamber. She ate her meals in the privy chamber attended only by her ladies. She believed that a light supper was conducive to good health. The Lord Chamberlain attended the Queen's person and managed her privy chamber and her well-born grooms and yeomen and ladies-in-waiting. The Lord Steward managed the domestic servants below the stairs, from the Lord Treasurer to the cooks and grooms of the stable. The court did not travel as much as in the past, but became associated with London. Elizabeth took her entire court on summer visits to the country houses of leading nobility and gentry. Courtiers adopted symbolic "devices" as statements of their reaction to life or events, e.g. a cupid firing arrows at a unicorn signified chastity under attack by sexual desire. They carried them enameled on jewels, had them painted in the background of their portraits, and sometimes had them expressed on furniture, plate, buildings, or food.

The authority of the Queen was the authority of the state. Elizabeth's experience led her to believe that it was most important for a monarch to have justice, temperance, magnanimity, and judgment. She claimed that she never set one person before another, but upon just cause, and had never preferred anyone to office for the preferrer's sake, but only when she believed the person worthy and fit for the office. She never blamed those who did their best and never discharged anyone from office except for cause. Further, she had never been partial or prejudiced nor had listened to any person contrary to law to pervert her verdicts. She never credited a tale that was first told to her and never corrupted her judgment with a censure before she had heard the cause. She did not think that the glory of the title of monarch made all she did lawful. To her, clemency was as eminent in supreme authority as justice and severity.

Secular education and especially the profession of law was now the route for an able but poor person to rise to power, rather than as formerly through military service or through the church.

The first stage of education was primary education, which was devoted to learning to read and write in English. This was carried out at endowed schools or at home by one's mother or a tutor. The children

of the gentry were usually taught in their homes by private teachers of small classes. Many of the poor became literate enough to read the Bible and to write letters. However, most agricultural workers and laborers remained illiterate. They signed with an "x", which represented the Christian cross and signified its solemnity. Children of the poor were expected to work from the age of 6 or 7.

The next stage of education was grammar [secondary] school or a private tutor. A student was taught rhetoric (e.g. poetry, history, precepts of rhetoric, and classical oratory), some logic, and Latin and Greek grammar. English grammar was learned through Latin grammar and English style through translation from Latin. As a result, they wrote English in a Latin style. Literary criticism was learned through rhetoric. There were disputations on philosophical questions such as how many angels could sit on a pin's point, and at some schools, orations. The students sat in groups around the hall for their lessons. The boys and some girls were also taught hawking, hunting and archery. There were no playgrounds. The grammar student and the undergraduate were tested for proficiency by written themes and oral disputations, both in Latin. The middle classes from the squire to the petty tradesman were brought into contact with the works of the best Greek and Roman writers. The best schools and many others had the students read Cicero - the "De Officiis", the epistles and orations; and some of Ovid, Terence, Sallust, Virgil, some medieval Latin works, the "Distichs" of Cato, and sometimes Erasmus and Sir Thomas More. The students also had to repeat prayers, recite the Lord's Prayer and the Ten Commandments, and to memorize catechisms. Because the students came from the various social classes such as gentlemen, parsons, yeomen, mercers, and masons, they learned to be on friendly and natural terms with other classes. A typical school-day lasted from 7:00 AM -to 5:00 PM. There were so many grammar schools founded and financed by merchants and guilds such as the Mercers and Fishmongers that every incorporated town had at least one. Grammar schools were headed by schoolmasters, who were licensed by the bishop and paid by the town. Flogging with a birch rod was used for discipline. However, the grammar schools did not become the breeding grounds for humanist ideas because the sovereigns were faced with religious atomism and political unrest, so used the grammar schools to maintain public order and achieve political and religious conformity.

Many grammar schools had preparatory classes called "petties" for boys and girls who could not read and write to learn to do so. The girls did not usually stay beyond the age of nine. This was done by a schoolmaster's assistant, a parish clerk, or some older boys.

Some founders of grammar schools linked their schools with particular colleges in the universities following the example of Winchester being associated with New College, Oxford; and Eton with King's College, Cambridge. The new charter of Westminster in 1560 associated the school with Christ Church, Oxford and Trinity College, Cambridge.

The government of Oxford University, which had been Catholic, was taken from the resident teachers and put into the hands of the Vice-Chancellor, Doctors, Heads of Colleges, and Proctors. Cambridge already had a strong reformed element from Erasmus' influence. Oxford University and Cambridge University were incorporated to have a perpetual existence for the virtuous education of youth and maintenance of good literature. The Chancellors, masters, and scholars had a common seal. Oxford was authorized to and did acquire its own printing press. Undergraduate students entered about age 16 and resided in rooms in colleges rather than in scattered lodgings. The graduate fellows of the college who were M.A.s of under three years standing had the responsibility, instead of the university, for teaching the undergraduates. This led many to regard their fellowship as a position for life rather than until they completed their post-graduate studies. But they were still required to resign on marrying or taking up an ecclesiastical benefice. The undergraduates were fee-paying members of the college or poor scholars. Some of the fee-paying members or gentlemen-commoners or fellow-commoners were the sons of the nobility and gentry and even shared the fellows' table. The undergraduate students were required to have a particular tutors, who were responsible for their moral behavior as well as their academic studies. It was through the tutors that modern studies fit for the education of a Renaissance gentleman became the norm. Those students not seeking a degree could devise their own courses of study with their tutors' permission. Less than about 40% stayed long enough to get a degree. Many students who were working on the seven year program for a Master's Degree went out of residence at college after the four year's "bachelor" course. Students had text books to read rather than simply listening to a teacher read books to them.

In addition to the lecturing of the M.A.s and the endowed university lectureships, the university held exercises every Monday, Wednesday, and Friday in which the student was meant through disputation, to apply the formal precepts in logic and rhetoric to the practical business of public speaking and debate. Final examinations were still by disputation. The students came to learn to read Latin easily. Students acted in Latin plays. If a student went to a tavern, he could be flogged. For too elaborate clothing, he could be fined. Fines for absence from class were imposed. However, from this time until 1945, a young man's university days were regarded as a period for the "sowing of wild oats".

All students had to reside in a college or hall, subscribe to the 39 articles of the university, the Queen's supremacy, and the prayer book. Meals were taken together in the college halls. The universities were divided into three tables: a fellows' table of earls, barons, gentlemen, and doctors; a second table of masters of arts, bachelors, and eminent citizens, and a third table of people of low condition. Professors, doctors, masters of arts and students were all distinguishable by their gowns.

Undergraduate education was considered to be for the purpose of good living as well as good learning. It was to affect the body, mind, manners, sentiment, and business, instead of just leading to becoming a better disputant. The emphasis on manners came mostly from an Italian influence. The university curriculum included Latin and Greek languages and was for four years. The student spent at least one year on logic (syllogizing, induction, deduction, fallacies, and the application of logic to other studies), at least one year on rhetoric, and at least one year on philosophy. The latter included physics, metaphysics, history, law, moral and political philosophy, modern languages, and ethics (domestic principles of government, military history, diplomatic history, and public principles of government), and mathematics (arithmetic, geometry, algebra, music, optics, astronomy). The astronomy taught was that of Ptolemy, whose view was that the celestial bodies revolved around a spherical earth, on which he had laid out lines of longitude and latitude. There were lectures on Greek and Latin literature, including Aristotle, Plato, and Cicero. There were no courses on English history in the universities.

About 1564, the curriculum was changed to two terms of grammar, four terms of rhetoric, five terms of dialectic (examining ideas and opinions logically, e.g. ascertaining truth by analyzing words in their context and equivocations), three terms of arithmetic, and two terms of music. There were now negative numbers, irrational numbers such as square roots of non-integers, and imaginary numbers such as square roots of negative numbers. The circumference and area of a circle could be computed from its radius, and the Pythagorean theorem related the three sides of a right triangle. Also available were astrology, alchemy (making various substances such as acids and alcohols), cultivation of gardens, and breeding of stock, especially dogs and horses. Astronomy, geometry, natural and moral philosophy, and metaphysics were necessary for a master's degree. The university libraries of theological manuscripts in Latin were supplemented with many non-religious books.

There were graduate studies in theology, medicine, music, and law, which was a merging of civil and canon law together with preparatory work for studying common law at the Inns of Court in London.

In London, legal training was given at the four Inns of Court. Students were called to dinner by a horn. Only young gentry were admitted there. A year's residence there after university gave a gentleman's son enough law to decide disputes of tenants on family estates or to act as Justice of the Peace in his home county. A full legal education gave him the ability to handle all family legal matters, including property matters. Many later became Justices of the Peace or members of Parliament. Students spent two years in the clerks' commons, and two in the masters' commons. Besides reading textbooks in Latin, the students observed at court and did work for practicing attorneys. After about four more years' apprenticeship, a student could be called to the outer bar. There was a real bar of iron or wood separating the justices from the attorneys and litigants. As "Utter Barrister" or attorney, he would swear to "do no falsehood in the court, increase no fees but be contented with the old fees accustomed, delay no man for lucre or malice, but use myself in the office of an Attorney within the Court according to my learning and discretion, so help me God, Amen". Students often also studied and attended lectures on astronomy, geography, history, mathematics, theology, music, navigation, foreign languages, and lectures on anatomy and medicine sponsored by the College of Physicians. A tour of the continent became a part of every gentleman's education. After about eight years' experience, attorneys could become Readers, who gave lectures; or Benchers, who made the rules. Benchers, who were elected by other Benchers, were entrusted with the government of their Inn of Court, and usually were King's counsel. Five to ten years later, a few of these were picked by the Queen for Serjeant at Law, and therefore eligible to plead at the bar of common pleas. Justices were chosen from the Serjeants at Law.

Gresham left the Royal exchange to the city and the Mercer's Company on condition that they use some of its profits to appoint and pay seven lecturers in law, rhetoric, divinity, music, physics, geometry, and astronomy to teach at his mansion, which was called Gresham College. They were installed in 1598 according to his Will. Their lectures were free, open to all, and often in English. They embraced mathematics and new scientific ideas and emphasized their practical applications. A tradition of research and teaching was established in mathematics and astronomy.

There were language schools teaching French, Italian, and Spanish to the aspiring merchant and to gentlemen's sons and daughters.

Many people kept diaries. Letter writing was frequent at court. Most forms of English literature were now available in print. Many ladies read aloud to each other in reading circles and to their households.

Some wrote poetry and did translations. Correctness of spelling was beginning to be developed. Printers tended to standardize it. There was much reading of romances, jest books, histories, plays, prayer collections, and encyclopedias, as well as the Bible. In schools and gentry households, favorite reading was Edmund Spenser's "Faerie Queen" about moral virtues and the faults and errors which beset them; Erasmus' New Testament, "Paraphrases", "Colloquies", and "Adages"; Sir Thomas North's edition of Plutarch's "Lives of the Noble Grecians and Romans"; Elyot's "The Book Named the Governor"; and Hoby's translation of "The Courtier". Gentlemen read books on the ideals of gentlemanly conduct, such as "Institucion of a Gentleman" (1555), and Laurence Humphrey's "The Nobles: or of Nobilites". Francis Bacon's "Essays or Counsels Civil and Moral" were popular for their wisdom. In them he commented on many subjects from marriage to atheism. He cautioned against unworthy authority, mass opinion, custom, and ostentation of apparent wisdom. He urged the use of words with their correct meaning.

At a more popular level were Caxton's "The Golden Legend", Baldwin's "Mirror for Magistrates", Foxe's "Book of Martyrs" about English Protestant who suffered at the stake, sensational stories and pamphlets, printed sermons (including those of Switzerland's Calvin), chronicles, travel books, almanacs, herbals, and medical works. English fiction began and was read. There were some books for children. Books were copyrighted, although non-gentlemen writers needed a patron. At the lowest level of literacy were ballads. Next to sermons, the printing press was kept busiest with rhymed ballads about current events. Printed broadsheets on political issues could be distributed quickly. In London, news was brought to the Governor of the News Staple, who classified it as authentic, apocryphal, barber's news, tailor's news, etc. and stamped it. Books were also censored for matter against the state church. This was carried out through the Stationers' Company. This company was now, by charter, the official authority over the entire book trade, with almost sole rights of printing. (Schools had rights of printing). It could burn other books and imprison their printers.

Italian business techniques were set forth in textbooks for merchants, using Italian terms of business: debit (debito), credit (credito), inventory (inventorio), journal (giornal), and cash (cassa). The arithmetic of accounting operations, including multiplication, was described in "An Introduction for to Lerne to Reckonwith the Penne or Counters" in 1537. Accounting advice was extended to farmers as well as merchants in the 1569 "The Pathway to Perfectness in the Accomptes of Debitor and Creditor" by James Peele, a salter of London. It repeated the age-old maxim: ...receive before you write, and write before you pay, So shall no part of your accompt in any wise decay. The 1589 "Marchants Avizo" by Johne Browne, merchant of Bristol, gave information on foreign currencies and keeping of accounts, and included specimens of various business documents such as insurance policies, and bills of exchange. It also advised: Take heed of using a false balance or measure...covet not over familiarity amongst men it maketh thee spend much loss of time. Be not hasty in giving credit to every man, but take heed to a man that is full of words, that hath red eyes, that goeth much to law, and that is suspected to live unchaste ... When thou promiseth anything be not stuck to perform it, for he that giveth quickly giveth double ... Fear God...know thy Prince...love thy parents ...give reverence to thy betters ...be courteous and lowly to all men... be not wise in thine own conceit. The old prohibitions of the now declining canon law were still observed. That is, one should not seek wealth for its own sake or beyond what was requisite for a livelihood in one's station, exploit a customer's difficulties to extract an extravagant price, charge excessive interest, or engross to "corner the market".

The printing press had made possible the methodizing of knowledge and its dissemination to a lay public. Knowledge associated with the various professions, occupations, and trades was no longer secret or guarded as a mystery, to be passed on only to a chosen few. The sharing of knowledge was to benefit the community at large. Reading became an out-of-school activity, for instruction as well as for pleasure.

In 1565, graphite was discovered in England, and gave rise to the pencil. Surveying accuracy was improved with the new theodolite, which determined directions and measured angles and used a telescope that pivoted horizontally and vertically. Scientists had the use of an air thermometer, in which a column of air in a glass tube sitting in a dish of water contracted or expanded with changes in the temperature, causing the water to move up or down the tube.

William Shakespeare, a glovemaker's son, wrote plays about historical events and plays which portrayed various human personalities and their interactions with each other. They were enjoyed by all classes of people. His histories were especially popular. The Queen and various earls each employed players and actors, who went on tour as a troupe and performed on a round open-air stage, with people standing around to watch. In London, theaters such as the Globe were built specifically for the performance of plays, which before had been performed at inns. The audience applauded and hissed. There were costumes, but no sets. Ordinary admission was 2d. Before being performed, a play had to be licensed by the Master of the Revels to make sure that there was nothing detrimental to the peace and public order. Elizabeth issued a proclamation forbidding unlicensed interludes or plays, especially

concerning religion or government policy on pain of imprisonment for at least fourteen days. The common people still went to morality plays, but also to plays in which historical personages were portrayed, such as Richard II, Henry IV, and Henry V. Some plays were on contemporary issues. Musicians played together as orchestras. Music with singing was a popular pastime after supper; everyone was expected to participate. Dancing was popular with all classes. Gentlemen played cards, dice, chess, billiards, and tennis. They fenced and had games on horseback. Their deer-hunting diminished as forests were cut down for agriculture and the deer were viewed as an enemy eating crops. Falconry diminished as hedges and enclosures displaced the broad expanses of land.

Country people enjoyed music, dancing, pantomime shows with masks, hurling, running, swimming, leap frog, blind man's buff, shovelboard played with the hands, and football between villages with the goal to get the ball into one's own village. Football and shin-kicking matches often resulted in injuries. They bought ballads from traveling peddlers. Early morning dew gathered in May and early June was thought to have special curative powers. There were many tales involving fairies, witches, devils, ghosts, evil spirits, angels, and monsters which were enjoyed by adults as well as children. Many people still believed in charms, curses, divination, omens, fate, and advice from astrologers. The ghosts of the earth walked the earth, usually because of some foul play to be disclosed, wrong to be set right, to warn those dear to them of peril, or to watch over hidden treasure. Good witches cured and healed. Fairies blessed homes, rewarded minor virtues, and punished mild wrongdoing. When fairies were unhappy, the weather was bad. There were parties for children.

The merry guild feast was no longer a feature of village life. There were fewer holydays and festivals. The most prosperous period of the laborer was closing. An agricultural laborer's yearly wage was about 154s., but his cost of living, which now included house rent, was about 160s. a year. In 1533, daily wages in the summer for an agricultural laborer were about 4d. and for an artisan 6d. In 1563 in the county of Rutland, daily wages for laborers were 7d. in summer and 6d. in winter; and for artisans were 9d. in summer and 8d. in winter. Unemployment was widespread.

There were endowed hospitals in London for the sick and infirm. There were others for orphans, for derelict children, and for the destitute. They worked at jobs in the hospital according to their abilities. There was also a house of correction for discipline of the idle and vicious by productive work. Elizabeth continued the practice of touching people to cure scrofula, although she could not bring herself to fully believe in the reality of such cures, contrary to her chaplain and her physician.

In the towns, shop shutters were let down to form a counter at the front of the shop. Goods were made and/or stored inside the shop. Towns held a market once a week. Fairs occurred once or twice a year. At given times in the towns, everyone was to throw buckets of water onto the street to cleanse it. During epidemics in towns, there was quarantine of those affected to stay in their houses unless going out on business. Their houses were marked and they had to carry a white rod when outside. The quarantine of a person lasted for forty days. The straw in his house was burned and his clothes treated. People who died had to be buried under six feet of ground. There was an outbreak of plague in London roughly every ten years.

There was a pity for the distressed that resulted in towns voting money for a people of a village that had burned down or been decimated by the plague.

Communities were taxed for the upkeep and relief of the prisoners in the gaols  
in their communities.

Queen Elizabeth was puzzling over the proper relationship between the crown and the church when Richard Hooker, a humble scholar, theologian, and clergyman, attempted to find a justification in reason for the establishment of the Church of England as an official part of the governing apparatus of the nation. His thinking was a turning point from the medieval notion that God ordered society, including the designation of its monarch and its natural laws, and the belief in a divine structure with a great chain of being, beginning with God and working down through the hierarchy of angels and saints to men, beasts, and vegetables, which structure fostered order in society. Hooker restated the concept of Aristotle that the purpose of society is to enable men to live well. He wrote that although the monarch was head of state and head of religion, the highest authority in civil affairs was Parliament, and in religion, the Convocation. The monarch had to maintain divine law, but could not make it. From this later came the idea that the state derives its authority from the will of the people and the consent of the governed.

Protestant women had more freedom in marriage and were allowed to participate in more church activities compared to Catholic women, but they were not generally allowed to become pastors. Due to sensitivities on the part of both Catholics and Protestants about a female being the head of the church, Elizabeth was given the title of "Supreme Governor" of the church instead of "Supreme Head". Elizabeth was not doctrinaire in religious matters, but pragmatic. She always looked for ways to



accommodate all views on what religious aspects to adopt or decline. Images, relics, pilgrimages, and rosaries were discouraged. But the Catholic practice of kneeling at prayer, and bowing and doffing caps at the name of Jesus were retained. Also retained was the place of the altar or communion table at the east end of churches, special communion wafers instead of common bread, and elaborate clergy vestments. The communion prayer contained words expressing both the Catholic view that the wafer and wine contained the real presence of the body and blood of Christ, and the Protestant view that they were commemorative only. Communion was celebrated only at Easter and other great festivals. Church services included a sermon and were in accordance with a reformed prayer book and in English, as was the Bible. Care was even taken not to use words that would offend the Scots, Lutherans, Calvinists, or Huguenots. People could hold what religious beliefs they would, even atheism, as long as they maintained an outward conformity. Attendance at state church services on Sunday mornings and evenings and Holydays was enforced by a fine of 12d. imposed by the church wardens. Babies were to be baptized before they were one month old or the parents would be punished.

The new religion had to be protected. Members of the House of Commons, lawyers, schoolmasters were to take the oath of supremacy or be imprisoned and make a forfeiture; a second refusal brought death. When numerous Anabaptists came from the continent to live in the port towns, the Queen issued a proclamation ordering them to leave the realm because their pernicious opinions could corrupt the church. The new church still accepted the theory of the devil causing storms, but opposed ringing the holy church bells to attempt to drive him away. The sins of people were also thought to cause storms, and also plagues.

In 1562, the Church of England wrote down its Christian Protestant beliefs in thirty-nine Articles of Religion, which specifically excluded certain Catholic beliefs. They were incorporated into statute in 1571 establishing them as the tenets of the official religion of England. The first eighteen endorsed the ideas of one God, Christ as the son of God who was sacrificed for all the sins of men, the resurrection of Christ from the dead and ascension into heaven, the Holy Ghost proceeding from the father and the son, the books of the Bible, the original sin of Adam and his offspring, justification of man by faith in Christ rather than by good works, good works as the inspired fruit and proof of faith in Christ, Christ in the flesh as like man except for the absence of sin, the chance for sinners who have been Baptised to be forgiven if they truly repent and amend their lives, the predestination of some to be brought by Christ to eternal salvation and their minds to be drawn up to high and heavenly things, and salvation only by the name of Christ and not by a sect. Other tenets described the proper functions of the church, distinguishing them from Roman Catholic practice. Specifically, the church was not to expound one place of scripture so that it was inconsistent with another place of scripture. Because man can err, the church was not to ordain or enforce anything to be believed for necessity of salvation. Explicitly renounced were the Romish doctrine concerning purgatory, pardons, worshipping, adoration of images or relics, invocation of saints, and the use in church of any language, such as Latin, not understood by the people. Only the sacraments of Baptism and the Lord's Supper were recognized. The Lord's Supper was to be a sign of the love that Christians ought to have among themselves and a sacrament of redemption by Christ's death. The wine in the cup of blessing as well as the bread of the Lord's Supper was to be taken by lay- people and to be a partaking of Christ; there was no Romish mass. Excommunication was limited to those who openly denounced the church. Anyone openly breaking the traditions or ceremonies of the church which were approved by common authority were to be rebuked. Elizabeth told the bishops that she wished certain homilies to be read in church, which encouraged good works such as fasting, prayer, alms-giving, Christian behavior, repentance, and which discouraged idolatry, gluttony, drunkenness, excess of apparel, idleness, rebellion, and wife-beating, however provoked. She considered homilies more instructive and learned than ministers' sermons, which were often influenced by various gentlemen and were inconsistent with each other. Consecration of bishops and ministers was regulated. They were allowed to marry. The standard prayer was designated thus: "Our Father who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done, on earth as it is in heaven. Give us this day our daily bread, and forgive us our offenses as we forgive those who have offended against us. And lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power, and the glory forever and ever, amen."

There was difficulty persuading educated and moral men to be church ministers, even though Elizabeth expressed to the bishops her preference for ministers who were honest and wise instead of learned in religious matters. The Bible was read at home and familiar to everyone. This led to the growth of the Puritan movement. The Puritans believed in the right of the individual Christian to interpret the Scriptures for himself by spiritual illumination. They opposed the mystical interpretation of the Communion service. The Puritans complained that the church exerted insufficient control over the morals of the congregation. Their ideas of morality were very strict and even plays were thought to be immoral. The Independent Puritans were those Protestants who had fled from Mary's Catholic reign to the continent, where they were persuaded to the ideas of John Calvin of Geneva. He stressed the old idea of predestination in the salvation of souls, which had in the past been accepted by nearly all

English Christian leaders, thinkers, and teachers, but not stressed. The act of conversion was a common experience among the early Puritans. The concomitant hatred of past sins and love of God which was felt in thankfulness for mercy were proof of selection for salvation. The good works that followed were merely an obligation showing that one's faith was real, but not a way to salvation.

The puritans also accepted Calvin's idea of independent church government. They therefore thought that ministers and lay elders of each parish should regulate religious affairs and that the bishops, who were "petty popes", should be reduced to an equality with the rest of the clergy, since they did not rule by divine right. The office of archbishop should be eliminated and the head of state should not necessarily be governor of the church. These ideas were widely disseminated in books and pamphlets. The puritans disrupted the established church's Sunday services, tearing the surplice off the minister's back and the wafers and wine from the altar rail. The puritans arranged "lectures" on Sunday afternoons and on weekdays. These were given gratuitously or funded by boroughs. They were strict about not working on the Sabbath, which day they gave to spiritual exercises, meditations, and works of mercy. The only work allowed was preparing meals for themselves, caring for their animals, and milking the cows. They enforced a strict moral discipline on themselves. The puritans formed a party in the House of Commons.

The puritan movement included William Brewster, an assistant to a court official who was disciplined for delivering, upon pressure from the council, the Queen's signed execution order for Mary of Scotland after the Queen had told him to hold it until she directed otherwise. After exhausting every other alternative, the Queen had reluctantly agreed with her Privy Council on the execution in 1572 of Mary, Queen of Scots, who had been involved in a plot to assassinate her and claim the throne of England. Elizabeth's Council had persuaded her that it was impossible for her to live in safety otherwise.

The debased coinage was replaced by a recoinage of newly minted coins with a true silver weight.

Goldsmiths, who also worked silver, often acted as guardians of clients' wealth. They began to borrow at interest at one rate in order to lend out to traders at a higher rate. This began banking.

Patents were begun to encourage the new merchant lords to develop local manufactures or to expand import and export trade. Patents were for a new manufacture or an improved older one and determined the wages of its trades. There was chartering of merchant companies and granting of exclusive rights to new industries as monopolies. Some monopolies or licenses were patents or copyrights of inventors. Others established trading companies for trade to certain foreign lands and supporting consular services. People holding monopolies were accountable to the government. There were monopolies on certain smoked fish, fish oil, seal oil, oil of blubber, vinegar, salt, currants, aniseed, juniper berry liquor, bottles, glasses, brushes, pots, bags, cloth, starch, steel, tin, iron, cards, horn, ox shinbones, ashes, leather pieces, earth coal, calamite stone, powder, saltpeter, and lead manufacturing by-products.

For far-flung enterprises and those where special arrangements with foreign countries was required, there was sharing of stock of companies, usually by merchants of the same type of goods. In joint-stock companies each member took a certain number of shares and all the selling of the goods of each merchant was carried on by the officials of the company. The device of joint stock might take the form of a fully incorporated body or of a less formal and unincorporated syndicate. The greatest joint-stock company was East India Company, chartered in 1600 to trade there in competition with the Dutch East India Company. It was given a fifteen year monopoly on trade east of the southern tip of Africa. Unlike the Muscovy Company, and Merchants of the Staple, individual members could not trade on their own account, but only through the corporate body on its voyages. Each particular voyage was regulated and assisted by the Crown and Privy Council, for instance when further subscriptions were needed, or when carpenters were needed to be pressed into service for fitting out ships, or to deal with an unsuccessful captain. Its charter retained many of the aspects of the medieval trade guild: power to purchase lands, to sue and be sued, to make by-laws, and to punish offenders by fine or imprisonment. Admission was by purchase of a share in a voyage, redemption, presentation, patrimony (adult sons of members), and apprenticeship. Purchase of a share in a voyage was the most common method. A share for the first ship cost one hundred pounds. Cash payments for less than the price of a share could be invested for ultimate redemption. Occasionally presentation or a faculty "for the making of a freeman" was granted to some nobleman or powerful member. Members' liability was limited to their individual subscriptions. Each voyage had 1) a Royal Commission authorizing the Company to undertake the expedition and vesting in its commanders powers for punishing offenses during the voyage, and quenching any mutiny, quarrels, or dissension that might arise; 2) a code of instructions from the Company to the Admiral and to commanders of ships setting forth in great detail the scope and objects of the voyage together with minute regulations for its conduct and trade; 3) authorization for coinage of money or export of specie (gold or silver); and 4) letters missive from the sovereign to foreign rulers at whose ports the ships

were to trade. The first voyage brought back spices that were sold at auction in London for ten times their price in the Indies and brought to shareholders a profit equivalent to 9 1/2% yearly for the ten years when the going interest rate was 8% a year.

Town government was often controlled by a few merchant wholesalers. The entire trade of a town might be controlled by its drapers or by a company of the Merchant Adventurers of London. The charter of the latter as of 1564 allowed a common seal, perpetual existence, liberty to purchase lands, and liberty to exercise their government in any part of the nation. It was controlled by a group of rich Londoners, no more than 50, who owned the bulk of the cloth exported. There were policies of insurance given by groups of people for losses of ships and their goods. Marine insurance was regulated.

New companies were incorporated for many trades. They were associations of employers rather than the old guilds which were associations of actual workers. The ostensible reason was the supervision of the quality of the wares produced in that trade, though shoemakers, haberdashers, saddlers, and curriers exercised close supervision over these wares. Companies paid heavily for their patents or charters.

There was no sharp line between craftsman and shopkeeper or between shopkeeper and wholesale merchant. In London, an enterprising citizen could pass freely from one occupation to another. Borrowing money for a new enterprise was common. Industrial suburbs grew up around London and some towns became known as specialists in certain industries. The building crafts in the towns often joined together into one company, e.g. wrights, carpenters, slaters, and sawyers, or joiners, turners, carvers, bricklayers, tilers, wallers, plasterers, and paviors. These companies included small contractors, independent masters, and journeymen. The master craftsman often was a tradesman as well, who supplied timber, bricks, or lime for the building being constructed. The company of painters was chartered with a provision prohibiting painting by persons not apprenticed for seven years.

The prosperous merchants began to form a capitalistic class as capitalism grew. Competition for renting farm land, previously unknown, caused these rents to rise. The price of wheat rose to an average of 14s. per quarter, thereby encouraging tillage once more. There was steady inflation.

With enclosure of agricultural land there could be more innovation and more efficiency, e.g. the time for sowing could be chosen. It was easier to prevent over-grazing and half-starved animals as a result. The complications of the open system with its endless quarrels and lawsuits were avoided. Now noblemen talked about manure and drainage, rotation of crops, clover, and turnips instead of hunting, horses, and dogs. The breed of horses and cattle was improved. There were specializations such as the hunting horse and the coach horse. By royal proclamation of 1562, there were requirements for the keeping of certain horses. For instance, everyone with lands of at least 1,000 pounds had to keep six horses or geldings able for demi-lances [rider bearing a light lance] and ten horses or geldings for light horsemen [rode to battle, but fought on foot]. One with under 100 pounds but over 100 marks yearly had to keep one gelding for a light horseman. Dogs had been bred into various types of hounds for hunting, water and land spaniels for falconry, and other dogs as house dogs or toy dogs. There were no longer any wild boar or wild cattle. The turkey joined the cocks, hens, geese, ducks, pigeons, and peacocks in the farmyard. Manure and dressings were used to fertilize the soil. Hay became a major crop because it could be grown on grazing lands and required little care.

There are new and bigger industries such as glassware, iron, brasswares, alum and coppers, gunpowder, paper, coal, and sugar. The coal trade was given a monopoly. Coal was used for fuel as well as wood, which was becoming scarce. Iron smelters increasingly used coal instead of charcoal, which was limited. Iron was used for firebacks, pots, and boilers. Good quality steel was first produced in 1565 with the help of German craftsmen, and a slitting mill was opened in 1588. Small metal goods, especially cutlery, were made, as well as nails, bolts, hinges, locks, ploughing and harrowing equipment, rakes, pitch forks, shovels, spades, and sickles. Lead was used for windows and roofs. Copper and brass were used to make pots and pans. Pewter was used for plates, drinking vessels, and candlesticks. Competition was the mainspring of trade and therefore of town life.

The mode of travel of the gentry was riding horses, but most people traveled by walking. People carried passes for travel that certified they were of good conduct and not a vagrant or sturdy rogue. Bands of roving vagabonds terrorized the countryside. After a land survey completed in 1579 there arose travel books with maps, itineraries, and mileage between towns in England and Wales. Also, the Queen sent her official mail by four royal postal routes along high roads from London to various corners of the nation. Horses are posted along the way for the mail-deliverer's use. However, private mail still goes by packman or common carrier. The nation's inland trade developed a lot. There were many more wayfaring traders operating from town inns. In 1564, the first canal was built with locks at Exeter. More locks and canals facilitated river travel. At London Bridge, waterwheels and pumps were

installed.

New sea navigation techniques improved voyages. Seamen learned to fix their positions, using an astrolabe or quadrant to take the altitude of the sun and stars and to reckon by the north star. They used a nocturnal, which was read by touch, to help keep time at night by taking the altitude of the stars. They calculated tides. To measure distances, they invented the traverse board, which was bored with holes upon lines, showing the points of the compass; by means of pegs, the steersman kept an account of the course steered. A log tied to a rope with knots at equal intervals was used to measure speed. There were compasses with a bearing dial on a circular plate with degrees up to 360 noted thereon. Seamen had access to compilations of Arab mathematicians and astronomers and to navigational manuals and technical works on the science of navigation and the instruments necessary for precision sailing. For merchants there were maps, books about maps, cosmographical surveys, and books on the newly discovered lands. In 1569 John Mercator produced a map taking into account the converging of the meridians towards the pole. On this chart, a straight line course would correspond to a mariner's actual course through the water on the earth's sphere, instead of having the inaccuracies of a straight line on a map which suggested that the world was flat. It was in use by 1600.

In 1600 William Gilbert, son of a gentleman, and physician to Queen Elizabeth, wrote a book on the magnetic properties of the earth. He cultivated the method of experiment and of inductive reasoning from observation and insisted on the need for a search for knowledge not in books but in things themselves. He showed that the earth was a great magnet with a north pole and a south pole, by comparing it to lodestones made into spheres in which a north and south pole could be found by intersecting lines of magnetism indicated by a needle on the stone. The vertical dip of the needle was explained by the magnetic attraction of the north pole. He showed how a lodestone's declination could be used to determine latitude at sea. He showed how the charge of a body could be retained for a period of time by covering the body with some non-conducting substance, such as silk. He distinguished magnetism from electricity, giving the latter its name. He discovered that atmospheric conditions affected the production of electricity, dryness decreasing it, and moisture increasing it. He expounded the idea of Copernicus that the earth revolves around the sun in a solar system. However, the prevailing belief was still that the earth was at the center of the universe.

Christmas was an especially festive time of good fellowship. People greeted each other with "Good cheer", "God be with you", or "Against the new year". Carols were often sung and musicians played many tunes. There was dancing and gambling. There were big dinners with many kinds of meat and drink. A hearty fire heated all the house. Many alms were given to beggars.

Parliament enacted laws and voted taxes. The Queen, House of Lords, and House of Commons cooperated together. There was relatively little dissension or debating. Bills in the House of Lords were read, voted on, discussed, and passed with the lords, peers, bishops, and justices sitting in their places according to their degree. The justices sat on the wool sacks. A bar separated this area from the rest of the room, where the members of the commons stood. There were many bills concerning personal, local, or sectional interests, but priority consideration was given to public measures. The House of Lords still had 55 members. The Queen appointed and paid the Speaker, Clerk, and Sergeant at Arms of the Commons. The knights in the Commons were almost invariably from the county's leading families and chosen by consensus of knights with free land of at least 40s. in the county court. In the towns, the electors might be the town corporation, holders of certain properties, all the freemen, all the rate-payers, or all the male inhabitants. Disputed elections were not usually concerned with political issues, but were rivalries for power. The Commons gradually won for its members freedom from arrest without its permission and the right of punishing and expelling members for crimes committed. Tax on land remained at 10% of its estimated yearly income. The Queen deferred to the church convocation to define Christian faith and religion, thus separating church and state functions.

The Treasury sought to keep a balanced budget by selling royal land and keeping Crown expenditures down. The Crown carried a slight debt incurred before the Queen's accession.

Violence was still a part of the texture of everyday life. Private armories and armed gangs were not uncommon. Agricultural laborers kept sword and bow in a corner of their fields. Non-political brutal crime and homicides were commonplace. There were frequent local riots and disturbances, in the country and in the towns. Occasionally there were large-scale rebellions. But the rebellion of the Earl of Essex in 1601 had no aftermath in violence. In 1590, the Queen issued a proclamation enforcing curfew for London apprentices, who had been misruly. The Queen issued proclamations to certain counties to place vagrant soldiers or vagrants under martial law because of numerous robberies. She ordered the deportation of vagrant Irishmen in 1594.

Theft and robbery were so usual that there were names for various techniques used. A Ruffler went with a weapon to seek service, saying that he was a servitor in the wars, but his chief "trade" was to

rob poor wayfaring men and market women. A Prigman went with a stick in his hand like an idle person, but stole clothes off hedges. A Whipjack begged like a mariner, but with a counterfeit license (called a "gibe"); he mostly robbed booths in fairs or pilfered ware from stalls, which was called "heaving of the booth". A Frater had a counterfeit license to beg for some hospital, but preyed upon poor women coming and going to market. A Quire Bird was a person recently let out of prison, and was commonly a horse stealer. An Upright Man carried a truncheon of a staff and called others to account to him and give him a share or "snap" of all that they had gained in one month, and he often beat them. He took the chief place at any market walk and other assemblies. Workers at inns often teamed up with robbers, telling them of wares or money travelers were carrying so the robber could profitably rob them after they left the inn.

Francis Drake sailed around the world from 1577 to 1580. Walter Raleigh made an expedition to North America in 1584 with the Queen's authority to "discover barbarous countries, not actually possessed of any Christian prince and inhabited by Christian people, to occupy and enjoy". He found and named the land of Virginia in honor of the Queen, who was a virgin, and started a colony on Roanoke Island there. Drake and Raleigh plundered Spanish ships for cargo such as American gold and silver, much of which was used to pay for the war with Spain and much going to investors. Seamen on navy and pirate ships raided captured vessels to seize personal possessions of the Spanish on board. The experience fighting Spanish ships led to improvements in ship design; building ships was no longer merely by copying another ship or a small model. When the seas were unsafe because of the war with Spain, the export of English wool was disturbed and later replaced by trading from world ports. Many London merchants grew rich from using their ships for pirating.

In 1588, a Spanish Armada came to invade England, return it to Catholicism, and stop the pirating of Spanish ships. In that battle off England's shores, Drake and other experienced sea fighters led two hundred English ships, of which about 20 were built to sink other ships rather than to board and capture them. These new English ships were longer and narrower and did away with the towering superstructures at bow and stern. This made them more maneuverable and easier to sail. Also, the English guns were lighter, more numerous, and outranged the Spanish guns. So the smaller English ships were able to get close enough to fire broadside after broadside against the big Spanish troop-transport galleons, without being fired upon. The English sent fire ships into the Spanish fleet when it was anchored, causing it's ships to disperse in a panic. Then the direction of the wind forced the Spanish galleons northward, where most of them were destroyed by storms. The English seamen had been arbitrarily pressed into this service.

A royal proclamation of 1601 offered a reward of 100 pounds for information on libels against the Queen. There had been mounting demonstrations against her monopolies, which mostly affected household items. There had been abuses of monopolies, such as the steel monopoly had been sold for 12 pounds 10s., but steel was then sold at 5d. per pound instead of the former 2 1/2 d. per pound. Further the steel was mixed and of a lesser quality. This so damaged the knife and sword industry that about 2000 workers lost their jobs from it and became beggars. Monopoly was a severe burden to the middle and poorer classes. Also, the power of patent holders to arrest and imprison persons charged with infringing upon their rights was extended to any disliked person.

When the House of Commons protested against monopolies in 1601, Elizabeth reduced them. She addressed her Council and the Commons saying that "Mr. Speaker, you give me thanks, but I doubt me that I have more cause to thank you all than you me; and I charge you to thank them of the Lower House from me. For had I not received a knowledge from you, I might have fallen into the lapse of an error only for lack of true information. Since I was queen yet did I never put my pen to any grant but that upon pretext and semblance made unto me, it was both good and beneficial to the subject in general, though a private profit to some of my ancient servants who had deserved well. But the contrary being found by experience, I am exceedingly beholding to such subjects as would move the same at the first. And I am not so simple to suppose but that there be some of the Lower House whom these grievances never touched; and for them I think they speak out of zeal to their countries and not out of spleen or malevolent affection, as being parties grieved. And I take it exceedingly gratefully from them, because it gives us to know that no respects or interests had moved them other than the minds they bear to suffer no diminution of our honor and our subjects' love unto us, the zeal of which affection tending to ease my people and knit their hearts unto me, I embrace with a princely care. For above all earthly treasures I esteem my people's love, more than which I desire not to merit. That my grants should be grievous unto my people and oppressions to be privileged under color of our patents, our kingly dignity shall not suffer it. Yea, when I heard it I could give no rest unto my thoughts until I had reformed it. Shall they (think you) escape unpunished that have thus oppressed you, and I have been disrespectful of their duty and regardless of our honor? No, no, Mr. Speaker, I assure you, were it not more for conscience' sake than for any glory or increase of love that I desire, these errors, troubles, vexations, and oppressions done by these varlets and low persons (not worthy the name of subjects)

should not escape without condign punishment. But I perceive they dealt with me like physicians who, ministering a drug, make it more acceptable by giving it a good aromatical savor; or when they give pills, do gild them all over. I have ever used to set the Last Judgment day before my eyes and so to rule as I shall be judged, to answer before a higher judge. To whose judgment seat I do appeal that never thought was cherished in my heart that tended not unto my people's good. And now if my kingly bounties have been abused and my grants turned to the hurts of my people, contrary to my will and meaning, or if any in authority under me have neglected or perverted what I have committed to them, I hope Good will not lay their culps [sins] and offenses to my charge. Who, though there were danger in repealing our grants, yet what danger would I not rather incur for your good than I would suffer them still to continue? I know the title of a king is a glorious title, but assure yourself that the shining glory of princely authority hath not so dazzled the eyes of our understanding but that we well know and remember that we also are to yield an account of our actions before the great Judge. To be a king and wear a crown is a thing more glorious to them that see it than it is pleasant to them that bear it. For myself, I was never so much enticed with the glorious name of a king or royal authority of a queen as delighted that God hath made me His instrument to maintain His truth and glory, and to defend this kingdom from peril, dishonor, tyranny, and oppression. There will never queen sit in my seat with more zeal to my country, care to my subjects, and that will sooner with willingness venture her life for your good and safety, than myself. For it is not my desire to live or reign longer than my life and reign shall be for your good. And though you have had and may have many princes more mighty and wise sitting in this seat, yet you never had or shall have any that will be more careful and loving."

About 1584, Richard Hakluyt, a Bristol clergyman, wrote "A Particular Discourse concerning Western Discoveries". This was to become the classic statement of the case for English colonization. It held out hope that the English would find needed timber for masts, pitch, tar, and ashes for soap.

In Rome in 1600, Giordano Bruno, an Italian monk and priest, was burned alive at the stake by a court of the inquisition for not recanting, although tortured, his heretical and blasphemous philosophy. He had opined that Christianity was irrational and had no scientific basis. He declared that Christ was only a skillful magician, that the Bible could not be taken literally, that God and nature were not separate as taught by Genesis, that the Catholic Church encouraged ignorance from the instinct of self-preservation, and that the earth and planets revolved around the sun, as did other planets around the "fixed" stars and other suns.

The Jesuits, a new Catholic order brimming with zeal, sent missionaries to England to secretly convert people to Catholicism. The practice of Catholicism had gone underground in England, and some Catholic householders maintained Catholic priests in hidden places in their homes.

Although estate tails (estates descendible only to the heirs of the body of the original feoffee) by law could not be sold or given away, this was circumvented by the fraudulent use of a "straw man". In collaboration with the possessor of the property, this straw man sued the possessor asserting that the property had been wrongfully taken from the straw man. The possessor pleaded that the crier of the court who had warranted the title should be called to defend the action. He failed to appear until after judgment had been given to the straw man. Then the straw man conveyed it to the possessor or his nominee in fee simple.

## The Law

The following statute of artificers regulated labor for the next two centuries: No master or mistress may employ a servant for a term less than one year in the crafts of clothiers, woolen cloth weavers, tuckers, fullers, clothworkers, shearmen, dyers, hosiers, tailors, shoemakers, glovemakers, tanners, pewterers, bakers, brewers, cutlers, smith, farriers, curriers, saddlers, spurriers, turners, cappers, hatmakers, feltmakers, bow-makers, arrow-makers, arrowhead-makers, butchers, cooks, or millers. Also, every craftsman unmarried or under age 30 who is not working must accept employment by any person needing the craft work. Also, any common person between 12 and 60 who is not working must accept employment in agriculture. And, unmarried women between 12 and 40 may be required by town officials to work by the year, the week, or day for wages they determine.

All artificers and laborers hired by the day or week shall work from 5 am to 7 PM. All artificers must labor at agriculture at haytime and harvest to avoid the loss of grain or hay. Every householder who raises crops may receive as an apprentice a child between 10 and 18 to serve in agriculture until he is age 21. A householder in a town may receive a child as an apprentice for 7 years, but merchants may only take as apprentices children of parents with 40s. freehold.

No one may be a craftsman until he has served seven years as an apprentice. These artificers may have children as apprentices: smith, wheelmaker, ploughmaker, millmaker, miller, carpenter, rough mason, plasterer, a timber sawer, an ore burner, a lime burner, brickmaker, bricklayer, tilemaker, tiler,

layer of slate roofs, layer of wood shingle roofs, layer of straw roofs, cooper, earthen potter, linen weaver, housewife who weaves wool for sale or for household use.

Purposes of the statute of artificers were to advance agriculture, diminish idleness, and inhibit migration to the towns. It excluded three fourths of the rural population.)

Troops of vagabonds with weapons in the highways who pretend to be soldiers or mariners have committed robberies and murders. So all vagabonds shall settle down in some service or labor or trade.

A vagabond or mighty strong beggar [able to work] shall be whipped.

Incorrigible and dangerous rogues shall be branded with an "R" mark on the left shoulder and be put to labor, because banishment did not work as they came back undetected. If one is caught again begging, he shall be deemed a felon.

If a person marries a second time while the first spouse is still living, it shall be a felony and thus punishable by death.

No attainder shall result in the forfeiture of dower by the offender's wife nor disinheritance of his heirs.

No one shall forge a deed of land, charter, sealed writing, court roll or will.

No one shall libel or slander so as to cause a rebellion.

Embezzlement or theft by a servant of his master's goods of 40s. or more is a felony.

Cut-purses and pick-purses shall not have benefit of clergy.

A person robbing a house of 5s. by day when no one is there shall not have benefit of clergy, because too many poor persons who cannot hire a servant to look after their house when they go to work have been robbed.

Benefit of clergy may not be had for stabbing a person who has no weapon drawn, if he dies within six months.

Fraudulent and secret conveyances made to retain the use of one's land when one sells the land to a bona fide purchaser for value in fee simple, fee tail, for life, for lives, or for years are void.

Crown officials such as treasurers, receivers, accountants, and revenue collectors shall not embezzle Crown funds and shall be personally liable for arrears.

Persons forcibly taking others across county lines to hold them for ransom and those taking or giving blackmail money and those who burn barns or stacks of grain shall be declared felons and shall suffer death, without any benefit of clergy or sanctuary.

Any person killing any pheasant, partridge, dove, pigeon, duck or the like with any gun, crossbow, stonebow, or longbow, or with dogs and nets or snares, or taking the eggs of such from their nests, or tracing or taking hares in the snow shall be imprisoned for three months unless he pays 20s. per head or, after one month's imprisonment, have two sureties bound for 400s. This is because the past penalty of payment hasn't deterred offenders, who frequently cannot pay.

Persons affected by the plague may not leave their houses or be deemed felons and suffer death. This is to avoid further infection. The towns may tax their inhabitants for the relief of infected persons.

Devising or speaking seditious rumors are penalized by the pillory and loss of both ears for the first offense; and 200 pounds and six months imprisonment for the second offense. Slandering the Queen is penalized by the pillory and loss of one ear, or by 100 marks and three months imprisonment, at the choice of the offender. The second offense is a felony. Printing, writing, or publishing seditious books is a felony without benefit of clergy. Wishing the Queen dead, prophesying when she would die, or who would succeed her to the Crown is a felony without benefit of clergy. Attainders for these felonies shall not work corruption of the blood [heirs may inherit the property of the felon].

A debtor may not engage in a fraudulent collusion to sell his land and goods in order to avoid his creditors. This was designed to remedy the following problem:

A native or denizen merchant in wholesale or retail goods who leaves the nation to defraud his creditors shall be declared a bankrupt. The Chancellor may conduct an investigation to ascertain his

land, house, and goods, no matter who may hold them. They shall be appraised and sold to satisfy his debts.

Lands, tenements, goods and chattels of accountants teller, or receiver who are in debt may be obtained by court order to satisfy the debt by garnishing the heir of the debtor after the heir has reached 21 and for the 8 years next ensuing.

Loan contracts for money lent may not be for more than 200s. for each 2000s. yearly (i.e. 10% interest). All loans of money or forbearing of money in sales of goods not meeting this requirement shall be punishable by forfeit of the interest only.

Pawn brokers accepting stolen goods shall forfeit twice their value to the owner from whom stolen.

When the hue and cry is raised for a robbery in a hundred, and other hundreds have been negligent, faulty, or defective in pursuit of the robber, then they must pay half the damages to the person robbed, while the hundred in which the robbery occurred pays the other half. Robbers shall be pursued by horse and by foot.

The mother and reputed father of any bastard who has been left to be kept at the parish where born must pay weekly for the upkeep and relief of such child, so that the true aged and disabled of the parish get their relief and to punish the lewd life.

Any innkeeper, victualer, or alehouse keeper who allows drinking by persons other than those invited by a traveler who accompanies him during his necessary abode there or other than laborers and handicraftsmen in towns upon the usual working days for one hour at dinner time to take their diet in an alehouse or other than laborers and workmen following their work to any given town to sojourn, lodge, or victual in any inn, alehouse or victualing house shall forfeit 10s. for each offense. This is because the use of inns, alehouses, and victualing houses was intended for relief and lodgings of traveling people and people not able to provide their own victuals, but not for entertainment and harboring of lewd and idle people who become drunk.

No butcher may cut any hide or any ox, bull, steer, or cow so that it is impaired or may kill any calf under five weeks old. No butcher may be a tanner. No one may be a tanner unless that person has apprenticed as such for seven years, or is the son or wife of a tanner who has tanned for four years, or is a son or daughter of a tanner who inherits his tanhouse. Tanners may not be shoemakers, curriers, butchers, or leatherworkers. Only tanners may buy raw hides. Only leatherworkers may buy leather. Only sufficiently strong and substantial leather may be used for sole-leather. Curriers may not be tanners. Curriers may not refuse to curry leather. London searchers shall inspect leather, seal and mark that which is sufficient, and seize any that is insufficiently tanned, curried, wrought, or used.

The incorporated company of ship masters may erect beacons and marks on the seashores and hills above, because certain steeples and other marks used for navigation have fallen down and ships therefore have been lost in the sea.

There shall be one sheriff per county, because now there are enough able men to supply one per county.

No one shall bribe an elector to vote for a certain person for fellow, scholar, or officer of a college, school, or hall or hospital so that the fittest persons will be elected, though lacking in money or friends, and learning will therefore be advanced.

No master at a university may lease any land unless 1/3 of it is retained for raising crops to supply the colleges and halls for food for their scholars.

Fish, but no meat, may be eaten on Wednesdays so that there will be more fishermen and mariners and repair of ports. (This was done because fishing had declined since the dissolution of the monasteries, where fish was eaten every Friday. Eating fish instead of meat in Lent in the springtime remained a tradition.)

Every person over 6 years of age shall wear on Sundays a wool knitted cap made by the cappers, except for maidens, ladies, gentlewomen, noble persons, and every lord, knight, and gentlemen with 2,667s. of land, since the practice of not wearing caps has damaged the capping industry. This employed cappers and poor people they had employed and the decrepit and lame as carders, spinners, knitters, parters, forsters, thickers, dressers, dyers, battelers, shearers, pressers, edgers, liners, and bandmakers.

No man under the degree of knight may wear a hat or cap of velvet. Caps may not be made of felt,



but only knit wool. Only hats may be made of felt. This is to assist the craft of making wool caps.

No one may make any hat unless he has served as apprentice for at least seven years. This is to prevent false and deceitful hat-making by unskillful persons.

No one shall make false linen by stretching it and adding little pieces of wood, which is so weak that it comes apart after five washings.

Timber shall not be felled to make logs for fires for the making of iron.

No one may take small fish to feed to dogs and pigs. Only nets with mesh leaving three inches spaces may be used to catch fish.

Cottage and dwelling houses for workmen or laborers in mineral works, coal mines, or quarries of stone or slate for the making of brick, tile, lime, or coals shall be built only within a mile from such works. Dwelling houses beyond this must be supported by four acres of land to be continually occupied and manured as long as the dwelling house is inhabited or else forfeit 40s. per month to the Queen. Cottages and dwelling houses for sailors or laborers working on ships for the sea shall be built only within a mile of the sea. A cottage may be built in a forest or park for a game keeper of the deer. A cottage may be built for a herdman or shepherd for the keeping of cattle or sheep of the town. A cottage may be built for a poor, lame, sick, aged, or disabled person on waste or common land. More families than one may not be placed in one cottage or dwelling house. (This is a zoning law.)

Any person with land in fee-simple may establish a hospital, abiding place, or house of correction to have continuance forever as a corporation for the sustenance and relief of the maimed, poor, or disabled people as to set the poor to work. The net income shall not exceed 40,000s. yearly.

No new iron mills or furnaces for making or working of any iron or iron metal shall be established in the country around London and the owners of carriages of coals, mines and iron which have impaired or destroyed the highways shall also carry coal ashes, gravel, or stone to repair these highways or else make a payment of 2s.6d. for each cart load not carried.

For repairing of highways, the supervisors may take the rubbish or smallest stones of any quarry along the road in their precinct.

Persons with 100s. in goods or 40s. in lands shall find two able men in their parish community to repair the highways yearly.

Landowners of Oxford shall be taxed for the repair of the highway and bridge there.

The price of barrels shall be set by mayors of the towns where they are sold.

Rugs shall weigh 44 pounds at least and be 35 yards at least in length and at most 3/4 yard wide.

No cattle may be put in any enclosed woods that have been growing less than five years. At the end of five years growth, calves may be put in. At the end of six years growth, cattle may be put in.

Woods around London shall not be felled to be converted to coals for iron-works because London needs the wood to make buildings and for fireplaces.

Every melter and maker of wax from honeycombs shall put his mark on every piece of his wax to be sold. Wrought wax such as in lights, staff-torches, red wax or sealing wax, book candles, or searing candles shall bear its maker's mark. All barrels of honey shall bear the mark of the honeymaker.

Wool cloth, cotton cloth, flannel cloth, hose-yarn, hats, and caps shall be dyed black only with dye from the woad plant and not with any false black dye.

No one shall take or kill any pheasants with nets or devices at nighttime because such have become scarce.

Pontage [toll for upkeep and repair of bridges] shall be taken at certain bridges: carts 2d., horse and pack 1d., a flock of sheep 2d.

No bishop may lease land for more than twenty-one years or longer than the lives of three designated persons.

No bishop may alienate any possession of their sees to the crown. Such are void.

Watermen transporting people on the Thames River shall have served as apprentice to a waterman for five years or have been the son of a waterman. This is to prevent the loss of lives and goods by inexperienced watermen.

Spices and potions, including pepper, cloves, mace, nutmeg, cinnamon, ginger, almonds, and dates, which have usually been garbled [cleaned or sorted by sifting] shall be garbled, cleaned, sorted, and sealed by the Garbler before sale. This is to prevent mingled, corrupt, and unclean spices and potions from being sold.

Plasterers shall cease painting because it has intruded upon the livelihoods of painters who have been apprenticed as such.

Fishermen and their guides may continue to use the coastland for their fishing activities despite the trespass to landowners.

Since sails for ships in recent years have been made in the realm instead of imported, none shall make such cloth unless he has been apprenticed in such or brought up in the trade for seven years. This is to stop the badness of such cloth.

Tonnage and poundage on goods exported and imported shall be taken to provide safeguard of the seas for such goods.

All persons must go to the established church on Sundays and holy days. The penalty was at first forfeiture 12d. along with church punishment, and later, 20 pounds per month and being bound by two sureties for 200 pounds for good behavior, and if the 20 pounds is not paid, then forfeiture of all goods to be applied to the amount due and two-thirds of one's land.

These laws were directed against Catholicism, but were laxly enforced as long as worship was not open and no one wore priestly clothes:

1) The writing, preaching, or maintaining of any foreign spiritual jurisdiction shall be punished by forfeiture of goods or, if the goods are not worth 20 pounds, one year imprisonment, for the first offense; forfeiture of goods and lands and the King's protection, for the second offense; and the penalty for high treason for the third offense.

2) Any person leading others to the Romish [Catholic] religion is guilty of high treason. The penalty for saying mass is 200 marks and one year's imprisonment. The penalty for hearing mass is 100 marks and one year's imprisonment. If one is suspected of being a Jesuit or priest giving mass, one must answer questions on examination or be imprisoned.

3) Papists [those who in conscience refused to take the oath of supremacy of the Crown over the church] must stay in their place of abode and not go five miles from it, unless licensed to do so for business, or else forfeit one's goods and profits of land for life. If a copyholder, land is forfeited to one's lord. But if the goods are not worth 800s. or the land is not worth at least 267s., the realm must be abjured. Otherwise, the papist is declared a felon without benefit of clergy.

4) If a child is sent to a foreign land for Catholic education, he cannot inherit lands or goods or money, unless he conforms to the established church on his return. There is also a 100 pound penalty for the persons who sent him.

### Judicial Procedure

The Star Chamber became the central criminal court after 1560, and punished perjury, corruption, malfeasance throughout the legal system such as jury corruption and judicial bribery, rioting, slander, and libel. Its procedure was inquisitory rather than accusative. It heard witnesses in camera [not in the presence of the suspected]. Trial was by systematic interrogation of the suspected on oath, with torture if necessary in treason cases. Silence could be taken for a confession of guilt. There was no jury. Queen Elizabeth chose not to sit on this court. Punishments were imprisonment, fines, the pillory, ear cropping or tacking, whipping, stigmata on the face, but not death or any dismemberment except for the ears. (The gentry was exempt from whipping.)

Because the publication of many books and pamphlets against the government, especially the church, had led to discontents with the established church and to the spreading of sects and schisms, the Star Chamber in 1585 held that the printing trade was to be confined to London, except for one press at Oxford and one at Cambridge. No book or pamphlet could be printed unless the text was first seen,

examined, and allowed by the Archbishop of Canterbury or the Bishop of London. Book publishers in violation were to be imprisoned for six months and banned from printing; their equipment was to be destroyed. Wardens were authorized to search wherever "they shall have reasonable cause of suspicion", and to seize all such books and pamphlets printed. But printers continued to print unlicensed material.

The Ecclesiastical High Commission [later called the Court of High Commission or High Court of Ecclesiastical Causes] took over criminal cases formerly heard by the church courts. It also heard matters of domestic morals. It was led by bishops and Privy Council members who in 1559 were authorized by a statute of Parliament to keep order within the church, discipline the clergy, and punish such lay offenses as were included in the ecclesiastical jurisdiction. Obstinate heresy is still a crime punished by death, but practically, the bishops have little power of forcing heretics to stand trial. If anyone maintains papal authority, he forfeits his goods; on a third conviction, he is a traitor. The clergyman who adopts a prayer book other than the prescribed one commits a crime. Excommunication has imprisonment behind it. Elizabeth gave this court the power to fine and imprison, which the former church courts had not had. At first, the chief work was depriving papists of their benefices.

Suits on titles to land were restricted to the common law courts and no longer to be heard in the Star Chamber, Chancery Court, or in the Court of Requests (equity for poor people).

The Queen's Privy Council investigated sedition and treason, security of the regime, major economic offenses, international problems, civil commotion, officials abusing their positions, and persons perverting the course of justice. It frequently issued orders to Justices of the Peace, for instance to investigate riots and crimes, to enforce the statutes against vagrancy and illegal games, to regulate alehouses, to ensure that butchers, innkeepers, and victualers did not sell meat on fish days, and to gather information needed from the counties. The Justices of the Peace decided misdemeanors such as abduction of heiresses, illegal entry, petty thievery, damage to crops, fence-breaking, brawling, personal feuds, drunken pranks, swearing, profanation of the Sabbath, alehouse nuisances, drunkenness, perjury, and malfeasance by officials. They held petty and quarter sessions. The Justices of the Peace had administrative duties in control of vagrancy, upkeep of roads and bridges, and arbitration of lawsuits referred to them by courts. They listed the poor in each parish community, assessed rates for their maintenance, and appointed overseers to administer the welfare system, deploying surplus funds to provide houses of correction for vagrants. Raw materials such as wool, flax, hemp, and iron were bought upon which the able-bodied unemployed could be set to work at the parochial level. They determined wages in their districts, with no statutory ceiling on them, for all laborers, weavers, spinsters, workmen and workwomen working by the day, week, month, or year, or taking any work at any person's hand. There were about 50 Justices of the Peace per county. All were unpaid. They performed these duties for the next 200 years.

The Court of Queen's Bench and Exchequer indirectly expanded their jurisdiction to include suits between citizens, formerly heard only the Court of Common Pleas or Chancery. Chancery interrogated defendants. Chancery often issued injunctions against suits in the common law courts. Trial by combat was very rare.

The Justices of Assize rode on circuit twice a year to enforce the criminal law and reported their assessment of the work of the Justices of the Peace back to the Privy Council. The duty to hear and determine felonies was taken from Justices of the Peace by 1590. The Justices of Assize did this work. Accused people could wait for years in gaol before their case was heard. Felonies included breach of prison, hunting by night with painted faces, taking horses to Scotland, stealing of hawks' eggs, stealing cattle, highway robbery, robbing on the sea, robbing houses, letting out of ponds, cutting of purses, deer-stealing at night, conjuring and witchcraft, diminution of coin, counterfeiting of coins, and impenitent roguery and idleness. The penalty was death. Many people were hanged for the felony of theft over 12d. Some bold men accused of felony refused to plead so that they could not be tried and found guilty. They died of heavy weights being placed on their bodies. But then their property could go to their heirs.

Trials of noblemen for treason shall be by their peers.

Stewards of leet and baron courts may no longer receive, in their own names, profits of the court over 12d. since they have vexed subjects with grievous fines and amercements so that profits of justice have grown much.

Jurors shall be selected from those people who have at least 80s. annual income instead of 40s. because sheriffs have been taking bribes by the most able and sufficient freeholders to be spared at home and the poorer and simpler people, who are least able to discern the causes in question, and most unable to bear the charges of appearance and attendance in such cases have been the jurors. Also there had been inflation.

Defendants sued or informed against upon penal statutes may appear by attorney so that they may avoid the inconvenience of traveling a long distance to attend and put to bail.

Not only sheriffs, but their employees who impanel juries or execute process in the courts shall take an oath of office.

A hundred shall answer for any robbery therein only if there has been negligence or fault in pursuit of the robber after a hue and cry is made because the past law has been too harsh and required payment for offenses from people unable to pay who have done everything reasonable to catch the robber.

Pleadings had to be in writing and oral testimony was given by sworn witnesses. Case decisions are in books compiled by various reporters who sit in on court hearings rather than in year books.

In the common law, trespass has given rise to the offshoot branch of "ejectment", which becomes the common means of recovering possession of land, no matter what kind of title the claimant asserts. Trespass on the case has given rise to the offshoot branch of "trover" [finding another's goods and converting them to one's own use]. The use of the action of trover gradually supplants the action of detinue, which involves compurgation.

In the common law courts, the action of assumpsit for enforcing certain promises is used more than the action of debt in those cases where there is a debt based on an agreement. The essential nature of "consideration" in contract is evolving from the procedural requirements for the action of assumpsit. Consideration may consist in mutual promises, a precedent debt, or a detriment incurred by one who has simultaneously received a promise related to the detrimental action. Consideration must be something, an act, or forbearance of an act that is of value. For instance, forbearance to sue a worthless claim is not consideration.

The abstract concept of contract as an agreement between two parties which is supported by consideration is developing as the number of various agreements that are court enforceable expands. For instance the word "consideration" is used in Hayward's Case in 1595 in the Court of Wards on the construction of a deed. Sir Rowland Hayward was seised in fee of the Doddington manor and other lands and tenements, whereof part was in demesne, part in lease for years with rents reserved, and part in copyhold, by indenture, "in consideration of a certain sum of money" paid to him by Richard Warren and others, to whom he demised, granted, bargained and sold the said manor, lands and tenements, and the reversions and remainders of them, with all the rents reserved upon any demise, to have and to hold to them and their assigns, presently after the decease of Sir Rowland, for the term of 17 years. It was held that the grantees could elect to take by bargain and sale or by demise, each of which had different consequences.

In another case, A delivered 400s. to B to the use of C, a woman, to be delivered to her on the day of her marriage. Before this day, A countermanded it, and called home the money. It was held in the Chancery Court that C could not recover because "there is no consideration why she should have it".

In a case concerning a deed, A sold land to B for 400s., with confidence, that it would be to the use of A. This bargain "hath a consideration in itself ... and such a consideration is an indenture of bargain and sale". It was held that the transaction was not examinable except for fraud and that A was therefore estopped.

A court reporter at the King's Bench formulated two principles on consideration of the case of Wilkes against Leuson as: "The heir is estopped from falsifying the consideration acknowledged in the deed of feoffment of his ancestor. Where a tenant in capite made a feoffment without consideration, but falsely alleged one in the deed on an office finding his dying seised, the master of the wards cannot remove the feoffees on examining into the consideration, and retain the land until &c. and though the heir tended, still if he do not prosecute his livery, the Queen must admit the feoffees to their traverse, and to have the farm, &c." The court reporter summarized this case as follows: Wilkes, who was merchant of the staple, who died in February last past, made a feoffment in the August before his death to one Leuson, a knight, and his brother, and another, of the manor of Hodnel in the county of Warwick; and the deed, (seen) for seven thousand pounds [140,000s.] to him paid by the feoffees, of which sum he made acquittance in the same deed (although in fact and in truth not a half-penny was paid), gave, granted, and confirmed &c "habendum eir et hoeredibus suis in perpetuum, ad proprium opus et usum ipsorum A. B. et C. in perpetuum," and not "hoeredum suorum," together with a clause of warranty to them, their heirs and assigns, in forma proedicta: and notwithstanding this feoffment he occupied the land with sheep, and took other profits during his life; and afterwards his death was found on a diem clausit extremum by office, that he died seised of the said manor in fee, and one I. Wilkes his brother of full age found his next heir, and a tenure in capite found, and now within the three months the said feoffees sued in the court of wards to be admitted to their traverse, and also to have the manor in farm

until &c. And although the said I. Wilkes the brother had tendered a livery, yet he had not hitherto prosecuted it, but for cause had discontinued. And whether now the master of the wards at his discretion could remove the feoffees by injunction out of possession upon examination of the said consideration of the said feoffment which was false, and none such in truth, and retain it in the hands of the Queen donec et quousque &c. was a great question. And by the opinion of the learned counsel of that court he cannot do it, but the Queen is bound in justice to give livery to him who is found heir by the office, or if he will not proceed with that, to grant to the tenderers the traverse, and to have the farm, &c. the request above mentioned. And this by the statutes ... And note, that no averment can be allowed to the heir, that the said consideration was false against the deed and acknowledgment of his ancestor, for that would be to admit an inconvenience. And note the limitation of the use above, for divers doubted whether the feoffees shall have a fee-simple in the sue, because the use is not expressed, except only "to themselves (by their names) for ever;" but if those words had been wanting, it would have been clear enough that the consideration of seven thousand pounds had been sufficient, &c. for the law intends a sufficient consideration by reason of the said sum; but when the use is expressed otherwise by the party himself, it is otherwise. And also the warranty in the deed was "to them, their heirs, and assigns, in form aforesaid," which is a declaration of the intent of Wilkes, that the feoffees shall not have the use in fee simple; and it may be that the use, during their three lives, is worth seven thousand pounds, and more &c. And suppose that the feoffment had been "to have to them and their heirs to the proper use and behoof of them the feoffees for the term of their lives for ever for seven thousand pounds," would they have any other estate than for the term of their lives in the use? I believe not; and so in the other case.

A last example of a case concerning consideration is that of Assaby and Others against Lady Anne Manners and Others. The court reporter characterized the principle of the case as: "A. in consideration of his daughter's marriage covenants to stand seised to his own use for life, and that at his death she and her husband shall have the land in [fee] tail, and that all persons should stand seised to those uses, and also for further assurance. After the marriage he bargains and sell with fine and recovery to one with full notice of the covenants and use; this is of no avail, but on the death of A. the daughter and her husband may enter." The court reporter summarized this case as follows: A. was seised of land in fee, and in consideration of a marriage to be had between his daughter and heir apparent, and B. son and heir apparent of C. he covenanted and agreed by indenture with C. that he himself would have, hold, and retain the land to himself, and the profits of during his life, and that after his decease the said son and daughter should have the land to them and to the heirs of their two bodies lawfully begotten, and that all persons then or afterwards seised of the land should stand and be seised immediately after the marriage solemnized to the use of the said A. for the term of his life, and after his death to the use of the said son and daughter in tail as above, and covenanted further to make an assurance of the land before a certain day accordingly &c. and then the marriage took effect; and afterwards A. bargained and sold the land for two hundred marks (of which not a penny is paid) to a stranger, who had notice of the first agreements, covenants, and use, and enfeoffed divers persons to this last use, against whom a common recovery was had to his last use; and also A. levied a fine to the recoverers before any execution had, and notwithstanding all these things A. continued possession in taking the profits during his life; and afterwards died; and the son and daughter entered, and made a feoffment to their first use. And all this matter was found in assize by Assaby and others against Lady Anne Manners and others. And judgment was given that the entry and feoffment were good and lawful, and the use changed by the first indenture and agreement. Yet error was alleged. The judgment in the assize is affirmed.

The famous Shelley's Case stands for the principle that where in any instrument an estate for life is given to the ancestor, and afterwards by the same instrument, the inheritance is limited whether mediately, or immediately, to his heirs, or heirs of his body, as a class to take in succession as heirs to him, the word "heirs" is a word of limitation, and the ancestor takes the whole estate. For example, where property goes to A for life and the remainder goes to A's heirs, A's life estate and the remainder merge into a fee in A. A can sell or devise this interest.

Edward Shelley was a tenant in fee tail general. He had two sons. The older son predeceased his father, leaving a daughter and his wife pregnant with a son. Edward had a common recovery (the premises being in lease for years) to the use of himself for term of his life, after his decease to the use of the male heirs of his body, and of the male heirs of the body of such heirs, remainder over. After judgment and the awarding of the writ of seisin, but before its execution, Edward died. After his death, and before the birth of his older son's son, the writ of seisin was executed. The younger son entered the land and leased it to a third party. Afterwards, the son of the older son was born. He entered the land and ejected the third party. It was held that the younger son had taken quasi by descent until the birth of the older son's son. The entry by the older son's son was lawful. The third party was lawfully ejected. (Shelley's Case, King's Bench, 1581, English Reports - Full Reprint, Vol. 76, Page 206.)

About 1567, London authorities punished Nicholas Jennings alias Blunt for using elaborate disguises

to present himself as an epileptic to beg for handouts from the public. He was pilloried, whipped, and pulled behind a cart through the streets. He was kept at the Bridewell and was set to work at a mill.

## Chapter 14

The Times: 1601-1625

Due in part to increasing population, the prices of foodstuffs had risen sixfold from the later 1400s, during which it had been stable. This inflation gradually impoverished those living on fixed wages. Landlords could insist on even shorter leases and higher rents. London quadrupled in population. Many lands that were in scattered strips, pasture lands, waste lands, and lands gained from drainage and disafforestation were enclosed for the introduction of convertible agriculture (e.g. market-oriented specialization) and only sometimes for sheep. The accompanying extinguishment of common rights was devastating to small tenants and cottagers. Gentry and yeomen benefited greatly. There was a gradual consolidation of the land into fewer hands and demise of the small family farm. In towns, the mass of poor, unskilled workers with irregular work grew. Prices finally flattened out in the 1620s.

Society became polarized with a wealthy few growing wealthier and a mass of poor growing poorer. This social stratification became a permanent fixture of English society. Poverty was no longer due to death of a spouse or parent, sickness or injury, or a phase in the life cycle such as youth or old age. Many full-time wage earners were in constant danger of destitution. More subdivided land holdings in the country made holdings of cottagers minuscule. But these were eligible for parish relief under the poor laws. Beside them were substantial numbers of rogues and vagabonds wandering the roads. These vagrants were usually young unmarried men. There were no more licensed liveries of lords.

During the time 1580 to 1680, there were distinct social classes in England which determined dress, convention in comportment which determined face-to-face contacts between superiors and inferiors, order of seating in church, place arrangement at tables, and rank order in public processions. It was influenced by power, wealth, life-style, educational level, and birth. The various classes lived in separate worlds; their paths did not cross each other. People moved only within their own class. Each class had a separate existence as well as a different life style from the other classes. So each class developed a wariness of other classes. However, there was much social mobility between adjacent classes.

At the top were the gentry, about 2% of the population. Theirs was a landed wealth with large estate mansions. They employed many servants and could live a life of leisure. Their lady wives often managed the household with many servants and freely visited friends and went out shopping, riding, or walking. They conversed with neighbors and made merry with them at childbirths, christenings, churchings, and funerals. Gentlemen usually had positions of responsibility such as lords of manors and leaders in their parishes. These families often sent the oldest son to university to become a Justice of the Peace and then a member of Parliament. They also served as county officers such as High Constable of their hundred and grand jury member. Their social, economic, and family ties were at least countywide. They composed about 700 gentle families, including the peers, who had even more landed wealth, which was geographically dispersed. After the peers were: baronets (created in 1611), knights, esquires, and then ordinary gentlemen. These titles were acquired by being the son of such or by purchase. Most gentry had a house in London, where they spent most of their time, as well as country mansions. About 4/5 of the land was in the hands of 7,000 of the nobility and landed gentry due in part to estate tails constructed by attorneys to favor hereditary interests. The gentry had also profited by commerce and possessions in the colonies. The country life of a country squire or gentleman dealt with all the daily affairs of a farm. He had men plough, sow, and reap. He takes part in the haying and getting cut grass under cover when a rain came. His sow farrows; his horse is gelded; a first lamb is born. He drags his pond and takes out great carps. His horses stray and he finds them in the pound. Boys are bound to him for service. He hires servants, and some work out their time and some run away. Knaves steal his sheep. His hog is stabbed. He and a neighbor argue about the setting up of a cottage. He borrows money for a daughter's dowry. He holds a leet court. He attends church on Sunday and reads the lesson when called upon. He visits the local tavern to hear from his neighbors. Country folk brawl. Wenches get pregnant. Men commit suicide, usually by hanging. Many gentlemen spent their fortunes and died poor. New gentlemen from the lower classes took their places.

The second class included the wealthier merchants and professional men of the towns. These men were prominent in town government. They usually had close family ties with the gentry, especially as sons. When wealthy enough, they often bought a country estate. The professional men included military officers, civil service officials, attorneys, some physicians, and a few clergymen. The instabilities of trade, high mortality rates in the towns, and high turnover rate among the leading urban families

prevented any separate urban interest group arising that would be opposed to the landed gentry. Also included in this second group were the most prosperous yeomanry of the countryside.

The third class was the yeomanry at large, which included many more than the initial group who possessed land in freehold of at least 40s., partly due to inflation. Freehold was the superior form of holding land because one was free to sell, exchange, or devise the land and had a political right to vote in Parliamentary elections. Other yeomen were those who possessed enough land, as copyholder or leaseholder, to be protected from fluctuations in the amount of the annual harvest, that is, at least 50 acres. A copyholder rented land from a lord for a period of years or lives, usually three lives including that of the widow, and paid a substantial amount whenever the copyhold came up for renewal. The copyholder and leaseholder were distinguished from the mere tenant-at-will, whose only right was to gather his growing crop when his landlord decided to terminate his tenancy. The average yeoman had a one and a half story house, with a milkhouse, a malthouse, and other small buildings attached to the dwelling. The house would contain a main living room, a parlor, where there would be one or more beds, and several other rooms with beds. No longer was there a central great hall. Cooking was done in a kitchen or over the open fire in the fireplace of the main room. Furniture included large oak tables, stools, long benches with or without backs, chests, cupboards, and a few hard-backed simple chairs. Dishware was wood or pewter. The yeomen often became sureties for recognizances, witnesses to wills, parish managers, churchwardens, vestrymen, the chief civil officers of parishes and towns, overseers of the poor, surveyors of bridges and highways, jurymen and constables for the Justices of the Peace, and sheriffs' bailiffs. The families and servants of these yeomen ate meat, fish, wheaten bread, beer, cheese, milk, butter, and fruit. Their wives were responsible for the dairy, poultry, orchard, garden, and perhaps pigs. They smoked and cured hams and bacon, salted fish, dried herbs for the kitchen or lavender and pot-pourri for sweetening the linen, and arranged apples and roots in lofts or long garrets under the roof to last the winter. They preserved fruits candied or in syrup. They preserved wines; made perfumes, washes for preserving the hair and complexion, rosemary to cleanse the hair, and elder-flower water for sunburn; distilled beverages; ordered wool hemp, and flax to spin for cloth (the weaving was usually done in the village); fashioned and sewed clothes and house linens; embroidered; dyed; malted oats; brewed; baked; and extracted oils. Many prepared herb medicines and treated injuries, such as dressing wounds, binding arteries, and setting broken bones. Wives also ploughed and sowed, weeded the crops, and sheared sheep. They sometimes cared for the poor and sold produce at the market. Some yeomen were also tanners, painters, carpenters, or blacksmiths; and as such they were frequently brought before the Justices of the Peace for exercising a craft without having served an apprenticeship. The third class also included the freemen of the towns, who could engage independently in trade and had political rights. These freemen were about one-third of the male population of the town.

The fourth class included the ordinary farmer leasing by copyhold, for usually 21 years, five to fifty acres. From this class were drawn sidesmen [assistants to churchwardens] and constables. They had neither voice nor authority in government. Their daily diet was bacon, beer, bread, and cheese. Also in this class were the independent urban craftsmen who were not town freemen. Their only voice in government was at the parish level.

The fifth and lowest class included the laborers and cottagers, who were usually tenants at will. They were dependent on day labor. They started work at dawn, had breakfast for half an hour at six, worked until dinner, and then until supper at about six; in the summer they would then do chores around the barns until eight or nine. Some were hedgers, ditchers, ploughmen, reapers, shepherds, and herdsman. The cottagers' typical earnings of about 1s. a day amounted to about 200 shillings a year, which was almost subsistence level. Accordingly they also farmed a little on their four acres of land with garden. Some also had a few animals. They lived in one or two room cottages of clay and branches of trees or wood, sometimes with a brick fireplace and chimney, and few windows. They ate bread, cheese, lard, soup, and greens. If a laborer was unmarried, he lived with the farmer. There was a constant battle for survival. They often moved, because of deprivation, to seek opportunity elsewhere. The town wage-earning laborers ranged from journeymen craftsmen to poor casual laborers. The mass of workers in London were not members of guilds, and the crime rate was high.

The last three classes also contained rural craftsmen and tradesmen, who also farmed. The variety of trades became very large, e.g. tinsmiths, chain smiths, pewterers, violin makers, and glass painters. The carriers, who prepared hides for shoemakers, coachmakers, saddlers, and bookbinders, were incorporated.

The fourth and fifth classes comprised about three fourths of the population.

Then there were the maritime groups: traders, ship owners, master and seamen, and the fishers.

Over one fourth of all households had servants. They were the social equals of day laborers, but materially better off with food and clothing plus an allowance of money of two pounds [40s.] a year. Those who sewed got additional pay for this work. There was no great chasm between the family and the servants. They did not segregate into a parlor class and a kitchen class. The top servants were as educated as their masters and ate at the same table. Great households had a chaplain and a steward to oversee the other servants. There was usually a cook. Lower servants ate together. Servants were disciplined by cuffs and slaps and by the rod by master or mistress. Maids wore short gowns, a large apron, and a gypsy hat tied down over a cap. Chamber maids helped to dress their mistresses. Servants might sleep on trundle beds stored under their master's or mistress's bed, in a separate room, or on the straw loft over the stables. A footman wore a blue tunic or skirted coat with corded loop fasteners, knee-britches, and white stockings. He walked or ran on foot by the side of his master or mistress when they rode out on horseback or in a carriage and ran errands for him, such as leading a lame horse home or running messages. A good footman is described in this reference letter: "Sir, - You wrote me lately for a footman, and I think this bearer will fit you: I know he can run well, for he has run away twice from me, but he knew the way back again: yet, though he has a running head as well as running heels (and who will expect a footman to be a stayed man) I would not part with him were I not to go post to the North. There be some things in him that answer for his waggeries: he will come when you call him, go when you bid him, and shut the door after him; he is faithful and stout, and a lover of his master. He is a great enemy to all dogs, if they bark at him in his running; for I have seen him confront a huge mastiff, and knock him down. When you go a country journey, or have him run with you a-hunting, you must spirit him with liquor; you must allow him also something extraordinary for socks, else you must not have him wait at your table; when his grease melts in running hard, it is subject to fall into his toes. I send him to you but for trial, if he be not for your turn, turn him over to me again when I come back..."

Dress was not as elaborate as in Elizabethan times. For instance, fewer jewels were worn. Ladies typically wore a brooch, earrings, and pearl necklaces. Men also wore earrings. Watches with elaborate cases were common. Women's dresses were of satin, taffeta, and velvet, and were made by dressmakers. Pockets were carried in the hand, fastened to the waist by a ribbon, or sewn in petticoats and accessible by a placket opening. The corset was greatly reduced. Women's hair was in little natural-looking curls, a few small tendrils on the forehead with soft ringlets behind the ears, and the back coiled into a simple knot. Men also wore their hair in ringlets. They had pockets in their trousers, first as a cloth pouch inserted into an opening in the side seam, and later sewn into the side seam. The bereaved wore black, and widows wore a black veil over their head until they remarried or died. Rouge was worn by lower class women. Toothbrushes, made with horsehair, were a new and costly luxury. The law dictating what classes could wear what clothes was difficult to enforce and the last such law was in 1597.

Merchants who had become rich by pirating could now afford to extend their trading ventures well beyond the Atlantic sea. Cotton chintzes, calicoes, taffetas, muslins, and ginghams from India now became fashionable as dress fabrics. Simple cotton replaced linen as the norm for napkins, tablecloths, bed sheets, and underwear. Then it became the fashion to use calicoes for curtains, cushions, chairs, and beds. Its inexpensiveness made these items affordable for many. There was a cotton-weaving industry in England from about 1621, established by cotton workmen who fled to England in 1585 from Antwerp, which had been captured. By 1616, there were automatic weaving looms in London which could be operated by a novice.

Even large houses now tended to do without a courtyard and became compacted into one soaring and stately whole. A typical country house had deep-set windows of glass looking into a walled green court with a sundial in it and fringed around with small trees. The gables roofs were steep and full of crooks and angles, and covered with rough slate if there was a source for such nearby. There was an extensive use of red tile, either rectangular or other shapes and with design such as fishscales. The rooms are broad and spacious and include hall, great parlor, little parlor, matted chamber, and study. In the hall was still the great, heavy table. Dining tables were covered with cloth, carpet, or printed leather. Meals were increasingly eaten in a parlor. Noble men now preferred to be waited upon by pages and grooms instead of by their social equals as before. After dinner, they deserted the parlor to retire into drawing rooms for conversation and desserts of sweet wine and spiced delicacies supplemented by fruit. Afterward, there might be dancing and then supper. In smaller parlors, there was increasing use of oval oak tables with folding leaves. Chests of drawers richly carved or inlaid and with brass handles were coming into increased use. Walls were lined with panels and had pictures or were hung with tapestry. Carpets, rugs, and curtains kept people warm. There were many stools to sit on, and some arm chairs. Wide and handsome open staircases separated the floors. Upstairs, the sitting and bedrooms open into each other with broad, heavy doors. Bedrooms had four-post beds and wardrobes with shelves and pegs. Under the roof are garrets, apple-lofts, and root-chambers. Underneath is a cellar. Outside is a farmyard with outbuildings such as bake house, dairy, cheese-press house, brewery, stilling house, malt



house, fowl house, dove cot, pig sty, slaughter-house, wood house, barns, stable, and sometimes a mill. There were stew-ponds for fish and a park with a decoy for wild fowl. There was also a laundry, carpenter's bench, blacksmith's forge, and pots and equipment of a house painter.

In the 1600s, towns were fortified by walled ditches instead of relying on castles, which couldn't contain enough men to protect the townspeople. Also in towns, water was supplied by local pumps and wells. In 1613, a thirty-eight-mile aqueduct brought spring water into London. In the country, floors were of polished wood or stone and strewn with rushes. A ladies' attendant might sleep the same bedroom on a bed which slid under the ladies' bed. Apprentices and shop boys had to sleep under the counter. Country laborers slept in a loft on straw. Bread was made in each household. There were bedroom chairs with enclosed chamber pots.

Wood fires were the usual type. Coal was coming into use in the towns and near coal mines. Charcoal was also used. Food was roasted on a spit over a fire, baked, or broiled. People still licked their fingers at meals. The well-to-do had wax candles. Tallow dips were used by the poor and for the kitchen. People drank cordials and homemade wines made with grapes, currants, oranges, or ginger. Some mead was also drunk.

Tobacco, potatoes, tea, asparagus, kidney beans, scarlet runners, cardoons (similar to artichokes), horseradish, sugarcane, and turkeys for Christmas, were introduced from the New World, China, and India. Tea was a rare and expensive luxury. Coffee was a new drink. With the cane sugar was made sweetened puddings, pies, and drinks. The potato caused the advent of distillation of concentrated alcohol from fermented potato mashes. There was a distiller's company by 1638. Distilleries' drinks had higher alcoholic content than wine or beer.

The Merchant Adventurers sold in town stores silks, satins, diamonds, pearls, silver, and gold. There were women peddlers selling hats and hosiery from door to door and women shopkeepers, booksellers, alehouse keepers, linen drapers, brewers, and ale-wives. London had polluted air and water, industrial noise, and traffic congestion.

Work on farms was still year-round. In January and February, fields were ploughed and harrowed and the manure spread. Also, trees and hedges were set, fruit trees pruned, and timber lopped. In March and April, the fields were stirred again and the wheat and rye sown. In May gardens were planted, hop vines trained to poles, ditches scoured, lambs weaned, and sheep watched for "rot". In June sheep were washed and sheared, and fields were spread with lime and clay, and manured. In July hay was cut, dried, and stacked. In August crops were harvested, which called for extra help from neighbors and townsmen who took holidays at harvesting. Then there was threshing, and the sowing of winter wheat and rye. In the autumn, cider from apples and perry from pears might be made. By November the fall planting was finished and the time had come for the killing of cattle and hanging up their salted carcasses for winter meat. Straw would be laid down with dung, to be spread next spring on the fields. Stock that could not live outdoors in winter were brought into barns.

Government regulated the economy. In times of dearth, it ordered Justices of the Peace to buy grain and sell it below cost. It forbade employers to lay off workers whose products they could not sell. It used the Star Chamber Court to enforce economic regulations.

Enclosures of land were made to carry on improved methods of tillage, which yielded more grain and more sheep fleece. Drainage of extensive marsh land created more land for agriculture. Waste land was used to breed game and "fowling" contributed to farmers' and laborers' livelihoods. Killing game was not the exclusive right of landowners, but was a common privilege. The agricultural laborer, who worked for wages and composed most of the wage-earning population, found it hard to make ends meet.

There were food riots usually during years of harvest failure, in which organized groups seized foodstuffs being transported or in markets. Also, there were enclosure riots, in which organized groups destroyed hedges and fences erected in agrarian reorganization to restrict access to or to subdivide former common pasture land. These self-help riots were last resorts to appeals. They were relatively orderly and did not expand into random violence. The rioters were seldom punished more than a fining or whipping of the leaders and action was taken to satisfy their legitimate grievances.

The poor came to resent the rich and there was a rise in crime among the poor. Penal laws were frequently updated in an effort to bring more order.

In 1610, weekly wages for a mason were 8s. or 5s., for a laborer were 6s. or 4s., for a carpenter 8s. or 6s. An unskilled laborer received 1s. a day.

There were conventions of paternalism and deference between neighbors of unequal social status. A

social superior often protected his lessers from impoverishment. For instance, the landlord lessened rents in times of harvest failure. A social superior would help find employment for a lesser person or his children, stand surety for a recognizance, intervene in a court case, or have his wife tend a sick member of his lesser's family. A social obligation was felt by most of the rich, the landlords, the yeomen farmers, and the clergy. This system of paternalism and social deference was expressed and reinforced at commonly attended village sports and games, dances, wakes and "ales" (the proceeds of which went to the relief of a certain person in distress), "rush-bearings", parish feasts, weddings, christenings, "churchings" to give thanks for births, and funerals. Even the poor were buried in coffins. Also there was social interaction at the local alehouse, where neighbors drank, talked, sang, and played at bowls or "shove goat" together.

Quarrelling was commonplace. For instance, borough authorities would squabble over the choice of a schoolmaster; the parson would carry on a long fight with parishioners over tithe hens and pigs; two country gentlemen would continue a vendetta started by their great-grandfathers over a ditch or hunting rights; the parishioners would wrangle with the churchwardens over the allocation of pews. The position of one's pew reflected social position. Men tried to keep the pews of their ancestors and the newly prosperous wanted the recognition in the better pews, for which they had to pay a higher amount. But, on the other hand, farmers were full of good will toward their neighbors. They lent farm and kitchen equipment, helped raise timbers for a neighbor's new barn, sent food and cooked dishes to those providing a funeral feast and to the sick and incurable.

Village standards of behavior required that a person not to drink to excess, quarrel, argue, profane, gossip, cause a nuisance, abuse wife or children, or harbor suspicious strangers, and to pay scot and bear lot as he was asked. Neighbors generally got along well and frequently borrowed and loaned small sums of money to each other without interest for needs that suddenly arose. Bad behavior was addressed by the church by mediation and, if this failed, by exclusion from holy communion. There was also whipping and the stocks.

Marital sex was thought to be good for the health and happiness of the husband and enjoyable by wives. The possibility of female orgasm was encouraged. Both women and men were thought to have "seed" and drank certain potions to cause pregnancy or to prevent birth. Some argued that orgasm of both partners was necessary for the "seed" of the male and female to mix to produce pregnancy. Most women were in a virtual state of perpetual pregnancy. Both Catholics and Protestants thought that God wanted them to multiply and cover the earth. Catholics thought that the only goal of sex was procreation. Men were considered ready for marriage only when they could support a family, which was usually at about age 30. Brides were normally virgins, but there was bridal pregnancy of about 20%. Women usually married at about age 25. Marriages were usually within one's own class and religion. The aristocracy often initiated matches of their children for the sake of continuity in the family estates and tried to obtain the consent of their children for the match in mind. The age of consent to marry was 14 for boys and 12 for girls. Girls in arranged marriages often married at 13, and boys before they went to university. But the girls usually stayed with their parents for a couple of years before living with their husbands. If married before puberty, consummation of the marriage waited for such time. In other classes, the initiative was usually taken by the child. Dowries and marriage portions usually were given by the parents of the bride. Wet-nurses frequently were used, even by Puritans. There were no baby bottles. Many babies died, causing their parents much grief. About 1/4 of women's deaths occurred during childbirth. A child was deemed to be the husband's if he was within the four seas, i.e. not in foreign lands, for an agreed length of time. Illegitimacy was infrequent, and punished by church-mandated public penance by the mother and lesser penance and maintenance by the father. The church court punished adultery and defamation for improper sexual conduct.

The established church still taught that the husband was to be the authority in marriage and had the duty to provide for, protect, and maintain his wife. Wives were to obey their husbands, but could also admonish and advise their husbands without reproach. In literature, women were portrayed as inferior to men intellectually and morally as well as physically. In reality wives did not fit the image of women portrayed by the church and literature. Quarrels between husband and wife were not uncommon and were not stopped by a husband's assertion of authority. Wives were very active in the harvesting and did casual labor of washing, weeding, and stone-picking. Farmers' and tradesmen's wives kept accounts, looked after the garden, orchard, pigs, and poultry; brewed beer; spun wool and flax; and acted as agents in business affairs. Wives of craftsmen and tradesmen participated actively in their husbands' shops. Wives of weavers spun for their husband's employers. Wives of the gentry ran their households with their husbands. The lady of a large mansion superintended the household, ordering and looking after the servants, and seeing to the education of her children. Mothers handed down their recipes to their daughters. Women still did much needlework and embroidering for clothing and house, such as cushions, screens, bed curtains, window curtains, hangings, footstools, book covers, and small chests of drawers for valuables. Liking simplicity, Puritan women did less of this work.

Naming one's wife as executor of one's will was the norm. Jointures [property for a widow] were negotiated at the betrothal of ladies. Widows of manorial tenants were guaranteed by law one-third of family real property, despite creditors. But most testators went beyond this and gave a life interest in the farm or family house. So it was customary for a widow to remain in occupation of the land until her death or remarriage. Few widows or widowers lived with one of their children. Widows usually had their husband's guild rights and privileges conferred upon them, e.g. to receive apprentices. In London, custom gave 1/3 of a deceased husband's estate to his wife on his death, but 2/3 if there were no children. The other part went according to his will. If a widow did not remarry in memory of her husband, she was esteemed. But remarriage was common because the life expectancy after birth was about 35 years.

Sons of the well-to-do went into law, the Church, the army, or the navy. If not fit for such, they usually went into a trade, apprenticing, for instance, with a draper, silk merchant, or goldsmith. Sometimes a son was sent to the house of a great man as a page or esquire to learn the ways of courtiers and perhaps become a diplomat.

The guild with its master and their employees was being replaced by a company of masters.

James I ruled over both England and Scotland. He had come from Scotland, so was unfamiliar with English love of their rights, passion for liberty and justice, and extensive discussing of religion and quoting scripture. When he came to the throne, he had a conference with a group of Puritans who asked for certain reforms: ceremonies such as the cross in baptism and the ring in marriage should not be used, only educated men competent to preach should be made ministers, bishops should not be allowed to hold benefices that they did not administer, and minor officials should not excommunicate for trifles and twelve-penny matters. He not only denied their requests, but had the English Bible revised into the King James version, which was published in 1611. This was to replace the popular Geneva Bible written by English Protestant refugees from Catholic Queen Mary's reign, which he did not like because some of its commentary was not highly favorable to kings. James didn't believe a king had to live by the law; he hadn't as king of Scotland. He tried to imbue into England the idea of a divine right of kings to rule that he had held in Scotland. The established church quickly endorsed and preached this idea.

The selection of the clergy of the parish churches was now often in the hands of the parishioners, having been sold to them by the patron lord of the manor. Some patrons sold the right of selection to a tradesman or yeoman who wished to select his son or a relative. Some rights of selection were in the hands of bishops, the colleges, and the Crown. The parish clergyman was appointed for life and removed only for grave cause. Most parishioners wanted a sermon created by their minister instead of repetitious homilies and constant prayer. They thought that the object of worship in church was to rouse men to think and act about the problems of the world.

In 1622, the King mandated that clergymen quote scripture only in context of the Book of Articles of Religion of 1562 or the two Books of Homilies and not preach any sermon on Sunday afternoon except on some part of the Catechism or some text out of the Creed, Ten Commandments, or the Lord's Prayer.

The Puritan movement grew. About 5% of the Protestants were Puritans. These included country gentlemen and wealthier traders. They dressed simply in gray or other drab colors and wore their hair short to protest the fashion of long curls. They lived simply and disapproved of dancing because it induced lasciviousness and of theater because of its lewdness. Theaters and brothels still shared the same neighborhoods, the same customers, and sometimes the same employees. Prostitutes went to plays to find customers; men shouldered and shoved each other in competing to sit next to attractive women to get to know them. The Puritans also disapproved of cock fights because they led to gambling and disorder, and Maypole celebrations because of their paganism. There was less humor. Many became stoics. The Puritan church ceremonies were plain, with no ornamentation. Puritans prayed several times a day and read the Bible to each other in family groups to look for guidance in their conduct and life. They asked for God to intervene in personal matters and looked for signs of his pleasure or displeasure in happenings such as a tree falling close but not touching him, or his horse throwing him without injury to him. When there was an illness in the family or misfortune, they examined their past life for sins and tried to correct shortcomings. They circulated records of puritan lives including spiritual diaries. They believed in the equality of men and that a good man was better than a bad peer, bishop, or king. Puritan influence made families closer and not merely dependent on the will of the husband or father. There was a sense of spiritual fellowship among family members as individuals. They emphasized the real need of a lasting love relationship between husband and wife, so a mutual liking that could develop into love between a young couple in an arranged match was essential.

Most Puritans felt that the bishops were as tyrannical as the pope had been and that more reform was needed. They favored the Presbyterian form of church government developed by John Calvin in Switzerland. The presbyter was the position below bishop. Parishes were governed by boards consisting of a minister and lay elders elected by the parishioners. These boards sent elected representatives to councils. All lay elders and ministers had equal rank with each other. The Calvinist God preordained salvation only for the elect and damnation and everlasting punishment for the rest of humanity, but the Puritans had an optimism about avoiding this damnation. They believed that at his conversion a person received grace, which was a sign that he was predestined for salvation. They rejected all ecclesiastical institutions except as established by each parish over its own elected pastor and members. They rejected the established church's control from the top by bishops. They believed in negotiating directly with God for the welfare of the soul without the priest or church organization.

The fear of witchcraft grew with Puritanism. Poor decrepit old defenseless women, often deformed and feeble-minded, were thought to be witches. Their warts and tumors were thought to be teats for the devil to suck or the devil's mark. Cursing or ill-temperers, probably from old age pains, or having cats were further indications of witchery.

When the king learned in 1618 that the English Puritans had prevented certain recreations after the Sunday service, he proclaimed that the people should not be restrained from lawful recreations and exercise such as dancing, May-games, Whitsunales, Morris-dances, May-pole sports, archery for men, leaping, and vaulting. Also women could carry rushes to decorate the church as they had done in the past. His stated purpose was to prevent people such as Catholics from being deterred from conversion, to promote physical fitness for war, and to keep people from drinking and making discontented speeches in their ale houses. Still unlawful on Sunday were bear and bull baitings and bowlings.

Besides the Puritans, there were other Independent sects, such as the Congregationalists, whose churches gathered together by the inspiration of Jesus. This sect was started by English merchants residing in Holland who set up congregations of Englishmen under their patronage there; they kept minister and elders well under their control. The Baptists emerged out of the Independents. They believed that only adults, who were capable of full belief, and not children, could be baptized. They also believed that it was the right of any man to seek God's truth for himself in the scriptures and that obedience to the state should not extend beyond personal conscience.

One fourth of all children born did not live to the age of ten, most dying in their first year. Babies had close caps over their head, a rattle, and slept in a sturdy wood cradle that rocked on the floor, usually near the hearth. Babies of wealthier families had nurses. The babies of ladies were suckled by wet nurses. Parents raised children with affection and tried to prepare them to become independent self-sustaining adults. There was less severity than in Tudor times, although the maxim "spare the rod and spoil the child" was generally believed, especially by Puritans, and applied to even very young children. In disciplining a child, an admonition was first used, and the rod as a last resort, with an explanation of the reasons for its use. There were nursery rhymes and stories such as "Little Bo-Peep", "Jack and the Beanstalk", "Tom Thumb", "Chicken Little", and Robin Hood and King Arthur tales, and probably also "Puss in Boots", "Red Ridinghood", "Cinderella", "Beauty and the Beast", "Bluebeard" and Aesop's Fables. "Little Jack Horner" who sat in a corner was a satire on the Puritan aversion to Christmas pudding and sense of conscious virtue. Toys included dolls, balls, drums, and hobby horses. Children played "hide and seek", "here we go around the Mulberry bush", and other group games. School children were taught by "horn books". This was a piece of paper with the alphabet and perhaps a religious verse, such as the Paternoster prayer, that was mounted on wood and covered with thin horn to prevent tearing. Little girls cross-stitched the alphabet and numerals on samplers. Block alphabets were coming into use. Most market towns had a grammar school which would qualify a student for university. They were attended by sons of noblemen, country squires [poor gentlemen], merchants, and substantial yeomen, and in some free schools, the poor. School hours were from 6:00 a.m. to noon or later. Multiplication was taught. If affordable, families had their children involved in education after they were small until they left home at about fifteen for apprenticeship or service. Otherwise, children worked with their families from the age of seven, e.g. carding and spinning wool, until leaving home at about fifteen.

There were boarding schools such as Winchester, Eton, Westminster, St. Paul's, and Merchant Taylors'. There, senior boys selected for conduct and ability supervised younger boys. They thereby got experience for a future in public life. The system was also a check on bullying of the weak by the strong. The curriculum included Lilly's "Grammar"; Aesop; Terence's Roman comic plays; Virgil's "Aeneid", the national epic of Rome; Cicero's "Letters" reflecting Roman life; Sallust's histories showing people and their motives; Caesar's "Commentaries" on the Gallic and civil wars; Horace's "Epistles" about life and poetry; poet Ovid's "Metamorphoses" on adventures and love affairs of deities and heroes, "Fasti" on Roman religious festivals and customs; Donatus' grammar book; and other ancient Latin authors. Football, with hog bladders, and tennis were played. These schools were self-supporting

and did their own farming.

Private schools for girls were founded in and around London. They were attended by daughters of the well-to-do merchant class, nobility, and gentry. They were taught singing, playing of instruments, dancing, French, fine sewing, embroidery, and sometimes arithmetic. There were not many girls' boarding schools. Fewer served in the house of some noble lady as before. Most commonly, the sons and daughters of gentlemen and nobles were taught by private tutors. A tutor in the house educated the girls to the same extent as the boys. Frequently, the mother educated her daughters. A considerable number of girls of other backgrounds such as the yeomanry and the town citizenry somehow learned to read and write.

Boys began at university usually from age 14 to 18, but sometimes as young as 12. The universities provided a broad-based education in the classics, logic and rhetoric, history, theology, and modern languages for gentlemen and gave a homogenous national culture to the ruling class. There was a humanist ideal of a gentleman scholar. The method of study was based largely on lectures and disputations. Each fellow had about five students to tutor. In many cases, he took charge of the finances of his students, paying his bills to tradesmen and the college. His reimbursement by the students' fathers put them into friendly contact with the family. The students slept in trundle beds around his bed and had an adjacent room for study. Aristotle, whose authority was paramount, remained the lynch pin of university studies, especially for logic and dialectic. The study of rhetoric was based on Quintilian, the Latin writer, and the Greek treatise of Hermogenes of Tarsus. Also studied was Cicero's orations as models of style. Examination for degrees was by disputation over a thesis of the student. The B.A. degree was given after four years of study, and the M.A. after three more. There were advanced degrees in civil law, which required seven more years of study, medicine, seven years, divinity, more than seven years, and music. Many of the men who continued for advanced degrees became fellows and took part in the teaching. Most fellowships were restricted to clerics. Oxford and Cambridge Universities operated under a tutorial system. Access to grammar schools and universities was closed to girls of whatever class. Oxford University now had the Bodleian Library. In the universities, there were three types of students: poor scholars, who received scholarships and also performed various kinds of service such as kitchen work and did errands for fellows such as carrying water and waiting on tables; commoners, who paid low fees and were often the sons of economical gentlemen or businessmen; and the Fellow Commoners, a privileged and well-to-do minority, usually sons of noblemen or great country gentlemen. The Fellow Commoners paid high fees, had large rooms, sometimes had a personal tutor or servant, and had the right to eat with the Fellows at High Table. Here, gentlemen made friends with their social equals from all over the country. Students wore new-fashioned gowns of many colors and colored stockings. They put on stage plays in Latin and English. The students played at running, jumping, and pitching the bar, and at the forbidden swimming and football. They were not to have irreligious books or dogs. Cards and dice could be played only at Christmas time. Students still drank, swore, and rioted, but they were disallowed from going into town without special permission. Those below a B.A. had to be accompanied by a tutor or an M.A. They were forbidden from taverns, boxing matches, dances, cock fights, and loitering in the street or market. Sometimes a disputation between two colleges turned into a street brawl. Punishment was by flogging. Each university had a chancellor, usually a great nobleman or statesman, who represented the university in dealings with the government and initiated policies. The vice-chancellor was appointed for a year from the group of heads of college. He looked out for the government of halls, enforced the rules of the university, kept its courts, licensed wine shops, and shared control of the town with the mayor.

Tutors were common. They resided at the boy's house or took boys to board with them at their houses in England or on the continent. The tutor sometimes accompanied his student to grammar school or university. Puritans frequently sent their sons to board in the house of some Frenchman or Swiss Protestant to learn the Calvinist doctrines or on tour with a tutor. Certain halls in the universities were predominately Puritan. Catholics were required to have their children taught in a home of a Protestant, a relative if possible.

The Inns of Court were known as "the third university". It served the profession of law, and was a training ground for the sons of nobility and the gentry and for those entering the service of the commonwealth. The Inns were self-governing and ruled by custom. Students were to live within the Inn, two to a room, but often there were not enough rooms, so some students lived outside the quadrangles. Every student was supposed to partake of Commons or meals for a certain fraction of the year - from eight weeks to three months and there to argue issues in cases brought up by their seniors. In hall the students were not allowed to wear hats, though caps were permitted, nor were they to appear booted or spurred or carrying swords. For the first two years, they would read and talk much of the law, and were called Clerks Commoners. After two years they became Mootmen or Inner Barristers. In five or six years they might be selected to be called to the bar as Utter Barristers, whose number was fixed. There was no formal examination. The Utter Barrister spent at least three more years

performing exercises and assisting in directing the studies of the younger men. After this time, he could plead in the general courts at Westminster, but usually carried on law work in the offices of other men and prepared cases for them. Participating in moots (practice courts) was an important part of their education. Lectures on statutes and their histories were given by Readers.

Physicians were licensed by universities, by the local bishop, or in London, by the College of Physicians and Surgeons. Most were university graduates, and because of the expense of the education, from well-to-do families. For the B.A., they emphasized Greek. For the M.A., they studied the works of Greek physicians Galen and Hippocrates, Roman physician Claudius, and perhaps some medieval authorities. After the M.A., they listened to lectures by the Regius Professor of Medicine and saw a few dissections. Three years of study gave them a M.B., and four more years beyond this the M.D. degree. A physician's examination of a patient cost 10s. The physician asked about his symptoms and feelings of pain, looked at his eyes, looked at his body for spots indicative of certain diseases, guessed whether he had a fever, felt his pulse, and examined his urine and stool. There were no laboratory tests. Smallpox was quickly recognized. Wrapping red cloth around the person and covering the windows with red cloth being promoted healing without scarring. Gout was frequent. Syphilis was common in London and other large centers, especially in Court circles. It was ameliorated by mercury. An imbalance of the four humors: blood, phlegm, choler, bile was redressed by bloodletting, searing, draining, and/or purging. Heart trouble was not easily diagnosed and cancer was not recognized as a life-threatening disease. Childbirth was attended by physicians if the patient was well-to-do or the case was serious. Otherwise women were attended only by midwives. They often died in childbirth, many in their twenties.

A visit by a physician cost 13s.4d. Melancholia, which made one always fearful and full of dread, and mania, which made one think he could do supernatural things, were considered to be types of madness different from infirmities of the body. Despite a belief held by some that anatomical investigation of the human body was a sin against the holy ghost, physicians were allowed to dissect corpses. So there were anatomy textbooks and anatomy was related to surgery. Barber-surgeons extracted teeth and performed surgery. The white and red striped barber pole initially indicated a place of surgery; The red represented blood and the white bandages.

The theory of nutrition was still based on the four humors and deficiency diseases were not understood as such. Physician William Harvey, son of a yeoman, discovered the circulation of the blood from heart to lungs to heart to body about 1617. He had studied anatomy at Padua on the continent and received an M.D. there and later at Cambridge. Then he accepted a position at the hospital of St. Bartholomew to treat the poor who came there at least once a week for a year. He agreed to give the poor full benefit of his knowledge, to prescribe only such medicines as should do the poor good without regard to the pecuniary interest of the apothecary accompanying him, to take no reward from patients, and to render account for any negligence on his part. He also dissected animals. One day he noted when stroking downward on the back of one hand with the finger of the other, that a vein seemed to disappear, but that it reappeared when he released his finger. He surmised that there was a valve preventing the blood's immediate return to the vein. Then he ascertained that the heart was a pump that caused pulses, which had been thought to be caused by throbbing of the veins. He tied the arteries and found that the arterial blood flowed away from the heart. He tied the veins and found that venal blood flowed into the heart. He found that the blood flowed from the lungs to the left side of the heart, and from thence was pumped out to the body. Blood also flowed from the body to the right side of the heart, from which it was pumped to the lungs. The two contractions closely followed one another, rather than occurring at the same time. The valves in the veins prevented backflow. It was now clear why all the blood could be drained away by a single opening in a vein. It was also clear why a tight ligature, which blocked the arteries, made a limb bloodless and pale and why a looser ligature, which pressed only on the veins, made a limb swell turgid with blood. Multiplying an estimate of the amount of blood per beat with the number of beats, he concluded that the amount of blood did not change as it circulated. He concluded that the only purpose of the heart was to circulate the blood. This diminished the religious concept that the heart was the seat of the soul and that blood had a spiritual significance and was sacred.

The physicians turned surgery over to the surgeons, who received a charter in 1605 by which barbers were excluded from all surgical work except bloodletting and the drawing of teeth. Surgeons dealt with skin disease, ulcers, hernia, bladder stones, and broken bones, which they had some skill in setting. They performed amputations, which were without antiseptics or anesthesia. Internal operations usually resulted in death. Caesarian section was attempted, but did not save the life of the mother. Apprenticeship was the route to becoming a surgeon. A College of Surgeons was founded. Students learned anatomy, for which they received the corpses of four executed felons a year.

The apothecaries and grocers received a charter in 1607, but in 1618, the apothecaries were given the sole right to purchase and sell potions, and to search the shops of grocers and stop the sale by them

of any potions. In London, the apothecaries were looked over by the College of Physicians to see that they were not selling evil potions or poisons. In 1618 was the first pharmacy book.

There were three hospitals in London, two for the poor, and Bedlam [Bethlehem] Hospital for the insane. Others were treated at home or in the physician's home.

Theaters were shut down in times of plague to prevent spread of disease there. Towndwellers who could afford it left to live in the country.

Shakespeare wrote most of his plays in this period. Most popular reading was still Bibles, prayer books, psalm books, and devotional works. Also popular were almanacs, which started with a single sheet of paper. An almanac usually had a calendar; information on fairs, roads, and posts; farming hints; popularized scientific knowledge; historical information; sensational news; astrological predictions; and later, social, political, and religious comment. Many households had an almanac. Books tried to reconcile religion and science as well as religion and passion or sensuality. Walter Raleigh's "History of the World", written while he was in prison, was popular. Ben Jonson wrote poetry and satiric comedies. Gentlemen read books of manners such as James Cleland's "Institution of a Young Noble Man" (1607). In 1622, the first regular weekly newspaper was started.

Although there was a large advance in the quality of boys' education and in literacy, the great majority of the people were unable to read fluently. Since writing was taught after one could read fluently, literacy was indicated by the ability to sign one's name. Almost all gentlemen and professional men were literate. About half the yeomen and tradesmen and craftsmen were. Only about 15% of husbandmen, laborers, servants, and women were literate.

The Elizabethan love of madrigal playing gradually gave way to a taste for instrumental music, including organs and flutes. The violin was introduced and popular with all classes. Ballads were sung, such as "Barbary Allen", about a young man who died for love of her, after which she died of sorrow. When they were buried next to each other, a rose from his grave grew around a briar from her grave. The ballad "Geordie" relates a story of a man hanged for stealing and selling sixteen of the king's royal deer. The ballad "Matty Groves" is about a great Lord's fair young bride seducing a lad, who was then killed by the Lord. In the ballad "Henry Martin", the youngest man of three brothers is chosen by lot to turn pirate to support his brothers. When his pirate ship tries to take a merchant ship, there is sea fight in which the merchant ship sinks and her men drown. The ballad "The Trees They Do Grow High" tells of an arranged marriage between a 24 year old woman and the 14 year old son of a great lord. She tied blue ribbons on his head when he went to college to let the maidens know that he was married. But he died at age 16, after having sired a son.

May Day was a holiday with dancing around a Maypole and people dressed up as characters such as Queen of the May, Robin Hood, Little John, Friar Tuck, Maid Marion, the fool, and the piper. New Year's Day was changed to January 1st.

Golf was played in Scotland, and James introduced it into England. James I was the last monarch to engage in falconry.

Francis Bacon wrote the "Advancement of Learning" and "Novum Organum" (New Learning) in which he encouraged the use of the inductive method to find out scientific truths and also truths in general, that is reasoning from a sample to the whole. According to him, the only way to arrive at the truth was to observe and determine the correlations of facts. He advocated a process of elimination of hypothesized ideas. First, experiments were made, then general conclusions were drawn from them, and then these generalizations were tested in further experiments. His "New Learning" showed the way out of the scholastic method and reverence for dogma into the experimental method. He wrote "Natural and Experimental History". He studied the effect of cold in preventing animal putrefaction.

By this time, what was known about mathematics included fractional exponents, trigonometry in terms of arcs of angles, long division, square root symbol, decimal fractions, methods for solving cubic equations, trigonometry in terms of ratios of sides of a right triangle, equal sign, plus and minus signs, and a consistent theory of imaginary numbers.

John Napier, a large Calvinist landholder in Scotland who had built his own castle, did mathematics in his older years. He explored imaginary numbers, which involve square roots of negative numbers. By 1614, he had started and developed the theory of logarithms: the relationships among positive and negative exponents of numbers. This simplified calculations because the multiplication and division of numbers with a common base could be done by addition and subtraction of their exponents. His table of logarithms, which took him twenty years to compile, was used in trigonometry, navigation, and astronomy. It reduced the enormous labor involved in trigonometric calculations. In 1622, William Oughtred invented the slide rule for calculations.

Galileo Galilei was a professor of mathematics at the University of Padua in Italy and was later a protege of the powerful Medici family. He pioneered the scientific method of theory building by observation of phenomena instead of resort to sources such as Aristotle. He conducted experiments, e.g. throwing objects off the tower of Pisa in 1590 to show that all, whether light or heavy, fall at the same rate. This disproved the widely held belief that heavier objects fall faster than light objects. He reasoned by induction from experiments that the force of gravity has the same effect on all objects regardless of their size or weight. His law stated that the speed of their descent increases uniformly with the time of the fall, i.e.  $\text{speed [velocity]} = \text{gravity's acceleration multiplied by time}$ . This was a pioneering mathematization of a physical phenomenon.

From his observation that an object sliding along a plane travels increasingly farther and slows down at a decreasing rate as the surfaces become smoother and more lubricated, he opined that the natural state of a body in motion is to stay in motion, and that it is slowed down by a resistant force, which he called "friction". He conceived of the air giving a frictional force to an object moving through the air. From his experiments showing that a rolling ball rolls up a plane farther the lesser the slope of the plane, he intuited that if the plane were horizontal, the ball would never stop rolling except for friction. He opined that bodies that are at rest stay at rest and bodies that are in motion stay in uniform motion ("inertia"), unless and until acted upon by some force. This was a radical departure from Aristotle's theory that any horizontal motion requires a prime mover. Galileo drew a graph of distance versus time for the rolling ball, which indicated that the distance traveled was proportional to the square of the time elapsed.

He put his ideas of vertical and horizontal motion together to explain the movement of projectiles, which travel horizontally, but also fall downward vertically. He realized that the movement of a projectile involved a horizontal impetus of projection and a vertical force of gravity, each being independent of the other, but acting simultaneously, instead of sequentially. He demonstrated that a projectile follows the path of a parabola, instead of a straight line, and that it descends a vertical distance which is proportional to the square of the time taken to fall. That is, a thrown object will strike the ground in the same amount of time as an object simply dropped from the same height. This suggested that gravity was a constant force.

Galileo described mathematically the motion of a lever such as a seesaw in which the weight on one side multiplied by its distance from the fulcrum is equal to the weight on the other side multiplied by its distance from the fulcrum.

Galileo determined that a pendulum, such as a hanging lamp, swings back and forth in equal intervals of time. He measured this time with water running through a tube; the weight of the water was proportional to the time elapsed. Also, pendulums with equal cord length swing at the same rate, regardless of the substance, weight, or shape of the material at the end. So a pendulum could be a mechanical clock. - Galileo knew that ice floated on water because ice is less dense and therefore lighter than water. It had formerly been thought that ice was heavier than water, but floated on water because of its shape, especially broad, flat-bottomed pieces of ice.

The telescope was invented in 1608. The next year, Galileo built a greatly improved telescope to observe bodies in the skies. He observed that the spots on the moon had shifting illumination and that the moon's perimeter had a jagged outline. From this he deduced that the surface of the moon had mountains, valleys, and craters much like the earth, and was illuminated by reflected light. He noticed that the planet Jupiter had moons orbiting it in a manner similar to the orbit of the Earth's moon. He observed that when the planet Venus was very small it had a round shape and when it was very large, and therefore nearer the earth, it had a crescent shape. Also, Venus progressed through periodic phases of increasingly wide crescent shapes in a manner similar to the phases of crescent shapes of the Earth's moon. He realized that these features of Venus could be explained only if Venus revolved around the sun, rather than around the earth. This finding added credence to the Copernican theory that the earth and all planets revolve around the sun. But church doctrine that the sun revolved around the earth was supported by the Biblical story of God making the sun stand still to give additional sunlight on a certain day so a certain task could be completed that day. Galileo argued against a literal interpretation of the Bible, so he was denounced by the church. His finding of sunspots on the sun conflicted with church doctrine that the celestial bodies such as the sun were perfect and unblemished. His observation that certain sun spots were on certain locations of the sun, but changed location over time, suggested that the sun might be rotating. He observed that when air was withdrawn by a suction pump from the top of a long glass tube whose lower open end was submerged in a pan of water, the water rose to a height of 34 feet and no higher. This result indicated that the evacuated space above the water was a vacuum: an empty space. The notion of a vacuum, a space where there is nothing or void, was difficult for philosophers to accept. They believed that nature abhorred a vacuum and would prevent it. About 1600, Galileo invented the first thermometer by heating air at the top of a tube whose open end was in a bowl of water; as the top end cooled, the air contracted and water rose part way up



the tube; the column of water rose or fell with every change of temperature. Galileo invented the compound refracting microscope, which used more than one lens, about 1612.

Galileo's book on the arguments for and against the Copernican theory was unexpectedly popular when published in 1632. The general public was so persuaded by the arguments that the earth revolved around the sun that Papal authority felt threatened. So Galileo was tried and convicted of heresy and sentenced to house arrest as an example to others who might question church doctrine, even though the seventy year old Galileo recanted and some of the inquisition judges who convicted him believed the Copernican theory and their decision did not assert the contrary.

Johannes Kepler was a mathematician from Germany who made his living as an astrologer. He was in contact with Galileo by letter, as most scientists of Europe were with each other. Kepler was fascinated with perfect geometric shapes, which he tried to relate to celestial phenomenon. He discerned that the orbit of Mars was not perfectly circular. He knew that the apparent path of the sun with respect to the constellation of fixed stars differed in speed at different times of the year. He opined that this showed that the speed of the earth revolving around the sun varied according to the time of year. Then he measured the angles between the earth and the sun and the earth and Mars as they changed through the Martian year. He noted when the earth, Mars, and the Sun were on the same straight line. Then he deduced the earth's true orbit, and from this the true orbits of the other planets. Then by trial and error, he attempted to match this empirical data with regular mathematically defined shapes, until he discovered in 1609 that these paths were elliptical. Also, the planets each move faster when they are nearer the sun and more slowly when they are farther from the sun so that in equal time intervals, a line from the planet to the sun will sweep out equal areas. This observation led him to opine that there is a force between the sun and each planet, and that this force is the same as that which keeps the moon in its orbit around the earth. Thirdly, in 1619, he found that the square of the time for each planet's orbit about the sun is proportional to the cube of that planet's mean distance from the sun, so that the farther planets orbit at a slower speed. He connected the earth's tides with the gravitational pull of the moon. Kepler also confirmed that the paths of comets were governed by a law and were farther from the earth than the moon. This contradicted the church's explanation that what lies within the moon's orbit pertains to the earth and is essentially transitory and evil, while what lies beyond belongs to the heavens and is permanent and pure.

Renee Descartes, a French mathematician, scientist, and philosopher, had a revelation that the structure of the universe was mathematical and that nature obeyed mathematical rules. In 1637, he invented analytic [Cartesian] geometry, in which lines and geometric shapes can be described by algebraic equations and vice-versa. All conic sections: circles, ellipses, parabolas, and hyperbolas, could be represented by equations with two unknowns, or variables, on a coordinate system in which each point is represented by a pair of numbers representing distances from the two axis lines. An algebraic equation with two unknowns, could be represented as a shape thereon. An algebraic equation with one unknown represented a straight line thereon. The points of intersection geometrically were equivalent to the common solution of the associated algebraic equations. He started the convention of representing unknown quantities by x, y, and z and known quantities by a, b, and c. So, for instance, a circle with center at point 2,3 and a radius of 4 was represented by the equation:  $(x-2)^2 + (y-3)^2 = 4$ . He pioneered the standard exponential notation for cubes and higher powers of numbers. Analytic geometry aided in making good lenses for eyeglasses. The glass was first manufactured with attention to quality. Then, after it cooled and solidified, the clearest pieces were picked and their surfaces ground into the proper curvature.

Descartes formulated the law of refraction of light, which deduces the angle of refraction [deflection] of light through a medium from the lights' angle of incidence and the speed of light in each media in which the light passes. This explained why a rainbow is circular. In 1644, he described the universe in terms of matter and motion and suggested that there were universal laws and an evolutionary explanation for such. He opined that all effects in nature could be explained by spatial extension and motion laws that 1) each part of matter retains the shape, size, motion, or rest unless collision with another part occurs; 2) one part of matter can only gain as much motion through collision as is lost by the part colliding with it; and 3) motion tends to be in a straight line. Descartes feared persecution by the church because his ideas did not correlate with the Biblical notion of God's creation of the universe in the order of light, then sky and oceans and dry land, then plants, then seasons and the sun and moon and stars, then fish and birds, then all animals, and finally man. Descartes believed in a good and perfect God, and thought of the world as divided into matter and spirit. The human mind was spirit and could exist outside the human body. Without the mind, human body was a machine. The human mind had knowledge without sense experience, e.g. the truths of mathematics and physics. Ideas and imagination were innate. His observation that sensory appearances are often misleading, such as in dreams or hallucinations, led him to the conclusion that he could only conclude that: "I think, therefore I am." He rejected the doctrine that things had a proper behavior according to their natures, e.g. the

nature of acorns is to develop into oak trees. As an example of erroneous forming of conceptions of substance with our senses alone, he pointed out that honeycomb has a certain taste, scent, and texture, but if exposed to fire, it loses all these forms and assumes others. He considered to be erroneous the belief that there are no bodies around us except those perceivable by our senses. He was a strong proponent of the deductive method of finding truths, e.g. arguing logically from a very few self-evident principles, known by intuition, to determine the nature of the universe.

Christian Huygens, a Dutch physicist, used the melting and the boiling point of water as fixed points in a scale of measurements, which first gave definiteness to thermometric tests.

There was much mining of coal, tin, copper, lead, and iron in the 1600s. Coal was transported from the coal pits down to the rivers to be loaded onto ships on coal wagons riding on wooden rails. The full coal cars could then be sent down by gravity and the empty wagons pulled up by horses. Sheet metal, e.g. lead, was used for roofing. Coal was much used for heating houses, and for laundry, cooking, and industrial use, such as extraction of salt, soap boilers, and manufacture of glass, bricks and tiles for buildings, anchors for ships, and tobacco pipes. It was used in the trades: bakers, confectioners, brewers, dyers, sugar refiners, coopers, starch makers, copper workers, alum makers, and iron workers.

In 1604 the Haberdashers, who sold imported felt for hats, got a charter of incorporation.

A tapestry factory was established in 1619.

Flax-working machines came into existence.

The royal postal system carried private as well as royal letters, to increase income to the Crown. Postmasters got regular pay for handling without charge the mail of letters that came from or went to the letter office in London. The postmaster kept horses which he let, with horn and guide, to persons riding "in post" at 3d. per mile. The post was to travel 7 mph in summer and 5 mph in winter and sound his horn four times in every mile or whenever he met travelers.

Wool and animals for butchering were sold in London with the sellers' agent in London taking the proceeds and paying out to their order, the origin of check writing.

Scriveners drew up legal documents, arranged mortgages, handled property transactions, and put borrowers in touch with lenders. They and the goldsmiths and merchants developed promissory notes, checks, and private paper money.

The influx of silver from the New World was a major factor in the second great inflation in England and in the devaluation of money to about one third of what it had been. Also contributing to the inflation was an outracing of demand over supply, and a debasement of the coinage. This inflation benefited tenants to the detriment of their lords because their rents could not be adjusted upward.

There was an increase in bankruptcies. Houses of Correction were built.

As Attorney General, Edward Coke was impassioned and melodramatic. He once described the parts of the penalty of treason as follows: being drawn to the place of execution reflected the person's not being worthy any more to tread upon the face of the earth; being drawn backward at a horse tail was due to his retrograde nature; being drawn head downward on the ground indicated that he was unfit to breathe the common air; being hanged by the neck between heaven and earth indicated that he was unworthy of either; being cut down alive and his privy parts cut off and burnt before his face indicated he was unworthily begotten and unfit to leave any generation after him; having his bowels and inners taken out and burnt indicated he had inwardly conceived and harbored such horrible treason; his head cut off, which had imagined the treason, and his body to be quartered and the quarters set up to the view and detestation of men a prey for the fowls of the air. Coke was subsequently elevated to the position of Chief of Common Pleas and then to Chief of the King's Bench. But there Coke propounded a doctrine of the supremacy of the law over the king as well as over Parliament. For instance, Coke would not agree to stay any case in which the king had a concern in power or profit, to consult with him. But the other eleven justices did agree. Since James I believed in the divine right of kings, he therefore dismissed Coke from his position as Chief Justice of the King's Bench. James even believed that he could suspend any law for reasons known only to him and issue proclamations that were not limited to the reinforcement of old laws, but made new offenses with punishment of fine and/or imprisonment.

The old writ of habeas corpus [produce the body] had been just to bring to court those persons needed for proceedings, but Coke in 1614 had cited the writ with a new meaning "to have the body together with the cause of detention".

Coke then became a member of Parliament and led the Commons, where he exalted the authority of Parliament vis a vis the king; that is, the king could not make any changes in law, religion, or taxation without consent of Parliament. James arrested Coke and two other members of the Commons and put its leader John Pym under house arrest for their outspoken opinions against the King's intended alliance with Catholic Spain and intended taking of a Spanish wife. Because of the deadlock that developed between the king and Parliament, certain matters could not be addressed by legislation and were left to be decided judicially. This made judicial review of disputes important.

James vastly increased the number of peerages, selling many, for example for 10,000 pounds. Since there was a tacit understanding that members of Parliament would not accept remuneration, this restricted eligibility for membership to the rich. The House of Commons was composed mostly of attorneys, merchants from the large towns, and country gentlemen. The gentry members had 600 pounds [12,000s] annual income from land and the burgess members had 300 pounds [6,000s.]. There were two knights from every county, elected by men holding at least forty-shilling freeholds; four representatives from London, and one or two from every other borough, generally elected by the top business families'; and a representative from each of the two universities. For Speaker, they always chose someone suggested to them by the Crown. He decided who would talk and could hasten or delay bills, usually for the benefit of the Crown. The Clerk, a lifetime appointment of the Crown, wrote out the bills and their amendments and kept track of proceedings. Many in the Commons were Puritan in sympathy. In 1607, the House of Commons developed a committee system to avoid being presided over by the royally designated speaker. A committee could consist of all the members of the House of Commons with an elected chairman. An increasing number of issues were discussed in committee before coming to the Commons and the Commons came to ratify readily what had been done in committee.

By 1610, there had developed in the House of Commons an opposition to feudal tenures, purveyance, wardships, and impositions (special import and export duties on aliens set by the king without the consent of Parliament that were supposed to be for the purpose of regulating trade instead of for revenue). There was also a call for free speech and an end to the King's habit at the end of Parliament of imprisoning for a time those who had been too outspoken. The Commons also asserted itself into foreign affairs by expressing an opinion against a treaty proposed by the king on which war could ensue. The treaty was abandoned. In London, organized groups such as the apothecaries, the skimmers, and the grocers, were circulating printed statements of their cases to members of committees of the House of Commons rather than just seeking out a friendly Privy Council member. In 1621, the protests made to committeemen about monopolies sold by James frightened him into canceling many of them. He had made many grants against competition in violation of law. The right of the Commons to expel a member was asserted by the expulsion of a monopolist. By 1629, the speeches of prominent members and the course of proceedings were copied by stationers and sold in a weekly news report.

The King's Privy Council dealt constantly with foreign affairs, and also with the great companies, and problems arising such as gold leaving the country, the Dutch ships increased efficiency in transporting goods, the declining market for English cloth, strikes in the mining industry, decaying harbor works, the quality of food and drink, the wrongs done to the poor, and above all, the general peace and order. They formed commissions to study situations and sent orders to Justices of the Peace on methods to address certain problems and to Sheriffs to carry out certain acts. About 1618, a group within the Privy Council began to concentrate on foreign affairs, especially "cabinet counsels", that is, with secret matters. James sold high offices of state to supplement his income. His income from customs had increased so much that it was now three times that from Crown lands.

The Sheriff looked after Crown lands and revenues in his county. He gathered the rents, the annuities, the stray animals, the deodands, the fees due to the King, the goods of felons and traitors. He was still a means of communication between the Privy Council and the county. He announced new statutes of Parliament and proclamations by the king at the county courts and in the markets. He used posse comitatus to disperse riots. He was the functionary of the assize court, impaneling its juries, bringing accused men before it, and carrying out its penalties. He carried out elections of members of the House of Commons.

There were two high constables for each hundred. They were chosen by the Justices of the Peace at quarter sessions, and were usually small gentry or well-to-do yeomen. They were the intermediaries between the justices and the petty constables. The petty constable was the executive official of the village. He was usually elected by the suitors to the leet court of the manor for a year. He might be a farmer, an artisan, a carpenter, a shoemaker, or many times a tradesman, a butcher, or baker. He often visited the alehouse to learn of any trouble in the making. He would intervene in quarrels and riots and tell the participants to desist in the King's name. If they didn't, he could call on all bystanders to help him "force a quiet". He had to lead the rioters and causers of injuries to others, hold them there until he could bring him before the nearest justice. He would inform the justice of plots to trespass or

forcibly enter land to take possession. He saw to it that no new cottages were built in the villages without due authority. He supervised markets and inns. He reported lapses of care for apprentices by their masters to the justice. At harvest time, he called upon all able bodied persons to assist and punished those who didn't respond by putting them in the stocks or fining them forty shillings. He arrested and whipped vagrants and sturdy rogues and sent them back to their place of birth through constables on the way. If a horse was stolen, he raised the hue and cry to all neighboring constables. He made inquiry into the paternity of the coming child of an unmarried pregnant girl to make him take responsibility for the child and pay her 8d. a week lest it fall into the responsibility of the village. In a town, he might have watchmen to help him see that the streets were peaceful at night. The constable assisted the Justice of the Peace, the high constable, and the Sheriff. He pressed men into military service. He collected taxes for the Sheriff and collected the money for purveyance, the money for the poor, maimed soldiers, and various kinds of prisoners, which the parish had to pay. He was often the spokesman for the village in village concerns, such as too many alehouses, brought to the attention of justices at quarter sessions. The constable and churchwardens together collected money for the parish, looked after the needy, and kept in close touch with the overseers of the poor, who cared for the sick and old, found work for the idle, took charge of bastards, apprenticed orphan children, and provided supplies for the workhouse.

In 1609 the East India Company was given a monopoly by the Crown that was indefinitely long as long as it was profitable to the realm in the King's opinion. Interlopers were to forfeit their ships and goods, one-half to the Company and one-half to the Crown. Monopoly status made the Company competitive with the Dutch and Portuguese monopoly companies. The Crown received a gift or a loan from the Company in return. At first, the Company raised capital for each separate voyage. But voyages tried to undercut each other and rival factions squabbled over cargoes. So the company then raised a "terminable joint-stock" for a period of years. The first of these was issued in 1613-16 and financed a fleet every year for four years. Subscriptions were called in by yearly installments and dividends paid out yearly. The voyage of 1613 brought shareholders a profit equivalent to about 11% a year. By 1620, the Company operated thirty to forty "tall ships", many built in its own dockyards. These dockyards were so technologically advanced that they were daily viewed by visitors and ambassadors. Here, besides wet and dry docks, there were timber yards, a foundry and cordage works for supplying the ships' hardware and a bakery and saltings for their provisioning. More than 200 craftsmen were directly employed in the yard. Overall the company was one of London' largest employers.

In 1607, the Muscovy Company, hired Henry Hudson to find a northwest passage through North America to the Pacific Ocean.

In 1606, the first charter of the Virginia Company was issued for trading purposes. It gave the settlers "all liberties, franchises, and immunities" they had in England. To oversee this colony, the Crown appointed a council. Virginia established the Episcopal Church by law. Virginia became a joint-stock company in 1609. But exports were few (timber, soap ashes, pitch, tar, and dyes) for several years, and then tobacco emerged as a source of profit. King James imposed a heavy duties on imported tobacco because it corrupted man's breath with a stinking smoke.

Life was difficult for Puritan Separatists, who wanted to separate from the established church. They were imprisoned and their houses were watched day and night for illegal meetings. In 1620, after trying Holland and when there was a depression in England, a few Puritan Separatists, along with other pilgrims, left for Virginia in the Mayflower, but landed in New England and founded Plymouth Colony. They were led by William Bradford and William Brewster, their spiritual leader. They planted fields and made friends with the Indians. In 1621, they secured a patent to the merchants and planters together for a voluntary joint-stock company in New England. Later, it became the self-governing Massachusetts Bay Colony.

The canons of the church of 1604 provided for excommunication for anyone who propounded that the king did not have the same authority in ecclesiastical matters as the godly kings among the Jews and Christian emperors in the primitive church, that the Church of England was not a true and apostolic church, that worship according the Book of Common prayer and administration of sacraments was corrupt or superstitious, or that other methods of the church were wicked, unchristian, or superstitious.

Church sanctuary was abolished for those accused of criminal offenses because it had been abused by thieves paying their rent by thieving at night. It remained available to those accused of civil offenses.

About 5% of the population was Catholic, although it was against the law to practice this religion. Indeed it long been the practice to sequester their lands, punish them for going to mass, fine them for not attending the established church, banish their priests, and imprison those who aided priests. There

was a Catholic plot in 1605 to blow up Parliament and the king with gunpowder and to restore Catholicism as the state religion with a Catholic king. It was discovered and the conspirators were executed. Then there was a crackdown on Catholics, with houses being searched for hiding places for priests. Also, legislation was passed barring Catholics from many offices.

## The Law

Churchwardens of every parish shall oversee the poor in their parish. They shall, with consent of the Justices of the Peace, set to work children whose parents cannot maintain them and also set to work married or unmarried persons who have no trade and no means to maintain themselves. Churchwardens shall tax every inhabitant, including parson and vicar and every occupier of land and houses, as they shall think fit. There will be a convenient stock of flax, hemp, wool, thread, iron and other necessary ware and stuff to set the poor on work. There will be competent sums of money for the relief of the lame, impotent, old, blind, and others not able to work, and also for the putting out of children to be apprentices. Child apprentices may be bound until 21 years of age or until time of marriage. They shall account to the Justices of the Peace for all money received and paid. The penalty for absence or neglect is 20s. If any parish cannot raise sufficient funds, the Justices of the Peace may tax other nearby parishes to pay, and then the hundred, and then the county. Grandparents, parents, and children of every poor, old, blind, lame, or impotent person not able to work, being of sufficient ability, shall at their own charge, relieve and maintain every such poor person in that manner and according to that rate as Justices of the Peace of that county determine, or else forfeit 20s. per month. Two Justices of the Peace may commit to gaol or house of correction persons refusing to work and disobedient churchwardens and overseers. The overseers may, with the consent of the lord of the manor, build houses on common or waste land for the poor at the expense of the parish, in which they may place more than one family in each house.

Every parish shall pay weekly 2-10d. toward the relief of sick, hurt, and maimed soldiers and mariners. Counties with more than fifty parishes need pay only 2-6d. The county treasurer shall keep registers and accounts. Soldiers begging shall lose their pension and shall be adjudged common rogues or vagabonds subject to imprisonment and punishment.

A seminal patent-protection law was passed in 1624. It stated that all monopolies to any person or persons, bodies politic or corporate for the sole buying, selling, making, working, or using of anything within the realm are void. This does not include London or towns. Parties aggrieved by such may recover treble damages in the superior courts, with double costs. Excepted are existing patents, for 21 years or less, for new inventions and for future patents for 14 years or less. Excepted also are patents for printing or making saltpeter, gunpowder, shot or ordinance, etc.; patents concerning allum mines or Newcastle coal or glass making or export of calves' skins or making smalts [deep-blue pigment or glass] or melting iron ore; grants of office; and licenses for taverns.

Persons stealing crops from lands or fruit from trees shall be whipped.

Every person shall receive the holy communion in church at least once a year or else forfeit 20 pounds for the first year and 40 pounds for the second year, and threescore pounds for every year after until he takes the said sacrament.

Every person convicted of drunkenness shall be penalized 5s. or else placed in the stocks for six hours, because the loathsome and odious sin of drunkenness has grown into common use lately and it is the root of many other sins, such as bloodshed, stabbings, murder, swearing, fornication, and adultery, and is detrimental to the arts and manual trades and diverse workmen, who become impoverished. Offenders convicted a second time shall be bound with two sureties to the sum of 200s.

Lewd women, having bastards, chargeable to the parish, shall be committed to the house of correction to be punished and set to work for one year.

Mothers concealing the death of a bastard baby shall suffer as for murder, unless one witness proves the child was born dead.

Persons deserting their families shall be deemed incorrigible rogues and punished as such.

Persons such as sorters who purloin or embezzle wool or yarn delivered to them by clothiers and the receivers thereof, knowing the same, shall recompense the party grieved or else be whipped and set in the stocks.

Because benefit of clergy is not allowed to women convicted of felony by reason whereof many women suffer death for small causes, any woman convicted for the felonious taking of any money,

goods or chattels greater than 12d. and less than 10s. other than burglary or robbery on the highway or from the person of any man or woman without their knowledge, shall be branded and marked in the hand upon the brawne of the left thumb with a "T" and imprisonment, whipping, stocking, or sending to the house of correction for a year or less.

Actors profaning God, Jesus, or the Holy Ghost on stage are to be penalized 200s.

In 1604 it was decided that it was not necessary to prove that witchcraft caused the death of a person for there to be punishment for the witchcraft. All that was necessary now was the practice of witchcraft. The punishment was death by hanging. Also, consulting or feeding an evil spirit was felony.

Sheriffs summoning defendants without a writ shall pay 200s. and damages to the defendant, and 400s. to the King.

Since administrators of goods of people dying intestate who fail to pay the creditors of the deceased often can't pay the debts from their own money, the people (who are not creditors) receiving the goods shall pay the creditors.

No merchant may dress black rabbit skins, nor export them, unless dressed by skimmers and bought from them because the skimmers have been thus deprived of their livelihoods to their impoverishment throughout the realm.

Beer may be exported when malt is at 16s. per quarter because exporting beer instead of barley and malt will (1) increase the export tax to the King, (2) increase income for coopers and brewers, and (3) provide more jobs in transporting beer, which is more voluminous, to the great comfort of the port towns.

Fish which are spawning and growing in harbors may not be taken by any net or weirs because this practice has hurt fishermen and the realm.

No one shall sell beer or ale to an unlicensed alehousekeeper because abuses there have become intolerable.

No person at least 18 years of age may be naturalized or restored in blood after being attainted unless he takes the sacrament and the Oath of Supremacy [of the king over the church of England], and Oath of Allegiance [to the king].

Money given by will for the apprenticeship of poor children shall be managed by incorporated towns and unincorporated parishes. Masters receiving such apprentices shall become bound with sufficient sureties.

Houses of correction shall be built in every county.

London may make a trench to bring water to the north part of the city and shall compensate the owners of lands by agreement with them of an amount or an amount determined by commissioners.

All hospitals and abiding places for the poor, lame, maimed, and impotent persons or for houses of correction founded according to the statute of Elizabeth shall be incorporated and have perpetual succession.

Only lands and hereditaments paying rents to the Crown within the last sixty years shall be claimed by the Crown; the title of all persons and corporation who have enjoyed uninterruptedly against the Crown for the last sixty years are confirmed against the Crown.

No one may take more than 8% interest on loans because 10% has caused many, including gentry, merchant, farmer, and tradesman, to sell their land and forsake their trade to pay their debts.

As Attorney General, Edward Coke introduced the crime of "seditious libel" in a case before the Star Chamber in 1606. These written slanders or libels were viewed as incitements to disorder and private vengeance. Because the tendency to cause quarrels was the essence of the crime, the truth of the libel was not a defense, but might be an aggravation of criminality.

Edward Coke, former Chief Justice of both the Court of Common Pleas and Court of the Queen's Bench, wrote his Reports on court cases of all kinds through forty years and his Institutes on the law, in which he explained and systematized the common law and which was suitable for students. This included a commentary and update of Littleton, published in 1627; old and current statutes; a description of the criminal law; and lastly an explanation of the court system, the last two published in 1644. Coke declared that "a man's house is his castle".

Coke waged a long battle with his wife over her extensive lands and personal property and the selection of a husband for their daughter. In his Institutes, he described the doctrine of coverture as "With respect to such part of the wife's personality as is not in her possession, as money owing or bequeathed to her, or accrued to her in case of intestacy, or contingent interests, these are a qualified gift by law to the husband, on condition that he reduce them into possession during the coverture, for if he happen to die, in the lifetime of his wife, without reducing such property into possession, she and not his representative will be entitled to it. His disposing of it to another is the same as reducing it into his own possession." He further states that "The interest of the husband in, and his authority over, the personal estate of the wife, is, however, considerably modified by equity, in some particular circumstances. A settlement made upon the wife in contemplation of marriage, and in consideration of her fortune, will entitle the representatives of the husband, though he die before his wife, to the whole of her goods and chattels, whether reduced into possession or not during the coverture. ... A settlement made after marriage will entitle the representative of the husband to such an estate in preference to the wife. ... A court of equity will not interfere with the husband's right to receive the income during the coverture, though the wife resist the application."

No person convicted of Catholicism may practice the common law as a counsellor, clerk, attorney, or solicitor, nor may practice civil law as advocate, or proctor, nor shall be justice, minister, clerk, or steward in any court, nor practice medicine, nor perform as apothecary, nor be officer in a town, in the army, or navy, or forfeit 100 pounds as punishment. Nor may they be administrators of estates, or have custody of any child as guardian. Nor may they possess any armor, gunpowder, or arms. Nor may anyone print or import Popish books rosaries, or else forfeit 40s

Papists running a school must forfeit 40s. a day for such. Anyone conveying a child beyond the seas to be educated in popery may not sue in the courts, may not hold any office, and shall forfeit 100 pounds and all lands. But the child returning may have his family lands restored to him if he receives the sacrament of the lord's supper in the established church after reaching 18 years of age.

#### Judicial Procedure

James I asserted an authority to determine the jurisdiction between the various courts.

The Court of the King's Bench had the major part of the civil business of the courts.

The Star Chamber Court still was primarily directed against force and fraud and defended the common people from over-mighty lords and over-pliable Justices of the Peace, for instance by deterring enclosure. It also enforced monopolies. However, there was a growing tendency for King James, who sat on it, to abuse its power with high fines. For instance, a lord accused with foul language by a huntsman of following hounds of a chase too closely threatened to use his horse whip on the huntsman's master when the huntsman threatened to complain to his master. The lord was fined 10,000 pounds. James' council used torture to obtain information from accused felons about possible conspiracies against him.

The ordinary administrative court of first instance is formed by the single Justices of the Peace, who issue orders regarding public safety, order, public morals, health, the poor, highways, water, fields, forests, fisheries, trade, building, and fire, and particularly begging and vagrancy as well as regulations of wages, servants, apprentices, and day laborers. For more important resolutions, the special sessions of the Justices of the Peace of a hundred for a court of intermediate instance and appointed overseers of the poor. All Justices of the Peace were present at the quarter sessions, which were held at least four times a year, and were primarily a court of appeal from penal sentences, but also make the county rate, appoint county treasurers and county prison and house of correction governors, regulate prices and wages, settle fees of county officials, grant licenses for powder mills, and register dissenting chapels. It heard appeals expressly allowed by statute. The central courts also heard appeals by writ of certiorari as to whether an administrative act was in accordance with existing law, whether the court is competent, and whether the administrative law has been rightly interpreted. This writ of certiorari ceased in the 1700s.

Justices of the Peace who have the power to give restitution of possession to tenants of any freehold estate of their lands or tenements which have been forcibly entered and withheld, shall have like power for tenants for term of years, tenants by copy of court roll, guardians by knight service, and tenants by elegit statute merchant and staple of lands or tenements [tenant-plaintiffs holding property to receive income therefrom for satisfaction of a debt of defendants].

The Justices of the Peace were chosen by the Crown, usually by the Chancellor. The qualifications

were residence in the county, suitability of moral character, religious uniformity, and the possession of lands or tenements with twenty pounds a year. They were almost exclusively country gentlemen, except in the towns. In the corporate towns, the mayor, bailiff, recorder, and senior aldermen were ex officio [by virtue of the office] Justices of the Peace. Their main duty was to keep the peace. If a justice heard of a riot in the making, he could compel individuals at the place to give bonds of "good-a-bearing" and cause a proclamation to be made in the King's name for them to disperse. Two justices or more had the authority to arrest the rioters and send a record of it to the assizes and to the Privy Council. If the riot had taken place before their arrival, they could make an inquiry by a jury and certify the results to the King and his Council. The justices had men brought before them on many kinds of charges, on their own summons, or on initiative of the petty constable. They tried to draw these men into confession by questioning. After indictment, a person had the choice of a petty jury trial or paying a fine. The Justices of the Peace could insist upon presentment juries or surveys of offenses by local officers, but, without the institution of policemen, not many crimes were prosecuted because victims were unwilling or could not afford to initiate judicial action. Their unwillingness was partly due to the severity of penalties, e.g. death for the theft of over 12s. and whippings and fines for misdemeanors. Further, the offender was frequently a neighbor with whom one would have to live. Mediation by the local constable often took place. When there an outbreak of lawlessness in an area, a commission might be set up especially for that area to enforce the law.

Assault cases were common in courts of assize and courts of quarter sessions. The quarter sessions were those of a number of Justices of the Peace held for a couple of days four times a year for the more important cases in the jurisdiction of the Justices of the Peace. Assault was violence or threat of imminent violence. Fines were graduated according to the means of the offender, who was usually bound over to keep the peace. Most involved offenders and victims who were neighbors and included people of substantial standing in the village. Also, a sizable minority were directed against local officers such as constables, bailiffs, or tax- collectors.

Three-fourths of all assize indictments and many quarter-sessions indictments were for various types of theft, including petty larceny, grand larceny, housebreaking, burglary, sheep stealing, and robbery. These offenses were mostly opportunistic rather than planned, except for London's underworld of professional thieves and the cutpurses of country markets and highway robbers on lonely roads. There were substantial peaks in theft in periods of harvest failure and industrial depression, especially by vagrants. But most of the poor never stole.

The Justices of the Peace usually deferred to the learned Justices of Assize for cases of felony, murder, rape, highway robbery, and witchcraft. Most homicides were the result of an impassioned argument leading to blows inflicted by nearby commonplace items picked up and used as weapons. Only 18% of homicides were within the family. Men were still declared outlaw if they failed to come to court after repeated summons.

The Lord Keeper regularly advised the assize justices, before each circuit departure, to relieve the poor, supply the markets, maintain the roads (which were frequently impassable in winter for wagons or coaches), enforce church attendance, suppress superfluous and disorderly alehouses, and put down riots, robberies, and vagrancy, and in times of dearth, to suppress speculation in foodstuffs, prevent famine, and preserve order. In fact, the justices were most attentive to offenses which affected them as rate payers for the poor. These were offenses against cottaging laws (e.g. erection of cottages which lacked the statutory four acres of land), harboring of "inmates", disputes of settlement of paupers, bastardy, vagrancy, church nonattendance, and above all, disorderly alehouses. Alehousing had been a well- established means of poor employment since the 1200s, so it was hard to enforce licensing laws. Further, alehouses were the centers of social life for the common people; both women and men met their friends there. If an attorney or solicitor delays his client's suits to work his own gain or over charges his client, the client can recover his costs and treble damages and the attorney and solicitor shall be disbarred. None may be admitted to any court of the king but such as have been brought up in the same court or is otherwise well-practiced in soliciting of causes and has been found by their dealings to be skillful and honest. An attorney who allows another to use his name shall forfeit 400 shillings and be disbarred.

Offenders shall pay the charge of their own conveyance to gaol or the sum shall be levied by sale of their goods so that the King's subjects will no longer be burdened thereby.

Plaintiffs' costs shall be paid by the defendants only where there is a judgment against the defendant in all actions in which the plaintiff is entitled to costs on judgment for him, to discourage frivolous and unjust suits.

Defendants may not petition to remove a case to the Westminster courts after a jury is selected because such has resulted in unnecessary expense to plaintiffs and delay for defendants in which they



suborn perjury by obtaining witnesses to perjure themselves.

In 1619, by the writ of *quo warranto*, a government office or official could be made to explain by what right he performed certain acts.

The Court of High Commission heard mostly matrimonial cases, but also moral offenses both of clergy and laity, and simony [buying or selling ecclesiastical preferment, ecclesiastical pardons, or other things regarded as sacred or spiritual], plurality, drunkenness, and other clerical irregularities.

By 1616, Chancery could order injunctions to stop activities.

In Slade's case of 1602, the Court of the Queen's Bench held that *assumpsit* may be brought in place of the action of debt. So *assumpsit* supplants debt for recovering liquidated sums and is then called "*indebitatus assumpsit*".

The trial of Sir Walter Raleigh in 1603 began a call by people for a right to confront and question one's accusers. Before trial, privy counselors who in theory sat as impartial justices, cross-examined Raleigh in prison. With a carefully selected jury present, the trial began with reading of the indictment, which Raleigh had not yet seen. He was charged with treason in plotting with Catholic Spain to put Arabella Stuart on the throne. Arabella was to write to Spain promising peace, toleration of Catholics in England, and direction by Spain in her marriage choice. He pled not guilty and took no exception to any jurors, stating that he knew them all to be honest men. Next, Attorney General Edward Coke, his enemy and rival, and he engaged in a debate about who was right, with Coke outright bullying him. Coke then produced a signed confession by Lord Cobham that implicated him in the alleged conspiracy and accepting 10,000 crowns for his part. Raleigh was given permission to speak. He said that Cobham had retracted his confession. He ridiculed the idea that he would betray England to Spain for gold after fighting against Spain, including risking his life three times, and spending 4,000 pounds for the defeat of Spain. He pointed to a treatise he had written to the king on the present state of Spain and reasons against peace. Then there was a discussion on the validity of Cobham's confession. Cecil gave an oration of Raleigh. Coke gave a speech. Raleigh asked to have his accuser brought before him face to face. He cited law that two witnesses were necessary for a conviction for treason. Chief Justice Popham replied that only one witness was necessary under common law, which applied to his case, and that the trial was properly conducted by examination of the defendant. Coke added that it would be improper to call Cobham because he was a party. Then Coke surprised Raleigh with a letter from Cobham stating that Raleigh had asked Cobham to procure him an annual pension of 1500 pounds from Spain for disclosing intelligence. Raleigh acknowledged that a pension was offered, but denied that he had ever intended to accept it. He admitted that it was a fault not to inform authorities of this offer. The jury deliberated for fifteen minutes and returned with a verdict of guilty. The Chief Justice delivered the sentence for treason: drawing, hanging, disemboweling, beheading, and quartering. The whole trial was not so much to access guilt, but to show the general public that the person was guilty.

Church courts were revived after a period of disuse. They could annul an unconsummated or legally invalid marriage (e.g. consanguinity, impotence, a witnessed precontract to marry) and order judicial separations in case of adultery, cruelty, or apostasy. Annulled marriages made a person's children illegitimate. An action at common law for "criminal conversation" [adultery] with the plaintiff's spouse or for assault and battery could result in an order for separation. But only a private statute of Parliament could grant a divorce, which allowed remarriage. It was granted in only a few cases and only to the very wealthy. Church officials spied upon people's conduct to draw them into their courts and gain more money from the profits of justice.

In 1610, Edward Coke, Chief Justice of the Court of Common Pleas, decided that the statute giving the Royal College of Physicians power to imprison and fine those practicing without a license was invalid and unenforceable because it gave the college half of each fine awarded, which was a conflict of interest with its role as an adjudicator. Coke said that a maxim of the common law was that no man ought to be judge in his own cause. By this decision, he asserted a court supremacy over Parliament with respect to the validity of statutes. He opined that the courts should not only be independent of the Crown, but should act as arbiter of the Constitution to decide all disputed questions. In his words, "When an Act of Parliament is against common right and reason, the common law will control it and adjudge such Act to be void."

Justices still explained and in some degree interpreted legislative acts of Parliament as they had since the 1500s, but their right to do so was coming into question and was slowly lost.

Female scolds were still dunked into water as punishment.

Only barristers, who were called to the bar after being in long residence in one of the Inns of Court, could practice before the King's court. Attorneys and solicitors prepared cases for barristers and

practiced before minor courts.

The king appointed the justices, with the advice of the Chancellor. James I often intimidated the justices to see things his way.

The oath of a justice was: "Well and truly ye shall serve the King and his people. And ye shall take no fee or livery of none but the King, nor gift or reward of none that hath a do before you except it shall be meat or drink of small value, as long as the plea hangs before you. And ye shall do equal law and execution of Right to all the King's subjects rich and poor, without regard to any person. Ye shall counsel our Sovereign Lord the King in his need. And ye shall not delay any person of common right for the letters of the King or of any person or for any other cause ... So help you God."

The courts of King's Bench and Common Pleas, and the Chancery all met simultaneously in Westminster Hall. Throngs passed up and down the middle aisles between the courts, including booksellers, stationers, scribes, and vendors of bread and hot meat. The hall was so cold that people kept on their coats and hats.

The last court case concerning villeinage was in 1618.

## Chapter 15

The Times: 1625-1642

The entourage of Charles I came to be called "Cavaliers". They were named by their opponents for the Spanish caballero who was a Catholic who prosecuted Protestants. Their hair had long, curled, and flowing locks. They wore a broad-rimmed decorated hat. Their fancy jackets and breeches were loose. Boots were wide and folded over at the top. Young men wore earrings and painted their faces. A lady wore her hair in ringlets on each side of her face. Her dress was fitted at the waist, with a peaked bodice. It was low at the shoulders with a scoop neckline in front. She often wore much lace, especially at the neck down to the bust line. Her outer dress and under-skirt that was revealed in front, were full and made of satin and stiff silk or velvet. Only hose of silk were worn at court.

A majority of prosperous industrial towns and free farmers, led sometimes by lords or old landed gentry, were Puritans. They dressed plainly and in somber colors such as black, grey, and buff, with no ornamentation except plain white collars and cuffs of linen rather than of lace. Wool replaced silk and velvet. No jewelry was worn. The Puritan women also wore long white aprons. The Puritan women smoothed their hair back into little knobs and covered their hair and head with a white covering. Both Puritan men and women wore broad-rimmed hats and plain shoes. The ordinary country man wore a felt hat, broadcloth coat, woolen trousers, hand-knitted worsted stockings, and plain, strong shoes. The Puritan men for a time had short-cut hair. The Puritan-Parliamentarians were given the name "Roundheads" after the crop-headed London apprentices whose rioting had marked every stage of the conflict between king and Parliament.

Religion was a favorite and serious topic of discussion, even among the illiterate. Nine-tenths of the people were Protestant. On the whole, they were more inclined to salvation by grace than to salvation by good works. Popular reading included guides for good manners such as "The Rich Cabinet" by Thomas Gainsford, and "Youths Behavior" translated from the French by Francis Hawkins. It advised not to sit with one leg on the other, but with the feet even; not to spit on one's fingers; and not to sniffle in the sight of others. Books for ladies such as "Delights for Ladies" by Hugh Platt told them how to adorn themselves, tables, closets, and rooms with beautiful objects, perfumes, and waters. It taught preserving and the making of candy preserved by sugar, cooking, and housewifery. Gervase Markham wrote advice for men in "Hobsons Horse-load of Letters", which addressed serious negotiations, private businesses, amorous accomplishment, wanton merriment, and the defense of honor and reputation. "A Helpe to Discourse" primed a man to meet company with suggested questions and answers, epigrams, riddles, and jests. In Henry Peacham's "The Compleat Gentleman" (1622), the model Cavalier is portrayed in terms of horsemanship, tilting, sports, choice of companions, reserved and dignified conduct, good scholarship, and responsibility. This popular book was a guide to university, where there was a seven year course of classroom lectures. It advised conversation with men of the soundest reputation for religion, life, and learning, but recreation with those of the same rank and quality. First place was to be given to religion, so that the foundation of all studies would be the service of God. Following in importance were: speaking and writing in English or Latin (grammar, syntax, and rhetoric), astronomy, astrology, geography (whose authorities were Pliny, Strabo, and the pagan writers of the first century), chorography [map-making], mathematics (including arithmetic and geometry), poetry, (reading, writing, and criticizing), music (including part-music), drawing, limning

[putting drawings in books], painting, art history, exercise (riding, running, leaping, tilting, throwing, wrestling, swimming, shooting, and falconry), logic and disputation (if related to one's intended profession such as the law), philosophy (Plato and Aristotle), and some medicine and botany.

Richard Brathwaite's "The English Gentleman" portrays the somber Puritan who accepts the gospel of work. He is a staid and serious businessman. "Matrimonial Honour" by Daniel Rogers opined that for success, a marriage must be godly, with the parties equally religious, worshipping together in private and in public. A hasty or worldly marriage would bring repentance. The spouses should agree, but keep to their spheres. Children should not be spoiled.

Large households were more or less self-supporting and were managed by their ladies. Work included ordering wool, hemp, and flax; making cloth and dyeing it; dairy work; brewing; malting; baking; preserving wines; extracting oils; distilling perfume; and putting on banquets. Couches were coming into use in parlors.

The king and his court entourage settled for most of the year in Whitehall instead of traveling around the country. The king let the public into Hyde Park, the king's private hunting park, for recreation. The City of London and Westminster were still separate, but a mass of hovels was springing up in between them. In certain areas there were houses crowded with those wanted for minor offenses, small thefts, and debt. Bailiffs did not dare venture into these areas because the inhabitants hid and defended each other unless the offense was a major one. The penalty for stealing even small sums was still death. The water carrier was still active and the night transport of sewage necessary.

Inigo Jones was the first architect of consequence. He had studied in Italy and designed and built the Banqueting House at Whitehall, near Westminster, in London in 1622. It had classical proportions and nice shaping and dressing in stone. He was now an arbiter of taste for the King Charles and his Queen and built many structures for them, including the Queen's Chapel at St. James Palace and her bedroom in the Queen's House in Greenwich. All over London and the country he and his pupils built many classical buildings, including houses, churches, stables, lodgings, out-buildings, staircases, galleries, watergates, and archways. They stood in stark contrast to the Tudor buildings around them. In the 1630s, Jones started town planning in London with Covent Garden fruit and vegetable market and terraced houses around a central piazza surrounded by open arcades with a Tuscan church at one end. In 1634, a man from the suburb of Hackney introduced a line of coaches rented at 1s. per hour. They soon became very popular.

The Flemish Johann Baptista van Helmont demonstrated that metals dissolved in acid can be recovered through chemical means and enunciated the doctrine that each thing in nature has its own specific organization.

A large part of England was rebuilt as yeomen expanded their houses and others lower in rank replaced mud and wood hovels with brick and stone cottages. A separate kitchen appeared. The ground floors are boarded over to create bedrooms. Permanent stairs replace ladders. Glass appears in windows. Glass and crockery replace wood and pewter, Chairs replace benches. Knives and forks become common.

About 1640 began travel between towns by covered wagons called stage coaches. They carried passengers and goods and stopped at inns for stabling and repairs.

Work was begun in 1630 to make canals that would make marsh waters run to the sea. Barges on canals were the most efficient mode of transportation. A barge could carry 50 tons on a canal and only 30 tons on a river. A single horse could haul an 8-ton wagon on iron rails or on a soft road, but only 1/8 of a ton on his back.

A new trend of spring-sown crops led to better crop balance and reduced the risks of scarcity in a bad year. But the economy was still volatile.

There were riots in London in 1640-1 from a complete breakdown in political consensus, the factions being the Royalist City elite versus the middling and lesser merchants and craftsmen.

In 1631, the clock makers broke away from the control of the Blacksmiths. The gunmakers also broke away from the Blacksmiths. The tinplate workers broke away from the Ironmongers.

"Searching" for bad cloth became more difficult as the industry became more diversified. For instance, a new machine called a gig-mill did the work of many hand finishers. In 1633, Charles issued a commission for the reformation of the cloth industry with minute directions for the manufacture of cloth. But there were many disagreements over the details of manufacture and reform was difficult to enforce.

By the 1630s, many parishes had a resident intellectual for the first time. The parish priests came from gentry, upper yeomanry, urban tradesmen and clerical families. They were educated and highly learned. They had libraries and were in touch with contemporary religious debates. They saw their role primarily as pastoral care. Many wanted to improve the religious knowledge and moral conduct of their parishioners. Puritan influence deepened as they forbade dancing, games, minstrels, and festivals. They punished superstitious conduct. They initiated prosecutions in church courts for sexual lapses and drunkenness. The church court had little coercive power and its punishments were restricted to penance or excommunication. Many Puritan sects espoused equality for women. By the 1640s women were preachers, e.g. in the Baptist and Anabaptist religions and, until 1660, prophetesses. These sects were mostly composed of the lower echelons of society.

Poor people did not respond to sermons as did the well-to-do. Nor were they as involved in church activity, attending church only for marriages, baptisms, and funerals.

Charles I not only believed in the divine right of kings and was authoritarian; he was the ultimate autocrat. He had an unalterable conviction that he was superior to other men, who were insignificant and privileged to revolve around him. He issued directives to reverse jury verdicts. Parliamentarians Oliver Cromwell and other educated men opposed this view. The Commons voted not to grant Charles the usual custom-dues for life, making it instead renewable each year, conditioned on the king's behavior. Charles dissolved Parliament before this passed. He continued to take tonnage and poundage.

Charles wanted money for war so he imposed many taxes, but without the consent of Parliament. They included many of which had fallen into disuse. He imposed a compulsory "loan" on private individuals, which the courts held was illegal, and imprisoned those who refused. Bail was denied to these men. Simpler people who refused were threatened with impressment into the Navy, which included being landed on shore to fight as marines and soldiers. They sought to revive the old writ of habeas corpus to get released, but to no avail. Charles billeted unpaid and unruly soldiers in private homes, which they plundered. It was customary to quarter them in inns and public houses at royal expense. Martial law was declared and soldiers were executed. But the citizens did not want martial law either.

The Magna Carta was now seen as a protector of basic liberties, instead of a restoration of certain past rights.. Both attorneys and laymen read "The Pastyme of People" written by John Rastell in 1529, which described the history of the Magna Carta from 1215 to 1225. Also read was the "Great Abridgment" of the English law written by Rastell in 1527, and Coke's volume of his Institutes which dealt with the Magna Carta, which the Crown took to prevent being published until 1642, when Parliament allowed it. Broad-scale pamphleteering turned England into a school of political discussion. Oxford University favored the established church and Cambridge University was Puritan.

The House of Commons asserted a preeminence to the House of Lords for the following reasons: The estates of the members of the House of Commons were three times the extent of the members' of the House of Lords. Bishops' estates had diminished considerably because of secularization. The members of the House of Commons were elected [chosen] by the people.

The House of Commons drew up a Petition of Right in 1627, which expanded upon the principles of Magna Carta and sought to fix definite bounds between royal power and the power of the law. It protested the loans compelled under pain of imprisonment and stated that no tax or the like should be exacted without the common consent of Parliament. It quoted previous law that "...no freeman may be taken or imprisoned, or be disseised of his freeholds or liberties, or his free customs, or be outlawed or exiled; or in any manner destroyed, but by the lawful judgment of his peers, or by the law of the land" and that "...no man of what estate or condition that he be, should be put out of his land or tenements, nor taken, nor imprisoned nor disinherited, nor put to death without being brought to answer by due process of law". It continued that "... divers of your subjects have of late been imprisoned without any cause showed; and when for their deliverance they were brought before your Justices by your Majesty's writs of Habeas Corpus, there to undergo and receive as the court should order, and their keepers commanded to certify the causes of their detainer, no cause was certified, but that they were detained by your Majesty's special command, signified by the Lords of your Privy Council, and yet were returned back to several prisons, without being charged with anything to which they might make answer according to the law." It also protested the billeting of soldiers in private houses and martial law trying soldiers and sailors. If these terms were agreed to by the King, he was to be given a good sum of money. Since he needed the money, he yielded. He expected tonnage and poundage for the Navy for life, as was the custom. But he got it only for one year, to be renewable yearly. The King agreed to the petition, quietly putting his narrow interpretation on it, and it was put into the statute book.

In 1629 Parliament distinguished between treason to the king and treason to

the Commonwealth.

The Chief Justice held in 1638 that acts of Parliament to take away the King's royal power in the defense of his kingdom were void; the king may command his subjects, their persons, their goods, and their money and acts of Parliament make no difference. But the people refused to pay these taxes.

Charles thought of more ways to obtain money and disregarded his agreement to the Petition of Right.

Without the consent of Parliament, Charles extended ship money to all the kingdom instead of just the ports. It was used to outfit ships for the protection of the coasts. Hampden refused to pay it on principle and the courts ruled against him in the case of King v. John Hampden and he was sent to prison. When distraints were tried, the common people used violence to prevent them. The bailiffs were pelted with rocks when they came to distraint property. One man used his pitchfork to take back his steer being taken by the bailiff. If a distraint was successful, people would refuse to buy the distrainted property of their neighbors.

Charles revived the right of the Crown to force knighthood on the landed gentry for a fee.

Charles sold monopolies in such goods as soap, leather, salt, wine, coal, and linen rags although they had been abolished in the last Parliament of James. This made employment uncertain for workers and prices high for the public, and put masters in danger of loss of capital.

Fines were levied on people for the redress of defects in their title deeds. Crown forest boundaries were arbitrarily extended and landowners near Crown forests were heavily fined for their encroachments on them. Money was extorted from London by an illegal proclamation by which every house had to pay three years' rental to the Crown to save itself from demolition.

But what incensed the people more than the money issue were the changes in the established church. High churchmen, called Ritualists, enforced ceremonies offensive to Puritan feeling in every parish. The centrally placed communion tables were to be placed at the east end within railings and called "altars", or "mercy seats" as if for mass. They were to be ornamented with crucifixes, images, pretty trifles, books, candles and rich tapestries. Bowing was to be done when approaching them. Clergymen were to be called "priests" and their authority treated as divine. Worship was to be done in accordance with the prescribed forms of Romish Breviars, Rituals, and Mass-books. Its ritual was to have pomp and ceremony, including kneeling for communion. Rings were to be used in marriages and crosses used in baptisms. Churches, fonts, tables, pulpits, chalices and the like were to be consecrated, thereby putting holiness in them. Churches that did not do this but used unconsecrated or "polluted" articles were closed by interdiction [a Catholic censure withdrawing most sacraments and Christian burial]. Days, postures, meats, and vestments were to be regarded. The clergy was to wear suppelices [white linen vestments flowing to the foot with lawn sleeves] and embroidered copes [vestment over the head]. A Bishop wore a four-cornered cap, cope and surplice with lawn-sleeves, tippet (long, black scarf), hood, and canonical coat. Churchwardens were to take oaths to inform against any who disobeyed. The law still required that all attend Sunday sermons. But parishes had some control over who was their preacher, even though a minister could be assigned to a parish by the bishops without the consent of the patron of the church or parish people. By increasing the meager pay of a parish clergyman, they could choose one with a compatible theology or employ a lecturer from outside. The Ritualists scolded clergymen for "gospel preaching" and suppressed Puritan preaching in public meetings. Preaching or printing matter concerning the controversy of free will versus predestination was forbidden. Geneva Bibles, which were popular among laymen, were prohibited from being imported. Many were excommunicated for sitting instead of kneeling at communion. The clergy prohibited marriage if they liked by withholding their license, and they licensed marriages without banns. The Ritualists encouraged certain sports to be played after church on Sunday. The Puritans protested vehemently to this because they wanted to strictly observe the Sabbath. The Puritans saw the high churchmen as wanting to return to the doctrine and customs they thought to be Papist. The Ritualists were absolutists in their political views and accepted the King's intervention in church matters. The ecclesiastical Court of High Commission enforced the edicts of the church, excommunicating those who did not conform and expelling clergymen who, for instance, did not bow at the name of Jesus or wear the surplice. It was used against the Puritans and imposed high fines and imprisonment for religious eccentricity and Puritan preaching. Charles supported the established church in this endeavor because it agreed that he had a divine right to rule.

The universities and high churchmen were beginning to adopt the doctrine of free will over predestination. Parliamentarian and Puritan Oliver Cromwell and others feared this presaged a return to justification by works and the popish faith. In Parliament, he spoke out against the tyranny of the bishops, whose offices he wanted abolished, and the elaborateness of church services.

To avoid persecution, many Puritans emigrated to Virginia and New England. They were led by magistrates, country gentlemen, prominent businessmen, attorneys, and other professionals. In 1629, the Massachusetts Bay Colony was chartered at the instigation of John Winthrop as a Puritan refuge. Its leaders led a migration of Puritans organized to include five each of armorers, bakers, blacksmiths, carpenters, shoemakers, merchants; three each of clothiers, chandlers, coopers, military officers, physicians, and tailors; two each of fishermen, herdsman, and masons; one tanner, and one weaver. The fare was five pounds and an applicant was interviewed to make sure he was a Puritan. He got 50 acres, or more for a larger family. But if he paid 50 pounds into the common stock he received 200 acres of land, plus 50 more for each dependent. Maryland was founded in 1632 as a haven for Catholics, but its charter precluded a government-established religion. It was granted to Lord Baltimore to hold in free socage and was named after Charles' wife, who was Catholic. Catholics in England could practice their religion only in their homes and could not carry arms.

As hostility grew, censorship of books and plays accelerated and the number of authorized printers was reduced in 1637 by decree of the Star Chamber. In 1640s effective government control of the press collapsed. Then there were many pamphlets and newspapers with all variety of interpretation of the Bible and all sorts of political opinion, such as on taxation; law and the liberties of the subject; religion; land and trade; and authority and property. Twenty-two pamphlets were published in 1640 and 1,996 in 1642.

In 1640 the canons of the church included a requirement for parsons to exclaim divine right of kings every year. The Commons soon resolved that this was contrary to the fundamental laws and liberties of the realm.

The Short Parliament of 1640 was dissolved soon because the Commons demanded redress of its grievances. The Long Parliament of 1640-1653 requested by the House of Lords was agreed to by Charles because he still wanted money. In election of members to the Long Parliament, voters wanted to know where contenders stood on certain political issues. In this Parliament, the Commons ceased to agree on all issues and started to rely on majority rule.

The House of Commons was led by John Pym, a middle class landholder with extensive commercial interests. The Commons treated the King's refusal to act with them as a relinquishment of his power to Parliament. When it met at the Long Parliament, Pym expressed the grievances of the King's actions against the privileges of Parliament, against religion, and against the liberties of the subjects. Specifically, he decried the disregard of free speech and of freedom from prosecution afterward, and the arbitrary dissolution of Parliament. Secondly, he alleged popery had been encouraged and the ecclesiastical jurisdiction enlarged. Thirdly, he protested the patent monopolies given to favorites to the detriment of the buying public, the imposition of ship money levies beyond the need of national defense and without the consent of Parliament, the revival of the feudal practice of imposing a fine for refusal to accept a knighthood with its attendant obligations, the enlargement of the King's forests and driving out from hence tenants with lucrative holdings, extra judicial declarations of justices without hearing of counsel or argument in many criminal matters, and the abuses of the prerogative courts in defending monopolies. Parliament's assertion into religious matters and foreign affairs was unprecedented, those areas having been exclusively in the power of the King.

The Long Parliament begun in 1640 removed many of the King's ministers and forbade clergy from sitting in Parliament or exercising any temporal authority. It passed measures which were not agreed to by the King. It undid the lawless acts of the King and the court decision in the case of King v. Hampden. Ship money was declared illegal. The new concept that the present Parliament should not be dissolved but by its own consent was adopted. The Star Chamber and Court of High Commission were abolished. The oath *ex officio*, an oath to answer all questions, was originally meant for facts at issue, but had been extended by these courts to opinions, beliefs, and religion and had led to abuses. The Star Chamber had been the only court which punished infractions of the Kings' edicts, so now his proclamations were unenforceable. Protection against self-incrimination was given by the provision that no person be forced "to confess or accuse him or herself of crime, offense, delinquency, or misdemeanor, or any neglect... or thing whereby, or by reason whereof, he or she shall or may be liable or exposed to any censure, pain, penalty, or punishment whatsoever, as had been the practice in the Star Chamber and the Court of High Commission.

These measures were also adopted: No one may be compelled to take knighthood nor undergo any fine for not so doing. The forest boundaries are returned to their former place. All subjects may now import gunpowder; they may also make and sell gunpowder and import saltpeter.

The Root and Branch Petition of 1640 to abolish episcopacy roots and branches complained about pressure on ministers by bishops on threat of dismissal not to preach about predestination, free grace, perseverance, original sin remaining after baptism, the Sabbath, doctrine against universal grace,

election for faith foreseen, free-will against anti-Christ, non-residents, nor human inventions in God's worship. It also complained about the great increase of idle, lewd, and dissolute, ignorant and erroneous men in the ministry who wanted only to wear a canonical coat, a surplice, and a hood, bow at the name of Jesus, and be zealous of superstitious ceremonies. It also complained about the swarming of lascivious, idle, and unprofitable books, pamphlets, play-books, and ballads, such as Ovid's "Fits of Love", "The Parliament of Women", Barn's "Poems", and Parker's "Ballads". Further it opposed the restraint of reprinting books formerly licensed without relicensing. It protested the growth of popery and increase of priests and Jesuits, the strict observance of saints' days whereby large fines were imposed on people working on them, the increase of whoredoms and adulteries because of the bishops' corrupt administration of justice and taking of bribes, and the practice of excommunicating for trivial matters such as working on a holy day or not paying a fee. It further protested the fining and imprisoning of many people; breaking up men's houses and studies; taking away men's books, letters, and writings; seizing upon their estates; removing them from their callings; and separating them from their wives, to the utter infringement of the laws and of people's liberties. It complained that these practices caused many clothiers, merchants, and others to flee to Holland, thus undermining the wool industry. It finally complained of the multitude of monopolies and patents, large increase of customs, and ship-money. Many Londoners signed this petition.

The House of Commons decided to forbid bowing at the name of Jesus. When the House of Lords disagreed with this, the House of Commons claimed that it represented all the people and didn't need the concurrence of the House of Lords. The House of Commons ordered that all communion tables be removed from the east end of churches, that the railings be taken away, and all candles and basins be removed from it. Further, all crucifixes, images of the Virgin Mary, and pictures of any of the Trinity were to be demolished, including those in markets and streets. Further, all bowing at the name of Jesus or toward the east end of the church or toward the communion table was forbidden. All dancing or other sports on Sunday was forbidden. Enforcement was to be done by Justices of the Peace and Mayors. But these orders never became statutes.

Enforcement of the law for not coming to church was not now regularly enforced, so Catholics had a respite.

Rebellion of Irish Catholics against England and English Protestants broke out in Ireland in 1641. Parliament didn't trust the King with an army that he could use against themselves so it passed the following two measures expanding the Navy and calling out the militia and naming certain persons to be Lieutenants of each county.

The Admiral shall impress as many seamen as necessary for the defense of the realm. This includes mariners, sailors, watermen, ship carpenters, but no one over the age of 50 or masters or masters' mates. If one hides, he shall be imprisoned for three months without bail.

Justices of the Peace shall impress as many soldiers as the king may order for war in Ireland. This is despite the right of a citizen to be free from being compelled to go out of his county to be a soldier because the danger from Ireland is imminent. Excluded are clergymen, scholars, students, those rated at a subsidy of land of three pounds or goods of five pounds, esquires or above, the sons of such or their widows, those under eighteen or over sixty years of age, mariners, seamen, and fishermen. The penalty for disobeying is imprisonment, without bail or misprison, and a fine of ten pounds. If an offender can't pay the fine, he shall be imprisoned a year more, without bail or misprison.

The right to call out the county militia had been a prerogative of the Crown, so the King issued a Proclamation ordering the soldiers to ignore this order and obey him. So Parliament declared this Proclamation void.

The King accused five leaders of Parliament, including Pym, of trying to subvert the government of the kingdom, to deprive the King of his regal power, to alienate the affections of the people toward their King, forcing the Parliament to their ends by foul aspersions, and inviting the Scots to invade England. In 1642, the King entered Parliament with 300 soldiers to arrest these five. They had flown, but Parliament was shocked that the King had threatened the liberties of Parliament with military force. The citizens of London, in their fear of popery, rose in arms against the King, who left the city. Both sides raised big armies. The goal of the Parliamentarians was to capture the King alive and force him to concessions.

When the Parliamentarians took Oxford in 1648, they purged its faculty of royalists.

Real wages, which had been falling, reached their low point and the gap between the poor and others widened. There were depressions from 1629-32 and from 1636 to about 1640, which called for Royal proclamations for the relief and distress, especially among the poor. The Book of Orders, for the relief of distress in earlier reigns, was to be reissued. The assize of beer and bread maintaining quality, prices, weights, and measures, was to be duly kept. Hoarding of foodstuffs was to be punished. Fish days and lent were to be observed to maintain the fishers. Abstaining from suppers on Fridays and on the eves of feasts was ordered in all taverns and commended to private families. City corporations were to give up their usual feasts and half the charge given to the poor. Foreign ships were not to be supplied with food for long voyages. The revised Book of Orders also covered the regulation of beggary, the binding of apprentices, and the general relief of the poor. All magistrates were to enforce the rules and raise special rates from all parishes, the richer of these to help the poorer.

From 1625 to 1627 these statutes were passed:

No one shall engage in sports or any pastimes outside his own parish or bearbaiting, bullbaiting, interludes, plays or other unlawful pastimes inside his parish on Sundays because such has led to quarrels and bloodshed and nonattendance at church. The fine is 3s.4d. or if the offender does not have the money or goods to sell to pay, he shall be set in the public stocks for three hours.

No carrier with any horse or wagon or cart or drover with cattle may travel on Sunday or else forfeit 20s.

No butcher may kill or sell any victual on Sunday or else forfeit 6s.8d.

Every innkeeper, alehousekeeper, and other victualer permitting a patron who is not an inhabitant of the area to become drunk shall forfeit 5s. or be placed in the stocks for six hours. Offenders convicted a second time shall be bound by two sureties to the sum of 200s.

As of 1627, a parent sending a child out of the country to go to a Catholic school was to forfeit 100 pounds, one half to the informer and one half to the king.

The Petition of Right herebefore described was passed as a statute in 1627.

### Judicial Procedure

The Star Chamber decided cases as diverse as a case of subordination of witnesses, cases of counterfeiters of farthing tokens, and cases of apothecaries compounding ill medicines. It tried to keep down the prices of foodstuffs for the benefit of the poor; it repressed extortion and false accusations, and disbarred an attorney for sharp practices; it punished defamation, fraud, riots, forgery of wills; it forbade duels. A special virtue of its position was that it could handle without fear matters in which men of social or local influence might intimidate or overawe juries or even country justices. It punished a lord who caused records to be forged, unlawfully entered lands, and seized tithes. It disciplined a nobleman for drawing a sword on a lord hunting hare.

In one of its cases, Sir Edward Bullock, a knight wanting to enclose a common of a thousand acres threatened his neighbor Blackhall when he would not sell his lands and rights. The knight hired a man to break down the hedges and open a gate that had been staked up, so that his neighbor's cattle would stray. He sued his neighbor three times for trespass, lost his cases, and threatened revenge on all the witnesses who testified against him. He had the house of one pulled down. The pregnant wife and a naked child were turned out and had to lie in the streets because no one dared to take them in, even when a justice so directed. The witness, his wife, and family took refuge in an unheated outbuilding in the winter. He and his wife and one child died there. The knight had another witness cudgelled so that she was black and blue from the waist up, and could not put on her clothes for a month. The knight threatened to set fire to the house of another witness, and sent his men to pull him out of doors and keep him prisoner for some hours. The Star Chamber imprisoned the knight and his men. The knight was fined 1,000 pounds and the men 50 pounds each. The knight also had to pay one witness 100 pounds in reparation to the surviving children of the family whose house had been pulled down.

But the power of the Star Chamber was abused by King Charles I. For instance, one lord was accused by another of calling him a base lord. The evidence was paltry. But he was fined 8,000 pounds, one-half going to the King. A lord who was accused of converting agricultural land to pasture was fined 4,000 pounds. A person who exported fuller's earth, contrary to the King's proclamation, was pilloried and fined 2,000 pounds. A man who defaced a stained-glass window in a church was fined 500 pounds and ordered to pay for a plain glass replacement. A man who became sheriff of a county and had taken the oath which bound him to remain in the county was elected to Parliament and stood in opposition to the king on many matters. He was imprisoned for many years until he made a humble submission and had to pay a heavy fine. A London importer who was alleged to have said "That the Merchants are in no



part of the world so screwed and wrung as in England; That in Turkey they have more encouragement" was fined 2,000 pounds for seditious and slanderous words against his majesty's happy government. A Scottish minister circulated a book appealing to Parliament to turn out the bishops and to resist its own dissolution by the King. In it he called the bishops men of blood, anti-Christian, satanical, ravens, and magpies, preying on the state. He was against kneeling at the sacrament and denounced the Queen for her Catholic religion. He blamed the state for the death of citizens of a certain town by famine. For as he did "scandalize his Majesties Sacred Person, his Religious, Wise, and just Government, the Person of his Royal Consort the Queen, the Persons of the Lords and Peers of this realm, especially the Reverend Bishops", he was fined 10,000 pounds, was to be unfrocked (which was done by the Court of High Commission), and was whipped, pilloried, one ear nailed to the pillory and cut off, his cheek branded, and his nose slit. Then he was imprisoned for life, but only served ten years, being released by a statute of the Long Parliament. A Puritan writer Prynne wrote a book that included a condemnation of masks and plays, and all who took part, and all who looked on as sinful, pernicious, and unlawful. It opined that Nero had attended plays and deserved to be murdered. Since Charles had attended plays and the Queen had taken part in a mask, it was inferred that Prynne meant them harm. His indictment alleged that "he hath presumed to cast aspersions upon the King, the Queen, and the Commonwealth, and endeavored to infuse an opinion onto the people that it is lawful to lay violent hands upon Princes that are either actors, favorers, or spectators of stage plays". The justices saw in the book an attempt to undermine authority. The Chief Justice called the book a most wicked, infamous, scandalous, and seditious libel. Prynne was sentenced to be degraded by Oxford and disbarred by Lincoln's Inn, to be fined 5,000 pounds, to be pilloried and to have his ears cut off, and then to be imprisoned for life. Three men who wrote attacks on the bishops and ecclesiastical courts, such as alleging that the bishops suppression of fasts and preaching had brought the pestilence upon the people and that the bishops had dishonored God and exercised papal jurisdiction in their own names, were each sentenced to 5,000 fine, the pillory, where their ears were cut off, and to life imprisonment. One, who had been convicted for libel before, was branded on both cheeks: "S.L." for Seditious Libeller. Others printed similar material. In vain the Star Chamber limited the number of London printers to twenty, and made licensing stricter. These prisoners were set free by the Long Parliament.

Charles I intimidated justices to obey him in decision-making even more than James I.

Charles I so abused the power of the Star Chamber court that it was abolished by the Long Parliament and with it, the involvement of the King's Council in civil and criminal cases.

The regular church courts punished people for heresy, non-attendance at church, sexual immorality, working on the Sabbath or a holy day, non-payment of tithes, and lending money at interest. The special ecclesiastical court, the Court of High Commission, was composed of clerics appointed by the king and decided cases of marriage annulment, alimony, adultery, married couples living separately, cruelty of husbands to wives, and habitual drunkenness. But it also took on cases of schismatics and extended its power over them to include staid and solid Puritans, who uniformly believed that salvation was the only worthy earthly aim. Acting on information attained through secret channels or from visitations, it would summon the accused, who was required to give, under oath, "full, true, and perfect" answers to broad and undetailed charges made by secret informants. Refusal to take the oath resulted in commitment for contempt of court. If he denied the charges and fled, the court could hold the hearing without him. Many fled out of the country or went into hiding in it. If the accused went to the hearing, he could not take an attorney with him. Most of the issues involved clergy refusing to use the litany, to make the sign of the cross in baptism, to wear the surplice, or to publish the Book of Sports, and insistence on extempore prayer and preaching. Other issues were clergy who, from the pulpit, inveighed against ship-money and unjust taxes, and spoke rudely against the bishops and tyrannical princes. One case is that of Samuel Ward, the town preacher of a large town, heard in 1635. He neglected bowing or kneeling on coming to his seat in church and preached against the Book of Sports. He did not read the set prayers from the official book, but said prayers he had himself conceived. To this he replied that a parrot could be taught to repeat forms and an ape to imitate gestures. But his most serious offenses had to do with his utterances from the pulpit derogatory to the tenets and discipline of the church. He was accused of saying that he believed that congregations still had the right of election of all officers, including ministers. Also, he allegedly said that in preaching on the Christmas holidays he told his people "that in the following days they might do their ordinary business, intending to cross that vulgar superstitious belief, that whoever works on any of those twelve days shall be lousy". He allegedly warned his people to beware of a relapse into popery. Ward was convicted of depraving the liturgy, tending toward schism, frightening the people, and encouraging the overthrow of all manner of government. He was removed from his position, deprived of his ministerial function, suspended and silenced during the King's pleasure. He was ordered to make submission and recantation both in court and in his church and to give bond for 200 pounds. When he did not do this, he was sent to prison and lay there nearly four years, and died a few months later. In another case, a

Mrs. Trask was imprisoned for at least eleven years for keeping Saturday as her Sabbath. Many people were excommunicated and books censored for essentially political reasons.

In 1637, the king proclaimed that the common law courts could not intervene in ecclesiastical courts.

The Court of High Commission was abolished by the Long Parliament.

Justices of the Peace had general and quarter sessions, the latter of which were held four times a year with all Justices of the Peace attending. It was primarily a court of appeal from penal sentences. But it was also an administrative body to determine taxes and make appointments of officials and grant licenses for businesses.

In 1638, in distributing a deceased person's estate, the Chancery court upheld a trust designed to hold the property for an heiress so that it did not become her husband's property.

At the request of Parliament, the King had all justices serve during their good behavior instead of serving at the King's will, which had been the practice for ages. This increased the independence of the judiciary.

The rack was used for the last time in 1640 before the Long Parliament met. It was used to torture a rioter before hanging.

Men were still pressed to death for failure to plead, pickpockets still executed for the first offense, and husband murderers still burned.

## Chapter 16

The Times: 1642-1660

For four years, there was civil war between the King, backed generally by the upper class, the established church, and most of the gentry, against the Parliamentarians, backed generally by middle class yeomen, town dwellers, some of the gentry, most of the great corporations, the City of London, the ports, the seamen, and the Navy. Oxford University was royalist, and Cambridge University was Puritan in sympathy. Archery was not used in the war, having become just sport by 1633. Flint-lock pistols, which relied on flint striking steel to ignite the powder, as well as swords were used by horsemen in the civil war. Footmen were musketeers using a match lock with a cord boiled in vinegar as the match, and dressed in leather doublets and an iron-pot headpiece; or pikemen with long wooden poles with spearheads of iron or steel and short swords, and dressed in armor. This was the last time armor was used. The Parliamentarians wore orange scarves to distinguish themselves from their enemy. Cromwell, who had a natural aptitude for military matters, selected for his troops, Puritan zealots with a Puritan code of behavior which included no drinking or swearing. He selected horsemen based on ability rather than social class. He was regarded as one of the leaders of the Independents, who wanted total abolition of the monarchy and of the aristocracy. When made a leader of the New Model Army, Cromwell dressed all his foot men in red with only the facings being regimental colors. The New Model Army had been assembled because there had been disagreement about policy among the members of Parliament who held commissions. Almost all members gave up their commissions. For their continued support, many wives and also prostitutes put on men's clothing and followed the troops. They nursed the wounded. Those many wives who stayed at home pleaded and answered in court; petitioned to the House of Commons, e.g. for release of debtors from prison, high taxes, lack of work, and arbitrary government; and made other public appearances. Puritan and royalist newspapers printed the news at least once weekly. Poet John Milton pled for civil and religious freedom, freedom of social life, and freedom of the press. He stated: "Give me the liberty to know, to utter, and to argue freely, according to conscience, above all liberties."

The Mayor and citizens of London were given authority in 1642 to fortify all highways leading to the city and levy a tax on inhabitants for this purpose. When London was deprived of coal during the war, trees and flowers again flourished there.

Officers and seamen in navy ships were authorized in 1642 to take one-third of all prize goods captured, the other two-thirds going to the state.

Parliament approved certain persons to set forth ships at their own expense to defend the realm in 1643. They were allowed to keep any ships, goods, ammunition, or moneys they seized.

Saltpeter men were appointed by Parliament in 1643 and later times to search and dig for saltpeter in pigeon houses, stables, and outhouses, but not dwelling, shops, or milkhouses. They had to repair any damage done to the contentment of the owners.

Complaints were made to Parliament that there were scandalous and ill-affected fomenters of the civil war and disobeyers of the ordinaries of Parliament and deserters of their ordinary places of residence. These complaints were made by members of the University of Cambridge, students, clergy in surrounding counties, and schoolmasters. So a committee was established in 1643 to investigate and sequester their lands and goods, excepting one-fifth of the estate for the wife and children.

When Charles was captured in 1646, the episcopacy of the bishops was abolished. When Parliament was about to reinstate Charles as king with weakened powers and establish a Presbyterian state church, the soldiers, who were religious Independents and who still had not been fully paid (the infantry pay was 18 weeks in arrears and the cavalry 43 weeks) despite plans to disband them, spontaneously took the King by force. They demanded liberty of conscience to practice their own religion and their pay. Cromwell sided with the army and then became leader of the House of Commons. Charles dissembled in his negotiations with the army generals. He felt freed from his promises as soon as the pressure was removed. The army could not forgive Charles' duplicity and deceitfulness and insisted upon his death as the only way to bring peace. Cromwell gave up hope on negotiations with Charles when he intercepted a letter by Charles to his Queen decreeing the final doom of the army adherents in favor of the Scottish Presbyterians. During protracted negotiations over months between the army and Parliament over a new constitution, a renewed support for the King, which was inspired by him, necessitated a second civil war to put down this revolt and subdue its Scot supporters. Eventually the army took control of Parliament by force, only allowing the few members who agreed with them on the trial of the King into Parliamentary meetings. So Charles was tried in 1649, found guilty of "an unlimited and tyrannical power to rule according to his will, and to overthrow the rights and liberties of the people ... which by the fundamental constitutions of this kingdom were reserved on the peoples' behalf in the right and power of frequent and successive parliaments or national meetings in council", and maintaining a war against his subjects, which amounted to treason. To prevent his adherents from trying to reinstate him, he was condemned to death and beheaded in January 1649.

To pay for the civil war, an assessment tax on the yearly value of rents, annuities, and offices was often levied. The main burden of this tax fell on the gentry rather than the merchants and smaller men of property, as previous taxes had. An excise tax, a tax on consumption, was begun on ale and beer and then extended to meat, salt, starch, soap, and paper. It was gradually extended to many goods. The excise taxes were paid, as was the customs tax, by manufacturers on goods made in England and by foreign manufacturers on goods at the ports.

Parishes had to give maintenance to maimed soldiers and provision for the livelihood to the wives and children of killed soldiers. Masters of apprentices who became soldiers had to take them back as apprentices without loss for their absence in defense of the Commonwealth. Masters who received considerable loss by the absence of their apprentices received reasonable satisfaction from the public stock.

From 1640-60, Royalists were purged from Oxford and a group of Baconians moved into the university behind Parliamentary armies. At the two universities, books were no longer chained to the bookcases. The universities were freed from taxation.

After the civil wars, Cromwell led the country. He was a military, political, and religious leader. He had become a Puritan zealot after a youth of gambling, drinking, debauchery, and rioting. He believed that military success was a reflection of divine favor and he regarded himself as one of the few elect preordained for salvation. Those in power in the new Commonwealth tended to explain their regime in terms of popular consent, and the takeover from Charles I as due to his breaking of a contract with the people.

Most people dressed in Puritan fashion. A Puritan's favorite readings were the Old Testament, Epistles of St. Paul, and writings of John Calvin.

Wealth and prosperity steadily increased in spite of the civil wars. During Cromwell's tenure, there was a marked revival of economic prosperity. By the mid-1600s, landlords had been able to shorten their leases so that a lease of twenty-one years was the predominant form of landholding.

Patent protection was given in 1642 for seven years to the inventors of a device for salvaging ships' goods and cannons from the seas. With it they could convert to their own use one half of the items retrieved, the other half going to the Navy and Parliament. Patent protection was given in 1650 to George Manby on his new invention for boiling liquors and making salt with less coal and wood and

iron, lead, and copper for fourteen years. Patent protection was given in 1651 for fourteen years to Jeromy Buck for melting iron, lead, tin, copper, brass, and other metals with coal without burning charcoal.

The Merchant Adventurers were incorporated again in 1643 to have a monopoly. It was required to admit into membership for 100 pounds anyone free of London and bred as a merchant, and for 50 pounds any non-inhabitant of London. The penalty for trading for one who was not free of the corporation was forfeiture of his goods.

In 1648, the House of Commons abolished the monarchy and in 1649 the House of Lords. Also in 1649 it declared that England "should thenceforth be governed as a commonwealth and free state by the supreme authority of this nation, the representatives of the people in Parliament." It made a new constitution.

John Milton defended the Commonwealth as superior to the monarchy because it could not deteriorate into tyranny in his books: "First Defense of the People of England" in 1651, and "Second Defense" in 1654. He lauded Cromwell as great in war and great in peace, and exemplifying the principle that "nature appoints that wise men should govern fools".

Thomas Hobbes, the son of a clergyman, and tutor to students, wrote "Leviathan" in 1651 on his theory of sovereignty. Hobbes thought that states are formed as the only alternative to anarchy, barbarism, and war, so that supremacy and unity of a sovereign power is essential to a civilized life and the protection of the citizenry. A sovereign may be a man or body of men as long as his or its authority is generally recognized. There must be a social contract among the citizenry to obey a certain sovereign. To avoid religious conflict, there must be a complete subordination of the church to the state and the religion of a state must be dependent upon its secular sovereign. Hobbes thought that knowledge of the world came through experience and not reason alone. Only matter exists, and everything that happens can be predicted in accordance with exact, scientific laws. He regarded human societies as purely mechanical systems set in motion by human desires. He saw self interest as the mainspring of moral law. Conflicting self interests transformed into a lawful system of agreements. Hobbes opined that all power really originated in the people and that the end of all power was for the people's good.

On the other hand, James Harrington, who wrote "The Commonwealth of Oceana" in 1656, opined that a stable society depended on a direct relationship between the distribution of property and political power; no one with property worth more than 2,000 pounds should be allowed to acquire more and property should be divided among children. A senate of mature property owners were to make and debate the laws while an assembly elected by universal suffrage was to vote on them because "a popular assembly without a senate cannot be wise and a senate without a popular assembly will not be honest". A third of the Senate would turn over every year. John Milton defended the execution of the King in "The Tenure of Kings and Magistrates" in which he maintained that the people may "as often as they shall judge it for the best either to choose him or reject him or depose him, though no tyrant, merely by the liberty and right of freeborn men to be governed as seems to the best". He also wrote in favor of liberty of the press. Ordinary speech found its way into prose writing.

Lands of more than 700 Royalists, including church lands, were confiscated and sold or leased by county committees. Many Royalists put their lands into trusts or turned them over to relatives or sold them outright to prevent confiscation. It was an upheaval comparable to the dissolution of the monasteries. Also, specified Papists who had taken up arms against the realm lost their lands, goods, money, rents, and two-thirds of their personal estates. But allowance was made for the maintenance of their wives and children.

The Book of Common Prayer was abolished because of its burdensome ceremonies. It was replaced by a Directory for Public Worship. According to this, the Sunday service was to include reading of the Scriptures, prayer, and a sermon, ordinarily on some text of scripture which would be explained with reasons therefore and applied to peoples' lives so they could see if they had sinned or not. The ending of episcopal patronage gave some parishes the right to elect their own ministers.

All festivals and holy days were abolished, e.g. Christmas, Easter, Whitsuntide. Instead, scholars, apprentices, and servants were to have recreation and stores were to be closed every second Tuesday of the month. The usual merry-making, music, dancing, and sports after the Sunday service were discontinued.

A day for fasting: the last Wednesday of every month, was declared by statute. This day was to be "kept with the more solemn humiliation, because it may call to remembrance our sins, and the sins of our forefathers, who have turned this Feast, pretending the memory of Christ into an extreme forgetfulness of him, by giving liberty to carnal and sensual delights, being contrary to the life which

Christ himself led here upon earth, ...". This statute lasted for only five years from 1644 because observance of it was not consistent throughout the country.

Educational opportunities such as in grammar schools were more widespread and stronger than ever before or since until the 1800s. About 78% of men in London were literate, and 30% of men nationwide. About half the women in London were literate by 1700.

In 1645, the marshalls of the admiralty and five major ports were ordered to search all ships for stolen children since it had been a problem in London.

The elderships of the church were given power in 1645 to suspend from the sacrament of the Lord's Supper all ignorant and scandalous persons. Ignorance was lack of knowledge that there is a God and this is the one true God we worship, that this God is one, yet three persons: Father, Son, and Holy Ghost, that God created man in his own image, that all have sinned and therefore shall die, that there is one mediator between God and man: Jesus Christ, who died on the cross to save men from their sins, that he rose from the dead, ascended into heaven, sits at the right hand of God, and intercedes for us, that Christ and his benefits are applied only by faith, that the souls of the faithful live with Christ in blessedness, that non-believers and non-repenters shall perish eternally, that the sacraments are baptism and communion, and that there is a judgment day on which the righteous will be given life eternal and the wicked shall receive everlasting punishment. Scandalous persons are those who blasphemously speak or write anything of God, his holy work or the sacraments; an incestuous person; an adulterer; a fornicator; a drunkard; a profane swearer or cursor; a murderer; a worshipper of images, crosses, crucifixes, relics, saints, or angels; makers of images of the trinity; one who professes not to be in charity with his neighbor; any challenging another to fight or accepting such challenge; on the Lord's day, dancing, dicing, cards, masking, wake, shooting, bowling, football, wrestling, plays, interludes, fencing, bullbaiting, bearbaiting, hawking, hunting, coursing [hunting with hounds], fishing, fowling, selling wares, travel without reasonable cause; a brothel-house keeper; one who solicits the chastity of another; one who marries a Papist or consents to the marriage of his child to a Papist; own who goes for advice to a witch, wizard, or fortune-teller; one who assaults his parents, or any magistrate, minister, or elder in the execution of his office; and one attainted of barratry [purchase or sale of office or preferment], forgery, extortion, or bribery. If such a person persists, he shall be excommunicated.

Cromwell did not disapprove of activities prohibited because of the recreation they provided, but thought that they had become too central to people's lives. He did not close the taverns or ale houses.

In 1653 it was required that public preachers be approved by a commission nominated by the Lord Protector and Parliament because there had been too many "weak, scandalous, popish, and ill-affected" ones. In 1654 named persons were ejected as scandalous, ignorant and insufficient ministers and schoolmasters.

Because the poorer parishes of London were having problems supporting their poor, a Corporation for the poor of London was established in 1647 with authority to erect workhouses and houses of correction.

Imprisoned debtors who had less than five pounds and less than five pounds worth of trade tools and clothing and bedding for his family were ordered released in 1649.

Wardship was abolished. Military tenures were abolished. Feudal tenures were converted into freehold in 1646.

In 1653 those living in Crown forest land were given free socage in that land. The game laws were not enforced, so people could eat deer.

Enclosures were increasing and Parliament was disinclined to protect copyholders against enclosures, favoring those with rights of ownership. Enclosure was no longer deterred especially after abolition of the Star Chamber. The legal device of "strict settlement" evolved to prevent heirs from breaking up estates enabled families to concentrate land and capital into large units. The oldest son inherited the land and the younger sons now received money. Clover seed was sold in London by 1650. It revolutionized the cultivation of barren land. England began to export instead of import grain. But vagrancy increased from people dispossessed of land. And the village artisan, when deprived of his field and of his rights of common, could not continue to work at home, but had to accept the wages offered to him in an employer's workshop.

Employers and entrepreneurs were now free from control by the Crown. There were no more attempts to supervise quality of manufactures or to fix prices or regulate wages. There was greater

freedom established in relations between employers and workers. The government no longer tried to compel employers to keep employees in times of economic slump. The requirement of seven year apprenticeships and being the son of a freeholder to be an apprentice were not enforced.

The economy was still volatile due ostensibly to variable harvests, amount of gold and money in circulation, and balances of trade, and to periods of plague. Wages rose steadily. The rise in prices ended about 1650, and prices remained stable until about 1775. There was more mobility of people. Taxation became regular and it was controlled by representatives of the taxpayers. Population growth gradually stabilized.

Capitalism was coming into being. For instance, the clothier was now a manufacturer. He had become a contractor, taking wool to the specialist spinner, the yarn to the specialist weaver, the rough cloth to be washed and stretched, and finally to the dyer. This cloth was sold at retail by the drapers. Tin on the surface was exhausted, so capital was used to drive deep shafts in tin mines. No longer did a single man with a single ship sail around until he found a market, but companies trading overseas had their ships, wharves, and depots furnished by men's savings put into a common stock. The first major capitalist industries were coal mining, iron mining, and foreign trade because they all needed large investments, and thus joint-stock company organization.

Cromwell reconstituted the East India Company on a wider and more permanent basis. He gave it a new charter in 1657 which included authority to make stock permanent, thus ensuring a continuity of capital. This solved the problem of the competition of overlapping voyages which still occurred despite their terms of several years. The company became one of the first permanent joint-stock companies. Now the stock was never wound up. The Company had permanent capital which could grow. The absence of competition among voyages made the Company stronger in the face of a common enemy, such as a rival trading country or Indian groups. The charter also authorized the company to fortify and colonize any of its establishments and to transport to them settlers, stores, and ammunition.

Later in 1657, the Company threw open the freedom of the Company to the public for a nominal sum of five pounds. Now the Merchant Adventurers and private traders could participate. It provided that dividends were to be paid only in cash and not in kind (goods). It also provided for appraisals of the Company's property to be made every three years, so any shareholders could redeem their shares proportionately. His shares would then be resold. People began to buy and sell their shares among each other. The Company made the minimum subscription 100 pounds. Each person holding 500 pounds worth of shares had one vote. Holding 1,000 pounds worth of shares qualified one for election to the committee of twenty-four. The seats of the members of this committee and of the Governor and Deputy Governor could no longer be permanent, but had limited and staggered terms. The continuity of capital took the place of the permanence of the governing body in providing stability. There was a regular scale of salaries for employees, and rules of conduct such as the one disallowing any clerk of the India House from going to play houses, dancing schools, or taverns. The Company established almshouses for its widows and orphans.

In 1657 the Muscovy Company, renewed its charter for trade in Russia and established a New General Stock. If a man bought a share, he bought freedom of the company. An annual dividend was declared from the annual profits.

Commercial men regularly kept accounts with bankers. Merchants used division to apportion profits or losses to the parties whose capital was involved. Simple and compound interest were used. The concept of contract became a familiar one.

Regular private bankers of London emerged from the Goldsmiths from 1640 to 1675. They issued bank notes and paid checks.

Cromwell increased trade by seizing territories, establishing colonies, and warring with competitors for master of the seas and trade. In 1649 it was provided that no one who paid his assessment for soldiers' pay would have to quarter any of them.

Authority was given in 1649 to impress seamen: mariners, sailors, watermen, surgeons, gunners, ship carpenters, caulkers, coopers, whoymen, and carmen for carriage of victuals.

English ships were embellished with decoration. Their sail area was increased by triangular fore and aft sails. The Navy increased from 39 to 80 vessels.

After serving in foreign wars, ex-soldiers were allowed in 1654 to practice any trade without serving a seven year apprenticeship.

Colonies New Hampshire and Maine were established in 1635, Connecticut in 1636, and Rhode Island in 1638, as offshoots from other colonies.

In 1649 a corporation was established to teach the Gospel of Jesus Christ in New England to Indians.

About 1650, steel was hardened by repeated quenchings and temperings when the steel had reached certain colors. Brass was made from copper and zinc alloyed together.

There were power-driven rolls for the coinage from 1657. Strips of silver were passed between engraved rolls. Then coins were punched out and their edges serrated.

In the 1650s, Huygens made the first pendulum that worked practically in a mechanical clock. This new clock increased the accuracy of time-keeping tenfold. He also introduced the concept of mathematical expectation into probability theory.

There was a thermometer which used liquid such as water or alcohol in a glass tube instead of air.

Dutchman Stevinus showed that the pressure at the bottom of a column of liquid is proportional to the height of the column, and not to its bulk, about 1634. He also studied oblique forces, and the balancing of such that could bring about "stable equilibrium".

Evangelista Torricelli, an Italian student of Galileo, discovered in 1643 that any fluid will be supported at a definite height, according to its relative weight, as compared with air. He realized that a mercury column, 30 inches in height, in a long glass tube inverted in a cup of mercury, was being supported by air pressure exerted on the mercury in the cup. When he observed that this height changed with the weather, he had invented the mercury barometer. In his work, he created and used vacuums.

Blaise Pascal, a French mathematician, physicist, and religious philosopher, was a child prodigy. At the age of 12, he proved Euclid's 32nd theorem that the sum of the angles of a triangle is equal to two right angles. Before age 16, he wrote a book on conic sections. He is famous for his theorem that a hexagon inscribed in a conic section has the property that the three meeting points of the opposed sides are always in a straight line. He constructed a calculator, which could handle nine-digit numbers, in 1644 to assist his father, also a gifted mathematician, in tax computations he did as a local government official. He had Torricelli's mercury barometer carried up a mountain and found that the height of the column dropped as altitude increased, and thus that air pressure decreased with altitude. This showed that the attribution of these effects to nature's abhorrence of a vacuum were due instead solely to the weight and pressure of air. He determined that the height to which the mercury rose was the same regardless of the shape of the vessel containing it. Around 1646, he did experiments with double vacuums and on the results formulated his principle that pressure applied to a confined liquid is transmitted undiminished through the liquid in all directions regardless of the area to which the pressure is applied. Around 1653, he laid the foundations for the theory of probabilities after being asked by a gambling friend why, in playing dice, some frequencies came up more often than others. He developed a means of calculating probabilities with his "Pascal's Triangle" of coefficients of  $(a+b)^n$  raised to the  $n$ th power. Each row represents the coefficients of a power one greater than the power of the previous row. Each number is the sum of the nearest two numbers in the row above it. He and lawyer and mathematician Pierre Fermat invented the theory of probabilities.

Fermat also proved that the law for refraction (bending) of light results from light's following the path that takes the shortest time. He founded number theory, the study of properties of whole numbers, in 1640. Fermat formulated the notion of a line tangent to a curve and started the development of differential calculus, in which a rate of change is expressed as a function of time in equation form and also as a tangent to the curve associated with that equation. This work helped lay the foundation for the mathematics field of analysis. He and German Gottfried Leibniz formulated the principle that an equation with two unknown quantities can represent a curve. Leibniz believed that man's mind can arrive at truths about entities by pure thought.

Jean Ray from France concluded from his experiments that every piece of material has a given weight, including air and fire. Otto von Guericke from Germany discovered that, in a vacuum, sound does not travel, fire is extinguished, and animals stop breathing.

At a time when mathematics was only a business of traders, merchants, seamen, carpenters, and surveyors, mathematician John Wallis, the son of a minister, studied sections of cones [circles, ellipses, parabola, and hyperbolas] as curves of the second algebraic degree, i.e. with an exponent of two, i.e.  $y = (ax^2) + b$ . He also worked with negative and fractional exponents. Around 1655 he invented the infinite arithmetic and introduced the symbol for infinity. He determined that the area under any curve defined by the equation  $y = (x \text{ to the } n\text{th power})$ , was  $x \text{ to the } (n+1)\text{th power}$  divided by  $n+1$ . He

introduced the concept of the limit of a string of numbers. He wrote a treatise on algebra which was historical as well as practical. He also decoded enemy cyphers for the sovereign.

Some English gentlemen interested in the new scientific methods originated by Galileo had meetings beginning about 1645 to discuss scientific topics. One group met at Gresham College and was headed by Wallis. Another group was led by Robert Boyle, a philosopher, physicist, and chemist. They wrote in English instead of Latin. These meetings later gave rise to the Royal Society for science.

Since the Puritans forbade music in churches, but enjoyed it in domestic circumstances, much secular music was composed, published, and played. There were many musical clubs. The violin became very popular. Solo songs were much sung. The first English opera: "The Siege of Rhodes" was written and performed with women on stage. Writers of the time included John Milton, political philosopher James Harrington, poet Edmund Waller, Thomas Fuller, poet Abraham Cowley, and biographer Issak Walton. John Aubrey wrote anecdotes about famous men. Jeremy Taylor, chaplain to Charles I, wrote on theology. People still read French romances translated into English. Dancing was still popular. Coffee houses came into prominence as places of social discourse. The first coffee house was established in London in 1652; ten years later, there were 82 coffee houses in the City. There were elegant pleasure gardens, with a fee for access. They were used for promenades and picnics. Ladies and their gallants rendezvoused there. Cromwell introduced the habit of port drinking to England.

In 1657, one general Post Office was established with one Postmaster General for all of England. No other person could have the horsing of the through-posts. It cost 2d. for a letter to or from 80 miles of London and 3d. for one outside 80 miles of London.

The Society of Friends was founded by the son of a weaver. They greeted everyone as "friend" and did not bow; remove their hat, as was the custom when before the king or an earl; or otherwise show any reverence to anyone. From 1650, they were called Quakers because they trembled when religiously stirred. They reverted to the ancient "thou" and "thee" appellations. Their dress was particularly simple, with no buttons, lace, ruffles, or embroidery. They hated ritual so much that they rejected baptism and communion. They did not observe the Sabbath as a special day different from other days. They derided the holiness of churches. No clergy were admitted into their sect. When they met for divine worship, each rose to deliver extemporaneous inspirations of the Holy Ghost. Women were admitted to teach the brethren and were considered proper vehicles to convey the dictates of the spirit. Quakers believed that every man, in his own life, could be fully victorious over sin. They denied any clerical authority and all texts. They believed in the separation of church and state. They refused to swear to any oath, e.g. in court, or to participate in war. They refused to take off their hats to anyone but God. It was their practice to turn the other cheek when one cheek had been struck. If asked for his cloak, a Quaker would give it. He never asked more for his wares than the precise sum which he was determined to accept. The Quakers encouraged widows and widowers to provide for children from a first spouse when remarrying. They carefully selected masters and mistresses who wanted to take on child apprentices for their suitability for such responsibility. The education of Quaker women did not decline, as it did for other women. From the fervor of their zeal, the Quakers broke into churches, disturbed public worship, and harassed the clergyman and audience with railing and reproaches. When brought before a magistrate, they show no reverence but treated him as an equal. Sometimes they were thrown into mad house or prisons and sometimes whipped or pilloried. They endured stoically under this suffering. Mary Fisher from Yorkshire introduced Quakerism to colonial New England.

In 1653 there were separation agreements between spouses as to property, e.g. support and maintenance.

Cromwell had bad experiences with Parliaments. The Rump Parliament was a remnant of the Long Parliament. The army and then Cromwell, although a member, came to believe that its members were self-interested, preoccupied with perpetuating themselves in seats of power, and corrupt. They thought that their own hopes of reform in the law, in the church, and in public finances were being deliberately frustrated. Cromwell came to doubt that it would ever give the people adequate government and protection. He started to believe that one man as chief executive could do this better. Cromwell dismissed the Rump Parliament in 1653. A new constitution created a Puritan "Parliament of Saints". These men were nominated in various ways, such as by church parishes, and selected by Cromwell. This one-house Parliament of Saints in 1653 made Cromwell Lord Protector for life with executive power of the state, with responsibility for making peace and establishing order after a decade of civil strife and political chaos. He was to administer the government and be the chief magistrate. It also provided for triennial Parliaments consisting of one house, and religious freedom for all except Roman Catholics and adherents of the formerly established Church of England. Cromwell did not tolerate the ritual of the formerly established English church nor allow any of its adherents to have any office under him. His was a purely Puritan government. He did not sell offices. The Parliament of Saints challenged many vested interests in property such as sales of delinquents' and Papists' lands. It clashed severely



over the continuation of tithes to the church. It became disorderly when some declared the Parliament dissolved and left. Others remained in their seats. To avoid a Parliamentary crisis, Cromwell had soldiers close the Parliament of Saints and lock its doors. The people supported this action because they were dissatisfied with the state of public affairs. The next Parliament that was tried was elected on a new constitutional basis of men with 200 pounds, but these men voted to make Parliament sovereign without a chief executive, thereby abolishing the protectorate. Cromwell was distressed that this Parliament had also voted themselves to be the sole determinors of atheism and blasphemy instead of advancing liberty of religious conscience and religious toleration as Cromwell had advocated. He dissolved this Parliament, declaring that it was not acting for the public good. A last Parliament was also dissolved by Cromwell for tending to loosen the bonds of government and thereby threatening the peace of the nation.

Cromwell had first ruled as a democratic leader who did not believe in force, but preferred to persuade with reason. He initially believed that people would do the right thing according to their consciences, but was disillusioned and then became autocratic. He came to rule as a military dictator. Payment of taxes was enforced by distraint. After 1654, he issued about 100 proclamations covering public amusements, roads, finances, the condition of prisons, the imprisonment of debtors, banning of dueling and cockfighting, law reform, control of religion and education, and reorganization of the army. The singing of ballads was banned. The Court of Chancery was reformed by proclamation. The established church was reformed and the power to interfere with different faiths was denied to it. Each parish could choose its form of service, whether Presbyterian, Congregational, Baptist, or any other seen as fundamental by the Puritans. No one was compelled to attend any particular church or to accept the discipline of any particular minister. But the Book of Common Prayer was forbidden. There was freedom of worship for Presbyterians, Independents, Baptists, Quakers, Catholics, and Jews who had secretly migrated to England to avoid persecution on the continent, but not Prelatists, who favored government of the church by bishops).

In 1655, Cromwell placed major generals in charge of eleven newly-established provinces. As their Governors, they had authority to levy troops, exact taxes imposed by the Protector, disarm Royalists and Catholics, examine into the conduct of the clergy and schoolmasters, arrest dangerous and suspicious persons, prevent unlawful assemblies, and to enforce the existing laws against immorality and blasphemy. The only appeal was to the Protector. Since they were Puritans, they ordered public ale houses to close as dusk, banned idlers, minstrels, and actors, forbade exercising of horses on Sunday and the holding of markets on Saturday as well as Sunday, censored the press, and proscribed newspapers. Horse races, which meetings were used for seditious purposes, were closed. Theaters were closed. Dancing was discontinued. Organs and choirs in churches were prohibited. Court masks continued because they provided soothing music. After a year, Cromwell withdrew the major-generals. From this time, men of property hated the idea of a standing army.

In 1657, the officers of a new Parliament modified the constitution and Cromwell approved it. It was to secure liberties of the people as they never before had. Under the modified constitution, there were again two houses. The Commons regained its old right of exclusively deciding on the qualification of its members. Parliamentary restrictions were imposed on the choice of members of the Council, officers of state, and officers of the army. A fixed revenue was voted to the Protector. No moneys were to be raised except by consent of Parliament. Liberty of worship was guaranteed to all except Papists; Prelatists; Socinians, who denied the divinity of Jesus; for those who denied the inspiration of the Scriptures. Liberty of conscience was secured for all. In 1658, Cromwell tried another Parliament, but dissolved it because it wrangled without resolution.

There was continual problem with Catholics. Mayors, Justices and capital burgesses of towns where Papists or others had caused rebellion and insurrection and plundered, robbed, pillaged, murdered and raped, were given the power in 1642 to call, assemble, train, and arm soldiers for defense. The Committee of the Militia of London was given authority in 1647 to search all houses and places for Papists and to search for and seize any arms, ammunition, and war materials in custody of such persons. In 1648, all Papists and soldiers of fortune who had borne arms against Parliament were ordered to depart from within twenty miles of London and Westminster or be imprisoned as traitors. In 1657 convicted Papists and people marrying convicted Papists were required to take an oath renouncing the pope and Catholic Church or lose two-thirds of their lands and estate, retaining their house on the remaining one-third. If one went to mass in an ambassador's house, the fine was 100 pounds and imprisonment for six months, one half going to the informer. In 1659 all householders in London and Westminster had to give a list of persons lodging in their house, and the horses and arms there. But the laws against Catholics practicing their religion were not rigorously enforced, nor were those against adherents of the formerly established Church of England.

After Cromwell died, the people demanded the return of a genuine and free Parliament. The old constitution was restored and a new House of Commons was elected. It called Charles II to return to be

king if he promised religious freedom and backpay to the army, which had not recently been paid. When Cromwell's Puritan soldiers were disbanded, they did not drift into thievery as royalists soldiers had before, but took up honest work such as baker, mason, brewer, baker, or haberdasher. Puritanism now made itself felt not by the sword, but in literature and politics. It affected the character of the English, who tend to be stoics, and imbued capitalists with a hard-working attitude.

## The Law

After the civil wars, the law against enclosure was not enforced.

What was passed in Parliament in Cromwell's time were called statutes, but after Cromwell's time, these statutes were not recognized as legitimate.

"whereas Public Sports do not well agree with Public Calamities, not Public Stage-plays with the Seasons of Humiliation, this being an Exercise of sad and pious Solemnity, and the other being Spectacles of Pleasure, too commonly expressing lascivious Mirth and Levity ... Public Stage Plays shall cease, and be forborne instead of which are recommended to the People of this Land the profitable and seasonable considerations of Repentance, Reconciliation, and Peace with God, ..."

No book or pamphlet may be printed, bound, stitched, or sold or imported unless licensed and entered into the Register Book of the Company of Stationers. Officials of this company and of Parliament may search all places which they shall think meet for all unlicensed printing presses and all suspected printing houses, warehouses, and shops and other places for unlicensed books and pamphlets and papers and seize them and apprehend all authors, printers, and other involved people and bring them before Parliament or the Committee on Examinations for punishment. Justices of the Peace and other officers may order doors and locks broken for this purpose. The fine is ten pounds for authors, five pounds for printers, two pounds for booksellers, and one pound for buyers who conceal a book bought. One half of each fine shall go to the person who discovers and prosecutes the offender, and the other half shall go to the poor. This law suppressed royalist newspapers but was enforced only with great difficulty.

All shall observe Sunday and days of Thanksgiving in their "duties of Piety and true Religion publicly and privately" and none may sell wares or goods, including fruit or herbs upon pain of forfeiture of such. None may, without reasonable cause, travel, carry burdens, or do any worldly labors or work whatsoever or pay a fine of 10s. This work shall include grinding grain, fulling in mills, burning turf or earth, gathering taxes, melting wax for candles, brewing, baking, butchering cattle, tailors fitting or carrying clothes, barbers trimming hair, being present at fairs or markets, or washing, whiting, or drying clothes. Nor may any one maintain or be present at wrestlings, shooting, bowling, ringing of bells for pleasure or pastime, masks, wake, church-ale, dancing, games, sport or, for those over 14, forfeit 5s., and for those having care or education of a child under 14, 12d. Maypoles, a "Heathenish vanity, generally abused to superstition and wickedness", shall be taken down by officers or else forfeit 5s. per week. If any offender can't pay his fine, he shall be put in the stocks for three hours. However meat maybe dressed in private families, and victual sold in inns and victualing houses in a moderate way, and milk sold before 9a.m. or after 4p.m.

Persons of the trinity, angels, or saints shall be demolished. Altar and communion tables must not be raised but leveled. There may be no copes, surplices, superstitious vestments, or holy water fonts. There may be no crosses, crucifixes, pictures of the trinity, angels or saints on plates. All organs must be taken away.

The fine for using the Book of Common Prayer is five pounds for the first offense, ten pounds for the second offense, and one year imprisonment without bail for the third offense. The penalty for writing or preaching against the Directory for Public Worship is five to fifty pounds.

Blasphemies and heresies such as teaching or writing or printing that there is no God, that God is not almighty, that Jesus was not divine, that the resurrection of Jesus did not occur, that the Bible is not the word of God, or that there is no judgment day after death, are felony without benefit of clergy. If such an offender recants, he shall stay in gaol until he obtains two sureties. If he offends again after recantation, it is felony without benefit of clergy.

In 1650 adultery was declared to be a felony, except for a wife whose husband had been beyond the seas for three years or had been reputed to be dead. Incest was also declared to be a felony. It was defined as marrying or having carnal knowledge of one's grandparent, parent, sibling, mother's brother or sister, father's wife, mother's husband, son's wife, daughter's husband, wife's mother or daughter, or husband's father or son. Fornication was given a punishment of three months imprisonment and until security was obtained for one year for good behavior. It was defined as carnal knowledge of a virgin,

unmarried woman, or widow. A common bawd or one keeping a brothel or bawdy house was to be whipped, set in the pillory, marked in the forehead by a hot iron with the letter: B, and then imprisoned for three years without bail and until there were sureties for good behavior for life. The second offense was felony without benefit of clergy. There was to be no corruption of the blood. However, juries were reluctant to convict for adultery and incest.

There shall be no profane swearing or cursing of forfeit by a lord 30s., a baronet or knight 20s., an esquire 10s., a gentleman 6s.8d., and all others 3s.4d. There is a double fine for the second offense. For the tenth offense, the offender shall be bound by sureties for good behavior for three years.

A person equating himself or another with God or not believing in God shall be imprisoned for six months without bail. For the second offense, he shall be banished from the nation.

No longer shall people be punished for nonattendance at church on Sunday or days of Thanksgiving, but may be at some other place of prayer, preaching, reading, or the scriptures.

Hawkers and ballad singers have been libelous, so are to be whipped as common rogues and then dismissed. Also, their ballads and pamphlets are to be confiscated. Vagrant, idle, loose, dissolute and disorderly persons and fiddlers in inns, alehouses, and taverns are to be punished as rogues, vagabonds, and sturdy beggars, that is, whipped.

In 1649, treason against Parliament was defined as writing, printing, or declaring that the government is tyrannical, usurped, or unlawful; or that Parliament is not the supreme authority of the nation; or plot, contrive, or endeavor to stir up or raise force against the government. Attainder for such would not work corruption of the blood.

Treason to the Protector was defined the same as it was to the King.

Army deserters are to be corporally punished or executed.

Fellable wood and underwood, but no timber trees, may be cut within 60 miles of London because fuel is needed, especially by the poor. This will be supervised by overseers appointed by Parliament.

No one may import foreign hats or hatbands to relieve that industry in England.

As of 1656, certain food could not be exported when the prices of such exceeded a stated amount. For instance, 5 pounds for a 36 gallon barrel of beef, 6d. for a pound of bacon, 4 pounds and 10s. for a 224 gallon barrel of butter, and 24s. for 64 pounds of rye, pease, or beans. The customs for such items was more for foreigners than for natives, for instance 3s. for natives and 5s. for foreigners for a barrel of beef.

Butter for sale must not be corrupt and be properly weighed.

One must obtain a license to buy wheat or other grain and put it to sale in meal or flour or else forfeit three times the value.

All books of the law, writs, pleadings, and patents shall be in English or else forfeit 20 pounds.

No deer may be killed or else forfeit 15 pounds, half to the informer and half to the poor.

Interest may not exceed 6 pounds for a loan of 100 pounds yearly as of 1651.

No goods are to be imported from America, Asia, or Africa except in English ships or else forfeit all goods and the ship, one half of which goes to the one who seizes the goods and prosecutes. None may be imported from Europe except in English ships or ships from the country of origin of the goods. No salt fish may be imported or exported but in English vessels.

There is a 10 pound reward for discovery of highwaymen and burglars or persons who break and enter into houses and there use violence.

No cart or wagon or carriage on the road may be drawn by more than five horses or six oxen and a horse except for military vehicles.

Notice of intended marriages shall be published once a week for three weeks in a public meeting place called church or a public market place next to church. Exceptions to the marriage shall be noted

by the Register and considered by the Justice of the Peace before the marriage is performed. The words used shall be: "...promise to be unto thee a loving and faithful husband..." and "promise to be unto thee a loving, faithful, and obedient wife...".

There shall be no cock-fighting because it disturbs the peace and usually is accompanied by gaming, drinking, swearing, and quarreling.

Anyone challenging or accepting a challenge to duel shall be imprisoned for six months without bail, and must acquire two sureties for a year. Anyone fighting a duel in which death ensues, shall be banished for life.

Horse races were forbidden in 1654 for six months to discourage mischievous plots and designs by enemies of the state. The penalty was forfeiting the horse. Attendees were to be brought to justice.

As of 1657, a house or building built within ten miles of the walls of the City of London not having at least four acres had to pay a fine of one year's rent. All houses within London or Westminster or the suburbs must be brick or stone, and built straight up without protruding into the street or else forfeit 100 pounds.

As of 1657 persons living extravagantly without visible estate or calling may be made by Justices of the Peace to acquire sureties for good behavior or go to gaol. They would also be sent to the house of correction to work for three months for the first offense and for a time specified by the Justice of the Peace for the second offense.

Anyone winning at betting or playing at cards, dice, tennis, and horse races shall forfeit double his winnings.

Excluded from pardon were buggery with man [sodomy] or animal [bestiality], carnal ravishment of women, and bigamy.

Husbands were responsible for their wives' oaths and fathers for their daughters'.

Drunkenness was much punished.

## Judicial Procedure

The Protector is the supreme magistrate of the Commonwealth, with power to pardon all crimes, except murder and treason.

Parliament was no longer a court.

Use of the torture was proscribed in 1649.

In 1652, the justices were given a salary of 1,000 pounds and forbidden to take fees or rewards. They also got tenure, thus freeing them from government pressure. Now civil justice was honestly dispensed and justices were learned and honest.

The jurisdiction of Admiralty court was defined to include: ships and vessels with tackle, apparel and furniture thereof; repairing, victualing, and furnishing provisions of ships and vessels for sea; all cases of bottomry [ship-owner indemnified if the vessel were lost, but paid over a substantial share of the profits if it reached its destination safely], contracts beyond the seas concerning shipping or navigation; charter, parties, contracts for freight; bills of lading; mariners wages; damage of goods on board ships; and damage by one ship to another including by anchors or want of laying buoys. It did not include contracts between merchants.

Military tenure was abolished in 1660.

## Chapter 17

The Times: 1660-1702

The monarchy was restored and Charles II came to the throne. The episcopacy of the bishops and the Book of Common Prayer were restored. This book retained all its ceremonies, despite opposition by the Presbyterians. The confiscated Royalist, church, and Crown lands were ordered to be restored, and most were. Charles II was presented with the traditional rights of choosing his own Privy Council,

ministers of state, and justices; making foreign policy; controlling the armed forces; and approving statutes. He was also presented with the power to call and dismiss Parliament, but later, in 1694, a statute required that Parliament be held at least once every three years, to avoid royal schemes of non-parliamentary government. The House of Lords was reestablished and there were again bishops in it, though fewer than before - about 1/8 instead of about 1/3. There were 160 peers for the next century. The House of Commons was elected in the usual way, but without a king's writ. The Commons was composed mostly of royalist established church members. Its leaders were important members of the King's Privy Council.

The feudal tenures of the crown, such as knights' service, were converted into free socage. They were discharged of homage, reliefs, escuage, and aids. Charles relinquished purveyance, wardships, and forfeitures of marriage. In return, Parliament granted him a fixed yearly income of 100,000 pounds from excise tax on beer, cider, and tea.

Several hundreds of dissenter ministers and school teachers were ejected from their positions, but later those who were not Baptists were returned by statute of Parliament because Baptists did not believe in an established church.

Charles II was an easygoing and kindly man and hard to ruffle. He had a weariness in the folly of men and a cynical disbelief in human virtue. His wit and great sense of humor softened many a potentially tense situation. His restoration to the throne brought in a time of enjoyment of life in reaction to the Puritanism of before. At his succession, the elected Parliament was oriented toward royalty and the established church. He was voted an income of 1,200,000 pounds a year. He also sold many of the last crown lands. But he always had great debts, which he described as a "desperate but not serious" situation. This was in part due to his generous maintenance of several successive mistresses and more than about a dozen illegitimate children. His entourage also included physicians, surgeons, a librarian, a poet laureate, chaplains, painters, an historiographer, musicians, a royal composer, and an astronomer. Charles even joked on his deathbed that "I am sorry gentlemen, for being such an unconscionable time a-dying."

The day of Charles II's restoration and birthday was designated as a day of thanksgiving when all were to participate in prayers and the singing of psalms at some church or other suitable public place.

Charles initiated the return of Sunday afternoon wrestling, archery, music, and dancing. Theaters reopened with actresses playing women's parts, an audience only in front of the stage instead of around it, a drop curtain, and painted two-dimensional scenery. Actresses were allowed pursuant to royal proclamation so that plays should become "useful and instructive representations of human life" rather than "harmless delights". Charles went to plays regularly. Actresses were assumed to be mistresses of patrons in return for their jobs, but one fourth were actually chaste women married to actors. Comedies were the preferred plays. Courtesans were sympathetically and even admirably treated in plays, which mocked all restraints and glorified immorality with the exception of pornography, which was banned. Bad actors were hissed off the stage. Henry Purcell wrote religious music for churches, ceremonial music for the English court, and theater music for English opera. Opera made music a vehicle for human emotions. The gentry sang to the lute and danced to string instruments. Many owned and played musical instruments. Humble people had folksongs and instruments like the pipe and tabor for dancing. Singing in parts was popular in town and country. In 1672 John Banister started the first regular series of public concerts in his house. There were lovely formal gardens in which to walk, to see fireworks, and to buy the new ice cream. Charles did much garden and park planning and let the public enjoy the royal St. James Park. He loved hunting too and had the royal forests replenished with deer after poaching during the Cromwell era had greatly reduced their numbers.

Charles II introduced sailing and yacht racing for pleasure. He also participated in and promoted horse racing. The breeding of thoroughbred horses began with breeding to Arab mares. Gelding horses were now preferred over stallions. There were trotters, cart horses, and some "fast" race horses. Boxing (with no gloves nor ring) was a national sport. Ice skating with iron blades was popular. Valentine's day was celebrated. Italian puppet shows played in London.

Dress returned to elaborateness. Gentlemen wore Cavalier-style long wigs with curls, despite the church's dislike of wigs. This could hide the short hair of a former Puritan Roundhead. In 1666, Charles introduced a new mode of inexpensive court dress which was made entirely from English textiles. This gave rise to gentlemen's weskits to below the knee with a coat of the same length and full sleeves. Stockings and shoes replaced the long fitted boots. Charles set a court tradition of men wearing a scarf tied around the neck. Ladies often wore their hair in masses of ringlets with little corkscrew curls on each side of their heads, and later piled their hair up elaborately on their heads. They wore satin or silk dresses fitted at the waist with a pointed bodice, and full skirt. The shoulder line was low and the sleeves full and open at the front with fastenings of jeweled clasps. The only fast colors were reds,

blues, purple, and yellow, but not green. They kept their hands warm in muffs. Women wore perfume, rouge, and face patches. Some women put on a lot of make-up. Many men dressed effeminately with rouge, face patches, heavily scented clothing, muffs, and many ribbons of many colors. The facial beauty patches were in shapes such as stars, crescent moons, and hearts; they diverted attention from the common smallpox scars. There were Oxford shoes, which laced up the front through eyelets. The members of the House of Commons dressed like the gentry and assumed their manners. There was exaggeration in all complimentary and ceremonial language.

The gentry were beginning to be thought of as a "squirearchy". They owned about half the land of the country.

The population according to class was as follows: N: Number of Households. T: Titles, Degrees. Social Ranks, H: Household Size, and Y: Household Yearly Income in Pounds.

	N	T	S	Y	16
Temporal lords	40	3,200	26		
Spiritual lords	20	1,300	800		
Baronets	16	880	600		
Knights	13	650	3,000		
Esquires	10	450	12,000		
Gentlemen	8	280	5,000		
Persons in greater offices and places	8	240	5,000		
Persons in lesser offices and places	6	120	2,000		
Eminent merchants and traders by sea	8	400	8,000		
Lesser merchants and traders by sea	6	198	10,000		
Persons in the law	7	154	2,000		
Eminent clergymen	6	72	8,000		
Lesser clergymen	5	50	40,000		
Freeholders of the better sort	7	91	120,000		
Freeholders of the lesser sort	5.5	55	150,000		
Farmers	5	42.5	15,000		
Persons in liberal arts and sciences	5	60	50,000		
Shopkeepers and tradesmen	4.5	45	60,000		
Artisans and handicrafts	4	38	5,000		
Naval officers	4	80	4,000		
Military officers	4	60	50,000		
Common seamen	3	20	364,000		
Laboring people and out-servants	3.5	15	400,000		
Cottagers and paupers	3.25	6.5	35,000		
Common soldiers	2	14	25,000		
Vagrants, as gypsies, thieves, beggars					

As can be seen, agriculture is still the most common occupation.

Great houses now had a central dining chamber for dining, with sets of suites, usually for couples, around it. Each suite had an ante-chamber and/or drawing room, and then a bedchamber, off of which there was a servant's room and a closet [cabinet]. No longer did personal servants bed down in the drawing room or outside their master's door or in a truckle bed at his feet. The servant's room was connected to a back staircase for use by servants. Secret guests also used it. The cabinet room was the innermost sanctum for privacy and gave its name to the later cabinet of the government.

There were fewer servants and they were of a lower social status than before. They were often sons of merchants, clergymen, and army officers. Gentlemen no longer advanced by service to a great man, but instead through grammar school and university education, commerce, the law, or the armed services. This change came about because the state now maintained reasonable law and order. There were more female servants, who were paid less to cook and to clean as well as do laundry and nursing. Servants were kept more in the background, preferably out of sight. The elaborate ceremonial ritual with sewer, carver, and cupbearer was gone. A butler replaced the yeomen of the buttery, ewery, and pantry, and footmen began to wait on the table at which the lord, his lady, and other couples sat. Servants no longer had meals in the hall, which now had a grand staircase up to the dining chamber. The highest servants, the officers: clerk of the kitchen, clerk of the check [comptroller], head cook, butler, and groom of the chambers, and female housekeeper ate in the gentleman-of-the-horse's room, although at a separate table. The kitchen staff ate in the kitchen. The footmen, underbutler, porters, coachmen, grooms, stable-boys, gardeners, maids ate in a servants' room. The steward was no longer the chief household officer, but had a room near the kitchen. The bulk of the servants slept in the basement or subordinate wings of the house.

Great houses of nobles had more rooms, such as a chapel, library, parlors, dressings rooms, and galleries; there was a variety of architectural floor plans. The structure of a noble household of an earl was as follows: The chief official was the receiver general. He had financial responsibility for the household and prepared accounts for the household and for the tenants' estates. These were checked by an auditor. The receiver general was often the son of a country gentleman and had a salary of 50 pounds raised to 100 pounds with longevity. He had a servant and an assistant. If married, he had a house on the property. There was perhaps an attorney on retainer who were paid for a certain number of hours per week or month. The gentleman of the privy purse kept the accounts of the family and bought them apparel and toiletries. He was in close personal attendance upon the earl. His salary was 20 pounds a year. Besides the receiver general and the gentleman of the chamber, the tutor and chaplain had the closest personal contact with the family. The lady had a gentlewoman with a maid servant. The receiver general supervised most of the staff. There was a steward of 40 pounds a year. He supervised a clerk of the kitchen and a house bailiff of 20 pounds a year. The bailiff had responsibility for the produce of the estate, e.g. the gardens, the deer park, and the fish ponds. Under the clerk of the kitchen was the cook man and kitchen boys, the latter of whom were clothed and fed,

but not paid. The steward also supervised the 4 pound yearly porters, who kept the gates; the watchmen outside; and the head housekeeper, usually a woman of 2 to 6 pounds yearly. She supervised the laundry maid and general maids, who spent much of their time sewing. The steward was also responsible for the wine cellar. A dozen footmen belonged partly to the house and partly to the stables and received 2 to 6 pounds yearly. They waited on the lord and lady in the house and accompanied them in travels and did errands for them. The gentleman of the horse supervised the stables, coach, dogs, kennels, and 16 pound yearly huntsman. Boy pages also worked partly in the house and partly in the stables. They were clothed and fed, but not paid. The head gardener received 80 pounds for tending the flowers, vegetables, and fruit trees. He had casual workers as needed to assist him. The steward was also responsible for the London house. Here there was a housekeeper, a watchman, and a 40 pound a year gardener, all there permanently. When the lord was there, bargemen were employed for his barge. The salaries for the family estate totaled about 600 pounds a year. Sometimes married sons' or daughters' families stayed for months at the family estate; then they would pay for their part of the food.

Well-to-do people drank imported tea and coffee, sometimes from porcelain ware, and usually after dinner or supper. Most tea leaves were brewed first for the family and guests and a second time for the servants; then they were given to the servants' relatives or friends. Queen Mary encouraged the fashion of collecting Chinese porcelain. The rich had red or black and gilt lacquered cabinets and cupboards. Oak gave way to walnut, with its variegated surfaces. There were grandfather clocks. Some fireplaces now had cast-iron firebacks. Stuffing began to be upholstered to woodwork benches. Chairs were taller in the back. Ladies did needlework to cover them and also made patchwork quilts. Cane seats came into fashion.

From the spring of 1665 to the end of 1666 there was a Great Plague, mostly in London. It was the last and worst plague since the Black Death of 1348. It lasted over a year and about one-third died from it. Households with a plague victim were walled up with its residents inside to reduce contagion, and then marked with a red cross. Church bells tolling their requiems clanged in ceaseless discord. The mournful cry "bring out your dead" echoed in deserted streets. At night groups of people shoveled the corpses into open graves. To prepare for this revolting task, they often first became drunk out of their senses. People acquired wild beliefs in hope of avoiding the plague. For instance, at one time it was thought that syphilis would prevent it, so maddened hordes stormed the brothels. At another time, it was rumored that the plague could be burned out of the air, and all one day bonfires blazed outside every door and people sweltered in the heat. Other localities posted sentries on the road to keep Londoners out of their areas to prevent the plague from spreading there. Since sneezing was thought to be the first sign of a person getting the plague, it became common to ask God to bless a person who sneezed. In London, statistics were collected on the number of plague victims and their places of death to try to determine the cause of the plague by correlation, a new method. This was a natural sequent to merchant John Gaunt's 1662 book "Natural and Political Observations Made upon the Bills of Mortality", which compiled yearly vital statistics from which to analyze, for instance, causes of death due to particular diseases. It reached conclusions such as that fall was the most unhealthy season; females had longer life spans than males; and infant mortality was very high.

In 1666 a fire destroyed three-fourths of the City of London. The blazing buildings were so hot that people with leather buckets of water, hand squirts, and manually operated water-pumping machines could not get near them. There was a lot of noise from falling buildings. Panic and desperation were widespread. There was a lot of crying out and running about distractedly. People saved some of their possessions by burying them or removing them from the fire's path as they moved to different lodgings. The streets were full of carts piled high with furniture and merchandise. The Thames River was thick with heavily laden barges. Melting lead from St. Paul's church ran down the streets in a stream. The Tower of London, upwind of the fire, was saved by blowing up surrounding buildings. Eventually the wind abated and the fire was put out. A Fire Court with royal justices was created to offer settlement terms about property that were free, fair, fast, and final. Army tents and supplies, and soup kitchens sustained the citizens in the fields.

After the fire, buildings had to be brick or stone rather than wood, except for doors and windows. Also, more plaster and tile was used. All roofs had to be of tile or slate, rather than thatch. There was a general use of tile for roofing. About 1714, came slate for roofings. All buildings had to be at least two stories high, with flat facades rather than overhanging upper floors. They had to have wide brick walls around them to avoid the spread of fires. Many streets, squares, and alleys were professionally planned, after the example of Inigo Jones, who had continued his town planning with Lincoln's Inn field's open square surrounded by houses with iron balconies. Another example was Leiscester Square. Main streets had to be wide enough to stop a fire. The street selling that had caused so much congestion was removed to new market places. The massive rebuilding of London ended the monopoly of the building trade claimed by the Mason's Company. Astronomer and geometrician Christopher

Wren designed and built a new St. Paul's Cathedral and many churches in London, thus becoming England's first architect. He worked up from a square base through all sorts of shapes to a circular double dome on top. The fire put an end to Whitehall as a royal residence and St. James Palace was used instead. But at least one fire hazard remained: the practice of lighting new fires by taking buckets of hot coals from one room or house to another. This was faster than the several minutes it took to use a tinder box to start a flame, i.e. striking a piece of flint upon a piece of steel making a spark which was dropped onto tinder and then blown upon. Matches were invented in this period, but expensive and unsafe.

Nicholas Barbon began fire insurance in the 1670s. If fire broke out on an insured premises, the insurance company's firemen would come with leather buckets and grappling irons, and later small hand pumps. Barbon also redeveloped many districts in London, tearing down old buildings without hesitation. He started the system of selling off leases to individual builders, who hoped to recover their building costs by selling their houses before they were completed and before substantial payments on the lease became due. Entrepreneurial master-builders subcontracted work to craftsmen and took a large profit or a large loss and debt. Aristocrats bought large parcels of land on which they built their own mansions surrounded by lots to be rented to building contractors and speculators like Barbon. The houses built on these lots were sold and the underlying land rented. These rentals of land made the mansions self-supporting. Barbon built rows of identical townhouses. Sometimes houses were built on all the lots around a square, which had gardens reserved for the use of those who lived on the square. Most of the new building was beyond the old City walls. Marine insurance for storms, shipwreck, piracy, mutiny, and enemy action was also initiated. Before the fire, e.g. in Tudor times, the writing of risks had been carried on as a sideline by merchants, bankers, and even money lenders in their private offices and was a private transaction between individuals.

London was residential and commercial. Around the outside were tenements of the poor. From 1520 to 1690, London's population had risen tenfold, while the nation's had only doubled. London went from 2% to 11% of the nation's population. In 1690, London's population was about half a million. After 1690, London's population grew at the same rate as the nation's. The first directory of addresses in London was published in 1677. Business began to follow the clock more strictly and many people thought of their watches as a necessity.

London coffee houses, which also sold wine, liquors, and meals, became specialty meeting places. They were quieter and cheaper than taverns; for a penny, one could sip a cup of coffee by the fire, read the newspapers, and engage in conversation. Merchants, stock jobbers, politician groups, soldiers, doctors and clergymen, scholars, and literary men all had special coffee house meeting places. Notices and letters of general interest were posted therein. Many merchants, brokers, and underwriters, especially those whose houses had been burned in the fire, conducted their business at their coffee house and used it as their business address. Men in marine insurance and shipping met at Lloyd's Coffeehouse, which was run by Edward Lloyd who established it for this purpose in 1687. Lloyd provided reliable shipping news with a network of correspondents in the principal ports at home and on the continent and circulated a handwritten sheet of lists of vessels and their latest movements at his coffeehouse. The patrons cheered safe arrivals and shared their grief over ships lost. They insured their own risks at one moment and underwrote those of their friends the next. Auctions of goods and of ships and ship materials which had been advertised in the newspapers were conducted from a pulpit in the coffeehouse.

French wine was consumed less because of heavy taxation and spirits and beer were consumed more. The streets were alive with taverns, coffee houses, eating houses, and hackney coaches past 9 p.m. at night. Coffee houses were suppressed by royal proclamation in 1675 because "malicious and scandalous reports" defaming his majesty's government were spread there, which disturbed the peace and quiet of the realm. But this provoked such an uproar that it was reduced to a responsibility of the owner to prevent scandalous papers and libels from being read and hindering any declarations any false and scandalous reports against the government or its ministers.

London air was filthy with smoke from coal burning. In 1684 the streets were lit with improved lights which combined oil lamps with lenses and reflectors. Groups of householders combined to hire lighting contractors to fulfill their statutory responsibility to hang candles or lights in some part of their houses near the street to light it for passengers until 9:00 p.m., and later to midnight. In 1694 a monopoly was sold to one lighting company. In 1663 a body of paid watchmen was established in London. An office of magistrate was created and filled with tradesmen and craftsmen, who could make a living from the fines and fees. This was to supplement the unpaid Justices of the Peace. The public was encouraged to assist in crime prevention, such as being witnesses, but most policing was left to the parishes. Crowds punished those who transgressed community moral standards, threatened their economic or social interests, or offended their religious or patriotic beliefs. Often a crowd would react before the call of "stop thief" or the hue and cry from the local constable. Pickpockets would be drenched under a pump.



Cheats would be beaten up. Dishonest shops and brothels would be ransacked or destroyed. The most common targets were promiscuous women and pregnant servants.

There were many highway robberies and mob actions in London. Mobs in the thousands would turn out against the Catholics, especially at times of unemployment and trade depression. Working people still saw demonstrations and violence as the best way to achieve their economic goals, since strikes didn't work. For example, the silk workers used street violence to get protective legislation against imports and mechanization in 1675. The manufacture of silk material had been brought to England by French workers driven from France. In 1697, three thousand London silk weavers demonstrated outside the Commons and East India House against the importation of raw silks by the East India Co., and a couple months later, they attacked a house in the city owned by a gentleman of the company. In 1701, heavy duties were imposed on the import of Indian silks and wearing of Indian silks was prohibited by statute. Sometimes mobs would break open the prisons to release fellow rioters or take action against strike breakers or informers. Parish constables elected by their neighbors could not control the mobs and stayed within their parishes. Dueling was still prevalent, even though against the law.

In London and Westminster, it was hard to enforce the requirement that inhabitants keep the street in front of their house clean and store the filth until the daily raker or scavenger came with cart and dung pot. So a commission was made responsible for paving and keeping clean the streets, making and repairing vaults, sewers, drains, and gutters, and removing encroachments. It compensated those with encroachments of over 30 years. It assessed inhabitants of such streets 16d. per square yard from the front of their building to the center of the street. Women continued to empty their pails and pans outside their doors and did their washing on stools in the streets. There was a penalty of 5d. for throwing filth in front of one's house, and 20d. for throwing it elsewhere in the streets. Scavengers and rakers could lodge their coal ashes, dust, dirt, and other filth in such vacant public places as the commission deemed convenient for accommodating country carts returning otherwise empty after their loads were sold.

However, this system did not work because people would not pay their assessments. So there was a return to the former system of requiring citizens to sweep and clean the streets in front of their buildings twice a week and keep the filth until a scavenger or raker came. The penalty for not doing so was 3s.4d., later raised to 10s. Any one throwing coal ashes, dust, dirt, rubbish, or dung onto the streets or lanes incurred a fine of 5s. There was a fine of 20s. for hooping or washing any pipes or barrels in any lane or open passage or repairing coaches, sawing wood, or chiseling stones in the streets. Pigs kept in or about one's house had to be forfeited.

One way that people traveled was to be carried in sedan chairs held up by two horizontal poles with one man at the front ends and another man in back. There were so many sedan chairs and coaches for hire in London that the watermen lost business. All hackney coaches in London or Westminster were required to be licensed and marked with their owner's distinctive mark so that complaints could be made. Their maximum rate was 10s. for a 12 hour day, and 18d. for the first hour and 12d. for every hour thereafter. Licensed coachmen were not allowed to practice any other trade. The coaches paid the commission 5 pounds yearly. Hay sold along the road brought 6d. per load, and straw 2d. per load, to the commission. There had to be paid 3d. for every cart load of hay sold at the hay market and 1d. for every cart of straw, to go towards paving and repairing the hay market street.

Overall, agriculture improved. Fields that would have been left fallow were planted with new crops which restored indispensable chemical elements to the soil. At the same time, they supplied winter food for stock. The size and weight of animals for slaughter grew. There was so much stock breeding that it was more economical for a family to buy meat, milk, and eggs, than to maintain its own animals. There was an explosion in the growing of beans, peas, lettuce, asparagus, artichokes, and clover. The demand for food in London and other urban areas made enclosure for crop cultivation even more profitable than for sheep grazing. The government made no more attempts to curtail the enclosure of farm lands. The number of enclosures grew because copyholders were not successful in obtaining the legal security of tenure. But most land was not enclosed.

In 1661 in the county of Essex, the wages for mowing one acre of grass were 1s.10d.; for reaping, shearing, binding one acre of wheat 4s.; and for threshing a quarter of wheat or rye 1s.

Wives participated with their husbands in general agricultural chores and did the dairy work including making cheese. Every householder kept chickens because egg production was cheap, their market price being only 1s. for a hundred. Wives also took care of the gardening work and traditionally kept for their own the cash that came in from garden, dairy, and poultry products. A wife made jellies and preserves when the fruit trees, bushes, and vines were bearing. Imported sugar enabled fruit to be preserved as jam in jars sealed with a layer of mutton fat to make them airtight. She was likely to

concoct medications from her herbs. Meat had to be smoked or salted when there was not enough fodder to keep animals alive through the winter. She saw to it that the soap was boiled and the candles molded. She cooked the daily meals, did the washing, produced cloth for the family's use, and sewed the family's clothing.

Women had less work and lower pay than men. Since most cottages had a spinning wheel, spinning work was readily available to wives. In the 1670s, a female weaver or spinner was paid 2-4d. per day. A domestic servant, who was usually female, was paid 40-80s. a year. Men in the trades objected to competition from lower-paid women. Aristocratic ladies actively managed their family's household and estates. The only work available to a high middle-class woman who was waiting to get married was to be a governess in another household or a lady-in-waiting to a gentlewoman. Children often worked; this was recommended so that they were under the direct supervision of their parents rather than getting into mischief in the village. The mother typically mingled severity with gentleness, but the father did not dare to err on the side of leniency. Discipline was by whipping. Children were treated as little adults. The lack of a conception of childhood innocence even extended to the practice of adults to tell bawdy jokes in their presence or play with their children's genitals.

About 1660, the Royal Society of London for the Promotion of Natural Knowledge was founded by Charles II, who became its patron. It was formed from discussion groups of the new experimental philosophy. It included the Baconians formerly at Oxford and Cambridge, who were ejected at the Restoration, and a group of Gresham professors of geometry and astronomy. The Royal Society met at Gresham College. Its goal was to compare ideas in mathematics and science and identify specific aims of science. It published scientific reports to make its findings generally known. This was a great improvement over the private correspondence among scientists, which was limited by the use of various languages. Charles himself had his own laboratory and dabbled in chemistry and anatomy. Similar societies were formed in many places in the world. Theologians warned that scientific research was dangerous. But its advances improved agriculture, manufactures, medicine, surgery, navigation, naval architecture, gunnery, and engineering.

Issac Newton was a genius, who in his childhood designed and built model windmills, water wheels, water clocks, sundials, and kites. He came from a family which had risen from the yeomen ranks to the gentry. For a few years after graduating from Cambridge University in 1665, he secluded himself in the countryside to study. Here, using the work of John Wallis, he formulated the binomial theorem that expands  $(A+B)$  raised to the  $n$ th exponent power, where  $n$  is an integer. He also worked with numbers that had exponents that were fractions, unending decimals, or negative numbers. Certain patterns of numbers, such as the sum of doubling each number in a series as in:  $1+2+4+8+\dots$  never terminates; the series is infinite. He then developed the notion of a number being the limit of the summation of an infinite converging series of a pattern of numbers, such as the limit of  $1+(1/2)+(1/4)+(1/8)\dots=2$ . By considering the state of motion of a mass-point in an infinitely short time under the influence of an external force, he developed rules for finding areas under algebraic curves [integration], such as the hyperbola, and finding tangents to algebraic curves [differentiation], which he recognized as inverse processes. That is, differentiating the integral of a function results in a return to that function.

Newton discovered that colors arose from the separation, rather than a modification, of white light, that is natural sunlight. He did this using a prism to dissect the white light into its spectrum of constituent colors and then using a prism and lens to recombine the colors to reconstitute white light. The spectrum was the same as that of a rainbow. He determined the angle of refraction of each color by beaming white light through a prism, and then through a hole in a board which isolated one color, to another prism. When he discovered that all colors reflect from a mirror at the same angle, he invented and built the reflecting telescope, which used a parabolic concave mirror and a flat mirror instead of a convex lens, thereby eliminating the distortions and rainbow coloring around the edges that resulted from the refraction of different colors at different angles. He deemed a ray of light to consist of a rapidly moving stream of atomic particles, rather than Robert Hooke's pulses or Christian Huygens' waves, because shadows showed a sharp boundary between the light and the absence of light. He reasoned that if light was made up of pulses or waves, it could spread around obstacles or corners as sound seemed to do. He approximated the speed of sound by timing echoes in corridors of various lengths.

Newton was methodical and combined the inductive and deductive methods of inquiry, first making observations, and then generalizing them into a theory, and finally deducing consequences from the theory which could be tested by experimentation. This was the first clear expression of the basis of the "scientific method". He carried mathematization of data from experiments as far as possible.

Newton theorized that the same gravity force that pulled an apple down from a tree extended out to the moon to hold it in its orbit around the earth. He saw a connection between these movements by imagining a cannon on a mountain shooting a series of cannonballs parallel to the earth's surface. The

first shot has only a tiny charge of explosive, and the cannonball barely makes it out of the muzzle before falling to the ground. The second shot is propelled by a larger charge, and follows a parabolic arc as it falls. The next shots, fired with increasingly more propellant, eventually disappear over the horizon as they fall. Lastly, with enough gunpowder, a speeding cannonball would completely circle the earth without hitting it. By extrapolating from these ever faster projectiles, he opined that the moon was held in its orbit by the same earth force that operated on the projectiles. He correlated the moon's orbit with the measured acceleration of gravity on the surface of the earth. He put various substances with different masses and weights into the shell of a pendulum and observed that the pendulum had the same period [time for one oscillation] and fell at the same rate as free-falling objects. Then he formulated the idea that the ultimate agent of nature was a force acting between bodies rather than a moving body itself. Gravity did not act in proportion to the surfaces of bodies, but in proportion to quantity of matter. Gravity penetrated to the very center of all bodies without diminution by the body. Gravity's force extended to immense distances and decreased in exact proportion to the square of the distance.

Newton opined that an object moves because of external forces on it rather than by forces internal to the object. These are his three laws of motion. 1) He connected the concepts of force and acceleration with a new concept, that of mass. Mass is a quantity intrinsic to an object that determines how it responds to forces, such as the force of gravity. The greater the mass of a body, the stronger the force of gravity on it, and the more difficult it is to get it moving. He found that the acceleration of a body by a force is inversely proportional to its mass, and formulated the equation that force equals mass multiplied by acceleration. So if a force acts on a planet, it produces a change in velocity that is proportional to the force and in the same direction as the force. 2) His law of inertia is that any body, persists in its state of rest or of uniform motion in a straight line, unless affected by an outside force. 3) His next law is that when a body A exerts a force on a body B, then B also exerts a force on A which is equal in amount but opposite in direction. This means that forces that operate between different parts of a planet produce no net force upon the whole planet, so that the mass of a planet can be treated as if it is concentrated at a point.

His law of gravitation explains how the whole universe is held together. This law holds that every object in the universe attracts every other object with a single gravitational force that is directly proportional to the product of their masses and inversely proportional to the square of the distance between their centers. Newton had at first accepted the Cartesian system of celestial vortices of aether that swirled the planets and comets around their orbits. He determined that Kepler's law that areas were swept out in equal times implied that gravity acts in the direction of a line between the planet and the sun. The gross features of the universe and Kepler's observations led to his recognition that the attraction between two bodies decreases inversely in proportion to the square of the distance between them. Only one kind of force would satisfy Kepler's requirement that the sun was a focus of an ellipse and still be consistent with Kepler's law that the square of a planet's period was proportional to the cube of its mean distance from the sun; that was the inverse square law. Then he came to accept Robert Hooke's hypothesis that planets are kept in their orbits by the combination of an attractive power of the sun and of motion in a straight line that was tangential to their orbits. From astronomical data, he calculated this centripetal acceleration of each planet towards the sun to be proportional to the inverse square of its distance from the sun. He also calculated the "centrifugal" accelerations in a straight line. His experiments showed that the centripetal force in a circular orbit was equal to the mass of the body multiplied by the square of its velocity, all divided by the radius of the circular path. He used calculus and differential equations to determine centripetal forces of elliptical orbits, where the distance from the sun, the velocity, and the acceleration were variables.

Newton showed that his single gravitational force could account for the way free-falling objects descend to the ground, the parabolic trajectory of projectiles, the path of the moon in its orbit around the earth, the course of the tides every twelve hours, the lower densities of the earth's atmosphere at greater heights, the paths of Jupiter's moons, the paths of comets, and the elliptical paths of the planets in their orbits around the sun. This determination discredited the previous belief that invisible angels moved the planets. Newton proved from his law of gravitation and his three laws of motion the truth of Kepler's laws of elliptical planetary motion. Newton demonstrated from data collected from the comet of 1680 that comets moved according to his law of gravitation. He showed that the path of a body traveling within the gravitational force of the sun is a circle, an ellipse, a parabola, or a hyperbola. He used the concept of a common center of gravity as a reference point for other motions. The fact that the center of gravity of the solar system was within the body of the sun verified that the sun was indeed at the center of the solar system.

Newton deduced that the tides were created by the rotation of the earth with bulges of water on the earth's surfaces that were closest and farthest from the moon. The moon "pulled" the water nearest to it with a greater force than average. It "pulled" the water farthest from it with a force weaker than

average. These two moving bulges created two tides a day.

Newton's "Principia Mathematica Philosophiae Naturalis", was published in 1687. The established church denounced it as being against the scripture of the Bible. Newton did not agree with the established church on many points, such as the trinity, and was considered a heretic. He had his own interpretations of the Bible and doubted the divinity of Jesus. But it was accepted for dissenters like Newton to qualify for full civil rights by maintaining an outward conformity and taking the sacrament in the established church once a year. Newton was given a royal dispensation from taking holy orders as prescribed by the rules for tenure of fellows of his college at Cambridge University. He did believe in a God who created the universe and who had a ubiquitous presence in all space. When Catholic King James II tried to have a Catholic monk admitted to the degree of a Master of Arts at Cambridge University without taking the oath of adherence to the established Protestant church, so that he could participate in the business of the university, Newton was active in the opposition that defeated this attempt. As a result, he was elected to Parliament by Cambridge.

When Olaus Roemer, a Danish astronomer, was applying Newton's laws to the paths of the moons of Jupiter to make a table of eclipses of Jupiter's moons for use in determining one's longitude, he noticed that the eclipses were five hundred seconds ahead of average time at that time of year when the earth and Jupiter were on the same side of the sun, and five hundred seconds behind average time six months later, when Jupiter was on the other side of the sun. He reasoned that this difference was due to the light from Jupiter's moons taking more time to reach the earth when Jupiter was farther from the earth, i.e. on the other side of the sun. He concluded that light does not travel instantaneously, but at a certain speed. From the fact that it took 1000 seconds for light to travel the diameter of the earth's orbit, he calculated its speed in 1676.

In 1668, Christian Huygens formulated the law of conservation of momentum [mass multiplied by velocity], which held that when objects collide, they may each change direction, but the sum of all their momenta will remain the same. Huygens also recognized the conservation of what was later called "kinetic energy", which is associated with movement. He developed laws of centrifugal force for uniform motion in a circle. He derived the formula for computing the oscillations of a simple pendulum. In 1690, he posited the theory that light consists of a series of waves. It states that all points of a wave front of light in a vacuum may be regarded as new sources of wavelets that expand in every direction at a rate depending on their velocities. He thought this a better explanation of bending and interference of light than Newton's particle theory.

In 1661, Robert Boyle, called the father of modern chemistry, defined an element as a substance that cannot be further decomposed. He distinguished an element from both a mixture, which is easily separable, and a compound, which is not easily separable. He used an air pump he developed and a glass jar to create a confined vacuum space for experiments to find the properties of heat, light, and sound. He noted that burning objects such as candles and coal, when placed in the receiver of his air pump, went out after a time although air was still present. He opined that animals were dependent upon a fresh supply of air to live. He studied the relationship between the volume, density, and pressure of air and gases. He proved by experiment that the volume of a gas at a constant temperature varies in inverse proportion to the pressure applied to the gas. Since gas is compressible, he opined that gases must be composed of discrete particles separated by void, and also that basic physical properties were due to motions of particles, or atoms, which was an ancient Greek conjecture. This cast doubt on the long-held belief that everything was composed from four basic elements: air, water, fire, and earth. Boyle's laboratory at Oxford was denounced by the Oxford clergy as destroying religion. In 1679, the steam pressure cooker was invented by Denis Papin from France. He invented the atmospheric engine in 1690.

Robert Hooke helped Boyle build his air pump. Hooke was thirteen when his father, a minister, died. Hooke was a genius with innate mechanical skill and was an able mathematician. He applied a spiral spring to regulate the balance of watches. A lord financed him as a Gresham lecturer of geometry for 50 pounds a year. In 1666, he used a pendulum to measure the force of gravity and showed that the center of gravity of the earth and moon is a point describing an ellipse around the sun. In 1667, he explained the twinkling of the stars by irregular atmospheric refractions. He formulated the theory that light is composed of pulses. Hooke's Law states that the amount an elastic body such as a spring stretches out of shape is in direct proportion to the force acting on it: its tension. He invented the odometer, a wheel to measure distances. He constructed an arithmetical machine. He invented the universal joint, which can move in many angles. His book of drawings of microscopic animals is a classic. He proposed that fossils can be used as a source of information about the earth's history. Hooke became rich from his inventions, but this was not known until his death, when thousands of pounds were found in his iron chest.

In 1668, Wallis postulated the correct theory of impacts of inelastic bodies, based on the principle of

conservation of momentum. In 1685, he introduced the first graphical representation of complex numbers.

Royal astronomer and genius Edmond Halley, the son of a soap maker, studied tides, magnetism, and the paths of comets and stars. He went on voyages to study the heavens from different positions, thereby laying the foundations of physical geography. He showed that the stars change in position in relation to each other. With Newton's help, he calculated the orbit of a comet he saw in 1682 to be elliptical rather than parabolic and then proved it was the same comet that had appeared in 1531 and 1607, indicating its regularity; it was then named "Halley's comet". However, the Church of England still embraced the idea that comets and eclipses were evidence of God's wrath. Greenwich Observatory was built in 1675. Halley used a barometer to measure the density of the atmosphere and related its readings to elevations into the atmosphere and to weather. He determined that the cause of the tropical trade winds was the sun warming the tropical air at the equator, causing it to rise and move north as it was replaced by cooler air from the north. This body of air was deflected by the rotation of the earth. He illustrated the tropical winds with the first meteorological map. He made a descent in a diving bell, which was used to try to reach wrecked treasure ships. He studied fossils and perceived them as remnants of living beings that had died long ago, and imagined a succession of living things. Halley surveyed the tides and coasts of the British Channel for the king in 1701.

In 1675, apothecary Nicolas Lemery divided substances into mineral, vegetable, and animal. He wrote a dictionary of pharmaceuticals.

John Ray and Francis Willoughby were friends who traveled together to study plants and animals respectively. John Ray started the science of zoology with his edition of Francis Willoughby's "Ornithology" on birds and his own "History of Fishes". He also attempted the first scientific classification of animals in his "Synopsis of Quadrupeds". Ray compared anatomies and experimented on movements of plants and the ascent of sap. He knew that fossils were remnants of old animals. Ray first suggested the concept of species in classification of animals and plants. He opined that the goodness and wisdom of God was shown not only by the usefulness of animals to man's uses as taught by the church, but also by the adaptation of animals to their own lives and surroundings. The vast array and dispersal of animals found by world explorers all over the world cast doubt on the biblical story of Noah putting two of every kind of animal on an ark. The science of botany began with Ray's "History of Plants" and the researches of Robert Morrison, who was Charles' physician and keeper of his gardens.

Nicholaus Steno, a Danish physician, diagrammed six levels of stratification on the earth's surface and demonstrated in 1669 that layers of strata of rock are always deposited with the oldest layers on the bottom and the youngest layers on the top. This began the science of geology. He argued that shifts in the earth's strata caused the formation of mountains. He identified fossils as ancient creatures. The idea that fossils were remnants of dead animals existing before man conflicted with the religious idea that Adam's fall began sin and caused death. The idea from fossils that existing species of animals were modifications of predecessor animals conflicted with the religious belief that Noah's ark had preserved all the varieties of animals. John Aubrey described Stonehenge, thus founding prehistoric archaeology. He thought it to be a Druid temple.

The telescope and compound microscope, which has an objective lens and an eyepiece lens for producing a wide range of magnifications, were further developed. The cellular basis of life was discovered and described by Robert Hooke. Nehemiah Grew, the son of a grammar school master who became a physician, observed and drew plant anatomy, including leaves, flowers, fruits, seeds, ovules, pollen grains, and stamens. He was the first to observe the existence of plant sexuality. Italian Marcello Malpighi, a physician, used the new compound microscope to study human skin, spleen, kidneys, and liver and also compared the livers of several types of animals. He discovered capillaries linking the arterial and venous circulation in the lungs. Dutchman Anton van Leeuwenhoek, a cloth manufacturer who made microscopes to inspect the quality of cloth, turned them to use in understanding the life cycles of mites, lice, and fleas. He correctly described human blood cells. When he found what he described as tiny animals (bacteria, protozoa, and rotifers), he sent clear descriptions of them to the Royal Society in London as proof against the theory of spontaneous generation, which held that lower forms of life could arise from nonliving matter. This started the science of bacteriology. With the discovery of the egg in the female reproductive system, the status of women was lifted.

Physician Thomas Willis, son of a farmer, dissected brains of men and animals to study the anatomical relations of nerves and arteries. Excess urine had been associated with a wasting disease. Willis identified diabetes mellitus with excess of urine that was sweet. Physician Thomas Sydenham, son of a gentleman, observed epidemic diseases of London over successive years, thus founding epidemiology. He also furthered clinical medicine by emphasizing detailed observations of patients and maintaining accurate records. He wrote a treatise on gout and identified scarlet fever. He introduced a cooling method of treating smallpox. But he still relied on the big three treatments: bloodletting,

purging, and sweating. Bloodletting was to draw off bad blood so that it could be replaced by a better fluid. Another treatment used was cupping, whereby a vacuum was created by heated glass cups to draw blood to the surface of the skin. John Locke performed one of the first successful operations draining a kind of abscess of a man's liver. It was common for people who felt ill to take a laxative and rest at home.

In 1690, physicians opened the first dispensaries, which gave treatment and medicine together, to take business away from their rivals: the apothecaries. London's apothecaries were released in 1694 from jury service and service as constable, scavenger, or other parish or ward office because it was necessary that they be available to attend the sick at all times. Peruvian bark which had quinine as its alkaloid had been introduced as a proven cure for the ague, a fever with chills usually due to malaria, in 1653. The English ceased to believe in holy wells, but went to spas such as Bath for treatment of disease.

There was more bathing because private homes in towns now had indoor baths. The public baths came into disuse.

For childbirth, only rich women were attended by physicians. Most physicians used talismen such as the eagle stone at deliveries. Caesarian section almost always led to the death of the mother. Midwives were licensed by the church and could baptize babies. Jane Sharp wrote "The Midwives Book" with anatomical illustrations.

Women over thirty had fewer children and the last child born was at an earlier age than before. This was in part due to birth control such as coitus-interruptus, long breast-feeding of a current child and/or the taboo against sex if the wife was still breast-feeding. Rich women often employed wet-nurses to breast- feed their babies. Babies seldom thrived, or even survived, without out a regular supply of breast milk.

John Locke, an Oxford don, physician, and son of an attorney, expressed a view that the monarchy was not based on divine right, but rather on a contractual relationship with the people, who were reasonable, free, and equal by nature. This idea was first adopted by revolutionists and then became accepted as orthodoxy. Also, he articulated the right of resistance, the supremacy of legislative assemblies, and the responsibility of rulers to answer to their subjects. He theorized that men turn to forming a civil government when there is a need to protect accumulated property from some unreasonable men. This, along with the protection of life and liberty, was the primary function of government, before royal pleasure, national pride, or foreign conquest. He wrote theories on the interaction of supply, demand, interest rates, rents, coinage, and foreign exchange rates. He believed that interest rates should be the natural ones determined by market forces rather than by the legislature, especially if there was an attempt to lower interest rates below their natural rate, which was not only undesirable but easily circumvented. He thought that attempting to legislate contrary to natural economic laws, e.g. prices, was doomed to failure from unexpected consequences. He agreed with most mercantilists that by maintaining a large inflow of precious metals through consistent export of surpluses in foreign trade would lead to low interest rates, increased trade, increased capital stock, high employment, and high prices, and therefore a healthy economy and enrichment of the nation.

Locke thought that knowledge comes primarily from experience, i.e. sensation and reflection, rather than from innate ideas placed in the mind by God, so that observation and experimentation are necessary to find truth. He theorized that propositions of truth have probability rather than certainty. Probable propositions included opinion, belief, and revelation. His "Thoughts on Education" was a great book on the formation of character. Locke also advocated the use of a large field for inventing labor-saving and economic devices for agriculture. He espoused freedom of thought in "Letters on Toleration" and wrote "An Essay Concerning Human Understanding", which described how the mind functions in learning about the world and which attempted to reconcile science and Christianity. He was a great admirer and friend of Newton and they shared religious views. He was also a member of the Royal Society.

At Oxford and Cambridge Universities, there were the most enlightened theologians, classicists, orientalist, philologists, mathematicians, chemists, architects, and musicians. There were professors of Anglo-Saxon, Hebrew, and Arabic. John Locke's influence caused modern philosophy to supercede traditional scholasticism. There were no more disputations to qualify for degrees. Some of the students were the sons of noblemen and sat at meals with the heads, tutors, and fellows of the colleges. Most students were the sons of landowners, clergymen, professional men, or prosperous men of business. They were known as the gentlemen commoner students. The few poor students were known as servitors and paid for their education by menial work. Corporal punishment ceased. Instead there were fines, suspension, and expulsion. Fellows of colleges had common rooms for drinking and smoking

together as they had done in taverns outside college walls. The king had authority to grant licenses in sell or give land in perpetuity, to encourage founding and augmenting colleges and schools. The two universities were vested with the presentation of benefices that had belonged to Papists.

English nonconformists such as Presbyterians were excluded from Oxford and Cambridge Universities, so they were educated at Glasgow in Scotland.

Grammar schools were blamed for the past civil war by educating too many people above their station, so ecclesiastical control now stifled them. A few dissenting schools were established. Charity was given to schools for children of the poor for placement as apprentices, but not to educate them above their stations.

In the 1670s, about 70% of males in London were literate. By 1680, illiteracy was a special characteristic of the poor instead of a characteristic of the vast majority of common people as in 1580. Fountain pens came into use.

Many books written tended to be about the author's experiences, for instance Samuel Pepys' "Diary", Gilbert Burnet's "History of my own Times", John Evelyn's lifelong diary with vivid descriptions of striking events of the day, and nonconformist Celia Fiennes' description of her tour of England on horseback. There were many political biographies. Historians did not yet study history as a continuous process, but narrated self-contained stories to instruct by example. William Fleetwood wrote about economic history in "Chronicon Preciogum". George Hicks put together a "Thesaurus" of the northern languages. Thomas Hyde wrote on ancient Persian religion. John Spenser compared Jewish rites with those of other Semitic people, thus starting comparative religion. Richard Bentley, William's librarian, wrote a "Dissertation" on the ancient Greeks. He compared the ancient Greek life with modern life. He also confuted atheism on the Newtonian system. A translated version of "Critical History of Old Testament" by Frenchman Richard Simon identified the old testament as history instead of divine revelation. John Milton wrote "Paradise Lost", which retells the Biblical story of the Creation and the fall of Adam and Eve against the backdrop of Satan's rebellion and expulsion from heaven and emphasized God's justice in spite of everything. The poem deals with the puritan struggling against evil and the problem of sin and redemption. It has a cold and severe conception of moral virtue and stoical self-repression in its characters. There is no sympathy with the human condition. Reading this book made the English more serious, earnest, and sober in life and conduct and more firm in the love of freedom. John Bunyan wrote "Pilgrim's Progress" in which a tinker takes a journey to find the Everlasting City of heaven and on the way meets people who try to harm him. But he derives strength from his adversities. The journey is a metaphor for the Christian soul trying to find salvation. It is Puritan in its sympathies and has insights into human nature. John Dryden wrote on large social, political, and humanistic issues, often by political satire. William Congreve wrote plays such as a comedy on manners. William Wycherley wrote cynical satires and portrayed folly, affection, and vice. John Vanbrugh wrote plays satirizing London high society and social institutions. John Toland wrote "Christianity and Mysterious" on deism. "Puss in Boots", "Red Ridinghood", and "Cinderella" became available in print. There were many female poets, bookwriters, and playwrights. Anne Finch, later Vicountess Conway, wrote the philosophical book: "Principle of the Most Ancient and Modern Philosophy" to reconcile the new science with Christian belief. In it every creature had a body and a spirit. Mrs. Aphra Behn wrote "Oroonoko", one of the first novels. Basua Makin, governess of the little sister of Charles II wrote an essay to revive the education of women, arguing that women's activity in wartime showed that they were fit to be educated. Elizabeth Elstob, who studied Teutonic languages, was one of the founders of women's education. Mary Astell proposed a college for women. Some women painted portraits.

There were rigid censorship acts from 1662 to 1695. The first required that no one could print a book without first registering it with the Company of Stationers of London and having it licensed by appropriate authority: common law books by the Lord Chancellor or the Lord Keeper of the Great Seal, affairs of state and history books by the Secretaries of State, heraldry books by the Earl Marshall or Kings of Arms Garter, university books by the Chancellor or Vice Chancellor of either of the universities, and all others including divinity, physics, and philosophy by the Archbishop of Canterbury, or Bishop of London. Books could be imported only into London and not sold until approved by the Archbishop of Canterbury or Bishop of London after being opened and viewed by a scholar appointed by these bishops and a representative of the Company of Stationers. If heretical, seditious, scandalous, schismatic or otherwise dangerous or offensive, the importer could be punished. No one could print or import copies of any books without consent of the owner with right by letters patent. The penalty for not doing so was to forfeit 6s.9d. for each such book, of which the king would receive one half and the owner one half. Printers had to set their own name to the books they printed and also the name of the author or else forfeit such book. Only freemen of London who were members of the Company of Stationers could sell books. The Company of Stationers had the authority accompanied by a constable

to search all houses and shops where they knew or had "probable reason" to suspect books were being printed. They could search houses of persons of other trades only by special warrant. They could examine books found to determine if they were licensed and, if not, to seize them. Justices could imprison offenders. The first offense by offending printers was to be punished by suspension from printing for three years, the second offense by permanent disallowance from printing, fine, imprisonment, and corporal punishment not extending to life or limb. This statute was enforced by frequent prosecutions, such as of publishers of pornographic books.

The only newspapers to appear between 1660 and 1679 were official government sheets. But in 1695 the requirement to license publications, including newspapers, was abolished, thereby giving some freedom to the press. Locke had argued for this freedom, stating "I know not why a man should not have liberty to print whatever he would speak and to be answerable for the one just as he is for the other..." In 1702 the first daily newspaper in the world came into existence in England. The Stationer's Company monopoly of printing also ended in 1695. Printing was not regulated and no longer criminal just because it was unauthorized. Printing could now be done in other places than London, York, Oxford, and Cambridge.

The rich got richer and the poor got poorer. Many successful merchants and manufacturers bought landed estates and established a line of country squires or baronets or even peers. The fashion started in the nobility and the richest mercantile families that their wives should become ladies of leisure. For workers though, there was constant underemployment. In periods of economic crisis industrial workers lost their jobs. Much work was seasonal. Anyone who could work most of the time was fortunate. Laboring and out-servants, who comprised one fourth of the population, and cottagers and paupers, who comprised another fourth of the population, had to spend more than they earned. The poor rate collected from the parishes for the cottagers and paupers was 3d. per week. There was an agricultural depression that was deepest in the 1680s after the collapse of a boom. It was the only bad depression experienced in peace time. There was famine in 1698.

Any person receiving relief from any parish and his family members cohabiting with him was required to wear a badge with a "P" which identified his parish. This was to differentiate them from idle, sturdy, and disorderly beggars who were not entitled to relief.

There were more poor people and, despite the poor laws, many became rogues or vagabonds or starved to death. Many went from parish to parish to build cottages and consumed all the wood there and then went to another parish. So the parishes were allowed by statute to remove any person coming to settle in any tenement under the value of ten pounds who was likely to be chargeable to it. They were then removed to the last parish where they had resided for at least forty days. Excepted were people temporarily moving to another parish to work at harvest time. The overall effect was to decrease the mobility of people. But a later statute permitted greater movement of poor people by allowing those who were poor for want of work to go to another parish where labor was wanted. They had to bring a certificate of their present parish membership to the new parish, where they could settle if they rented a tenement worth ten pounds a year or served in a parish office. Later, settlement had to be given to inhabitants paying its parish's rates, and unmarried inhabitants hired for one year, and apprentices bound by indenture. But parishes were displeased with the requirement to give settlements to these people because they feared they would become poor and need parish assistance, thereby increasing the rates to be paid.

Parish poor houses were converted into spinning schools to obtain an income. Parishes of large towns were combined to set up large workhouses, where the poor could be set to unskilled manufacture, but the managers lacked the character and education to make them work.

Because prisoners often died before trial and the poor prisoners became instructed in the practice of thievery in prison, they were set to work on materials provided to them at public expense. No parish was rated at more than 6d. per week for such. The president and governors of corporations oversaw rogues, vagrants, sturdy beggars, and idle or disorderly persons working in corporations or workhouses.

Assessments were made for building and repairing gaols in order to maintain the health and safe custody of the prisoners. Also, gaol fever, a virulent form of typhus, was so prevalent in the large prisons for criminals and debtors that it frequently spread through the adjacent towns. During some assizes, it killed sheriffs, lawyers, and justices.

In 1692, London lands were taxed for the relief of orphans. Churchwardens could seize the goods and chattels of putative fathers and mothers deserting bastard children.

From 1691 to 1740, Societies for the Reformation of Manners prosecuted poor people for moral offenses.



All hackney coaches and stage coaches in all the realm became required to be licensed. The turnpike system came into use. Tolls were paid for road upkeep and repair by private companies. The local parishes ceased to have this responsibility. John Ogilby wrote the first road book based on actual surveys of the roads. Stage coaches cost a shilling for every five miles and went 40-50 miles a day. The trip from London to Oxford was twelve hours. The company of Coach and Coach Harness Makers was founded with the consent of the king. The body of a coach hung from the frame by leather braces. One axle pivoted for turns. Plate glass was used in the windows. Rivers improved so that most places were no more distant from navigable waters than a long day's haul on land.

The several post offices were put under the authority of one Postmaster General appointed by the king for the purpose of speed and safety of dispatches, which were carried by horseback. One sheet letter going less than 80 miles cost 2d., and more than 80 miles, 4d.

When the army was disbanded after the Restoration, its officers and soldiers were allowed return to their trades and their apprenticeships without serving the usual seven years. Parishes were required to provide for poor and maimed officers and soldiers who served Charles I or Charles II. The Royal Hospital founded by Charles as a home for veteran soldiers opened in 1692. Greenwich palace was converted to a hospital for seamen and their widows and children to encourage men to become seamen: mariner, seaman, waterman, fisherman, lighterman, bargeman, keelman, or seafaring man in the king's Navy. Also, children of disabled seamen were to be educated at the expense of the hospital.

Charles retained one regiment from which he started a small standing army, which slowly increased in size ever after. The army was primarily mercenary, as it had been in medieval times, with officers buying their commissions. Colonels were the proprietors of their regiments and captains were the proprietors of their companies. The soldiers were ill mannered, swearing and cursing and stealing, sometimes from peoples' homes, and intimidating people with their swords. The bayonet was invented to attach onto a gun, which were muzzle-loading with a match lock. So pikemen with their long spears became obsolete. Hand grenades and small explosive bombs came into use about 1670.

Explosives were also used in mines. Mines for coal became deeper as coal replaced the use of increasingly expensive wood charcoal for brewing and for brick, glass, and china manufacture. Flooding of coal, tin and copper mines became a problem. In 1698, Thomas Savery invented the Miner's Friend, a practical atmospheric steam engine without a piston.

There was resort to many devices to fund wars. The land tax was still the primary tax. The customs and excise taxes were often extended to more goods and wares. Sometimes there were duties imposed on marriages, births, and deaths. Also, hawkers, peddlers, and other trading persons going from town to town to other men's houses on foot or on horse carrying wares had to buy a license. There were also loans from privileged companies such as the Bank of England, East India Co., and the South Sea Co. Commissioners were appointed to take and state the account of all money in the public revenue. This discouraged the prevalent corruption of government officials and thereby the people were encouraged to pay their taxes.

The Goldsmiths loaned money to the king and to private persons and to the Exchequer. Receipts from Goldsmiths for storage in strong boxes had become a de facto paper currency. But when the Goldsmiths had no more money to lend, the Bank of England was founded in 1694 under whig auspices to provide money for war. It was the first institution to issue notes in excess of its total deposits. However, it was not allowed to lend money to the Crown without the consent of Parliament. It was incorporated as the first English joint-stock bank and had about 1,300 shareholders. These original subscribers were individuals from London from many walks of life, including well-to-do tradesmen and about 12% of whom were women: wives, widows, or spinsters. Not many corporations were original subscribers. Holders of at least 500 pounds could vote, of 2000 pounds could be directors, and of 4000 pounds could be Governor. The Bank issued notes payable to bearer and discounted bills, but these were not legal tender. It lent at 8% to the Crown and occasionally to corporations. Money was also borrowed by offering annuities on single lives. This was the first time the government borrowed directly from the public on a long- term basis.

In 1695 there was inflation due to over issue by the Bank because of inexperience, pressure from government, and the Bank's greed for business. After a dividend of 5% in 1695, the next year there was no dividend and so the bank stock price fell. In 1696, five pound and ten pound short term bonds were sold to the public. Also in that year was the first run on the bank. This occurred two days after clipped money lost currency; people wanted the new recoin money, but the Mint had not supplied the Bank with sufficient supplies. Interest instead of cash was given for notes. Cash was short for months. The Bank's credit was much shaken. It was then given a monopoly so that its notes would not have competition. Thereafter, its dividends were good - about 12% per year. Because of its monopoly, its dividends were about 3% above the current going rate of interest. About this time, Exchequer Bills,

with interest, were started by the Exchequer and circulated by the Bank of England. They were frequently endorsed many times by successive holders.

The Bank simply took over from the goldsmiths its main everyday business of deposit, with a running cash note [cashier's note, specie note, cash note], which was payable on demand and normally did not bear interest; and a drawn note [precursor to the check, but not on special paper]. The Bank gradually convinced many of its clients to use its "check" [cheque] paper when drawing. The check paper was unique to the Bank and embellished with distinctive scroll work to serve as an obstacle to fraud. Over time the running cash note tended to be for round sums of at least twenty pounds and multiples of five pounds. The Bank of England had a monopoly on issuing notes in the London area. Country banks arose and issued bearer notes payable on demand and interest-bearing notes in their areas. The Bank of England gave to its depositors the service of paying annually to a designee without further order.

A decision of the common law courts held that bills of exchange (written orders to pay a given sum on a given date) were transferable to other people by successive endorsements. So long distance payments no longer had to be made in coin, with all the dangers of highway robbery.

The financial revolution of the 1690s meant that the merchant elite could invest in government bonds or company bonds at 5-6%, or London leases at 10%, as opposed to income from landed estates, which was under 3%. Shareholders were no longer personally liable for company losses. Interest on loans was no longer considered sinful as long as it was not oppressive. The greater ability to borrow spurred the growth of capitalism.

All brokers and stock jobbers in London and Westminster of bank stock, bank bills, shares and interests in joint stock must be licensed by the mayor, which shall necessitate their taking an oath to exercise their office without fraud or collusion to the best of his skill and knowledge as of 1697. This is to avoid the collusion of fixing values to their own advantage.

Compilations of tables of mortality originated the science of life-statistics. This made life insurance possible. But it was administered by ad hoc offices rather than companies and was not reliable in making payments.

William Petty made a statistical study of economics and determined that the basic values of an economy derive not from its store of treasure, but from its capacity for production. Trade was studied empirically by statistics by new offices such as the Inspector General of Imports and Exports.

Charles instituted a hearth tax of 2s. per year in 1662, with constables and officers authorized to verify the number of hearths and stoves in houses. It was repealed in 1688 because it could not be enforced except by exposing every man's house to be entered and searched at pleasure by persons unknown to the people, which was oppressive and a badge of slavery.

By bribes, Charles built up a body of support in Parliament which could be relied upon for a majority. They came to be called "tories" by their opponents. "Tory" had been a term of abuse for Irish Catholic bandits. The tory and whig groups were known by their disagreement over the authoritarianism of the Crown. The tories were sympathetic to the doctrine of divine right and favored a doctrinally high church. The tories represented landed property and the established church, and usually wore blue in contrast to the purple of royalty. Many royalists became tories. The whigs refused to accept the sacrosanct character of the monarchy. The whigs opined that government depended upon consent of the people and that the people had a right of resistance. They subordinated the Crown to Parliament. The whigs represented the dissenters and the mercantile classes, and often wore red. Many former Puritans became whigs. "Whig" had been a term of abuse for Scots Presbyterian rebels and horse thieves.

The gout and venereal disease were common among political leaders. A primitive condom just introduced to the aristocracy from France helped deter syphilis, but was uncomfortable and unreliable.

Under Charles II, the Treasury as a supreme financial body separated from the Exchequer as a depository of revenue. A gold guinea coin was issued. From 1690, government policy was controlled by specific appropriations. Money bills had to originate in the Commons, and could not be amended by the House of Lords.

Boards became independent of the king's Privy Council and answerable to the secretary of state.

In the 1680s, Charles compelled some of the livery companies in London to give up their charters to him and he called in many corporation charters of boroughs whenever some light excuse could be found to justify it. This was done by the use of the writ of quo warranto [by what authority] before a court. In London he had the tory mayor revive an ancient custom of selecting a sheriff by drinking to

him at the annual feast. Two tory sheriffs were installed into office. All these actions gave the king a voice in selection of the officers of London and boroughs, since Royal commissioners would then determine who the officers would be. This was to assure London's representation in Parliament by Crown loyalists as London had been whig. It also allowed influenced selection of sympathetic jurors.

Criminal seditious libel was brought into the common law courts in 1664, when Benjamin Keach was tried for writing a book containing contradictions of the doctrine of the established church. He wrote against infant baptism and asserted that laymen might preach the gospel. The justice intimidated the jury to find him guilty. He was sentenced to be fined, to spend two hours in the pillory in two successive weeks, and his book to be burned before his face. He was to be imprisoned until he found sureties for his good behavior and renunciation of his doctrine and for his future appearance in court. Juries were loath to find anyone guilty of seditious libel.

James II succeeded Charles II to the throne and fostered Roman Catholicism by appointments and by attempting to suspend laws unfavorable to Catholics. He commanded all bishops to read in the churches his Declaration of Indulgence exempting both Catholic and Protestant dissenters from all penal statutes based on religion. Seven bishops refused to obey and jointly petitioned him, stating that his action was illegal according to Parliament. He prosecuted them for seditious libel in the petition. The jury found them not guilty. James discharged the two justices of the five who had rejected the seditious libel doctrine which had been created by the Star Chamber Court. This roused the whigs and tories in turn to discharge him by joining in inviting Protestants William of Orange and Mary to take the throne in his place. James was effectively chased out of England by William's advancing army in the Glorious Revolution of 1688-9, which took away the powers of final authority from the king, but without transferring them to any other body. A "Bill of Rights" stated that

1. -The king may not suspend laws or dispense with them without consent of Parliament.
2. -The establishment of a Court of Commissioners and like bodies for ecclesiastical causes is illegal.
3. -The king may not levy money or extend an authorized levy without consent of Parliament.
4. -Subjects have a right to petition the king without prosecution.
5. -The king may not raise or keep a standing army within the country in time of peace without the consent of Parliament.
6. -Protestants may have arms for their defense as allowed by law.
7. -The elections of members of Parliament should be free.
8. -The freedom of speech or debates or proceedings in Parliament should not be impeached or questioned in any court or place outside of Parliament.
9. -Excessive bail should not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted (so no more men were whipped to death).
10. Jury selection should not be tampered with, and jurors who try men for high treason should be freeholders.
11. All grants and promises of fines and forfeiture of particular persons, before conviction, are illegal and void.
12. Parliament should be held frequently for redress of grievances and for the amending, strengthening, and preserving of the laws.
13. All Protestants may freely exercise their religion and the king will maintain the Protestant religion and the law and liberty of the realm.

The right of the peoples' representatives to select and depose the king and to change the order of succession was established. There was no divine right or hereditary right to the Crown. An English monarch was created by an act of Parliament. The king still called and dissolved Parliaments, except that Parliament continued for six months after the death of a king. From 1689, Parliament sat every year. Freedom of speech for members of Parliament was established by a resolution overturning a King's Bench felony conviction of Sir John Elliot.

By the act of settlement of 1701, no officer or pensioner of the king could be a member of Parliament. All resolutions by the Privy Council had to be signed by the members consenting to them. No one born outside the realm could be a member of the Privy Council or of Parliament, or could have any civil or military office or place of trust, or any grants of land or tenements from the king. Justices served during

good behavior instead of at the pleasure of the king.

After the Glorious Revolution, Tories tended to accept of the Whig principles of limited constitutional monarchy instead of rule by divine right.

Under William and Mary, the ministers were first chosen by them but could be impeached by the Commons and then removed by the Parliament. The Commons removed anyone who disagreed with them as soon as he made a mistake. But the king could pardon anyone convicted by Parliamentary bill of attainder. This was inconsistent, so no one was allowed to plead pardon by the king in an impeachment by the Commons. Thus Parliament gained control of who would be ministers.

The Glorious Revolution favored the capitalists and the commercial magnates even though it had been started by the landed families, with whom they now intermarried. There were companies in the fishing, silk, baize [a coarse wool], sugar, rope, paper, iron, hardware, cutlery, gunpowder, saw milling, and pottery trades. These industries for manufacturing were organized on capitalist lines rather than being subject to guilds. That is, production was controlled by men with money and the means of manufacture. The largest pottery workshops employed about six men. One man shaped the pots, another made the handles and put them on, while the others did the decoration, the glazing, and the firing. New companies could be formed without royal or Parliamentary consent. Regulated companies declined. There were no more commercial monopolies. The Merchant Adventurers lost their last monopoly privileges and their entrance fees were abolished. Their method of limiting the volume of their exports of English cloth to Germany to keep up prices was obsolete. Now they tried to capture the market by selling cheap. There were more joint-stock companies and on a larger scale. They also no longer restricted output to keep prices high, but geared to export many inexpensive goods.

Drinking of gin, which had first been made by a Flemish physician, became popular under King William, who was Dutch. The year of his accession, the gin monopoly ended.

From the mid-1500s to 1700, coal production increased fourteen times. Sir Ambrose Crowley, an iron maker with coal works, established disability and medical benefits and pensions for his workers.

The capitalist organization of the mining, glass manufacture, salt, soap, wire and other monopolized industries was made possible only by government support. Salt and glass manufacture expanded. Glass drinking vessels were in common use. Mirrors of blown plate glass were manufactured in England. In 1670, Vauxhall glass works were opened with workmen brought from Venice to blow their fine glass and make mirrors. Some plate glass by casting was imported. Plate glass was a large and strong glass piece, which was formed by the liquid glass being poured on a table. This glass was not distorted, so mirrors could be made perfectly reflective. Then plate glass for coaches, mirrors, and windows became manufactured in England; this new industry was organized on capitalist lines.

The domestic or "putting out" system came into use. In this system, the worker usually owned his own machinery and the capitalist owned the material, which he put out to the worker at home. The merchant manufacturer bought raw wool and had it carded, spun, woven, fullled, and dressed at his own expense. Some farmers became spinners in the winter when outside work was impossible. The manufacture of nails was also done by this system. Accordingly, the guilds and municipal corporations in towns ceased to control the recruiting, conditions of work, and pay of industries. Only a quarter of 200 towns had any organized guilds at all. The growing town of Birmingham was not a chartered borough, so never was encumbered with guild regulations. Overall, the guild and apprentice regulations were effectively enforced only in agriculture work. Artisans became known as tradesmen. Work was usually irregular, some seasonal. In bad years, when a worker had to borrow money, he used work tools, such as his loom, as security. In this way, one's work tools often became the property of a merchant. Some merchant clothiers also owned a fulling mill and a shop where the cloth was sold. The capitalists first became owners of the materials, then of the implements, and then of the work places. But production was still confined to the known wants of its habitual market. Men used to working at home were generally not inclined to go to work in a factory. So there was an assortment of unskilled factory labor, such as country people driven from their villages by the growth of large estates, disbanded soldiers, and paupers. They had to be taught, trained, and above all disciplined.

Smiths used trip hammers powered by watermills which turned axles with cams on them. They made iron gates, fences, balconies, and staircases with hammer, anvil, and chisel. Cast iron was made by running liquefied metal into molds. This was harder but more brittle than the tough but malleable wrought iron. Tinkers went from house to house to repair metal items such as pots and pans.

The East India Company had about half the trade of the nation. Its shares were frequently bought and sold. It responded to anger over its semi-monopoly status by granting liberty to all English subjects below the age of forty to live in its Indian settlements and to trade practically everywhere. Bombay, India became subject to the East India Company. Charters gave the East India Company the right to

coin money, to exercise jurisdiction over English subjects, to levy taxes, to build and command fortresses, to command English and Indian troops, to make peace and war, and to enter into alliances with Indian rulers. The Company always paid high dividends and the market price of its shares generally rose. 100 pound stock was worth 130 pounds in 1669, 245 pounds in 1677, 280 pounds in 1681, 360 and even up to 500 pounds in 1683, and then fell to 190 pounds in 1692. In 1693 a new charter for the Company included loss of monopoly status by resolution of the Commons. With this resolution, Parliament assumed the right of regulating commerce, now no longer the king's province. Thereafter the Commons regulated trade with India and determined who could participate in trade there. Political issues developed, which initiated corruption at elections by entertainment and bribes to candidates, which were later proscribed. The trade opened up to many more traders and investors. Ordinary investors came to include women and Quakers. The Stock Exchange was incorporated about 1694. Exports included grain, silk, metal wares, foodstuffs, lead, and tin. Cloth and manufactures were exported to America. Dyeing and dressing of cloth became the norm and undressed cloth exports fell sharply. Imports included linen; flax; hemp; timber; iron; raw, thrown, and woven silk; wine; brandy; fruit; coffee; chocolate, served as a drink or used in cooking; cauliflower; and oil. From America came molasses, sugar, tobacco, and dyes. Sugar was in great demand for tea, coffee, and chocolate. The East India Company imported calico, silk, pepper, spices, China tea, potions, and saltpeter. Tonnage of English shipping doubled by 1688 Exports and imports increased 50% by 1700.

When there was a surplus of grain, it was exported. About 1696, the king set up a board of trade of eight paid members and great officers of state, who nominally belonged to it, and a staff. This was to achieve a favorable balance of trade. For instance, it imposed tariffs to protect internal markets and put restraints on imports of goods producible in the country, e.g. live cattle, dairy products, and woolen goods. It also restricted the export of raw wool. England led the way in protectionist measures.

Parliament required an oath of allegiance to the new sovereigns William and Mary from all those in public functions, including the clergy. By extending this rule to the clergy, Parliament asserted a supremacy of Parliament over the church. It also asserted a supremacy over the king by requiring all monarchs to take a coronation oath promising to govern according to the statutes, laws, and customs of Parliament, to make judgments with law and justice in mercy, and to maintain the Protestant religion established by law.

England competed with other nations for land in the New World. Carolina, named for Charles II, was colonized for commerce in 1663. The Episcopal Church, an analogue of the Church of England, was established there by law. The whole coast became English after war with the Netherlands gave New York, named for Charles II's brother the Duke of York, and New Jersey to England in 1667. Presbyterians and Baptists fled from religious tests and persecutions in England to colonize New Jersey. For free passage to the English colonies, people became indentured servants, agreeing to serve the master of the ship or his assigns with a certain kind of labor for a term of a few years according to a written contract made before departure. Also, various statutes made transportation to any part of America available to any person who would pay for his transportation, for a term of years, usually seven, as a new possible penalty for offenses. In 1636, Harvard College was founded in New England to advance literature, arts, and sciences, as well as to train ministers. Some American colonists sent their sons to be educated at the Inns of Court in London.

In 1682, Quaker William Penn, son of an Admiral, founded the colony of Pennsylvania for Quakers in a "Holy Experiment" in political and religious freedom. The king had granted proprietary rights to this land to him to discharge a Crown debt to his father. When Penn refused to take off his hat before King Charles and asked why Charles took off his own, Charles, unruffled, replied that "It's the custom of this place that only one man should remain uncovered at a time". The Pennsylvania Charter of 1701 went beyond Magna Carta and England's law in guaranteeing right to counsel and giving a right to defendants to summon witnesses in all criminal cases. It gave Penn absolute authority and he established liberty of conscience, i.e. freedom of religion, and freedom from arbitrary arrest. In 1751, some Quakers founded a small hospital in Pennsylvania as an asylum for the insane, where they would be treated humanely.

Proprietary colonies, in which an individual or syndicate held under the crown a sort of feudal overlordship, were founded in America: namely, Virginia, Maryland, Carolina, New York and New Jersey in 1663, and Pennsylvania and Delaware in 1682. New Hampshire was made a royal province in 1680 to cut off the expansion of Massachusetts, which had been avoiding the trade laws. These colonies were distinguished from the corporate colonies of Massachusetts, Plymouth, Connecticut, and Rhode Island, which made their own arrangements for internal government without a royal executive. Charles persuaded the Chancery Court to declare the charter of Massachusetts void; it was given a new charter in 1691 which made it a royal province. New York was made a royal province in 1691. Maryland's proprietor gave way to a royal governor in 1692. Soon all colonies except Rhode Island, Connecticut, Pennsylvania were royal provinces, with governors nominated by the Crown. This bringing of union to

the colonies was done for maintenance of order, to coordinate defense, and to enforce trade laws.

In 1670, the Hudson's Bay Company was incorporated to engage in fur trade with Indian trappers in the Hudson Bay and to find a northwest passage to China.

In 1701 the founding of the "Society for the Propagation of the Gospel in Foreign Parts" by the Church of England created many missionaries in the colonies, where they called their churches "Episcopalian".

Increase Mather and his son Cotton Mather were Puritan ministers in colonial Boston. Increase was for a time the President of Harvard College and participated in obtaining the new charter of colonial Massachusetts of 1691. He and his son tried to maintain the principles of the Puritan founders of Massachusetts, which included the theories of diabolical possession and witchcraft. But the thought of Presbyterians, Anglicans, and Baptists became influential also. In 1692 in the small town of Salem, Massachusetts, some hysterical girls showing strange spasms and sounds charged they had been bewitched by certain other residents. Victims were deceived, flogged, or tortured into forced confessions and then excommunicated from the church. They were then hanged and their property confiscated. One man endured being pressed to death for refusal to plead so that his property would be inherited by his family rather than confiscated due to being convicted. Eventually, some prominent citizens including judges were accused. Then the more thoughtful people began to doubt the whole phenomenon and admitted error. The excommunications were revoked. Cotton Mather came to accept Newton's science and advocated inoculation. He encouraged Puritanism into a simpler piety and charity. This influenced American Protestantism toward a generalized concern with good works, morality, and social leadership.

#### The Law

Treason to the king is to compass, imagine, or intend death or any bodily harm tending to death, or maiming or wounding, or imprisonment, or restraint as well as trying to depose him or levy war against him. Also included is printing, writing, preaching, or malicious speaking. Traitors shall suffer death and forfeiture as in high treason.

The fine for having, buying, or selling clipped coins is 500 pounds, one-half going to the informer, and one-half going to the king. The offender shall also be branded in the right cheek with the letter "R". He shall be imprisoned until he pays the 500 pounds. No hammered coins are lawful. Anyone except a smith in the king's mint making tools or presses or other machines that can make counterfeit coins or having such which were stolen from the mint shall be guilty of high treason.

Any malicious and willful burning or destroying of stacks of hay, grain, or barns, or killing any horses, sheep, or cattle at night shall be felony and punished by transportation to the American colonies for seven years.

Any person apprehending a thief or robber on the highway will be rewarded 40 pounds from the local sheriff, to discourage the many robberies and murders which have made travel dangerous. Also, executors of persons murdered while trying to apprehend a robber shall have the reward.

Anyone killing, hurting, or taking away deer from any forest or park or other ground without consent of the owner or custodian shall pay a 20 pound fine. This was later increased to 20 pounds for hunting deer and 30 pounds for wounding or killing deer, with the pillory for one hour on market day and gaol for a year without bail for those who couldn't pay.

Any person privately and feloniously stealing any goods, including horses, by day or night, in any shop, warehouse, coach stable, or stable, whether there is a break-in or not, and whether or not the owner is present, or anyone assisting or hiring such person may not have benefit of clergy. Any person who apprehends and prosecutes such person is excused from having to serve in parish and ward offices. An offender being out of prison who informs against two other offenders who are convicted is to be pardoned. Any person convicted of theft or larceny and having benefit of clergy is to be burnt in the cheek nearest the nose instead of on the hand.

When a bill of exchange drawn to at least five pounds is not paid on demand at the time it is made payable, the person who accepted it may make a protest in writing before a notary public, which shall be served on the maker of such bill, who must pay it and all interest and charges from the date of the protest. But if a bill of exchange is lost or miscarried, another shall be given in its place.

No one may take more than 6 pounds in interest for a 100 pound loan.

Persons seeking election to Parliament may not give or promise money, meat, drink, entertainment, present or gift to any elector.

Because the gaols were full of people in debt due to the late unhappy times such as the London fire, all prisoners for debt were released upon taking an oath that they had no property over ten pounds nor had disposed or conveyed property to defraud creditors. Creditors not wanting them released had to contribute to their maintenance in gaol.

Any sale of land or lease or estate of freehold or copyhold shall be in writing and signed. An interest in land given orally shall have only the force of estates at will. All contracts for sale of goods or merchandise for the price of at least 10 pounds shall be in writing and signed by the parties or shall be accompanied by part payment or partial acceptance of the goods. This is to deter fraud. This statute caused many small freeholders, including yeomen, who paid rent by custom to be dispossessed.

Mortgagees can hold the land of any mortgagor who borrows money upon security of the land or obtains another mortgage without prior notice to the initial mortgagee. The mortgagor has six months to pay off the mortgage and all interest and charges or vacate the land and lose his equity therein. But a widow's dower will not be affected if she did not join with her husband in the mortgage.

If rent is not paid in a reasonable time, the renter's goods and grain may not only be distrained, but sold.

One coparcener [one person of two or more persons who inherit as co-owners of land] of a joint tenancy [land held that descends to the heir of a co-owner who dies] or tenancy in common [land held that accrues to the surviving co-owner if one dies] may have a court partition the property without the presence of other coparceners, because such coparceners are often difficult to find. This is to avoid wasting of land lying uncultivated and unmanured.

After the intestate death of a father of any sons or daughters without wives or children of their own in the life time of their mothers, the mother and every brother and sister shall share equally except the customs of London and York shall not be affected. Administrators have to make an inventory. They have to account on request by an interested person. They must be bonded by two sureties.

Executors and administrators of estates of deceased persons must pay the debts of the deceased person rather than waste or convert the goods and chattels to their own use. Creditors may recover their debts from heirs or devisees of the will of a debtor.

Men gone beyond the sea who could not be accounted for were deemed dead after seven years, so their life estates could be terminated.

Whereas lawful games are not to be used as constant callings for a livelihood, and young people are deceived and debauched and their money taken, anyone "winning" money by deceitful or fraudulent gambling shall forfeit three times his "winnings".

The making or selling of fireworks is forbidden or else forfeit 5 pounds. Firing or throwing such from one's house onto or across the street is a common nuisance with a penalty of 20s. This is to avoid the loss of life and of eyes.

No more than 20 people may petition the king nor more than 10 people may assemble to present a petition to the king, because more has been tumultuous and disorderly.

Anyone may without fee set up a hemp business including breaking, hatchelling [separating the coarse part and broken pieces of the stalk from the fine, fibrous parts by drawing the material through long iron teeth set in a board], and dressing it; or a flax business, including making and whitening thread, spinning, weaving, making, whitening, or bleaching hemp or flax cloth; making twine or nets for fishing or treating cordage for tapestry or hangings, because the daily importation of such has in effect taken the work from the poor and unemployed of England.

No sheep, wool, woolfells, shearlings, yarn, fuller's earth, or fulling clay may be exported as has secretly been done, so that the poor of the realm may have work.

Fishermen may sell their fish to others than Fishmongers at Billingsgate fish market because the Fishmongers have forestalled the market and set their own prices. The buyers of such fish may resell them in any other London market by retail, except than only Fishmongers may sell in shops or houses.

No tanned or untanned skin or hide of any ox, steer, bull, cow, or calf may be exported because the price of leather has risen excessively and leather workers can't get enough raw material to carry on their trade and because poor people cannot afford leather items they need.

The newly incorporated Company of Silk Throwers (drew the silk off the cocoon) employs many of the poor, but others practice the trade, so an apprenticeship of seven years is required to practice the trade in the realm. Winders or doublers who purloin or embezzle and sell silk from the thrower who employs him and the buyer of such silk shall make such recompense as ordered by a Justice of the Peace or be whipped or set in the stocks for the first offense.

The regulation of the Silk Throwers company restricting the number of spindles to be worked at one time is voided because it has taken livelihoods away and caused foreign thrown silk [silk twisted from cocoons into thread] to be imported.

Buttons on garments must be made of silk, mohair, gimp, and thread and by needle to keep employed the many throwers, twistors, spinners, winders, and dyers preparing the materials for these buttons. No button may be made of cloth or wood.

When a bill of exchange drawn to at least five pounds is not paid on demand at the time it is made payable, the person who accepted it may make a protest in writing before a notary public, which shall be served on the maker of such bill, who must pay it and all interest and charges from the date of the protest. But if a bill of exchange is lost or miscarried, another shall be given in its place.

No one may take more than 6 pounds in interest for a 100 pound loan.

Persons seeking election to Parliament may not give or promise money, meat, drink, entertainment, present or gift to any elector.

Because the gaols were full of people in debt due to the late unhappy times such as the London fire, all prisoners for debt were released upon taking an oath that they had no property over ten pounds nor had disposed or conveyed property to defraud creditors. Creditors not wanting them released had to contribute to their maintenance in gaol.

Retailers of wine may not add to imported wines cider, honey, sugar, molasses, lime, raisin juice, or herbs.

Butter sold must be of one sort and not contain bad butter mixed in with good butter. Butter pots must bear the name or mark of their potter.

Salt may be sold only by weight, to avoid deceit by retailers and wrong to buyers.

No tobacco maybe grown in England because the colonies would be discouraged from growing it and the king would not receive customs from it.

No goods are to be imported to or exported from America, Asia, or Africa except in English ships, with masters and 3/4 of the mariners Englishmen. No manufacture of Europe may be imported into any colony or territory except shipped from England in English ships manned by Englishmen. As of 1672, if bond is not given for colonial exports of sugar, ginger, tobacco, cotton, indigo, cacao nuts, or fustic [tree that yields a yellow dye] and other dye- woods going to England, a duty must be paid. As of 1696, no colonial goods are to be imported or exported or carried from one colony to another, except in ships owned and built in England, Ireland, or the colonies with the masters and three fourths of the mariners from such places. These navigation acts were strictly enforced.

Only persons with lands and tenements or estate worth over 100 pounds per year or having a lease of at least 99 years worth 150 pounds per year and owners and keepers of forests or parks may have any guns, bows, greyhounds, hunting dogs such as setting dogs, snares, or other hunting equipment. These persons may kill hare, pheasants, partridges, and other game. Gamekeepers authorized by Justices of the Peace may search houses and outhouses and seize unlawful hunting equipment. If hunting equipment or game is found in a house without good account to the Justices of the Peace, they shall impose a fine of 5s. to 20s., one-half going to the informer and one-half going to the poor of the parish.

Army officers or soldiers who desert or mutiny shall suffer death or such other punishment as decided by a court martial of senior officers rather than the usual form of law, which is too slow.

Seamen not showing up on board after notice shall serve six months without pay, but shall not suffer as deserters. Seamen do not have to perform service in the Army.

Pirates may be punished by death and loss of all lands and chattels. Any person aiding, advising, or concealing pirates may be likewise punished. Officers and seamen killed or wounded in the defense of a ship or who seize or destroy pirates may be paid by the owners an amount up to 2 pounds per 100



pounds of freight as determined by a group of disinterested merchants and the judge. The amount due to a man killed will be paid to his widow and children. This is to be done when the ship arrives in port. Any person who informs of any combinations or confederacies planning to run away with or to destroy a ship shall be rewarded by the commander or master of such 10 pounds for a ship 100 tons or under, and 15 pounds for a ship over 100 tons. The trial may be in England or the American colonies, whose authorities may issue warrants for arrest of alleged pirates. Deserters from ships, because they often become pirates, shall forfeit all wages. Masters forcing any man fit to travel to stay on shore or willfully leaves him behind shall suffer three months in prison without bail.

Persons may mine for ores on their own land, but must turn it over to the king who will give compensation for it, including gold, silver, copper (16 pounds per tun), lead (9 pounds per tun), tin (40s. per tun), and iron (40s. per tun).

By statutes of 1660 and 1662, when goods have been carried off ships without customs being paid, the Chief Magistrate of the place where the offense was committed or the adjoining place, or the Lord Treasurer, or a Baron of the Exchequer may, upon oath, issue out a warrant to any person to enter, with the assistance of a sheriff, constable or other public official, any house, shop, cellar, warehouse, or room in the day time where the contraband goods are "suspected to be concealed", and in case of resistance, to break open doors, chests, trunks, or other packages and to seize such goods, provided that if the information whereupon any house is searched proves to be false, the injured party shall recover his full damages and costs against the informer by action of trespass. This was extended to the colonies in 1696.

The penalty for cursing or swearing by a servant, day laborer, soldier, or seaman is 1s. For others, it is 2s. The fine is doubled for the second offense, and tripled for the third offense. If an adult offender can't pay, he shall be put in the stocks for one hour. If a child offender can't pay, he shall be whipped by the constable or by a parent in the presence of the constable.

The equity courts are now conceding limited proprietary rights to married women by enforcing premarital settlements or trust arrangements that designate certain property as a wife's separate estate and exempt it from control by the husband. Such protective devices generally reflected a father's desire to shield his daughter from poverty and benefited only the landed aristocracy in practice. Also, husbands are not allowed to punish and beat their wives as before. But the lower rank of men were slow to give this up. A wife could have the security of the peace against her husband. He could restrain her liberty only for gross misbehavior.

In 1685, the courts ruled that apprenticeships were necessary only for servants hired by the year, thus exempting most wage laborers.

There were many variations in religious practices for statutes to address. The Quakers and Baptists were opposed to any state church. The Independents and Presbyterians accepted the idea of a state church. The members of the established church and Roman Catholics adhered to their version the state church as they had experienced it in the past. Atheism had a bad reputation. In 1662, the Jews established the first synagogue in London. The Privy Council recognized their religious status as long as they were peaceful and obeyed the laws. They engaged in pawn-broking as well as money-lending.

There were various statutes enacted over the course of time regarding religion, as follows:

All ministers, school teachers, mayors and other town officials, including magistrates, were required to take the oaths of allegiance and supremacy [of the King over the church] or be removed from office.

A great number of people refused to come to their parish church or other public place where common prayer and sacraments were administered and the word of God was preached according to the established church. The morning and afternoon Sunday services with sermons, sometimes by guest preachers, continued. So factions and schisms developed. In response, the king changed the Book of Common Prayer and its prayers were required by statute in 1662 to be read by some priest or deacon in all the churches and places of public worship wherever and whenever there was any preaching or lecturing. Attendance at one's local parish church was never again required.

Attendance at the established Church of England was never again required. Nor was preaching or lecturing constrained. Instead, a statute was passed in 1677 that: Every person shall be pious and exercise religion publicly and privately on Sunday. No work may be done or goods sold or else forfeit 5s. or the goods respectively. No one may travel or else forfeit 5-20s. In a further statute of 1688, because some ease to scrupulous consciences in the exercise of religion may be an effectual means to unite Protestant subjects in interest and affection, Protestant nonconformists who took the oaths, or declaration in the case of Quakers, and a declaration that they were not Catholic, did not adore the

Virgin Mary or any saint, and did not go to mass were declared not liable for punishment in any ecclesiastical court by reason of their nonconformity to the Church of England, except Protestant dissenters meeting behind locked doors. But payment of tithes and performance of parish duties were still obligatory. Non-conformist preachers had to subscribe to the tenets of belief listed in the first eighteen Articles of Religion, but were exempted from the articles on expounding inconsistencies in scripture, the traditions of the church, homilies, and consecration of bishops and ministers of the Elizabethan statute and the statute on uniformity of prayers and sacraments of Charles II.

As of 1665, no nonconformist minister, i.e. one who endeavored any alteration of government either in church or state, was allowed to live or visit within five miles of any corporate town or any place where he had acted as minister or else forfeit 40 pounds. Persons not frequenting the established church were not allowed to teach in any public or private school or else forfeit 40 pounds.

By statute of 1670, anyone at least sixteen years old who is present at any assembly, conventicle [private meeting of religious dissidents to pray and expound scripture], or meeting under pretence of any exercise of religion in other manner than according to the established Church of England at which there are at least five persons present shall be fined 5s. for the first offense and 10s. for the second offense. This does not include members of the same household meeting in their home. Anyone who preaches or teaches at such a meeting shall pay 20 pounds for the first offense, and 40 pounds for further offenses. The householder who permits such a meeting shall pay 20 pounds. A justice or Justice of the Peace or chief magistrate may break open doors and enter by force any house or other place where they have been informed of any such meeting and take persons there into custody for prosecution. This is to discourage the growing of dangerous seditious persons under pretence of tender consciences.

Religious nonconformity continued especially among the humble people. The penal statutes caused hundreds of these nonconformists to be put in gaol. From time to time, the king would release them and suspend these laws. Sometimes, Charles II allowed dissenters to meet in private for worship if they got a license from him. Religious gatherings grew in numbers, size, and geographical extent. Dissenters were then allowed by statute to meet behind locked or barred doors. But they had to pay tithes and could be prosecuted in the ecclesiastical courts for not doing so. By statute, all congregations and assemblies for religious worship had to register with the local bishop or archbishop. Disturbers of religious worship were required to find two sureties for the amount of 50 pounds.

Quakers were active in the countryside. They were about one tenth of the population and did not believe in a state church. There were some Quakers schools and some Quaker workhouses to give work to the poor. For the reason that they met together in large numbers to the great endangering of public peace and safety and to the terror of the people, and because they had secret communications and separated themselves from the rest of the people and from the usual places of worship, a statute was passed in 1662, that any Quakers who assembled to the number of five or more under the pretense of unauthorized religious worship and any person maintaining that taking an oath before a magistrate was unlawful and contrary to the word of God or refusing to take a required oath was to forfeit 5 pounds for the first offense or be imprisoned for 3 months if he couldn't pay. For the second offense, the penalty was 10 pounds or imprisonment for 6 months with hard labor. The third offense required abjuring the realm or being transported to a plantation of the king beyond the seas. The policy of Charles II was to allow Quakers to meet undisturbed, to keep their hats on before magistrates, and to not come to the parish church. But this policy was only partially adopted in the country. From 1689, by statute, the Quakers were allowed to affirm or declare instead of making the customary oath.

Many Presbyterians became Unitarians, who rejected the trinity of "Father, Son, and Holy Ghost" and doubted the divinity of Jesus, but accepted revelation. This statute was then passed in 1697: Any person having been educated in or having at any time made profession of the Christian religion who, by writing, printing, teaching, or advised speaking, denies the Holy trinity, asserts that there is more than one god, or that the Bible is not of divine authority, shall be disabled for any ecclesiastical, civil, or military office. The penalty for a second offense is being disabled from suing or pleading any action in any court, being guardian of any child, or executor or administrator of any estate, or receiving any legacy or deed of gift and imprisonment for three years without bail or mainprize.

Catholicism was always disfavored. Catholic priests were executed with little evidence. At times, Charles commuted the death penalty for them to banishment. Sometimes there were effigies of the pope burned in the streets. Such burnings were later banned. At times Charles allowed Catholics to attend mass.

By statute of 1672, all civil and military officers and king's officials must take the oaths of supremacy and allegiance and take the sacrament of the established Church of England or be incapable of office. They also had to make a declaration that they believed that there is not any transubstantiation in the

sacrament of the Lord's Supper, or in the elements of bread and wine, when they were consecrated. This is to prevent dangers from Papists. As of 1678, no one may be a member of Parliament if he has refused to take the oaths of allegiance and supremacy and the declaration that they were not Catholic, did not adore the Virgin Mary or any saint, and did not go to mass.

Papists were made to pay higher taxes. Every temporal and spiritual person, corporation, and guild had to pay taxes to subsidize the king in the amount of 2s.8d. for every pound's worth of personal property and money. But Papists had to pay 5s.4d. for such. Persons and corporations having land worth at least 20s. yearly, had to pay 4s. for every pounds' worth. But Papists and aliens had to pay 8s. for such.

But Charles' successor, King James II was Catholic and gave many offices to Catholics. This prompted a reaction against Papists and more statutes restricting them. After James II was chased out of England, a statute of 1688 required suspected Papists in London to make a declaration that they were not Catholic, did not adore the Virgin Mary or any saint, did not go to mass, or else stay ten miles outside of London. Excluded were tradesmen and manual workers, who had only to register. All Papists had to forfeit their arms and any horse worth more than 5 pounds. Also, no King or Queen or spouse of such could be a Papist, but had to make the same declaration as members of Parliament, and join in the communion of the established Church of England. As of 1696, a person who was serjeant at law, counsellor at law, barrister, advocate, attorney, solicitor, proctor, clerk, or notary had to take the oath of supremacy and allegiance. As of 1698, Papists who kept a school or tried to educate the young were threatened with perpetual imprisonment. Also, Popish parents were prohibited from forcing their children who were inclined towards Protestantism to become Catholic by refusing them suitable maintenance. As of 1699, a reward of 100 pounds was offered to any person who apprehended a Popish bishop, priest, or Jesuit saying mass. Also, no Papist was allowed to buy land.

#### Judicial Procedure

After the Restoration, all legal decisions of the Commonwealth and Protectorate were confirmed subject to a right of appeal.

The Star Chamber was not restored, and Parliament assumed its control of the press. The King's Bench succeeded to most of the Star Chamber's jurisdiction. No longer could the Privy Council influence criminal cases and the general supervision of legal processes through the Star Chamber.

The High Commission court was not restored, but church courts were, but with depleted powers. They accepted subordination to the common law courts. Because the church's administration was inefficient and corrupt and its punishments inadequate, they gradually lost their power to the common law justices and Justices of the Peace. They had virtually no authority over laymen. They could still punish heresy, but lost jurisdiction over the law of libel and slander, which then were transformed by the civil courts, and over prostitution and scandalous lewdness. Local ordinances for suppression of brothels, which were run by madams, were founded on breach of the peace. In 1678, the death sentence was taken away from the church courts. In 1697, church sanctuary was abolished.

The county courts faded into insignificance, as the Justices of the Peace took on more jurisdiction.

In 1668, new justices were issued patents with "at pleasure" instead of "during good behavior" describing their tenure. Charles II and James II frequently dismissed justices not favorably disposed to the Crown. In 1697, they were to have fixed salaries instead of the profits of justice. By statute of 1701, justices' commissions were to be made with an established salary determined by Parliament and a tenure to last during good behavior. They could be removed only by the address of both Houses of Parliament. This gave them independence from the king. Their tenure lasted for the life of the monarch.

As of 1679, no man could be held in prison but on a charge or conviction of crime or for debt. Every prisoner on a criminal charge could demand as a right from the Court of the King's Bench the issue of a writ of habeas corpus which bound his gaoler to produce the prisoner and the warrant on which he was imprisoned for review as to legality. This forced trials to be speedy, which they had not hitherto been. Now it was impossible for the Crown to detain a person for political reasons in defiance of both Parliament and the courts, as Charles I had done. The writ was suspended in times of war and domestic unrest: 1689, 1696, 1708.

In 1670, William Penn was arrested for sedition for delivering a sermon in London, contrary to the statute that only the Church of England could conduct meetings for worship. The jurors would not convict him, so were gaoled and fined by the justices. The jurors filed a writ of habeas corpus in the Court of Common Pleas, which held in their favor. Thereafter the English jury had full independence to

decide verdicts. By court decision of 1679, jurors were held not to be responsible to the justice for their verdict.

After 1688, hearsay was inadmissible as evidence, which Coke had recommended. The old system of original writs was abandoned, and the general concept of a wrong to person or property took its place.

A person who was sergeant at law, counselor at law, barrister, advocate, attorney, solicitor, proctor [supervisor of students taking an exam], clerk, or notary in the courts had to take the required oaths of allegiance and supremacy.

As of 1692, persons outlawed could appear by attorney as well as in person to argue reversal of such outlawry, except in cases of treason and felony.

As of 1696, persons accused of high treason where there might be corruption of the blood or for misprison [concealing knowledge] of such treason had to be taken before a grand jury for indictment within three years of the offense. Those indicted or outlawed for such were given a copy of the whole indictment, but not the names of witnesses, at least five days before trial in order to prepare their defense. They could have a copy of the panel of jurors at least two days before trial. They could be represented in their defense by not more than two counsel learned in the law and assigned by the court. Their counsel had free access to them at all reasonable hours. They could make proof through lawful witnesses under oath. In a trial of commoners for their lives, a jury of twelve freeholders had to all agree on acquittal or conviction. In a trial of a peer, the other peers in Parliament determined the outcome by a majority vote.

Jurors were required to have at least 20 pounds income from freehold land or rents in fee, fee tail, or for life. This increase in the quality of the jury enabled it to better discern the issues in dispute.

Jury sympathy was determined by the sheriff who chose the jury. So if a sheriff was popularly elected, as in London, he chose jurors who favored individual and corporate liberty. If the king selected the sheriff, he chose Tories, who supported the Crown.

Issues of bastardy or lawfulness of marriage had to be tried by a jury.

The civil suit of trespass on the case branched into assumpsit [a promise], trover [to recover goods converted to the use of another], deceit, negligence, and libel and slander. The latter supplements bad words punished by the local courts and defamation punished by the church courts. Trover becomes the normal mode of trying the title to personal property and goods as the courts oblige the defendant to answer the charge of conversion without permitting him to dispute the loss and finding of the goods by the plaintiff.

This is an example of the initiation of a suit by a writ for trespass on the case: "The King to the sheriff &c. as in Trespass to show: wherefore (e.g.: \_\_) he fixed piles across the water of Plum along which, between the Humber and Gaunt, there is a common passage for ships and boats, whereby a certain ship, with thirty quarters of malt of him the said A, was sunk under water, and twenty quarters of the malt of the price of one hundred shillings perished; and other wrongs &c. as in trespass."

This is an example of a writ for trespass on the case in assumpsit: "The King to the sheriff greeting &c. as in Trespass to show: wherefore whereas he the said X undertook well and competently to cure the right eye of the said A, which was accidentally injured, for a certain sum of money beforehand received, he the same X so negligently and carelessly applied his cure to the said eye, that the said A by the fault of him the said X totally lost the sight of the said eye, to the damage of him the said A of twenty pounds, as he saith, and have there &c. wherefore whereas he the said X undertook to make and build three carriages for conveying victuals of him the said A to parts beyond the sea for a certain sum of money beforehand received, within a certain term between them agreed; he the said X did not take care to make and build the carriages aforesaid within the term aforesaid, by which he the said A hath wholly lost divers his goods and chattels, to the value of one hundred marks, which ought to have been conveyed in the carriages aforesaid, for want thereof to the great damage of him the said A as it is said: and have there &c."

This is an example of a writ for case on indebitatus assumpsit: "The King to the sheriff &c. as in Trespass to show: for that, whereas the said X heretofore, to wit (date and place) was indebted to the said A in the sum of for divers goods wares and merchandises by the said A before that time sold and delivered to the said X at his special instance and request, and being so indebted, he the said X in consideration thereof afterwards to wit (date and place aforesaid) undertook and faithfully promised the said A to pay him the said sum of money when he the said X should be thereto afterwards requested. Yet the said X, not regarding his said promise and undertaking but contriving and fraudulently intending craftily and subtly to deceive and defraud the said A in this behalf, hath not yet

paid the said sum of money or any part thereof to the said A (although oftentimes afterwards requested). But the said X to pay the same or any part thereof hath hitherto wholly refused and still refuses, to the damage of the said A of ——— pounds as it is said. And have you there &c."

This is an example of a writ for case for trover: "The King to the sheriff greeting &c. as in Trespass to show: for that, whereas the said A heretofore to wit [date and place] was lawfully possessed as of his own property, of certain goods and chattels to wit, twenty tables and twenty chairs of great value to wit of the value of \_\_\_ pounds of lawful money of great Britain; and, being so possessed thereof he the said A afterwards, to wit (date and place aforesaid) casually lost the said goods and chattels out of his possession: and the same afterward, to wit (date and place aforesaid) came into the possession of the said X by finding; Yet the said X well knowing the said goods and chattels to be the property of the said A and of right to belong and appertain to him, but, contriving and fraudulently intending craftily and subtly to deceive and defraud the said A in this behalf, hath not as yet delivered the said goods and chattels, or any part thereof, to the said A (although often requested so to do) but so to do hath hitherto wholly refused and still refuses; and afterwards to wit (date and place aforesaid) converted and disposed of the said goods and chattels to his the said X's own use, to the damage of the said A of \_\_\_ pounds as it is said; and have you there &c."

The rigid writs with specific forms of action for common law cases started to fall into disuse. Later, trespass on the case bifurcates into misdemeanor and the tort of trespass.

Persons in prison on suspicion of treason could not be released on bail as of 1688.

If one of several defendants of a case was acquitted, all defendants recovered their costs from the plaintiffs. A person found guilty of malicious prosecution recovered his costs from his accuser.

Mercantile cases were decided in light of mercantile custom rather than according to the strict rules of the common law.

Merchants and traders could settle their trade disputes by arbitration, which decision could be enforced by court order.

The chief justice could empower persons by commission to take affidavits from people in the country for court proceedings in Westminster.

Judgments were docketed so they could easily be found e.g. by heirs, executors, administrators, purchasers, and mortgagees.

Court judgments and fines could be challenged for error only within twenty years.

Court decisions were still appealable to the House of Lords. In 1668, *Skinner v. East India Company* held that the House of Lords could not exercise original jurisdiction in civil cases between commoners as it had claimed, but retained its appellate jurisdiction. In 1675, the House of Lords acquired the new judicial function of hearing appeals from the Chancery Court by virtue of the case of *Shirley vs. Fagg*.

Any gaol keeper allowing a prisoner to escape in return for money lost his office forever and had to forfeit 500 pounds.

The last burning of a woman as a penalty for an offense, which had been only occasional, was in 1688.

The last bill of attainder, which condemned a person to death, occurred in 1697.

The pillory was still in use.

Benefit of clergy was taken away from those who stole cloth or woolen manufactures from their drying racks or who embezzled military stores or ammunition worth at least 20s, or stole goods of over 5s. value from a dwelling house with a person therein put in fear, a dwelling house in daytime with a person therein, or by day or night a shop or warehouse.

A statute of 1661 gave jurisdiction to naval courts-martial to decide cases at sea, e.g. insubordination; failure to fight the enemy, a pirate, or rebels; not assisting a friend, mutiny, drunkenness, creating a disturbance to protest the quality of the food, quarreling, sleeping on watch, sodomy, murder, robbery, theft, and misdemeanors. Usually the penalty was to be determined by the courts-martial, but sometimes death was decreed.

In the American colonies, judges were still appointed by the royal governors and paid by the local legislatures. They still served at the pleasure of the king.

## Chapter 18

The Times: 1702-1776

Dress was plainer than before. Gentlemen wore white linen shirts; waistcoats fitted at the waist and covering the trunk at least; long lawn ties wound around the throat and tied in front with the tails tucked in, knee-length coats that were wide in the skirts and in the sleeve cuffs and having large gold, silver, or bronze buttons which didn't reach to the buttonholes on the other side of the coat; knee breeches of cloth, knitted wool, thread, and silk; and silk stockings rolled up at the knee. Some shoes had metal buckles. Gold fobs with watches or seals hung from the breeches pocket. The clothes were made of silk, satin, or velvet and often in colors such as yellow, orange, scarlet, blue, violet, pink, and dull slate, and decorated with gold and silver trimmings. A slender sword was worn on the side. Short wigs, often powdered with heavily scented white or gray wheat flour, with rolls over the ears and hair tied at the back, were worn for formal occasions. Wigs were made of human, horse, goat, or cow hair, or mohair, worsted, silk, or wire. Sometimes feathers and cork were also used. There were new colors and cuts of dress for every season. By 1750, wearing a sword was just a symbol of gentility. Gentlemen often had valets to help them dress. Ladies wore fitted full-length dresses held out by hoops with shoulders hidden, sometimes with a laced bodice with stays, and lace at the neck. The waistline fashion fluctuated between high and low and in tightness. The dress could be brocade, satin, velvet, silk, etc. Some put jewels in their hair and had high elaborate hats with wide brims tilted forward. Hair was in ringlets at the side or dressed close to the head with a small top knot covered with a laced cap. They also wore wigs when dressing up, decorated with ribbons and artificial flowers. Hooded cloaks were used outdoors and hoods were used for sun or wind. They carried leather purses with gloves at elbow length. Both gentlemen and ladies wore cosmetics and face patches and used tooth powders, breath sweeteners, lip salves, and choice perfume. Some had false teeth of bone or ivory wired into place. Both gentlemen and ladies had accessories such as fans, handkerchiefs, head scratchers, and elaborately designed snuff boxes, patch boxes, and perfume containers. Both sniffed tobacco snuff but only men smoked it. They walked with tall, elegant canes, and women also carried parasols. Hats were made of wool and hair of beaver, rabbit, or camel. A popular hat was three-cornered, and usually of beaver or dark felt. There was often a rosette or such to show one's political opinion. Straw hats were worn in the summer. There were ready-made clothes and shoes, especially for children. Night gowns and night caps were worn to bed. About 1714, umbrellas for rain were introduced. They were made of waxed silk or taffeta. All but the poorest wore silk and lace. A prosperous countryman wore riding clothes consisting of breeches and boots, cut-away coat, and low top hat.

The highest class were the peers and peeresses of the House of Lords and their spouses and families. They were the nobility and held the high political offices, the high ranks in the army and navy, and owned large estates, usually scattered over the country. Some were lawyers or merchants. There was much intermarriage among these families. Indeed, many a noble family had salvaged its fortunes by marriage to a London merchant. The richest people in London were international merchants. These high class families lived in mansions with four or five living rooms, two to five acre gardens, and stables.

The next class were the gentry. Their family heads had land and were often Justices of the Peace. They were sometimes members of the House of Commons. The oldest son took over from his father, while the others had to find a living such as in the church, law, medicine, or trade. The gentry usually lived in mansions.

The old yeoman class was disappearing due to their selling their land to larger landowners. Farming on a large scale was more productive.

The next class were the "middling sort". In this class were merchants, lawyers, substantial tenant farmers, smaller freeholders, millers, innkeepers, in town traders, middlemen, clothiers, ironmongers, goldsmiths, grocers, linen drapers, apothecaries, school masters, clerks and civil servants, customs and excise men, and shopkeepers, who now kept their wares inside and lived on the second floor. The town people lived in town houses of two stories plus an attic.

The next class were the manual workers. These were wage earners or independent craftsmen, farriers, rural smiths (who shod horses and made stair rails, window-bars, torch extinguishers, lamp irons, bells, bolts, hinges, locks, and fire-grates), sawyers, carpenters, joiners, wheelwrights, nail makers, brick makers, plumbers (made lead cisterns, kitchen sinks, rainwater heads, drain pipes and

lead flats for houses and ornaments), thatchers, spinners (silk, flax, hemp, wool, hair), dyers, wool combers, weavers, shoemakers, hat makers, belt and buckle makers, dressmakers, milliners (hats, caps, bonnets, cloaks, hoods, muffs), feather workers, button makers, lace makers, steel pin makers, brewers, cutlery makers, soap makers, candle makers (made from beeswax, tallow, mutton-fat, or beef-drippings), comb makers, barber/hairdressers (shaved, cut hair, made wigs and braids, and let blood), curriers, leather workers, carpet weavers, paper makers, tin-plate makers, printers, enamel workers, braziers and coppersmiths (made kettles, saucepans, canisters, milk pails, lanterns, candle boxes, candle sticks, and lamp lighters), basket makers, jewelers (made rings, perfumes, match boxes, buckles, and tops of canes), watch and clock makers, type foundry, letter cutters, trunk and chest makers, cabinet makers, saddlers, coach body builders, coach carriage makers, shipwrights, rope makers, and sail makers. These workers typically worked in their stone or brick houses in a rural setting, with gardens, a cow, a horse, pigs, and poultry around them on 2-6 acres. They now ate white or wheaten bread instead of rye bread, much meat and cheese, and drank tea. Working men could now afford leather shoes. These people also worked in the harvesting of grain. Some consolidation of work was starting. For instance, the weaver, who had furnished himself with warp and weft, worked it up, and brought it to market himself was being displaced by weavers who worked under supervision for one merchant in a town on looms the merchant had acquired. Many women and children were so employed. It was not unusual for a man to work 13 hours a day for 6 days a week. The wage earners were well above the subsistence level as long as trade was good. Real wages were higher than at any time since the mid-1400s. But eventually, as the employer came to realize how dependent the weaver had become on him, wages tended to fall. In 1757 a Gloucester weaver, with his wife to help him, could earn, when work was good, from 13s. to 18s. a week. A few years later, he could only earn about 11s. A woman spinner earned 10-15d. a day in 1764, but 3-5d. in 1780. In the same period, men's wages fell from 17d. to 10d. a day. Only certain workers, whose special occupation needed greater skill, e.g. the wool-combers, whose wool was longer and of better quality than carded wool, and shearers, were better paid. In 1770, wool combers made 13s. a week; their wage was about the same all over the country because they traveled from town to town in search of work and always supported each other. Also in 1770, Newcastle miners earned 15s. a week, Sheffield cutlers 13s.6d. a week, a Rotherham blacksmith 13s. a week, a furnace keeper at Horsehay about 12s. a week, a Staffordshire potter from 8-12s., a Witney blanket weaver or a Wilton carpet weaver 11s. or more a week, a Manchester cotton weaver from 7-10s. a week, and a Leeds cloth weaver about 8s. In this class also were ploughmen, cowmen, dairymaids of the bigger farms. They had cottages of wood, clay, and straw, with clay floors and low ceilings, and a divided ground floor. A few had homes built of stone, covered with slate or thatch.

Wages of industry were higher than those of agriculture. In 1770, a day laborer earned 5-6s. a week in winter and 7-9s. in summer, without board or lodging. In the short harvest time, he could earn 12s. a week.

Lastly were the mass of the population of London: hordes of laborers who depended on casual employment and could be dismissed at will.

About half the population had no resources but their labor, which was usually unskilled and lowly paid. In good times they had just enough to feed themselves.

The gap between rich and poor became greater. Marriage remained a main way to wealth. Also, one trained in the law could aspire to have a successful career in high political office, which also brought wealth. But there was less social mobility than in the previous century and many landed families were consolidating their position. Industrialists who had made a fortune for example, in steel, cotton, coal mining, and porcelain, and merchants who wanted to turn themselves into landed gentlemen found it very difficult to buy landed estates. Old dissenter families, Quakers in particular, who were highly esteemed as businessmen, as industrialists, and as model employers were excluded from the Anglican landowning society. Rich tradesmen, artists, actors, and writers found it difficult to buy substantial houses in the small market towns and countryside because of an entrenched hierarchical atmosphere there that didn't exist in London. The only gentlemen who were in household service were librarians, tutors, or chaplains. They ate with the family and did not consider themselves servants. Servants were kept more at a distance. By the 1750s the servant class was clearly defined. Their quarters were moved to the basement of the house and they ate together in the kitchen. But some householders still had special occasions when everyone ate together in the dining room, with the servants at one end of the table. Servants had no right to free time or to holidays. In 1767 about one tenth of the population in London had servants. Even bricklayers and milk sellers had a servant. Most families had just one servant. Most wives employed some other woman or child to help in washing and scouring or in the minding of the children.

London had grown beyond the locations of its walls around the City. London stretched ten miles along the Thames, and was three miles wide in the center. On the east of the City was the port and

industry. The west side ended at Hyde Park and Regent's Park and was residential. In 1710 it was still possible to shoot woodcock in Regent Street. In 1750, Westminster Bridge was opened. In 1760, the City walls were taken down to ease congestion. The typical London house, usually brick, was on a rectangular plan and had a basement to utilize all the space possible. Walls were now more covered with hung damask, brocade, silk, and wallpaper or plain paint rather than by wood paneling. There were pictures on the walls. On the first floor was a front hall or parlor and a back parlor. One of these parlor rooms was the most important room, where the family entertained or spent leisure time. In it were sofas, armchairs, and stools of mahogany or white gilded wood. They were upholstered with damask or needlework. Imported mahogany was replacing the favorite walnut that had replaced oak. Much wood was inlaid with a variety of other types of woods. There was also a carved tripod table, china table, card table, and perhaps bookcases and/or tea-table. Furniture with original designs made by the cabinet-maker Chippendale was available. His genius was in combining various motifs into one harmonious design. Cabinet makers had to keep abreast of his standards and to imitate them to conform with their customers' orders. Cabriole legs with claw and ball feet came into fashion with Queen Anne about 1712. Between windows were tall mirrors. From 1760, glass chandeliers hung from the ceiling to reflect candlelight coming from standing candlesticks or glazed hanging lanterns with brass frames. The fireplace had an elaborate mantel. The fire was kept going all day. It was lit by a tender box, which was unreliable. An iron fireback was behind the fire. The firewood was placed on andirons. Fire grates were used from about 1712. At a corner of the building was added a closet. On the second floor was a dining room, continuation of the closet below, and a drawing room, dressing room, or bedroom, and perhaps a study or music room with harpsichord. The dining room had a fireplace; curtains over the windows looped up at the cornices; one or more mahogany tables; a set of mahogany chairs with leather or hair-cloth seats fixed with brass nails, perhaps with some sort of metal springing; two mahogany sideboards with marble tops; cupboards or shelves or cabinets with displays of china porcelain; a wine-cooler; a dumb-waiter; and a folding leather screen. The china, which was displayed, was mostly imported, but there was some English china. Later, there was famous Wedgwood stoneware and pottery with bright, unfading glaze, or with dull black and red surfaces, biscuit ware of pale green, blue or purple, upon which white designs stood out like cameos. They came from the pottery factory at Staffordshire founded by potter Josiah Wedgwood in 1769. There were silver and pewter plates and serving pieces, silver candlesticks, silver knives, spoons, and two and three pronged forks, glass saltcellars from 1724, and fingerbowls from which one rinsed one's mouth or cleaned one's fingers after dinner which were made of glass from about 1760. On the third floor were bedrooms and a nursery. In the bedrooms, there was a high bed with curtains, canopies, piles of blankets and pillows, and steps up to it; wardrobe; chairs; a hand wash stand; chests of drawers; writing bureau; dressing table with a couple drawers and a mirror; swing standing mirror; tin rush candle canister; and night commode. Children and servants slept on low wooden bedsteads. Walls were stucco, a form of cement that could be sculpted, or paneled or hung with silk and printed paper. Servants, such as the page and footmen, slept in the attic and perhaps in the kitchen or cellar. There was a wood staircase for the family and a back staircase for the servants. The floors and stairs were protected with carpeting. The kitchen was in the basement or in a covered shed in the back. It had an open fire and a tin oven. The cold water tap over the stone sink could supply cold water from a cistern in the basement or hand-pumped to a roof cistern through wooden pipes at very low pressure at stated hours for a fee. There was a wash shed in back. Water pumped from the Thames into underground pipes was thus distributed to householders three times a week. Some water came from a well or spring, rain, and street water sellers. Water carriers were still employed at set fees. Water was kept in lead cisterns. The wealthy had basement cisterns filled by a commercial company. The free public conduits of water were out of use by 1750. The front door of the house had two strong bolts on the inside and a heavy chain. The windows could be shuttered and barred. There were sash windows with cords and brass pulleys. At the back of the house was a garden and perhaps a coach house or stables. Landscaping to reproduce an idealized country scene replaced formal gardens. Foreign trees were imported. The latrine was usually not in the house, but somewhere in the back garden area. Under it was a brick drain leading to a public sewer or to a cesspool. Smelly gases arose from it. Sometimes people gathered such waste up to sell to farmers returning home in an otherwise empty wagon. In 1760, patented inside toilets began to be used. Each stood in its own room. A watchmaker named Alexander Cummings patented in 1775 the water-closet, which had a stink trap u-bend behind which, after flushing, water resided and prevented the backflow of noxious sewer gas. Its pans and overhead cisterns were made of pottery. They were supported by wood structures. There were better cements for building. Chinese porcelain, embroidery, and lacquer work were popular. Furniture and landscaped gardens were often done in a Chinese style.

Many of the well-to-do now lived in districts without as well as within the city limits. Many streets east of the City were named after the governing families whose estates were there. Their mansions had interior columns, archways, marble halls and fireplaces, carving, gilding, rich colors, and high ornamented ceilings. They each had a picture gallery, a library, stables with coachmen, grooms, and stableboys, and a still-room for concocting liquors and cordials such as cherry brandy, sloe gin, and



elderberry wine. Medicine and scents were also developed in the still-room. Hands were washed in bowls held up by wooden stands. There were built-in bathtubs, but they usually lacked hot and cold running water, so hot water usually had to be carried up to them.

In these mansions, there were many private parties and balls. The standard for politeness here was high and gentlemen were expected to keep their tempers. This came about because impoliteness could easily lead to a quarrel and then a duel. The pistol was replacing the sword as the weapon of choice for duels. Good manners developed for all occasions, with much less swearing and less rudeness. By gentlemen's agreements, men did favors for each other without a monetary price, but with the expectancy of a favor in return. The love of one man for another was recognized as the highest and noblest of human passions. People of high social standing left their country estates to spend the winter season in their townhouses in London with its many recreations such as receptions, routs [fashionable gatherings], levies, masquerades, balls, dinner parties, clubs, pleasure gardens, theaters, shops, shows, taverns, and chocolate and coffee houses. Coffee houses provided Turkish coffee, West Indian sugar and cocoa, Chinese tea, Virginia tobacco, and newspapers. They were frequented by learned scholars and wits, dandies, politicians, and professional newsmongers. Men of fashion often engaged in wagers and gambling at their clubs and coffee houses. There were wagers on such matters as the longevity of friends and prominent people, fertility of female friends, wartime actions, and political matters. Gentlemen often had valets. Carriage by sedan-chair was common. In 1776, Buckingham House was bought as a palace for the royal couple.

Physicians and lawyers lived in two-story brick mansions with attics and sash windows that could be lifted up and down with the help of a pulley. They had rectangular wood panes each with a sheet of glass cut from a circle of blown glass. The old blown glass was not regular, but had a wrinkled appearance. The center of each pane of glass was thicker with a knot in the middle left from the blow pipe. In front of the house were railings which supported two lanterns at the doorway.

People from different parts of London differed in ways of thinking, conversation, customs, manners, and interests. For instance there were sections where sailors lived, and where weavers, watchmakers, and cow keepers each lived and worked. There were many specialized craftsmen who worked with their own tools in their own shops or houses, for some superior who had contact with the market and who supervised the final processes of manufacture. These included the goldsmiths, upholsterers, coach makers, saddlers, and watchmakers, all of whom had many dependents. The watchmakers had specialists making wheels, pinions, springs, hands, dials, chains, keys, caps, and studs in their own houses. The type of industrial organization most common in London was that in which work was given out to be done in the homes of the workers: the putting out system. Some industries, such as watchmaking, silk weaving, and shoemaking were on both a putting out system and a system of an apprenticeship to journeymen working on piece work. Shoes were made to order and ready made. The customer was measured in a shop, the clicker cut out the upper leathers, which were given to the closer to be closed, and then to the maker for the sole and heel to be put on. Another class of shoemaker worked alone or with an apprentice in a garret, cellar, or stall, using pieces of leather cut out for him by the currier or leather cutter. London industries included the making of bread, beer, spirits, and vinegar; sugar refining; tobacco refining and snuffmaking; spinning and/or weaving of woolsens, worsteds, silk ribbons, tape, and cloth; and making printed calico, clothes, linens, laces, tassels, fancy embroidery, stays, stockings, hats, shoes, leather goods such as boots, shoes, hats, gloves, harnesses, and saddles, jewelry, glass, candles, tapestry, musical instruments, cutlery, furniture, paint, varnish, paper, tools, swords, guns, heavy artillery, ships, sails, rope, carriages, precious and base metalwares such as brass and pewter ware, and printer's ink and glue; printing; and publishing. Surgical instruments made included straight and curved knives and probes, lancets, scissors, spatulas, trepans (for cutting bone), and cupping cases. Optical instruments made included eyeglasses, telescopes, and microscopes. In 1727 eyeglasses were held in place by frames that went over the ears, which replaced unreliable cords over the ears and leather straps tied behind one's head. Also made were nautical instruments, quadrants, sundials, sectors, globes, scales, model solar systems, and air pumps.

In London, the old distinction between craftsmen and laborers was blurred by the existence of trades which employed workmen under a skilled foreman instead of journeymen who had served an apprenticeship. These trades were, on a large scale, new. Among the most important of these trades were the distillers and brewers of liquors, the tobacconists and snuff makers, the sugar refiners and soap boilers, the vinegar makers, and makers of varnish, glue, printers' ink, and colors. The latest chemical theories and the chemical explanation of dyeing brought about the invention of new colors and new processes in dyeing cloth. Workers in these trades were considered as laborers, but their wages were high and their positions relatively secure. They learned their jobs by doing them. The older trades of a similar character, such as tallow melters and chandlers, wax chandlers, fellmongers [removed hair or wool from hides in preparation for leather making], and the tanners, employed journeymen.

The skilled artisan who worked at home and either made goods for a master or sold to the trade verged into the shopkeeping class. On the other hand, the lowest type of shopkeeper, the chandler, the dealer in old iron, the tripe shop, the milk retailer, the keeper of a cook shop or a green cellar belonged to the class of casual and unskilled labor. The lowly chimney sweep, paid 6d. a day, served an apprenticeship as a boy, and then was his own master.

The watermen and lightermen, by virtue of their fellowship and their apprenticeship and often the ownership of a boat, belonged to the class of skilled laborers. Craftsmen in the building trades and paviours had their laborers as smiths had their hammermen to do the heavy work at laborers' pay. The street ragpickers, the ballad sellers, and the match sellers belonged to the class of beggars.

There were buildings for boiling and distilling turpentine, for casting brass or iron, and for making glass for chemical works for sale.

Working women in London in 1750 were employed in domestic service: 25%, nursing and midwifery: 12%, cleaning and laundry: 10%, vitiating: 9%, shopkeeping: 8%, hawking: 6%, and textiles: 5%. Those employed in domestic service were mostly young women who later married. Some women were schoolteachers, innkeepers, or manufacturers, which were middle-class employments. Many women in the realm engaged in a variety of occupations from fanmaking and hairdressing to catering, and, as widows, often carried on their husband's trade, including bookselling, hatmaking, building or ironmongery.

Although shops still had small frontages of about 15 feet and the windows had small panes of bottle glass which partly obscured the view of the goods, there were magnificent shops with large windows displaying fine goods. There were bookshops, and print shops with prints of political satire with caricatures. The shops were generally open six days a week from 7 a.m. to 8 p.m., and years later to 10 p.m. In 1675 Josiah Wedgwood opened a showroom in London for his high quality pottery from Staffordshire. Consumption was on a mass scale, many people buying what they wanted instead of just what they needed. There were circulating libraries, public concert halls, and professional boxing matches. At coffee houses, chocolate houses, and taverns, people played at dice and cards, gambled, talked politics and read daily newspapers, in which there was advertising, reports of marriages and deaths, grain prices, and book reviews. Different professions and classes and groups, such as the whigs, the tories, classical scholars, scientists, clergymen, intellectuals, actors, writers, and journeymen of particular crafts, had their favorite meeting places. Coffee houses reflected the character of their neighborhoods. They acted as postal centers, lost property offices, business addresses, physicians' consulting rooms, lawyers' and merchants' businesses, matrimonial agencies, masonic lodges, auction rooms, and gambling dens. Some retained a supply of prostitutes. Many taverns had a rentable private room for the better-off to drink wine, have meals, meet friends, gamble, do business, and hold meetings of societies and clubs, especially political clubs. From this beginning sprang private clubs such as the Blue Stocking Club in 1750 and the Literary Club in 1764, Lloyd's for sale and insurance of ships in 1771, and the stock exchange in 1773. The Blue stocking Club was established by women who organized conversational parties with guests of intellect and wit. There was opera, playhouses, concerts usually with Georg Handel's oratorios such as The Messiah or the foreigners Bach and Haydn, tea-gardens, fire works, balls, masquerades, wax works, beer shops, and bawdy houses, except on Sunday. There were straight plays, comic operas, and melodramas. Three-dimensional sets replaced the two-dimensional backdrop. Plays containing thinly veiled satires on politicians were becoming popular. Some plays had crude and licentious material. Theaters still shared a close association with brothels. Unlicensed theaters were closed down by a statute of 1737, but most came to acquire patronage to get a license. This shaped the development of drama in London for a century.

The Beggar's Opera depicting an immoral society unable to master its bandits was written by John Gay as a powerful attack on a government which most of London hated. With its many ballads it became very popular. One such ballad goes:

"Through all the employments of life -  
Each neighbor abuses his brother;  
Whore and Rogue they call Husband and Wife;  
All professions be-rogue one another.  
The Priest calls the Lawyer a cheat,  
The Lawyer be-knaves the Divine;  
And the Statesman, because he's so great, Thinks his trade as honest as mine."

Another is:

"A Fox may steal your hens, sir,

A Whore your health and pence, sir,  
Your daughter rob your chest, sir,  
Your wife may steal your rest, sir,  
A thief your goods and plate.  
But this is all but picking,  
With rest, pence, chest and chicken,  
It ever was decreed, sir,  
If Lawyer's hand is fee'd, sir,  
He steals your whole estate."

The Thames was crowded with sailing boats and with a line of boats waiting to unload. Foreign and native ships lined the river banks in rows. Theft of cargo from docked ships was still a problem and pirates were still executed at low tide on gallows. Londoners went to the bridges crossing the Thames to breathe fresh air. London air was so smoky and polluted by coal-burning in kitchens and factories that it gave a cough to newcomers. The river was so polluted by the sewers by 1760 that all the swans and most of the fish had disappeared. A Mansion House was built for the Mayor in 1753. The king's zoo had ten lions, one panther, two tigers, and four leopards. Deer hunting in Hyde Park was now confined to its northwest corner, which was enclosed for the king, who occasionally hunted there. Elsewhere in the park were laid out walks and fountains. Gardens were now natural instead of formal. The streets were usually crowded with people and traffic. Many people traveled by sedan chair. On the streets were barrows with goods such as lace, threads, fruits, and chickens; beggars, ballad singers, musicians, bands, street dancers, apple women, piemen, muffin men, fruit sellers, nut sellers, pudding sellers, milk maids selling milk from buckets, milk sold directly from the cow, vendors of asses' milk, hawkers, newspaper boys, scavengers with carts, postal collectors, lamplighters on their ladders, wenches, chimney sweeps, rat catchers, pick pockets, swaggering bravados, strolling strumpets, brawling watermen, card sharps, overdressed beaux, dancing dogs, and acrobatic monkeys. Each trade had its own call. Billingsgate open-air market was now exclusively for the sale of fish. Small tradesmen such as dairymen, butchers, bakers, fishmongers, and chandlers delivered to regular customers food bought from distributing centers. Workers by necessity lived near their place of work because there was no cheap transport and walking through the streets after dark was unpleasant and dangerous. Hours of work for most craftsmen was from 6 a.m. to 8 p.m., six days a week.

It was common for working class families in London to live in a single room of their house and rent the rest, furnished, to people of different degrees of prosperity and even of different social grades. Servants and apprentices slept in the kitchen, the shop, or the garret. The very poor, such as casual laborers and street sellers, silk winders, charwomen, usually lived in damp cellars subject to floods from excessive rain, or in cold and windy garrets. Tenancy was usually on a weekly basis because of the general uncertainty of life and trade. Conditions were so cramped that cabinet makers made beds which masqueraded in the day time as tables, bureaus, cupboards, or bookcases. The very poor slept in common lodging houses, sleeping uncovered on the floor, twenty to a room. Some poor families slept in small hovels made of mud and straw with their pigs, domestic fowl, dogs, and even asses and horses. Homeless children slept on the streets. All classes lived so much at coffee houses, alehouses or clubs, which they often used as their addresses, that house room was a secondary consideration. There was an alehouse on almost every street in London to provide cheap food and beer, lodging, employment information, credit, newspapers, tobacco, and meeting places for tradesmen. Some alehouses were recognized employment agencies for certain trades, such as the hatters, smiths, carpenters, weavers, boot and shoe makers, metal workers, bakers, tailors, plumbers, painter and glaziers, and bookbinders. They were often run by one of the trade, retired or otherwise. Some alehouses catered to criminals and prostitutes. For cheap and simple eating there were chophouses, cookshops, and beef steak houses.

There were about 10,000 English immigrants a year to London in the 1700s. They were mostly young people. London needed many immigrants because of its high death rate. Over twenty London people a week died from starvation alone; they were mostly women. Only about one-fourth of London's population had been born in London. Especially welcome were sturdy country people for heavy manual labor, the better educated boys from the north for shops and offices, and the honest country people, as contrasted with London's poor, for domestic service. Girls mostly looked for domestic service, but were sometimes made the mistress of the housekeeper or steered into prostitution as soon as they entered the city. An ambitious young man would seek an apprentice job, work hard, flatter his master, and try to marry his master's daughter. It was easier to find a place to live in London than in the villages, though there was much overcrowding. Many shopkeepers and workshop owners in London were involved in leasing, purchases, and contracts.

Queen Anne was authorized by Parliament to build about 50 more churches in London and Westminster and their suburbs, to be paid for by a coal tax on imports into the port of London. Churches in London were to be rebuilt with money paid by funeral rates, rates for tolling the bells, and

rates for the use of palls [altar cloths]. Queen Anne also appropriated all her revenues from the first fruits and tenths of ecclesiastical benefices: 16,500 pounds, to the clerical poor in 1704.

There were fewer quarrels among passersby on the London streets; men were less likely to wear their swords. But there were fist fights by common men which gathered crowds and occasioned betting. Most crime was petty theft, but mobs and riots were frequent, as there were no police. Watchmen and constables were often old and physically incapacitated. The watchmen were householders taking their turn. This duty of householders watching the streets had evolved from the ancient obligation of wards to provide men to guard the walls at night. But few wanted these jobs by which they could offend their neighbors. Many citizens paid a rate to be excused from watch and ward duty. Constables were often tavern keepers. Many riots were started when penal laws against the Catholics were repealed. They began with the cries of "no popery", but then targeted rich men's houses. Mobs sacked and pillaged at will, burned houses, and flung open the prisons to increase their numbers. There were political riots between Tories and Whigs. Working men still used violence to protect their livelihoods, such as destroying the lodgings and public houses of cheap immigrant labor such as the Irish. The stocking-knitters destroyed stocking-knitting frames so that the number of apprentices who could be employed would not reach the limit specified by its guild's regulations. Parish workhouse children also provided a cheap supply of labor which forced down the wages of the stocking knitters. In 1720 a statute banned wearing of calico after mobs tore calico garments off women. In 1765, thousands marched on Parliament and persuaded it to ban foreign silk imports. But when a mob destroyed engine-loom, the army was used against the rioters and two of them were hanged. This was the last major mob action. Around the Tower, there were still demagogues standing on upturned carts haranguing passing crowds. The Tower area was a favorite place for demonstrators, and for unemployed and dissatisfied workmen, particularly coal heavers and underpaid seamen protesting their low pay and poor living conditions. There was more crime, especially at night, now with organized bands of men or gangs of children. Bounty hunters made a lot of money catching offenders. In 1736, to deter the frequent robberies, burglaries, and other felonies at night, many glass lamps were set up in places determined by the mayor. They had to burn from sunset to sunrise. In 1736, a lighting rate was imposed by the City to pay for all night lighting all year by hired lamplighters. Anyone breaking or damaging the lights of London would forfeit 40s. for the first offense, 50s. for the second offense, and 3 pounds for the third offense. The aldermen had to contract to pay for lighting, trimming, snuffing, cleaning, supplying, maintaining, and repairing them. To pay for this system, citizens paid according to the amount of rent their holdings were worth. If they didn't pay, they could not vote.

Bad areas of thieves and prostitutes and the slums east of the City were gradually being replaced by warehouses and offices. In 1757, London Bridge was widened and the houses were cleared off it. There were lanes for carriages in the middle and for pedestrians on each side. Its arches were also widened to make the passage of vessels underneath easier. Lights were put on it to be lit all night. And watchmen were put on it for protection and safety of passengers. This was paid for by tolls of 1/2 d. per horse, 1d. per carriage, and 2d.-1s. for vessels with goods passing underneath. About 1762, a body of enterprising citizens secured private acts of Parliament which allowed them to levy a house tax in return for providing paving and lighting, which then greatly improved, as did sanitation. Sidewalks were raised between the street proper and the buildings, replacing the protective posts which had lined the roads. Flat stones were put in place of the pebbles on the roadway. Signs hanging out from stores, which had blocked the sunlight, were placed flat on the front of the buildings. This also made the streets more airy. The buildings were given numbered addresses and street names were placed on buildings. Loading and unloading could not exceed one hour. Nuisances like empty carts could be removed. Cranes used in warehouses had to be stored in unobtrusive places. One who drove on the foot pavement had to forfeit 10s. for the first offense, 20s. for the second offense, and 40s. for other offenses. Wells were dug and pumps erected for watering the streets. Pavements were to be repaired on complaint. Dust boxes and dust holes were built and had to be used for refuse awaiting pickup by the raker or else forfeit 10s. In 1762, the system of having every man responsible for cleaning the street in front of his door, which occasioned piles of rubbish in the central troughs of the streets waiting for the next rain to be washed away, was abandoned. But house occupants were required to keep the sidewalk in front of their house clean or else forfeit 2s. If one broke a light, he had to pay damages if it was accidental, and also 20s. if willful. Wards were to choose substantial inhabitants to be collectors for a year at a time to collect the rates, which were not to exceed 1s.6d. per pound of rents. If one declined to be a collector, he had to forfeit 50 pounds. There were special stands for hackney coaches, which were 12s.6d. for a day of twelve hours. Their regulations were extended to Sundays.

In London, the normal system of building was for builders to buy up leases, put up a new building, and sell it before the lease became due. The rules for party walls between buildings were made more stringent: 2 1/2 bricks thick in cellar, 2 bricks thick to the garret floor, and 1 1/2 bricks above the roofs or gutters. They had to be made of brick or stone. In 1772, rain water from roofs had to be carried to the streets in lead or other pipes that were affixed against the side of the building. In 1774, iron,

copper, or other pipe or funnel for conveying smoke or steam were not to be near any inside timber, or in front of most any building or next to any public street, square, or court.

In the 1720s firefighters had to fill a tank on a wagon by hand with buckets. On top of the tank was a hose that could spray water high. London parishes were authorized to place upon the water pipes underground stop-blocks of wood with a plug and firecocks to go into such pipe at various distances so that there would be no loss in time in digging down to the pipes to get water to fight fires. Parishes were required to keep at known places, ladders and a large engine and a hand engine to throw up water to extinguish fires including one leather hose with socket fitting the plug or firecock, so that buckets would not be needed. The Sun Insurance Company was incorporated for fire insurance in 1711. Insurance offices were authorized to employ watermen with poles, hooks, and hatchets to be always ready at a call to extinguish fires.

No more than 12 sacks of meal, 12 quarters of malt, 750 bricks, or 1 chalders of coal per load on wagons or carts with wheels bound with [narrow] iron tire are allowed within ten miles of London or Westminster, or else forfeit one horse. This is to prevent decay of the roads.

For every wagon and cart in London, there must be a person on foot to guide it to prevent the maiming, wounding, and killing of people, especially the old and children, when drivers ride on their wagons and carts. Later, it was required that carts must display the name of the owner and be registered. Still later, there was a penalty of 10s. for not having a person on foot to guide any cart. Later still, in 1757, if a new owner of a cart did not put his name thereon, he had to forfeit 40s., and the cart and horse could be seized and sold to pay the forfeiture. Persons willfully obstructing passage on streets with empty carts or barrels or pipes shall forfeit 5-12s. or do hard labor up to one month. The justices of London assessed rates and made regulations for carriage of goods. Certain houses and buildings were bought and pulled down to widen several streets, lanes, and passages.

In 1774, persons driving cattle in London, whose negligence or improper treatment of such cattle cause them to do mischief shall forfeit 5-20s. or else go to a House of Correction for up to one month or be publicly whipped.

The roads around London were neither very attractive nor very safe. Along them was land covered with water from drains and refuse and dung heaps. Hogs were kept in large numbers on the outskirts and fed on the garbage of the town. Smoking brick kilns surrounded a great part of London. In the brickyards vagrants lived and slept, cooking their food at the kilns.

Queen Anne's drinking of tea made it a popular drink, but it was still expensive. This habit improved health because to make tea, the water had to be boiled before drunk. Breakfast included tea and bread and butter, and later toast with melted butter. The rich also had coffee and chocolate. The morning newspaper was often read at breakfast. The chief dinner dishes were roast beef, roast mutton, boiled beef or pork, with puddings and vegetables. Roast meat was still the basic diet of town and country gentlemen. There were also fowls, tripes, rabbits, hares, pigeons, and venison. Many elaborate sauces were made. The national dish was the pudding, a compound of steak, kidney, larks, and oyster. Drinks included ginger beer, lemonade, barley water, coffee, chocolate, tea, and foreign wine. Port from Portugal was introduced about 1703, and rum about 1714. Rum, made from sugar, first became popular as a medicine, well-whisked with butter. Beer was drunk by the poorer and middle classes. The poor could afford very little meat now, unlike 200 years ago. Their standard fare was cheese, bread, and tea, the latter of which was usually from used tea leaves bought from rich houses.

Households were smaller; a peer had a household of about 25-50. The proportion of women in a household grew to one-third to one-half. Dinner guests sat and were served in order of rank, with gentlemen on one side of the table and ladies on the other. Later, a fashion came in to sit alternately by sex. Dinner was in several courses and lasted a few hours. Toasts might be made. It was bad manners to put one's elbows on the table, to sniff the food, to eat too slowly or too quickly, to scratch, spit, or blow one's nose at the table, or to pick one's teeth with a toothpick before the dishes were removed. After dinner, the men drank, smoked, and talked at the table. There was a chamber pot under the sideboard for their use. Politics was a popular subject. The women talked together in the drawing room. Later, the men joined the women for tea and coffee. The evening often finished with card games, reading newspapers, verse-making, fortune-telling, walks in the garden, impromptu dancing, perhaps gambling, and supper.

The nobility and gentry became more mobile and now mixed together at parties. At these afternoon parties, there were a variety of simultaneous activities, instead of everyone participating in the same activities together as a group. Guests could choose to engage in conversation, news, cards, tea-drinking, music, dancing, and even go into supper at different times. Sometimes a man other than her husband escorted a lady to a party. Having lovers outside marriage was socially accepted if discrete.

Single women were discouraged from thinking of their independent status as desirable. Their single status was to be regarded as unfortunate. Weddings took place in public in church instead of privately. There were banns, or announcements, publicized before the wedding so that anyone who knew of a reason why the marriage should not take place could speak up. Brides wore a white silk or satin dress with a train. Over one third of brides who were capable of having children were already pregnant when they married. In 1753 a marriage statute required licenses to marry, the consent of parents or guardians for minors to marry, the calling of banns, and four weeks residence in the parish where the license was given by bishop or other authority. These requirements addressed the problems of the kidnapping of heiresses, prostitutes trapping unwary youths after getting them drunk, and priests performing marriages clandestinely and not in church, which required banns. Two witnesses to the marriage were required to sign a certificate of marriage, which was then to be registered in the parish books. Manufactured goods relieved ladies from baking of bread, brewing, and spinning. So they often visited with friends, wrote letters, embroidered, and supervised the servants.

Funerals ceremonies started with socializing at the house with refreshments, then going in a procession to the church for burial, and finally returning to the house for more socializing.

It was possible for a woman-covert to be seized of land in fee simple or in tail general or special to her separate use, free from control or intermeddling of her husband.

Houses were warmed in winter by burning coal. Moderate homes had tent-beds in use, with which cloth was hung on all four sides of the bed from a light iron framework above the bed. The beds were warmed with a warming pan heated in a fire before use. There were often bed bugs and fleas. Everyone wore nightcaps to bed. Pewter tableware was used, but the poor used tinware instead. Copper, brass, and iron pots and pans were increasingly common.

Most towns had a regular market once or twice a week. In them, street cleaning was still a responsibility of individual householders. Water was still obtained from wells and pumps. There was no municipal government as such. Public works were done by special commissions set up for particular purposes, such as lighting, cleaning and paving the streets, night watchmen, traffic regulation, removing nuisances, and improving local amenities. Large towns had hospitals for the poor. In the larger manufacturing towns, there were literary and philosophical societies for debates and discussions. These put together libraries for use of their members. Also in these large towns, there were booksellers' shops, printing houses, weekly newspapers, playhouses, concerts, and horseracing courses, the latter of which was mostly patronized by gentlemen. Some private citizens of various towns followed the example of London and obtained from Parliament the right to levy a house rate for paving and lighting.

Towns tended to be known for certain specialties, such as seaside holiday resorts, spas like Bath, cathedral towns, fashionable shopping for gentry, and towns with certain industries like glass and china manufacture, pinmaking, pottery, tanning, manufacture of linen, silk, cotton, and the knitting trade. Certain towns were famous for certain varieties of wool cloth. Before 1750, a town with more than 5,000 inhabitants was considered a large town. Shopkeeping was supplanting fairs and markets. Certain industries were done on a large scale and required workers to be at the same site, e.g. brewing and distilling; building ships; printing fustians; making paper, soap from animal fat or candles; coal mining, iron production, mining and smelting of tin and copper, refining of salt, and digging of clay. Certain other industries also required some kind of power or team work for their production, e.g. refining sugar; finishing cloth; making bricks; glassmaking; manufacture of ropes and sails, and processing of copper and brass into rods and sheets. Often the manufacturer's house was surrounded by the many cottages of his workers. There the wife and children usually were busy carding and spinning. Putting out work and subcontracting were widespread and created many small-scale capitalists. Workers' hours were typically 6 a.m. to 8 p.m.

Though grammar schools were endowed for the education of local poor boys, they sought fee-paying sons of gentlemen. They taught arithmetic as well as reading and writing. Translation and reading of Latin was still important, e.g. Aesop's Fables, Virgil, Cicero's Letters, Caesar's Commentaries, Horace, Pliny, Juvenal, Ovid, Livy, and Plautus. The "Eton Grammar" book replaced the "Royal Grammar" as the standard for Latin and English grammar. The boys lived in boarding houses superintended by "dames" or older boys. There were usually two boys to a bed. There was bullying and initiation ceremonies such as tossing small boys up from a held blanket or having younger boys run naked in the snow. There were occasional rebellions by the boys and fights with the townspeople. Flogging with a birch or caning with a rod until blood was drawn from the bare buttocks was the usual punishment. There were some national boys' boarding schools such as Eton, Winchester, and Westminster. In these schools, boys could mix with sons of rich and powerful people, thus establishing important connections for their adult life. But there was more bullying of small boys by large boys at these schools and the smaller boys became menial servants of their seniors. Occasionally there were student riots. However, most

grammar schools were not residential. Because the grammar schools were limited to boys, many boarding schools for girls were established. Tradesmen's daughters were often sent to these to learn to act like ladies. Most upper class girls were taught, at home or at school, English, writing, arithmetic, drawing, courtly dancing, needlework, music, and French. Dissenting academies were established for those who did not pass the religious tests of the grammar schools. Pencils were now in use.

Sons of gentlemen usually took "The Grand Tour" of the continent before going to university. These tours lasted for months or years, and always included Paris and a Protestant French university. The students went in groups with tutors. The chief purpose was now cultural, instead of practical. On these tours there was often misbehavior such as drinking and fighting. In 1720, Travelers Checks were developed for those on the Grand Tour.

The universities began to teach science. The new professorships at Cambridge University were: chemistry, astronomy, experimental philosophy, anatomy, botany, geology, geometry, and Arabic. Ideas in geology challenged the Bible's description of the creation of the world and there was a controversy over the origin and nature of fossils. In 1715, a large pointed weapon of black flint was found in contact with the bones of an elephant in a gravel bed in London. Oral and written examinations began to replace disputations. Few professors lectured.

Dissenters were excluded from universities as well as from offices and grammar schools. Oxford and Cambridge Universities were open only to members of the Church of England, so other universities were established for dissenters. They taught geography, mathematics, science, physics, astronomy, mechanics, hydrostatics, and anatomy. At Oxford and Cambridge and Harvard Universities, students in science were relegated to different instructors, buildings, and degree ceremonies than students in literature, who often looked down on them as socially and intellectually inferior.

The Inns of Court had ceased to provide residence. The period of education at law school at the Inns of Court was now reduced in 1760 from seven to five years for ordinary students and to three years for graduates of Oxford or Cambridge Universities. The textbooks were: "Doctor and Student" by Christopher Saint-German in 1518 and "Institutes of the Laws of England" by Thomas Wood in 1720. Most landed families tried to ensure that at least one member of the family in each generation was educated at the Inns of Court after going to Oxford or Cambridge. In 1739, attorneys formed a "Society of Gentlemen Practitioners in the Courts of Law and Equity". In order to earn a living, most attorneys had to attach themselves to some great patron and serve his interests. So it was hard for an ordinary person to find an impartial attorney or to find any attorney willing to contest a powerful family.

The first encyclopedia came into existence in 1728. In 1740 was the first public circulating library in London. Samuel Johnson put together the first dictionary in 1755. It standardized spelling and pronunciation. Then came dictionaries for the arts, sciences, and commerce. There were histories with political biases such as the Earl of Clarendon's "History of the Great Rebellion". Alexander Pope wrote witty satire on human faults of the period such as "Rape of the Lock". Daniel Defoe wrote "Robinson Crusoe", "Moll Flanders", and "The Poor Man's Plea" protesting disparity of judicial treatment of rich and poor, for instance for drunkenness. Henry Fielding wrote one of the first novels: "Tom Jones". Joseph Addison wrote essays on social behavior. Jonathan Swift wrote the satire on the times, "Gulliver's Travels". Samuel Richardson wrote some of the first novels, such as "Clarissa"; he wrote on values such as religious faith, moral virtue, and family closeness. Catherine Macaulay started writing her weighty and impressive "History of England". Many schoolmistresses wrote textbooks on a variety of subjects. Poet and essayist Hester Chapone wrote "Letters on the Improvement of the Mind". Elizabeth Carter wrote poetry and translated Greek works; her work was published in "The Gentleman's Magazine". Hannah More wrote the play "The Inflexible Captive". The diaries of Caroline Girle Powys Daniel told of her extensive travels in the nation, and the various life styles of polite society she visited. Defoe's newspaper was the first great political journal. He claimed that the people have a right to control the proceedings of Parliament. Essayists like Richard Steele, who introduced the periodical essay in his newspaper, and Joseph Addison, in his newspaper, wrote in a conversational style about the social life around them and the thoughts and behavior of common men and women in a light and good-humored way. They separated humor from the old-style farce and gave it taste and gentility. And with this came a moderation, reserve, and urbanity in matters of religion, politics, and society. Religious issues even became a matter of indifference. Fairies, witches, astrology, and alchemy were no longer taken seriously by educated men. Tales of fairies, witches, ghosts, and miracles were deemed appropriate for children. Childrens' stories were becoming a distinct literary form. Nursery rhymes included "Hush-a-bye baby on the tree top" and the five little piggies. "Mother Goose's Melody" was published in 1765. There were picture books for children such as Cinderella, Red Riding Hood, and Sleeping Beauty. Craftsmen made small models of their wares, such as dolls' china, dolls' furniture, silver, and flat lead soldiers. Babies had rattles and teething rings.

In 1710 copyrights for books was given for 14 years, renewable for another 14 years. Alexander

Pope's translation of the Iliad and Odyssey made him financially independent. He collected advance payments from subscribers who would be listed in the book. A new book industry emerged in London with booksellers as master manufacturers who employed writers, authors, copyers, and subwriters. Booksellers sold books of sermons, histories, political and literary satires, literary criticism, and dictionaries. There was a growing popularity of novels. Books were expensive to buy. Regular magazines on the new and strange were published. There were three daily, six weekly, and ten thrice yearly newspapers. Newspapers increased in number from 8 founded in 1700 to a total of 25 in 1727. By 1753, there were over a million throughout the country. Workmen usually began their day by reading a newspaper at a coffee house.

Authors of books which have been registered at the Stationers Hall had the sole liberty of printing and reprinting such book for 14 years. Others who printed or sold or published such -forfeited the books and paid one penny for each sheet found in their custody, 1/2 to the Queen and 1/2 to the suer. The printer had to give a copy of each book printed to the Company of Stationers, the Royal Library, the libraries of the Oxford and Cambridge universities, and certain other libraries.

In 1775, the two universities in England, the four universities in Scotland, and the several colleges of Eton, Westminster, and Winchester were given in perpetuity a copyright in books given or bequeathed to them.

The British Museum was incorporated to hold the collections of Robert Cotton of manuscripts, books, records, coins, and medals and of Hans Sloane, which contained rare books, coins, precious stones, pictures, plants, and mathematical instruments and had been left to the public.

Italian opera was introduced in 1706 by Georg Handel on his visit to England. His music became the standard music of Georgian England. The Academy of Ancient Music was founded in 1710. It set the standard of selection and performance. In existence were the violin (including ones made by Stadivari), viola, cello, double bass, oboe, trumpet, clarinet, bassoon, trombone, horn, flute, harp, organ, harpsichord, in which the strings were plucked, and piano, in which the strings are struck by little hammers. Orchestras had at least thirty members. Many hymns were written.

Painting by artists developed. Gentlemen had portraits painted of their horses and dogs as well as of family. Joshua Reynolds painted the wealth and beauty of England. Painters such as Gainsborough did landscapes and dramatic history paintings too, but neither of these sold as well as portraits. Scenery was painted for the theater. Places of business had signs painted which portrayed animals. Coaches were painted with mythological creatures and such. Gentlemen collected antique statuary and painting, such as by Rembrandt and Rubens. In 1711 an academy of painting was founded, which included women painters. The first public exhibition of paintings was in 1760. The Society of Artists was formed in 1761 and incorporated by royal charter in 1765. This differentiated them from the Painter-Stainers Company of face painters, coach painters, and house painters. The Royal Academy of London was founded in 1768 to merge all private academies and societies into one official body and to recognize the best artistic work. Joshua Reynolds was its first president. It was at first financed by the king. Under George I, sculptors became distinct from masons. They did monuments and portrait busts of the royal family, nobles, and great men. From Italian influence, Palladian architecture came into vogue. It was typified externally by a panoramic look achieved by horizontal lines, balanced alternatives of plain wall and openings, and portico with a heavy pediment like the front of a Roman temple. Stucco was often used to plaster housefronts, flute columns, and ornament pediments. Architects took students. Designers of engraved, etched, and historical prints were given the sole right to print them for 14 years. Copiers had to forfeit 5s. per print.

Foreigners were now interested in learning about English life, philosophy, and opinion. They learned English to read English literature such as Shakespeare. No longer were France and Italy the only centers of culture and influence on other nations. By 1713, England was the leading sea power by far.

The Royal Society was still the principal focus of scientific activity. Issac Newton was its President for several years and drew in more foreigners. Its members were mathematicians, chemists, botanists, physicians, engineers, authors, poets, and theologians. Papers given there generated much discussion at its meetings. Newton opined that small particles attract each other by some force in a similar way that large bodies attracted each other. This force in immediate contact was exceedingly strong and performed chemical interactions, but at greater distances had no effect. Also there were local associations and societies. There were learned journals such as "Philosophical Transactions".

Drovers bought cattle in the countryside, drove them to big towns, and sold them to fattening graziers or fatted them themselves. Then they were driven into town and sold to the wholesale butcher, who sold the carcass to the retail butcher, the hides to the tanner, and the bones to the glue maker. Flocks of geese were also driven into towns, after their feet were given a protective covering of tar. There were also middlemen wholesalers for cheese, butter, cloth, and iron.



There was a rage of distemper among the cattle so serious that to prevent its spread, the king was authorized by Parliament to make regulations for prohibiting the removal or sale of cattle and for the burial of distempered cattle. Later, the king was authorized to prohibit the killing of cow calves. No one was to sell any ox, bull, cow, calf, steer, or heifer until he had possession of such for forty days or else forfeit ten pounds. Later, the king was authorized to regulate the movement of cattle from one place to another.

The main industry of the country was still agriculture. In the countryside, about half the arable land was under the open field system, in which land was cultivated in common. Enclosures of land were still taking place. The enclosures were now done by statutory commissions to ensure equitable allotments.

Agricultural improvements came first to enclosed land, which comprised about half of the agricultural land. In the 1733, Jethro Tull published a book about his 1701 invention of the seed-drill to first pulverize the soil for cultivation without manure and then to deposit seed at a uniform depth in regulated quantities and in rows instead of being thrown haphazardly. Also explained was the horse-hoe to stir the soil about the roots of the plants to preserve moisture, promote aeration, admit warmth, and destroy weeds. There were more horses than oxen in use now in the fields. -The horse-hoe was first used by large independent farmers on enclosed land. Also invented was a threshing machine with a set of sticks to replace hand threshing with flails. Under-drainage as well as irrigation was practiced. Lord Townshend alternated turnips, grasses, and grain in his fields, and thus provided winter food for his cattle. The two-field crop rotation with fallow periods was often displaced by the three-field system rotating grain crops, legumes, and fallowness. Independent farming gave rise to the improvement of breeds of livestock by selective breeding.

Enclosed land produced 26 bushels of grain compared to 18 bushels for common field land. It produced 9 pounds of sheep fleece compared to 3 1/2 pounds for common field land. Overall, soils were improved by being treated with clay, chalk, or lime. Artificial pasture was extended and there was increased use of clover, sainfoin, and rye-grass. Grain productivity was four times that of 1200. A fatted ox was 800 pounds compared to the former 400 pounds which it weighed from the 1300s to the 1600s. The fleece of sheep increased fourfold.

By statute of 1756, persons having rights of common in certain land may, by the major part in number and in value of each's tenement, enclose such land for planting and growth of timber or underwood.

Every village had a smith, carpenter, and miller. The larger villages also had a potter, a turner, a malster, a weaver, a tanner, and perhaps a mercer or grocer middleman. Wheelwrights made ploughs, harrows, carts, and wagons. Ploughs had one, two, or no wheels. Poor farming families took up extra work in the villages such as making gloves, knitting stockings, or spinning yarn. Craftsmen still helped farmers at harvest time.

Much of the rural population was now dispersed over the countryside instead of being concentrated in villages because so many small holders had sold out due to enclosures of farm land, especially of common land and waste land. The rural working class lived in two room cottages, with low ceilings, small windows, and an earth floor. Patience was required for those willing to wait for an existing cottage in a village to be vacated. Most laborers did not marry unless and until they found a cottage. Ancient custom that a person could build a home for himself on waste land if he did it in one night was ceasing to be respected. Farmers usually preferred employing day-laborers than keeping servants. There were many migrant workers, mainly from Ireland, for the busy summer haymaking and harvesting.

The children of laborers and of small farmers had little schooling because they were needed for work. They scared the birds, weeded the fields, picked the stones, tended the poultry, set beans, combed the wool, and collected the rushes and dipped them in the tallow.

Farm people relied on well water or rain water collected in lead cisterns. A farmhouse fireplace had pots hung from iron rods. Saucepans sat on iron stands, which were stored above the mantel when not in use. Spits were rotated by pulleys powered by the upward current of hot air or by a mechanical device. Bacon was smoked in the chimney accessible by a staircase or upper floor.

There still existed customary freeholders, who owned their land subject to certain customary obligations to the lord of a manor.

The people displaced by enclosure became laborers dependent on wages or paupers. Their discontent was expressed in this poem:

- "They hang the man and flog the woman - - That steals a goose from off the common - - But leave the

greater criminal loose - - That steals the common from the goose."

Eventually there was some relief given to the poor workers. By statute of 1773, wastes, commons, and fields having several owners with different interests might by three-quarters vote in number and in value of the occupiers cultivate such for up to six years. However, cottagers and those with certain sheep walks, or cattle pasture, could not be excluded from their rights of common. By statute of 1776, the Elizabethan statute restricting locations where cottages could be erected and their inhabitants was repealed because the industrious poor were under great difficulties to procure habitations.

Land could be rented out at ten times the original value. Land was typically rented out for 7, 14, or 21 years. Great fortunes were made by large landowners who built grand country estates. The manufacturers and merchants made much money, but agriculture was still the basis of the national wealth. As the population grew, the number of people in the manufacturing classes was almost that of the agriculturalists, but they had at least twice the income of the agriculturalists.

The greatest industry after agriculture was cloth. Most of this activity took place in the homes, but families could earn more if each family member was willing to exchange the informality of domestic work for the long hours and harsh discipline of the factory or workshop. More wool was made into cloth in the country. Dyed and finished wool cloth and less raw wool and unfinished broadcloth, was exported. Bleaching was done by protracted washing and open-air drying in "bleach fields". There were great advances in the technology of making cloth.

Thomas Lombe, the son of a weaver, became a mercer and merchant in London. He went to Italy to discover their secret in manufacturing silk so inexpensively. He not only found his way in to see their silk machines, but made some drawings and sent them to England hidden in pieces of silk. He got a patent in 1718 and he and his brother set up a mill using water power to twist together the silk fibers from the cocoons into thread -in 1719. His factory was five hundred feet long and about five stories high. One water wheel worked the vast number of parts on the machines. The machines inside were very tall, cylindrical in shape, and rotated on vertical axes. Several rows of bobbins, set on the circumference, received the threads, and by a rapid rotary movement gave them the necessary twist. At the top the thrown silk was automatically wound on a winder, all ready to be made into hanks [coils] for sale. The workman's chief task was to reknit the threads whenever they broke. Each man was in charge of sixty threads. There were three hundred workmen. Lombe made a fortune of 120,000 pounds and was knighted and made an alderman of London. After his patent expired in 1732, his mill became the prototype for later cotton and wool spinning mills in the later 1700s. There were many woolen manufacture towns. Clothiers might employ up to three thousand workers. At these, the spinning was done by unskilled labor, especially women and children in villages and towns. Weaving, wool combing, and carding were skilled occupations.

In 1733, clockmaker and weaver John Kay invented a flying shuttle for weaving. It was fitted with small wheels and set in a kind of wooden groove. On either side there were two wooden hammers hung on horizontal rods to give the shuttle and to and fro action. The two hammers were bound together by two strings attached to a single handle, so that with one hand the shuttle could be driven either way. With a sharp tap by the weaver, first one and then the other hammer moved on its rod. It hit the shuttle, which slid along its groove. At the end of each rod there was a spring to stop the hammer and replace it in position. The flying shuttle doubled the weavers' output. Now the broadest cloth could be woven by one man instead of two. This shuttle was used in a machine for cotton. But the manufacturers who used the flying shuttle combined together and refused to pay royalties to Kay, who was ruined by legal expenses. Now the price of thread rose because of increased demand for it. The weavers, who had to pay the spinners, then found it hard to make a living. But the process of spinning was soon to catch up.

In 1738, John Wyatt, a ship's carpenter who also invented the harpoon shot from a gun, patented a spinning machine whereby carded wool or cotton was joined together to make a long and narrow mass. One end of this mass was drawn in between a pair of rotating rollers, of which one surface was smooth and the other rough, indented, or covered with leather, cloth, shag, hair, brushes, or points of metal. From here, the mass went between another set of rollers, which were moving faster than the first pair. This stretched the mass and drew it into any degree of fineness of thread by adjusting the speed of the second pair of rollers. Then the thread went by a flier, which twisted it. After this the thread was wound off onto spindles or bobbins, whose rotation was regulated by the faster pair of rollers. Or the mass could be drawn by rotating spindles directly from one pair of rollers. This machine was worked by two donkeys and was tended by ten female workers. Because of bankruptcy in 1742, the invention was sold to Edward Cave, the editor of "Gentleman's Magazine". He set up a workshop with five machines, each fitted with fifty spindles and worked by water wheels. Carding was done by cylindrical carding machines invented by Lewis Paul.

In 1764, the plant was bought by carpenter and weaver James Hargreaves. He was watching his wife spin when the spinning wheel tipped over onto its side. It continued to revolve, while the thread, held between two fingers, seemed to be spinning itself, even though the spindle was in a vertical instead of a horizontal position. It occurred to him that a large number of vertical spindles arranged side by side could be turned by the same wheel and that, therefore, many threads could be spun at once. He named his machine the "the Jenny" after his wife. This "spinning Jenny" could spin a hundred threads at a time. He patented it about 1770. The machine consisted of a rectangular frame on four legs. At one end was a row of vertical spindles. Across the frame were two parallel wooden rails, lying close together, which were mounted on a sort of carriage and slid backwards and forwards as desired. The cotton, which had been previously carded, stretched, and twisted passed between the two rails and then was wound on spindles. With one hand the spinner worked the carriage backwards and forwards, and with the other he turned the handle which worked the spindles. In this way, the thread was drawn and twisted at the same time. The jenny did the work of about 30 spinning wheels. No longer did it take ten spinners to keep one weaver busy. But manufacturers refused to pay him royalties for his invention. He was offered 3,000 pounds for his rights in the jenny, but refused it. The courts held that the model of his jenny had been used in industry before it was patented and any rights he may have had were declared to have lapsed. Nevertheless, he made over 4,000 pounds. The spinning jenny was used in many homes.

Richard Arkwright came from a poor family and was taught to read by an uncle. He became a barber and made wigs. He taught himself crafts necessary to invent and patent in 1769 a spinning frame worked by a water wheel, which he called a "water frame". He strengthened cotton thread by adding rollers to the spinning process which were able to strengthen the cotton thread and make it of even thickness so that it could be used instead of costly linen as the warp. With capital from two rich hosiers, he set up a workshop next to a swift and powerful river running down a narrow gorge. Then he turned his attention to weaving this thread with multiple spinning wheels in the first practical cotton mill factory. In 1773, he set up weaving workshops making pure cotton calicoes which were as good as Indian calicoes. This was the first all-cotton cloth made in England. He had confronted and solved the problem of a statute of 1721 which proscribed wearing or using printed, painted, stained or dyed calicoes e.g. in apparel, bed, chair, cushion, window curtain, and furniture, except those dyed all in blue, or else forfeit 20 pounds by a seller, 5 pounds by a wearer, and 20 pounds by other users. The purpose was to provide wool-working jobs to the poor, whose numbers had been increasing excessively because of lack of work. Arkwright argued that the statute should not include printed or painted cloth made in Great Britain in its ancient tradition of fustians with an all linen warp for strength and a cotton weft for fineness. This statute was so "clarified" in 1735. When wool-weavers had expressed their opposition to imported printed cottons and calicoes by tearing them off people, a statute of 1720 provided that any one who willfully and maliciously assaulted a person in the public streets or highways with an intent to tear, spoil, cut, burn, or deface the garments or clothes of such person and carried this out was guilty of felony punishable by transportation for seven years. The prohibition against the manufacture and wearing and using of pure cotton fabrics came to an end in 1774 on arguments of Arkwright made to Parliament that his pure cottons would bleach, print, wash and wear better than fustians.

In 1775, Arkwright added machines to do work prefatory to spinning. Raw cotton was first fed by a sloping hose to a feeder that was perpetually revolving. From here it went a carding machine of three rollers of different diameters covered with bent metal teeth. The first, with teeth bent in the direction of its revolution, caught up the cotton fibers. The second, revolving in the same direction but much faster, carded the fibers into the requisite fineness by contact with the third, whose teeth and motion were in the opposite direction. Next, a crank and comb detached the carded cotton so that it came off as a continuous ribbon. Then the ribbon went into a revolving cone, which twisted it on itself. Eventually Arkwright became rich from his creation of the modern factory, which was widely copied. He established discipline in his mills and he made his presence felt everywhere there, watching his men and obtaining from them the steadiest and most careful work. He provided housing and services to attract workers.

After cotton, the inventions of the spinning jenny and the water-powered frame were applied to wool. Silk and cotton manufacture led the way in using new machinery because they were recently imported industries so not bound down by tradition and legal restraint. Yarn production so improved that weavers became very prosperous. Cards with metal teeth challenged the use of wood and horn cards with thistles on them in carding wool. Merchants who traveled all over the world and saw new selling opportunities, and therefore kept encouraging the manufacturers to increase their production and improve their methods. Factory owners united to present suggestions to Parliament.

Manufacturing broke loose from traditional confines in several ways. To avoid the monopolistic confines of chartered towns, many entrepreneurs set up new industries in Birmingham or Manchester, which grew enormously. Manchester had no municipal corporation and was still under the jurisdiction

of a manor court. It sent no representative to the House of Commons. All over the country the Justices of the Peace had largely ceased regulating wages, especially in the newer industries such as cotton, where apprenticeship was optional. Apprenticeship lapsed in many industries, excepting the older crafts. Several legal decisions had declared seven years practice of a trade as good as an apprenticeship.

Apprentices still lived in their masters' houses and were still treated as family members. The regulations of the Cutlers' Company remained in force as its masters used their great manual skill to make cutlery in their own homes with the help of their children and apprentices. Trades in some towns which had guild regulations that had the force of law hung on to their customs with difficulty.

Although there were few large factories in the country under effective management of a capitalist, trade unionism was beginning as two distinct classes of men were being formed in factories. The factory owner was so high above his workmen that he found himself on the same level as other capitalists, the banker, who gave him credit, and the merchant, who gave him customers. Journeymen in factories could no longer aspire to become masters of their trade and no longer socialized with their employers. Hard and fast rules replaced the freedom of the small workshops. Each worker had his allotted place and his strictly defined and invariable duty. Everyone had to work, steadily and without stopping, under the vigilant eye of a foreman who secured obedience by means of fines, physical means, or dismissals. Work started, meals were eaten, and work stopped at fixed hours, signaled by the ringing of a bell. Factory hours were typically fourteen hours or more. Organized resistance, as usual, began not with those most ill-treated, but with those men who had some bargaining power through their skills.

Wool-combers, who worked next to a charcoal stove where they heated the teeth of the comb, were the most skilled of the cloth industry were hard to replace. Since they were nomadic, they quickly organized nation-wide. They agreed that if any employer hired a comber not in their organization, none of them would work for him. They also would beat up and destroy the comb-pot of the outsider. In 1720 and 1749, the Tiverton wool-combers objected to the import of combed wool from Ireland by burning Irish wool in clothiers' stores and attacking several houses. They had strike funds and went on strike in 1749. Their bloody brawls caused the military to intervene. Then many of them left town in a body, harming the local industry. The earnings of wool-combers was high, reaching from 10s. to 12s. a week in 1770, the highest rate of a weaver.

In 1716, the Colchester weavers accused their employers of taking on too many apprentices. When the weavers organized and sought to regulate the weaving trade, a statute was passed in 1725 making their combinations void. Strike offenses such as housebreaking and destruction of goods or personal threats had penalties of transportation for seven years. Still in 1728, the Gloucester weavers protested against men being employed who had not served their apprenticeship.

When the journeymen tailors in and around London organized a union, a statute made their agreements entering into combinations to advance their wages to unreasonable prices and to lessen their usual hours of work, illegal and void, because this had encouraged idleness and increased the number of poor. Tailors' wages were not to exceed 2s. per day and their hours of work were to be 6 a.m. to 8 p.m. for the next three months, and 1s.8d. per day for the rest of the year. A master tailor paying more would forfeit 5 pounds. A journeyman receiving more was sent to the House of Correction for 2 months. Justices of the Peace could still alter these wages and hours depending on local scarcity or plenty. Despite this statute, the journeymen tailors complained to Parliament of their low wages and lack of work due to their masters calling them to work only about half the year. There was much seasonal fluctuation in their trade as there was in all trades. The slack period for the tailors was the winter, when the people of fashion retired to their country estates. After their complaint, their wages then rose from 1s.10d. per day in 1720, to 1s.8d.- 2s. in 1721, to 2s.- 2s.6d. in 1751, to 2s.2d.- 2s.6d. in 1763, to up to 2s.7 1/2 d. in 1767, and to 3s. in 1775. Foremen were excluded from wage control. When they complained of their long hours, which were two hours longer than the 6 a.m. to 8 p.m. of most handicraft trades, their hours were reduced in 1767 by one hour to 6 a.m. to 7 p.m. and their pay was set at 6d. per hour for overtime work at night during periods of general mourning, e.g. mourning for a deceased courtier. Their work hours were lowered another hour to 6 a.m. to 6 p.m. in 1768.

The stocking frame-knitters guild, which had been chartered in 1663, went on strike to protest the use of workhouse children as an abuse of apprenticeship which lowered their wages. They broke many of their frames, which belonged to their employers, to limit their number.

In 1749, combinations to advance wages, decrease hours of work, or regulate prices were declared void for journeymen dyers, journeyman hot pressers, all wool workers, brickmakers and tilemakers, journeymen servants, workmen, laborers, felt and hat makers, and silk, linen, cotton, iron, leather, and fur workers in and around London. The penalty was prison or hard labor at a House of Correction for

three months without bail. In 1756, Justices of the Peace were to determine the rates of wages of wool workers according to numbers of yards. But this was repealed the next year to prevent combinations of workers. Wage agreements between clothiers and weavers were declared binding. Clothiers not paying wages within two days of delivery of work forfeited 40s.

In 1763 the silk weavers in east London drew up a scale of wages, and upon its being rejected, 2000 of them broke their tools, destroyed the materials, and left their workshops. A battalion of guards had to take possession of the area. In 1765, the silk weavers marched on Westminster to stop the import of French silks. In 1768, the weavers rebelled against a 4d. per yard reduction in their wages, filling the streets in riotous crowds and pillaging houses. After the garrison of the Tower came, the workmen resisted with cudgels and cutlasses, resulting in deaths and woundings. The throwsters [those who pulled the silk fibers from the cocoons of the silk worms and twisted them together to make a thread] and the handkerchief weavers also became discontent. A battle between soldiers and silk weavers at their meeting place resulted in several men on both sides being killed. In 1773, wages and prices for the work of journeymen silk weavers in and around London were designated to be regulated by the Mayor and Justices of the Peace. Foremen were excluded. No silk weaver could have more than two apprentices or else forfeit 20 pounds. Journeymen weavers entering into combinations forfeited 40s. This statute satisfied the weavers, but they formed a union to ensure that it was followed.

In 1750, 1761, and 1765, there were strikes which stopped the work of the coal industry and harbor at Newcastle for weeks. In 1763, the keelmen formed a combination to force their employers to use the official measure fixed by statute for the measurement of loads of coals.

The book "Consideration upon the East-India Trade" dating from 1701 advocated free foreign trade. It argued that the import of goods from India not only benefited the consumer but also the nation, because it was a waste of labor to use it in producing goods which could be bought cheap abroad. This labor could be better put to use at easily learned plain work in the new industries. Also the low cost of imported goods would motivate the invention of machines in the nation which would be even more efficient in manufacturing these goods. But English manufacturers were still suspicious of free trade.

Making beer and distilling gin from barley were widespread. The pastimes of gambling and drinking were popular with all classes. In the trades, this was promoted by the uncertainties of life and work and a general sense of instability. Many London tradesmen started their day with a breakfast of beer, bread, and cheese, the traditional breakfast of countrymen. Gambling and dissipation reduced some London men with good businesses to destitution, the work house, or street begging. Drunken gentlemen played pranks such as imitating a woman in distress or throwing a person in a horse trough. Some innkeepers had "straw houses" where customers who were so drunk they were unable to walk home could sleep in fresh straw. A person could get drunk for a few pence. Gambling with cards was a popular pastime after dinner. Cricket matches were played by all classes instead of just by humbler people; there were county cricket matches. Gentlemen often took their coachmen with them to public events such as cricket matches. Tennis was a sport of the wealthy classes. Billiards, chess, and games with cards or dice were played, especially in alehouses. There was horse racing on any open ground to which people brought their horses to race. Jockeys tried to unseat each other. Hunting of rabbits and then foxes replaced deer hunting. Bird and duck hunting was usually with flint lock guns instead of hawks, as the hedges provided cover from hawks. There was fishing with line, hook, and bait. Watching the hanging of felons, about 35 a year in London, was popular, as was going to Bedlam to watch for a fee the insane being flogged. People went to the Tower to try to get a glance at a famous prisoner looking through a window or taking a walk along the battlements. Besides the grand pleasure gardens for gentry, there were lesser pleasure gardens in London for working families, which offered fresh air, tea, beer, swimming, fishing, courting, bowling, and cheap entertainment. Running, vaulting, and leaping were still popular in the countryside. Fairs had amusements such as fire swallowers, ventriloquists, puppet shows, acrobats, jugglers, animal performances, pantomimes, boxing, dwarfs, and albinos, but less trading. In 1769 was the first circus. Circuses included feats of horsemanship and clowns. There was also eating and drinking competitions, foot races, football, archery, some wrestling, and some bowling on greens or alleys. In winter there was ice skating with blades and sliding. The right of public access to St. James Park became entrenched by the 1700s. There was sailing, rowing, swimming, and hopscotch. George III made sea-bathing popular and it was supposed to be good for one's health. There was steeple chasing as of 1752. Horse-racing was given rules. On Sunday, there was no singing, music playing, dancing, or games, but the Bible was read aloud, prayers were said, and hymns were sung. Sabbath-breakers were fined by magistrates. Men often spent Sunday in a tavern.

In general, commodity prices were stable. But when harvests were poor, such as in 1709 when there was famine, and between 1765 and 1775, bread prices rose. The price of wheat in London, which since 1710 had been between 25s. and 45s., rose to 66s. in 1773. Then the poor engaged in food riots. These riots were often accompanied by mob violence, burning, and looting of grain mills, shops, and markets. The English economy was so dependent on foreign trade, which had trebled since the 1710s, that the

slightest disturbance in the maritime trade threatened the English with starvation. In many localities the men in need of parochial relief were sent around from one farm to another for employment, part of their wages being paid from the poor rates. The poor often went from parish to parish seeking poor relief. Settled people tended to fear wandering people. Parishes sought to keep down their poor rates by devices such as removing mothers in labor lest the infant be born in the parish. So a statute was passed that a child born to a wandering woman could not have the place of birth as his settlement, but takes the same settlement as his mother. Another device to prevent others from establishing settlement in a parish was for its farmers to hire laborers for only fifty-one weeks. Also, some apprentices were bound by means other than indenture to avoid settlement. Laborers who came to work in industries were refused settlement and sent back to their original parishes whenever they seemed likely to become dependent on the rates. Statutes then provided that a parish must give settlement to apprentices bound for forty days there, not only by indenture, but by deed, writings, or contracts not indented. In 1722, parishes were authorized to purchase houses in which to lodge or employ the poor and to contract with any person for the lodging, keeping, maintaining, and employing of the poor. These persons could take the benefit of the work, labor, and service of these poor, which was then used for the relief of other poor. The poor refusing such lodging could not then get relief. Many of the poor starved to death. The propertied classes turned a blind eye to the predicament of the poor, opining that they were idle or could save more and did not need higher earnings.

Charitable organizations gave to the poor and set up all day Sunday schools to set wayward children on a moral path. The Sunday schools could accommodate children who worked during the week. Punishment of children by parents or others could be by whipping or even sitting in stocks. About half of the people were dependent on poor relief or charities.

Desertion by a man of his family was a common offense. Parishes providing upkeep for the family sent men to find the errant husbands. The parish would ask unmarried mothers who was the father of their child and then force him to marry her or pay for the upkeep of the child. He often made a bargain with the parish to release him of his obligation for a sum of money paid to the parish. But many young parish children died of neglect, and later, parishes were required to list children under four to aid in accounting for them. Divorces were still few and expensive, but increasing in number; there were more 60 in this period. It was easier for a man to get a divorce for one act of adultery by his wife, than for a wife to get one for habitual unfaithfulness.

Vagrants and other offenders could be committed to Houses of Correction as well as to county gaols, because of the expense of the latter.

Crime was exacerbated by orgies of liquor drinking by the common people, especially between 1730 and 1750, the sale of which did not have to be licensed as did ale. In 1736, it was required that retailers of brandy, rum, and other distilled spirituous liquors be licensed and to pay 50 pounds a year for their license, because excessive use had been detrimental to health, rendering persons unfit for useful labor and business, debauching their morals, and inciting them to vices. Only persons keeping public victualing houses, inns, coffee houses, alehouses or brandy shops who exercised no other trade were allowed to obtain a license. This excluded employers who had sold liquors to their journeymen, workmen, servants, and laborers at exorbitant prices. Street vendors who sold liquors had to forfeit 10 pounds. A duty of 20s. per gallon was imposed on the retailers. There were riots in London against this statute and its new duties. There had been a tremendous growth in liquor drinking, which did not stop but went underground after this statute. In 1753, a penalty of 10 pounds or hard labor for two months was made for selling spirituous liquors without a license. Also licenses were restricted to people who were certified by four reputable and substantial householders to be of good fame and sober life and conversation. Sellers had to maintain good order in their premises or else forfeit 10 pounds. About 1754 only innkeepers, victualers, and vendors paying rent of at least 200 shillings could sell gin at retail. The punishment for the second offense was whipping and imprisonment. That for the third offense was transportation out of the country. In 1751, additional duties were placed on spirituous liquors to discourage immoderate drinking going on by people of the meanest and lowest sort to the detriment of the health and morals of the common people. In 1761, these duties were again raised. In 1768, officers were authorized to seize all horses, cattle, and carriages used to transport foreign spirituous liquors for which duties had been evaded. In 1773, the penalty for selling without a license was raised to 50 pounds, which could not be mitigated below 5 pounds. Half the forfeiture was to go to the suer.

The informer system for enforcing laws had its drawbacks. Informers were not trained and were sometimes retaliated against for informing. Sometimes this meant being tortured to death. Sometimes there were schemes in which a leader of thieves, would take a profit in the stolen goods by posing as a good citizen who tracked down and returned them to the owners for a fee. Also he might inform on his companions to get the reward for informing or to punish a troublesome one. Sometimes the owner of goods was involved in a fake robbery. An effort in 1749 to turn the whole haphazard system of

informers, into a specialized organization for the detection and apprehension of criminals had caused a mob to form and make threats. Englishmen associated a police force with French tyranny. Nevertheless, about 1750, Sir John Fielding, a Bow Street magistrate, and his half-brother picked men to police the street under the direct control of the Bow Street magistrates. This first police district made an impact on the increasing violence of the times. In 1753, a proposal before Parliament to have a national census was also defeated by public fear of liberty being curtailed by having to make account of the number and circumstances of one's family and giving out information that could be used by enemies both in the realm and abroad.

In 1714, the mercury thermometer was invented by Gabriel Fahrenheit of Germany; this was much more accurate than the alcohol and water thermometers. Sweden's Anders Celcius invented the Celsius scale. The hydrometer, which measures air humidity, was also invented. These made possible weather forecasting. In 1718, the French chemist Etienne Geoffroy published a table of affinities among chemical substances, a precursor to the periodic table of elements. Carolus Linneaus, a Swedish naturalist and botanist, established the scientific method of naming plants and animals by genus and species. When he showed that there was a sexual system in plants, church authorities were so shocked that they suppressed this knowledge as they did other scientific knowledge. Rev. Stephen Hales made ventilators for ships, prisons, and granaries, using the method of injecting air with bellows. This saved many lives in the prisons. In 1727, he discovered that water that plants lost by evaporation was restored by the roots up the stems. He found that gas could be obtained from plants by dry distillation and invented a way to collect gases by heating certain substances.

Hans Sloane, the son of a receiver-general of taxes, who became a physician, had collected hundreds of species of plants in Jamaica while physician to its governor. He became physician to George II and was a benefactor to many hospitals and devised a botanic garden in London for the Society of Apothecaries.

Italian Luigi Marsigli started the science of oceanography with a treatise discussing topography, circulation, ocean plants and animals, along with many measurements. Frenchman Jean-Etienne Guettard prepared the first true geological maps, showing rocks and minerals. He identified heat as the causative factor of change in the earth's landforms. John Mitchell studied earthquakes.

In 1735, George Hadley, a London lawyer and philosopher, determined that the cause of the prevailing westerly winds was the rotation of the earth to the east. Benjamin Franklin in 1743 observed that a particularly violent storm occurred in Boston a day after a particularly violent occurred in Philadelphia, and realized that they were the same storm, even though the storm's surface winds were from the northeast. He determined that Atlantic coastal storms traveled from the southwest to the northeast. In 1770, he prepared the first scientific chart of the Gulf Stream.

Daniel Bernoulli, a Swiss university lecturer in physics, mechanics, medicine, and anatomy, proved his theorem that any degree of statistical accuracy can be obtained by sufficiently increasing the observations, thereby also representing the first application of calculus to probability theory. In 1738, he showed that as the velocity of horizontal fluid flow increases, its pressure decreases. This followed from his theorem that the total mechanical energy of a flowing liquid, comprising the energy associated with fluid pressure, the gravitational potential energy of elevation, and kinetic energy of fluid motion remains constant; that is, the mechanical energy is conserved. This was the first mathematical study of fluid flow. He demonstrated that the impact of molecules on a surface would explain pressure, and that assuming the constant random motion of molecules, pressure and motion will increase with temperature. He explained the behavior of gases with changing pressure and temperature, establishing the kinetic theory of gases. Jean Nolle from France discovered osmosis, the passage of a solution through a semi-permeable membrane separating two solutions with different concentrations.

In 1754, Scotsman physician Joseph Black identified carbon dioxide, the first gas recognized as distinct from everyday breathing air. He did this by using a balance to weigh alkalis before and after exposure to heat. They lost weight by losing carbon dioxide. His development of the concept of latent heat, the quantity of heat absorbed or released when a substance changes its physical phase at constant temperature, was the first application of quantitative analysis to chemical reactions. He ascertained the effects of carbon dioxide on animals and its production by respiration, fermentation, and burning of charcoal. At this time, all flammable materials were thought to contain "phlogiston", which was given off as they burned and was associated with the transfer of heat. Plants were thought to remove phlogiston from the air and therefore burned when they were dry.

In 1773, Joseph Priestley, a nonconformist minister, schoolmaster, and tutor, identified oxygen by heating red oxide of mercury. He had become interested in the study of gases by watching the process of fermentation in a brewery next to his house. Using a candle, mice, and plants in jars sealed over water, he showed that the processes of combustion, respiration, and putrefaction caused one-fifth of air

exposed over water to disappear, and that plants restored air vitiated by these processes. This discovery of where breathable air comes from helped explain the system of life on the planet. When he isolated oxygen, he noted that it was better than air in supporting respiration and combustion.

Hydrogen (inflammable air) and nitrogen were discovered. The differences between acids, bases, and salts and their relationship to one another became understood. There was some theoretical as well as empirical knowledge about metals, e.g. in boiling points, intermetallic compounds, and changes in properties.

In 1742, Benjamin Franklin invented the Franklin stove, which greatly improved heating efficiency. As a freestanding cast-iron fireplace, it supplied heat in all directions instead of only from the one direction of the usual wall fireplace. Also, the heat absorbed by its cast-iron sides provided warmth even after the fire went out.

Static electricity was being discerned. It had been noticed that shaking a mercury barometer produced a strange glow in its "vacuum". Experiments showed that a glass rubbed in vacuo would shine brightly and that an exhausted glass globe rapidly whirled on a spindle and rubbing against the hand produced a brilliant glow. And further, as Newton wrote: "if at the same time a piece of white paper or white cloth, or the end of ones finger be held at the distance of about a quarter of an inch or half an inch from that part of the glass where it is most in motion, the electric vapor which is excited by the friction of the glass against the hand, will by dashing against the white paper, cloth, or finger, be put into such an agitation as to emit light, and make the white paper, cloth, or finger, appear lucid like a glowworm". In the study of electricity, conductors and insulators were recognized. There were demonstrations of electrical phenomena such as seeing the ignition of brandy by a spark shooting from a man's finger and the feeling the transfer of an electrical impulse created from a rubbed glass globe among a circle of people by their holding hands. In 1733, Frenchman Charles DuFay discovered that there are two types of static electric charges, and that like charges repel each other while unlike charges attract, linking electricity to magnetism.

In 1750, Benjamin Franklin "caught" lightning with a sharp pointed wire attached to the top of a kite which led down to a key at the other end. When a thunder cloud electrified the kite, a charge was seen coming from the key to an approaching finger. This charge was then stored in an early type of capacitor, a 1745 Leyden jar, and then reproduced to create the same feeling of transfer of electrical impulse among a circle of hand-holders, thereby illustrating that it was the same phenomenon as electricity. This countered the theological belief that thunder and lightning were signs of divine displeasure or the work of the devil. Franklin invented the lightning rod, which was then used to protect buildings. About ten years later, the first lightning rod on an English church was erected, which showed the church's acceptance of his theory. Franklin theorized that there were electric charges everywhere and designated them as positive or negative. He observed that opposite charges attracted each other, but that like charges repelled each other. In 1766, Joseph Priestly did an experiment suggested by Franklin and showed that electrical force follows the same law as gravitational force; that is, that the attraction or repulsion between two electrical charges varies inversely in proportion to the square of the distance between them.

Joseph-Louis LaGrange from France developed differential equations. Natural history museums were established. A group split off from the Royal Society to show collections of curiosities.

In 1754, a self-educated mechanic founded the Society for the Encouragement of Arts, Manufactures, and Commerce. It had sections on agriculture, manufactures, mechanics, chemistry, liberal arts, and trade and colonies. It sponsored contests at which prizes were given, such as that in 1761 for the best invention of a machine that would spin six threads of wool, flax, cotton, or silk at one time with only one person attending it.

Machines still mostly relied on human, animal, and water power.

Abraham Darby was a Quaker and millwright who made large cooking pots of iron, which cost less than bronze. Around 1709, he experimented with various substances to take the place of wood charcoal in iron smelting. Coal was a remote possibility. In forging or working metals coal had more or less the same qualities as wood charcoal, but this was not the case in smelting ores, especially iron ore. Coal contained sulphur compounds which caused the iron ore to deteriorate. So he controlled the burning of coal to burn out these impurities, which produced coke. His son took over after his death and improved the methods of coking, strengthened the bellows, and added ore limestone and other reagents to the mixture. By 1756, his large blast furnace using both pit coal and wood charcoal was very productive. He made iron goods of such quality as those imported.

In 1767, Richard Reynolds replaced the wooden rails connecting a blast furnace to mines with cast iron rails. He had apprenticed as a grocer and then became a partner in a large ironworks of Darby



with a man whose daughter he married. After Darby died and before Darby's sons became of age, Reynolds was in charge of the ironworks. He cast cylinders of the early steam engines.

In 1749 John Roebuck, a physician and son of a prosperous manufacturer of Sheffield goods, found a cheaper way to manufacture sulphuric acid. He did this by using leaden chambers instead of glass globes to collect the vapor from burning nitre and sulphur over water. This reduced the cost of sulfuric acid to one-fourth of its previous cost, so that sulfuric acid came to be used to bleach linen instead of sour milk. He also made cast iron into malleable iron by smelting iron using coke from pit-coal instead of charcoal. But flooding in his mines and further ventures resulted in his ruin and bankruptcy.

Thomas Newcomen, a Baptist ironmonger, blacksmith, and locksmith, supplied iron tools to mine workers. He was aware of the problem of flooding of mines and the awkward system of pumps which were used one above the other and were powered by teams of horses. He made a very valuable contribution to power generation by inventing the atmospheric pressure steam engine with piston around 1712. He did this by connecting theory with experiment, through the use of scientific knowledge, especially the Royal Society's investigation into atmospheric pressure. First cold water was poured on a cylinder in which a piston could move up and down. This caused steam inside the cylinder to cool and condense into water. The vacuum created inside the cylinder under the piston caused atmospheric pressure on top of the piston to push the piston down. The piston was attached by a rod to the end of a beam which end then swung down from a point on a vertical stand to which it was attached. When the beam swung, its other end, which was attached to a rod connected to a pump, rose, thus working the pump. Then steam from water heated in a boiler under and communicating with the cylinder was allowed into the cylinder under the piston. This overcame the atmospheric pressure on the piston from above and allowed the piston to rise by a counterweight on the rod over and connecting to the pump. Boys opened and closed the steam valve, which let steam into the cylinder from below, and the water valve, which let cold water pour on the cylinder from above. Then the boys were replaced by the valves being connected to the swinging beam which caused them to open and close at perfectly regular intervals. A story gives the credit for this improvement to an inventive valve boy who wanted to play with his friends. In 1712, the mining industry used this steam engine to pump water out of mine-shafts which had flooded. These engines were also used to supply water to reservoirs' locks at canals, and drinking water facilities in towns. One such engine developed power equivalent to fifty horses working at one sixth the cost. It was the first automatic machine since the clock.

Then James Watt invented the steam engine which used steam as a force acting on the piston. Watt made his living making scientific instruments for Glasgow University. Around 1764, he was fixing one of Newcomen's engines belonging to the university, when he saw its inefficiencies, such as the loss of heat when the cylinder was cooled. He saved this heat energy by having the steam condensed in another vessel distinct but connected to the cylinder. This condenser was kept constantly cool by cold water. So the condensed steam was pumped back into the boiler and it circulated continuously, thus obviating the need for constant resupply of water. In order to avoid the necessity of using water to keep the piston air-tight, and also to prevent the air from cooling the cylinder during the descent of the piston, he used the expansion of the steam to push the piston instead of atmospheric pressure. Then, in order to expand the use of the steam engine beyond that of a pump, he converted the oscillating motion of the beam into rotary motion. He formed a partnership with John Roebuck, who had a two-thirds interest. But when Roebuck needed money, he sold his interest to Matthew Boulton. Boulton wanted better power than that of his watermill for his workshops that made metal buttons, watch chains, shoe buckles of engraved steel, ornamental bronzes, vases, chandeliers, tripods, silver and plated wares, and imitation gold and tortoiseshell work. In dry weather, about eight horses were needed to aid in driving the machinery. A steam pump could pump water from the bottom of the watermill to the top to be used again. He had built up this factory of five buildings and six hundred workers, with 9,000 pounds derived from his marriage to an heiress. By 1774, the partnership had built a model steam engine with rotary power whose design could be sold. The price of the engine was set as the amount of money saved on fuel costs in the first three years of its operation. This machine was a relatively economical user of energy, capable of performing almost any kind of work.

About 1750, John Wilkinson, the son of a farmer who also oversaw an iron furnace, substituted mineral coal for wood charcoal in the smelting and puddling of iron ore. In 1766, he made it possible to transport coal out of mines on rail wagons drawn by horses. As father of the iron industry, he made iron chairs, vats for breweries and distilleries, and iron pipes of all sizes. With his invention of the first precision boring machine, he provided Watt with metal cylinders of perfectly accurate shape, which were necessary for the smooth working of Watt's steam engine. In 1775 he bought a pumping steam engine from Boulton and Watt's company for his ironworks. It pumped three times as fast as Newcomen's engine.

Watt's steam engine came to be used for power-loom weaving and then for all sorts of manufactures. It would put England ahead of every manufacturing country in the world. Millwrights built, installed,

and later designed not only steam engines but the machinery that they drove. These men were essential in setting up the first factories. They were the most imaginative and resourceful craftsmen. They knew how to use a turner's, a carpenter's and a blacksmith's tools and had supervised or done smith work, brick-laying or stone-mason's work in erecting and maintaining windmills with their many gears and bearings. There was a good deal of variety in mills, as well as in the structure and workmanship of them, some being worked by horses, some by wind, and others by water. They had some knowledge of arithmetic and practical mechanics. They could draw out a plan and calculate the speed and power of a wheel. Although technically in a branch of carpentry, the millwrights learned to work with metal as well. Metal was superior to wood not only because of its strength but because wood parts were irregular in motion and wore out rapidly. So iron and brass parts came to replace wood and leather parts.

In 1728, J. Paine got a patent for rolling iron instead of hammering it. The iron bars, being heated in a long hot arch or cavern passed between two large metal rollers, which had certain notches or furrows on their surfaces.

Clockmaker and Quaker Benjamin Huntsman was struck with the difficulty of finding finely tempered steel for the springs of his watches and pendulums of his clocks. He experimented for years to find a homogeneous and flawless metal, and finally, in 1740, invented cast steel, which had high tensile strength and was much harder than ordinary steel. He did this by remelting refined high quality wrought iron bars at very high temperatures in sealed fireclay crucibles, together with small quantities of charcoal and ground glass as reagents. This distributed the carbon evenly in the metal, which hammering could not do. He approached the Sheffield cutlers, who finally agreed to try his cast steel for fear of losing their business to some other manufacturers who were approaching Huntsman. Since Huntsman had no patent, he worked at night and employed only men who would keep his secret. His steel was made at night. His factory became prosperous about 1770 and the excellence of his steel manufacture was never equaled. Steel and wrought iron was scarce and expensive.

Around 1748, iron founder Samuel Walker, discovered Huntsman's secret by appearing at Huntsman's factory disguised as a shivering tramp who asked to warm himself by the furnace fire. He feigned sleep while watching the whole process. When he began to make cast steel, his annual output grew from 900 pounds in 1747 to 11,000 pounds in 1760 and he made a fortune.

Silver was plated over copper from 1751. White metal from tin and antimony was used from about 1770.

The brass industry was beginning to produce brass from copper and zinc that was as good as foreign brass. The secret of plate-glass manufacture came to England in the 1770s.

In 1773, a corporation was set up for the manufacture of plate glass. It could raise joint-stock because of the great risk and large expense of the undertaking.

In 1775, chemist William Cookworthy was given a fourteen year patent for the discovery of certain clay and stone in England from which he made England's first true porcelain, i.e. that which could sustain the most extreme degree of fire without melting, and also had grain as smooth and lustrous, and the transparency and beauty of color, equal in degree to the best Chinese or Dresden porcelain.

The import duties on diamonds, pearls, rubies, emeralds and other precious stones and jewels was dropped to increase the business of cutting and polishing them.

The world's first chocolate factory was set up in England in 1728. Milk was added to chocolate.

The Fanmakers were incorporated in 1709.

A linen company to sell cambricks [a fine white linen] and lawns [a thin and fine linen] was incorporated in 1763.

A free market for fish was established in Westminster to supplement the free fish market in London to prevent forestalling and monopolizing of the fish industry and to increase the number of fishermen. Duties for its maintenance were paid by the fishermen. Certain men were given the right to incorporate fisheries of white herring for twenty one years to improve the fisheries and give employment to the poor. They were authorized to sell subscriptions and to build ships provided the fishery employ 100,000 in such fishery. There were restrictions on taking fish from rivers during their breeding season. Herring fishermen were allowed to land and dry their nets and erect tents and pickle, cure, and reload fish on uncultivated land up to 100 yards beyond the high water mark all any shore, forelands, harbors, and ports, without paying the landholder. Later, a bounty of 30s. per ton was authorized to be given for vessels that were fitted out and used for white herring fishery.

Anyone wishing to be admitted to the Levant (Turkey) trading company was to be made free of such on paying 20 pounds, so that this trade might be increased.

In the 1760s the first cooking school was established by Mrs. Elizabeth Raffald, a servant.

As for health, there were many occupational hazards. These included paralysis by mercury of refiners of silver and gold, paralysis by mercurial fumes of molten lead by plumbers, palsy of glaziers working with melted lead and of watch gilders, lead poisoning of painters, blinding by sawdust of sawyers, and the affects of fumes on pewterers and letter founders. Particles of copper were breathed in by copper workers, whose hair and beards then turned green. Braziers became deaf. Hairdressers, bakers, masons, bricklayers' laborers, coal heavers, chimney sweeps, flax and feather dressers, and workers in leather warehouses suffered pulmonary diseases. Chimney sweeps also had warty skin cancer from their bodies being habitually covered with soot and the lethal cancer of the scrotum. Working with charcoal fires affected confectioners, chocolate makers, and sail-cloth makers. Tanners, catgut makers, and tallow-candle makers became nauseous. Heavy work weakened many bodies and caused hernias. Bending over work for long hours caused stooped posture and hump backs.

The association between dirt and disease was just beginning to be made. The principles of infection and hygiene were not well understood. Bathing every couple of months was not unusual. There was some theological feeling that cleanliness betokened pride and filthiness humility. Most houses had a bathtub that could be placed beside the fire in a bedroom. About 80% of the population had been getting smallpox, which blinded, maimed or disfigured many. Deaths from smallpox were only occasional in the country, but constant in London, where about 13% of every generation died from it. Making death commonplace, especially in the winter months when thick, dirty clothes were worn day and night, were typhus, which was carried by lice; typhoid, which was spread by flies from horse dung; tuberculosis; and influenza. Dysentery and diarrhea made death commonplace especially in the summer when flies transmitted bacteria from filth to food and the water was its most foul. There was great meaning in the prayer "Now I lay me down to sleep; I pray the Lord my soul to keep; if I should die before I wake, I pray the Lord my soul to take." Thyphus spread easily in hospitals and gaols where vermin could live in the beds made of wood. Colds and toothache were also common. Venereal disease was not uncommon among the well-to-do in London. Condoms were used to deter disease, but were still crude, coarse, uncomfortable, and unreliable. London had almost double the mortality rate of the nation. The number of baptisms in London were about 80% of its burials. About 40% of the deaths in London were among children under two, due to infantile diseases fostered by malnutrition, maternal ignorance such as giving babies adult food, ill-health, bad water, dirty food, poor hygiene, and overcrowding. Many children died from diphtheria, measles, scarlet fever, and smallpox. Ten or twelve children with three or four surviving was a common family pattern. Many well-to-do in London kept their children in the country for their better health. No matter what the ailment, physicians regularly bled patients and often gave them enemas with wooden funnels. Sometimes a blister or irritant was applied to the skin to draw out the evil humors. Cupping was used to provide suction to remove pressure from various parts of the body. Also used were poultices, ointments, and herbal treatments, notably quinine. Opium was given to deaden pain. There were about 70 drugs in use. Charms, spells, astrology, and folk remedies still played a major role in medicine. A physician attended surgeries to give advice. Physicians could visit apothecary shops once a year and throw away any drugs falling below an arbitrary standard of excellence. In 1703 the House of Lords decided a jurisdictional contest between the College of Physicians and the Society of Apothecaries. It permitted the apothecaries to direct the remedies as well as to prepare them, although they could only charge for the drugs they provided. The poor sought advice from apothecaries.

There was progress in health. Scurvy virtually disappeared as a cause of death due to the eating of more vegetables. People were cleaner when wearing cotton, which had to be washed. In 1721, free inoculations for smallpox began in England, pioneered by Lady Mary Wortley Montague, also a poet and letter writer. She led the way by having herself and her son inoculated. Theologicians denounced this practice as a diabolical interference with disease sent by Providence for the punishment of sin. Sarah Wallen Mapp was a famous bone-setter. In 1727 surgeon William Cheselden, whose master was specially licensed to perform the operation of removing stones in the hospital, reduced the death rate for removing stones due to hemorrhage, shock, and infection down to 17% by his invention of a lateral operation. He also published an anatomy book and treated certain kinds of blindness by forming an opening in the eye to serve as an artificial pupil. In 1736, Claudius Aymand conducted the first successful appendectomy.

Nutritional deficiency diseases were beginning to be understood. In 1753, James Lind, a surgeon in the navy who noted that more men died of scurvy than in battle, published his work on his dietary controlled experiment on seamen showing that oranges, lemons, limes, green food, and onions cured scurvy. He published his methods of prevention and cure of malarial fevers and his method of

disinfecting ships with the smoke of wood and gunpowder. In 1761, he discovered that steam from salt water was fresh, and proposed a method of distillation to supply ships with fresh water. In 1761 Giovanni Morgagni from Italy opined that disease resulted from a breakdown of organs and tissues that was viewable on autopsy. He wrote an extensive book showing the anatomy of diseases, e.g. affections of pericardium and aorta, (e.g. aneurysm), valve diseases, ulceration, rupture, dilation, and hypertrophy. He associated clinical observation with anatomy of disease. For example, pain on the left upper chest, numbness of the left arm, and difficulty breathing occurring together with exertion were associated with dilation of the aorta and hardening of arteries, which caused delay of blood in the aorta, in the heart, and in the lung vessels. Bernoulli showed that the living human body constantly changes so that all its particles are renewed in a certain number of years. Stephen Hale described the first quantitative estimate of blood pressure and fundamental characteristics of blood circulation. In 1728, Frenchman Dr. Pierre Fauchard, the father of dentistry, recommended rubbing one's teeth and gums with a piece of sponge.

Since three out of four babies died shortly after birth, beds in hospitals for pregnant women were established starting in 1739. The next year physicians began to replace midwives. A hospital was established for abandoned foundling children in 1739 so they wouldn't die, as they usually did, in the care of parishes or workhouses or be exposed in the streets or left on door steps of the wealthy. It was besieged by women with babies in their arms. In 1762 a statute made the principles of the foundling hospital obligatory for all London parish children under six; they were to be sent to nurses outside London who were to be paid at least 2s. a week by the parish. In 1766, this was extended to all parishes, and nurses who cared for a child well for a year was given a reward of at least 10s. Also, parish children were not allowed to be apprenticed for more than seven years or until age 21 and an apprentice fee of at least 4 pounds, 2s. was to be paid to the master or mistress by the parish.

After 1740, there was a steady growth of population due to improved midwifery. William Smellie taught scientific midwifery in London from 1741 and wrote a "Treatise on Midwifery" in 1752, which had a clear explanation of the mechanism of labor. At this time there were several maternity hospitals. Forceps existed for difficult deliveries. In 1750, Dr. Cadogan wrote his book: "An Essay on the Nursing and Management of Children, which made a great improvement in the care of young children. For instance, it recommended loose clothing, no tight swaddling clothes, and a simple diet. Swaddling clothes were used to retain a baby's evacuations but produced discomfort and serious skin conditions. A hospital was founded for venereal diseases in 1746, another as an asylum for the penitent and orphaned girls who might otherwise be inclined to prostitution, and yet another for prostitutes in 1758. Coitus interruptus was widely used for birth control. There were also clandestine abortions and intentional neglect of newborns.

Melancholy was widespread. Suicides were frequent and drugs were sold for this purpose. In 1725, the mentally ill were classified as curable or incurable. There were many private asylums. A lunatic who was furiously mad and dangerous was required to be safely locked up or chained in his place of settlement. There were frequent and dangerous abuses in madhouses, so in 1774, no one was to keep or confine more than one lunatic without a license granted by the Royal College of Physicians or else forfeit 500 pounds. A Justice of the Peace and a physician inspected all madhouses to observe conditions and care of patients there. If refused admittance, the license was forfeited.

In 1712 was the last time a monarch touched a person to cure him of a malady such as scrofula.

In 1743 surgery students began to dissect corpses with their own hands to better learn anatomy. In 1744 the Company of Surgeons was separated out of the Company of Barber-Surgeons. The barbers were proscribed from performing surgery and had to have a separate corporation from the surgeons because of the ignorance and unskillfulness of barbers healing wounds, blows, and hurts e.g. by blood letting and drawing of teeth. There was a Surgeon's Hall, officers chosen by the surgeons, and bylaws. The surgeons were required to examine candidates for the position of surgeon in the king's army and navy. They were exempted from parish, ward, and leet offices, and juries. In 1752, a statute provided that the corpses of murderers were to be sent to the Surgeon's Hall to be anatomized, for the purpose of deterring murders. The penalty for rescuing the corpse of a murderer was to suffer death.

The first dispensary for the poor was established in 1769 to give free medicine and treatment to the infant poor, and then to the infants of the industrious poor.

The progress of science was seen to threaten the authority of the church. There was a general belief in God, but not much attention to Jesus. Feared to come were free thought, rationalism, and atheism. There was still a big gap between local parsons and bishops, who were educated, well-off, and related to the aristocracy. On the whole, preachers talked about morality and Christian belief. They stressed good works and benevolence. But many Protestant clergy were more concerned with their own livings

than with their parishioners. They were indolent and did not set a good example of moral living.

From 1715, Freemasonry spread and swiftly provided a spiritual haven for those who believed in God and desired ritual and mysticism.

About 1744, John Wesley, the son of an Anglican clergyman, became a religious leader for mining and industrial laborers, who were crowded into the slums of industrializing cities, and largely ignored by the Church of England. He had been led to this by a profound religious experience. He led an evangelical revival with a promise of individual salvation. He led an austere life, eating bread, and sleeping on boards. The person to be saved from the horrors of eternal damnation in hell was to discipline himself to regular prayer, self-criticism, and hard work and to forsake worldly pleasures such as drinking, overeating, and even frivolous talk. This methodical regularity of living led to the movement being called Methodist. Wesley believed in witchcraft and magic. He opined that bodily diseases and insanity could be caused by devils and that some dreams are caused by occult powers of evil. The Methodists engaged increasingly in philanthropic activities. They gave to the poor, and visited the sick and the imprisoned. Wesley preached in the open air where all who wanted to attend could attend and also wear whatever clothes they had. Large crowds of poor people gathered for these meetings. Crowds of poor people were generally feared because of their mob potential. These Methodist meetings were stormed as were Quaker meetings, with shouts of "the church in danger". The Methodists' homes were invaded and their belongings destroyed or taken or their persons beaten with tacit permission of authorities. Some Justices of the Peace drafted preachers into the army or navy as vagabonds. Eventually, however, the Methodist revival imbued energy and piety into the lethargic clergy of the established church. A new moral enthusiasm and philanthropic energy grabbed the nation. Prisons were reformed, penal laws made more wise, slave trade abolished, and popular education given momentum. In the established church, charity gained precedence over theology and comfort over self-examination and guilt. Evangelist George Whitfield preached Calvinism and it split off from Methodism. Then Calvinism went into full decline. Presbyterianism collapsed into Unitarianism and a general tendency towards deism developed.

Church sanctuary was abolished for those accused of civil offenses.

There was much travel by scheduled coaches, which usually carried several passengers and were drawn by four horses. Regular service of public vehicles to and from London went four miles an hour; it took two days to go from London to Oxford. It was not unusual for a coach to bog down or overturn. Sometimes it had to detour around an impassable stretch of road or borrow a couple of oxen from a nearby farm to get out of a quagmire. Men and horses drowned in some of the potholes. Robbery was endemic and some of the roads were so unsafe from highwaymen that bands of armed horsemen were hired to accompany the coaches. It was not unusual to come across gibbets for hanging at crossroads. In London inns at coach stops, there were casual workers who were associated with gangs of thieves specializing in passengers' goods. These workers would inform their associate thieves of specific goods that had been loaded onto certain coaches, which were then robbed selectively. Traveling merchants preferred packhorses to carts because they could cross overland or through watercourses more easily. These pack horses traveled in regular caravans in single file. The leader had a bell around his neck to warn, from a distance, riders or carts coming in the opposite direction. Carts traveled about two miles an hour. In 1711 the trustee system superseded administration by the Justices of the Peace of the turnpike system, including tolls and toll booths. The toll booths were frequently attacked by riotous mobs. So anyone pulling down or destroying turnpike gates at which tolls were to be paid went to prison or was put to hard labor in a House of Correction for three months without bail. He was also whipped in the market place between 11:00 and 2:00. If he offended a second time, he was transported for seven years. Later the penalty of prison up to three years was added as an alternative. The hundred had to pay the damages up to 20 pounds. The penalty for threatening the toll collector or forcibly passing through was 5 pounds for the first offense, and 10 pounds for the second offense with imprisonment for one year for those who couldn't pay.

By 1750, about 60 miles could be made in a day. The turnpike trusts took over most of London's major highways during the 1700s. There was no travel on Sundays until 1750.

In 1745, shocked by the difficulty caused by bad roads in concentrating the royal army to stop the Scottish invasion, the king began systematically to improve all the roads. There was much road and highway widening and repair, and also river bank and pier repair, going on all over the country. Marsh lands were drained. Harbors were deepened. There were numerous statutes trying to adjust the needs of travel with the condition of the roads. For instance, there had to be a pole between wheel horses or double shafts. Carriages, wagons, or carts drawn by more horses, oxen, or animals, or with very heavy loads, or with wheels bound with iron tires were observed to cause more damage, so they were restricted or had to pay higher tolls. Then broad and smooth iron tires were observed to not cause the amount of damage as did narrow or irregular iron tires and their use was encouraged. From 1741,

weighing machines were kept at toll gates. By 1766, turnpike roads had to be at least 30 feet wide, and hedges and fences thereon had to be taken down by their owners. Cartways to markets had to be at least 20 feet wide, and horseways 3 (later 8) feet wide. There were ditches, drains, and gutters to carry off water. Names and abodes of owners were to be put on carriages, wagons, and carts or forfeit 2-5 pounds, except for carriages or coaches of a nobleman or gentleman for his private use or those drawn by only one horse or two oxen, or those with wide wheels and a light load. There were town name signs, direction posts, and milestones. In 1773, the Surveyors and the Commissioners of Turnpikes were given authority to requisition local men, carts and draught animals for compulsory labor, or money instead, in maintaining the roads and making new ditches and drains. They could take any local sand, gravel, chalk, or stone from waste or common land or, if not needed by and satisfaction was made to the owner, from enclosed land. The surveyor was to be chosen locally for a year and could be given an allowance. New roads required the consent of the landowners and a negotiated price.

A driver of a carriage, wagon, or cart on the public highway who by negligence or misbehavior caused any hurt or damage to a person or any other carriage or hindered free passage of any other carriage was to forfeit up to 20s. Anyone leaving an empty cart or other obstruction on a public highway was to forfeit up to 20s. Any cart, wagon, or carriage driven without a person on foot or on horseback leading it had a forfeiture up to 20s. Any driver of an empty cart, wagon, or carriage who refused or neglected to make way for any coach or loaded cart, wagon, or carriage was to forfeit up to 20. Any offender could be apprehended without warrant by anyone who saw his offense, and who was then to deliver him to a constable or other peace officer.

By 1719, the mail service was well-regulated. Letter rates within 80 miles of London were 3d. per piece of paper, then 12d. per ounce. Within 60 miles of New York City in America there were 4d. per piece of paper, then 1s.4d. per ounce. Letters were still carried by post horses. From London to New York, they were 1s. per piece of paper for the first three pieces, then 4s. per ounce. In 1765, this rate was extended to all colonial ports.

In 1754, canals began to be constructed linking the main rivers. The barges were hauled by horses or men from the land near the river's edge. Now goods of many inland towns cheapened and reached a national instead of just a local market. In 1761 an almost illiterate man called James Brindley cut the first real canal at Worsley for the Duke of Bridgewater, who owned the coal deposits there. He kept the line of the canal at one level to avoid having to make locks. It crossed one river as a forty foot high aqueduct. He refused to use the beds of small rivers, whose sluggish flow gave no adequate security against silting. Coal at the destination point of Manchester fell to half its former price. After Wedgwood headed a campaign to persuade Parliament to construct a certain canal, he bought adjacent land on which he built his great factory.

In 1713, the maximum interest rate that could be charged was reduced to 5% for the advancement of trade and improvement of lands because that rate was the norm in foreign lands. Thus the maximum interest rate fell from 10 to 8 to 6 and then to 5%. When Issac Newton was Master of the Mint, he noted that too restricted a currency caused a high interest rate to prevail, which was bad for commerce and the plans to set the poor to work, but that too large a quantity of money in circulation caused interest rates to fall, which encouraged luxury imports and the export of bullion.

The Bank of England provided a safer deposit and lower interest than goldsmiths or scriveners. It also issued notes for 10 and 15 (since 1759), and 20 pounds. Outside retail trade and wages payments, business was conducted on a credit basis with a paper promise to pay at some future date. Check use was still formal and rare. Tradesmen typically authorized their apprentices to "write off or draw" from their accounts, bringing their bank books. Depositors authorized other people such as certain servants, relatives, cashiers, or company secretaries to make use of their accounts. After 1721, the Bank dividend was about 6% a year.

Promissory notes were assignable and endorsable and the holder could recover against the signer or any endorser as was the case with bills of exchange. In 1775, no more promissory or other notes, bills of exchange, draughts, or undertakings in writing and being negotiable or transferable could be made for under 20s., because it was hard for the poorer sort of manufacturer, artificer, laborer and others to use them without being subject to great extortion and abuse. Cash was to be used instead.

By 1711, government finances had become so chaotic that the Chancellor of the Exchequer sought to re-establish public credit by means of a chartered commercial company, the shares of which were offered in substitution for government stock. This South Sea Company was established in 1711 with a monopoly to trade in South America. The prospects of huge profits sent the share prices soaring. There was also an increase in the money supply. These factors led to a speculation bubble in 1720 in this stock. Also, many stock-jobbers promoted companies of every description, such as one to extract gold from seawater. There was an insurance boom with about seventy insurance companies in existence,

many virtually gambling in life contingencies. There was speculation in insurance for all types of occurrences, such as housebreaking, highway robbery, death by gin-drinking, and horses becoming disabled. The total capital invested in all these enterprises rose to over five times the cash resources of all Europe. When the bubble burst, 100 pound South Sea stock had gone up to 1050 pounds and back down again to 120. Since the government had in effect bought this stock at a low price and paid off its debt with this stock at a high price, this bubble relieved the government of much of its massive debt. It also redistributed wealth. After the bubble burst, investors took refuge in investing in 3-4% government fixed-interest securities. A result of this bubble burst was the chartering of two corporations for marine insurance and prohibition of such by any partnership or firm. Private persons could continue to write policies, and they chose Lloyd's Coffeehouse as their headquarters; it came to dominate the world of marine insurance after the two chartered companies came to concentrate on fire and life insurance. Lloyd's list became the foundation for a new newspaper. There were specialty boxes at Lloyd's such as on America or the Baltic. Many ships were reported captured by enemies or pirates, but underwriting insurance was a lucrative business for many.

In 1717 the gold guinea was assigned a value of 21s. In 1774, the gold standard was introduced. In 1774, clipped and deficient gold coin was called in to be exchanged for new coin.

Local taxes were collected for the church, the poor, county courts of justice, borough administration, and highways. National taxes included the income, customs, and excise taxes. When the government tried to levy excise taxes on wine, tobacco, and then on cider, there was a public protest with mobs demonstrating against the power given to excise inspectors to search in people's homes. These excise taxes were no longer levied.

Duties were placed on items for encouraging industries within the country and to pay the expenses of government. There were more and higher duties to pay for war. At various times there were duties on hides, skins, seal skins, gilt and silver wire, malt, mum [strong beer made from malted wheat], cider, perry, spices, tea, coffee, cocoa nuts, chocolate, cocoa paste, snuff, chinaware, drugs, calicoes, herrings, apples, oysters, raw Italian and Chinese silk, gum arabic, gum senega, tallow, hogs-lard, grease, beaver skins and wool, imported brandy, raisins, coals and coal dust, coaches for one's own use or for hire, except licensed hackney coaches; silver plate owned by persons, corporations, and bodies politic; leases, bonds, and other deeds; licenses for retailing wine, beer, and ale; 5% of salaries, fees, and perquisites from office and employments including royal pensions and gratuities over 100 pounds. When the price of wheat was high, as in 1765, when it was 6s. per bushel, wheat products could not be exported. At other times, they could not be imported. Duties on imported wheat, barley, rye, oats, beans, rice, Indian corn were also dropped. The prohibition of importing salted beef, pork, bacon, and butter was dropped. In 1770, no live cattle, pigs, mutton, pork, beef, either fresh or salted could be exported or forfeit 50 pounds for every such animal or 5s. per pound of such meat. In 1773, peas, beans, bacon, hams, and cheese could be imported duty free, and in 1775 Labrador codfish. In 1775, raw goat skins could be imported duty-free to improve the domestic manufacture of red, green, and blue leather.

In 1773, there were given costs above which various commodities could not be exported: wheat at 44s. per quarter, rye, peas, or beans at 28s., barley and beer at 22s., oats at 14s. or else forfeit the goods, 20s. per bushel and the ship or boat in which laden. (There are 8 bushes in a quarter.)

A window tax replaced the hearth tax. These duties were 2s. on dwelling houses, increased by 6d. per window for houses with 10-14 windows, and increased by 9d. per window for houses with 15-19 windows, and increased by 1s. per window for houses with 20 or more windows, per year to be paid by the occupant. These were increased three more times, until the dwelling house duty was 3s. and the duty for 25 or more windows was 2s. Another duty for war was that on imported starch, certain imported clothes, cards, dice, soap, vellum, parchment, and paper made in the realm (4d.-1s.6d. per ream depending on quality) or imported (1-16s. per ream). For pamphlets and newspapers made in the realm there was a duty of 2d. per sheet and 12d. for every advertisement. When the duty was paid, the paper was stamped. The penalty for nonpayment was 10 pounds for sellers and 5 pounds for those writing or printing on the paper. Later, there was a penalty of imprisonment in a House of Correction up to three months for sellers or hawkers of pamphlets or newspapers, and the apprehender received a reward of 20s. A parson marrying a couple without publishing banns or license could forfeit 100 pounds.

Not paying duties was punishable by various forfeitures of money. Officers for duties could search warehouses on suspicion of concealment of coffee, tea, chocolate, or cocoa beans with an intent to avoid duties after making an oath before a duty commissioner or Justice of the Peace setting forth the grounds of such suspicion. A special warrant could be issued authorizing the officer to seize such goods.

Wars were funded not only by some duties, but by lotteries and short-term funding purchased at 5% yearly interest from the Bank of England and by long-term funding by the sale of annuities.

County militias could be raised and called out to march together in order to be better prepared to suppress insurrections or invasions. Their horsemen were to be provided with broad sword, a case of pistols with 12 inch barrels, a carbine with belt and bucket, a saddle, and a bit and bridle. Each foot soldier was to be provided with a bayonet, a cartouch-box, and a sword. In the militia act of 1757, there were quotas for each parish, to be chosen by lot from lists of men 18-50 years old. After militia service for three years, one could not be called again until by rotation, and, if married, he was allowed to practice any trade in which he was able in any town or place. While he was in the militia, his parish had to pay an allowance to his family, if distressed, the usual price of an agricultural laborer, according to the number and ages of the children. Quakers could provide a substitute or pay money to defray expenses of a substitute for three years. Exempt were peers, commissioned officers in royal army or royal castle, other military personnel, members of either university, clergymen, teachers of any separate congregation, constables and peace officers, and watermen of the Thames River.

This militia act was due to an invasion scare in 1756 because Great Britain then had no allies on the continent. The old strategy of maintaining a small army of 17,000 men and relying on volunteers had really depended on England's allies to tie down France's land forces. The militia act of 1757 was designed to reassure squires they would not be used as adjuncts to the army. Only those with much property could be officers. Enlistees could still carry on their trades and jobs. Costs were to be from general taxation rather than by locality. But it was almost impossible to get officers and there were many riots when parish authorities tried to draw up lists of those liable to serve. In 1759 the navy prevented French invasion.

Able-bodied men without a calling, employment, or visible means of maintenance or livelihood could be searched for and conscripted into the army. Volunteers who enlisted were paid 40s. and were not taken out of her majesty's service by any process other than for some criminal matter. King George II was the last king to lead his troops into battle. Later, parishes were given 20s. for every soldier they summoned. Also, persons who had a vote for member of Parliament were exempted.

Whipping was the usual punishment for offenses. A soldier who deserted or joined in any mutiny or sedition in the royal army within the realm was to suffer death or any other punishment determined by court martial. In 1760, a soldier (later, or a marine) who slept at his post, left his post before being relieved, communicated with any rebel or enemy, struck or disobeyed any superior officer could suffer death, including those soldiers in America.

During war, chief officers of towns quartered and billeted royal army officers and soldiers in inns, livery stables, alehouses, and victualing houses for 4d. a day, but not in any private house without consent of the owner. From 1714 to 1739, the army regiments were split up and scattered among the ale-houses of small towns for maintenance; this was to disperse the soldiers. It was easier to count them, thereby keeping a check on their number, which might be exaggerated if they were in large groups in barracks. The towns protested having to maintain soldiers and town magistrates imposed severe penalties for small offenses by soldiers. Their drunkenness and violence were not tolerated as they were for ordinary people. Their officers not being with them, the soldiers retaliated with troublesomeness. As of 1763 English troops could be quartered in unoccupied houses or barns and supplied with necessities such as bedding, firewood, candles, vinegar, salt, cooking utensils, and beer or cider. The Royal Hospital gave pensions to maimed and worn out soldiers treated there.

Sailors had more status than soldiers because they had regular work as seamen in times of peace and they did not remind the people of the idea of a standing army, which they had hated especially since Cromwell.

Justices of the Peace, mayors, and other officers could bind boys as apprentices to sea service if they were at least ten and their parents were chargeable to the parish or begged for alms. This indenture to the masters or owners of ships lasted until the boy reached 21. The boy's parish paid 50s. for clothing and bedding for such sea service. No such apprentice could be impressed into the navy until at least 18 years of age. Master and owners of ships that carried 30-50 tuns had to take one such apprentice and one more boy for the next 50 tuns, and one more boy for every 100 tuns over 100 tuns, or else forfeit 10 pounds to the boy's parish. Boys voluntarily binding themselves to such sea service were exempt from impressment for the next three years. This was to increase the number of able and experience mariners and seamen for the navy and for the trade and commerce of the nation.

No masters or commanders of merchant ships were to proceed on a voyage beyond the seas without first agreeing in writing on wages with the seamen, except for apprentices. Such agreement had to be signed by the seamen. Offenders were to forfeit 5 pounds per seaman, which sum went to the use of Greenwich Hospital. Any seaman leaving the ship before being discharged in writing was to forfeit one



month's pay because too many left the ship before it was unladen.

There were some ships of 2000 tons. The steering wheel had been introduced because a sudden heavy sea could wrest a tiller from the hands of a helmsman. Triangular head-sails with jib boom and stay-sails on stays between masts were in use so that ships could sail closer into the wind. The length of ships was still determined by the same length of trees that could be grown. Sailing ships were still vulnerable to a lee shore. Latitude was easy to determine using the reflecting octant invented by John Hadley in 1731, and a sextant invented in 1757, with mirrors and a small telescope to measure the angle between a celestial body such as the sun or north star and the horizon. But longitude could not be determined with any degree of accuracy. One method relied on accurate predictions of the future position of the moon as observed from a fixed reference point, such as Greenwich. By precisely observing the local time of the moon's occultation of a known star at a particular place, and looking up in a table the predicted time of the event at Greenwich, one could approximate the time difference of the place from Greenwich. There were so many shipwrecks on this account that the government offered a reward to anyone who found a way to measure longitude accurately. In 1763 carpenter and clockmaker John Harrison made the chronometer to do this with an accuracy of 2 1/2 seconds per month, and received 5,000 pounds. He was promised 10,000 pounds to explain the principle of his timekeeper and build three more. The chronometer kept time with extreme accuracy and was mounted to remove the effect of the ship's motion. To find a ship's position, a navigator noted the time and measured the positions of certain stars. He compared these positions with tables that showed the stars' positions at Greenwich mean time, and then calculated the ship's position.

Officer positions were no longer bought, but were subject to examination for a minimum of knowledge, especially in navigation. In 1729 the Naval Academy was established. Boys entered at age 13 to 16 and spent two or three years there.

Only about 15% of the crew of navy ships were volunteers. Many were gaolbirds, having chosen the Navy over more gaol time for debt. Press gangs seized men in the port towns and from ships coming into harbor. From 10% to 20% of the crew were foreigners, many of these pressed men. About 1756, the Marine Society was founded for training and placing poor boys in work in naval and merchant ships. This not only supplied men and boys for the Navy, but saved boys from a life of vagrancy and crime. These boys usually became reliable and obedient sailors.

The life of a sailor was a hard one, requiring much strength. Sailors did not know how to swim, so falling overboard usually meant death. Flogging was the usual punishment in the Navy, even for small offenses. The amount of flogging due for each offense rose over time. If flogging were fatal, there would be an inquiry and occasionally punishment. A sailor's meals were usually hard bread invested with weevils and maggots, dried or salted meat or fish, and small quantities of oatmeal, butter, and cheese. Many sailors had scurvy or other deficiency diseases. Experiments with lime and lemon juice as remedies for scurvy were made around 1764, but were not used in the Navy until about 1800. Many more sailors died from these diseases than from battle. Rum and water was a daily ration introduced in 1745. The ordinary sailor was paid about one pound a month, a rate established in 1650s which became outdated. This was not in cash, but in a ticket which entitled him to payment in full if he presented it at the pay office in London, but was subject to swinging deductions if he tried to cash it in another port.

Prize money from conquered ships was substantial. To encourage seamen to enter the navy, Parliament provided that the prizes be divided among flag officers, commanders, other officers, seamen, marines, and soldiers on board every ship of war, including private ships commissioned by the Admiral, as directed by the king, or as agreed with the owner of a private ship. It included an enemy's ships, and goods and arms on the ships or in fortresses on the land. There was also bounty money for enemy ships taken or destroyed. For retaking or salvaging English goods taken by the enemy, 1/8th their value was paid. Privateers colluding with others to fraudulently take their merchant ships forfeited their ships, with 1/3rd going to the person who made the discovery and prosecuted.

Later, any able seaman volunteering for the navy was to receive 5 pounds bounty. Any seaman volunteering for the navy was to receive a bounty of 3 pounds. If a navy seaman was killed or drowned, his widow was to receive a year's pay as bounty. No seaman in a merchant ship was to receive more than 35s. per month because of war at that time.

Still later, anyone who ran goods or avoided customs was excused and indemnified if he enlisted in the navy as a common sailor for three years.

Those under 18 or over 55 were made exempt from impressment into the king's service. The time of service was limited to five years if the serviceman so demanded. Worn out and decrepit seamen no longer being treated at the Royal Hospital for Seamen at Greenwich received a pension as determined by the hospital.

In war, the Navy favored blockading tactics over attack by fireships, which grew obsolete. In peace, when not used in convoys to remote lands, many ships of war were used as cruisers to guard the coast, to trade, and to accompany merchant ships going out and returning home. About 1755, marine forces of the navy were raised and quartered on shore.

No war ship could carry goods except gold, silver, and jewels and except the goods of a ship in danger of shipwreck or already shipwrecked.

The king was authorized to prohibit the export of gunpowder, saltpeter, ammunition, and arms.

When a ship had been forced on shore or stranded on the coast, it had been the practice for people to plunder it and to demand high payment for salvaging its goods. So a statute required that salvage only be done by sheriff, mayors, and other officials. A person who defaced the marks on goods or hindered the saving of the ship had to pay double satisfaction to the person aggrieved and spend 12 months at hard labor in a House of Correction. If a person unduly carried off goods, he forfeited treble damages. If he made a hole in the ship or stole the pump from the ship, he was guilty of felony without benefit of clergy.

The owner of the island of Skerries was allowed to erect a lighthouse and charge passing ships other than Navy ships 1d. per tun.

Only pilots examined and admitted into the society of pilots and, if no such pilot was readily available, a ship's own owner, master, or mate could pilot ships up the Thames River, or else forfeit 10 pounds for the first offense, 20 pounds for the second, and 40 pounds thereafter. Any pilot losing a ship could no longer be a pilot. There had to be at least 120 qualified pilots. The prices of piloting were 3 pounds 10s. for ships drawing 7 feet of water, and 10s. more for each additional foot drawn up to 8 pounds 10s. for ships drawing 17 feet of water.

To preserve navigation, ships were not to throw any ballast, filth, rubbish, gravel, earth, stone, or filth into rivers or ports where the tide or water flowed or ran or else forfeit 50s.- 5 pounds. Ships on the Thames River could take as ballast to stabilize a ship without cargo: dung, compost, earth, or soil from laystalls in London. There was a toll on ships entering the port of London to pay for repairs to its walls.

Many persons insuring ships for large premiums became bankrupt, thus ruining or impoverishing many merchants and traders. So the king was authorized to grant charters to two distinct corporations for the insurance of ships, goods, and merchandise or going to sea or for lending money upon bottomry [borrowing money and pledging the ship as security]. Each corporation had to pay 300,000 pounds to the Exchequer and to have sufficient ready money to pay for losses insured by them. They were to raise capital stock and could make calls of money from their members in proportion to their stocks for any further money required.

Any owner, master, or mariner who cast away, burned, or otherwise destroyed a ship to the prejudice of underwriters of policies of insurance or of any merchants whose goods have been loaded on the ship was to suffer death.

The owners of ships were not liable for losses by reason of theft without their knowledge by the master or mariners of goods beyond the value of the ship. This was to prevent the discouragement of owning ships.

The insurance of merchant ships must give salvage rights [rights to take what may be left of the ships insured after paying the insurance on them] to the insurer. A lender on bottomry had benefit of salvage. No insurance could be for a greater amount than the value of one's interest in the ship or in the goods on board.

No waterman carrying passengers or goods for hire e.g. by wherryboat, tiltboat, or rowbarge, on the Thames River could take an apprentice unless he was a housekeeper or had some known place of abode where he could keep such apprentice or else forfeit ten pounds, and if he couldn't pay, do hard labor at the House of Correction for 14-30 days. Also he could not keep the apprentice bound to him. No apprentice could be entrusted with a vessel until he was 16 if a waterman's son and 17 if he was the son of a landman, and he had at least two years' experience. None but freemen, i.e. one having served an apprenticeship of seven years, could row or work any vessel for hire or be subject to the same punishment. This was to avoid the mischiefs which happen by entrusting apprentices too weak, unable, and unskillful in the work, with the care of goods and lives of passengers. Later amendment required that apprentices be age 14 to 20 and that there be no more than 40 passengers, with the penalty of transportation if there were over 40 and one drowned.

No boat on the Thames River could be used for selling liquors, tobacco, fruit, or gingerbread to seamen and laborers because such had led to theft of ropes, cables, goods, and stores from the ships. Excepted were boats registered at the guilds of Trinity and of St. Clement, but they had to show their owner's name and could only operate in daylight hours. The penalty was forfeiture of the boat.

All ships coming from places infected with the plague had to be quarantined and any person leaving a quarantined ship had to return and later forfeit 20 pounds, of which 1/3 could go to the informer, the rest to the poor. This was later raised to 200 pounds and six months in prison, and if the person escaped, he was to suffer death. Also later, a master of a ship coming from infected places or having infected people on board was guilty of felony and forfeited 200 pounds. If he did not take his vessel to the quarantine area on notice, he forfeited a further 200 pounds (later 500 pounds) and the ship, which could then be burned. The king was authorized to prohibit commerce for one year with any country infected by the plague and to forbid any persons of the realm from going to an infected place.

By 1714, there was a clear distinction between a king's private income and the Crown's public revenue. From 1714, the king's Treasurer as a matter of routine submitted annual budgets to Parliament. He was usually also the leader of the House of Commons and the Chancellor of the Exchequer.

Proclamations by the Crown were more restricted to colonial and foreign affairs, to executive orders, and to instructions to officials. The high offices included the Chancellor, Treasurer, Keeper, President of the Council, Privy Seal, and two Secretaries of State, who were in charge of all foreign and domestic matters other than taxation, one for the north and one for the south. With Thomas More, the Chancellor had become more of a judge and less of a statesman. Other offices were: Paymaster General, Secretary of War, and Treasurer of the Navy. Starting with the monarch, government positions were given by patronage to friends and relatives, or if none, to the highest bidder. These offices were usually milked for fees and employed deputies, clerks, and scribes who worked for long hours at very modest wages. Most people believed that the offices of power and influence in the realm belonged to the nobility and gentry as indubitably as the throne belonged to the king. Assaulting, wounding, striking, or trying to kill a member of the Privy Council engaged in his duties was punishable by death without benefit of clergy. Civil and military commissions, patents, grants of any office or employment, including Justice of Assize, Justice of the Peace, court writs, court proceedings continued in force for six months after a king's death, unless superceded in the meantime.

The king's ministers were those members of his Privy Council who carried out the work of government. By distributing patronage, the ministers acquired the influence to become leading members of the House of Commons or the House of Lords. They made policy, secured the king's consent, and then put through the necessary legislation. The king was to act only through his ministers and all public business was to be formally done in Privy Council with all its decisions signed by its members. The king gradually lost power. The last royal veto of a Parliamentary bill was in 1708. By 1714, the Privy Council ceased making decisions of policy. Instead a cabinet not identified with any particular party was chosen by the Queen, who presided over their meetings, which were held every Sunday. It dealt with Parliament. In 1720, the number of peers in the House of Lords was fixed, so that the Crown could create no more. About 1720, Robert Walpole, son of a country squire, who came to be first minister of the Crown and the leader of the Whigs, organized the cabinet so that it was of one view. He led it for twenty years and thus became the first prime minister. A prime minister was needed because the king spoke no English. Walpole was brilliant at finance and lessened taxation. He restored trust in the government after the South Sea bubble scandal. He was successful in preserving the peace with other nations and providing stability in England that led to prosperity. The Whigs opposed a standing army and over-reaching influence of the Crown. They espoused the liberty of individual subjects. Their slogan was "liberty and property". They generally favored foreign wars.

Members of the Parliament felt responsible for the good of the whole country instead of accounting to their electors, but self-interest also played a part. Leading commercial magnates of the realm sought to be members of Parliament or governors of the Bank of England so they could take up government loans at advantageous rates, snap up contracts to supply government departments at exorbitant prices, and play an important part in deciding what duties should be charged on what goods. About 5% of the population could vote. Voting was open, rather than by secret ballot. Seats in Parliament could normally be bought either by coming to an arrangement with some landowner who had the right to nominate to a closed seat or by buying enough votes in constituencies where the electorate was larger and the contest more open. Factory owners and leading landowners sat together on committees drawing up plans for public works such as canal building, obtained the necessary permits from public authorities and organized the whole enterprise. In 1714, Parliament was allowed to last for seven years unless sooner dissolved by the king because of the expense and tumult of elections, which frequently occasioned riots, and sometimes battles in which men were killed and prisoners taken on both sides. Politics had become a career. Members of Parliament could not be arrested while Parliament was in

session.

As of 1710, electees to the Commons had to have 600 pounds annual income for knights or 300 pounds annually for burgesses. This did not include the eldest son or heir apparent of any peer or lord of Parliament or any person with the above qualifications. The universities were exempted.

As of 1729, a person electing a member of the Commons had to swear or affirm that he had not received any money, office, employment, or reward or promise of such for his vote. If he swore falsely, it was perjury and he was to forfeit 500 pounds and his right to vote. Later, voters for member of Parliament had to have residence for a year. Still later, voters were required to have been freemen of the city or town for one year or else forfeit 100 pounds, except if entitled to freedom by birth, marriage, or servitude according to the custom of such city or town. Voters were still required to have a freehold of land of 40s. a year income, but holders of estates by copy of court roll were specifically precluded from voting or else forfeit 50 pounds.

In 1724, since unauthorized persons had intruded into assemblies of citizens of London and presumed to vote therein, the presiding officer -appointed clerks to take the poll and oath required for elections for Parliament, mayor, sheriffs, chamberlains, bridgemasters, and auditors of chamberlains. The oath was that one was a freeman of London, a liveryman of a certain named company, had been so for 12 months, and had named his place of abode. The oath for alderman or common council elections was that the voter was a freeman of London and a householder in a named ward who had paid scot of at least a total of 30s. and bore lot. A list of the voters and of persons disallowed was given to candidates by the presiding officer.

Soldiers could not be quartered within 20 miles of a place of election so that the election was kept free.

Voters in public corporations must have held their stock for six months before voting them to discourage splitting stock and making temporary conveyances thereof to give certain people more of a vote, e.g. in declaring dividends and choosing directors.

Ambassadors were made immune from arrest, prosecution and imprisonment to preserve their rights and privileges and protection by the Queen and the law of nations.

The Supporters of the Bill of Rights Society was founded and paid agents to give speeches throughout the country and used the press for its goals.

James Burgh demanded universal suffrage in his 1773 book: "Political Disquisitions".

In 1707 there was union with Scotland, in which their Parliaments were combined into one. The country was known as Great Britain. The last Scottish rebellion resulted in attainder of its leaders for levying war against the king. In 1746, they were given the chance to surrender by a certain date, and receive a pardon on condition of transportation. In 1747, anyone impeached by the Commons of high treason whereby there could be corruption of the blood or for misprison of such treason could make his defense by up to two counsel learned in the law, who were assigned for that purpose on the application of the person impeached. In 1748, counsel could interrogate witnesses in such cases where testimony of witnesses were not reduced to writing.

There was a steady flow of emigrants to the American colonies, including transported convicts and indentured servants. Delaware became a colony in 1703. In 1729, the king bought Carolina from its seven proprietors for 2,500 pounds apiece. Person having estates, rights, titles, or interest there, except officers, were allowed by Parliament to sue the king with the court establishing the value to be paid, but no more than at a rate of 2,500 pounds per 1/8 of the property. Georgia was chartered in 1733 on request of James Oglethorpe, who became its first governor, as a refuge for debtors and the poor and needy. It established the Episcopal Church by law. In 1730 Carolina and 1735 Georgia were allowed to sell rice directly to certain lands instead of to England only. Later, sugar was allowed to be carried directly from America to European ports in English ships without first touching some English port. Foreigners who had lived in the American colonies for seven years, and later foreigners who served two years in the royal army in America as soldiers or as engineers, were allowed to become citizens of Great Britain on taking oaths of loyalty and Protestantism. This included Quakers and Jews. The Jews could omit the phrase "upon the true faith of a Christian."

In 1756, indentured servants in America were allowed to volunteer as soldiers in the British army serving in America. If his proprietor objected, the servant was to be restored to him or reasonable compensation given in proportion to the original purchase price of his service and the time of his service remaining.

There was much competition among countries for colonies. Quebec and then Montreal in 1760 in Canada were captured from the French. About 1768 James Cook discovered New Zealand and Australia; his maps greatly helped future voyages. The English East India Company took over India as its Mogul Empire broke up.

Manufacturing in the American colonies that would compete with British industry was suppressed by Great Britain. There were increasing duties on goods imported into the colonies and restrictions on exports. In 1763, Parliament imposed duties on foreign imports going to America via Britain: to wit, sugar, indigo, coffee, certain wines, wrought silks, calicoes, and cambrick linen. Foreign vessels at anchor or hovering on colonial coasts and not departing within 48 hours were made liable to be forfeited with their goods. Uncustomed goods into or prohibited goods into or out of the colonies seized by customs officials on the ship or on land and any boats and cattle used to transport them occasioned a forfeiture of treble value, of which 1/3 went to the king, 1/3 went to the colonial governor, and 1/3 went to the suer. Any officer making a collusive seizure or other fraud was to forfeit 500 pounds and his office. In 1765, there was imposed a duty on papers in the colonies to defray expenses of their defense by the British military. The duty on every skin, piece of vellum [calf skin] or parchment, and sheet of paper used in any law court was 3d.- 2 pounds. There were also duties on counselor or solicitor appointments of 10 pounds per sheet. Duties extended to licenses for retailing spirituous liquors and wines, bonds for payment of money, warrants for surveying or setting out of any lands, grants and deeds of land, appointments to certain civil public offices, indentures, leases, conveyances, bills of sale, grants and certificates under public seal, insurance policies, mortgages, passports, pamphlets, newspapers (about 1s. per sheet), advertisements in papers (2s. each), cards, and dice. The papers taxed were to carry a stamp showing that the duties on them had been paid. Parliament thought the tax to be fair because it fell on the colonies in proportion to their wealth. But the colonists saw this tax as improper because it was a departure from the nature of past duties in that it was an "internal tax". All of the original thirteen American colonies had adopted Magna Carta principles directly or indirectly into their law. The stamp duties seemed to the colonists to violate these principles of liberty. Patrick Henry asserted that only Virginia could impose taxes in Virginia. Schoolmaster and lawyer John Adams in Massachusetts asserted that no freeman should be subject to any tax to which he had not assented. In theory, colonists had the same rights as Englishmen per their charters, but in fact, they were not represented in Parliament and Englishmen in Parliament made the laws which affected the colonists. They could not be members of the House of Lords because they did not have property in England. There were demonstrations and intimidation of stamp agents by the Sons of Liberty. Merchants agreed to buy no more goods from England. The stamp duty was repealed the same year it had been enacted because it had been "attended with many inconveniences and may be productive of consequences greatly detrimental to the commercial interests of these kingdoms".

To counter the wide-scale running of goods to avoid the customs tax, the customs office was reorganized in 1766 to have commissions resident in the colonies and courts of admiralty established there to expedite cases of smuggling. This angered the colonists, especially Boston. Boston smuggling had become a common and respectable business. It was the port of entry for molasses from the West Indies from which New England rum was made and exported. The entire molasses trade that was essential to the New England economy had been built upon massive customs evasions; royal customs officials had participated in this by taking only token customs for the sake of appearance in London and thereby had become rich.

In 1766 Parliament imposed a duty of 3d. per pound weight on tea and duties on reams of paper, glass, and lead into the colonies. These import duties were presented as external rather than internal taxes to counter the rationale the colonies gave against the stamp tax. But these items were of common use and their duties raised the cost of living. The king's customs officials were authorized to enter any house, warehouse, shop, or cellar to search for and seize prohibited or uncustomed goods by a general writ of assistance.

These writs of assistance had been authorized before and had angered Bostonians because they had been issued without probable cause. In Paxton's case of 1761, the Massachusetts Superior Court had declared legal the issuance of general writs of assistance to customs officers to search any house for specific goods for which customs had not been paid. The authority for this was based on the Parliamentary statutes of 1660 and 1662 authorizing warrants to be given to any person to enter, with the assistance of a public official any house where contraband goods were suspected to be concealed, to search for and seize those goods, using force if necessary. They were called "writs of assistance" because the bearer could command the assistance of a local public official in making entry and seizure. A "general" writ of assistance differed from a "special" writ of assistance in that the latter was issued on a one-time basis. The general writ of assistance in Boston was good for six months after the death of the issuing sovereign. Authority relied on for such writs was a 1696 statute giving customs officers in the colonies the same powers as those in England, a 1699 act by the Massachusetts Provincial

Legislature giving the Superior Court of Massachusetts the same such power as that of the Exchequer, and the Massachusetts' Governor's direction about 1757 to the Massachusetts Superior Court of Judicature to perform the function of issuing such warrants. The Massachusetts court issued them in the nature of the writs of assistance issued from the Exchequer court in England, but had issued them routinely instead of requiring the showing of probable cause based on sworn information that the Exchequer court required. Few judges in the other American colonies granted the writ.

Seditious libel trials in England and the colonies were followed closely and their defendants broadly supported. John Wilkes, a member of the House of Commons, published a criticism of a new minister in 1763. He called King George's speech on a treaty "the most abandoned instance of ministerial effrontery ever attempted to be imposed on mankind". After being found guilty of seditious libel, he again ran for the House of Commons, and was repeatedly elected and expelled. He was subsequently elected alderman, sheriff, and mayor of London. In 1770, Alexander MacDougall was voted guilty of seditious libel by the New York Colonial Assembly for authoring a handbill which denounced a collusive agreement by which the assembly voted to furnish supplies for the British troops in New York in exchange for the royal governor's signature to a paper-money bill. When he was arrested, the Sons of Liberty rallied to his support, demanding freedom of the press. Benjamin Franklin's brother had been imprisoned for a month by the Massachusetts assembly for printing in his newspaper criticisms of the assembly. He was forbidden to print the paper. Benjamin supported him by publishing extracts from other papers, such as "Without freedom of thought, there can be no such thing as wisdom; and no such thing as public liberty without freedom of speech... Whoever would overthrow the liberty of a nation must begin by subduing the freeness of speech; a thing terrible to public traitors."

By statute of 1766, the New York house of representatives was prohibited from meeting or voting until they provisioned the King's troops as required by law.

In 1769, Harvard College seated its students in class in alphabetical order instead of by social rank according to birth.

By 1769, the colonies' boycott of British goods in protest of the new duties cause these imports to decline so much that British merchants protested. So the duties were dropped, except for that on tea, which was retained as a matter of principle to assert the power of the crown to tax the colonies. Then in 1773 the East India Company was allowed to sell tea directly to the colonies to help it avoid bankruptcy. The effect of this was to lower the cost of tea in the colonies by avoiding the English middleman, and the American middleman, but also to give the East India Company a monopoly. The colonies felt threatened by this power of Britain to give monopolies to traders. When the tea ships arrived in Boston in late 1773, Bostonians held a town meeting and decided not to let the tea be landed. They threw this cargo of tea, worth about 18,000 pounds, overboard. This Boston Tea Party was a direct challenge to British authority. In response, Parliament closed the port of Boston until compensation was made to the East India Company. By statute of 1774, no one was to enter or exit the port of Boston or else forfeit goods, arms, stores, and boats that carried goods to ships. Every involved wharf keeper was to forfeit treble the value of the goods and any boats, horses, cattle, or carriages used. Ships hovering nearby were to depart within six hours of an order by a navy ship or customs officer or be forfeited with all goods aboard, except for ships carrying fuel or victuals brought coastwise for necessary use and sustenance of inhabitants after search by customs officers, and with a customs official and armed men for his defense on board. This statute was passed because of dangerous commotions and insurrections in Boston to the subversion of the king's government and destruction of the public peace in which valuable cargoes of tea were destroyed. Later, the Governor was given the right to send colonists or magistrates charged with murder or other capital offenses, such as might be alleged to occur in the suppression of riots or enforcement of the revenue laws, to England or another colony for trial when he opined that an impartial trial could not be had in Massachusetts Bay. A later statute that year altered the charter of Massachusetts Bay province so that the choice of its council was transferred from the people to the King to serve at his pleasure, and the appointment and removal of judges and appointment of sheriffs was transferred to the Governor to be made without the consent of the council. This was due to the open resistance to the execution of the laws in Boston. Further, no meeting of freeholders or inhabitants of townships was to be held without consent of the Governor after expressing the special business of such meeting because there had been too many meetings that had passed dangerous and unwarranted resolutions. Also, jurors were to be selected by sheriffs rather than elected by freeholders and inhabitants.

The commander of the British troops in North America was made Governor of Massachusetts. King George thought that the colonists must be reduced to absolute obedience, even if ruthless force was necessary. The people of Massachusetts were incensed. They were all familiar with the rights of Magna Carta since mandatory education taught them all to read and write. (Mandatory education every township of fifty households had to appoint one person to teach all children to read and write. Every one hundred families had to set up a grammar school.) The example in Massachusetts showed other

colonies what England was prepared to do to them. Also disliked was the policy of restricting settlement west of the Allegheny mountains; the take over of Indian affairs by royal appointees; the maintenance of a standing army of about 6,000 men which was to be quartered, supplied, and transported by the colonists; and expanded restrictions on colonial paper currencies.

The Virginia House of Burgesses set aside the effective date of the port bill as a day of prayer and fasting, and for this was dissolved by its governor. Whereupon its members called a convention of delegates from the colonies to consider the "united interests of America". This congress met and decided to actively resist British policy. As opposition to British rule spread in the colonies, a statute was passed stating that because of the combinations and disorders in Massachusetts, New Hampshire, and Connecticut, and Rhode Island to the destruction of commerce and violation of laws, these inhabitants should not enjoy the same privileges and benefits of trade as obedient subjects and that therefore no goods or wares were to be brought from there to any other colony, and exports to and imports from Great Britain were restricted, on pain of forfeiting the goods and the ship on which they were laden. These vessels were restricted from fishing off Newfoundland. These conditions were to be in force until the Governors were convinced that peace and obedience to laws was restored. Later in 1775, these trade restrictions were extended to New Jersey, Pennsylvania, Maryland, Virginia, and South Carolina. In 1776, since all the thirteen colonies had assembled an armed force and attacked British forces, these trade restrictions were extended to Delaware, New York, Georgia, and North Carolina and expanded to prohibit all trade during the present rebellion to prevent assistance to them. War had started; the new rifle was used instead of the musket.

By statute of 1775, anyone harboring of army or marine deserters in the colonies forfeited 5 pounds. Anyone persuading a soldier or marine to desert drew a forfeiture of 40 pounds or else up to six months in prison without bail and one hour in the pillory on market day.

Bounties were made available to vessels from and fitted out in Great Britain for Newfoundland fishing.

Any shipmaster carrying as passengers any fisherman, sailor, or artificer to America forfeited 200 pounds because such men had been seduced from British fishing vessels in Newfoundland, to the detriment of the fishing industry.

The many years of significant achievements of the colonists, such as taming the wilderness and building cities, had given them confidence in their ability to govern themselves. The average colonial family had a better standard of living than the average family in England. Many of its top citizenry had reached their positions by hard work applied to opportunities for upward mobility. With the confidence of success, the American colonies in 1776 declared their independence from Britain, relying on the principles stated by John Locke and Jean Jacques Rousseau that man was naturally free and all men equal, and that society was only created with their consent. Issac's Newton's unified laws of the universe had contributed to this idea of a natural law of rights of men. Thomas Jefferson wrote a Declaration of Independence which listed the colonies' grievances against the Crown which reiterated many of the provisions of the Petition of Right and Bill of Rights, specifically dispensing with and suspending laws, maintaining a standing army and quartering troops without legislative consent, imposing arbitrary taxation, encouraging illegal prosecutions in strange courts, and corrupting the jury process. It was adopted about July 4, 1776. Thereafter, the American colonies did not follow English law. Past English law became the legal heritage of the United States of America.

## The Law

Anyone who feloniously steals or aids in the stealing of goods, wares, or merchandise over 5s. from a shop, warehouse, coach house, or stable, by night or by day, whether the owner is present or not, whether there is a break in or not, may not have benefit of clergy.

Anyone stealing goods of 40s. worth from a ship on any river or in any port or creek or from any wharf may not have benefit of clergy.

Anyone receiving or buying goods they know to be stolen or who harbors or conceals any burglars, felons, or thieves knowing them to be such shall be taken as accessory to the felony and shall suffer death as punishment if the principal felon is convicted.

A person taking money or reward for helping any other person to stolen goods or chattels is guilty of felony unless he brings the thief to trial.

As of 1717, any person convicted of grand or petty larceny or any felonious stealing or taking of money, goods, or chattels, either from the person or from the house of any person who is entitled to benefit of clergy and who is liable only to whipping or burning in the hand may instead be transported

to the American colonies to the use of any person who will pay for his transportation for seven years. Any person convicted of an offense punishable by death and without benefit of clergy and buyers and receivers of stolen goods may be given mercy by the king on condition of transportation to any part of America to the use of any person who will pay for his transportation, for fourteen years or other term agreed upon. Returning before the expiration of the term is punishable by death.

Anyone assaulting another with an offensive weapon with a design to rob may be transported for seven years.

Any person armed with swords, firearms, or other offensive weapons and having their faces blackened or otherwise being disguised, who appears in any forest, park, or grounds enclosed by a wall or fence wherein deer are kept (including the king's deer) or in any warren or place where hares or conies are kept or in any high road, open heath, common, or down, or who unlawfully hunts, wounds, kills, or steals any deer or steals any hare or rabbit or steals any fish out of any river or pond or who unlawfully and maliciously breaks down the head or mound of any fish pond, causing the loss of fish, or who unlawfully and maliciously kills, maims, or wounds any cattle, or who cuts down any trees planted in any avenue or growing in any garden or orchard for ornament, shelter, or profit, or who sets fire to any house, barn or out house [outer building], hovel, or stack of grain, straw, hay or wood, or who willfully and maliciously shoots any person in any dwelling house or other place, or who sends any letter with no signature or a fictitious signature, demanding money, venison, or other valuable thing, or who forcibly rescues any person lawfully in custody for any of these offenses, or who procures others by gift or promise of money or other reward to join with him in any such unlawful act is guilty of felony and shall suffer death without benefit of clergy. Persons abetting them are also guilty of felony and shall suffer death without benefit of clergy. Attainder shall not work corruption of the blood, loss of dower, or forfeiture of lands, goods, or chattel. The persons sustaining damages can recover 200 pounds or less from the hundred, with inhabitants paying proportionately, unless one of the offenders is convicted within six months. If other hundreds have not diligently followed the hue and cry, they shall pay half such damages. In 1735, it was required that there be notice to the constable or other officer or tythingman and public notice in the London Gazette describing the robbery, offenders, and goods taken before the hundred had to pay damages. Also, it did not have to pay damages if one offender was apprehended within 40 days of publication in the London Gazette, but did have to pay the apprehender 10 pounds. In 1754 was also included letters threatening killing people or burning houses, barns or stacks of grain, hay, or straw, without any demand. Also, persons who rescued such offenders from gaol were given the same penalty.

Later, persons obtaining money or goods by false pretenses with an intent to defraud or cheat or sending a letter without a true signature threatening to accuse any person of a crime with an intent to extort money or goods, are punishable by fine and prison, pillory, or whipping or transportation for seven years.

Later, no person may recover more than 200 pounds after a hue and cry unless there are at least two witnesses to the robbery.

No one may advertise a reward for return of things stolen or lost with no questions asked, because this has resulted in thefts and robberies.

Anyone stealing sheep or cattle or parts thereof is a felon and shall suffer death without benefit of clergy.

Persons who steal or aid in stealing any lead, iron bar, iron gate, palisade, or iron rail fixed to any house or its outhouses, garden, orchard, or courtyard is guilty of felony and may be transported for seven years. In 1756 also included was copper, brass, bell-metal, and solder; buyers and receivers; and mills, warehouses, workshops, wharves, ships, barges, and other vessels. Search warrants were authorized in case of suspicion. Officers and solicited buyers and receivers were required to take persons who at night were reasonably suspected of having or carrying such items, to an accounting before a Justice of the Peace. Also a notice was put in the newspaper for any owners to claim such. If the person did not give a satisfactory account of the items, he was guilty of a misdemeanor punishable by forfeiture of 2 pounds or prison up to one month for the first offense, 4 pounds or prison for two months for the second offense, and 6 pounds or prison for any subsequent offense (without bail). An officer or solicited buyer or receiver who did not take a suspect to a Justice of the Peace was punishable by the same penalties except the amounts of forfeiture were 1 pound, 2 pounds, and 4 pounds respectively. A felon who brought two buyers or receivers to justice was to be pardoned.

A description of any goods and the appearance of a rogue or vagabond or idle and disorderly person shall be advertised in a public paper for identification by the owner as stolen.

Pawning goods without consent of the owner is punishable by forfeiture of 20s.



or hard labor for fourteen days with whipping there.

Maliciously destroying river banks resulting in lands being overflowed or damaged is a felony for which one shall suffer death without benefit of clergy. Later, transportation for seven years was made an alternative.

The punishment for forgery or counterfeiting or assisting in such or claiming a counterfeit item is good while knowing that it is not, with an intent to defraud is death without benefit of clergy. The punishment for perjury or subordination of perjury is hard labor in the House of correction for up to seven years or transportation for up to seven years. The punishment for altering numbers on bills of exchange or other payment papers is death.

It is high treason to counterfeit the coinage. A person who tenders coin, knowing it to be false, shall spend six months in prison and acquire sureties for good behavior for the next six months. If he offends again, he shall spend two years in prison and acquire sureties for good behavior for the next two years. The third offense is felony without benefit of clergy.

In 1773, making or possessing any frame, mould, or instrument for forging paper notes of the Bank of England and putting this identification thereon is felony with penalty of death without benefit of clergy. Anyone who forges promissory notes, bills of exchange, or inland bills of the Bank of England by engraving or etching on metal or wood "Bank of England" or "Bank Post Bill" shall go to gaol for up to six months.

Anyone selling gold or silver ware, vessel, plate or other item large enough to be marked which has not been marked by its maker shall forfeit 10 pounds or be kept at hard labor up to six months. Anyone counterfeiting such mark shall forfeit 100 pounds. Later, vendors of these items were required to be licensed and the penalty for counterfeiting was raised to felony for which one shall suffer death without benefit of clergy. Later still, transportation for fourteen years was allowed as an alternative. If an item was not all silver, e.g. had metal underneath, 100 pounds was to be forfeited.

In 1769, receivers of stolen jewels and gold and silver plate and watches knowing them to be stolen, in cases of burglary and highway robbery, were subject to transportation for 14 years.

Anyone who willfully and maliciously set on fire any mine or pit of coal is guilty of felony and shall suffer death without benefit of clergy. Anyone who willfully and maliciously floods a coal work, mine pit or who makes underground cavities or passages with intent to destroy or damage such, or obstructs any sough or sewer made for draining such, which has been held in common for 50 years, shall forfeit treble damages. This is to deter these offenses, which have been done to enhance the price of coals and gain a monopoly thereof.

If twelve or more people who riotously and tumultuously assemble and disturb the peace, do not disperse within an hour of an order to disperse by a justice or sheriff or mayor, they shall be deemed felons without benefit of clergy. Any people pulling down or destroying a church, dwelling house, barn, stable, or other out house; any mill; any engine used for draining water from any coal, lead, tin, or copper mines, or for drawing coals from mines; or bridge, wagon, or fences used in such industry will be deemed felons without benefit of clergy and may be transported for seven years. The cost of repair is to be borne by the hundred or town.

The earlier statute that substituted burning in the cheek for burning in the hand is repealed because this not only did not deter offenders, but on the contrary, made them unfit for honest livelihoods and therefore more desperate. Those convicted of theft or larceny shall be burnt in the hand and may be kept at hard labor in a House of Correction for 2-24 months, without bail.

Anyone stealing goods off shipwrecks, or putting out a false light to bring a ship to danger, or beating or wounding with an intent to kill or otherwise obstructing a person escaping from the ship to save his life shall suffer death without benefit of clergy. Except that goods of small value taken without violence shall be punished as petty larceny. The houses of suspect people may be searched by warrant. If there are goods found or if people are found offering goods to sell, they may be ordered by a justice to give an account of these goods. If the account is not satisfactory, the punishment is forfeiture of treble their value or six months in prison. A reasonable reward may be given to the discoverer. Anyone assaulting a magistrate or officer involved in salvage work shall be transported for seven years.

Armed persons up to three in number assembled to assist in illegal exporting or running, landing, or carrying away prohibited or uncustomed goods, and any person apprehended by any revenue officer, and anyone with his face blackened or masked who obstructs, assaults, opposes, or resists any revenue officer seizing such goods, or who shoots at or maims or wounds any revenue officer attempting to go on any ship shall suffer death as felons without benefit of clergy or serve as commons sailors in the

navy for at least one year. Harborers of such offenders will be transported for seven years. The hundreds shall pay 100 pounds for each revenue officer killed, and up to 40 pounds for each one beaten, wounded, or maimed, and damages up to 200 pounds for goods, unless an offender is caught and convicted in six months. There is a reward of 500 pounds to an apprehender, and 50 pounds for an attempt to apprehend in which one loses a limb or eye or is maimed or wounded, and 100 pounds to his family if he is killed. An offender who brings two of his accomplices to justice will be acquitted and rewarded 50 pounds for each such accomplice. Later, an incentive was given to customs officers to have a portion of the proceeds of the sale of such goods seized by them, such as 2/3 for wrought silks and calicoes, and 1/3 for tea, coffee, foreign brandy, and rum. Still later, any person could seize wrought silk, including ribbons, laces, and girdles containing it, from the importer or retailer, and the importer was to forfeit 100 pounds, and any import assistants 50 pounds, and retailers or concealers 50 pounds, with one half going to the suer. Also, the goods were to be publicly burnt. Still later, the penalty was increased to forfeiture of 200 pounds for all offenders, but not including wearers, and the goods were to be publicly sold for export rather than burnt. Then the import of silk stockings, silk mitts, and silk gloves was prohibited for the support of the English silk industry. Retailers, sellers, and concealers of such were to forfeit the goods and 200 pounds. Search warrants could be issued. In 1765, importers, sellers, and manufacturing users of most foreign wrought silks or velvets were to forfeit the goods and 100 pounds. The goods were sold for export with the proceeds going 1/2 to the king, and 1/2 to the seizing officer. The wearer was not liable. The burden of proof of the place of manufacture was on the person prosecuted rather than on the prosecutor. Persons breaking into houses or shops to destroy any wool or silk being made or tools or racks used shall suffer death as felons, to prevent combinations of workmen. In 1768, bounties were made available to American exporters of raw silk to Great Britain, whose climate was not conducive to the growing of mulberry trees on which silk worms feed. In 1774, cotton printed, stained, or dyed that has been manufactured in Great Britain may be worn and used, but must have a mark woven in the warp that it was manufactured in Great Britain. Persons importing other such cloth shall forfeit it and ten pounds per piece. Persons selling such with a counterfeit stamp with an intent to defraud shall suffer death without benefit of clergy. The protective measures for English silk manufacture did not work well.

Any pirate, accessory to piracy, commander or master or other person of any ship or vessel who trades with a pirate or furnishes him with ammunition or provisions of fits out a ship to trade with pirates shall suffer death and loss of lands, goods, and chattels. Seamen maimed in fighting pirates may be admitted into Greenwich Hospital. (This hospital received support from duties paid by vessels of the realm and of the colonies.) Masters or seamen not fighting shall forfeit their wages and spend 6 months in prison if the ship is taken. Masters shall not advance to any seamen above half his wages since deserting is the chief occasion of their turning into pirates.

In London penalties for crimes against property rose so that by 1740, a child could be hanged for stealing a handkerchief worth 1s. from a person's body.

Trade and the economy boomed in time of war, buttressed by the increased production in the coal, iron, steel, shipbuilding, and cloth industries. But peace brought depression and much misery, including the imprisonment of many debtors. When very many were imprisoned, statutes allowed release on certain conditions. After assets were paid to creditors in proportion to the amounts owed to them, debtors could be discharged from prison if they owed no party more than 100 pounds (later no restriction and still later, 50 pounds, and even later, 500 pounds, and in 1772, 1000 pounds, and in 1774, 2000 pounds) and take an oath that they have less than 10 pounds (20 in 1772) worth of property (including 40s. in money in 1774), because there were so many debtors in prison who were impoverished by war losses and other misfortunes in trades and professions, and were totally disabled from paying their creditors, and they and their families either starved or became a burden to their parishes and became an occasion of pestilence and other contagious diseases. Exempted were those debtors for whom there was an objection by one of their creditors who paid for the maintenance of that debtor in prison. Prisoners discharged were also discharged from chamber [cell] rent and gaolers' fees, but not from their debts to creditors. During war, no male prisoner could be discharged unless he enlisted in the royal army or navy until the end of the war. In 1774, the discoverer of any asset of a debtor not listed by that debtor was to receive a reward of 20 pounds per hundred, and anyone concealing an asset of a debtor was to forfeit 100 pounds as well as double the value of the asset.

A person declared bankrupt shall subsequently be examined from time to time as to their goods, money, or other effects or estate to prevent the frauds frequently committed by bankrupts. A default or willful omission shall be deemed felony without benefit of clergy.

A bankrupt or other person concealing goods to the value of at least 20 pounds or his books with intent to defraud is a felony without benefit of clergy.

A debtor refusing to come to court for examination or hiding assets of more than 20 pounds is guilty

of felony and his goods and estate shall be divided among his creditors.

Later, a bankrupt coming to an examination was allowed to keep 5 (or 7 1/2 or 10) pounds per 100, up to a maximum of 200 (or 250 or 300, respectively) pounds if he paid his creditors 10s. (or 12s.6d. or 15s. respectively) per pound. His future estate was still liable to creditors, excepting tools of trade, necessary household goods, bedding, furniture, and wearing apparel of the family up to 10 pounds, if it could pay every creditor 15s. per pound. If he didn't pay this, he could be imprisoned. Bankrupts excepted from the benefits of this act are those who lost 5 pounds in any one day or 100 pounds in the preceding year from gambling or wagers.

No goods or chattels on lands or tenements which are leased for life or lives or term of years or at will or otherwise "shall be liable to be taken by virtue of any Execution on any pretence whatsoever unless the party at whose suit the said Execution is sued out shall before the removal of such goods from off the said premises by virtue of such Execution or Extent pay to the landlord" all money due as rent. If the lessee fraudulently or clandestinely conveys or carries off his goods or chattels with intent to deprive the landlord or lessor from distraining the same for arrears of such rent, the lessor or landlord may, within five days, seize such goods and chattels as a distress for the arrears of rent and may sell them as if actually distrained on the premises.

Every person under 21 and every woman-covert who is entitled by descent or will to be admitted tenants of any copyhold lands or hereditaments may be ordered to appear by a guardian or attorney to be compelled to be so admitted and to pay such fines as are owing by the lands. If one is so admitted, but does not pay, the lord may enter the lands and receive its rents, but not sell timber, until the fine and costs are satisfied, after which the land is to be given back and may not be forfeited to the lord.

Tenants holding over any lands after their term expired and after demand for possession was made shall pay double the yearly value of such to the landlord. The landlord may reenter and eject a tenant if rent is in arrears for 1/2 year.

Landlords may distrain within 30 days and sell goods and chattels fraudulently or clandestinely carried off the premises by renters in arrears of rent. This applies to goods sold to others privy to the fraud. They may use force if necessary to break open houses upon giving a Justice of the Peace reasonable grounds to suspect and to break open other buildings in the presence of a constable. The renter is to forfeit double the value of such. The landlord may distrain the renter's cattle on any common or any growing grain, roots, or fruit. Attornments of renters made to strangers who claim title and turn the landlord out of possession are void.

Chief leases may be renewed without surrendering all the under leases. This is to prevent subtenants from delaying the renewal of the principal lease by refusing to surrender their leases, notwithstanding that they have covenanted to do so. But the rents and duties of the new subleases may not exceed those of their former leases.

Any person claiming a remainder, reversion, or expectancy in any estate upon a person's death, who has cause to believe that that person is dead and that the death is being concealed by the person's guardian, trustee, husband, or other person, may request yearly an order in chancery for the production of such tenant for life. Upon refusal, the tenant for life shall be deemed dead.

As of 1752, all devices, legacies, and bequests made by will in Great Britain or the colonies had to be in writing and witnessed by three witnesses, or would be held void. No witness was to receive anything by the will that he witnessed.

An accessory before or after the fact of felony may be prosecuted and tried not only if the principal accused felon has been convicted, but even if he stood mute or peremptorily challenged over 20 persons to serve on the jury. The accessories shall be punished the same as if the principal had been attainted. Buyers and receivers of stolen goods may be prosecuted and punished if they knew the goods to be stolen, even if the principal felon has not been convicted. The punishment will be as for misdemeanor by fine and imprisonment. This is to deter the counselors and contrivers of theft and other felonies and the receivers of stolen goods from taking advantage of the former rule that an accessory could not be convicted or punished unless the principal had first been attainted. And if any captain or mariner or other officer belonging to any ship willfully casts away, burns, or otherwise destroys that ship to the prejudice of its owners or merchants loading goods onto the ship, he shall suffer death as a felon.

Journeymen shoemakers or employees of such who sell or pawn boots, shoes, slippers, cut leather or other materials for making such goods which are not his proper goods, or exchange for worse good leather which has been entrusted to them, shall for the first offense, recompense the injured person, or if his goods are insufficient for distress, may be whipped. For the second offense, he shall be sent to

hard labor in a House of Correction for 14-30 days. A person who buys or receives or takes in pawn such goods shall suffer the same penalties. Justices of the Peace may issue warrants to search houses and buildings in the daytime if there is "just cause to suspect" such goods therein based upon information given to him under oath.

Anyone employed in the working up of woolen, linen, fustian, cotton, or iron manufacture who embezzles or purloins any materials for their work shall forfeit double the value of the damages done and anyone convicted thereof may be put into the House of Correction until he pays, or if he can't pay, to be publicly whipped and kept at hard labor for no more than 14 days. Persons convicted of buying or receiving such materials shall suffer like penalties and forfeitures as one convicted of embezzling or purloining such materials. Laborers employed in such manufacture must be paid in coin and not in cloth, victuals, or commodities in lieu thereof. Leatherworkers were added with a penalty of up to double the value. Later this statute was amended to include a penalty for the second offense of forfeiture of four times the value, or else hard labor at a House of Correction for 1-3 months and whipping once or more in the market town. Like penalties were given for buyers of such material knowing it to be false. One who neglected finishing and delivering such goods because he was leaving this employment was to be sent to the House of Correction for up to one month.

The penalty for possessing or offering to sell any hare, pheasant, partridge, moor or heath game or grouse by any carrier, innkeeper, victualer, or alehouse keeper is 5 pounds, 1/2 to the informer, and 1/2 to the poor of the parish. If unable to pay, the offender shall be placed in the House of Correction for three months without bail. Unauthorized persons keeping or using greyhounds, setting dogs, or any engine to kill game shall suffer the same penalties. In 1770, anyone killing hare at night or using any gun, dog, or other engine to take or kill or destroy any hare, pheasant, partridge, moor game, heath game, or grouse in the night shall be whipped and also go to gaol or the House of Correction for 3-6 months without bail for the first offense, and for 6-12 months without bail for any further offense. If such occurs on a Sunday, the offender must forfeit 20-30 pounds or go to gaol for 3-6 months. In 1773, no one may kill or take or possess any heath fowl or any grouse except at a limited period during the year.

Each manor may have only one gamekeeper allowed to kill game such as hare, pheasant, partridge and only for his household's use. This gamekeeper must be either qualified by law or a servant of the land's lord. Other persons possessing game or keeping a greyhound or setting dogs or guns or other devices to kill game must forfeit them and five pounds.

Anyone killing or attempting to kill by shooting any house dove or pigeon shall forfeit 20s. or do hard labor for one to three months. Excepted are owners of dove cotes or pigeon houses erected for the preservation and breeding of such.

A gamekeeper or other officer of a forest or park who kills a deer without consent of the owner must forfeit 50 pounds per deer, to be taken by distress if necessary, and if he can't pay, he is to be imprisoned for three years without bail and set in the pillory for two hours on some market day. A later penalty was transportation for seven years. Anyone pulling down walls of any forest or park where deer are kept, without the consent of the owner, must forfeit 30 pounds and if he can't pay, he is to be imprisoned for one year without bail and spend one hour in the pillory on market day. Later, the killing of deer in open fields or forests was given the same penalties instead of only the monetary penalty prescribed by former law (former chapter). The penalty for a second offense was given as transportation for seven years. Anyone beating or wounding a gamekeeper with an intent to kill any deer in an open or closed place was to be transported for seven years.

Anyone who apprehends and prosecutes a person guilty of burglary or felonious breaking and entering any house in the day time shall be rewarded 40 pounds in addition to being discharged from parish and ward offices.

Justices of the Peace may authorize constables and other peace officers to enter any house to search for stolen venison. Any person apprehending an offender or causing such to be convicted who is killed or wounded so as to lose an eye or the use of a limb shall receive 50 pounds. Any person buying suspect venison or skin of deer shall produce the seller or be punished the same as a deer killer: 30 pounds or, if he couldn't pay, one year in prison without bail and one hour in the pillory on market day. An offender who discloses his accomplices and their occupations and places of abode and discovers where they may be found and they are subsequently convicted, shall be pardoned.

All persons pretending to be patent gatherers or collectors for prison gaols or hospitals and all fencers, bearwards, common players of interludes, minstrels, jugglers, and pretended gypsies, and those dressing like Egyptians or pretending to have skill in physiognomy, palm-reading, or like crafty science, or pretending to tell fortunes, and beggars, and all persons able in body who run away and leave their wives or children to the parish shall be deemed rogues and vagabonds. Apprehenders of

such persons bringing them before a Justice of the Peace may be rewarded 2s. Any constable not apprehending such shall forfeit 10s. Persons wandering outside the place determined by a Justice of the Peace to be his settlement may be whipped on the back until it is bloody or sent to hard labor at a House of Correction. If he was dangerous and incorrigible, for instance as indicated by swearing falsely before a Justice of the Peace, he could suffer both punishments with the whipping being on three market days. If he escaped from the House of Correction, it was felony. If he has been absent for more than two years, he could be put out as an apprentice for seven years in the realm, in the colonies, or in a British factory beyond the seas. Included later were performers for gain from outside their parish of any play, tragedy, comedy, opera, farce or other entertainment of the stage, including performances in public places where wine, ale, beer, or other liquors are sold, or else forfeit 50 pounds. Exempted were performances authorized by the king in Westminster.

Unlicensed places of entertainment are deemed disorderly (like bawdy houses and gaming houses) because they increase idleness, which produces mischief and inconvenience. Persons therein may be seized by a constable. Persons keeping such a place shall forfeit 100 pounds. No licensed place of entertainment may be opened until 5:00 p.m.

Later there was an award of 5s. for apprehending a person leaving his wife and children to the parish, living idly, refusing to work at going rates, or going from door to door or placing themselves in the streets to beg. This includes begging by persons who pretend to be soldiers, mariners, seafaring men, or harvest workers. These rogues and vagabonds shall be sent to hard labor at a House of Correction for up to one month. The real soldiers, mariners, seafaring men, and harvest workers shall carry official documents indicating their route and limiting the time of such passage.

Persons pretending to be lame who beg are to be removed. If he comes back to beg, his back may be whipped until bloody. If a constable neglects this duty, he shall forfeit 10s.

Masters of ships bringing in vagabonds or beggars from Ireland or the colonies shall forfeit five pounds for each one. This money shall be used for reconveying such people back at a price determined by a Justice of the Peace. A master of a ship refusing to take such a person shall forfeit five pounds. These vagabonds and beggars may be whipped.

Anyone who profanely curses or swears shall suffer the following penalties: day laborer, common soldier, common sailor, common seaman - 1s., anyone else below the degree of gentleman - 2s., gentlemen and above - 5s., and for the second offense, a double fine, for further offense, a treble fine. If a person can't pay, he shall be put to hard labor at a House of Correction for ten days, or if a common soldier, common sailor, or common seaman, he shall be set in the stocks for 1-2 hours. This is to prevent the provocation of divine vengeance.

Anyone setting up or maintaining lotteries or deceitful games must forfeit 200 pounds, or go to prison up to 6 months. Any one who plays at such, such as by drawing lots or using cards or dice, must forfeit 50 pounds. Sales of lottery items, such as houses, lands, plate, jewels, or ships, are void and these items will be forfeited to any person who sues. Such have caused many families to become impoverished, especially through their children or through the servants of gentlemen, traders, and merchants. Backgammon games are exempt. Later, People who lost up to ten pounds in deceitful gaming were allowed to sue to recover this money from the winners. Also, anyone winning or losing ten pounds at one time or twenty pounds within 24 hours shall be fined five times the value of such. Offenders discovering others, who are convicted, are indemnified from all penalties and shall be admitted to give evidence.

No one may run more than one horse, mare, or gelding in a horse race. No prize may be under 50 pounds value. This is because a great number of horse races for small prizes have contributed to idleness, to the impoverishment of the meaner sort of people, and has prejudiced the breed of strong and useful horses.

Wagers and agreements in the nature of puts and refusals relating to prices of stocks or securities are void. Those making or executing such agreements must forfeit 500 pounds. Those selling stock which one does not possess must forfeit 500 pounds. Brokers negotiating such agreements must forfeit 100 pounds.

Only a person with an interest in the life or death of another may have insurance on this other, to prevent the mischievous kind of gaming that has been introduced.

Apples and pears may not be sold by any measure other than a standard water measure, or else forfeit 10s., one-half to the informer, and one-half to the poor, except for measures sealed by the Company of Fruiterers. This is to decrease the suits between buyers and sellers.

There shall be enough silver and gold on silver and gold plated silk thread and wire so that it does not crumble off, thereby wasting the bullion of the nation. This is also to encourage its export by making it competitive in trade with such foreign articles, which may not be imported.

Malt to be sold or exported must not be fraudulently mixed with unmalted grain to lower duties payable or else forfeit 5s.

Any one who adulterates coffee with water, grease, butter, and such shall forfeit 20 pounds, 1/2 to the king, and 1/2 to the suer.

Walnut tree leaves, hop leaves, sycamore leaves and such may not be made to imitate tobacco leaves for sale or else forfeit 5s. per pound.

Persons near London may not make unsound, hollow, or improperly heated bricks.

Makers of narrow woolen cloths must weave or set in the head of every piece his initials or else forfeit one pound. This is to prevent frauds and abuses, particularly in stretching and straining the cloth. The fulling mill owner must append his seal of lead with his name and with his measurements. The searcher to be appointed must measure such cloths when wet for conformity to standard measurements and append his seal with his measurements. He may also inspect any places he chooses.

In 1774, any wool-making employee not returning all working tools and implements and wool and all materials with which entrusted back to his employer, or who fraudulently steams, damps, or waters such wool, or who takes off any mark on any piece of cloth, shall go to the House of Correction for one month. If he absconds with or sells such or anyone fraudulently buys or receives such from him, a search warrant may be issued to seize any other such tools or material. If found, the possessor may be brought to account before a Justice of the Peace, and if his account is not satisfactory, he shall forfeit such. A search warrant may also be issued for houses on "just cause to suspect" by oath of a credible witness. For a second offense, the penalty is up to three months in a House of Correction. For a third offense, the penalty is up to six months in a House of Correction and public whipping.

Bakers must mark their bread with W for white, WH for wheaten, and H for household or else forfeit 20s. to the informer. In 1758, a new assize of bread set prices for rye, barley, oats, and beans by the bushel. The prices for the three qualities of wheat, for wheaten (prized and unprized), and for household grain by the bushel were to be determined from within a statutory range by the local Mayor or Justice of the Peace. Mayors and Justices of the Peace were to determine a fair profit for their local bakers for all the types of bread. A miller, mealman, or baker adulterating bread was to forfeit 40s. 10 pounds, part of which money could be used in publishing his name, abode, and offense in the local newspaper. Later, there was a forfeiture of 1-5s. for every ounce underweight. Household bread was to be 1/4 cheaper than wheaten or forfeit 10-40s. Bread inferior to wheaten was not to be sold at a price higher than household or else forfeit up to 20s. If the forfeiture was not paid, it could be levied by distress, or otherwise the offender was to spend one month in gaol or a House of Correction.

Straw to be sold in London must be sound, firmly bound in a truss, and of a given weight or else forfeit it and 20s. if no truss, and 1s. if in truss but underweight or of mixed quality. Handlers must keep registers of sellers, buyers, weights, dates of sale, and prices or else forfeit 10-20s.

Frame-work knitted pieces and stockings shall be marked with the correct number of threads by the master, frame-work knitter, or master hosier, or forfeit the goods and 5 pounds. If a journeyman apprentice, or servant employ does not mark correctly, he shall forfeit the goods and 5s.-40s. Sellers of such shall forfeit the goods and 5 pounds per piece.

At every fishing season, the quantity of salt, foreign or domestic, used by a proprietor for curing fish for export shall be accounted and sworn to so that it can be compared with the quantity of fish exported by the proprietor to ensure that the salt duties are fully paid, or else forfeit 40 pounds. If such salt is sold for other uses than curing fish, the proprietor is to forfeit 20s. per bushel sold and the users thereof, to forfeit 20s. per bushel bought, delivered, or used. If one can't pay, he is to be whipped and put to hard labor in a House of Correction for up to three months.

Agreements between coal owners, lightermen, fitters, master or owners of ships, hindering the free sale, loading, and unloading, navigating, or disposing of coals are illegal, null, and void. This is engrossing and has caused the price of coals to go up.

No coal trader or dealer may use his own lighters, barges, or other vessels to carry coals on the Thames River to and from any ship and to and from any wharf, dock, or creek because this has impaired the business of the watermen and wherryemen, whose vessels must now be registered and display such mark on their hulls. No lightermen nor buyers of coals may act as agent for any master or

owner of a ship importing coals into London or else forfeit 200 pounds, because this combination has caused the price of coal to go up. Selling one sort of coal for another is punishable by forfeiture of 500 pounds. Only standard size coal sacks may be used for selling coal and they must be sealed and stamped by an official at the Guildhouse before sale. The mayor and aldermen of London may set the price of coals coming into this port. In other areas, Justices of the Peace set the prices of coals which allowed "a competent profit". If a merchant refused to sell at that price, the Justice of the Peace could authorize seizure and sale by officers.

Later, coal measurers must give the coal cart driver a ticket with the name of the sellers and consumers, the quantity and quality of the coal, its price, the date of sale, and the name of the cart driver or else forfeit 5 pounds. The cart driver must give this ticket to the consumer or forfeit 5 pounds. If coal is carried by cart without a ticket, the seller forfeits 50 pounds and the driver 5 pounds.

Any owner of timber trees, fruit trees, and other trees used for shelter, ornament, or profit, which are cut down or otherwise destroyed shall be made good by his parish or town, as is an owner of hedges and dikes overthrown by persons in the night. In 1765, anyone cutting down or destroying any oak or other timber trees at night shall forfeit up to 20 pounds for the first offense, up to 30 pounds for the second offense, and shall be transported to the colonies for seven years for any further offense. Anyone digging up or destroying or carrying away any root, shrub, or plant worth up to 5s. in a garden, nursery, or other enclosed ground at night shall forfeit up to 2 pounds for the first offense, up to 5 pounds for the second offense, and shall be transported to the colonies for seven years for any further offense. Anyone not paying is to be gaoled. Aiders and buyers who know the item was stolen shall incur the same penalties. Later, many other types of trees, such as beach, ash, elm, cedar, and walnut were included as timber trees, and hollies, thorns, and quicksets included as plants.

Any person using violence to hinder the purchase or transportation of grain, e.g. by beating or wounding a buyer; beating or wounding the driver or horse of a cart loaded with wheat, flour, meal, malt, or other grain, or cutting the harness of or driving away the horse, or cutting or carrying away the sacks of grain is to be put in the common gaol or House of Correction with hard labor for 1-3 months, and whipped in the market place between 11:00 and 2:00. The penalty for a second offense or for destroying a storehouse or granary where grain is kept to be exported or for taking or spoiling such grain, or for throwing such off a ship or vessel is transportation for seven years. The hundreds concerned are to pay damages up to a total of 100 pounds, but only if notice is given to the constable within two days and there is an oath and examination before a Justice of the Peace within ten days of the owner or his servants. If any offender is convicted within a year, the hundreds are released.

Anyone who steals at night any cloth or wool or woollen goods set out to dry on racks shall forfeit treble damages, or if he can't pay, be sent to prison for three months without bail. For the second offense, he shall forfeit treble damages and be sent to prison for six months without bail. For the third offense, he shall be transported for seven years. Upon complaint, a Justice of the Peace may authorize a constable or other peace officer to enter and search houses, outhouses, yards, and gardens of a person suspected by the owner. This person shall account to the Justice of the Peace and may bring a witness to his purchase of the items. If the account is unsatisfactory, he shall be penalized.

Anyone taking linens, fustians, or cottons set out for whitening, bleaching, or printing up to the value of 10s. in lands, grounds, or buildings may be transported for seven years. Later, this penalty was increased to death without benefit of clergy or transportation for fourteen years.

Anyone stealing or maliciously pulling up or destroying any turnips on a person's land must pay damages or go to gaol for up to one month. He may be whipped. The penalty for a second offense is three months in a House of Correction. This statute of 1750 was, in 1773, extended to include potatoes, cabbages, parsnips, peas, and carrots. A penalty up to 10s. was added. Evidence of the owner was to be taken.

In 1769, anyone who steals a dog or receives such knowing it to be stolen shall forfeit 20-30 pounds for the first offense, and 30-50 pounds for the second offense or go to gaol or the House of Correction for 12-18 months and be publicly whipped there. Search warrants may be issued to search for stolen dogs or their skins. One-half of the forfeiture will go to the informer.

Officers of the revenue who collude with importers to return to them goods which have been seized for nonpayment of duties shall forfeit 500 pounds and lose office, unless they disclose their accomplices within two months. The importer shall forfeit treble the value of such goods.

Any ship not more than 50 tons hovering on the coast with customable or prohibited goods may be boarded by a customs officer, who may demand bond for treble the value of the goods.

In 1724, persons contracting with artificers and manufacturers of wool, iron, steel, brass, and other

metals, clockmakers, or watchmakers, to go to a foreign country and there receive greater wages and advantages shall forfeit 100 pounds and spend 3 months in prison for the first offense, and shall forfeit a sum determined by the court and spend 12 months in prison for the second offense. An artificer or manufacturer not returning after warning is given by the ambassador is to forfeit hereditaments, goods, and lands and to be deemed an alien. Later, in 1750, cotton and silk were included and the penalty was increased to 500 pounds and 12 months in gaol for the first offense, and 1000 pounds and 2 years in prison for the second offense. Also, anyone exporting tools of wool or silk manufacture was to forfeit the tools and 200 pounds. This statute was strictly enforced. In 1774, tools of cotton and linen manufacture were included.

In 1772, all statutes against engrossing, forestalling, and regrating were repealed because they had prevented free trade and tended to increase prices, e.g. of grain, meal, flour, cattle, and other victuals.

Anyone assisting a felon (except for petty larceny) to try to escape from gaol, is guilty of felony and shall be transported for seven years. Anyone assisting a person who owes or is to pay 100 pounds to try to escape from gaol is guilty of a misdemeanor. In 1772, prison keepers were indemnified from creditors for any escapes of debtors due to conspiracy and break out with weapons and firearms rather than due to negligence of the prison keeper, as had been occurring.

No more than 600 pounds of gunpowder may be kept in any building in London or Westminster or suburbs thereof. Later, no more than 200 pounds of gunpowder were allowed to be kept therein for more than 24 hours. Buildings may be searched on "reasonable cause" shown to a Justice of the Peace. Later, no more than 400 pounds of gunpowder could be kept for more than 24 hours near any town, or more than 300 pounds for more than 24 hours in any place. Then no gunpowder could be conveyed by land over 25 barrels or by water over 200 barrels.

It was customary for officers to take the oaths of allegiance and supremacy to any new monarch. When George I became king in 1714, all civil and military officers, clergy, schoolmasters, and lawyers, solicitors, clerks, etc. living within 30 miles of London had to take an oath of allegiance and a new oath that the person was not Papist and agreed that no foreigners had jurisdiction in the realm, such as to excommunicate someone and thus declaring he could be legitimately killed. Soon after, it was required that Papists had to register their names and real estates. Commissioners were appointed to make inquiries. If a person did not take the oaths or did not register, he was to forfeit 2/3 of his land to the king and 1/3 to a Protestant who sued for such. This was in order to deter future rebellions against the king and efforts to destroy the Protestant religion.

As late as 1722, there was a Papist conspiracy to take the Tower of London and the King, and make a Catholic king. This resulted in the imprisonment of the conspirators and a new statute: Persons not taking the oath of allegiance and above oath that they were not Papist shall register their lands and yearly rents and pay double the land tax and 100,000 pounds. After payment, they are discharged from forfeiting 2/3 of their lands' rents for one year.

Papists enlisting in the army are liable to corporal punishment, but not death, as determined by a court martial.

Any mayor, bailiff, or other magistrate who is present at any meeting for public worship other than the Church of England will lose office and is barred from any public office or employment.

Jews may not refuse suitable maintenance to their children who are Christian to pressure them to convert back to Judaism.

Black slaves were common for a time in London. This was a result of the voluminous triangle trade of manufactured goods from England, slaves from West Africa, and sugar and tobacco from the West Indies. Slavery was largely abolished by judicial decision of Chief Justice Mansfield in 1772.

If a sheriff does not answer for money collected for the Exchequer, he shall forfeit treble damages to the aggrieved person, double the sum missing to the aggrieved person, 100 pounds to the king, and 100 pounds to the party who sues. If a sheriff take a fee for levying or collecting money due to the king (except 4d. for an acquittance) or take a sum for not levying money due, he is guilty of extortion, injustice, and oppression and shall forfeit treble damages and costs to the aggrieved person, and double the sum extorted to the aggrieved person. A sheriff may not levy more than 12d. for every 20s. of yearly income of any manor for up to 100 pounds of income, and 6d. for value over 100 pounds.

No one may cut pine trees that are fit for masts of ship in New England without license by the Queen or else forfeit 100 pounds. Later, pine trees on private property were exempted.



Citizens of Great Britain may sue colonial debtors by oath before British magistrates and a debtor's colonial lands and houses and negroes may be used to satisfy his debts.

Anyone pretending to act under a charter and taking subscriptions in Great Britain or the colonies must forfeit treble damages.

No hats, including beaver hats, may be exported from any colony even to another colony because this has hurt British hat manufacture. The penalty is 500 pounds. No one in the colonies except present hatmakers who are householders and journeymen may make hats unless they serve a seven year apprenticeship. No hatmaker in the colonies may have more than two apprentices at once.

Whaling ships near Greenland were prohibited from returning until their hulls were full. Vessels built or fitted out in America may engage in whaling.

Pig iron from the colonies may be imported free, but there may be no mill for slitting or rolling iron and no plateing-forge or other engine to work with a tilt hammer and no furnace for making steel erected or used in the colonies or else forfeit 200 pounds.

No paper bills of credit may be used in New England because such have depreciated.

William Blackstone lectured on law at Oxford University in 1753. As a result, the first professorship of English law was established. His lectures were published in 1769 as the "Commentaries on the Laws of England". They greatly influenced the American colonists and were the basis of legal education in England and America for years. They were comprehensive and covered real property, crime and punishment, court procedure, contract, corporations, and commercial law. He wrote "The Great Charter and Charter of the Forest" in 1759.

#### Judicial Procedure

There were twelve common law justices of the Court of the King's Bench, Court of Common Pleas, and Court of the Exchequer. The Chief Justices of all of these courts were paid partly from fees paid to the court. The other Justices of these courts were paid completely by salary, which in 1759 was well over 500 pounds per year. These justices were to continue in office even after a king died and could be removed only for good cause upon the address of both houses of Parliament. The officers of these courts were attorneys. There was one justice at Doctors' Commons. The two chancery justices (since Edward I) were the Lord Chancellor and the Master of the Rolls. The salary of the eleven masters of the court of chancery in 1765 was 400 pounds per year. The officers of this court were solicitors.

Appeals from the Exchequer could be made to a court of the King's Bench and Common Pleas combined. Appeals from Common Pleas could be made to the King's Bench. Decisions of the King's Bench and other common law courts could be appealed to Parliament's House of Lords.

The common law courts rode circuit twice a year in five circuits and once a year in the north circuit. So an accused person could spend up to a year in gaol waiting for trial. Few prisoners were granted bail. In each common law court, the law justices in banc would hear demurrers [contentions that the other party was wrong in the law]. No one with an interest in a suit, including the plaintiff and the defendant, could give evidence. There was no power to amend pleadings, so misspelling of the defendant's name, for instance, could result in dismissal of the suit. In 1730, the pleadings and indictments ceased to be in Latin.

In the common law courts, trespass in ejectment served the purposes of most of the actions involving land. Assumpsit covered the whole province of debt, for which compurgation still existed, and much more. Trover more than covered the old province of detinue, for which compurgation still existed. Trespass still served for all cases in which the defendant had been guilty of directly applying force to the plaintiff's body, goods or chattels. Trespass on the case covered miscellaneous torts. Replevin was still used. Covenant remained in use for the enforcement of promises under seal.

Account gradually came under the equity jurisdiction of Chancery. Common law writs of dower are largely superseded by the relief given to the doweress in the courts of equity, where new and valuable rights were given to her and to her personal representatives against the heir and his representatives. The actions of indebitatus assumpsit is being extended to actions upon quasi-contract, in which the element of contract is not required e.g. quantum meruit, where a contract is implied from the facts of the case. The deodand doctrine is still in force.

In Chancery, a plaintiff filed a complaint and interrogatories prepared by counsel. Only in Chancery could there be discovery, such as interrogatories [written questions]. Court officials asked the

questions of witnesses without the presence of the parties or their lawyers. Officials wrote down the answers in their own terms. So there was no cross-examination possible. Most decrees took many years to be made.

The ordinary administrative court of first instance is that of one or two Justices of the Peace who issued orders in matters of public safety, public order, public morals, health, the poor, highways, water, fields, forests, fisheries, trade, building, fire, begging, and vagrancy. They examined suspicious persons and issued warrants for the removal of any person likely to become a public charge. The Justice of the Peace also regulated wages, servants, apprentices, and day laborers. In his judicial capacity, he tried all crimes and felonies except treason, though in practice death penalty cases were transferred to the assize justices. The Justices of the Peace of a hundred hold special sessions such as for appointment of parochial officers, highway disputes, and the grant of wine, beer, and spirit licenses. The appointment of overseers of the poor, authorization of parish rates, and reading of the Riot Act to mobs to disperse them, required more than one of the Justices of the Peace of the hundred to participate. All the Justices of the Peace of the county met four times a year at Quarter Sessions to hear appeals from penal sentences, to determine the county rate of tax, to appoint treasurers of the county and governors of the county prison and house of correction, to issue regulations on prices of provisions and on wages, to settle fees of the county officials, to grant licenses for powder-mills and other industries, to hear nuisance complaints such as those against parishes failing to keep their roads in repair, to make regulations for the holding of markets, to hear complaints concerning local government, and to register dissenting chapels. In more and more matters specified by statute, the Quarter Sessions heard appeals from the orders of individual Justices of the Peace instead of common law courts hearing them by writ of certiorari. The writ of certiorari allowed administrative decisions to be reviewed by the common law courts for compliance with law, competency of the court, and interpretation of the administrative law. The writ of habeas corpus appealed administrative decisions to imprison not only after arrest for criminal proceedings, but any coercive measure for enforcing an administrative order. The writ of mandamus was available for enforcing the injunctions of administrative law against towns, corporations, and all other authorities and private persons, where the ordinary punishments were insufficient. Justices of the Peace in rural areas were squires and in towns aldermen.

In 1747, Justices of the Peace were authorized to decide issues between masters and mistresses and their employees who were hired for at least one year. If a servant misbehaved, they could authorize reduction of wage, discharge, and hard labor at a house of Correction up to one month. If a servant was not paid, he could authorize payment of wages up to 10 pounds for an agricultural servant, and up to 5 pounds for an artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or ordinary laborer. Later, tinnerns and miners were added to the last category. In 1758, employees of less than a year were included.

In 1775, Justices of the Peace were authorized to administer any oath for the purpose of levying penalties.

To be a Justice of the Peace, one must have income of 100 pounds a year from a freehold, copyhold, or customary estate that is for life or for a term of at least 21 years, or be entitled to a reversion of lands leased for 1 or 2 or 3 lives, or for any term of years determinable on the death of 1 or 2 or 3 lives. Excepted were peers, justices, and heads of colleges or vice chancellors at the universities. The Justices of the Peace were selected by the superintending Sheriffs and Lords Lieutenant, the latter of whom were usually peer with a ministers' office or a high court official. No attorney or solicitor or proctor could be a Justice of the Peace unless the locality had Justices of the Peace by charter.

No one may practice as an attorney in the courts of King's Bench, Common Pleas, or Exchequer until he has been examined by a judge of such court on his fitness and qualifications and has taken the oath to honestly demean himself and practice according to his best knowledge and ability. The same applies to a solicitor in the equity courts. This shall not exclude persons who have been bound to an attorney or solicitor for four years. Attorneys and solicitors, with consent of an attorney of another court, may participate in proceedings of such other court. No attorney may have more than two clerks bound to him at one time. Attorneys may be admitted as solicitors and vice-versa.

The qualification for jury service is having land with an income over rents of at least 20 pounds, with leases for 500 years or more, or 99 years, or any term determinable on one or more lives. Being a freeholder is not necessary. In London, the qualification is being a householder and having lands to the value of 100 pounds. No sheriff may excuse a qualified person from jury service for money or other reward. Selection of jurors for each case is to be done by some impartial person pulling their names from a box. Later, persons refusing jury service could be fined.

In 1763, the homes of John Wilkes and others were searched for a seditious and treasonous published paper and all related papers because they had been rumored to have some relationship to the

conception, writing, publication, or distribution of the paper. Wilkes had such papers and was convicted of libel. He countersued for damages due to criminal trespass. The court held that general search warrants were subversive of the liberty of the subject of the search in violation of the British Constitution, declared the statute void, and found for Wilkes. The Court of Common Pleas agreed on appeal and put the burden of proof on the persons searching to justify the search warrant. His decision gave support to William Pitt's assertion that "every man's home is his castle".

For actions under 10 pounds in a superior court and actions under 40s. in an inferior court, the offender shall be served with process to appear in court rather than being arrested. For money at issue, an affidavit shall be taken. No more money may be taken for bail than the amount at controversy. This is to prevent frivolous and vexatious arrests. Perjurers, forgers, those involved in barratry or suborning perjury, and pretenders practicing as attorneys or solicitors in the courts of law or equity shall be transported for seven years to the American colonies. Unqualified people acting as attorneys or solicitors in the county court shall forfeit 20 pounds.

Writs of error at variance from the original record or otherwise defective may be amended to correct the defect by the court where such writ is returnable. No judgment is to be reversed for any defect in any bill or writ, excepting an appeal of felony or murder, or misdemeanor. This is to prevent delays of justice. Justices of the Peace may correct defects of form on appeals to them.

Plaintiffs neglecting to go to trial after an issue has been joined may be nonsuited.

Poor persons may be paid up to 6d. to give evidence against felons.

Pirates may not be tried again for the same crime or for a certain crime and high treason. When the marine force was raised, the marines were also given protection from double jeopardy.

A request for Certiorari for removal of convictions, judgments, orders made by Justices of the Peace must be made within six months and after notice to the Justice of the Peace who may argue cause against granting certiorari.

Mercantile law was developed by the common law courts, especially the King's Bench.

The king was to appoint the marshal of the King's Bench. The marshal was to select his inferior officers to hold office as long as they "behave themselves well within". These offices had been sold by James I to a certain person, his heirs, and assigns. The marshal was to keep the prison of this court in good repair from his fees and profits of office.

The office of sheriff was now an accessory department of the common law courts for summons, executions, summoning the jury, and carrying out the sentence of the law.

Summons for excise offenses may be left at a person's abode, workhouse, or shop as well as on his person.

The coroner's office now investigated unusual deaths with a jury from the neighborhood elected by county freeholders.

The last beheading was of a Scottish lord in 1747; he had been involved in an attempt to restore the Stuarts to the throne. So many people came that some overcrowded bleachers fell down and crushed about 20 spectators. Henceforth, every sentence of death was by hanging, even for peers.

In 1772, the process of pressing a man to death, if he refused to plead to an indictment was abolished. Instead, persons accused or indicted, in Great Britain or America, of felony or piracy who stand mute shall be convicted of such charge. Property of a felon was still forfeited to the crown.

From 1749 on were established special procedures for speedy decisions in local courts in some areas for debts or damages under 40s. and imprisonment for such was limited for up to three months. Otherwise, sentences were longer, and debts grew during the time in prison. When prisons were overcrowded, Parliament let the inmates out if they gave up their possessions. They could go to Georgia.

There were felons' prisons and debtors' prisons. Sometimes they were one and the same. There was much fighting among inmates. The inmates slept on hay if lucky. There were no washing facilities and little light. Counties or friends paid for their bread. They were also sold beer, which made them drunk and riotous. The sale of beer was a recognized and legitimate source of profit to the keeper. This was

remedied by statute of 1760 that no sheriff or other officer may take an arrested person to a tavern or other public house or charge him for any wine, beer, ale, victuals, tobacco or other liquor without his consent and shall allow prisoners to be brought beer, ale, victuals, bedding, and linen as the prisoner sees fit. Sheriffs often kept people imprisoned unless and until they paid all their fees due to the sheriff. In 1772 was founded the Society for the Discharge and Relief of Persons Imprisoned for Small Debts for those inmates unfortunate instead of fraudulent or extravagant. Legacies were often made to debtors. There was much Gaol Distemper fever with fatal consequences. When John Howard, a grocer who had inherited wealth, but poor health, became a sheriff, he visited many gaols. When he saw the squalid conditions there, he advocated hygienic practices. In 1774, Justices of the Peace were authorized to order walls and ceilings of gaols to be scraped and washed, ventilators for supplies of fresh air, a separate room for the sick prisoners, commodious bathing tubs, provision of clothes for prisoners, keeping of prisoners not below the ground, and apothecaries at a stated salary to attend and to report the state of health of prisoners.

In 1773, clergymen were employed in gaols to alleviate the distress of prisoners and to contribute to morality and religion. Also, no longer may any fees be taken by gaol keepers or sheriffs because persons not indicted or found not guilty have been kept in prison pending payment of such fees. Instead, the counties shall pay to gaol keepers up to 13s.4d. per prisoner so discharged.

Colonials acts which infringed upon the English common or statutory law, or were against the interests of other American colonies were submitted to the Privy Council, which allowed or disallowed them. Appeals from the colonial courts came to the Privy Council.

Judges in the colonies were appointed by royal governors and paid by colonial legislatures. They served at the pleasure of the king. Colonial courts included superior courts of judicature, courts of assize, general gaol delivery, general sessions of the peace, inferior court of common pleas, and commissions of Oyer and Terminer. There were also Justices of the Peace, marshals, provosts, and attorney generals. There were few cases of vagrancy, theft, or homicide. This may have been because the people were few and dependent on each other, and economic opportunities were great.

Benefit of clergy for certain crimes was available in the American colonies to all who could read and write. For instance, it could be used in trials for manslaughter.

#### Appendix: Sovereigns of England

##### Accession - - Name - - - - - Relation

871 - Alfred the Great 899 - Edward the Elder - - - - - son of Alfred 924 - Aethelstan - - - - - son of Edward the Elder 939 - Edmund - - - - - son of Edward the Elder 946 - Eadred - - - - - son of Edward the Elder 955 - Eadwig - - - - - son of Edmund 959 - Edgar - - - - - son of Edmund 975 - Edward the Martyr - - - - - son of Edgar 978 - Aethelred the Unready - - - - - son of Edgar 1016 - Edmund Ironside - - - - - son of Aethelred the Unready 1016 - Canute 1035 - Harold I Harefoot - - - - - son of Canute 1040 - Hardicanute - - - - - son of Canute 1042 - Edward the Confessor - - - - -son of Aethelred the Unready 1066 - Harold II 1066 - William I, the Conqueror 1087 - William II - - - - - -son of William I 1100 - Henry I (and Matilda) - - - - - son of William I 1135 - Stephen 1154 - Henry II (and Eleanor) - grandson of Henry I 1189 - Richard I, the Lion-Hearted - son of Henry II 1199 - John - - - - - son of Henry II 1216 - Henry III - - - - - son of John 1272 - Edward I (and Eleanor) - - - son of Henry III 1307 - Edward II - - - - - son of Edward I 1327 - Edward III - - - - - son of Edward II 1377 - Richard II - - - - - grandson of Edward III 1399 - Henry IV 1413 - Henry V - - - - - son of Henry IV 1422 - Henry VI - - - - - son of Henry V 1461 - Edward IV 1483 - Edward V - - - - - son of Edward IV 1483 - Richard III 1485 - Henry VII (and Elizabeth) 1509 - Henry VIII - - - - - son of Henry VII 1547 - Edward VI - - - - - son of Henry VIII 1553 - Mary - - - - - daughter of Henry VIII 1558 - Elizabeth I - - - - - daughter of Henry VIII 1603 - James I 1625 - Charles I - - - - - son of James I 1649 - Oliver Cromwell 1660 - Charles II - - - - - -son of Charles I 1685 - James II - - - - - -son of Charles I 1689 - William and Mary 1694 - William III 1702 - Anne - - - - - granddaughter of James II 1714 - George I 1727 - George II - - - - - son of George I 1760 - George III - - - - - son of George II

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-----INDEX

abbey; abbot, abbess; abduction; accessory; account; administrator; admiralty; adultery; adverse possession; adulterated; advowson; AEthelbert; AEthelred; affidavit; agreement; agriculture; Augustine. St.; aids; alderman; ale; alehouses; Alfred; alienate; aliens; allegiance; alms; amerce;

America; Anabaptist; ancient; Anglo-Saxons; Anglo-Saxon Chronicles; annulment; apothecaries; apparel laws; appeal; appellate; apprentices; appurtenance; archbishop; architect; Aristotle; Arkwright, Richard; arraign; arson; Arthur; Articles of Religion; artificer; artisan; assault; assay; assign; assize; assizes; assumpsit; astrology; at pleasure; atheism; attainder; attain; attorneys; babies; bachelor; Bachelor of Arts; back-berend; Bacon, Francis; Bacon, Roger; bacteriology; bail; bailiff; baker; ballads; Bank of England; bankruptcy; Baptist; bar; barber; barber-surgeon; bargain and sale; barons; baron court; barristers; bastard; bath; battery; beadle; beating; Becket; beer; beggar; benefit of clergy; benevolence; Beowulf; bequeath, bequest; Bible; bigamy; bill; bill of attainder; bill of exchange; Bill of Rights; billet; Birmingham; bishops; Black Death; Blackstone, William; blinding; blodwite; blood-letting; bocland; Book of Common Prayer; bordars; borough; Boston; bot; Boyle, Robert; Bracton, Henry de; brass; brawling; breach; breach of the peace; bread; Brewster; bribery; brick; bridge; bridgebot; Bristol; brokers; Bullock, case of; burgbot; burgess; burglary; burh; burial; burning; butcher; butler; Calais; Calvin; Cambridge University; canals; cannon; capitalism; carbon dioxide; carpenter; carriages; carucage; carver; castle; castle-guard; cathedral; Catholics; cattle; cavaliers; Cecil, William; censorship; ceorl; certiorari; challenge; champerty; chancellor; chancery; Chancery Court; charter; chattel; Chaucer, Geoffrey; chemistry; chevage; Chief Justice; Chief Justiciars; child; child abuse; children; childwyte; Christian; chivalry; Christmas; church; Church of England; church sanctuary; Cicero; circuit; citizen; city; civil; civil courts; civil war; claim; clans; class; clergy; clerics; cloth-maker; coaches; coal; coffee houses; coin; Coke, Edward; College of Physicians and Surgeons; colonies; commission; common land; common law; Commons, House of; Commonwealth; compurgation; compurgator; confession; Congregationalists; Conqueror; consideration; constable; constitution; contract; conventile; conveyance; conviction; cooper; Copernicus; copper; copyhold; copyrights; cordwainer; Coronation Charter; coroner; corporation; corruption of the blood; council; counterfeit; county; county courts; courtesy; Court of Common Pleas; Court of High Commission; Court of King's Bench; courtesy; court martial; covenant; coverture; Coventry; craft; craft guild; Cranmer, Thomas; creditor; crime; criminal; Cromwell, Oliver; Cromwell, Thomas; crown; cupbearer; curfew; currier; custody; customary tenant; customs; damages; danegeld; Danes; darrein presentment; daughter; death; death penalty; debt, debtors; deceased; decree; deed; deer; defamation; defendant; demesne; denizen; deodand; descendant; Descartes, Renee; desertion; detinue; devise; dispensary; disseisin; dissenter; distraint; distress; divorce; doctorate; dog; Domesday Book; doublet; dower; dowery; Drake, Francis; drover; drunkenness; duel; during good behavior; duties; dwelling; dyers; earl; East India Company; Easter; ecclesiastic; Edith; education; Eleanor, wife of Edward I; Eleanor, wife of Henry II; election; electricity; Elizabeth, wife of Henry VII; embroiderer; enclosure; English; engrose; Episcopal Church; equity; equity court; Erasmus; escape from gaol; escheat, escheator; escuage; esquire; established church; estate; estate administration; estate tail; Euclid; Exchequer; excommunication; excise tax; executor; export; extant; eyre; factory; fair; father; fealty; fee; fee simple; fee tail; felony; feme covert; feme sole; feoff; Fermat, Pierre; feudal; feudal tenures; fihtwite; fine; fire; firdfare; fire-fighters; fishermen, fishmonger; flint; flogging; flymenfyrn; flying shuttle; folkmote; food riots; footmen; forced loans; forced marriage; forestall; Forest Charter; forestall; forestel; forests; forfeit; forgery; forms of action; fornication; fortifications; foster-lean; France; frank-almoyn; Franklin, Benjamin; frankpledge; fraternity; fraud; freedom of speech; freehold, freeholder; freeman; freemason; freewoman; friar; frith guild; fuller; fustian; fyrd; fyrding; fyrdwite; gage; Galilei, Galileo; gambling; games; gaols; Gaol Distemper; Gawaine; gentleman; gentry; geology; Georgia; German, Christopher St., gift; Gilbert, William; guildhall; guilds; gin; Glanvill; glass; Glorious Revolution; gloves; God; godfather; gold; Goldsmiths; Good Parliament; goods; government; grain; grammar schools; grand assize; grand jury; Grand Tour; grants; grave; gravitation; Greek; Gresham, Thomas; grithbrice; guardian, guardianship; Guenevere; hair; hall; Halley, Edmond; hamsocne; hand-habbende; harboring; Harrington, James; Harvard College; health; heir; heresy; heriot; hidage; hide; High Commission Court; Hilda; hillforts; holidays, holydays; homage; homicide; Hooke, Robert; horse; horse racing; hospitals; house-breaking; house-holder; House of Commons; House of Lords; houses; houses of correction; hue and cry; humanism, humors; hundred rolls; husbreche; Huygens, Christian; hundred; hundred courts; hunt; husband; hustings court; hut; illegitimacy; illness; illuminators; impeach; import; imprisonment; incest; income tax; Independents; indenture; indictment; industry; infangthef; infiht; inflation; inheritance; innkeeper; Inns of Court; inoculation; inquest; insocna; insurance; interest; interrogatory; intestate; iron; itinerant; jail; Jesus; Jews; Joan of Arc; joint tenants; joint-stock companies; jointure; Jones, Inigo; journeyman; judge; jurisdiction; jurors; jury; justice; justices in eyre; Justices of Assize; Justices of the Peace; justiciar; Kent county; Keplar, Johannes; kill; kin, kindred; king; King Alfred the Great; King Charles I; King Charles II; King Edward I; King Edward the Confessor; King George III; King Henry I; King Henry II; King Henry VII; King Henry VIII; King James I; King James II; King John; King Richard the Lion-Hearted; King William and Mary; King William I, The Conqueror; king's peace; knight; knight's fee; knights' guild; knitting; laborer; ladies; land; landlord; land-owner; larceny; lastage; Latin; law merchant; lawsuit; lawyer; Laxton; lay; leap year; lease; leather; leet court; legacy; legerwite; legislation; legitimacy; Leibniz, Christian; Leicester; letters; libel; Liberi Quadripartitus; library; license; life; life-estate; lighthouse; limb; linen; Lion of Justice; literacy; literature; Littleton, Thomas;

livery; Lloyds; Locke, John; London; Long Parliament; longitude; lord; Lords, House of; loriner; lottery; loyalty; machine; magistrates; Magna Carta; magnate; maiden; mail; magic; malicious prosecution; maintenance; Manchester; manor; manor courts; manufacturing; manumission; Marco Polo; market; marriage; marriage agreement; marriage portion; marshall; marquise; Massachusetts; Master of Arts; masters; Matilda; Mayflower; mayor; Maypole; mead; measures; meat; medicine; melee; member; merchandise; merchant; merchant adventurers; merchant guilds; merchet; Merciless Parliament; mercy; Merton; mesne; Methodists; microscope; Middlesex; midwives; military service; militia; miller; minister; minor; minstrels; miskonning; moat; Model Parliament; monarchy; monasteries; money; moneyer; monks; monopoly; moot; More, Thomas; morgen-gift; morning gift; mort d'ancestor; mortgage; mortmain; mother; murder; murdrum; mutilation; Napier, John; navy; Newcastle-on-Tyne; New England; New Model Army; newspapers; Newton, Issac; New World; nobility; noblemen, nobles; nonconformists; Normans; novel disseisin; nuisance; nun; Oakham, William; oaths; offender; oil; one hundred year war; open field system; ordeal; ordinance; orphans; outlaw; Oxford University; oxygen; papists; parent; parishes; Parliament; Parliament of Saints; partition; party; Pascal, Blaise; passport; patents; pauper; pawn; Peasant's Revolt; peers; peine forte et dure; penalty; penitentiary; Penn, William; Pennsylvania; penny; per stirpes; perjury; personal injury; personal property; petty serjeanty; petition; Petition of Right; physicians; Piers Plowman; pigherds; pilgrim; pillory; pipe rolls; piracy; pirate; plague; plaintiff; Plato; plays; pleading; pleas; police; pontage; poor; pope; popery; population; port; portreeve; portsoken ward; posse; possess; postal system; post mortem; pottery; praecipe in capite; pressing; Presbyterians; prescription; presentment; priest; printing; prison; Privy Council; privy seal; probable cause; probate; proclamation; promise under seal; promissory note; property; prosecutor; prostitutes; protectorate; Protestants; Puritans; purveyance; putting out system; Quakers; quaranteen, quarter sessions; queen; Queen Elizabeth I; Queen Mary; Queen's Bench; quo warranto; rack; Ralegh, Walter; rape; Ray, John; real action; recognition; reeve; reformation; regrate; release; relief; religion; remainder; renaissance; rent; replevin; residence; Restoration; reversion; revolt; reward; rights; riot; riot act; roads; robbery; Robin Hood; Roemer, Olaus; Roman law; Root and Branch Petition; roundheads; royal court; Royal Navy; Royal Society; royalists; Rump Parliament; Russia; sacrament; sacrifice; sailor; sake and soke; sale; salt; saltworks; sanctuary; Sandwich; Saxon; scaetts; scavage; scholar; school; science; scolds; scot; scrofula; scutage; seal; seamen; searchers; search warrant; sedition, seditious; seisin; self-defense; self-help; Separatists; serf; serjeanty; servant; service; servitude; settlement; sewer; Shakespeare, William; shaving; sheep; Shelley's case; sheriff; sheriff's turn; shillings; ships; shipwreck; shire; shire courts; shire-gemot; shoemaker; Short Parliament; shrine; sickness; silver; Slade's case; slander; slave; slingshot; smallpox; smith; Smithfield; socage; sokemen; soldiers; solicitor; son; Spanish Armada; speedy pursuit; spinning; spinning jenny; spinning wheel; spinsters; spouse; St. Augustine; St. Germain; St. Lazarus; St. Paul's Church; statute of laborers; squire; staple; Star Chamber Court; strangers; steam; steel; stengesdint; Stevinus; steward; stock-and-land lease; stocking-frame knitters; stocks; stolen goods; stone; Stonehenge; straw; streets; stretbreche; subtenants; successor; sue; suit; summary; summon; Sunday; Supporters of the Bill of Rights Society; surety; surgery; surname; swearing; swords; tale; tallage; tanner; tavern; tax; tea; team; Ten Commandments; tenancies; tenancy, tenant; tenants in common; tenement; tenure; term; testament; Thames, River; theft; thegn; Theodore; theology; theow; thermometer; Thirty Years' War; tile; tiler; tin; title; tolls; tories; Torricelli, Evangelista; tort; torture; tournament; Tower Hill; Tower of London; town; town-reeve; trades, tradesmen; transportation; treason, high and petit; treasure trove; treasury; trespass; trespass on the case; trial by combat (battle); trover; turnpike; twelve; tyne; umbrella, Unitarians; university; usury; use-trust; vagrants, vagrancy; vassal; verderer; verdict; vessels; vikings; vill; villages; villeinage; villeins; vintner; Virginia; wall; Wallis, John; War of the Roses; ward, wardship; wardmoot; wardrobe; warrantor, warranty; waste; water; watermen; watermill; waterwheel; Watt, James; wealthy; weapon; weaving, weavers; webs; wed; wedding; weights; weir; well; wer, wergeld; Wesley, John; Westminster; whigs; whipping; White Tower; Whitsuntide; widows; wife; wife-beating; wills; Winchester; windmills; window tax; wine; witch; witchcraft; wite; witan; witanagemot; witnesses; wives; Wolsey, Thomas; Wyclif, John; woman-covert; women; wool; wounding; writs; writs of assistance; writs of error; Year Books; yeomanry, yeomen

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