

THE ECONOMIC POLICY OF HENRY VII

By

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AN ABSTRACT

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ABSTRACT

Of the five Tudor monarchs Henry VII, the first, is usually ranked with his grandchildren, Mary and Edward, as one of only middling significance. There is a measure of irony in this classification, not for its rank injustice, but by virtue of the mediocrity with which it damns him; Henry is regarded as not great, and not bad, but merely as the avaricious, somewhat shadowy progenitor of Henry VIII and Elizabeth. Hardly a worse character assassination could be accomplished for there is no defence against the charges laid to Henry's personality. Certainly he lacked color, but frequently color is a euphemism for immorality, transgression or evil. It is my belief that Henry's greatness was of equal degree but in different kind from that of his contemporaries. There is no disputing the fact that his talents led him in quite extraordinary directions for a Renaissance Prince.

It is difficult to picture an era if its leading exponent lacks definition. Henry was nearly as distant from his contemporaries as from us. No one ever thought of calling him Prince Hal, or Harry, or anything else; these appellations were applied to his son, and so Henry VIII is a living image. Practically everyone can conjure up a remembrance of Hans Holbein's immensely broad and square-padded portrait of the eighth Henry; nearly all can recollect his executed wives; but almost no one remembers the sad, gentle likeness of his father.

Most historians agree in dating significant changes from the year 1485; this is of course an artificial device, but it contains much truth. Assuredly more medieval feudal characteristics can be found in the England of this period than are distinguishable at, say, the end of the Sixteenth Century.

Nevertheless much of a transitional nature crops up in the first Tudor's reign.

Henry VII can best be studied through his policy, for he very nearly submerged his personality in his program; so closely interwoven was the man and his work that a separate analysis does justice to neither. In brief, Henry applied himself to the vexatious problems of the day, and so effectively that Bacon could call him the Solomon of England—a title which, leaving aside all question of courtier's talk, needs little justification.

In the political sphere accomplishment is given precedence to aspiration. Henry, according to Bacon, got what he was after, "for what he minded he compassed." I doubt if higher tribute could be paid, particularly because what Henry desired was also the wish of the people. The story of England under Henry VII is the tale of growing governmental centralization, of declining feudalism, and the development of an increasingly modern outlook on the world beyond the island boundaries. But it would be wrong to assign a directional awareness to the people. In all probability the advent of Henry Tudor meant but one thing to the majority of men in England—the reestablishment of the Lancastrian faction to regnal power. To say that it caused them to reassert their desires for an end to a profitless, internecine conflict is not to say that they were aware of a marked transition in political or economic theory. At least one text book writer regards Henry as the creature of Parliament. Properly qualified the judgment will stand; taken in the writer's sense nothing could be less accurate. Much the same thinking prevails in the economic sphere.

Henry VII is popularly thought to have been a drab materialist, an onlooker whose ear was tuned to the clink of merchants' coin. That cash could secure Henry's grace is quite true: but that the fancied or real creditors of the crown could influence policy by virtue of their claims is a palpably false doctrine. I hope to demonstrate that Henry was not only aware of the economic trend but that he gave direction to it. To show the economic development in this border-line period of overlapping jurisdictions, of political contradictions, and tottering economic systems is perhaps too ambitious an aim. I can only hope that future readers will derive some added insight into a time usually categorized as the beginning of the modern era.

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Whatever durability the arguments of this paper possess is due in large degree to Professor Harjorio E. Gesner's calm insistence upon documentation and revision; and to my wife's occasionally embarrassing questions. Their criticisms, the one calculated, the other innocent, deserve more than this brief but grateful acknowledgment.

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I. DEVELOPMENTS TO 1485

"After that Richard, the third of that name, king in fact only, but tyrant both in title and regiment, and so commonly termed and reputed in all times since, was, by the Divine revenge favoring the design of an exiled man, overthrown and slain at Bosworth field, there succeeded in the kingdom the earl of Richmond, thenceforth styled Henry the Seventh."¹ With these words Francis Bacon opened his biography of the man who was to a great degree responsible for the strongest monarchical line in English history and for the island's transition from a medieval to a modern economy. In the popular view Henry VII is remembered for two things only, neither of which redounds to his honor. If he had not produced his colorful son and namesake and if he had never gained his overdone reputation for avarice, it is probable that the first Tudor might today enjoy an even greater obscurity. It is my purpose to place Henry VII where he belongs--if not above, at least on a par with his descendants, Henry VIII and Elizabeth I. To show Henry VII as a conscious director and innovator of English policy, particularly economic policy, the immediate background must first be determined.

It will be helpful if an arbitrary division is imposed upon the great mass of events which constitute late-Fifteenth Century English history. The categories which will be touched

1. Bacon, Sir Francis, The History of the Reign of King Henry the Seventh in The Moral and Historical Works of Lord Bacon (ed., Joseph Devey, London, 1852), p. 307. Hereafter, referred to as Bacon, Henry The Seventh; references to other articles all from the same volume.

upon in this chapter are (1) the political situation, (2) commercial expansion, (3) towns and guilds, and (4) the agrarian transition.

1. Politically, Henry VII was regarded as the latest claimant in a thirty-year struggle—the War of the Roses. It is unlikely that the majority of the English people saw in Henry an immediate savior, though they undoubtedly wished for one who could promote peace and commercial prosperity. Henry's victory over Richard III on August 22, 1485 was calmly accepted throughout the land,² with the exception of the pro-Yorkist northern counties,³ primarily because of Richard's unpopular and bloody usurpation. The House of York was, however, not under the stigma which attached to its particular member, Richard III. The first political problem which demanded immediate solution by Henry was the settling and determination of his claims to the throne. Henry had three: his promised marriage to Elizabeth of York, daughter of Edward IV and niece to Richard III; his own claim of inheritance through the Lancastrian line;⁴ and his indisputable claim

2. Kingsford, C. L., Chronicles of London, p. 193 in Williams, C. H., England Under The Early Tudors: 1485-1529 (London, 1925), p. 2.

3. Pickthorn, Kenneth, Early Tudor Government: Henry VII (Cambridge, 1949), p. 14.

4. Henry's claim was perhaps technically to no avail, since he claimed through his mother who died after him. She was the sole heir of the Lancastrian line (John of Gaunt, son of Edward III). But John's later sons, the Beauforts (her ancestors), were illegitimate: this difficulty was removed by Richard II and confirmed by John's legitimate heir, Henry IV, who put the clause excepta dignitate regali

of conquest. Parliament studiously refrained from scrutinizing the second, and the third was obvious; Henry, himself, had withdrawn the first for fear that his title would "confer rather a matrimonial than a regal power."⁵ On November 7, 1485 Henry's first parliament met and decreed that the title should "be rest, remain and abide" in the King and the heirs of his body, lawfully begotten.⁶

This rather vague statement conferred upon Henry as much as he could desire, or rather exact. He persisted in this nebulous course ever after, "which did spin him a thread of many seditions and troubles."⁷ The determination of title was not complete until 1497, when the last rebellion, that of the pretender, Perkin Warbeck, was crushed at Taunton.⁸ For the moment, however, Henry was king; this had its own disadvantages in 1485, for the office lacked both security and prestige.

As ruler Henry had to secure his kingdom against Yorkist adherents. He had, immediately after Bosworth, sent to York-

in his confirmation, probably to insure the precedence of his own son's claim to that of his step-brother's offspring. Henry actually claimed the title as the nearest male relative to Henry VI (the Lancastrian line), treating the Yorkist line as usurpers. Gairdner suggests Henry purposely made his hereditary claim indefinite because he was unaware of the excepting clause's invalidity. Letters and Papers Illustrative of the Reigns of Richard III and Henry VII (2 vols., Rolls series, London, 1861-63), II, XXX. For an excellent discussion of this complex question cf. Pickthorn, Early Tudor Government, pp. 2-5.

5. Bacon, Henry The Seventh, p. 309.

6. Rotuli Parliamentorum; ut et petitiones et placita in parlamento (1278-1503 (6 vols., n. p., n. d.), VI, 270. Hereafter referred to as Rolls of Parliament.

7. Bacon, Henry The Seventh, p. 311.

8. Gairdner, James, Henry The Seventh (London, 1889), p. 161.

shire some men who placed the two chief Yorkists, his future wife, Elizabeth and her cousin Edward, Earl of Warwick, in custody. His first parliament attainted many of those who had supported Richard III, and reversed the attainders of Henry's men.⁹ Henry also presented a general pardon to all other of his opponents.¹⁰

The kingdom quieted, Henry's next task was the revival of royal credit. Throughout the Fifteenth Century the Crown had consistently been in debt. Henry VI had pursued a policy of blind good-fellowship which, when coupled with the unsuccessful conclusion of the Hundred Year's War with France, and the internecine War of the Roses, had bankrupted the Crown.¹¹

Edward IV had done much to restore the royal liquidity, but his policy was spasmodic. Richard III had been wary of further alienating an unfriendly people and had consequently done little in the way of necessary, but unpopular, measures to increase royal funds. He had pawned the Crown Jewels, made benevolences illegal, and as Sir Thomas More said, "purchased with large gifts unsteadfast friendships."¹² Henry was in debt to both France and Brittany¹³ for his invasion expenses, and had in fact left some men as pledges on the continent.¹⁴

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9. Rolls of Parliament, VI, 271-75, 276-78.
10. Bacon, Henry The Seventh, p. 317; Municipal Archives of York in Williams, England Under The Early Tudors, p. 3-4.
11. Fortescue, Sir John, The Governance of England: Otherwise Called The Difference Between An Absolute And A Limited Monarchy (Charles Plummer, ed., Oxford, 1885), chap. 14.
12. Pickthorn, Early Tudor Government, p. 20; Rolls of Parliament, VI, 241; Statutes of the Realm (Luders, A., Tomlins, T. E., Raithby, J., and others, 11 vols., London, 1810-28), 1 Rich. III c. 2. All statutes cited from this work.
13. Gairdner, Henry The Seventh, pp. 18-19.
14. Bacon, Henry The Seventh, p. 318.

Parliament, by attainting some of the opposition, put some choice lands in the royal grasp, but whether from benevolence or policy, Henry had so many saving clauses and exemptions entered in these, and the act which restored to the crown all lands alienated since 1455, that much was left untouched.¹⁵ The general act of resumption was nevertheless sufficient to establish the king financially. Henry did not ask for a specific money grant in his first parliament, perhaps as Bacon suggested, "because he had received satisfaction from them in matters of so great importance,..."¹⁶ but he did obtain a grant of tunnage and poundage for life.¹⁷ This money was supposed to be used for defence of the seas, but had come to be regarded as a merely personal grant to the king, since disbursements were not easily accounted for.¹⁸ Parliamentary grants were usually made by fifteenths and tenths (of the value of personalty) and had become stereotyped in amount and lessened frequently by exemptions in favor of "decayed" towns.¹⁹ That Henry did not press for a grant was perhaps due to a feeling of gratitude over parliament's tractability; more likely however, Henry did not at that moment need the money.

15. Rolls of Parliament, VI, 276, 336-37, 339-84.

16. Bacon, Henry The Seventh, p. 317.

17. Rolls of Parliament, VI, 268-69.

18. Fortescue, The Governance of England, chap. 6.

19. Pickthorn, Early Tudor Government, p. 21, quoting Dowell, History of Taxation, III, 69, says a fifteenth and tenth together equalled £ 39,000. A Relation, Or Rather A True Account, Of The Island Of England; With Sundry Particulars Of The Customs Of These People And Of The Royal Revenues Under King Henry The Seventh; About 1500 (Trans., Charlotte Augusta Sneyd, London, 1847), hereafter referred to as Italian Relation, p. 52, estimates one-fifteenth to be £ 12,000 from a single source, and £ 37,930 from the commons, ecclesiastics, and lay-lords combined. I am inclined to think more of the modern estimate.

The astute Tudor saw the danger in unnecessary or ill-timed taxation, and rarely deviated from the principle of asking only when he was positive of receipt.

The remaining question insofar as the Crown was directly concerned, had to do with the power which the nobility had wielded in government throughout the century. There is no question that the War of the Roses with its constant attainders and counter-attainders, battles, murders, and property destruction, had decimated the nobility's ranks, and rendered inconsequential many of the remainder. However, there were still men like the Earl of Oxford, who compounded with the king for £ 10,000 as a result of keeping liveried retainers contrary to the law;²⁰ to restrain these men Henry made conscious efforts to remove them from the sphere of political influence and to replace them with men who would be dependent upon himself for promotion and prestige. This was fortunate for the nation at large for the counsel of merchants or Churchmen was more often in favor of peace and commercial expansion than war. In this respect, as we shall see, Henry and the nation were as one. The most complicated dealings of this monarch can usually be explained in terms of peace and commercial prosperity, since in no other way could Henry Tudor justify his rule than by assuring to his subjects that which they desired.

2. For thirty years the Houses of York and Lancaster had been contending for the throne. English merchants had been conduct-

20. Bacon, Henry The Seventh, p. 456.

ing a similar struggle throughout the period, with a less noble but more important foe, and for far less ephemeral reasons. Despite the lack of a comprehensive protectionist policy English merchants had made serious inroads upon the monopolies exercised in their respective spheres by the Italians and the merchants of the Hanse. The Hanseatic League, which first received official English mention in 1282,²¹ had by virtue of its close-knit organization and the essential quality of the commodities in which it dealt, benefitted far more than other groups from the liberal policy of earlier kings.²² While the Flemish traded principally in fine cloth, the Italians in wines and eastern luxuries, and the Gascons in wines and woads (dyes), the Hanse merchants imported the necessities of English life. One of these products was herring, which had long been a staple food in Europe. In the middle of the Fifteenth Century, a curious phenomenon destroyed the Hanseatic control of this industry. The unromantic, but lucrative, business, which they had regarded as theirs in perpetuity, was lost when the fish inexplicably transferred their habitat from the Baltic to the shores of Holland.²³ This, coupled with the great geographic discoveries which came at the end of the century as a result of the need for bullion and alternative trade routes to those now barred by the Turkish conquerors, shifted the bulk of commerce to the Netherlands and England. As might be expected, the new prosperity of the nation was overshadowed

21. Lodge, R., The Close Of The Middle Ages: 1273-1494 (London, 1906), p. 428.

22. Traill, H. D., and Mann, J. S., eds., Social England: A Record of the Progress of the People (London, 1902), II, 342.

23. Lodge, The Close Of The Middle Ages, p. 450.

by an increasingly disproportionate income differential; while an Italian observer marvelled at the costly apparel and jewelry he saw in London, he also commented that the people were treated like slaves.²⁴ On one side of the new picture stood men like Thomas Paycocke, the cloth merchant, and William Canynge of Bristol, who owned ten ships, employed eight hundred men, and once entertained King Edward IV.²⁵ The obverse revealed an ever increasing number of luckless people who lost the old, and could not adapt to the new life.

Trade had been conducted on an intermunicipal basis throughout the middle ages; the merchant of Bruges had traded in York under an agreement between the two cities. Local privileges and restrictions had grown up in a haphazard and immensely complex manner. This was justifiable, indeed essential, for a merchant of York had no government backing if he were beaten or cheated at Bruges, and redress would have to be at the expense of the next merchant from Bruges who was found in York.

With the increasing prestige of the central governments in France, Spain, Burgundy, and England, the need for such small scale bargaining was past and nation began treating with nation. To have an hypothetical state of free-trade bog down in a maze of municipal by-laws and gild ordinances was highly undesirable, but not until 1437 was active governmental intervention considered feasible or imperative. In that year a statute was passed to restrain corporations from the creation of ordinances

24. Italian Relation, p. 13.

25. Salzman, L. F., English Trade in the Middle Ages, (Oxford, 1931), p. 439; Trevelyan, G. M., English Social History (London, 1942), p. 84.

inimical to the public interest.²⁶ There apparently was never any serious enforcement of the provisions of this act. Half a century earlier an attempt had been made to check, or at least investigate, the activities of guilds insofar as they restrained trade. By order of parliament in 1339 all English guilds had to explain their functions; copies of the returns they made to Chancery are still in existence.²⁷ With these two tentative efforts the government halted, and not until the reign of Henry VII do we find legislation which is peculiarly modern in its assertion of central authority.

England's biggest export commodity had always been wool. Both the northern and southern European cities were concerned with English wool, for from it came the luxurious cloths of Flanders and Italy. As early as the Thirteenth Century the great Arte della Lana, or wool gild, of Florence was dealing in futures in the English woolen market, and had purchased the prospective crop for two years.²⁸ While at least some cloth must have been exported from England in this earlier period, the major portion of it was probably unfinished. This cloth was frequently peddled on the Flemish market, where it was reworked and sold, often in England, at an increase.

Trade was mainly in the hands of foreigners until the time of Henry VII; after his reign the major portion was controlled

26. 15 Hen. VI c. 6.

27. Smith, Toulmin, ed., English Guilds: The Original Ordinances of More than One Hundred English Guilds...and a Preliminary Essay in Five Parts on the History and Development of Guilds by Lujo Brentano (E. E. T. S., London, 1870).

28. Ergang, Robert, Europe From the Renaissance to Waterloo (N. Y., 1939), pp. 126-27.

by Englishmen.²⁹ Probably because the individual merchant could neither amass the requisite capital, nor protect his interests in foreign ports, two strong organizations developed in England.³⁰ The oldest was known as the Merchants of the Staple, or Staplers. This group, who enjoyed Royal sanction since they acted as revenue collectors for the Crown, had a monopoly on the export of wool, woolfells (the sheep-skins), tin, and leather, all of the staple commodities. Nationality was mixed, since members might be citizens of the area in which the Staple was maintained. Various towns were chosen as the site of the Staple, but from the latter part of the middle ages until 1550 it was located at Calais. In that year Calais was lost to the French. The members of the Staple possessed powers of self-determination, had courts to enforce their decrees and enjoyed a complete monopoly over trade, in their commodities, at the Staple. To encourage them the central government often waived the payment of customs. These Staplers were by far the strongest group of English merchants until the time of Henry VII.

The second organization was styled the Merchant Adventurers. Originally this had been a generic term, for in medieval days one could hardly be the former without the attributes of the latter. The term had come to be applied to a group of mercers, primarily from London, whose common interests led them to consolidate for purposes of continental expansion. Membership was conditioned upon British citizenship, an interesting trace of

29. Green, Mrs. J. R., Town Life in the Fifteenth Century (2 vols., N. Y., 1894), I, 122.

30. Gross, Charles, The Gild Merchant: A Contribution to British Municipal History (2 vols., Oxford, 1890), I, chap. 8.

nationalism long before that concept should have found expression; this qualification was never relaxed: as we shall see it induced them to forego profit in one of the crises of Henry VII's reign. Unlike the Staplers the Adventurers dealt almost solely with cloth, both finished and unfinished, which they sold at Antwerp and Bruges. These men were held together only by private contract; they had no semi-official status and so were less capable of wresting concessions, or demanding protection from the Crown.

The interests of these two groups were diverse, in fact completely opposed, since the one wanted wool for export, while the other desired cloth. Both groups were united in their desires for a larger volume of wool from the English countryside. Their policies called forth two conflicts in English society. An impetus was given to wool production, which hastened the enclosure movement; beyond that the whole question of agrarian v. urban life was involved. The Sixteenth Century was to see one aspect of the problem resolved. Not until the Industrial Revolution was the second conflict ended.

When Henry Tudor became king in 1485 it was possible to discern the first feeble notions of a giant-modern trade. The Venetians still sent their yearly convoy--the so-called "Flanders Galleys"--to England for wool, and the merchants of the Hanse, with their headquarters in the "Steelyard" at London, continued to exercise their chartered rights. While conditions were not so bad as in former years--in 1348, for instance, members of the Hanse had purchased the entire year's

production of Cornish tin³¹—there was still no clearly defined protectionist policy to aid the British merchants. Certain "mercantilist" acts had been passed in the reign of Richard II (1377-1399) but the motives for them must be sought in the realm of expediency rather than economic theory. By the first the precedent was established that no foreign merchant could sell goods at retail in England, and that English merchants had to import and export all goods only in English ships.³² The available shipping facilities of the English at that period were so inadequate, that an amendment which gave English ships a preferential, but not obligatory, primacy was made in the following year.³³

These acts had been strengthened by the first parliament of Richard III (1483-84). By statute the Italians (the charter of the Hanse protected its members from much of this legislation) were enjoined to buy English goods with the profits they had earned from the sale of imported commodities. Those goods which they were unable to sell were to be removed from the kingdom.³⁴ The fact that a just profit was reserved to them before they had to purchase English goods was probably small consolation.

Certain other acts had been passed by another of Henry's predecessors. In the reign of Edward IV some silk articles were barred from entrance—in the words of the statute, "ribbons, gyrdles, and corses";³⁵ and no money, foreign or domestic, was

31. Traill and Mann, Social England, II, 342.

32. 5 Rich. II c. 3.

33. 6 Rich. II c. 8.

34. 1 Rich. III c. 9.

35. 22 Edw. IV c. 3.

allowed to leave the realm.³⁶ With these exceptions, none of which seriously threatened the biggest competitive organization, the Hanse, not much had been done to insure Englishmen a trading supremacy in their own waters.

3. Before any detailed study of English towns can be made, one must gain an appreciation of the physical conditions in Fifteenth Century England. Probably ninety-per cent of the population was agrarian; even the largest towns had an incredibly small number of inhabitants. There is no method by which an absolutely accurate retrospective census can be taken, but most estimates of the total population range from four to five millions.³⁷ It can certainly have been no higher than the latter figure in Henry VII's reign, for the poll tax of 1377 gave returns based on about two-and-one-half-million people:³⁸ this was about a generation after the Black Death of 1348-49 and so probably represented a low point in population. There is, however, no reason for believing that the figure would more than double in the next hundred years since the modern avenues for popular increases—sanitation, medical discoveries, and food surpluses—were as yet unopened. London had perhaps 100,000 citizens; less than a dozen other cities claimed 6,000 or more inhabitants; and no city, outside of London, had a population of more than 20,000.

36. 17 Edw. IV c. 1.

37. Traill and Mann, Social England, II, 323; Pickthorn, Early Tudor Government, p. 66.

38. Traill and Mann, Social England, II, 323.

Coventry, one of the oldest cities of the interior (in the Rolls of Parliament it is always classified as a city and not merely a borough) with an important fair and three weekly markets, had only 6,601 inhabitants when its first census, which was prompted by a famine, was taken in 1520.³⁹ The average English town had a weekly market if we may judge by grants like the one Henry VII made to John Trelauney in 1487, in which among other things he was given the right to hold a market each week: the grant was stereotyped in wording, apparently because the request was conventional.⁴⁰ London, on the other hand, had a continuous market to supply its needs.⁴¹ It may be readily determined, then, that Coventry, with only 6,601 people, was considerably larger than the average town.

"At the present," wrote an anonymous Venetian, "all the beauty of this island is confined to London;... It abounds with every article of luxury, as well as with the necessities of life:..."⁴² The other towns, of which only Bristol and York were consequential, he added, all chose officials in emulation of London.⁴³ With the exception of the last statement, which is much too easy an explanation of the surprising uniformity

39. The Coventry Leet Book: Or Mayor's Register, Containing the Records of the City Court Leet or View of Frankpledge, A. D. 1420-1555, with divers other matters (Mary Dormer Harris, ed., London, 1907-1913), pp. 674-75.

40. Calendar of Charter Rolls: Vol. VI, 5 Henry VI-8 Henry VIII, A. D. 1427-1516 (London, 1927), VI, 268.

41. Stow, John, A Survey of London (Charles Lethbridge Kingsford, ed., Oxford, 1908), I, 79.

42. Italian Relation, p. 41.

43. Ibid., p. 41.

in English town governments, his observations are quite pertinent. London was the largest of English towns, and had been so for years. Bristol and York were, by 1500, the only other towns which seemed able to survive the depression that had ruined many ancient commercial centers.

In the Fourteenth Century the greatest ports in England were the Cinque Ports, a collection of towns which fringed the southern coast of England. The officials of these ports had developed an extremely powerful protective association. The early successes England enjoyed in the Hundred Year's War, when Edward III and his men had reached the heights of feudal glory, brought prosperity to English soil. The wines, dyes, and cloth of the captured French provinces were shipped to England in ever-increasing amounts by the merchants of the Cinque Ports.

All this had changed when the war ended, and England emerged with Calais as the slender prize gained from a century of struggle. Not only were the rich Gascon towns closed to further despoilment, but business habits and needs had altered. The men of the Cinque Ports found that bigger combinations were needed, and that a business which was closed to them--the woolen industry--was rapidly expanding. Cloth had likewise become a more important article in international trade. London, which had always been large, was becoming huge at the expense of other towns and the countryside. The Cinque Ports never recovered from this combination of circumstances.⁴⁴

44. Green, Town Life in the Fifteenth Century, I, chap. 12.

Many of the other English towns, particularly the inland ones, suffered from the conditions which made London great. Towns like Cambridge, Coventry, Nottingham and Salisbury were immemorial centers of commerce. All of them had yearly fairs which attracted people from all parts of the kingdom, and all of them had been nearly self-sufficient. This quality, self-sufficiency, was in a way the reason for their decay. In composition, and in theory, these towns reflected the medieval system: they produced what was required; if a surplus appeared the local market consumed it. When travel was restricted, when trade was largely foreign controlled, and local farms produced for local markets these towns had been important centers, but with the creation of native capitalists like those of London, and the insidious growth of extra-town manufacturing, many of them declined in importance. The terms "impoverished town" and "decayed town" became common in parliamentary records.⁴⁵

One of the relatively safe generalizations of English history is that town government, despite possible democratic origins, had, by the close of the Fifteenth Century, become to a large extent oligarchic.⁴⁶ Through the craft gild system the same conditions prevailed in town economics. The gild was the medieval town's chief instrument for coercion and the guarantee of security. Like the representatives of most vested interests, the city and gild officials, when placed in an in-

45. Rolls of Parliament, VI, 401, 439, 442, 514.

46. Gross, The Guild Merchant, I, 110.

creasingly perilous situation, chose legislation against instead of adaptation to events.

The guilds of which I shall speak in this paper are the craft guilds, that is, vertical organizations which offered membership to men engaged in every phase of a particular article's production. Guilds of this sort were of a later date than religious guilds and the guilds merchant, which were the predecessors to great companies like the Merchant Adventurers. Members of a merchant guild had been primarily interested in trade, although the man who produced as well as sold an article was not excluded. Religious guilds were created for the presentation of a pageant, a morality or miracle play, and as a means of old age protection. Members usually took care of their enfeebled associates, performed obsequies, and prayed for the souls of departed brothers or sisters. The craft guilds, which were interested in all aspects of production and distribution, as well as social benefits and religious performances, overlapped the jurisdictions of the other two types of guilds.⁴⁷

When production had been limited and little capital had been required to open a shop, the craft guild had maintained much closer affinity with the bulk of craftsmen than the oligarchic guild merchant, but with the increase in capital, expansion of markets, and growth of populations, the relationship altered. Competition was reflected in the increasing severity of regulatory policy, the lengthened period of appren-

47. Smith, English Guilds, CXXVIII.

ticeship, and the larger amounts of capital required to meet gild entrance qualifications.⁴⁸

The chief difficulty which faced an anxious candidate was his inability to meet the high qualifications necessary for entrance into any craft gild. Fees were exacted from apprentices when the original indentures were made and also at the completion of the qualifying period when the transition from apprenticeship to journeyman status was accomplished.⁴⁹ In 1406 a statute of Henry IV had provided that no apprentices were to be taken for certain trades except from families worth twenty shillings a year in lands or rents.⁵⁰ This piece of repressive legislation had been repealed as to London in 1429⁵¹—an indication of that city's influence in parliament—but it stood for the rest of England until the reign of Henry VII. Besides fulfilling property qualifications applicants had to meet rigid standards of workmanship. It seems reasonable to suppose that as conditions worsened, standards within the guilds grew more severe. This does not mean that gild masters purposely barred legitimate applicants. To maintain control of the local market production had to be limited; to effect this monopoly some means of elimination had to be devised, and in certain cases the defects must have existed in the worried imaginations of the masters rather than in the work of the applicants. At any rate an unhealthy situation was created,

48. *Ibid.*; CXLIX.

49. *Ibid.*; CXXX.

50. 7 Hen. IV c. 17.

51. Traill and Mann, Social England, II, 548.

for many towns became burdened with dissatisfied journeymen who had neither the capital nor the opportunity to become master of their own shops. These day laborers became more numerous throughout the Fifteenth Century, and occupied a position similar to those rural peasants who had become divorced from the soil. With the creation of a large class of workers who were separated from the means of production great strides had been taken in the painful shift from a medieval to a modern economy.

Despite infractions most guilds were able to maintain relatively high standards of workmanship. Tools were required to be of superior make and many by-laws were passed to prevent short-cuts in production. Most guilds had overseers who constantly checked their members' households to prevent faulty workmanship. In the ordinances of the Fullers Gild of Bristol it was provided "that whosoever does such bad work shall pay for the same the full price of the cloth:...."⁵² This was primarily selfish it may be supposed, since there was less chance of active foreign competition if standards were sufficiently high, but it would be a mistake to ignore the pride which seems to have been very evident within the crafts. Men who had served seven-year apprenticeships were in all probability more skilled than the extra-gild competitors of the countryside.

At this period the domestic system was becoming important. This method of home production differed from an earlier one not so much in means as in ends. Prior to this most families had provided clothing and many other articles for their own

52. Ordinances of the Fullers' Gild of Bristol, in Smith, English Guilds, p. 285.

consumption, but in the late Fifteenth Century the predecessor to the modern industrialist came into being. Many of these men--called badgers, brokers, factors, or chapmen--travelled throughout the rural areas and purchased, from families, cloth or yarn which they disposed of in large commercial centers like London.⁵³ They were regarded about as favorably as usurers, for contemporaries felt that they contributed nothing to the product and made an unwarranted profit by buying cheap and selling dear. In medieval theory there had been no room for middle-men; through fairs and markets the producer had been physically introduced to the consumer. When fairs and markets had performed this task in an adequate manner, because of the infrequency of travel and the difficulty of communication, chapmen could not have existed, but the case was altered by the revival of non-parochial thinking and a more nearly modern emphasis upon trade. By reuniting producers and consumers these men gave a real impetus to the development of modern business.

While it is still too early to speak of specialized labor in the modern sense, by the end of the Fifteenth Century one can find certain groups which depend upon one aspect of a particular industry for sustenance. By this I mean to except the craftsmen who had always performed a single function but were skilled workers, and not necessarily subject to the vagaries of woolen production. In 1448 an act mentioned those who "do know none other occupations" than the woolen industry, and are

53. Green, Town Life in the Fifteenth Century, II, 67.

"constrained for their living to do the same occupations."⁵⁴ In the reign of Edward IV a statute forbade further partial payment of "pins, girdles and other unprofitable wares" to these isolated workers by entrepreneurs.⁵⁵ By the very fact that these domestic workers were isolated producers of small quantities of cloth, much of which was produced by the inexperienced hands of minors, it should be obvious that they were at a disadvantage in striking bargains. If nothing else this argues for the production of goods which compete very favorably with those produced by the guilds due to the relatively low quality of labor and materials involved.

Besides combatting foreign workmen guild members had to deal with malcontents within the organizations. Many journeymen who despaired of becoming masters, and apprentices who saw in journeymen their future selves, began to evade guild restrictions. The loss of prestige and effective control by the guilds led to a lessened interest in their perpetuation: when a craft guild could no longer offer security, entertainment, and a voice in town government to its adherents, the major incentives for joining were gone. Many masters also began to circumvent the protective by-laws which related to hours of work, numbers of apprentices, and the amounts which could be produced in any one shop.

It would be a mistake to compare the journeyman of this period with those of the Eighteenth Century Industrial Revolu-

54. 26 Hen. VI c. 7.

55. Quoted in Traill and Mann, Social England, II, 550.

tion for these men were products of the gild system and their thinking was as orthodox in medieval content as that of their masters. What these men sought was the opportunity which had been theirs in earlier times, but which they had lost by the natural developments which had made the gild system obsolescent. Just as the peasants in 1381 were more interested in security of land tenure and the abolition of villeinage than the fiery talk of communism attributed to John Ball "the mad priest of Kent,"⁵⁶ the early Tudor workers demanded reform rather than radical alteration. This is an especially English trait: as one writer has remarked, in England reforms "were always conservative in purpose and for [the] most part aimed against new measures and conditions."⁵⁷

4. To determine the prosperity or depression of the agrarian populace from 1485 to 1509 we must first familiarize ourselves with the economics of the previous century. This is by no means an easy problem for materials illustrative of the period are scarce.⁵⁸ Sir John Fortescue found little cause for complaint in Fifteenth Century England. In his legal and political science treatises De Laudibus Legum Angliae and Governance of England he gave rather glowing descriptions of the pros-

56. Trevelyan, George Macauley, England in the Age of Wycliffe (London, 1935), chap. 6.

57. Einstein, Lewis, Tudor Ideals (N. Y., 1921), p. 96.

58. Prothero, R. B. (Lord Ernle), English Farming Past and Present, (London, 1927). "Agriculturally, its [the Fifteenth Century's] history is almost a blank. The silence has been interpreted in different ways." p. 48.

perity and manliness of the English farmers.⁵⁹ A later writer, Bishop Latimer, reminiscing over his childhood, depicted a similar situation;⁶⁰ while we know from the Paston Letters that Clement Paston, a farmer who married a bond-woman, was able to send his son to school.⁶¹

Yet these reports are strangely at variance with the accounts given in the early part of the next century. Almost without exception the Sixteenth Century writers decried the poverty and injustice rampant in the land. Latimer, who had drawn an engaging picture of his childhood, was appalled by the misfortunes of contemporary farmers. Sir Thomas More's indignant words on the same subject are easily the most literary, but certainly not the strongest in protest.⁶²

The existence of two bodies of contradictory reports leads us ineluctably to four alternative conclusions. Either the early writers were mistaken, or the later ones were incorrect in their appraisals, or both, or something drastic actually had taken place in the period in between. The answer would seem to be a combination of all these possibilities, however, for history and logic have little in common. The tendency to

59. Fortescue, Sir John, De Laudibus Legum Angliae (edition, 1616, notes by John Selden, London). Enclosures produced sturdy yeomen, pp. 65-9. The Governance of England, chap. 13. Panegyric upon English courage and condition.

60. Sermons By Hugh Latimer: Sometime Bishop of Worcester (Everyman ed., London, 1926), p. 85.

61. The Paston Letters: A. D. 1422-1509 (6 vols., James Gairdner, ed., London, 1904), I, 28.

62. The Utopia of Sir Thomas More: In Latin from the Edition of March 1518 and in English from the First Edition of Ralph Robynson's Translation in 1551 (J. H. Lupton, ed., Oxford, 1895), p. 52.

glorify the past, and to overestimate the severity of present hardships, is a human trait which must always be considered, especially when analyzing social literature. Because of the paucity of materials, any characterization of the Fifteenth Century is necessarily hazardous, but several things are apparent. The practice of land enclosure had begun; villein status was rapidly disappearing; villein tenure of land had been converted into the so-called copyhold tenure; and for various reasons the agrarian populace was dwindling. The two most significant trends which affected agrarian workers were the emancipation from serfdom, and divorce from the soil.⁶³

"At the end of the thirteenth century most Englishman were unfree; by the middle of the sixteenth, the mass of them were free."⁶⁴ The reasons for this development must be sought in the decline of feudalism, the emergence of capital, and a gradual, but decided change in agricultural techniques. Just as the effects of the Black Death have been greatly magnified, so the importance of it as the cause for new types of land tenure and personal status has probably been overemphasized. There seems to be no doubt, however, that it was instrumental in hastening the advent of a slowly evolving, and decidedly unfeudal, system.

The free or servile status of the English peasant has been the subject of much research and debate, but today certain things

63. Hasbach, W., A History of the English Agricultural Labourer (trans., Ruth Kenyon, London, 1920), p. 34.

64. Pickthorn, Early Tudor Government, p. 168 (based on a statement made by E. P. Cheyney in an article "The Disappearance of English Serfdom," in E. H. R., XV, 20).

seem quite clear. One of them is that while the serf was outside the common law, and was legally comparable to the slave in Roman Law theory, in practice he was far better off. The distinguishing characteristics of unfree, as opposed to free tenure are three: an obligation to perform predial services; the uncertainty of the types of service involved; and the payment of labour rather than a certain rent.⁶⁵ The real test of medieval villein tenure, then, seemed to be a compulsory expenditure of time and effort in uncertain agrarian labor. Glanvill and Bracton, two medieval lawyers, were at a loss to categorize the confusing and ill-defined position of the serf who in Anglo-Saxon England had enjoyed more rights than were assigned to his continental fellows.⁶⁶ These legists sought to define the English serf in terms of the Roman slave. Under the Roman theory one either enjoyed freedom or was an absolute slave, and in medieval England this rather unsatisfactory dichotomy was also applied.⁶⁷ This, of course, meant that the serf was totally without rights, could be transferred to another area, and was unable to own property. However, as the system was used in England, despite legal theory, the serf was never in quite the same position as those who lived under the Civil Code. The serf was allowed to dispose of, and accumulate property, saving of course, the manorial land, or wainage. He

65. Lipson, E., An Introduction to the Economic History of England, (London, 1926), I, 34-9.

66. Stenton, F. M., Anglo-Saxon England (Oxford, 1950), pp. 466-68 (chap. 14 has an extended discussion of this problem).

67. Lipson, Economic History of England, I, 40.

was treated as a freeman in the courts of England,⁶⁸ that is, he was allowed certain civil and criminal actions, and lastly, he was almost invariably bound to the soil. It would appear from this, that the English serf was an agrarian worker who was free to all save his immediate lord.

Quite conceivably that forced labor to which he was subject was performed by the serf in a grudging manner. Those who had managed to acquire private land would dislike their inability to spend all their time working it, and those who had not prospered, either through misfortune or laziness, would also complain of the loss of valuable time. When money achieved a wider circulation it became common practice for these labor services to be transmuted into money payments. With the elimination of labor services the fundamental basis of serfdom disappeared. From this followed a gradual reduction in the numbers of the populace who were unfree, although now paying rent as their free neighbors did. This transition is so gradual that we can safely say neither peasant uprisings, statutes, court decisions, nor manumission provide trustworthy explanations of it. More likely the serfs derived their greatest aid from the very movement which was to effectually bar them from an interest in the soil in succeeding centuries. The break-down of the feudal system which made it relatively easy for serfs to either

68. The presumption was that a child was free unless proved otherwise. Select Cases In The Star Chamber: 1477-1509 (Selden Society, ed., I. S. Leadam, London, 1903), XVI, cxxiv. Freedom of a child in England depended on the male parent's status, not the female's as in the Civil Code countries; cf. Fortescue, De Laudibus, chap. 42.

escape or buy their way out of serfdom, also transferred the land from them to another group.

At this time, and long after, the English countryside was unbroken by fences, hedges, or ditches. Farming was conducted by the open field system which provided for communal participation in the arable land of each manor. Aside from the small portions of land adjacent to the homes of the tenants which were reserved to them as customary garden-plots, the arable land was usually divided into sections internally portioned into two or three large fields. Under either system one field was allowed to remain fallow for a year while the remainder was cultivated. Each field was divided into long, narrow strips, whose boundaries, called balks, were never plowed under. A tenant claimed certain strips within each field as his own property, which might be transmitted to his heir if the holding were one of an inheritable nature. Originally the arable land had not been held in severalty, that is, each tenant had possessed an undivided interest in the land.⁶⁹ The strips which might have been allotted to a man in one year would go to another in the following season, but soon this "shifting" tenure had been succeeded by a real interest in particular strips of land on the part of individual tenants.⁷⁰

The entire system, cumbrous as it appears to us with our notions of private property and well-marked boundaries, was a logical application of medieval thought. Communal interests were immeasurably superior to personal ones; indeed, another way

69. Lipson, Economic History of England, I, 65-6.

70. Ibid., I, 66.

of regarding the question would not have occurred to them, at least publicly. The question they had to resolve was this: How can good and bad land best be apportioned among a number of equally deserving tenants? and the resolution was, of course, that system which we have described above, champaign, champion, or open field farming.

We have still to determine the situation with regard to the uncultivated land of the manor, which often exceeded the arable in acreage. This land was either meadow, waste, or wood-land. If meadow the same division into strips prevailed, with this exception that throughout the medieval period "shifting" tenure prevailed, and strips were often exchanged every year.⁷¹ Also, after haying season the entire meadow land was thrown open to common use, as were the cultivated lands when the crops had been harvested. Waste land was that portion which either through poor drainage or barrenness could only support inferior vegetation; this area was common property, by sufferance of the lord of the manor, who could evidently withdraw it from his tenants use providing he left a reasonable portion for the free-men to enjoy.⁷² Woods were used extensively both for fuel and timber, and for the grazing of swine.

This right of common was anything but simple in its operation. Legally, there were five types: common appendant, common appurtenant, common in gross, common pur cause de vicinage, and common of shack.⁷³ The first was that which customably went

71. Prothero, English Farming Past and Present, pp. 25-6.

72. Below, p. 31.

73. Holdsworth, W. S., A History of English Law (12 vols., London,

with manorial tenure; the second arose from an additional, independent agreement between lord and tenant; the third term applied when rights were granted to persons having no interest in the soil of the manor; the fourth arose when two adjoining manors abutted on an ill-defined waste; while the last applied when cultivated lands were grazed in an off-season. Divorced from rights of common a manorial holding was liable to be something less than an asset. Most tenants could not afford to pasture their stock upon their own holdings, and without stock they were crippled. A cow, an ox (horses were not favored as draft animals since prejudice taught their flesh was carrion, and they were less resistant to abuse) and some swine were necessary for existence. The number of each sort was rigidly limited in proportion to the acreage held by the tenant, and by the exigencies of the situation: only by jealously conserving the grass from his strips of meadow could a tenant expect to get his stock through a winter. This led to a concerted overgrazing of the commons which in turn caused deterioration of both pasture and stock. Pasturing in common was productive of another result, also, for it made selective breeding an impossibility. There is not much doubt that modern farmers would be shocked at the wraith-like animals of a medieval English manor. All of which is beside the point, for the most acute persons must always have felt the inadequacy of their methods; people are not, however, prone to alterna-

1938), III, 143-44; cf. Prothero, English Farming Past and Present for a discussion of rights over arable, meadows, and waste.

tives which will benefit only future generations. Poor as the system was, and stifling as it must have been to the original minded, it offered a modicum of security for all.

Most condemnations of the manor system seemed to be aimed primarily at the restrictions placed on the individual, and on the wasteful, time-consuming and convention-ridden methods of cultivation employed. These remarks are a little unfair when the situation is considered, for certainly, there was no emphasis placed upon the individual then and there were few other channels into which energy could have been directed. Any evaluation of a defunct mode of life which consists solely of an unfavorable comparison with modern living is somewhat unreal. Times were undoubtedly hard and existence when not precarious was almost certainly on a basic level, but that has little to do with the happiness or unhappiness of the participants.

As Henry VII is thought to be the first king of modern England, so his subjects, or some of them, are regarded as pioneers of modern farming. Both generalizations have the faults inherent in that species of statement, but they are convenient points of departure.

The most condemned and most significant symptom of the "agrarian revolution," as it is termed, was the enclosure movement. When enclosing began, and it was far earlier than 1485, England looked as we have already described it, the land was open and divided internally by unplowed strips; when enclosing ceased, after the Eighteenth Century, England looked as any modern area does with neatly fenced, individual fields.

The transition was not accomplished without heart-ache, resentment and physical distress. It is a story equally as dramatic as the history of industrial growth in the cities; together they represent an amazing transformation in society.

Enclosures as such were familiar to English farmers even in the early medieval period. The first "enclosure" act, but one vastly different from those of the Tudor parliaments, was the Statute of Merton in 1236.⁷⁴ This, complemented by that of Westminster the Second (1225),⁷⁵ seems to be the basis for the assumption that waste land is commonable only by sufferance of the lord.⁷⁶ Most authorities tend to regard the acts as limitations upon the customary rights of tenants, not lords, despite the provision that any enclosure of the waste by the lord must be made with reference to the rights of free tenants. This view seems the more plausible, for the number of free tenants on any manor in the Thirteenth Century was quite small, and while "sufficient" waste was to be left for these tenants, just what constituted a sufficient amount could provide endless and expensive litigation. The process often was carried on by both tenant and lord: at about this time we are told that Thomas, Lord Berkeley, began the procurement of many releases from his tenants for the purpose of enclosing the land, while the free tenantry of North Dighton themselves appropriated a

74. 20 Hen. III c. 4.

75. 13 Edw. I c. 46.. Both revived by 3 and 4 Edw. VI c. 3.

76. Curtler, W. H. R., The Enclosure and Redistribution of Our Land (Oxford, 1920), pp. 82-3; cf. Prothero, English Farming, p. 38.

place called "Sywyneland with the moor."⁷⁷ The Rolls of Parliament also evidence the early appearance of this practice.⁷⁸

The process gained momentum when it became increasingly difficult for lords to find tenants. Originally it had been no easy matter for a villein to flee the manor but with the disintegration and social ferment of the Fourteenth and Fifteenth Centuries from the Black Death, Peasant's Revolt, Hundred Years War, and War of the Roses, the difficulty, if not removed, was at least lessened. Those who were willing to remain were not willing to continue holding in villein tenure. Whether this was because of their desires for freedom or because the land was incapable of supporting them under such onerous dues is in dispute; suffice it to say that it happened.

Enclosures varied in type and size, and by no means received equal abuse from the writers of the time. The early Tudor enclosures were limited almost entirely to the mid-land counties, and even there modern research has shown that a relatively small portion of the total acreage was involved.⁷⁹ The practice was not, contrary to what we might suspect, confined to the land-lords; in many instances there is evidence that tenants, who were also aware of the advantages, consolidated

77. Curtler, The Enclosure and Redistribution of Our Land, p. 38.

78. In 1290 a certain Hamo de Chambre enclosed and charged rent for common pasture belonging to the men of Roger de Bray. Rolls of Parliament, I, 59; cited in Curtler, The Enclosure and Redistribution of Our Land, p. 83.

79. Ibid., p. 110 (reproduction of Dr. Gay's tables from an article "Inclosures in England in the Sixteenth Century" in the Quarterly Journal of Economics, XVII. The ratio of enclosed acres to total acreage is not so significant, though, unless we know what percentage of the total was cultivated).

their holdings whenever possible.⁸⁰ On a manor this could only be accomplished by an agreement of all the tenants-in-common to extinguish their ancient rights. Conservatism is a concomitant of agrarian life and seldom could a Tudor farmer persuade his neighbors to relinquish their customary claims upon the land. The exact proportions of land enclosed by tenants as opposed to land-lords can not be determined, but there is some reason for believing that it was either slight, or did not involve a conversion from cultivation to pasturage, that is from corn to sheep production. As Mr. Lipson points out, all legislation denounced sheep enclosures; all contemporary literature damned the conversion from arable to pasture; depopulation was one of the chief evils attributed to enclosing, and enclosures which were made only to increase the value of corn land would not have involved any large depopulation of the country-side.⁸¹ It would seem to follow, then, that most enclosures were made with sheep-farming in mind, and that many had their genesis in the minds of eminently practical businessmen. This does not mean that the last-named class were all like the hard-hearted gentlemen mentioned by Lord North in the next Century, who "have taken up a humour of destroying their tenements and cottages, whereby they make it impossible that mankind should inhabit their estates."⁸² As Miss Bradley points out, "the

80. Lipson, Economic History of England, I, 120.

81. Ibid., I, 124-25. For a contrary view see I. S. Leadam, "The Domesday of Enclosures, 1517-1518 (London, 1897).

82. Bradley, Harriett, The Enclosures in England: An Economic Reconstruction (N. Y., 1913), p. 90.

need for putting their land to some remunerative use was imperative, and it is surprising that the enclosure movement was of such a piecemeal character and extended over so many years, rather than that it took place at all."⁸³

The precise manorial lands involved in this movement are also of importance. If the lord's demesne had been enclosed not much harm could have come of it unless the demesne had not been in one compact holding, but rather scattered throughout the tenants' arable in like strips.⁸⁴ A consolidation here would involve a displacement of tenants, legally or illegally, by force or seduction. Again, if the land enclosed was on the village common there would be no immediate threat to the tenantry, but always there was the possibility that, apart from the assumption that the choicest portion would fall to the lord, pressure would be exerted upon nearby commoners to surrender their strips of meadow also. A few years of this and the situation which prevailed at the manor of Wootton Bassett would be inevitable. There the lord had accumulated nineteenth-century acres of commons, leaving but a hundred for the tenants. His successor even wrested this pitiful remainder from them.⁸⁵

If the waste were enclosed the hardships were of present effect, for most tenants eked out an existence at least in some measure dependent upon the use of the manorial wasteland. Any enclosure by the lord, though undoubtedly justified

83. *Ibid.*, p. 88.

84. Lipson, *Economic History of England*, I, 130.

85. *Ibid.*, I, 141.

by the statutes and the common-law, narrowed the margin between survival and failure of the tenants. In any case the more prosperous tenants, those who had been able to consolidate sufficient land for their purposes, were probably able to withstand these encroachments, but of their lesser neighbors many must have lost their holdings. Less pasturage meant that a cow would have to be slaughtered and salted down in the autumn. Without the beast a family was less independent and more liable to be indebted and after a period of increasingly impotent despair they would drift away to the towns.

The questions: what sorts of land were enclosed? and by whom were they enclosed? are not the only controversies which have enlisted notable scholars. There is also disagreement over the legal status of most early Tudor tenants. It is pretty generally agreed that if a tenant were a freeholder his position was secure, but the number of men who enjoyed this protection was small in comparison to those who had only customary tenure. The process which converted villeins into freemen also worked a transformation in the means by which they held land. Villein tenure was afterwards known as copyhold tenure, a holding recorded on a copy of the manor rolls.⁸⁶ Of the six types of tenure in medieval and early modern England--frankalmoigne, knights' service, petty and grand sergeanty, socage and copyhold--only the last two need concern us, for the others relate to either ecclesiastics or men whose

86. Campbell, Mildred, The English Yeoman Under Elizabeth and the Early Stuarts (New Haven, 1942), pp. 105-55.

social position set them apart from the rural tenantry who were threatened by the changing world.

Socage tenure, always free but originally considered base since it carried no military burdens as did the honorable, but irksome, knight's tenure, had by this time become thoroughly acceptable in society. One of the inevitable consequences of the manorial breakdown was a changed attitude towards land. No longer was it regarded as something to provide subsistence, something which perpetuated a static system of human relations; more and more frequently people came to regard land as realty in the modern sense. From a legal point of view the history of the growth of business can be traced in the succession of cases which increased the possibilities of land alienation. The most famous, *Taltarum's Case* in the reign of Edward IV (1472),⁸⁷ by holding that a recovery barred a fee tail, that is, converted the entailed land to an alienable estate, facilitated the rapid transference of realty.⁸⁸ Businessmen, alive to the possibilities of agrarian investment, preferred to purchase land which did not carry with it the onerous military burdens, and by purchasing socage land gave it added respectability; indeed, it presently became a coveted form of tenure.

87. Holdsworth, *A History of English Law*, III, 119, 137.

88. *Ibid.*, II, 300-01. The statute of quia emptores, 13 Edw. I c. 1. had begun to undermine the feudal system, inadvertently perhaps, when it prohibited further subinfeudation. By transferring to the alienee the entire duties to the overlord which the land carried, the way was opened for rapid alienation since the alienor no longer had to retain enough land to enable his own fulfillment of the feudal obligations. The ostensible purpose had been the preservation of the rights of wardship, escheat, and marriage to the overlord.

The owner in socage appears to have had powers of alienation, could devise the land, and besides his freedom from knight's service (or its equivalent, scutage) was subject to a peculiarly gratifying form of wardship. Unlike the ward of a knight's fee, whose patrimony was often wasted systematically by him who held the right of wardship, the minor heir of a socage estate was put in the keeping of the nearest, able relative, who was, at least in theory, strictly accountable for profits.⁸⁹ Socage tenure did, however, carry with it the conventional feudal burdens such as heriot and relief.⁹⁰

These landholders were not likely disturbed by the upheaval which affected their neighbors. Unless we are placing too much faith in the efficacy of the law, they must have possessed sufficient rights to withstand coercion or fraud.

It was otherwise with the copyholders. These free men had actually an unfree tenure in the sense that the land was not clearly, if at all, protected in the royal courts, and could be neither devised nor alienated. When it became profitable for the lord, or more commonly, the lessee of the lord, to ignore the customary rights of the copyhold tenants, controversy and hardship became commonplace.

Two principal questions arose when a copyholder was im-

89. Taswell-Langmead, Thomas Pitt, English Constitutional History; From The Teutonic Conquest To The Present Time (London, 1946), p. 45.

90. A heriot was the lord's right to retain the one best chattel of the dead ancestor; relief was a sum paid by the heir to enter upon his estate. The first was levied upon the property of the deceased, the second upon the new holder. To an heir this legal distinction must have seemed to be one without a difference.

perilled: what type of copyhold did he profess? and to what portion of the manor did his holding relate? "Here were the materials for endless litigation"⁹¹ and for evasion of that nearly obsolete concept, natural justice. Copyhold was the name affixed to an estate of inheritance, one of life or lives, or one for a term less than life: all were copyhold so long as their terms were recorded on the manor rolls. The most nearly indefeasible was the estate of inheritance, but it too offered problems since an inheritable estate might be one with a fixed fine precedent to the new tenant's admission, or one of an arbitrary or undetermined amount. Upon expiration of the term, life, or lives, a lord was obviously within his rights if he refused to renew the estate and instead went about enclosing the tenement as sheep pasture. A like situation prevailed if, upon the death of a tenant who possessed an estate of inheritance with an arbitrary fine, the lord saw fit to demand a fine beyond the capacity of the heir.⁹² Even in the case of a genuine tenant by inheritance whose admission was predicated upon payment of a fixed fine, something less than justice might result unless he could demonstrate that his holding was within the original customary ground, for if his tenement was in the domesne or reclaimed waste (assart) he had no "perfect copyhold" and hence no protection.

In this chapter I have tried to show the unsettled and often gloomy situations of rural and urban economies when

91. Lipson, Economic History of England, I, 139.

92. Not until the late Eighteenth Century (1701) was it determined that an arbitrary fine could be no higher than two year's rent. Ibid., I, 148.

Henry VII came to power. In the following chapters his policy, in relation to trade, towns, guilds, and agriculture, will be analyzed.

II. OVERSEAS COMMERCE

One of the first actions entered into by the members of Henry's first parliament was an attempt to encourage British shipping at the expense of foreign merchants. It was ordained that wines and woads (dyes) from Guienne and Gascony were to be carried to the isles only in British, Welch or Irish ships.¹ This statute was enlarged by a later parliament, to the effect that a majority of crew members had to be of like nationality.² This caused Bacon to state, that in this respect, Henry was "bowing the ancient policy of this estate, from consideration of plenty to consideration of power. For that almost all the ancient statutes incite by all means merchant-strangers to bring in all sorts of commodities; having for end cheapness, and not looking to the point of state concerning naval power."³

That Henry was "bowing the ancient policy," is, I think, a correct statement, but Henry was not warping or altering it so much as Bacon thought. As we have seen, the first navigation acts preceded Henry's by over one-hundred years,⁴ so that it can hardly be said that Henry Tudor was the first monarch to formulate the notion. Henry VII differed from earlier English kings in one important respect, though, for he pursued a mercantilist policy which was calculated to produce permanent future benefits rather than immediate gratification. No better evidence of the success of this policy exists than a comparison of his early and later revenues. When Henry became king the total annual income at the Exchequer had been in the

1. 1 Hen. VII c. 8.

2. 4 Hen. VII c. 10.

3. Bacon, Henry The Seventh, p. 361.

4. Above, p. 12.

neighborhood of £ 52,000: when his reign ended the Crown was receiving an average of £ 142,000 per year.⁵

Henry's first parliament also interested itself in the Italian merchants whose actions were regulated by a statute of Richard III.⁶ The act of Richard "late pretending him to be King of England the third," which had ordered Italians to purchase English goods with their excess profits, was revoked. The penalty for breach of the act (seizure of unsold imported goods) was reserved to Henry, however, and the Italians were forced to purchase letters patent for exemption from an undone statute.⁷ Henry thereby assured himself of present foreign gratefulness, while securing at the same time another source of income.

At the same time it was provided that aliens who had been made citizens were again to pay those higher duties on imported goods which aliens were accustomed to pay.⁸ The Italians were most affected by this, as they were in 1487, when a levy upon Englishmen was conjoined with one upon all foreigners, except the merchants of the Hanse and persons dwelling in English outposts like Calais.⁹ While Henry may have made these anti-foreign, or at least pro-English moves, in an effort to procure funds without popular displeasure, it is just as likely that

5. Pickthorn, Early Tudor Government, p. 19.

6. 1 Rich. III c. 9; above, p. 12.

7. 1 Hen. VII c. 10.

8. Rolls of Parliament, VI, 268-69; citizenship was usually conferred by letters patent. Calendar of Patent Rolls, Henry VII (London, 1914-16), I, 55.

9. Rolls of Parliament, VI, 401-02.

the man who was considered to be unbelievably shrewd in 1499,¹⁰ was as much so fourteen years earlier.

The final act of this parliament which was adumbrative of a new economic policy was in itself nothing original: the act 22 Edw. IV c. 3 which forbade the importation of certain silken luxuries was reaffirmed.¹¹ Parliament was dissolved without accomplishing much else of immediate interest, having as it were exhausted itself in compiling the vast number of exceptions to the acts of attainder and resumption. Henry did not call upon the country again until nearly two years later when Lambert Simnel, the first imposter, threatened the kingdom. The results of Henry's sensible policy were quite striking, even in 1487, a bare two years after his accession, for Simnel received no response from the inhabitants of York, towards whom he had marched, conceiving them to be his adherents. Even in such a stronghold of anti-Lancastrian sentiment Henry Tudor's restrained rule was appreciated; continued peace meant more to the public than the revival of ancient hatreds, and Lambert Simnel's "snowball did not gather as it went."¹²

In Henry's seven parliaments other important acts of a mercantilist nature were passed, as well as one which seemed to advocate free trade. This confusion was inevitable in an age of transition; by limiting one's inquiry to particular sets of facts, the Sixteenth Century can be alternately claimed as a

10. Calendar of Letters, Despatches, and State Papers Relating to the Negotiations between England and Spain (C. A. Bergenroth, ed., London, 1862), I, 499.

11. 1 Hen. VII c. 9.

12. Bacon, Henry The Seventh, p. 331.

feudal or a modern era. Evidence for both claims is abundant: e. g., the men who repealed a London ordinance for restraint of trade, passed an act against usury as "contrarie to the lawe of naturell justis,...to the great displeur of God:..."¹³ but it would seem unfair to categorize or pigeon-hole an age compounded of such disparate elements.

Twice in his reign Henry's parliaments confirmed an act of Edward IV which prohibited the exportation of money.¹⁴ These acts were applicable to all money, foreign or domestic, but one of Erasmus's letters demonstrates that the provision which related to foreign coin, was either ignored or not commonly known. The Humanist scholar had come to England poor, and left in no better condition, for, he wrote, despite Sir Thomas More's assurance that only English money was affected by the restraining statute, he had been forced to leave all but a trifling amount of his Low Land coin on the Island.¹⁵ It seems odd that More, a lawyer, would have been so ignorant of the law; more likely the retention of foreign money was a policy only intermittently enforced.

In his efforts to encourage the infant cloth industry Henry passed several acts which are notable proofs of his far-sighted policy. The first was an amended version of an earlier regulation.¹⁶ To the former act, which required that cloth be fulled before exportation, Henry's second parliament added the

13. 3 Hen. VII cc. 5, 10.

14. 17 Edw. IV c. 1; 3 Hen. VII c. 9; 4 Hen. VII c. 23.

15. The Epistles of Erasmus: From His Earliest Letters To His Fifty-First Year (ed. and trans., Francis Morgan Nichols, London, 1901), I, 227.

16. 7 Edw. IV c. 3.

provisions that cloth destined for shipment abroad had to first be fulled, rewed, shorn, and barbed.¹⁷ By so legislating Henry attempted to force the production of finished cloth in England rather than have unfinished cloth shipped to Flanders and Italy where it could be reworked.

The following parliament passed two acts which dealt with wool: the first was a price regulation statute which attempted to set some sort of maximum on the cheaper cloths, for lack of which the commonalty "be greatly decayed";¹⁸ the second aimed to encourage cloth production in an even more direct manner than the act of the previous parliament had. This statute for "thencres and mayntenynge of Drapery and makynge of Cloth withyn this land,..." provided that all wool produced in eighteen counties, for a period of ten years (1489-99), was to be purchased only by "such persones as of the said Wolles shall make or doo to be made Yarne or Cloth within this realme;..."¹⁹

By passing three more acts to stimulate a rapidly declining skill, bowmanship, Henry demonstrated the peculiar limitations of a mercantilist economy. Artificial stimulation of the cloth industry was laudable because it was compatible with the course of unrestrained enterprise; that Henry should have pursued the same policy towards long bows was understandable, but wrong. This clinging to an antiquated weapon and theory of war may have been in part responsible for the fiascos of his son's reign. Henry was aware of guns—he had twelve

17. 3 Hen. VII c. 12.

18. 4 Hen. VII c. 8.

19. 4 Hen. VII c. 11.

cannon himself, as appears from his appointment of Richard Guldeford, Knight, to the office of Master of Ordnance on March 8, 1436²⁰—but he insisted that English glory had been won with the long bow and should be maintained with it.

The first regulatory act stemmed from a mistaken belief that the high price of bow staves was responsible for a decline in enthusiasm for archery. It therefore was decreed that three shillings, four-pence was the maximum price which could be charged for a bow stave.²¹ The effects were negligible, or at least not what had been anticipated, for in his last parliament imported bow staves were freed from customs until the next parliament should be held.²² None were convened in Henry's five remaining years of life. This last parliament also made a further statute to restrict the use of crossbows, which required less skill and strength and hence were popular, to the effect that none but lords, or those worth two hundred marks a year in land (£ 133.13s.4d) could use crossbows, except in defence of their homes.²³

The act referred to as inconsistent with Henry's commercial policy since it was an apparent attempt to establish free trade, was concerned with the Merchant Adventurers. This aggressive organization made tremendous strides as a result of Henry's policy, occasionally sending ships to the remotest Baltic ports, and, as shall be noted, to the Mediterranean. Their largest

20. Calendar of Patent Rolls, I, 77.

21. 3 Hen. VII c. 13.

22. 19 Hen. VII c. 2.

23. 19 Hen. VII c. 4.

volume of business came from the Netherlands, however, and they soon evinced monopolistic desires. The great fairs which were held four times yearly in the cities of the "Archduke of Burgoyne" attracted merchants from all parts of Europe, and especially from all of England. The Merchant Adventurers were, principally London mercers;²⁴ with control of at least the English competition at these fairs in mind, they passed an ordinance which required any Englishman to pay a sum to the Merchant Adventurers "by colour of a fraternite of Seynt Thomas of Caunterbury,..." before trading in the Low Lands. The amount demanded rose quite rapidly so that while the original fine levied had been "but the value of a half a old noble sterling" (3s.4d.), by 1497 it was £ 20. The effect upon marginal exporters appears to have been quite drastic, for the statute alleged that since the monopoly had been effected by the Adventurers much cloth had been stock-piled in London with a resulting drop in price at home: it is only fair to remark that allegations in statutory preambles have been, on occasion, at variance with the facts. In this instance "the great povertie, ruyn and decaye,..." supposedly resulting from the Adventurers' ordinance can be discounted, since nearly

24. Gross suggests that the Adventurers were at least originally London mercers. Gild Merchant, I, 149. Lipson disputes the point, by quoting material to illustrate his belief that the Merchant Adventurers were from many English towns. Introduction to the Economic History of England, I, 490. Most of Lipson's material relates to the later sixteenth century, however, and if the Adventurers came from many towns they at least operated out of London, else the statute to restrain them in 1497 would not have complained that cloths were "conveied to London; where they be sold ferre undir the price that they be worthe,..." 12 Hen. VII c. 6. It is quite true that Mr. Lipson could derive a counter argument from another extract which refers to "the seid feliship marchauntes of London and their seid Confederatis..."

every one of Henry's reformation statutes, be it directed at industry, agriculture, or municipal government, contained these stereotyped prefatory remarks. On the other hand, some sort of monopoly must have been created, and certain damages must have resulted, or Henry would never have felt constrained to check the activities of one of his favorite groups.

The Merchant Adventurers were confirmed in their monopoly for all practical purposes, for the fine which they levied upon non-members was simply legalized by parliament, but at the lower level of ten marks (£ 6.13s.4d.),²⁵ The right of all Englishmen to trade without paying further fines was affirmed, but while this could be construed as an attempt to limit a powerful group so that many merchants could enter the field and establish a free trade economy, the facts would seem to support an alternative construction. The difference between this act and the other regulatory statutes of Henry VII is more apparent than real. Mercantilism as a theory is perhaps capable of elucidation; in practice it defies generalization simply because it was an opportunist device calculated to increase one's own country's power and wealth—the two terms became synonymous in succeeding centuries—in relation to others. Money and wealth were identified by mercantilists, who proceeded from this confusion to the conclusion that all the world's wealth, at any given moment, was ascertainable, since the amount of good specie was obviously calculable. The problem thusly was reduced to this: if England wished to increase her wealth, it had to be done at the expense

25. 12 Hen. VII c. 6.

of France, or Venice, or Spain, or some other nation in possession of money; since all these other nations jealously guarded their reserves of gold or silver, a free trading nation would soon be drained of these precious metals; therefore, a policy of commercial opportunism was imperative—when it was profitable, free trade was encouraged, when not, mercantilist legislation was enacted. Henry, at this time, probably felt that it was to England's advantage to have numerous exporters at the Netherland fairs; while he was loath to completely alienate a group which had stood by him during his Burgundian difficulties, he was not willing to see a growing cloth industry suffer because of the Adventurer's repressive tendencies.

The Merchant Adventurers received their reward from Henry in 1505. In that year they were given a charter which confirmed their privileges and gave them the right to determine their own litigation.²⁶ In effect this gave them the power which the Merchants of the Staple had possessed at Calais in earlier times. More merchants sought entrance into the Adventurer's corporation when it was given such broad powers of self-determination. They had recently been awarded by the Court of Star Chamber the privilege of assessing customs on all cloth exported by the Staplers;²⁷ they had interpreted this as meaning that the Staplers had to join their organization. In the decree provision was made for reciprocal duties, a merchant of each had to join the other's organization if he wished to deal with the other's commodities, and the

26. Calendar of Patent Rolls, II, 404-06.

27. Lipson, Economic History of England, I, 494.

Adventurers agreed to this. Confirmation of such a decision was farcical, however, since the exportation of cloth was so much greater in relation to wool that an Adventurer would hardly wish to export the Staplers' commodity. By the end of the Sixteenth Century it was estimated that there were 3,500 Merchant Adventurers, while as early as 1527 a petition alleged that the Staplers had only 140 members.²⁸ Henry was not partisan in his attitude—he frequently proclaimed that wool had to be exported only to Calais, and in April 1504 excused the Staplers from customs payment for sixteen years,²⁹ but these measures could not revive the organization, and Henry quite naturally aided those who were best fitted to further his aims.

With two exceptions Henry never engaged in a retaliatory commercial policy toward foreign nations. While he never remitted in his program of English aggrandizement, his tactics were those of a businessman intent upon expansion instead of a ruler jealous of his honour. The exceptions to this attitude dealt with the Venetians and the Flemish, and in both cases Henry appears to have been justified.

Venice, which at one time had a controlling interest in Mediterranean trade, desired to restrict an English challenge in that sphere. When the English found ready market for malmsey from the isle of Crete, they began to be numbered among the nations engaged in a commercial struggle with Venice. To stop this injurious competition, the Venetians, in 1488, imposed a

28. Ibid., I, 490, 495.

29. Calendar of Patent Rolls, I, 46; Rolls of Parliament, VI, 523.

tax of four ducats per butt (126 gallons) upon all malmsey sold to non-Venetian exporters; the proceeds were used in fortifying Candia. While the tariff was probably designed to discourage Florentines, who were the greatest competitors of Venetian merchants, it had an incidentally depressive effect upon a new English venture. Mr. Lipson makes this much more specific when he says the Venetians levied the duty upon "English shippers," the implication being that English competition was a menace to the Venetian monopoly.³⁰ Despite Mr. Lipson's general accuracy and undoubted erudition, I think it justifiable to differ from him on this point, since it is an overly optimistic view to consider the English as a Mediterranean menace at this time. Two letters seem to support the contention that English shipping in the Mediterranean was not extensive under Henry VII. The first, a despatch from the Doge to the Captain of the Flanders Galleys, 12 April 1491, contained a reference to the English, whose grievance against the malmsey tariff he was unable to appreciate. The tax could not be construed as a particularly anti-English measure, he said, since "but few of the latter come into these seas,..."³¹ Henry, in a letter to the Pope in 1502, confirmed this statement in an attempt to explain English abstention from a proposed Crusade. The difficulties were extreme, Henry argued since the English rarely sailed beyond Pisa.³² It might be said

30. Lipson, Economic History of England, I, 505.

31. Calendar of State Papers and Manuscripts Relating to English Affairs: Existing in the Archives and Collections of Venice and in other Libraries of Northern Europe (Rawdon Brown, ed., London, 1864), I, 205.

32. Pollard, A. F., Henry VII, Sources, III, 168; cited in Einstein, Lewis, Tudor Ideals (N. Y., 1921), p. 286.

that neither of these statements is an objective report of conditions, but some weight must be attached to them, it would seem, since the first was written by an expert in Mediterranean trade, and the latter was addressed to a man who also was in a position to know existing conditions. While Henry VII certainly would not have agreed to the Doge's remark in 1491, by 1502, when it was to his advantage to admit its validity, he did so. Regardless of motive, the use of such an argument by as shrewd a ruler as Henry points to its irrefutability.

Incidental or not, the damage which the malmsey tax caused to English merchants was extensive, and Henry retaliated, first by making a treaty with Florence which created a wool staple at Pisa (a city under Florentine domination)³³ and next by authorizing an impost on foreign-imported malmsey which was to last so long as the Venetians levied their tariff at Candia.³⁴

The English had considered the establishment of a staple at Pisa in 1482 before Henry's accession,³⁵ probably because of concessions which the Florentines offered, but had never concluded the arrangements. Had they done so Venice might well have been ruined, but the city occupied, in the south, a position analogous to that of the Hanse in the north, and England could not afford to alienate either until its own carrying trade was larger.

When Henry was confronted by the malmsey tariff, he pressed negotiations with Florence, and in 1490 a six-year treaty which created a staple at Pisa, and limited Venice to 600 wool sacks

33. Rymer, Foedera, XII, 390; cited in Salzman, English Trade in the Middle Ages, p. 430.

34. 7 Hen. VII c. 7.

35. Calendar of State Papers--Venetian, I, 144.

a year, was ratified. It failed to alter Venetian policy, though the Doge and Senate complained to Henry that the treaty violated privileges guaranteed to them by his predecessors, and if continued would mean a severance of relations; their galleys would not carry wines and spices to England if they had to return unloaded, especially since England forbade money to be taken from the realm.³⁶ The Venetians evidently decided that the best way to ruin the staple at Pisa was to prevent Mediterranean goods from being shipped to that place, from which they could be reshipped to England. They therefore decreed that all malmsey from Candia had to be carried by Venetian ships and that none could go to Pisa.³⁷

Either because of the Venetian stand, or because of some inherent weakness in the Florentine treaty, the staple at Pisa seems to have been short-lived. At any rate no further mention was made of it in the Venetian correspondence, and Henry was forced to impose an eighteen shilling tax on malmsey imported in foreign bottoms. The price of malmsey was also set at £ 4, or twenty-four Venetian crowns—too low for a Venetian merchant to make a profit after paying the tariff. The policy was quite successful, as the Venetians admitted,³⁸ and what Henry couldn't accomplish in one way, he did in another, for the tax at Candia seems to have been repealed.

The story is a familiar, but always sad, one; a rising nation was pitted against one in decline and both contestants

36. Ibid., I, 185-86.

37. Ibid., I, 189.

38. Ibid., I, 214.

seemed aware of their chances. Henry's policy had been, from the start, a hard one for Venice to meet. English development came at the same time as the loss of eastern markets to the Turks, and by the first years of Henry's reign the Venetians were in financial trouble. Henry's policy towards foreigners, and Italians in particular, was severe, as we have seen; a Venetian report of 10 January 1488, stated that "owing to the duty recently imposed by the King the galleys cannot be despatched within the period assigned for their demurrage,..."³⁹ and an extension was granted. Maintenance costs were high, and piracy took a large toll; in 1492 Henry commandeered some Venetian ships, without recompense, to transport his army to France.⁴⁰ Speaking of the excessive costs attendant upon galley maintenance, in 1488, the Senate gave as a reason for the malmsey tariff that "the said ships [foreign] take low freights, that is to say, four ducats per butt, while Venetian ships cannot load under seven ducats..."⁴¹ Costs were increased constantly because of the decreased volume of trade, and the increased price of goods from the Levant, which was by this time under Turkish domination. It is possible that Venice might still have survived had not the Portuguese explorers sailed around southern Africa to the Orient, thereby obviating the necessity for the existence of Venice and the Flanders galleys. This, rather than English competition in the Mediterranean, bears prime responsibility for Venetian sen-

39. Ibid., I, 170.

40. Ibid., I, 213.

41. Ibid., I, 175.

escence. The first evidence of this ominous development is a casual reference in 1504 to the arrival in London of five Portuguese barks with 300 tons of spices from "Colocut."⁴² It was to be some time before the English entered the field, but for all practical purposes the Venetians had been replaced by the Portuguese in the London spice trade. The Venetians struggled through Henry's reign and part of his son's, but after 1532 the Flanders Galleys stopped their yearly voyage to England, and only private ships continued to trade.⁴³

The other instance of retaliation arose out of the political situation in the 1490's. In 1493 an embargo was placed upon the Netherlanders because of the support which Burgundy gave to the pretender, Perkin Warbeck.⁴⁴

This embargo was reciprocated by Maximilian, King of the Romans, on behalf of his son Philippe, Archduke of Austria and count, duke, or Marquis of sixteen other regions. In his proclamation of 1494 (that Maximilian waited so long before making it leads us to believe that he estimated other Princes in the light of his own vacillating, bluffing character) the

42. Ibid., I, 300.

43. Salzman, English Trade in the Middle Ages, p. 431.

44. Warbeck, one of the most amazing pretenders of history, was from Tournay in Flanders. By chance he was persuaded to lay claim to the throne under pretence of being Richard, duke of York, younger son of Edward IV, who was actually murdered in the Tower of London at the behest of his uncle, Richard III. The disaffected Yorkists in hiding in Burgundy under the tutelage of Margaret, sister to Edward IV and widow of Charles, duke of Burgundy, decided to use Warbeck, or Richard Plantagenet, to overthrow Henry, claiming of course to restore the rightful ruler. Andreas, Bernard, Historia Henrici Septimi in Cairdner, James, Memorials of King Henry the Seventh (Rolls series, London, 1858), pp. 65-6.

King of the Romans gave an interesting review of English-Flemish relations.⁴⁵ Trade agreements were of long standing between the countries (les entrecours de marchandise...entre feuz nos pre-dicesseurs, qui Dieu Absoille, et nous d'une part, et les roys d'Angleterre d'autre,...)⁴⁶ Maximilian claimed: he was referring principally to the treaty promulgated in 1467 by Edward IV in one of his periodic displays of enterprise.⁴⁷ Supposedly one of reciprocal free trade, it had rarely, if ever, been maintained; despite which the English merchants had persisted in their cultivation of the Flemish markets. Great fortunes had been made by merchants on both sides of the channel, but in the later Fifteenth Century the British began to increase their profits at the expense of the Flemings. Primarily this resulted from the change in English exports, the shift from wool to cloth as a basic commodity. It was not complete at this time, of course--while most of the Tudor enclosures contained sheep, rural unemployment was not mitigated by openings in the cloth industry, and hence we can infer that the process was incomplete for many years after the reign of Henry VII. It is important, though, that we realize a new tendency in the Flanders trade; from the time of Henry VII the English become active competitors of the Flemish cloth merchants. It was one thing to supply the looms of Flanders

45. Decree from Schanz, G., Handelspolitik gegen Ende des Mittelalters, II, 191-93 in Tawney, R. H., and Power, Eileen, eds., Tudor Economic Documents: Being Select Documents Illustrating the Economic and Social History of Tudor England (3 vols., London, 1924), II, 3-9.

46. Ibid., II, 7.

47. Traill and Mann, Social England, II, 556.

with raw material; quite another to set up stalls and sell English cloth in their cities.

The embargo cut off this most important business, the lucrative woolen trade, and it was largely absorbed by the merchants of the Hanse whose charter exempted them from the Act. While the English people were willing to forego profit in a matter concerning the kingdom—as Bacon says: "The Merchant Adventurers...did hold out bravely; taking off the commodities of the kingdom, though they lay dead upon their hands for want of vent."⁴⁸—they objected to the Hanseatic advantage, and a popular riot against the easterlings took place in London that year.⁴⁹

Not until 1496 was this mutually destructive ban lifted. In that year the Intercursus Magnus,⁵⁰ as it was resoundingly called, a covenant for free trade at wholesale, was concluded by Henry VII and Archduke Philip. This guaranteed two extremely important rights to England: Flanders was no longer to harbor English enemies; and Englishmen were allowed access to all Netherland cities for trade. By the first guarantee Henry's most dangerous enemy, dangerous because of his inaccessibility and the temptation he provided to perfidious Princes, was denied further asylum in Philip's domains. In the second, the provision for free trade was more beneficial to the English than the Flemings, for England's aggressive Merchant Adventurers were prepared to compete on better than even terms on the con-

48. Bacon, Henry The Seventh, p. 418.

49. Grafton, Richard, Chronicle; or History of England (London, 1809), p. 197.

50. Rymer, Foedera, VII, 578-88, in Tawney and Power, Tudor Economic Documents, II, 11-15.

tinont.

While the Intercursus Magnus has perhaps been over-rated by virtue of its imposing title one historian has suggested—it was important because of Henry VII, for, unlike his immediate predecessors, Henry was inclined to value business above diplomacy. Once he secured an objective Henry saw to its permanence. A clause within the agreement illustrates this point quite clearly. It was provided that if the subjects of either broke any of the treaty's provisions, the agreement was not to be void; the individual transgressors were merely to be punished. While there was perhaps nothing startlingly original in this clause, it is indicative of Henry's caution, especially in his dealings with the somewhat less than honorable Habsburgs. To let a favorable commercial treaty become a nullity through a fraudulent breach was unthinkable to the astute Tudor. Henry was not a naive internationalist, however; he realized fully that the clause which precluded forfeiture would be meaningless if Flemish interests chose to make it so. But he did make the effort—which endeared him still more to his subjects, and set him apart from the patent Machiavellists of his age.

Henry was enabled, by a peculiar circumstance, to secure an even better arrangement for his merchants ten years later. In 1506 Philip and his wife Juana, daughter of Ferdinand and Isabella, respective kings of Aragon and Castile, ventured from Zealand to claim the deceased Isabella's kingdom. A storm washed their extensive fleet up on English soil: Henry, in what must have been great glee, for he saw in Philip a weapon to wield against his former insolent betrayer, Ferdinand,

invited him to London. The earl of Arundel and three-hundred mounted troops carried the message.⁵¹ The two kings met at Windsor with appropriate ceremony; each was dressed in a lavish manner, and accompanied by imposing trains of attendants. Henry, a model of knightly behavior at all times, outdid himself on this important occasion: according to one spectator, "by hatt and hys bonett he avalyed, and the King of Castylle in cas lyke...."⁵² after which he got down to business. Bacon has an interesting imaginary record of the Princes' conversation.⁵³

The conference brought Henry two immediate advantages, one political, the other economic, for the earl of Suffolk, a political fugitive, was returned to England from Flanders, and shortly after the Intercursus Malus was signed.⁵⁴ This treaty, called "bad" by the Netherlanders because of the advantages it conceded to English merchants, contained the substance of the Intercursus Magnus with one important reservation: the right of Netherlanders to fish in English waters was abrogated.⁵⁵ In the former treaty both parties had opened their waters to commercial fishing, but the English, who were now in a way to exert undue influence by restricting their seas to native exploitation, demonstrated their maritime inferiority. This theme will be developed at greater length; for the present it

51. Bacon, Henry The Seventh, p. 465.

52. Paston Letters, VI, 173.

53. Bacon, Henry The Seventh, pp. 465-66.

54. Gairdner, Henry The Seventh, pp. 194-95.

55. Bacon, Henry The Seventh, p. 467.

is well to remember that British domination of the seas was an Elizabethan phenomenon. The treaty also gave Englishmen the right to retail, except in Flanders: unfortunately Philip died in the next year and the new agreement retracted the retailing privilege, although the other provisions were retained.⁵⁶ The organization which had profited from the original interruption of English-Flomish trade relations, maintained its privileges in spite of Henry's efforts to minimize their importance. Some idea of the commercial advantage enjoyed by the Hanseatic merchants may be gained from a study of the customs rates paid by English and foreign merchants at London.⁵⁷

58	<u>ENGLISH</u>	<u>SPANISH</u>	<u>HANSE</u>	<u>OTHERS</u>
<u>cloth</u>				
<u>(undyed)</u>	14d.	14d.	12d.	2s.9d.
<u>Dyed</u>	2s.4d.	2s.4d.	2s.	5s.6d.
<u>Half-dyed</u>	21d.	21d.	18d.	4s.1d.
<u>Wine</u>				
<u>(ton)</u>	3s.	3s.	2s.	3s.
<u>Sweet wine</u>				
<u>(ton)</u>	3s.	3s.	2s.	3s.
<u>Tin</u>				
<u>(£ value)</u>	12d.	12d.	3d.	2s.

These concessions held by the Hanse are an indication of its early strength, and the comparatively late development of active English competition sufficiently important to make its protests heard. The most striking disparity involved is in customs on tin: it is easy to understand how the Hanse merchants could afford to monopolize the Cornish sources as

56. Lipson, Economic History of England, I, 503.

57. The Customs of London (Arnold's Chronicles) pp. 193-97, in Tawney and Power, Medieval Economic Documents, II, 204-07.

58. I have been unable to determine what unit of measurement was applied for cloth assessments, but my argument is not affected by my ignorance.

they formerly had done.⁵⁹

While the Hanse had been weakened in the period just prior to Henry's accession it was still a potent force in English economic affairs. For proof of that we need only look to Henry's last parliament, five years before his death, in a period marked by internal and external peace, commercial prosperity and increasing English prestige. One of the last acts of this parliament reaffirmed Hanseatic exemption from English commercial legislation.⁶⁰ This is certainly not the type of statute one might expect from a powerful monarch and a merchant parliament; however, the continued existence of this irksome organization proceeded more from its usefulness to Henry than its power to damage him, though this was still a reality. So long as the Hanseatic traders controlled areas like the Baltic and the northern seas, which English merchants were attempting to penetrate, Henry would have been foolish to expel them from England.

But if the Hanse was still in nominal possession of its ancient rights, in fact their importance was altered by the restless expansion of a vigorous organization and a shrewd king's activities. Despite their handicap the English were closing the distance. Rather than see the Hanse merchants, like bad money, "voided from the realm," Henry chose to encourage the Merchant Adventurers, improve England's position with other nations, and cultivate new areas either through

59. Above, pp. 11-12.

60. 10 Hen. VII c. 23.

diplomacy or exploration. As was generally the case his plan was successful; by the end of his son's reign the Hanse in many ways was an impotent and archaic association, while the English were continually expanding their influence.

The story of Henry's struggle for Mediterranean trade, and his curtailment of the Merchant Adventurers has already been related; it is now time to explain his policy towards the northern and western spheres of the then known world. Henry was extremely interested in exploiting these areas, especially because English merchants had been unable to obtain on the home-grounds of the Hanse those concessions that the Hanse had received in England.

Four years after his accession Henry succeeded in concluding a trade agreement with Denmark. There is a measure of uncertainty about this comparable to the secrecy which shrouds the fate of the Pisan staple. According to Rymer the agreement was one which provided for free trade between England, Denmark, and Denmark's dependant, Iceland.⁶¹ The agreement was analogous to that which Henry made with Florence, for it was an attempt to disrupt the even tenor of Hanseatic monopoly: in this desire England and Denmark both concurred. That the agreement established free trade is borne out by a proclamation issued by Henry on May 15, 1490, which instructed

61. Rymer, Foedera, XII, 381; cited in Lipson, Economic History of England, I, 504. On 6 August 1489 four Englishmen were appointed to confer with the Danish commissioners concerning "a perpetual league of peace and friendship." Signed bill (not yet enrolled), in Campbell, William, Materials for a History of the reign of Henry VII (2 vols., Rolls series, London, 1873), II, 472.

Giles Daubeney, Lieutenant of the March of Calais, and others, to publish the conclusion of the recent treaty.⁶² They were instructed henceforth to allow to all Danish ships free access to all English ports.

The agreement apparently was never kept for in 1507, eighteen years after the event, certain English merchants were pardoned by Henry for having broken a statute of 1430⁶³ which forbade all English trade with Scandinavia except through the port of Bergen.⁶⁴ The treaty if observed at all, appears to have been diminished by the statute of Henry VI and the claims of the Danish King, who declared that the prohibition still existed and extended to Iceland as well.⁶⁵ Henry, on his part seemed almost immediately to lose his interest in the whole affair, perhaps because of the Danish ruler's sweeping reservations, and the unexpected resistance which the Hanse manifested. A curious bit of evidence for this conclusion, and one it might be added, which is not absolute proof of Henry's changed attitude is found in the Calendar of Patent Rolls.⁶⁶ On August 21, 1492, Henry issued a mandate which bound the English towns to treat Hartich Hesten with the deference due to a subject of the King's ally, the King of Denmark. Almost exactly a year later, on August 26, 1493,

62. Calendar of Patent Rolls, I, 321.

63. 8 Hen. VI c. 2.

64. Calendar of Patent Rolls, I, 526.

65. Richard III (23 Feb. 1484) anticipating conflict, had enjoined "aswele fishers as other" to travel only in convoy to Iceland. Harleian Mss. 433, Folio 159b, in Cairdner, Letters and Papers, II, 287 (Appendix B).

66. Calendar of Patent Rolls, I, 307, 404.

Henry published a request that the provisions of the former mandate be respected. Possibly a preoccupation with the words mandate and request is unrealistic, but I think not. Henry was a clever businessman, who has been credited with instituting much of the legislation of his seven parliaments;⁶⁷ the legal or commercial mind, at its best, is much too word-conscious to make careless, supposedly synonymous substitutions, in a document. These two entries in the Patent Rolls may be regarded as indicative of the Danish treaty's inefficacy. Despite this it seems safe to assert that Englishmen continued to go yearly into the northern seas, especially to Iceland where the fishing was too good to cease from a mere King's prohibition.

Henry's other treaty in the north struck more directly at the Hanse, for it concerned one of their Baltic cities, Riga. In 1400 Henry arranged a commercial treaty with that city,⁶⁸ which nearly succeeded in overthrowing Hanseatic control. It failed for the Hanse still possessed strength, and fortunately for it, political conditions altered in the next few years sufficiently for Henry to feel the necessity of placating the League. The statute of 1504 which secured to the Hanse all its ancient privileges has already been mentioned.⁶⁹ I have also suggested that this was done both because the Hanse was still necessary to Henry, and because it had the power to injure English trade, with the emphasis placed upon its usefulness rather than its strength. This is borne out by the assertion

67. Gairdner, Henry The Seventh, pp. 211-12.

68. Rymer, Foedera, XII, 701; cited in Lipson, Economic History of England, I, 504.

69. Above, p. 60.

that in 1500 the Hanse exported over 21,000 English cloths.⁷⁰ If the figure is accurate it represents a nice income to both King from customs, and public from profit. To lose this trade at a time when relations with the Netherlands were again becoming strained would be a severe blow to a national income which stood to be considerably reduced in the event that trade was again disrupted from the Low Lands.

This alone is a justification for Henry's relaxed Hanseatic policy. The first Tudor king was always concerned to receive the maximum amounts due the Crown, and his stiff collection habits were instrumental in raising the amount of royal revenue considerably. He was, in a sense, an advocate of efficiency in government, although for personal motives. His second parliament had created a statute which authorized the issuance of certificates after payment of customs; these were to be presented in all ports.⁷¹ There seems to have been a presumption of evasion unless proved otherwise.

The remaining area of English trade was the Spanish Kingdom. Considerable commerce had always existed between the two countries and Henry was anxious to maintain and possibly increase the volume of transactions. Three days after his defeat of Richard III, "lyng in dede but not of ryght," at Bosworth field Henry declared that "the relations between England and Spain are of a friendly nature."⁷²

From the chart which was used to illustrate the customs concessions enjoyed by the Hanse some information about Spain

70. Salzman, English Trade in the Middle Ages, p. 342.

71. 3 Hen. VII c. 8.

72. Calendar of State Papers--Spanish, I, 1.

can also be gathered. In relation to other foreigners, except members of the Hanse, Spain enjoyed a commercial advantage in English exports; as compared with Englishmen they enjoyed equality of customs.

The best indication of Henry's attitude towards Spanish merchants is a license to export Gascon wines for the English market granted to Antonio Polaiciola on January 20, 1486.⁷³ There would be nothing unusual about this had not Henry's first parliament just passed an act⁷⁴ which required Gascon wine to be imported in British ships. Henry was to make frequent exceptions to this act as a means of raising money, but when it is remembered that his early years were spent in seeking a Spanish alliance, it becomes significant that a Spaniard was granted a dispensation so soon after Bosworth field. Favorable trade agreements between the two kingdoms were reached in 1400 and 1409,⁷⁵ according to the terms of which an equality of opportunity was granted to each in the other's country. As in so many other spheres political machinations robbed the agreement of its meaning. Ferdinand, who prided himself on his duplicity, and did indeed temporarily best Henry in his early years, was not the sort to observe any such notions. So long as England represented a weapon at the back of France the "Catholic" monarch was willing to open his ports to Englishmen. When it became apparent that Henry was likely to supplant

73. Ibid., I, 1.

74. I Hen. VII c. 8.

75. Rymor, Foedera, III, 421, 744; cited in Lipson, Economic History of England, I, 502.

Ferdinand's dynasty, through marriage and diplomacy, trade languished. By the reign of the eighth Henry English merchants really depended upon Spain for only one product—oil, which was used in the woolen industry, though iron and citrus fruits were still imported.⁷⁶

Henry's last efforts to establish English commercial interests throughout the world led him to commission Juan Caboto or John Cabot, a Venetian citizen living in Bristol to "find, discover and search out any isles, countries, regions, or provinces...before these times unknown to all Christians."⁷⁷ This was done on March 5, 1496. In August 1497 Cabot arrived in Bristol from North America, to which he returned the following year to confirm a suspicion that it was not Asia. His son Sebastian attempted to by-pass this wild land but failed. Henry next authorized another group to explore in the west; this patent apparently expired without any action being taken by the recipients. It was renewed to some other men—Hugh Myot and Thomas Asshehursto—from Bristol, and two Portuguese named Guncalus and Farnandus.⁷⁸ The wildcats which they reluctantly took to England as substitutes for the gold and jewels they desired dissuaded them from further effort.⁷⁹ Thus ended early English exploration.

It would be a mistake to view this as a bit of premature folly, for, like Henry's trade agreements, this venture proved

76. Salzman, English Trade in the Middle Ages, p. 408.

77. Rymer, Foedera, XII, 595, in Tawney and Power, Tudor Economic Documents, II, 9.

78. Calendar of Patent Rolls, II, 320.

79. Salzman, English Trade in the Middle Ages, p. 447.

successful unto the sons and their sons rather than the fathers. We have seen that English shipping was outclassed by the Venetians, by the merchants of the Hanse, and apparently by the Netherlanders. Henry VII was largely responsible for bringing home to his subjects the recognition that an island is not a continent, and can only pretend to have extra-maritime interests when its neighbors are few and impotent. All of Henry's efforts took hold of the popular imagination; there were many commercial setbacks in his son's reign, but the interest in foreign trade and a navy had been developed.

John Cabot was acclaimed throughout southern England at the conclusion of his first trip. A Venetian, writing of him in a letter to his brothers at home, said: "he dresses in silk and those English run after him like mad people..."⁸⁰ While Lorenzo Pasqualigo was both amused and disgusted by the reactions of these insular people, his letter does more than merely show the condescension of the veteran towards the novice. It substantiates through indirection, a quality of the English which was touched upon by another Venetian—their adoptive power. For a foreigner to possess superior qualities was, we are told, regarded as a Divine error by the English, and usually brought forth the regretful but crushing comment that "it is a great pity that he should not be an Englishman;..."⁸¹ Whether they were still existing on the remnants of the prestige

80. Calendar of State Papers—Venetian, I, 262.

81. Italian Relation, p. 20.

secured by Edward III is perhaps incapable of being decided, but it is certainly true that they regarded any foreign exploit, if sufficiently great, as being in the English tradition. Thus Cabot was adopted by the English, and his exploration came to be thought of in later years as but one example of English superiority. Perhaps it was felt that the Venetian citizen (Cabot was Genoese by birth) derived his sole inspiration from contact with the merchants of Bristol. Whether they regarded it so, or not, the fact remains that the English had, at this time, to derive their pride from the performance of an Italian. New worlds had been opened, and though years passed before the English came into their own, the demonstration which irritated Pasqualigo was merely an anticipation of that frenetic pride which the English displayed in the later exploits of the sea-dogs. Just as the granddaughter descended from the grandfather, so Elizabeth's exploits had their roots in Henry's policy.

III. TOWNS AND GILDS

It is somewhat difficult to derive a clear picture of Henry's intentions towards the towns of his realm, but it might be suggested that he desired to limit their influence in both the political and economic spheres. While his constitutional theory is beyond the scope of this paper it would be fruitless to discuss economic interventionism without some understanding of the means employed.

The relationships which English towns bore to the Crown were almost as varied as their charters. Originally given their liberties on a foudal basis, from either a local lord or the king as overlord, the towns had consolidated their gains since as early as the late-Eleventh or early-Twelfth Centuries.¹ The duties from which they were freed and the exclusive rights which they possessed were derived from charters or prescription. The town of Coventry, for example, levied periodic assessments upon its citizens for road repairs (rates were based upon the number of doors a house-holder possessed which opened onto the streets).² Bristol, on the other hand, felt constrained to call upon Henry in 1407 for permission to perform the same action.³ Its petition to parliament alleged that the city hadn't the power to levy for repairs, as a consequence of which a road had gone to ruin. There is a possibility that the street in question had always retained its identity as a royal highroad, but whatever the difficulty it is illustrative of the variant city pre-

1. Cross, Gild Merchant, I, 5-9; Green, Town Life, II, chap. 2.
2. Leet Book, pp. 552, 560.
3. Rolls of Parliament, VI, 301.

rogatives.

A few more examples of Henry's assaults upon corporate freedom must be given, for the relationship which town politics bore towards town economics was exceedingly close. At least in late medieval times it would be a contradiction in terms to speak of local political freedom and a mercantilist economy. Town officials and gild masters, if not identical, were at least in sympathy with each other's aims;⁴ and the king who desired to discard all or part of an old economic system had first to create an unusual polity.

Henry VII demonstrated his ability to do so in several ways. In 1400 the towns of Northampton and Leicester were commanded "to thentent that good rule and substancialle ordre may be had..." to reform their elections on both the local and parliamentary level.⁵ Seven years later Henry revoked the franchises of North and South Tynedale and incorporated them into the shire of Northumberland; this meant that the towns were geldable (subject to royal taxation) and within the jurisdiction of any royal writ (that is royal justice penetrated their confines).⁶ Earlier, in 1407, Henry had dispensed the city of York from payment of £ 60 of its £ 160 annual fee farm.⁷

4. Italian Relation, p. 41.

5. Rolls of Parliament, VI, 431-32; later on June 13, 1400, Henry issued orders to Canterbury for the reformation of elections and of local adjective law. Calendar of Patent Rolls, II, 136-38. On November 26, 1400 Henry rebuked the citizens of Leicester for their failure to use the royal stalls and ovens in the market place. Rolls of the Duchy of Lancaster in Campbell, Materials, II, 309-70.

6. 11 Hen. VII c. 9.

7. Rolls of Parliament, VI, 390; Henry also remitted £ 10 to Chester. Lipson, Economic History of England, I, 192. And £ 22 to Northampton. Privy Seal Writ in Campbell, Materials, II, 349.

This was ostensibly done because York was unable to pay—it was undoubtedly in the category of decayed towns—but it was also a stronghold of Yorkist sentiment, a situation of which the astute Tudor was well aware.⁸

From his seven parliaments Henry obtained four extraordinary grants—his first gave tonnage and poundage, from the last he accepted £ 30,000 in lieu of feudal aids⁹—and in each instance rebate was provided for "impoverished towns" at the rate of £ 6,000 for every tenth and fifteenth granted.¹⁰ When Henry made his huge resumption of lands in 1485, he studiously exempted any improvements, defenses, fairs, or other privileges granted to the towns by his immediate predecessors.¹¹

Henry's degree of communication with the towns of England was quite surprising in view of the obstacles to intercourse. His most reliable local officials were the Justices of the Peace, men chosen from the counties to act as quasi-Crown officers. These Justices were probably derived from the early Angevin Conservators of the Peace who were mentioned in the reign of Richard I (1189-99), but first received statutory recognition in 1360.¹² By 18 Hen. VI c. 11, they were required to be men worth £ 20 a year in land, or have such legal knowledge as would enable the Chancellor (from whom all commissions

8. Henry seems to have had, for those times, a very efficient and inconspicuous secret service. In most things, as Bacon said, "He chose to work by countermine." Cairdner, Henry The Seventh, p. 113, quoting Bacon.

9. Rolls of Parliament, VI, 260-69, 332.

10. Ibid., VI, 250-59.

11. Ibid., VI, 330.

12. 34 Edw. III c. 1; Tanner, Tudor Constitutional Documents, p. 453.

were derived)¹³ to waive the provision. There were a number of these officials appointed to the Commission of the Peace for each county, and from this number a smaller select group of legal experts, named in the commission, were required to be present at the trial of more serious cases. With typical disregard for the syntax of foreign languages these men came to be known as members of the quorum from the wording of the older commissions: A, B, C, D, E, and F are appointed to the Commission of the Peace for such a county, of whom A, C, and D must always be present at the trial of certain types of offences.¹⁴ This distinction eventually broke down, primarily, no doubt, because of the reluctance professional lawyers displayed towards requests that they dispense their esoteric knowledge without ample remuneration.¹⁵

The cooperation of the most respectable and generally most prosperous inhabitants of the counties and towns¹⁶ was indispensable to a monarch, and Henry VII secured far more support from them than previous sovereigns. This was partially accomplished by his evident eagerness that all people should be aware of, and capable of reporting, injustice on a local level. An act of 1489¹⁷ required all justices to post, at every Quarter Session, a proclamation which recited that there were many laws

13. Justices were appointed by the king through his Chancellor at the advice of the Council, great local lords, or the Justices of Assize, if advice were requested. Ibid., 453.

14. Pickthorn, Early Tudor Government, p. 67.

15. Service was almost unpaid. Ibid., p. 62.

16. In his twenty-four years as King Henry knighted six mayors of London, several sheriffs, and one city-recorder. Stow, Survey of London, II, 170-80.

17. 4 Hen. VII c. 12.

to maintain peace in the realm, and that the justices of the peace had sufficient authority to enforce them if they would: if the justices were hindered, or if they refused to do their duty, complaints might be taken to their colleagues, the justices of assize, or the King or his chancellor.

In similar ways Henry enforced proper administration of justice upon his sheriffs and coroners, the one group by trans-¹⁸ferring their powers to the justices, and the other by the passage of an act which provided fines for coroners (or crownors as they were then called) who were remiss in their inquests, and rewards for those who conducted proper investigations; it was also proclaimed that towns who did not apprehend criminals were¹⁹ to be fined.

Besides using proclamations as a means of maintaining closer contact with the towns Henry found his Council, while sitting in the Star Chamber (that is while handling criminal cases by virtue of its residual jurisdiction),²⁰ to be an invaluable means of overriding sectional jurisdiction or local anarchy.²¹ A glance at the records of these Star Chamber cases is enough to impress one with two notions: the desire of the "court" to expand its jurisdiction, or rather a reluctance to confess limits; and the eagerness with which petitioners created barely plausible fictions to enable their causes

18. 3 Hen. VII c. 4.

19. 3 Hen. VII c. 2.

20. Which was apparently given some sort of statutory clarification by 3 Hen. VII c. 1.

21. The introduction to Tanner, Tudor Constitutional Documents, and Pickthorn, Early Tudor Government, pp. 47-50, have excellent discussions of this act.

to be heard in the court. Of the seven types of prominent Fifteenth Century offences which the statute empowered seven of the King's officials to adjudicate, riot was the most common, the most detested by the Crown, and the favorite fiction alleged by suitors. Actually, land seems to have been most often at issue, but almost invariably the petition alleged a grievous riot--"that ys to sey, bylles, bowes, swordes, & arcs." in the words of the complainant in *Middleton v. Cronche alias Wryght* (1401-02).²²

In the economic sphere Henry's policy was not always so easily, or consistently, portrayed. Primarily this was due to the flexible, almost contradictory ways open to the mercantilist monarch. When it was to his advantage Henry could reaffirm the ancient customs; when the delicate commercial balance swung in another direction he might easily interfere with established rights and powers.

The anonymous Venetian, who has been quoted extensively, estimated that London, Bristol, and York were the only thriving towns in England.²³ It seems strange that York had its fee farm reduced if it really was prosperous. But, for the sake of argument, the Venetian's report may be accepted; even though doing so forces one to conclude that Henry reduced its farm by

22. Yorkshire Star Chamber Proceedings (William Brown, ed., Yorkshire Archeological Society, 1909), p. 12. Riot was alleged in each of the following cases: *Waterhyn v. Lettice*, 1503; *Vale v. Broke*, 1493; and *Cooper v. Gervaux, et al.*, 1493. In the first the actual question was trespass, in the second it was slander, while the third concerned unjust tolls at a fair. Select Cases before the King's Council in the Star Chamber, Commonly Called the Court of Star Chamber: A. D. 1477-1509 (I. B. Leadam, ed., Seiden Society, London, 1903), III, 36-38, 38-40, 164-68.

23. Above, p. 14.

over one-third merely to quiet incipient sedition. This is a possibility, but somewhat unlike Henry, who, though not vindictive, was firm; besides, by 1487 the northern counties had demonstrated their loyalty.²⁴ At any rate, whether the rebated money is treated as a reward for support, or a grant for decay, the fact remains that Henry disbursed funds—a most unusual occurrence.²⁵

Bristol had suffered a falling off in trade when the Hundred Year's War was terminated, but in the latter half of the Fifteenth Century a slowly increasing prosperity was brought to the town by men like William Canningos and the Cabots. The wine trade with Guienne and Gascony had been of immense importance—a commentary upon the tastes of the English—and its interruption (from a monopolistic view) was catastrophic. Bristol was revived by the acts of Henry's first and third parliaments which had restricted the importation of Gascon wines to English ships manned by English crews.²⁶ This, of course, excluded foreign competition, or as much of it as Henry desired; it could not negate the distinct advantages of size and location which London possessed.

London was rapidly becoming the center of English commercial life toward which all merchants gravitated. This was probably due primarily to the emergence of the Merchant Adventurers and the transition from wool to cloth exportation.

This situation is clearly illustrated by the act which

24. Above, p. 42.

25. Calendar of State Papers—Venetian, I, 181.

26. Above, p. 40.

limited the fees charged by the Adventurers:²⁷ cloths, it was alleged, "be conveyed to London, where they be solde ferre undir the price that they be worthe, and that they coste to the makers of the same,..." It is interesting in this connection to note that neither the complainants nor the Merchant Adventurers desired free trade: all the merchants from other towns desired was a share of the protected market. The Adventurers defended their monopoly because it kept up "the price of our commodities abroad by avoiding an over glut of our commodities whereto they trade...whereas contrariwise when trade is free, many sellers will make ware cheap and of less estimation..."²⁸

The most striking example of London's usurpation in the economic sphere was brought to light in 1487. The city officials, it seems, had passed an ordinance which restrained the inhabitants from attending fairs and markets beyond the city limits. A complaint was entered in the Commons by affected interests in other areas of England. The London ordinance, it was asserted, damaged such ancient towns as Coventry, Salisbury, Bristol, Oxford, Cambridge, Nottingham, and Ely. All these towns had yearly fairs which depended in large part upon trade with merchants from London. Parliament

27. 12 Hen. VII c. 6.

28. Lipson, Economic History of England, I, 491.

evidently agreed with the petitioners, for the offending ordinance was repealed.²⁹ Despite such governmental interference London continued to grow and to preempt much English commerce; as the Venetian remarked at the turn of the century: "In all the shops in Milan, Rome, Venice, and Florence put together, I do not think there would be found so many [articles] of the magnificence that are to be seen in London."³⁰

The single aspect of town life which engaged Henry's attention most frequently was the craft gild. A gild was the logical concretion of medieval economic theory. Though particular trades varied in detail of organisation, in all of them minute regulation in every conceivable aspect of work prevailed. Their fundamental purpose, however, seems to be best expressed in this clause from the Gild of the Work Carpenters Ordinances (1432):

Also, it is ordenyd that yf any of the said fraternitie fall to povert, so that tha may not wyrk, or happen to be blynd, or to leis thar gudes by unhapp of the world, then the forsaide bredyrhode to gyffe tham iijj d. every weke, as long as tha liff, by way of almusse, so that he that is so fortunyd have trewly fullfillid the ordinauncez above wryttyn.³¹

The emphasis placed upon security became more and more noticeable in this period. The expansion of trade and the increased ease of communication threatened gilds; they represented the medieval division of labor, and any attempts toward

29. 3 Hen. VII c. 10. The Mayor and Council of Salisbury later levied a stall-tax at their fair which was loudly objected to by at least one London merchant. Cooper v. Cervaun, et al. (1493), Select Cases in the Star Chamber, XVI, 36-8.

30. Italian Relation, p. 42.

31. York Memorandum Book, II, 277-83 in Tawney and Power, Tudor Economic Documents, I, 93.

innovation were considered to be detrimental to the common good. Not only did guilds have to worry about foreign competition, (in the sense that York was foreign to Coventry); they had to repress rebellion within their organizations.

Foreign workmen who desired to work within the towns became more numerous in Henry's reign. Many of them were journeymen who had no hope of finding work in the towns where they had served their apprenticeships. While they might secure employment, as strangers, it was exceedingly doubtful that they could ever become masters of their own shops. In York, for instance, journeymen carpenters' wages averaged about twenty shillings per year, with room and board; but if a man desired to "take upon hym to wyrk as a maister within thys cite, and was newyer [never] prentys thar in, he shall pay for his upsett vj s. viii d.,..."³² For a man who was seeking work to have one-third of a year's wages in cash, especially a journeyman, was an unlikelihood, and so many "strangers" were constrained to be wage-earners. As if this weren't enough of a barrier to labor mobility, other restrictions were placed upon foreign workers. The same carpenters' guild of York, in 1519 added the proviso that "any strange carpenter" was to pay four pence for the first week, or two shillings for the first month, and another two shillings every time he changed jobs; this to be equally divided by the city and the craft.³³ A similar situation prevailed at Coventry.³⁴

32. Ibid., I, 95.

33. Ibid., I, 96-7.

34. In Coventry another precedent condition was the payment of a fee to the gild for the first year's work. Leet Book, pp. 505, 623.

The records of this town provide a striking example of the ultimate result of the struggle for economic control which was waged by the local craft guilds. Every year the lists of foreign petitioners and local applicants who had finished periods of apprenticeship were submitted to the council, meeting in the court-leet, and every year the decision to bar most of them had met with greater disapproval. Finally, in October of 1503,³⁵ the decision was reached which for all practical purposes meant the end of guild control: outside workers were now permitted to exercise their trades without payment to the guild and city for the first year. While the right to examine applicants was still retained, a serious barrier to equality had been removed. Simple statements like this in a homely and almost forgotten record provide the best proofs of the end of feudal life.

Many of the people who began drifting into towns from the countryside were in a far more desperate situation. While the total number of people who were evicted from their holdings by the enclosure movement was not as large as contemporary literature indicates, there is sufficient evidence that many towns (especially London) were faced with an unprecedented problem at this time. Whereas most journeymen were young and unmarried, many families were involved in the agrarian upheaval: their utility to the already overcrowded craft guilds was doubtful. These are the people "men, women, husbands, wives...children, widows, wofull mothers,..." of whom More

35. Ibid., p. 623.

speaks: "caste in prison as vagaboundes, because they go aboute and worke not: whom no man wyl set a worke, though thei never so willingly preferre themselves therto."³⁶

There was nothing comparable to this in medieval experience; the town officials cast about vainly for an explanation and a policy. If we had no other evidence for the assumption that full employment was a characteristic of the medieval economy, we should still perceive it from the early Tudor rationalization of the reverse situation. Vagabondage, chronic unemployment, and crime were all caused by laziness, it was felt. The classic statement of that rather dubious reasoning came from Edmund Dudley, president of Henry VIII's privy council, speaker for the Commons in 1504, and commissioner for the forfeiture of penal statutes. Dudley maintained that "idleness [was] the very mother of all vice... and the lynceall grandam of povertie and miserie,..."³⁷ Curiously enough the very men who railed at idle hands were also the chief spokesmen for sumptuary legislation. By a strange inconsistency the people who lived in "povertie and miserie" were also accused of overindulgence in finery and foods. Even an expansive mind like More's saw nothing contradictory in the statement that the most depressed classes used "muche straunge and provide new fanglenes in their apparrell, and to much prodigal riotte and sumptuous fare at their table."³⁸

Having justified in their own minds the evident misery,

36. More, Sir Thomas, Utopia, p. 52.

37. Dudley, Edmund, The Image of Commonwealth (Manchester, 1859), p. 15.

38. More, Utopia, p. 57.

town officials engaged in numerous campaigns to be rid of these "pore, styllie wretched soules." Of course, an idealization of these wandering people would be foolish—undoubtedly there were many criminals abroad in the land—but in all probability any unexplained crime or mishap was automatically attributed to the unfortunate vagabonds. On January 10, 1490, Coventry as well as the other towns of the realm, received orders from Henry VII to arrest or drive from their jurisdictions all vagabonds, prostitutes, and keepers of rowdy ale-houses.³⁹ The association of these three types of offenders was characteristic of Tudor thinking. A similar proclamation, in which the towns were expressly enjoined to cooperate more fully with royal officials, was issued on February 8, 1493.⁴⁰

When Henry VII did not invoke the aid of town officials, they sought to cope with the vagabondage problem by themselves. In Coventry, in 1492, 1493, and 1495, the Mayor and Council inaugurated a series of reforms designed, as well, to repress journeymen from the enjoyment of unlawful games.⁴¹ At about the same time similar drives were made in London, Bristol, and Gloucester, which, according to one moralist, were "too abomynable spolyn of in alle Englande and Walys."⁴²

People like these, either legitimate journeymen or displaced agricultural labourers, could be held at bay if
(1) town officials and gild masters maintained a high degree of

39. Leet Book, pp. 538-40.

40. Calendar of Patent Rolls, I, 434-37.

41. Leet Book, pp. 544-46, 568.

42. Traill and Mann, Social England, II, 752-59.

community, and (2) guilds remained internally sound. But the biggest threat which strangers offered to a protected local market was in another area: extra-town manufacturing. The domestic manufacture of articles was really facilitated by guild restrictions, but guilds failed to see the relationship between their restrictive policies and the increased amounts of manufacturing beyond their city walls. If they did realize the results of their prohibitory labors, they failed to meet the situation in any but a negative manner. While no town or guild could physically control craftsmen beyond its jurisdiction, attempts were made to shut off the natural outlets for all merchandise--the city fairs and markets--thereby rendering it unprofitable to work outside of guilds. In most towns the Mayor was also Clerk of the market.⁴³ It was his job to see that the "just" prices which he posted were observed, and that regrators and forestallers (those who purchased all commodities beforehand, or in other ways attempted to influence prices) were punished, as a court in Nottingham put it, for "the grievous detriment of our said Lord the King, and against his peace."⁴⁴ Furthermore, local merchants were given priority over strangers, e. g., Coventry shoemakers were allowed to purchase cowhides before strangers were given the opportunity, and local butchers could sell their hides to the tanner before foreign hides were considered. Markets were held in Coventry on Tuesday, Thursday

43. Lect Book, pp. 536-39; cf. Ordinances of Worcester (1467), in Smith, English Guilds, pp. 302, 304, 398.

44. Records of the Borough of Nottingham, III, 55 in Williams, England Under the Early Tudors, p. 240.

and Saturday, and strangers were only allowed to buy or sell on those days, during day-light, and only in the market place.⁴⁵ These restrictions which towns imposed upon the conduct of fairs and markets failed because other outlets, notably London, had developed. If cloth which was produced at home could be sold to a travelling buyer, then all the restrictions in the world were of no avail, for a town market was obsolete.

Internal dissension became a characteristic of guilds at this time. In 1490 the Shoemakers of Norwich averred that their journeymen were working on Saturday afternoons, evenings, and holidays, "contrary to the law of god [sic] and good guydynge temperall,..."⁴⁶ In this situation the rules which kept many journeymen from ever becoming masters of their own shops seemed to act, as Dostoevski said of the novel, like a knife which cut both ways. Evidently the journeymen were working after hours and on their own time to produce shoes for which they had privately contracted. It is not very surprising that men who had successfully served long and arduous apprenticeships, only to find themselves incapable of becoming masters, should feel little identification with the aims of a restrictive guild.

Again, in 1507 some members of the London founders craft sued their wardens in the court of Star Chamber for violation of an act against unreasonable ordinances.⁴⁷ The wardens were alleged to have set an arbitrarily high price, below which no member of the guild could sell his wares; when sales fell off

45. Loet Book, pp. 557, 565.

46. Records of the City of Norwich, II, 104, in Tawney and Power, Tudor Economic Documents, I, 97.

47. 19 Hen. VII c. 7.

the wardens offered to buy the other members' goods, at a reduced price and then, neglecting their own ordinance, resold them at a higher level. When a founder eventually broke the ordinance the wardens of the gild fined him 3s. 4d.; in retaliation he informed against them and in the court of Exchequer the wardens were fined £ 40 plus costs. To cover their expenses they embezzled the jewels and goods of the gild. The present plaintiffs then brought suit in the Star Chamber.⁴⁸ All the foregoing was roundly denied by the wardens, with the exception of the previous judgment against them; this, they intimated, had been effected "by the sinistre meanys and labour of dyuers persones." The final disposition of the case is unknown; unfortunately the Star Chamber records are badly mutilated, all of the decrees having been lost since 1719 when they were last seen "in a house in Bartholomew Close, London."⁴⁹ (It is possible that many records were never kept, for if it was thought of as the King's Council using residual jurisdiction, then there would have been no point in setting precedents in the Star Chamber.) But whether the decision is known or not the evidence of disagreement remains.

A slightly different case, but one in which Henry's aid was also invoked, was the Lead Miners of York v. The Merchants of York, 1499.⁵⁰ In this Star Chamber Case the miners charged that the merchants were using tampered scales, "of thore curvetus myndes and without any lawfull autoritie,..." in contravention

48. Select Cases in the Star Chamber, XVI, 263-71.

49. Tanner, Tudor Constitutional Documents, p. 249. Leadam says, in Select Cases in the Star Chamber, XVI, 271, the wardens lost.

50. Ibid., XVI, 69-71.

of 7 Hen. VII c. 3, which had standardized weights and measures. Furthermore it was alleged that the merchants had passed an ordinance which raised the fee for use of the city crane from two to fourteen pence per "foder" of load. When the miners attempted to ferry trade in York and "utter" their load downstream at Kingston upon Hull, the York merchants tried to prevent them. Again, the decision is not known; the case is still an interesting example of an appeal to royal authority.

Other proof of the declining consequence of craft-gilds is offered by the numerous petitions for consolidation with allied trades, under Henry VII. It is further proof of the period's complexity to see the break-down of gild discipline at the same time that many of them were joining together for more effective control of markets. Often all the gilds in a particular industry, and by this time many industries required specialized functions from a variety of gilds, would band together, and so we find instances like that at Exeter in 1490 (?) where the weavers, tuckers and shearmen submitted a petition for consolidation, alleging a community of interest and a desire to enforce the high standards associated with their respective trades.⁵¹ In earlier times it would have been highly unlikely that disparate aspects of an industry would have consented to merge, for the feeling of superiority engendered within a gild would not have suffered the masters to risk their loss of identity. It was much too late now for any such feelings and the number of consolidated gilds are an

51. City of Exeter Records (Guildhall), d. 1511, in Tawney and Power, Medieval Economic Records, I, 109-73.

interesting clue to the insecurity felt by the exclusive but apprehensive gilds. At about the same time all the gilds who were even remotely concerned with the London leather trade also consolidated into one big gild.⁵² Organizations like these must have been very cumbersome and unsatisfactory, for they represented too many unrelated groups to ever hope to present a constructive business policy, but it was the best method that men who had been raised in a gild society could find to check their prospective ruin.⁵³

As has been previously noted craft-gilds often engaged in recreational and devotional activities. These parades, plays and pageants were the most glorious features of town life, for entertainment was self-manufactured then, and apart from the tavern emanated principally from the parish church. It is indicative of the decay within the gilds that some of them were forced to withdraw from these annual festivities. In Coventry in 1494 several of the gilds whose treasuries had been depleted by loss of affluence and complete control of their trades, begged reductions in the amounts demanded of them for the famous Lammas Day Ride and other pageants. On this day the city-officials all rode through the streets in their impressive and colorful robes,⁵⁴ to officially open the town commons for

52. Guildhall, Letterbooks L, F. 145 in Ibid., I, 99-101.

53. Mrs. Green suggests that gilds often combined at the insistence of municipal corporations which found in the gilds an excellent system of popular control. Town Life, II, 155.

54. Gaudy robes seemed to be a trade-mark of city officers, for in London we are told that ordinarily the officials wore parti-colored robes, but when the new king, Henry VII entered London, the officials greeted him in new gowns of a rich violet color. Stow, Survey of London, II, 194.

grazing after the haying was done.⁵⁵ These petitions for withdrawal are pitiful reminders of the loss of former glory in many ancient English towns.⁵⁶

These city festivities were of such importance that forced abstention from participation was often imposed upon miscreants by the city-councillors. In April, 1495, Laurence Saunders, whose case will be considered later,⁵⁷ was discharged of his duties as Chamberlain of the town of Coventry and forbidden to ride on Lammas Day,⁵⁸ a punishment which the tone of the judgment makes clear was considered to be very serious in that city.

In his fifth meeting with parliament (1495-96) Henry was presented with a petition from Norwich. The Sherman's Gild of this decayed city wished to be exempted from the force of 7 Hen. IV c. 17., the act which had stipulated that apprentices for certain trades had to come from well-to-do families.⁵⁹ If the petition can be taken at face value conditions were so depressed in Norwich that even the few apprentices the shearers desired could no longer be obtained. Parliament complied with their request and incidentally reaffirmed the right of the Mayor and gild master to examine the quality of foreign work; seven-year apprenticeships were also held to be reasonable.⁶⁰ It is conceivable that the professed purpose of the Sherman's petition

55. Leet Book, p. 556.

56. Reaction to these petitions was not always favorable. Green, Town Life, I, 151; II, 156.

57. Below, p. 116.

58. Leet Book, p. 564.

59. Above, p. 18.

60. 11 Hen. VII c. 11. The Cappers' Gild Rules of Coventry (1496) embody all these provisions. Leet Book, pp. 572-74.

was of secondary importance; while the declining prosperity and number of the group from whom likely apprentices were taken was undesirable, it was only ultimately so. For the present (it is doubtful that they presented their petition with deferred results in mind) foreign and domestic competitors engaged the Norwich shearers' attention. Otherwise there would have been no purpose in a parliamentary confirmation of the ancient power of inspection. Further proof of the gild's real position comes from an act of Henry's last parliament in 1504, which repealed the previous exemption, alleging as a reason some restrictive acts on the part of the gild masters.⁶¹

It is interesting to note in connection with this petition at Norwich that the fines levied in such cases went equally to the city and the complaining gild.⁶² Similar situations existed throughout England and are useful to show the degree of community between the gilds and the town governments. In many towns they were nearly synonymous in composition and in practically all membership in one was a prerequisite for election into the other.⁶³ The Italian observer stated that apprenticeship at a trade and membership in a gild was necessary for a mayoralty

61. 19 Hen. VII c. 17.

62. Upon examining the various charters brought together in Smith's, English Gilds I find that a distinction must be drawn between infractions punishable only by the gild (in which case a pound of wax was usually assessed for altar candles) and those offenses for which money was levied and shared by the gild and town. The difference depended upon the offence and the court which exercised jurisdiction. English Gilds, pp. 31, 285.

63. Gross, Gild Merchant, I, 126. Lipson contends that no matter what "degree of autonomy...the gilds...possessed, they were strictly subservient to the rulers of the town." Economic History of England, I, 339.

candidate in London,⁶⁴ and a glance at the list of mayors of that city confirms his statement.⁶⁵ Any city official of Coventry was chosen only from the gilds resident in the city, and one of the most ominous signs of the period was the notable case of Rog. A. Lee, Baker, who refused to serve his term as Chamberlain when appointed by the self-perpetuating and exclusive town-government.⁶⁶ This unheard of act of civic irresponsibility which occurred in May, 1500, was a challenge to the already weakened administration, and they acted quickly. Lee was imprisoned, fined £ 20, and scheduled to be reappointed at the pleasure of the council. Apart from the fact that Lee probably felt that his time could be more profitably spent elsewhere, this case is interesting for its peculiarly modern sound: when the administration of local government is of little or no interest to businessmen one can be fairly well assured that their worries have begun to transcend the local level, and when that has transpired the modern era may safely be said to have arrived.

There are indications throughout this period that deceit and fraud played an inordinate role in English business. No doubt the records which remain, as in all times, give an unbalanced impression: scandal and sharp practice always receive disproportionate attention, to the exclusion of humdrum and ethical conduct. In 1491 the Merchants of the Hanse complained that ever since the passage of 3 Hen. VII c. 12., which required

64. Italian Relation, p. 43.

65. Stow, Survey of London, II, 178-80.

66. Leet Book, pp. 619-21.

that cloth be fulled, rowed, shorn, and barbed before shipment, the quality of cloth had been impaired.⁶⁷ This was the reverse of what Henry had expected, and if true, probably indicates that the special skills required to produce finished cloth could not be developed by statute alone. Just after the close of Henry's reign, in 1510, Edmund Dudley, a man who certainly had long experience with the seamy side of English, or rather human, nature, deplored the English reputation abroad. The realm, he said, was decayed, poverty was rampant, hospitality was a by-gone virtue—in short, the old society had passed.⁶⁸ So far as the continent was concerned, English commodities, too, had had their day, and were now paying the penalty which fraud eventually incurred: "Howe be it I feare that the best comodities of this realme be soo much appared [deteriorated] by subtiltie and falschoode, that they be not reputed, esteemed, or soo much made of as they have bene."⁶⁹

It is noteworthy that in most of these complaints one notion is uppermost: deceitful transactions damage the reputation of England and thereby harm the common welfare. As William Forrest put it somewhat later in the century (1540): better that Englishmen wear their own poor cloth than have it shipped abroad where foreigners would be able "for owre false dealinge owre cowntrey tappeache..."⁷⁰ I would recommend this as a modern free trade argument were it not for the resemblance

67. Salzman, English Trade in the Middle Ages, p. 339.

68. Dudley, The Tree of Commonwealth, p. 16.

69. Ibid., pp. 21-2.

70. "The Pleasaunt Poesie of Princelie Practise," in Tawney and Power, Tudor Economic Documents, III, 42.

it also bears to the medieval disquisitions against covetousness and "singular luere." The conclusion is the same in each case, but one argues from utility, the other, morality. It is quite easy to regard the social and economic manifestations of this period as modern. The truth would seem to be that in no sphere was there any great stability; the very people who regarded Henry Tudor as the latest claimant in a long factional struggle for the throne saw modern trends in business as nothing more than clarifications of existing practice. I have already mentioned the curious conflict of ideas which led one parliament to condemn restraint of trade and at the same time castigate usurers. This leads one to think that restraint of trade in their eyes was that which subverted ancient rather than possible practice.

Henry interfered with the market on several occasions. In 1495 an act was passed to prevent the sale of inferior featherbeds, which it appears were often stuffed with feathers collected from poultry shops, or even with fibers from various marsh-land plants.⁷¹ Instances like this could probably be multiplied easily since there are no grounds for believing that men and business practice of this sort have altered appreciably since the reign of Henry VII. On another occasion the prices of hats, caps, and cloths were declared to be excessive and regulated accordingly.⁷²

In 1504 Henry's last parliament passed what was, for all practical purposes, the most decisive act of his reign. Because

71. 11 Hen. VII c. 19.

72. 4 Hen. VII cc. 8, 9.

many gilds "made among themselves many unlawful and unreasonable ordinances as well in prices of wares as other things, for their own singular profit and to the common hurt and damage of the people..." the regulatory act of Henry VI (1437) was revived and strengthened.⁷³ Where the former act had required gilds to submit their ordinances to city officials or justices of the peace (they were usually identical) the act of 1504 stipulated additional ratification by officers of the central judiciary. While there is no reason to think that local officials ceased supervision, their importance became secondary, for gilds had now to receive approval from the Chancellor, Treasurer, and the chief justices of either bench, or three of them, or from two justices of assize. There is evidence that the act was efficacious.⁷⁴ It may be true as Mr. Lipson maintains, that "State intervention...was not a decisive factor..." in the decline of gilds, and that economic forces and inherent weaknesses were of more importance.⁷⁵ However, I should like to add that by substituting two generalities for a specific answer he is not contributing to knowledge either. It seems preferable to regard the law of Henry VII as a concrete illustration of Mr. Lipson's economic forces, for if business legislation is not the shaper, it is certainly the product, of economic trends. Economic forces, not always perhaps, but often, is a misleading term used to cover the countless decisions, indecisions, and transactions of isolated in-

73. 15 Hen. VI c. 6; 19 Hen. VII c. 7.

74. Lipson, Economic History of England, I, 372.

75. Ibid., I, 373.

dividuals. Before individuals could act it was necessary for an interested authority to cut through the maze of communal restrictions, and in this instance 19 Hen. VII c. 7., with its sweeping assertion of centralized power, though not the ultimate, was a mediate cause for craft gild decline. One of the contradictions of English history is this derivation of political and economic freedom from a monarchy which was limited in not much but theory.

In all of these acts Henry steered a middle course, never wholly sacrificing the uninfluential masses, always appearing to be the protector of the middle class. As stated in the preamble to one regulatory act, the people were to Henry "all one in due administration of Justice,..."⁷⁶ Bacon felt that this proceeded less from benevolence than policy, more from program than precedent: as Henry "governed his subjects by his laws, so he governed his laws by his lawyers."⁷⁷ In respect to this matter one may reasonably differ from the Lord Chancellor; his estimates of motivation were often too mean—reflections, I suppose, on his own character. Perhaps no one will ever solve the enigma of that wise, but tired face which Holbein portrayed: the essential Henry certainly escaped even the shrewdest of contemporary observers. Nevertheless, where evidence is lacking, to impute nobility is as realistic as to suppose baseness. Most of the depreciatory statements about Henry centered upon his supposedly overpowering love

76. 4 Hen. VII c. 12.

77. Bacon, Henry The Seventh, p. 407.

for money: "a mind fixed upon no other ambition or pursuit..." as Bacon put it.⁷⁸ Henry's trusted councillor, Edmund Dudley, felt constrained to touch upon the point while in the Tower of London in the first year of the next reign. Awaiting death for "high treason" (in reality he was a royal instrument whose destruction assured the eighth Henry of instant popularity) he wrote of the late King's avarice in this manner: "peradventure of that appetite hath there bene some other of late time and was in manner without fault, saving only that."⁷⁹ However, what most contemporaries overlooked was the obvious: that Henry had eliminated all other claimants to the throne; that he was living well within his means and in fact was making money; that he was extending the sure hand of royal justice into areas long since given over to anarchy; that he was consciously aiding commerce and commoners at the expense of feudalism and the nobility; most of these policies were undetected or misunderstood in his time. If, as the shocked Venetian reported, cash was so dear in England that it could compensate for even marital transgressions,⁸⁰ then the policy, whereby Henry struck at his subjects' purses instead of lives, must be regarded as one of wisdom, not avarice.

78. Ibid., p. 473. Both Don Pedro De Ayala, Spanish ambassador and Papal Prothonotary, and the Milanese envoy, Raimondo De Soncino, seemed to think that money, per se, was the end as well as the means of Henry's policy. Calendar of State Papers--Venetian, I, 275, 346; Calendar of State Papers--Spanish, I, 170 seq.

79. Dudley, The Tree of Commonwealth, p. 7.

80. Italian Relation, p. 24.

IV. THE CHANGING COUNTRYSIDE

"Agriculture is not practised in this island beyond what is required for the consumption of the people;... This negligence is, however, atoned for, by an immense profusion of every comestible animal... But, above all, they have an enormous number of sheep, which yield them quantities of wool of the best quality."¹ The Venetian who made this statement in a report to the Signory was, of course, relating nothing new since nearly everyone in Venice was, or should have been, acquainted with conditions in a country so important to Venetian trade. It seems safe to assume, however, that actual experience surpassed the writer's theoretical expectations, much as a student of geology, despite second-hand familiarity with the size of mountains, might be overwhelmed upon first essaying to climb one.

It is difficult to determine the amount of enclosing prior to Henry VII's time but certainly it is a mistake to assume that the condition first became pronounced in his reign. Some few years before Henry's advent Sir John Fortescue had written approvingly of the abundant enclosures in England. Writing a sort of dialogue in which he elucidated English law to Edward, son of Henry VI, Fortescue made some side remarks upon the state of English agriculture.

1. Italian Relation, p. 10.

There also are fieldes of pasture inclosed with hedges and ditches, with trees planted and growing uppon the same, which are a defence to their hearde of sheepe and cattle, against stormes and heate of the sunne,... By the meanes wheroof, the men of that countrie are scant troubled with any painefull labour, Wherofore they live more spiritually,... [not having]² to disturb the quietness of the mind with care of husbandrie.

From the context of his treatise one gathers the notion that Fortescue was considering mainly freemen when he spoke of farmers, that class which came to be known as yeomen in the Seventeenth Century.

Moreover the same country is so filled and replenished with Landed menne, that therein so small a thorp [village, hamlet] cannot be found, wherein dwolleth not a Knight, an esquire, or such a householder, as is commonly called a franklayne, enriched with great possessions. And also other freeholders, and many yeomen... which are able to dispende by the year above a hundred pounds,...³

This might have been a patriotic reflection tending to show the disappearance of unfree status: without stretching the facts too much Fortescue could probably have implied that most English farmers were free, but possibly his emphasis upon free men and free-holders had another purpose. It may be suggested that the enclosures he recommended did not involve a displacement of agrarian labor, i. e., he, like some of the later writers, advocated enclosure in, and not of, farms. If this is so his rather ecstatic comments can be reconciled with those of Sir Thomas More and Bishop Latimer in succeeding years. That he did lend his approval only to this restricted type of enclosure, which could be made by one man, or a group of men, without losing their homes, is borne out by Fortescue's conven-

2. Fortescue, De Laudibus Legum Angliae, pp. 65-6.

3. Ibid., pp. 66-7.

tional remarks on the superiority of English soldiers.⁴ A long tradition, which was regarded as valid even by Bacon, placed all English victories in the hands of their bowmen. Since these foot-soldiers were generally from the lower or middle classes, they were, until much later, farmers who required land "sufficient to maintain an able body out of penury,..."⁵ Without enough land the farmer would eventually go under, and besides becoming a burden on local generosity, would deprive the King of an archer's service. To Fortescue as to Bacon this would have been reprehensible, almost traitorous, and so it may be doubted whether he endorsed enclosures, per se, with all their attendant evils. Rather he regarded them as a means by which an individual could improve his condition, or alleviate his lot.

Unfortunately, most of the sources on rural conditions relate to the later Tudors; those which are concerned with conditions under Henry VII were often written after the event. Bishop Latimer is a case in point. A boy during Henry's reign, he had seen his father march off to Blackheath where the Cornish rebels were defeated, and remembered vividly the well-being of his yeoman parent. But his recollections were part of a sermon addressed to Edward VI on March 8, 1549:⁶ in fifty years Latimer would have had plenty of time for unfavorable comparison of the present with the past. It would be remarkable if a comparatively old man, who was convinced of mid-

4. Fortescue, Governance of England, c. 12.

5. Bacon, Henry The Seventh, p. 300.

6. Latimer, Sermons, pp. 72-87.

Sixteenth Century depravity did not suffuse his recollections with a false but pleasant light.

My father was a yeoman, and had no lands of his own, only he had a farm of three or four pound by year at the uttermost, and here upon he tilled so much as kept half a dozen men. He had walk for a hundred sheep; and my mother milked thirty kine. He was able, and did find the king a harness, with himself and his horse, while he came to the place where he should receive the king's wages... He kept hospitality for ⁷ his poor neighbors, and some alms he gave to the poor....

It is apparent from this that for Latimer the good old days were those of Henry VII. Yet in Henry's fourth year the first anti-enclosure act, on a national scale, ⁸ had alleged that "great inconveniences daily doth encrease by desolacion and pulling down and wilfull waste of houses and townes within this his realme,... to the great displeasure of God, to the subvercion of the poeacy and gode rule of this lond,..."⁹

Similarly Sir Thomas More, writing in 1515, condemned the age because "the husbandmen be thrust owte of their owne, or els other by coveyne and fraude, or by violent oppression they be put besydes it or by wronges and injuries thei be so weried, that they be compelled to sell all: by one means therefore or by other, other by howke or crooke they muste needed departe away, poore, selye, wretched soules,..."¹⁰

Bacon, writing over one-hundred years later, described the situation in this manner: "Enclosures at that time began to be more frequent, whereby arable land, which could not be

7. Ibid., p. 85.

8. The same parliament first passed a similar act for the isle of Wight: 4 Hen. VII c. 16.

9. 4 Hen. VII c. 19.

10. More, Utopia, p. 52.

manured [worked] without people and families, was turned into pasture, which was easily rid by a few herdsmen;... This bred a decay of people, and, by consequence, a decay of towns, churches, tithes, and the like."¹¹

The writings of numerous other men—Bacon, Brinklow, Tussor, Fitzherbert, Hales and Lever, to cite the best known—might be put into evidence, but need not be since they all were concerned with later enclosures. They, too, were split over the question: enclosures, good or bad?

It is not surprising that such irreconcilable judgments should have been made, but it does complicate a consideration of Henry VII's agrarian policy. If conditions were as Fortescue seemed to think around 1470, then it is highly improbable that the act of 1489 reflected anything like reality, for in an agrarian economy change is gradual. Again, if More was right and Latimer was wrong, relatively, then the act of Henry's third parliament was needed, and needed badly. In the final analysis Fortescue and Latimer's testimony conflicts with that of More and Bacon, who, a hundred years later probably know less about the early enclosure movement than we do today.

Obviously, the words of four such gifted and apparently honest men must be weighed carefully. It is possible to resolve their disagreement by considering, so far as possible, the motives and background of the four.

Fortescue, Chief Justice of the King's Bench and Chancellor to Henry VI, wrote De Laudibus Legum Angliae while in

11. Bacon, Henry The Seventh, p. 359.

Berry between the years 1461-71, as a political exile. In De Laudibus and his later work the Governance of England, he revealed a practical, humane and scholarly mind. He was, for his time, a super-patriot, if a somewhat perverted pride in the superior knavery of English criminals could qualify one for such a position. As he proudly commented: "Ther biþh [are] therefore mo men hanged in Englando in a yere ffor robbery and manslaughter than ther be hanged in Ffraunce ffor such maner of crime in vij yeris."¹² He likewise castigated the Scots for being thieves rather than robbers. All of this was a round-about way of praising the courage, confidence, and comparative well-being of the English lower classes. Fortescue thought, with some justification, that a full stomach made a complete soldier—not a full stomach in a campaign, but a full one in the years precoding military service—he therefore regarded the material status of the yeoman and peasant as all-important¹³ to the prince he wished to advise.

The class upon whom his attention was turned consisted mainly of freeholders. As such they would be in a position to hedge or ditch their lands; or arrange to do so if their neighbors were willing to exchange their isolated strips for consolidated parcels. This was not always feasible; however, the original expense involved would be more easily borne, apart from the fact that land was patently more productive when enclosed, if the encloser was assured of future enjoyment.

12. Fortescue, The Governance of England, c. 13.

13. Ibid., c. 12; and De Laudibus Legum Angliae, pp. 85-6.

Understandably, tenants for years or a term objected to improvements which would benefit others. That many individual holdings were enclosed is quite likely; unfortunately, most Englishmen were not possessed of the fee, so the results were quantitatively negligible. It nevertheless seems quite clear that Fortescue had this type of enclosure in mind, and of course, the benefits which he claimed from them were manifest.

Sir John Fortescue may well have been a great jurist: certainly he had the respect of two kings of opposite faction; but his conclusions upon extraneous matters merit cautious usage. Certain passages were undoubtedly meant solely for rhetorical effect, as for instance his description of the fecundity peculiar to English soil: "yea it bringeth forth fruite of it selfe, scant provoked by manns industrie and labour...."¹⁴ One who is familiar with the back-breaking, incessant toil, which is still a condition of farming and must have been immeasurably more so then, can only smile. Likewise the sense of his agrarian remarks is imperilled. Fortescue spoke so glowingly of rural freemen because his contention, that independent men made independent and trustworthy jurors, needed bolstering. It might have been quite true that reputable juries could not be organised in any French locality,¹⁵ but the same judgment was very nearly mandatory when regarding English juries of the same era, Fortescue to the contrary notwithstanding. Significantly, three of the seven misdemeanors listed in the Star

14, Fortescue, *De Laudibus Legum Angliae*, p. 65.

15, *Ibid.*, p. 69.

Chamber Act are "mayntenaunces," "ombraciaries," and "takyng of money by jurryes."¹⁶ As the act recited, "nothyng or lityll may be founde by enquerry, wherby the Lawes of the lond in execucion may take litell effecte..." There is every reason to believe that this preamble understates the case; little reason to think that conditions were drastically different fifteen to twenty years earlier.

Hugh Latimer, Bishop of Winchester, and martyr to the Protestant cause, was the son of a yeoman. His father, like Clement Paston at the beginning of the century, had been able to send him to school, from which he launched into a successful Church career.¹⁷ A man of strong, but sometimes mistaken, convictions, he spared neither himself nor his congregations in denouncing the evils of the age. His best known sermons were delivered in 1549, the year of Robert Kett's rebellion, and a high point of anti-enclosure sentiment.

Though he inveighed against corruption in all places, he was especially vehement when denouncing landlords, whom he blamed for most of the miseries peculiar to the period. By enclosing and by threatening to enclose unless higher rents were received, landlords drove tenants to the city slums,¹⁸ Latimer claimed. Actually, the influx of silver from the new world, the debased coin of England, and the consequent rise in prices were more to be censured than the imperfect,

16. 3 Hen. VII c. 1.

17. Dictionary of National Biography (Leslie Stephen, ed., N. Y., 1892), XCII, 171-79.

18. e. g., Latimer, Sermons, pp. 91, 93.

even haphazard, enclosure of land.¹⁹ These things were not so obvious to contemporaries, of course, or if they were, they were preferable to taxation, and so Latimer reconstructed the England of his childhood to reinforce his polemical sermons.

Sir Thomas More had grown up in Henry's reign, became a member of Henry's last parliament in 1504, and until his martyr-²⁰dom in 1535 distinguished himself as a humanist and lawyer. His feelings were more spontaneous, his indignation was less restrained, than might be expected from a man who had received a legal training. Certainly it was unusual for a lawyer to speak of enclosures being effected "by coveyne and fraude,"²¹ when the consensus of opinion regarded the measures taken as legal, but unjust. Of course, what More was condemning was the apparent heartlessness of the new age; medieval morality was nearly defunct in Sixteenth Century England, and More, who was much more of a philosopher than lawyer rebelled against the trend.

Francis Bacon had "been vehement in parliament against depopulation and inclosures;..."²² himself, but that is no indication that he understood the situation under Elizabeth's grandfather. His monograph, if it may be designated as such, was based, at least in certain points, upon the chronicle of Speed, who had availed himself of the rhetorical work done by

19. Lipson, Economic History of England, I, 146.

20. Sir Thomas More: Selections from his English Works and from the Lives by Erasmus and Roper (P. S. and H. M. Allen, eds., Oxford, 1924), pp. 10-34.

21. Above, p. 98.

22. Bacon, Apothegms, p. 170.

Bernard Andreas, the poet-follower of Henry VII.²³ When Bacon said that enclosures "at that time began to be more frequent,..."²⁴ he was, in all likelihood, repeating an accepted version of the story. As was set forth in the introductory chapter, the movement began to be noticeable long before 1485. Only one prominent Englishman of the period seemed to recognize this, however. John Hals, leader of the Enclosure Commission of 1543, said: "the chief destruction of towns and decay of houses was before the beginning of the reign of King Henry VII."²⁵ This does not necessarily negate Bacon's statement, but it should be held in mind.

What, then, can be said if it is agreed that Fortescue was thinking of one sort of enclosure; Latimer was erroneously cursing another; More had lost his legal aloofness; and Bacon was relating second-hand information? Simply this: a reconciliation of their testimony may be effected if exaggerations in either direction are taken into account. While enclosures, per se, were not unfamiliar on a Fifteenth Century landscape, in all probability their impact upon society was cumulative; though they existed before Henry VII came to the throne, the unsettled political situation shoved them to the background of the public consciousness. Regarded in this light, the enclosure act of 1489 becomes evidence for the efficacy of Henry's policy, rather than for the emergence of an unprecedented phenomenon.

23. Gairdner, Henry The Seventh, p. 33.

24. Above, p. 98.

25. Lipson, Economic History of England, I, 125-26.

It has been necessary to examine these men at some length because certain *a priori* assumptions must be made if Henry's reaction towards the agrarian revolution, as it is perhaps inaptly called, is to appear meaningful. If one thinks of the enclosure movement as bursting upon the scene along with the Earl of Richmond in 1485, then Henry's subsequent attitude will appear harsh and inexplicable. But if it is treated as a gradual dislocation of medieval ways, not so complete in Henry's time as it was in his descendants', then the Tudor policy will appear quite consistent. The latter alternative appears most capable of bearing scrutiny.

Enclosures certainly took place, and while they may not have been prompted as completely as Miss Bradley suggests, by the deterioration of soil,²⁶ it seems reasonable to conclude that this was of some importance as a motive. The outcry against enclosures was directed primarily, Dr. Hasbach says,²⁷ at "the turning out of farmers..." which indicates that agriculture was being usurped by another class of men. In 1492 (?) Sir John Paston was advised by a business acquaintance that he should "send som discrete man to kepe your courtis and to lett your fermys and selle your wodes to your most avayll."²⁸ Cash was the chief consideration of the landed gentry, and who would have cash? Certainly not the tenants or small farmers, for earlier his mother had written to him with a request for

26. Bradley, Harriett, The Enclosures in England: An Economic Reconstruction.

27. Hasbach, English Agricultural Labourer, p. 35.

28. Paston Letters, VI, 150.

some armed men to distrain a tenant's goods in lieu of his
over-due rent.²⁹ The only men in England who had surplus
capital which they were willing to invest were the prosperous
city merchants, who were condemned at a later date by the
Churchman Lever, for buying "farms out of the hands of worship-
ful gentlemen, honest yeomen, and poor labouring husband [men]."³⁰
Such men were only interested in farming as a business specula-
tion though later many of them seem to have become squires and
country gentlemen.³¹ Sheep farming was more profitable than
other varieties because it entailed less overhead expense and
had a guaranteed market--the expanding cloth industry. Wheat
production, while profitable, required more labor, and repre-
sented a small return per acre. Under either type the value
of the land was enhanced by enclosures, and as in industries,
a fairly large amount of land had to be enclosed to obtain
maximum efficiency.³²

The act of 1489 stipulated that farms of twenty or more
acres were to be maintained, as well as the buildings upon them.
For violation of the statute the King, or whoever happened to be
the immediate overlord, could claim half the yearly profits
until the land was restored to "tillage and hosbondrie."³³
Essentially the same act was reaffirmed many times in the

29. Ibid., VI, 103.

30. Lipson, Economic History of England, I, 129.

31. Curtler, Enclosure and Redistribution, p. 89.

32. Prothero, English Farming Past and Present, p. 59.

33. 4 Hen. VII c. 19.

succeeding century.

This repetitive legislation might conceivably be viewed as evidence of governmental efficiency: to do so, however, indicates an essentially uncritical mind. To say a corrective statute exists is not to say that it is in force. If a law runs counter to an economic trend, a deep-seated prejudice, or a basic desire, constant repetition will more often than not indicate its impotence. In this case there are indications that despite the enclosure laws, enclosures continued to be made. As Bishop Latimer said: "But let the preacher preach till his tongue be worn to the stumps, nothing is amended. We have good statutes made for the commonwealth as touching commoners and inclosers;...but in the end of the matter there cometh nothing forth."³⁵

The Calendar of Patent Rolls, usually a storehouse of information, is depressingly barren of material pertaining to enclosures. Most of the entries in the two volumes concern pardons for crimes and misdemeanours, commissions of gaol delivery, assize, and the peace, and occasionally proclamations. In theory the records subsequent to 1489 should contain references to the enclosure act, for under the terms of the statute the overlord could claim one-half the profits of the land; Henry, as overlord, in the aggregate, of huge areas,³⁶

34. The other acts were: 6 Hen. VIII c. 5; 7 Hen. VIII c. 1; 25 Hen. VIII c. 13; 27 Hen. VIII c. 22; 5 and 6 Edw. VI c. 5; 2 and 3 Phil. and Mary c. 2; 5 Eliz. I c. 2; 35 Eliz. I c. 7; 39 Eliz. I c. 1; 43 Eliz. I c. 9; in 1624 all were repealed.

35. Latimer, Sermons, p. 86.

36. cf. Calendar of Inquisitions Post Mortem: Henry VII (2 vols., London, 1898-1915).

would not have lived up to character had he ignored this important source of income. Yet this is precisely what he seems to have done. The few entries which concern enclosures in the Patent Rolls for the most part are waivers of the statute, that is mitigations of the law against the practice.

On February 27, 1497, Thomas Wortley, who had a life estate in a Yorkshire royal park, was granted permission to enclose it, and to cut and dispose of the wood, upon payment of 300 marks (³⁷ £ 200). Three years later a pardon was given to nine men for their violation of the statute against "parks and stows."³⁸ The entry is unintelligible unless, as I believe, it is an oblique reference to the enclosure act. While a park technically contained only wild animals such as deer,³⁹ it would come within the terms of the statute. The law was primarily concerned with the maintenance of cultivated land; though enclosures for sheep were more common, impairment for game would remove just as much land from tillage, and so was equally to be decried. Stows had the same primary meaning in Henry's time as it did in Elizabeth's reign: brothels, or the area in which they were situate. There was a less common, but probably older, meaning, however as appears from the phrase⁴⁰ "stows, rivers, ponds, islands..." in a later entry. Under these circumstances the word must be taken to mean uncultivated marsh or waste land. It would follow then that the act 4 Hen. VII

37. Calendar of Patent Rolls, II, 80.

38. Ibid., II, 196.

39. Book of the Duchy of Lancaster, in Campbell, Materials for a History of Henry VII, II, 255, 280, 281.

40. Calendar of Patent Rolls, II, 498.

c. 19 was the one in mind when the pardon was granted. A similar circumstance arose in the last month of Henry's life when Edward Bollnap was exempted from payment of fines (proceeds or profits) ⁴¹ for the enclosure of any land which he held of the king.

This last entry is the most significant since it is part of a recognizable policy. While Henry may not have pardoned many offenders--at least once in his reign a commission of in- ⁴²quisition was expressly enjoined to search for unlicensed parks -- he certainly sold exemptions. In October 1506 a license to enclose 300 acres of demesne land and woods was given to John Fitzherbert. ⁴³ This illustrates perfectly the problem mentioned ⁴⁴ before. If these 300 acres were in one field, nothing would be harmed, no tenants would be displaced, nor would their stock be shut out from pasture. If, on the other hand, the demesne acreage was spread over a number of strips or fields, an ejection of the tenants would inevitably follow. Earlier, in 1488, before the passage of the enclosure act, Henry had granted to Walter Roberth, esq., and his heirs, permission to enclose a total of 1,000 acres in Kent and Sussex, "in consideration of good and gratuitous services, rendered at great cost and heavy ⁴⁵ expense,..." Inclosure of a piece of land of those dimensions, six hundred acres of which were specified to be "land", that is cultivated or pastured, must have involved at least a minimum of hardship unless one assumes a previous consolidation of the

41. Ibid., II, 599.

42. Ibid., II, 582.

43. Ibid., II, 540.

44. Above, p. 34.

45. By Royal Charter in Campbell, Materials for a History of Henry VII, II, 379.

lord's holding. This presumption is not legitimate in ordinary cases, however, since most of the enclosures made throughout the period seemingly were for this very purpose.⁴⁶

Some of Henry's records, especially those of the Duchy of Lancaster, reveal what looks like determined contravention of the ancient system. In certain instances Henry had let his lands out only upon condition that the tenants enclosed. The first specific entry containing this stipulation was March 20, 1488 (again before the statute) when Ralph Worsley was given a seven-year lease of the grazing rights in the park of Holt, "the said tenant being bound to enclose the said park with fences, bush, and underwood,..."⁴⁷ Similarly in May of the same year one Halnotheus Stafford, citizen and grocer of London, acquired a ten-year interest in a meadow, one condition being a permanent enclosure at his cost.⁴⁸ Six months later a seven-year lease of a large farm in Norfolk "together with XXVI acres and a half of a pasture called Somerlesowe,...and the enclosures for sheep there;..."⁴⁹ was secured by two men under similar terms. The final reference to lease-holds in the Duchy of Lancaster was on February 16, 1489. At that time Thomas Brice was granted a seven-year lease (this seems to have been the common duration) on a large farm, with permission "to shut up the closes called the Diches and Stoneloy and the wood called conyngarth, and to keep them in separality [severalty] at every time of the year;..."⁵⁰

46. Lipson, Economic History of England, I, 131, 140.

47. Book of the Duchy of Lancaster, in Campbell, Materials for a History of Henry VII, II, 283.

48. Ibid., II, 313.

49. Ibid., II, 363.

50. Ibid., II, 409-10.

This is a transparent effort to defraud the tenantry of its rights of common, else the permission to enclose would never have specified that the land might be held, in severalty, i. e., by implication all three areas were held in common prior to this date.

Towns as well as the countryside were involved in this economic revolution. In our time it is difficult to find a town of any pretensions to greatness whose citizens are much in sympathy with the residents of near-by farms. Even the inhabitants of so-called farming communities have many interests separate from those of their rural neighbors. But it was not always so, and early Tudor England is an example of the relationship enjoyed before industrialization.⁵¹ London was advanced beyond this initial stage but most other towns were peculiarly identified with the immediate rural regions. Many citizens possessed stock, and all towns had commons which were supposed-⁵²ly open to the free inhabitants. These town meadows went in much the same way that rural ones did--into the hands of enterprising capitalists who saw in farming a means of profit, and not merely one of livelihood.

In March 1400 an injunction was laid upon the "bailiffs and inhabitants of Lancaster" who, it appears, were about to enclose a piece of land outside the town, upon which the tenants of an adjacent monastery had rights of common.⁵³ The receiver of the county palatine was ordered to examine the opposing

51. Lipson, Economic History of England, I, 163.

52. Ibid., I, 164.

53. Rolls of the Duchy of Lancaster, in Campbell, Materials for a History of Henry VII, II, 419.

claims. In the light of similar happenings elsewhere, especially in Coventry, it seems extremely doubtful that the "inhabitants" of Lancaster meant more than a few pushing businessmen. The bulk of town inhabitants would not be likely to endorse any enclosures, for enclosed land almost invariably benefitted the wealthy few.

Later in the same year the tenants of Sutton lordship seized some cattle from the "hundroth of Wysbecho" in a dispute concerning rights of common. Some of them were ordered to appear before Henry's councillors "at oure paleys of Westmynster,"⁵⁴ This followed hard upon the trespass "in hermyes with billes and bowes and othre wopyns of defense" which Thomas Besteney and others (allegedly two-hundred) committed against the townsmen of Iselham. Claiming rights of common, Besteney had impounded some cattle and destroyed some "turfes" (peat?) which the inhabitants of Iselham had cut from the waste land in dispute.⁵⁵ Again a summons was issued.

A curious case in the Court of Requests, *Lacy v. Sayvil* (1497) possibly illustrates the extreme violence indulged in when enclosure was involved.⁵⁶ The complainant alleged that "oon John Sayvil bastard, accompanied with certain indisposed personnes to the nombre of four score or thereabouts arrayed in maner of worre that is to say with bows arrowes bills swordes" (a pat phrase in which only the spelling varied) had taken seventy of his "oxen lyne horses and other catailles" and destroyed his fences and hedges. In cases such as this

54. *Ibid.*, II, 476-77.

55. *Ibid.*, II, 461-62.

56. Select Cases in the Court of Requests: A. D. 1497-1509
(I. S. Leadam, ed., London, 1898), pp. 1-3.

there is always the suspicion that, as in similar cases in the court of Star Chamber, what appears to be one thing might very well be another. Superficially this case seems to hinge upon resentment at enclosure; but the fact that the defendant had the support of a lord might imply that the circumstances involved oppression and self-help by a local magnate.

In many of these cases the facts are obscure, and the essential conflict escapes us, but one perfect illustration of the urban interest in the enclosure movement has been almost fully recorded. Coventry was the scene of a notable struggle in this period, both before and after Henry's reign. The dispute concerned the ultimate disposition of the town commons. The wealthier masters and merchants for the most part were aligned with the town officials against the rank and file of commoners. The central figure was a man named Laurence Saunders. The son of a former Mayor, and himself a Dyer by trade, Saunders was a city chamberlain. Unlike his fellow officials, though, he displayed an inordinate sympathy towards the bullied town populace.

In May 1480, he refused to disburse funds to workmen hired by the city to quarry stone which was to be used as material for a wall that the Mayor and Council intended to construct about part of the commons.

For this refusal to act Saunders, and another, were jailed⁵⁷ and fined £ 10 apiece, of which £ 6 were eventually remitted. Saunders appealed, in September to Prince Edward, son of the

57. Coventry Lost Book, p. 450.

King Edward IV, (or rather, appealed to the Crown in his name since the Prince was an infant) who ordered an investigation. The city demurred, upon the grounds that there was no cause for such action since Saunders represented no-one but himself. Saunders was, they continued, a rebel, and they sought permission to punish him for radical activity. Furthermore they claimed that in the event the Prince did still wish to hold a hearing they would be unable to attend since the court-leet was in session and the recorder couldn't take any records out of town at that time.⁵⁸

The Prince persisted in his desires and obligingly set the date ahead to October 20 prior to which time Saunders' accomplice, William Hede, was persuaded to repudiate his former mate and actions.⁵⁹ At Ludlow, where the hearing took place, Saunders charged that some citizens of Coventry, among whom were the city-Recorder, and Prior Thomas Deram, of the local abbey, had taken half the town common and overgrazed it with sheep. When Saunders and Hede, as Chamberlains, had impounded the sheep, the Mayor had immediately issued writs of replevin (in this case, writs authorizing the release of the stock) and refused to fine the offenders.⁶⁰

If Saunders had expected justice he was quickly disillusioned for the Prince recommended that he be punished as one who sought revenge, not reform. He was again jailed, fined the costs of the trip to Ludlow (£ 15) and forced to enter upon a

58. Ibid., pp. 432-34.

59. Ibid., p. 434.

60. Ibid., pp. 436-40.

recognizance for £ 500 until the next general sessions.

At this point the issue, which had until then been rather simple, was clouded by various allegations of the Prior, Thomas Deram. Deram claimed that by an earlier agreement he enjoyed ownership in severalty over a portion of the waste. The town, it appeared, never owned its commons, but had always had an interest in them. The Prior, having purchased the claims of the previous owner, Queen Isabella, now used the Statute of Merton (evidently) to prove that he as owner of the soil could graze as much stock as he pleased.⁶²

The town answered that any action such as he proposed would, in effect, deprive them of their rights in the common; they did admit that the common had never been stinted (i. e., an agreement concerning the number of animals a man might graze on the common had never been determined), but pleaded with the Prior to observe customary procedure.⁶³

For two years the enclosures were not mentioned in the Leet Book, and then in 1482 Saunders again complained of the several holdings on the town commons. The town officials had been leasing portions of the waste to men who were willing to pay handsomely for the right to enclose. When Saunders threatened to disclose the town records to the public he was imprisoned for the third time, released under bond of £ 200, and warned⁶⁴ that another time his actions might be fatal. Despite the

61. Ibid., p. 441.

62. Ibid., p. 445.

63. Ibid., p. 447.

64. Ibid., pp. 510-13.

warning he continued to act as the people's champion, for which, in 1484, he was again brought before the court leet and placed under bond.⁶⁵

This last recognizance achieved the desired effect for not until 1495 did he again venture to voice disapproval, at which time he was removed from the council and forbidden to ride on Lammas Day.⁶⁶ Notwithstanding the decree he participated in the ride and evidently instigated a disturbance. This time Saunders anticipated the council's actions and appealed to Henry VII. Richard Empson, Henry's "Master Recorder" as he is called in the Leet Book, was persuaded to intervene on behalf of the town officials for the reasons given in the time of Edward IV. Saunders was castigated as a lone troublemaker to the detriment of the citizens of Coventry, and the matter ended momentarily.⁶⁷

Immediately, and with commendable courage if not prudence, Saunders petitioned for the right to read an accusation before the citizens, stating that lands investigated in 1480 still were not returned to the people. He was refused by the council and imprisoned, but somehow got word to Thomas Savago, Bishop of Rochester, who brought the matter before the King's Council.⁶⁸ Before action was taken by the Crown disturbances occurred in Coventry; these were attributed to Saunders' partisans, the townspeople. Some verses which were surreptitiously posted on

65. Ibid., pp. 556-57.

66. Above,

67. Coventry Leet Book, pp. 574-75.

68. Ibid., p. 577.

the church door have been entered in the records of the Leet Book. One contained a couplet which accurately expressed popular resentment towards the oligarchs:

"The best of you all little worth should be
and you had not help of the commonalty." 69

This behavior was quite rightly interpreted by the Council and Mayor as a threat to their control, and the question immediately came before the court of Star Chamber. Saunders was removed from Coventry and after an eleven day hearing was committed to the Fleet, a London prison, until a determination was reached. 70 Here our records fail us. The sentence was never entered in the Leet Book and all the Star Chamber decisions have been lost. 71 All we can do is guess at the means of disposition, for his name was never again mentioned.

The history of this unfortunate reformer's downfall has been followed in such detail only because it is a clear and thoroughly recorded example of a struggle which convulsed many English towns. 72 At Northampton, Southampton, and Norwich overgrazing the commons caused legislation. 73 In Bristol and London the citizens throw down the hedges and filled in the ditches which enclosed their commons, but it is only fair to add that in London the commons were valued as recreational and not grazing lands in the Sixteenth Century. 74 Coventry had

69. Ibid., p. 578 (my spelling).

70. Ibid., pp. 579-80.

71. Above,

72. An account of a later struggle at Stratford, interesting because the officials jealously protected the town commons and because Shakespeare was involved in it, is given in Prothero, English Farming Past and Present, p. 83.

73. Lipson, Economic History of England, I, 184.

74. Ibid., I, 185; Stow, Survey of London, II, 77.

had trouble over the commons in earlier years and it was to have still more, for after "Ill-Lammas Day" in 1523 the further lease of commons was forbidden and those outstanding were supposed to be terminated, for fear of more rioting.⁷⁵

Popular resentment had little effect on the course of events, though, and except in those rare instances when the active citizens, the officials, were averse to alienating the town commons, enclosing was not checked.

All of Henry's leases upon condition of enclosure were made prior to the statute of 1489, yet while he leased no more lands with those particular conditions attached after the Statute was passed he did grant a few later exemptions to men who held of him. This is insufficient evidence to support the conclusion that Henry purposely subverted his third parliament's intentions. It does, however, make his actions somewhat suspect.

Certainly in the disputes between town and town, or officials and inhabitants, Henry did not appear to intervene on behalf of the defrauded possessors of rights of common. The impression indeed is much the other way around in Coventry, at any rate, for Saunders disappeared (the act pro camera stellata, 3 Hen. VII c.1, did not empower that court to take life and limb but it was perhaps uncertain what the council could do, despite the common law courts). Lipson seems to think that the courts of Star Chamber and Requests (court of poor men's causes) only protected the ancient rights of tenants and made no effort to secure them contemporary protection, as for instance might

75. Coventry Lect Book, pp. 349-50.

76. 1512., p. 332.

have been done had copyholders been awarded clearly in defeasible titles.⁷⁷ As was previously shown most tenants were copyholders, and many of them could not prove their claims, so protection was⁷⁸ hard to come by in the courts of Henry VII.

This problem is probably the most difficult of all that Henry's reign presents. There is simply not enough proof for a definite conclusion. Bacon spoke approvingly of Henry's enclosure statute:

In remedying of this inconvenience the King's wisdom was admirable, and the parliament's at that time. Enclosures they would not forbid, for that had been to forbid the improvement of the patrimony of the kingdom; nor tillage they would not compel, for that was to strive with nature and utility; but they took a course to take away depopulating enclosures and depopulating pasturage, and yet not by that name, or by any imperious express prohibition, but by consequence. 79

Yet even he felt obliged, for this one time, to maintain silence over Henry's attitude, or the consequences of the provision against enclosures. One thing seems certain and that is that the gentlemen who wished to enclose were not at all deterred by Henry's statute. This might be considered an overstatement until one remembers that the real condemnatory literature was produced only in later reigns. The darkest years were those in the middle of the Sixteenth Century. At any rate, in the present state of knowledge all one can do is draw some inferences from what little of Henry's behavior has been recorded. The very absence of evidence leads one to think that either Henry allowed the enclosure act to be entombed in the statute rolls, or that the

77. Lipson, Economic History of England, I, 138.

78. Above, p. 37.

79. Bacon, Henry The Seventh, p. 359.

machinery for enforcement worked so poorly that Henry's attention was never got. If a tenant was unable to gain a hearing, or if a justice of the peace was interested in enclosing some lands, himself, then obviously no records would exist.⁸⁰ If a cause was never tried then it follows that Henry's pardon need never have been extended and so the Patent Rolls would be devoid of references.

Henry apparently was committed to a program of agrarian change and expansion much as he fostered trade, exploration, the increase of central at the expense of local government, and the development of industry which was free from guild restraints. But while his other programs all met with popular approval, or perhaps were a result of popular demand, only the middle class advocated enclosures. In this respect then, Henry, as the protector, was forced to tread lightly. The enclosure act of 1489 may be regarded as one of the few statutes of his reign which he did not frame or heartily endorse. If his hand was in it at all it was to mitigate its severity.

80. e. g., the Mayor of Coventry was a justice of the peace.
Leet Book, p. 524.

CONCLUSION

Fear and anxiety are poor states for the immature mind. Henry Tudor, a posthumous child who had risen from attainder and exile to the English throne, had never known normalcy. He was marked by his grave demeanour even in his first regnal year, at which time he was only twenty-eight. Habitual suspicion and aloofness, defences raised to preserve his life, never left him; though he had a great reputation for courtly behavior, his infrequent moods of jollity were hardly spontaneous. We are told by one contemporary that Henry found real pleasure in solitary computations at his Exchequer. Henry without doubt made a poor adventurer; that he succeeded in an alien role is all to his credit.

The task proved too much for him and he died in April 1509, in his fifty-second year. The news was circulated rapidly. A Venetian dispatch dismissed the new king's father in this manner: "The King his father was called Henry, —years of age; was a very great miser, but a man of vast ability, and had accumulated so much gold that he is supposed to have ¹ [had] more than well nigh all the other Kings of Christendom." Immediately prior to his death he had, as Bishop Fisher put it in the funeral oration, promised "a true reformacyon of al them that were offycers & mynysters of his lawes to the extent that Iustyce from hens forward² truly and indyfferently myght be executed in all causes." On Henry's death-bed justice might be invoked with

1. Calendar of State Papers—Venetian, I, 346.

2. The English Works of John Fisher, Bishop of Rochester (John E. Mayor, ed., London, 1935), p. 271.

some degree of certainty, but prior to 1485 the concept had very nearly been swallowed up by the insatiate and factious gentlemen of the countryside. Like so many other conditions of the time lawlessness might have subsided of its own accord. I say might for unregeneracy is a self-satisfied state. But riot and rapine had subsided and order took their stead. It would be idle to speculate upon their course had Henry never intervened. He did and England was markedly different as a result.

If Henry's greatest achievement was order his next greatest was direction. It might be argued that legislation follows demand; even granting this by no means perfect premise it does not follow that legislation is innocuous. An air of legality, a touch of approval, does wondrous things to hesitant innovation. The English woolen industry might very well have expanded without Henry but certainly not in a comparable period of years. Bishop Stubbs once wrote that the treaties, negotiations and plans of Henry's reign are inexpressibly humdrum.³ This is only because we are accustomed to similar transactions; had we lived when Mediterranean trade was a mortal gamble, when Cabot set sail from Bristol, or when international perfidy was a relatively unsubtle business, we might well have felt awe for Henry's capabilities. The first user of an expression can hardly be accused of plagiarism; neither can Henry be called dull because our senses have been blunted by the profusion of modern business dispatches.

Henry's reign can be divided into two parts, one in each of

3. Stubbs, William Bishop, Seventeen Lectures on the Study of Medieval and Modern History (Oxford, 1886), p. 335.

the centuries he spans. Of the two segments the earlier is more important for our purposes since it contained six of his seven parliaments, most of his trade arrangements, and nearly all of his troubles. If the records of his later years are not so interesting it is not because nothing of interest occurred, but rather because the years 1500-1509 were in large part devoted to that for which the earlier years had been preparation. It is sad to relate that Henry was ill in his only quiet period of life.

In the last years of the Fifteenth Century Henry secured privileges for his merchants in areas as far removed as Iceland and Candia; he encouraged the expansion of English shipping facilities and of an able force of seamen; he found England in dissension, discounted by the powers of Europe, and left it in the first rank, a nation to be courted by Popes and Princes.

Similarly he stimulated the woolen trade, and by limiting the Merchant Adventurers' fees opened the business to many more traders. He helped, but not to a financially embarrassing degree, the ailing wool and woollens industry, and he aided all English merchants at the expense of Venice and the Hanse.

Internally Henry's rule was both rigorous and relaxed: rigorous in that central authority probed the farthest corners of the island; relaxed because a policy of greater economic freedom was simultaneously instituted. If his twenty-four years as king bore heavily on the nobles, it was otherwise with the middle, and to a lesser extent the lower classes. The great lords were seriously weakened, and their powers as such were quite limited, save in a royal capacity; at the same time,

however, their lands were beginning to find ready purchasers, men who hoped to find in farming what they had already found in commercial London—profit. There is little doubt that the transference of land and the shift in techniques of production worked hardship upon many Englishmen. Whether this is called technological displacement (some modern economists dispute the legitimacy of the term) or not, the harsh facts behind the Utopia cannot be ignored. Neither can the ultimate gains brought by enclosing be disregarded. Henry's actions seem to indicate that he saw the importance of the trend.

Henry, or someone close to him, saw quite clearly that England's staple commodity was far more valuable in a manufactured state. He encouraged the cloth industry both by legislation and commercial treaties; and what he lost in customs on wool at Calais he regained in cloth assessments at English ports. Sir William Blackstone's belief that all Henry's laws were designed to augment his exchequer,⁴ can be dismissed on two counts. To invalidate a universal but one exception need be shown. Few acts were passed in Henry's reign; the total output of his twenty-four years would not satisfy the imagined requirements of a single session in any modern congress, but from a host of acts which did not benefit Henry personally, 4 Hen. VII c. 4. may be adduced. This statute provided that lands held of the Crown might be alienated by those tenants engaged in military service, without payment of feudal fines,

4. Blackstone, Sir William, Commentaries on the Laws of England (2 vols., Thomas M. Cooley, ed., Chicago, 1884), II, 428-29.

and if anything, decreased the Royal income, at the same time that it reinforced the tenuous bonds of loyalty. Again, Blackstone's commentary is pointless, if by it he meant that all Henry's legislation benefitted the public, and indirectly the Crown. Granted that it was so it would be equally true of any other ruler under the given conditions and so needed no mention. Under these circumstances his statement appears to be a left-handed compliment on Henry's sagacity.

In this respect Blackstone's opinion merits consideration for if Henry's wealth multiplied so did that of his subjects. No matter how erroneous the mercantilist system, or lack of it, appears today, it is hard to conceive of an alternative for the times or to dismiss its historical success. Protective tariffs and prohibited imports are recognized now as damaging concessions to certain interests at the expense of the populace, but we have not, for these reasons, repudiated the system.

To conclude, Henry's rule should be remembered not because it made the later Tudor despotism possible, but because it came in a period when a strong and conscious director was needed to hurry England across the confusing space which separated the feudal from the capitalist system.

BIBLIOGRAPHICAL NOTE

Perhaps the most useful, yet misleading, fiction employed by the historian is the topical division, i. e., the separate handling of social, economic, political, constitutional, and many more topics within a single period. So long as writer and reader both recognize the device for what it is—an arbitrary process of isolation—no harm is done. But when one begins to think in terms of these rigid lines drawn through the mass of history, and fails to bear in mind that a single event, rightly considered, impinges upon countless others, then a measure of unreality prevails. In the following admittedly arbitrary note I have broken up my bibliography in the manner most pertinent to my paper.

England at the beginning of the Sixteenth Century had no William Harrison to write its panegyric, but it has left us less presumptuous and more trustworthy materials in the form of letters, court records, parliamentary records, and statutes. These, coupled with several legal treatises, diplomatic records, and one legitimate description of the realm represent the most important of the relevant materials.

Like any group of documents they must be approached cautiously, with suspended judgment, and as few as possible preconceptions. In particular judicial and legislative records, decisions and dicta, statutes and proclamations, need to be taken at somewhat less than face value, for the enforcement machinery at the disposal of any government in 1500 seems alternately ponderous or puny when judged by our standards. The parliament of January 1409 which granted Henry VII a sum to be levied upon both por-

sonalty and reality was in many ways removed from our modern conception of that body: apart from its subservience to the king it could not guarantee what it gave, for by mid-summer, the commonalty of the realm had delivered up only £ 27,000 of the assigned £ 75,000. The case is the same with conciliar proclamations: despite thematic recurrence, or rather because of it, we can be sure that proscribed evils did not disappear at the behest of the King in Council. With the common law courts too an enunciation of a rule of law did not necessarily make for future observance or render self-help obsolete. This is not to say that the materials are useless, for they are indeed invaluable, and when conjoined with letters and other personal documents provide that which, when seasoned with imagination, becomes history.

Materials from this period of English history have, almost without exception, two characteristics, at least one of which should recommend them to students, namely, a certain freedom from orthodoxy in syntax and spelling, and a marvellously long-winded delivery. As in every other area of the discipline the most unlikely places frequently contain the greatest treasures: certainly the reading is varied.

I. BIBLIOGRAPHIES

The two great compilations of primary and secondary titles which I have used in this paper are those of Gross and Read. Charles Gross, Sources and Literature of English History from the Earliest Times to about 1485 (revised ed., N. Y., 1951) has the most complete bibliography of English medieval materials, though many entries have been made by later editors. Conyers

Read, ed., Bibliography of British History: Tudor Period, 1485-1603 (Oxford, 1933) has included, and criticized all, or nearly all, of the available materials dealing with the first Tudor. The C. M. Dutcher and others, Guide to Historical Literature (N. Y., 1931) is also of great value. The Cambridge Modern History (14 vols., N. Y., 1902-12), planned by Lord Acton, also has a large bibliography.

II. PRIMARY SOURCES

A. Legal and Constitutional

The two basic sources of information in this, and indeed in a far larger, field are The Rolls of Parliament or Rotuli Parliamentorum; ut et petitiones et placita in parlamento: 1278-1503 (6 vols., n. p., n. d.), and The Statutes of the Realm (11 vols., Luchers, A., Tomlins, T. E., Raithby, J., and others, London, 1816). The material which can be got from these two sources is nearly inexhaustible. I dare say a superficial knowledge of the period inevitably results when they are neglected. The edition of the Rolls of Parliament ends in 1503 (see Read's Bibliography, p. 69); but it contains appendices, of decreasing importance to 1553.

Two extremely useful collections of judicial materials are Select Cases in the Star Chamber: 1477-1509 (Selden Society, ed., I. S. Leadam, London, 1903, vol. 16), and Yorkshire Star Chamber Proceedings (Yorkshire Archeological Society, ed., William Brown, 1909). They illustrate the efficacy of Henry's rule far better than any statutes or proclamations. The first of these books has a thoughtful valuable introduction by I. S. Leadam. Leadam also has edited Select Cases in the Court of Requests:

A. D. 1497-1500 (London, 1899). The volume is more important for later reigns.

The single best collection of documents in this sphere is J. R. Tanner, Tudor Constitutional Documents, A. D. 1485-1603: With an Historical Commentary (Cambridge, 1930). Tanner's introduction is especially noteworthy, and beyond the freshness of his material, his organizational capacity is quite obvious.

Two writers of ability, one shortly before Henry's advent, the other a year after, have left us three books from which much of importance can be derived. Sir John Fortescue, De Laudibus Legum Angliae (notes by John Seldon, London, 1616), and The Governance of England: Otherwise Called the Difference between an Absolute and a Limited Monarchy (ed., C. Plummer, Oxford, 1895), are two books which cannot be ignored. The first is a small work in comparative legal systems, incidentally replete with much extraneous material. The other in an almost miraculous manner antedated the Tudor political techniques. Like Machiavelli Fortescue advised a Prince; the book is copiously annotated by Mr. Plummer. The other man, Edmund Dudley, wrote his treatise while in the Tower before his execution in August 1510. The Tree of Commonwealth (Rosicrucians, Manchester, 1859) sets forth Dudley's conception of the King and his relation to the state. The book is often quoted, infrequently read, and scarce. The only edition, that of 1859, was extremely limited; the Library of Congress, which has one of the three copies in this country, provided me with a microfilm of the volume.

B. Social and Economic

The basic description of England in Henry's time came from the pen of an anonymous Italian probably connected with a Venetian embassy to England: A Relation...of the Island of England about the Year 1500, with particulars of the customs of those people and of the royal revenues under...Henry VII (Gardner Society, C. A. Sneyd, trans., London, 1847). Some accurate insight can also be gained from a study of F. J. Furnivall, ed., Manners and Meals in Olden Time (Early English Text Society, XXXII, London, 1862), a collection of Emily Postian writings from the Fifteenth and Sixteenth Centuries. Similarly the language difficulties in an age of transition are set forth by William Caxton, the printer, in his prologue to Exorde (1490), which is contained in W. J. B. Crotch, The Prologues and Epilogues of William Caxton (London, 1922).

The Paston Letters: A. D. 1422-1509 (ed., James Cairdner, 6 vols., London, 1904) contain a wealth of information on every phase of English life, as to a lesser degree do The Epistles of Erasmus: From his Earliest Letters to his Fifty-first Year (ed., and trans., Francis Morgan Nichols, London, 1901). John Stow, The Survey of London (C. L. Kingsford, ed., 2 vols., Oxford, 1908), The Utopia of Sir Thomas More: In Latin from the Edition of March 1518, and in English from the First Edition of Ralph Robynson's Translation in 1551, with Additional Translations, Introduction and Notes (J. H. Lupton, ed., Oxford, 1895) both contain valuable material. Stow is especially good for biographical material, and an inverted reading of More's master-

piece gives an exaggerated but certainly not fabricated picture of Sixteenth Century England. The Coventry Leet Book: Or Mayor's Register containing the Records of the City Court Leet or View of Frankpledge, A. D. 1420-1555, with Divers other Matters (Mary Dormer Harris, ed., London, 1907-13) is one of the most important of all source materials. Nearly all the growth and turmoil of Henry's reign is reflected in this book. The English Works of John Fisher, Bishop of Rochester (John E. B. Mayor, ed., London, 1935) and Sermons by Hugh Latimer: Sometime Bishop of Worcester (Everyman ed., London, 1926) have incidental social value. The latter is not absolutely trustworthy while the former dealt more with Henry's personal traits than with the realm at large.

English Gilds: The Original Ordinances of More than One Hundred English Gilds...and a Preliminary Essay in Five Parts on the History and Development of Gilds by Lujo Brentano (Toulmin Smith, ed., E. E. T. S., London, 1870) is most important as a collection of original materials. The essay by Brentano, a Nineteenth Century socialist, is of doubtful worth, especially since its factual references have been undermined by later writers. The ordinances proper have not been tainted by these dubious preconceptions, however.

English Economic History: Select Documents (A. E. Bland, P. A. Brown, R. H. Tawney, eds., London, 1921) is a good collection of materials, but it contains few sources from the reign of Henry VII. All spelling has been modernized by the editors. The best collection of economic and social materials for this period is Tudor Economic Documents: Being Select Documents Illustrating

the Economic and Social History of Tudor England (R. H. Tawney and Eileen Power, eds., London, 1924). C. H. Williams, England under the Early Tudors (1485-1520): Illustrated from Contemporary Sources (London, 1925) contains materials illustrative of all aspects of the period. It is good but regrettably covers well-worn ground. Its real function is to support college texts. Another work, Edward P. Cheyney, Readings in English History Drawn from the Original Sources (Boston, 1922) is much the same. Both works are useful as introductory readings.

The Calendar of Inquisitions Post Mortem, Henry VII (2 vols., London, 1898-1915) contains many useful references to feudal holdings, and refers to many well known contemporaries extensively. The Calendar of Patent Rolls, Henry VII (2 vols., London, 1914-16) is an indispensable source for every aspect of Tudor life, but the index is extremely untrustworthy and inadequate. The Calendar of Charter Rolls: Volume VI, 5 Henry VI-8 Henry VIII, A. D. 1427-1516 (London, 1927) is principally useful for the proof it offers of feudal tenacity, but should not be overlooked.

Other works which contain records of surviving feudalism are A Manor Book of Ottery Saint Mary (Catherine Durning Whetham, and Margaret Whetham, eds., London, 1913) and Ruston, Arthur G., and Witney, Denis, Eccoton Pagnoll: The Agricultural Evolution of a Yorkshire Village (N. Y., 1934). Both are local histories, and the first is more nearly an antiquarian's work, but they contain worthwhile records. The Life and Work of the People of England; A Pictorial Record from Contemporary Sources:

Fifteenth and Sixteenth Centuries (Dorothy Hartley and Margaret M. Elliot, eds., 2 vols., London, 1936), gives a contemporary flavor from actual drawings and portraits.

Three foreign sources are extremely important for a detailed study of Henry's reign. The Calendar of Letters, Despatches, and State Papers Relating to the Negotiations between England and Spain (G. A. Bergenroth, ed., London, 1832), Calendar of State Papers and Manuscripts Relating to English Affairs: Existing in the Archives and Collections of Venice and in other Libraries of Northern Europe (Rawdon Brown, ed., London, 1864) and Calendar of State Papers, Milan, 1585-1618 (A. B. Hinds, ed., London, 1912) all contain much general information but are especially valuable, of course, for diplomatic and economic conditions. The last collection is a duplication of the Venetian documents for the most part, and is slight for Henry's reign. One of the best collections of documents pertaining to Henry VII is William Campbell, Materials for a History of the reign of Henry VII (2 vols., Rolls series, London, 1873).

C. General Political

Sir Thomas More, The History of King Richard the Third (J. R. Lumby, ed., Cambridge, 1887) contains some useful material for Henry's early life. It is, as might be expected under Tudor kings, extremely anti-Yorkist in sentiment. Two chronicles of a later date are Richard Grafton, A Chronicle at Large (Henry Ellis, ed., London, 1809) and Edward Hall, Chronicle: Containing the History of England During the Reign of Henry the Fourth and

the Succeeding Monarchs to the End of the Reign of Henry the Eighth (London, 1809). Both of them have bare, factual outlines but make no effort to analyze events except from the earnestly pro-Tudor position of most Sixteenth Century writers. James Gairdner, Henry's biographer, has edited for the Rolls series two collections. Letters and Papers Illustrative of the Reigns of Richard III and Henry VII (2 vols., Rolls series, London, 1861-63) and Memorials of King Henry the Seventh (Rolls series, London, 1858) are most important for political history; the latter work contains the works of Henry's poet and historian, Bernard Andreas.

The earliest, though rather empty, biography of Henry is by Bernard Andre, or Andreas, De Vita Atque Gestis Henrici Septimi, and Annales Henrici Septimi. The two works by the blind court-poet have value but they must be checked or supplemented with fuller narratives. Their chief importance is for the diplomatic or political historian. Both are found in Gairdner, Memorials of King Henry the Seventh.

The most famous, and still extremely valuable, biography of Henry VII is by Francis Bacon, The History of the Reign of King Henry the Seventh in The Moral and Historical Works of Lord Bacon (Joseph Devey, ed., London, 1852). Bacon was not a contemporary; and his opinions, despite the impeccable manner in which they were uttered and the indubitable genius with which they were formed, are not inviolate. His study is a basic writing because of its undoubted influence on later historians.

III. SECONDARY SOURCES

A. Legal and Constitutional

The monumental work in this area, with corresponding importance for social and economic matters as well, is W. S. Holdsworth, A History of English Law (12 vols., London, 1938). T. P. Taswell-Langmead has a text which is of some value as an introductory study, English Constitutional History: From the Teutonic Conquest to the Present Time (London, 1946). The single best study of Henry's reign in this field is Kenneth Pickthorn, Early Tudor Government: Henry VII (Cambridge, 1949).

B. Social and Economic

The basic work is the vast compilation by H. D. Traill and J. S. Mann, eds., Social England: A Record of the Progress of the People (6 vols., London, 1901-04). Not much interpretation is made, but the volumes, especially volume II, are replete with factual information. A popular, but fairly reliable, volume which conveys the spirit of the times is J. E. Morpurgo, ed., Life Under the Tudors (London, 1950). It is not footnoted, but contains basic bibliographies for each aspect of the subject. The best scholarly work is that of Ephraim Lipson, An Introduction to the Economic History of England (vol. I, London, 1926). This may be coupled with G. M. Trevelyan, English Social History (London, 1942). Trevelyan's work is distinctive and well-written, but beset with the same bias displayed by his ancestor Macaulay.

A notable book which however needs considerable extension in argument and a thorough revision of citations is Lewis

Einstein, Tudor Ideals (N. Y., 1921). Einstein attempted to trace the intellectual cross currents of the Tudor period; one gets the feeling that he took his subject too lightly.

Mrs. J. R. Green, Town Life in the Fifteenth Century (2 vols., N. Y., 1894) has possibly more value for the next century. It is well written but certain of her conclusions are suspect. The chief criticism which has been leveled against her, that the books are too diffuse, is not just. Fifteenth century materials are notoriously scarce and I can see no other way to examine the age than by analogy with previous and subsequent periods.

Charles Cross, The Guild Merchant: A Contribution to British Municipal History (2 vols., Oxford, 1890) is a land-mark study of its subject. Some of his findings are out-dated (notably by Lipson) but it represents amazing industry and a thorough knowledge of the then available materials.

L. F. Salzman, English Trade in the Middle Ages (Oxford, 1931) has produced a small, scholarly work which unfortunately fails to carry through to certain conclusions. The book presents a fairly well-balanced narrative of commercial expansion. Like Mrs. Green's and Charles Cross's, Salzman's work should be checked against E. Lipson's.

There is a great amount of agrarian literature of a secondary nature. The best summary of the Sixteenth Century transition is R. H. Tawney, The Agrarian Problem in the Sixteenth Century (London, 1912). Rowland E. Prothero (Lord Emsley), English Farming Past and Present (London, 1927), has an excellent

history of English agriculture. His personal experience in the field counts in the book's favor also. W. H. R. Curtler, The Enclosure and Redistribution of Our Land (Oxford, 1920), has presented the customary evidence but has, I think, made no contributions to the field. His glib conclusions as to social upheaval throughout the period betray an immature judgment.

W. Hasbach, A History of the English Agricultural Labourer (trans., Ruth Kenyon, London, 1920), presents a colorful, if socialistically predisposed, account of the period. He is sounder the farther he strays from modern times. Harriett Bradley, The Enclosures in England: An Economic Reconstruction (N. Y., 1913), has developed an interesting theory—the collapse of soil fertility—to account for the enclosure movement. Her evidence is not exhaustive enough for final conclusions, but the book merits attention. Mildred Campbell, The English Yeoman under Elizabeth and the Early Stuarts (New Haven, 1942), while primarily concerned with later developments gives a good outline of land tenure throughout the Sixteenth Century. Not very technical but a good introduction to the subject.

C. General Political

The standard biography of Henry VII is James Cairdner, Henry the Seventh (London, 1889). A modest book, it accurately delineates the political actions of the reign. The Cambridge Modern History, vol. I, also has a good account of the important internal and external events from 1425 to 1509. William, Bishop Stubbs, Seventeen Lectures on the Study of Medieval and Modern

History (Oxford, 1886) has presented two interesting essays on Henry VII and his general position in the Europe of his day. They are by no means exhaustive but suffice to introduce both Henry and the great Nineteenth Century constitutional historian.

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