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Labour Litigation in the Court of Common Pleas in the Fourteenth Century

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ABSTRACT

In the second half of the fourteenth century, English labour legislation gave rise to a mass of litigation in the court of Common Pleas. This paper draws on a database of nearly 2000 pleas enrolled in Hilary term every five years, with cross-reference to a further 800 pleas enrolled in other legal terms, to shed fresh light on the labour market and economy during a pivotal period in the nation's history. It analyses the nature of pleas and counter-pleas; provides an estimate of the total number of pleas and suggests reasons for a decline in numbers after 1380; examines the start date and term of service contracts; identifies the status or occupation of claimants and defendants; and assesses the mobility of labour in the countryside and towns. The paper considers the extent to which such legislation contributed to provoking the Peasants' Revolt of 1381 and the impact of the Revolt on subsequent labour litigation.

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Agriculture; contract; economy; industry; labour; mobility; occupation; revolt

The Black Death struck England in 1348–49 with both immediate and longer-term impacts. The first wave cut down as many as half of those then alive and, thereafter, repeated pandemics kept the population depressed for nearly two centuries. This demographic collapse shifted the balance of power between employers and hired workers who found themselves in a stronger position to secure better jobs and demand higher wages. It has been estimated that by c. 1400 nearly half of the working population relied to some degree on paid employment and, of these, nearly 40 per cent were engaged on longer-term contracts.[1] As Bailey has demonstrated, villeinage went into rapid decline, and

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[1] Christopher Dyer, *An Age of Transition? Economy and Society in England in the Later Middle Ages* (Oxford University Press, 2015), 218–20; Mark Bailey, *After the Black Death: Economy, Society and the Law in Fourteenth-Century England* (Oxford University Press, 2021), 295.

Abbreviations

AALT	Anglo-American Legal Tradition, University of Houston O'Quinn Law Library (http://aalt.law.uh.edu/IndexPri.html)
PROME	Christopher Given-Wilson, Paul Brand, Anne Curry, Rosemary Horrox, Geoffrey Martin, W. Mark Ormrod, and Seymour Phillips, eds., The Parliament Rolls of Medieval England, 1275–1504 (The National Archives, 2005)
TNA	The National Archives, Kew

labour legislation helped dissolve old distinctions between free and unfree peasantry.[2] The authorities responded to these changes almost immediately. In 1349, during the pandemic, a Great Council meeting in London introduced the Ordinance of Labourers and Servants and two years later Parliament enacted the Statute of Labourers.[3] The Ordinance reflected the government's perception that

> because a great part of the people, and especially of workmen and servants, late died of the pestilence, many seeing the necessity of masters, and great scarcity of servants, will not serve unless they may receive excessive wages, and some rather willing to beg in idleness, than by labour to get their living.[4]

Legislation set out to control wages by capping them at rates that had prevailed in 1347 and preceding years; to require workers to serve in summer in the same place as they had served in winter; to bind labourers to fixed term contracts (the contract clause); and to impose compulsory service on all able-bodied men and women, whether free or unfree, under sixty without a trade or sufficient land to support themselves. It had initially been intended that these new laws should be enforced through local courts, and, as we shall see, some such courts continued to claim jurisdiction, particularly in towns. Nevertheless, such was the growing power of the English state that agencies of central government quickly took the lead. In practice, presentments for wage control fell under the jurisdiction of justices of labourers and, from 1362, of justices of the peace. As contract disputes often involved points of law, these were generally left to the royal court of Common Pleas, otherwise known as Common Bench, which determined disputes between private individuals, and, to a much lesser extent, to the court of King's Bench.[5] Exceptionally, justices of the peace might determine significant numbers of contract pleas, as they did at Lindsey, Lincolnshire in 1396.[6] Interesting cases from the royal courts were collected by contemporary jurists and entered in Year Books, some of which are cited herein.

This paper explores the types of labour plea enrolled in the court of Common Pleas and counter pleas, what we might call defences, thereto; the number of such labour pleas and the reasons why numbers fell after 1380; the start date and term of service contracts allegedly entered into and broken; the status or occupation of claimants and defendants; and how far workers travelled in search of work. In doing so, it shows the potential of these cases for addressing the structure and control of the labour market in the wake of the worst pandemic in recorded history. We begin, however, with consideration of earlier historical studies of the labour legislation and the role of Common Bench in enforcing it.

Year Books Boston University School of Law, 'Legal History: The Year Books' (https://www.bu.edu/phpbin/lawyearbooks/search.php)

[2] Mark Bailey, *The Decline of Serfdom in Late Medieval England: From Bondage to Freedom* (Boydell, 2014), 287–90.

[3] Alexander Luders et al., eds., *The Statutes of the Realm (1101–1713)*, 11 vols (London, 1810–28), 1: 307–9, 311–13. The Ordinance was explicitly given the force of statute in 1378: Luders, *Statutes of the Realm*, 2, 11.

[4] Luders, *Statutes of the Realm*, 1, 307.

[5] Bertha Putnam, *The Enforcement of the Statutes of Labourers during the First Decade after the Black Death, 1349-59* (Columbia University, 1908), 177; Jane Whittle, *The Development of Agrarian Capitalism: Land and Labour in Norfolk 1440–1580* (Oxford University Press, 2000), 294.

[6] Elisabeth Kimball, ed., *Some Sessions of the Peace in Lincolnshire 1381–1396* (The Hereford Times for the Lincoln Record Society, 1955), l.

Earlier Studies

Much ink has been spilled by historians writing about mid-fourteenth-century labour legislation. Many of them are referenced in this paper. Some, such as Bennett, have studied the compulsory service provisions, others, such as Dyer and Penn, the control of wages.[7] As the higher courts were, and accordingly this paper is, primarily concerned with the contract clause, there follows a brief survey of earlier work on the role of the court of Common Pleas in enforcing that particular provision.

First and foremost, Putnam devoted an entire chapter to the subject. She concluded that the upper courts played an important part, their enforcement was fairly uniform across the kingdom, they concentrated their attention on the contract clause, and they made a vigorous attempt to compel both employers and workers to obey the law. The contract clause was enforced very widely against artisans and other salaried occupations, well above the class of manual labourers, and the only successful challenges to jurisdiction were by apprentices and chaplains. Juries were overwhelmingly sympathetic to claimants, so verdicts were rarely given in favour of defendants.[8]

Steinfeld took a more theoretical approach with a longer-term perspective. He analysed how upper courts turned criminal offences into civil torts, then known as statutory trespasses, of departure from service and retention of an absconding worker. Such trespasses were treated as wrongs not only against the claimant employer but also against the king, so civil proceedings could run in tandem with criminal ones. He also examined the court's interpretation of the phrase in the Statute that required agricultural workers to serve 'by a whole year, or other usual terms, and not by the day', a formula that is examined again in this paper.[9]

Whittle recognised that, in the fifteenth century, 'prosecutions for broken contracts were the most persistent type of court case citing the labour laws' and were found in the court of Common Pleas into the sixteenth century. In her analysis of the nature of counter-pleas advanced in those cases by workers to justify departing service prematurely, she found, as in this study, that a straightforward denial of a service contract was most common.[10]

Eldridge considered the contract provision of the labour legislation in the context of evolving English contract law. Although breach of a labour contract was a statutory trespass, the courts sometimes treated it as one of covenant. Upper courts gave precedence to legislation over older rules of villeinage and were willing to interfere in the relationship between lord and serf. Having referred to many of the leading cases in the Year Books, she concluded that

[7] Judith M. Bennett, 'Compulsory Service in Late Medieval England', *Past and Present* 209 (2010): 7–51; Christopher Dyer with Simon A.C. Penn, 'Wages and Earnings in Late Medieval England: Evidence from the Enforcement of the Labour Laws', in *Everyday Life in Medieval England*, ed. Christopher Dyer (Continuum, 2000), 167–89.
[8] Putnam, *Enforcement of the Statutes of Labourers*, 166–214.
[9] Robert Steinfeld, *The Invention of Free Labor: The Employment Relation in English and American Law and Culture* (The University of North Carolina Press, 1991), 29–30.
[10] Jane Whittle, 'Attitudes to Wage Labour in English Legislation, 1349–1601', in *Labour Laws in Preindustrial England: The Coercion and Regulation of Wage Labour, c. 1350–1850*, ed. Jane Whittle and Thijs Lambrecht (Boydell, 2023), 33–54 (51–3).

> whilst the exceptional category of labour contracts seems to have a limited impact on contractual doctrine more generally – safely confined as it was to its precise categories – it is nonetheless an interesting moment in the history of the common law of contract.[11]

In his recent work on implementation of labour legislation, Bailey considered the role of various tribunals in enforcement, including the court of Common Pleas. He identified that the records of that court offered 'a very promising source for further research'.[12]

Notwithstanding all this excellent work, the plea rolls have been under-utilised in studying a pivotal period in English medieval history. In this paper, they are analysed in order to cast fresh light on a variety of major issues relating to the fourteenth-century English economy, particularly the control that employer classes sought to exercise over the lower orders.

Types of Plea and Counter-Plea

In its most basic form, a labour plea gave names of parties; sometimes their place of residence and status or occupation; and almost always the place at which workers had contracted to serve. Some earlier cases cited multiple defendant workers, in one 1365 instance 23, but over time this became increasingly uncommon.[13] A plea invariably referred to the Ordinance of Labourers as introduced by the king in council and stipulated that breach was in contempt of the king. The presence of this clause is a prerequisite for inclusion of a plea in this study. Very occasionally, a plea gave other details such as date and place of recruitment; date on which service began; term of service; date on which the worker departed; and details of any counter-plea, in other words defence, to the claim.

The types of labour plea found in those rolls are enumerated in Table 1. Nearly all 1,981 pleas were for breach of contract, that is, a worker departing before expiry of the term of service and/or a defendant employer retaining such a worker. Most of a tiny number of other cases related to compulsory employment. One plea in the Trinity 1362 roll alleged breach of a provision in the Statute that, with limited exceptions, workers should serve in summer in the same place as they had served in winter.[14] Employers enjoyed the benefit of a common law remedy, by way of action *per quod servitium amisit*, against those who deprived them of the service of their workers, but the statutory remedy was much stronger. Employers did not have to show that they had entered into a deed of covenant with their workers as, under labour legislation, a parol (verbal) contract sufficed. Nor did they have to plead abduction of their workers by force and arms, nor even enticement, but just retention by another employer. As we shall see, labour legislation did not impose absolute liability on defendant employers or workers, but available defences were limited.

[11] Lorren Eldridge, 'Centralisation of Labour Regulation in Response to the Black Death: The Statute of Labourers and Contract Law', in *Epidemics and the Law from Plague to the Present,* ed. Emily Gordon, Charles Mitchell and Ian Williams (Bloomsbury, forthcoming).
[12] Mark Bailey, 'The Implementation of National Labour Legislation in England after the Black Death, 1349–1400', *Economic History Review*, 2nd ser. 78 (2025): 529–52.
[13] TNA CP 40/419, m. 168r (AALT IMG 336).
[14] Luders, *Statutes of the Realm*, 1: 312; TNA CP 40/410, m. 188r (AALT IMG 367).

Table 1. Types of Plea.

Roll	No. of pleas	Total no. of contract pleas	No. of departure pleas	% of total	Total no. of retention pleas	% of total	No. of retention pleas which also cite worker	%	No. of other pleas	% of total
H1355	61	61	25	40.98	36	59.02	19	52.78	0	0.00
H1360	203	201	118	58.13	83	40.89	51	61.45	2	0.99
H1365	272	269	173	63.60	96	35.29	56	58.33	3	1.10
H1370	206	203	132	64.08	71	34.47	27	38.03	3	1.46
H1375	241	235	155	64.32	80	33.20	42	52.50	6	2.49
H1380	303	294	186	61.39	108	35.64	71	65.74	9	2.97
H1385	167	165	97	58.08	68	40.72	47	69.12	2	1.20
H1390	195	194	131	67.18	63	32.31	42	66.67	1	0.51
H1395	180	178	114	63.33	64	35.56	49	76.56	2	1.11
H1400	153	153	99	64.71	54	35.29	48	88.89	0	0
Total	1981	1953	1230	62.09	723	36.50	452	62.51	28	1.41

Notes: 'H' means Hilary term.

Nearly two-thirds of pleas cited workers only; the remainder cited defendant employers, and a majority of these also cited workers. In 1355, the proportion of pleas that cited defendant employers was nearly 60 per cent, but as the aggregate number of pleas grew, so this proportion diminished. Aggrieved claimants may have become more reluctant to sue those of a similar social class, or may have learned that such suits rarely produced much financial return. Cases hardly ever record recovery of significant compensation. When steps were taken to obtain security from defendant employers by distraining on their assets, the value of such assets was generally only a few shillings.

Both workers and defendant employers had potential defences to claims. Few enrolments give details of such defences, but those that do suggest some were particularly important. Workers most frequently argued that they had never entered into the contract as alleged or had already served to full term – arguments of fact that were unlikely to be accepted by juries.[15] Although the court of Common Pleas was based in Westminster, cases were tried by royal justices at county assizes manned by local jurors.[16] Such jurors were generally members of the minor gentry or town and village elites and, as such, were themselves employers who had recourse to labour legislation.[17] Furthermore, those who served in manorial offices, such as reeve, might be penalised by auditors if they failed to find workers to bring in the harvest or overpaid them for doing so.[18] Accordingly, it is likely that such groups wanted vigorous enforcement of the law.

Very occasionally, workers advanced other defences: that they had already been committed to another employer, had left service with permission, had not been paid, were minors, or had been threatened with violence or otherwise mistreated. In 1385 John Ongham, a London clerk, sought to rely on benefit of clergy to deny the jurisdiction of a common law court to determine the plea against him.[19] Laurence Dobull and John

[15] Putnam, *Enforcement of the Statutes of Labourers*, 213.
[16] Margaret Hastings, *The Court of Common Pleas in Fifteenth Century England* (Archon Books, 1971), 197–204.
[17] Lawrence Poos, 'The Social Context of Statute of Labourers Enforcement', *Law and History Review* 1, no. 1 (1983): 27–52 (36, 52); Nicholas R. Amor, *Keeping the Peace in Medieval Suffolk* (Suffolk Institute of Archaeology and History, 2021), 103, 112, 115.
[18] David L. Farmer, 'Prices and Wages', in *The Agrarian History of England and Wales 1348–1500,* ed. Edward Miller, 8 vols. (Cambridge University Press, 1991), 3: 431–525 (488).
[19] TNA CP 40/496, m. 438v (AALT IMG 1120).

Portour both claimed to be apprentices and so not subject to labour legislation.[20] Dobull contended that in 1395, when not yet ten years of age, he had been apprenticed to the weaver Thomas Mot. However, after just three months, he had left because Mot had treated him as a cleaner, had not taught him the craft of weaving, and had denied him food and drink.

Defendant employers contended that they had found workers wandering out of work, were unaware that they were contracted to anyone else and had, accordingly, taken them into their service. In *Clerc v Wodeway*, John Clerc alleged that he had engaged Thomas Wolf to serve from Michaelmas (29 September) 1379 for a year at Caldecote, Hertfordshire, as a ploughman. Wolf had absconded on 24 October and was later found in the service of Walter Wodeway. Wodeway was constable of Caldecote and, as such, had been approached by William Templere who told him that Wolf was out of work but offering his services as a ploughman. Wodeway had then hired Wolf to ensure that he was gainfully employed.[21] We are not told the outcome of the case, but, at a time when vagrancy was becoming a matter of social concern, Wodeway's defence may have succeeded.[22]

We rarely learn whether defences were successful, but *Rysteby v Dytton* is an exception.[23] On 4 January 1367 William Rysteby had engaged William Calt, John Devenyssh and John Gaude to serve him for a year from the following Michaelmas as ploughmen at Abbots Ripton in Huntingdonshire. On 11 October 1367, they left his service and were later found working in Framlingham, Suffolk, for the local parson John Dytton. Rysteby alleged that Dytton had travelled to Abbots Ripton to entice the three of them away, while Dytton protested his innocence by saying that he had found them sheltering in his chantry. The court was unconvinced by this story and found in favour of Rysteby. In order to secure his release from the Fleet gaol, Dytton had to pay Rysteby compensation of 20 marks.

Runaway workers might be returned to their original employer. In 1360, the constable of Letcombe Regis, then in Berkshire, arrested Isabel Ledecombe and restored her to service with Master John de Wodhull.[24] For the most part, however, during the first decade after the introduction of labour legislation, the penalty imposed for infringement was generally just a fine, even though the Statute threatened absconding workers with imprisonment in gaol or stocks and provided that 'stocks be made in every town'.[25] In Given-Wilson's opinion 'a large number of labourers reckoned that there was more to be gained from breaking the law and paying the penalty'.[26] As from 1361, the law was tightened so that the sole penalty imposed on workers for infringement became

[20] TNA CP 40/556, mm. 127r, 47v, 255v (AALT IMG 253–4, 829, 1248); Year Books, Seipp Number 1365.086, https://www.bu.edu/phpbin/lawyearbooks/display.php?id=13507.
[21] TNA CP 40/477, m. 244v (AALT IMG 500).
[22] For a similar case, albeit one relating to retainer in another county, see Year Books, Seipp Number 1478.004, https://www.bu.edu/phpbin/lawyearbooks/display.php?id=20515.
[23] TNA CP 40/437, m. 232r (AALT IMG 2610).
[24] TNA CP 40/401, m. 142r (AALT IMG 168).
[25] Luders, *Statutes of the Realm*, 1: 312; Robert Palmer, *English Law in the Age of the Black Death* (The University of North Carolina Press, 1993), 21.
[26] Christopher Given-Wilson, 'Service, Serfdom and English Labour Legislation, 1350–1500', in *Concepts and Patterns of Service in the Later Middle Ages,* ed. Anne Curry and Elizabeth Matthew (Boydell, 2000), 21–37 (24).

Figure 1. A set of ancient stocks may still be found in Little Wenham Hall, former home of Gilbert Debenham, a Suffolk justice of labourers. Photo: author..

imprisonment, without bail, either in gaol or in stocks.[27] A set of ancient stocks may still be found in Little Wenham Hall, former home of Gilbert Debenham, a Suffolk justice of labourers (Figure 1). *Rysteby v Dytton* shows that imprisonment was not a fate limited to workers, and might befall defendant employers, although it is the only such instance in the sample Hilary rolls, so must be regarded as unusual.

Punishment by incarceration brought other local agents to the fore. In 1370, the abbot of Thorney in Huntingdonshire enrolled a plea against John Belle, Hugh Fonkson, William Gyn, and Richard de Paxton.[28] He alleged that two ploughmen had prematurely departed his service at Yaxley, and, as a result, had been consigned to the village stocks, but by force and arms the defendants had rescued and freed the two men. Fonkson and Gyn answered that they were constables of Yaxley and had been ordered to release the ploughmen by Robert Waryn, a keeper of the peace and a justice of labourers. In the same court session William Boyston, William Warener, and Richard le Mey, all constables of the village of Haddenham, in Cambridgeshire, were accused of releasing on bail Emma, who had been a servant of John Cornewaleys, contrary to the provisions of the 1361 statute.[29] John Sybyle was another official who found himself in trouble, in 1380, when John Smyth of Ditton Camoys, a labourer, had refused to serve John Pekkebrigg in breach of the compulsory employment law.[30] Sybyle was bailiff of the liberties of the honour of Richmond and, rather than imprisoning Smyth for 15 days and then

[27] Luders, *Statutes of the Realm*, 1: 366. This rule may have been relaxed in the following year by legislation which allowed labourers' fines to be applied for the benefit of the commons: Luders, *Statutes of the Realm*, 1: 375.
[28] TNA CP 40/437, m. 330r (AALT IMG 2807).
[29] TNA CP 40/437, m. 87v (AALT IMG 3205).
[30] TNA CP 40/477, mm. 329r, 524r (AALT IMG 670, 1060).

bringing him before justices of the peace, was accused of releasing him from gaol. These cases suggest that, notwithstanding the severe penalties that local officials could face for failing in their duties, labour legislation was not always vigorously enforced. At the time, such leniency was suspected to be corrupt practice granted in return 'for fines and ransoms to be applied to their own use'.[31] Furber cites examples of alleged corruption in Essex.[32] Such suspicions may, however, have sometimes been unfounded. As Poos explains, 'Petty constables and other officials responsible for Statute enforcement at the village level often bore the brunt of labourers' resentment', so fear of reprisals rather than bribery may explain some leniency.[33] The novelty and rigour of the legislation may well have persuaded more kind-hearted officials to turn a blind eye to offences, particularly those committed by neighbours with whom they may have been on good terms. As Bennett argues, 'Officers themselves were sometimes so unhappy about the labour laws that they applied them loosely or even declined to apply them at all'.[34]

The call to work within the family appears to have been one reason for departing prematurely from service, although not one recognised by law as a valid defence. While this reason is seldom stated explicitly in the plea, it is inferred from the fact that, in nearly 200 cases, different parties shared a surname. In her study of sixteenth-century Norfolk quarter session indictments, Whittle found a similar sharing of names and opined that 'the person or people being prosecuted for procuring the servant are simply those with whom the former servant was now residing, in many cases, parents or other close relatives'.[35] The same was true in the fourteenth century. In some cases, the relationship was explicit. In 1370 William Bonde was alleged to have retained his daughter Agnes out of the service of Eleanor de Burton.[36] Agnes had been working for Eleanor in York, but had returned home to Towthorpe in the Thistles, Londesborough in the East Riding of Yorkshire. Towthorpe was known as 'in the Thistles' because of its poor soil and was slowly abandoned after the Black Death. Perhaps Agnes had set out for a better life in the city but had been called back to help scratch a living on a struggling family holding.[37] Equally, she may have fallen out with Eleanor and sought refuge at home.

Number of Pleas

Ten plea rolls have been studied for Hilary term between 1355 and 1400, one every five years, comprising a total of 4127 double-sided membranes.[38] Five rolls from other legal terms have also been studied for the purpose of cross-referral.[39] Sampling is necessary because plea rolls for the second half of the fourteenth century are so voluminous,

[31] *Calendar of Patent Rolls 1354–58*, 549–51.
[32] Elizabeth C. Furber, ed., *Essex Sessions of the Peace 1351, 1377–79* (Wiles for the Essex Archaeological Society, 1953), 48.
[33] Poos, 'Social Context', 33.
[34] Bennett, 'Compulsory Service', 22.
[35] Jane Whittle, *Agrarian Capitalism,* 265.
[36] TNA CP 40/437, m. 282v (AALT IMG 3587).
[37] Londesborough Parish Council, *A Brief Timeline of Londesborough's History*, http://www.londesboroughpc.co.uk/local-businesses.aspx#:~:text=Towthorpe%20was%20known%20locally%20as,better%20living%20could%20be%20made.
[38] TNA CP 40/380, 401, 419, 437, 457, 477, 496, 516, 536, 556.
[39] TNA CP 40/410, 466, 483, 541, 555.

comprising nearly 90,000 double-sided membranes. Hilary was the first of four terms during which the court sat each year, the others being, in order, Easter, Trinity and Michaelmas. Based on membrane count, Hilary appears, after Michaelmas, to have been the second busiest term.

The number of labour pleas in each of the Hilary rolls is shown in Table 1. Starting at 61 in 1355, it rose to a peak of 303 in 1380 before falling sharply to 167 in 1385. The number rose again in 1390 to 195 but then went into terminal decline.[40] What do these sample rolls tell us about the total number of labour pleas between 1350 and 1400? Using her own sampling method, Putnam estimated that during the reign of Edward III, between 1351 and 1377, about 8400 labour pleas were enrolled in the court of Common Pleas and a further 500 in the court of King's Bench, making a total of perhaps 9000.[41] An alternative method is to count double-sided membranes in sample Hilary rolls for the reign (1809), calculate the mean number of labour pleas per 100 membranes in those rolls (54) and then apply this multiplicand to the total number of membranes in all rolls of the period (37,613). The result is 20,311 labour pleas. Using the same methodology, for the whole of the half-century the number rises to 39,763.[42]

The resulting figure needs to be adjusted to reflect other factors. Maybe pleas in Hilary term were enrolled more, or indeed less, compactly than those for other terms, so that there were more or fewer of them per membrane, but there is no evidence for this and no reason to suppose it should be so. The team of clerks who wrote up the rolls did not significantly change from one term to the next. As explained below, the term of many labour contracts began at Michaelmas and workers often departed in the first two months of service, so employers who reacted quickly would probably enrol pleas in Michaelmas or Hilary term. Extrapolating from the number of Hilary term figures may, therefore, exaggerate the total. A limited cross-check suggests that the number of labour pleas per 100 membranes in Hilary rolls was slightly higher than in Trinity rolls but no higher than those of Easter and Michaelmas terms. Many employers did not react quickly, and some waited a very long time before commencing legal action. John Orweye of Devon waited eight years before suing a shepherd, Laurence Broun, who had allegedly left his service prematurely.[43] The most compelling reason for reducing the figures of 20,311 and 39,763 is that entries in rolls were often duplicated. Although only a small fraction of pleas, probably less than 10 per cent, are recorded as ever going beyond the initial stage of enrolment, for whatever reason, duplication is not uncommon.[44] Duplicates that appear in any sample roll have only been counted once, but the same plea may be recorded in successive terms. A search for Suffolk entries in Hilary and Easter term 1360 reveals 26 labour pleas in the former, 20 in the latter and 9 in common.[45] We are left with 37, rather than 46, discrete claims.

[40] Whittle, 'Attitudes to Wage Labour', 51.
[41] Putnam, *Enforcement of the Statutes of Labourers*, 171–3.
[42] We know from AALT indices that there were no labour pleas in 1350 and have assumed, from the modest number in 1355, that there were very few in 1351 or 1352. The earliest unequivocal Common Bench case on the statute in the Year Books dates from 1354. Accordingly, these early years have not been included in the calculation.
[43] TNA CP 40/392, m. 226v (AALT IMG 381), cited by Palmer, *English Law in the Age of the Black Death,* 22–3.
[44] Putnam, *Enforcement of the Statutes of Labourers*, 171–2.
[45] The author studied Suffolk entries in the Easter 1360 roll in the course of another project.

Whatever the shortcomings of this counting exercise, it is difficult to conceive how a figure in excess of 20,000 can be pared down to one of only 8400 pleas. England is divided into just over 10,000 parishes, so, by the time the old king died, at least one worker in living memory in every parish, on average, had suffered the experience of being sued in Common Bench. More poor souls faced litigation and the fearful prospect of imprisonment in grim medieval gaols than Putnam imagined. Furthermore, most people would have known someone who had been sued, be they a family member, friend, or neighbour. Accordingly, the impact of labour litigation on local society may well have been greater than previously envisaged. No wonder, then, that a labourer in Langland's *Piers Plowman* 'curses the King and his Council for decreeing laws that penalize working men [and] his Statute, backed as it was with a look that stopped you in your tracks'.[46]

The sharp drop in the number of cases in plea rolls between Hilary 1380 (303) and Hilary 1385 (167), and the lower numbers thereafter, is so decisive that it is unlikely to be restricted to our sample and is indicative of a significant long-term trend. Indeed, the decline is already clear in the roll for Michaelmas 1381, in which there were more membranes than Hilary 1380, but only 252 labour pleas. This begs an explanation. Various factors may have been in play. The first is that, perhaps for reasons of cost and convenience, claimants may have preferred to pursue claims through tribunals other than the court of Common Pleas. As we shall see, Common Bench actions could become entwined in proceedings before local courts, which offered an alternative forum for civil actions. Some employers enrolled the same plea with both local and central courts. In 1390, Robert Rotsy's defence to a claim in Common Bench by John Sperewe was that he had already been tried and found guilty before the bailiffs' court in Scarborough and had paid Sperewe compensation of 6s 8d.[47] By 1400, magistrates of towns in various counties, such as those in Coventry and Scarborough, were hearing labour pleas. Others, such as those in Norwich, as well as the bishop of Norwich in Lynn and the bishop of Ely in Ely, were asserting jurisdiction to do so.[48] In sample rolls between 1400–01 and 1414–15 Ipswich petty court heard 57 claims for trespass against statute, at least 29 of which were explicitly for breach of service contract.[49] However, local courts had been determining civil labour disputes before 1380. Ipswich petty court rolls for 1375–76 record 22 pleas, and those for 1376–77 14.[50] In Colchester, Essex, Bailey found, from a sample of borough courts held in twelve years between 1350 and 1379, 67 private labour pleas, the majority of which were for breach of contract or retention of an absconding worker.[51] So, forum shopping does not provide a convincing explanation for a sharp decline in Common Bench pleas after 1380.

A second possible reason for the decline was the severe contraction in the profitability of grain production and the decision of many lords to lease their demesnes rather than exploit them directly. As Bailey elegantly put it, 'If the period 1375 to 1385 represented a cold snap for commercial producers, then 1385 to 1395 was a harsh winter.'[52] The land

[46] William Langland, *Piers Plowman,* ed. A.V. Carl Schmidt (Oxford University Press, 1992), 74.
[47] TNA CP 40/516, m. 471r (AALT IMG 1126).
[48] TNA CP 40/401, m. 105v (AALT IMG 701); TNA CP 40/516, m. 471r (AALT IMG 1126); TNA CP 40/457, m. 297v (AALT IMG 1551); TNA CP 40/536, m. 114v (AALT IMG 259); TNA CP 40/536, m. 117v (AALT IMG 265).
[49] Ipswich, Suffolk Archives C/2/3/1/34-37, 41, 48.
[50] Ipswich, Suffolk Archives C/2/3/1/28-29.
[51] Bailey, 'National Labour Legislation', 16–17.
[52] Bailey, *After the Black Death,* 237.

market took a severe hit with a significant downturn in customary land values, contracting levels of rental income from peasant holdings, and an upturn in the area of untenanted land. To remain solvent, some landowners, such as the abbot of Bury St Edmunds, tried, at least for a while, to crack down on their tenantry. However, faced with lower returns for their produce and higher costs for labour, the gentry and heads of religious houses began to abandon direct management of their demesne holdings in favour of farming them out. These groups, who were among those most likely to enrol labour pleas, may well have had less need for workers. Occupational labels of defendant workers are uncommon in the sample Hilary rolls, but 38 were explicitly described as workers in arable husbandry, of whom 28 were cited in the third quarter of the fourteenth century and only 10 in the fourth quarter. Labour pleas in third quarter rolls gave an occupational label more often than fourth quarter rolls, but the difference is not enough to explain this away.

The decline in the number of labour pleas between 1380, 1381, and 1385 may also represent a reaction to the Peasants' Revolt of 1381. Historians have long suspected that hostility to labour legislation was one cause of the unrest which culminated in the Rising.[53] One rebel demand was that 'no man should serve another except at his own will and by a proper covenant'.[54] Thereafter, employers were perhaps wary of pursuing their rights too vigorously through fear of antagonising workers into further revolt. For example, up to and including 1380, more labour pleas were enrolled for service in Suffolk than in any other county. Thereafter, the number plummeted. Only 25 out of a total of 154 were enrolled after the Rising. In Hilary 1380, there were 27, in Hilary 1385, just 7. To understand this remarkable downturn, we must examine the identity of claimants in the earlier period and what might have happened to them during the Peasants' Revolt. Six were MPs, six were or would be justices of the peace, one was a justice of labourers, and at least six were jurors on peace commissions. Between them, they enrolled 25 of 129 pleas, nearly 20 per cent of the total up to and including 1380. Each group had a role in introducing and enforcing labour legislation and in extending it to many different trades. In Suffolk, violence was widespread, both justices of the peace and jurors were targeted by rebels, and some were even slain.[55] Although the Rising was ultimately suppressed, it is perhaps unsurprising that employer classes were, thereafter, wary of provoking the lower orders by pursuing them through the civil courts for departing service.

Term of Contracts

Historians have studied the contractual start date and length of term of service and how it varied over the centuries. In his work on rural Essex, Poos found that a standard contract

[53] Edmund Fryde and Natalie Fryde, 'Peasant Rebellion and Peasant Discontents', in Miller, *Agrarian History*, 3: 744–819 (760); Lawrence R. Poos, *A Rural Society after the Black Death: Essex 1350–1525* (Cambridge University Press, 1991), 240.
[54] Vivian Galbraith, ed., *Anonimalle Chronicle 1333 to 1381* (Manchester University Press, 1970), 144–5.
[55] Christopher Dyer, 'The Rising of 1381 in Suffolk: Its Origins and Participants', *Proceedings of the Suffolk Institute of Archaeology and History*, 36 (1988), 274–87; John Ridgard, 'The Uprising of 1381', in *An Historical Atlas of Suffolk,* ed. David Dymond and Edward Martin (Suffolk County Council and Suffolk Institute of History and Archaeology, 1999), 90–1, 204; Joe Chick, 'Leaders and Rebels: John Wrawe's Role in the Suffolk Rising of 1381', *Proceedings of the Suffolk Institute of Archaeology and History*, 44 (2018): 214–34; Amor, *Keeping the Peace*, 97–9, 116–9.

from Michaelmas in one year to Michaelmas in the next had become a 'well established convention' even before the Black Death, coinciding as it did 'with the cycles of the arable agricultural year and also the traditional accounting year'. By 1389, such term was 'universally mentioned' when details were recorded in the indictment roll of that year. Nevertheless, Poos found some examples of workers who served quite different terms.[56] A century later, in Newton, Cheshire, annual contracts were still the norm, but with hirings at various times of the year.[57] Focusing on household and farm accounts between 1500 and 1660, Whittle found that

> service was a more flexible institution than in the late seventeenth and eighteenth centuries. Servants used personal connections to enter service at various times of the year and left service at equally various times. Only a minority of servants stayed with an employer for exactly twelve months before leaving, and the average length of service was closer to two years than one.[58]

Whittle contrasted her conclusions with those of Kussmaul, who had found, in those later centuries, that most servants in southern and eastern England worked on annual contracts from Michaelmas to Michaelmas and did not renew.[59]

Fourteenth-century labour legislation sought to bind workers, particularly those in agriculture, to longer-term contracts. As mentioned above, the Statute mandated service 'by a whole year, or by other usual terms, and not by the day'. It soon became clear that the phrase 'other usual terms' would be construed liberally. In 1355, in a plea enrolled by William Brewer, the term of service in question was seven years. The defendants argued that a contract for seven years was not judicable. If it was, then 'a covenant made to remain for the term of his life, or for a term of a thousand years, which would exceed the life of a man' would also be judicable and that would be nonsense.[60] This argument was rejected by Common Bench, yet over time, contracts on 'other

Table 2. Start Date of Contract.

		29 September	%	Other	%	Total
1355–75	Number	15	48.4	16	51.6	31
1380–1400	Number	15	65.2	8	34.8	23
Total	Number	30	55.6	24	44.4	54

Table 3. Term of Contract.

		<1 year	%	1 year	%	> 1 year	%	Total
1355–75	Number	4	12.9	19	61.3	8	25.8	31
1380–1400	Number	2	8.7	16	69.6	5	21.7	23
Total	Number	6	11.1	35	64.8	13	24.1	54

[56] Poos, *Rural Society*, 201–3.
[57] Deborah Youngs, 'Servants and Labourers on a Late Medieval Demesne: The Case of Newton, Cheshire, 1498–1520', *The Agricultural History Review* 47, no. 2 (1999): 145–60 (148–9).
[58] Jane Whittle, 'A Different Pattern of Employment: Servants in Rural England c.1500–1660', in *Servants in Rural England 1400–1900*, ed. Jane Whittle (The Boydell Press, 2017), 57–76 (61).
[59] Jane Whittle, 'A Different Pattern of Employment', 58–9; Ann Kussmaul, *Servants in Husbandry in Early Modern England* (Cambridge University Press, 1981), 50–2.
[60] Year Books, Seipp Number 1355.085, https://www.bu.edu/phpbin/lawyearbooks/display.php?id=12804.

Table 4. Period of Actual Service.

		≤1 week	%	≤1 month	%	≤2 months	%	≤ 1 year	%	> 1 year	%	Total
1355–75	Number	4	16	8	32	6	24	5	20	2	8	25
1380–1400	Number	0	0	5	21.7	5	21.7	12	52.2	1	4.3	23
Total	Number	4	8.3	13	27.1	11	22.9	17	35.4	3	6.3	48

Notes: In Table 4 each of the third to sixth columns excludes the number of pleas in the column(s) to its left.

usual terms' became increasingly unusual. Tables 2–4 set out start dates, terms and periods of actual service of contracts for which such details are given in the sample Hilary rolls.

The longest terms of service were both entered into in the 1350s. John Semere committed himself to work for John de Bledelawe at Bledlow, Buckinghamshire from 11 November 1353 for eight years and did, indeed, complete more than three before departing on 5 December 1356.[61] Alice Berne committed herself to serve John Mottere in rural Devon from 1 August 1358 for ten years but left after only a fortnight.[62] Among shorter terms of service was one for just over four months. Henry de Rodham, a London barber, hired Sampson Barbour, another barber, to work for him in Candlewick Street ward from 3 December 1369 until 15 April the following year.[63] Barbour departed a little over a month later in the belief, so he said, that he had only agreed to stay until Christmas. When the relationship between employer and worker broke down, it generally did so quite quickly. In nearly 60 per cent of cases, workers left after no more than two months' service. Lincolnshire JPs heard cases in which workers had absconded after similarly short periods.[64] Exceptionally, a relationship survived for more than a year, and when it came to an end, any dispute was generally over the term that had been originally agreed. Although data sets are small, they suggest that in the fourth quarter of the fourteenth century, workers served rather longer before absconding than they had in the third quarter.[65]

In the third quarter of the century, nearly half of contracts commenced at Michaelmas. This proportion rose to nearly two-thirds in the fourth quarter. Some workers were hired well in advance of commencement, particularly when their start date was Michaelmas. Peter Wake, a ploughman, committed to this date five months beforehand.[66] All but two contracts that commenced on 29 September were for a period of a year, and one of the exceptions was for two years. This became increasingly the norm, because in the fourth quarter very nearly 70 per cent of contracts were for one year. Annual contracts from Michaelmas were widespread, entered into in London and 17 counties, including four in each of Essex and Huntingdonshire, but none recorded in Cornwall, Devon or the northern counties. In at least six cases, the contract was with a ploughman. Cross-reference to plea rolls for other law terms tells the same story. Of the ten pleas in

[61] TNA CP 40/401, m. 150v (AALT IMG 790).
[62] TNA CP 40/401, m. 205r (AALT IMG 295).
[63] TNA CP 40/437, m. 398r (AALT IMG 2944).
[64] Dyer and Penn, 'Wages and Earnings', 180.
[65] When comparisons are made in this paper between the third and fourth quarters of the fourteenth century, references to sample rolls of the third quarter mean those five for 1355–75, and of the fourth quarter mean those five for 1380–1400. These quarters correspond quite closely to the reigns of Edward III and Richard II.
[66] TNA CP 40/419, m. 199r (AALT IMG 397).

which the start date and length of term are recorded in rolls for Easter 1396, Trinity 1377, and Michaelmas 1381 and 1399, six were for a year from 29 September, a seventh for a year from 26 September, and an eighth from 27 September until 29 September in the following year. The predominance of annual contracts does not preclude the possibility that they might be renewed from year to year. In one case, William Bailly had already served as Benedict Cely's bailiff in Hellingly, Sussex for a year from Michaelmas 1380 before leaving on 6 October 1381. The dispute was over whether or not Bailly had agreed to serve for a further year.[67]

What factors influenced this changing pattern of contractual start date and length of term of service over the pre-industrial period? Demography may provide an answer.[68] When population was stagnant or in decline, as it was in the late fourteenth century and for 100 years after 1660, labour was scarcer, job opportunities more plentiful and day-wage rates relatively high. Furthermore, owing to rising standards of living, the products of pastoral husbandry were in greater demand and, in contrast to arable husbandry, which was seasonal, pastoralism was a year-round occupation. For all these reasons, employers were keen to tie down their workers to a strict annual schedule and less inclined to be flexible. Workers were less likely to serve more than a year before moving on to another position. When population was rising, all these factors worked in reverse to encourage more flexible employment practices. Employers could afford to pick and choose when to recruit. Workers might be more loyal to their masters because the alternative was often unemployment. As Whittle concludes, 'service was not a static institution'.[69]

Occupation or Status of Claimants and Defendants

Until 1413, claimants were not required to give the occupation of those they sued and sampled Hilary pleas only specify status or occupation of claimants and defendants in a fraction of cases. Nevertheless, they do so often enough to give an impression of those most likely to be engaged in such litigation. In considering numbers, particularly of employers, we must bear in mind that some groups may have been more likely than others to state their status or occupation.

Among claimants, the most numerous were heads of religious houses (125 pleas), gentry (99 pleas), and incumbent parsons and vicars (73 pleas). Incumbents were also the group most frequently cited (19 pleas) as defendant employers. All these groups were dependent on 'labourers in husbandry', but few of them had vast estates and political power that would have enabled them to maintain a strong grip on their workers. Of the regular clergy, most represented smaller religious houses and only fifteen the wealthiest ones – four of Westminster, one of St Alban's, three of St Mary's York, four of Abingdon, one of Gloucester, and two of St Augustine's Canterbury. No pleas at all were enrolled by the abbots of Glastonbury, Bury St Edmunds, Peterborough, Reading, or Ramsey. Of the secular clergy, only two bishops, of Chichester and Lincoln, and

[67] TNA CP 40/483, m. 574r (AALT IMG 1178).
[68] Kussmaul, *Servants in Husbandry*, 98; Whittle, *Agrarian Capitalism*, 256, 300.
[69] Whittle, 'A Different Pattern', 76.

one archdeacon, of Northampton, enrolled pleas and each did so only once.[70] Among laity, only two aristocrats appear in sample Hilary rolls, namely the Black Prince and Ralph, first earl of Stafford.[71] Unlike magnates, knights, 'chivalers' (a class of gentry) and gentlemen claimed not to have 'lordships or villeins to serve them' and, in 1368, they petitioned Parliament for protection against

> the malice and burdensome costs relating to servants, labourers and artisans, who each year, more and more by their excessive and outrageous prices and salaries, destroy and impoverish a great number of people, so that those who live off their lands sell the produce of their land at scarcely its value.[72]

Nearly 200 years later, gentry were still prominent in records of quarter session indictments as 'important employers of servants, especially when they were actively involved in farming'.[73] With a few exceptions, it was not the top tier of society who looked to labour legislation for remedy, but the tier below – clergy, gentry, and village elites who, in time, would become known as yeomen. In doing so, they were appealing to a primary purpose of that legislation which was to regulate the agricultural workforce.

Nevertheless, other sources reveal that some claimants were merchants and/or industrialists. They included John Cobat of Ipswich in Suffolk, who served as MP and bailiff of his town.[74] He enrolled no fewer than ten labour pleas between 1365 and 1381, including one against a weaver, Nicholas Spar.[75] Thomas Tanner and Nicholas Cristesham, of Wells in Somerset, were in similar mould to Cobat but rather less litigious, enrolling one plea each in sample Hilary rolls.[76] Both served as MP and held the important civic office of mastership. Tanner not only produced cloth but also exported it from Bristol. He owned properties, including shops and cellars, in both cities. Cristesham, too, was involved in the regional production and sale of cloth. Members of other town merchant and craft elites were often claimants, including a London draper, fishmonger, goldsmith, grocer, and mercer – all among the City's greater companies.

While few of these men were great magnates of church or state, they enjoyed the contacts necessary to initiate litigation in London, the means to pursue it, and the local influence to see it through to a successful conclusion. Some no doubt did so out of spite, or to set an example to discourage other workers from leaving their employment. Nevertheless, initiating and pursuing legal proceedings involved a significant investment of time and expense. Accordingly, employers were more likely to enrol a labour plea if workers were difficult to replace.

The identity of these claimants defined the group of workers who were most often sued. Table 5 sets out the number in various occupations cited in the sample Hilary

[70] TNA CP 40/496, mm. 165r, 184v, 362v (AALT IMG 404, 457, 917); TNA CP 40/477, m. 107r (AALT IMG 220); TNA CP 40/437, m. 264r (AALT IMG 2674).
[71] TNA CP 40/437, m. 325v (AALT IMG 3672); TNA CP 40/401, m. 108v (AALT IMG 706).
[72] *PROME*, *2*, 296, http://www.sd-editions.com.uea.idm.oclc.org/AnaServer?PROME+0+start.anv+id=TEIHEAD.
[73] Whittle, *Agrarian Capitalism*, 265.
[74] For Cobat, see William Fraser, ed., *Return of the Names: Part 1. Parliaments of England, 1213–1702* (London, 1878), 149, 158, 162, 168, 171; and Nathaniel Bacon, *The Annals of Ipswiche … by Nathaniel Bacon serving as Recorder and Town Clerk … 1654,* ed. by W.H. Richardson (Ipswich, 1884), 74, 77.
[75] TNA CP 40/477, m. 160v (AALT IMG 328).
[76] L.S. Woodger, 'Thomas Tanner', in *The History of Parliament*, *1386–1421,* ed. John Simon Roskell, Linda Clarke, and Carole Rawcliffe, 9 vols. (Boydell, 1993), 1, http://www.historyofparliamentonline.org/volume/1386-1421/member/tanner-thomas-1401; and *Nicholas Cristesham*: http://www.historyofparliamentonline.org/volume/1386-1421/member/cristesham-nicholas-1403.

Table 5. Workers Cited as Defendants.

Occupation	No. of citations
Arable worker	38
Building worker	31
Chaplain	7
Clerk	21
Cloth worker	16
Household servant	8
Leather worker	13
Metal worker	6
Shepherd	45
Tailor	10
Others	52
Total	247

rolls. The relatively small proportion of cases (just 12.5 per cent) in which these occupations are known means that the plea rolls do not, in themselves, provide proof of the nature of, and changes that were occurring in the economy and workforce. However, there is no reason to suppose that they were unrepresentative of others. The legislation and litigation reflect, however dimly, the nature of the labour market in the second half of the fourteenth century.

Even before the Black Death, agricultural workers had served on annual contracts as manorial famuli. Claridge and Langdon estimated that, in 1300, 105,000 such famuli were toiling on English demesnes, 90 per cent of whom were waged, providing a third to a half of the requisite labour. Those most frequently mentioned in the records were ploughmen, carters, and shepherds. They comprised about 10 per cent of English agricultural labour.[77] The 1349–51 legislation implicitly recognised this existing practice, referring to various specific occupations of agricultural worker. The Ordinance opened by lamenting the 'lack especially of ploughmen'. It moved on to prohibit reapers and mowers from departing service 'without reasonable cause or licence'. The Statute mandated longer-term contracts for 'labourers in husbandry' and more specifically carters, ploughmen, drivers of the plough, shepherds, swineherds and dairymen. Seven carters, eight drivers, one mower, nineteen ploughmen and three threshers were cited in the sample Hilary rolls.

Shepherds may well have been hard to find before the Black Death, but the demographic collapse undoubtedly exacerbated any shortage. In his work, Stone comments on an apparent difficulty in recruiting skilled and motivated shepherds after 1349.[78] One possible sign of this shortage is the number who were defendants in sample Hilary rolls – 45 plus another 39 with the surname Shepherd, most of whom probably worked as such – far more than any single other occupation. *Bumpsted v Gamen* illustrates this demand.[79] Peter de Bumpstede of Norwich alleged that John Gamen had agreed to work as his shepherd at Great Earlham, Norfolk, from 2 February 1363 for a year, but had departed after only six days. Gamen responded that he had been forced into service by Bumpstede in early February, having only agreed to start at the following

[77] Jordan Claridge and John Langdon, 'The Composition of *Famuli* Labour on English Demesnes, c.1300', *The Agricultural History Review* 63, no. 2 (2015): 187–220 (188–9, 195, 210).
[78] David Stone, *Decision-Making in Medieval Agriculture* (Oxford University Press, 2005), 105, 223.
[79] TNA CP 40/419, m. 40r (AALT IMG 81).

Michaelmas, and having already been contracted until then to John de Erlham. Nineteen of the 45 named shepherds worked, like Gamen, in East Anglia, where the woollen cloth industries of Norfolk and Suffolk were growing fast.

Workers in building trades – explicitly carpenters, masons and tilers – comprised another group targeted by labour legislation.[80] The king was so concerned about their shortage that, to retain them for his own construction projects, he twice issued writs out of chancery, in 1361 and again in the following year, forbidding anyone from retaining those in crown employ.[81] As Given-Wilson points out, in the building trade 'employers tended to prefer short-term contracts, the nature of the work being obviously very different from agricultural labour'.[82] This may have depressed the number of building workers accused of breach of the contract clause. In sample Hilary rolls, carpenters are cited twelve times, masons ten times, thatchers three times, tilers twice, and plasterers, roofers, sawyers and slaters once each. Neither legislation nor crown edicts could overcome the shortage, which caused their day rates to increase more than those of agricultural workers.[83]

By 1381, it is estimated that nearly 20 per cent of the labour force was engaged in industry, which as a sector generated an estimated 30 per cent of GDP.[84] The growth of late medieval woollen textile production was widespread and is well recorded.[85] A petition of 1394 to Parliament declared that 'the bulk and majority of people from the said lands of Essex, Suffolk, and part of Norfolk do not know how to do anything else except work in the said craft'.[86] The industry in the city of Salisbury (Wiltshire) and the county of Somerset enjoyed explosive growth. This appears to be reflected in the sample Hilary rolls. In Salisbury, between the third and fourth quarters of the fourteenth century, there was a dramatic increase in the number of labour pleas (Table 8), whilst in Somerset, in the final 15 years of the century, more such pleas per 100,000 people were enrolled than in any other county. Between the mid-1350s and 1400 output in Coventry grew from 220 to over 3000 whole cloths a year, requiring the labour of as many as 1500 cloth-workers in the city and its hinterland.[87] *Herewode v Wright and Roberson* illustrates the fierce competition for the services of weavers in that city at that time.[88] John Herewode had allegedly hired John Roberson as a weaver to serve him from 6 October 1393 until 29 September 1394, but Roberson departed on 30 August to work for another weaver, Robert Wright. Roberson denied that he had ever agreed to serve for the term stated. Even if he had so agreed, Roberson had only left 30 days prematurely. Yet Herewode thought it worthwhile enrolling a labour plea and seeking compensation of £10. In the third quarter of the fourteenth century, in sample rolls, six textile workers were claimant employers, four were defendant employers, and six were workers. In the fourth quarter, ten were claimant

[80] Luders, *Statutes of the Realm,* 1: 308, 312.
[81] *Calendar of Close Rolls 1360–64*, 262–3, 391–2.
[82] Given-Wilson, 'Service, Serfdom and English Labour Legislation', 22n.
[83] Farmer, 'Prices and Wages 1350–1500', 437, 516–7.
[84] Stephen Broadberry, Bruce Campbell, Alexander Klein, Mark Overton and Bas van Leeuwen, *British Economic Growth 1270–1870* (Cambridge University Press, 2015), 194–5.
[85] Nicholas Amor and Stephen Rigby, 'Industry 1: Cloth and Tin', in *Medieval Statistics: Accounting, Record-Keeping and Financial Management, 1066–1525*, ed. Mark Casson and John S. Lee (Palgrave MacMillan, 2024).
[86] *PROME*, vol. 3, 320.
[87] H.L. Gray, 'The Production and Exportation of English Woollens in the Fourteenth Century', *The English Historical Review* 39, no. 153 (1924): 13–35 (30).
[88] TNA CP 40/536, m. 441v (AALT IMG 975).

employers, four were defendant employers, and ten were workers. Although these numbers are small, they represent a 50 per cent increase, from 16 to 24.

According to Putnam, Common Bench upheld 'an extension of the contract clause so wide as to make it apply to all who were working for salaries; an extension undoubtedly never contemplated by the framers of the ordinance'.[89] Labour pleas in sample Hilary rolls prove her case. Thus, we also find among other defendant workers an apothecary, a collier, chaplains, clerks, a goldsmith, a harpist/minstrel, a piper, a scrivener, a shipwright, tailors, and even a merchant.

Labour Mobility

English workers were mobile long before the Black Death and, in being so, fuelled the urban growth that is so evident in the two centuries after the Norman Conquest.[90] In the countryside, shepherds and other pastoralists travelled to arable areas to help with harvest. This practice was condoned by the Statute of Labourers which permitted workers who had spent the winter in upland regions, such as Wales, the Marches, and Scotland, to move to other regions in the summer.[91] Whittle found that, between 1328 and 1347, many of the harvest workers in Hunstanton, Norfolk were migrants.[92] Poos identified 'extensive geographical mobility' before the Black Death for all kinds of work. Thereafter, 'only a minority of people in late-medieval Essex spent their entire lives in the same community', but moved 'within, typically, a radius of ten or 15 miles'.[93] In their study of the geographical mobility of wage earners in the second half of the fourteenth century, Dyer and Penn found that, on average, they 'travelled a little less than 7 miles'.[94] Wrightson and Levine identified a similar mobility pattern in the early modern Essex village of Terling where most relationships with outsiders were with those who lived in a 'social area' less than ten miles away.[95]

After the Black Death shortage of labour and industrial growth created new opportunities for peasants and artisans to better themselves by finding fresh employment elsewhere.[96] With labour legislation, for the first time, the authorities took steps to curb the mobility of freemen and villeins alike. During the fourteenth century, the Ordinance and Statute were bolstered by other new laws, including the Statute of Cambridge 1388. This targeted vagrants by empowering justices of the peace to issue letters testimonial permitting labourers to travel outside their own hundred in search of employment, but to place in the stocks those travellers without such letters and to force them to

[89] Putnam, *Enforcement of the Statutes of Labourers*, 189.
[90] David M. Palliser, 'Introduction', *The Cambridge Urban History of Britain: 600–1540* ed. David Palliser, 3 vols. (Cambridge University Press, 2000), 1: 3–15 (4).
[91] Luders, *Statutes of the Realm,* 1: 312; Farmer, 'Prices and Wages', 489.
[92] Jane Whittle, 'The Food Economy of Medieval Lords, Tenants and Workers in a Medieval Village: Hunstanton, Norfolk, 1328-48', in *Peasants and Lords in the Medieval English Economy,* ed. Maryanne Kowaleski, John Langdon, and Phillipp R. Schofield (Brepols, 2015), 27–57 (43–4).
[93] Poos, *Rural Society*, 159–60, 162.
[94] Dyer and Penn, 'Wages and Earnings', 176–7.
[95] Keith Wrightson and David Levine, *Poverty and Piety in an English Village: Terling 1525–1700* (Oxford University Press, 1995), 76.
[96] James L. Bolton, *The Medieval English Economy 1150–1500* (Dent, 1980), 237; Hilary Todd and David Dymond, 'Population Densities, 1327 and 1524', in *Historic Atlas of Suffolk*, 80-3.

return home to their previous occupation.[97] The plea rolls help us understand the extent to which, despite these restrictions, workers remained mobile.

Labour pleas almost invariably stipulated where workers had been working while in service and, in about one-fifth of cases, they gave the place of residence of workers. The distance between the two can be measured. For reasons given below, the place of residence probably meant the place whence workers had come before they took the job rather than the place to which they went afterwards, although in many cases the two places would have been one and the same. The Statute of Additions 1413, which required claimants to state the residence of those they sued, might have shed retrospective light on the meaning of residence, but uses the phrase 'in which they were or be', and so is inconclusive.[98] However, in 21 of the 46 cases which give the place of residence of both defendant worker and defendant employer, who had allegedly retained the worker, the two places were different. Most employers would have asked workers, on or after recruitment, where they had come from, so it was natural to include this information in a plea. In *Asshele v Leech* the place of residence of the defendant was given as Aberdeen. If Leech had fled to Aberdeen after leaving Asshele's service, then he would have been outside the jurisdiction of the court of Common Pleas, and there would have been no point in suing him.[99] If, as proposed, the place of residence was normally that whence workers had come, then the increasing difficulty in tracking absconders the further they moved away afterwards is, for the purpose of this section, immaterial.

Table 6 sets out, in percentage terms, distance travelled, as the crow flies, for the whole of England and some counties which have been selected because we have enough data and they tell different stories. Table 7 shows population and settlement density, measured by reference to the number of people and parishes per 100 square kilometres. Table 8 lists the number of pleas from England's most populous 67 towns. Table 9 sets out, again in percentage terms, distance as the crow flies from place of residence to place of work in London and, in aggregate, those other towns. These percentages did not vary significantly from the third to fourth quarters of the fourteenth century.

Table 6. Distance (Kilometres) Travelled from Home to Place of work in England and Selected Counties as Percentage of Total.

	England	Northants	Suffolk	Yorks
No of pleas	435	38	67	43
0	35.1	31.6	41.8	30.2
$> 0 \leq 10$	25.2	23.7	26.9	16.3
$> 10 \leq 50$	28.7	28.9	29.9	41.9
> 50	11.1	15.8	1.5	11.7

As is evident from Table 6, most people did not travel far in search of work. Across England as a whole, over a third took employment in their home parish and less than half ventured further than 10 kilometres. Many of them would not have moved beyond the boundary of their home hundred and so would not have needed letters testimonial. In Suffolk, more than 40 per cent of recorded workers stayed in their home

[97] Luders, *Statutes of the Realm*, 2: 56; Bailey, *After the Black Death,* 266–7.
[98] Luders, *Statutes of the Realm,* 2: 171.
[99] TNA CP 40/477, m. 49r (AALT IMG 102).

Table 7. Settlement and Population Density in England and Selected Counties.

	Number of parishes	Mean number of parishes per 100 km^2	Population per 100 km^2 (1377)	% travelling more than 10km to job
England	10,490	8.1	1906	39.8
Northants	268	11.3	2921	44.7
Suffolk	475	12.5	2919	31.4
Yorks	1113	3.6	1473	53.6

Source: https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/adhocs/13843parishpopulationestimatesformid2011tomid2020basedonbestfittingofoutputareastoparishes

Population figures, as at 1377, are taken from Stephen Broadberry, Bruce Campbell, Alexander Klein, Mark Overton and Bas van Leeuwen, *British Economic Growth 1270–1870* (Cambridge: Cambridge University Press, 2015), 25–6.

Notes: The number of parishes is taken from modern-day Office of National Statistics records rather than medieval ones. Local government reorganisation has, from time to time, moved the odd parish from one county to another, but change has rarely been radical. Parishes are enduring institutions so, with a few exceptions, the medieval ones are likely to have survived into modern times.

parish and just over 30 per cent travelled more than 10 kilometres, while in Yorkshire these metrics were just over 30 per cent and well over 50 per cent. Only one person travelled more than 50 kilometres to find work in Suffolk, while five did so in Yorkshire. Table 7 shows the different settlement and population density of the two counties. In Suffolk, there were more than three times as many parishes and twice as many people per 100 square kilometres than in Yorkshire. Someone looking for a new job in Suffolk had a much wider choice of places to go close to home than someone in Yorkshire. Northamptonshire was almost as densely settled as Suffolk but had a much higher proportion of workers travelling more than 10 kilometres. This may reflect the county's situation in central England, or perhaps the pulling power of Northampton where workers faced more than a fifth of all the county's sample Hilary labour pleas, most of them in the third quarter of the fourteenth century.

Turning to the urban labour force, in sample Hilary rolls workers were accused of departing service prematurely in 46 of the most populous 67 towns, as listed by Dyer for the first poll tax year of 1377.[100] Some important ones are missing. Chester and Durham were situated within palatinates and so fell outside the jurisdiction of Common Bench. Nevertheless, as Putnam found, the enrolment of labour pleas with the court was widespread across England. A total of 375 such urban labour pleas amounts to 18.9 per cent of all those in sample rolls, a higher percentage than the proportion of total taxpayers living in these 67 towns (14.8 per cent). The pleas divided up among towns as shown in Table 8. By the fourteenth century, London was already pre-eminent in England, accounting for nearly a third of such pleas, and such pre-eminence only seems to have increased over time.[101] Londoners may possibly have been more inclined than those outside the capital to use Common Bench because the court was based in Westminster, but this does not detract from the importance of the city. Bristol, Coventry, Norwich, Salisbury, and York numbered among Dyer's ten most populous towns, each of them dominating their region, so inevitably they are listed high in Table 8. Workers in Coventry faced more than half of all Warwickshire labour pleas. A comparison between the number of pleas in the third and fourth quarters of the

[100] Alan Dyer, 'Appendix: Ranking Lists of English Medieval Towns', in *Urban History*, 747–770 (758-9). Stephen Rigby selected for study the most populous 67 towns because all others 'were too minor to count as genuine towns', 'Urban Population in Late Medieval England', *Economic History Review*, 2nd ser. 63 (2010): 393–417 (407).
[101] Bailey, *After the Black Death*, 292.

Table 8. Labour pleas in the Most Populous Sixty-Seven English Towns.

Town	Pleas in Q3	Pleas in Q4	Total no. of pleas
London	47	69	116
Coventry	14	17	31
Norwich	13	10	23
York	18	5	23
Northampton	13	3	16
Ipswich	10	3	13
Bristol	5	7	12
Salisbury	2	10	12
Cambridge	9	1	10
Gloucester	6	3	9
Scarborough	1	8	9
Great Yarmouth	3	4	7
Other towns	41	53	94
Total	182	193	375

fourteenth century suggests that in some towns, such as Salisbury, the number was rising, but in several others, such as Northampton, it was falling. This in turn may, at least in some cases, reflect labour shortage. For instance, by 1400, Salisbury had almost certainly become the nation's leading textile city. Its output exceeded the equivalent of 5000 whole cloths a year and would have kept about 2500 cloth-workers busy.[102] According to fragmentary 1381 poll tax returns, some weavers in the city were doing remarkably well, with seven of them having resident servants.[103] Conversely, according to Rawcliffe, Northampton was suffering a 'process of gradual decline [owing to] chronic long-term depression in the local cloth industry'.[104]

The Black Death of 1348–49 was followed by the Second Pestilence of 1361 and, after that, repeated visitations of plague every few years. Towns experienced high mortality rates and so were dependent on a continuous stream of immigrants from their rural hinterlands.[105] In an age of labour shortage, such migration did not go down well with rural employers, which is the subtext to the petition in 1390 to Parliament in protest against

> many villeins who have fled from their lords and from their lands to divers enfranchised cities and boroughs, from one day to another, and who remain there all their lives; by reason of which franchises the said lords cannot approach their said villeins. And if the said lords or any of their ministers enter the said cities and boroughs thus enfranchised to seize or take the said villeins and to do justice to them according to the law and custom of the land, the people of the cities and boroughs will not allow it, but forcibly impede them.[106]

Labour pleas provide evidence of migration from countryside to towns.[107] Distances travelled are set out in Table 9. London had the strongest pull, with only just over 13 per cent coming from within the city and 60 per cent having ventured

[102] Gray, 'English Woollens', 30.
[103] Caroline Fenwick, ed., *The Poll Taxes of 1377, 1379 and 1381, Part 3: Wiltshire-Yorkshire*, 3 vols. (Oxford University Press for the British Academy, 2005), 3: 123–5.
[104] Carole Rawcliffe, 'Northampton', in *The History of Parliament: The House of Commons 1386–1421*, http://www.historyofparliamentonline.org/volume/1386-1421/constituencies/northampton.
[105] Jennifer Kermode, 'The Greater Towns 1300-1540', in *Urban History*, 441–65 (459).
[106] *PROME*, vol. 3, 296.
[107] Only 39 pleas record migration from one most populous town to another.

Table 9. Distance Kilometres) Travelled from Home to Place of Work in Towns as Percentage of Total.

	London	Other most populous sixty-seven towns
No of pleas	30	77
0	13.3	27.3
$> 0 \leq 10$	0	18.2
$> 10 \leq 50$	26.7	40.3
> 50	60	14.3

Notes: For the purposes of this table, the number of relevant labour pleas is not sufficient to enable meaningful statistical analysis of the other top towns separately, so they are all counted together.

more than 50 kilometres to find work. Possibly, those born or already well established in London might have been less inclined to depart their jobs than those newly arrived, feeling homesick and finding that the streets were not paved with gold. If so, this would distort the figures. Richard Fode came down from Barnby in North Yorkshire to work for a tailor, before returning north to a job in York.[108] John Arkill made a similar journey from the East Midlands to work for John Coveyn, another tailor.[109] The plea rolls leave a strong impression that city craftsmen – whether in cloth, leather, and metal, and be they tailors, chaloners, chandlers, cloth-makers, cordwainers, girdlers, glovers, goldsmiths, spurriers, or tawyers – depended heavily on newcomers.

In other major towns, a higher proportion of workers were already living in the place where they found work, and far fewer had travelled more than 50 kilometres. Indeed, the largest tranche, just over 40 per cent, was drawn from a zone between 10 and 50 kilometres away, a zone similar in extent to those of larger towns before the Black Death.[110] Notable exceptions included Thomas Bodevyell, who moved from Bodmin to Bristol and then back again, and Thomas de Leech, who, as already mentioned, sailed down the east coast from Aberdeen to Lynn in Norfolk.[111] In both cases, workers travelled from more remote and less developed economic regions of Britain to more advanced and prosperous ones. The towns were ports, so could be reached by sea rather than by tortuous overland travel.

Workers migrated further to work in towns than in the countryside. Towns were linked by major roads or, in the case of ports, by sea, and so were easier to reach. They could be places of opportunity for the ambitious and of refuge for those fleeing villeinage or criminal charges.

Conclusion

In response to the seismic demographic collapse caused by the Black Death, the state enacted highly intrusive laws and took active steps to enforce those laws at a local level. According to Ormrod, fourteenth-century labour legislation represented 'a radical change […] in the range of human activities that were, or were not, subject to

[108] TNA CP 40/419, m. 61v (AALT IMG 914).
[109] TNA CP 40/496, m. 439r (AALT IMG 1121).
[110] Kermode, 'The Greater Towns', 459.
[111] TNA CP 40/556, m. 114v (AALT IMG 959); TNA CP 40/477, m. 49r (AALT IMG 102).

state control'.[112] For Given-Wilson, these measures were successful because 'they managed to persuade a sufficient number of "ordinary" people that new forms of social control were necessary'.[113] The central courts energetically enforced the law for 30 years after first enactment. If employer classes embraced the new legal regime, the lower orders did not. They found the laws sufficiently onerous ultimately to rebel against them.

Historians have revisited the labour legislation many times, but this paper sheds fresh light on some key issues. Litigants in the central courts primarily targeted the lower orders rather than fellow employers. Most labour pleas cited workers as defendants for departing service prematurely, and only a minority cited employers who had subsequently retained them. Such defendant employers could often rely on fear of vagrancy as a defence to claims against them, while most workers had none other than an unconvincing denial of the contract's existence. From 1361, the penalty imposed on workers for infringement was mandatory imprisonment, which could be harsh. We occasionally catch sight of local officials who could be bribed or intimidated into overlooking infringements of the law or who were reluctant to enforce it against their neighbours. This might sometimes mitigate the harshness, but there remained a constant deterrent to anyone seeking a better job.

The general trend in the number of pleas was upwards until it peaked in 1380 and thereafter was downwards. This was not simply the result of claimants preferring to litigate in other tribunals. The abandonment of direct management of demesnes may have been a factor, but the Peasants' Revolt of 1381 was certainly another. After the revolt most counties, particularly Suffolk, experienced an immediate downturn in the number of enrolled pleas per sample Hilary roll. Very probably, this reflected a reaction by employers to the violence that had been aimed against them and a wariness to provoke workers into further rebellion.

In referring to the duration of a service contract, the phrase 'other usual terms' in the Statute was initially construed liberally, but, by the fourth quarter of the century, service for a year from Michaelmas (29 September) had become the norm across much of England. Landowners, such as churchmen and gentry, were prominent among claimants in the court and agricultural workers, particularly shepherds, prominent among defendants. This was to be expected as the legislation was primarily aimed at the agricultural sector. Nevertheless, merchants and industrialists also had recourse to the courts whose jurisdiction extended to a wide spectrum of workers, including many who might not have regarded themselves as being labourers. Apprentices and chaplains were specifically excluded from labour law, but they were very much exceptions.

Unsurprisingly, workers were less mobile in densely settled and populated counties, such as Suffolk, than they were in, say, Yorkshire. They also moved further to work in towns, especially London, than when moving for rural work. Nevertheless, across the country as a whole, many stayed in their home

[112] W. Mark Ormrod, 'The Politics of Pestilence', in *The Black Death in England,* ed. W. Mark Ormrod and Phillip Lindley (Paul Watkins, 1996), 147–81 (156).
[113] Christopher Given-Wilson, 'The Problem of Labour in the Context of English Government, c. 1350-1450', in *The Problem of Labour in Fourteenth-Century England,* ed. James Bothwell, Philip J.P. Goldberg and W. Mark Ormrod (York Medieval Press, 2000), 85–100 (98).

settlement, and more than 60 per cent travelled less than 10 kilometres in search of a job.

Nearly 2000 labour pleas drawn from ten sample Hilary rolls, supplemented by over 800 from other legal terms, are a good haul and provide evidential support for these conclusions. The data sheds new light on important trends and events in later fourteenth-century England. Nevertheless, the more we slice up the data in order to analyse it, the smaller the data sets become. So these conclusions must be regarded as tentative, and the plea rolls of Common Bench need much further study. If our sample is representative, then another 25,000 discrete labour pleas may be waiting to be studied, which illustrates the rich potential of the source for better understanding the late fourteenth century, a pivotal period in English history.

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Nicholas Amor was awarded his PhD as a mature student in 2009 by the University of East Anglia. He holds honorary fellowships at the Universities of East Anglia and Suffolk and is a fellow of the Royal Historical Society. He is the author of *Late Medieval Ipswich: Trade and Industry*, *From Wool to Cloth: The Triumph of the Suffolk Clothier*, and *Keeping the Peace in Medieval Suffolk,* and co-edited a festschrift in honour of his friend David Dymond, *Shaping the Past: Theme, Time and Place in Local History*. Nicholas has been chair and general secretary of the Suffolk Institute of Archaeology and History and now edits the Institute's annual Proceedings. He practised as an employment lawyer for more than thirty years.