

Urban Enclosure Riots: Risings of the Commons in English Towns, 1480 – 1525¹

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The process of enclosure, in which hedges, ditches and gates were erected to extinguish or inhibit common rights to land, is usually associated with agrarian society. The enclosure riot, in which hedges were uprooted, ditches levelled and gates destroyed, has been regarded therefore largely as a rural phenomenon.² It has generated considerable interest from those working at the interstice between social and political history, in the increasingly productive field of popular politics in early modern England. The enclosure riot has been singled out as ‘the pre-eminent form of social protest’ from the 1530s to the 1640s.³

A generation or so earlier, the enclosure riot left its mark upon the urban landscape. There were five major enclosure riots in York: in 1480, 1484, 1486, 1492 and 1494. In Coventry there were seven riots that were on a comparable scale: in 1481, 1489, 1494, 1495, 1509, 1524 and 1525. In February 1495 a furious Henry VII

¹ I would like to thank John Watts and Andy Wood for their comments on an earlier version of this article.

² For the major exception, see H. R. French, ‘The Common Fields of Urban England: Communal Agriculture and the “Politics of Entitlement”, 1500-1700’, in R. W. Hoyle (ed.), *Custom, Improvement and the Landscape in Early Modern Britain* (Farnham, 2011). French’s study, however, derives from an earlier interest in the practice of urban agriculture and in the agrarian dimension of the urban economy, with which this article does not engage.

³ A. Wood, ‘The Place of Custom in Plebeian Political Culture: England, 1550-1800’, *Soc. Hist.*, xxii (1997); *id.*, ‘Subordination, Solidarity and the Limits of Popular Agency in a Yorkshire Valley c.1596-1615’, *Past and Present*, no. 193 (Nov. 2006). The quotation is from R. B. Manning, *Village Revolts: Social Protest and Popular Disturbances in England, 1509-1640* (Oxford, 1988), 27.

summoned the mayor of York to Greenwich and told him that, if the current regime did not return peace to the city, ‘I most and woll put in other rewlers that woll rewle and govern the Citie accordyng to my lawez’.⁴ In 1496, after two successive years of enclosure riots, Henry VII exhorted ‘all the cominaltie’ of Coventry to obey the mayor and aldermen, and cautioned, in the strongest possible tone, against the making of unlawful conventicles and assemblies ‘for the pretense of any right’.⁵ In 1525 Thomas Grey, the second Marquis of Dorset, reassured Henry VIII that he had an army of several thousand men camped outside Coventry in the event of further disorder.⁶ In towns and cities across England, there were enclosure riots, many of which elicited intervention from Westminster: in Nottingham (1483, 1511 and 1512), Colchester (1489), Southampton (1500 and 1517), Gloucester (1513) and London (1514). The large numbers of people involved – two hundred or so in Gloucester in 1513, over three hundred in Southampton in 1517 – were one reason for officials’ fears. Viewed altogether, the wide geographical distribution of these episodes of urban unrest is striking: from the north of England (York) to the south (Southampton), and from west (Gloucester) to east (Colchester).

The timing of enclosure riots in English towns is curious, given what is known about the chronology of village revolts. Social and economic historians of the early modern period have long been aware of the existence, between the late fifteenth and early sixteenth centuries, of ‘an early enclosure movement’, in which open fields were hedged in and converted to pasture, and ‘enclosed sheep-walks and cattle granges’

⁴ *Y[ork] C[ivic] R[ecords]*, ed. A. Raine, 8 vols. (Yorks. Arch. Soc., rec. ser., xcvi-ccix, York, 1938-52), ii. 115-16.

⁵ C[Coventry] R[ecord] O[ffice], BA/H/17/A79/19.

⁶ B[ritish] L[ibrary], Cotton Titus MS B. I, fo. 76^v. 1525 was, of course, a year of trouble across England, provoked by the collection of the tax known as the Amicable Grant, which almost certainly contributed to the nervousness of the Henrician regime about the disorder in Coventry: G. W. Bernard, *War, Taxation, and Rebellion in Early Tudor England: Henry VIII, Wolsey, and the Amicable Grant of 1525* (Brighton, 1986).

were created.⁷ In his arresting disquisition on the voracious appetite of sheep in Book 1 of his 1516 treatise, *Utopia*, Thomas More had nothing but contempt for enclosing landlords,⁸ but such moral condemnation is in marked contrast to the apparent quiescence of the manorial tenantry in this period. It was not until the second quarter of the sixteenth century that ‘enclosure emerged as the most rancorous source of grievance on the land’ and from the 1530s that ‘the countryside was pockmarked with minor disorders’.⁹ If it is unfortunate that the records of the royal court of Star Chamber, upon which historians of rural protest have relied extensively, are extant in a relatively complete form only from 1509, the intensification of violence in villages and manors is no illusion. Enclosure in the late fifteenth century, it is generally agreed, was a practical solution to the problem of depopulation and to landlords’ inability to find tenants.¹⁰ The conversion of so much arable to pasture restricted the availability of land to tenants, but enclosure became a burning question only in the light of the economic needs of a rural population that was growing in size from the 1520s. Population expansion increased the number of mouths to feed, but it also made land a scarce commodity. In these circumstances, ordinary villagers found themselves more dependent upon rights of common, especially pasturage, in order to eke out a living.¹¹ Demographic factors heightened competition between landlords and tenants and produced what John Walter has aptly described as a ‘politics of subsistence’, in

⁷ K. Wrightson, *Earthly Necessities: Economic Lives in Early Modern Britain, 1470-1750* (London, 2002), 102.

⁸ E. Surtz and J. H. Hexter (eds.), *The Complete Works of St. Thomas More*, iv (New Haven, 1965), 65-71.

⁹ Wrightson, *Earthly Necessities*, 136, 152.

¹⁰ *Ibid.*, 102-4.

¹¹ J. Thirsk, ‘Enclosing and Engrossing’, in H. P. R. Finberg (ed.), *The Agrarian History of England and Wales*, iv, 1500-1640 (Cambridge, 1967), 201-2; I. Blanchard, ‘Population Change, Enclosure, and the Early Tudor Economy’, *Econ. Hist. Rev.*, 2nd ser., xxiii (1970), 439-40; Wrightson, *Earthly Necessities*, 136.

which the economic insecurities of rural householders and the survival of peasant households shaped, to a great extent, the contests about common land.¹²

If enclosure riots in the countryside from the 1520s and 1530s were ‘primarily a response to the pressure of an expanding population upon available land resources’,¹³ there were no such constraints between the 1480s and 1520s upon English provincial towns, whose downward demographic trajectory over the fifteenth century was accelerated by the recurrent outbreak of plague. Although the figures are suspiciously high and precise, the ‘grete Pestylence’ of 1458, which claimed the lives of 2,627 of Coventry’s inhabitants, was certainly within the living memory of the author of the earliest of the city’s annals, written in the 1460s.¹⁴ In 1479-80, during a national epidemic, some 3,300 people supposedly died of plague within the walled city alone, with a further 1,150 perishing in the extra-mural areas of Coventry’s ‘franchises’.¹⁵ If we accept that high mortality must have had a dislocating effect upon urban economies, not least by reducing demand for goods and services, it is reasonable to expect that townspeople would seek to hold on to rights of common as an economic asset.¹⁶ Revealingly, arguments about the defence of common land spoke less of unease about household impoverishment than about the infringement and loss of collective rights.

¹² J. Walter, ‘Crown and Crowd: Popular Culture and Popular Protest in Early Modern England’, in *id.*, *Crowds and Popular Politics in Early Modern England* (Manchester, 2006), 18. Cf. J. C. Scott’s conceptualisation of subsistence in *The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia* (New Haven, 1976).

¹³ Manning, *Village Revolts*, 27.

¹⁴ CRO, PA 351/1, 16: ‘ther wer ded in þ^e Cyte ij. m^l. vj.c. and xxvij’. Coventry’s population at this time was probably in the region of 10,000: C. Phythian-Adams, *Desolation of a City: Coventry and the Urban Crisis of the Late Middle Ages* (London, 1979), 35.

¹⁵ BL, Harleian MS 6388, 24. See also S[hakespeare] B[irthingplace] T[rust] R[ecord] O[ffice], DR 37 Box 123/7, fo. 6^r, and R. S. Gottfried, *Epidemic Disease in Fifteenth Century England: The Medical Response and the Demographic Consequences* (Leicester, 1978), 45, 49, 50.

¹⁶ For the economic utility of town commons to urban residents, who ‘continued to have a stake in agriculture’ and who grazed cattle, sheep and horses on pasture lands, see R. Britnell, *The Closing of the Middle Ages? England, 1471-1529* (Oxford, 1997), 209; D. M. Palliser, *Tudor York* (Oxford, 1979), 29.

In the early 1520s the commons of Norwich drafted a manifesto setting out an itemised list of contentious issues between the city and the cathedral priory on which they would not compromise.¹⁷ Among the ‘artikillis and Causez amonges otherz that [the] Comyns of the Cite of Norwich will not concent vnto’, was a refusal to countenance any proposal to ‘departe w^t ther Comyn of pastour’. The pasture, the commons informed the city’s rulers, was ‘the greatest reliff that the poure Citezens of the same Cite havyn ... ffor the socour of them and ther Chyldern’.¹⁸ If this declaration will resonate with early modernists who have studied village revolts, behind and beyond these immediate economic and domestic anxieties was a more potent and more durable discourse of citizenship that gave its holders a sharply delineated feeling of collective entitlement. The document ends: ‘Memorandum that if the seid Citezens shuld surrender ony parcel of ther liberteez It shuld be a surrender of all ther liberteez.’ To relinquish this one privilege would destroy the corporatist values of unity and mutual dependence upon which the community of enfranchised citizens was constructed. According to this mode of thought, the town was made up of its constituent parts, each of which was as important as the other. Injury to one member of the civic body was a loss to the whole. Mismanagement of the town’s resources could lead to the immiseration of individual citizens and their families, but it presented an existential threat to the entire citizenry, whose interests were couched in a characteristically urban political language of constitutional rights and of popular representation.

¹⁷ The neat version is in N[orfolk] R[ecord] O[ffice], NCR, 9g/3. The draft is among a roll of documents sewn together in NCR, 9g (not numbered).

¹⁸ For a still useful analysis of the marked inequalities of wealth in Norwich in this period, see J. F. Pound, ‘The Social and Trade Structure of Norwich 1525-1575’, *Past and Present*, no. 34 (July 1966), 49-51. There was popular unrest about rising food prices in Norwich in the second half of the 1520s: A. Wood, ‘Kett’s Rebellion’, in C. Rawcliffe and R. Wilson (eds.), *Medieval Norwich* (London, 2004), 293-4.

The purpose of this article is to explain the pattern of enclosure riots in England between the 1480s and the 1520s. Why did the riots happen, and why did they happen then? In the first part I examine the composition and morphology of the riots. Contemporaries conceived them as the work of ‘the commons’, ‘the commoners’, ‘the comien peopull’, ‘the pore comiens’, or ‘the communalitie’. This language of social description resounded far beyond the town walls and conformed, outwardly at least, to a functional understanding of the social order, in which urban commons and rural commoners were constitutive of a single social group (the commonalty): a third estate of working people, including labourers, artisans, peasants and manorial tenants, in contradistinction to the gentry and clergy.¹⁹ In the late medieval English town, however, the commons were a separate socio-political grouping. They were freemen, in the urban sense of the word: burgesses in towns and citizens in cities. In the second section I consider how and why the concept of citizenship was viewed through a spatial lens, which made urban dwellers highly sensitive to any encroachment upon communal space. In contrast to a recent account that has traced the circulation of neo-classical ideas and the development of a learned and humanist culture of civic republicanism in sixteenth-century English towns,²⁰ this notion of citizenship was grounded, quite literally, in the soil. Thirdly, in arguing for the symbolic meaning of town commons, I show that they were the terrain upon which wider, political struggles were fought. These urban conflicts turned, ultimately, on the degree of popular inclusion in town government. The enclosure riot was an

¹⁹ M. L. Bush, ‘The Risings of the Commons in England, 1381-1549’, in J. Denton (ed.), *Orders and Hierarchies in Late Medieval and Renaissance Europe* (Basingstoke, 1999). For a critique of Bush’s paradigm, see J. Watts, ‘Public or Plebs: The Changing Meaning of “the Commons”, 1381-1549’, in H. Pryce and J. Watts (eds.), *Power and Identity in the Middle Ages: Essays in Memory of Rees Davies* (Oxford, 2007).

²⁰ P. Withington, *The Politics of Commonwealth: Citizens and Freemen in Early-Modern England* (Cambridge, 2005), 51-84; see also *id.*, ‘Two Renaissances: Urban Political Culture in Post-Reformation England Reconsidered’, *Hist. Jnl*, xlv (2001).

expression of a rambunctious civic politics, in which town oligarchs found it almost impossible to contain the clamour of their citizens.

I

The fifteenth century saw the emergence in Coventry, as in several other provincial towns, of an annalistic tradition of civic writing.²¹ The writers of Coventry's town chronicle, which was compiled and updated at various points between the second half of the fifteenth century and the first half of the eighteenth century, had a particular name for the kind of collective action with which this article is concerned. Of one mayoralty in the mid-1370s, a chronicler wrote, 'In his year the Commons of Coventre rose ... & cast open that which the Mayor had inclosed'.²² The terse phrase, 'þ^{en} arysen þ^e commyns', was all a Coventry annalist had to say about the events of 1422, when the gardens outside Greyfriars Gate were devastated.²³ In 1481, 'y^e Commons rose', broke down a close, rang the common bell, and stole the sword and mace from the mayor's house.²⁴ On 'Ill Lammas Day' in 1525, 'the Commons of Coventre rose' and opened up the common lands by pulling down the gates and hedges that bounded them. Within the city, they closed one of the town gates and refused entry to the chamberlains, a demonstrably political act in its public rejection of two of the most powerful representatives of the ruling authority.²⁵ Townspeople recognised enclosure riots for what they really were: 'risings of the commons'.

Who were the commons? The individuals implicated in the Southampton riot in December 1500, when hedges dividing 'the Comyn mershe & the ij Closes' were

²¹ P. Fleming, 'Making History: Culture, Politics and *The Maire of Bristowe is Kalendar*', in D. L. Biggs, S. D. Michalove and A. C. Reeves (eds.), *Reputation and Representation in Fifteenth-Century Europe* (Leiden, 2004).

²² BL, Harleian MS 6388, 10.

²³ CRO, PA 351/1, 16.

²⁴ BL, Harleian MS 6388, 24.

²⁵ BL, Harleian MS 6388, 30.

‘broken vp’, were ‘the Commeners of the towne of Suthampton’.²⁶ Soon afterwards, these commoners were the recipients of a proposal from the mayor, bailiffs and burgesses seeking their approval of the enclosure of the Saltmarsh, an area of common land to the east of the walled town. The ‘Commysn’ directed their answer to ‘the full honorable maister maier of the same town and to the full Reuerend siris The aldermen Shireff bailiffs and burges of the seid town’.²⁷ In this exchange, the ‘burgesses’ were evidently the dominant political group within the town, distinct from the commons. They were expected to act, benevolently and paternalistically, as ‘good maisters’ to their inferiors. However, the poverty of the ‘pore commyners’ of Southampton was fundamentally political, rather than economic. When, in 1475, their representatives petitioned the ‘worshipfull lord the mayre’ and fellow ‘worshipfull masters’, the ‘pore commonalte’ of York were acutely aware of the limits of their formal influence upon the exercise of political power. They were the group ‘which has borne none office in the cite’.²⁸ And yet, crucially, the force of this deferential language was blunted by what the commons of York went on to say to the mayor, aldermen and councillors, namely that ‘all of them – both the officers and the rest – were “one bodye corporate”’ and that all – rulers and ruled – were equally privileged members of the city.²⁹ What they had in common was a shared identity as citizens.

While not condoning the actions of ‘a great number of the cite’, who had organised the destruction of the hedges and ditches around the capital – in Islington, Hoxton and Shoreditch – London’s civic officials were convinced that the riot of 1514 was the consequence of ‘the noysance done to the Citezens’. The king’s council adjudged the mayor accountable for the disorder of the citizenry and commanded him

²⁶ S[outhampton] C[ity] A[rchives], SC 4/2/316.

²⁷ SCA, SC 4/2/325.

²⁸ *Y[ork] M[emorandum] B[ook]*, ed. M. Sellers, 2 vols. (Surtees Soc., cxx-cxxv, Durham, 1912-14), ii, 246.

²⁹ The quotation is from Watts, ‘Public or Plebs’, 247.

‘to call home the citezens’.³⁰ The ‘vnlefull assemble & ryott’ in Gloucester in 1513 was believed to be the work of six principal conspirators, acting ‘w^t other Burgesez’ of the town.³¹ In the early 1500s, when the commons of Southampton responded to the ‘mocyon mevyd to theym’ by the mayor, aldermen, sheriff, bailiffs and burgesses concerning the common land known as the Saltmarsh, the supplicatory tone could not disguise the intractable nature of their position. They pictured themselves as model citizens, who would ‘euer be redy to withstand all maner of persons with theyre bodyes and goodes that wold attempt or vsurp apou any poynt or parcell of the libertes and ffranchises of this town’.³² These promises echoed the obligations contained in the oath of citizenship that every freeman swore upon his admission to the civic franchise.³³ The commoners were not officers, but they were citizens. The Saltmarsh, they insisted, was to remain ‘opyn Commyn still ffor all burgessys and Commyners of this town’. The commoners were keen to reveal that their decisions were the outcome of collective consent (‘by hooll assent’, ‘hooly sayn’). In the event that the mayor and aldermen were dissatisfied with any part of their statement, the town leaders were told to put their comments in writing, presumably to enable further discussion and debate. Their interventions in urban politics might have been intermittent and conditional, attached, as they were, to the custom and language of petitioning, but, as the evidence from Southampton shows, the commons were not entirely powerless. The commoners who engaged in enclosure riots in English towns counted among the ‘governed’, but they were a privileged as well as a subordinate group within urban society. They were citizens and the holders of rights within the political community, to whom their rulers were answerable. It is within the culture of

³⁰ R. H. Tawney and E. Power (eds.), *Tudor Economic Documents*, 3 vols. (London, 1924), iii, 17-18.

³¹ G[loucestershire] R[ecord] O[ffice], GBR/B/8/7 (not numbered).

³² SCA, SC 4/2/325.

³³ See below, p. 000.

citizenship that the reasons for the resistance in urban centres towards changes in the agrarian surroundings must be sought.

II

Enclosure riots in the villages of sixteenth- and seventeenth-century England were a reflex response to changes in land use wrought by the arrival of hedges, fences and gates. From the 1530s the English countryside saw ‘the systematic destruction’, by manorial tenants, ‘of new enclosures’.³⁴ Enclosure riots in English towns from the 1480s were not triggered by the direct sight of the digging of ditches and the planting of hedges. Hedges could be at least five feet high and, if cultivated on top of an earth bank, even higher.³⁵ They took time to grow. The chronology of enclosure was much earlier and more continuous than historians have generally imagined.³⁶ In 1501 the head of the hospital in Southampton known as God’s House lamented that more than two hundred rioters had forced their way into several enclosed fields and ‘destroyed the qwyk sett whiche had growen ther the space of iiij^{xx} yeres or more’.³⁷ The ‘quick’ hedge was a permanent structure, a living entity, in which the hawthorn (typically) was planted into the earth in order to grow and thicken.³⁸ In this case, the hedge was apparently over eighty years old. Why, then, was it ‘kest don’ so long after its first appearance? It was not enclosure per se that provoked the animus of ordinary citizens.

Towns such as Southampton, Gloucester, Coventry and York lacked arable fields of their own. While they had areas of permanent pasture, their inhabitants also asserted pasture rights on the adjoining fields at certain times of the year. After the

³⁴ Wrightson, *Earthly Necessities*, 152.

³⁵ N. Blomley, ‘Making Private Property: Enclosure, Common Right and the Work of Hedges’, *Rural Hist.*, xviii (2007).

³⁶ C. Dyer, *An Age of Transition? Economy and Society in England in the Later Middle Ages* (Oxford, 2005), 66-7; S. A. Miles, *Parks in Medieval England* (Oxford, 2009), 9-10, 160-79.

³⁷ SCA, SC 4/2/315.

³⁸ Blomley, ‘Making Private Property’, 6.

grain harvest, owners were expected to open their gates for others to graze their cattle, horses and sheep in the enclosed fields.³⁹ These grazing rights usually lasted from Lammas Day (1 August) or Michaelmas (29 September) to Candlemas (2 February) or Lady Day (25 March).⁴⁰ Two economic developments evident from the last quarter of the fifteenth century – the impact of depopulation upon seigneurial incomes and the increasing price of wool – were to destabilise this equilibrium.⁴¹ Each made the owners of these extra-mural fields impatient to extinguish half-yearly commoning rights, which threatened their ability to graze their own cattle and sheep after harvest. Sheep-farming was attractive to secular and ecclesiastical landlords because wool prices remained buoyant in otherwise depressed economic conditions. In 1480 both the prior of Coventry and the lord of a neighbouring manor were said to have four hundred sheep on the common pastures of the city.⁴² The denial of access by landlords, seeking to increase their yearly profits after the hay had been cut or the grain gathered, was the major flash-point. It was in May 1513, shortly after the collection of the hay harvest, that the burgesses of Gloucester entered the meadows to the west of the town to drive out the cattle and sheep of the abbot of St Peter's abbey pasturing there. More than 140 of the burgesses excavated a large ditch, eight feet wide and ten feet deep, just outside the West Gate, to strike at the abbot's commercial interests by depriving him of ingress to the meadows.⁴³ If the economic context

³⁹ C. Platt, *Medieval Southampton: The Port and Trading Community, A.D. 1000-1600* (London, 1973), 50; M. D. Lobel and J. Tann, 'Gloucester', in M. D. Lobel (ed.), *The Atlas of Historic Towns*, i (London, 1969), 8-9; R. B. Rose, 'The Common Lands', in W. B. Stephens (ed.), *VCH: Warwickshire*, viii (London, 1969), 199; K. J. Allison, 'Common Lands and Strays', in P. M. Tillott (ed.), *VCH: The City of York* (London, 1961), 498-500.

⁴⁰ This was the period after the harvesting of corn.

⁴¹ For this and what follows, see Wrightson, *Earthly Necessities*, 102-3, 132-3.

⁴² *[The] C[Coventry] L[leet] B[look]*, ed. M. D. Harris (Early Eng. Text Soc., orig. ser., cxxxiv-cxlv), London, 1907-13), 438-9.

⁴³ *Historia et Cartularium Monasterii Sancti Petri Gloucestriae*, iii, ed. W. H. Hart (Rolls Ser., 1867), xl; N. M. Herbert, 'Medieval Gloucester, 1066-1547', in *id.* (ed.), *VCH: Gloucestershire*, iv (London, 1988), 61. The abbey's interests included sheep-farming: W. H. Stevenson, *Calendar of the Records of the Corporation of Gloucester* (Gloucester, 1893), 423.

explains the attitudes of landowners towards their estates, it nonetheless does not account for the reaction of urban commoners.

In York, during the 1480s and 1490s, it was the time after the reaping of the grain harvest – from the end of summer to early autumn – that was most often the occasion of enclosure riots by the commons of the city.⁴⁴ Michaelmas acquired a local significance as a moment of potential disorder. York's aldermen and councillors learned to anticipate trouble and routinely had meetings either in advance of 29 September, or on the day itself, to prepare for possible conflict.⁴⁵ On 29 September 1488, the mayor and aldermen implored the 'commonaltie' to behave 'in peseable wise withoute eny insurrection or riot'. This conduct, York's magistrates knew, could not be assured. They had to deliver the commons something in return. Fearful of popular violence, they assured the citizens that the gates to the fields would be opened, so 'that the commonaltie may enter into the same to have ther common according to ther right'.⁴⁶

This invocation of 'right' was calculated to appeal to the citizenry, to whom the word had a collective, exclusive and possessive power. Right was associated with custom and with the claim of the antiquity, and inherited quality, of a social practice. In 1480 the spokesman of the commons of Coventry submitted a petition to the city's overlord, the prince of Wales, to complain about how the chamberlains and citizens 'fynde them agreved for þe disusyng of þeir Comown ther'. In alluding to 'their predecessours tyme oute of mynde', the citizens fashioned a contrasting argument about the novelty and, therefore, illegitimacy of the current procedures, that were

⁴⁴ *Y[ork] H[ouse] B[ooks], 1461-1490*, ed. L. C. Attreed, 2 vols. (Stroud, 1991), i, 335-6, 340-1 (1484), and ii, 524-5 (1486); *YCR*, ii, 93-4 (1492), and iii, 110-12 (1494).

⁴⁵ *YHB*, ii, 664; *YCR*, ii, 61-2.

⁴⁶ *YHB*, ii, 623.

‘contrary to þe olde custumes’.⁴⁷ In York custom was not only ancient, but ancestral. In 1480 ‘the fellow citizens (*conciues*) of the city’ were told that they could ‘occupy their common just as their fathers occupied it previously’ (*sicut patres occupabant in antea*).⁴⁸ Yet if custom, as Andy Wood has suggested, should not be mistaken for nostalgia and an unthinking, uncritical, passive acceptance of the past,⁴⁹ citizens preferred to think, less defensively and more emphatically, in terms of ‘right’ to justify the continuation of past practice. The word conveyed the active sense of entitlement that citizens attached to the use of common lands. After an enclosure riot in 1489, the bailiffs and aldermen of Colchester were in no doubt that the issue of the common pasture ‘was a matter of concern to all the burgesses’, which merited wide consultation within the town.⁵⁰ This kind of popular concern was evident in York, where the jurors of the ward of Monk Bar in 1491 reported three individuals, including a Scotsman living in Aldwark, for having cows on ‘the common pasture of the city’, each of whom was not a citizen (*et non est de libertate*).⁵¹ A clerk who examined the court records added a marginal note to elucidate the broader principle underlying the indictments: ‘Citizens not free to have no pastures or commons’. When the jurors of the same York ward later censured a man for his anti-social behaviour, they labelled him an outsider, ‘who was not admitted into the liberty of the city’ (*qui non est intratus in libertate Civitatis*). His primary offence was to own ‘a large hound’ that wandered the streets and that attacked his neighbours and their children, but it did not help that he kept a horse on the common.⁵² If citizenship was shaped by an idea of

⁴⁷ *CLB*, 436, 438.

⁴⁸ *YHB*, i, 213.

⁴⁹ Wood, ‘Place of Custom’, 52, 60.

⁵⁰ H. Harrod, *Repertory of the Records and Evidences of the Borough of Colchester* (Colchester, 1865), 106.

⁵¹ Y[ork] C[ity] A[rchives], CB1a, fo. 138^r.

⁵² YCA, E31, fo. 18a.

neighbourliness, it also offered tangible rewards that citizens believed were theirs alone to enjoy.

This conviction had little basis in borough charters. Examination of the three volumes of *British Borough Charters* covering the period 1042 to 1660 yields two conclusions. First, the concession of rights of pasture by lords to the burgesses of a town was a feature, almost exclusively, of seigneurial rather than royal boroughs, that is, urban communities whose direct lord was not the king. Secondly, in the case of seigneurial towns, virtually all of the documents were foundation charters.⁵³ The coincidence of foundation charters and rights of common confirms the finding of recent work that the new towns of the later twelfth and thirteenth centuries were organised as an essential, but separate component of the manorial economy. Pasture rights were intended to attract the movement of tenants from the countryside to nascent urban settlements.⁵⁴ Among larger, royal towns, such as London, York, Coventry, Southampton, Gloucester, Nottingham and Colchester, where enclosure riots erupted between the 1480s and 1520s, only the citizens of Coventry had a charter. The problem was that neither did it emanate from the royal chancery, nor did it say as much as the citizens wanted.⁵⁵ Their anxiety was betrayed by the frequency with which the charter was copied into various forms of civic writing, from the fly-leaf of the city's late fourteenth-century deeds register, to the different redactions of the town chronicle, where, inscribed at the beginning of the civic annals, it occupied a

⁵³ A. Ballard (ed.), *British Borough Charters 1042-1216* (Cambridge, 1913), 58-63; A. Ballard and J. Tait (eds.), *British Borough Charters 1216-1307* (Cambridge, 1923), 70-84; M. Weinbaum (ed.), *British Borough Charters 1307-1660* (Cambridge, 1943), 67, 95, 98, 138, 140, 144, 148, 150, 151, 153-5.

⁵⁴ R. Goddard, 'Small Boroughs and the Manorial Economy: Enterprise Zones or Urban Failures?', *Past and Present*, no. 210 (Feb. 2011), 8, 17, 18.

⁵⁵ The mid thirteenth-century charter was a gift of 'common pasture for all their animals in all my lands' by one burgess to 'all the fellow burgesses of Coventry': P. R. Coss (ed.), *The Early Records of Medieval Coventry* (London, 1986), 46.

totemic status.⁵⁶ By contrast, when the burgesses of Southampton were asked to provide documentary proof of their title to the Saltmarsh and the adjoining closes and gardens – sites of enclosure riots in December 1500 – all they could do was refer to their assumption, in perpetuity, of the payment of the borough farm, the annual sum due to the crown from an assortment of court profits, tolls, rents and escheats.⁵⁷ If the late twelfth-century royal grant could be regarded with hindsight as the origin of Southampton's autonomy, in truth it made no mention of the contested lands or of the burgesses' right of common.⁵⁸

The absence of written evidence did not deter citizens, who were no less determined to press for the defence and enforcement of their 'right'. When they congregated each year in the town hall to observe the annual oath-taking of the city's civic officials, the 'Comunez' of York publicly raised their hands to endorse the words spoken in their name, specifically that they would support the mayor – with their 'bodiez' and with their 'gudez' – 'in all thinges concernyng the Right of this Citie'.⁵⁹ The collective vow, which reconstituted the town as a sworn oath community, was a renewal of the bonds between the common body of citizens and the town council. It restated, practically verbatim, the pledge that the citizen made individually upon his elevation to the ranks of the citizenry. At his inauguration in Norwich, the citizen declared that he would 'from this day forward y^e franchise and liberties of this Cyte of Norwich mayntene and sustene' with his 'body and goodes'.⁶⁰

⁵⁶ *Ibid.*, 32; BL, Harleian MS 6388, 2, CRO, PA 2/4, fos. 1^v-2^f.

⁵⁷ SCA, SC 4/2/315, /322.

⁵⁸ H. W. Gidden (ed.), *The Charters of the Borough of Southampton*, i, 1199-1480 (Southampton Rec. Soc., vii, Southampton, 1910), 12-13; R. A. Pelham, 'Medieval Southampton', in F. J. Monkhouse (ed.), *A Survey of Southampton and its Region* (Southampton, 1964), 211. In fact, the burgesses gave the Saltmarsh to God's House at the hospital's foundation in the 1190s: *The Cartulary of God's House, Southampton*, i, ed. J. M. Kaye (Southampton Rec. Ser., xix, Southampton, 1976), xxxi. I owe this reference to Tom Beaumont James.

⁵⁹ YCA, D1, fo. 1^v.

⁶⁰ W. Hudson and J. C. Tingey (eds.), *Records of the City of Norwich*, 2 vols. (Norwich, 1906-10), i, 129.

In York the entrant professed that he would, at all times, ‘all the ffranchneys & freedoms of ye saide Citie maynteyn & upholde at my power & Counyng wt my bodye and gudes’.⁶¹ The word ‘right’ had a particular meaning to citizens. It was a synonym of ‘franchise’, ‘freedom’ and ‘liberty’.

‘Franchise’, ‘liberty’ and ‘freedom’ were interchangeable terms, which could be used to indicate and link ‘people’, ‘place’ and ‘jurisdiction’. In English towns, the words might mean the collective name of the corporate body of the city; the special exemptions and benefits of the corporation and its members; and the physical space within which those rights applied and a jurisdiction extended.⁶² This verbal interplay was not casual or accidental. It was the consequence of an urban pattern of thought that coupled the possession of the freedom (citizenship) and its attendant privileges to a territorial imagining of the city and that became further entrenched through the practice of ‘riding the bounds’, or rather, ‘riding the franchise’, as it was more suggestively styled by contemporaries.⁶³ In Bristol and Norwich the riding of the bounds complemented the election of the mayor at the start of the civic year.⁶⁴ The event was known in Norwich as the ‘mayor’s riding’ (*equitacio maioris*) and customarily took place on the day he swore his oath of office. From the mayor’s perspective, the ritual was a visual sign of his newly enhanced position and a source of legitimacy. The riding was, however, much more than an official rite of passage. In 1465 the citizens of York asked for an annual riding of the city limits ‘for that we may know our liberties and lose no part of our right that is due to the city’.⁶⁵ The cancellation of the riding in Norwich in 1496 was mourned by the citizens as an act of

⁶¹ *Register of the Freemen of the City of York*, ed. F. Collins, 2 vols. (Surtees Soc., xcvi-cii, Durham, 1896-9), i, xiv.

⁶² *Middle English Dictionary*, sub: ‘freedom’; ‘liberte’; ‘franchise’.

⁶³ *Ibid.*, sub ‘franchise’: 4 (b).

⁶⁴ W. Barrett, *The History and Antiquities of the City of Bristol* (Bristol, 1789), 104, 120; NCR, NRO, 16d/1, fos. 38^v-39^r.

⁶⁵ P. M. Tillott and K. J. Allison, ‘The Boundaries of the City’, in *VCH: City of York*, 315.

‘surrender’.⁶⁶ There was a popular outcry at quarter sessions in 1500, when jurors presented the two chamberlains of Nottingham for their persistent refusal to make ‘common boundary marks in four parts about the town’, despite the repeated imprecations of ‘the entire Community of the whole town of Nottingham’. This was a task that the chamberlains’ predecessors had undertaken annually, by virtue of their office, and was a ‘good custom’.⁶⁷ To ride the town boundaries was not to survey the landscape, but to lay claim to the city as stakeholders within the urban community. In York in 1485, at a meeting of the commons in the town hall, the mayor and aldermen conceded that ‘iiiiij or ij of evere craft within the said citie’ should join with them to ‘goo and see the bounds of this citie’.⁶⁸ Town liberties were conceived spatially.

This physical conception was, in turn, shaped by the common lands to which the citizens demanded access. The boundaries of town commons and urban franchises were frequently coterminous.⁶⁹ Citizens thus viewed common lands as an integral aspect of the town’s corporate liberties that they swore to uphold at their enfranchisement. In the East Riding town of Beverley, newcomers entering the civic franchise as freemen were each to promise explicitly, ‘I shall place no animals upon the pastures of Beverley, except those which are my own’.⁷⁰ While no such clause appeared in the freeman’s oath in York, it did not stop citizens interpreting their charge in this way. A craftsman who ploughed ‘the comon ground’ in Knavesmire, an area of permanent pasture reserved for the freemen of the city, was adjudged in 1502 to have behaved ‘contrary to his othe maid at his first enfraunchysyng’ and was

⁶⁶ NCR, NRO, 17d/1, fo. 27^v.

⁶⁷ W. H. Stevenson (ed.), *Records of the Borough of Nottingham*, 5 vols. (London, 1882-1900), iii, 74-6. I would like to thank Judith Mills for this reference.

⁶⁸ *YHB*, i, 355.

⁶⁹ Tillott and Allison, ‘Boundaries of the City’, 315; J. S. Davies, *A History of Southampton* (Southampton, 1883), 41-51; J. Healey, ‘The Political Culture of the English Commons, c.1550-1650’, *Agric. Hist. Rev.*, lx (2012), 275.

⁷⁰ A. F. Leach (ed.), *Beverley Town Documents* (Selden Soc., xiv, London, 1900), 14. See also the freeman’s oath in Cambridge: H. M. Cam, ‘The City of Cambridge’, in J. P. C. Roach (ed.), *VCH: Cambridge and Ely*, iii (London, 1959), 47.

sentenced to be ‘discharged of his fraunchese’.⁷¹ Grievances among the citizenry of Worcester, arising from the governance of the city, compelled the civic authorities in 1466 to produce a written constitution, which was composed entirely in the vernacular. The fourth ordinance in the volume of over eighty by-laws stated that ‘the comyns’ should be informed yearly of both the condition of ‘the comyn grounde’ and the ‘circuite of the fraunchesse’.⁷² An annual perambulation of the franchise was intended to complement an inspection of the common lands. These practices were necessary, in the words of a later calendar, so that ‘the comyns may haue knowleche of hur [i.e. their] comyn grounde and of the circuite of ther ffraunchese’.⁷³ Such geographical knowledge and spatial memory empowered the commons to act as custodians of the city’s liberties.

Liberties could be mapped in time as well as in space. Common lands gave citizens not only a sense of place but a means of remembering the past. In the 1270s the juries of several London wards reported the royal administrator and bishop, Walter de Merton, for annexing the area of London just north of the city walls. Moorfields was described as ‘common moor’, which had belonged ‘to the community of the city of London’ forever and ‘which was always common of the city from its foundation’ (*a fundacione civitatis*).⁷⁴ In the early 1480s, during the controversy with St Mary’s abbey, the citizens of York charted the history of their commoning rights, which established at once the spatial limits of the city and the beginning of a tradition of privileged civic autonomy. According to their testimony, ‘the city of York was an ancient city long before the Conquest and before the foundation of St Mary’s abbey of York, and the city was defined and bounded on all sides, by land and by water, by the

⁷¹ YCA, B8, fo. 127^r.

⁷² J. T. Smith and L. T. Smith (eds.), *English Gilds* (Early Eng. Text Soc., orig. ser., xl, London, 1870), 378.

⁷³ *Ibid.*, 370.

⁷⁴ *Rotuli Hundredorum*, 2 vols. (London, 1812-18), i, 403, 404, 421.

same metes and bounds that are now the metes and bounds of the aforesaid city. And the aforesaid citizens, before the Conquest and before the foundation of the aforesaid abbey, enjoyed liberties, privileges and customs, and had common pasture for their cows and their other animals.⁷⁵ In these cases, the history of the common lands shored up town liberties in confrontations with external adversaries.

More divisively, this history could be mobilised to structure an alternative civic narrative, which was at odds with the official account of the city's origins and development propagated by the town government. In Coventry the common fields were considerably older than the town council. Coventry's history, as told in the succession of town chronicles, only went as far back as 1345, when the city, hitherto divided between two seigneurial lordships, was united under the regime of a mayor and two bailiffs.⁷⁶ It was said in 1470 that a piece of land, which a manorial lord had enclosed, had previously been held by the mayor and bailiffs 'in ryght' of the commons; and 'the Cominalte of the same Cite afore that eny Maire or baylyfe was there', long before the birth of town government and formal incorporation, had been seised of the property from time immemorial.⁷⁷ It was no wonder, then, that ordinary citizens in Coventry felt that it was their right to accompany the chamberlains each year on Lammas Day, at the 'openyng & ouerseying of the Comien of this Cite'. They turned up in such large numbers that Coventry's rulers worried that their gatherings would lead to riot. In 1474 and again in 1495 the mayor's council resolved that only those in receipt of an invitation would be authorised to join the civic officials in their

⁷⁵ YCA, E30, fo. 4^r.

⁷⁶ For example, the earliest annal: CRO, PA 351/1, 15. For Coventry's so-called 'charter of incorporation' of 1345, see M. Weinbaum, *The Incorporation of Boroughs* (Manchester, 1937), 47-50; for the debate about Coventry's pre-1345 history, see the useful summary in R. Goddard, *Lordship and Medieval Urbanisation: Coventry, 1043-1355* (Woodbridge, 2004), 10-11.

⁷⁷ CRO, BA/F/10/11/1.

annual progress.⁷⁸ A bill nailed to the door of St Michael's church in 1495, 'within viij dayes after Lammasse', protested against this 'rule'.⁷⁹ The injustice was less that the ordinance marked a break with custom and more that it was antithetical to the city's hard-won freedom from arbitrary rule and a form of enslavement. The bill's opening lines served as an epigraph: 'This Cite shuld be free & nowe is bonde / Dame goode Eve made it free.' Lady Godiva was the eleventh-century noblewoman who was believed to have ridden naked around the city in order to win for the citizens immunity from the heavy and capricious taxes of her husband, the earl of Mercia and lord of Coventry.⁸⁰ To reduce the riding to civic ceremonial, devoid of all but passive popular engagement, was the same as closing the gates at Lammas Day or Michaelmas. Both were types of exclusion. Both shut commoners out of their city and deprived them of their collective liberties.

III

The maintenance of town commons was, therefore, a barometer of good government. If 'right' was one keyword in the linguistic armour deployed by citizens in disputes over common land in the late fifteenth and early sixteenth centuries, another was the 'common weal'.⁸¹ Not long after the enclosure riot in 1500, which had cast down the hedges around the Saltmarsh, the commons of Southampton delivered a strenuous rebuke to the mayor and aldermen of the town.⁸² Little by little, the commons decried,

⁷⁸ *CLB*, 565, 843.

⁷⁹ *Ibid.*, 567.

⁸⁰ G. Rosser, 'Myth, Image and Social Process in the English Medieval Town', *Urban Hist.*, xxiii (1996), 15-16.

⁸¹ For the use of this term in a regnal rather than specifically civic setting, see J. Watts, "'Common weal" and "commonwealth": England's Monarchical Republic in the Making, c. 1450-c. 1530', in A. Gamberini, J-P. Genet and A. Zorzi (eds.), *The Languages of Political Society. Western Europe, 14th-17th Centuries* (Rome, 2011), 147-52; P. Slack, *From Reformation to Improvement: Public Welfare in Early Modern England* (Oxford, 1998), pp. 5-8. More generally, see D. Rollison, *A Commonwealth of the People: Popular Politics and England's Long Social Revolution, 1066-1649* (Cambridge, 2010).

⁸² For this and what follows, see SCA, SC 4/2/323.

God's House Hospital had created a series of enclosures, which had gradually advanced 'to the gates of the Towne'. This cumulative encroachment, they contended, was 'ageynst the Comyn weele' of the town. In discussions with Southampton's governing elite, the commons argued that the Saltmarsh had been 'occupied for a Commyn wele' for all the freemen. This vocabulary was a pointed reminder of the purpose of civic government and of the belief that urban magistrates held their privileged position only so that they could promote the general well-being of the community. It was a warning to those who had political power to exercise it wisely and to discharge justice. Just as civic rulers liked to imagine that their legal pronouncements carried the moral weight of religious decrees and decorated their town halls, where they held their courts, with images of divine judgment,⁸³ so the commons of Southampton insisted, 'as ye will answere vnto god to see that wee haue Justice in this mater'. If justice were not accomplished, to their satisfaction, the commons threatened to do what they had done in the past: 'that is to sey to throwe downe the hegges and dikes'. The last line of their reproof may have been conventional in its recommendation of divine protection to the mayor and his brethren, but the commons could not desist from a final admonishment to the aldermen to 'tendir the Comen weele' of the town.

In these instances, 'common weal' signified the familiar notion of the 'common good', the touchstone of all modes of legitimate authority, but, like 'commonwealth', which would take its place as a keyword in English political discourse from the 1520s, 'common weal' had an almost tangible quality.⁸⁴ This

⁸³ For example, the council chamber of Norwich's Guildhall: F. Blomefield, *An Essay towards a Topographical History of the County of Norfolk*, iv, *The History of the City and County of Norwich, Part II* (Norwich, 1806), 229-30.

⁸⁴ For the linguistic shift, see 'Commonwealth: The Social, Cultural, and Conceptual Contexts of an Early Modern Keyword', *Hist. Jnl*, liv (2011), 663-6; Watts, "'Common weal" and "commonwealth"', 149-52.

materiality resonated strongly with citizens. The recurring question that fractured civic politics – in whose interests did town government operate – was difficult to answer because the concept of the ‘common good’ was so abstract and its meaning was so slippery. The defence of a town’s commoning rights and the conservation of town commons were a concrete measure of rulers’ commitment to the overarching principle of urban governance. In fourteenth-century Cambridge these duties were formally written into the oath of the mayor and bailiffs who, in addition to the charge to safeguard the liberties of the town and to keep the peace, were expected to ‘preserve the commons intact’.⁸⁵ Their task was made more complicated because the Augustinian house of Barnwell Priory stood on common grazing land to the north of the town and the hedges, walls and ditches, which increasingly encircled the site, obstructed a driftway, close to the river Cam, connecting two common pastures on either side of the religious house.⁸⁶ In June 1381, at the time of the Peasants’ Revolt, the burgesses of the town made an armed incursion of the priory enclosure, broke down the walls and hedges, and removed the trees growing there.⁸⁷ Royal inquests to investigate the disturbances in Cambridge revealed that the enclosure riot was a rising of the commons.⁸⁸ The accused found themselves having to deny their involvement in the ‘revolt against the mayor of the town of Cambridge’ (*insurrectio contra maiorem ville Cantabrigiensis*). This was a rebellion in the sense that the burgesses acted against the wishes of the town’s ruling group (*contra voluntatem maioris et aliorum fidelium hominum*). Their rebellion was to intimidate the mayor and his fellow officers into issuing proclamations that encouraged violence against the priory’s lands. Over one thousand people congregated around the ‘tolbooth’, the town hall,

⁸⁵ Cam, ‘City of Cambridge’, 41. The word ‘commons’ here indicated ‘lands’ rather than ‘people’.

⁸⁶ *Liber Memorandum Ecclesie de Bernewelle*, ed. J. W. Clark (Cambridge, 1907), 41-3, 133-4.

⁸⁷ There is a short account in Cam, ‘City of Cambridge’, 9-12.

⁸⁸ For what follows, see T[he] N[ational] A[rchives], JUST 1/103, mm. 6-7, 12r; F. W. Maitland, *Township and Borough* (Cambridge, 1898), 192-3.

where they forcibly declared, ‘you are the mayor ... and the governor of our community’ (*tu es maior ... et gubernator nostre communitatis*). In destroying hedges, the burgesses alleged that they were doing nothing more than upholding their ancient rights. Sufficiency to rule could be assessed upon the basis of a mayor’s devotion towards the preservation of the town’s liberties and upon his attitude towards the integrity of rights of common, in particular.

This outlook was expressed starkly in York in November 1511, in the course of an alehouse conversation between two craftsmen about the impending mayoral election. One of the candidates was dismissed as a ‘fals traytour’, who should never be elected mayor. His treasonable offence was his betrayal of the community sixteen years earlier, during his mayoralty in 1495. The commons had neither forgiven nor forgotten his previous transgression, when he had ‘lost’ one of the city’s common fields, known as the ‘Vicars Leas’.⁸⁹ Conversely, leadership of an enclosure riot might enable a potential candidate to prove his civic credentials among a wide audience. The ‘chief settar’ of the ‘throwyng downe’ of the hedges and ditches by the burgesses of Southampton in the early 1460s was one John Walker, who was elected mayor for consecutive terms in 1466 and 1467.⁹⁰ His time in office was to be overshadowed by political scandal. The political forces that facilitated his rise were responsible for his downfall. He was perceived to have abused his position to negotiate – unilaterally and for personal profit – an agreement with God’s House, the hospital whose enclosures he had helped to demolish. The bag holding the town’s common seal was customarily sealed with the matrices of the mayor and aldermen. The aldermen’s discovery of their broken seals – the result, presumably, of Walker’s misappropriation of the common seal – stimulated ‘grete debate’ between the mayor, ‘all the Aldremen &

⁸⁹ YCR, iii, 36; YCA, B7, fo. 137^r, YCR, ii, 123.

⁹⁰ SCA, SC 4/2/314; Davies, *Southampton*, 52.

burgesses with the comynalte of the seid towne'. Walker was won over through the gift of a house, an orchard and a close. Through 'his subtyle meanes & singler profit', Walker had conspired with the enemy to relinquish the burgesses' rights. More than thirty years later, Walker's mayoralty was remembered – and appraised – with reference to the history of Southampton's common lands. In favouring himself and prioritising his own needs above those of the community of burgesses, it could be shown demonstrably that Walker had performed 'contrary to his othe to the great damage of the Comyn wele of this Towne'.⁹¹

If there was always the prospect that town commons could function as a metaphorical field of combat within urban politics, enclosure riots became more frequent from the 1480s because of the political decisions taken by town leaders. Whatever the precise extent of late medieval urban decline, anxiety about the state of civic finances and discontent about the burden of the fee farm payable annually to the crown are undeniable.⁹² Among the solutions to these intense fiscal pressures, two stand out for their relevance to the topic of common lands. First, urban governors, desirous of the political support, or 'good lordship', that they thought was vital to protect their town's financial fortunes, were willing to compromise with the demands of local lords and to surrender commoning rights, especially if those rights could be transmuted into a monetary sum. In York in 1484, the local lord was the king, Richard III, who wrote to the city asking on behalf of the hospital of St Nicholas, a royal foundation, that the close outside Walmgate Bar, which had been 'common' from

⁹¹ SCA, SC 4/2/314, /316, /320.

⁹² The secondary literature on the subject of 'urban decline' is vast. There has been vigorous debate about its causes, chronology, scale, even about the usefulness of the concept. For the most recent discussion, with extensive bibliographic apparatus, see S. H. Rigby, 'Urban Population in Late Medieval England: The Evidence of the Lay Subsidies', *Econ. Hist. Rev.*, lxiii (2010). For the economic and financial fortunes of York, the city upon which the rest of this paragraph is based, see the new account in P. Nightingale, 'The Rise and Decline of Medieval York: A Reassessment', *Past and Present*, no. 206 (Feb. 2010).

Michaelmas to Candlemas, should now be ‘closid’ and ‘severall’ throughout the year. The mayor and his brethren swiftly gave their endorsement, but the commons had to be persuaded and were summoned to the town hall, where they were shown the king’s letter. The commons’ approval was secured begrudgingly.⁹³ Six months later, at Michaelmas 1484, on the occasion of the customary opening of the common fields, there was an enclosure riot.⁹⁴ In October 1494 the city’s struggles with the vicars choral of York Minster over the close called the ‘Vicars Leas’ came to arbitration. The arbitrator, the abbot of St Mary’s abbey, proposed that the ‘Comons’ of York receive a yearly rent from the vicars choral as the price of giving up pasturage in the ‘Vicars Leas’. The mayor, aldermen and members of the council of twenty-four were prepared to accept the offer. The commons, represented by the city’s crafts, were not so amenable. The town council’s frustration led to the incarceration of representatives of the commons within the town hall so as to extract their nominal consent, but this heavy-handedness hardened popular opposition. The weavers who had been at the vanguard of the verbal and physical confrontation with the civic authorities in the town hall at the end of October were the ringleaders of the enclosure riot in early November, at the ‘pullyng down of the heggez of the vicars lees’.⁹⁵

Secondly, the rulers of English towns such as Coventry and Southampton were aware of the profit that could be made should the common lands under their jurisdiction be exploited fully as a material resource. In Coventry financial crisis induced the mayor to seek counsel from the wards in October 1510 about how best to ensure that ‘profite myght ryse unto the Comen Weele of the Citee’.⁹⁶ In 1512 the city fathers resolved to allow the enclosure of some of the common fields at Lammas Day,

⁹³ *YHB*, i, 303, 439-41.

⁹⁴ *Ibid.*, i, 335-6.

⁹⁵ *YCR*, ii, 105-12; *YCA*, B7, fos. 119^f-121^f.

⁹⁶ *CLB*, 630; Phythian-Adams, *Desolation*, 45.

‘for the comen wele of the Cite’, in return for half-yearly rents, which would be administered solely ‘for the comen wele of the Citee’.⁹⁷ Endeavouring to convince the commons of the legitimacy of official policy, this commonweal rhetoric perhaps lost something of its potency through repetition. In 1524 ‘y^e Commons pulled downe’ all the enclosures upon Whitley Common, south of the walled city,⁹⁸ and on Lammas Day 1525, angered by the taking in of ‘a certeyne ground’ that was to be held in severalty, ‘the comons did rise’ and storm St Mary’s Hall, where they broke down the doors and removed and retained in their possession ‘the Box’ containing ‘the mony that was reseived of the common ground’.⁹⁹ 1525 was recalled laconically in other Coventry annals as the year that ‘the comonaltye strove for the comon Box’.¹⁰⁰ Although it held rents totalling around £60 at the time of its capture,¹⁰¹ the box did not have a financial so much as an emotional value to the commons. It was a symbol of the civic elite’s active participation in the process of enclosure.¹⁰²

In Southampton a similar set of financial constraints exposed tensions between the commons and the town government. The obligation of coastal defence motivated the construction of a bulwark of earth and timber in the Saltmarsh in 1457 at the town’s expense,¹⁰³ but the common lands on the south coast were a drain on civic funds that the mayor and aldermen were eager to minimise. As soon as the ‘maire and Cominaltie’ of Southampton had recovered the Saltmarsh in their lawsuit with God’s House in October 1504,¹⁰⁴ the mayor, bailiffs and aldermen of the town were contemplating its enclosure. They wrote to ‘all the Inhabytauntes and Comyns’ of

⁹⁷ *CLB*, 633.

⁹⁸ BL, Harleian MS 6388, 30.

⁹⁹ SBTRO, DR 37 Box 123/7, fo. 9^v.

¹⁰⁰ SBTRO, DR 37 Box 123/7, fo. 21^v; CRO, PA 2/3, 66.

¹⁰¹ BL, Harleian MS 7571, fo. 32^r.

¹⁰² In October 1525, in response to the enclosure riot of a few months earlier, the council reversed its policy of enclosing the commons: *CLB*, 692.

¹⁰³ R. P. Moffett, ‘The Military Organisation of Southampton in the Late Medieval Period, 1300-1500’ (Univ. of Southampton, Ph.D. thesis, 2009), 56-7; SCA, SC 4/2/314.

¹⁰⁴ SCA, SC 4/2/327.

Southampton to inform them that the Saltmarsh could ‘lye opyn’, freely available for the citizens of the town, so long as certain qualifications were met. If the commons did not pay their fair share of the money spent upon the Saltmarsh in the past year for its defence against coastal erosion and did not continue to contribute to the costs of maintaining the marsh against incursions of the sea, then the Saltmarsh was to be enclosed and leased out. The citizens would have access to the marsh only after harvest.¹⁰⁵ The ‘aunswere of the Commyns’ was a direct rebuttal. The Saltmarsh should remain ‘opyn Commyn’ for ‘all burgessys and Commyners of this town’ and should not be ‘lette to fferme for any rent yerly’.¹⁰⁶ The commons’ resistance was successful. The proposal to gain revenue from the Saltmarsh through enclosure, in order to make its fortification self-financing, was revived only in 1517, when Southampton’s governors solicited the crown’s assistance to remedy the ‘dekey and povertie’ within the town that reportedly hindered their ability to render the annual fee farm. One cause of this distress, they claimed, was the state of the Saltmarsh, whose ruinous earthen walls were insufficient to stem the entry of sea water, which imperilled the marsh, as well as the town itself. Sanctioned by the crown to take the Saltmarsh into the king’s hand and to put it ‘to suche use and order’ that they believed appropriate, Southampton’s mayor and aldermen convened within one week of their receipt of the king’s correspondence to formulate an ordinance for the enclosure of half of the Saltmarsh between 25 March and 1 August each year.¹⁰⁷ The ruling unleashed a violent reaction from the commons of the town, who ‘arose and reyotusly assembled them selff together yn the Saltmarshe’, where they ‘reyotusly cast down

¹⁰⁵ SCA, SC 4/2/318.

¹⁰⁶ SCA, SC 4/2/325.

¹⁰⁷ ‘The Corporation of Southampton: Letters and Loose Memoranda’, in *The Manuscripts of the Corporations of Southampton and King’s Lynn: Historical Manuscripts Commission, Eleventh Report, Appendix, Part III* (London, 1887), 109; *The Third Book of Remembrance of Southampton 1514-1602, i, 1514-1540*, ed. A. L. Merson (Southampton Rec. Ser., ii, Southampton, 1952), 20-1.

the banks and dichis of the seid Saltmarshe'.¹⁰⁸ The clerk who narrated the 1517 episode in the town's official Remembrance Book could not conceal his bewilderment at this turn of events. The banks and ditches had been excavated on the order of the mayor, with 'the advise and concent of all his brethryn', and the ordinance had been justified, ideologically, on the grounds that it was 'for a comyn weele'.¹⁰⁹ What, therefore, was the commons' problem?

The perplexed town clerk in Southampton let slip more than he intended in his observation that the partial enclosure of the Saltmarsh in 1517 was the design of the mayor, working in consultation with a small group of men, his brethren. What was missing was any kind of broader consent, provided by the burgesses collectively or by their representatives. The perceived absence of a popular voice in the decision-making process, discernible in the arrangements for the leasing of common land, reflected more pervasive sentiments about the unequal distribution of political power that would lead to contestation within English towns from the 1480s. If enclosure was a subject that was explosive enough in its own right to produce moments of riotous resistance, the disturbances in the fields outside the walls of English towns were also an expression of a more sustained engagement with civic politics. In an era when access to common lands was generally under threat, the issue of enclosure both provoked and facilitated joint action among the citizenry.

In pulling down enclosures, an act that palpably required co-operation, the commons announced their collective power, group identity and autonomy in the arena of local politics. The abbot of St Peter's abbey in Gloucester told the king's council that 140 burgesses of the town had dug up his land beyond the West Gate over two

¹⁰⁸ *Third Book of Remembrance*, 21-2.

¹⁰⁹ *Ibid.*, 22.

days in May 1513 to the sound of drums and horns.¹¹⁰ The burgesses mustered each day at the High Cross, two storeys in height, selected for its location as a prominent landmark at the centre of the walled town, but also for its resonances as a marker of Gloucester's privileged independence and incorporation.¹¹¹ It was here that the rioters, in a very public display of fraternity and commensality, positioned barrels of ale, and drank and ate, 'with grete shoutes and cryes in maner of tryhumphe'. The burgesses had fashioned their own model of a ceremonial entry, a civic triumph of sorts, from existing festive materials. When the rioters answered the abbot's complaint before the king's council, they rejected the idea that they had carried 'wepyns of warr' and pretended that they had come together merely to clean the ditch that divided the town commons and the commons of the abbot's manor of Maisemore. They did not dispute the presence of music. They challenged its meaning, protesting that, as they were returning each night from the fields, they were met at the West Gate by the town drummer, who advanced before them in a procession, 'ij & ij together as the Custom is there used when workmen in the hervest tyme & other season haue left ther work'. The Gloucester rioters evoked a pastoral scene, in which they laboured in the fields 'w^t other Burgesez & workemen of the seid Town', armed with agricultural tools (spades and mattocks), while women and children came 'to see them worke'.¹¹² The discourse of 'work' was a feature of accounts of enclosure riots in English towns. The Tudor chronicler, Edward Hall, labelled the industrious citizens who levelled the hedges north of London in 1514 'workemen', 'so diligent' were they in their

¹¹⁰ *Historia et Cartularium*, xl-xli. The enclosure riots in Coventry in the 1370s and 1460s were accompanied similarly by the town's waits: *C[alendar of] P[atent] R[olls]*, 1377-81, 303; CRO, BA/F/10/11/1.

¹¹¹ Cf. the High Cross of the neighbouring town of Bristol, which was constructed to commemorate the award of county status in 1373.

¹¹² GRO, GBR/B/8/7 (not numbered). For the practice of procession and the presence of music and other ritual elements in rural riots, see A. Howkins and L. Merricks, "'Wee be black as Hell": Ritual, Disguise and Rebellion', *Rural Hist.* iv (1993).

enterprise.¹¹³ Enclosure rioters, too, preferred to see themselves in this light. In 1517, after they had first smashed the banks and ditches around the Saltmarsh, the commons of Southampton marched, two by two, to the door of the mayor's house, where one of them inquired, "'now yff Master Meyr have any more wurke for us, we be here redy.'"¹¹⁴ The notion of labour had a cultural value. It encapsulated the dynamism, solidarity and agency of the urban commons, without which enclosure riots could not take place.

The cacophonous din that accompanied urban riots was meant to be heard. In London, in 1514, 'a turnour in a fooles coote' uttered a public cry throughout the city to rally the citizens.¹¹⁵ This noise demanded attention from the civic authorities. In 1517 the rioters in Southampton 'opynly' made 'a grete showte' both in the Saltmarsh and in 'the opyn strets', before the town hall, where the mayor and aldermen were holding a court of law.¹¹⁶ The enclosure riot was a loud and forceful entry into the sphere of urban politics by the commons, whose clamour in a range of public spaces within the town could not be ignored. In Coventry, in the 1490s, the city government did its best to divest Lawrence Saunders of a public forum within which he could articulate the grievances of the commons, for whom he spoke unofficially. In 1495 Saunders was banned from the annual riding with the chamberlains on Lammas Day and discharged from a place on any of the town's councils.¹¹⁷ This policy of exclusion culminated in his frequent imprisonment.¹¹⁸ In 1496 Saunders's 'seducious wordes' addressed to the mayor in the town hall vindicated his prolonged detention and

¹¹³ Tawney and Power, *Tudor Economic Documents*, 17-18.

¹¹⁴ *Third Book of Remembrance*, 22.

¹¹⁵ Tawney and Power, *Tudor Economic Documents*, 18. A fool's coat was associated with the lord of misrule.

¹¹⁶ *Third Book of Remembrance*, 23.

¹¹⁷ *CLB*, 564. The best study of Saunders remains M. D. Harris, 'Laurence Saunders, Citizen of Coventry', *Eng. Hist. Rev.*, ix (1894).

¹¹⁸ See, for example, CRO, BA/H/17/A79/14.

prompted an outcry within the city. A bill affixed to the door of St Mary's cathedral priory appeared immediately. The bill was written in the first person plural and ventriloquised the voice of the 'Cominalte'. The theme of closure connected dissatisfaction about the common lands to Saunders's confinement within the town gaol:

Our Comiens þat at Lammas open shuld be cast
They be closed in & hegged full fast.

And he þat speketh for our right is in þe hall.¹¹⁹

The enclosure of land was linked to the closing down of spaces within which ordinary citizens and their representatives could speak. Conversely, the trait that was conspicuously absent from the enclosure riot was silence.

While Saunders was a single individual, enclosure riots were marked by the practice of collective assembly. The riot in York in October 1484 was better known as 'the grete assembly'; the 1513 riot in Gloucester was an 'vnlefull assemble & ryott'; Edward Hall referred to the 1514 riot in London as 'this assembly'; and the riot in Southampton in 1517 was more properly understood as 'a grete commocion and reytouse assemble'.¹²⁰ This vocabulary was part of an elite discourse that deliberately obscured popular intentions and that interpreted any unauthorised meeting of large numbers of people as potentially conspiratorial and subversive, whose illegality made it deserving of punishment. Yet the word 'assembly' also conveys, more neutrally, the organisation and mobilisation that marked out popular politics and that closely aligned enclosure riots to a repertoire of collective action in English towns. At the final session of the 1489-90 parliament, the parliamentary commons avowed two, almost identical, petitions on behalf of the towns of Northampton and Leicester,

¹¹⁹ *CLB*, 577-8; W. Scase, *Literature and Complaint in England 1272-1553* (Oxford, 2007), 142-3.

¹²⁰ *YHB*, i, 335-6; GRO, GBR/B/8/7 (not numbered); Tawney and Power, *Tudor Economic Documents*, 18; *Third Book of Remembrance*, 23.

whose predicament was far from exceptional: ‘great division, dissension and discord have grown and been experienced in the towns and boroughs of Northampton and Leicester as well as in various other towns and boroughs corporate within this realm of England, among their inhabitants, over the election and choice of mayors, bailiffs and other officers within them.’¹²¹ What alarmed the rulers of Northampton and Leicester and of towns such as London and York, where there were disputed elections,¹²² was the presence of large groups of people (‘a multitude’), who associated in their own ‘assemblies’, ‘bands’ and ‘confederacies’. Their ‘shouting and aggression’, heard and seen in enclosure riots, shattered the peaceful soundscape that signified the political harmony of the city.

The relationship between enclosure riots and other occasions of urban unrest between the late fifteenth and early sixteenth centuries was temporal as well as linguistic. The events of a ‘Busy’ Lammas Day in 1525, when the commons flattened the gates and hedges in the fields around Coventry, besieged the town hall and locked the chamberlains out of the city, left one of the town chroniclers in no doubt that they amounted to ‘an Insurrection’.¹²³ The arrival of Thomas Grey, Marquis of Dorset, resulted in the banishment of some, the arrest of thirty-six of ‘the comynors’, who were sent to Warwick Castle and to Kenilworth Castle, and the dispatch of a further seven to the Marshalsea prison in London, where they languished seventeen weeks.¹²⁴ These punitive measures did nothing to encourage obedience and to restore peace. In November 1525 information reached the king that there were still many people within Coventry who continued to ‘conioyne and combyne theymselves togedre’ and who

¹²¹ *The Parliament Rolls of Medieval England*, xvi, ed. R. Horrox (Woodbridge, 2005), 60-2.

¹²² For London, see *The Great Chronicle of London*, ed. A. H. Thomas and I. D. Thornley (London, 1938), 245-6; for the election riots of 1482 and 1489 in York, see *YHB*, i, 247, and ii, 630-2, 638-9, 642, 701-2.

¹²³ Bodleian Library, MS. Top Warwickshire d.4, fo. 16^v; Birmingham Reference Library, MS 273, 978, fo. 6^r.

¹²⁴ CRO, BA/H/17/A79/27; SBTRO, DR 37 Box 123/7, fos. 9^v-10^f.

were wont ‘to sowe sedicious and sklaunderous billes against the heddes of our said Citie’.¹²⁵ In the royal proclamation that was delivered to the mayor, aldermen and sheriffs for circulation, the situation was described as a rising of a general character, aimed ‘against the Maiour Aldermen Burgesses & other well ruled & disposed inhabitants’.¹²⁶ In Nottingham there were enclosure riots in 1511 and 1512, and at Easter 1512 a jury presented a long list of indictments against the current mayor, the two chamberlains, two aldermen, a former sheriff and a future sheriff, who were charged with ‘castyng muk’ in the streets.¹²⁷ The thematic thread binding these charges to the enclosure riots was the concept of encroachment upon common land. The mayor was named as ‘the furste begynner’ of the dung heap. If the Mickleton jury, like all manorial court leets, was constrained in what it could say by the terms of its remit to inspect the infringement of public space, these seemingly trivial offences underline the earlier point that a popular critique of the conduct of urban officials was often constructed within a spatial framework. Although the focus of the Nottingham jury’s denunciations was the personal abuse committed by individual members of the governing elite, the jury also condemned the mayor ‘and alle the Counsell’, whose deeds had been to ‘the gret hurte of the towne and the comons’.¹²⁸ This awareness of the deeper, structural quality of urban politics would manifest itself publicly a month later when ‘diuers of the Commens’ of Nottingham were accused of a conspiracy to ‘confeder’ them’ selffe to geder’ in order ‘to make Aldermen’ and oder offecers at yer [i.e. their] plesure’.¹²⁹ These different expressions of popular politics, joined by the habit of collective assembly, sprang from a common source of discontent.

¹²⁵ CRO, BA/H/17/A79/28.

¹²⁶ BL, Harleian MS 442, fo. 59^{r-v}. There is also a copy of this writ in CRO, BA/E/5/1/1.

¹²⁷ Stevenson, *Borough of Nottingham*, iii, 338-40.

¹²⁸ *Ibid.*, iii, 339.

¹²⁹ *Ibid.*, iii, 341.

Behind the urban enclosure riots of the 1480s to 1520s was a set of political and constitutional concerns about the governance of towns. The commons' attempts to appoint and dismiss aldermen and other civic officials at their own discretion in Nottingham were not unique in this period.¹³⁰ While there was a question about the political process – about the privileges of ordinary citizens in elections – the evidence from Nottingham indicates that the issues were more broadly constitutional and were about popular representation and consultation. In 1512 the town's recorder warned the mayor against the 'callyng of ony Commen Halle att the request of ony of them that make this confederace'.¹³¹ The Common Hall was both a place and a traditional right of assembly that belonged to all of the freemen, who expected to meet in the town hall to debate the general affairs of the town.¹³² Thus, in 1480, the mayor 'called the Commons togeder in their Common Hall' to obtain their consent to a legal settlement involving the town's common lands.¹³³

In the exchanges that followed enclosure riots, the commons forcibly reminded their rulers that they did not speak for them. In Southampton, where the status of the Saltmarsh mobilised the citizens to tear down hedges in December 1500, the mayor and his brethren were coerced into submitting proposals about the common lands to the commons for their consideration. The commons gathered separately, at their own site of popular assembly, to settle upon a reply.¹³⁴ This location was the 'Cutthorn', a circular mound surrounded by a ditch and trees, where there was also a cross to denote its position upon the northern extremity of the civic franchise.¹³⁵ It

¹³⁰ C. D. Liddy and J. Haemers, 'Popular Politics in the Late Medieval City: York and Bruges', *Eng. Hist. Rev.*, cxxviii (2013).

¹³¹ Stevenson, *Borough of Nottingham*, iii, 342.

¹³² D. Marcombe, 'The Late Medieval Town, 1449-1560', in J. V. Beckett (ed.), *A Centenary History of Nottingham* (Chichester, 2006), 92.

¹³³ Stevenson, *Borough of Nottingham*, iii, 419-20. Note the use of the possessive adjective.

¹³⁴ SCA, SC 4/2/323.

¹³⁵ *Southampton Court Leet Records, 1550-1577*, i, pt. i, ed. F. J. C. Hearnshaw and D. M. Hearnshaw (Southampton Rec. Soc., i, Southampton, 1905), xi.

was at the Cutthorn that the court leet – the manorial structure from which the town’s government developed – met in the open air at an annual law-day.¹³⁶ While the court was presided over by the mayor and aldermen in the later fifteenth century, the jurors remained the voice of the community, to whom the burgesses believed the civic government should be receptive and accountable.¹³⁷ It is ‘nat vnknownen to you the cause of youre commyng hether this day’, the commons advised the mayor and aldermen of Southampton in the early 1500s. In case they had forgotten, the commons went on to explain: it ‘is and euer hath been to kepe the possession of the seid mershe and ij fylde as comyn bothe for your mastershipps and vs’.¹³⁸ The enclosure riot in Southampton in May 1517 occurred symbolically during the holding of the leet court, ‘which day’, noted the town clerk, ‘the Kings Lawday was kept yn the Towne Halle’. The novelty of this setting caught the clerk’s attention.¹³⁹ Dispossessed of their customary assembly place at the Cutthorn, three hundred or so of the commons advanced to the town hall, ‘were the Kings Lawday was kept’, and there they ‘presumptuously’ made a loud noise ‘yn justifying of there unlawfull dede’. The commons obdurately insisted that they should speak for themselves.

In York the commons had their own council, known simply as ‘the commons’, which consisted of representatives of the city’s crafts. This council was the outer tier of the city’s conciliar government, but it tended to be summoned only at the initiative of the *probi homines*, who sat in the inner councils of twelve and twenty-four.¹⁴⁰ In becoming the intransigent and vociferous defender of citizens’ customary rights of

¹³⁶ Davies, *Southampton*, 47-8, 50; A. Thick (ed.), *The Southampton Steward’s Book of 1492-3 and the Terrier of 1495* (Southampton Rec. Ser., xxxviii, Southampton, 1995), 26, 49, 91 n.73.

¹³⁷ Cf. C. W. Brooks, *Law, Politics and Society in Early Modern England* (Cambridge, 2008), 244-5, 254, 259; Marcombe, ‘Late Medieval Town’, 92; A. Wood, *The 1549 Rebellions and the Making of Early Modern England* (Cambridge, 2007), 42-3.

¹³⁸ SCA, SC 4/2/323.

¹³⁹ For this and what follows, see *Third Book of Remembrance*, 21-2.

¹⁴⁰ R. W. Hoyle, ‘Petitioning as Popular Politics in Early Sixteenth-Century England’, *Hist. Res.*, lxxv (2002), 368.

pasture from the 1480s, the popular council asserted its role as the mouthpiece of the citizenry in discussions with the town magistrates. It was primarily in debates about rights of common that they helped to shape the agenda of civic politics. In March 1492 the twelve and twenty-four deliberated in the council chamber upon a bill ‘presented by various [craft] searchers in the name of the whole community of this city’. After a reading of the petition, the councillors agreed that the mayor’s sergeants should open up the gates to one of the disputed fields at Michaelmas for the benefit of the citizens.¹⁴¹ Yet it is not without significance that it was from the late fifteenth century that the commons in York were much more active and influential as a petitionary body on a range of business.¹⁴² The common lands were valuable in themselves, but in the contentious politics to which they gave rise, the commons emerged as a distinctive voice in York and in other urban centres.

IV

The enclosure riots in English towns between the 1480s and 1520s were sparked by external changes connected to the wider economy, which compelled neighbouring landowners to capitalise on what they regarded as their own resources and which persuaded civic corporations, in difficult financial circumstances, to set about enclosing and exploiting the common property of the town. The causes of these riots were bound up in the structures of politics within English towns. These urban power structures, it has generally been argued by historians, were changing in the late fifteenth century, an era identified with the ‘triumph’ of urban oligarchy and the

¹⁴¹ YCA, B7, fo. 61^r; YCR, ii, 83.

¹⁴² YHB, i, 229-31, 399, and ii, 533, 635, 670; YCR, ii, 162-3, 180-2, 191, and iii, 24-5, 26, 34, 37-8; YCA, B7, fo. 143^r, B8, fo. 30^v, and B9, fo. 29^r.

appearance of the ‘close corporation’.¹⁴³ Enclosure riots were not a reaction to the growth of oligarchy.

Civic rulers were not rapacious and corrupt urban oligarchs, fixed on exploiting the poor commons and expropriating their land for their own benefit. In seeking the ‘good lordship’ of potential patrons and the improvement of corporate finances, it could sensibly be argued that they had little choice but to sell off their citizens’ residual commoning rights so as to rescue their towns from debt. Their language of ‘common weal’ may have had a distinctly economic inflection, but it was not disingenuous.

Enclosure, whether undertaken by local landlords or by the town corporation, opened up longstanding fissures within the urban political landscape. These cracks were embedded in the language of town politics that we have encountered throughout this article: in the lexicon of citizenship, which simultaneously joined the commons to the *probi homines* and divided them. We have seen how, in Southampton, the commons claimed to be good citizens, who were stirred to support their leaders by a perceived danger to the ‘Comyn weele’ of the town and who were ready to pay civic taxes for the maintenance of the town’s ‘libertes and ffraunches’, but who were nonetheless confident of their political right of assembly and who cautioned the mayor, aldermen and their fellow ‘wurshipfull brethren burgeses of the same Towne’ to anticipate another enclosure riot should their governors not secure justice.¹⁴⁴ The use of the word ‘citizen’ or ‘burgess’ to describe only those who held high civic office was not peculiar to the late fifteenth century. The word *cives* was already the

¹⁴³ S. Rigby, ‘Urban “Oligarchy” in Late Medieval England’, in J. A. F. Thomson (ed.), *Towns and Townspeople in the Fifteenth Century* (Gloucester, 1988), 77; S. H. Rigby and E. Ewan, ‘Government, Power and Authority 1300-1540’, in D. M. Palliser (ed.), *The Cambridge Urban History of Britain*, i, 600-1540 (Cambridge, 2000), 309-12; and, more recently, J. Lee, ‘Urban Policy and Urban Political Culture: Henry VII and his Towns’, *Hist. Res.*, lxxxii (2009).

¹⁴⁴ SCA, SC 4/2/325, /323.

collective name of the ‘elite set of senior office-holders’, otherwise called the *bons gents* or *probi homines*, in fourteenth-century Norwich.¹⁴⁵ If there was a single community of enfranchised citizens and if all citizens were freemen, some citizens were more equal than others. This was a persistent source of friction that was laid bare, for example, in 1414, when the sheriffs and *prudhommes* of Norwich attributed the heightened state of political agitation in the city to the presence of the word ‘community’ (*la comunaltee*) in a royal charter of 1404. The word had generated murmur and noise within Norwich, and had excited ordinary freemen to think that their opinions counted for as much as those of substantial citizens and to believe that they had ‘as much authority and power in all the elections and other affairs within the same city as have the more sufficient persons’.¹⁴⁶ The commons were both citizens and subjects, which is why in Southampton the commons could address their ‘mastershipps’, the mayor and aldermen, in a language of subordination, and call upon an associational discourse of neighbourliness to imagine a less hierarchical relationship between rulers and ruled: one that was of rather greater parity than of deference and service.¹⁴⁷

While riots happened in the years around 1500 because of the economic challenges confronting landlords (seigneurial and civic) in this period, rather more was at stake for the rioters than a struggle over economic resources. The pattern of unrest was testimony to both a fractured political process and a complex constitutional situation within English urban communities. The common cause was the question of popular participation and representation in town government, and behind this question

¹⁴⁵ B. R. McRee, ‘Peacemaking and its Limits in Late Medieval Norwich’, *Eng. Hist. Rev.*, cix (1994), 836.

¹⁴⁶ Hudson and Tingey, *City of Norwich*, i, 81. On the 1404 charter, see L. Attreed, *The King’s Towns: Identity and Survival in Late Medieval English Boroughs* (New York, 2001), 40-3.

¹⁴⁷ SCA, SC 4/2/323, where the commons identified themselves as ‘power neighbours’. ‘Neighbour’, in both its Anglo-Norman and vernacular forms, could be a synonym of ‘citizen’ in an urban context: *Anglo-Norman Dictionary*: sub ‘veisin’ (a); *Middle English Dictionary*: sub ‘neighebor’ (a).

was the enduring matter of the fluid identity and contested status of the citizen within urban life. The crown's solution in the late fifteenth and early sixteenth centuries was to simplify and erase this complexity, and to reinforce hierarchy, for the sake of good order. On the one hand, kings threatened the ultimate sanction for an unruly city: the confiscation of its liberties. In early 1495 Henry VII bluntly notified the mayor of York that he would replace the city's magistrates if they did not guarantee the preservation of the king's peace.¹⁴⁸ After an enclosure riot in 1481, when the commons of Coventry sounded the town's common bell to signal their rebellion, the king wrote to the mayor instructing him to punish the rioters if he wished to continue to 'enioye the fraunches & liberties of our seid Citie'.¹⁴⁹ In 1525, within a couple of weeks of an enclosure riot, the Marquis of Dorset demanded of the mayor and his brethren that they provide a commitment 'to rule and ordre the said Citie' and 'that if they wold not so doo', he would 'comme thyder and rule the same' for the king. This eventuality was to be avoided, the Marquis recommended, since it would result in the 'vndoing of the said Citie and [the] taking [of] their liberties from theym for euer'.¹⁵⁰ In 1513 Henry VIII blamed the mayor, aldermen and sheriffs of Gloucester for not doing more to suppress the 'sundry riatous assembles, insurrections, and affrays' associated with the recent enclosure riot, and pronounced that a failure on their part to investigate the disorder would 'renn in to the daungeour of forfaytour of your said liberties and privilages'.¹⁵¹

On the other hand, the recorder of Nottingham, the town's legal adviser in its dealings with the royal administration, spoke very much for the king and his councillors when he told the mayor and aldermen in 1512 that, if the commons should

¹⁴⁸ *YCR*, ii, 115-16.

¹⁴⁹ *CLB*, 492.

¹⁵⁰ BL, Cotton Titus B. I, fo. 76^r.

¹⁵¹ *Historia et Cartularium*, xlii-xliii.

succeed in their aim of appointing civic officers at their pleasure, the social and political consequences would be disastrous. If ‘ye shalle suffer the commens to rule and folowe ther appetite and desire, fare welle alle good order!’ The recorder’s view of town politics was straightforwardly bipolar. Instead of a pluralistic political order, authority was to be vested in Nottingham’s civic elite: ‘ye, wiche be the gouernours and counsellers’. In a postscript he added, ‘beware of calling of ony Commen Halle’ should the commons request it, and he recalled the words of Sir Thomas Lovell, the constable of Nottingham Castle and the treasurer of the king’s household, about the ‘inconueniences that hath ensued upon the callyng of the commons to geder in the Cite of London, and in oder Cites and Borowes’. Assemblies of citizens were a breeding ground of disorder. Power was to be confined to the few – the governors and councillors – who were to agree upon a single course of action, which was to be pursued behind closed doors (‘take alle on wey and kepe your owen counselle’).¹⁵² Citizens were to become subjects; their only political right the obligation of loyalty and obedience to their political masters.

Urban freemen were resistant to this prescriptive reordering of the political system, which demoted the commons to the ranks of the lower orders.¹⁵³ Further research might reveal whether the impact of a rise in population from the 1520s encouraged the trajectories of enclosure riots in English towns and villages to proceed along the same path. Enclosure riots broke out, among other places, in York in 1534, 1536 and 1546, in Colchester in 1538, and in Norwich, Bristol and Cambridge in

¹⁵² Stevenson, *Borough of Nottingham*, iii, 341-2. Lovell’s thinking very much reflected that of the early Tudor government: S. Gunn, ‘Sir Thomas Lovell (c. 1449-1524): A New Man in a New Monarchy?’, in J. L. Watts (ed.), *The End of the Middle Ages?* (Stroud, 1998). See also Watts, ‘Public or Plebs’, 257-60, and *id.*, “Common weal” and “commonwealth”, 155-6.

¹⁵³ Cf. C. R. Friedrichs, ‘Citizens or Subjects? Urban Conflict in Early Modern Germany’, in M. U. Chrisman and O. Gründler (eds.), *Social Groups and Religious Ideas in the Sixteenth Century* (Kalamazoo, 1978).

1549.¹⁵⁴ What was striking about the enclosure riots that erupted on two successive days in Colchester in 1538 was that they adhered so closely to the model of popular politics outlined in this article.¹⁵⁵ The rioters consisted of a cross-section of the commons, drawn from a mixture of mainly artisanal crafts: butchers, shoemakers, plumbers, clothmakers, millers, weavers, glovers, shearmen, barbers, cappers, tanners, and glaziers. On each day they convened outside the town walls, formed a sworn association, and then broke the hedges and gates enclosing fields in various parts of the liberty. At quarter sessions held within a week of the riots, these men were singled out as burgesses of Colchester, whose behaviour was rebellious specifically because it breached the duty of obedience that was inscribed in the freeman's oath. While each burgess in Colchester was 'held by his oath to answer and observe lawful orders and commands issuing from the bailiffs of that town' and while the bailiffs had directed the leading rioters to appear before them in the town hall, the burgesses swore an oath to each other against the bailiffs and chose to assemble in the street, opposite the Moot Hall, where they publicly declared their contempt for the bailiffs' mandates. To the magistrates of Colchester, seated in the town hall, citizenship meant submission and obedience to authority. The burgesses who tore down the enclosing hedges and who joined together to confront their governors had an alternative view of the meaning of citizenship.

These competing ideas distinguished urban enclosure riots. John Walter has discerned 'within early modern protest a developing politics of rights',¹⁵⁶ while Andy Wood has spoken similarly of the existence of 'a powerful language of rights' that

¹⁵⁴ For York, see Palliser, *Tudor York*, 80; for Norwich, see Wood, *1549 Rebellions*, 13-14, 70; for elsewhere, see A. C. Jones, "'Commotion Time": The English Risings of 1549' (Univ. of Warwick, Ph.D. thesis, 2003), 99-101, 141-8, 163.

¹⁵⁵ For what follows, see Essex Record Office, Colchester Borough Court Rolls, D/B 5 Cr107, mm. 3r-d.

¹⁵⁶ Walter, 'Crown and Crowd', 25.

underpinned rural protest and ‘the plebeian critique of enclosure and high food prices’ voiced in the villages of sixteenth- and seventeenth-century England.¹⁵⁷ Wood has detected a connection between ‘religious language and economic complaint’, and has suggested that ‘an assertive reading of scripture’ was one major source of this popular conception of rights.¹⁵⁸ In English towns enclosure riots were provoked by and mediated through a language of rights, but this language was not shaped by a close reading of the Bible. It was derived from the ideas and practices of citizenship. Enclosure riots happened in towns and villages, but they sprang from different causes and occurred at different times. These differences tell us much about the complexity, intensity and vitality of English urban life at the end of the Middle Ages.

¹⁵⁷ A. Wood, *Riot, Rebellion and Popular Politics in Early Modern England* (Basingstoke, 2002), 101.

¹⁵⁸ *Id.*, *1549 Rebellions*, 181; *id.*, *Riot, Rebellion and Popular Politics*, 101. For evidence of official fears of the radical potential of the Bible, see Edmund Dudley, *The Tree of Commonwealth*, ed. D. M. Brodie (Cambridge, 1948), 88.