THE STREET AND THE PERCEPTION OF PUBLIC SPACE IN YORK, 1476-1586

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Monke Warde

Court Wardmote there held the Lunii next
before the feast of Seint Luke the Evangelist in the
xxxvij yere of the Reigne of Elizabeth Queene
of Engl. before Robert Rotherham Aldermayne of
the Cite of London ~~Anno Eadem Christofero Herbert~~
~~Joh. Hardwicke Warde~~ pres

Jurr

Willm Smythe Jun
Hardi Flete
Willm Horbattle
Johis Jackson
Carolus Skoryf
Willm Smythe senior
Roberti Hopp loby

Jurr

Johis Horton
Edwardus Crane
Hugonis Hall
Robti Ford
Oswaldi Dyson
Thome Templeson

Jurr

Johis Brownlow
Jacobi Hythemyna
Willm Cooke
Hardi Wenslay
Thome Carter
Thome Jenson

Jurr

The Jury hereby doth presume to bryng in their verdict upon munday being the vij of Novemb at this place at which day the Clerke before named doth make default to pay no mys

Presentments

1 present

We present that the Lattyrope bryge is not
Remendyd according to ye Kynges Request & desyre
at the Last wardmote Courte

to be amended at the next court

2 present

We present that the causey betwyxt the
Wattryngye place & the mylnes on Thames
is not amendyd according to ye Kynges request
and desyre at the last wardmote courte

to be amended

3 present

We present that the Causey betwyxt the
Bowder Crosse & monke bryge ends is not
Remendyd according to ye Kynges request & desyre
at the Last wardmote Courte

Item a Dyke Enuironyng the Place

4 present

We present that the Hedge from Thome
Stell bryddyd to monke bryge is not
Remendyd according to ye Kynges Request

[illegible]

5 present

We present that the monke barr is not
paved according to ye Kynges Request & desyre
at the Last wardmote courte

[illegible]

6 present

We present the Churchwardens of Christ parye because
they have not paved before the Church according to the
last presyment } nil mys

ABSTRACT

This thesis explores the notion of public space and how it was perceived in later medieval and early modern York through a detailed study of the regulation of the street. It seeks to contextualise spatial theories in a specific historical setting, and to examine how the street in the fifteenth- and sixteenth-century city was endowed with meanings that both reflected and structured social practices. It is based on a close study of the surviving records of York's wardmote courts, in which the regulations concerning the social and physical environment of the street were largely enforced, and argues that the process of identifying unacceptable actions and behaviour as common nuisances illuminates the assumptions made by the 'middling sort' about the appearance, use and meaning of public space.

The first chapter examines the operation of the wardmote courts in detail and relates them to their local, legal and institutional context. Chapter 2 explores the two physical dimensions of the street - its surface and its façade – and challenges some traditional notions of the pre-modern urban environment, arguing instead that many of the ideas embodied in the 'modernisation' of the street in the eighteenth century were prefigured in the regulation of public space in the later medieval and early modern period.

Two important uses of the street, the regulation of conduct and the communication of authority and status, are the focus of Chapter 3, while the final chapter looks at the some of the ways in which public space was bounded, and how these relate to attempts to keep the city literally and metaphorically clean. The disputed nature of the terrain between public and private space, in particular, and the fluctuating nature of perceptual boundaries, highlights the discrepancy between ideals and everyday practice in the street which is a recurring theme of the thesis.

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ABBREVIATIONS

CPMR	A.H. Thomas (ed.), *Calendar of Plea and Memoranda Rolls, 1413-1437* (London, 1943)
Mediaeval York	A. Raine, *Mediaeval York: A Topographical Survey based on Original Sources* (London, 1955)
RCHME, York	Royal Commission on Historical Monuments, England, *An Inventory of the Historical Monuments in the City of York*, 5 vols. (1962-1981)
Tudor York	D. Palliser, *Tudor York* (Oxford, 1979).
VCH, York	P.M. Tillott (ed.), *The Victoria History of the Counties of England: A History of Yorkshire, The City of York* (London, 1961)
YCA	York City Archives
YCR	A. Raine (ed.), *York Civic Records*, 8 vols. Yorkshire Archaeological Society Record Series 97,103, 106, 108, 110, 112, 115 & 119 (1939-52)
YHB	L.C. Attreed (ed.), *The York House Books, 1461-1490*, 2 vols. (Stroud, 1991)

INTRODUCTION

In April 1494, the roads on either side of the dilapidated Castlegate postern were in a poor state of repair. The street in front of William Bewick's tenement in Jubbergate was in no better condition, and the gutter there was clogged, thanks to a priest called Robert Holme. Four butchers were keeping pigs next to the Shambles. Access to the Foss from the common lane leading from the Pavement had been obstructed by John Thomson, while a baker called William Barker had left a large piece of wood outside All Saints' Pavement where it was blocking the street. Traffic in the same street was also being impeded by a high mud wall built by Jacob Lonsdale, a tailor. Nicholas and Agnes Dickson were Scots, living illegally in Water Lane. John Duckdale, another priest, and Agnes Cullan, who were living with the miller John Jackson, held disorderly gatherings and were 'of evil dispositions' (*male dispositi*), while Jackson's own wife was said to be a bawd, welcoming suspicious people to their house at night. Four other women, including Agnes Walshman, who lived in Peter Lane Little, were banished for persistent sexual misconduct.[1]

The state of the paving in the street leading up to Castlegate postern was still the subject of complaints 81 years later, in April 1575. Timber lying in Castlegate, Pavement and High Water Lane was causing an obstruction then, too, and the sewer going down the Foss was blocked with dung thrown by the inhabitants of the lane there. Gutters remained uncleaned and paving in need of repair. Mr Turner had not removed the 'ij steiles mayd of stone' which were blocking the common lane at Byard Stone, while William Wood's dike in Fishergate Lane had taken in part of the highway 'to the noysance of the Quenes peple'. James Crosby had let the fence between him and Mrs Plowman fall into disrepair. Henry Harrison's wife was accused of receiving servants, Elizabeth

[1] Taken from the presentments made in Castlegate wardmote court held in 1494. YCA, E31, fols. 9a-10a, hereafter cited as E31. Unless otherwise stated, all unpublished manuscripts are in York, York City Archives.

Brown was said to be a scold, and George Taylor was 'an easyng dropper and a noysance neighbur'.[2]

These examples are taken from the records of two wardmote courts which were held in the same part of York, one in the late Middle Ages, and the other in the early modern period. Although separated by some 80 years and the Reformation, with its attendant consequences for the spiritual and material life of English cities like York, the kind of problems concerning both courts are strikingly similar. Both dealt with broken paving, obstructed passageways, the careless disposal of waste and disruptive behaviour. These offences were typically not serious enough to qualify as crimes, tried in one of the many courts whose overlapping jurisdictions made up the complex legal system during this period, or as sins, properly the preserve of the ecclesiastical courts. Instead, what links the offences presented in the 1494 court, as in that held in 1575, is their public nature. They were issues which were perceived to be affecting the quality of life of all those living in the immediate neighbourhood. Critically, the wardmote courts were not concerned with disputes between individuals, but solely with issues that had an impact on the social and physical environment of the community as a whole.[3] Although they did deal with some infringements of trading regulations and grazing rights, the jurors in these courts were primarily concerned with what was going on in the street, with what it looked like, how easy it was to use, and how people behaved in it.

This thesis is about the way the street was regulated in later medieval and early modern York, and what the enforcement and efficacy of that regulation tells us about how people then understood the built environment, and what assumptions they made about the norms and ideals of neighbourly conduct. It derives from an interest in space and the ways in which we understand the world around us. Space

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[2] E31, fols. 5v-7v. These presentments were made in the Walmgate wardmote court, which by this date incorporated the parishes that had previously made up Castlegate ward.

[3] I use the term 'community' in a limited geographical sense throughout this thesis to refer to the inhabitants of a given neighbourhood who might be presumed to have a vested interest in their local environment and in the good repair and good order of the conditions in which they lived. For a discussion of the complex uses and meanings of the word 'community', see A. Shepard and P. Withington (eds.), *Communities in Early Modern England: Networks, Place, Rhetoric* (Manchester, 2000); M. Rubin, 'Small Groups: Identity and Solidarity in the Late Middle Ages', in J. Kermode (ed.), *Enterprise and Individuals in Fifteenth-Century England* (Stroud, 1991), pp.132-150; A. Macfarlane, 'History, Anthropology and the Study of Communities', *Social History* 5:2 (1977): 631-52; C.J. Calhoun, 'History, Anthropology and the Study of Communities: Some Problems in Macfarlane's Proposal', *Social History* 6:3 (1978): 363-73.

itself is a powerful concept. We cannot see it or touch it, but it nonetheless shapes our behaviour in profound ways. Less a thing than 'a set of relations between things',[4] space is the setting for all human existence. It is the context not only for the way we act, but for the way we think, the way we feel, the way we *are*. Humans do not act, or react, in a vacuum, but respond instead to the complex interaction between individual, society, and environment, and an acceptance of the importance of the relationship between people and their surroundings in any age lies at the heart of this study.

Different societies divide up space in different ways, and its significance is always derived from a social rather than a physical context.[5] The way a society assigns meaning to its physical surroundings, separating spaces and recognizing certain parts as places that evoke a particular response or mode of behaviour, has long been understood by geographers as dictated by cultural beliefs and attitudes rather than any inherent aspect of space itself.[6] Space is never neutral or empty. As Lefebvre demonstrated, it is instead a product, created by social relationships which are determined by hierarchies of power and which dictate how it is organised and given meaning. As the structures of power and social organisation change, so the perception of space changes: 'Every society produces its own space.'[7]

Public space in York, 1476-1586

This thesis therefore seeks to consider a particular kind of space (public space) in a particular historical context, with particular reference to how that space was perceived in physical and social terms, in order to understand how the society of later medieval and early modern York produced *its* space. The interpretation of

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[4] H. Lefebvre, *The Production of Space*, trans. D. Nicholson-Smith (Oxford, 1991), p.83.

[5] D. Cosgrove, 'Power and Place in the Venetian Territories', in J.A. Agnew and J. S. Duncan (eds.), *The Power of Place: Bringing together Geographical and Sociological Imaginations* (Boston, 1989), p.104.

[6] 'The spatial is ... an area of intense cultural activity'. R. Shields, *Places on the Margin: Alternative Geographies of Modernity* (London, 1991), p.30. See also Y-F. Tuan, *Space and Place: The Perspective of Experience* (Minneapolis, 1977); E. Relph, *Place and Placelessness* (London, 1976); D. Cosgrove, *Social Formation and Symbolic Landscape* (London, 1984); J. Rennie Short, *Imagined Country: Environment, Culture and Society* (London, 1991); M. Keith and S. Pile (eds.), *Place and the Politics of Identity* (London, 1993).

[7] Lefebvre, *Production of Space*, p. 31.

the term 'public' is the subject of an extensive literature in its own right,[8] but for the purposes of this study public space is defined as the open areas of a city that were generally – if not always universally - accessible to all its inhabitants, regardless of status. It was space 'created and known through common experiences and involvement in common symbols and meanings',[9] where certain actions or behaviour, or the failure to act or behave in the expected way, were perceived as transgressions of a generally accepted norm, and judged by contemporaries to be nuisances. The understanding of common nuisance is central to this study, and will be examined in more detail below.

Public space is often defined in relation to private space. For Diane Shaw, private space and public space in the Middle Ages were 'two completely different domains with separate expectations and rights',[10] but the relationship between the two was, as Vanessa Harding indicates, rather more complex than Shaw's comment suggests.[11] There was no simple dichotomy between the public and the private in the late medieval and early modern city. The boundary between the two was consistently challenged and the resulting tension is a theme that runs throughout this thesis. This 'dynamic balance' between public and private activities is characteristic of all communal life,[12] and while the emphasis may shift between different cultures, the negotiation between the needs and rights of 'private' individuals in relation to the 'common good' can be seen as a clear reflection of the values and beliefs held by the society in question.[13]

A study of contemporary cities describes public space as 'the common ground where people carry out the functional and ritual activities that bind a community, whether in the normal routines of daily life or in periodic festivities',[14] a definition that is of equal relevance to the pre-modern street, and its associated market places. Indeed, it is precisely these everyday and occasionally ceremonial

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[8] See, for example, J. Weintraub and K. Kumar (eds.), *Public and Private in Thought and Practice: Perspectives on a Grand Dichotomy* (Chicago, 1997); P. Howell, 'Public Space and the Public Sphere: Political Theory and the Historical Geography of Modernity', *Environment and Planning D: Society and Space* 11 (1993): 303-22.

[9] Relph, *Place and Placelessness*, p.34.

[10] D. Shaw, 'The Construction of the Private in Medieval London', *Journal of Medieval and Early Modern Studies* 26:3 (1996): 459.

[11] V. Harding, 'Space, Property and Propriety in Urban England', *Journal of Interdisciplinary History* 32:4 (2002): 549-569.

[12] S. Carr, M. Francis, L.G. Rivlin and A.M. Stone, *Public Space* (Cambridge, 1992), p.3.

[13] Carr *et al.*, *Public Space*, p.22.

[14] Carr *et al.*, *Public Space*, p.ix.

activities that are the focus of the following chapters, which seek to explore how the street functioned as public space in fifteenth- and sixteenth-century York, and, more particularly, how its meaning as public space was communicated through the built and social environment.

My argument is based on a detailed study of the civic records held in the York City Archives. Although it had lost the prosperity it had enjoyed in the fourteenth century and could no longer claim to be 'the second city' of England after London in terms of wealth or population, York remained a major provincial capital in the late fifteenth and sixteenth centuries.[15] The city was administered on behalf of the Crown by a Corporation dominated by members of the civic elite. The Lord Mayor and aldermen met regularly to discuss political, legal and economic matters, but they were also concerned, like every civic authority, with the maintenance of public space and of public order. The minutes of these council meetings survive in a continuous series from 1476.[16] Bound in volumes known collectively as the York City House Books, they provide a rich source of information about official attitudes towards the street in the later medieval and early modern city.

The regulation of public space was enforced at a local level through the wardmote courts. As mentioned above, these courts dealt primarily with public nuisances; that is, with aspects of the social and material environment that were perceived to be detrimental to the common good, or to transgress common expectations of the appropriate appearance and use of public space, and their records are accordingly of particular relevance to a study of the street. Both sources are described in Appendix 1, while Chapter 1 contains a fuller account of how the wardmote courts worked, and of the local, institutional and administrative context in which they operated.

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[15] For a comprehensive description and history of the city, see P.M. Tillott (ed.), *Victoria History of the Counties of England, Yorkshire, City of York* (London, 1961), hereafter referred to as *VCH, York*. A very lucid and helpful overview of York during most of the period in question is offered in D. Palliser, *Tudor York* (Oxford, 1979), hereafter *Tudor York*. The economic, social and administrative background of the sources used will be considered in more detail in Chapter 1.

[16] York, York City Archives, York City House Books. The records of meetings held during the period under discussion are contained in the first 28 volumes in the series, YCA, B1-B28.

The Street

Streets are 'a primary ingredient of urban existence'.[17] An integral part of the fabric of any city, they reflect and create the structures of everyday life, and are the architectural expression of public social practice. Bodily metaphors are often used to express the fundamental importance of streets within the urban environment. They are a city's arteries, its skeleton,[18] or even its entrails, 'with more than a touch of scatological flavour, constipation being just *one* of their chronic ailments'.[19] They are places of transit, exchange and communication, spaces with 'economic function and social significance',[20] and like any space, the dominant ideology of the people that use them is expressed in their layout and design. Streets may change their appearance, and vary dramatically in form, but all are nonetheless 'products of common cultural and symbolic elements and processes'.[21] Urban form, as Spiro Kostof reminds us, 'is never innocent of social content: it is the matrix within which we organize daily life'.[22] The spaces between buildings are as meaningful a part of the urban landscape as the monumental forms that tend to dominate our image of the city.[23]

In spite of the importance of its role in the urban landscape, the street has received little scholarly attention in its own right.[24] In 1969, Bernard Rudofsky wrote what he called a 'primer for Americans', comparing the civilizing effect of Old World streets with those in the United States, a country 'where streets are roads'.[25] *Streets for People* is an engaging and stimulating work in many ways, but it is general in its approach and very much a polemic against the alienating effect of twentieth-century urban development: 'the streets of this country simply have too many unpleasant connotations to be popular – filth, soot, stenches, an

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[17] Z. Çelik, D. Favro and R. Ingersoll, 'Streets and the Urban Process: A Tribute to Spiro Kostof', in Z. Çelik, D. Favro and R. Ingersoll (eds.), *Streets: Critical Perspectives on Public Space* (Berkeley and Los Angeles, 1994), p.1.
[18] J. Haslam, 'Medieval Streets in London', *London Archaeologist* 2:1 (1972): 4.
[19] B. Rudofsky, *Streets for People: A Primer for Americans* (New York, 1969), p.16.
[20] S. Kostof, *The City Assembled: The Elements of Urban Form Through History* (London, 1992), p.189.
[21] Relph, *Place and Placelessness*, p.44.
[22] Kostof, *City Assembled*, p.8. See also A. Rapoport, *Thirty Three Papers in Environment-Behaviour Research* (Newcastle upon Tyne, no date), p.176: 'the way space and people in space are organized reflects values, life styles, status. It can be seen as a physical reflection not only of social networks and groupings and functional linkages, but also of cognitive categories'.
[23] L.R. Ford, *The Spaces between Buildings* (Baltimore, 2000).
[24] Kostof, *City Assembled*, p.189.
[25] Rudofsky, *Streets for People*, p.15.

absence of shade and shelter; hold-ups, murder, riots, parades; traffic lights ordering one to Stop, Wait and Walk, without so much as a Please'.[26]

Some twenty years later, Kostof devoted a whole chapter of his magisterial study of urban form to a wide-ranging historical overview of the street,[27] and a collection of essays in *Streets: Critical Perspectives on Public Space* pays tribute to the seminal nature of his work.[28] The streets discussed in this volume range from China to Cuzco, and from ancient Ephesus to twentieth-century America, and the wide geographical and historical spread of the essays is testament to the rich potential of the street as a subject of research. In other contexts, the changing form and uses of street brought about by the advent of modernity have attracted the particular attention of historians of the eighteenth century, who relate the reorganization of the urban landscape to the transformation of the public sphere,[29] and of social theorists such as Michel de Certeau.[30]

The pre-modern street, however, remains relatively unexplored, and until recently has not been theorized in the same way. T.P. Cooper certainly examined the medieval streets of York as long ago as 1913,[31] and Jean-Pierre Leguay's study of the street in medieval France was ground-breaking in its focus on the social as well as the topographical aspects of the street.[32] Exhaustively researched, *La Rue au Moyen Age* contains much valuable material, but is nonetheless largely descriptive in its approach. The recent publication of *Die Straße* has thus marked a turning point in the study of the pre-modern street.[33] The proceedings of a conference devoted to the street in the Middle Ages, this is a collection of cross-disciplinary essays looking at the symbolic and metaphorical meanings of the street across Europe, as well as ways in which medieval streets functioned as sites of ceremonies, games, resistance and of visual imagery.

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[26] Rudofsky, *Streets for People*, pp.15-6.
[27] Kostof, *City Assembled*, pp.189-243.
[28] Çelik *et al.*, *Streets: Critical Perspectives on Public Space*.
[29] See, for example, M. Ogborn, *Spaces of Modernity: London's Geographies, 1680-1780* (New York, 1998), pp.75-115; P.J. Corfield, 'Walking the City Streets: The Urban Odyssey in Eighteenth-Century England', *Journal of Urban History* 16:2 (1990): 132-174. See also, D. Gregory, *Geographical Imaginations* (Cambridge, Mass., 1994), pp.209-256.
[30] M. de Certeau, *The Practice of Everyday Life*, trans. S. Rendall (Berkeley and Los Angeles, 1984), pp.91-130.
[31] T.P. Cooper, 'The Mediaeval Highways, Streets, Open Ditches, and Sanitary Conditions of the City of York', *The Yorkshire Archaeological Journal* 22 (1913): 270-286.
[32] J-P. Leguay, *La Rue au Moyen Age* (Rennes, 1984).
[33] G. Jaritz (ed.), *Die Straße: Zur Funktion und Perzeption öffentlichen Raums im späten Mittelalter* (Vienna, 2001).

Michael Camille's article in this volume was part of a larger project planned on signs and street life in medieval France that remains sadly unfinished due to his premature death. As he noted, the street is much more than collection of individual monuments, but is instead a place of cultural performance and practice:[34] it is 'fugitive rather than fixed, a flow or movement between two points created by contingencies of use and rarely, in the Middle Ages at least, planned in advance'.[35]

My own interest is in the material, rather than the metaphorical, nature of the street but, like Camille, I am concerned less with the detail of what the streets of York "looked like" than in what the records can tell us about the way in which they were experienced and understood. What did public space mean to the people who lived in York in the fifteenth and sixteenth centuries, and how was that meaning conveyed, contested and controlled?

Space and Meaning

The term 'space' can refer to anything from the gap between the words on this page to the expanse of the unknown universe, but it is its essential importance for the understanding of human behaviour that concerns this study. As such, it has been the subject of a varied - and occasionally turgid - literature in a number of disciplines, most particularly those like sociology, architecture and human geography that are primarily concerned with the way people relate to each other and to their surroundings.[36] Research in all these disciplines suggests that the need to divide up space and assign meaning to its different parts is a fundamental human characteristic. These meanings are held in place by conventions which work on a psychological as well as a social level, and which mean that the relationship between humans and their surroundings is 'a vital source of both

[34] M. Camille, 'Signs on Medieval Street Corners', in Jaritz, *Die Straße*, p.92.
[35] Camille, 'Signs on Medieval Street Corners', p.91.
[36] For example, Lefebvre, *Production of Space*; D. Gregory and J. Urry, *Social Relations and Spatial Structures* (London, 1985); B. Hillier and J. Hanson, *The Social Logic of Space* (Cambridge, 1988); J. Duncan and D. Ley (eds.), *Place/Culture/Representation* (London, 1993); D. Massey, *Space, Place, and Gender* (Minneapolis, 1994); H. Harris and A. Lipman, 'Social Symbolism and Space Usage in Daily Life', *Sociological Review* 28 (1980): 415-28; S. Kent (ed.), *Domestic Architecture and the Use of Space: An Interdisciplinary Cross-Cultural Study* (Cambridge, 1990); A. Madanipour, *Design of Urban Space: An Inquiry into a Socio-spatial Process* (Chichester, 1996); Tuan, *Space and Place*; Gregory, *Geographical Imaginations*.

individual and cultural identity and security, a point of departure from which we orient ourselves in the world.'[37]

In all disciplines, the explosion of interest in space over the past thirty years has been immensely influenced by French social theorists. Henri Lefebvre's seminal work, *The Production of Space*, was first published in 1974 and translated into English in 1991, since when it has changed the way we think about space in profound ways.[38] Space, he argues, is not an inert and empty container for human actions and products, but rather the outcome of a complex interplay between the way it is used, the way it is represented and the way it is conceived.[39] Any space 'implies, contains and dissimulates social relationships'.[40] Lefebvre's emphasis on the ideological and political resonance of space also underpins the work of other French social theorists, most notably Michel Foucault, Michel de Certeau and Pierre Bourdieu, all of whom have had an enormous influence on the study of space across the disciplines. Shorn of their dense prose, these important theorists insist on the power of space to actively generate, as well as to reproduce, social relations.

Space is always social, but my own interest lies primarily in the material aspects of space and how it is understood. How can the sometimes abstruse notions of space and perception be applied in practice? How exactly does the relationship between humans and the space they inhabit work, and is it possible to identify the process by which we both respond to and create the meaning of our environment in a historical context? Specifically, the thesis will consider how the built environment is endowed with meanings that both reflect and structure social practices. What was it about the street in later medieval and early modern York that signalled its meaning as 'public' space, and what were the ways in which that meaning was created and contested?

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[37] Relph, *Place and Placelessness*, p. 43.
[38] B.A. Hanwalt and M. Kobialka (eds.), *Medieval Practices of Space* (Minneapolis, 2000), p.ix.
[39] For a useful analysis of Lefebvre's thesis, see P. Arnade, M.C. Howell and W. Simons, 'Fertile Spaces: The Productivity of Urban Space in Northern Europe', *Journal of Interdisciplinary History* 32:4 (2002): 517-8.
[40] Lefebvre, *Production of Space*, p. 82-3.

Meaning and the built environment

The meaning of space is signalled by cues embedded in the environment. Such cues, or signs, may take a variety of forms, some material, others behavioural, that together make up a 'code' eliciting a certain kind of response. To function effectively in a society, we need to be able to recognize a wide variety of these codes, and the appropriateness of our response is at once a mark of the acceptance of the conventions governing that recognition, and at the same time a reinforcement of the meanings of the space in question. It is a reflexive process, creating a dynamic interaction between humans and their environment. The relationship between the two is, however, a complex one, and no single, uncontested reading of space is ever possible. As Amos Rapoport points out, 'the complexities of man and his history cannot be encompassed in neat formulas.'[41]

In relating these ideas to a study of the street in later medieval and early modern York, I have not adopted a fixed theoretical model. Instead, I have drawn on ideas from a range of sources across the disciplines, following the example of Anthony Giddens, who argued that '[i]f ideas are important and illuminating, what matters much more than their origin is to be able to sharpen them so as to demonstrate their usefulness, even if within a framework which might be quite different from that which helped to engender them.'[42] The current study is firmly based on documentary evidence, but I have found that research in disciplines other than history which are more directly concerned with the relationships between people and their physical surroundings has often proved more stimulating and more relevant for the purposes of this thesis than the work of social theorists.

In particular, Amos Rapoport's ideas on meaning and the built environment have offered a useful model for engaging with the wardmote court records and the House Books.[43] Although Rapoport is primarily concerned with contemporary societies and architectural design, and in spite of the fact that his seminal works were written over twenty years ago, his approach has had important implications

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[41] A. Rapoport, *House Form and Culture* (Englewood Cliffs, 1969), p.11.

[42] A. Giddens, *The Constitution of Society: Outline of the Theory of Structuration* (Cambridge, 1986), p.xxii.

[43] A. Rapoport, *The Meaning of the Built Environment: A Nonverbal Communication Approach* (Tucson, 1982, 1990); Rapoport, *House Form and Culture*; A. Rapoport, 'Systems of Activities and Systems of Settings', in Kent, *Domestic Architecture and the Use of Space*. See also, K. Diaz Moore (ed.), *Culture-Meaning-Architecture: Critical Reflections on the Work of Amos Rapoport* (Aldershot, 2000).

for research in various disciplines, notably archaeology, where his theories have provided a way of interpreting buildings and how they were used from a cross-disciplinary perspective.[44] Rapoport's insistence on the need to consider not just an isolated building, but the entire system of related settings, in association with a similarly complete system of activities rather than a single usage, is of obvious relevance to a study of the street like this one.

Rapoport argues that the built environment is made up of a number of different elements to which we respond at a subconscious level and which elicit different modes of behaviour depending on our own understanding of those cues. He divides these elements into three major categories - fixed-feature, semi-fixed feature and non-fixed feature - a combination of which is present in most built environments. Architectural components such as walls, streets and buildings, which change slowly, if at all, in a given environment, constitute fixed-feature elements, while the range of semi-fixed feature elements is much wider. Rapoport includes street signs, window displays, clothing and street furniture as examples of semi-fixed feature elements in a modern street;[45] in the later medieval street, shop signs, statues, stalls, and the presence or absence of paving would have functioned in a similar way.

In a contemporary context, semi-fixed feature elements can change more quickly than fixed-feature elements, tend to be less subject to regulation, and are more readily personalized, and as such, Rapoport suggests, they play a key role in communicating meaning.[46] Camille has similarly argued that street signs and other forms of visual decoration were for the inhabitants of the medieval city 'part of the texture and negotiation of everyday life'.[47] While making the point that medieval signs functioned in 'radically different' ways to modern ones,[48] Camille's description of signs as 'semantically charged' and an integral part of medieval mental map of Paris resonates with Rapoport's model of the ways we

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[44] See S. Kent, 'The Cultural Revolution in Architecture', in K. Diaz Moore (ed.), *Culture-Meaning-Architecture: Critical Reflections on the Work of Amos Rapoport* (Aldershot, 2000), pp. 261-277; K. Giles, 'Guildhalls and Social Identity in Late Medieval and Early Modern York, c.1350-1630' (D. Phil. Thesis, University of York, 1999), p.11.
[45] Rapoport, *Meaning of the Built Environment*, pp.89-96.
[46] Rapoport, *Meaning of the Built Environment*, p.89
[47] M. Camille, 'Signs of the City: Place, Power, and Public Fantasy in Medieval Paris', in Hanawalt and Kobialka, *Medieval Practices of Space*, p.23.
[48] Camille, 'Signs of the City', p.4.

read and respond to cues embedded in the environment.[49] The kind of fixed and semi-fixed features identified by Rapoport thus formed an integral part of the way the late medieval and early modern street was constructed, and will be considered in more detail in Chapter 2.

Rapoport's final category of non-fixed feature elements refers to gestures, expressions, body positions, the rate and volume of speech and other forms of non-verbal behaviour used by those occupying the environment, and which vary according to the activity and the setting.[50] These elements are less easy to identify in a historical context, but must clearly have been an important part of the complex system of cues which communicated the meaning of public space in the later medieval and early modern city, as discussed in Chapter 3. We understand what kind of space it is, and how we are expected to behave, by observing, often subliminally, how the space is framed, how it is arranged and how people act within it. According to Rapoport, such observation is the key to the question at the heart of any study of the relationship between behaviour and the environment: 'Who does what, where, when, including or excluding whom (and why)?'[51] More recently, he has rearticulated this question in response to ongoing debates about culture and the environment to ask instead: 'What aspects of culture are important for what environments, for whom, when, under what conditions, and why?'[52]

These are questions that can usefully be asked about the street in fifteenth- and sixteenth-century York. Clearly, the direct observation that Rapoport advocates is not possible, but a range of evidence exists that nonetheless enables us to answer in some detail the questions he poses. The House Books and the wardmote court returns offer a wealth of detail about the multiple ways in which the streets of York were constructed and used. They demonstrate that the civic authorities were anxious to regulate precisely those elements that Rapoport identifies. Although naturally concerned with the political and economic interests of the city, they were also alert to the importance of maintaining the urban environment and ensuring that public space was used in an appropriate manner. Many of the regulations passed by the Corporation, and enforced by the wardmote courts,

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[49] Camille, 'Signs of the City', p.11.
[50] Rapoport, *Meaning of the Built Environment*, p.96.
[51] Rapoport, 'Systems of Activities and Systems of Settings', p.9.
[52] A. Rapoport, 'Culture and Built Form – A Reconsideration', in Diaz Moore, *Culture-Meaning-Architecture*, p.209.

sought to control what the street looked like, how it was furnished, its noise and its smell, who was using it, at what times and in what manner, and to exclude human and other elements that were deemed inappropriate in public space. It tried to ensure that the streets were kept clean and well paved, and buildings in a good state of repair, issues discussed in detail in Chapter 2. The behaviour of those using the streets and the attempts made by the authorities to enforce certain norms are similarly examined in Chapter 3.

Inevitably, the reality rarely matched up to the ideals expressed in the ordinances and wardmote court presentments. It is clear that the paving was *not* always in perfect repair, the streets were not always swept or the gutters scoured, and people did not always treat each other with quiet courtesy, but the effectiveness or otherwise of the regulation is of less importance for my purposes than what the documentary evidence tells us about the ways in which the urban environment was imagined.

Here, Mary Douglas's definition of dirt as 'matter out of place' offers a useful model for thinking about these texts. In her influential work on pollution and taboos, Douglas argued that the understanding of dirt is culturally constructed.[53] Nothing is inherently 'dirty', and whether we see something as dirty or not depends both on our cultural conditioning and the context. Shoes are likely to be seen as dirty if they are on the table, she suggested in a simple example, but not if they are on the floor.[54] Our perception is therefore culturally specific and dictated by the social taboos which exclude those social and physical elements understood to be inappropriate, 'wrong' or dirty, or to undermine the dominant ideology in some way. The use of exclusion in the construction of 'normality' and 'difference', and the maintenance of the symbolic order of social space are concepts which have relevance in many different contexts. David Sibley, for instance, analyses the exclusionary practices in contemporary Western societies,[55] while notions of purity and boundedness have also been applied with interesting results in other geographical, archaeological and anthropological studies.[56]

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[53] M. Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (London, 1966).
[54] Douglas, *Purity and Danger*, p.35.
[55] D. Sibley, *Geographies of Exclusion: Society and Difference in the West* (London and New York, 1995).
[56] See, for example, M. Parker Pearson and C. Richards (eds.), *Architecture and Order: Approaches to Social Space* (London and New York, 1994), especially pp. 24-29.

Douglas's concern as an anthropologist was primarily with the understanding of pollution in relation to symbolic practices, and her ideas about what constitutes cleanliness and dirt themselves have been the subject of some criticism.[57] Nevertheless, the notion of 'dirt' as a conceptual category is one that can, I think, illuminate our understanding of spatial perception in the past. Establishing what was excluded as unwanted or inappropriate, whether that conforms to how we think of dirt or not, enables us to identify, conversely, what belonged or was considered 'clean' and acceptable within a given space, and thereby to ascertain the cultural attitudes that dominated how that space was perceived. In the context of the wardmote court records, we can therefore read nuisances as 'dirt', considered by the jurors to be unwanted, 'out of place', and as polluting their image of the ideal public space.

The concept of common nuisances as 'matter out of place' in public space underpins this study. A nuisance was an activity, or the result of an action or lack of action, that breached social conventions about what should or should not be acceptable in the street. The ordinances passed by the Corporation and the presentments made in the wardmote courts can similarly be seen as attempts to exclude or obliterate problems in the material and social environment, and thereby to restore the 'clean' norm. They indicate not only perceived transgressions of that norm, but by implication what constituted the generally accepted notion of what the street should look like and how it should be used. The records can thus be seen as expressing an ideal that was potentially polluted by transgressive actions (or failures to act), represented in legal terms as a nuisance.

The efforts made by the jurors to exclude waste, obstructions and disruptive behaviour, and to ensure that the built environment was kept in good repair, tell us a good deal not only about the way they understood public space, but also its extent. The point at which nuisances were excluded, or beyond which they were not considered the concern of the wardmote juries or the Corporation, therefore indicates the perceived boundaries of public space, an idea which will be developed further in Chapter 4.

[57] See M. Jenner, 'Early Modern English Conceptions of "Cleanliness" and "Dirt" as Reflected in the Environmental Regulation of London, c.1530-1700' (D.Phil. thesis, Oxford University, 1991).

Nuisance and the wardmote courts

A 'wide and elastic' offence,[58] nuisance was dealt with during the later medieval and early modern period in courts that formed part of a system of local government known generally as leet jurisdiction. The exact form and function of these local courts varied around the country. In York, as in London, they were known as wardmote courts, in other cities such as Norwich and Southampton as leet courts, but all derived from the practical necessity of policing communities, and all were concerned with problems that affected the neighbourhood as a whole.[59]

In legal terms, nuisance was defined as conduct that caused annoyance or disturbance, but not actual physical harm.[60] The idea of nuisance was closely associated with the notion of private property, and indeed, by the late fifteenth century had largely been replaced by the law of trespass which enabled individuals to seek redress for actions which impaired their ability to enjoy their property even though no direct injury was involved.[61] Thus the smells from latrines placed too close to boundary walls, or the making of windows which enabled neighbours to overlook one's house and see one's private business were considered nuisances.[62] Individuals affected by these and similar actions had recourse to special courts. In London, the Assize of Nuisance dealt with complaints connected to individual properties.[63] Similar disputes in York were resolved in the Mayor's court, after due inspection of the properties in question by searchers appointed from crafts such as the masons, the carpenters and the tilers,

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[58] S. Webb and B. Webb, *English Local Government*, 11 vols. (London, 1903-29), *Vol. 2: The Manor and the Borough*, intro. B. Keith-Lucas, 2 vols. (London, 1908, repr. 1963), 1: 26.
[59] For the history and origins of leet courts, see F.J.C. Hearnshaw, *Leet Jurisdiction in England, especially as illustrated by the records of the Court Leet of Southampton*, Southampton Record Society 5 (Southampton, 1908); W. Hudson (ed.), *Leet Jurisdiction in the City of Norwich in the XIIIth and XIVth Centuries*, Selden Society 5 (1891); F.W. Maitland, *Select Pleas in Manorial and other Seignorial Courts*, Selden Society 2 (1889), pp.xxvii-xxxviii.
[60] J.H. Baker, *An Introduction to English Legal History*, 2nd edn (London, 1979), p.351. See also J. Loengard, 'The Assize of Nuisance: Origins of an Action at Common Law', *Cambridge Law Journal* 37:1 (1978): 144-166.
[61] Baker, *Introduction to English Legal History*, p.352.
[62] Shaw, 'The Construction of the Private in Medieval London', p. 447.
[63] H.M. Chew and W. Kellaway (eds). *The London Assize of Nuisance, 1301-1431: A Calendar*, London Record Society 10 (London, 1973).

who had the expertise to assess buildings and the boundary lines that were often the source of such disagreements.[64]

Common nuisances worked on the same principle of annoyance or disturbance that did not entail actual physical harm to anyone, but in these cases the 'property' was perceived to belong to the neighbourhood as a whole rather than to any one individual. Polluted waterways, obstructed roads, broken paving and disruptive behaviour were all examples of common nuisances, although the distinction between a private and a public nuisance was not always as easy to determine as might be supposed.[65] The distinction does not appear to have exercised the wardmote court juries overmuch, however. They were clear in their own minds about what constituted a common nuisance, and had no hesitation in presenting members of the community who transgressed social norms about appropriate activities in the street and other areas of common interest, such as waterways and tracks leading to fields, orchards and grazing land outside city walls. These were understood to be matters that affected all the Crown's subjects within the community over which the courts had jurisdiction. One might argue, in fact, that the presentation of nuisances was a way of defining public space itself; the fact that an offence was presented in the wardmote courts meant that where the offence took place was *ipso facto* a space understood to be of public interest. Indeed, this thesis takes a pragmatic approach to the definition of public space and the common good, working backwards from the records to establish contemporary understandings of these ideas, rather than forward from legal histories which examine their origins in the earlier medieval period without necessarily accounting for the changes in practice that might take place over the centuries.

Leet jurisdiction varied considerably, chronologically as well as geographically,[66] but was characterised by a number of key concerns, which included the administration of common land and the regulation of price and quality for bread and ale. Its defining feature was the public nature of the issues that were dealt with in the courts,[67] although as F.J.C. Hearnshaw made clear, leet

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[64] See, for example, J.W. Percy (ed.), *York Memorandum Book BY*, Surtees Society 186 (1969), pp. 261-2; J. Raine (ed.), *A Volume of English Miscellanies Illustrating the History and Language of the Northern Counties of England*, Surtees Society 85 (1890), pp.11-22.

[65] Hearnshaw, *Leet Jurisdiction*, p.97; Baker, *Introduction to English Legal History*, p.361.

[66] Hearnshaw, *Leet Jurisdiction*, pp.64-5.

[67] M.K. McIntosh, 'Local change and community control in England, 1465-1500', *Huntington Library Quarterly* 49 (1986): 219-242, p.231. The courts had been to a large extent standardised

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courts were not public in a legal sense. They were regarded not as community courts in their own right, but as the king's courts for the community, so that the offences over which they had jurisdiction were therefore not done to the community to itself, but to the community as composed of subjects of the crown.[68] Presentments in the York wardmote courts, which frequently invoke the relationship to the monarch to underline the seriousness of the nuisance, indicate that the jurors were well aware of this distinction. The holes made in the highway by Thomas Wright of Dringhouses were said to be to the great danger of the King's people passing or riding along the said road (*in magnum periculum populi domini Regis per dictam viam egredientis et equitantis*),[69] while Thomas Parker was told to remove 'two ston stayns' in Castlegate which were 'to farre fourthe into the queens maiestis streighte there which are to the great annoyance of the quenes people'.[70]

Like other leet courts, the wardmote courts had very limited powers of punishment, and none at all of imprisonment. Penalties imposed were almost invariably monetary ones.[71] Some of those presented for misconduct, such as scolds or petty thieves, might be sentenced to the public humiliation of the stocks or the 'thew',[72] but in most cases this was only in the event of the offender being unable to pay the fine imposed. In London, the wardmote courts filtered out the more serious offences, which were forwarded to be dealt with in the Mayor's court,[73] and a similar system existed in York.[74] Although Caroline Barron has examined the role of the courts within the wider system of jurisdiction in London, the lack of coercive powers within the wardmote courts themselves has traditionally been viewed by legal historians such as Hearnshaw and William

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by the sixteenth century. See Hearnshaw, *Leet Jurisdiction*, p.65. '[The] divergent mediaeval lists show us ... the common-law jurisdiction of the leet in the making; the Early Tudor lists reveal to us the finished product.'

[68] Hearnshaw, *Leet Jurisdiction*, p.111. See also D. Keene, *Survey of Medieval Winchester*, Winchester Studies 2, Part 1 (Oxford, 1985), p.52.

[69] YCA, CB1a, fol. 136v. Hereafter cited as CB1a.

[70] E31, fol. 67.

[71] Webb and Webb, *English Local Government*, 1: 24; W.S. Holdsworth, *A History of English Law*, 17 vols., (London, 1936-72), *Vol. 1: The Judicial System*, 7th edn., revised under the general editorship of A.L. Goodhart and H.G. Hanbury, with an introductory essay by S.B. Chrimes (London, 1956), p.136.

[72] A pillory or tumbril used specifically for the public punishment of women.

[73] C. Barron, 'Lay Solidarities: The Wards of Medieval London', in P. Stafford, J.L. Nelson and J. Martindale (eds.), *Law, Laity and Solidarities: Essays in Honour of Susan Reynolds* (Manchester, 2001), pp. 218-233.

[74] The operation of the wardmote courts in York is discussed in detail in Chapter 1.

Holdsworth as indicative of their ineffectiveness, and the reason for their eventual decline into 'subjection' to the municipal authorities.[75] For William Hudson, leet presentments became 'superfluous' after the municipal reorganisation of 1403,[76] while Frederic Maitland noted a similar decay in leet jurisdiction. By the sixteenth century, he opined, leet jurisdiction could 'no longer be described as flourishing'.[77] Symptomatic of this decline, they suggest, was the gradual siphoning off of the leet courts' powers as much of their authority was diverted to commissions of the peace in the Petty or Quarter Sessions.[78] This left the leet courts with little to deal with other than nuisances, together with 'petty delinquencies' associated with the assize of ale, the market and the use of highways.[79]

One of the most interesting aspects of the wardmote courts is the wide range of offences presented, in spite of this loss of legal authority. According to Hearnshaw, the Southampton jurors 'presented anything and everything',[80] while Sidney and Beatrice Webb noted that 'it is difficult to find any kind of personal conduct, whether or not expressly included among statutory offences, which might not, at one period or another, have found its way, as a common nuisance, into the presentments of a Court Leet Jury.'[81] The flexibility of the courts in permitting jurors to tailor presentments makes them particularly valuable for a study of this kind. The wardmote 'inquests' provided a forum in which concerns about issues affecting the public space of the neighbourhood could be expressed, and as such they reflected the way preoccupations with particular problems changed over time. This is an aspect of leet jurisdiction to which Marjorie McIntosh has drawn attention, noting how the jurors in local courts in late medieval market towns and villages used the presentment process to articulate new concerns about the social changes brought about by economic decline.[82]

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[75] Hearnshaw, *Leet Jurisdiction*, p.196-7; Holdsworth, *History of English Law*, p.136.
[76] Hudson, *Leet Jurisdiction in the City of Norwich*, p.lxxix.
[77] Maitland, *Select Pleas*, p.xxvii.
[78] Maitland, *Select Pleas*, p.xxvii; Webb and Webb, *English Local Government*, 1: 26.
[79] Webb and Webb, *English Local Government*, 1: 26.
[80] Hearnshaw, *Leet Jurisdiction*, p.223.
[81] Webb and Webb, *English Local Government*, 1: 27.
[82] McIntosh, 'Local Change and Community Control in England, 1465-1500', pp. 219-242; M.K. McIntosh, 'Finding Language for Misconduct: Jurors in Fifteenth-Century Local Courts', in B.A. Hanawalt and D. Wallace (eds.), *Bodies and Disciplines; Intersections of Literature and History in Fifteenth-Century England* (Minneapolis, 1996), pp.87-122.

This is not to argue that the wardmote juries were completely autonomous. The courts were very much part of the machinery of civic government, and, indeed, were vital to the effective running of a city, whose economic and social functions depended to a large degree on the circulation of traffic, the maintenance of markets, the prevention of disease, and the resolution of minor social tensions. Holdsworth argues that courts like these formed the chief instrument for the government of borough in the Middle Ages,[83] and it is easy to see that in enforcing statutes and local ordinances, particularly those to do with maintaining the fabric of the city, and by policing nuisances such as dirty streets, blocked sewers, broken paving and obstructed lanes, the wardmote courts, for all the flexibility they offered as a forum for neighbourhood concerns, were first and foremost the 'bedrock of civic administration in England'.[84] They nonetheless reveal a good deal about the communal perception of the urban environment that was clearly closely related to, but also distinct from, that of the civic authorities.

The bias implicit in the operation of the wardmote courts and in the recording of their proceedings means that their evidence should not be read simply as a window onto 'real life' in the later medieval and early modern city, and it is their importance as evidence of the perception rather than the 'reality' of public space that is the emphasis of this thesis. Bearing this reservation in mind, these records do, nonetheless, provide a remarkable source of evidence for the material and social environment, for civic administration, and for everyday life.

Leet court records have proved a valuable source for scholars of the medieval and early modern period, particularly those investigating social regulation,[85] but the evidence of the York wardmote courts has received little attention from historians. Prior to the recent work of Caroline Barron and Sarah Rees Jones,[86] references to the York wardmote courts were cursory at best. David Palliser's study of Tudor York notes that the courts were primarily concerned with public

[83] Holdsworth, *History of English Law*, p.136.
[84] S. Rees Jones, 'Household, Work and the Problem of Mobile Labour: The Regulation of Labour in Medieval English Towns', in J. Bothwell, P.J.P. Goldberg and W.M. Ormrod (eds.), *The Problem of Labour in Fourteenth-Century England* (York, 2000), p.136.
[85] See, for instance, M.K. McIntosh, *Controlling Misbehavior in England, 1370-1600* (Cambridge, 1998); M. Ingram, '"Scolding Women Cucked or Washed": A Crisis in Gender Relations in Early Modern England?', in J. Kermode and G. Walker (eds.), *Women, Crime and the Courts in Early Modern England* (London, 1994), pp. 48-80; D.E. Underdown, 'The Taming of the Scold: The Enforcement of Patriarchal Authority in Early Modern England', in A. Fletcher and J. Stevenson (eds.), *Order and Disorder in Early Modern England* (Cambridge, 1985), pp.116-36.
[86] Barron, 'Lay Solidarities'; Rees Jones, 'Household, Work and the Problem of Mobile Labour'.

hygiene, street paving and the punishment of misconduct,[87] while P.M. Tillott characterises them as merely administering 'petty domestic regulations'.[88] This traditional view of the essentially mundane and tedious nature of the wardmote courts may spring from a perception of nuisance as inherently dull and unimportant. It is true that the offences recorded in the wardmote court returns are not as exciting or as picturesque as the accounts of murder, theft, adultery, slander and other sins and crimes dealt with in the complex variety of royal and ecclesiastical courts that existed during this period, but an attitude that dismisses nuisance as therefore uninteresting fails to take into account the impact of disruptive behaviour or a dilapidated environment on the day-to-day reality of people's lives. Nuisances matter far more to most people than major crimes and are considerably more likely to be part of their lived experience. It is precisely the repetition and 'pettiness' of the offences dealt with by the wardmote courts in York that makes them so interesting. The careful recording of each name and offence in the standard format of the York courts reveals, I think, an attention to the issues that mattered most to contemporary communities. This thesis shares the view of Rodney Hilton, who notes that 'to describe the ordinary may be just as significant as to pinpoint the unusual'.[89]

Leet jurisdiction as an area of study in its own right has attracted surprisingly little interest, in spite of Maitland's assertion that this was an area of the law particularly worthy of study 'because it is very common, because it has great importance in the history of society, because its origin is extremely obscure'.[90] Legal historians like Holdsworth and the Webbs do, of course, refer to the leet courts, but the only major studies in this field remain those of Hudson and Hearnshaw, both of whom were published a century ago.[91] In the case of York, historians have certainly been aware of the records for some time, but until recently the most extensive use of them was by Angelo Raine in his topography of medieval York. References in works such as the Victoria County History and Palliser's study of Tudor York tend to be in the context of civic administration,

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[87] *Tudor York*, p.77.
[88] *VCH York*, p.314.
[89] R. Hilton, 'Low-level Urbanization: The Seigneurial Borough of Thornbury in the Middle Ages', in Z. Razi and R.M. Smith (eds.), *Medieval Society and the Manor Court* (Oxford, 1996), p.516.
[90] Maitland, *Select Pleas*, p.xxvii.
[91] Hudson in 1892, and Hearnshaw in 1908.

and the wardmote courts themselves have been little explored. This may partly be due to the fact that, until Tim Andrew's very useful edition, the records for the courts held in the 1490s were not only limited in range but hard to decipher easily.[92] Recently, Rees Jones has considered the York courts more closely in the context of the householder's role in the city's administration,[93] while Barron has examined how the fifteenth-century wardmote courts fitted into the 'complex jigsaw' of medieval civic government in London, with some reference to the York material.[94] Neither, however, consider the functioning of the courts in detail, nor do they relate their findings to the much more extensive evidence available for the late sixteenth century. There are obvious reasons for this, the most important being the way the Reformation is traditionally seen as marking the dividing line between the medieval and the early modern period. There are, after all, limits to the chronological range of any enquiry, and the 1570s and 1580s are generally seen as beyond the scope of most medievalists.

This study therefore considers the evidence of the wardmote courts in York as a whole, and in detail, for the first time. There are striking parallels, and equally striking differences, between the fifteenth-century courts and those of the sixteenth century. A careful analysis of these records enables a deeper understanding of how these courts functioned, and sheds new light on many aspects of everyday urban life during these periods. Spanning the traditional divide of the Reformation, the chronological range of the thesis, itself dictated by the surviving evidence, means that some of the traditional notions about continuity and change between the medieval and the early modern periods are inevitably called into question, but this is not the primary aim of this study. Instead, it focuses on how public space was understood at the time, and the ways in which that perception was controlled and contested through the manipulation of the physical and social environment. Specifically, it examines the nature of common nuisances as elements of the urban environment which conflicted with

[92] T. Andrew, 'The Fifteenth-Century Wardmote Court Returns for York' (MA diss., University of York, 1997).
[93] S. Rees Jones, 'The Household and English Urban Government in the Later Middle Ages', in M. Carlier and T. Soens (eds.), *The Household in Late Medieval Cities: Italy and Northwestern Europe Compared* (Leuven-Apeldoorn, 2001), pp. 71-87.
[94] Barron, 'Lay Solidarities', p. 232.

conventionally accepted norms of what public space should look like, how far it should extend, and how people should behave within it.

Space, perception and *habitus*

How can we relate the humdrum matters that preoccupied the wardmote jurors of the fifteenth and sixteenth centuries to more abstract ideas about space and social relations? It is the argument of this thesis that the efforts made to regulate the street in fifteenth- and sixteenth-century York allow us to identify how the immediate social and physical surroundings in which people lived were perceived at a socialised level, and that the actions and behaviour identified by the wardmote court jurors as nuisances can tell us a good deal about the way norms were established and reinforced. More importantly, perhaps, a careful study of this kind of regulation enables us to examine the role of the street in reflecting and reinforcing social relations.

The usefulness of Rapoport's ideas about the way meaning is conveyed through different elements in the built environment has already been indicated, but his argument is not without limitations. It pays little attention to the social structures that generate and are reinforced by the existence of such environmental cues, or to the political and ideological implications of their control. Nor does it sufficiently take into account the dynamic nature of the interaction between people and the environment, or the active and conscious ability of humans to manipulate spatial meanings.

These are issues addressed by Anthony Giddens in his influential theory of structuration.[95] As a sociologist, Giddens is primarily concerned with the relationship between individuals and contemporary social practice, but his theory has important implications for research into societies in the past as well as in the present.[96] Of particular value to the present study are his ideas about the repeated nature of social activities which both reflect and create their own meanings, and

[95] Giddens, *Constitution of Society*; A. Giddens, *Central Problems in Social Theory: Action, Structure and Contradiction in Social Analysis* (London, 1979); A. Giddens, 'Time, Space and Regionalisation', in Gregory and Urry, *Social Relations and Spatial Structures*. For a clear analysis of Giddens' ideas, see Giles, 'Guildhalls and Social Identity', especially pp.19-20; J.C. Grenville, *Medieval Housing* (London, 1997), p.22; K. Giles, 'The "Familiar" Fraternity: The Appropriation and Consumption of Medieval Guildhalls in Early Modern York', in S. Tarlow and S. West (eds.), *The Familiar Past? Archaeologies of Later Historical Britain* (London, 1999), p.88.

[96] Giddens, *Constitution of Society*, pp.355-368.

the importance of human agency.[97] Human beings do not just make their own history, Giddens argues, but also their surroundings; they make their own geography, too.[98] Instead of responding passively to structures and settings that are already in place, people are what Giddens calls 'knowledgeable human agents', able to transform the way space is understood while at the same time being constrained by the very meaning of the space created by their actions.

> Human social activities ... are recursive. That is to say, they are not brought into being by social actors but continually recreated by them via the very means whereby they express themselves *as* actors. In and through their activities agents reproduce the conditions that make these activities possible.[99]

This duality of social structure is key to Giddens' theory of structuration. The idea that repeated practices create the meaning of space, but are at the same time determined by that meaning in a constantly reflexive process, is one that illuminates the way we can think about public space in later medieval and early modern York. Any analysis of how the environment was regulated and how people responded to it, then, needs to be aware that, as Giddens points out, 'the structural properties of social systems are both medium and outcome of the practices they recursively organize.'[100]

Giddens suggests further that our response to the conditions in which we find ourselves is governed by an understanding of social rules that is known but cannot be articulated, and which he labels 'practical consciousness'. Human beings, he argues, are social actors, and 'highly "learned" in respect of the knowledge which they possess, and apply, in the production and reproduction of day-to-day social encounters'.[101] Such knowledge is subconscious but practical in nature. It is the knowledge that enables people to 'go on' in the world, to relate to each other and to their surroundings, and to understand how to behave appropriately. As he goes on to note, '[t]he knowledge of social conventions, of oneself and of other human beings, presumed in being able to 'go on' in the diversity of contexts of social life

[97] Giddens, *Constitution of Society*, pp.2-3.
[98] Giddens, *Constitution of Society*, p.363.
[99] Giddens, *Constitution of Society*, p.2.
[100] Giddens, *Constitution of Society*, p.25.
[101] Giddens, *Constitution of Society*, p.21.

is detailed and dazzling.'[102] Giddens does not discuss the built environment directly, but it is easy to see how the 'practical consciousness' of the inhabitants of fifteenth- and sixteenth-century York would equally have informed the way they read and responded to their surroundings.

Giddens' ideas about 'practical consciousness' are closely associated with Pierre Bourdieu's influential notion of *habitus*, which has a particular significance for any study of the relationship between environment and behaviour.[103] *Habitus* refers to the expectations and assumptions we acquire unconsciously as part of the process of learning to be members of a group, culture or society, and which determine our perceptions of how things should be, our understanding of where we fit into that society, and how we should behave in a given situation.[104] In Bourdieu's words, it is 'the strategy-generating principle enabling agents to cope with unforeseen and ever-changing situations',[105] or, as Keith Lilley summarises in less abstract terms, it 'conditions the way that things are done and makes things the way they are'.[106] *Habitus* works at an individual level, but also at a collective one, where groups share what Kate Giles has usefully defined as 'a body of generative schemes and cultural dispositions which form a collective homogenous phenomenon'.[107] It is this aspect of Bourdieu's social theory that is the most relevant to the present study. Perception is an aspect of *habitus*, that, like *habitus*, works at different levels. It is impossible to fully comprehend any individual perception other than one's own, and that itself is liable to fluctuate according to mood, experience and circumstance. At a collective level, however, perception is socialised through the use of common experiences and common understandings of symbols and meanings.[108] This perception is determined by our cultural conditioning, which predisposes us to see space in a certain way. The things we take for granted, our perception of what is 'normal' or 'out of place', is produced by the *habitus*, 'the universalising mediation which causes an individual agent's practices, without either explicit reason or signifying intent, to be none the less

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[102] Giddens, *Constitution of Society*, p.26.
[103] P. Bourdieu, *Outline of a Theory of Practice*, trans. R. Nice (Cambridge, 1977). See also P. Bourdieu, *The Logic of Practice*, trans. R. Nice (Stanford, 1990), especially pp.52-64.
[104] See Grenville, *Medieval Housing*, p.22.
[105] Bourdieu, *Outline of a Theory of Practice*, p.72.
[106] K.D. Lilley, *Urban Life in the Middle Ages, 1000-1450* (Basingstoke, 2002), p.14.
[107] Giles, 'Guildhalls and Social Identity', p.21.
[108] Relph, *Place and Placelessness*, p.34.

"sensible" and "reasonable"'.[109] In a study such as this one, therefore, it is important to be aware not just of what the perception of public space was, but also of the factors that created that perception. As Einstein commented, it is not the observer but the theory that decides what can be observed.[110]

At the time of writing, in summer 2004, the City of York Council is running an anti-litter campaign under the slogan, displayed widely in shops and on buses, 'We all want a clean city'. Such a statement makes the assumption that at some level anyone reading these posters will understand what is meant by a 'clean city', in spite of the fact that there are plenty of individuals who are clearly entirely unconcerned about the state of the urban environment. Overturned rubbish bins, graffiti and discarded pizza boxes bear witness to the fact that the active desire for a clean city is far from universal. The phrase 'we all' represents a commonly accepted understanding of what the city should be like, a cultural attitude rather than a statistical fact.

It is precisely this kind of socialised perception that can be identified in the York wardmote court records, which express similar assumptions about what 'they all' wanted the environment to be like. The repeated demands for paving to be kept in good repair, for instance, indicate that the ideal of the street as a uniformly smooth and well-kept surface was one that was commonly accepted, even though it was often contested in practice by individuals who shared the same collective *habitus*. Most of those presented in the wardmote courts were not criminals or people on the margins of society, nor were they members of the aristocratic elite whose lives tend to be more amply documented. The evidence of the surviving records suggests rather that they constituted the 'middling' section of urban society, the artisans, craftsmen, tradesmen and merchants who were an integral part of the civic hierarchy. The social composition of the wardmote juries is explored in greater depth in Chapter 1, but for now it is important to note merely that those who made the presentments were representative of those being presented for the various offences as well.

This was certainly not an all-inclusive group, and there was a clear gender gap, with women excluded from serving in any official capacity in the courts. Nor was

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[109] Bourdieu, *Outline of a Theory of Practice*, p.79.
[110] Cited in B. Stock, 'Reading, Community and a Sense of Place', in Duncan and Ley, *Place/Culture/Representation*, p.315-317

there any role for the very poor and marginal members of society, or for any noble or ecclesiastical members of the community.[111] Both jurors and officials nonetheless represented a wide range of occupations, incomes and relative status within the city, and where it is possible to identify them, most of the women presented appear to have belonged to same broad social group, as wives or widows responsible for their own property. This is particularly true of the sixteenth-century records. There is admittedly less evidence for the 1490s, when many of the women who appear in the records were accused of sexual misdemeanours and thus probably belonged to the poorer sections of urban society. Nevertheless, the fact that they were presented for behaviour that was having an impact on the neighbourhood indicates that they were considered to be very much part of the community. The inclusion or exclusion of people from that community, as expressed in the jurisdiction of the wardmote courts, and the spatial implications of changing attitudes towards them between the late fifteenth and late sixteenth centuries are subjects of further discussion in the following chapters.

Aldermen, whom one would expect to be elite members of the neighbourhood represented by the wardmote jurors, are frequently presented for nuisances related to the material environment, although rarely to the social environment, another issue examined in more detail in Chapter 1. The fact that they did not always obey the conventions about how public space should be used does not mean that they did not understand what those conventions were, and this must have been as true for the women accused of prostitution and 'evil demeanour' as it was of those who had a much greater investment in the maintenance of public order. Even those who were excluded from the official process of the courts, and whose actions are inevitably filtered through the views of male jurors and male clerics, would still have shared a socialized perception of the street, even if only at the level of the common understanding of the signs, symbols and experiences which signalled the meaning of public space and which 'they all' recognized.

The perception expressed in the wardmote court records, therefore, is that of a diffuse group of men of middling status in society; that is, of craftsmen and

[111] Barron, 'Lay Solidarities', pp.222-3. Chapter 1 will consider the implications of the exclusion of these people, particularly the poor, from the court proceedings in more depth.

merchants or of those with ambitions to be such.[112] When this thesis talks about the perception of public space in fifteenth- and sixteenth-century York, it is their perception that is meant, although, as I have argued, we can also interpret these records in terms of a wider, socialized perception of the environment. We need to be cautious, however, in making assumptions about how other societies use and perceive space, particularly those in the past which cannot be directly observed. Any interpretation of a historical perception needs to acknowledge the influence of a twenty-first century perspective that assigns meaning to the evidence in the distorting light of our own cultural bias, which 'informs the data we collect, the methodologies we adopt and the form of our theories and conceptualizations'.[113]

The approach to space that underpins this thesis is therefore informed by several theories while adhering to no one in particular. Space is understood to be the context for human actions and interactions, but to be much more than a mere setting or backdrop to social relations. Instead, it actively structures the way people behave, even as it is itself shaped by repeated social practices. It is endowed with meaning through cues which may take a material or a symbolic form. In the case of the urban environment, the variety and architectural design of buildings, the layout of the streets, the surface of the road, the arrangement of street furniture and so on, all evoke an understanding of the kind of space it is – urban, public – and an expectation of the appropriate way to behave within it. Other signs may be less tangible, but no less significant. Sounds, smells, the way people dress and talk and gesture can signal the meaning of space while being in themselves responses to similar cues embedded in the social and physical environment. Together, this multiplicity of signs constitutes a code which we are socialised to understand from an early age, and to which we respond at a level that is usually subconscious. The meaning of such cues is created by more than a simple process of sign and response, however. Rather, it is, as Rapoport argues, a complex set of relationships 'between things and things, things and people and people and people'.[114]

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[112] For an analysis of the kinds of people represented in the this broad group, see J. Barry and C. Brooks (eds.), *The Middling Sort of People: Culture, Society and Politics in England* (Basingstoke, 1994).
[113] K. Diaz Moore, 'Introduction', in Diaz Moore, *Culture-Meaning-Architecture*, p.8.
[114] Rapoport, *Meaning of the Built Environment*, p.178.

Of course, people do challenge conventional norms of behaviour, and 'consume' space according to their own needs and desires.[115] The meaning of signs is thus constantly open to resistance. If enough people behave in a certain way, the meaning of a space can quite quickly be called into question. At a very basic level, if everyone disposes of their waste in a way that contravenes the accepted norm in a street, the accumulated filth will itself become a cue that counters the established meaning of public space. Instead, the space will become associated with dirt, deprivation, or general undesirability.[116] It is in the interests of the authorities to maintain 'the norm' and to limit the control of signs as far as possible – which is precisely what we see the civic authorities attempting to do in fifteenth- and sixteenth-century York.

Streets were, and are, complex entities, made up of a number of competing and overlapping spaces that shift, expand and contract in response to the passage of time. Public space was only one of many aspects of the urban environment in the fifteenth and sixteenth centuries, and we need to bear in mind that its meaning formed part of a much wider system of signification within the city. Nevertheless, it is hoped that by contextualising spatial theory within a specific historical setting, this study will contribute to a wider understanding of how the later medieval and early modern city was experienced.

Space and urban history

The thesis thus forms part of a wider trend in urban history in which scholars are thinking about space and the city in new and exciting ways. The idea that social space is not a passive backdrop to the formation of identity, but rather 'part of an active ordering and organizing of the social and cultural relations of the city',[117] has been explored by a number of historians of the modern and early modern period. The close relationship between the social and the material urban environment is a theme of various studies by early modernists on different aspects

[115] See de Certeau, *The Practice of Everyday Life*.

[116] The same process can work in reverse, for example when previous run-down and deprived areas acquire a new meaning as a result of creeping gentrification, whereby once modest dwellings are 'done up' and become desirable properties. See C. Mills, 'Myths and Meanings of Gentrification', Duncan and Ley, *Place/Culture/Representation*, pp.149-170.

[117] L. Nead, 'Mapping the Self: Gender, space and modernity in mid-Victorian London', in R. Porter (ed.), *Rewriting the Self: Histories from the Renaissance to the Present* (London, 1997), p.167.

of space. Laura Gowing, for instance, looks at the way gender was rooted in the social and spatial practices of early modern London,[118] while Mark Jenner has likewise drawn attention to the ways in which the spatial organization of sixteenth and seventeenth-century London developed in response to changing conceptions of cleanliness and dirt, as the inhabitants of poorer alleys came to be segregated from more prosperous sections of society in distinct social areas.[119] Applying a theoretical approach to the early modern wardmote courts in London in a way that has proved influential for my own research, Jenner argues that nuisance prosecutions served to maintain social and geographical boundaries, and to demonstrate 'the complexity of the history of space and territoriality'.[120]

An interest in space is also well-established among medievalists, although until recently these have tended to be literary specialists, archaeologists and art historians.[121] Historians of the English Middle Ages have perhaps been slower to recognize the potential value of considering documents in terms of space.[122] Lilley has claimed that studies of medieval urban history in particular have been 'invariably empirical, in both substance and outlook',[123] but his call for historians to make space a central theoretical concern was to some extent anticipated by the publication of *Medieval Practices of Space* in 2000.[124] Although the collected essays in this volume do not focus exclusively on urban space, or on the work of historians, the contributors' engagement with a view of space as 'an open and mutable field of specifiable relationships and structures; as a site actuated by the ensemble of movements deployed within it; as a structure that is determined by the distribution of economic, social, cultural, ideological, and theological

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[118] L. Gowing, *Domestic Dangers: Women, Words and Sex in Early Modern London* (Oxford, 1996); L. Gowing, '"The Freedom of the Streets": Women and Social Space, 1560-1640', in P. Griffiths and M.S.R. Jenner (eds.), *Londinopolis: Essays in the Cultural and Social History of Early Modern London* (Manchester, 2000), pp.130-151.
[119] Jenner, 'Conceptions of "Cleanliness" and "Dirt"', p.35.
[120] Jenner, 'Conceptions of "Cleanliness" and "Dirt"', p.37.
[121] For example, S. Beckwith, *Signifying God: Social Relation and Symbolic Act in the York Corpus Christi Plays* (Chicago, 2001); C.P. Graves, 'Social space in the English Medieval Parish Church', *Economy and Society* 18 (1989): 297-322; T. Saunders, 'The Feudal Construction of Space: Power and Domination in the Nucleated Village', in R. Samson (ed.), *The Social Archaeology of Houses* (Edinburgh, 1990), pp. 181-96; R. Gilchrist, *Gender and Material Culture: The Archaeology of Religious Women* (London, 1994); Grenville, *Medieval Housing*; Giles, 'Guildhalls and Social Identity'; M. Camille, *Gothic Art: Visions and Revelations of the Medieval World* (London, 1996),.
[122] Arnade *et al*, 'Fertile Spaces', p.515.
[123] Lilley, *Urban Life*, p.251.
[124] Hanawalt and Kobialka, *Medieval Practices of Space*.

capital',[125] signalled a new and cross-disciplinary approach to the multiple ways space was used in the Middle Ages.

A similarly theoretical but more focused approach informed the volume of the *Journal of Interdisciplinary History* which in Spring 2002 was devoted to the urban spaces of northern European cities in the later medieval and early modern periods. The volume marks a new departure in its historical focus which enables the collected articles to explore the spatial histories of cities without abandoning the traditions of empirical scholarship that necessarily underpin any historical study.[126] Arguing that a long-standing tradition of historiography has tended to see pre-modern European cities as 'inert places devoid of causal significance, or ... networks of social interaction without clear material referents,'[127] the editors called for new research agendas, and identified three areas of particular value to the study of space, the market and market relations, gender, and how urban Europeans produced public space:

> Notwithstanding all the premium that historians and social theorists have generally accorded the public sphere, few catalog what urban people of this age said about it, what vocabularies they used to describe it, and what instruments – law, literature, property records, and the like – registered their notions of it.[128]

The current study answers that call to some extent. Its argument has close parallels with Vanessa Harding's work on property deeds and the interface between private and public space in late medieval and early modern England,[129] and with that of James Masschaele, who addresses the issue of public space from an equally historical perspective in his study of the medieval market place.[130] Masschaele's emphasis lies on the 'public' aspect of the market place rather than on its spatial qualities, and he questions the notion, first articulated by Jürgen Habermas, that the public sphere was not able to emerge in Britain until the eighteenth century, but his argument that public spaces in the medieval period played an important role in the formation and dissemination of cultural patterns

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[125] B.A. Hanawalt and M. Kobialka, 'Introduction', in Hanawalt and Kobialka, *Medieval Practices of Space*, p.xi.
[126] Arnade *et al*, 'Fertile Spaces', p.542.
[127] Arnade *et al*, 'Fertile Spaces', p.516.
[128] Arnade *et al*, 'Fertile Spaces', p.543.
[129] V. Harding, 'Space, Property and Propriety in Urban England', pp. 549-569.
[130] J. Masschaele, 'The Public Space of the Marketplace in Medieval England', *Speculum* 77:2 (2002): 383-421.

that went beyond any political significance has clear relevance to the current study.

While the work of historians like Harding and Masschaele offers interesting parallels in the way they use documentary sources to explore notions of public space, my own interest approaches the same question from a slightly different perspective. In its focus on the materiality of public space, this thesis relates much more closely to the work of historical geographers and archaeologists than to more traditional historical studies. Edward Muir and Ronald Weissman's study of the symbolic geography of Renaissance Florence and Venice, for instance, explored geographical and sociological notions of place in a particular historical context, relating the distinctive social structures in each city to the layout of the streets and characteristic architectural features of the urban environment in a way that had a profound influence on the way I thought about the ways in which public space is understood.[131] More recently, Lilley has noted the intimate relationship between the medieval townscape and those who lived and worked within it. The urban environment, he argues, was 'mutually constituted by, and constitutive of, everyday life'.[132] Lilley's attention to the way townscapes functioned as 'texts' from which a moralised social order and identity could be read anticipates my own interest in how the built environment was endowed with a 'public' meaning.[133]

In treating buildings, artefacts and other aspects of the material environment of medieval towns as texts in which urban culture was inscribed as effectively as in documents, Lilley's approach is familiar terrain to medieval archaeologists, whose discipline, like geography, implies a natural interest in the construction and use of space. As Robert Gilchrist observes, '[a]ll archaeological enquires are by their very nature spatial,'[134] and the role of the built environment in the structuring of space and social relations is one that has been the focus of a number of studies by buildings archaeologists in particular. Pamela Graves' study of the way in which the architectural space of the medieval English parish church framed, constituted

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[131] E. Muir and R.F.E. Weissman, 'Social and Symbolic Places in Renaissance Venice and Florence', in J.A. Agnew and J.S. Duncan (eds.), *The Power of Place: Bringing Together Geographical and Sociological Imaginations* (Boston, 1989), pp.81-103.
[132] Lilley, *Urban Life*, p.211.
[133] Lilley, *Urban Life*, p.247.
[134] R. Gilchrist, 'Medieval Bodies in the Material World: Gender, Stigma and the Body', in S. Kay and M. Rubin (eds.), *Framing Medieval Bodies* (Manchester, 1994), p.45.

and reinforced social identity within the parish was based on an understanding of space as more than the mere reflection of society but the 'medium through which society and different kinds of knowledge can be created and reproduced'.[135] Gilchrist is another archaeologist whose work lays emphasis on the active nature of material culture which is used 'to construct, maintain, control and transform social identity',[136] while more recently, Giles has examined the way medieval and early modern guildhalls in York were used and adapted to incorporate changing notions of social identity.[137]

Such detailed explorations of individual buildings have added greatly to our understanding of the relationship between the built environment - the literal structuring of space - and the production and reproduction of social relations. This thesis, however, is concerned more with the kind of cityscapes that Lilley analyses: the streets, walls, and open ground that constituted urban public space. These are features of the medieval urban environment that have, of course, been the subject of archaeological enquiry, although investigations of townscapes by most archaeologists have tended not to be theorised in specifically spatial terms.[138]

A long tradition of writing about the English medieval city similarly focuses on reconstructing the material environment. Early twentieth-century historians like T.P. Cooper, Ernest Sabine and Lynn Thorndike used their exhaustive knowledge of documentary records to try and establish what the medieval city would have looked like,[139] while in the middle of the last century Angelo Raine was assiduous in collecting documentary evidence for his topography of medieval York, still a useful source of detail for historians of the city, [140] as are the excerpts from the

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[135] Graves, 'Social Space in the English Medieval Parish Church', p.297.
[136] Gilchrist, 'Medieval Bodies in the Material World', p.44.
[137] Giles, 'Guild Halls and Social Identity'.
[138] See for example, C. Platt, *The English Medieval Town* (London, 1976); J. Schofield and A. Vince, *Medieval Towns* (London, 1994); M. Aston and J. Bond, *The Landscape of Towns*, 2nd edn. (Stroud, 2000) or the various studies of the urban environment in York itself published by the York Archaeological Trust. As the title of his study of medieval Yorkshire towns indicates, George Sheeran does, however, highlight the interconnections between people and the urban landscape. See G. Sheeran, *Medieval Yorkshire Towns: People, Buildings, Spaces* (Edinburgh, 1998).
[139] Cooper, 'Mediaeval Highways'; E. Sabine, 'City Cleaning in Mediaeval London', *Speculum* 12:1 (1937): 19-43; L. Thorndike, 'Sanitation, Baths and Street-Cleaning in the Middle Ages and Renaissance', *Speculum* 3:2 (1928): 192-203.
[140] A. Raine, *Mediaeval York: A Topographical Survey Based on Original Sources* (London, 1955). This work is referred to extensively throughout the thesis, and is abbreviated hereafter to *Mediaeval York*.

civic records that he edited for the Yorkshire Archaeological Society Record Series.[141] Meticulously detailed research forms the basis of later descriptions of the city, too, such as that found in the Victoria County History of the City of York,[142] or the volumes published by the Royal Commission on Historical Monuments.[143] The city is also fortunate in having a number of works by antiquarian scholars which contain much information which would otherwise have been lost.[144] Detailed archival research by more recent historians of York, much of it theorised in the light of economic, social or political concerns, means that we have an extensive knowledge about the history and development of the medieval city, about its government, its economy and its social organisation.[145]

This thesis draws on this important body of work, but seeks to apply a different conceptual framework to the documentary evidence and to explore notions of space and perception specifically in relation to the urban environment. As Palliser points out 'there is a great difference between assembling and analysing the factual data on a Tudor population ... and understanding what they thought, hoped, believed, and feared'.[146] Palliser goes on to consider in his study of civic mentality and the environment in Tudor York, the effect of 'the squalid and insanitary conditions' in which the majority of the inhabitants lived.[147] While

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[141] A. Raine (ed.), *York Civic Records*, 8 vols, Yorkshire Archaeological Society Record Series (1939-53). Cited hereafter as YCR.

[142] *VCH, York.*

[143] Royal Commission on Historical Monuments England, *An Inventory of the Historical Monuments in the City of York*, 5 vols. (1962-1981), hereafter cited as *RCHME, York.*

[144] F. Drake, *Eboracum: or the History and Antiquities of the City of York* (London, 1736); T. Widdrington, *Analecta Eboracensia: or, Some Remaynes of the Antient City of York*, ed. C. Caine (London, 1897); T. Gent, *The Antient and Modern History of the Famous City of York* (York, 1730); R. Davies, *Walks through the City of York* (London, 1880); G. Benson, *Later Medieval York: The City and County of City of York from 1100 to 1603* (York, 1919). For images of the city dating from the eighteenth and nineteenth century, many of them recording medieval buildings that have since been demolished, see H. Murray, S. Riddick and R. Green, *York through the Eyes of the Artist* (York, 1990).

[145] S. Rees Jones (ed.), *The Government of Medieval York: Essays in Commemoration of the 1396 Royal Charter* (York, 1997); Palliser, *Tudor York*; J.N. Bartlett, 'The Expansion and Decline of York in the Later Middle Ages', *Economic History Review* 12, 2nd series (1959): 17-33; R.B. Dobson, 'Urban Decline in Late Medieval England', *Transactions of the Royal Historical Society* 27, 5th series (1977): 1-22; H. Swanson, 'The Illusion of Economic Structure: Craft Guilds in Late Medieval English Towns', *Past and Present* 121 (1988): 29-48; H. Swanson, *Medieval Artisans: An Urban Class in Late Medieval England* (Oxford, 1989); P.J.P.G. Goldberg, *Women, Work, and Life Cycle in a Medieval Economy: Women in York and Yorkshire, c.1300-1520* (Oxford, 1992); C. Carpenter, 'The Formation of Urban Elites: Civic Officials in Late Medieval York, 1476-1525' (D.Phil. thesis, University of York, 2000).

[146] D. Palliser, 'Civic Mentality and the Environment in Tudor York', *Northern History* 18 (1982): 78.

[147] Palliser, 'Civic Mentality', p.95.

acknowledging that contemporaries might not have thought of the city in this way, in Palliser's account the material environment is little more than a backdrop to civic life, an outcome of social processes rather than an active component in the way people thought and behaved.

This idea of the built environment as primarily a setting for urban life is common in historical research. For many historians, the interest of the townscape lies above all in what it reflects about social attitudes and economic trends, and not in how it acts to structure those attitudes.[148] In trying to position my own field of research, my approach has accordingly been more influenced by studies in disciplines such as geography, archaeology and anthropology than in urban history, although this study is firmly based on documentary sources and is in that sense a predominantly historical one.

Conclusion

The focus of this thesis, then, is less on what the urban environment looked like than on how it was interpreted. The central question addressed is ostensibly a simple one: what meaning did public space have for the people who lived in the later medieval and early modern city? The streets and other public spaces in later medieval and early modern York were carefully regulated by the civic authorities, whose surviving records provide a wealth of detailed information of the kind that has been used in the past as evidence of the topography or administration of the city. It is the argument of this thesis that they can also tell us about contemporary perceptions of the built environment and the extent to which it was considered public. My approach to these records proceeds from the assumption that the process whereby we derive meaning from the environment is one shared by all human societies, but that the meaning itself depends on the culture of which we are a part. Such a perspective, I would argue, not only allows us to explore the experience of public space in later medieval and early modern York, but also to think about how cultural norms dictate the way we perceive and use many of those same streets today.

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[148] See, for example, J. Schofield and G. Stell, 'The Built Environment, 1300-1540', in D.M. Palliser (ed.), *The Cambridge Urban History of Britain, Volume 1, 600-1540* (Cambridge, 2000), pp. 371-93.

The following chapters therefore seek to explore what the understanding of nuisance tells us about the construction, use, and bounding of public space. They draw on a range of sources in different disciplines, but are grounded in a detailed examination of the wardmote court records between 1491 and 1495, and between 1575 and 1586, together with evidence of the Corporation's concerns about the streets of the city that were expressed in the House Books.

The first chapter begins within a brief description of York during the fifteenth and sixteenth centuries, and of the physical, economic and social conditions in which the Corporation and the wardmote courts operated, before describing the documentary sources and relating them to their local context. The operation of the wardmote courts is then examined closely. There were notable differences in procedure between the 1490s and 1575, and the system by which the sixteenth-century courts tried to encourage compliance rather than simply punish offenders is outlined in some detail. This chapter is particularly concerned to identify the kinds of offences presented in the courts, the kinds of people being presented and the kinds of people doing the presenting, in order to establish whether the perception of public space expressed in the records was limited to that of the authorities or can be said to be a common one that was shared by most of the inhabitants of the city.

The second chapter examines the way public space was constructed and maintained. It looks in detail at the street's surface and façade which framed public space, and whose condition was a key concern of the wardmote courts. The meaning of the built environment was supported visually by the use of images, most notably trade signs, but also by the crosses, statues, heraldry and other forms of decoration which proliferated along the street. The focus on the material aspects of the environment in this chapter means that archaeological and visual evidence is particularly relevant, while Rapoport's ideas about fixed and semi-fixed feature cues to environmental meaning offer a useful way of addressing the perception of the built environment.

Chapter 3 looks at one of the most important ways in which space is given meaning: how it is used. Although we cannot recover all of the ways the street was used in the medieval and early modern city, the records allow us to identify two key issues to which the public nature of the space was crucial, namely

conduct and communication. The distinction between right conduct and misconduct was expressed in the presentment of individuals for behaviour which was deemed to be a 'nuisance'. Verbal aggression and other lewd or disruptive forms of behaviour transgressed the norms of conduct understood to be appropriate to the street, and were stigmatised accordingly. The street was also the site in which information, authority and status could be most effectively communicated, whether through proclamations in market places, the punishment of those accused of offences against the community, or the ritual demonstration of social rank and roles expressed in dress or more elaborate ceremonies and processions. All of these activities depended on the existence of public space for their meaning, while at the same time they contributed to that meaning in a way that demonstrates very clearly the reflexive relationship between space and repeated practices.

The final chapter considers how public space was bounded. Identifying the point at which one kind of space becomes another is one way of defining space, and the chapter examines the very different ways in which the boundaries of public space were marked in the later medieval and early modern city. The city walls functioned as monumental boundaries, but these did not always correspond to the legal, ritual and symbolic boundaries of public space. Boundaries are often assumed to be external and enclosing, but the boundary between public and private space was most often contested within the city, frequently at the threshold between individual properties and the street. As with any space, the boundaries of public space were in a constant state of flux, fluctuating according to circumstances. At times of crisis, the perception of public space tended to contract, only to expand again once the perceived danger had passed. This chapter draws particularly on the work of Mary Douglas and her analysis of concepts of pollution, and relates the efforts of jurors to concerns to keep public space literally and symbolically clean.

As a whole, the thesis seeks to take some all-embracing ideas about space and perception and see how they can be applied at a local level, in a specific historical context. Although initially unpromising in its preoccupation with blocked sewers, broken paving and noisy neighbours, the material which forms the basis of my research is, I think, important in a quiet and unassuming way. These records are

about ordinary people living ordinary lives, and it is their perception of public space that this thesis explores, their understanding of the norms of conduct, and their assumptions about the meaning of space and how that was enforced and contested. In no sense can the records be considered to offer a straightforward account of 'how it was'. They are in places confusing and contradictory, and throughout filtered through the bias of those generating and transcribing the decisions taken. Instead they offer an intriguing commentary on how public space was perceived and, most revealingly of all, on the discrepancy between ideals and everyday practice in the street.

CHAPTER 1
THE REGULATION OF THE STREET

1.1 Introduction

The medieval town is popularly imagined as squalid and stinking, its streets dark, narrow and crooked, and its inhabitants inured to brutality and casual violence, condemned to dodge their way between dung heaps and snarling curs and the contents of chamber pots being carelessly chucked out of overhanging windows. Associated as it has been with economic decline, disorder and destitution, the early modern town has traditionally been portrayed in similarly disparaging terms. Generally, the pre-modern city tends to be poorly represented in the media, in films and other popular representations, and suffers from a comparison with the easily-appreciated splendours of the Georgian town. In fact, long before the eighteenth century the streets were carefully regulated by a combination of statutory law, local ordinances and custom, all of which demonstrated a concern on the part of the authorities and of the inhabitants with the maintenance, cleanliness and order of the urban environment.

This chapter will therefore examine how these concerns about the physical and social environment of the street were expressed through a study of two major sources, the York City House Books, which record the decisions made by the governing council on a variety of issues, including the regulation of public space, and the Wardmote Court Book records for courts held in York in the 1490s and the decade between 1575 and 1585. It will set these sources in the local context of the city before describing them in detail. Particular attention will be paid to the workings of the wardmote courts, to their role in the maintenance of the social and physical environment of street, and to the legal and institutional context within which they operated, most notably the relationship between the courts and central and local government.

1.2 The local context: York in the fifteenth and sixteenth centuries

During this period, York was the regional capital of the North, as it had been for most of its long history.[1] Established by the Romans as Eboracum, the city flourished again under the Anglo-Scandinavians, whose language has had a lasting impact on the streets, many of which are still known by the suffix 'gate' from *gata*, meaning street.[2] (The city gates, in contrast, were – and are – referred to as bars.) York had remained a centre for secular and ecclesiastical administration ever since. The importance of the city in the earlier medieval period is reflected in the proliferation of parish churches that existed in the Middle Ages. There were about 40 in York by the end of the fifteenth century, some 20 probably of pre-Conquest origin, a number typical of towns with early origins.[3] The city skyline then would have been dominated by ecclesiastical buildings, most notably the Minster, but also the equally impressive St Mary's Abbey, situated just outside the city walls. In addition to the parish churches, there were four major friaries and St Leonard's hospital in the centre of the city, and the priories of St Clement and St Andrew in the suburbs to the south.[4] These buildings, along with other important architectural features, are shown on the street plan of fifteenth-century York provided in Appendix 3 (Figure 1).

The castle was the only major secular building to rival the great churches in size. 'Public' buildings as we might understand them today were few in number. The Guildhall, or Common Hall, was rebuilt in the fifteenth century, work beginning in 1449 and continuing for some ten years, so it must still have seemed relatively new at the start of the period under discussion.[5] Most council meetings took place in the Council Chamber on Ouse Bridge until the bridge collapsed in 1564.[6] Until then the bridge was also home to two civic prisons known as the 'kidcotes', St William's Chapel, a toll booth, the city's maison dieu and the city

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[1] For the history of York, see P.M. Tillott (ed.), *The Victoria History of the Counties of England. A History of Yorkshire: The City of York* (Oxford, 1961). For the location of York, see Figure 9.
[2] For an excellent general introduction to York in the Tudor period, see D. Palliser, *Tudor York* (Oxford, 1979), pp. 1-39.
[3] B. Wilson and F. Mee, *The Medieval Parish Churches of York: The Pictorial Evidence* (York, 1998), p. 3.
[4] For an account of the friaries and their destruction, see K.J. Allison, 'The Sites and Remains of the Religious Houses', in *VCH, York*, pp.357-365.
[5] *RCHME, York*, 5: 77.
[6] *Mediaeval York*, p.218-222.

clock and bell.[7] There was also a toll booth in Thursday Market.[8] The most architecturally impressive public buildings were the four great stone gateways into the city, Micklegate Bar, Bootham Bar, Monk Bar and Walmgate Bar, with their distinctive projecting barbicans, more usually found in castles than in urban defences.[9]

By 1575, the dissolution of the monasteries had wrought considerable changes on the topography of the city, but the street plan remained essentially the same. St Mary's Abbey, once a rival to the Minster in size and splendour, was largely ruined, although part of the site had been redeveloped as the residence of the King's Council in the North, which had maintained a permanent presence in the city since 1537.[10] The priories and the friaries were in private hands,[11] and although it is not clear exactly what happened to the buildings, it is likely that they were dismantled for use in rebuilding. Before the Reformation, these sites were all distinct liberties which, like St Peter's Liberty around the Minster, operated as separate jurisdictions.

Their immunity from civic authority was emphasised by their enclosure by precinct walls, boundaries which appear to have survived long after the buildings themselves had disappeared. John Speed's map of York, probably drawn at the very end of the sixteenth century, shows empty areas where the friaries once stood (see Figure 2, Appendix 3).[12] The wardmote court returns for the decade between 1575 and 1585 also make a number of references to the walls around the friary precincts. Mr Maples was ordered to 'mayk cleane the strett by the freer waull wekely', while in 1579 William Binkes's house 'over freer yeates in Castlegaite' was said to be in need of repair,[13] suggesting that these areas were still perceived as being somehow distinct from the rest of the city and not part of public space in the same way as the streets and other open, unenclosed areas. The Minster precinct, however, continued as a separate legal entity. The Corporation had no authority over the streets and spaces under ecclesiastical control, and as such jurisdiction encompassed all the properties owned by the Dean and Chapter,

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[7] *Mediaeval York*, pp. 207-218.
[8] *Mediaeval York*, p.169.
[9] *RCHME York*, 2: 95-142.
[10] *Tudor York*, p.17.
[11] *Mediaeval York*, p.65, p.229, p.248; *VCH*, p.117.
[12] See also *Tudor York*, p.28.
[13] Both E31, p.38. See also E31, fol. 40, 47v, p.266.

including many in Petergate and Stonegate, these streets rarely appear in the wardmote court records, an absence which is considered further in section 1.3 below.

Some sixteen churches were eventually pulled down as a result of the 1547 act empowering the civic authorities and the archbishop to unite the poorer parishes in the city with more prosperous ones.[14] Together with the loss of the friaries and the abandonment of hospitals and chantry properties after the Dissolution, this would have had a considerable impact on the visual aspect of the city, contributing to 'the dilapidated air of the place'.[15] At both periods, the most densely populated area lay between the two rivers and the Minster, with more open areas in Micklegate and Walmgate wards.[16] There was some linear development along the major arterial routes beyond the city walls, but the suburbs were not nearly as extensive as in cities such as Winchester, or Exeter, where in the 1520s about 25% of the population lived outside the walls.[17] Suburban areas tended to be less prosperous than the centres of medieval and Tudor cities, and from an early period those Derek Keene calls the 'most abject poor' tended to cluster outside the city walls.[18] Not all poor people were excluded from the centre, but those that did live inside the city were usually confined to sub-divided buildings and alleys that were peripheral in a social if not a geographical sense.[19]

It is difficult to be precise about the extent of social 'zoning' of the kind that characterised later periods in York's history, but it is likely that it followed a similar pattern to other cities during this period. Within the city itself, some occupational clusters can be identified, such as the butchers who congregated around the Shambles and St Andrewgate.[20] Jeremy Goldberg identifies a pattern

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[14] *VCH York*, p.117. See also 'The Parish Churches', pp.365-404 in the same volume.
[15] *VCH York*, p.117.
[16] *Tudor York*, p.26.
[17] D.J. Keene, 'Suburban Growth', in M.W. Barley (ed.), *The Plans and Topography of Medieval Towns in England and Wales*, CBA Research Report No. 14 (1976), p.79.
[18] D. Keene, 'The Property Market in English Towns, A.D. 1100-1600', in J.C. M. Vigneur (ed.), *D'une ville à l'autre: structures, matérielles et organisation de l'espace dans les villes européenes, XIIIe-XVIe siècle*, Actes du Colloque organisé par l'Ecole Française de Rome, avec le concours de l'Université de Rome, Rome 1er-4 décembre 1986 (Rome, 1986), p.225. See also C. Platt, *The English Medieval Town* (London, 1976), pp. 38-9.
[19] I. Archer, *The Pursuit of Stability: Social Relations in Elizabethan London* (Cambridge, 1991), p.81; Keene, 'The Property Market in English Towns', p.225.
[20] *Mediaeval York*, p.41. For a more detailed discussion of the occupational topography of York in the fifteenth century, based on testamentary evidence for c.1445-1500, see P.J.P. Goldberg, *Women, Work, and Life Cycle in a Medieval Economy: Women in York and Yorkshire c.1300-1520* (Oxford, 1992), pp.64-71.

of increasing polarization during the course of the fifteenth century between the commercial areas in the city centre and those associated with trade and industry which tended to be located on the periphery of the city or in the suburbs.[21] Some trades such as tanning and dying, which were dependant on water, were concentrated in the riverside parishes, such as All Saints North Street, St John's North Street, and St Denys's, although significantly all three combined access to the rivers with some distance downstream from the commercial heart of the city to avoid polluting the water supply as far as possible. One of the by-products of the tanning process was a stench that often led to the location of tanning works on the periphery of built-up areas.[22]

Other occupations that appear to have been identified with certain parishes over a long period of time were the bakers in the parishes of St Michael's Spurriergate and All Saints' Pavement, and the fishmongers close to the Ouse and Foss Bridge, while merchants, mercers and drapers, many of who had for a long time been associated with the parishes around Pavement, were increasingly concentrated in this area by the end of fifteenth century.[23] Sadly, the evidence of the wardmote court records is insufficient to allow us to identify a comparable occupational topography for 1575-1586, but the butchers were certainly still in the Shambles, and it is likely that fishmongers continued to cluster in the waterfront parishes.

Some parishes were clearly much richer than others, an issue which will be discussed in more detail in the description of the wards below, but any evidence that might enable us to build up a pattern of residence is unfortunately limited. Individuals of widely differing status and income might live within a single parish, although the experience of living in a substantial house fronting the street would no doubt have been very different to that of living in a side alley a few yards away. A study of vernacular housing and residence patterns in York is beyond the scope of this thesis, but clearly it would be a very useful project that would add considerably to our knowledge of the later medieval and early modern city.

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[21] Goldberg, *Women, Work, and Life Cycle*, p.70.
[22] H. Swanson, *Medieval British Towns* (Basingstoke, 1999), p.108.
[23] Goldberg, *Women, Work, and Life Cycle*, p.69.

The social and occupational structure of the city was determined to a large degree by the state of the economy. At the end of the fifteenth century, York was in decline, although the exact nature and extent of the city's economic problems are matters of some debate among historians.[24] There was certainly a general perception of economic decline at the time, reflected in the Corporation's request for help in rebuilding the defences in 1487 which claimed that 'there is not half the nombre of good men within our said cities as ther hath beene in tymes past'.[25] By the end of the sixteenth century, however, the population had increased substantially to around 11,000 from about 8,000 at the beginning of the century, in spite of the pleas of poverty and extreme decay that occur so frequently in the House Books throughout the Tudor period.[26]

Alan Dyer finds the evidence for widespread urban decay in the later fifteenth and early sixteenth centuries ambiguous, and suggests that conditions in many towns may not have been as bad as has been claimed.[27] As in other cities, the Corporation in York clearly had an interest in exaggerating its problems if by doing so it could reduce the level of subsidies to the crown, as it did successfully on several occasions. The Tudor regime was not noted for its sentimental approach to such matters, however, and was unlikely to have tolerated a lower income from the city if the situation did not justify it.[28] Dyer argues that there was already a 'marked upswing' in the economy of English towns from the 1480s,[29] although if so, it was not yet evident in York in 1486 when Henry VII remitted nearly all of the fee-farm having seen for himself 'the great ruyne and extreme decay' into which the city had fallen.[30] Even in 1492, a year for which some wardmote court returns survive, York was said to have fallen into ruin, with

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[24] For discussion of the economic situation in York in the late medieval and early modern period, see J.N. Bartlett, 'The Expansion and Decline of York in the Later Middle Ages', *Economic History Review*, 2nd series, 12 (1959-60):17-33; R.B. Dobson, 'Urban Decline in Late Medieval England', *Transactions of the Royal Historical Society* 27, 5th series (1977): 1-22; Palliser, *Tudor York*, pp.201-225 and pp.260-287; *VCH York*; A. Dyer, *Decline and Growth in English Towns, 1400-1640* (Cambridge, 1995); Goldberg, *Women, Work, and Life Cycle*, pp.39-81; D.M. Palliser, 'Civic Mentality and the Environment in Tudor York', *Northern History* 18 (1982): 78-115. For a perceptive account of changes in the property market over the medieval period, see Keene, 'The Property Market in English Towns'

[25] YHB, 2, p.549.

[26] *Tudor York*, p.113; *VCH York*, pp.120-2.

[27] Dyer, *Decline and Growth*, pp. 37-50.

[28] *VCH York*, p.122.

[29] Dyer, *Decline and Growth*, p.25.

[30] *Tudor York*, p.203-4.

a population too poor and depleted to be able to pay any of the charges due to the crown.[31]

The second half of the sixteenth century appears to have seen a gradual improvement in the economy of the city. The establishment of the King's Council in the North, and the Ecclesiastical Commission for the Northern Province, based in York from 1561, generated a good deal of business and contributed to the city's growing social importance,[32] but there were still plenty of complaints about general poverty and decay. The dissolution of religious houses and the dismantling of other ecclesiastical institutions were often cited as having a negative effect on the city's prosperity, and the Corporation itself was prone to dwell on the problems caused, lamenting the state of the late chantry and college lands, 'which by occasion of ruyne therof is a great defacing to the cite and dymynyshyng of her majesties rentes'.[33] Robert Tittler has argued that the acquisition of chantry lands in fact gave councils a 'bedrock of material resources' that enabled them to restructure many previously religious institutions under civic authority, and thereby to strengthen their own powers,[34] but such long-term consequences were unlikely to have been obvious to the Corporation struggling to cope with the dilapidated properties for which it had found itself responsible. In any case, the exact extent of the economic crisis and recovery are less important for the purposes of this thesis than whether the contemporary perception matched the gloomy note struck by the House Books. Here, the wardmote court returns can be instructive, recording as they do efforts to deal with dilapidated houses, broken pentices, tumbledown fences and other material effects of general impoverishment, which will be discussed further in Chapter 2.

Even at its lowest ebb, however, York remained the most important city in the North, and although it was overtaken in wealth and influence by cities like Norwich and Bristol during the course of the fifteenth century, it was proud of its historic reputation as 'the second city' to London.[35] Richard II had granted the

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[31] *VCH York*, p.122; YCR, 2: 81.
[32] D.M. Palliser, 'The trade gilds of Tudor York', in Peter Clark and Paul Slack (eds.), *Crisis and Order in English Towns, 1500-1700* (London, 1972), p.87.
[33] B23, fol. 42v. See also B23, fol. 63.
[34] R. Tittler, 'Reformation, Resources and Authority in English Towns: An Overview', in P. Collinson and J. Craig (eds.), *The Reformation in English Towns, 1500-1640* (Basingstoke and London, 1998), pp. 190-201.
[35] *RCHME, York*, 5, p.xxxv.

York the status of county in 1396, a coveted award that gave the city an autonomy in administrative and judicial matters that it guarded jealously.[36] Answerable only to the monarch, the city was governed by a city council composed of a Lord Mayor and twelve aldermen, together with a second council known as the Twenty Four. Together, these officials represented civic authority and are referred to as a whole throughout this thesis as the Corporation. A recorder, two sheriffs and a common clerk were also involved in the day-to-day running of the city.[37]

[36] *Tudor York*, pp.60-91. This direct relationship with the crown was reflected in the display of royal arms at the main bars leading into the city, and in the insistence of the civic authorities on its privileges. See *Tudor York*, pp.60-61. For the relationship between the Crown and towns, see L. Attreed, *The King's Towns: Identity and Survival in Late Medieval English Boroughs*, American University Studies, 9th series, 197 (2001).

[37] A further, larger, council, known in the fifteenth century as the Forty Eight, but referred to after 1517 as the commonalty, was consulted about major decisions and could petition for measures it wanted adopted, as it did in 1484, presenting a bill to create a number of new ordinances. YHB, 1: 354. For a detailed account of the way the city was governed, see *Tudor York*, pp.60-91.

1.3 The wardmote courts in York, 1491-1586

The wards

Then, as now, York was divided for administrative purposes into wards, each headed by one or more wardens. The wardens were usually also aldermen, although a distinction between the two appears to have been made in the 1490s when, for instance, the wardmote court held in Micklegate ward in April 1494 was presided over by the aldermen Richard York and Robert Hancock together with their warden companions (*et sociis suis Gardianis wardnr'*).[38] They were responsible for seeing that orders issued by the Corporation were carried out at a local level. In this they were assisted by the constables in each parish, whose number varied, probably depending on the size of the parish. There were normally two, but in the 1490s, as in the years after 1575, the parish of St Crux Fossgate in Walmgate ward had three constables while St Peter in the Willows had only one.

In the late sixteenth century, the constables appear to have been appointed at the wardmote courts held in each ward in April or May every year. Their names were recorded with the churchwardens for each parish, again usually two in number, who were presumably appointed at the same time, along with four pasturemasters for each ward. A panel of inquest jurors was selected at the same time, a process which will be discussed in more detail below. A new panel of jurors was appointed for each court, but the other officials served for a year. These were the lowest-ranking officials in the civic hierarchy, but they nonetheless played an important role in the administration of the city, ensuring that regulations were upheld, the environment maintained and order preserved.

Although the earliest records of the wardmote courts held in York date from 1491, by that time the wards already had a long history as a key part of civic administration.[39] At the end of the fifteenth century, the city was divided into six

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[38] E31, fol. 7a.

[39] For the history and political significance of the wards in York and London, see S. Rees Jones, 'Household, Work and the Problem of Mobile Labour', in J. Bothwell, P.J.P. Goldberg and W.M. Ormrod (eds.), *The Problem of Labour in Fourteenth-Century England* (York, 2000), pp.133-53; S. Rees Jones, 'The Household and English Urban Government in the Later Middle Ages', in M. Carlier and T. Soens, (eds.), *The Household in Late Medieval Cities: Italy and Northwestern Europe Compared* (Leuven-Apeldoorn, 2001), pp. 71-87; C. Barron, 'Lay Solidarities : The Wards of Medieval London', in P. Stafford, J.L. Nelson and J. Martindale (eds.), *Law, Laity and Solidarities : Essays in honour of Susan Reynolds* (Manchester, 2001), pp.218-233. The role of the wards in the administration of sixteenth century London is discussed more briefly in S.

wards, Micklegate, North Street, Castlegate, Walmgate, Monk, and Bootham, each of which consisted of a number of parishes (see Figure 3, Appendix 3). The system was reorganized in the 1520s, North Street being absorbed into Micklegate ward, and Castlegate becoming part of Walmgate ward, which left the four major wards shown in Figure 4, an arrangement that remained in place until the nineteenth century.[40]

The wards extended beyond the built environment, encompassing common land, suburban fields and the major roads leading into each bar, but the exact boundaries between the limits of each one's jurisdiction are harder to identify. Unlike the parishes, there was no ritual 'beating of the bounds' for the wards, and they lacked a focal point like that provided by a parish church. There is little evidence that the inhabitants of York identified in any significant way with the ward in which they lived, or that it inspired a sense of loyalty or belonging in the way that a parish did. James Horrell was presented in the Micklegate wardmote court held in October 1579 'for carringe sand out of our ward', and William Skelton faced the substantial fine of 20s in the same court for keeping horses which belonged to men 'not of this ward' on the Knavesmire,[41] and examples like these perhaps suggest an appreciation of what constituted the ward, and who and what belonged in it.

Generally, the wards in York seem to have had a primarily administrative identity, created largely through the processes of enforcing civic regulations, assessing taxes, and of holding and recording the wardmotes themselves. The names and offences of those presented in the courts, and the problems identified by the inquest juries, were carefully recorded, and we can see from the interlined fines, occasionally amended, or the crossing out of some names marked as 'exonerated' that these were working copies. The distinctive layout of the sixteenth-century returns, to be outlined below, made it easy to identify those who did not comply with the orders of previous courts, and although some returns are scrappy, most are immaculately ordered and laid out for ease of reference. A copy may also have been taken with the jury when they walked around the ward, a less obviously ritualistic ceremony than the beating of parish bounds, but

Rappaport, *Worlds Within Worlds: Structures of Life in Sixteenth-Century London* (Cambridge, 1989), pp.182-3 ; and Archer, *The Pursuit of Stability*, pp.83-4.

[40] *Tudor York*, p.77. See Appendix 3 for Figure 4.

[41] E31, p.32.

nonetheless an effective way of defining the ward and the limits of its jurisdiction.[42]

Although the wards shared a common administrative function, some differences between them can be identified. The wardmote court records for the 1490s do not indicate any significant differences between Bootham and the other wards that existed then, but the surviving evidence is too limited to be able to draw any definite conclusions.[43] By the later sixteenth century, however, Bootham ward is distinctive in a number of ways, most notably in the relatively small number of records compared to those for courts held in the other three wards. Although not immediately obvious from Table 6c, which lists figures for the various offences presented in the four wards between 1575 and 1586, there is, in fact, a significant difference in the number of entries recorded for Bootham at this time. Table 6c was drawn up for comparative purposes with earlier periods, and therefore does not take 'pains laid' into account. Other tables, such as Table 8 or Tables 10a-d give a clearer indication of the contrast between Bootham and the other wards with regard to the volume of business dealt with by its wardmote courts.[44]

There may be a number of reasons for this discrepancy. Bootham was a prosperous ward. The 1561 assessment for poor relief, shows that the five parishes that comprised the ward were assessed at 16s 8d, considerably more than the six parishes of Micklegate ward, assessed at 7s 10d, and more, too, than Monk ward, where the eleven parishes were assessed at 14s 3d. Only Walmgate ward, which included the wealthy parishes of St Crux, All Saints' Pavement and St Michael in Spurriergate, as well as five others, was assessed at a higher rate than Bootham, at over a pound (23s 2d).[45]

In addition, Bootham ward encompassed a number of prestigious sites, including the Minster and the Common Hall, as well as some of the wealthier streets such Petergate, Stonegate and part of Coney Street. As mentioned earlier, many of the properties in Petergate and Stonegate came under the jurisdiction of St Peter, and this may account for the fact that householders living in these streets

[42] There was a complaint in October 1577 about the fact that James Wilkinson, 'the officer', had not produced a note of the pains laid at the previous court which would have enabled the jury to 'dysterne and fynd the offenders'. E31, fol. 69.
[43] See Table 6a, Appendix 2.
[44] See Appendix 2 for all tables.
[45] B23, fol. 27. For assessments for poor relief in the different wards in 1573, see YCR, 7: 64.

appear in the court records on relatively few occasions. Coney Street was part of the city's jurisdiction, but, like Petergate and Stonegate, it was one of York's major streets, forming part of the processional route through the city and therefore traditionally less liable to encroachment and obstruction.[46] The desire to maintain the status of the street, as well as to ensure ease of access to their shops may have meant that the wealthier tradesmen living in these streets were more concerned to maintain the physical environment, but in other respects Bootham inhabitants had a poor record with regard to paving and cleaning the streets of their ward. The figures in Table 8 show puzzling anomalies, with more individuals presented for not complying with paving and cleaning regulations than were in fact required to do so, and it is difficult to know how to account for this when the other three wards seem to have adopted a much more consistent approach.

Nor is it clear what happened to streets like Marygate in the later sixteenth century. Prior to the Reformation, Marygate fell under the jurisdiction of St Mary's Abbey, but it was apparently not absorbed into the system of ward administration. The effect of the Dissolution on civic administration in York is an area of study that has yet to be worked on satisfactorily. Problems that would in other streets normally have been dealt with in the wardmote court may have found their way to the Sheriffs' tourn,[47] or Marygate may have come under the direct jurisdiction of the Crown as a result of its association with what became known as the King's Manor. Either explanation might account for the smaller proportion of people who came under Bootham's jurisdiction as a result, although it should be noted that the intra-mural parishes of the ward were among the most densely populated in the city.[48] As we will see in the following chapters, Bootham was also a ward that was distinctive in many of its concerns, and in the quantity and nature of the presentments made in its wardmote courts. Whether this was due to topography, to the social composition of the ward, to the attitude of the ward residents to the court process, or to other factors remains for now a matter of speculation, but it would be very interesting to know whether that sense of

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[46] See Chapter 3 for a wider discussion of the use of streets for ceremonial and processional purposes.

[47] E31 contains a brief extract from Sheriffs' tourn held in October 1580 which deals with the same kind of offences as those presented in the wardmote courts, but there is no indication of which ward those presented might belong. E31, p.103c. The complexity of the legal system in York is discussed in more detail below.

[48] *Tudor York*, p.26.

'difference' about the ward was part of a more general perception shared by all the inhabitants of York, and, if so, whether that perception was expressed architecturally or in a distinctive use of public space in Bootham.

Micklegate ward lay on the west side of the Ouse, as did North Street ward, absorbed into Micklegate ward in the 1530s. These two wards had the smallest number of presentments in the 1490s, but, again, the sample is really too small to draw too great a conclusion from this. Micklegate Bar marked the main entrance to the city from the south, and was accordingly the gate most often associated with the arrival of important visitors from London. The great sweep of Micklegate ran from the bar, past Holy Trinity Priory, and down to the only bridge at that time across the Ouse. This was the beginning of the most important processional route through the city, used by visiting monarchs and VIPs, by the Corpus Christi plays and processions, and by the carts on which adulterers and other offenders of the moral order were exposed to public ridicule.[49] Micklegate was assessed at a much lower rate than the other three wards in 1561. Only 2s 6d was to be collected from its wealthiest parish, St John's, compared to 6s for the richest parishes in the other three wards.[50]

Monk ward contained one of the principal markets, Thursday market, but also included some areas with a less salubrious reputation, such as Hungate, which was long associated with the disposal of unusable carcasses, offal and dung.[51] This was a large ward with eleven parishes, including the wealthy St Crux in King's Square. Associated particularly with the butchers who congregated in the Shambles and St Andrewgate,[52] this parish was assessed at the maximum of 6s in 1561, and St Sampson's at 3s 4d, but the other nine parishes in the ward were much poorer, and only required to raise between 6d and 12d each.[53] Walmgate ward had the highest assessment (23s 2d), largely as a result of the prosperous parishes like St Crux on the Pavement and All Saints' Pavement which lay in the commercial heart of the city.[54] There seems to have been a considerable distinction between these wealthy central parishes and those occupying the

[49] B23, fol. 13v. The significance of the ceremonial route is discussed further in Chapter 3.
[50] B23, fol. 27.
[51] *Mediaeval York*, p. 81.
[52] *Mediaeval York*, p. 41.
[53] B23, fol. 27.
[54] B23, fol. 27.

margins of the ward. St Margaret's was a particularly poor parish by the river Foss, which, like Hungate, was also associated with the disposal of waste.[55]

It is difficult, then, to establish the relative prosperity or otherwise of the wards in York. In social as well as economic terms, the distinction appears to have been less between the wards themselves than between the richer parishes in the centre of the city and the poorer ones which tended to be on the periphery or outside the walls, although no consistent pattern can be identified. The suburban parish of St Mary in Layerthorpe, for instance, was assessed at double the rate of St Andrew's parish, which lay close to the city centre. The records of the wardmote court proceedings can therefore be seen as offering an insight into the way the public space of the street was perceived across a broad range of urban society. It is to a discussion of this key source that this chapter now turns.

The Wardmote Court Records, 1491-1586

The surviving records of the wardmote courts held in the late fifteenth century are extremely interesting, but sadly not extensive, relating only to three years in the early 1490s (1491, 1494 and 1495).[56] In addition, a set of returns for six wardmote courts held in 1517 is contained in a manuscript in the Bodleian Library.[57] More usefully, the Wardmote Court Book held in the York City Archives contains a complete set of records for the courts held twice a year between 1575 and 1585, together with some material for 1586 and some fragmentary returns for 1598 and 1599.[58] The Wardmote Court Book records some four thousand entries, a mass of data which was most logically ordered as part of a database. For ease of referencing, databases were also created for the material from the 1490s, and for the civic officials who served in the courts at

[55] There was a midden behind the church, and the churchwardens were requested in 1577 to ensure that 'the donghill behynd there churche to be cast up all on one heap far frome the churche steles'. E31, fol. 48.

[56] See Appendix 1.

[57] Oxford, Bodleian Library MS Bodley Rawlinson 451, fols. 1-5. The first folio, recording the wardmote court held in North Street ward, is largely illegible.

[58] E31 is divided into three unequal sections. The first contains twenty folios (numbered 1a to 20a) for courts held during the 1490s. The late sixteenth-century material is divided into two parts. The first includes records for the four wards as they then existed between 1575 and 1578, with folios numbered 1, 1v, 2 , 2v and so on, with occasional inserts numbered 'a'. After folio 1v and 1a in Part II, the folios are numbered consecutively and for ease of reference are cited hereafter as page numbers.

both periods. A fuller description of the sources, databases, and the methodology used to categorise the material is provided in Appendix 1.

Little published material for similar courts in other English cities is available for comparative purposes. Norwich has a series of records from the thirteenth and fourteenth centuries,[59] while some returns for a smaller number of courts held in London, dating from the first half of the fifteenth century, are included in the Calendar of Plea and Memoranda Rolls.[60] Although not a court record, an account of the process by which the wardmotes in London were convened is found in the *Liber Albus*, compiled in 1419.[61] The value of the comparison with the way the York wardmote courts were organized at a very different period is limited, but nonetheless suggestive of possible procedures where no evidence at all survives for York.

At first glance it is not hard to see why the York records have been largely neglected until now. The manuscript is initially off-putting, with its page after page of presentments 'for paving' which can appear frankly repetitive, if not downright boring. I think this is a pity. My own feeling is that it is precisely the repetition and pettiness of the offences dealt with by the wardmote courts that makes them so interesting, and that in the careful recording of each name and offence in the standard format of the York courts we can see an attention to the issues that mattered most to the juries there.[62]

On closer examination, too, these records are not nearly as dull as they seem at first view. They offer a vivid picture of the topography of sixteenth-century York, as well as occasional glimpses of individual experience that may not be relevant to any grand theoretical model but which are nonetheless intriguing. It is impossible not to speculate about the stories behind the succinct account of the dog that bit Nicholas Ellis on the leg,[63] about John Browning's attempts to shoot

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[59] W. Hudson (ed.), *Leet Jurisdiction in the City of Norwich*, Selden Society 5 (1892).
[60] A.H. Thomas (ed.), *Calendar of Plea and Memoranda Rolls, 1413-1437* (London, 1943), pp.117-141, hereafter cited as *CPMR*.
[61] H.T. Riley (ed.), *Munimenta Gildhallae Londoniensis: Liber Albus, Liber Custumarum et Liber Horn*, 4 vols., Rolls Series 12 (London, 1859-62).
[62] McIntosh has also argued that jurors used their power in local courts like these to address issues of most concern to them, and that the second half of fifteenth century in particular saw a gradual accretion of powers to enable them to deal with perceived problems within the community for which no other authority was prepared to take responsibility. See McIntosh, Local Change and Community Control', *Huntington Library Quarterly* 49 (1986):219-242.
[63] E31, fol. 46v. Miles Fell, a miller, was fined 3s 4d in April 1577 'for kepinge a mastis bytche unmossyllid whiche dyd bytt Nycholas Ellis legg'.

pigeons with a 'gone',[64] or the source of the disagreement between the wives of Richard Spacey and Thomas Rames, presented 'for feighting in the church & in the strete ... at two severall times'.[65] I think these records are much more interesting than any grand and glamorous political narrative. They are about the quotidian experience of people who otherwise have little voice in the records, and they offer a vivid illustration of the tension between the individual and the social perception of the street and other public areas in the city as spaces in which all had a stake.

There are a number of differences between the records for the courts held in the 1490s and those held between 1575 and 1586. In the fifteenth century, and in 1517, the proceedings were recorded in Latin, and in the third person. Presentments by the inquest jury begin *dicunt quod* (they say that ...). By 1575, the recording was in English, and findings were reported in the first person ('we present', 'we request', we 'lye in payne'), a linguistic shift that gives the - perhaps misleading - impression that the jurors were much more engaged in the process than previously. The use of English means that sometimes a note of exasperation comes through, unfiltered by the translation or editing of the clerk, as when the Bootham jurors noted the state of the lane running under the Common Hall in October 1580, pointing out that 'ther hath of laite been great cost bestowed in mending the same and at this present tyme yet ys worse than ever we did se yt'.[66]

Another significant difference between the two sets of records lies in the system of presentment which had developed by 1575. Whereas in the 1490s the jury simply presented individuals for an offence, for which the court would either fine them or exonerate them, the last quarter of the sixteenth century saw a much greater emphasis on encouraging compliance with environmental regulation than on simply reporting and fining infringements. The jurors still presented offences like misbehaviour, but for those that related primarily to the physical environment, such as paving, cleaning, repair and the maintenance of boundaries, a fine was set, to be paid only if the agreed course of action was not carried out. An individual might be 'laid in pain', as this process was known, to pave in front

[64] E31, p.176. He was fined 10s 'for shottinge in a gone & distroringe pydgions'.
[65] E31, p.131.
[66] E31, p.73.

of a door, or to evict a sub-tenant by a specified date, and the jury at the following court would present them if this had not been done (a 'pain forfeited').

Many of the records in the Wardmote Court Book are neatly divided into three categories, 'pains forfeited', 'presentments' and 'pains laid', which also included requests for improvements to be carried out by the Chamber. Even where not specifically labelled, these categories can in most cases be deduced from the tense used, or by a negative indicating that the fine has been imposed because something has *not* been done. Nicholas Valentine's fine of 10s 'because he haith not skowred the watter sewer' is a typical example of an entry under 'pains forfeited',[67] as was the fine of 6s 8d imposed on Mr Maples in May 1579 'for not pavinge the calsey at the frear wall'.[68] 'Pains laid' referred to the future, and a date was given by which the required action had to be carried out. Thus Mr Sandwith was ordered in October 1582 to pave at his stable door 'betwixt this and Candlemas next',[69] and as he was not presented as having forfeited the fine of 6s 8d at the following court in April 1583, he had presumably complied. Presentments at this period tended to be kept for less tangible offences and used the present tense to reflect the fact that the action affected the community on a continuous basis. Scolding and other forms of misbehaviour were typical examples of presentments of this kind, as were the wearing of livery or offences such as forestalling or trading without a licence.

In spite of the differences, the records for the fifteenth and the sixteenth century share a similar format, while the courts themselves share a similar function and a similar operation. As noted in the introduction, in both periods they dealt with problems perceived to affect the neighbourhood at large. The wardmote courts, like other forms of leet jurisdiction, derive from a long history of public administration in which issues of concern to the community as a whole were prosecuted by a jury selected from within that community.[70] Early courts in many places were associated with the system of frankpledge, which endowed the community itself with collective responsibility for keeping the peace and policing

[67] E31, fol. 16a,v.
[68] E31, p.8.
[69] E31, p. 155.
[70] M.K. McIntosh, *Controlling Misbehavior in England, 1370-1600* (Cambridge, 1998), p. 35; Rees Jones, 'The Household and English Urban Government', p.75.

the neighbourhood.[71] Although they had some jurisdiction over minor criminal matters such as thieving and assault, the bulk of their business by the late fifteenth century was with the 'petty regulations' of urban living. They dealt with a wide variety of issues, the emphasis depending very much on the local concerns of the court in question, but primarily with common nuisances: broken paving, blocked sewers, hygiene, obstructed alleyways and behaviour which, while not criminal, was perceived to have an adverse effect on the neighbourhood as a whole. Mundane as some of these matters might be, the enforcement of local regulation in this way ensured that communities could function on a day-to-day basis. The records from the 1490s and from the late sixteenth century share this preoccupation with matters affecting the quality of daily life within the ward.[72] The number of presentments made and the variety of offences prosecuted change over the course of eighty years, but the sense of engagement with the minor frustrations of urban existence is palpable in both sets of records.

In both periods, too, the format of the court records is similar, beginning with a formulaic heading which notes the name of the ward, when the court was held, and the names of the aldermen and/or wardens presiding.[73] Between 1575 and 1586, courts were held twice a year, usually in April or May, and October or November. It is not clear whether this was also the case in the 1490s. Most of the records for that period are for courts held in April or May, although there are also records for the Monk and Castlegate wardmote courts held in August 1495. Unfortunately, no records survive for any held earlier in the year, so there is no indication as to whether this were courts held for the second time that year, other than the fact that both note the appointment of constables for parishes within the ward. As these officials served for a year, it may be that the wardmote courts were held annually at this period.

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[71] Rees Jones, 'The Household and English Urban Government', pp.76-8. See also W.S. Holdsworth, *A History of English Law* 1, 7th edn., revised under the general editorship of A.L. Goodhart and H.G. Hanbury, (London, 1956), p.134-6.

[72] It should be noted, however, that the very few records surviving for 1517 appear to run contrary to this trend, an issue which will be discussed later in the chapter. The returns for this year are almost entirely concerned with grazing rights, with a small proportion of presentments for misconduct.

[73] Although most courts in the later sixteenth century simply list the aldermen holding the court, for a brief period between 1577 and 1579 the Monk wardmote court records mention an 'assistant', John Smith (together with William Brockden in April 1577). It is not clear what their function was; although William Thomson was described as 'assistant' in the Micklegate wardmote court of October 1580, there is otherwise no evidence of anyone carrying out a similar role in the two other courts.

The wardmote courts

Courts were held at the instigation of the Corporation, and the date and times for each to be kept were noted in the council minutes. It was agreed at the council meeting held on 15th April 1575, for instance, that 'the wardmote courtes shalbe kept viz Myklith ward and Walmgate ward upon Fryday next at afternone and Monke warde before none and Bothome ward at afternone upon Monday then followinge'.[74] What is less clear is how the aldermen and wardens were chosen to preside over the proceedings. An analysis of the more extensive sixteenth-century records suggests that they were drawn from a small group of senior members of the civic hierarchy particularly associated, presumably through residence, with the ward in question. Table 1 shows how the same names reoccur in different combinations over the course of ten years between 1575 and 1585.[75] Only Robert Asquith appears to have presided over a court in a ward other than his own, Walmgate. In May 1579, he is recorded as sitting in the Monk wardmote court. This may have been a 'one off' in response to some crisis, but his name might also simply be a mistake on the part of the clerk, who on several occasions throughout the Wardmote Court Book started to write one name only to cross it out and substitute the correct one.[76]

It seems likely, therefore, that the wardens were very much part of the neighbourhood policed by the wardmote courts, and, indeed, many found themselves presented in the same courts over which they presided. Hugh Graves, warden of Walmgate ward on ten occasions between 1575 and 1585, appears in the court returns twelve times during the same period, for a variety of offences involving paving, disrepair, obstruction, dogs, dirt and boundaries. However, only four times did the jury have to present Graves to himself, as it were. In April 1575, he fined himself 3s 4d for not setting a railing and taking away a gate at Walmgate bar,[77] and 10s in April 1583 for not setting the city boundaries.[78] Unfortunately there is no evidence as to whether Graves paid these fines or not, but even if these kind of penalties were effectively ignored, it is significant that

[74] B26, fol. 10v.
[75] All tables are included in Appendix 2.
[76] See, for instance, E31, fols. 31, 32v.
[77] E31, fol. 5v.
[78] E31, p.174. He was asked not to take any more earth from the edge of the highway at his close in Notegail in 1581, and to repair the paving there in May 1585, both occasions on which he was presiding over the court. E31, p.89, p.269.

the wardmote courts were understood as a forum in which even the most senior members of the civic hierarchy could be held to account for their individual impact on the public environment. Not even the Lord Mayor was immune from presentation. William Robinson, Mayor in 1581, was threatened with the substantial fine of 20s if he and John Watson did not take up their grates, clean along the rear boundary of their properties and 'mak the ground levill and even',[79] and later in the same year he was requested not to throw filth into the Foss side water sewer, but to clean it as required.[80]

The wardmote courts, in fact, seem refreshingly free of deference, a reflection, perhaps, of the fact that they were primarily concerned with the neighbourhood community, of which the civic leaders were also a part. No matter how important their position, these men still had the same responsibilities as other householders and property owners, and they and their families were equally affected by dirty, uneven streets, boundary disputes, noisy neighbours and other issues with which the courts dealt. Table 1 shows that when an alderman was elected as Lord Mayor, he continued to preside over the wardmote courts in his home ward, which may indicate that these courts were viewed as important aspects of civic life.

The records for the late fifteenth-century courts are not numerous enough to make a proper comparison with those of the sixteenth, but a similar reliance on a small group of aldermen and wardens to preside over the courts is suggested by the fact that John Harper, for instance, sat in the Walmgate courts for 1491, 1494 and 1495, while William Todd and William Chimney oversaw the Castlegate courts held in the same years. Only William Chimney, however, was presented for an offence during this period.[81]

It was probably the responsibility of the wardens to ensure that all those eligible to attend the wardmote court were informed of the date and summoned to appear, although the actual mechanics of passing on the information may well have rested with the constables in each parish. We do not know the exact criteria for attendance at the wardmote court, although it was almost certainly limited to men. Beyond that we cannot be sure who qualified. The early fourteenth-century

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[79] E31, p.91.
[80] E31, p.110. For other examples of the Lord Mayor being presented as an individual rather than in his civic role, see E31, fol. 82, p.59, p92, p.110, p.309, p.324.
[81] CB1a, fol. 139. He was said to be responsible for repairing the road outside his tenant's house in Walmgate.

Liber Horn indicates that in London anyone over the age of 15 was expected to attend, with the exception of knights, clerks and of course that very large category, women.[82] The expectation that all males over 15, servants as well as householders, would participate is confirmed in the fifteenth-century account in *Liber Albus,* although esquires and apprentices at law were exempt.[83] It is impossible to tell whether this was the case in York as well, although the likelihood is that the system was similar to that in London. The limited evidence available for the 1490s suggests that men did not have to be franchised to serve as jurors, which would imply that meetings were not limited to freemen,[84] and this seems to have been true of the late sixteenth century as well. Robert Bishop was presented in the Walmgate wardmote court in April 1583 'for occupying as a freeman' but this did not prevent him serving as a constable in St Lawrence's parish in 1584 and as an inquest juror in 1585.[85] A John Jackson living in Water Lane in April 1581 was 'called in' to the council when the jury reported that he was 'occupyinge as a freman and he is nott a freeman';[86] he may have been the same John Jackson who served as a constable in St Mary, Castlegate, parish in 1583 and as a ward juror in November 1585.

It seems that the ward meetings were limited in gender, certainly, but otherwise offered an opportunity for a wide range of inhabitants to contribute to discussions and decisions that affected the ward. Caroline Barron has argued that 'the wardmote ... of medieval London is likely to have been the most important meeting place for the great majority of Londoners: it was here that common attitudes and policies would have been debated and formulated,'[87] and that although population growth after 1500 meant that the London wards became too cumbersome as units of government, with the result that civic administration was increasingly broken down into parishes, the wardmotes were still effective as a channel of communication between the governed and the governors.[88]

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[82] Barron, 'Lay Solidarities', p.222.
[83] Barron, 'Lay Solidarities', p.223.
[84] T. Andrew, 'The Fifteenth-Century Wardmote Court Returns for York' (MA diss., University of York, 1997), p.22.
[85] E31, p.175. He was presented for the same offence in May 1582, E31, p.137.
[86] E31, p.90.
[87] Barron, 'Lay Solidarities', p.218.
[88] Barron, 'Lay Solidarities', p.233.

Whether the same is true of York can only be a matter of speculation. Recorded in the minutes of a council meeting held in October 1575 is an order for the wardmote courts to be kept the following Thursday, which added:

> And whereas great defaultes of apparance hath heretofore bene as well in the same warden courtes as other courtes holden within this Cittie therefore and in better reformacon therof it is ordered that from hensforth all suche persons as shalbe lawfully warned to come of the said courtes and makes default shalbe amerced by the justices of that court or courtes wher suche defaultes are made and to be streated out ymidiatly.[89]

It may be significant that the wardmote records from 1575 show that individuals like William Beckwith and eight others were indeed presented and fined 'for making defalt of apperance beinge warnyd to appere at the wardmott courte'.[90] Table 2 shows the numbers of those presented for not turning up at the wardmote courts in each ward between 1575 and 1586, together with those who failed to fulfil their responsibility as jurors.

Table 2: Failures to appear at the wardmote court or as member of jury 1575-1586

	Bootham	Monk	Walmgate	Micklegate
Court	7	54	48	0
Jury	21	0	8	2

Source: E31

It is difficult to know quite what to make of these contrasting figures. Each ward seems to have a different attitude towards these failures of public responsibility, with Walmgate and Monk wards apparently more rigorous in their prosecution of those who did not participate fully in the wardmote court, while in Bootham ward a greater concern with the inquest jury is evident. Taken over the decade, however, the figures must represent a very small proportion of those who would have been entitled to attend the wardmote court or to serve as a member of the inquest jury. This suggests that the majority of those eligible did attend the wardmote court, although perhaps not all took it as seriously as others. In 1599, Anthony Tosymond and five others were presented for not appearing at the

[89] B26, fol. 37v.
[90] E31, fol. 74v.

Bootham wardmote court, and although the 12d fine was subsequently crossed out, a further 20d fine was levied 'for farting.'[91]

The wardmote jurors

One of the purposes of the wardmote court was to select, or 'empanel', a jury from among those present to inquire into problems and nuisances within the ward. Again, we know very little about the process of selection in York. In fifteenth-century London, a panel of jurors was drawn up by the constables from among the '*probis hominibus*' of the ward for approval by the presiding aldermen,[92] a reliance on local householders to ensure the maintenance of law and order in their neighbourhoods that dates back to at least the twelfth century.[93] This may have been the case also in York, although the careful recording of the names of the constables, together with those of the churchwardens for each parish and the four ward pasturemasters in the sixteenth century, might suggest that these officials were appointed at the first wardmote court of the year (or the only court, as may have been the case in the 1490s). Certainly, a close study of the ward officials and inquest jurors for Walmgate ward between 1575 and 1586 indicates that they were drawn from the same pool of men, with individuals sometimes serving as a constable, sometimes a churchwarden or a pasturemaster, and sometimes a juror.[94]

The constables, churchwardens and pasturemasters served for a year, but a new panel of inquest jurors was selected at the second court of the year. The names of all these officials were laid out according to a set formula, with the constables and churchwardens listed first, then the pasturemasters and then the jurors. The number of jurors varied, in Walmgate ward between fourteen and nineteen in the late sixteenth century, and in the same ward in the 1490s between 23 and 25. Tim Andrew has clearly demonstrated the problems associated with identifying the social status of these men given the limited range of material for the fifteenth

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[91] E31, p.331.

[92] Riley, *Munimenta Gildhallae*, 1: 37. In London a beadle was also involved in the process: *Deinde bedellus monstrabit Aldermanno unum panellum, per constabularios Wardae arraiatum, de probis hominibus illius Wardae per quos Inquisitio debet fieri.*

[93] Rees Jones, 'The Household and English Urban Government', p.78.

[94] For example, William Acclam served as an inquest juror, a constable for St Peter in the Willows, and a pasturemaster between 1575 and 1581; Christopher Blades was a churchwarden and a juror between 1577 and 1583; Robert Green was a constable in 1577, a churchwarden in 1579 and an inquest juror in 1583; Richard Wightman of St Margaret's parish was a constable, a juror and a pasturemaster.

century. He concludes that while some evidence exists to indicate that service as a constable or juror at that period may have been limited to the relatively wealthy and influential, there is simply not enough data for these courts to draw anything but the most tentative conclusions about the kind of individuals understood to be 'good and lawful' men.[95]

The much more extensive material available for the late sixteenth century makes the task a little easier. I have made a detailed study of all the officials who served in the Walmgate wardmote courts between 1575 and 1585 - that is, of the aldermen, constables, churchwardens, pasturemasters and inquest jurors - and compared their names with those that appear in the presentments of the same courts. As in the 1490s, the occupation is rarely given in the list of officials. John Watson was described as a locksmith, presumably to distinguish him from another John Watson who also served as an inquest juror and who is noted as a merchant in the returns themselves, which are a little more informative about occupations. While acknowledging the same problems faced by Andrew in identifying individuals with certainty, I have proceeded on the assumption that most of those living in the same ward at the same period with the same name are more likely than not to be the same men who served as officials. Such an approach allows us tentatively to identify occupations for 32 of the 339 individuals serving in the wardmote courts on one or more occasions. Christopher Atkinson and Geoffrey Clint, both churchwardens in St Mary Castlegate parish were porters; John Brown, a churchwarden of St Lawrence, was a tanner, as was John Sharp, an inquest juror. William Wilkinson, constable of St Peter Parvi in April 1578, was a miller. Cuthbert Vause, also a constable and an inquest juror, was a brewer, and Christopher Richardson a glover. Other occupations held by constables, churchwardens and jurors in Walmgate ward during this period include glaziers, tailors, butchers, bakers and merchants, and there was a fishmonger, a cobbler, a girdler, a shipwright, a draper, a bower, a saddler and a potter.

Although the percentage of known occupations is small, it suggests that the wardmote officials tended to be drawn from the middling sector of society. In their examination of the 'middling sort', Jonathan Barry and Christopher Brooks have drawn attention to the problems inherent in any attempt to define this

[95] Andrew, 'The Fifteenth-Century Wardmote Court Returns', pp.19-29.

particular social category too closely,[96] but have nonetheless identified an emphasis on the household and on the need to work for an income, either by producing goods to trade, or by using professional skills, as key characteristics of people within this broad social group.[97] These are characteristics typical not only of those who served in the wardmote courts, but also of those presented.

Some important and influential individuals, such as the Dean, were presented on occasions, but the nobility do not feature in the records at all. Nor do the very poor, who lacked employment and who, without dwellings, literally had no place within the community. The evidence for this spatialization of poverty in the late fifteenth century is ambiguous, but by the end of the sixteenth century those perceived as beggars, vagrants and 'idle' were increasingly marginalized in spatial as well as social terms. Some members of the wardmote may well have lived in conditions that we would associate today with extreme poverty, but however limited their financial resources, a distinction clearly existed between them and the people described as 'the poor' by contemporaries. The difference rested in the possession of a source of income, no matter how small, and somewhere to live. Regardless of the extent of their wealth, it was these 'middling' people who constituted the community regulated by the wardmote courts, and who had the greatest investment in the neighbourhood in which they worked and lived.

Many of these people would have been freemen of the city. Nearly half the male adult population of York in 1548 was enfranchised, so it is misleading, as David Palliser has pointed out, to think in terms of a small, privileged elite of freemen dominating a powerless majority.[98] In any case, freedom was not a prerequisite to serve in an official position in the wardmote courts.[99] Serving as an inquest juror may well have offered some form of participation in local government to those who might otherwise have been excluded on grounds of occupation or status. In her prosopographical study of the civic elite in York between 1476 and 1525, Charlotte Carpenter suggests that minor civic posts such as ward juror or parish constable may have been part of a complex route to

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[96] J. Barry and C. Brooks (eds.), *The Middling Sort of People: Culture, Society and Politics in England, 1550-1800* (Basingstoke, 1994), p.12.
[97] Barry and Brooks, *The Middling Sort of People*, p.2.
[98] D.M. Palliser, 'Urban Society', in R. Horrox, ed., *Fifteenth-Century Attitudes: Perceptions of Society in Late Medieval England* (Cambridge, 1994), p.140.
[99] This was true also of London and Exeter. Andrew, 'The Fifteenth-Century Wardmote Court Returns', p.22.

political power. She was able to trace the careers of many of those individuals serving in the wardmote courts in the 1490s in a way that was beyond the scope of Andrew's dissertation, and estimated that 87% of the men who served as parish constable or ward juror went on to become a bridgemaster, and 30% a chamberlain, a remarkably high proportion in both cases.[100] Carpenter argues that while they may still have been excluded from the higher offices, the wardmote courts offered men whose prospects might otherwise have been limited a point of entry into the ethos of civic elite.[101]

It would be extremely interesting to do a comparably detailed study for the wardmote court records for the late sixteenth century, and to know whether those who served on a number of occasions saw their role as the first step in the civic hierarchy or as their only and limited access to power.[102] Of the 339 men who acted in an official capacity in the Walmgate courts at this period, 39 served on five or more occasions. One of these was William Hutton, who served in a range of capacities in Walmgate ward. The only year for which there is no record of him serving is 1580. No list of jurors was given for April 1580, however, so it is entirely possible that he was a member of the inquest jury then. Hutton was constable of St Lawrence's parish in 1575 and in 1579, 1583, and 1585, pasturemaster in 1579 and 1584, and churchwarden in 1576. He was also an inquest juror in ten courts, sometimes combining this with other duties. In April 1583, he was a constable and an inquest juror; in May 1584, a pasturemaster and an inquest juror. Hutton was also one of those nominated to ensure that the ward butts were properly repaired in April 1578. It is interesting to speculate whether he was someone who volunteered, or was consistently chosen because he was reliable, whether his commitment to the working of the courts derived from public spiritedness, or an ambition to better himself. Unfortunately, there is no

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[100] C. Carpenter, 'The Formation of Urban Elites: Civic Officials in Late-Medieval York, 1476-1525' (D.Phil thesis, University of York, 2000), p.272.
[101] Carpenter, 'Formation of Urban Elites', p.280.
[102] Late sixteenth-century Southampton might offer one point of comparison. There, appointment as a juror in the leet court was recognized as a junior office leading to that of sheriff, and even mayor. The importance of the wardmote juries in the civic hierarchy is indicated by the fact that more than half the jurors in Southampton held their positions on the panel *ex officio*, as sheriff, bailiffs, constables, stewards and so on, having been elected by the mayor and burgesses in the annual assembly. See F.J.C. Hearnshaw, *Leet Jurisdiction in England, especially as illustrated by the records of the Court Leet of Southampton*, Southampton Record Society 5 (Southampton, 1908), p.191.

indication of Hutton's occupation, or whether he subsequently went on to occupy more senior posts in the civic hierarchy.

The names of 165 appear only once, indicating rather less enthusiasm. For some, the chance to serve on a jury might not have been all that welcome. It must have been a time-consuming and often thankless task, and jurors were sometimes subject to public abuse as they went about their business. Isabel Walker of Foss Bridge was presented by an aggrieved jury in October 1576 'for slawndros wordes against the jury the first day we went aboute viz she said they were forsworne men',[103] and Christopher Sugden, a skinner, went a step further. He 'openly slanderously and maliciously did revile' some of the jurors with 'false and opprobriouse words', saying 'Ye are all false mannsworne harlots and I shalbe even with the best knave of you all ylke one after another'.[104]

Faced with this kind of hostility, it is perhaps not surprising that some of those chosen as jurors opted not to take part. One Wood (first name not recorded) was fined 10s 'for that he did not accompanye the jurye at no tyme sense they were empenilled & sworn being one of the jurie',[105] while a goldsmith called Ralph Emondson was fined double that amount by the wardens 'for not apperinge with his fellos to geve there verdit'.[106] The threat of this kind of fine may have acted as an inducement, but the fact that between 1575 and 1586 only 32 men in all four wards were presented for not taking part in the jury suggests that most of those who participated did so willingly.[107] There may have been an added incentive in the form of payment. Two entries in the House Books seem to suggest that the jurors received some monetary reward for their services. At a meeting held in January 1583, it was agreed that the wardens of Walmgate ward were to have the money which they had disbursed to the juries at the recent court 'to be levied of the fines of defaults of appearance of the persons at the said court' as well as of other offences.[108] The following year it was similarly decided the juries in all four wards 'shall have ijs a pece for ther paynes at the last wardmot court'.[109]

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[103] E31, fol. 40v.
[104] B23, fol. 119v.
[105] E31, fol. 69v.
[106] E31, p.175.
[107] There was not a single presentment for failure to act as a juror in Monk ward between 1575 and 1585. See Table 2 above, and in Appendix 2.
[108] B28, fol. 83.
[109] B28, fol. 124.

Both these examples are from the late sixteenth century, and there are no comparable hints for the earlier period, although it is of course possible that there was a tradition of recompensing the juries for their efforts. Whether paid or not, the returns for the 1490s indicate that only 17 jurors were fined 4d, presumably for not turning up. This should not surprise us. People care about the conditions in which they live, and the jurors had a vested interest in raising issues that were of concern to them and their neighbours. Hearnshaw suggested that leet jurors were largely powerless, presenting as they did 'anything and everything' yet punishing nothing,[110] and indeed, there is little evidence that the presentments made in the York courts brought about radical improvements to the urban environment. The repeated requests to the Corporation to repair key sections of the highways leading into the city indicate that many of the concerns raised were effectively ignored by the authorities, for instance. Nevertheless, the wardmote courts offered the jurors a forum in which concerns about shared space could be aired, and the chance to penalise those who transgressed the bounds of accepted behaviour within that space.

The wardmote courts were an essential part of the machinery of civic government, instigated by civic authority and presided over by civic officials who decided on and collected fines for the infringement of civic regulations. It would, however, be an over-simplification to see the wardmote courts as straightforward exercises in the imposition of corporate rule. As Carpenter argues, urban historians have too often viewed medieval urban society in terms of conflict and social polarisation, and the situation was more complex than one of mutual antagonism and suspicion between the rulers and the ruled.[111] The wardmote jurors certainly seem to have been part of the civic hierarchy, but they were nonetheless also drawn from a broad range of society, and many of them may not necessarily have identified with the interests of an exclusive elite. Jurors may have been acting in an official capacity, but they were at the same time individuals who lived in the ward and were therefore not only personally affected by many of the issues they raised, but doubtless influenced by the comments and complaints of their neighbours as well.

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[110] Hearnshaw, *Leet Jurisdiction*, p.223.

[111] Carpenter, 'Formation of Urban Elites', p.207. See also Rappaport, *Worlds Within Worlds*, pp.173-6.

Evidently, too, they took their responsibilities seriously. They complained when they were not able to do their job properly,[112] and the careful lists of presentments for each court, with each individual named, indicates a clear awareness on their part not only of problems in the neighbourhood but also of who was responsible. Moreover, there seems to have been a sense that the wardmote courts should be at least be seen to be fair. Richard Yates was presented in April 1575 for not including himself or his neighbours in a pain laid at the previous court when he was foreman of the jury, although the temptation for all jurors to favour themselves and their friends must have been considerable.[113] In practice, however, jurors, quite happy to present aldermen, constables and churchwardens serving in the same courts, rarely presented themselves. Only Marmaduke Wyman in Walmgate ward was laid in pain to repair his paving in April 1578, when he was a member of the inquest panel.[114] The possibility that some jurors used their position to pursue their own agendas cannot be discounted either. The wardmote courts did not deal with disputes between individuals, but it is hard not to detect some influence at work in the pain laid on Thomas Haxby to repair a tenement adjoining that of George Wetherill which was 'lyke to fall' when George Wetherill was himself a member of the jury.[115]

The wardmote court records are not notable for a deferential attitude towards those who formed part of the urban elite. The juries' often frustrated attempts to get action from the Corporation have already been mentioned, and they were unafraid to challenge those in other positions of authority. In 1491, the Vicars Choral in the Bedern were fined 2s for blocking a common sewer leading into St Sampson's graveyard,[116] while the Augustinian friars were expected to contribute to the repairs of the lane leading under the common hall where it adjoined their

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[112] For example, when the officer of the ward failed to provide them with a list of offenders from the previous court (E31, fol. 69), or when they were unable to set out the line of the common waters, which was apparently one of the their tasks. An entry in the Bootham returns for 1580 suggests that the jury did not just inquire into nuisances but also made decisions about other aspects of the environment. Mr Milner was presented 'for takinge away of a common stell that goes into Philip stone flat where the jury should passe to sett the common watter sewers'. E31, p.63.

[113] E31, fol. 6v.

[114] E31, fol. 82v. It should be noted, however, that for many of the pains laid for paving where a number of individuals were included in the same entry, I have only noted the first name together with the number of others presented, so it may be that there were other examples where I have been unable to match the names.

[115] E31, p.177.

[116] CB1a, fol. 137v. See also, E3, fol. 19a.

precinct.[117] The master and brothers of St Leonard's were presented on five occasions between 1491 and 1495, for enclosing a common lane,[118] and for not repairing the roads for which it was responsible. It was up to St Leonard's to repair the highway leading out to Heslington, which was said to be so blocked and broken that the inhabitants of the city were unable to negotiate it safely (*non possunt habere passagium sine gravi periculo*).[119] The Dean and Chapter were fined 20s for not paving the street by St Michael le Belfry in the sixteenth century,[120] while the Dean himself received the smaller, standard fine of 3s 4d for not cleaning the King's Dike as it came down from his house in Minster Yard to Holy Trinity Goodramgate.[121] Lord Mayors and Recorders were likewise liable to be presented for their actions as individuals. This is not to argue, however, that the wardmote courts represented any form of challenge to the established system. They were, to the contrary, extremely concerned about the maintenance of civic order, and were quick to present any officials suspected of slackness, as when William Smith was presented by the Monk jury in 1581 'for not doinge his office trewly beinge constable'[122] At the same time, it is difficult to see the wardmote courts as a means by which the authorities were able to impose an elite understanding of the urban environment on people with less power when aldermen are among the most frequent offenders.

This is less evident in the fifteenth-century courts. The only record of an alderman being presented concerns William Chimney, warden of Castlegate ward, who in 1491 was deemed to be responsible for repairing the section of Walmgate outside his tenant's house.[123] In the sixteenth century, however, things were very different. Altogether, ten aldermen were presented in the Monk courts between 1575 and 1586, most of them for more than one offence. Eight were presented in Walmgate, eight in Micklegate and four in Bootham. Of the wardens listed in Table 1, only John Dynelay of Bootham and Edmund Richardson of Monk ward

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[117] E31, fol. 14a.
[118] E31, fol. 7a.
[119] E31, fol. 12a. St Leonard's was also responsible for the road between Castle Mills and the floodgates, a lane leading to Penley's Grove, and the south side of Foss Bridge. CB1a, fols. 137v, 138, E31, fol. 4a.
[120] E31, fol. 49.
[121] E31, fol. 8v.
[122] E31, p.118.
[123] CB1a, fol. 139.

(who died in office the same year)[124] do not appear in any of the wardmote presentments. Most, like Hugh Graves, were presented most often in their home courts but could also appear in other courts, a reflection no doubt of the greater extent of their property holding across the city. Graves was presented three times in the Monk ward courts. William Robinson, another Walmgate warden, was presented four times in the Walmgate courts, and fourteen times in Monk ward. In Micklegate, Thomas Harrison, a warden sitting in eighteen out of twenty courts, was presented in the same courts eleven times, although he does not appear in other wardmote courts. Richard Calome, a Bootham warden, was presented twice in the Bootham courts, and once in Micklegate. Other wardens, like Christopher Herbert, seem to have avoided their own courts, but appear in others. Herbert was presented in both Monk and Walmgate courts. Henry May, also of Bootham, appears in Micklegate and Monk courts as well as his own, but Bootham has typically few examples of aldermen being presented than the three other wards. Of its own wardens, only Henry May and Richard Calome were presented, both on two occasions.

Aldermen were presented for a range of offences, particularly for failures to pave or clean, and obstructions. Mr May was presented in the Monk court held in May 1584 'for not amending the calsey at his close end at monkbrigg end which is very dangerus for the quenes people passinge that way',[125] having failed to respond to a request that he repair the highway there made at the previous court held in October 1583, when a penalty of 40s was threatened – although there is no mention of this fine in the May 1584 court.[126] It is notable that with the exception of a couple of presentments for unmuzzled dogs, and a request that Mr Allen evict a woman reputed to be 'a pettye briber and fyltcher and knowne to be a noysance nyghbure', aldermen were only presented for transgressions connected to the physical environment. The courts during this period did address perceived 'misbehaviour', an issue which will be considered in more detail below, and in Chapter 3, but this seems to have been an area from which the aldermen at least were exempt. Nevertheless, the fact that individuals of high status were as liable to be presented for transgressions against accepted standards in the physical

[124] F. Drake, *Eboracum: Or the History and Antiquities of the City of York* (London, 1736), p.365.
[125] E31, p.225.
[126] E31, p.201.

environment as those with considerably less power and influence is, I think, significant for the purposes of this study.

More interesting, perhaps, is the fact that a sizeable percentage of jurors themselves appear in the wardmote court records. Table 3 shows that of the 339 officials in the Walmgate wardmote courts between 1575 and 1586, 128 (38%) were presented for a range of offences dealt with by the courts.[127] As has already been noted, their liability for a fine tends not to coincide with their role on the inquest jury, but it is clear nonetheless that the individuals presented were very often the same people who were given responsibility within the ward on other occasions. Aldermen may have been exempt from charges of misconduct, but this was not the case for the lower-ranking officials of the court. In her extensive study of local courts, McIntosh has argued persuasively that jurors like those in wardmote courts used the courts to deal with the perceived threat posed by increasing poverty.[128] The presentment of the poor for behaviour stigmatised as misconduct by the courts, dominated by those whom McIntosh identifies as the 'male heads of stable families of middling rank',[129] can be seen as a process of marginalisation by which the poor were ordered and controlled.

The wardmote courts in York tell a slightly different story, however. I have argued above that the poor, as perceived by contemporaries, were excluded from the proceedings of the courts. Although the jurors presented many of the same offences that McIntosh analyses in behavioural 'clusters' related to anxieties about disharmony, disorder, and the problems associated with poverty,[130] a number of those reported for misconduct of this kind were also those who served as constables, churchwardens or inquest jurors. The porter Christopher Atkinson, a churchwarden in 1577, was presented in 1580 'for receyvinge of evell women into his house',[131] and Thomas Mainman, a constable in St Margaret's parish and an inquest juror on three occasions, was said to be a 'nuisance neighbour' in 1581 and fined 3s 4d.[132] George Walker, a cobbler, was presented in May 1580, 'for that he kepythe evill rule typlyinge and gamyinge in hys howse ... in the tyme of

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[127] See Appendix 2.
[128] McIntosh, 'Local Change and Community Control', pp.230-233.
[129] McIntosh, 'Finding Language for Misconduct', p.88; McIntosh, 'Local Change and Community Control', p.231.
[130] McIntosh, *Controlling Misbehavior*, pp.54-107.
[131] E31, p.79.
[132] E31, p.107.

dyvyne servise', as well as for the fact that he was not entitled to be a tippler of ale, but this did not prevent him being appointed as a juror in the court held in October that same year.[133] Other officials or their wives were presented for scolding,[134] while Robert Hutchinson, in spite of serving in seven courts was presented on eight occasions (although none coincided with when he was in court in an official capacity), including 'scolding with the jury' in 1581.[135] More often, jurors drew attention to problems with paving, boundaries, dilapidated housing, dirty streets and blocked sewers although they were themselves guilty of the very same activities on other occasions.

There are, of course, many individuals in the sixteenth-century records whose status and occupations we cannot now identify. It may be that some of them were indeed poor and excluded from participation in civic life, but where it is possible to relate wardmote court officials to offences committed, it seems that by and large the courts were policing the social and physical environment of a broad group of people of all but the highest and lowest status, many of whom were themselves responsible for enforcing the regulations.

The wardmote courts at work

Once selected and sworn in, the jury was given a few days to find out about various nuisances and other problems that came within their remit.[136] According to the account in the fifteenth-century *Liber Albus*, jurors in London were read a list of articles into which they were to inquire. Originally in Latin, a subsequent list was made in French and was, as Riley points out, clearly meant to be read out to the jury, beginning: 'Vous presenterez si ...'[137] They were to report on any breaches of the peace, and on the presence of prostitutes and other women 'de fole vie', hucksters, nightwalkers, lepers and wandering swine and cattle, as well as those guilty of various trade offences, having defective fires or furnaces and

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[133] E31, p.58. The tailor William Smith, a churchwarden and inquest juror, was similarly presented for playing cards and enticing servants to play cards. E31, p.323.

[134] John Jetson's wife was presented for scolding in April 1575; Richard Lee, a churchwarden of St Denis in 1579 had been presented with wife previous year for scolding; William Thomson was presented together with his wife for scolding in 1582, but the following year was appointed churchwarden of St Denis for a second time;

[135] E31, p.107.

[136] Sometimes they had longer to make their inspection. The jurors appointed on 5th May 1585 had until the 24th to report back on their findings, while those selected on Monday 11th May the previous year were only given until the following Friday. E31, p.262, p.217.

[137] Riley, *Munimenta Gildhallae* , 1: 257-60.

thatched roofs, encroaching on common ground or disposing of waste (*ordures*) in the streets and lanes.[138] The jurors were also to note anyone living in the ward who was not under frankpledge, and the mention of this, together with that of lepers, dates the list of London articles to a much earlier period than that discussed in this thesis.[139] It is, nonetheless, indicative of the range of offences dealt with by the wardmote courts, and the association of concerns about both the social and the physical environment of the ward.

The York jurors dealt with a narrower range of offences in the fifteenth and sixteenth centuries. This may reflect the fact, noted in the introduction, that this period is distinguished by a rise in the authority of Justices of the Peace, who dealt with an increasing number of offences that originally came under the jurisdiction of the wardmote courts.[140] It is not clear whether the wardmote jurors in York ever worked from a list of articles as in London, or whether they presented offences according to their own inclinations, but the inquiries they made were by no means a formality. The inquest juries walked around the ward and noted problems as they came across them. They were probably accompanied by a clerk to make notes, and perhaps also by the constables within their parishes. During the late sixteenth century the returns from the previous court appear to have been used to follow up on previous offenders. The Walmgate jury of October 1577 complained about James Wilkinson, 'the offycer', who had not produced 'the byll of the last paynes as may appeare wherebye we cannot dysterne & fynd the offenders as appertynithe'.[141] This process would account for the fact that similar offences in both the fifteenth and the sixteenth century are necessarily grouped together, and where several names are listed as one entry - sometimes as many as twenty in the case of paving in the later records – it is not unreasonable to assume that all lived in the same street.

The public function of the wardmote courts was therefore reflected in the very visible working of the jurors, who had to carry out their duties in full view of the neighbours, and in the language used which indicates that they were very sensitive to their responsibilities. Miles Gray was presented for behaving 'undecentlye' to

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[138] Riley, *Munimenta Gildhallae*, 1: 259-60.
[139] See Rees Jones, 'Household, Work and the Problem of Mobile Labour', pp.140-2.
[140] See p.27, above.
[141] E31, fol. 69.

the jury after he had pulled down a fence in a dispute 'before there faces'.[142] Hearnshaw cites a particularly vivid example from 1596 in Southampton, where Augustine Reynolds was amerced ten shillings because he 'did not onely absent himself duringe all the tyme of our settinge and never came to us but also in contemptuous manner as seemed walked upp and downe the streats as we were handlinge the buisines'.[143] There are unfortunately no comparable examples of the jurors' attitudes for the fifteenth century, but there is no reason to suppose that they did not walk around the ward as their sixteenth-century successors did to investigate matters for themselves rather than relying on reports.[144]

At an agreed date and time, the jury reported back to the court on the results of their 'inquest', a process known by 1575 as the jurors 'giving their verdict'. They were frank about their findings, and appear to have tried to use courts to force through improvements to the urban environment, even attempting on occasions to impose fines on the corporate authorities if the necessary work was not carried out, although not to any noticeable effect. Occasionally the language they used was subsequently altered by the clerk. When the Bootham jury of October 1580 laid a pain on 'my Lord maior and his brethren' to do something about the lane under the Common Hall, 'we lye in payne' was crossed out and 'we desyer' substituted instead,[145] an alteration that suggests that whatever discretion the jurors had in presenting issues of concern, the process reverted firmly back to civic control once back in the court. In London, the aldermen would present the jurors' verdicts to the General Court, but in York the offences reported by the juries in the fifteenth century appear to have been judged by the wardens in the wardmote court itself.[146] In the sixteenth century, however, a number of entries in the House Books note that fines for the wardmote courts were assessed by the Mayor and his fellow aldermen at their meetings.[147]

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[142] E31, p.322.
[143] Hearnshaw, *Leet Jurisdiction*, p.192.
[144] An entry in the Bootham returns for 1580 suggests that the jury did not just inquire into nuisances but also made decisions about other aspects of the environment. Mr Milner was presented 'for takinge away of a common stell that goes into Philip stone flat where the jury should passe to sett the common watter sewers'. E31, p.63.
[145] E31, p.73.
[146] Andrew, 'The Fifteenth-Century Wardmote Court Returns', p.9.
[147] For instance, B28, fol. 57; B26, fols. 74, 95v, 96, 101. At the end of a standard set of returns for the Walmgate court in October 1578 there is also a note saying 'Assessyd by my L maiour Mr Maskewe & Mr Harryson, xxvj of January 1578'. E31, fol. 92v.

Even before the collection of fines became an issue, the amounts proposed by the jurors might be subject to alteration or cancellation. Both the fifteenth and sixteenth-century records show names crossed out, fines adjusted or other entries marked in the margin as 'exonerated', or with a note about further action to be taken. The powers of the wardmote court were in any case limited to the imposition of a fine, although in some cases of misbehaviour where the fine could not be paid, the stocks were threatened as an alternative form of punishment. The wife of George Braithwaite had to pay 10s or face the stocks for two days and two nights for being 'a pettye bayber',[148] while Anthony Atkinson and William Yate evidently had the choice of paying 6s 8d each or sitting in the stocks with a garland of apples around their necks as punishment for the 'parllus example' they had set in stealing fruit.[149] Women who were accused of misconduct and were similarly unable to pay their fines could be sentenced to the 'thew'.[150] More serious, or persistent, offenders judged to be beyond the scope of the wardmote court were 'called in' to the Mayor's court.

Fines varied between offences, and levels may have been related to the ability to pay. John Cooper, a barber, was fined 8d in 1494 for blocking a gutter in Micklegate '*cum fimo et alis sordidis*', for instance, while a chaplain called Robert Holme, presented for the same offence in the same year, received a fine of 6s 8d.[151] Scolding attracted a fine of between 12d and 2s, but those like Matilda Bulmer who was not only a scold but also '*male disposita inter vicinos suos*', could be fined up to 40d,[152] while one Mariona, accused of a variety of offences including scolding, was fined 6s 8d.[153]

The surviving records for 1517 are so limited in the number and range of offences dealt with that it is hard to make a proper comparison, although scolding, the most common complaint in the misbehaviour category, appears to have

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[148] A petty thief. E31, p.118.
[149] E31, fol.38.
[150] Opinions about what the thew looked like are divided. James Masschaele suggests that it was a simple form of neck ring attached to a post and not unlike a pillory. J. Masschaele, 'The Public Space of the Market Place in Medieval England', *Speculum* 77:2 (2002): 400. Other scholars describe it as a cart or cucking-stool. See K.M. Jones, 'Gender, Crime and the Local Courts in Kent, 1460-1560' (D.Phil thesis, University of Greenwich, 2001), p.139. Raine describes the thew as a cart for parading prisoners. YCR, 4: 2.
[151] E31, fol. 5a; E31, fol. 9a.
[152] E31, fol. 15a.
[153] E31, fol. 17a.

received a consistent fine of 12d,[154] and fines for over-grazing the common, or using it when not franchised, ranged from 18d to 6s. These fines may have been partly related to the number of animals in question - 18d for a cow and a horse, 5s 4d for a hundred sheep, for instance - or, again, to the ability to pay, or possibly even to the origin of the offender.[155] Roger Dobson was fined 2s 8d for having eighty sheep on the common while a man from Dringhouses was fined the same amount for only forty sheep.[156]

Things appear to have been rather more standardised by 1575, with scolding or paving offences, for instance, *generally* attracting a fine of 3s 4d, but as always there are so many exceptions that it is extremely difficult to discern an overall pattern. Again, comparison is complicated by the fact that a more elaborate system had developed by the last quarter of the sixteenth century. Although in many ways the format and function of the wardmote courts remained unchanged from the fifteenth century, the process of laying individuals 'in pain' by threatening them with a financial penalty if a certain action was not carried out laid a greater stress on encouraging householders to comply with the regulations.

Having a complete set of records for the decade between 1575 and 1585 makes it possible to assess the effectiveness of the courts, by comparing the numbers of those 'laid in pain' with those who ended up having to pay the fine for not complying. Clearly the system was not without flaws, and there does not always seem to be a direct correlation between the number of those 'laid in pain' and 'pains forfeited'. Although no pains appear to have been laid at the Bootham court held at Easter 1583, for instance, 22 were recorded as forfeited at the following Michaelmas court, while of the 32 individuals fined for not paving in Micklegate ward at Easter 1579, only three were laid in pain at the previous court. Nevertheless, over the decade it is possible to trace a high degree of compliance generally with the orders of the court. Figure 5, on page 85, demonstrates a consistent pattern of a substantially higher number of 'pains laid' than 'pains forfeited' for not complying.[157]

These kinds of figures would seem to suggest that the concerns expressed by the jurors were widespread, and that the majority of those who lived in the ward

[154] MS Bodley Rawlinson 451, fols. 2v, 4r, 5r.
[155] Bodley Rawlinson B451, fols. 3v, 2v.
[156] Bodley Rawlinson B451, fol. 2v.
[157] These graphs are based on Tables 4a-d in Appendix 2.

shared a perception of how public space should be used. This may be too simplistic a view, however. It fails to take account of individual responses where a distinction can be made between an unquestioning acceptance, and compliance, which implies that a certain degree of pressure is exerted to ensure that individuals conform to norm.[158] Pressure can be direct, either in the form of intimidation by those who wield more power and authority within the neighbourhood, or in the size of a fine which might represent a genuine disincentive to resist to those with little economic flexibility.

Individuals are also subject to the indirect pressure of cultural conditioning which affects how we all understand the space around us and what the 'norm' should be. That power is critical to any understanding of space must be acknowledged, but the focus of this particular study is less on why and how the norm in relation to public space was established than on what transgressions by individuals (nuisances) tell us about how that norm was understood. It is, moreover, very difficult to establish the relative power or otherwise of the majority of transgressors. For many, it is their only appearance in the records, and, as has already been noted, their occupation and status tended to be recorded only in cases where confusion might arise with other individuals sharing the same name. The occupations of the wardmote jurors have already been noted, but as Tables 5a and 5b demonstrate, those presented in the wardmote courts represented a wide range of social groups.[159] It is difficult to reach any firm conclusions, given that the occupations of most individuals who appear in the wardmote court records are not known, but on the limited evidence available, butchers, tailors and priests were as groups the major targets of the jurors' presentments.

In spite of the fact that the enforcement of clerical celibacy was not technically their business, as Ruth Mazo Karras notes, the wardmote courts in fifteenth-century London were more liable to present priests than any other occupational group for sexual offences. This may, as she suggests, be due to a widespread resentment of priests and their involvement with women of the parish, but this

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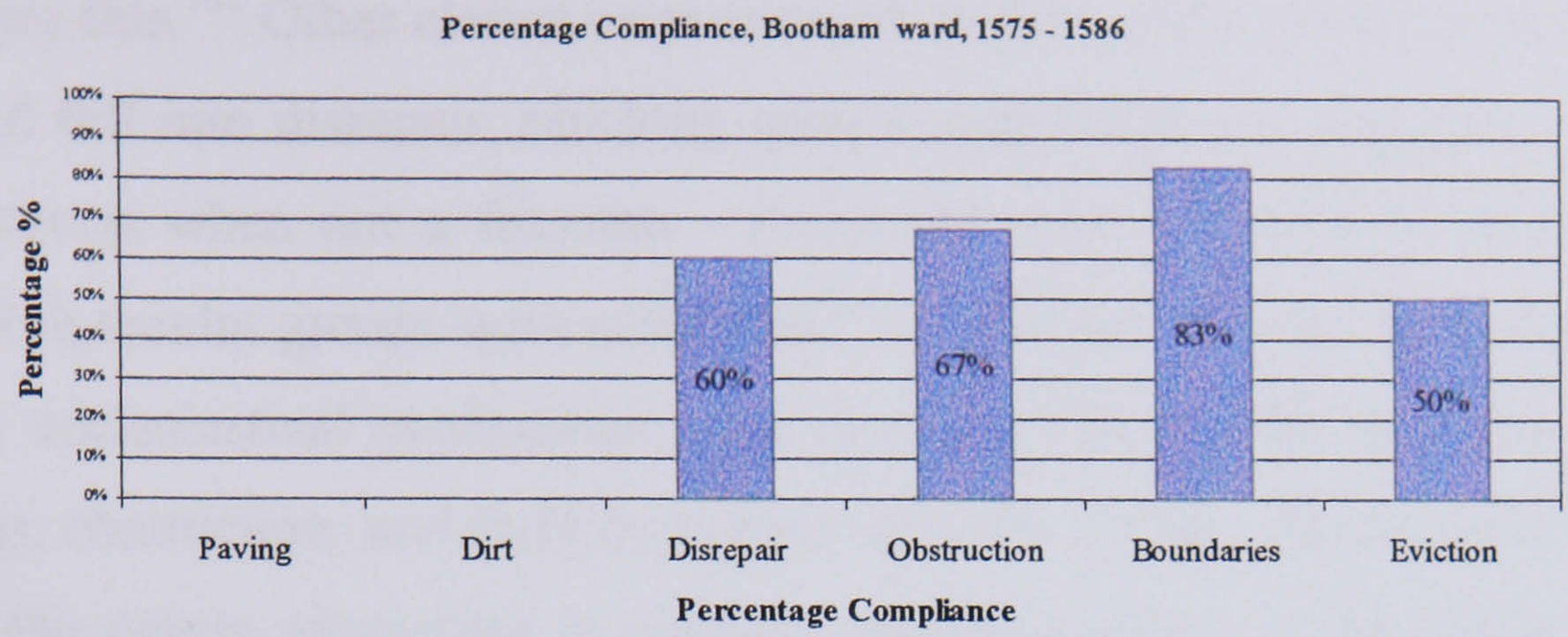
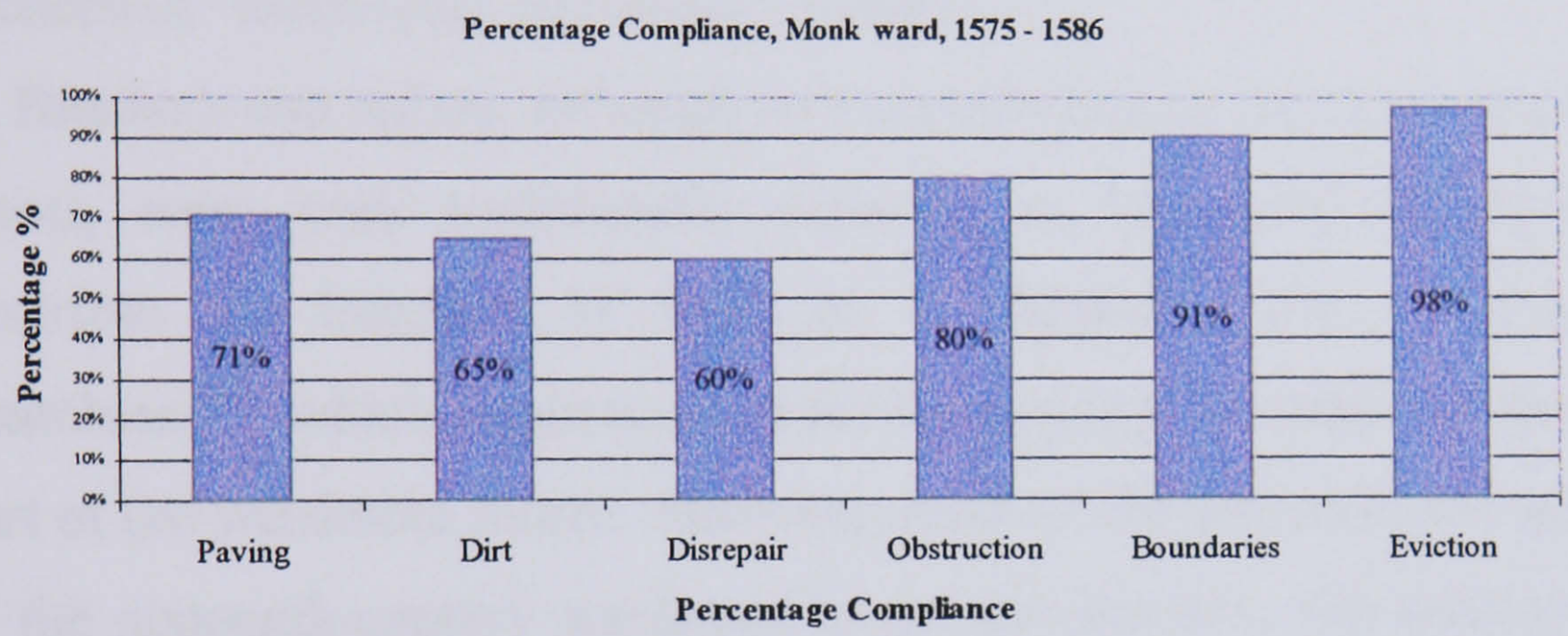
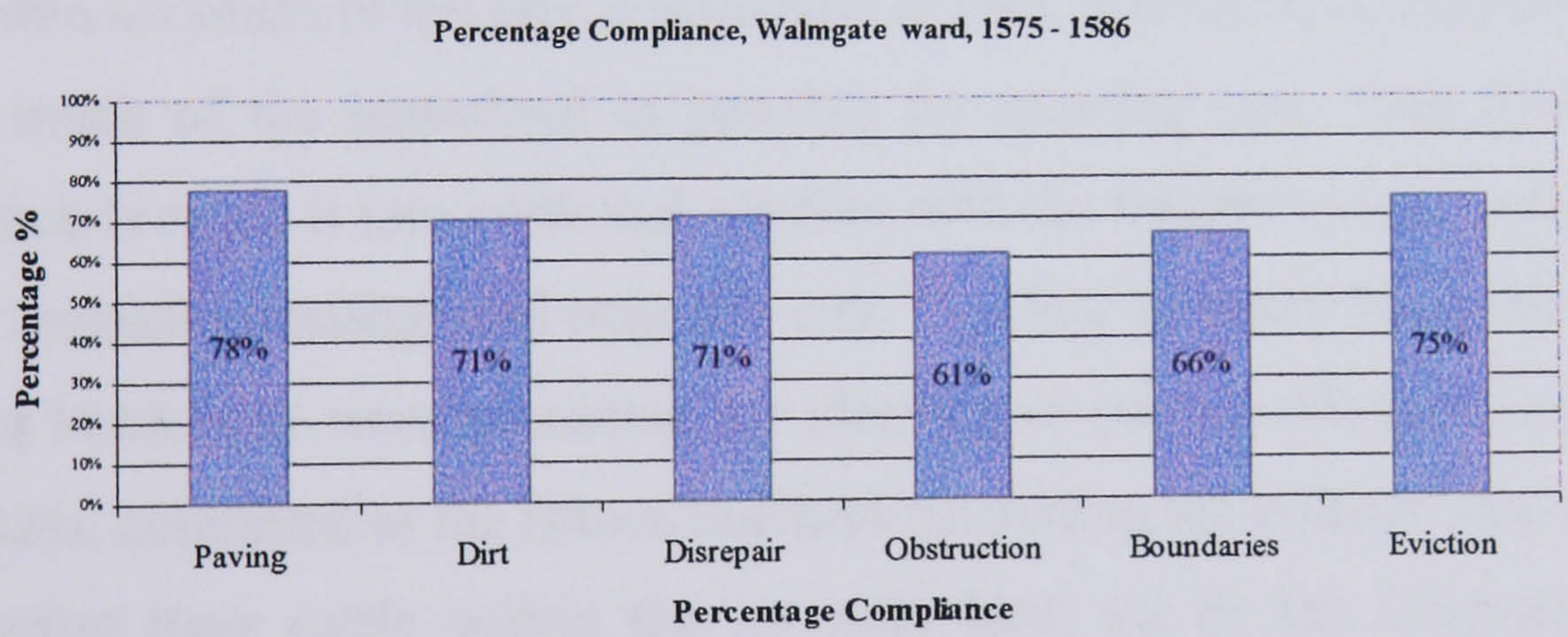
[158] I am grateful to Mark Jenner for suggesting this interpretation.
[159] Tables 5a and 5b, Appendix 2. For a detailed analysis of the various occupations in the city, see *Tudor York*, pp.160-176.

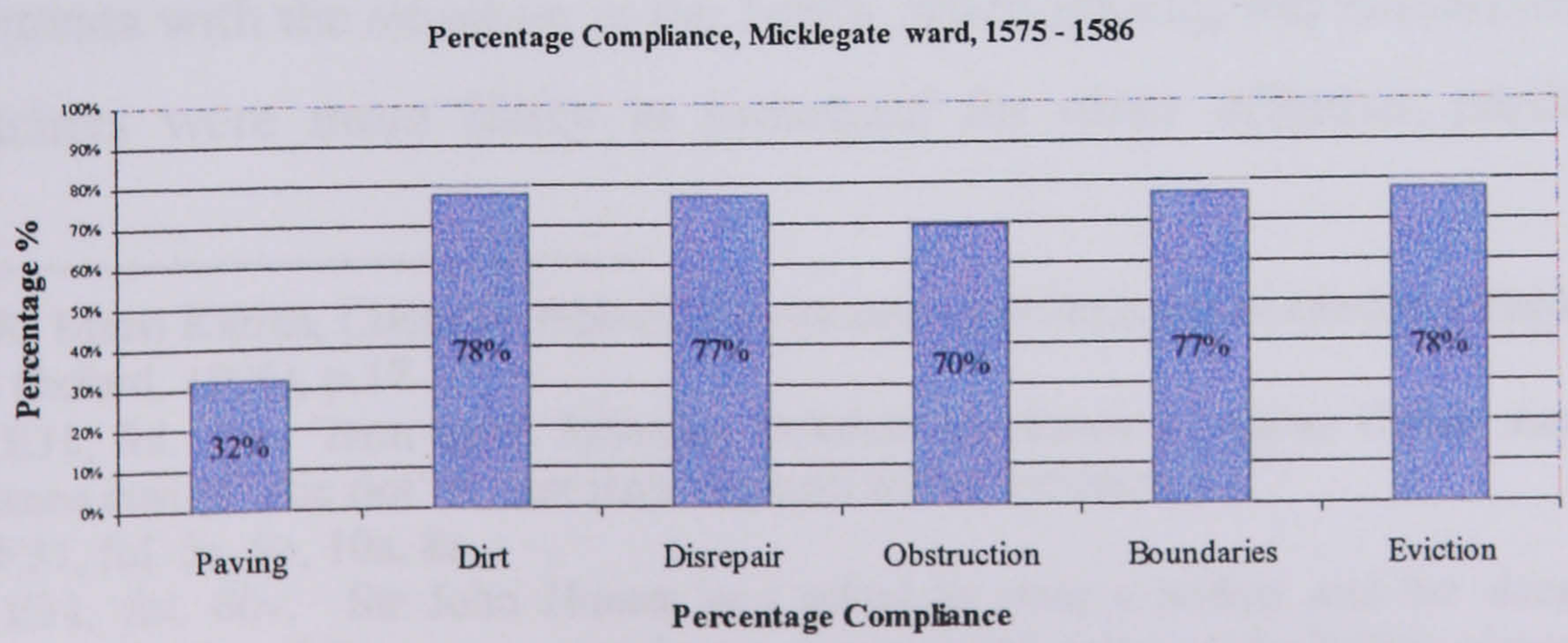
ORIGINAL IN COLOUR

Figure 5
Compliance in the wardmote courts, 1575-1586[1]









[1] These graphs are based on the figures in Tables 4a-d, Appendix 2.

does not seem to have been the case in late fifteenth-century York, where only John Duckdale was presented for misconduct.[160] Even then, this was not for a specifically sexual offence, although his association with Agnes Cullan might imply this.[161] Other clerics were accused of obstruction, encroachment, letting the road fall into disrepair, blocking gutters, and keeping a cow and a horse on the common when not a freeman – much the same offences, in fact, as those for which secular groups were presented.[162] In the late sixteenth century, members of the ecclesiastical professions were presented for similar offences, for keeping pigs, obstruction, and failures to pave or clean. Again, there is only one example of the courts attempting to regulate priestly conduct, when James Foxgale was accused of 'harborynge of nawghty women'.[163]

Butchers and tailors, although consistently among the largest trades in English towns, were both traditionally regarded as low-status occupations. Palliser describes the butchers of York as 'a clannish trade', centred around the Shambles,[164] which might account for the apparent suspicion of this group on the part of the wardmote jurors. However, most of the presentments against butchers in the sixteenth-century wardmote court records were for holding grazing land within six miles of the city, a reflection of the Corporation's determination to keep as much of the hinterland as possible for growing corn. This was an objective which brought it into continual conflict with the butchers, who were equally keen to maintain grazing land near the city.[165] Only Michael Bean, Stephen Preston and Mark Bolt were presented for cleaning or paving offences in the Walmgate courts, compared to the fifteen butchers (including these three) who were fined for grazing their cattle within the six mile limit set by the Corporation.[166] This contrasts with the situation in the 1490s, when grazing was still an issue, but when butchers were more likely to presented for other offences, particularly those

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[160] R. Mazo Karras, *Common Women: Prostitution and Sexuality in Medieval England* (New York and Oxford, 1996), p.17.
[161] E31, fol. 10a. 'Item quod Johannes Dukdale capellanus et Agnes Cullan manens cum eaden Johanne custod' illic riot' et sunt male dispositi ad nocumentum etc.'
[162] E31, fol. 5a, 9a, 10a, 8a.
[163] E31, fol. 60v. Sir John Hunter was asked to evict a widow and her daughter who were 'supposed to be of ill conversacon' from a tenement belonging to the Bedern vicars, but there is no suggestion in the wording that he was associating with the women himself. E31, fol. 89v.
[164] *Tudor York*, p.158.
[165] *Tudor York*, p.168.
[166] E31, fol.17, p.174, p.177. For butchers presented for grazing 'contrary to the statute' in the Walmgate courts, see E31, p.8, p.107, p.54, p.138, p.219.

associated with the disposal of the by-products of butchering. Richard Kirkby and Robert Flaxton were said to have slaughtered pigs, calves and other beasts '*in alto vico*', spilling blood and other waste to the great nuisance of passers-by.[167] Others were presented for less specific 'dirt' offences, for keeping pigs and, in the case of John Clark, for letting his animals break down hedges and eat his neighbours' gardens in Fishergate.[168]

Only two tailors were presented in the 1490s, for misbehaviour and for obstruction,[169] compared to 23 in the later sixteenth century, when they were presented for a much greater variety of offences than the butchers during the same period. Some, like 'Sandy the Scot', were reported for misbehaviour,[170] others for cleaning, paving, disrepair, obstruction, overgrazing the common, or wearing livery to which they were not entitled.[171] Millers, another traditionally despised group, do not figure largely in terms of numbers in Tables 5a and 5b, but the individual millers in each ward were frequently in the courts for various offences. Miles Fell, a miller in Walmgate ward, was presented twenty times between 1575 and 1585; John Rawdon of Monk ward, thirteen times, and Anthony Totty seven times in Monk ward and once in Bootham. The Micklegate millers seem to have been less of a problem. John Tanfield was presented three times, and Richard Rokesby only twice. Three millers were presented in the fifteenth-century courts, but each on only one occasion.

The range of occupations given for those presented in the wardmote courts, although a small percentage of the total number of presentments, suggests that the attention of the jurors was not focused on the poor or other marginal social groups. This is a point reinforced by the number of individuals dignified with a title such as Mr, Mrs, *Uxor*, Sir, Lady, or Dr who were presented over the course of the decade between 1575 and 1586. In Monk ward, 33% of the entries in the court records mention a title of this sort.[172] In the 1490s, too, the presentments mention knights, aldermen, lawyers, abbots and other individuals of a similar

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[167] CB1a, fol. 136v. '*Item dicunt quod Ricardus Kirkby et Robertus Flaxton' carnifices mactant porcos vitulos et alios carnes in alto vico et effudunt sanguinem boum et aliarum bestiarum ibidem ad grave nocumentum illuc pertransientum ideo.*' See also, CB1a, fol. 138 and E31, fol. 19a.
[168] E31, fol. 20a.
[169] E31, fol. 8a, 10a.
[170] E31, fol.17.
[171] E31, *passim*.
[172] 335 of the total of 1134.

status. The courts therefore offered an opportunity for those with relatively little influence – but not those with the least - to hold more powerful individuals and groups to account for the impact their actions, or lack of them, had on public space.

Offences presented in the wardmote courts, 1491-1586

What kind of issues, then, were of most concern to the wardmote jurors? Figure 6 shows the categories of offences dealt with in the fifteenth and sixteenth-century courts.[173] There are a number of problems associated with organizing data in this way, most notably the imprecision of some of the entries which might, for instance, present 'all the inhabitants' of a given street or parish, rather than a named individual and which make it impossible to calculate exactly how many people were involved.[174] It should be noted, too, that the categories used are my own and do not reflect any contemporary classification of the offences presented in the wardmote courts.

The records for the late sixteenth century are so much more extensive than those for the 1490s or 1517, that a direct comparison of figures may be misleading, and to compare the percentage of issues of most concern to the courts at each period seems more useful. Again, the comparison is complicated by the change in the system of presenting offences, and accordingly Figure 6 does not include any 'pains laid', but only those entries between 1575 and 1586 which in the opinion of the juries merited a fine (presentments and 'pains forfeited').[175]

Having acknowledged the limitations of the statistics, an analysis of the figures does allow us to identify a general pattern. It can be seen, for instance, that the 1517 records are something of an anomaly in the limited range of offences presented, in contrast to both the earlier and the later returns. It is difficult to know how to account for the absence of any concern with the state of the streets at this time, other than to suggest that for some reason these issues were dealt with in

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[173] The figures on which these diagrams are based are detailed in Tables 6a-6c in Appendix 2.

[174] 'All the inhabitors betwene Mykkelgaite barr and St Kattren house' were to remove their dung heaps in the high street (E31, fol. 15v) while Cuthbert Vause 'and others that boundes upon the spytell buttes' were laid in pain to scour the ditch by the highway in Walmgate ward (E31, fol. 23v). A similar pain was laid on 'all the nyghburs betwixt William Cowpland on thone syde of the strete in Walmegaite & John Lowerance on thother syde' to pave up to the end of Foss bridge (E31, fol. 24).

[175] A full discussion of the methodology used is included in Appendix 1. For the data on which the diagrams in Figure 6 are based, see Appendix 2.

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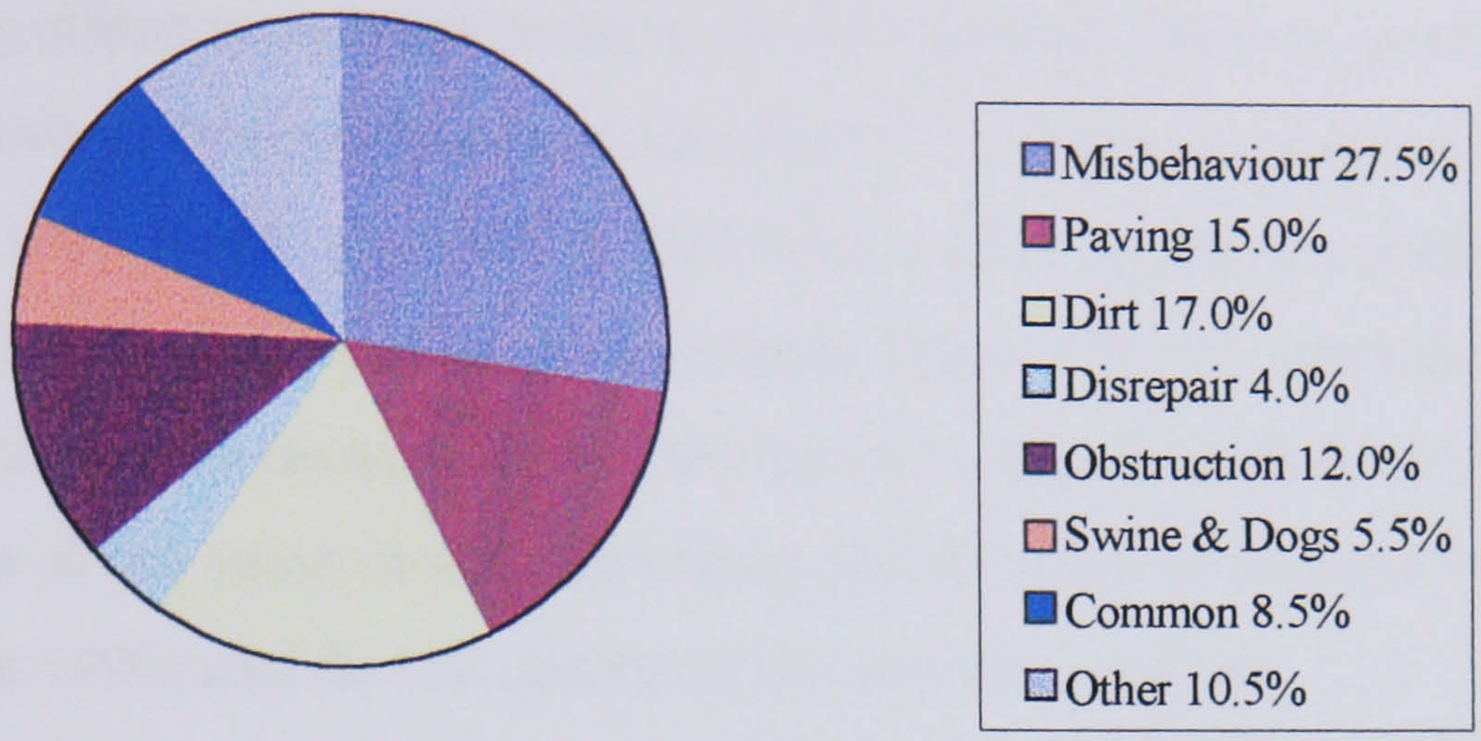
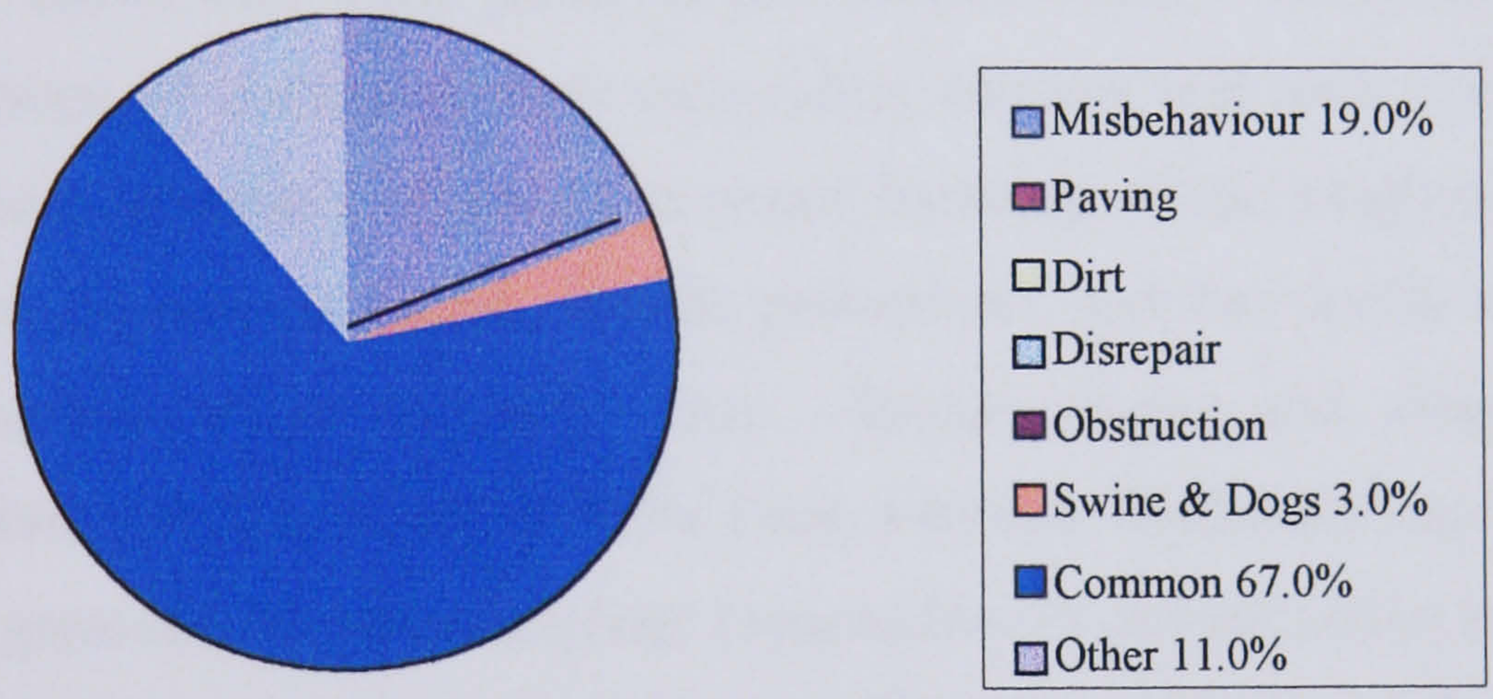
Figure 6[1]
Offences presented in the wardmote courts

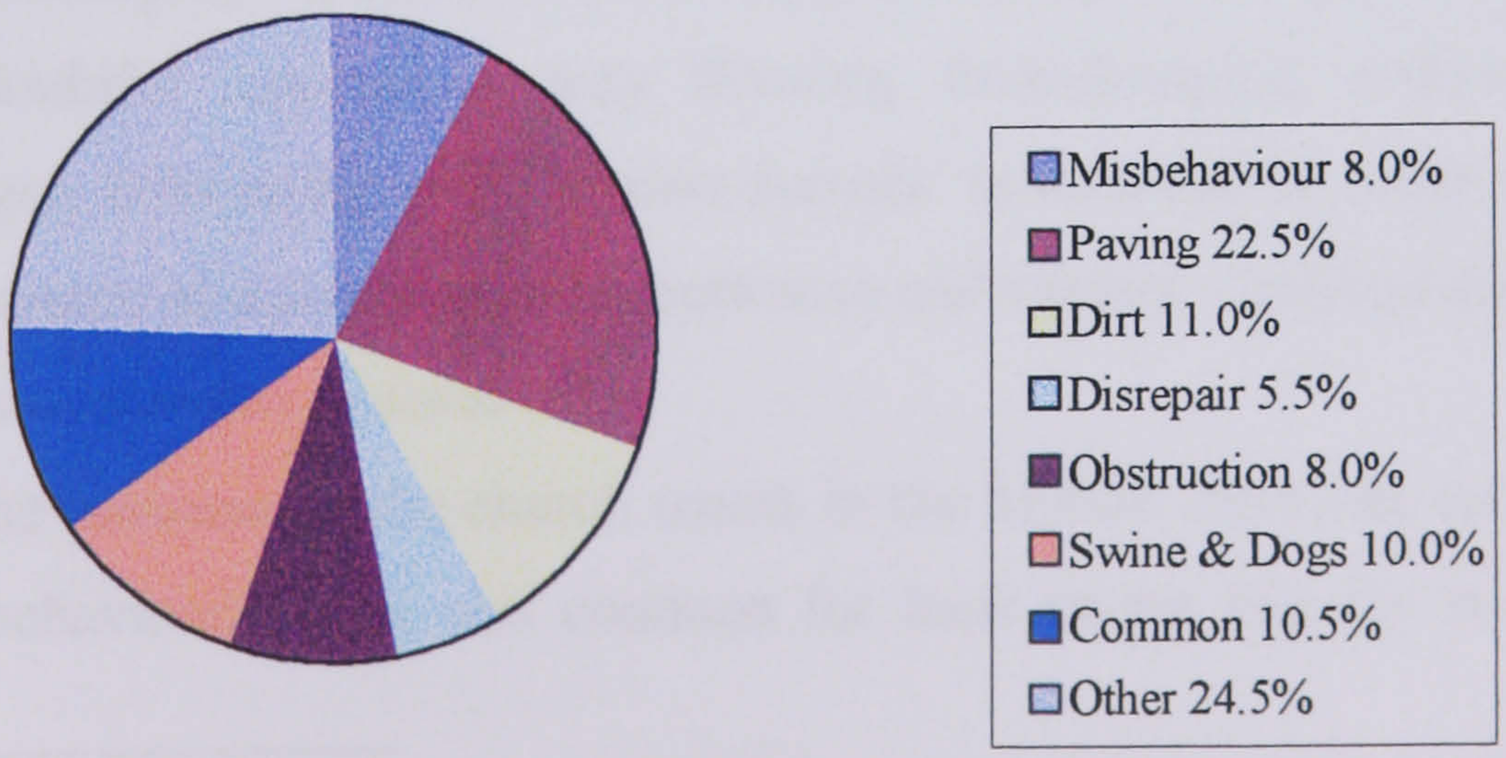
Percentage of offences presented 1491 - 1495



Percentage of offences presented 1517



Percentage of offences presented 1575 - 1586



[1] For figures, see Tables 6a-c, Appendix 2

another court at this time. An order for the disposal of waste within the city walls was made by the Corporation in 1517,[176] but otherwise there seems little concern about the physical environment on the part of the civic authorities either in this year. By the 1520s, however, the streets were being repaved, and there were orders in place to maintain them and ensure that they were 'clenly kepyd'.[177] At the same time, efforts were being made to prevent the indiscriminate pulling down of houses that stood 'towards the commen strete'.[178] Clearly the physical fabric of the city was very much an issue at this time as far as the Corporation was concerned. So little evidence of the wardmote courts of 1517 survives that one needs in any case to be cautious about drawing any conclusions about a change in the perception of the street in the intervening period between the more extensive records for the 1490s and the last quarter of the sixteenth century.

In contrast, the figures above do point to a significant shift in emphasis in the issues that most preoccupied the wardmote juries between the 1490s and 1575. Figure 6 also shows that while jurors in the fifteenth-century wardmote courts presented a range of nuisances, their over-riding concern was with individuals whose behaviour adversely affected the social harmony of the neighbourhood. These included prostitutes, harlots, bawds, procuresses, and that useful catch-all description, women of an evil disposition. Scolds, shrews and women like Matilda Grayson, a widow living in Water Lane, who was fined a shilling (12d) in 1491 for the 'great debate and wrangling' (*magna lites et debata*) in her house,[179] were also liable to be presented by the jury. The great majority of those who appeared in this category were women, but men were also presented for allowing gambling, encouraging servants in bad ways, receiving illicit goods, keeping women of doubtful reputation, petty thieving, eavesdropping, nightwalking, breaking hedges, associating with 'suspect persons' (*cum personis suspectis*) and – a common source of complaint about both men and women – holding disorderly gatherings (*conventiculos riotosus*).[180]

Much of the business of the church courts in the Middle Ages was concerned with sexual behaviour, but it was common for local courts like the wardmote

[176] YCR, 3, p.59.
[177] B10, fol. 79.
[178] B10, fol. 78v.
[179] CB1a, fol. 137v.
[180] See Table 7a, Appendix 2.

courts in York to attempt to regulate activities like illicit sex which ran counter to the established 'norm' of social order.[181] The fifteenth-century wardmote court returns show sexual misconduct, as it was then perceived, as a transgression of communal ideals about what was acceptable behaviour within the neighbourhood. Sexual misconduct was marginalized in public space, either by the literal exclusion of persistent offenders like Marjorie 'Cherrylips' Gray,[182] or by punishments which involved public shaming, in a cart or thew, often in a state of undress or with hair shaved or cut.[183] Joanna Atkinson, living in Swyngale in 1495, was said to be a common prostitute and to receive servants and their masters' goods. She was to leave the city or be put in the thew.[184] The spatial implications of such banishments are explored further in Chapter 4.

By 1575 the regular presentment of prostitution and related sexual offences has disappeared from the wardmote records. It is unlikely that offences of this kind were no longer being committed, but for whatever reason they seem to have been no longer perceived as public nuisances and therefore within the remit of the wardmote juries. Although theoretically such matters were still the business of church courts, the civic authorities in York as elsewhere continued to pursue a hard line on sexual offences throughout the Tudor period, treating moral transgressors, like vagrants, as a threat to society as a whole, marginalizing these groups through regular attempts at exclusions just as their predecessors had.[185] Harsh punishment was meted out to those like the tailor John Jackson and his 'drabbe' who were caught in adultery. Both were imprisoned before being carted through the streets, as far as Walmgate Bar where the woman was handed over to the constables and banished from the city, while Jackson himself was returned to

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[181] Mazo Karras, *Common Women*, p.14; See also McIntosh, *Controlling Misbehavior*, p.24.

[182] Representatives of St Gregory's parish went to the Lord Mayor in July 1483 and complained that Gray was a scold and a prostitute, 'not for the first time causing serious harm to the neighbourhood', as a result of which she was 'banished beyond the boundaries of the city'. YHB, 2, p.723. She had previously been expelled from the neighbouring parish of St Martin in Micklegate because she was 'a woman ill disposed of hyr body to whom ill dispossid men resortys, to the newsaunce of the neghburs'. YHB, 2: 708. The *Liber Albus* also suggests that one of the functions of the wardmotes was to expel whores, bawds and women 'of evil life' from the ward. See Mazo Karras, *Common Women*, p.15.

[183] Mazo Karras, *Common Women*, p.15; Masschaele, 'The Public Space of the Marketplace', p.412.

[184] E31, fol. 13a.

[185] Palliser, 'Civic Mentality, pp. 106-7. Interestingly, there is no evidence of prostitution and bawdry being prosecuted in the church courts either at the end of the sixteenth century. A. Hunt, pers. comm.

prison.[186] The treatment of Barbara Simpson, accused of 'misusing of her bodie' was even more brutal. Her head was shaved and she was 'set upon a barrel on the pavement in the open market by the space of one hower' before being whipped out of the city.[187]

Two women were presented in the 1517 Monk court for being '*male dispositionis corporis*',[188] but it seems as if the Mayor's court assumed more responsibility for these kind of moral offences during the course of the sixteenth century, while in the wardmotes themselves attention was increasingly focused instead on the problems caused by scolding. As Martin Ingram has pointed out, 'scold' was a highly derogatory term in Tudor England, and when applied to a woman had a pejorative impact exceeded only by a word like 'whore' and its equivalents.[189] The common law definition of scolding was specifically associated to its public impact. Scolding today is more usually thought of in private terms, with implications of nagging and disagreement within a household, but in the sixteenth century and earlier, a scold was someone who created tensions within the community at large. This perception of scolding as a public nuisance with damaging consequences for the neighbourhood is often underlined in the wardmote presentments. John Bartaronne, a tiler living in Aldwark, was presented 'for skoldyng with his nyghburs & brawling with his wyfe on the nyght so that his neighboures cannot be quiet besyde hyme',[190] while Richard Wray's wife was accused of 'skoldinge with hir neghburs & making man & wife to fall furth'.[191] Scolding and the implications of attitudes towards this and other forms of misbehaviour for the understanding of public space will be discussed in more detail in Chapter 3.

With the exception of this shift away from concerns about sexual offences, the misdemeanours prosecuted as nuisances in the later sixteenth-century wardmote courts were largely similar to those seen in the 1490s.[192] Scolding is a particularly common source of complaints, as noted above, but the juries were also swift to

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[186] B23, fol. 13v.
[187] B28, fol. 57.
[188] B451, fol. 5r.
[189] M. Ingram, '"Scolding women cucked or washed": a crisis in gender relations in early modern England?', in Jenny Kermode and Garthine Walker (eds.), *Women, Crime and the Courts in Early Modern England* (London, 1994), p.48.
[190] E31, fol. 8v.
[191] E31, p.132.
[192] See Table 7b for a comparison.

present those suspected of harbouring 'noughtie persons',[193] and anyone keeping 'ill rewle', a general category which may have applied particularly to taverns, although this is nowhere specified, and seems to have included noise, gambling, receiving goods, and encouraging servants to behave badly. Hedgebreaking, minor assault, theft and bawdy behaviour were also the object of neighbourhood disapproval. Some individuals are presented simply for being 'a nuisance neighbour', another vague category, personified perhaps by Richard Lawson who was said to be

> a very noysone and contencious person usinge skoldinge quarrilinge and brawlinge and hath of late ... challenged some of his neighbours to the feilde to feighte and threatnethe to kill them and further doth not only move great discorde and strife amongst his neighbours but also a sower of dissen[tion] betwene men and wife to the great griefe and disquietnes of the neighbours and parishioners theraboutes.[194]

Clearly individuals like Lawson were particularly disruptive to social harmony, and the wardmotes may have offered the neighbourhood the only opportunity to try and control such excessive behaviour. How effective they were is, however, difficult to assess. Of the 17 men and women presented for scolding in Walmgate ward between 1575 and 1585, not one was presented for the same offence on a separate occasion, but it seems unrealistic to suppose that all had seen the error of their ways and settled down to a peaceful co-existence with their neighbours. Persistent offenders appear to have been referred on to the Mayor's court,[195] where freemen like the tailor John Harper risked disenfranchisement. The minutes of a council meeting held on 21st March 1576 record that Harper,

> being a freman .. hath diverse tymes heretofore been presented in the Sessyons and Wardmote Courtes to be common barretor and breaker of the Quenes peace to the great disquiet and trouble of manie the Citizens ...whiche faults heretofore, upon his promise of amendment, hath bene wynked at; but for so moche as it appeareth that the said Harper goeth about the disturbances of his neybours and contyneweth his said misdemenor, and without anie shewe or hope of amendment, contrarye to the duetie of a good subject and sworne Citizen; therefore it is now agreed that the said John Harper shalbe ymedyatlie disfranchised and not to occupye as a fre Citizen of this Citie who

[193] E31, fol. 2.
[194] E31, p.209.
[195] Anne Ampleforth, a persistent scold living in Coney St, was sent on to the Mayor's court by the Bootham wardmote court in April 1578. E31, fol. 71.

> being called in was let to understand the same and commaunded to shutt uppe his shoppe wyndowes forthwith[196]

It may be the case that, as Ingram suggests, crowded living conditions exacerbated tensions in cities,[197] but the concerns about misconduct evident in the fifteenth and sixteenth-century wardmote courts in York were also found in smaller communities.[198] The increasing level of social regulation was a feature of Tudor government, which was deeply suspicious of the subversive potential of an underclass, but it was nonetheless sometimes slow to respond to the problems that local communities had to cope with on a day-to-day basis.[199]

The poor laws of 1495 onwards were the Tudor governments' attempts to deal with the threat posed by the rising levels of crime and vagrancy that marked the sixteenth century.[200] Although the impetus for this legislation came from central government, particularly later in the century, many of the ideas incorporated were first tried by local authorities.[201] In York, the Corporation strove to control the large numbers of vagrants who were attracted to the large cities,[202] and shared national concerns about the maintenance of public order. In spite of the frequent complaints about negligence made by the Council in the North, it made consistent efforts to enforce the statutes in this area.[203]

The sheer volume of legislation to deal with poverty and its associated problems led to the increasing use of the parish as a unit of civic administration,[204] and the evidence of the York records appears to confirm that in this respect at least the wardmote courts tended not to be used in the enforcement of regulations against the poorest in society. The courts certainly implemented statutes and ordinances as required, but it is, in fact, rare that the juries addressed the problem

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[196] B26, fol. 60v, also in YCR, 7: 115. Harper was allowed to open his shop windows again in July of that year, on condition that he paid a fine to be re-enfranchised. B26, fol.76v. He was in trouble again in 1578, 'for a childe by hym base begotten', and for encroachment into Stonegate. B27, fols. 97, 111v. In 1579, he lost his franchise again and was sent to prison for 'certayne evill, contemptuose and unreverrent words of the Queenes majestie'. B27, fol. 165.
[197] Ingram, '"Scolding women"', p.56.
[198] McIntosh, *Controlling Misbehavior*, p.54.
[199] McIntosh, 'Finding Language for Misconduct', p.101.
[200] See, for example, P. Slack, *The English Poor Law, 1531-1782* (Cambridge, 1990); Rappaport: *Worlds within Worlds*, pp.162-214; A. Beier, 'Vagrants and the Social Order in Elizabethan England', *Past and Present* 64 (1974): 3-29.
[201] Slack, *The English Poor Law*, p. 11; *Tudor York*, p.81.
[202] Beier, 'Vagrants and the Social Order', p.23.
[203] *Tudor York*, p.81.
[204] *Tudor York*, p.77; Slack, *The English Poor Law*, p.10; Barron, 'Lay Solidarities', p.233.

of poverty directly. While the House Books show the Corporation anxious to enforce, and sometimes anticipate, national legislation, as with orders to license beggars,[205] or raising compulsory taxes for poor relief,[206] these were not measures policed through the wardmote courts. It is true that the juries supported the Corporation's attempts to deal with the problem of sub-tenancies ('undersettles') by presenting those required to evict unsuitable tenants, and there were frequent presentments of those allowing illegal gambling or games playing which had been statutory legislation since at least 1477-8,[207] but, as I have argued above, those whom the 1495 statute referred to as 'vagaboundes idell and suspect persones lyvyng suspeciously'[208] were not generally the focus of the wardmote juries' concerns about misbehaviour.

Very occasional presentments were made of those like Thomas Sinkinson's wife who was said to be 'a great beger',[209] but the majority of presentments to do with misbehaviour appear to have been against men and women who, like John Harper, were not marginal to the neighbourhood but integral to it. Ingram has argued that most women accused of scolding were the wives of tradesmen, and not in fact drawn from the very poorest in society,[210] and although occupations are rarely given in cases of misconduct in the sixteenth century, there is enough evidence to show that, as in the fifteenth century, presentments in this category were not limited to marginal groups. Nicholas Barron, another tailor, and his wife, were presented 'for that they ar noysone neighbours and usith skouldinge with their neighboures',[211] while the tiler John Bartaronne, living in Aldwark, was accused of 'skoldyng with his nyghburs and brawling with the wife on the nyght ... and for gatheryng of cobles and stones fourth of stretes and walls'.[212]

Other occupations of those accused of misbehaviour included bakers, glovers, dyers, tilers, spurriers, weavers, goldsmiths, labourers, mariners, leather dressers and porters, as well as butchers, millers and innkeepers, whose trades were low

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[205] *Tudor* York,p.81.
[206] Slack, *The English Poor Law*, p.11.
[207] *The Statutes of the Realm*, 2, (London, 1816, Reprinted 1963), p462. The 'Mischief of certain unlawful games'.
[208] *Statutes of the Realm*, 2, p.569.
[209] E31, p.291.
[210] Ingram, '"Scolding women"', p.65.
[211] E31, p.209.
[212] E31, fol. 9.

status in spite of the considerable wealth they sometimes accumulated.[213] It is noticeable that the merchant class is absent from this list, as it is between 1491 and 1495, when a cobbler, a fishermen, two innholders, a metaller, a tailor, a miller, a goldsmith and a butcher were presented for misconduct, along with the chaplain, John Duckdale, who together with Agnes Cullan was said to hold riotous gatherings illegally and be '*male dispositi ad nocumentum*'.[214]

The behaviour of the medieval civic elite was subject to regulation as well, but this tended to be carried out in different forums, such as religious guilds, craft fraternities and the Mayor's court.[215] In York, as in other cities, members of wealthy and high status groups like merchants were not presented in the wardmote courts for misbehaviour in the way that they were for nuisances in the physical environment. Sarah Rees Jones has argued that in comparison with the evidence of the late thirteenth and early fourteenth-century leet courts in Norwich, it is possible to identify in the wardmote presentments of fifteenth-century York and London a growing discrimination between 'the private indiscretions of the householder and the public nuisance of the immorality of the poor'.[216] This is a point made also by McIntosh who sees the crackdown on misbehaviour as a demonstration of the growing gap between prosperous and settled families and the 'shiftless poor' against whom controls were directed 'as much towards the person as towards the crime'.[217] Given the growing awareness of poverty and vagrancy evident in the House Books, one would expect that the sixteenth-century wardmote evidence would support this argument, and yet a close examination of the presentments indicates, I think, that regulation of moral behaviour in these courts was not, in fact, directed exclusively, or even primarily, at the poorest in society.

In York, at least, complaints about misbehaviour in the fifteenth century, as well as in the sixteenth, appear to have been less about the repression and control of marginal groups than about the maintenance of social relations within the

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[213] H. Swanson, *Medieval Artisans: An Urban Class in Late Medieval England*, (Oxford, 1989), p.171.
[214] E31, fol. 10a.
[215] See B. R. McRee, 'Religious Gilds and Regulation of Behavior in Late Medieval Towns', in J. Rosenthal and C. Richmond (eds.), *People, Politics and Community in the Later Middle Ages* (Gloucester and New York, 1987), pp. 108-122.
[216] Rees Jones, 'Household, Work and the Problem of Mobile Labour', p.153.
[217] McIntosh, 'Local Change and Community Control', p.232-3.

neighbourhood. As always, the absence of any biographical detail about many of those presented makes it difficult to draw any firm conclusions, but in many cases the kinds of offences are also suggestive. The pilfering of rails or cobbles, leading servants astray, or holding noisy gatherings are not typical of vagrancy or the desperation of extreme poverty. The very fact that many of the offences presented are about immoral behaviour within the accused person's house (keeping evil rule, harbouring 'divers and evill disposed persons and suspected women',[218] receiving servants and so on) indicates that the wardmote courts were less about excluding those with the very least than about trying to ensure the inclusive 'quiet' community that represented contemporary perceptions of the ideal social environment.

We should not interpret the lack of interest in the 'idle poor' as symptomatic of any kind of compassion on the part of the wardmote juries, however. They had no hesitation in ordering landlords like Christopher Smithson

> to avoed before the first of maye next Robert Joye & his wife borne in Clifton, John Robinson & his wyef, James Perkin, his wef and sex younge childringe strayngers in this cittie all whiche arr very ivell loytringe persons not aible to yeald any good accompt of ther lyvinge yf they were dewly examined.[219]

The unfortunate families to be evicted may have had to cope with the consequences of this order, but as far as the wardmote jurors were concerned, it was Smithson who was transgressing accepted practice. The wardmote courts tried to regulate members of the community. It was not their role to deal with the marginal groups or outsiders who were not part of that community, although the presentment of individuals like Smithson for failures to evict such tenants effectively equated the social and the spatial marginalisation of poverty.

The wardmote courts were, of course, not immune to the pressures imposed by local and national authorities. They were very aware of their responsibility to police the community and to enforce legislation where required. The fact that a particular offence is contrary to a statute or local ordinance is frequently cited in presentments, and it is clear that the jurors understood the institutional context

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[218] E31, p.128.

[219] E31, p.285. Smithson was fined 20s at the following court for not evicting Joy and his wife or the Perkin family, although no mention was made of the Robinsons. E31, p.327.

within which they operated.[220] In many areas, too, the concerns of the wardmote juries overlapped with those of central government and the Corporation. The dilapidated state of the urban environment was the subject of concern at every level, as is discussed in the next chapter.

Public hygiene was another issue where it is impossible to pinpoint the source of pressure to maintain a degree of cleanliness within the jurisdiction of the ward. Dirt and disease were commonly associated with disorder in the eyes of the authorities.[221] The Corporation introduced a number of measures to avert the threat of epidemic diseases, including street cleaning, an insistence on more hygienic methods of waste disposal and a crackdown on the ever-present problem of scavenging pigs, as well as isolation of those infected.[222] The problems of swine and dirty streets could be – and were - tackled in the wardmote courts, but the juries there did not act only on the initiative of the Corporation. Their concerns about the cleanliness of the environment were not dependent on precautions taken against the plague, from which in any case York was spared during almost all of Elizabeth's reign.[223] An awareness of the damaging effect of accumulated dirt and filth, and of the advantages of sharing public space that was clean and well-ordered informs the presentments made in the fifteenth as well as in the sixteenth century, although interestingly not in 1517. The implications of this perception, and the success or otherwise of attempts to enforce the ideal of cleanliness are explored in Chapter 4.

While the cleanliness of the streets formed an aspect of public policies in relation to disease and disorder, paving appears to have been an issue pursued in the wardmotes without any particular impetus from higher authorities. This is particularly true of the sixteenth century. During the fifteenth century paving was

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[220] Mrs Young was laid in pain 'that she cause amend the high way before the vicars lees accordinge to the statutes'(E31, p.16), while in 1585 Thomas Rayne was presented for 'keping a grewhound contrarye to the statute' (E31, p.275) and Martin Emondson 'for not building on the voyd ground in patryck poole where the house did fall ij yeares synce' and the fine was to be set 'according to the statut' (E31, p.276). Presentments for playing cards and other unlawful games, or wearing livery, also frequently invoke the statute.

[221] P. Slack, *The Impact of the Plague in Tudor and Stuart England* (London, 1985), p.306; M. Healey, 'Discourses of the Plague in Early Modern London', in J.A.I. Champion (ed.), *Epidemic Disease in London* (London, 1993), pp. 19-34. For the association between dirt and disorder in the House Books, see, for instance, YHB, 2: 465; B23, fol.145.

[222] D.M. Palliser, 'Epidemics in Tudor York', *Northern History* 8 (1973): 45-63, p.58. For public health policies about the plague, see Slack, *The Impact of the Plague*, pp.199-226, esp. p.207, and P. Slack, 'Introduction', in T. Ranger and P.Slack (eds.), *Epidemics and Ideas: Essays on the Historical Perception of Pestilence* (Cambridge, 1992), pp.1-20.

[223] Palliser, 'Epidemics', p.52.

associated more with general disrepair, and while the Crown occasionally legislated for paving in specific towns,[224] and the Corporation was anxious to ensure that the city was properly paved before the arrival of important visitors,[225] for the most part the insistence on maintaining paving to an appropriate standard between 1575 and 1585 appears to derive from the wardmote juries themselves. It seems clear that in the case of paving, at least, the jurors did not just act in response to instructions from the Corporation but took the opportunity to enforce their own ideas about the maintenance of the built environment.

The reasons for this preoccupation with the state of paving and other aspects of the urban fabric are unclear. They may relate to social changes that saw the increased use of carriages noted by John Stow in his *Survey of London*,[226] but it is more interesting, perhaps, to consider them as part of a long process by which the urban environment was transformed. The Enlightenment is often regarded as period in which the city and its streets changed dramatically, but as the following chapter demonstrates, the ideals of evenness and uniformity which were embodied in the eighteenth city were prefigured in the concerns of the sixteenth-century wardmote juries.

The legal context of the wardmote courts

The wardmote court records, then, offer a rich source of evidence for a study of perception and public space. The courts did not operate in a vacuum, however, and we need to take into account the complex framework of custom, common law and statutory legislation which informed the jurors' perception of the urban environment. As we have seen, both central and local government were concerned with many aspects of environmental regulation. Nor were the wardmote courts unique in dealing with public nuisances and other problems relating to the street and public space. Francis Drake's history of York includes an account of the Sheriff's tourn which indicates that the jury of inquest in that court were charged to report back on 'the common lanes of the citty and the suburbs that are enclosed either by hedge, or yate, or door in hindring the

[224] See *Statutes*, 3: 426, 766-7, 974-5

[225] When in 1561 a letter arrived from Queen ordering the corporation to entertain a visiting French nobleman and his party, orders were made to view the best inns in the city and for wardens to ensure that all broken pavings were repaired. B23, fol. 38. See also B15 for the preparations for Henry VIII's visit in 1541.

[226] John Stow, *A Survey of London*, ed. C.L. Kingsford, 2 vols. (Oxford, 1908), 1:84.

commmoners' as well as dice players, disturbers of the peace and 'them that on nights watche under other men's windows to escrye their councell or their privety' in addition to more serious crimes such as rape, assault, theft and robbery.[227]

An extract of the records from the Sheriff's tourn held on October 11th 1577, which is bound in E31, lists fines collected from eight individuals for a number of offences more typical of the wardmote courts, and indeed some of the individuals who evidently appeared before the Sheriff's court were presented for the very same offences in the wardmote courts.[228] Percival Geldart and William Filleskirk were frequently presented for keeping pigs, while Edward Turner's enclosure of Byard Stone Lane led to a long-running dispute inherited eventually by his widow, who was equally impervious to the efforts of the wardmote juries to have the lane reopened. It may be that persistent offenders like these were eventually pursued through the Sheriff's court, although other names on the list like Mrs Johnson, John Brumley, Abraham Preston and Stephen Beckwith do not appear in the wardmote records at all, although all were fined for offences that typically would be presented initially in the wardmote courts, 'kepinge evill rewle', forestalling, allowing 'unlawful games' and so on. Of the names that can be traced in the wardmote courts, two are from Walmgate ward, two from Monk ward and Mrs Johnson is described as being 'at Bowthome Barr' so would presumably have been a member of Bootham ward.

The Sheriff's court was not the only court whose jurisdiction appears to have overlapped with that of the wardmote courts. Notes of a General Session of the Peace held at the Guild Hall on 7th October 1575 include fines for not repairing the road, assault, playing unlawful games, misbehaviour, and even 'for wearing a hat', again, all offences which one would expect to be dealt with in the wardmote courts.[229] This particular extract is interesting in that it shows the response of some of those accused. John and Oswald Parker, were fined 10s and 3s 4d respectively for assault, but a note reads 'They two say that they paid their fynes for the same to the sherife'. Bryan Spink was accused of not mending the

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[227] Drake, *Eboracum*, p.189-90.

[228] E31, fol. 93. A further extract for the Sheriff's court held on 12th October 1580 is numbered E31, p.103c. This lists only five individuals, none of whose names are familiar from the wardmote courts, although the offences ('for tipling not allowed and for harboringe suspicious women', for kepinge of swyne', 'for receyving apprentices and servants by night to the great annoyance of his neighors') are similar to those presented in the wardmote courts.

[229] B26, fol. 69a.

causeway but 'he saith that he haith sufficiently repaired the same', while it was decided that Vince Croker, who was evidently keeping an illegal tippling house, was to be called in 'beyng pore'.

Defamation and slander were not issues with which the wardmote courts themselves were concerned, but they were often associated with public space and the transgression of the boundary between private and public, an issue which will be addressed in more depth in Chapter 3. Here, too, the complexity of a legal system in a state of flux makes it difficult to define exactly which courts dealt with which offences during the fifteenth and sixteenth centuries.[230] Certainly, there was a degree of overlap between the different courts, and the wardmote courts therefore need to be seen as part of a complex system in which their role and the limitations of their jurisdiction were more obvious to contemporaries than they are to us today. It may be, however, that the lack of distinction between the various courts was an accepted part of life. It was agreed in October 1584 that tipstaves should be appointed as informers against unlawful games, keeping swine, failing to clean the streets and other offences of the kind that would normally came under the purview of the wardmote courts. The tipstaves could take offenders to the Sessions of the Peace, the Sheriff's tourn, the wardmote court or the Mayor's court, a range of options that suggests that whatever the origins and theoretical limitations of these courts, in practice they all offered a forum in which nuisances could be prosecuted .[231]

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[230] See J.A. Sharpe, Defamation and Sexual Slander in Early Modern England: The Church Courts at York, Borthwick Papers, no.58 (York, 1980).
[231] B28, fol. 159v.

1.4 Conclusion

The wardmote courts in York operated within a legal framework of statutory and common law. They policed regulations imposed by central and local government but they were not simply an agency of enforcement for higher authority. They also offered the community a forum in which to express concerns about the social and physical environment of the immediate neighbourhood. This community was not, however, an all-inclusive one. It represented a broad range of the 'middling sort', a social group characterised by employment or, more usually, self employment, which provided a source of income, however limited, and by the occupation of property. The courts were concerned only with those understood to be members of this community. The sixteenth century saw an increasing perception of poverty as a problem, and the absence of the poorest in society, who possessed neither home nor source of income, from the wardmote court records is evidence of their effective exclusion from the social and the material neighbourhood.

With their emphasis on public nuisances, the wardmote court records nonetheless offer a valuable source of information about the perception of the street and public space at a socialised level. These are not simply records of the imposition of civic authority. The role of the jurors, and their assessment of what constituted a transgression of the 'norm', makes them more complex and interesting than that. The nuisances presented in the wardmote courts represented actions which did not conform to the communal understanding of how public space should be used, and they allow us, conversely, to establish what *were* considered appropriate and desirable actions and forms of behaviour in public space. The process of presentment can thus be seen as an expression of the collective *habitus* of the 'middling sort' in York during the fifteenth and sixteenth centuries.

Although the emphasis of this thesis is on the socialised perception of street, it is important not to forget the role of the individual in both contributing to and challenging that perception. We cannot recover the perception of any one of the inhabitants of York whose names appear in wardmote court records, but they nonetheless exemplify Giddens' notion of the 'active agent'. By transgressing commonly accepted ideas of what was appropriate in public space, or by

reinforcing those notions through their compliance, they were an integral part of the cycle by which the meaning of the street and public space were constantly negotiated.[232] We can therefore see the street as a particular locus of conflict between public and private interest, between the communally accepted ideal of public space and the limitations of individual responsibility. This friction lies at the root of the presentments in the wardmote courts, and underpins the argument of the following three chapters, which will explore how the tension between individual and community over what constituted public space was expressed in its construction, in its use and, finally, in the marking of its boundaries.

[232] A. Giddens, *The Constitution of Society: Outline of the Theory of Structuration* (Cambridge, 1986), pp.2-3.

CHAPTER TWO
THE CONSTRUCTION OF PUBLIC SPACE

2.1 Introduction

In July 1541, the Corporation was busy preparing for the visit of Henry VIII. Anxious to make a good impression in the aftermath of the Pilgrimage of Grace, it instructed the wardens to ensure that 'the strets may be well paved and made cleyn' while 'all clogs, dunghills, ramell and all other other thyngs lyng ther to the noisaunce' were to removed before the King's arrival.[1] In addition, the bars were to be cleaned and the streets to be cleared of pigs, sheep and cattle three days before the royal visit.[2] No doubt Henry was expected to make the association between the clean, uncluttered, well-maintained streets and his well-ordered city.

The Corporation's understanding of what the ideal urban environment should look like is at odds with traditional assumptions about the accepted squalor of the pre-modern street. It is nearly a hundred years since T.P. Cooper wrote disapprovingly about the 'primitive' state of repair of England's medieval streets and high roads, whose almost impassable condition could not, he suggested, 'easily be imagined by the twentieth-century citizen, who is so accustomed to irreproachable and systematically macadamised thoroughfares,' but his description of the streets and byways of medieval towns and cities as 'loathsome and deep with offensive matter' and 'a constant danger to health and life' remains typical of a more general perception,[3] in spite of pioneering work by Lynn Thorndike and Ernest Sabine, who argued in the early twentieth century that the sanitary conditions of the medieval city were in fact carefully regulated.[4] The 'abiding condescension of posterity', as Mark Jenner has so succinctly phrased it,[5] has too often viewed the Middle Ages as the time when the great civil engineering achievements of the Romans fell into disrepair, not to be equalled until the

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[1] B15, fol. 27.
[2] B15, fol. 27v.
[3] T.P. Cooper, 'The Mediaeval Highways, Streets, Open Ditches, and Sanitary Conditions of the City of York', *The Yorkshire Archaeological Journal* 22 (1913): 270-271.
[4] L. Thorndike, 'Sanitation, Baths, and Street-Cleaning in the Middle Ages and Renaissance', *Speculum* 3:2 (1928):192-203; E.L. Sabine, 'City Cleaning in Mediaeval London', *Speculum* 12:1 (1937):19-43.
[5] M. Jenner, 'Underground, Overground: Pollution and Place in Urban History', *Journal of Urban History* 24 :1 (1997): 101.

eighteenth-century city once more attained similar standards of order and cleanliness, and the urban environment was transformed.[6] Streets then, it is argued, became straighter, cleaner, better lit. The street surface, in particular, was made smoother and more uniform, and divided by allocating a separate, elevated area (what we now call a 'pavement' or 'sidewalk') for pedestrians. This profound reordering of urban space is understood by some as a mark of urban modernity, intimately connected to new forms of social practice and new ways of thinking about and engaging with the public sphere,[7] but, as I will argue below, many of the characteristics associated with the 'modern' town were in fact prefigured in the way the inhabitants of York during much earlier periods expressed their concerns about the ordering and repair of the urban environment.[8]

Although the layout and shape of streets has long been a matter of concern to urban archaeologists and historians,[9] the physical construction of the urban environment itself has received less attention until recently, as the perception of the squalid and dilapidated pre-modern city has begun to be revised. Alan Dyer suggests that dilapidation was relatively uncommon in towns during this period, in spite of the oft-repeated assertions of extreme decay and ruin,[10] while Keith Lilley has drawn attention to the complex nature of some of the schemes to improve the

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[6] '[It] took many centuries to restore conditions to the level of the better conducted cities of antiquity' it is claimed in C. Singer, E.J. Holmyard, A.R. Hall and T.I. Williams (eds.) *A History of Technology, Volume 2: The Mediterranean Civilizations and the Middle Ages, c.700 B.C. to c. A.D. 1500* (Oxford, 1956), p.533. See also D. Hill, *A History of Engineering in Classical and Medieval Times* (London and New York, 1984), p.88. Social historians often took a similar view, epitomized by Lawrence Stone who asserted that there was 'almost total ignorance of personal and public hygiene' before the eighteenth century. Cited in M. Jenner, 'Early Modern English Conceptions of "Cleanliness" and "Dirt" as Reflected in the Environmental Regulation of London, c.1530-1700' (D.Phil. thesis, Oxford University, 1991), p.2.

[7] M. Ogborn, *Spaces of Modernity: London's Geographies, 1680-1780* (New York and London, 1998), pp. 75-115; P.J. Corfield, 'Walking the City Streets: The Urban Odyssey in Eighteenth-Century England', *Journal of Urban History* 16: 2 (1990): 132-174.

[8] This is a point made also by Peter Borsay, who notes that the 'self-conscious programme of civic improvement' widespread by 1800 incorporated measures involving paving, cleansing and clearing the streets that had evolved over a long period of time. P. Borsay, 'Early Modern Urban Landscapes, 1540-1800', in P. Waller (ed.), *The English Urban Landscape* (Oxford, 2000), p.109.

[9] See for example, D. Keene, *Survey of Medieval Winchester*, Winchester Studies 2 (Oxford, 1985), 1: 4, 52-54; C. Platt, *The English Medieval Town* (London, 1976); J. Schofield and A. Vince, *Medieval Towns* (London, 1994); M. Aston and J. Bond, *The Landscape of Towns* (Stroud, 2000); D. Nicholas, *The Later Medieval City, 1300-1500* (London and New York, 1997), pp. 334-337; C. Platt, *Medieval Southampton: The Port and Trading community, A.D. 1000-1600*, (London and Boston, 1973), p.171.

[10] A. Dyer, *Decline and Growth in English Towns, 1400-1640* (Cambridge, 1995), pp. 4-7.

urban environment in medieval cities such as Bristol and Norwich.[11] Bristol, in fact, was noted for its paving and underground drains; Paul Slack cites a contemporary description of the city as one 'where nothing is wanting ... either for neatness or health'.[12] Jenner has examined in detail the environmental regulation of early modern London, and noted the comprehensive measures that existed to keep the capital's streets clean, even if the rigour with which they were enforced fluctuated in response to perceived threats, particularly that of plague.[13]

Studies in other disciplines, too, have reflected an interest in the relationship between the built environment and social structure.[14] As Philip Waller notes in a recent study of urban landscapes, the townscape is an ideological as well as a built environment, the source and the expression of political, social, and economic conflicts.[15] It is that disputed terrain that is the focus of this chapter, which examines the tension between the ideal of how the urban environment of the city should look, and how it was constructed and maintained in practice.

It is not hard to find examples of streets in quite as bad a state as Cooper described. A London petition of the fifteenth century complained about a lane which was 'so depe of myrs and dunge and so foule and stynkyng with dede caryen of dogges and other bestes' that it was impassable,[16] while the wardmote courts records in York offer a number of examples of impassable roads and streets disfigured by excrement, the carcasses of dead animals and other filth.[17] Such accounts, however, can also be interpreted as notable precisely because they were not the norm. Certainly, the wardmote courts in York demonstrate a consistent concern with the state of the urban fabric, with the paving, cleanliness and repair of the buildings that framed the street as well as with the practical issue of obstruction. A careful study of how environmental regulation of this kind was enforced through the courts suggests that the notion of the street as a space that

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[11] K.D. Lilley, 'Urban Design and Civic Improvement in the Middle Ages: some aspects of town planning in English provincial cities, 1200-1450', paper given to the Urban Studies Research Group at the Centre for Medieval Studies, c.1998.
[12] P. Slack, *The Impact of the Plague in Tudor and Stuart England* (London, 1985), p.123.
[13] Jenner, 'Conceptions of "Cleanliness" and "Dirt"', p.iii.
[14] K.D. Lilley, *Urban Life in the Middle Ages, 1000-1450*; (Basingstoke, 2002); A. Rapoport, *House Form and Culture* (Englewood Cliffs, 1969); J. Grenville, *Medieval Housing* (London, 1997); H. Swanson, *Medieval British Towns* (Basingstoke, 1999), pp.107-139; M. Locock (ed.), *Meaningful Architecture: Social Interpretation of Buildings* (Aldershot, 1994).
[15] P. Waller (ed.), *The English Urban Landscape* (Oxford, 2000), p.11.
[16] London, Corporation of London Record Office, Journals of the Common Council 7, fol. 145a. I am grateful to Sarah Williams for this reference.
[17] For example, E31, fol. 5a; E31, fol. 14a; E31, p.176.

should ideally be neat, clean and easy to move around was by no means limited to the authorities, but it is possible at the same time to identify a tension between the 'public interest' expressed in that ideal and the understanding of what constituted 'private' space.

Rapoport's ideas about the way we read and respond to cues in the built environment are of particular relevance to this chapter. The design of the buildings that line a street, its length and width and form, and its state of repair, all have meaning for the people who use it, as do its cleanliness, its 'furniture' of material and visual signs, and the way people dress and behave and interact within it.[18] The use of public space will be considered in the next chapter. This one concentrates on the physical construction of the street in its three dimensions. It will consider first the horizontal dimension of the street - its surface - and then its vertical façade, both of which conform in Rapoport's model to fixed-feature elements of the built environment. The third dimension, between the surface and the façade, was occupied by more fixed-feature elements in the form of street furniture, such as crosses, pillories, as well as by semi-fixed features like gates, rails, and signs projecting out from the frontage which could be moved if necessary. Dung heaps, piles of wood, and other kinds of accumulated waste and rubbish were non-fixed elements of this space, but were no less of an impediment to the free circulation of the essentials of civic life - people, vehicles, goods, water – through the city. The purpose of this chapter, then, is to consider how these elements may have functioned as cues signalling the meaning and extent of public space, and what the efforts made by the wardmote courts and the Corporation to regulate them might, in turn, tell us about their understanding of public space.

[18] Z. Çelik, D. Favro and R. Ingersoll (eds.), *Streets: Critical Perspectives on Public Space* (Berkeley and Los Angeles, 1994), p. 4.

2.2 The Street Surface

Constructing the street

By the end of the fifteenth century, paving had long been a characteristic feature of the urban environment.[19] Two centuries earlier, the market places of most English towns and cities were cobbled, while their important streets were paved with gravel, but during the course of the fourteenth century cobblestones became common in many places.[20] Langland's expression 'as common as the pavement to every man that walketh' might, however, refer to any street with a hard surface.[21] Paving at this period did not have the implication of a smooth stone surface it has for most people today, but might consist of stones, cobbles or gravel.

Archaeological evidence for the way streets were made in the later Middle Ages is frustratingly rare, as many still follow their medieval plan and, unlike Roman roads, offer few opportunities for excavation as a result,[22] leading Paul Hindle to conclude that the study of medieval roads 'must begin in the library rather than in the field'.[23] Where it has been possible to view sections across medieval streets, as in London, they have been shown to consist of successive layers of gravel or stones interspersed with the mud and refuse accumulated between resurfacing. Heavily used streets such as the lane excavated on the west side of Baynard's Castle Dock, however, show little sign of the dirt and rubbish usually associated with medieval streets.[24]

Although we have no comparable archaeological data for the streets in York, we know from references in the House Books and wardmote court records that stones, cobbles, gravel and sand were all used as road-building material.[25] An

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[19] J-P. Leguay, *La Rue au Moyen Age* (Rennes, 1984), p.8.

[20] Nicholas, *The Later Medieval City*, p. 334. Pavement in York was so named because it was the earliest paved open space in the city, reflecting its importance as a market and the location of public spectacles such as punishments. *Mediaeval York*, p.177.

[21] Cited in L. Mumford, *The City in History: Its Origins, Its Transformations, and Its Prospects* (San Diego, New York and London, 1961), p.309.

[22] J. Haslam, 'Medieval Streets in London', *London Archaeologist* 2:1 (1972): 3-4.

[23] P. Hindle, *Medieval Roads and Tracks* (Princes Risborough, 1982, reprinted 2002), p.7.

[24] Haslam, 'Medieval Streets', p.7.

[25] In 1541, preparations for a royal visit included repeated instructions for inhabitants to provide for 'gravel and sand to lye before ther doors', although the subsequent proviso that they should wait until warned of the King's imminent arrival suggests that this was intended as a cosmetic 'top up' rather than a major exercise in repairs. (B15, *passim*). The causeway outside Layerthorpe postern was repaired in 1577 using wood, sand, earth and (presumably) stones (B27.fol. 13), while in 1582, John Peckett was presented in the Bootham wardmote court for 'diggyn up coble stones

effective road surface can be made by embedding cobbles into a layer of sand or gravelly material and binding where necessary with a weak lime mortar. Excavations of a street in Winchester revealed a typical succession of surfaces dating to the fifteenth or sixteenth century, where repairs had been made by laying flints on a bedding of chalk.[26] Such roads are simple to build, but do not bear up well under heavy loads. The loosening of a single cobble, perhaps cracked by a horse's hoof, or in some cases stolen by the likes of Thomas Mongham, presented in the Monk wardmote court in April 1575 for 'gathering of stones and cobles fourth of ... walls & streites',[27] causes a rapid unravelling of the entire surface, which in turn leads to potholes.[28]

The weight of iron-wheeled carts, where the load is narrowly focused, is particularly damaging on roads of this kind, a fact that was clearly recognized by the civic authorities, who in 1497 tried to ban carts with iron wheels from the Pavement, 'whiche of newe is maid to the gret coste and charge of the citie'.[29] In 1524, iron-wheeled carts were blamed for damage to the newly paved streets which were 'now bressyd and brokin and [in] places therof in worse case then they were byfore', and it was decided that only wooden-wheeled carts or sledges, which would spread the pressure and cause less damage to the paving, should be used for the daily removal of dung. However, it was reluctantly accepted that heavier loads such as grain, timber, stones and 'other stuff' would have to continue to be carried in iron-bound wagons.[30]

The Corporation's attitude reflected an acceptance of the reality of late fifteenth and sixteenth-century towns, which saw a heavy increase in wheeled traffic. In his *Survey of London*, John Stow lamented the proliferation of carts and carriages, complaining that they had become so common 'as there is neither distinction of time, nor difference of persons obserued: for the world runs on

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in the horse fair' (E31, p.160). In his survey of London, John Stow describes how Cheapside was repaved in 1442 with stone, gravel 'and other stuffe'. John Stow, *A Survey of London*, ed. C.L. Kingsford, 2 vols., (Oxford, 1908), 1:265.

[26] Keene, *Winchester*, p.52.

[27] E31, fol. 8v.

[28] I am grateful to my father, B.K. Hartshorne, C.Eng., F.I.C.E., for explaining the engineering principles of basic road building.

[29] B8, fol. 21. The civic authorities in Southampton made similar efforts to exclude heavy carts with iron-shod wheels, which were 'thowght to be great annoyance to the towne in breakinge the payments of the same'. Platt, *Medieval Southampton*, p.171.

[30] B10, fol. 79.

wheeles with many whose parents were glad to goe on foote.'[31] Not only were streets being straightened to accommodate all this new traffic, Stow complained, but they had become much more dangerous, thanks to the carelessness of those driving carts and coaches:

> The Coach man rides behinde the horse tayles, lasheth them, and looketh not behind him : The Draye man sitteth and sleepeth on his Drea, and letteth his horse leade him home.[32]

This increase in the number of wheeled vehicles may have led to the significant improvement in the quality of the fifteenth-century street surface noted by Haslam in the excavation of Aldersgate Street in London,[33] and may also have been a factor in the York wardmote juries' preoccupation with the state of the paving. In both the fifteenth- and the sixteenth-century courts, they complained regularly about the damage caused by carts. John Foxgale, Robert Bradley and Richard Makblyth of Clifton were each fined 12d in May 1494 for breaking the road at the Horsefair with their carts, wagons and carriages, the clerk inserting '*ferro ligatis*'(wheeled with iron) as an afterthought, perhaps to underline the effect of the carts on the road.[34] The sixteenth-century juries were equally disapproving, presenting Roland Agar in April 1575 'for goyng upon the Calsey with his waynes to the great hurte of the Calsey',[35] or grumbling about the carts which 'don breike our pavinge all the streittes along'.[36]

Increasingly, however, the needs of wheeled vehicles were accepted as a fact of life. In October 1583, nine householders were told to pave before their houses outside Micklegate Bar, 'orells to make a sufficient way that cartes & carriage may passe',[37] and two years later a lister called James Robinson was presented for laying gravel and filth in St. Martin's Lane so that 'no carige can pase that way'.[38] The preparations for Henry VIII's arrival in 1541 included the repair of the highway outside Walmgate Bar 'so that the kyngs caryages may have full passage

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[31] Stow, *Survey of London*, 1: 84.
[32] Stow, *Survey of London*, 1: 83.
[33] Haslam, 'Medieval Streets', p. 5.
[34] E31, fol. 2a. See also CB1a, fol. 138, where it is recorded that William, whose surname is now illegible, was fined 20s for breaking the road beyond Monk Bridge '*cum carectis suis videlicit bigis et plaustris etc*'.
[35] E31, fol. 13.
[36] E31, p. 304.
[37] E31, p. 185.
[38] E31, p. 252.

withoute any stopp or lett'.[39] It was a trend also noticeable in London. Although repainted and gilded in 1552, the cross in West Cheapside evidently became an increasing hindrance to traffic in the second half of the sixteenth century and was the focus of efforts by various wardmote juries in Cheap Ward to have it removed because it stood 'in the high way to the let of carriages (as they alledged)'.[40]

Changes in the way the street was used led to changes in the way it was maintained. Responsibility for upkeep lay with owners of properties bordering the road, a requirement that was for obvious reasons much easier to enforce within towns and cities than in the country.[41] There were frequent complaints about the condition of the highways. The Crown, while deploring the state of the roads, limited itself to reminding those responsible of their obligations. In April 1577, the Mayor and aldermen received a Commission from the Queen:

> ... the tyme of yere appointed by our laws for the amending of highe wayes so nere approchyng, [we] have thought good to putt yowe in remembrans therof and command yowe to take order by all the wayes and meanes yowe can for the good execucon of the said lawes ...as also that yowe have great care and regarde, and gyve especyall order for the amendying of the high wayes, wherof as we be enformed there is marvelous great need, and wherof our people, and subjects do dayly greatly compleyne, that they, their horses, cattell and cariages, in commyng and going to and frome townes and markets ar in grete distres, parell and daunger whiche we thinke yowe should forsee and cause to be amended with out any admonicon frome us.[42]

It may have been easier to enforce paving regulations within towns, but how responsibility for who did what was established is now unclear. Judging by the complaints in the wardmote court records, the Corporation was responsible for the

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[39] B15, fol. 48v.
[40] Stow, *Survey of London*, 1: 266.
[41] Hill, *History of Engineering*, p. 88.
[42] B27, fol.26-26v. A reminder about poor relief was included in the Commission. Royal proclamations often associated the condition of the highways with social disorder in this way. In 1564, the Queen accused the Corporation of 'too moche bearing or wynkynge' at potentially subversive activities, and the repair of highways was included in a long list of statutes about the punishment of vagabonds; carrying weapons; peddlers and tinkers; spreading rumours; unlawful games; poor relief and 'ryotts, rowts and unlawfull assembles' which it was to enforce. The association between the state of the physical environment and authority was one that the Corporation appears to have recognized, and it responded to real or perceived crises by issuing similar orders that the streets should be cleaned and repaired as a way of reaffirming or reasserting control. The prospect of a visit from a potentially vengeful Henry VIII after the failed Northern Rebellion threw the Corporation into a positive frenzy of preparation in 1541, and repeated ordinances were issued to ensure that the streets were clean and clear and the paving repaired. B15, fol. 27-28; fol. 30v; fol. 31; fol. 42; fol. 46; fol. 48v; fol. 50.

upkeep of markets and important routes into and out of the city. Otherwise, it was up to property owners in the fifteenth century, and householders in the sixteenth, to pave the street where it adjoined their property.[43] The precision of the paving presentments, particularly in the sixteenth century, underlines the importance of paving in marking the boundary between the public street and private property. The courts regularly specified exactly what part of the street had to be paved, and in these cases the nature of the boundary was key: before a door, against a wall or alongside a close or garden.

The nature of the street, whether a principal thoroughfare or a back lane, may have dictated the kind of surface that was to be made. A bill complaining about the paving in Cambridge which was said to be 'sore decayed' in 1543-4, required the owners of houses in the High Street and several other named streets to pave opposite their houses, while those owning properties in Jesus Lane and other back lanes were to repair them with gravel.[44] If a similar distinction existed in York, the fact that a street was cobbled or merely had a gravel surface would have been a significant factor in establishing how the space was to be understood. Unfortunately, neither the House Books nor the wardmote court book offer any evidence that 'paving' in York might mean something different according to the kind of street to be repaired.

The evidence we do have suggests that by the sixteenth century at least the main thoroughfares were divided into three separate sections by a gutter on either side of the road. In July 1541 it was decided that as part of yet more preparations for Henry VIII's visit, the chamberlains 'shall cause the Kyngs streyt to be pavyd of the common cost, that is to say the mydward cawsey onely betwixt the gutters.'[45] Some years later, in 1576, John Scaife was ordered to pave before his house outside Micklegate Bar, 'to the Chennell adjoynyng to the mydcalsay',[46] while in the following court six people were fined because 'they have not paved before there dores to the myd Calsey withoute Myklythbarr'.[47] Medieval streets

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[43] Nicholas suggests that in most European cities in the later Middle Ages householders were responsible for paving (Nicholas, *The Later Medieval City*, p.334), but Keene points out that no clear distinction seems to have been drawn between the positions of landlords and tenants in Winchester (Keene, *Winchester*, p.52).

[44] *The Statutes of the Realm*, 11 vols (London, 1810-1828, repr. 1963), 3: 974-5.

[45] B15, fol. 30v.

[46] E31, fol. 21v.

[47] E31, fol. 38.

usually had a gutter running along the middle of the street,[48] but these and other presentments in the wardmote courts point to a change in the sixteenth century, leaving the civic authorities responsible for the middle section of the street used by the heavier traffic, and householders liable for the section immediately in front of their properties.

If this is so, the changing layout would reflect a significant shift in the way the street was used and understood, with concerns about access for the carts and carriages whose increasing numbers were noted above, and the use of rails and posts to mark out the carriage-way from the 'fote way'.[49] The Recorder himself was presented in the Bootham court in October 1583 'for that his pavinge beynge a foote cawsay at his stable doore is not suffyciently made',[50] and there are some tantalising hints about the role of 'stewps' or posts. The Monk jury noted disapprovingly that John Rawdon had allowed his servant 'to take upp the stowps frome the calsey side' between Monk Bridge and Heworth Moor,[51] while Mrs Cartmell was told to take away the two rails that she had put up between 'the common stowpe and hir wyndowe'.[52] Transgressions of this kind allow glimpses of the street as the wardmote juries expected it to be, and they petitioned the wardens of Walmgate ward not only to pave the road between St. Nicholas's and St. Lawrence's church outside the bar but to 'sett stewpes where they lakk'.[53] There may have been rails between these posts, making a more definite boundary between the central section of the street and a footway on either side: Christopher Miller, 'commonly called Mr of phyissicke', was accused of taking away two rails

[48] See, for instance, Nicholas, *The Later Medieval City*, p. 331; Leguay, *La Rue au Moyen Age*, p.40; Aston and Bond, *Landscape of Towns*, p. 98; Platt, *Medieval Southampton*, p. 171. In his article on city cleaning, Sabine noted that the wider streets in London had a gutter on either side, while narrower lanes had a single one in middle (Sabine, 'City Cleaning in Mediaeval London', p.21), although Keene notes that Cheapside, one of the most important streets in London, had a gutter in the middle. See D. Keene, 'Shops and Shopping in Medieval London', in L. Grant (ed.), *Medieval Art, Architecture and Archaeology in London*, BAA Conference Transactions for 1984 (Oxford, 1990), p.33.

[49] Sabine notes existence of footpaths in medieval London. Sabine, 'City Cleaning', p. 21. Mr Frankland was laid in pain to mend 'the fote way' at Monk Bridge in April 1577. E31, fol. 53v.

[50] E31, p. 188.

[51] E31, p. 103.

[52] E31, p.197. In Micklegate ward, James Hutchinson was fined for not taking up 'his stowposte raylls' which were evidently encroaching on common ground to the annoyance of anyone passing. E31, fol. 1v.

[53] E31, fol. 17v.

'on the common calsey' outside Bootham Bar in May 1579.[54] The purpose of the rails was explicitly stated in the Monk court of April 1575, when Richard Jackson of Heworth was presented for taking away 'a rayle from the calsey beyond Monke brige whiche dyd save the paving frome waynes'.[55] It is perhaps significant that all these examples come from suburban streets. Clearly there was more space here, and it would have made sense to channel the traffic coming in to the city, but the posts and rails that marked out the layout of the street may also have acted as visual cues to the public nature of the road and the relationship between the street and the city within the walls.

The Corporation and paving

If the spatial ordering of the street changed, the balance of responsibility for maintaining the paving appears to have altered little between the fifteenth and the sixteenth centuries. In both periods, the wardmote juries held the Corporation accountable for the paving of markets and of the main roads leading into the city. Its record on the maintenance front was not an impressive one. Time after time, the jurors complained about the conditions in the markets and main roads, but the authorities were slow to respond. Nine out of the 35 entries about the state of the paving in the fifteenth century were pointing out defects to be repaired by the Chamber, and things were even worse in the sixteenth century. In the Monk ward courts alone, there were 44 entries reminding the corporation of its obligations with regard to paving and disrepair. The jurors tried various tactics, ranging from polite requests ('We earnestly pray my Lorde Maior and his Brethren to appoynte viewers of monkbrige & Lathrop brige that upon the Reporte beter Reparacons may be mayd with all sped as great neyd Requyrith')[56] to reasoned argument. Urging repairs to the causeway between Monk Bridge to Stump Cross, the jury pointed out that if not mended before winter 'there is neythere horsse nor man can travel the way nor side by the Calsay yf it be not amendyd',[57] and arguing on

[54] E31, p. 18. Later in the court, he was ordered to 'lay two Railes upon the common calsey in bowthome that he toke away and make it as good as it haith bene heretofore' on pain of 10s. E31, p. 20.
[55] E31, fol. 9. Jackson was presented again in the following court because 'he haith broken the calsey with his waynes and pould away the rayles of the said calsey' and fined 10s. E31, fol. 13.
[56] E31, fol. 63.
[57] E31, fol. 63v.

another occasion that the lack of action 'wilbe great coste unto this Citie'.[58] A note of exasperation crept in when they tried to fine the Chamber 6s 8d for not paving the watering place outside Layerthorpe Postern 'because it is not mendyd according to the last payne layd at the last wardemote court'.[59] Later fines rose to 40s but these appear to have been laid more in hope than in expectation; the fines were either crossed out or ignored. Sometimes the clerk got ahead of himself, noting 'it is done' against a request, only to have to cross it out later and amend it to 'to be done'.[60] By April 1583, noting that Tang Hall Lane was 'in great dekey', the jury contented itself with adding tersely, 'We require it may be amendid.'[61] Jurors in other wards showed equal signs of exasperation. The Bootham jury's attempt to threaten the Mayor and his brethren with a penalty if nothing was done about improving the end of Common Hall Lane was tactfully changed to 'We desyer' but their sense of frustration is tangible. They requested

> that there be a staithe or a cawsey mayd at the neyther end of the common hall layne because ther hath of laite been great cost bestowed in mending the same and at this present tyme yet ys worse than ever we did se yt, & yt maye be verye hurtfull to the foundacon of the same hall yf great hede be not taken & we think that there be fre stones lying hard by to do the same sufficiently which lytle cost.[62]

The Corporation's system for repairing the roads does not appear to have been a particularly efficient one. There was an inn called 'The Sign of the Paviers' in Walmgate ward in 1568,[63] and the first paver was noted in the *Register of York Freemen* in 1387, having received his freedom in return for his work on Monkgate,[64] but there is no record of salaried officials with responsibility for paving in York like the paver appointed in Southampton in 1482 or the 'surveyors of pavement' appointed in London from the time of Edward I.[65] By the sixteenth century, it is clear that, in York at least, tilers were employed to carry out repairs on the parts of road for which the Corporation was responsible.[66] It seems to have

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[58] E31, fol. 13.
[59] E31, fol. 12v.
[60] E31, fol. 52.
[61] E31, p.182.
[62] E31, p. 73.
[63] *Mediaeval York*, p.101.
[64] Cooper, 'Mediaeval Highways,' p. 285; *Mediaeval York*, p.276.
[65] Platt, *Medieval Southampton*; Sabine, 'City Cleaning,' p. 22.
[66] B27, fol. 13; B28, fol. 13-13v; B28, fol. 91v; B28, fol. 172.

been up to the wardens in each ward to organise and supervise any work needed,[67] although the wardmote juries' complaints were directed indiscriminately at the wardens, the Lord Mayor, the Chamber as a whole or the Chamberlains. While it is true that the House Books contain several examples of the Mayor and aldermen noting the poor state of paving and the need for repairs to be made,[68] it was in the wardmote courts that the greatest pressure for improvements was exerted. Anyone who uses the streets has a vested interest in their cleanliness and state of repair, and the wardmote courts offered a forum in which the neighbourhood community in fifteenth and sixteenth-century York could try and ensure that they were maintained according to socially accepted norms. What is perhaps more surprising is that the Corporation as a whole did not make more effort to direct and control the urban environment in this way. A paved street reinforces what Kostof calls 'perceivable order', and the imposition of building controls serves in many societies to legitimise authority.[69]

One of the reasons for the Corporation's apparent lack of engagement with the public sphere in York may have been financial. The economic decline of which it complained regularly in the fifteenth and the sixteenth century meant that there was little money for grand building projects, and the authorities had to scrape around for the wherewithal to pay for even basic maintenance. In October 1489, it was agreed that 'every bound wayn commyng to this cite with eny cariage gere to pay iiij d. to the reparacion of the brigges of Ouse and Fosse and the pavage of the toun'.[70] Sometimes the Corporation would off-load the costs of upkeep onto individuals as part of tenancy agreements,[71] or split them, as agreed with the parishioners of All Saints' Pavement in April 1578.[72] In 1584, they awarded the tolls from 'cole waynes coming thorowe Micklith barre' to the Micklegate

[67] On their satisfactory report, the tilers were paid by the chamberlains. See, for example, B27, fol. 8; B28, fol. 13-13v.
[68] See, for example, B23, fol. 38; B26, fol. 21, fol. 23; B27, fol. 224, fol. 228v, fol. 258v.
[69] S. Kostof, 'His Majesty the Pick: The Aesthetics of Demolition', in Çelik *et al.*, *Streets*, pp. 9-22.
[70] YHB, 2: 665.
[71] A friar who paid 6s a year for a chamber, dovecote and garden at Castlegate postern had to maintain not just the postern itself, but the causeway outside as far as St George's field. B8, fol. 86v.
[72] B27, fol. 88v. Responsibility for upkeep of the Pavement had been the source of dispute for some time. In 1575, the corporation went back to the city's records to see whether Chamber or parishioners should pay for the street by the church (B26, fol. 21). The parishioners claimed that the street suffered from the fact that the market was held there, and that since the corporation received the tolls from the market, it should therefore pay for the damage caused. In the end, it was agreed that the costs should be divided equally between the two parties.

wardens, on the understanding that they would in return ensure that the road between the bar and the watering place beyond St James's Chapel was sufficiently repaired.

At other times, the uncertain economic situation meant that the city was forced to rely on the generosity of individual bequests to cover the costs of the paving for which it was responsible. Leaving money towards public works like the repair of highways and bridges was an act of piety and one that could accrue spiritual benefit. The bidding prayer in the *Lay Folks' Mass-Book* urged the congregation to pray for pilgrims 'and for thaim that brigges and stretes makes and amendes'.[73] Mick Aston and James Bond argue that bequests of this kind increased after the Reformation, when money that might otherwise have been spent on chantry endowments was diverted into works of more public benefit,[74] but it was a well-established tradition long before then. Robert de Howm, who had been Mayor of York in 1368, left money for the repair of Gillygate, Monkgate and the highway beyond Monk Bridge, for example, and in 1509 Alison Clark similarly left 6s 8d to help pave the causeway in the Horsefair.[75]

The House Books indicate that bequests like these were not just welcomed by the civic authorities but actively followed up. In October 1575, it was agreed that the causeway outside Walmgate Bar should be repaired, 'towards the reparacon wherof Mr Turner to be called of for xl s. given by Mr Fule',[76] while the executors of Alderman Robert Hall were to be chased up for 'certayen money geven by hym to the reparinge of hye wayes'.[77] It was gratefully noted, too, that Mr Cripling had offered to pay for various materials to repair the causeway leading to Heworth Moor in March 1577, although his road-mending activities were subsequently the source of corruption charges.[78]

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[73] Cooper, 'Mediaeval Highways', p. 280-1; Hill, *History of Civil Engineering*, p.88.
[74] Aston and Bond, *Landscape of Towns*, p.121.
[75] Cooper, 'Mediaeval highways', 282-3. See also *Mediaeval York*, p.276.
[76] B26, fol. 38. The money was finally promised in September 1577 (B27, fol. 57).
[77] B26, fol. 37v.
[78] B28, fol. 91v.

Street paving in York, 1491-1495

Although forms of misbehaviour account for the greatest number of presentments in the fifteenth-century wardmote courts, the state of the urban environment was still very much a matter of concern to the jurors, and issues which affected the condition of the city's fabric – dirt, obstruction and the condition of the paving - were clearly significant factors in how the 'middling sort' in later medieval York understood public space.

Of the total 41 surviving presentments concerned with the state of the streets and highways, 28 named individual householders, one the unspecified inhabitants of Heworth, and the rest held either the Chamber or religious institutions accountable for a failure to repair the street surface adequately. The Augustinian friars, the Vicars Choral, the Kirkham prior and the Master of St. Leonard's Hospital were all said to be responsible for parts of the street adjoining their precincts and properties.[79] The attempts by the wardmote juries to hold these institutions to account suggest, I think, an awareness of the street as a public space, one whose extent was marked by paving and where the authority of otherwise powerful institutions was countered by a sense of common engagement and the vested interests of the community as a whole. Pot holes and broken paving represented an understandable nuisance to all the inhabitants, although they may sometimes have exaggerated the effects. The wardmote jurors made their complaints on behalf of the King's subjects – the state of the road beyond Monk Bridge was said to be a great danger and nuisance to all the King's people (*grave periculum et nocumentum totius populi domini Regis*)[80] - but the streets themselves were understood as common, rather than royal, space. Although legally all roads leading to towns and markets belonged to the King,[81] the wardmote courts talked about the 'comon Calcy' at Horsefair which was damaged

[79] Responsibility for the lane under the Common Hall was shared between the Chamber and the Augustinian Friars (E31, fol. 14a); St Leonard's Hospital was apparently responsible not only for the lane leading out to Penley's Croft (CB1a, fol.138), but also for the paving on the south side of Foss Bridge (E31, fol. 4a) and the highway leading from 'le grene dyke' to the common pasture by Heslington (E31, fol.12a); the prior of Kirkham Abbey was fined 12d in May 1494 for not repairing the paving by their Walmgate tenement (E31, fol. 4a); and a partly illegible entry suggests that the Vicars Choral were responsible for part of the paving in Swinegate (E31, fol. 19a).

[80] CB1a, fol. 138.

[81] Singer *et al*, *History of Technology*, p. 525; Keene, *Survey of Medieval Winchester*, p.52.

by carts and 'le common calcy' beyond Monk Bridge whose condition was evidently a regular problem.[82]

Complaints about the surface of the street generally centred on how difficult it was for people to move through it. Describing paving as broken (*fractum* or *diruptum*), or ruined (*ruinosa*) seems to have been a formula used to indicate a transgression from the norm. The reality of the fifteenth-century street may have been far from the ideal of a smooth, unbroken surface found in depictions of idealised cities like the New Jerusalem and New Troy,[83] but the language and form of the presentments suggests that the qualities of evenness and ease of access were generally accepted as appropriate and desirable in public space. Clearly, however, there were streets which fell well short of this idea. The lane under the Common Hall was said to be full of great holes (*plena magnis foraminibus*),[84] while the iron-wheeled carts and wagons belonging to the inhabitants of Heworth had caused '*magnos puteos et holez*'.[85] As if pot holes didn't make the roads dangerous enough, there were holes deliberately dug by the likes of Thomas Wright of Dringhouses, who was accused of putting the King's people in great danger by making large holes in the highway, although to what purpose is not known.[86] Danger was a word often associated with the streets in the fifteenth-century records, as when the road leading to Penley's Croft was described as '*ruinosa et periculosa*'.[87] The streets and highways appear to have been perceived as somewhat risky places, understandably so if the roads were as potholed as the juries complained. The excavation of Aldersgate Street revealed pits that had been dug deep into the road, and were certainly large enough to represent a 'considerable hazard' to the unwary or those using the street in the dark.[88]

Most of these 'dangerous' roads, however, were outside the city walls, and complaints about intramural streets were less dramatic. The wardmote juries reported relatively few individuals for broken paving in front of houses and

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[82] E31, fol. 16a.
[83] The imagery used to describe the street in the New Jerusalem ('pure gold, as it were transparent glass') is smooth and clear, (Revelation, 21:21) while Lydgate's account of New Troy imagined the street paved 'cheker wyse with stonys white & red' in a way more familiar in an indoor setting. John Lydgate, *Lydgate's Troy Book*, ed. H. Bergen (London, 1906-35, repr. 1973) ll.701-702.
[84] E31, fol. 2a.
[85] E31, fol. 16a.
[86] CB1a, fol. 136v.
[87] CB1a, fol. 138.
[88] Haslam, 'Medieval Streets', p.6.

tenements, which might suggest a general acceptance of the need to maintain the streets that is at odds with the impression given by the dark accounts of danger and disrepair discussed above. Unlike the sixteenth century, when the division of responsibility between landlord and tenant becomes more obscure, the fifteenth-century wardmote courts were clear in laying responsibility for the upkeep of paving squarely on the landlord. So when the Walmgate jury noted the poor state of the paving in front of William Brown's door in August 1495, it was his landlord, Sir James Danby who was fined 20d.[89]

It is easy to read the reports of pot-holed highways and broken streets as evidence of a city in quite as bad a state of repair as suggested by Cooper back in 1913. Derek Keene, noting the deterioration of Winchester's streets in the fifteenth century interprets the effort made by the citizens in 1486 to obtain a paving act as prompted by concern for the loss of trade, but adds that there was 'little indication that the statute brought about any significant improvement.'[90] Nevertheless, the fact that individuals were presented at all indicates, I think, that for the wardmote juries in York at least the poor condition of the street bordering their properties was not one that was taken for granted. Their willingness to hold institutions like the Augustinian friars to account for failures to maintain the urban environment may be seen as a way of affirming the public nature of streets and highways, and of challenging the ability of powerful institutions to contest the extent and control of that space.

Street paving in York, 1575-1586

The most notable feature of the sixteenth-century wardmote court records is the huge increase in the number of entries concerned specifically with paving. Even allowing for the fact that a complete set of returns survives for the decade between 1575 and 1586, in contrast to the more fragmentary evidence available for the late fifteenth century, the surface of the street has clearly become a matter of great concern. By far the greatest number of entries in the Wardmote Court Book deal with paving. Indeed, a first cursory glance through the manuscript, with its page after page of orders 'to pave', leaves one with the impression that paving almost amounted to an obsession with the sixteenth-century jurors. Although initially

[89] E31, fol. 12a.
[90] Keene, *Survey of Medieval Winchester*, p. 53.

off-putting, the sheer repetition of the paving presentments is perhaps the most significant element of the Wardmote Court Book. As noted in Chapter 1, the simple inquest form of the fifteenth-century courts, where the panel of jurors reported back on problems within the ward, had by the late sixteenth century developed into a system designed to encourage compliance rather than penalise transgressors.[91]

Comparing 'pains laid' in connection with paving with 'pains forfeited' in table form shows that as a system it was not entirely consistent (see Table 8, Appendix 2), and some of the figures are puzzling. Fifty seven pains were forfeited at the Monk wardmote court held in April 1578, for instance, when only eleven had been laid the previous October, and ten individuals were fined in the April 1586 Micklegate court, although apparently no pains were laid in November 1585. Nevertheless, with some notable exceptions like these, Table 8 indicates an overall pattern of compliance, with the numbers of 'pains laid' generally exceeding the number of 'pains forfeited' at the following court. Of the 68 people laid in pain to pave before their properties in Walmgate ward in April 1580, not a single one was required to pay a fine for not having done so that October, and only 6% of the 83 inhabitants similarly laid in pain by the Monk ward jury in October 1576 were fined the following April.

Given this degree of compliance, the repetitive nature of the records assumes a new significance. Occasionally the clerk seems to have got bored and included as many as 38 names in one entry,[92] or simply recorded them as, for example, 'all the nyghburs betwixt William Cowpland on thone side of the strete in Walmegaite & John Lowerance on thother syde' to save time,[93] but more usually people were listed as individuals or in groups of three or four. Since most were not going to be presented again, the effect of recording the pains laid so meticulously and so repetitively may well have been to create an awareness of public space and, by reminding the inhabitants of the ward of their obligations and responsibilities within that space, to foster a sense of the ward community or 'public'.

The emphasis on the boundaries, on paving in front, at the back or at the sides of properties, linked the textual and the material creation of public space.

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[91] See Chapter 1.
[92] E31, fol. 55. Mr Wickham was named with 37 others 'that they and everye of thame do payve there severall dooris in walmgate'.
[93] E31, fol. 24.

Whether cobbles or gravel, paving constituted a visual cue that instantly identified the street as public. Those who allowed the paving to fall into disrepair or who, like Anthony Vause, a tapiter living in St Saviourgate, flatly refused to conform to the wardmote court's ruling,[94] can be seen as contesting the notion that the street was a common or public space in which all had a vested interest. The power of public space depended to a large extent on effective maintenance to be understood as such; by not paving up to his doorway Vause effectively denied the authority of the cues that gave the street its meaning as public space.

Vause was not alone. The butcher, Mark Bolt, owned properties in Monkgate, St Andrewgate, Hungate and St Saviourgate, and seems to have ignored the pains that he forfeited ten times for not paving as required. He was especially stubborn with regard to his garth in Monkgate. The Monk jury repeatedly complained that he would not repair the highway there, which was reportedly in such a bad condition that 'no man can pass'. Their first request that he should do something about it was made in April 1578, and they were still complaining about his refusal to make a hard way in 1584. [95] Miles Fell, a miller in Walmgate ward, was another consistent offender. The state of the highway by Castle Mills was a point of constant contention between the Walmgate jurors and Fell, who, like Bolt, ignored the increasingly heavy fines imposed. A pain of five pounds was laid on the miller in October 1577, and by April 1578 it had gone up to £10, but to no noticeable effect.[96]

Other names crop up regularly in the records, but very few seem to have shared Bolt and Fell's anti-social attitudes. Mr Beckwith, for instance, also appeared several times in connection with properties in Hungate, Haver Lane and Swinegate, but of ten pains laid on him, only two were forfeited. His attitude seems to have been fairly typical. Certainly, compared to the Corporation's record as discussed above, the individual inhabitants of sixteenth-century York appear to have accepted their public obligations and maintained the streets when and where required.

If the Table 8 suggests a general level of compliance with regard to paving in the sixteenth century, in other respects the figures are harder to interpret. The

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[94] The jurors were forced to report back to the court that 'he saith he will not do it' (E31, p.42).
[95] E31, p.132. See also E31, fols. 74v, 86, 87, and pp.13, 75, 103, 117, 184, 194, 315.
[96] E31, fols. 65, 80v.

sheer range in the number of presentments indicates that concerns about the state of paving was somewhat erratic, with the number of pains laid varying between 83 and none. Nor does there appear to be a consistent pattern that could be related to the seasons or political pressures. The large number of pains laid in Micklegate ward at Michaelmas 1576 might perhaps be understood as a preventative measure taken before the onset of winter, but does not explain why only three pains were laid at the same time the previous year. The House Books offer no supporting evidence to explain why 47 pains were laid in the Walmgate court held in October 1577, but only eleven in Monk ward, two in Bootham and none at all in Micklegate at the same time, and if the sudden burst of interest in paving expressed by the Walmgate jurors was prompted by the civic authorities, no ordinance to that effect was recorded in the House Books.

Initially, a more useful pattern seems to be provided by a comparison of the figures for each ward. As noted in Chapter 1, compared to the other three wards, Bootham recorded far fewer presentments concerned with paving between 1575 and 1586. Even allowing for the fact that this was a smaller ward than the others, incorporating a number of high-status streets which one might expect would be generally maintained to a higher standard, the wardmote court returns show relatively little concern about the state of paving, and apart from a blip in 1583 we might deduce that members of the neighbourhood community in Bootham ward not only conformed, but were expected to conform, when it came to repairing their streets to an acceptable standard.

On the face of it, Monk and Walmgate wards appear to have had much greater problems maintaining the streets, with Monk juries laying a total of 518 pains over the course of the decade, and those in Walmgate 522.[97] The Wardmote Court Book as a whole records a much higher number of presentments in all categories for these two wards, giving the impression that these were poorer and less salubrious parts of the city at the time. However, if we compare the number of pains laid with the number of pains forfeited, a rather different picture emerges. Of those laid in pain in Monk ward, 71% appear to have repaired their paving as demanded by the court, and the rate of compliance in Walmgate ward was even higher, at 78%. This is in marked contrast to the other two wards, which at first

[97] See Table 8, Appendix 2.

glance appear to be areas whose prosperity was reflected in the condition of the streets, but which in fact had a much lower rate of compliance (32% in the case of Micklegate, and a negative percentage in Bootham, where more pains were forfeited than were recorded as being laid).[98]

A pattern of paving?

As is so often the case, the closer one looks at figures like these, the more questions they raise. The high compliance rate in Walmgate and Monk wards might be understood as suggesting a greater sense of engagement with the street on the part of more public-spirited residents, but it may equally be that concerns about the condition of paving reflected the physical rather than the social topography of the ward. It would, for instance, be interesting to plot current levels and drainage outlets in the city to see if they indicated a pattern of poor drainage that might correspond to areas where paving was consistently in need of repair, although a project of that kind is beyond the scope of this particular thesis.[99] One would certainly expect that lower lying areas nearer the rivers would be prone to flooding, which would have a concomitant effect on the street surface, but as no location is given for many of the entries concerned with paving, it is difficult to know whether the majority referred to streets or lanes in poorly drained areas or not.[100] Monk ward and Walmgate ward both contained extensive low-lying areas which might explain the predominance of paving presentments in these wards. The parishes of St John Hungate, All Saints Peaseholme and St Cuthbert in Monk ward lay largely on reclaimed marshland,[101] while the willows that gave the parish of St Peter-in-the-Willows its name grew in the damp, marshy ground south of the Foss in Walmgate ward.[102] However, as Speed's map of York shows, there were few streets in these areas anyway, presumably precisely because of the drainage problems.[103]

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[98] See Tables 4a-d, Appendix 2.

[99] The critical importance of drainage in the construction and maintenance of all roads, and the need to consider topographical as well as social factors in the location of streets was explained to me by John Harding, C.Eng., M.I.C.E..

[100] See P. Addyman, 'The Archaeology of Public Health at York, England', *World Archaeology* 21:2 (1989): 250 for Roman attempts to deal with the problem of drainage in low lying parts of the city.

[101] *Mediaeval York*, p.76.

[102] *Mediaeval York*, p.111.

[103] See Figure 2, Appendix 3.

Heavy use is also a factor in the maintenance of the road surface, and it is unsurprising that where we do have more information about streets in need of paving, the main thoroughfares tend to be most often noted as those in need of repair. This was certainly true of Bootham ward, where streets in the city centre like Swinegate, Lop Lane, Blake Street and Coney Street are mentioned only rarely. The vast majority of juries' presentments to do with paving concerned properties along Bootham and Gillygate. Other roads of regular concern to the Bootham juries were Goose Lane, Horsefair, the lane leading to Penley's Croft, and the highway going out to and beyond Pepper Mills.[104]

In Monk ward, however, the streets that required paving most often – Aldwark, Hungate and St Andrewgate – were all intramural. Monkgate and Layerthorpe were clearly important routes into the city, and this is reflected in the number of entries which specify them as a location where paving needed attention, but the Monk juries' main concerns were with streets within the walls, not all of them major thoroughfares by any means. The owners of properties in 'the little lane towards Thursday market', Ogleforth and Patrick Pool were all required to pave before houses and tenements, just as those in larger streets. It was up to the Corporation to repair many of the extramural roads where the jurors complained about the condition, but George Elwick was presented for not paving before his close between Shooter Lane and Goose Lane.[105]

There appears to be no obvious pattern in Walmgate ward either of associating areas of poor drainage, or extra-mural areas, with concerns about the state of the street surface. Residents here were similarly obliged to pave before properties across the ward, both within the walls and in the suburbs. Castlegate and the three Water lanes are frequently mentioned in connection with paving, but as in Monk ward, it is clear that the jurors were concerned about all sizes of street, and not just the principal thoroughfares, although these are unsurprisingly the subject of many complaints.

North Street, Skeldergate and St Martin's Lane are all intramural streets regularly mentioned in the Micklegate wardmote court records, but by far the highest number of entries here are for Holgate Lane and, especially, the street

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[104] The location of concerns about paving offences appears to be closely related to concerns about cleanliness in all four wards. See Tables 10a-d, Appendix 2.
[105] E31, p. 245.

'withoute Mykelgaite barr'. Clearly, this was a very important route into the city, and presentments occasionally note the importance of making 'a sufficient way that cartes & cariage may passe',[106] or complain about the Merchant Adventurers who were fined 3s 4d in 1585 for not paving in front of their tenements there 'being in the open stret that no horse can pase throughe'.[107]

As with the number of pains laid and pains forfeited, it is difficult to establish any clear patterns from a study of the location of paving offences. It seems that by the late sixteenth century, paving was not confined to the main thoroughfares, or to the city centre. There are instances of orders 'to pave' in front of properties along roads and lanes beyond the walls in all four wards, in contrast to the fifteenth century when references to paving (*pavimentum*) are used only in connection with intramural streets. The change in language from Latin to English may account for this shift, but it may also be that cobbled or gravelled paving (as opposed to a rough stone surface) was increasingly used as new areas outside the city walls were understood as an integral part of the urban environment.

In some senses, the fifteenth and sixteenth-century wardmote court records offer a remarkably consistent picture of concerns about the surface of York's streets and roads. In both periods there appears to have been a degree of compliance suggesting that the majority of people thought of the street as a space in which they had a vested interest, and towards whose upkeep they were, on the whole, prepared to accept some responsibility. At both times, too, frustration was expressed at the failure of the civic authorities to maintain important roads and market spaces, and there are certain roads, like Castlegate or the causeway beyond Monk Bridge, whose condition was as much a matter of concern for the sixteenth-century jurors as it was for their predecessors in the fifteenth century.

'Maykinge it unyforme'

Although concerns may have remained the same in some respects, it is possible, I think, to detect a shift in the perception of the street surface between the 1490s and 1575. This lies less in the success or otherwise of paving regulations than in the understanding of what the street surface should look like. The association between smoothness or regularity and cleanliness was a constant theme of

[106] E31, p. 185.
[107] E31, p. 291.

environmental regulation in the sixteenth century, and it is one to which I will return below in connection with the street frontage, but it is particularly relevant in the context of paving. Although most pains laid required an individual simply 'to pave', on some occasions the instruction was more specific. Paving was to be raised or lowered, to ensure that the street was 'even paved'.[108] John Hudson was laid in pain to make the pavement at his back door in Coppergate 'even with the rest of the streight there',[109] while Richard Winter was fined 3s 4d in November 1585 for not mending the paving before his door 'nor maykinge it unyforme with his neighbours',[110] and a tanner called Edward Johnson was threatened with a much larger than usual fine of 20s if he did not similarly do something about the paving at his 'and make it Equall with his nabors'.[111]

There are obvious practical advantages to an even street surface where people are less likely to trip and hurt themselves. Leonard Bolt, for example, was to repair paving at his door 'and mayke yt more flatt that men may more safely passe of yt',[112] and a similar reason was behind the pain laid on Richard Hewton, who was warned to 'cause the pavement before his dore to be laid lower and that eithere of the endes of his pace to be even laid with the strete that men may passe withoute danger'.[113] The Bootham court of May 1584 was equally worried about the paving before George Middleton's door which was said to be 'to highe to the great hinderance & hurt of the quens majestes subiectes'.[114]

Uneven paving also caused problems with the circulation of water in the sewers or gutters that ran along the streets. The gutter was a key element of the street surface, and was critical for drainage. If the flow of water was blocked, either by rubbish or obstructions in the paving itself, the resulting flood could cause considerable damage not only to the paving but also, in severe cases, to the properties on either side of the street. In 1578 the Walmgate wardmote court laid a massive pain of £5 on the Lord Mayor to ensure that the grate on the Pavement

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[108] E31, fol. 75.
[109] E31, fol. 67v. He was presented at the following court in April 1578 for not 'lyinge lowerre the payvyinges before his backe dower'. E31, fol. 80. This is presumably the same Mr Hudson who with William Robinson the younger was threatened with a fine of 10s in May 1579 if they did not 'take downe their pavinges at there bake dores in Coppergaite and lay it lower'. E31, p. 11.
[110] E31, p. 287.
[111] E31, p. 95.
[112] E31, p. 268.
[113] E31, fol. 75.
[114] E31, p. 214.

was kept clear so 'when any great shower of Rayne comythe that the water may passe so that the shopes howses and sellars of the lower syd ... be not over flowed as of layt they have dyvers tymes bene to the great losses of thenhabytantes'.[115] This may well have led to the flurry of pains laid in the same court, when Lawrence Robinson and a number of others were told to raise the channel 'to agre with the payvynge', while some were to lower their paving, and others, like Marmaduke Wymond, were given the option to 'ly the payvynge lower at ther dowers or ells raysse the channell'.[116] The damaging effect on the street surface of flooding and standing water meant that the gutter as well as the street itself needed to be paved, and this was perhaps understood as part of the process of 'paving'. Occasionally, only the gutter itself is mentioned, as when John Kirkby was laid in pain to pave the gutter in Peter Lane Little, 'that the wattir maye have passage whiche ys there standynge',[117] or when Mrs Harrison and Thomas Hutton were fined 3s 4d each 'for not making the gutter between them & for not pavinge before ther dores'.[118]

The frequent pains laid on individuals to clean and scour gutters must have had the same object in ensuring the free circulation of water. Indeed, it is possible to argue that the whole notion of cleaning had connotations less of removing dirt than of making surfaces smooth and unobstructed.[119] Certainly, concerns about paving and concerns about cleanliness appear to have been closely related.[120] When the Corporation tried to ensure that the streets would be 'clenly kepyd' in 1524, they banned the iron-wheeled carts that broke up the paving and led to the 'unclenlynes of the said Cite'.[121] Paving and cleaning are often associated in the presentments made in the wardmote courts, too, as when Thomas Herbert was laid in pain to 'pave score and kepe clene one common lane' in Walmgate,[122] or

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[115] E31, fol. 82.
[116] E31, fols. 81-82v. The following year, Mr Robinson and two others were fined 3s 4d 'for that they have not layd downe there pavinges and maid the passage for the watter sure in the common layne betwixt theme' E31, p. 8.
[117] E31, p. 56.
[118] E31, p. 174.
[119] The issue of cleanliness will be discussed further in Chapter 4.
[120] See, for instance, the relationship between the location of concerns about the state of paving and those about the cleanliness of the streets as demonstrated in Tables 10a-d.
[121] B10, fol. 79.
[122] E31, p. 304.

when the residents of St Andrewgate were required to pave and clean weekly in 1576.[123]

A detailed study of York's wardmote court records calls into question some of the assumptions that are sometimes made about the condition of pre-modern streets. The evidence suggests not only that most people maintained the paving in front of their properties but were frustrated by the failure of the authorities to do the same in areas of civic responsibility. While the purpose of paving might be to provide a hard surface for wheeled vehicles, horses and pedestrians, its role was more than purely functional. The evenness and regularity considered so typical of the modern pavement were characteristics already understood as appropriate to public spaces in the fifteenth century, and more explicitly so in the sixteenth. Leland considered Nottingham's market place and street the finest 'without exception' in England, not only because of its buildings 'but also the very great width of its street and its even paved surface.'[124]

Of course, not all streets were paved to such standards. Droitwich, Leland complained, was 'rather unpleasant and dirty when any rain falls, as the streets which carry most of the traffic are either badly paved or not paved at all',[125] and an Italian visitor to London in 1497 grumbled that 'the streets are so badly paved that they get wet at the slightest quantity of water'.[126] The wardmote court records make it clear that in York, too, the streets were sometimes in a sorry condition, certainly bad enough to be described as decayed, ruinous, or impassable. The interest of these records, however, lies less in how effective or not the paving regulations were, than in what the language used in the courts tells us about how the people who lived in York during the fifteenth and sixteenth centuries thought the surface of the street should look, and what their expectations and complaints reveal about the socialised perception of public space in the pre-modern period.

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[123] E31, fol. 28v.
[124] Leland, p. 354.
[125] John Leland, *John Leland's Itinerary: Travels in Tudor England*, ed. J. Chandler (Stroud, 1993), p. 514.
[126] Cited in R.C. Richardson and T.B. James (eds.), *The Urban Experience: A Sourcebook, English, Scottish and Welsh towns, 1450-1700* (Manchester, 1983), p.3.

2.3 The Street Frontage

The qualities of evenness, uniformity and regularity that we have noted as important in the context of paving were equally desirable in the buildings that formed the second, vertical, dimension of the street. While the surface of the street was a matter of concern from a practical point of view, contemporaries were more aware of the symbolic nature of its frontage. The street, as Bernard Rudofsky observed, 'is a street by courtesy of the buildings that line it'.[127] The 'most distinctive feature of urban topography',[128] it provides a backdrop to the workings of communal life which necessarily endow the façades of private properties with a public presence.[129] The character of the street therefore derives from a combination of private interest and public pressure, in continual negotiation with each other.[130] The design and decoration of a building's façade may signal the social status and, in the case of medieval and early modern York, often the occupation of the occupier,[131] but those features are themselves determined to a large extent by the nature and history of the street. Pressure of space in the most commercial streets led to the characteristic narrow frontages of pre-modern urban housing,[132] and the property owner was inhibited further by state and civic building regulations which determined much of the building's impact on the environment. Thus there was continual pressure from the twelfth century onwards to roof houses with tiles rather than thatch to discourage the risk of fire, as well as a plethora of regulations about drainage, encroachment into the street and other aspects of urban living such as blocking the light in neighbouring houses or letting the building fall into a dangerously dilapidated state.[133] Although the paving presentments in the wardmote courts recognized walls and doors and

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[127] B. Rudofsky, *Streets for People: A Primer for Americans* (New York, 1969), p.21.
[128] Swanson, *Medieval British Towns*, p.108.
[129] S. Kostof, *The City Assembled: The Elements of Urban Form Through History* (London, 1992), p.194.
[130] Çelik *et al*, *Streets*, p.5; V. Harding, 'Space, Property, and Propriety in Urban England', *Journal of Interdisciplinary History* 32:4 (2002):562.
[131] M. Locock, 'Meaningful Architecture', in M. Locock (ed.), *Meaningful Architecture: Social Interpretation of Buildings* (Aldershot, 1994), p.1, p.3; Borsay, 'Early Modern Urban Landscapes', p.105.
[132] Grenville, *Medieval Housing*, pp.165-171; Swanson, *Medieval British Towns*, p.108. For the design of medieval urban housing, see also Schofield and Vince, *Medieval Towns*, pp.63-9, and G. Sheeran, *Medieval Yorkshire Towns: People, Buildings and Spaces* (Edinburgh, 1998), pp.120-159.
[133] J. Schofield, 'Social Perceptions of Space in Medieval and Tudor London Houses', in Locock (ed.), *Meaningful Architecture*, pp.188-190. For the relationship between individual buildings and the rest of the street, see also Rapoport, *House Form and Culture*, p.69, p.73.

other material property boundaries as the limit of public space, in other respects the boundary between public and private was a permeable one. The open fronts of many shops and workshops created a space that depended on passers-by being able to look or step easily into it from the public space of the street.[134]

The needs of commerce and the pressure for uniformity from the authorities was counteracted by a constant process of change in ownership and use which in practice left the street frontage varied and fragmented.[135] Regulations were continually resisted by individuals whose incursions into the street, by extending property, setting out stalls, or appropriating it for the storage of bulky materials, challenged its meaning and authority as public space. The street frontage was thus the locus of an often aggressive conflict between neighbour and neighbour and between individual and authority.[136] 'Public and private were constantly pushing into one another', Vanessa Harding notes. 'Private uses invaded the public space, and the public interest restrained private owners' freedom to act on, and modify, the space that they considered their own.'[137]

Three aspects of the street's façade were of particular concern to the people who lived in York in the fifteenth and sixteenth centuries: first, the continuity of the frontage, which was closely associated with the second, its state of repair, and lastly the uniformity of the buildings. Figure 2 is a plan of York drawn by John Speed at the very end of the sixteenth century.[138] It represents very clearly an idealised view of the city, with its neat, orderly houses lining the empty streets in unbroken rows, each very like its neighbour. This ideal found expression in the environmental regulation of the period - in statutes, in civic ordinances and in the presentments made in the wardmote courts.

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[134] Keene, 'Shops and Shopping', p.35; Grenville, *Medieval Housing*, pp.171-4; R. Sennett, *Flesh and Stone: The Body and the City in Western Civilization* (London, 1994), pp.193-5.
[135] Çelik *et al*, *Streets*, p.1; Harding, 'Space, Property, and Propriety', p.550; D. Keene, 'The Property Market in English Towns, A.D. 1100-1600', in J.C. M. Vigneur (ed.), *D'une ville à l'autre: structures, matérielles et organisation de l'espace dans les villes européenes, XIIIe-XVIe siècle*, Actes du Colloque organisé par l'Ecole Française de Rome, avec le concours de l'Université de Rome, Rome 1er-4 décembre 1986 (Rome, 1986), p.223.
[136] Sennett, *Flesh and Stone*, p.191.
[137] Harding, 'Space, Property, and Propriety', p.550.
[138] See Appendix 3.

Continuity and repair

An act 'against pullyng doun of tounes' passed in 1488-9 expressed the Crown's concern about the 'wilfull waste of houses and townes' which broke up the regular line of facades.[139] It was a concern echoed fifty years later when the act 'For Reedifieng of Townes' lamented that

> there have ben in tymes past divers and many beautifull Houses of habitacion within the walles and libertyes of the Cities Boroughes and Townes of Yorke, Lyncoln, Caunterbury [and 33 others which] now arre fallen downe decayed and at this day remaine unreedified and doo lye as desolate and vacante groundis, many of them nygh adioyning to the high stretis replennyshed withe muche unclennes and filthe with pittes sellers and vaultis lying open and uncovered, to the greate peril and daungier of thinhabitauntis and other the Kinges subjectis passing by the same, and some houses be feoble and very like to fall downe daungerous to pass by, which decayes are to the greate empoverishing and hinderaunce of the same Cities Burroughes and Townes.[140]

The 'desolate and vacant' grounds in the high streets of these cities were more than an eyesore. They offended against all idealised notions of the street as an uninterrupted series of buildings. The houses in More's *Utopia* are 'of faire and gorgeous building, and on the strete side they stande joined together in a long rowe through the whole strete without any partition or separation,'[141] much as they do in Speed's map of York. The continuous line of buildings had a similar appeal for John Stow, who found Goldsmiths Row 'the most beautiful frame' of ten houses and fourteen shops,[142] while a design for a street frontage dated c.1520-40 shows the same attention to detail and symmetry.[143]

The concerns of the wardmote courts in relation to the dilapidated appearance of the city's streets appear to have been framed in the context of royal legislation. The Corporation, too, did its best to enforce the statutes issued by central government. When Richard Whittington, Roger Fawcet and Peter Porter were fined 40s each 'for not reparyng the voyd ground' in Castlegate in May 1576, a

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[139] *Statutes of the Realm*, 2: 542.
[140] *Statutes of the Realm*, 3: 768; see also earlier acts 1514-15 and 1530-31 pp.127 and 176.
[141] Richardson and James, *The Urban Experience*, p.5. See also Thomas More, *Utopia*, trans. P. Turner (London, 1965), p.73.
[142] Stow, *Survey*, 1: 345.
[143] J. Grenville, 'The Urban Landscape', in R. Marks and P. Williamson (eds.), *Gothic: Art for England, 1400-1547* (London, 2003), p.256.

note was added to the records that a proclamation should be made according to the statute.[144] The men were presented in the court the following April because they had still not built on the ground 'but lettes it lye open to the strete'.[145] By April 1578, the jurors had upped the fine to £10, although not to any noticeable effect.[146] Whittington was back in court in 1582, possibly for the same tenement in Castlegate which it was claimed 'doth greatlye diffase this sittie',[147] and again the following year for continuing to allow it to deface the city.[148]

The use of terms like 'deface' indicates an awareness of the effect of this kind of neglect on the public façade of the city. The wardmote courts were quick to present individuals who left land empty, or who failed to maintain property adequately. Stephen Branton was told to repair his house in Bootham 'which is lyke to fall', and was fined 20s in the following court for not doing so,[149] while John Wood was presented for not rebuilding a house which had fallen down in Water Lane.[150] Thomas Haxby was a similarly negligent landlord who was presented on three occasions for not repairing the tenement next to George Wetherall 'which is lyke to fall to the noysance'.[151] Having taken down some 'backhouses' in St Denys's parish, Henry Pullen was promptly told to rebuild them, and his failure to comply led to accusations that he too was responsible for 'the defacing of this cittie'.[152]

The same kind of language was used by the civic authorities to describe the impact of dilapidated buildings on the public face of the city. In January 1500 the common rents of the city were described as 'gretly ruynouse & decayed',[153] and things were no better by 1562 when the Corporation claimed that the neglect of the late chantry and college lands was not only affecting the Queen's rents but 'a great defacing to the cite'.[154] In September of the same year worry about the

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[144] E31, fol. 23. The statutes were invoked by the Monk wardmote court, too, in the presentment against Martin Emondson 'for not buylding on the voyd ground in patryck poole where the house did fall ij yeares synce'. E31, p. 276.
[145] E31, fol. 46v.
[146] E31, fol. 82v.
[147] E31, p. 153.
[148] E31, p. 174. No more is heard of him in the rest of the surviving records. Whittington either did something about it, or the jurors gave up.
[149] E31, p. 161, p. 169.
[150] E31, fol. 92. See also E31, p. 38; p. 138; p. 177.
[151] E31, p. 177.
[152] E31, p. 156; p.176.
[153] B8, fol. 56.
[154] B23, fol. 42v.

'manyfest ruyne and decaye' of most of the city's property 'to the great defacing and slandre of the same' led to an agreement that any future purchasers of city property would be obliged to repair and maintain any property that they bought.[155] The following year, 1563, the Queen granted a reduction of tax in view of the extreme poverty of the inhabitants, and the recent pestilence which had left 'a greate numbre of houses utterly ruined and decayed'.[156]

The civic authorities may have exaggerated the city's poverty and the tumbledown buildings in the interests of just such a reduced tax. Although the wardmote jurors were perfectly willing to present those like George Goodyear, whose house in Jubbergate was 'defacinge the strete',[157] there were relatively few presentments of this kind in the wardmote courts. The Walmgate records contain 24 entries connected with the repair of houses between 1575 and 1585, but only five in the Monk ward courts, three in Bootham, and one in Micklegate. These courts were more interested in the appearance of the street, and in particular with the condition of the 'pentices', on what the Bootham court specified as the 'forre sied' of houses.[158] Pentices were projecting shelters over doors, or the boards in front of shop windows, which provided some protection against the weather, and they were already common in Cheapside by 1246.[159] References to pentices above windows in the wardmote records suggests that in the sixteenth century they still served the same function, and as a link between the private space of a shop and the public space of the street, their condition may have been particularly significant. The nervous preparations for Henry VIII's visit in 1541 included an order that all pentices were to be repaired, or 'clenely pullid down'.[160]

It is difficult to know whether pentices at this stage were still specifically associated with shops as they were in thirteenth-century London. Locations for offences of this kind are rarely given in the wardmote records, so it is impossible to tell whether they were restricted to particularly commercial streets, or whether these projections were general features of urban façades. William Frisby, however, was presented for not mending his pentice at his back, rather than his

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[155] B23, fol. 63.
[156] B23, fol. 115-115v.
[157] E31, p. 105.
[158] E31, p. 191.
[159] Keene, 'Shops and Shopping', p. 36; J. Schofield, *Medieval London Houses* (New Haven, 1994), p.61.
[160] B15, fol. 42.

front, door, which might suggest a rather different function for the pentice in that context, although it is possible that his shop backed onto the street.[161] Even so, the pain laid on all the inhabitants of Micklegate ward in 1578 to repair the pentices 'joyninge to anie street' underlines the importance of the building façade to public space.[162] In Monk ward, all the inhabitants of Little and Great Shambles were likewise required to mend their pentices in 1583, and as with paving, there appears to have been a high degree of compliance, as only four individuals were presented the next year for not having done so.[163] This was true of all wards, with only the occasional individual like John Batchelor who was presented in 1583 because he had not paved in front of his tenement in Micklegate and 'neyther hath he mended his pentice over his shope wyndowe'.[164] Eighteen months later, he was in trouble again 'for suffryinge his pentice to be broken & doyth not amend yt as he ought to do'.[165]

As with ruined houses, it was in Walmgate ward that the jurors showed the greatest preoccupation with the state of pentices. In 1577, they were laying pains to get people to repair their 'ruynous' pentices, and grumbling about John Wiseman who 'will not repayre hys pentice'.[166] Pentices were an issue in most of the years that followed, but again, the general pattern seems to have been one of compliance: of the 20 people laid in pain to mend their pentices in May 1585, for instance, only five were fined that November.[167]

Signs in the city

It is likely that the inhabitants of later medieval and early modern York would have recognized Speed's map, not as a reality, but as an idealised representation of their city, one where there was a common interest in keeping the boundary between the public and the private well-defined and well-maintained. Just as with paving, the appearance of house façades demonstrated a commitment, or otherwise, to public space. An ordinance of 1575 required that paving should be repaired before all properties 'and also that every inhabitant shall repar plaister

[161] E31, p. 35.
[162] E31, fol. 78v.
[163] E31, p. 184; p. 245.
[164] E31, p. 165.
[165] E31, p. 227.
[166] E31, fol. 66v; fol. 67v; fol. 69v.
[167] E31, p. 264-5; p.301.

trym and well decke decently their howses of the foresides before Midsomer next' on pain of a forty shilling fine.[168] The surviving civic records suggest that the significance of this boundary was signalled by its continuity and its state of repair, but it may well have been given an additional importance by the use of decoration like that on the façade of Goldsmiths Row in London mentioned above. This was a four-storey terrace of shops and houses, 'bewtified towardes the street' with goldsmiths' arms and images of woodmen riding on monstrous beasts, 'all of which is cast in lead, richly painted ouer and gilt'.[169] Stow claimed that the terrace, originally built in 1491, had been repainted and regilded in 1594, an indication that this kind of street imagery continued to have meaning in the context of public space, although whether it was the same meaning as it held for the original builders is, of course, open to question.[170]

Michael Camille has argued that the street was an important site of medieval representation that has been largely ignored by art historians, and that these images were part of a 'system of clear demarcations and controlled perimeters, its signs producing spaces where particular classes congregate and do business'.[171] As Camille suggests, signs like these function as more than markers of the material boundaries between one space and another, but are part of a complex interaction between the physical environment and the way it is used. An image carved on a doorway or painted on a sign does not just signal what kind of space this is, but determines how people behave in response to that understanding.

The power of images to elicit a certain kind of behaviour was acknowledged by the civic authorities in cities like fourteenth-century Venice, where framed sacred images called *capitelli* were erected on the outside walls of churches and houses. The hope was that such images would demand that passers-by stop and show reverence every few yards, and therefore make it more difficult to pursue fights and other forms of disorder. St Bernadino of Siena anticipated a similar reaction when he recommended that crosses should be placed on walls to prevent urination

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[168] B26, fol. 23.
[169] Stow, *Survey*, 1: 345.
[170] For images in the street, see M. Camille, 'Signs on Medieval Street Corners', in G. Jaritz (ed.), *Die Straße: Zur Funktion und Perzeption öffentlichen Raums im späten Mittelalter* (Vienna, 2001), pp.91-117.
[171] M. Camille, 'Adam's House at Angers: Sculpture, Signs and Contrasts on the Medieval Street', in G. Jaritz (ed.), *Kontraste im Alltag des Mittelalters* (Vienna, 2000), p. 158.

in public.[172] William Worcestre commented on a statue of the Virgin Mary set into the priory wall in Bristol,[173] and a rare survival of street iconography survives in the figure of St Peter, now in Exeter City Museum. Dating from c.1500, this painted wooden figure originally formed the corner post of the ground floor of a house at the junction of High Street and North Street in Exeter.[174] The stone image of Ebrauc was also affixed to a corner house at the corner of Colliergate and St Saviourgate before it was moved to the Guildhall in 1501,[175] but other evidence for such decoration in York is limited and hard to date with any precision.[176] Even the houses of the nobility in York seem to have been quite austere compared to the more elaborate decoration seen in contemporary cities on the continent,[177] and Schofield similarly suggests that while architectural emphasis was given to the important entrances in major London houses, their public face otherwise had little in the way of embellishment.

The façades of domestic buildings in York may have been sparsely decorated in comparison with the kind of medieval French houses studied by Camille,[178] but the design of the house itself, the number of stories, the shape of the windows, the use of jettying and decorative framing, and the finish of exposed timbers would all have functioned as cues signalling the relationship of the building to the public space of the street in just the same way as an elaborate carving.[179] Nor would the streets of York have been empty of images. It is likely that projecting signs continued to be used in the early modern period to indicate the goods or service provided, a picture of a loaf of bread for a baker, or a shoe for a cobbler, for instance, a tradition dating from the early Middle Ages.[180] Certainly anyone

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[172] E. Muir and R.F.E. Weissman, 'Social and Symbolic Places in Renaissance Venice and Florence' in J.A. Agnew and J.S. Duncan (eds.), *The Power of Place: Bringing together Geographical and Sociological Imaginations* (Boston, 1989), p. 95.
[173] William Worcestre, *William Worcestre: The Topography of Medieval Bristol*, Bristol Record Society's Publications 5 (2000), ed. F. Neale, p. 17.
[174] Grenville, 'Urban Landscape', p.259.
[175] *Mediaeval York*, p. 59.
[176] *RCHME, York*, 5: lxxiii.
[177] Nicholas, *The Later Medieval City*, p.325.
[178] Camille, 'Adam's House at Angers'; Camille, 'Signs on Medieval Street Corners'.
[179] For descriptions of timber-framed houses surviving from this period, see *RCHME, York*, 5: lxii-lxxv.
[180] M. Camille, 'Signs of the City: Place, Power, and Public Fantasy in Medieval Paris', in B.A. Hanawalt and M. Kobialka (eds.), *Medieval Practices of Space* (Minneapolis, 2000), pp.20-22.

selling wine had to have a garland hanging at their door so that the guild searchers would know which premises to inspect.[181]

The Corporation also insisted that inns and taverns were identified by a sign. It was decided in October 1477 'that no man ne woman within this said citie, suburbes and precincts of the same holde non commun ostrie without thae sha have a syne over thare dore',[182] and it was these signs that gave the inns their distinctive identity. Most of them are now lost, but there was 'the sign of the boar' in Colliergate,[183] and the Bull and the George inns in Coney St, both presumably marked by appropriate images.[184] The Bootham jury of 1494 presented Isabel, who lived next to 'le hert' in Coney Street, as a common prostitute.[185] In July 1580, one Richard (surname not given) was licensed to hang a sign at the door of his house, perhaps to indicate that it was a tavern or similar establishment, but the Corporation was interested not in the image it portrayed, but in the potential nuisance it might cause. They ordered that the sign be 'sett up that it be not hurtefull for passages thorough that strete'.[186] Some inn signs were evidently quite elaborate. Stow describes the sign for the Pope's Head Tavern in sixteenth-century London, which had the arms of England supported by two angels engraved on the front of the building, while the Blossoms Inn 'hath to sign Saint Laurence the Deacon, in a Border of blossoms or flowers.'[187] The inhabitants of the late medieval and early modern city were clearly able to read and decode the images around them. When the Corporation decided in 1578 to paint the Queen's arms over the chapel door on Ouse bridge, it was explicitly 'to give knowledge that her Majesties courts holden before the L. Mayor and Aldermen of this Cittie ar ther kept', an aim based on the assumption that anyone who saw the arms in that context would understand what they were meant to

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[181] YCR, 5:53.
[182] YHB, 1:122. The order was reiterated in 1503 (YCR, 2:182) and in 1564 (B23, fol. 165).
[183] *Mediaeval York*, p.59. In 1487, reports of treason prompted the Corporation to send for John Hoton, an ostler 'at the signe of the boore'. YHB, 2:542. See also the testimonial for William Maunsell, 'late osteler at the signe of the swan'. YHB, 2: p.547.
[184] The Bull was leased to John Waterhouse in 1476. YHB, 1: 53. See also *Mediaeval York*, pp.154-5, and p.151 for testamentary evidence of a property in Coney Street 'bearing the sign of the Hynde'.
[185] E31, fol. 2a.
[186] B27, fol. 245v.
[187] Stow, *Survey*, 1: 197, 271.

signify.[188] The entire streetscape, Camille argues, was 'semantically charged' in this way.[189]

'Like as other neighburs there be'

The civic records are more informative about the principle rather than the detail of the ideal street façade. In York at least, the evidence suggests that uniformity was prized above originality or beauty of decoration. A tenement in Jubbergate was sold to Mrs Ploughman on condition that she 'build befor apon the store front of lyk brik from the gronde to the toppe'.[190] In September 1578, John Harper, a Scot who was frequently in trouble with the authorities, was accused of building a stall in brick before his tenement in Stonegate. He was ordered to take it down and rebuild it a foot closer to his house 'and like wise that the said stall shalbe made lower than it nowe by half a fote, and it to be made like in bredeth and height as other neighburs there be, and not otherwise'.[191] Clearly, the major problem was the way his stall encroached into public space, but it is interesting that the Corporation insisted that the building should be exactly the same size as its neighbours. The ideals of smoothness and uniformity which were identified in connection with paving are echoed here in the perception of building façades, and in the increasing standardization of building regulations at the end of the sixteenth century.[192]

A lease dated 1418 indicates that a similar awareness of the need to preserve a uniform street line existed in the fifteenth century. William Bempton, a chaplain, was granted a licence to build tenements on Ouse Bridge on condition that the buildings should not project further into the street than the other tenements anciently built there, nor should they restrict the space available around the stone cross, which stood near the middle of the bridge.[193] The desirability of smooth, even frontages in this period is also expressed in Lydgate's description of New Troy, an ideal city, where the houses were built of marble set with copper gilt

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[188] B27, fol. 103.
[189] Camille, 'Signs of the City', p.11.
[190] B23, fol. 125.
[191] B27, fol. 111v.
[192] Schofield, 'Social Perceptions of Space', p.190. Medieval Nuremberg had very precise building regulations which specified consistency in the style of the façade and an even line with the street. See Nicholas, *The Later Medieval City*, p.325.
[193] J.W. Percy (ed.), *York Memorandum Book BY*, Surtees Society 186 (1969), pp.54-5.

instead of mortar to 'make hem Ioyne by leuel & by lyne'.[194] All were of equal height, sixty cubits from the ground,

> And ther was non that other hath surmounted
> In the cite, but of on he3t alyche
> In verray soothe, bothe of pore and riche,
> That it was harde of hi3e estat or lowe
> Hous or palys asounder to to knowe
> So egaly of tymre and of stoon
> Her houses wern reysed euerychon.[195]

This idea that houses in a street should form a coherent façade was still relevant in the sixteenth century, where Lydgate's ideal was echoed in Stow's disapproving account of the high tower built by John Champney at his house in Tower Street, 'the first that euer I heard of in any private mans house to ouerlooke his nighbours.'[196] This breach of social norms was punished by blindness, just as Richard Wethell's timber tower built for the same reason left him so crippled with 'goutes in his ioynts' that he could hardly feed himself, 'much lesse was he able to climbe, and take the pleasure of the height of his Tower'.[197]

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[194] Lydgate, *Lydgate's Troy Book*, l.663.
[195] Lydgate, *Lydgate's Troy Book*, ll.644-650.
[196] Stow, *Survey*, 1: 133.
[197] Stow, *Survey*, 1: 152.

2.4 Circulation and the city

The primary purpose of streets is to allow the circulation of people and traffic between buildings, and as such they are integral to any townscape. When this 'third dimension' of the street is blocked, and access is impeded, the business of the city stalls in what Peter Borsay calls 'the equivalent of an urban heart attack or stroke'.[198] The repeated presentments for encroachments in the wardmote courts recognize the importance of keeping the street clear of obstacles. Protruding buildings, railings, piles of timber and other rubbish, the careless disposal of waste and the blocking of access to common resources all had a direct impact on people's ability to move easily through the streets, and were in effect private challenges to the public control of the street space.[199]

Concerns about the intrusion of private buildings into public space are related in part to the perception that the street should appear a coherent whole, with no one house standing out from all the others and asserting individuality in what was understood to be common space with common values. The uniformity of a street façade and its architectural style are clearly relevant too in this connection. The openness of the ideal street can be seen as symbolic, allowing the free circulation of people and goods and money, but the jealous guarding of the accessibility of public space by the civic authorities and the wardmote jurors derived from primarily practical concerns.

Encroaching public space

In spite of what appears to have been a common perception of the street as public space, it was subject to constant erosion as the result of encroachments by individuals.[200] As discussed in the previous chapter, these were often the same individuals who in other circumstances vigorously defended the integrity of public space in their capacity as wardmote jurors. Richard Sennett has claimed that the medieval street was little more than 'the space left over after people asserted their rights and powers',[201] but the evidence of the wardmote court records in both the

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[198] Borsay, 'Early Modern Urban Landscapes', p.109.
[199] Kostof, *City Assembled*, p. 191; Keene, 'The Property Market in English Towns', p.222.
[200] Harding, 'Space, Property, and Propriety', p.561. See also P. Contamine, 'Peasant Hearth to Papal Palace: The Fourteenth and Fifteenth Centuries', in G. Duby (ed.), *A History of Private Life: Revelations of the Medieval World*, trans. A. Goldhammer (Cambridge and London, 1988), p.438.
[201] Sennett, *Flesh and Stone*, p.193.

fifteenth and the sixteenth centuries suggests that the opposite was true, and that there was, in fact, a clear sense within the community of the need for the street to be clean and even, clear of obstructions and easy to move through. This awareness of communal need existed side by side with the needs of individuals to use the same space for private purposes, thereby creating the tension articulated in the wardmote presentments. These were often very precise in their objections. William Bewick was fined 40d in 1491 for encroaching the common way, '*in longitudine viginti pedum et in latitudine cvj pedum*',[202] while Thomas Crathorn, a knight, was presented for similarly taking in an area near 'lez Tolhousez' measuring three feet by twenty four feet.[203] Sixteenth-century jurors were equally quick to note encroachments onto public space. John Harper's stable was said to be 'takinge up the high strete more then he ought to do contrary to right',[204] and a glazier called Miles Gray was presented in 1575 for building out into a common lane in Bootham by an extra two foot 'to the noysance'.[205]

It was not just aggressive building that attracted the jurors' ire. Railings, fences and posts could be equally obstructive. Gilbert Page was laid in pain 'to remove his pale in Gilligate which standith a yard forther into the Quenes stret than it ought to do', and James Hutchinson of North Street was fined 40 shillings in May 1576 because 'he hath not removyd his payle and sett it right where he haith encrochyd the common ground of this ward to the great noysance'.[206] The jury at the wardmote court held in Bootham in April 1581 were obviously irritated by the five men, including the infamous John Harper, who were fined between ten and twenty shillings for setting their stalls, shops or houses 'to farr furth into the strete to the noysans'.[207] Sometimes a degree of obstruction was recognized as inevitable. Mr Askew '& others' were laid in pain by the Walmgate court held in October 1577 to remove timber in Coppergate, but an interlined comment acknowledged that the wood might be required as building materials, adding 'yf convenyentlye yt may be done consyderynge the same tymber ys for hys necessarye buyldinge for the mayntenens of the cittie'.[208]

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[202] CB1a, fol. 136v.
[203] E31, fol. 5a.
[204] E31, fol. 70v.
[205] E31, fol. 3v.
[206] E31, fol. 20.
[207] E31, p.100, 101.
[208] E31, fol. 69v. This comment was subsequently crossed out.

This kind of pragmatic attitude did not prevent the wardmote juries resisting the arbitrary closing or blocking of common lanes, or objecting to failures to facilitate access to public space by not providing stiles or bridges or removing ditches and hedges that prevented easy access. Thomas Middleton, a tilemaker, was fined twenty shillings for keeping the common lane by his house locked, which meant that no one else could get to the river,[209] while Mrs Slater was told to take away the rails at the end of a common lane leading to the Foss so that her neighbours could drive their cattle down to the river at any time. The Monk wardmote jury of April 1575 presented four men for encroachments in Jewbury by planting 'quickwood' outside their fences which the jury claimed was stopping up the common lane there; like Mrs Slater, all were fined ten shillings, a substantial sum compared to the fines commonly issued for not paving (normally 3s 4d) or misbehaviour (usually 2s 6d), and one which reflects the importance the juries attached to the need to maintain the public space of the street against incursions by individuals.

Between 1575 and 1585 the Walmgate juries pursued a long-running dispute first with Edward Turner, and then with his widow, about the common lane between Byard Stone and the watering place.[210] In spite of repeatedly threatened fines, ranging from 6s 8d to £10, the Turners obstinately refused to remove the stone 'gresses and styles' which made it impossible for people to get cattle to the watering place or for anyone to pass on horseback 'according to ollde coustom',[211] and they were apparently immune to the juries' claims that it was common land or that their obstructions were to the 'great hindrance of the poore commons of this cyttye'.[212] The Corporation became embroiled in the dispute too, ordering in April 1583 that if Mrs Turner did not make 'a sufficient hors way ... that a man may pass on horsbacke' before the following Tuesday, then the pasturemaster and an officer of the ward were to go and reopen the lane as it had been forty years previously.[213] It is not recorded whether this visit was ever made; certainly the wardmote juries continued to complain until 1586, when this particular set of records ends.

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[209] E31. fol. 20v.
[210] Sometimes referred to as the lane between St Nicholas and Fulford field. See E31, fols. 5v, 23v, 46, 66, 81v, 91, pp.8, 36,54, 89, 108, 139, 150, 174, 195, 222, 239, 263, 302, 322.
[211] E31, p.239.
[212] E31, p.36.
[213] B28, fol. 95v.

One of the duties of the wardens was to inspect various encroachments within the ward, and there are a number of examples in the House Books of aldermen being sent out to decide by how far a building extended into common land, and what the offender ought therefore to pay to the Corporation for the privilege of using public space. The decisions made usually appear to have been fair. Inspections made in 1575 concluded that while Nicholas Valentine had indeed encroached upon the common street and would therefore be liable to pay 'some reasonable rent', it was not however 'to the noysance of any'. Thomas Ketland's building, it was decided, did not represent an encroachment at all.[214]

Although the difference in the number of surviving records makes an exact comparison difficult, it is possible to identify an increasing concern about obstruction between the fifteenth and the sixteenth centuries, and this may reflect pressure caused by the growth in wheeled traffic by the later period.[215] The fifteenth-century complaints are largely to do with problems caused to pedestrians by congested and obstructed streets, while presentments in the later sixteenth century frequently specify the need to keep streets and highways clear for carts and carriages. In 1582, Nicholas Barker was laid in pain to make a proper gate into the Mill Field 'that men may have passage with cart and carige accordinge to the olde custome',[216] while Thomas Lonsdale was asked to remove a 'great stone' at the end of Middle Water Lane 'to the great annoyginge and hyndrance of the passyngers there and specyally with anye carryagis'.[217] Thomas Askwith, alderman, and several others were told to make their pentices shorter, or higher, in order that cartloads of hay could pass along the street 'without annoyance',[218] an order which echoes similar concerns about signs and pentices obstructing the path of carts in the earlier wardmote courts in London. The jurors in St Botolph's parish complained about protruding pentices, stalls and bars before various inns, which hung so low 'that riders and carts are often hindered and incommoded'.[219]

In spite of the efforts made to ensure an easy passage for wheeled traffic, the increased number of carts and carriages was sometimes resented. Their presence

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[214] B26, fol. 38, 44v.
[215] Borsay, 'Early Modern Urban Landscapes', p.109.
[216] E31, p.125.
[217] E31, p.56.
[218] E31, fol. 82.
[219] A.H. Thomas (ed.), *Calendar of Plea and Memoranda Rolls, 1413-1437* (London, 1943), p.123. See also p.121, 126.

brought its own problems of congestion familiar to urban dwellers today. A London petition of 1479 complained bitterly about the carters who, having unloaded their wares, abandoned their carts in the middle of the road to go to the alehouse or sit on empty stalls and chat. Sometimes ten or twelve carts were clustered together, making it almost impossible for people to get by. 'And those cartes do sett,' the petition notes wearily. The inhabitants of the street were equally affected, 'sore annoied and hurte by suche cartes and horses by casting downe of wares of their stalles and stoppying of their gates and dores of their shoppes'.[220]

The civic authorities made considerable efforts to ensure that both foot and wheeled traffic could move freely through the city, and these were backed up at the parish level by the wardmote jurors who had a vested interest in ensuring that their immediate environment was as easy to move around in as possible. Given the restricted space available, however, they met with only limited success. At the same time, the very fact of congestion was in itself a sign of the public nature of the street, where crowds and the concentration of vehicles in narrow areas meant that even a small obstruction could have an effect. The conflict of interest between traders trying to display their wares and the need to keep traffic moving along busy streets evidently led to exasperation on both sides. The inhabitants of Low Ousegate were warned in 1495 that if they 'set any erth potts, terre barrels, pyke, dische with frute, without the gutters tofore theyr shopps ... to the nusaunce of theyr nebours or the Kyngs people passing that way, they to forfet at every tyme al the said potts, barrels, or any other thyng as is abovesaid'.[221]

Cleaning the city

In streets which were often narrow at the best of times, the problem of waste, rubbish and clutter was a perennial one. The ideal city was not only clean but tidy. The streets in Lydgate's Troy are 'large & wyde',[222] and pleasant to walk in, while those shown on Speed's plan of York are notable for their breadth and

[220] Corporation of London Record Office, Letter Book L, f.146v. I am indebted to Sarah Williams for this reference.
[221] YCR, 2:119. Another attempt was made to restrict the obstruction in Ousegate in 1503 when the inhabitants were told that stalls were to be no more than a yard in breadth and that no pots or boards should be set any further out into the street. YCR, 2:185; *Mediaeval York*, p.175.
[222] *Lydgate's Troy Book*, l. 668.

neatness.[223] The fragment of a schematic plan of York drawn up c.1545 also shows the streets with uniformly clean, uncluttered edges, demonstrating if not how they were, then at least how they ought to be.[224] Ordering a major tidy-up prior to Henry VIII's arrival in 1541, the Corporation issued repeated ordinances requiring that 'all clogs, dunghills, ramell and all other things lyng ther to the noisaunce' be removed.[225]

Many of the presentments about the disposal of waste in the wardmote courts reflect less a concern with cleanliness itself than with the difficulties it caused to others using the street, either by damaging the paving or by obstructing access. The Castlegate jurors urged the Corporation in 1496 to do something about the common lane at the end of Jubbergate, which was said to be so blocked with '*fimo et sordidis*' that none of the citizens or their servants could get down to the Ouse,[226] while William Wilson and Thomas and Richard Hardsang were accused in 1491 of dumping waste beyond the gutter in Ousegate, '*in artacionem vicinorum*'.[227] Mr Harrison, an alderman in 1584, was fined ten shillings for leaving dung and manure in the common lane off North Street 'to the annoyance of all those that fetche water there'.[228]

It was not only mud and dirt that made streets difficult to negotiate. Timber, tar barrels and other building materials left lying around were perceived as a nuisance in the same way, and the juries made regular efforts to persuade offenders to tidy up the street in front of their doors,[229] although often without success. Mr Turner and Mr May were asked several times to remove their timber in Fishergate, which was not only a nuisance but positively dangerous: it 'doith greate hurte as well to manes boddye as otherwise that travelith by night'.[230] Various pains laid had little effect, and in May 1580 the jury appeared resigned. If Turner and May would not move the timber, they could at least try to keep it

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[223] For Speed's town plans see R. Skelton, 'Tudor Town Plans in John Speed's *Theatre*', *Journal of the Royal Archaeological Institute* 108 (1951):109-120.
[224] Figure 7, Appendix 3.
[225] B15, fol.27-28. The streets were also ordered to be cleaned and cleared of all obstructions before the meeting of the English and Scottish nobility in York in 1568. (YCR, 6: 140).
[226] E31, fol. 19a.
[227] CB1a, fol. 137v.
[228] E31, p.227.
[229] See, for example, E31, fol.23, 80, p.10, 90, 151, 198.
[230] E31, fol. 92v.

'more orderleye'[231] Thomas Parker was presented by the Walmgate jurors in 1577 and ordered to take up 'two ston stayns' which were too far out into the street and 'a great annoyance of the quenes people',[232] while John Rayce was similarly presented for the 'ramell and gravel at his dorre' in Skeldergate which was said to be 'to the great annoyance of those that passeth bye.'[233] The London wardmote juries voiced similar objections to obstructions in the street, complaining for instance about barrels that stood out on the highway 'beyond what is reasonable, to the great nuisance of passers-by, horses and carts'.[234]

Street furniture

Other visual cues to public space were found in the pillories, stocks, crosses and fountains that furnished the streets and market places of English cities. For William of Worcester, these were the significant features of public space from which he took his measurements when pacing the streets of Bristol.[235] There was a cross in Pavement, and one in Thursday market erected in 1421 by Maria Brathwayt,[236] but neither survives today. The Thursday market cross seems to have been decorated with figures that were removed by the Puritans in the seventeenth century,[237] and it is likely that the Pavement cross was also ornamented. Some town crosses were imposing structures, like Chichester city cross, completed in 1501,[238] and the fifteenth-century market cross in Malmesbury. Leland commented on the 'very old, beautiful and lavish' cross which stood in the middle of Brackley High Street and included several niches containing 'effigies of ladies, and men in armour'.[239] The marketplace was the focus of urban life, and within it the cross signified the symbolic heart of the city. In some cases, the cross was understood to represent the market itself. The

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[231] E31, p.54.
[232] E31, fol. 67.
[233] E31, p.227.
[234] *Calendar of Plea and Memoranda Rolls, 1413-1437*, p.139.
[235] William Worcester, *The Topography of Medieval Bristol.*
[236] *Mediaeval York*, p.168. There was also a cross in Horsefair. *Mediaeval York*, p.271.
[237] *Mediaeval York*, p.168.
[238] T. Bayley, 'The Chichester City Cross: A Reconsideration', *Sussex Archaeology* 98 (1960): 165-172.
[239] Leland, *John Leland's Itinerary*, p. 331.

bakers' ordinances of 1566 set a penalty of 20d for a baker who 'shall chanse not to use himself quietly at the Crosse'.[240]

Other kinds of street 'furniture', often also located in the principal marketplace, served as potent reminders of the dominant authority in public space. Pillories, thews, stocks and other restraining devices were designed to expose those who broke civic regulations to public humiliation, and the sentence was generally carried out on market day to ensure that as many people as possible witnessed the cost of transgressing the rules governing urban life.[241] In York, the pillory was in Pavement, near the end of the Shambles. Some punishments were carried out within the wards, each of which had a set of stocks,[242] and the wardmote juries clearly considered these to be an integral part of the public space with which they were concerned. The Walmgate jurors politely requested that the stocks in Castlegate and at Walmgate Bar should be repaired 'for they be very neydfull'.[243]

In cities like London where a piped water system was available, conduits were another key element of public space. They were often embellished to reflect their importance in providing a common water supply, and acting as symbolic and moral centres of the city.[244] According to Stow, the conduit on Cornhill in London was planked over so that a wooden cage containing a pair of stocks for nightwalkers could be built on top of it. Above the cage was set a pillory for the punishment of dishonest bakers and millers, as well as bawds, scolds and other offenders. The entire structure was enlarged in 1475 and castellated 'in a comely maner'.[245]

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[240] YCR, 6:117.

[241] YCR, 5:3. See also Keene, 'Shops and Shopping', p.33; J. Masschaele, 'The Public Space of the Marketplace in Medieval England', *Speculum* 77:2 (2002):400-412. The use of public space for punishments is discussed further in Chapter 3.

[242] B8, fol. 108.

[243] E31, fol. 46v. See also B27, fol. 29.

[244] M. Jenner, 'From Conduit Community to Commercial Network? Water in London, 1500-1725', in P.Griffiths and M. Jenner (eds.), *Londinopolis: Essays in the Cultural and Social History of Early Modern London* (Manchester, 2000), pp. 252-4.

[245] Stow, *Survey*, 1:191. Stow also describes how the conduits throughout the city were decorated at festivals, and with holly, ivy and bay at Christmas. *Survey*, 1:101, 97.

2.5 Conclusion

Paving, pentices and the problem of encroachment do not, on the face of it, offer the potential for much exciting analysis. These are the static, material aspects of the street, the subject of petty regulations enforced by the threat of insignificant financial penalties. And yet the very ordinariness of the issues dealt with in the wardmote courts is what makes them so interesting, and so valuable for a study of attitudes towards public space. In their endless presentments about paving or dilapidated façades, the wardmote jurors betray assumptions about the extent and the appearance of public space that reflected their collective *habitus*. As we saw in Chapter 1, the perception of space demonstrated in the wardmote court records is that of a limited, if broad, urban community, whose members shared a common expectation of what the street should look like, and a common recognition of the cues that signalled its public nature.

A close reading of the wardmote court records and of the council minutes can tell us a good deal about many aspects of the built environment in later medieval and early modern York, but their value for descriptive purposes is of less importance than for what they suggest about the way that environment was understood. As Lilley argues, the medieval streetscape was a text, and it was one that could be read by its inhabitants, for whom the meanings of the fixed and semi-fixed features of the urban fabric were assimilated as they grew up in the city.[246] Crosses and pillories, the design of façades and doorways, the extent and quality of paving, and other, more literal, signs, were all cues which formed an integral part of what Camille calls 'the texture and negotiation of everyday life'.[247] For geographers, the complex process by which humans relate to their environment and find their way around is known as cognitive mapping, 'the way in which we come to grips with and comprehend the world around us'.[248] Just as we are able to negotiate our own surroundings, so did Giddens' notion of the 'practical consciousness' of those who lived in the later medieval and early

[246] Lilley, *Urban Life*, p.245.
[247] Camille, 'Signs of the City', p.23.
[248] R.M. Downs, and D. Stea, *Maps in Minds: Reflections on Cognitive Mapping* (New York, 1977), p.6.

modern city enable them to read the 'subtle messages' encoded in the urban environment.[249]

Clearly, there was a disparity between the ideal of the clean, evenly paved, uncluttered street framed by uniform houses and the reality of day-to-day life in the fifteenth and sixteenth-century city,[250] but the way the street was constructed and maintained in practice nonetheless provided the spatial framework for urban existence. As Downs and Stea note, 'the world as we believe it to be serves as the basis for much of our everyday spatial behaviour',[251] and this was as true for the inhabitants of later medieval and early modern York as it is for us today. The cues embedded in the three dimensions of the street therefore not only signalled that this was a space that was public, but also elicited certain modes of behaviour appropriate to that space as a result, and the expectations and assumptions about how the street should therefore be used are the subject of the next chapter.

An acknowledgement of the power of these cues is implicit in transgressions of communal ideas about what constituted public space. Encroachments, obstructions, or refusals to pave or repair the part of the street for which they were responsible meant that the individuals presented in the courts were effectively claiming precedence for their own needs over communal ones. Giddens' structuration theory sees people as 'knowledgeable human agents' whose understanding of their environment enables them to manipulate it for their own purposes, even as they are constrained by the very meaning of the space which they are challenging.[252] We can see a similarly reflexive system in the proceedings of the later medieval and early modern wardmote courts where the tension between private demands and the collective insistence on the needs of the neighbourhood community expressed in the presentments led to a constant process of negotiation which both reflected and reinforced the meaning of the street as public space.

In spite of the fact that the street did not always live up to the ideals expressed in the wardmote courts, the records demonstrate a general perception of the urban environment as one in which evenness and regularity and uniformity were

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[249] See the Introduction, pp. 31-34 above; A. Giddens, *The Constitution of Society: Outline of the Theory of Structuration* (Cambridge, 1986), p.21; Grenville, *Medieval Housing*, pp.164-5.
[250] See also Muir and Weissman, 'Social and Symbolic Places', p.85.
[251] Downs and Stea, *Maps in Minds*, p.12.
[252] Giddens, *Constitution of Society*, pp.2-3.

desirable, and rough roads and vacant lots and dilapidated buildings were far from taken for granted. The radical nature sometimes claimed for the changes that took place in the urban environment during the Enlightenment may be more a question of technological improvements than indicative of a real shift in cultural understandings about the function of the street as public space. Borsay argues that the widespread adoption of a comprehensive package of measures for civic improvement, including paving, street cleaning and the straightening and clearing of streets, and the shift of responsibility for the maintenance of the urban environment from the individual householder to the civic authorities, were important factors in the transformation of the boundary between private and public that is often assumed to be characteristic of the eighteenth century.[253] We can perhaps see in the efforts of the wardmote courts to enforce environmental regulations, and in the resistance of individuals to the intrusion of public interest into the space they considered their own, the beginnings of a long process in which the limits of public space and of private responsibility were tested, negotiated, and finally redefined.

[253] Borsay, 'Early Modern Urban Landscapes', p.109.

CHAPTER THREE
USING PUBLIC SPACE: CONDUCT AND COMMUNICATION IN THE STREET

3.1 Introduction

The material elements of the built environment, the fixed and semi-fixed features that signalled the public nature of the street in later medieval and early modern York, are tangible features that can be easily identified in the concerns of the civic authorities and wardmote court juries, as we saw in the previous chapter. It is less easy to find direct evidence in the civic records for the other, more subtle, cues to the meaning of public space implicit in the way that people act, and in their dress, gestures and manner of talking, although, as Rapoport suggests, these 'non-fixed feature elements' play a key role in the creation and reinforcement of spatial meanings.[1] Such signs are often interpreted subconsciously, or subjectively, but they were nonetheless an important part of what Paul Strohm describes as the 'rich symbolic terrain' of the medieval city, enabling men and women to negotiate, in their different ways, the streets of pre-modern York.[2]

This chapter, like the previous one, draws particularly on Rapoport's ideas about the ways in which a given space is endowed with meaning.[3] While the last chapter explored the material aspects of the street, this one will examine the social environment, and the role of the street in the establishment, reinforcement and negotiation of social relations. The relationship between humans and their surroundings is a powerful one. We respond to the cues embedded in the physical environment at an often subconscious level. A church will elicit a different kind of behaviour than, for instance, a shop, or open space, but that behaviour is itself a sign which both responds to and creates the meaning of the space being used. The rules which determine what is, and what is not, acceptable in a given space are

[1] A. Rapoport, *The Meaning of the Built Environment: A Nonverbal Communication Approach* (Tucson, 1990), p.149.
[2] P. Strohm, *Theory and the Premodern Text* (Minneapolis, 2000), p.4.
[3] Rapoport, *Meaning of the Built Environment*, p.178.

culturally constructed, and understanding those rules is a mark of belonging.[4] Here, Bourdieu's notion of *habitus* is particularly relevant,[5] as is Giddens' theory about the 'practical consciousness' that enables people to 'go on' in the world.[6] The knowledge of how to behave in public space (as in other spaces) is assimilated as part of the process of growing up and becoming a functioning member of society.

Knowing where and when we can move around public space is quickly learnt with the help of tangible cues such as doors and walls, but an understanding of the appropriate way to dress in the same space, or the appropriate distance to stand from a stranger, is equally critical in enabling us to negotiate daily life at a social level. The people who lived in later medieval and early modern York would have made assumptions about the way public space should be used which were part of their common *habitus*, and which we may not – and probably do not – share. Distanced by time and an alien world view, our understanding of what public space meant to them is obviously limited, but the meaning of unfamiliar cultures can nonetheless be deduced, Rapoport suggests, by observing who does what, where, when, and with whom,[7] or, in other words, how space is used.

In some respects, we have to accept that the uses of public space in the pre-modern city are irretrievably lost to us. Bearing and gestures, sounds and smells, were among the mundane details of everyday life that were taken for granted or considered too unimportant to be worthy of recording. Signs like these are fleeting in the present and irrecoverable in the past. We will never know everything that went on in the streets of fifteenth- and sixteenth-century York, and our picture of the way public space was used will necessarily remain incomplete. The civic records nonetheless offer a wealth of information about many different aspects of the use of space in the later medieval and early modern city.

The pre-modern street was used for many purposes. It was an economic and trading zone, and a space of consumption and display, of entertainment and

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[4] On behavioural space, see A. Rapoport, *Thirty Three Papers in Environment and Behaviour Research* (Newcastle upon Tyne, no date of publication), p.179.
[5] P. Bourdieu, *Outline of a Theory of Practice*, trans. R. Nice, (Cambridge, 1977), pp.79-80.
[6] A. Giddens, *The Constitution of Society: Outline of the Theory of Structuration* (Cambridge, 1986), pp.21-22.
[7] Rapoport, *Meaning of the Built Environment*, p.59.

leisure.[8] Above all, it allowed social exchange and social engagement at a variety of levels,[9] and it is this aspect of the street that will be the subject of this chapter. It does not pretend to be an exhaustive study of how public space in York was used in the fifteenth and sixteenth centuries, but focuses instead on two of the issues for which the House Books and the wardmote court records offer the most valuable evidence, namely, the question of appropriate conduct in public, and the different ways in which the street was used to communicate information, authority and status, and it concludes with a briefer section on the role played by sounds, smells and the associations acquired by different areas in the imaginative geography of the city.

[8] D. Keene, 'The Medieval Urban Landscape, AD 900-1540', in P. Waller (ed.), *The English Urban Landscape* (Oxford, 2000), p.91.
[9] S. Kostof, *The City Assembled: The Elements of Urban Form Through History* (London, 1992), p.189.

3.2 Conduct

Right conduct and misconduct

The pre-modern street is often described in terms of a stage, with those who lived and worked in it cast as actors in a continual urban drama.[10] It is a metaphor that has some resonance in the current study, and indeed is pursued in the context of the ceremonial uses of streets in section 3.3 below. We can also understand the behaviour of individuals as a form of acting, and the roles they played in everyday life as scripted by cultural norms that insisted on appropriate or proper ways of behaving in public space. Enforced by the authorities, and policed at a local level in the wardmote courts, these notions of what did, and did not, constitute acceptable conduct effectively moralised the townscape, assigning certain kinds of behaviour to certain kinds of spaces.[11]

It is, of course, easier to find documentary evidence of misconduct than it is to establish what was understood as 'normal' or 'right' conduct. As we saw in Chapter 1, the behavioural offences presented in the wardmote courts were those that were understood by the jurors to transgress commonly accepted ideas about the appropriate ways to behave in public space. Thus, disruptive individuals, or those seen to encourage disorderly behaviour in others, were the main targets of the wardmote juries' concerns. Tables 7a and 7b suggest that, apart from a few presentments for petty crimes such as theft or hedge-breaking, the wardmote courts were primarily concerned with behaviour that had an impact on the social harmony of the neighbourhood, just as complaints about the physical environment were focused on those that affected the local community as a whole.[12]

The wardmote jurors presented individuals whose behaviour was perceived to disrupt the good order of the community by providing an environment in which the shiftless and the lazy could drink and gamble and generally behave in a disorderly way that ran counter to the neighbourhood values represented by the

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[10] See, for instance, S. Lerer, '"Representyd Now in Yower Syght": The Culture of Spectatorship in Late-Fifteenth-Century England', in B.A. Hanawalt and D. Wallace (eds.), *Bodies and Disciplines: Intersections of Literature and History in Fifteenth-Century England* (Minneapolis, 1996), pp.29-62; L. Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London* (Oxford, 1996); K.D. Lilley, *Urban Life in the Middle Ages, 1000-1450* (Basingstoke, 2002), p.242; S. Beckwith, 'Ritual, Theater and Social Space in the York Corpus Christi Cycle' in Hanawalt and Wallace, *Bodies and Disciplines*, pp.63-86; M. James, 'Ritual, Drama and Social Body in the Late Medieval English Town', *Past and Present* 98 (1983).

[11], Lilley, *Urban Life*, p.242.

[12] I. Archer, *The Pursuit of Stability: Social Relations in Elizabethan London* (Cambridge, 1991), p. 76. For Tables 7a and 7b, see Appendix 2.

juries. It seems likely that many of these presentments referred to the owners of taverns and ale houses, like Robert Harrison and Roland Robson, both innkeepers, who were fined 2s each for having women of an evil disposition in their houses and holding riotous gatherings at night '*cum personis suspectis*'.[13] Juries in the late sixteenth century were equally suspicious of those whose offences were nebulous, but fell into the general category of keeping 'evil rule' or 'evil company'. Thomas Barker was presented in 1577 'for kepinge evell rewle in his house to the dysquyettinge of his nighburs',[14] a wording which explicitly links Barker's perceived misbehaviour with its effect on the neighbourhood.

The keeping of 'evil rule' and the holding of disorderly gatherings were often associated with gambling and the fear that servants were being lured away from the regulated order of the household or workshop. Presentments for 'receiving servants' account for 17% of misbehaviour offences in the wardmote courts in the 1490s,[15] and 12.5% of those in the later sixteenth century,[16] and if one includes related presentments (disorderly gatherings, harbouring of 'suspicious' people, gambling) the proportion is even higher, indicating a major concern on the part of the wardmote jurors with unruly establishments whose very lack of order and regulation may well have lain at the heart of their appeal for those with the least investment in the public space of the street. Indeed, the threat they appeared to pose to the good order of the neighbourhood as perceived by the wardmote jurors may have derived from the fact that they offered an alternative 'public' space to the much-regulated street.

Marjorie McIntosh's extensive study of misbehaviour identifies an increased willingness in rural and small town courts from the mid-fifteenth century onwards to prosecute those whose conduct was seen as disruptive or damaging to the good order of the neighbourhood.[17] The community leaders who served as jurors in these courts were not required by law to report offences such as scolding, nightwalking or being 'a nuisance neighbour', and the fact that they did so

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[13] E31, fol. 2a. For the brewing and sale of ale in taverns and on the streets, see M. Peterson, 'Drinking in the Streets: The Street as a Public Space for the Sale and Consumption of Alcohol', in G. Jaritz (ed.), *Die Straße: Zur Funktion und Perzeption öfentlichen Raums im späten Mittelalter* (Vienna, 2001), pp.197-203.
[14] E31, fol. 53.
[15] Table 7a, Appendix 2.
[16] Table 7b, Appendix 2.
[17] M.K. McIntosh, 'Finding Language for Misconduct: Jurors in Fifteenth-Century Local Courts', in Hanawalt and Wallace (eds.), *Bodies and Disciplines*, p.97.

anyway presupposes, as McIntosh points out, a real concern on the part of the community as a whole about the impact of this kind of behaviour.[18]

Courts in communities much smaller than York form the basis of McIntosh's study, but many of the offences she identifies as areas of particular concern nonetheless appear also in the city's wardmote court records. In both the late fifteenth and the later sixteenth centuries, these included the kind of disorderly behaviour discussed above, as well as petty crimes, minor assaults, eavesdropping, hedge-breaking, and conduct perceived to threaten the harmony or moral order of the community. McIntosh sets the concerns of the jurors in the context of wider changes in society, and considers in particular the impact of economic decline. She argues that efforts to maintain order in these smaller courts focused on the poor and outsiders, whose presence was often felt to destabilise community, and formed part of a more general preoccupation with controlling those perceived as idle and undeserving poor.[19]

One of problems with McIntosh's analysis is the reliance on a quantitative approach that fails to address in any detail the social context of the courts whose records form the basis of her wide-ranging study, *Controlling Misbehavior*.[20] A detailed examination of the wardmote court records for York suggests that, in this city at least, jurors were more concerned with regulating the behaviour of those who were an integral part of community than with that of the poor and dispossessed who were marginal to it. As we saw in Chapter 1, where it is possible to identify their occupation or status, the records show that presentments to do with misconduct tended to be made against craftsmen or those of a similar order, rather than against the poorest in society, who were not perceived as part of the neighbourhood and who became effectively excluded from it during the course of the sixteenth century.

This is not to argue that the concerns McIntosh identifies did not exist in York during the later fifteenth and sixteenth centuries. On the contrary, the Corporation was preoccupied at various times with the problem of vagrancy, and pursued its own, and the government's, policies in an attempt to deal with the influx of the

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[18] M.K. McIntosh, *Controlling Misbehavior in England, 1370-1600* (Cambridge, 1998), p.10.
[19] McIntosh, 'Finding Language for Misconduct', p.97; M.K. McIntosh, 'Local Change and Community Control in England, 1465-1500', *Huntington Library Quarterly* 49 (1986): 232-3.
[20] For a critical analysis of McIntosh's approach, see the review by S. Olson in *Speculum* 75:1 (2000):216-219.

unemployed.[21] A distinction was made between the deserving poor, who were entitled to relief or authorized to beg, and those perceived to be idle and unruly, who were the focus of the Corporation's attempts to banish them from the city, sometimes under the threat of brutal beatings or imprisonment in houses of correction.[22] While the 'coercive dimension of social relations' stemming from the unequal distribution of power within the community needs to be recognized,[23] the role of the wardmote courts themselves in dealing with the issue of poverty as it was perceived by contemporaries seems to have been largely limited in the sixteenth century to bringing illegal tenancies to the attention of the authorities. Those presented for failures to evict poor sub-tenants were the owners rather than the occupiers of the property concerned. The wardmote courts were primarily concerned instead with the misconduct of those who were understood to be very much part of the community affected by their behaviour.

Nuisance neighbours: verbal aggression, slander and insults

A desire to maintain harmony and good order within the community underlies the presentments of 'nuisance neighbours', as they were known in the sixteenth century.[24] In the 1490s, similar problems were created by those said to be of an 'evil disposition' (*male disposite*). As with the owners of disorderly houses, the offence was not specific, but appears to refer to individuals whose behaviour, while not necessarily criminal, had a disruptive effect on the neighbourhood. Richard Lawson was fined 20s, a substantial sum that reflects the damaging consequences of his actions on his neighbours. He was said by the Micklegate jurors to be

> a very noysone and contencious person usinge skoldinge quarrilinge and brawlinge ... and further dothe not only move great discorde and strife amongst his neighbours also a sower of

[21] There is an extensive literature on the issue of poverty and vagrancy. See for example, P. Slack, *The English Poor Law, 1531-1782* (Cambridge, 1990), and A.L. Beier, 'Vagrants and the Social Order in Elizabethan England', *Past and Present* 64 (1974): 3-29; P. Slack, *Poverty and Policy in Tudor and Stuart England* (Harlow, 1998).

[22] See, for instance, YCR, 2: 88; YCR, 3: 133; B15, fol. 27; YCR, 7: 157; B27, fol. 5; YCR, 8: 114. Kate Giles has also drawn attention to the changing civic attitudes towards the poor after the Reformation, and the implications of these for the material environment of guildhalls. See K. Giles, 'Guildhalls and Social Identity in Late Medieval and Early Modern York, c.1350-1630' (D.Phil. thesis, University of York, 1999), p.25.

[23] Archer, *Pursuit of Stability*, p.60.

[24] For the importance of neighbourly relations in Elizabethan London, see Archer, *Pursuit of Stability*, pp.74-78.

> dissent betwene men and wife to the great griefe and disquietnes of the neighbours and parishioners neighberinge theraboutes.[25]

The notion of disturbing or disquieting neighbours lies at the root of many of the presentments for nuisance neighbours, whose primary offence was often described as scolding. "Scold" was a strongly pejorative term during this period, with implications not only of aggressive and offensive language, but also of negative consequences on others. Scolding was a serious offence, and accusations were not made lightly, but where verbal abuse was causing trouble among neighbours, the courts took action.[26] Time and again, the wardmote presentments emphasise the effect of scolding on the community. Matilda Bulmer was accused of being a common scold and badly behaved with her neighbours (*communis objurgatrix sive skalde et male disposita inter vicinos suos*).[27] A metaller's concubine was likewise said to be '*scawd et objurgatrix inter vicinos*', to the great nuisance of the neighbours.[28] When the inhabitants of St Gregory's parish complained about a local woman known as Marjorie 'Cherrylips' Gray, whose exclusion was noted in Chapter 1, they objected not only to her promiscuity but to the fact that she was a 'scold with her neighbours, not for the first time causing serious harm to the neighbourhood'.[29]

The damaging effects of scolding on the community underlie many of the presentments in the sixteenth-century wardmote courts, too. Richard Wray's wife was presented in May 1582 'for scolding with hir neghburs and making man and wife to fall furth',[30] and the wife of Thomas Raynes was similarly given the option of paying a 3s 4d fine or being put in the thew in 1586 'for scolding with her neighbours and they cannot be quiet with her'.[31] The porter William Middleton's wife, was also accused of 'scolding and dysquyatyng neybowres',[32] while Thomas Hargell's wife in faced a higher than usual fine of 5s in 1584,

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[25] E31, p.209.
[26] M. Ingram, '"Scolding Women Cucked or Washed": A Crisis in Gender Relations in Early Modern England?' in J. Kermode and G. Walker (eds.), *Women, Crime and the Courts in Early Modern England* (London, 1994), pp.48, 66.
[27] E31, fol. 16a.
[28] E31, fol. 12a.
[29] YHB, 2: 723.
[30] E31, p.132.
[31] E31, p.316.
[32] E31, p.166. See also, E31, p.209.

perhaps because she was not only a common scold but also 'a curser and a plasphemer of hir neyghbours'.[33]

Scolding is often considered in the context of gender relations,[34] an issue which will be discussed in more detail below. Certainly, most of those accused of scolding were women. Of the 26 presentments for scolding in Monk ward between 1575 and 1586, for instance, 22 were women. Men were sometimes accused of this offence, however, as we saw in the case of Richard Lawson above. A cobbler called Thomas Bakhouse was fined 12d for scolding in 1495,[35] while Thomas Mongham and John Bartaronne, a tiler living in Aldwark, were both presented in the Monk court held in April 1575 for scolding with their neighbours 'so they canne not lyve quietly beside hyme'.[36] Mr Hutchinson was fined 3s 6d by the Walmgate court held in October 1581 'for skowldynge with one of the jury'.[37]

Scolding was only one element in what appears to have been a high level of verbal aggression in the pre-modern street. Richard Sennett speculates that this verbal violence 'served as a kind of emotional discharge, permitting competitors to act aggressively without in fact coming to blows',[38] but if this was so, it was not an advantage perceived by the civic authorities, who were extremely sensitive to the intemperate use of language. Concerns about slander and 'unfittyng langage' are a notable feature of the House Books at this time. Many of those punished in this context were themselves members of the elite group of merchants and craftsmen who governed the city. A merchant was sent to one of the civic prisons known as the 'kidcots' for pulling up the grate on the Pavement and for his words of 'manace and unfittyng langage' against the aldermen,[39] and an armourer called John Taylor was imprisoned and disenfranchised for his 'disobedience and rebelliouse langage and behavour'[40] Examples like these

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[33] E31, p.221.
[34] Ingram, '"Scolding women"'; Gowing, *Domestic Dangers;* D.E. Underdown, 'The Taming of the Scold: the Enforcement of Patriarchal Authority in Early Modern England', in A. Fletcher and J. Stevenson (eds.), *Order and Disorder in Early Modern England* (Cambridge, 1985), pp.116-136.
[35] E31, fol. 13a.
[36] E31, fol. 8v, 9. In London, the parson of St Leonard's was said to be 'a Baratour, and a scolde, and a perilous Rebaude of his tunge'. *CPMR 1414-1437,* p.127.
[37] E31, p.107.
[38] R. Sennett, *Flesh and Stone: The Body and the City in Western Civilization* (London, 1994), p.197.
[39] B8, fol. 5v-6
[40] YCR, 6: 116. For other examples of the punishment of intemperate language, see B8, fol. 1v; fol. 76; fol.108; fol. 113v; B15, fol. 18v, 22v, 60; B23, fol. 68v; fol. 85; fol. 87.

suggest that the Corporation was anxious to regulate the public behaviour of the male ruling group, as well as less powerful sections of urban society, such as women.

On the street itself, aggressive language reflected the casual violence that marked public space.[41] Urban streets could be dangerous places. Barbara Hanawalt has calculated that 61% of homicides in London occurred in the streets, where the tendency was for men to strike out spontaneously with whatever weapon they had to hand – usually a knife or dagger – in response to violent quarrels that arose in response to the tensions of urban living.[42] Such tensions led equally to the exchange of insults at the root of the 'explosion in litigation' over defamation that is such a noted feature from the mid-sixteenth century onwards.[43]

Involving as it did disputes between individuals, defamation did not come under the purview of wardmote courts. Defamation suits were often dealt with by the church courts, although as is so often the case with the later medieval and early modern legal system, there was no hard and fast rule about which courts dealt with which offences.[44] The willingness of those slandered to go to court reflects the importance of a 'public' reputation and the effect the lack of it could have on daily existence which for many people was lived largely in the street, where their behaviour was subject to constant evaluation by others in the community.[45] To a certain extent, this reflects the insularity of neighbourhood communities in the pre-modern city. David Palliser points to this kind of localism when citing the case of witness from Petergate who claimed not to know others dwelling in Bootham or St Sampson's parish because those places were 'remote'.[46] The intensity of urban life and the close proximity of dwellings in

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[41] Sennett, *Flesh and Stone*, p.196; D. Palliser, 'Civic Mentality and the Environment in Tudor York', *Northern History*18 (1982): 93.

[42] B.A. Hanawalt *'Of Good and Ill Repute': Gender and Social Control in Medieval England* (New York, 1998), p.6.

[43] J.A. Sharpe, *Defamation and Sexual Slander in Early Modern England: The Church Courts at York*, Borthwick Papers 58 (York, 1980), p.3.

[44] Sharpe, *Defamation and Sexual Slander*, p.5. Margaret Sheles, 'a notorious vacabonde and defamed person', was accused of defamation by Thomas Colthurst and his wife. The case was initially heard by the Ecclesiastic Commission, who referred it on to the Mayor. B27, fols. 172-172v.

[45] Archer, *Pursuit of Stability*. See also L. Gowing, '"The Freedom of the Streets": Women and Social Space, 1560-1640' in P. Griffiths and M.S.R. Jenner (eds.), *Londinopolis: Essays in the Cultural and Social History of Early Modern London* (Manchester and New York, 2000), p.137; D. Nicholas, *The Later Medieval City, 1300-1500* (London, 1997), p. 328.

[46] D. Palliser, 'Urban Society', in R. Horrox (ed.), *Fifteenth-Century Attitudes: Perceptions of Society in Late Medieval England* (Cambridge, 1994), p.142.

cities like York, meant that the risk of stigmatisation was proportionally higher in these circumstances.[47] Personal standing was much more vulnerable to slander when everyone in the neighbourhood knew you and could hear what was said about you. This explains the readiness to bring defamation suits among the middling sort, particularly women, whose lives were more closely tied to the immediate neighbourhood and who not only had a reputation to protect, but the means to defend it.[48] This was the social group whose *habitus* informs the wardmote court records, as we saw in Chapter 1, and whose perception forms the subject of this thesis.

The huge increase in the number of defamation cases in the second half of the sixteenth century has sometimes been seen as evidence of a tension and hostility between neighbours that undermines the whole notion of the cohesive, 'traditional' pre-industrial community,[49]although Sharpe has argued persuasively that some suits for defamation, usually dropped after the initial stages, might have been used as a way of resolving neighbourly tensions rather than exacerbating them.[50] A detailed study of defamation is beyond the scope of this thesis, which focuses primarily on the civic records of York. Nevertheless, the concerns about slander and defamation do have implications for our understanding of public space and how it was perceived. In particular, many defamation cases illustrate how publicly most of the inhabitants of the pre-modern city lived their lives, even within the supposed 'private' boundaries of the home.[51]

In a city, the line between the private space of the house and the public space of the street was often blurred. As Gowing notes, '[t]he household was embedded

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[47] Palliser, 'Urban Society', p.133.

[48] Gowing, *Domestic Dangers*, p.61; See also Ingram, '"Scolding Women Cucked or Washed", p.56. For a discussion of the importance of reputation, see Hanawalt, '*Of Good and Ill Repute*', and Ingram, '"Scolding Women"', p.49.

[49] J.A. Sharpe, '"Such Disagreement Betwyx Neighbours": Litigation and Human Relations in Early Modern England', in J. Bossy (ed.), *Disputes and Settlements: Law and Human Relations in the West* (Cambridge, 1983), pp. 167-8.

[50] Sharpe, '"Such Disagreement betwyx Neighbours"', p.178.

[51] The notion of private life was, in any case, a relative one in the Middle Ages: 'there are degrees of seclusion ... one moves gradually from the most external to the most internal, from the forum, highway ...or stage to the ultimate redoubt where the individual locks away his most precious riches or thoughts, where he closets himself away in positions that it would be indecent to exhibit publicly'. The opposition between private and public, Duby concludes, was a matter not so much of place as of power. G. Duby 'Private Power, Public Power', in G. Duby (ed.) *A History of Private Life: Revelations of the Medieval World*, trans. A. Goldhammer (Cambridge, Mass., 1988), p.7.

in the community and its boundaries were often permeable and insecure.'[52] As so often happens when spatial boundaries are uncertain, tensions arise.[53] Defamation cases often show witnesses looking in on what was happening in the house, or commenting on what they had heard or observed about their neighbours' lives. Walls were thin, and conversations easily overheard,[54] while it seems to have been accepted that neighbours could walk in and out of each others' houses without invitation.[55] Sexual slander, particularly that between women, exposed the intimacy of private life to public scrutiny in a sometimes brutal fashion. '[M]uch of the power of slander', Gowing suggests, 'lay in the social drama of speaking about sex on the street'.[56] Slander pushed the boundaries of public space far beyond the physical confines of the street into the private space of the household, and justified the intrusion by claiming that any illicit activity, however intimate, affected the harmony and well-being of the community and was therefore a matter of public concern.[57]

Where slander took place was often as significant as *what* was said. The more public the venue, the greater the insult. When John Bowlting accused Thomas Curtis of 'striking him misorderly in the open street', Curtis justified himself by saying that Bowlting 'opprobriously did call him liar in the open street and slanderously defrauded him'.[58] Here, the openness of the street to the public gaze was key to the damage felt on both sides. Such public slanders devalued the reputation of the individual in the neighbourhood which acted as audience and witness, while the street functioned as the stage on which these confrontations were carried out.[59]

The presentment of scolding in the wardmote courts, the prosecution of inappropriate language by the Corporation and the legal defence of reputation

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[52] Gowing, '"The Freedom of the Streets"', p. 134.
[53] An issue to be discussed further in Chapter 4.
[54] Gowing, '"The freedom of the streets"', p.136.
[55] An adultery case heard by the Dean and Chapter's court at the beginning of the seventeenth century describes how 'goodwife Cooke' caught Mr Davies 'in flagrante' with Isabel Chase. 'Fie fie Mr Davies, fie is this your morninge worke?' she apparently cried, at which point Mr Davies 'cast downe his head into the bosome of the said Izabell Chase and answered nothinge'. When he got up fifteen minutes later, he looked out of the window to find Mrs Cooke waiting for him outside. York, Borthwick Institute, D/C, CP, 1609/15. I am indebted to Dr Arnold Hunt for this reference.
[56] Gowing, *Domestic Dangers*, p.71.
[57] Gowing, *Domestic Dangers*, p.69.
[58] Cited in S. Rappaport, *Worlds Within Worlds: Structures of Life in Sixteenth-Century London* (Cambridge, 1989), p.204. See also YCR, 5:161 for an account of slander 'in Bothome streete'.
[59] Gowing, *Domestic Dangers*, p.99.

against slander and insult suggest that while these forms of misconduct may have been common in the city, they were not simply an accepted part of urban life. By presenting scolds and other 'nuisance neighbours' the wardmote juries tried to ensure a quiet, orderly social environment in which neighbours lived in harmony with each other. The evidence of the wardmote court records and of the House Books does not therefore lead to any radical conclusion about the kind of behaviour deemed appropriate in public. An ideal of communal life as orderly and harmonious presumably lies behind almost all forms of social regulation.

Certainly, the belief that behaviour in public should be marked by self-control and restraint, qualities often associated with Puritanism, was common long before the Reformation. 'Measure, order, courtesy': these, according to Jacques Rossiaud, were the standards of medieval urbanity.[60] There were different expectations of behaviour according one's position in society. Merchants, for example, were expected to be dignified, to show restraint and respect for authority,[61] and to greet each other according to a code of manners that acknowledged the hierarchy of relationship between the individuals concerned.[62] The poorer orders of society were assumed to be loud and disorderly:[63] 'A poon [poor] pedlar, who carries nothing but soap and needles, shouteth and calleth out clamorously what he beareth; and a rich mercer goeth along quite silently'.[64] Acquiring the appropriate vocabulary of language, gestures and conduct was a mark of belonging, and many guilds sought to regulate the behaviour of their members, both within guild meetings and in public, with this end in view.[65] Belonging in public space, the wardmote court records suggest, meant behaving with a calmness and a modesty and a concern for one's neighbours that was absent in the noisy and aggressive individuals who were perceived to transgress these common ideals of conduct. The street was a place where people had to

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[60] J. Rossiaud, 'The City-Dweller and Life in Cities and Towns', in J. Le Goff, ed., *The Medieval World*, trans. L.G. Cochrane (London, 1990), p.174. See also McIntosh, 'Finding Language for Misconduct', p.97; McIntosh, *Controlling Misbehaviour*, pp.2-6

[61] S. Thrupp, *The Merchant Class of Medieval London* (Michigan, 1948, revised edition, 1989), p.165; Rossiaud, 'City-Dweller', pp.173-4.

[62] R. Trexler, *Public Life in Renaissance Florence* (New York, 1980), p.108.

[63] '[L]oud voices and undignified quarrelling in public were typically associated with the lower classes'. Thrupp, *Merchant Class*, p.165

[64] From the *Ancrene Rewle*, cited in K. Lilley, *Urban Life*, p.212.

[65] B.R. McRee, 'Religious Gilds and the Regulation of Behaviour', in J. Rosenthal and C. Richmond (eds.), *People, Politics and Community in the Later Middle Ages* (Gloucester and New York, 1987), pp.108-9. See also Giles, 'Guildhalls and Social Identity', p.136.

maintain 'proper social behaviour for the public world', or risk stigmatisation and loss of reputation.[66]

Sexual misconduct

One of most notable differences between the wardmote courts held in the 1490s and those of the later sixteenth century is the shift not only in the proportion of presentments for misbehaviour, but also with forms of misconduct of most concern to the wardmote jurors.[67] Sexual misconduct was the cause of the greatest concern to the fifteenth-century jurors, accounting for 47% of the presentments for misbehaviour of different kinds.[68] Only five of these 41 presentments referred to men. John Clerk, a married man, was said to have an unnamed concubine, although the main objection to her seems to have been less her sexual activities, than the fact that she was a scold and a great nuisance to the neighbours.[69] A goldsmith called John Gorres was accused of various kinds of misconduct, and his fine of 8s 4d included the fact that his wife, Joanna, and Agnes, their servant, were both said to be common prostitutes.[70] Three other men were presented for supporting women of 'evil disposition'.[71] The majority (87%) of those presented for sexual misconduct, however, were women. Most were said to common prostitutes (*communes pronube*), of 'evil disposition' (*male disposite*) or of 'dishonest conversation' (*inhoneste conversationis*).

Ruth Mazo Karras has pointed out that the accusation of prostitution rested on a woman's reputation rather than any specific acts she might commit: 'any woman whose neighbors [*sic*] chose to identify her [as a whore] could fall under the law.'[72] Some of the women who appear in the wardmote court records do seem to have been engaged in professional prostitution. Joanna Miller was accused of keeping not only her daughter but two other women of 'dishonest conversation',

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[66] Peterson, 'Drinking in the Streets', p.202.
[67] See Table 6, and Tables 7a and 7b.
[68] Jurors in fifteenth-century London were equally keen to crack down on immorality. Alice Cheyney and Isabel Cobham were accused in January 1422 of committing fornication with two priests the previous September, 'and afterwards with other divers men'. They were said to be 'common strumpets'. *CPMR, 1414-1437*, p.122, p.124.
[69] E31, fol. 12a.
[70] E31, fol. 14a.
[71] E31, 2a, 10a.
[72] R. Mazo Karras, *Common Women: Prostitution and Sexuality in Medieval England* (New York, 1996), p. 14.

which might suggest that she owned a brothel,[73] and Matilda Bulmer and Elizabeth Gregory were both presented for procuring, but most presentments made in the wardmote courts in the 1490s concerned individual women, with no implication that they worked in brothels. This supports Jeremy Goldberg's argument that in England, unlike some cities on the Continent, prostitution remained largely unregulated and was primarily associated with streetwalking.[74] A female presence on the streets was equated with disorder.[75] Goldberg points to an ideological association between pigs and prostitution in the civic records; when wandering freely, both women and swine were considered transgressive of civic order.[76] Mazo Karras cites an ordinance of late fifteenth-century London in which the fear of women walking in public space is made explicit:

> For to eschew the stinking and horrible sin of lechery, the which daily grows and is practiced [sic] more than it has been in days past, by the means of strumpets, misguided and idle women daily vagrant and walking about by the streets and lanes of this city of London and suburbs of the same ... provoking many other person unto the said sin of lechery ... to the great displeasure of Almighty God and disturbance and breaking of the peace of our sovereign Lord the King and of the politic guiding of the aforesaid city.[77]

A woman on the streets without good reason was assumed to be a prostitute, and to be 'on the streets' is a phrase that still has meaning today. The wardmote court presentments of women with reputations as prostitutes were thus part of a larger process by which the movement of women in public space was stigmatised.

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[73] E31, fol. 12a.

[74] P.J.P. Goldberg, 'Pigs and Prostitutes: Streetwalking in Comparative Perspective', in K.J. Lewis, N. James Menuge and K.M. Phillips (eds.), *Young Medieval Women* (Stroud, 1999), p.174. See also Mazo Karras, *Common Women*, pp.32-47; Attempts were made throughout Europe at various times to restrict the places prostitutes could operate. In medieval Paris a number of streets were set aside for this purpose, but efforts like these to corral immorality into ghettos of vice to preserve the order of the rest of the city were invariably unsuccessful. B. Geremek, *The Margins of Society in Late Medieval Paris*, trans. J. Birrell (Cambridge, 1989), p.92; M. Camille, 'Signs of the City: Place, Power and Public Fantasy in Medieval Paris', in B.A. Hanawalt and M. Kobialka (eds.), *Medieval Practices of Space* (Minneapolis, 2000), p.27.

[75] Gowing, '"Freedom of the Streets"', p.139.

[76] The wardmote courts consistently fined owners of pigs for letting them roam around the city. Keeping pigs attracted a substantial fine, usually of 13s 4d, in the later sixteenth century, but there were some persistent offenders, like Percival Geldart in Monk ward, who appear to have simply ignored the orders of the court. If they paid the fine, they may have regarded it as payment of a licence to continue the offence, but it is also possible that the repeated efforts of the jurors reflects a perception that wandering pigs did indeed transgress the ideal of public space.

[77] Mazo Karras, *Common Women*, p.16.

The 'public' nature of streetwalking which made it a concern of the wardmote courts suggests an awareness of bodies as 'markers' – or, in Rapaport's terminology, non-fixed feature elements - of public space. The presence of women in the street at what were perceived to be inappropriate times, perhaps also dressed immodestly or behaving indecorously, functioned as a signal about the meaning of public space in the street that was seen to compromise the perceived morality of the entire neighbourhood and was accordingly punished as a transgression of communal ideals about how the street should be.

It should be noted, however, that in most cases, the punishment of such casual prostitution was limited to a fine in the 1490s. The wardmote jurors may have felt that what we might now call a 'naming and shaming' policy was sufficient discouragement, although repeat offenders evidently faced stiffer penalties, ranging from the public humiliation of the thew or pillory to exclusion from the city. Unfortunately the surviving wardmote court records from the fifteenth century are not extensive enough for us to be able to trace the effectiveness of the courts in regulating casual prostitution in this way, as it is not clear how many of those presented were repeat offenders. The Castlegate court held in April 1494 banished five women accused of prostitution from their parishes, and noted that in future any prostitute found in the ward should be likewise banished from it on pain of a 20s fine, and it is possible that these women had been charged on previous occasions.[78]

Margaret Metcalf is one of the few repeat offenders who can be identified. She was said to be '*communis meretrix et pronuba*' in 1494 and was sentenced by the Bootham wardmote court to leave the city or to be put in the thew;[79] the following year she was presented in the Castlegate court for being a prostitute kept by Roland Metcalf, presumably her husband. Having been banished from city, she had returned, and the court ordered her to leave once again, or to undergo the public humiliation of the pillory as before.[80] Most of those accused of sexual misconduct of this kind, however, were simply fined. Persistent offenders were

[78] E31, fol. 10a. Joanna Atkinson, accused of prostitution and receiving servants, was given a choice between exclusion or the thew. E31, fol. 13a.
[79] E31, fol 14a.
[80] E31, fol. 19a. A Matilda Metcalf was among the five women banished from the Castlegate court for prostitution as mentioned above, and it is possible that the woman referred to was in fact Margaret Metcalf.

referred on to the Mayor's Court,[81] and the sentence of exclusion from the city seems to have been imposed as a last resort. In other instances, some women may also have come before the church courts that dealt with fornication and adultery.[82]

The economic and social pressures that led to women engaging in commercial sex have been the subject of detailed studies,[83] but are of less relevance for the purposes of this thesis than what the attitude of the wardmote jurors towards prostitution says about their perception of public space. It seems likely that it was the public nature of soliciting that was of the greatest concern to the wardmote courts. Women behaving indecently on the streets, or in close proximity to the rest of the neighbours, threatened the moral integrity of the community, and their identification as prostitutes, whether or not they engaged in commercial sex, effectively marginalized them within the neighbourhood. As in the case of the sexual slanderers studied by Gowing,[84] the presentments for sexual misconduct betray an assumption that public space did not stop at the doorstep and that what went on inside a house, or between two individuals, had implications for the order and well-being of the entire neighbourhood.

By 1575, however, sexual misconduct was no longer seen as a matter to be dealt with by the wardmote courts. Apart from the presentment of two bawds in the Monk wardmote court,[85] no accusations of immorality were made in the courts between 1575 and 1586. This suggests that offences of this kind were being dealt with in other courts, as it seems unlikely that there was no prostitution in the city during this decade. It is not at all clear, however, which courts had assumed responsibility for regulating moral offences at this time, although the increasing importance of the household in this respect has been noted by Cordelia Beattie.[86] Ian Archer interprets the decline in the number of moral offences dealt with by the London wardmote courts by the sixteenth century as an aspect of the waning

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[81] YHB, 2: 723.
[82] Goldberg, 'Pigs and Prostitutes', pp. 174-5.
[83] See Mazo Karras, *Common Women*; P.J.P. Goldberg, *Women, Work, and Life Cycle in a Medieval Economy: Women in York and Yorkshire, c. 1300-1520,* (Oxford, 1992), especially pp. 149-57; B. Geremek, *The Margins of Society.*
[84] Gowing, *Domestic Dangers*, p.69.
[85] In April 1580, Anne Danley, a widow, was sentenced to the 'cuckstole' for being 'a prevy bawd', while the wife of William Sylson was accused in the same court of being 'a comon bawd & a noysonce neghbure'. E31, p.65.
[86] C. Beattie, 'Governing Bodies: Law Courts, Male Householders, and Single Women in Late Medieval England', in C. Beattie, A. Maslakovic, and S. Rees Jones (eds.), *The Medieval Household in Christian Europe, c. 850-c.1550: Managing Power, Wealth, and the Body* (Turnhout, 2003), pp.199-220.

functions of the wardmotes during this period.[87] He implies that the regulation of moral offences was increasingly assumed by the alderman's deputy, whose responsibilities were enlarged in proportion to the shrinking of those of the wardmotes in London,[88] but there were no officials with comparable functions in York. Some of those who transgressed the moral order of the city were brought before the Mayor's court, who dealt with them in a much more uncompromising manner than the fifteenth-century wardmote courts. In 1561, John Jackson and his 'drabbe' were sentenced to be carted around the city for adultery before the woman was banished from Walmgate Bar,[89] and more adulterers were to be 'carted all togither abowte this citie' in 1572, and 1581.[90] There are, however, relatively few examples of moral offences coming before the Mayor, and almost no evidence of concern about prostitution. Only Barbara Simpson was specifically sentenced in 1582 'for misusing of her bodie'.[91]

It is interesting to speculate about the perception of sexual misconduct during this period. It seems a fair assumption that attitudes towards prostitution and other moral offences had not changed to the extent that promiscuity was considered an acceptable part of public life at the end of the sixteenth century, but how and where offences of this kind were prosecuted in York remains uncertain. Clearly, establishing the exact nature of the relationship between the different secular and ecclesiastical courts in the city would be an extremely useful exercise, particularly if it were able to illuminate the extent to which the treatment of moral offences changed after the Reformation. As it is, the issue remains a matter of speculation. It seems that as far as the sixteenth-century wardmote court jurors were concerned, sexual misconduct was not a problem that affected the meaning and perception of public space, although it was doubtless a cause for concern in other contexts.

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[87] Archer, *Pursuit of Stability*, p.68.
[88] Archer, *Pursuit of Stability* , p.67.
[89] B23, fol.13v.
[90] YCR, 7: 52; B28, fol. 7v.
[91] B28, fol. 56v.

The experience of public space: gender and status

The street was used in myriad ways beyond those discussed above. Minstrels and travelling players performed in streets, bears were baited for entertainment, and anything unusual or exotic drew large crowds.[92] The streets might be spaces in which authority was demonstrated, but they were also spaces of resistance, with the posting of slanderous bills,[93] or rioting, which clearly depended on the openness of public space both to attract support and to gain publicity.[94] Individual disputes were often pursued in the streets, leading to arguments and sometimes physical assault.[95]

However it was used, public space had different meanings for different people. Beyond the inevitable differences of individual perceptions, we need to acknowledge that the experience of the street was not uniform, and varied according to gender and status. Not everyone had equal access to the streets, nor did everyone share the same licence to use it in the same ways.[96] The Corporation mounted close surveillance of strangers coming in to the city at times of crisis, and on occasion watchers had orders to turn people away.[97] The gates were closed at night,[98] and there was sometimes a curfew in place. Even under normal circumstances, it was not considered appropriate to wander around the streets at night without good reason, and those who did so were regarded with suspicion.[99] John Cory, a saddler, was presented in the London wardmote courts because he had 'with other unknown companions, walked about without a light or reasonable cause after the hour limited, viz., between 11 and 1 at night'.[100]

Nor was public space open and accessible to women in the way it was to men, and their perception of it accordingly differed: 'women and men worked with their own mental maps, delineating for them the strange and the familiar, the welcoming and the threatening.'[101] Women's use of the streets was determined by

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[92] Lerer, '"Representyd Now in Yower Syght"', p.39. For references to minstrels, players and bear baiters, see YHB,1: 332; B15, fols. 24, 44; B23, fol. 110; B27, fol. 30; B28, fols. 26v, 40v, 78v.
[93] YHB,1:359; YCR, 4:7-12; YCR, 5:2; B27, fol. 142v.
[94] YHB,1:351; YHB 2:530, YCR, 5:118; B27, fol. 249.
[95] YHB 2:704, B8, fol. 6v-7, YHB 2:643
[96] B15, fol. 39v; YCR, 5: 72. Camille, 'Signs of the City' , p.27.
[97] For example, YHB2, p.690; B23, fol.145; YCR VI, p.109; B26, fol. 95.
[98] YHB1, p.270; YCR, 4: 20; YCR, 5:16, 48, 82, 102, 149; YCR, 7: 16, 129; YCR, 8: 63.
[99] McIntosh, *Controlling Misbehavior*, p.65
[100] *CPMR, 1414-1437*: 122.
[101] Gowing, '"Freedom of the Streets"', p.138.

'a culture with clear gender hierarchies,'[102] and was, as Gowing says, 'neither simple nor free'.[103] The conduct of women was expected to be restrained, quiet, orderly, decent. Courtesy texts such as 'What the Goodwife Taught Her Daughter' promoted similar values. Women were expected to be meek and diligent, to avoid ostentation in dress, unsuitable men and quarrels with neighbours, and when in the streets not to laugh too loudly, walk too fast or wag their heads about.[104]

Clearly, public space was not closed to women. They went to market and walked to church and watched plays and processions, but their use of space *was* constrained by their comportment. A woman who contravened expectations of discreet, decent behaviour by talking too much or too aggressively or to too many 'suspect' men risked losing her reputation, and being branded as ill governed, or a woman of evil disposition. The conduct of women in particular, therefore, was another significant factor in the code that indicated the public nature of space, although the reality of women's behaviour doubtless often fell far short of the masculine ideal. Grace Wood can not have been the only woman unimpressed by the male, civic authority embodied in the officers of the Corporation. An aggrieved note records her response when an officer was sent to call her and her husband in to explain why they did not go to church: Grace 'answered thofficer ... that hir husband was as well occupied and did serve the Quene as well as any in Yorke, and as for hir self she sayed she had other busyness to doo than to come before me the said Mayor'.[105]

Michael Camille has argued that in contrast to the understanding of sacred and enclosed space as feminine, the streets of medieval Paris at least were overwhelmingly masculine, dominated by men who left their wives and daughters at home and by the street signs that constituted 'a network of phallic significations'.[106] While the notion that the meaning of space can be neatly divided into a dichotomy of male = outside = public, and female = inside = private

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[102] P.J.P. Goldberg, 'Performing the word of God: Corpus Christi Drama in the Northern Province' in D. Wood (ed.), *Life and Thought in the Northern Church, c.1100-c.1700: Essays in Honour of Claire Cross* (Woodbridge, 1999), p.163.
[103] Gowing, '"Freedom of the streets"', p.145.
[104] F. Riddy, 'Mother Knows Best: Reading Social Change in a Courtesy Text', *Speculum* 71 (1996): 66-86.
[105] B26, fol. 100v.
[106] Camille, 'Signs of the City', p.27.

has an appealing symmetry about it, the reality is likely to have been more complex and inconsistent than that. As Strohm points out, urban space in the Middle Ages was never as ordered or hierarchical as was at one time imagined.[107] Women were not always confined to the home, and those whose work tied them to the household often chose to carry it out at their doorsteps where they were able to establish a territory of communication and observation that encompassed the public space of the neighbourhood.[108] There were also women who worked in the street; indeed, the active role of women in the economy was a characteristic of urban society.[109] The majority of hucksters were women,[110] selling cheap goods in the streets; women traded and shopped in the markets. Many of those presented for trading offences such as regrating and forestalling in the wardmote courts were women like Alice Fisher, accused of forestalling butter 'et alia victuales' in the Walmgate court of 1494,[111] or William Geldart's wife, who was fined 10s in October 1583 for forestalling oats.[112] Sometimes the husband was fined, as was the case with Thomas Plommer 'for that his wife doth forestall the markitt in bying of butter in the markitt and sellinge it again in the same'.[113] Alice Fisher was an exception; most of these women were referred to as 'wife of', as if to underline the masculine dominance of pubic space into which they intruded. Such incursions were firmly repressed by the authorities who frowned on women's attempts to usurp trading privileges from which they were excluded by their gender.[114]

The behaviour of men of low status was equally subject to the control of other masculine authorities, of course. It is true that 72% of those presented for misconduct in the fifteenth-century wardmote courts were women, but men were regulated in other contexts as well - by the terms of their apprenticeship, by guild

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[107] Strohm, *Theory and the Premodern Text*, p.4.
[108] Some men such as servants and apprentices were similarly tied to the household or workshop.
[109] C. Dyer, 'The Hidden Trade of the Middle Ages: Evidence from the West Midlands of England', *Journal of Historical Geography* 18:2 (1992): 145; H. Swanson, 'The Illusion of Economic Structure: Craft Guilds in Late Medieval English Towns', *Past and Present* 121 (1988): 39; D. Keene, 'Shops and Shopping in Medieval London', in L. Grant (ed.), *Medieval Art, Architecture and Archaeology in London*, BAA Conference Transactions for 1984 (Oxford, 1990), p.33.
[110] F.Riddy, 'Mother Knows Best', p.75; G. Sheeran, *Medieval Yorkshire Towns: People, Buildings and Spaces* (Edinburgh, 1998), p.17; Dyer, 'Hidden Trade', p.145; Swanson, 'Illusion of Economic Structure', p.39.
[111] E31, fol. 4a.
[112] E31, p.194.
[113] E31, p.303.
[114] F. Riddy, 'Mother Knows Best', p.75

regulations, and by the Mayor's court which issued bonds for good behaviour.[115] Other courts, like the Sheriff's court, or the Sessions of the Peace, dealt with crimes, personal injuries and other problems caused by physical aggression, and may as a result have been more likely to regulate masculine behaviour in these contexts.[116] The occasional spate of presentments for assault in the sixteenth-century wardmote courts might nonetheless indicate that there were times when aggressive behaviour of this kind was felt to be damaging to the community as well as to the individuals involved.[117]

The sixteenth-century wardmote courts dealt with misbehaviour in broader terms than those in the 1490s. Women accounted for only 28% of misconduct offences between 1575 and 1586; the rest of the presentments in this category accused men of a variety activities ranging from keeping a disorderly house, theft, hedge-breaking, assault and affray, eavesdropping, gambling, verbal abuse and being a 'nuisance neighbour'. Although offences such as theft and hedge-breaking are associated with poverty, in the context of the wardmote courts presentments in these categories are more indicative of the wide range of incomes and status within the 'middling sort' at this time than of concerns about the poor as they were understood by contemporaries. Those accused of these forms of misconduct may indeed have been poor in financial terms, but as I have argued earlier, the fact that they were understood as part of the community regulated by the courts suggests that their poverty was not of the kind that led to their exclusion from the neighbourhood.

Conduct and the perception of public space

The way people behaved in the street reflected and reinforced the cues embedded in the physical and social environment which signalled that this was public space requiring a certain kind of behaviour. That conduct was itself a sign of public space, not fixed in the way the physical aspects of the street were constructed, but no less effective in establishing what kind of space the street was and how people should behave within it.

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[115] See, for instance, B23, fols. 31v-33.
[116] B27, fol. 69a.
[117] E31, pp. 90, 91, 107, 240, 302.

Three main points arise from a consideration of what the wardmote court records and council minutes tell us about the way people were expected to behave in public. The first is the shift in the nature of the issues of most concern to the wardmote court jurors between the 1490s and the last quarter of the sixteenth century. For the fifteenth-century jurors, the social environment was a particular issue, while for those in the sixteenth century the physical aspects of public space appear to have been more important. It is not clear why this should be so, given that the years around 1600 are normally seen as a period of acute anxiety about social misbehaviour,[118] and one might expect in this case that these concerns would be reflected in the wardmote courts. That they were not may be a symptom of the increasing spatialization of poverty noted in Chapter 1, as those with no means of support, including many women forced to rely on prostitution for a living, were excluded from the social and physical neighbourhood in the late sixteenth century in a way they do not seem to have been in the fifteenth. Certainly, the regulation of moral offences appears to have passed to other, more powerful authorities than the wardmote courts by the later period. Whether this shift in attitudes can be attributed to economic pressures or to increased Puritanism after the Reformation is a matter for debate.[119] It is an area of study that merits much more detailed analysis than is possible in the current thesis, which can only acknowledge that wider issues like these had an inevitable impact on how public space was understood.

The second point to be made is that within the rather more limited group that constituted the community policed by the wardmote courts in the late sixteenth century, concerns about conduct seem to have been related primarily to the disruption of harmony and quietness by scolding, or the noise and disorder associated with ale houses and taverns where those effectively marginalized in the neighbourhood could meet and subvert the accepted 'norms' of behaviour. The fifteenth-century courts had a similar distrust of the potentially subversive effective of 'riotous' gatherings, but also expressed wider concerns about the way

[118] McIntosh, *Controlling Misbehavior*, p.1.

[119] P. Collinson, 'Puritanism and the Poor', in R. Horrox and S. Rees Jones (eds.), *Pragmatic Utopias : Ideals and Communities, 1200-1630* (Cambridge, 2001), pp. 242-58; P.J.P. Goldberg, 'Coventry's "Lollard" programme of 1492 and the making of Utopia', in Horrox and Rees Jones, *Pragmatic Utopias*, pp.97-116; Slack, *Poverty and Policy*.

the morality of the community was undermined by the 'public' nature of sexual misconduct visible on the streets.

Finally, the presentment of misconduct illuminates further the tensions at the boundary between 'public' and 'private' space that we saw in the previous chapter. Presentments for sexual misconduct and sexual slander suggest that the most intimate areas of people's lives were understood to have public implications for the neighbourhood as a whole. The public nature of the street clearly imparted a special resonance to sexual transactions or insults exchanged, but it is apparent that the jurors felt that it was their business to inquire into what went on behind the street's façade, as well as behaviour in the street itself, hence the frequent presentment of those like John Lowce who 'kepithe evill ruel in hys howse att unlawfull tymes on the nyghte to the great dysquyit of hys neighbours',[120] or Thomas Humfray for 'usyng mysdemeanor in his house and kepyng and harboryng of noughtie persons there'.[121] The reporting of conversations that took place in alehouses and even private houses that we find in the House Books, too, makes a similar assumption that the private sphere could be a matter of public concern. William Atkyrk, a 'gentylman', was overheard calling his mother 'hor and bawde', and a crucial part of the testimony seems to have been that the confrontation took place 'within the dwellyng hous of his father in lawe'.[122] The council minutes likewise record in 1584 that Arthur Rawdon, his son Thomas and Anne Balno had been found in William Willoughby's house in Dringhouses, 'all three in one bedd very disorderlie'.[123] Here public space seems to have expanded, encompassing even the bed, deep within the 'private' house.

[120] E31, p.57.
[121] E31, fol.2.
[122] B10, fol.16.
[123] B28, fol.134.

3.3 Communication and the street

The previous chapter explored the way the built environment of the later medieval and early modern city communicated the meaning of public space, while the section above considered how the behaviour of those who used the street also signalled its meaning as public space. In contrast, it is the purpose of this section to examine how the street was actively used to communicate. It will focus on three different issues for which the street provided a particularly effective means of communication: information, authority, and status. The communication of each depended on public space for its success, but as we have seen, the relationship between space and action is always a reflexive one, so that while the street provided the best location to communicate information in the pre-modern city, for instance, the fact that it was used for this purpose was itself a significant element in creating its meaning as public space.

Communicating information: proclamations

In the fifteenth and sixteenth centuries, the street was the focus for the exchange of a wide range of information, from state propaganda to titbits of gossip. James Masschaele has recently drawn attention to the importance of market places for 'the retailing of news and gossip'.[124] Attracting outsiders into the city, markets played a key role in disseminating news at a personal, local and regional level, a fact recognized by the state, which by the thirteenth century was regularly issuing proclamations to be made in market centres.[125] These enabled central government to publicize royal initiatives, particularly those whose success depended on broad participation, and to promote its own 'spin' on events.[126] After the defeat of Richard III, the Corporation in York ordered a proclamation to be made throughout the city, but it was not trusted to break the news in its own words. The proclamation, the minutes record, 'was delivered unto the mayre and his brethre by one of the kings herolds', who was wearing a coat bearing the arms of England and France to underline royal authority.[127] Proclamations issued by the Crown were carefully copied into the House Books. In the lead-up to Henry VII's visit to

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[124] J. Masschaele, 'The Public Space of the Marketplace in Medieval England', *Speculum* 77:2 ((2002): 383.
[125] Masschaele, 'Public Space of the Marketplace', p.390.
[126] Masschaele, 'Public Space of the Marketplace', p.390, 393.
[127] YHB, 2: 735.

York in 1487, orders against theft, quarrelling, ravishing women and other breaches of the peace were read out around the city, although the response of the inhabitants is not recorded.[128]

The Corporation used the streets to similar effect. Like central government, it found that the easiest and most effective way of transmitting information was to make public announcements at key places throughout city. These included Thursday Market and Pavement, as well as the Minster Gate and the end of Ouse Bridge.[129] Proclamations were ordered in response to politically sensitive events, such as Lambert Simnel's rebellion in 1487,[130] or to make other significant announcements. Five shillings was allocated as a reward to the trumpeter who in 1541 'blew the trump at the tyme of the makyng of the proclamacon for the Kyng in all places accustomyd within this City',[131] a note that may indicate that an extra flourish was required to draw attention to the importance of what was being said.

The implication of this might be that in the normal course of things, the people of York were not much inclined to stand and listen to such announcements. Masschaele cites John Hooker's description of the solemn way proclamations were made in Tudor Exeter, where the mayor processed to the marketplace accompanied by the aldermen, four sergeants and the municipal sword bearer who held the sword aloft. One of the sergeants cried 'Oyez' three times to ensure silence, and another read out the proclamation in a clear voice, prompted where necessary by the clerk with a copy of the text.[132] The civic authorities in York may well have performed a similar ritual for important announcements, but it is likely that the common bellman, whose duty it was to 'goe abowte the city' and pass on more prosaic information, such as orders against throwing filth into the Ouse or keeping 'fowre fowted cattell' in moats, had to make do with his bell to attract attention.[133] Whatever the response, it is clear that such announcements were part of daily life in the medieval city. A proclamation recorded in the Memorandum Book begins, 'Oiez, etc.', implying that a familiar formula

[128] YHB, 2: 586-7.
[129] YCR, 4: 18.
[130] YHB, 2: 572.
[131] B15, fol. 56.
[132] Masschaele, 'Public Space of the Marketplace', p.396.
[133] B15, fol.30v.

followed the injunction to listen, and continues: 'For als mykell als proclamacion ofte tymes has bene made here ...'.[134]

Masschaele sees the use of proclamations as integral to the growth of the state, fostering a more direct relationship between central government and the people. The passing down and passing on of information about national concerns, he argues, created an audience which found itself invited into 'networks of knowledge and communication'.[135] The effectiveness of this kind of information dissemination was, of course, dependent on the existence and use of public space. Only in spaces where a sufficient number of people are gathered together can administrative communication of this kind work, and we can see in the use of the street for this purpose a clear example of the reflexive nature of public space and its use. A space was 'public' because it was generally accessible, which made it the most effective way to communicate information to a large number of people, a use which in turn helped define its meaning as public space. Whether generated by state or civic authorities, the use of proclamations encouraged a sense of communal identity, if only in the creation of a single audience. The nature of communication via town criers meant that the authorities were unable to limit who heard what was said. No distinction could be made between merchant or beggar when it came to access to information in public space. Anyone who used the street was therefore part of this 'public' audience.

Sometimes the crowded conditions which facilitated communication by the authorities worked to their disadvantage, however. Tudor governments were nervous about the possibility of rebellion fermenting wherever people were gathered together, and regularly admonished the Corporation to crack down on 'inventors and spreaders of newes and rumors', [136] or the 'tellyng and spredyng of tales, news and rumours'.[137] A letter from the Council of the North reported the Queen's fears about

> certayne lewde sedycious persones [who] wander up and downe uncertenly frome place to place and specialy to markets and fayers, spreading abrode suche slanderouse tayles and newes invented and devised by subtyll persons to deprave and

[134] M. Sellers (ed.) *The Memorandum Book*, Surtees Society 120 (1912), pp.223-4.
[135] Masschaele, 'Public Space of the Marketplace', p.399.
[136] B23, fol. 114; YCR, 6: 160.
[137] B23, fol. 148v.

> discredyte the godly ordres established in this our realme and to advance the contrarye[138]

Nor were these concerns limited to the Tudor regime. John Carpenter warned in the *Liber Albus* against the danger of public assemblies. They were, he claimed, a threat to the unity of the city and to civic authority.[139] It was a fear that underlay Richard III's letter to the Corporation of 1485, in which he required them to take measures against 'sedicious and evil disposed personnes' who undermined the peace 'some by setting up of billes, some by messages and sending furth of false and abhominable langage and lyes, some by bold and presumptuos opne [sic] speech and communicacion oon with othre'.[140] Such concerns indicate a disquiet on the part of the authorities about the creation of a 'public' that might sense itself empowered by the subversive potential of the street and the possibilities for communication that it made possible.

Communicating authority: processions

Like many other medieval and early modern English cities, York lacked large squares or piazzas that could serve as a focus for civic rituals that were at the heart of the city's identity, creating and resuscitating urban life, order and values.[141] It was a very different city to Florence, the subject of Richard Trexler's wide-ranging study of public life, but the Corporation was equally alive to the need for ritualised displays of authority and civic identity. In York, however, these took place in the streets, where normal activities were occasionally displaced by ceremonies that effectively communicated power and prestige.[142] The carefully choreographed ceremonies to welcome reigning monarchs and other VIPs not only expressed the city's loyalty to the Crown, but also served as a reminder of power relationships within the city to the watching audience, who were as capable as the king of interpreting the significance behind who stood where and how they were dressed.[143] An equal attention to detail went into the regulation of the Corpus

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[138] B23, fol. 61v.
[139] Cited in James, 'Ritual, Drama and Social Body', p. 28.
[140] YHB,1: 359.
[141] Trexler, *Public Life*, p.xix.
[142] L. Attreed, 'The Politics of Welcome: Ceremonies and Constitutional Development in Later Medieval English Towns', in B.A. Hanawalt and K.L. Reyerson (eds.), *City and Spectacle in Medieval Europe* (Minneapolis, 1994).
[143] Attreed, 'The Politics of Welcome', p.209.

Christi procession that took place on the day after the famous play cycle, where the care taken over the order in which the participants walked and whether or not they carried a torch or had one carried for them by a servant, for instance, reflected an understanding that these were matters with a 'capacity to resonate in the wider public consciousness'.[144]

For Mervyn James, the Corpus Christi processions provided an occasion in which 'the structure of precedence and authority in the town is made visually present',[145] but other studies have drawn attention less to those who took part than to those who were excluded from the wholeness of the social body represented in the procession.[146] Participation was limited to members of guilds or crafts, which must have meant that large numbers of women, the poor, children, clerics and outsiders were relegated to the role of spectators. The audience nonetheless formed an essential part of the procession's meaning. As members of the same society, those watching the procession were part of the same community of discourse,[147] sharing a common vocabulary of symbols that enabled them to appreciate the significance of what was worn, what was carried and the order in which participants walked in a way that is lost to us now.

Not all the processions that took place throughout the year were as dramatic as the one to celebrate Corpus Christi. Civic authority was made visible on the streets whenever the city's officials processed through the city, as they did regularly. Special costumes were worn in public, and symbols of authority and status such as the mace, the cap of maintenance, or simply a torch were carried. Together with what one presumes was an emphasis on a solemn and dignified demeanour, these processions must have been potent and readily understandable expressions of civic power.[148] The mace was a particularly powerful symbol of authority. Thomas Wrangwysh, newly-elected mayor and returning from London

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[144] G. Rosser, 'Myth, Image and Social Process in the English Medieval Town', *Urban History* 23:1 (1996):12; A.F. Johnston, 'The Guild of Corpus Christi and the Procession of Corpus Christi in York', *Mediaeval Studies* 38 (1976): 372-384.

[145] James, 'Ritual, Drama and Social Body', p.5.

[146] L. Attreed, *The King's Towns: Identity and Survival in Late Medieval English Boroughs*, American University Studies, 9th series, 197 (New York, 2001); Swanson, 'Illusion of Economic Structure', p.29; C. Phythian-Adams, 'Ceremony and the Citizen: The Communal Year at Coventry, 1470-1550', in P. Clark and P. Slack (eds.), *Crisis and Order in English towns, 1500-1700* (London, 1972), p.107.

[147] Rosser, 'Myth, Image and Social Process', p.15.

[148] For other processions and plays in York, see Palliser, 'Civic Mentality', pp. 81-5; E. White, *The York Mystery Play* (York, 1984), pp.28-33; YCR, 3:24; YCR, 5:120-1.

before he had been sworn in, was met at Tadcaster Bridge and escorted back to the city by the swordbearer with the sword and mace and all the sergeants with their maces, 'with the mais and the sword a fore hym'.[149] Sometimes processions were accompanied by music, as in 1580 when it was agreed that the city waits 'shall yerely from hensforth the day of the sweryng of the newe L Mayor play on their instruments before hym and his bretherin ... from the Common Hall to his dwelling place and sworde bearer to weare the hatt of mayntynans'.[150] The waits also preceded the sheriffs on their annual riding.[151] When Henry VII rode through the streets in 1487, the mayor bore the mace before him on horseback,[152] but on less ceremonial occasions the sheriffs were preceded in public by a servant carrying the mace to demonstrate their authority in a similarly visible way.[153]

The regular display of authority seems to have been a significant aspect of the way the streets were used. Civic control over public space was asserted by the insistence that officials like the Mayor and sheriffs were always accompanied in public.[154] When walking in the street, the sheriff was to have the mace carried in front of him, the symbol of authority underlined by the ceremonial of this mini-procession. One of the charges against the disgraced mayor Robert Cripling was of walking unaccompanied in the main street of the city, having left the 'honorable signes of his awthoritie withowte the precyncte of this Citie, to the grief of all the good Citizens of the same, and rejoice of the enemyes therof, if anybe'.[155] Regular processions, whether escorting new members of a guild from church,[156] inspecting nuisances, or carrying out the wardmote inquests,[157] must have been a key sign and reflector of public space in the pre-modern city.

In spite of the importance assigned to civic processions in the House Books, participation was sometimes less than wholehearted, and the Corporation felt the need to issue warnings to those who failed to turn up when required. In 1462, members of council were reminded that they were to 'come personally and walk with the mayor' in general processions without any prompting unless they had a

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[149] YHB1, p.301.
[150] B27, fol. 218.
[151] Palliser, 'Civic Mentality', p.85.
[152] YHB,2: 588.
[153] YHB,1: 136.
[154] B8, fol.16; YCR, 7: 126-7; B28, fol. 53.
[155] B27, fol. 226v.
[156] Phythian-Adams, 'Ceremony and the Citizen', p.110.
[157] See Chapter 1.

reasonable excuse,[158] and in 1500 it was felt necessary not only to issue another such reminder but also to recall the correct order in which they should walk.[159] Other ceremonial occasions appear to have met with similar reluctance. The sheriffs' riding was an annual event that took place after the riding of the city bounds, usually in November. Followed by a procession of citizens and gentry, the sheriffs rode through the streets to make the ancient proclamation about law and order.[160] The occasion concluded with a feast, the expense of which may have been the reason why a number of sheriffs balked at taking part in the 1560s.[161] Some tried asking 'to be spared' the ridings, but the council was insistent that the ceremonies should take place as usual, underlining the point by imposing not insignificant fines (of 13s 6d and 40s) on previous sheriffs who had not taken part according to the custom.[162]

Communicating authority: punishments

The use of the streets to demonstrate structures of power and authority within the city played on the 'spectatorial sensibility' of pre-modern society.[163] Nowhere was this more true than in the punishment of offences, particularly those which were perceived to have injured the 'public' community at large, by transgressing the political, economic, social, or moral order of the city.

Traitors were publicly executed on the Pavement,[164] while those who had offended the authorities in a less dramatic were punished in one, or sometimes both, of the principal markets. The infamous John Harper, for 'certayne evill contemptuose and unreverrent words of the Queenes majestie', was sentenced to spend two hours between 11.00 a.m. and 1.00 p.m. the following Saturday standing in the Pavement with a paper on his head announcing his offence, and then to do the same the Saturday after that in Thursday Market.[165] John Gibson had his ears nailed to the pillory on market day for similarly slandering the Queen,

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[158] YHB, 2: 691; YHB,1: 5.
[159] B8, fol.76.
[160] Palliser, 'Civic Mentality',p.85.
[161] B23, fols. 16, 18v, 43, 52v; B28, fol. 53.
[162] B23, fol. 18v. There were other, less ordered, processions as well, such as the Yule Riding although most were suppressed after the Reformation. YCR, 7: 55. See also Rosser, 'Myth, Image and Social Process', p.22
[163] Lerer, '"Representyd Now in Yower Syght"', p.32.
[164] *Mediaeval York*, p.178.
[165] B27, fol. 165. See also the punishment of a man and his wife accused of posting slanderous bills against an alderman. *Mediaeval York*, pp.178-9.

and he too had a paper on his head 'declaringe the cause of his punishement'.[166] A market location offered the maximum publicity for the punishment, and therefore the clearest warning of the dangers attendant on resisting authority, an advantage explicitly recognized by the Corporation when sentencing Peter Wilkinson for 'sedytious and slanderous wordes'. He was to stand on a scaffold in the Pavement between 10.30 and 12.00 'upon Saturday next when moste multitude of people shalbe then assembled to the market', with a note of his offence written in 'great letters' on a tablet above his head.[167]

Crimes *against* the public merited public punishment, and, as James Masschaele argues, markets were 'particularly well suited to the formation and reformation of identities and reputations'.[168] Thus the pillory was usually situated in a town's market, where infractions of trade regulations could be instantly, and publicly, punished.[169] According to Stow, the pillory on Cornhill in London was used 'for the punishment of Bakers offending in the assise of bread, for Millers stealing of corne at the Mill, for bawds, scoulds, and other offenders'.[170] In York, the pillory stood on the Pavement, near the end of the Shambles.[171]

Petty criminals, the 'unruly poor', and other offenders against the social order of the city endured a similarly public punishment. They were whipped through the streets, manacled to the bars,[172] or set in the stocks like Thomas Dore, 'for example of others'.[173] Like the pillory, the stocks were located where the miscreant would attract the greatest attention. The decision made to build a new pair of stocks in every parish in 1588 specified that they should be set in the most open place of the street.[174] The linen Dore had stolen was hung around his neck as a token of his offence, while Anthony Atkinson and William Yate, said in the Micklegate wardmote court held in October 1576 to be 'brakers of orchards & gardynges and pullers of there frute on the nyght to the parllus example of all

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[166] B27, fol. 87.
[167] *Mediaeval York*, p.179.
[168] Masschaele, 'Public Space of the Marketplace', p.400.
[169] Masschaele, 'Public Space of the Marketplace', p.400. The Pavement also had a wooden lock-up called the Cage, which seems to have been used for similar purposes; a cheating toll-collector was sentenced to be put in it for three hours between 10.00 until 1.00 on three separate market days. *Mediaeval York*, p.179.
[170] Stow, *Survey of London*, 1:191.
[171] *Mediaeval York*, p.178.
[172] YCR, 7: 130-1.
[173] B18, fol.15.
[174] YCR, 8: 158.

persons of mysdemeanor & to the great hurt of there nyghbures', were faced with a fine of 6s 8d or a night and a day in the stocks 'with a garland of apples abowte either their neck'.[175]

Persistent scolds were liable to be sentenced to the thew, a pillory specifically for women, where the offender was again subject to the public gaze and to public disapprobation.[176] It is not clear where the thew stood, but it, too, was likely to have been in a very public location, probably one of the principal markets. In 1580, the Corporation decided to build a ducking stool in St George's Close, presumably because of its access to water, although they were still talking about it the following year when it was agreed again that a ducking stool should be made there 'for the comon skoulders and punnyshment of offenders'.[177]

Shaming punishments, in particular, relied for their effect on maximum publicity, and appealed to an audience well versed in the 'drama of social control'.[178] Just as trading offences merited public humiliation for the perceived impact on the economic order, so did major transgressions of moral order. Adulterers were taken through the streets in open carts,[179] while thieves or vagrants were attached to the back of the cart and whipped through the city as brutal reminders of what might lie in store for anyone tempted to follow their example.[180] William Hosyer, an unemployed servant from Lincoln, was banished from the city for helping himself to the keys to Layerthorpe postern while the watchman was asleep, but first had to endure being whipped through the streets 'at a cart ars'.[181] It was agreed in 1577 that the unruly poor should be similarly whipped about the city, 'but specyally .. uxor Richardson, Janet Chapman and Nicolas Shipard to be grevously whipped',[182] and George Begg, described as a

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[175] E31, fol. 38. See also E31, p.118. Papers explaining the offence seem to have been increasingly used instead of a token, indicating if not widespread literacy then at least a recognition that a paper was a sign of a serious transgression. When in 1572 a number of adulterers were sentenced to be carted together about the city, the bawd was to have a paper with the offence written on it on her head. YCR, 7: 52. Barbara Simpson also had 'a superscription of her offence on her head' as she was set on a barrel 'in the open market' before being whipped out of the city. B28, fol. 56v.

[176] See Chapter 1, p. 82.

[177] B27, fol. 244; B28, fol. 5.

[178] Lerer, '"Representyd Now in Yower Syght"', p.52.

[179] YCR, 7: 52; B23, fol. 13v; B28, fol. 7v.

[180] The Corporation agreed in 1570 that 'the little cart of this Citie whiche was made for wheppyng of vacabunds shalbe called for and brought to the bridge there to remayne for that purpose'. YCR, 7: 18.

[181] YCR, 5:122-4.

[182] B27, fol. 41v. See also YCR, 4: 141.

vagrant and accused of speaking 'eville wordes' to the Archbishop, was sentenced to be 'well whipped abowte this cyttie' and then banished. Petty thieves like Alice Dixon and Margaret Brookes were also whipped.[183]

In some cities, such punishments became processions in their own right as the carts were preceded by the noisy accompaniment of rough music to attract even more attention.[184] Stow witnessed the punishment of a lecherous priest which was designed to expose him to the widest possible public:

> He was on three Market dayes conueyed through the high streete and Markets of the Citie with a Paper on his head, wherein was written his trespasse: The first day hee rode in a Carry, the second on a horse, his face to the horse taile, the third, led betwixt twaine, and euery day rung with Basons, and proclamations made of his fact at euery turning of the streets.[185]

A couple accused of posting slanderous bills in York were each set on a horse facing its tail, and made to hold a notice of their offence as they were paraded through the streets and led three times round the pillory, but whether they were similarly accompanied by discordant music is not recorded.[186]

Significantly, the route taken by the carts in York followed very closely that of the Corpus Christi plays and other solemn processions. When John Jackson and his unnamed 'drabbe' were taken in adultery in 1561, they were put together in one cart and carried from Trinity Gates 'throughe the streetes over Ousebrig' and then along Coney Street and Stonegate to Bootham Bar. At this point, the procession went back along Petergate and Colliergate to the Pavement, before making its way over Foss Bridge to Walmgate Bar, where the woman was handed over to constables and banished from the city.[187] Apart from the detours to the symbolic edges of the city, in themselves surely significant,[188] this route follows that of the Corpus Christi plays exactly.[189] Just as the pageant wagons were pulled through the major streets to accommodate the biggest audience, so carting

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[183] B27, fol. 236v; B28, fol.98. See also B27, fols. 60, 228v, 264; B28, fol. 10.
[184] Ingram, '"Scolding Women Cucked or Washed"', p.58; Underdown, 'The Taming of the Scold', p.121.
[185] Stow, *Survey of London*, p.190.
[186] *Mediaeval York*, pp.178-9.
[187] B23, fol. 13v.
[188] The symbolic significance of the city walls is discussed in Chapter 4.
[189] For the route of the Corpus Christi plays see Beckwith, 'Ritual, Theater and Social Space'; M. Twycross, 'Civic Consciousness in the York Mystery Plays' in C. Bjørn, A. Brant and K. Stringer (eds.), *Social and Political Identities in Western History* (Copenhagen, 1994), pp. 67-89; White, *The York Mystery Play*.

was designed to ensure that as many people as possible would witness the shame of the offenders.

The street as stage

Public punishments of this kind were thus able to draw on the meaning of the spaces that in other circumstances were used to express the core beliefs of the city in a very different way.[190] There were, of course, practical reasons for using the major streets for processions of this kind. Clearly, it was easier for large numbers of people to move along the wider streets than to squeeze through narrow lanes and alleyways, but here again, the associations of the street and its use for processions were inextricably entwined. Processions needed the more important streets, whose breadth and more imposing façades added dignity to their display, and the ritual use of those streets in turn reinforced their importance and meaning as public space.

The performance of the Corpus Christi plays turned the streets of York into both stage and backdrop to the drama of the Christian story.[191] The 'rearticulation of the body of Christ on the streets', and the implicit association of York with Jerusalem, turned public space into sacred space for the duration of the performance,[192] an association which must have lingered in the streets and stations along the route long after the wagons had been stored away in Toft Green, and public space had been restored to everyday use.[193] So, too, the spectacle of whippings and public humiliations, or the magnificence of royal entries, would have been part of imaginative geography of city's inhabitants. The argument of this thesis has so far focused on the visible signs, fixed or otherwise, that gave meaning to public space, but memories and associations can also be significant

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[190] For a discussion the Corpus Christi plays and social space, see especially S. Beckwith, *Signifying God: Social Relation and Symbolic Act in the York Corpus Christi Plays* (Chicago, 2001), pp.23-41, a chapter which largely reprises her article 'Ritual, Theater and Social Space'.

[191] For the Corpus Christi plays in York, see A.F. Johnston and M. Rogerson, *Records of Early English Drama: York* (Toronto, 1979), H.R.L. Beadle (ed.), *The York Plays* (London, 1982); P.J.P. Goldberg, 'Performing the Word of God'; P.J.P. Goldberg, 'Craft Guilds, the Corpus Christi Play and Civic Government' in S. Rees Jones (ed.), *The Government of Medieval York: Essays in commemoration of the 1396 Royal Charter* (York, 1997), pp.141-163; James, 'Ritual, Drama and Social Body'; P.M. King, 'Corpus Christi Plays and the "Bolton Hours" 1: Tastes in Lay Piety and Patronage in Fifteenth-Century York', *Medieval English Theatre* 18 (1996): 46-62.

[192] Beckwith, 'Ritual, Theater and Social Space', p.64, 66; Rosser, 'Myth, Image and Social Process', p.17.

[193] Lilley, *Urban Life*, p.243.

factors in the way a given space is perceived.[194] The repeated use of certain streets for rituals inscribed and reinscribed public space with symbolic and moral meanings that were an integral part of the way the inhabitants of York were socialized to understand their surroundings.[195]

Ceremonies, processions and punishments were different aspects of the ritualised display of authority, and the streets provided the most effective channel through which this authority could be communicated, ensuring the widest audience and reinforcing the control of public space. The Reformation is sometimes seen as marking the end of the ritual use of streets in this way. Charles Phythian-Adams's study of the ceremonial year in medieval Coventry, for instance, emphasizes the importance of the street for the solemn rites, processions and carnivals which at regular intervals displaced its more normal function as a space for trading and communication, and which 'added a mystical dimension to this utilitarian valuation of the immediate topographical context'.[196] With the abolition of many of the old ceremonies, or their restriction indoors, and even the use of the streets for recreations such as football, Phythian-Adams argues that the 'Queen's highway was left to its purely materialistic functions'.[197]

The ceremonial importance of the streets was not, however, lost altogether. A holiday was declared in 1586, in thanksgiving for the preservation of the Queen. The day began solemnly enough with a sermon in the Minster, but

> in the after none the streetes were strewed with flowers and herbes, and greene bowes sett up in the sayd streetes, and the howses sydes towards the sayd streetes hanged with fyne carpettes and coveringes; and everye man supped in the sayd streetes at his owne doore, with all their plaite sett forthe in the sayde streetes, with greate rejoysinge and singinge of psalmes and ringinge of bells. And after supper bonefyers dyd begine to be mayd, and dyd contenewe burninge till ix and tenne of the clocke in the eveninge of the same daye.[198]

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[194] J. Fentress and C. Wickham, *Social Memory* (Oxford, 1992).
[195] Lilley, *Urban Life*, p.243; E. Muir and R.F.E. Weissman, 'Social and Symbolic Places in Renaissance Venice and Florence', in J.A. Agnew and J.S. Duncan (eds.), *The Power of Place: Bringing together Geographical and Sociological Imaginations* (Boston, 1989), p.93.
[196] Phythian–Adams, 'Ceremony and the Citizen', p.121-2.
[197] Phythian-Adams, 'Ceremony and the Citizen', p.123. See also R. Hutton, *The Rise and Fall of Merry England: The Ritual Year, 1400-1700* (Oxford, 1994); Archer, *Pursuit of Stability*, pp.92-4.
[198] YCR, 8: 123; B29, fol. 124v.

The decking of houses and the strewing of the street with rushes and flowers recalls the preparations made for the Corpus Christi processions.[199] Here, the street was once more the stage, and the inhabitants of late sixteenth-century York as much actors in an 'urban drama' as their medieval predecessors had been.[200] '[A]ll urban dwellers were actors, one way or another, in the ritual drama', claims Trexler. 'The city is the theater; the play presents the past, present and future of participants and audience.'[201] Some of the more picturesque rituals may have disappeared from the streets of York after the Reformation, but public space was still key to the display and communication of authority in the city, not just in the civic processions and punishments that took place in the streets, but also in less dramatic rituals. The aldermen who were sent out to inspect encroachments, or the wardmote jurors who walked around ward as they inquired into problems were equally effective signs of the structures of civic authority and of that authority in action in public space.

Communicating status: clothing and costume

While authority at a corporate level was communicated through rituals and processions, individuals were also concerned to communicate their position in society. Conduct in public was one aspect of this, as discussed briefly above, but status was also signalled in more overt ways through clothing, badges, jewellery and other accoutrements. Clothing and decoration are key identification markers in any society, but a particular anxiety about the need to define the various orders of society in this way underlay the sumptuary laws which regulated dress from the medieval into the early modern period. A London regulation of the late thirteenth century makes this concern explicit:

> It is provided and commanded, that no woman of the City shall from henceforth go to market, or in the King's highway, out of her house, with a hood furred with other than lambskin or rabbit-skin, on pain of losing her hood to the use of the sheriffs; save only those ladies who wear furred capes, the hoods of which may have such furs as they may think proper. And this, because that any regratresses, nurses and other servants, and

[199] Johnston, 'Corpus Christi Guild', p.382.
[200] Beckwith, 'Ritual, Theater, and Social Space', p.70-1.
[201] Trexler, *Public Life*, p.10.

> women of loose life, bedizen themselves, and wear hoods furred with gros vair and with minever, in guise of good ladies.[202]

The fear that people could somehow pass themselves off as someone they were not, to be able disguise themselves with as little as a furred hood, speaks to an unease about the fluidity of society during this period. Regulations about dress can be seen as attempts by the authorities to stabilise social boundaries by categorising social groups and fixing them with clearly identifiable signs. The transgressive potential of clothing was underlined in the Corporation's investigation into the 1536 riots over the enclosure of Knavesmire. One of the ring-leaders, a shoemaker called Ralph Walker, was said to have been 'in womens clothyng with a muffell over his face', as if to emphasize his rejection of the conventions of authority.[203] Marks of exclusion were particularly significant in this context. In many cities, prostitutes were required to wear some form of distinctive accessory, such as a striped hood, to distinguish them from respectable women,[204] and in the later sixteenth century beggars were often identified by a badge or token of some kind which licensed them to beg,[205] but Walker's case is interesting. It suggests a deliberate challenge to commonly accepted notions of how to 'go on', in Giddens' phrase, and demonstrates the power of the individual agent to manipulate spatial cues and employ them for his own purposes.

How far the sumptuary laws were adhered to is difficult to tell. The York wardmote court records only mention dress in connection with the late sixteenth-century presentments of men for wearing livery to which they were not entitled. Many of these presentments note that the offence was 'contrary to the statute', which also dictated the enormous £5 fine but there is a sense that the jurors in Monk, Walmgate and Micklegate wards were simply going through the motions and that this was not an issue that was felt to have particular implications for public space in a way that would justify a particular concern on their part. However, Bootham ward appears to be an anomaly in this respect. Between 1575 and 1586, nine men were presented in the Walmgate courts, seven in Monk ward

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[202] H.T. Riley (ed.), *Memorials of London and London Life in the XIIIth, XIVth and XVth Centuries* (London, 1868), p.20.
[203] YCR, 4:3.
[204] Goldberg, 'Pigs and Prostitutes', p.174, Camille, 'Signs of the City', p. 28; Geremek, *The Margins of Society*, pp.222-3.
[205] YCR, 3: 111; B15, fol. 41; YCR, 4: 93

and none at all in Micklegate. The Bootham courts, in contrast, presented 70 men during the same period 'for wearing of livery against the ordinances of the city'.[206] It is hard to know how to account for this disparity, other than to suggest that it reinforces the impression that sixteenth-century Bootham was a ward distinct from the other three, not just in the number of presentments made in almost all categories, but also in the kind of offences of most concern to the jurors. A number of those presented in Bootham were repeat offenders: the notorious John Harper was presented twice for wearing Sir Robert Stapleton's livery,[207] and William Sonley four times for wearing Mr Manner's livery.[208] It would be interesting to know the motivation behind this insistence on wearing a certain kind of clothing, but the records are silent on this subject. An entry in the council minutes in February 1578 notes that those who had been presented at the last wardmote court 'for wearyng of lords and gentlemans lyveray' were to be called in to answer for the offence, but whether the £5 fines were ever paid is not known.[209]

If the wardmote court records are uninformative about dress codes, the opposite is true of the House Books, which provide a wealth of detail about how clothing was used to indicate status and to reflect the honour of the city. On ceremonial occasions, the details of who was to wear what were carefully stipulated. Richard III was met at Brekles Mills by the Mayor and aldermen in 'skarlet gownys', while the chamberlains and bridgemasters, ex-bridgemasters 'and all odir onest men of the cite' were to be in red. Servants and 'all odir persons of every occupacion' were told to wear 'blew, violet and musterdivyles' to meet the King at St James's church.[210] The Mayor and aldermen were similarly clad in long gowns to greet Henry VII in 1486, but on this occasion the common council and the city clerk were to be in violet, the chamberlains in 'murray' and the inhabitants in red.[211]

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[206] A further 14 men were presented for this offence in 1599.
[207] E31, fol. 55v, 85.
[208] E31, fol.55v, p.123, p.160, p.190.
[209] B27, fol. 82. See also B27, fol. 19v for an inquiry into 'offendars whiche weareth hatts on sondayes and hoydayes contrary to the Statute'.
[210] YHB,1: 289, 287.
[211] YHB,2: 482. By July 1487, when plans were being finalised for Henry's visit, the orders had changed. This time the mayor and aldermen were to be in scarlet, the common council in crimson and others simply 'goodly arrayed'. YHB,2: 584

Whenever an important visit was announced, care was taken to specify exactly what should be worn by the greeting party.[212] The Mayor and aldermen wore violet gowns to meet the body of Archbishop Rotherham at Micklegate Bar,[213] and the original plan was to meet Henry VII at Bilborough Cross 'cled in colour of violet in greyne, the xxiiij cled in clothing colour of violet murrey, the communaltie in gounes of rede'.[214] Hopeful of making a good impression on Henry VIII after the Rising in the North, the Corporation tried to arrange for as many of the commons to be provided with 'newe gownes of fine sadde tawny' to greet the King in 1541, while the Mayor, aldermen, Recorder and members of the Twenty Four would wear violet.[215] The four master beggars were also given new gowns to wear while the King and his court were in the city.[216]

Attention to dress was not confined to ceremonial occasions. The appropriate clothing was an important mark of status on an everyday level as well. When the Corporation ordered all civic officers and 'substanciall comoners' to attend a service at the Minster in November 1582, it was noted that they and their wives should be 'in their best apparell'.[217] Aldermen were expected to wear gowns according to the season:

> Aggreed that every alderman shall frome hensforth use and weare their gownes in maner and forme folowyng that is to say to weare their gownes fased with skyne from Michelmas to Pentecost ... and to weare their other gownes fased with budge black furre or silk from Pentecost to Michelmas apon payne of vjd provided allwayes that the said aldermen shall weare their read townes frome tyme to tyme by appoyntement of the L. Mayor.[218]

A fine of 6d was levied on any alderman who came to any meeting presided over by the Mayor without wearing tippets.[219] The *Oxford English Dictionary* defines tippets as short cloaks of wool or fur that covered the shoulders, or a piece of cloth attached to a hood. Whatever their precise form, tippets appear to have been the formal mantle of office in York, much as the pink cloaks with plaid linings

[212] YCR, 2: 184; YCR, 3: 66; B10, fol.48; YCR, 8: 41.
[213] B8, fol. 89. Violet gowns were also worn to greet the Pope's legate who visited York in 1486. YHB, 2: 470.
[214] YHB, 2: 478.
[215] B15, fol. 33v, fol.57.
[216] B15, fol.46.
[217] B28, fol. 74.
[218] B27, fol.148.
[219] B27, fol. 147v.

shown in the drawings of London aldermen of 1446-7 were worn to indicate aldermanic status in the capital.[220] It was agreed in 1581 'that everie alderman of this cyttie shall weare tippetts in all places within this cyttie and suburbes, savinge within ther owene parishe or at the stathe', and that aldermen, sheriffs and members of the Twenty Four should wear scarlet and crimson gowns with tippets whenever ordered by the Mayor.[221]

It seems that there was sometimes reluctance to comply with these requirements. In 1563, civic officers were ordered to attend the Mayor in 'honest apparel neither in clokes nor jakkettes yf they have gownes',[222] and the previous year Mr Cripling, a member of the Twenty Four, was threatened with fine of 5 marks to force him to wear his crimson gown, 'for avoydyng misordre in the laudable rites and usages of this citie'[223] This was possibly the same Mr Cripling who in 1580 was charged with disgracing the office of mayor by walking in the principal street of the city 'withowte any gowne upon hym with a piked staf on his back'.[224] Inappropriate dress by civic officials brought the whole city into disrepute. When the city waits were examined in 1584 about their 'evill and disorderlie behaviour to the discredit of this cittie', it was said that they had 'gone abroad in the contry in very evill apparel, with their hose forth at their heeles'.[225] Although they were also accused of drunkenness and an inability to 'cunnynglie play', it was their dishevelled appearance that seems to have caused the most offence. They were discharged, and their badges taken away.

Badges were widely worn, and not just by civic officials.[226] Signifying status, allegiance or piety, they must have formed an integral part of the coded meanings in public space. Before the Reformation, badges were popularly worn as souvenirs of pilgrimages undertaken, or of particular saint venerated;[227] others were sexually suggestive, although one can only speculate above the motivations

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[220] D.Keene, 'Civic Institutions', in R. Marks and P. Williamson (eds.), *Gothic: Art for England, 1400-1547* (London, 2003), pp.268-9.
[221] B27, fol. 271.
[222] B23, fol. 89v.
[223] B23, fol. 45.
[224] B27, fol. 227.
[225] B28, fol. 159.
[226] Camille, 'Signs of the City', p.28.
[227] J. Schofield and A. Vince, *Medieval Towns* (London, 1994), p.159; F. Piponnier and P. Mane, *Dress in the Middle Ages*, trans. C. Beamish (New Haven, 1997), p.130-1.

behind the display of these in public.[228] Members of some guilds on the Continent also identified themselves by wearing a mark or accessory of some kind, and this may have been true of some guilds in York as well.[229]

In an attempt to deal with the influx of the unemployed during the sixteenth century, the Corporation in York authorised a number of those considered deserving to beg. They were given special tokens to wear as a sign of their entitlement to stay in the city. Those less fortunate were excluded from the city. Badges here became a mark of distinction between those deemed genuinely poor and the many more characterised as idle and shiftless and undeserving of charity.[230] In 1543, the wardens were told to evict 'all sturdy and mighty beggers' from the city; only those who were licensed 'and hath the sygnez and scutyons therefore provyded' were allowed to remain,[231] although even these were restricted in movements and confined to the ward in which they lived.[232]

The kind of clothing worn was also part of the intricate code of meanings by which public space was understood. Attempts by the authorities to regulate who could wear what demonstrate a concern that status was clearly signalled in the street. Appearance was thus tailored primarily to social rank, but could also reflect nuances of financial situation, age, marital status, and even an awareness of fashion.[233] As ever, those who pushed the boundaries of what was accepted, even if only in terms of fashion, were regarded with suspicion, particularly by the government of the day. In 1562 the Corporation had to enforce the proclamation made at the insistence of the Council in the North against 'the wearyng of great hosez'. Five men were imprisoned for this offence in June, but only one in November. The Corporation reported to the Council that he had been imprisoned, but that since he was a poor man, 'we made the sayd hosez to be refined and soo let him depart without any further penaltie or forfayture'.[234] Two years later, the Council in the North was complaining about the laxness of the civic authorities in enforcing the statutes against 'monstruouse great hoses' and double ruffs, which

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[228] Camille, 'Signs of the City', p.28.
[229] Piponier and Mane, *Dress*, p.131.
[230] YCR 3: 66, 111; B15, fols. 41, 41v; B28, fol. 132v.
[231] YCR, 4: 93.
[232] YCR 4: 145.
[233] Piponnier and Mane, *Dress*, p.99; J. Cherry, 'Dress and Adornment', in Marks and Williamson, *Gothic Art*, pp. 326-8.
[234] B23, fols. 55, 57, 58v, 67.

were 'nowe commonly worne by certeyne insolent misordred persones'.[235] The Corporation responded by ordering a search of tailors in the city to see what kind of hoses they made: 'Hoses ought to have no more cloth putt in a payer for the owteside than one yard and an half of one yard and iij quartere at the most and to have but one kynde of lynyng closse to the leggs besyds the lynen clothe.[236]

Large numbers of people wearing a certain type of clothing would both reinforce and reflect the meaning of the space they were using. The dominance of suits in the City of London today tells an observer what kind of place it is, and at same time the wearing of suits is a consequence of the fact that the City is a financial centre with a conventional dress code. The mercers of medieval London required their apprentices and servants to wear a similarly conventional uniform of capes, partellettes of silk, furred gowns and special shoes when going to the Mart to avoid embarrassing the guild.[237] One can imagine a preponderance of men in religious attire, or women wearing costumes associated with prostitution, or beggars without badges having a similar resonance in the fifteenth and sixteenth century city.

Giddens' model of the way repeated practices create, transform and reinforce the meaning of space can be usefully applied to dress codes of this kind, whether voluntary or imposed.[238] The 'practical consciousness' that humans possess enables them to understand that certain environmental cues evoke a particular mode of dress, but they may choose whether to conform to the conventions or, like Ralph Walker, to challenge them. In both cases, they are active agents, interacting with the spatial environment, which is not simply a backdrop to human behaviour, but integral to the choices people make. The meaning of a particular mode of dress cannot be separated from the meaning of the environment, which is in its turn created by where, how and by whom the clothing is worn.

In their study of dress in the Middle Ages, Piponnier and Mane note that most woollen cloth was dyed blue, and that colours would fade over time. More brightly coloured gowns, in reds, greens and purples, would therefore have signified in themselves a higher social rank from the fourteenth century

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[235] B23, fols. 148v, 151.
[236] B23, fol. 151v.
[237] B. Hanawalt, *Growing Up in Medieval London: The Experience of Childhood in History* (New York, 1993), p.118.
[238] Giddens, *The Constitution of Society*, pp.21-6.

onwards,[239] although Barbara Hanawalt disagrees, arguing that in medieval London bright colours were not necessarily the preserve of the rich; only paupers, clergy and widows wore dark-coloured clothing. However, she also points to a thriving trade in second-hand clothing and shoes, which no doubt meant that poorer Londoners might be identified by faded and threadbare garments.[240] Wills in York suggest that many citizens possessed two sets of clothes, keeping one, presumably the best and brightest, to wear on holy days.[241] A crowd in best attire would therefore have been more colourful than usual and would similarly have altered the perception of the way public space was being used in a subtle but significant way.

The wearing of badges or a particular type of dress makes people themselves living signs, moving through space, and giving that space meaning.[242] A lack of clothing was an equally potent signifier of status and space. A state of undress was associated with public humiliation. Adulterous couples were carted through the streets wearing shifts,[243] and many vagrants and petty criminals were whipped naked around the city to compound their punishment. Three mariners' servants accused of stealing doves, and coals from their masters, were sentenced in 1563 to be 'whipped naked about the Citie on some market day'.[244] When St Anthony's Hall was turned into a house of correction in 1586, one of the regulations stipulated that 'every rogue to be sent thither shall at his or her first coming in be stripped naked from the middle upwards and tied to a post and their whipped till his or her body be bloody and then set to work'.[245] To be bareheaded in public was also humiliating. Barbara Simpson had her head 'polled' or shaved before she was made to sit on a barrel in the Pavement for 'misusinge of her bodie'.[246] Masschaele describes a similarly ritualised humiliation for sinners required to perform public penance. Bare-headed, they were required to walk barefoot through the market, the men wearing only undershirt and breeches, and the women in a plain shift or other type of undergarment.[247]

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[239] Piponnier and Mane, *Dress*, p.44.
[240] Hanawalt, *Growing Up in Medieval London*, p.37.
[241] D. Palliser, 'Civic Mentality', p.84.
[242] Camille, 'Signs of the City', p.28.
[243] Piponnier and Mane, *Dress*, p.102.
[244] B23, fol. 91v.
[245] *Mediaeval York*, p.96.
[246] B28, fol. 56v.
[247] Masschaele, 'Public Space of the Marketplace', p.409.

Even more brutal punishments involved mutilations of one kind or another. Ears were sometimes cut off, or at the very least badly scarred, as John Gibson's must have been after he had his ears nailed to the pillory 'for speakinge or reportinge certayne slaunderouse and appropbriouse wordes of the Quenes majestie'.[248] Repeat offenders were occasionally branded, like Margaret Sheles, 'a notorious vacabonde and defamed person', who had already been burned on the ear before she attracted the attention of the Ecclesiastical Commission in 1579.[249] Mutilations of this kind turned bodies into 'readable texts', alerting observers to the individual's past and potential. They became 'a walking marker not just of the crime committed but of certain definite relationships of power between individual and community'.[250]

Communication in public space

Clearly, the street was used to communicate a lot more than information, authority and status. It was also the place of social contact, of casual encounters, the daily meeting and greeting and exchanging of personal news and gossip that we are unable now to recover, but that must have been equally significant uses of the street that helped to endow public space with meaning. This is not to argue that communication did not also occur in houses, guild halls, churches, and taverns, but the opportunities the street offered to communicate at every level - between individuals, between individual and neighbourhood, neighbourhood and city and city and state – were critical aspects of the way public space was perceived.

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[248] B27, fol.87.
[249] B27, fol. 172. Margaret Brooks was similarly threatened with being burned through the ear if she returned after being banished from the city for 'pittie bryberry' in 1583. B28, fol. 98.
[250] Lerer, '"Representyd Now in Yower Syght"', p.35.

3.4 The imaginative geography of the city: sounds, smells and daily life

The nature of the civic records means that inevitably more attention was paid to exceptional events or transgressions of the accepted order than to the everyday practices that continually reflected and reinforced the meaning of public space, and it is easy to forget that the street was primarily the setting 'on which and through which everyday social interactions were performed'.[251] The rituals involved in social negotiations at the day to day level, in meeting and greeting, bargaining and trading, are lost to us along with the accompanying signs and gestures that observers familiar with that culture would have instantly and instinctively understood.

The House Books do offer some indications of the ways in which the use of public space was regulated every day, however. We know that the city gates were supposed to be opened and closed at certain times every day, that tolls were exacted from those entering the city to trade, and that the ringing of particular bells signalled the opening of markets. The bell on Foss Bridge, known as the 'Scaytbell', was rung at 8.00 in the morning on market days. Freemen could buy fish until 10.00, after which time the market was open to strangers and foreigners.[252] Council meetings were regulated by the Minster clock. A fine of 4d was imposed in 1490 on those who did not get to the chamber 'be (i)x of the clok smitten [by the] cathiderall church of the Mynster', although a quarter of an hour's leeway was given to those with a reasonable excuse.[253]

Everyday life was structured by the sound of bells, which punctuated the day, determining the start of work, the times of meetings, the opening and closing of the city gates, opportunities for trade and the times of religious services.[254] There was a clock on Ouse Bridge and another at All Saints Pavement by 1479, but times were still marked by the ringing of a bell.[255] William Grenup was appointed keeper of the clock on Ouse Bridge in January 1577; his responsibility was to 'ryng or cause to be rong one bell there dayly frome henceforth, that is to saye, at

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[251] Lilley, *Urban Life*, p.212.
[252] YCR, 3: 68. See also *VCH York*, p.486; *Memorandum Book*, p.224.
[253] YHB, 2: 674.
[254] G. Dohrn-van Rossum, *History of the Hour: Clocks and Modern Temporal Orders*, trans. T. Dunlap (Chicago, 1996), p.209; Lilley, *Urban Life*, p.12.
[255] Palliser, 'Civic Mentality', p.86.

fyve of the clocke in winter and foure of the clocke in summer by the space of a quarter of an hower'.[256]

The sound of bells ringing was a distinctive feature of urban life,[257] and must have been key to the understanding of public space, providing cues as to how space could be used and by whom.[258] As with all spatial signals, the time a bell was rung, its intended audience and how long it was rung for would all have been understood without explanation by those who had grown up with them.[259] Cooks were not to buy any foodstuffs 'fra evynsang ryng at Seignt Michel kyrk at osebryghend on to the morne that prime stryke at the mynster'.[260] As the order in the Memorandum Book notes with a certain weariness, 'Thay knawe it wele ynogh' – and so, presumably, did everyone else who used the market.

Like visual cues, sounds were signs which enabled an individual to navigate the space of the city effectively.[261] While the sound of bells may have dominated the day, other auditory signals must have acted as cues to the meaning of space: the babble of voices indicating a crowded commercial street, the distinctive sounds spilling out from workshops, the squawk of chickens for sale in the market, and other sounds typical of the 'clatter and clutter of everyday life'.[262] The air was filled with the sound of hawkers crying their wares and shop-keepers touting for custom.[263] In the same way as visual signs, again, some noises transgressed the limits of what was generally understood to be acceptable in public space. John Riche, a London brewer, was presented by the Cripplegate Without wardmote court in 1422 for his cart whose iron wheels not only destroyed the paving but also 'make a great noise when the cart is loaded with barrels ... as often happens'.[264] Sometimes it was not the level of the noise, but

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[256] B26, fol. 105.
[257] Dohrn-van Rossum, *History of the Hour*, p.150.
[258] Dohrn-van Rossum , *History of the Hour*, p.210.
[259] Dohrn-van Rossum, *History of the Hour*, p.206.
[260] Sellers, *Memorandum Book*, p.224. 'Foreign badgers' were not allowed to buy any grain in the market 'before one of the clock after none, so that the freemen of this Citie may be first served'. YCR, 5:72.
[261] Camille, 'Signs of the City', p.24.
[262] D. Shaw, 'The Construction of the Private in Medieval London', *Journal of Medieval and Early Modern Studies* 26:3 (1996): 448.
[263] For example, William Langland, *The Vision of Piers Plowman*, ed. A.V.C. Schmidt, 2nd edn (London, 1987), Prologue, ll.226-230. *Mediaeval York*, p.40. See also E. Wilson, 'Plagues, Fairs, and Street Cries: Sounding Out Society and Space in Early Modern London', *Modern Language Studies* 25.3 (1995): 1-42; J-P. Leguay, *La Rue au Moyen Age* (Rennes, 1984), p.139; M. de Certeau, *The Practice of Everyday Life*, trans. S. Rendall (Berkeley, 1984), p.102.
[264] *CPMR 1414-1437*, p.154.

the fact that it could be heard at inappropriate times that caused the problem. The Bassingshaw ward jurors similarly complained in 1421 about William Bracy, who kept carts for hire, 'and on divers nights beyond the due and proper hour he causes his servants to drive out of a gate issuing from the ward, bumping and striking the sides of the gate, when going and coming with the carts, so roughly that all the neighbours dwelling around the gate are grievously disturbed and grieved of their repose and quiet at night.'[265]

Smell, too, was an example of a non-fixed feature element that could signal how the street in a particular area was used and what kind of space it was. Pungent and offensive smells indicating a tanning area or a fish market, for instance, would clearly have had the most impact, but there were other, more pleasant, aromas which would also have had an effect on the mental map of the city's inhabitants. The tantalising smell of pies and pastries cooking, for instance, would have signalled proximity to a market, where most cooks had their stalls in order to attract passing trade.[266]

Problems caused by less pleasant smells do not seem to have been a considered a particular nuisance by the York wardmote courts, although a blocked latrine in Castlegate ward was said to be giving off a foul stench (*latrina ... est cum fimo virili opleta et erupit fetose ad nocumentum vicinorum*).[267] The courts in London earlier in the fifteenth century appear to have been more concerned about the unwholesome effect of smells. They indicted William atte Wode 'for making a great nuisance and discomfort to his neighbours by throwing out horrible filth on to the highway, the stench of which is so odious and infectious that none of his neighbours can remain in their shops',[268] and complained about the common privy at Ludgate which 'makes a horrible stench and a foul sight, to the great discomfort and nuisance of all folk dwelling thereabout and passing thereby, and a disgrace to all the City, that so foul a nuisance should be so nigh so common a highway, and it has often been presented and no remedy has yet been ordained.'[269]

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[265] *CPMR 1414-1437*, p.117.
[266] Lilley, *Urban Life*, p.239.
[267] CB1a, fol. 137v.
[268] *CPMR 1414-1437*, p.129.
[269] *CPMR 1414-1437*, p.157. See also *CPMR 1414-1437*, pp.122, 128, 133, 147, 152.

3.5 Conclusion

Public space in the pre-modern city was used in multiple ways, many of which are impossible now to recover. We cannot access an individual's response to the range of sensory and behavioural cues that invested the street with particular meanings, but as I have tried to show in this chapter, the civic records do allow us to examine some of the ways public space was perceived at a socialised level. Whether in the exchange of insults or the display of authority in the punishment of vagrants, the use of space demonstrates the reflexive relationship between behaviour and the immediate environment. The pre-modern street was a space in which to act out authority, resolve conflicts, reinforce structures of power and express identity - everyday dramas in which all urban dwellers had a role to play one way or another.[270] The script that determined how, where and when they acted was written in a code of symbols inscribed into the townscape itself, not only in the built environment but also in the varying ways in which the street was used.[271] Different parts of the city acquired different meanings through repeated social activity, either by association with particular trades,[272] or particular forms of behaviour.

Itself a response to the social cues that dictated what was appropriate in the street, social activity was in its turn a sign that continually recreated the meaning of public space. As ever, this was not a static process, but one constantly tested by conflicting meanings and perceptions, or what Strohm calls 'an orchestration of different ways of thinking and experiencing urban life'.[273] It was subject to constant reshaping, too, by individuals, not all of whom chose to act according to the socially accepted norms of behaviour, and above all by the repeated practices of everyday life.

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[270] Trexler, *Public Life*, p.10.
[271] '[T]ownscapes were mutally constituted by, and constitutive of, everyday life'. Lilley, *Urban Life*, p.212.
[272] The Shambles and the streets around Christ's Church in King's Square were associated with butchers, for instance, while Stonegate was notable for its high status trades. *Mediaeval York*, p.119.
[273] Strohm, *Theory and the Premodern Text*, p.6.

CHAPTER FOUR
THE BOUNDARIES OF PUBLIC SPACE

4. 1 Introduction: Bounding space

Boundaries are the means by which every society orders space. They allow us to make sense of the world, dividing 'here' from 'there', the included from the excluded, 'us' from 'them'.[1] The process of ordering the world through the construction of difference is a universal one, although the means vary between cultures.[2] Without a boundary, space has no meaning. Its essence lies in the way it is perceived to be distinct from a different kind of space, in the experience of being 'inside' it as opposed to 'outside'.[3] This difference manifests itself in the kind of cues that we have considered in the two previous chapters. The very fact of identifying what does and does not belong, and drawing a line between them, defines a space and its difference from other spaces.

That division is often enforced by architecture, as we saw in Chapter 2. As Michael Camille argues, such material boundaries are more than physical barriers between one space and another.[4] By partitioning space, they construct norms and distinctions, and thereby permit the organization and conscious manipulation of unbounded space.[5] Not all cultures build structures to organize space in this way, and boundaries can be marked with equal effectiveness by the disposal of rubbish, sweeping the ground before a hut, or mowing grass in front of a suburban house.[6] They can also be signalled in more subtle ways by changes in dress or behaviour, as discussed in Chapter 3.[7]

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[1] Y-F Tuan, *Space and Place: The Perspective of Experience* (Minneapolis, 1977), pp. 101-17.
[2] A. Rapoport, *The Meaning of the Built Environment: A Nonverbal Communication Approach* (Tucson, 1990), p.116. See also A. Rapoport, *Thirty Three Papers in Environment-Behaviour Research* (Newcastle-upon-Tyne, no date), p.184.
[3] E. Relph, *Place and Placelessness* (London, 1976), p.49.
[4] M. Camille, 'Adam's House at Angers: Sculpture, Signs and Contrasts on the Medieval Street', in G. Jaritz (ed.), *Kontraste im Alltag des Mittelalters* (Vienna, 2000), p.161.
[5] S. Kent, 'A Cross-Cultural Study of Segmentation, Architecture, and the Use of Space', in S. Kent (ed.), *Domestic Architecture and the Use of Space: An Interdisciplinary Cross-Cultural Study* (Cambridge, 1990), pp. 127-52.
[6] J. Okely, *The Traveller-Gypsies* (Cambridge, 1983), pp.77-104; M. Parker Pearson and C. Richards, 'Ordering the World: Perceptions of Architecture, Space and Time', in M. Parker Pearson and C. Richards (eds.) *Architecture and Order: Approaches to Social Space* (London and New York, 1994), p.24; A. Rapoport, *House Form and Culture* (Englewood Cliffs, 1969), p.80.
[7] Rapoport, *Meaning of the Built Environment*, p.145; Parker Pearson and Richards, 'Ordering the World', p.10;

Many boundaries are conceptual, although no less real for that. A process of exclusion establishes the 'norm', however that is perceived by the dominant ideology. The work of Mary Douglas has been seminal to the study of social boundaries, and her argument that the distinction between pollution and purity is primarily a cultural construct was outlined in the Introduction. 'Dirt', Douglas suggests, is simply whatever is perceived to be 'matter out of place',[8] and attitudes towards it are used consciously and unconsciously to construct identity and define difference.[9] What a community chooses to exclude or discard can tell us a lot about what, conversely, it considers of value.[10] By rejecting elements it perceives as polluting, an individual, group or society attempts to impose order and maintain the integrity of the space it controls.

Boundaries are therefore a significant factor in any understanding of space. Clear categorization between spaces is, however, not always easy or possible, and we need to be cautious about drawing overly simplistic binary divisions.[11] One of the characteristics of spatial boundaries is their flexibility. The meaning of a space depends on how it is understood, and that in its turn on where, when, how, and by whom the boundary of the space is encountered. Where boundaries are blurred and uncertain, tensions arise,[12] and their meaning and location can shift in response to time, circumstance or individual action. The testing of spatial boundaries is, indeed, part of the reflexive process by which humans interact with their environment.[13] The kind of binary oppositions identified by Pierre Bourdieu in his study of Kabylie houses are less obvious in the context of the late

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[8] 'There is no such thing as absolute dirt: it exists in the eye of the beholder'. M. Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (London, 1966), p2.

[9] See, for example, Okely, *Traveller-Gypsies*; D. Sibley, *Geographies of Exclusion: Society and Difference in the West* (London, 1995); H. Moore, 'The Interpretation of Spatial Patterning in Settlement Residues', in I. Hodder, ed., *Symbolic and Structural Archaeology* (Cambridge, 1982), pp.74-79; R. Shields, *Places on the Margin: Alternative Geographies of Modernity* (London, 1991); M. Davis, *City of Quartz: Excavating the Future in Los Angeles* (London and New York, 1990).

[10] B.E. Thompson and W.L. Rathje, 'The Milwaukee Garbage Project: Archaeology of Household Solid Wastes', in R.S. Dickens (ed.), *Archaeology of Urban America: The Search for Pattern and Process* (New York, 1982), pp.399-461.

[11] A. Wolfe, 'Public and Private in Theory and Practice: Some Implications of an Uncertain Boundary', in J. Weintraub and K. Kumar (eds.), *Public and Private in Thought and Practice: Perspectives on a Grand Dichotomy* (Chicago, 1997), p.182; M. Jenner, 'Early Modern English Conceptions of "Cleanliness" and "Dirt" as Reflected in the Environmental Regulation of London, c.1530-c.1700', (D.Phil. thesis, University of Oxford, 1991), pp.139-41.

[12] Douglas, *Purity and Danger*, pp.37-40.

[13] I. Hodder, *Symbols in Action: Ethnoarchaeological Studies of Material Culture* (Cambridge, 1982), pp.58-73.

medieval and early modern city.[14] In particular, the nature of the public/private boundary is open to debate, although for the purposes of this thesis I have been using these terms in a limited and specific way.[15]

Derek Keene suggests that property values in the pre-modern town were a reflection of the degree of access to the street, and that a 'clear distinction' can therefore be made in commercial terms between the private space of houses, gardens and yards, and the public space of streets and market places.[16] Camille, too, argues that the medieval city was 'a system of clear demarcations and controlled perimeters',[17] but as we have seen in the previous chapters, the evidence for pre-modern York indicates that the division between the public and private spheres was by no means as clear or as well controlled as Keene and Camille imply.[18] This is not to argue that a distinction between the two did not exist, but it was subject to a constant process of negotiation and much of the evidence from the wardmote court records is precisely about where the boundary between the public space of the street and the private space of an individual's property should lie.

This chapter, then, will revisit some of material already explored in the two previous chapters, which considered how the meaning of public space was encoded in the physical and social environment of the street, and how that code was read by the broad social group that constituted the 'middling sort' in York. Although drawing on the same sources, the following sections will examine this evidence from a different angle, in order to look at some of the ways in which the boundaries of public space were marked in the fifteenth- and sixteenth-century city. The efforts made by the authorities and the wardmote jurors to keep public space 'clean' by excluding elements considered polluting and out of place in the street will be considered in particular. The argument that follows is therefore based on Douglas's notion that the elimination of anything perceived to be 'dirty'

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[14] P. Bourdieu, *The Logic of Practice*, trans. R. Nice (Stanford, 1990), pp.271-283.
[15] J. Weintraub, 'The Theory and Politics of the Public/Private Distinction', in Weintraub and Kumar, *Public and Private in Thought and Practice*, pp.1-42.
[16] D. Keene, 'The Property Market in English Towns, A.D. 1100-1600', in J.C. M. Vigneur (ed.), *D'une ville à l'autre: structures, matérielles et organisation de l'espace dans les villes européenes, XIIIe-XVIe siècle*, Actes du Colloque organisé par l'Ecole Française de Rome, avec le concours de l'Université de Rome, Rome 1er-4 décembre 1986 (Rome, 1986), p.222.
[17] M. Camille, 'Adam's House at Angers', p.158.
[18] See also P. Borsay, 'Early Modern Urban Landscapes, 1540-1800', in P. Waller (ed.), *The English Urban Landscape* (Oxford, 2000), p.101.

is 'a positive effort to organise the environment'.[19] Here, the nuisances presented in the wardmote courts can be read as 'matter out of place' in public space. By presenting offences which transgressed the 'norm' of the physical and social environment of the street, the wardmote jurors attempted to exclude these polluting elements from public space as they perceived it.

Exclusion took different forms; the point at which it took place could be marked legally, as I have just suggested, but public space was also bounded architecturally and symbolically. Legal and architectural boundaries were often, but not always, associated, and symbolic boundaries also frequently took a monumental form. The physical aspects of public space have already been discussed in some detail in Chapter 2, and this chapter will accordingly concentrate on the legal and symbolic boundaries of public space, on how they were marked, and the extent to which the architectural and other cues which signalled their meaning were open to negotiation and dispute.

[19] Douglas, *Purity and Danger*, p.2.

4.2 The legal boundaries of public space

The exact extent of the various jurisdictions in pre-modern York is not easy to reconstruct today, although they evidently made sense to contemporaries. The city was criss-crossed by a network of legal and administrative boundaries which divided parish from ward, and ward from the separate liberties that existed both inside and outside the walls, although the relationships between each is a confusing one.[20] At the end of the fifteenth century, the various religious orders fell outside civic jurisdiction, as did the Castle, and their enclosure by walls reinforced the legal distinction between the precinct and public space.[21] Many of these walls were still standing some time after the Dissolution, in spite of the fact that all the religious precincts, with the exception of the Minster and St Leonard's, had technically been absorbed into the various parishes.[22]

The city itself was also walled. The sections below will discuss the symbolic meanings of the walls and way their role as a boundary of public space fluctuated in response to perceived threats, but they did not serve as a legal boundary, in spite of Colin Platt's insistence that city walls stood as 'a permanent reminder of an important legal and social distinction, built up over many years and at great cost, between the town and the countryside beyond'.[23] The suburbs fell under the jurisdiction of the wardmote courts, whose jurors were as concerned about suburban streets as they were with those inside the walls.

The jurisdiction assumed by the wardmote courts extended well beyond the walls, to what were referred to as the city's boundaries, although this area in fact referred to the extent of common lands and strays where citizens had rights of pasturage.[24] It was this boundary, rather than the technical limits of civic jurisdiction and administration, that appears to have represented the limit of the city's public space in the 'mental map' of both the jurors and the civic authorities. It was marked at significant points by crosses and other architectural features such

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[20] *VCH York*, pp. 311-320. See also D. Keene, 'Civic Institutions', in R. Marks and P. Williamson (eds.), *Gothic: Art for England, 1400-1547* (London, 2003), p.263. As Keene notes, by the end of the fifteenth century, many of the religious precincts contained a number of lay households which were also not subject to civic jurisdiction.

[21] For the enclosure of ecclesiastical precincts generally, see C. Coulson, 'Hierarchism in Conventual Crenellation: An Essay in the Sociology and Metaphysics of Medieval Fortification', *Medieval Archaeology* 26 (1982): 69-100.

[22] *VCH York*, p.311.

[23] C. Platt, *The English Medieval Town* (London, 1976), p.40.

[24] *VCH York*, pp.313-5.

as mills, bridges and chapels, some of which are shown on Figure 8.[25] Stones, gallows, ditches and streams signalled other key points along the boundary, and their meaning was reinforced by the ritual perambulation that took place every year if conditions permitted.[26] Accompanied by other civic officials, the mayor rode the boundary, an exercise designed to reaffirm the limits of the citizens' grazing rights. The route was recorded carefully in the civic records on a number of occasions,[27] thereby defining the boundary textually as well as ritually.

These boundaries were widely recognized, and appear to have been accorded an importance greater than that of simply being recorded in the civic documents. Margaret Tudor visited York in 1503 on her way to marry the King of Scots, and on her departure was ceremonially escorted by the mayor and his entourage along the road north 'unto they come to the farrest of the libertiez of this Citie at Mawdeleyn chapel toward Clifton'. Her farewell was marred by a dispute between the Mayor and Sir William Conyers, who was then the Sheriff of the County of York. He claimed that he was entitled to ride before the royal visitor, bearing his rod of office. The Mayor objected, and a full-blown quarrel was only averted by the Lord Treasurer who told Conyers 'Sir Shireff, putt down your rodde, ye do wrong to bere any within the libertiez of this citie'. The account continues with Conyers lowering his rod to his horse's side,

> unto he come beyonde Mawdeleyn Chapell without the libertiez of this Citie, and then and there he toke up his rodde saying, now Shireffs hold down your rodds for it is within myn office, and they said so they wold and bad God spede hym.[28]

The significance of the angle at which the rod was held by those involved is an interesting example of the way gestures and other 'non-fixed feature elements' of the kind identified by Rapoport can be used to endow space with meaning and to indicate how and where it was bounded.

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[25] See Appendix 3.

[26] In 1544, it was agreed that the Lord Mayor 'shall gyve sparyng in rydyng of the bounds of this Citie for this yere, consyderyng the great floyds and waters whiche makyth suche depe wais that such bounds cannot be convenyent [r]ydden', YCR, 4: 117. Five years later, it was similarly agreed that 'the rydyng of the bownds of this Citie for dyvers consyderacons shalbe sparyd and not ryddyn this yere'. YCR, 5: 21-2.

[27] See M. Sellers, ed., *The York Memorandum Book*, Part I, Surtees Society 120 (1912), pp.20-22; YCR, 2:163 –165; J. Percy, ed., *York Memorandum Book BY*, Surtees Society 186 (1969), pp.131-132 and 230-231; F. Drake, *Eboracum* (London, 1736), pp.244-5; T. Widdrington, *Analecta Eboracensia: some remaynes of the ancient city of York*, ed. C. Caine (London, 1897), pp. 129-30.

[28] YCR, 2: 186-9.

Nor was it just civic officials who were sensitive to these boundaries. A number of presentments in the sixteenth-century wardmote courts mention one or another of the boundary markers. The Monk ward jurors complained in April 1577 that their wardens had not paved the causeway between Monk Bridge and the cross on Heworth Moor,[29] and tried to ensure in 1585 that the road between the watering place in Layerthorpe 'all along to the bounder crosse' was paved where necessary. The juries in Bootham ward were similarly concerned about the road leading out to the boundary at Magdalen Chapel, regularly complaining about its state of repair.[30] Their concerns demonstrate a strong awareness of exactly where the outer boundaries were fixed in the conceptual map of the city and how they were marked. When plague threatened in 1564 some linen which was suspected of being infectious was ordered to be taken out to Bampton Well or beyond to be opened and aired.[31] Bampton Well stood on the ridden boundary, and its choice as a point at which to exclude a potential source of infection is surely significant.

The location of the offences presented in the wardmote courts was therefore another way of marking the perceived boundaries of public space in legal terms. The very fact of presentment indicated that the transgression had occurred in what the court considered to be public space. The jurors were careful not to impinge on other jurisdictions, but were at the same time ready to insist on the maintenance of the boundaries between public and other spaces within the city. The Dean and Chapter were fined 20s in 1577 for not paving and repairing the street against St Michael-le-Belfrey, which stood on the boundary between the Minster precinct and Petergate,[32] while the Dean was required to pave 'before the Mynster gaite toward the strete', again reinforcing the dividing line between the two jurisdictions.[33] The presentment of the Vicars Bedern in 1491 for blocking the common sewer with filth likewise reflects the perception that those living under a different jurisdiction could be held to account at the point where their actions violated public space.[34]

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[29] E31, fol. 52. At the following court, they grumbled again about the causeway between Monk Bridge and 'the Stomp Crosse'. E31, fol.63v.
[30] E31, fol.3v; 25, 31, p.235.
[31] B23, fol.155.
[32] E31, fol. 49. See also fol. 31v, p.216.
[33] E31, p.25.
[34] CB1a, fol. 137v, 138.

Within civic jurisdiction, however, the wards were less protective of their own limits. As we have seen in the previous chapters, many of the offences presented in the wardmote courts were also dealt with by other courts. The General Session of the Peace held in October 1575 presented individuals for assault, receiving servants, verbal abuse (John Harper was said to be a 'common barratour', which had much the same implications as scolding), not repairing the highway, gambling and keeping a tippling house without a licence, all offences which might equally have been prosecuted in the wardmote courts.[35] Nor were the distinctions between the different wards clearly drawn, unlike the parishes, whose boundaries were carefully defined and ritually enforced on Rogation Day. The remit of each ward appears to have been largely restricted to those parishes which provided the constables (and, in the later sixteenth century, the churchwardens) who were responsible for the day-to-day enforcement of environmental regulation in the street, but there may have been some overlap between the ward and parish boundaries as in London.[36] Occasionally, the wardmote jurors would present an individual for an offence in another ward altogether, as when Mr Beckwith was presented by the Bootham court held in May 1584 for not paving his door in Colliergate, properly the concern of the Monk wardmote court.[37] The Monk jurors had in their turn presented Mark Bolt 'that he shall pave before his close in bowthome',[38] although there are no examples of a similar cross-over in the Walmgate or Micklegate court records. Beyond the walls, the division between the wards is even harder to identify with any certainty. Both Walmgate and Monk ward jurors were concerned about Crab Mill,[39] and the Bootham and Monk courts evidently shared an interest in Goose Lane.[40]

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[35] E31, fol. 69a.
[36] S. Rappaport, *Worlds Within Worlds: Structures of Life in Sixteenth-Century London* (Cambridge, 1989), pp. 177, 183; I. Archer, *The Pursuit of Stability: Social Relations in Elizabethan London* (Cambridge, 1991), p.83.
[37] E31, p.216.
[38] E31, p.69.
[39] The location of this mill is unknown, although it was presumably outside the walls to the east of the city. Raine notes a mention of crab mills in Jubbergate in the seventeenth century (*Mediaeval York*, p.164), but both wardmote presentments seem to suggest a single mill of this name. Robert Sandwith was laid in pain to pave 'before the crabb mylne dore' in October 1580 (E31, p.81), while the Monk court laid William Cook and William Beckwith in pain 'to pave before the crabb mylne' in October 1581 (E31, p.119).
[40] For Bootham, see E31, fols. 3v, 4, 71; pp. 62, 101, 170, 235, 214, 216, 233; for Monk, E31, fols. 29, 35v, 52, 73v; pp. 134, 200, 245, 317, 318.

Certainly, nothing in the wardmote court records suggests an awareness of the distinction between the wards of the kind noted by Caroline Barron in London, where the rakers of Cheap and Bassishaw wards were accused of deliberately disposing of their ward rubbish in Colmanstreet ward.[41] Instead, the wardmote courts seem to have shared a perception of public space at a civic level. The street was public, first and foremost, and only then an element of the ward or parish in which it was located. The ward boundaries were defined textually in the way the court proceedings were recorded, and reaffirmed by the quiet ritual of inspection by the inquest jurors, but the lack of contention over the issue of where one began and another ended may reflect the importance assigned to public space within the city. Maintaining the integrity of the street, and, in particular, policing the boundary between public space and private space, was one of the major functions of the wardmote courts. The extent of the street was circumscribed by the doorways, fences and walls that lined it, and it was precisely these boundaries that most concerned the wardmote courts, as we saw in Chapter 2. A number of pains laid in the courts were designed to ensure the maintenance of fences and walls that defined private properties, with individuals required to 'make a sufficient fence', 'to amend his wall' or, as was the case with Robert Ledale, to 'remove his paile and sett it stright'.[42]

More significantly, perhaps, presentments to do with cleaning or paving usually specified a boundary: before a door, along a 'back side', beside a garden, at the edge of a garth and so on. By insisting that public space was cleaned or paved right up to these boundaries, the wardmote courts were enforcing the general perception of the point to which 'public' authority extended. The Micklegate jurors who tried to get the inhabitants of Middlethorpe to 'skore the dytch betwene Myddlethrop and us' were making explicit the role of the ditch in dividing 'them' from 'us',[43] but the same tension underlies the requirements for individuals to pave or clean along their property boundaries.

An anxiety about the permeability of these boundaries informs not just the wardmote courts, where the jurors resisted any attempts at encroachment on

[41] C. Barron, 'Lay Solidarities: The Wards of Medieval London', in P. Stafford, J.L. Nelson and J. Martindale (eds.), *Law, Laity and Solidarities: Essays in Honour of Susan Reynolds* (Manchester, 2001), p.228.
[42] E31, p.69.
[43] E31, 77v.

public space, but also the strenuous efforts made by householders to guard their own property rights.[44] As Diane Shaw has noted, the city was 'a contentious physical and social landscape',[45] one in which spatial boundaries were subject to constant negotiation, between neighbour and neighbour, and property owner and the 'public'. We have seen in previous chapters how encroachment, slander and the policing of neighbourhood morality all served to blur the boundary between the public and the private, and undermine what might have been expected to be a clear legal distinction between the two. In theory, the division between the public street and private property was marked by the frontage of a building, but in practice that boundary consisted of a marginal zone between the door and the street, where the householder's obligations to pave were understood to confer in return an interest over the adjacent space.[46] The perception of a notional, if not a legal, right over the ground immediately adjoining the property led many to encroach on the street with physical constructions, or to appropriate it for their own use by disposing of rubbish or obstructing traffic with other waste. Such actions frequently resulted in presentments in wardmote courts, as we have seen, and were symptomatic of the continual tension between the public and the private that has been a consistent theme of this study.[47]

In the face of this constant negotiation, the Corporation, like individual property owners, strove to defend civic boundaries in legal terms. The wardmote courts were one aspect of the maintenance of public space, but a similar concern underpinned the meticulous recording of property leases. It was decided in 1571 that a 'book of bounders' should be made to record the boundaries of all the city's lands and tenements,[48] the accuracy of which was carefully checked. Aldermen were regularly sent out to inspect encroachments and settle disputed boundaries,[49] and the detail with which they reported their decisions suggests that the setting of boundaries was not a matter that was taken lightly. The officials dispatched to

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[44] D. Shaw, 'The Construction of the Private in Medieval London', *Journal of Medieval and Early Modern Studies,* 26:3 (1996): 460; K.D. Lilley, *Urban Life in the Middle Ages, 1000-1450* (Basingstoke, 2002), p.208; H.M. Chew and W. Kellaway (eds.), *London Assize of Nuisance, 1301-1431*, London Record Society, 10 (1973).
[45] Shaw, 'Construction of the Private', p.449.
[46] V. Harding, 'Space, Property, and Propriety in Urban England', *Journal of Interdisciplinary History* 31:4 (2002): 561.
[47] See also Harding, 'Space, Property, and Propriety', p.550.
[48] YCR, 7:24.
[49] For example, see B26, fol. 37v.

consider encroachments of the Foss reported their decision back to Corporation with a scrupulous attention to detail:

> we do thynke that the river from the piller of the brige shalbe enladged unto one pere tree and apple tree in John Parker garth, marked with two crosses, over unto one wyllow tree in Backhowse garth marked with a cross.[50]

The civic authorities were equally anxious to defend their boundaries with other, competing, authorities. In 1498 a dispute blew up between the Corporation and St Mary's Abbey over the arrest of a metaller called Burton by civic officers within what the Abbot claimed were the Abbey's liberties, and the city was quick to point out that Burton had been taken 'negh the hye way that goes towards seward howe milne and on the south side of the said hye way which is fere within the libertiez of this citie'.[51] The two jurisdictions were in further conflict in 1500 over a piece of ground outside Bootham Bar. In spite of the Abbot's insistence that 'he perfitely knew that the said void ground was his ground',[52] the argument dragged on,[53] and the land was still a source of dispute in 1524.[54] The intractability of both parties over this ground surely reflects not only its liminal legal status, but also its physical location between the walls of the city and the walls of the abbey.

Uncertainty over legal and physical boundaries could quickly give rise to conflict. The riding of the city boundaries in 1539 led to riots,[55] and a dispute over jurisdiction of land in Jewbury ended in violence when the men of the Forest of Galtres knocked down a fence, and were said to have been 'of riotous demeanour'.[56] The setting and policing of legal boundaries was clearly important. In 1569, the Commons petitioned that the city boundaries should be ridden yearly 'for that we may knowe our lybertyes and loose no part of our ryght that is dewe to the Cyttye'.[57]

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[50] YCR, 8:76.
[51] B8, fol. 35v.
[52] B8, fol. 74v-75.
[53] B8, fols. 77 –129v, *passim*.
[54] B10, fol. 88.
[55] YCR, 4: 38.
[56] B10, fols. 100, 103v. The bounds of the Forest of Galtres, under the jurisdiction of St Mary's Abbey, extended as far as the foot of the city walls near Layerthorpe Bridge and, according to the record of the perambulation sent to the Corporation by the Abbot in 1501, continued around the foot of the walls as far as St Leonard's and the Ouse. B8, fols. 118v-119.
[57] YCR, 6: 110.

4.3 Symbolic boundaries

In June 1579 the Ecclesiastical Commission wrote to the Lord Mayor about one Margaret Sheles, 'a notorious vacabonde and defamed person'. In spite of having been whipped out of the city and burned on the ear on previous occasions, Margaret had over ten years 'loytred within and aboute the Citie of Yorke, after a verie rogishe manner', and the Commission recommended that this time the civic authorities should banish her not just from the city but from all other places over which they had jurisdiction. Imposing a suitably severe penalty to ensure that she did not return would, they felt, be 'a very good acte especyallye in purging your common wealth of so lewde and unprofitable a member'.[58]

The 'purging', or exclusion, of unwanted elements is common to the organization of any social space.[59] Spaces are defined by who and what they include. Those deemed not to belong are pushed to the periphery; they are 'matter out of place' in Douglas's model. The process by which certain groups and attitudes are marginalized is familiar to many cultures.[60] Spatial margins are not necessarily geographical,[61] although in the case of the pre-modern city, marginalized groups were indeed often associated with the periphery of urban space.[62] What a society chooses to discard tells us a lot about what, conversely, it considers of value, and an examination of the people, actions and matter excluded from a given space provides us with a clearer indication of how that space is ideologically constructed.

Contemporary understandings of what constituted both physical and conceptual 'dirt' are revealing about the ways in which attitudes towards material and metaphorical pollution were used, consciously and unconsciously, to construct identity and define difference. Humans articulate their fears by excluding anything perceived as potentially threatening. A detailed study of what was rejected or excluded from public space in late medieval and early modern York should therefore tell us not only where the boundary to public space was

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[58] B27, fol. 172-172v.
[59] Sibley, *Geographies of Exclusion*, p.77.
[60] Sibley, *Geographies of Exclusion*, pp.49-71; R. Mazo Karras, *Common Women: Prostitution and Sexuality in Medieval England* (New York, 1996), p.7; B. Geremek, *The Margins of Society in Late Medieval Paris*, trans. J. Birrell (Cambridge, 1989).
[61] Shields, *Places on the Margin*, p.3.
[62] Lilley, *Urban Life*, pp. 244-5.

perceived to lie, but also a good deal about how the street was imaginatively constructed.

The following sections will therefore consider the efforts made by the civic authorities and the wardmote courts to keep public space 'clean' and unpolluted by unwanted elements. Exclusionary processes work from within, by rejecting individuals and groups, or activities, or matter, that did not conform to the 'norm', but also by defending the space in question from external threats. The first section will examine what were perceived as external threats to public space, and the steps that were taken to combat them, while the second will move on to look at how public space was 'purged' by the removal or rejection of physical and symbolic 'dirt'.

The 'well wallyd' city

The notion that the medieval city was bounded and therefore defined by its walls is a pervasive one.[63] Medieval *mappaemundi* typically showed cities as an ideogram of towers enclosed by a crenellated wall.[64] A panel of St William's Window in the Minster depicts William arriving at York, shown as a wall and a gate complete with portcullis,[65] an image which was also used to represent the city on its seal.[66] Even by the time of Leland's visit in 1539, the walls were the first thing he noted about York after its situation on both banks of the river. Indeed, his description is largely devoted to the walls, and his account of the notable buildings they enclosed is cursory in comparison.[67]

The walled city was a familiar metaphor in the Middle Ages. For John Gower, a man with angry speech was

> As a Cite withoute wal,
> Where men mai gon out overal
> Withouten eny resistence
> So with his croked eloquence

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[63] Keene, 'Medieval Urban Landscape', p.83; J. Grenville, *Medieval Housing* (London, 1997), p.158; Keene, 'Civic Institutions', p.263.

[64] P.D.A. Harvey, *Medieval Maps* (London, 1991); J.B.Harley and D. Woodward, (eds.), *Cartography in Prehistoric, Ancient and Medieval Europe and the Mediterranean,* The History of Cartography, Volume 1 (London, 1987); J. Goss, *The Mapmaker's Art: A History of Cartography* (London, 1993), pp.33-55.

[65] *RCHME, York,* 2: 2.

[66] *RCHME, York,* 2: 188; Platt, *The English Medieval Town*, p.41; Keene, 'Medieval Urban Landscape', p.84. See also Keene, 'Civic Institutions', p.266.

[67] John Leland, *John Leland's Itinerary: Travels in Tudor England*, ed. J. Chandler (Stroud, 1993), pp.539-543.

He spekth al that he wot withinne.[68]

The Middle English version of the *Gesta Romanorum* equates the walls with moral strength: 'The Cyte þat is well wallyd ffor soothe is þe sowle of man sette a-bow3t with vertues',[69] and the citizens of fifteenth-century York were equally alert to the symbolism of the walls. A epitaph on the tomb of John Gilliot, who died in 1484, having been Lord Mayor twice, asserted that he had been as another city wall to the citizens (*Urbis quali murus civibus alter erat*).[70] The image conveys the powerful sense of security and protection that the city walls represented to the inhabitants of fifteenth-century York.

The walls thus functioned as a symbolic as well as a monumental defence against external threats, serving as a boundary 'between inner order and outer chaos'.[71] The distinction between the two domains is reinforced by the significance accorded to the threshold.[72] Just as the main doorway to urban houses was given prominence with a pentice or a porch,[73] so the bars to the city were accorded a special significance. Although sparsely decorated compared to, for instance, the entrances to medieval Italian cities like Florence and Siena where images of the Virgin and patron saints symbolically reinforced the gates' structural strength,[74] the bars of York nonetheless had an architectural importance emphasized by their rare projecting barbicans, only one of which still survives.[75] Their decoration appears to have been limited to heraldic shields, the royal and city arms figuring prominently,[76] although they may have been painted and gilded

[68] John Gower, *Confessio Amantis*, III, lines 437-41. I am grateful to Isabel Davis for drawing this reference to my attention.
[69] K.I. Sandred, ed., *A Middle English Version of the* Gesta Romanorum (Uppsala, 1971), p.75. I owe this reference to Abigail Wheatley.
[70] *Eboracum*, p.295; *Tudor York*, p.25.
[71] Lilley, *Urban Life*, p.246. See also Relph, *Place and Placelessness*, p.49.
[72] Rapoport, *House Form and Culture*, p.80; Parker Pearson and Richards, 'Ordering the World', p.25.
[73] J. Schofield, *Medieval London Houses* (New Haven, 1994), pp. 61-2. However simply marked, all houses had a 'public face'. J. Schofield, 'Social Perceptions of Space in Medieval and Tudor London Houses', in M. Locock (ed.), *Meaningful Architecture: Social Interpretations of Buildings* (Aldershot, 1994), p. 202.
[74] F.Ratté, 'Architectural Invitations: Images of City Gates in Medieval Italian Painting,' *Gesta* 38:2 (1999): 142-153.
[75] *RCHME, York*, 2: 95-142.
[76] *RCHME, York*, 2: 54. It was agreed in November 1582 that the widow of Thomas Mason should be paid for his work in 'paynting of the Cytie armes at Bothome barr'. B28, fol.75.

for royal visits.[77] The post-medieval statues that now stand above Micklegate, Monk and Bootham bars bear stones to repel attackers, as if to underline the defensive role of the walls, and it is possible that they replaced earlier figures that would have signalled the significance of the walls as the boundary to urban space in a similar way.[78]

The very existence of city walls represented the 'impulse toward common experience and protection',[79] that we find also in public space. Even the simplest of thresholds is by its very nature a boundary crossing, marking the transition point between one space and another. As such, the bars functioned as liminal zones, which are often associated in both spatial and temporal terms with anxiety and tension.[80] When that space and that common experience were threatened by external forces, the city walls formed the first line of defence. Such threats took different forms. The barbicans, battlements and portcullises at the bars made explicit the walls' ability to repel military attack, but their monumental nature functioned also as an effective barrier against the sometimes more insidious threats posed by political unrest, epidemic disease and the influx of large numbers of the unemployed and the dispossessed whose presence was perceived to destabilise the social order.

Military boundaries

The symbolism of the walls depended on their practical function as effective defences. The history of York's walls is a long and complex one, dating back to the Roman defences, but by the mid-fifteenth century they had reached their greatest extent and followed the line that still exists, much restored, today.[81] Set on massive earth ramparts and built of magnesium limestone, the walls were

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[77] Bootham Bar was painted russet and white and gilded in honour of James I's visit in 1603, and it is possible that this may have been the practice in the Tudor period as well, although there is no direct evidence for this.

[78] In 1603 a payment was made 'to one that made a man in stone and set over the barre and for the paintinge of hyme and the rest of the men ther' (*RCHME, York*, 2: 95), which seems to suggest that 'the rest of the men' at least were already in place.

[79] R. Trexler, *Public Life in Renaissance Florence* (New York, 1980)

[80] Parker Pearson and Richards, 'Ordering the World', p.25; Sibley, *Geographies of Exclusion*, pp.32-48; S. Kostof, *The City Assembled: The Elements of Urban Form Through History* (London, 1992), pp.11-12.

[81] For the history of York's walls see T.P. Cooper, *York: The Story of its Walls, Bars and Castles* (London, 1904); *RCHME York*, 2; *VCH*, pp.510-514.

punctuated by four major gates, one smaller one and a number of posterns, and continue to have a monumental importance that is difficult to deny.

By their very existence, the walls defined the city as distinct from the suburbs and surrounding countryside, but they also had a very real defensive function.[82] Although the fifteenth century saw few military attacks to compare to that of 1321, when the invading Scots 'come evene to York walles' and 'brent the subarbes',[83] the walls still marked the boundary between the city which could be defended and the suburban properties which remained vulnerable. Generally, English towns were poorly fortified in the fifteenth century, in spite of the Wars of the Roses,[84] but in York the walls were evidently an adequate defence against attack. Supporters of Lambert Simnell's rebellion in 1487 'made asalt' at Bootham Bar, but were put to flight by the watchmen who 'well and manly defendid tham',[85] although rebels led by Sir John Egremont and John Chambers had more success, occupying the city in May 1489 after burning Fishergate and Walmgate bars.[86]

The threat of rebellion at this time prompted Henry VII to order the Corporation to take measures to improve the city's defences, 'that is to say in makyng sufficiantlie ther gates and other necessarie in implementes of wer for the tuicion and savegarde of the same'. The bars and posterns were to be strengthened with iron gates, and drawbridges where necessary, and city walls and dikes were to be cleaned.[87] The Corporation was still conscious of the need for adequate defences in 1497 when they decided that a tree left lying for over a year at St Leonard's Landing should be seized by the mayor and 'sawen in plankez for to lye on the wallez for defence of this Citie'.[88]

Even later in the sixteenth century, when it might have been thought that the need for fortifications was long past, the authorities hurried to repair the walls and

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[82] Parker Pearson and Richards, 'Ordering the World', p. 24; Kostof, *The City Assembled*, pp.11-69.
[83] F.L. Hingeston (ed.), *The Chronicle of England by John Capgrave*, Rolls Series 1 (London, 1858), p.181, 186.
[84] J.R. Lander, *Conflict and Stability in Fifteenth-Century England* (London, 1969), pp.163-4. See also Grenville, *Medieval Housing*, p.158; J. Schofield and G. Stell, 'The Built Environment, 1300-1540', in D. M. Palliser (ed.), *The Cambridge Urban History of Britain, Volume 1, 600-1540* (Cambridge, 2000), p.373.
[85] YHB, 2: 572.
[86] *RCHME, York*, 2: 19.
[87] YHB, 2: 655.
[88] B8, fol.23v.

strengthen the gates when disorder threatened. News of the Rising in the North in November 1569 prompted the city to inspect all the bars and posterns and to ensure 'that decayes therof be amended sufficiently as they ought to be and all the common gonnes or ordynauncs remaining in the Chambre or at the barres be reparelled and amended and made in readynes'.[89] Later in the month, it was decided that all ladders in the suburbs should be 'saffly layd up' in the city, presumably to stop attackers using them to breach the walls, and the defensive function of the walls was underlined by the commandment to all the inhabitants of the suburbs 'to come in and make their abode this troublesome tyme duryng within the Citie'.[90] The reality of the danger here is of less interest than the clear assumption that the city walls bounded the space to be defended in times of crisis.

Political boundaries

The division and demarcation of space underpins authority,[91] and the maintenance of that authority depends to a large extent on what Mike Davis has called 'the architectural policing of social boundaries'.[92] The city walls were a physical barrier that enabled the Corporation to restrict and control access to public space within the city through the bars. In theory, the gates were locked at night, and opened again in the morning, 'for the tuicion and savegarde of this cite'.[93] The times of opening and closing changed according to season,[94] but the wicket gate seems to have been left open, 'to thentent that the kinges people myght have ther passage and repassage'.[95]

It is clear that the closing, and indeed the very existence, of the great gates was designed not to keep people in, but to keep out those who did not belong. At the first hint of unrest, a close watch was set on the bars. In 1463 it was agreed that 'two tall men unarrayed' at each bar were to keep watch during the day 'to the intent that if any suspected person comes in at any of the said barrs they may have knowledge of them and be ascertained of the cause of their comeing and whence

[89] B24, fol.161v.
[90] B24, fol.167.
[91] Parker Pearson and Richards, 'Ordering the World', p.24; Sibley, *Geographies of Exclusion*, p.72.
[92] Davis, *City of Quartz*, p.223.
[93] YHB, 2: 665.
[94] YHB, 1:270; YHB, 2: 656; YCR, 4: 20; YCR, 5:16, 48, 102; YCR, 7:16.
[95] YHB 2:629; YCR, 5: 123.

they come and whither that they purpose', a degree of surveillance that would be the envy of many security services today. In 1552 it was decided that the officers of the wards, or their deputies, should sleep in the chamber above each bar,

> and at ix of the clocke at after none to shutt in the barres and posternes nightly every of theym in their warde and soo to kepe theym diligently speared from ix of the clock unto fyve of the clocke in the mornyng, and duryng that tyme to suffer no suspicious persone to come in ne goo forth but shall bring theym to the Shirefs to be examined.[96]

A potential threat from the French in 1564 prompted the Corporation to agree that 'a watch shalbe nightly from after tomorrow kept at the iiij barrs with iiij men a pece',[97] while the Rising in the North five years later led to an even greater degree of surveillance. Each bar then was to be watched by ten watchmen between 8.00 pm and 6.00 am, and six during the day.[98]

Political control was made explicit in the use of the bars to display the heads of those executed for threatening the established order.[99] A grisly warning to anyone tempted to follow their example, the exhibition of dismembered body parts at the symbolic threshold of city space gave the practice an added significance. It was less evident in the sixteenth century, but there continued to be an association between the bars and punishment which underlined the importance of the boundary in the policing of public space. City gates were commonly used as prisons in the later medieval and early modern period,[100] and this was true also of York, where Monk Bar served as a prison and Fishergate Bar was turned into a house of correction in 1584.[101] Every ward in 1501 had 'a payre stokez and certan fethers for imprisonment & punishment of begars vacabunds and other mysdoers',[102] and these appear to have been set at the bars themselves. The stocks at Walmgate Bar were repaired in 1575,[103] and were still being used in 1581 when Thomas Dore was sentenced for stealing linen, and was ordered to be

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[96] YCR, 5:82.
[97] YCR, 6:74.
[98] YCR, 6:161.
[99] Harry Hotspur (1403), Lord Scrope (1415) and the Duke of York (1460) were among those whose heads ended up on Micklegate Bar. *RCHME, York*, 2: 95.
[100] D.M. Palliser, 'Civic Mentality and the Environment in Tudor York', *Northern History* 18 (1982): 95.
[101] B28, fol.146.
[102] B8, fol.108.
[103] B26, fol.38.

'set in the comon stocke at Walmegait bar with the said lyne about his neck for example of others'.[104] The fetters, too, remained in use. A spinster called Anne Alleyley was sentenced in 1586 to be whipped through the city together with three of her accomplices 'and then have their hands tyed in manacles which be sett at the barres'.[105] Gallows, however, were typically suburban features,[106] an interesting distinction that may derive from an awareness of the health implications of having putrefying bodies (literally) hanging around in crowded areas, but whose spatial significance is otherwise hard to explain.

The importance of the city walls as a political boundary was further underlined whenever monarchs or other politically important visitors came to city. The St William Window (1415-20) shows William being met by the Mayor and Corporation at a city gate, usually identified as Micklegate Bar.[107] As the main entrance to the city from the south, Micklegate Bar was the most usual greeting place. The body of Archbishop Rotherham, returned to York for burial in 1500, was met with due ceremony there,[108] as was the (live) new President of the Council of North in 1572.[109] When Margaret Tudor arrived in 1503, she was escorted from Tadcaster Bridge by the sheriffs, but the Mayor and aldermen waited for her at Micklegate Bar, 'on horsbak standing on the north side the said barre a lityll space within',[110] The Duke of Gloucester (later Richard III) came to York on behalf of Edward IV in March 1476 and was said to have addressed the waiting officials '*infra barram de Botham*'.[111]

As indicated in Chapter 3, the welcome for such important visitors was carefully choreographed, with decisions taken on the exact composition of the party and who was to wear what, and stand where. 'By demonstrating who was included and excluded, [these] events and ceremonies illustrated the basic divisions of society, reinforced boundaries, and validated respect for them.'[112]

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[104] B28, fol.15.
[105] YCR, 8: 130-1.
[106] R. Davies, *Walks Through the City of York* (London, 1880), p.100. See Figure 8.
[107] J. Toy, *A Guide and Index to the Windows of York Minster*, (York, 1985), p.10; *RCHME*, 2: 2.
[108] B8, fol.89.
[109] B24, fol.29.
[110] YCR,2: 186-9.
[111] YHB, 1: 8.
[112] L. Attreed, *The King's Towns: Identity and Survival in Late Medieval English Boroughs* (New York, 2001), p.72. See also L. Attreed, 'The Politics of Welcome: Ceremonies and Constitutional Development in Later Medieval English Towns,' in B.A. Hanawalt and K.L. Reyerson, eds., *City and Spectacle in Medieval Europe* (Minneapolis, 1994), pp. 208-231.

Such ritualised greetings were no doubt intended to show respect, and an awareness of political reality, but by escorting visitors across the threshold of the city, the Corporation was also able to assert its own authority. Wrapped up in deferential language and present-giving the welcome might be, but it was nonetheless clear who controlled access to the city and the space within on a practical level. Significantly, visiting monarchs were always met outside the bar, sometimes a considerable way beyond the city walls and even at the very limits of the Corporation's jurisdiction, a location which underlined its subservience to royal authority.[113]

Micklegate Bar marked the most significant threshold into the city, and was the focus of the elaborate displays designed to welcome the king into his city. A 'syght to be made at the kynges cumyng' was ordered for Richard III's arrival in 1483, the first and most important of which was to take place at Micklegate Bar.[114] The House Books record in detail the arrangements made for Henry VII's reception in 1486. Henry would be confronted at Micklegate Bar by a spectacular show representing a heavenly and harmonious place whose founder, Ebrauc, identified it as York itself. A similarly spectacular reception was planned for Henry VIII in 1541. It was assumed that the King would arrive at Micklegate Bar like his father, and carpenters, painters and the city clerk immediately set to work to devise a show with suitable speeches, which apparently involved 'towres, tyrretts, battylments of tymbre and canves, also goodly faynes with the Kyngs armes, the Quenes armes and Prynce grace armes and with the armes of the City and other proper conceytts to be made and dvysed after the best maner'. No less than three aldermen were appointed to ensure that the bar itself was 'welle ordryd

[113] Richard III was greeted at Brekles Mills on his first visit as king in August 1483. The precise location of Brekles Mills is unknown, but it was probably somewhere on the main route from the south between Tadcaster and York, and possibly the place where the city was 'accustumed to waite of kinges' referred to in the context of Henry VII's arrival two and a half years later. *YHB*, p.288, 742, 482. When serious grovelling was in order, the Corporation evidently decided that it would be politic to meet Henry at Bilburgh Cross, some three miles further from the city walls. *YHB*, p.482 It opted for a similar tactic in September 1541 when Henry VIII came to York after the Pilgrimage of Grace, a time when its loyalties were open to question. The entire civic elite turned out , along with 'a great multytude of the moste discreyt commoners' to meet Henry at the stone cross which marked the boundary with Fulford. Here the mayor and aldermen fell to their knees, and the Recorder made an abject apology on behalf of the city, all of whose inhabitants were, he said, 'from the bothoms of our stomaks repentaunt'. B15, fol.57-57v.

[114] YHB, 1: 288.

and trymmyd'.[115] After all this effort, the consternation and disappointment when Henry VIII chose to enter instead through Walmgate Bar can only be imagined.

Economic boundaries

The entry of more humble visitors was also accompanied by ritual, albeit of a less spectacular kind. Unless exempt for one reason or another, anyone wanting to bring goods to trade in the city had to pay a toll at the gates, which gave them access to the principal markets in the city centre. A simple barrier would have been sufficient to protect the city's rights to tolls,[116] but in York the architectural boundary served to reinforce the economic boundary. By channelling traffic and restricting access to those who could pay, the walls formed an effective defence against the economic threat of a free market. For the Corporation, the payment of tolls was a way of controlling the urban economy, and privileging the guilds and crafts who dominated civic authority.[117] The mundane, daily rituals of paying tolls, walking in through a gate with goods to sell, or out again with purchases, were aspects of social practice that not only acknowledged the function of the bars as spatial boundaries, but reinforced their meaning through the constant repetition that Giddens argues is integral to the understanding of space.[118]

Healthy boundaries

Epidemic disease was one of most overt threats to the city and public space.[119] The danger it posed was as real, if not more so, than military attack, and the city defended itself in much the same way, by closing the gates against potential infection and mounting a careful guard.[120] The watch was intended to keep out anyone coming into the city from infected areas, although in most cases it was only strangers and vagabonds or goods who were excluded in this way. When

[115] B15, fols. 34, 36, 36v, 38v.
[116] Kostof, *The City Assembled*, pp. 12-14; Platt, *The English Medieval Town*, p.44.
[117] H. Swanson, *Medieval British Towns* (Basingstoke, 1999), p.107; Grenville, *Medieval Housing*, p.158; Keene, 'Medieval Urban Landscape', p.84.
[118] A. Giddens, 'Time, Space and Regionalisation' in D. Gregory and J. Urry (eds.), *Social Relations and Spatial Structures* (London, 1985), pp.265-295.
[119] See T. Ranger and P. Slack (eds.), *Epidemics and Ideas: Essays on the Historical Perception of Pestilence* (Cambridge, 1992) for cross-cultural studies of how different societies respond to the threat posed by epidemics and what such responses reveal about the ideology of the society afflicted.
[120] For a detailed account of measures taken by the civic authorities in York and other cities to prevent the spread of plague, see P. Slack, *The Impact of the Plague in Tudor and Stuart England* (London, 1985).

plague was reported in 1563, the Corporation responded by setting a watch at Micklegate and Walmgate bars, to ensure that no goods from London or other infected places were allowed into the city.[121] The following year, three 'honest inhabitants' were paid to watch Micklegate bar, and another three Skeldergate postern, during the day. Together with the regular night watchmen, they were charged with discovering where any strangers or vagabonds came from, and with refusing entry to any travelling from areas where sickness was reported.[122] Citizens were allowed in, albeit with restricted freedom of movement within the city.[123]

In the 1530s, however, measures were more severe, with any inhabitant suspected of having the plague being effectively expelled from the city and made to stay in specially appointed houses outside Layerthorpe postern. They were not to 'go abrod nor come within this Citie for no causes', and the postern was to be kept locked against them.[124] A similarly intense watch was ordered in November 1576, after rumours of plague in September. The posterns were locked and four men were assigned to four hour shifts at each bar throughout the day, to check that any servants trying to enter the city were able to prove that they were licensed to leave their previous place of employment.[125] Reports of plague may also have led to the twenty-four hour watch set at the bars in 1582, when the posterns were locked and the bars were guarded by 'two substanciall howseholders in their owne persons', this time in seven hour shifts.[126]

Measures like these were not enough to spare York from disease altogether,[127] although the city did enjoy a period of respite from serious epidemics for most of Elizabeth's reign.[128] The success or otherwise of attempts to prevent epidemic sickness entering the city is in any case less important for the purposes of this thesis than what those attempts reveal about the extent of public space and the

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[121] B23, fol. 120v.
[122] B23, fol. 145. See also the order made when there were rumours of plague at Howden in May 1579: 'it is agreed for kepyng this Citie withowt danger therof that Walmgate barr, Castlegate postern and Fishergate posterne shalbe watched continually, and to suffer none to enter that come from Howden, Snayth or other infected townes therabowts' B27, fol.170. Watches were also ordered in response to plague in Rotherham and Selby in 1570. YCR, 7:10.
[123] Those who came back from Snaith were committed to Monk Bar, B27, fol.176.
[124] B13, fol.126.
[125] B25, fol.95.
[126] B28, fol. 74.
[127] Palliser, 'Civic Mentality', p.90.
[128] *Tudor York*, pp. 122-5.

point at which it was defended. As noted earlier, a fear of infection prompted the removal of suspect linen to Bampton Well, situated on the ridden boundary, but in most cases, it was the city walls that were understood as the major line of defence against sickness, marking the point at which efforts were made to exclude disease as far as possible.[129]

Social boundaries

The city walls also functioned as a symbolic boundary when it came to the exclusion of people and behaviour deemed unwanted or inappropriate in public space. Although the line drawn between the rich and the poor was not always a simple one,[130] as already noted in Chapter 1, the suburbs of most towns tended to be much less prosperous than the city centre,[131] and these areas acquired the reputation for illicit and anti-social activities. Chaucer's Canon's Yeoman lives in 'the suburbes of a toun',

> Lurkynge in hernes and in lanes blynde,
> Whereas thise robbours and thise theves by kynde
> Holden hir pryvee fereful residence
> As they that dar nat shewen hir presence.[132]

The suburbs of York were not extensive in comparison with other cities,[133] but they were equally perceived as spaces of exclusion at times when the city felt under real or symbolic threat. Peripheral locations in the suburbs or close to the walls themselves came to be associated particularly with the unemployed and other marginal groups.[134] When Fishergate Bar was turned into a house of correction it meant evicting the 'poore folks' who were living there at the time,[135] and it was agreed in 1552 that twenty shillings should be distributed 'emongs the

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[129] B23, fol. 155. For the significance of the siting of leper hospitals on the boundaries of urban settlement in an earlier period, see R. Gilchrist, 'Christian Bodies and Souls: The Archaeology of Life and Death in Later Medieval Hospitals', in S. Bassett (ed.), *Death in Towns: Urban Responses to the Dying and the Dead, 100-1600* (London, 1992), pp. 101-18.
[130] Geremek, *Margins of Society*, p.77.
[131] J. Schofield and A.Vince, *Medieval Towns* (London, 1994) p.53; Platt, *The English Medieval Town*, p.38; Keene 'The Property Market in English Towns', pp. 217, 225; S. Rappaport, *Worlds Within Worlds: Structures of Life in Sixteenth-Century London*, p. 171.
[132] Geoffrey Chaucer, *The Riverside Chaucer*, ed. L.D. Benson, 3rd edn (Oxford, 1987), 'The Canon's Yeoman's Prologue', lines 657-661. I am grateful to Isabel Davis for drawing these lines to my attention.
[133] *Tudor York*, p.29.
[134] Keene, 'The Property Market in English Towns', p.225.
[135] B28, fol.146.

poore visited withowte Bothome barre'.[136] Barker Hill, just outside Monk Bar, was known as a haunt of vagabondage,[137] while occasional attempts were made to locate prostitutes and other 'misgoverned women' in the suburbs rather than within the city walls.

There was an entrenched suspicion of the potential disorder caused by taverns and alehouses in the suburbs, too, and the government attempted to ensure that they were located instead in the city centre where the authorities could keep a good eye on what was going on: no suspicious alehouses were to be kept 'at any outsydes of townes or in corners, but the same to be in the townes and open stretes thereof'.[138] The idea of the suburbs as the physical and social margin of the city should not be over-stated, however. Not all of those who lived in the suburbs belonged to the marginal groups with which they are most often associated. The alderman William Chimney, who presided over some of the Castlegate wardmote courts in the 1490s, lived outside Micklegate Bar, 'within the suburbz of this citie'.[139]

Vagrants, beggars, prostitutes and the morally or physically unruly occupied the margins of ideological space.[140] Located at the geographical and social periphery of the city, the economically and socially disadvantaged were thus already effectively excluded from public space before any deliberate attempts to expel them. This exclusion from the community, as I have argued above, was reflected in the absence of these people from the wardmote court records. Their physical location on the margins of the townscape reflected the perception of them as 'other', and therefore a threat to the social norms promoted by civic authorities and the beliefs underpinning the structures of power within society.[141] The perception of a difference between a 'good' and moral centre, and the otherness of the margin was, Lilley suggests, 'an important agent in defining social and cultural boundaries'.[142] As Ruth Mazo Karras reminds us, marginality, like dirt, is culturally constructed, and always relative,[143] a point made also by Michael

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[136] YCR 5: 82.
[137] Raine, *Mediaeval York*, p.282. See also Lilley, *Urban Life*, p.212, 242.
[138] YCR, 7: 60, 122.
[139] YCR, 2: 132.
[140] M. Camille, *Image on the Edge: The Margins of Medieval Art* (London, 1992), p.132.
[141] Lilley, *Urban Life*, pp.244-5; Archer, *Pursuit of Stability*, p.81.
[142] Lilley, *Urban Life*, p.244.
[143] Mazo Karras, *Common Women*, p.7.

Camille: '[j]ust to say something is marginal is not enough – marginal to what center [sic], where and most of all marginal to whom?'[144]

Here, again, Douglas's notion of dirt as 'matter out of place' offers a useful model for understanding public space; an examination of who and what was pushed to the edge of that space tells us less about vagrancy and prostitution in later medieval and early modern York than it does about norms of behaviour commonly accepted by those who lived in the city then and shared the dominant ideology. Those perceived to be feckless, idle, immoral or disruptive of social order and harmony were banished to the outskirts. The process of marginalization was intensified during the course of the sixteenth century by the increasing classification of the poor as either 'deserving' or 'undeserving', a system which offered 'respectable' society 'a means of defining the boundaries of acceptable behaviour among the poor.'[145]

In an interesting inversion of this pattern, the ancient ritual of the Yule Riding offered sanctuary to the poor for the twelve days of Christmas, the invitation being extended, significantly, from the four bars of the city.[146] It was, however, a custom that did not survive the sixteenth century, marked as it was by the authorities' increasing fear of poverty and unemployment.[147] In 1572 this 'very rude and barbarouse custome' which played not only on official anxieties about vagrancy, but also the deep suspicion of disorderly gatherings, fell victim to the austere morality of the times, after a letter from the Queen took exception to the way 'twoo disguised persons called Yule and Yules wife shoude ryde throughe the Citie very undecently and uncomely, drayng great concurses of people after theym to gaise, often tymes comyttyng other enormyties'.[148]

Certainly, the instinctive reaction of those in power was to exclude vagrants and the potential subversion of their behaviour and sheer numbers, and there were regular attempts to banish all 'mightie and valyaunt beggars' from the city.[149] Such orders often specified that beggars and others rejected as the 'idle poor'

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[144] Camille, 'Adam's House at Angers', p.144.
[145] Archer, *Pursuit of Stability*, p.96.
[146] Davies, *Walks Through the City of York*, p.30.
[147] A.L. Beier, 'Vagrants and the Social Order in Elizabethan England', *Past and Present* 64 (1974): 14-5; P. Slack, *The English Poor Law* (Cambridge, 1990), p.4.
[148] YCR, 7: 55.
[149] YCR, 4: 124. For other examples of attempts to exclude vagrants, see YCR, 2: 88, 182; YCR, 3: 133; YCR, 4: 145; YCR, 5: 158.

should be banished not just outside the walls, but beyond the built environment as well, indicating that the conceptual map of public space encompassed a much larger area than the walled city. The Corporation ordered the eviction in 1486 of 'all opyn boldes ... and common chiders and othre misruled people' from every parish to 'the utter partes of the suburbs',[150] and an order of 1492 that 'al vacabunds and vagaruants or mysgided persons' should leave the city specifically added 'and suburbs of the same'.[151] The nervous preparations for Henry VIII's arrival in 1541 similarly insisted that all beggars should be expelled not just from the city but from the suburbs as well.[152]

The role of the bars as a symbolic threshold has already been noted, and can be clearly seen again in the treatment of those who offended against the moral order of city. The bar was almost always the point at which the adulterous, the promiscuous, the immoral or the disorderly were banished. John Jackson's 'queane' was carted with him through the streets before being handed over to the constables at Walmgate Bar 'and so conveyed forth of this Citie',[153] while John Albanson and Alice Cowrey, the wife of a labourer, were likewise 'carted furth at monk bar' for adultery.[154] In many cases such expulsions seem to have been largely symbolic. William Lister and his wife, Agnes, apparently a woman of 'mysreule and unthriftie guyding', were banished from the city and suburbs in 1489, but the order notes further punishments to be carried out in the event of their return.[155] Evidently some, like Margaret Sheles, did come back, although when a couple called Abrey were 'to be hadde forthwith withoute Mikellyth barre' for putting up slanderous bills on posts and doors, they were specifically forbidden to ever live within the city or suburbs again.[156] The decision of 1482 that 'the common women and other misgoverned women' were to live in the suburbs 'withoute the walles of this cite and not within' similarly tried to locate

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[150] YHB, 2: 465.
[151] B7, fol.69. A proclamation made ten years earlier in 1482 ordered that vagrants were to spend no more than one night in the city or the suburbs. YHB, 1:258.
[152] B15, fol. 26v-28. See also YCR 4: 124.
[153] B23, fol.13v. Jackson was returned to prison.
[154] B28, fol.7v.
[155] YHB, 2: 656.
[156] YCR, 4: 7-13.

immorality outside the walls,[157] but attempts to banish prostitution entirely from medieval cities were invariably unsuccessful.[158]

Boundary enforcement

Marginalization is not always associated with a physical boundary. We saw in Chapter 3 how the process of presentment in the wardmote courts marginalized unacceptable behaviour within the neighbourhood. Nor was banishment restricted to the poorer sections of society. That penalty also applied to individuals whose occupation or status accorded them a place in the 'centre' but who were nonetheless guilty of serious transgressions of the accepted rules of behaviour. William Johnson, a carpenter, was banished from the city for a year in March 1501 'for his mysbyhavor anenst my lord maior and Master Neleson'.[159] 'Unfitting language' usually resulted in imprisonment,[160] and Johnson's offence must have been a serious one indeed. Short of execution, exclusion from the city was the severest punishment the Corporation could impose, and the threat of banishment appears to have been treated as the final sanction. Reports of plague prompted an order forbidding any householders within the city or suburbs to lodge any vagrants 'apon peyne of imprisonment and banishment forth of their housez and Cite',[161] a penalty which underlined the importance of the perceived danger to the city posed by the sickness. Similar action the previous year had only merited a fine, albeit a substantial one of £10.[162]

Nevertheless, the city walls served as a practical and very obvious boundary that enabled the authorities to control access to public space, and defend it against real or perceived threats. An anxiety about the numbers of poor Scottish immigrants may have lain behind the order to fit a hammer to each bar in 1501, when any Scot coming to the city was required to 'knoke first' and enter only if

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[157] YHB, 1: 261.
[158] Mazo Karras, *Common Women*, pp.14 –17. See also P.J.P. Goldberg, 'Pigs and Prostitutes: Streetwalking in Comparative Perspective', in K.J. Lewis, N. James Menuge and K.M. Phillips (eds.), *Young Medieval Women* (Stroud, 1999), pp. 173-4 , and P.J.P. Goldberg, *Women, Work and Life Cycle in a Medieval Economy: Women in York and Yorkshire c. 1300-1520* (Oxford, 1992), p. 150.
[159] B8, fol.110.
[160] For example, B8, fol. 1v, 76; B23, fol. 68v; YCR, 6: 116.
[161] B23, fol. 145.
[162] B23, fol. 106.

issued with a licence,[163] but it might equally have derived from what David Sibley describes as a 'moral panic'. Arising with no obvious connection to economic crisis or social upheaval, moral panics derive from 'the continuing need to define the contours of normality and to eliminate difference' that is as characteristic of modern societies as of historical ones.[164] It is significant that watches at the city gates were kept by those who most represented civic order. Watchers were 'substanciall howseholders in their owne persons', 'able and discrete' or 'honest' persons.[165] When the bars and posterns were ordered to be 'surely lokked' at night, each watch was to be kept by no less than six citizens, 'no unfranchised man to watche without consent of the wardens'.[166] Even when beggars were put on duty 'to watche the barres of this Citie soo that no vacabund or poor cometh in', they were those who had been licensed and appointed as master beggars, and could therefore be considered as part of the order and structure of civic life. The enforcement of political, economic, and social boundaries at the walls allowed the authorities who ordered the watches to articulate their beliefs about identity, and accentuated the perceived difference between those who belonged in public space and those who did not.[167]

We might expect, then, that the symbolic value of the walls would be reflected in the efforts made to maintain them. It is sometimes argued that by the later medieval period the walls of English cities were primarily expressions of civic pride and status,[168] but the evidence for this is mixed. On the one hand, the condition of walls for much of the period in question appears to have been poor. The Corporation wrote to Henry VII in 1487 to say that the walls of the city were fallen down and to ask for his help in rebuilding the dilapidated defences,[169] but in the 1490s the Micklegate wardmote court was still able to complain about a tower by the bar which was said to be '*ruinosum*'.[170] Throughout the sixteenth century the walls were at various times described as broken, decayed or otherwise in

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[163] B8, fol. 108.
[164] Sibley, *Geographies of Exclusion*, p. 40.
[165] B28, fol.74; YCR, 5: 16; B15, fol. 27v.
[166] YCR, 5: 102.
[167] Sibley, *Geographies of Exclusion*, pp. 39-43.
[168] G. Sheeran, *Medieval Yorkshire Towns: People, Buildings and Spaces* (Edinburgh, 1998), p.174; Platt, *The English Medieval Town*, p.40. For a counter argument, see T.P. Smith, 'Why Did Medieval Towns Have Walls?' *Current Archaeology* 8.12 (1985): 376-9.
[169] YHB, 2: 549.
[170] E31, fol. 7a.

urgent need of repair.[171] By 1584 they were still said to have 'latelie falne downe',[172] and the section near St Leonard's hospital was described in 1576 as being deliberately pulled down during a previous mayoralty.[173] Bitchdaughter Tower was taken down to provide stones for the repair of Ouse Bridge in 1566 because it was 'allready shrunken from the citie wall, and may be well taken away withowte enfeblyng or greatly defacing the said wall.'[174]

Descriptions of broken towers and crumbling walls do not give the impression of a city that took great pride in its defences, or saw them as symbols of its status. On the other hand, such accounts are invariably recorded in connection with orders for repairs to be carried out. Henry Wilot, a mason, was appointed in 1476 to repair the city walls and was required to carry out the work well and faithfully (*bene et fideliter*),[175] while in 1526 it was the muremasters who were entrusted with the repair of the walls which had fallen down as well as those which 'shall happen to fall'.[176] Clearly, the walls required constant maintenance, and leases of city property adjoining them were careful to ensure that the city retained the right of access, 'for entre & egresse for viewing reparyng & defendyng the walles',[177] and some included a condition that the tenants 'doo nothing of hurt to the Cite walles.[178]

Major repairs of the wall were carried out at the expense of the city. William Todd recorded the fact that sixty yards of the wall near Fishergate Bar had been repaired during his mayoralty in no less than three inscriptions,[179] and one of his successors, John Stockdale, also thought the walls significant enough to be included in the list of his achievements:

> Item a pece of the citie wall of the lengh of C fote betwix Walmgate and the water of Fosse was newe maid out of the ground and another pece ther of d. C fote long taken down and newe set up again.[180]

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[171] B8, fol. 4v; B15, fol. 17; B21, fol.85, B22, fol.124; B23, fol.90, B24, fol.117, 251v, B27 fol.151, B28, fol. 95v are only some instances.
[172] B28, fol.135.
[173] B26, fol.51v.
[174] YCR, 6: 116.
[175] YHB, 1: 36. Robert Davyson was appointed to the same post in 1478, when he was required to 'vieu and oversee yerelie the wallys of this cite and all defaltes therin'. YHB, 1: 139.
[176] YCR,2: 107. Unfortunately they refused to take the oath, p.108.
[177] B23, fol.93.
[178] B23, fol.125. The tenant of a 'litle closs' at Pageant Green was likewise required to 'do no arts to enfeble or impayre the walles' B23, fol.69.
[179] *RCHME, York* , 2: 152.
[180] B8, fol.124v.

Whatever their state of repair, the walls were clearly an important factor in the way the city was imaginatively constructed. The next section turns to the way the built environment was cleaned, and will consider whether the walls also functioned as a conceptual boundary in the context of cleaning public space.

4.4 The clean city

Cleanliness is about control,[181] 'one manifestation of the striving for order and the preservation of sanctity'.[182] The process of marginalization and the use of boundaries to control the purity of social space can be seen clearly, too, in the way the city dealt with unwanted elements in the material environment. Just as the response to real or perceived threats to the social environment revealed the conceptual boundaries of space, so efforts to keep the built environment clean tell us a good deal about how those who lived in the later medieval and early modern city thought about public space and how far it extended.

How then did city rid itself of dirt at most literal level? Dirt, as Douglas pointed out, is a cultural construct: '[I]n chasing dirt ... we are not governed by anxiety to escape disease, but are positively reordering our environment, making it conform to an idea'.[183] We should be wary of comparing our own ideas about what constitutes a clean environment with those of past societies, or of making assumptions about what was considered 'dirty'. It is instead more useful to think about what the inhabitants of later medieval and early modern York considered to be 'out of place' in the street, and what their efforts to remove such 'dirt' indicates about the perceptual boundary of public space. The first section will therefore examine the nature of street cleaning in the fifteenth- and sixteenth-century city, before looking in more detail at the evidence of the wardmote court records and the spatial implications of the presentments concerned with the cleanliness of the built environment.

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[181] For notions of cleanliness and dirt, see particularly Jenner, 'Conceptions of "Cleanliness" and "Dirt"'. See also Okeley, *Traveller-Gypsies*; Thompson and Rahje, 'The Milwaukee Garbage Project', pp. 399-461; G. Vigarello, *Concepts of Cleanliness: Changing Attitudes in France since the Middle Ages*, trans. J. Birrell, (Cambridge, 1988); Moore, 'The Interpretation of Spatial Patterning in Settlement Residues'.

[182] Parker Pearson and Richards, 'Ordering the World', p.26.

[183] Douglas, *Purity and Danger*, p.2.

Dirt and its disposal

The disposal of refuse was one of the earliest responsibilities of municipal authorities, who had to deal with the huge amount of waste generated by large numbers of people and animals living in a restricted area inside the city walls.[184] Contrary to popular belief about the squalor of pre-modern cities, York had an established system for removing filth from public space. It was not as well-developed as in London, where an extensive and relatively efficient organization for cleaning the City existed from an early date.[185] There, rakers and scavengers were appointed to clean the streets from the thirteenth century, and possibly earlier. Another important official charged with maintaining the built environment of the capital was 'the sergeant of the channels', whose job was to ensure that rubbish was raked from the streets, dung and untidy obstructions removed, cesspits cleared and trade refuse disposed of appropriately.

The authorities in York had to deal with exactly the same problems, albeit on a smaller scale. Although official scavengers were not appointed until 1580, when one was to be appointed for each ward, to be responsible for 'carieng away donge, sweeppyng and asshes ... and to kepe clene the stretes of this Citie and suburbes',[186] some kind of system for the collection of waste appears to have existed before then. In 1577, a barber was accused of putting out his filth before seven o'clock at night, which suggests that some kind of collection was carried out on a nightly basis.[187] The House Books record a consistent concern on the part of the civic authorities to ensure that human and animal excrement, carcasses and butchers' refuse, house and garden rubbish, ashes, mud and 'other vyle thyngs' were removed from public space. Archaeological evidence suggests that by the fourteenth century, pits in the backlands of properties within the walls tended to

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[184] D. Keene, 'Rubbish in Medieval Towns', in A.R. Hall and H.K. Kenward (eds.), *Environmental Archaeology in the Urban Context,* CBA Research Report 43 (London, 1982). Archaeological research into ancient civilizations shows that concerns about the disposal of waste and sewage developed in the earliest urban centres. See, for example, M. Jansen, 'Water Supply and Sewage Disposal at Mohenjo-Daro', *World Archaeology* 21:2 (1989): 177-191.

[185] E.L. Sabine, 'City Cleaning in Mediaeval London,' *Speculum* 12 (1937): 19-43; E.L. Sabine, 'Latrines and Cesspools of Mediaeval London', *Speculum* 9 (1934): 303-21.

[186] YCR, 8: 31. See also, B27, fol. 256, which names the scavengers for each ward and their duties: 'they to be bound to cause the streets to be clensed weeklie, and to begin on saterday next, and so thrise in the weeke, biz., tuesday, thursday and satterday, and knowledge to be geven in everie churche that every parishe may bringe furth ther fylth accordinglie'.

[187] E31, fol.68v.

be lined with brick or stone so that they could be emptied periodically,[188] and there are documentary references to people emptying loads of filth which were presumably cleared from such pits.[189] The wardmote juries frequently described dunghills as a nuisance, and tried to ensure that they were removed. Mr Morehouse and two others were requested to 'lye no more dounge before theyr doors in Jubbergayt to the nuyance of theyre neyghbours',[190] while a butcher called Miles Robinson was told in more tetchy terms to remove 'all that great donnghill' lying in his yard in Davygate, which was not only 'very noysome' to his neighbours but 'most perilous for infectinge the aire'.[191]

On the whole, however, the attitude of the wardmote courts, like that of the Corporation, appears to conform very closely to Douglas's notion of dirt as matter out of place. No matter how malodorous the waste, it aroused no sense of disgust when disposed of 'correctly' in cesspits or middens. Far from revolting the inhabitants of fifteenth- and sixteenth-century York, faecal matter was generally considered 'dirty' only when it caused an obstruction in the streets, blocked gutters or polluted 'public' water in the dikes and rivers. Once removed from public space, it acquired a different meaning. The dung laid outside the walls in 1501 was used by the 'husbands of the contre',[192] and when the inhabitants of Huntington were accused of impounding citizens' cattle in 1574, the Corporation responded by refusing to let them have any 'dong or manor within this Citie and suburbes or liberties of the same'.[193] The scavengers who were appointed in 1580 were to have wages, but these seem to have been less of an inducement than the fact that they could keep 'all the donge and filth for their paynes'.[194] Dunghills were leased by the Corporation,[195] although the wardmote juries were insistent that access to middens should be free. The midden used by the inhabitants of Monk ward was in Thomas Barker's garden in Elbow Lane, and he clearly found it a source of profit. He was ordered to keep it open 'so that the people may ly

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[188] P.V. Addyman, 'The Archaeology of Public Health at York, England', *World Archaeology* 21:2 (1989): 244-264.
[189] 'Aggreed that who so ever that herafter shall lye any donge or fylthe without Skeldergate postorne upon payne for every default, tubfull, skepfull or burden to forfayt xij d.' YCR, 8: 8. See also B28, fol.97v.
[190] E31, p.109.
[191] E31, p.286.
[192] B8, fol.108.
[193] YCR, 7: 91.
[194] YCR, 8: 231.
[195] YCR, 5: 22.

there swepinges there and that the sayd myddyng shalbe fre for any man to carry away with oute money that it be not sowld as it haith bene'.[196] Objections were also raised about the selling of dung from the midden at the far end of Hungate, which was obviously enough in demand for attempts to be made to stop the dung cart coming to remove it.[197] Out of place, urban refuse was dirty; in its proper place, it was a commodity.

The Corporation appointed special areas for the dumping of refuse, and dung carts were used to remove large quantities of waste from the city. In 1501, a dung cart was allocated for every ward,[198] and by 1524 they were operating so frequently that their iron wheels were thought to be responsible for damage to the new paving, and it was decided that sledges should be used for the removal of dung instead.[199] In 1501 it was agreed that every ward should have 'a place assigned without the barre or postern',[200] and in 1583 wardens were again to appoint 'a convenient place without every barr' where filth could be laid.[201]

Other orders about the disposal of waste were made during the intervening years, and it is significant that the walls continued to mark the boundary at which the meaning of waste changed. Although some dumps were within the walls, most of these were sited either close to the walls or to one of the rivers, a similarly marginal location. Thus in 1524 the inhabitants of Castlegate ward were to dispose of their waste outside Castlegate postern, those of Micklegate at Toft Green, and of North Street at Barker Rawe (near the postern tower). In Bootham ward, a place was allocated at St Leonard's Landing, while in Monk ward the dump was just outside the bar. The residents of Walmgate ward were divided. Those who lived on the near side of Foss Bridge were to use the dump in Hungate, while those beyond had a choice of laying their waste either behind St Margaret's church or in the pit at Castle Mills, again, outside the walls.[202]

Of course, there were overwhelmingly practical reasons for the choice of these sites, but the evidence of the dumping grounds points very strongly to an association with the city walls and the perceived boundary of public space, from

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[196] E31, fol.14, 35.
[197] E31, fols. 27, 29, 35.
[198] B8, fol.108.
[199] B10, fols. 75-75v, 79.
[200] YCR, 2: 165.
[201] B28, fol.97v.
[202] B10, fols. 94-95. See also YCR, 5:48.

the point of view of the civic authorities at least. Excavations carried out prior to the construction of the Barbican leisure centre outside the city walls near Walmgate Bar revealed that the area had been used for the extensive dumping of rubbish in the thirteenth and fourteenth centuries, indicating that the carting of refuse out of the city may have been a matter of established custom by the beginning of the period discussed in this thesis.[203] As we saw above, officially sanctioned dumps were all either on the periphery of the walled city, or by water from where refuse could be more easily removed from the built environment.[204] The wardmote juries were very ready to present those who did not dispose of their waste appropriately, and the records indicate that Barker Hill, St Helen-on-the-Walls, Hungate, Peaseholme, Bishophill Junior, Skeldergate and the area around St Margaret's church were all used for illicit dumping at some time.[205] Interestingly, many of these illicit dumping grounds were themselves often located in marginal areas, in or near the periphery of the city, indicating that the association made between dirt and the city edge was not one that was simply imposed by the civic authorities but was instead the result of a perception socialised to understand the urban environment in certain ways.

As in the House Books, the wardmote court records suggest that the disposal of dung was largely a problem confined to the area within the walls, although it should be noted that there are occasional examples of dirt as a suburban issue. A pain was laid on those who lived between Micklegate Bar and St Katherine's house in October 1575, when they were required to 'avoyd there donnghills that lyes in the highe street',[206] and an entry in the record of the Monk wardmote court held in April 1578 insists that no one 'withine nor withoute the postron nor monkebarr' should make a midden or lay any dung before their door at any time.[207] A court held in the same ward two years later laid down that dung was not to be laid in Barker Hill or Shooter Lane (both extramural locations) but removed instead 'to the wast ground on this side monke brygg'. Examples like

[203] M. Whyman, 'Archaeological Approaches to Dirt and Rubbish in Medieval York'. Paper given to the Urban Studies Research Group at the Centre for Medieval Studies, University of York, December 1998.
[204] This was also true of London. See Jenner, 'Conceptions of "Cleanliness" and "Dirt"' and Sabine, 'City Cleaning'.
[205] E31, fols. 5v, 13, 10, 35, 27, 16, 17v, 20v, 48, 75v; pp. 5, 44, 69, 105, 151, 181, 246, 276; 280.
[206] E31, fol.15v.
[207] E31, fol.75v.

these may indicate that walls did not always mark the conceptual boundary beyond which the unwanted matter of the city was to be expelled. As suburbs developed and their streets became an established part of the urban landscape, so too they were assimilated into the perception of public space, and were cleaned, paved and maintained accordingly. Indeed, when it came to keeping the city clean, as opposed to simply disposing of surface dirt and rubbish, it is clear that the Corporation's conceptual boundary encompassed not just the suburbs but extended at times to the very limits of civic jurisdiction.

Keeping the city clean

The cleanliness of the urban environment was associated as much with maintaining the fabric of the city as with the disposal of refuse. On the one occasion that the city was described as unclean, it was in the context of damage to its paving: the iron-wheeled carts that broke up the new paving laid in 1524 were accused of causing 'the unclenlynes of the said City'.[208] A 'clean' city was one in a good state of repair, and whose streets and waterways as a result allowed the free circulation of goods, people and the cleansing properties of water. Indeed, one of the main objections to the accumulation of filth in public space was the fact that it obstructed the street or blocked grates and gutters, leading to flooding with its consequent effects on the state of the paving.[209]

As we saw in Chapter 2, the street surface was maintained to a better standard than is popularly imagined, and the same is true of sanitation. Far from being ankle deep in mire, the streets were cleaned as a matter of routine, usually on a weekly basis but sometimes more often. A bill presented by the commons in 1484 included a request that the streets should be 'clenely kepid and wekely sweped,'[210] and in 1550 it was agreed that all inhabitants were to ensure that the street in front of their houses was 'twyse clensyd and swepyd every weyk'.[211]

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[208] B10, fol.79.

[209] See Chapter 2, above. Grates to filter out the worst of the rubbish were fixed at key points, but easily became blocked by the volume of refuse. All those who lived between Trinity Gates and Ouse Bridge, for instance, were ordered when cleaning before their doors to 'take up there myer and not to swepe it downe there gutters ... for stopping of the grate at owse brige end.' E31, fol.15v.

[210] YHB, 1: 354.

[211] YCR, 5: 30.

Piles of filth and rubbish piled at household doors were to be collected by the scavengers three times a week in 1580, on Tuesdays, Thursdays and Saturdays.[212]

It is interesting to speculate whether there was any conscious connection between the cleaning of the streets and the holding of courts and markets on these days.[213] If cleaning took place only once a week, this was usually on a Saturday, as in 1572, when it was decided that every householder should 'make clene before their dores every Saturday at night and to cary away the filth or myre soo that no filth or myre remayne ther apon any sonday in the mornyng'.[214] In early modern London, orders to clean the streets in preparation for the Sabbath specifically associated the spiritual cleanliness of the city with its physical state,[215] and the civic authorities in York may have been similarly alert to the symbolic value of a clean city on the holiest day of the week. Certainly, Sunday is often mentioned in the records as a 'deadline' in the context of cleaning. An ordinance passed in 1486 specified that the sergeant of the mace was to ensure that all the streets were cleaned 'bifore Sonday next commyng',[216] while the records for the Micklegate wardmote court held in October 1576 noted that all the householders in the ward were to 'cause there dores to be swepte and clensyd every Satterday at nyght or Sonday in the mornynge before vij of the cloke'.[217]

The metaphorical and spiritual benefits of cleaning before key days associated with the judicial, economic and religious life of York complemented the obvious practical advantages of clean streets, and underpinned the sense of order, of 'cleanness', within the city. In this context, the ordinances issued by the civic authorities that both intra and extramural streets should be cleaned are indicative of a wider conceptual boundary than that represented by the city walls. When the commons requested weekly cleaning in 1484, they specified 'the stretes of this cities and suburbs of the same', and the scavengers appointed in 1580 were

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[212] B27, fol. 231.

[213] 'By the 16th century, Tuesday, Thursday, and Saturday were the market days in Thursday Market, Pavement, the Malt Market, and the Leather Market.' *VCH York*, p.484. The sheriffs' 'court of pleas' sat most Tuesdays, Thursdays and Saturdays. *VCH York*, p.75.

[214] YCR, 7: 62.

[215] Jenner, 'Conceptions of "Cleanliness" and "Dirt"', p.135.

[216] YHB, 2: 465.

[217] E31, fol.38v-39v. The Monk wardmote court held in April 1575 ordered the constables to ensure that the streets within their parishes were cleaned 'every Satterday at nyght and the mooke and fylthe taken away' on pain of 3s 4d. E31, fol.10.

responsible for removing 'donge, sweeppyng and asshes' and keeping clean 'the stretes of this Citie and suburbes'.[218]

Measures like these are seen by some as erratic at best, with the repeated orders made by the Corporation to clean the city indicative merely of 'the insanitary habits of the population rather than the effectiveness of Tudor local government',[219] but a study of such regulation in conjunction with the wardmote court records suggests a rather different picture. I have argued in previous chapters that the courts' understanding of nuisance represented a socialised perception of what was, and what was not, considered acceptable in the urban environment. The indiscriminate disposal of waste or the pollution of waterways was clearly considered a nuisance, and jurors in the fifteenth century were very ready to present anyone who transgressed commonly accepted ideas about how clean public space should be. The fact that they did so on relatively few occasions suggests that the majority complied with the regulations. Efforts made in the sixteenth-century courts to encourage maintenance of the environment by laying pains rather than simply punishing transgressions appears to have met with a similarly high degree of compliance. Of the nine 'pains laid' in connection with cleaning at the Walmgate wardmote court held in October 1575, for instance, none were forfeited at the following court, while only two of the ten of those laid in pain to clean at the same court in October 1577 were fined for not having done as requested by April 1578.

A comparison between 'pains laid' and 'pains forfeited' across the four wards indicates a similar pattern (Table 9, below), although Bootham is, as so often, an anomaly, with more 'pains forfeited' than were recorded as being laid.

Table 9: Street Cleaning in York, 1575-1586

Ward	PL*	PF/PR*	% Compliance
Monk	226	108	52%
Walmgate	522	100	81%
Micklegate	181	55	70%
Bootham	46	72	Negative

Source: E31.
* Note: These figures do NOT include requests to the Corporation or complaints about lack of official cleaning.

[218] YCR, 8: 31.
[219] *VCH York*, p.119. Palliser describes street cleaning in Tudor York as 'minimal'. Palliser, 'Civic Mentality', p.95.

Such a pattern indicates that filthy streets were no more taken for granted than those that were inadequately paved, and reinforces the conclusions of Chapter 2 in challenging some of the assumptions that are often made about the cleanliness of the urban environment in the pre-modern period.

Cleaning the Streets: York in the 1490s

What were the spatial implications of the efforts made in the wardmote courts to ensure that public space was kept clean and in a reasonable state of repair, and to what extent did their concerns mirror those of the civic authorities? The surviving records for this period are fragmentary, but they illustrate an undoubted concern with the cleanliness of the environment. Dirt accounts for 17% of the presentments during this period, a figure exceeded only by misbehaviour.[220]

The fifteenth-century jurors were particularly concerned with the cleanliness of the network of public waterways within the city. Of a total of 44 presentments about the disposal of waste in the 1490s, fifteen are concerned with the network of dikes, sewers and gutters which could be easily blocked with faecal matter '*et alia sordida*'. The blocking of the common sewer on the north side of St Sampson's cemetery with dung and other filth (*opletum cum fimo et aliis sordidis*) was said to be the responsibility of the Bedern vicars,[221] while two butchers were fined 40d each for blocking the King's Dike in the Shambles '*cum diversis sordidis*'.[222] Filth thrown into the Ouse was thought to pollute it. John Chapell and Thomas Bellamy were fined by the Bootham court in 1494 for allowing their servants to throw dung and other refuse into the river, '*in magnum corrupcionem*' of the water.[223] Other complaints were made against individuals like Thomas Wherff, John Shaw and Thomas Brounflete, who built latrines behind their houses over the King's Dike, thereby corrupting the air with the dung and human waste that issued into the sewer,[224] or Alderman Lancaster and John Sutton, mason, who

[220] See Table 6, Appendix 2.
[221] CB1a, fol.137v. The Vicars Choral were also held responsible for a sewer in the Bedern which was said to be blocked with '*diversis sordibus*'. CB1a, fol.138.
[222] CB1a, fol. 138.
[223] E31, fol.2a. See also the entry complaining about parishioners in St Michael's, Peter the Little and All Saints Pavement who were in the habit of throwing 'dungheppez' and other filth into the Ouse '*in magna corruptione euisdem aque*'. E31, fol. 10a.
[224] '*[E]ffudit fimum et stercora humana in dictum suerium in corrupcione aieris*'. CB1a, fol. 139.

were fined for their latrines over the King's Dike in Castlegate ward which were said to be nuisances (*ad nocumentum*).[225]

Other presentments in the fifteenth-century wardmote courts concerned individuals with dunghills or those accused of throwing waste into the street. Most of these were located inside the walls, although Richard Mawer was fined 40d for the enormous dunghill at his door in Bootham, and Elizabeth Moderby was said to have thrown filth and other waste into the high street there.[226] Implicit in most of these presentments is the idea that the issue was not one of revulsion at the dirtiness of the street, but the more practical problem of blockage. Sometimes this is made explicit: in 1496 the Castlegate jurors complained that the common lane at the end of Jubbergate was so blocked with dung and filth that citizens and members of their households were unable to get down to the Ouse.[227]

The concern with cleanliness in the fifteenth-century records seems to be closely associated with the desire to ensure the free circulation of water and pedestrians. The idea of a network of channels into which dirt and waste could be swept so that it was carried away by the river echoed and underpinned notions of idealised cities like that found in Lydgate's *Troy Book*, in which New Troy's river was so piped:

> Þat it made a ful purgacioun
> Of al ordure & fylþes in þe toun,
> Waschyng þe stretys as þei stod a rowe,
> And þe goteris in þe erþe lowe,
> Þat in þe cite was no filþe sene;
> ....
> Wher-by þe toun was outterly assured
> From engendering of al corrupcioun
> From wikked eyr & from infeccioun ...[228]

The ideal of an immaculately clean city like New Troy may have been unattainable in practice, but it was nonetheless important, underlying as it did the commonly accepted notions of what public space should be like. The jurors strove to ensure a clean environment that was clear of human and animal waste

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[225] E31, fol. 19a.
[226] E31, fol. 14a.
[227] '*Qui dicunt quod quedam communis venella ad finem de Jubergate obstupatur cum fimo et sordidis ita quod cives et famula sua non possunt habere passagium ad ..aquam de Usa*'. E31, fol.19a.
[228] John Lydgate, *Lydgate's Troy Book*, ed. H. Bergen (London, 1906-35, repr. 1973), Book II, ll. 748-762.

and of other forms of rubbish that might impede the free circulation of people, goods, water and traffic. This is not to argue, however, that a visceral reaction to dirt did not also play a part in the presentment of offences related to cleanliness. There was obvious distaste for John Myn's actions in throwing the contents of his chamber pots in the street. Although its effect on circulation must have been minimal, his behaviour was still described as a nuisance to the neighbours, and therefore inappropriate in public space.[229] So, too, was Thomas Stillington's latrine, blocked with human faeces, and giving off a foul smell (*cum fimo virili opleta et erupit fetose ad nocumentum vicinorum*).[230]

The fifteenth-century wardmote court records show little evidence of the association between the poor and dirt that was typical of later periods.[231] Stillington was a squire, Thomas Wherff a notary, and Robert Dawson, accused of throwing filth into the gutter in Colliergate, was a merchant.[232] The perception of dirt is not in this instance conflated with the marginalization of social groups, although attitudes towards both functioned as an effective way of bounding and defining public space.

Cleaning the Streets: York, 1575-1586

Containing as it does a complete set of records for the courts held between 1575 and 1586, the Wardmote Court Book allows a rare opportunity to judge the extent to which the ideals of cleanliness expressed in civic ordinances were shared at a neighbourhood level. During this period significantly few presentments were made of people deliberately dirtying the environment on a regular basis, and, as mentioned above, there seems to have been a high level of compliance with regard to cleaning public space. The system of laying pains enabled the courts to exert some pressure in maintaining the standard of cleanliness of the neighbourhood, and these are of particular interest when trying to establish the extent of public space as imagined by the wardmote juries. A study of the pains laid associated with cleaning or the disposal of dirt does not demonstrate the cleanliness or otherwise of the city in the later sixteenth century, but it is suggestive of how and

[229] It was said that Myn '*projecit urinam humanam et alia sordida in alto vico ad nocumentum vicinorum*'. E31, fol. 19a.
[230] CB1a, fol. 137v.
[231] Jenner, 'Conceptions of "Cleanliness" and "Dirt"', pp.223-4.
[232] E31, fol. 4a. See also Table 5a, Appendix I.

where the courts tried to impose the socialised perception of how clean public space should be.

Some of the pains laid in this category were to do with the straightforward removal of waste. There is some sense in the sixteenth-century records that dunghills and the careless disposal of dirt and rubbish was less about obstruction, as in the fifteenth century, and increasingly about distaste and the visceral effect of a dirty environment on individuals. When Anthony Dawson, a butcher in Micklegate ward was ordered to lay no more dung at the lane end near his house, it was not because it causing an obstruction but because it was 'a great defacinge of the high strete and grief to my Lorde Maiour and Comonaltie passinge that way which way my Lorde Presedent and Counsell daly passe and ride'.[233]

Other entries tried to enforce the correct disposal of refuse. Frequently these were issued in general terms such as 'all the parishioners' or 'all the inhabitants', or 'no one', as in Monk ward in 1575 when a pain was laid that 'none' was to lay 'any donge or fylth' in Hungate[234]. The Micklegate jurors were very specific in April 1578 when a pain was laid that:

> none shall lye anye donge frome Gregory layne to padgeon grene but upon the ould accustomed place against Mrs Skafe backdore upon padgeon grene & upon none othere pece of ground there that everye one may leadde it awaye that standeth need of it without any lett, and yf any be that will kepe any to there owne use shall kepe within ther owne ground.[235]

Some pains were laid with possible damage to the streets in mind. John Wightman and Richard Wakefield, for instance, were asked to scour the gutter beside Monk Bridge on the way to Abbey Mills, 'which is hurtfull to the hyghe way',[236] perhaps also the reason why Mr Marshall was lain in pain to scour a dike in the Horsefair 'where the watter dothe stoppe to the great noysance'.[237] Many of the orders to scour gutters were designed to ensure that no blockages occurred which might cause flooding, the consequences of which could be considerable. The Walmgate jurors complained bitterly about the result of a blocked grate in the Pavement 'when any great shower of rayne comythe'. Many of the shops, houses

[233] E31, fol. 89.
[234] E31, fol. 9v.
[235] E31, fol. 77v.
[236] E31, fol. 10.
[237] E31. fol. 25.

and cellars on the lower side of the Pavement had been 'over flowed' to the great losses of the inhabitants, and the pain laid on the mayor to ensure that grate was regularly cleaned was the considerable sum of £5.[238] All those who lived between Trinity Gates and Ouse Bridge were bidden 'that they shall when they do dresse there dores take up there myer and not to swepe it downe there gutters to the great noysans of there nyghburs and for stopping of the grate at owse bridge end'.[239]

Cleaning the street evidently involved not just disposing of waste in the appointed dumping grounds, but sweeping dust, dirt and other rubbish from in front of the door to ensure that the water could run freely along the gutter and there were no piles of muck or rubbish to obstruct pedestrians. Lady Peacock and James Beckwith were laid in pain 'that no fylth shall go in to the layne but water forth of ther howses and to dresse and make cleane the same betwixt theme equally'.[240] Given that disposing of filth in the official middens would for a lot of people have involved quite a trek with a heavy bucket of refuse, many of the pains about not sweeping filth into the gutter may have been issued more in hope than in expectation, and it would be foolish to claim that the streets of sixteenth-century York were kept in pristine condition. Nevertheless, the sixteenth century saw a continuing preoccupation with the circulation of the common dikes and sewers and the cleanliness of the rivers. John Farrington was to scour his ditch in Holgate Lane 'and kepe it reasonable depe that the watter may have issue',[241] while all the parishioners of St Margaret's were accused of 'lyng dong by the churche yeard and for stopyng a watter sewer that goith downe to the Fosse syd and that the sayd parishe cause it to be had away and open the watter sewer'.[242]

As in the fifteenth century, there were complaints about privies discharging into common waterways. The Dean himself was asked to remove a privy 'afore the queens dyke' on pain of no less than £3.[243] Three inhabitants of Walmgate ward in 1578 were ordered to 'stope up a jayckes whereby [they] conveyethe

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[238] E31, fol. 82.
[239] E31, fol.15v. A general order was made later in the same court to the effect that no one 'shall swepe shovel or suffer any of there servants to shovel swepe or otherwyse convey into the channell or gutter of any strete any fylth beinge before there dores but shall take uppe the same and convey it away' on paid of 6s 8d. E31, fol. 16v.
[240] E31, fol. 7v.
[241] E31, p.49.
[242] E31, fol.17v.
[243] E31, p.43. In 1580 the Dean was among others requested to clean the Queen's Dike 'which comythe into gothromgayte to the great noyamour of the neighbours there'. E31, p.280.

fylthe into Fosse' while Mrs Cowllon was similarly threatened with a fine of 10s if she did not stop up 'a conveyance that she haythe into Fosse where she castythe downe dunge'.[244] Privies on Ouse Bridge were said to be rotting the timber,[245] and Richard Palmer was presented in 1584 'for that he kepyth a privye and is a corruption to the Ryver of Fosse and rotteth the tymber'. A pain of twenty shillings was laid on him to amend it.[246]

What can examples like these tell us about the perceived boundaries of public space during the decade between 1575 and 1586? Having considered *what* cleaning public space involved, it is instructive to examine *where* concerns about cleanliness were located. Courts in all four wards demonstrated an interest in the cleanliness of streets both within and without the walls. Their concerns were not limited to streets, however. In the context of cleaning, public space clearly encompassed the cultivated land beyond the built environment (see Tables 10a-d, Appendix 2). Many of the entries in the wardmote court records were about cleaning ditches in garths and closes, like the pain laid on William Barker, who was to scour a water sewer going from Holgate Lane 'throughe his close called hagg closse' to the side of Bishop Fields,[247] or on Mr Sands to scour 'a water sewer called the Quenes dicke' between his closes and those of Robert Cottrell in Bootham.[248] The jury in Monk ward in October 1579 were anxious that John Rawdon, miller, should scour the dike by his mill on Heworth Moor so that 'the water may have full course'.[249]

In Bootham ward, the majority of 'pains laid' and 'pains forfeited' concerned extramural streets, particularly Bootham, Gillygate and the Horsefair, but there were also a small number of presentments for locations in the city centre, such as Blake Street, Davygate, Minster Gates, Lop Lane and St Leonard's Landing. The evidence for the other three wards indicates more of a balance between intramural and extramural locations perceived of as dirty, or in need of cleaning. It is notable, though, that there are few presentments concerning the cleanliness of the areas in the very heart of the city, where one might expect the elimination of dirt

[244] E31, fol.81-81v.
[245] E31, fol.82v.
[246] E31, p.221.
[247] E31, fol.77v.
[248] E31, p.234.
[249] E31, p.45.

to be a priority. It may be that the more prestigious streets in the centre were kept cleaner, reflecting and reinforcing their perceived importance.

It is true that the markets on Pavement attracted the attention of the wardmote court jurors on several occasions. Seven individuals were fined for not cleaning around Pavement, and the court twice requested the toll keepers to clean the barley, pease and haver markets held there, and twice complained about their failure to do so.[250] By far the largest number of pains laid in the Walmgate courts, however concerned Foss Bridge (43 pains laid), and the Foss or lanes leading down to it (27 pains laid). In the same ward, ten individuals were presented for polluting the Ouse.

The waterways were a source of particular concern in Monk and Micklegate wards too. In Monk ward, 28 pains were laid in connection with the King's Dike, sometimes also called the Queen's dike during Elizabeth's reign, and still clearly perceived as public as it was in the fifteenth century. There were only two pains laid about the Foss in Monk ward, but in Micklegate, the polluting of the Ouse and the lanes giving access to it accounted for fourteen pains laid, while three related to the King's Dike south of the river. Eight individuals were fined in Bootham ward for disposing of waste in the Ouse.

Apart from the waterways, each ward had areas that were clearly 'hotspots' for concerns about dirt. In Bootham ward, as noted above, most of these were extramural. There were ten pains laid for Bootham, and fourteen for Gillygate. The largest number of pains laid in Micklegate ward also referred to locations also outside walls, with 28 for Knavesmire, fifteen for Holgate Lane, nine for Hob Lane and nine for Scarcroft. There were also some streets within the walls that attracted the attention of the Micklegate juries, particularly Felter Lane (nineteen pains laid), North Street (fourteen) and Skeldergate (fifteen). In Monk ward, by contrast, the major areas of concern were all inside the walls. St Andrewgate accounted for 28 pains laid, Aldwark, 24, Hungate, 21, and the lanes leading to and from Holy Trinity in Goodramgate, fifteen. As we have already seen, the Walmgate jurors were primarily concerned with the Foss, but ten pains were laid about cleaning the three water lanes running down to the Ouse, and fifteen referred to Heworth garths, some way beyond the city walls.

[250] E31, p.177, 304; E31, fol. 91v, p.108.

It is interesting to consider that even within the walls, many of these 'hot spots' occupied a liminal situation in geographical terms. Hungate, Skeldergate, North St and the three water lanes were associated with the rivers, and Aldwark and North St with the city walls. One would not want to overstate the case; clearly St Andrewgate and Holy Trinity, Goodramgate, do not conform to this pattern, although it might perhaps be argued that these were less prosperous areas, and therefore perceived as marginal in a social sense. The emphasis on the cleaning of liminal areas is underlined by the significant number of entries in the wardmote courts related to the city walls and ditches, or the area immediately adjacent to the ward bar. In Monk ward, 28 of the pains laid refer to these areas, and there was a very similar number (27) in Micklegate ward. Ten of the pains laid in Walmgate ward were associated with the city walls, although there were only three in Bootham. These figures may reflect an awareness of the symbolic value of the city walls, and the need to keep such boundaries clean.

The cleanliness of the walls was also a matter of consistent concern to the authorities. In 1482 the wardens and constables were required to organise the pulling up of 'the bumbylles, netyles and all odyr wedys that ar growyng abowt the walles of thys cite',[251] and one of the tasks of the muremasters appointed in 1526 was to make sure that the walls were kept 'clene and honest without ramell, breers and scrubs growyng in and of the same'.[252] It was a concern shared by the Micklegate wardmote jury which in 1578 laid a pain on all tenants of the moats inside and outside the bar to cut up by the roots 'all the hyvinge and burtrie and such anoyans as groith upon the stone walls'.[253] The Bootham ward jurors wanted the officer of the ward to ensure that the bar was 'dressed wekely',[254] while in Walmgate Miles Tomlinson was threatened with a fine of 40s if he did not clean 'the gallarye which goethe above walmegate barre'.[255]

The symbolic importance of maintaining spatial boundaries can also be seen in the number of presentments that specify cleaning along the edges of physical properties. As with paving, many of the entries that relate to cleansing specify the point at which it should take place. Orders to clean typically note a physical

[251] YHB, 1: 268.
[252] YCR,3: 107.
[253] E31, fol.89v. See also E31, p.5-6.
[254] E31, p.25.
[255] E31, p.55.

boundary between public and private space: John Cheere was laid in pain 'that he doo clence and make cleane the gutter at the end of his close in monkegaite'.[256] Other examples of such boundaries are too frequent to enumerate, but include 'before there dores',[257] 'before there Churche',[258] 'alongst there tenementes',[259]'his back syde',[260] and 'alonge his closse'.[261] Mr Maples was requested by the Walmgate court to 'mayk cleane the strett by the freer waull wekely',[262] which suggests that although no longer a separate jurisdiction, the precinct of the Franciscan Friars was still seen very much as a landmark and a boundary of public space.

Ditches, gutters and sewers were common boundary markers, and the wardmote courts were insistent that these be kept clean. Three men were laid in pain to 'score and clence ther water seures betweixt the mote and there gardinges',[263] and Mrs Watson was presented because 'she haith not scoweryd one dyke at the outesyde of her close at the nether end of St Catheryn lane'.[264] Nicholas Valentine was fined 10s because 'he haith not skowred the watter sewer betwixt heworth garthes and the common lane at the farr syde of the farr north feild',[265] a wording which demonstrates a very clear spatial awareness on the part of the jurors of the exact area bounded. A good number of the pains laid in Micklegate ward were concerned with Knavesmire and the need to keep the ditches there clean and unobstructed. The pasturemasters were enjoined to see that 'the common dyche of knaysmyer' was regularly scoured, and there were regular attempts to exert pressure on the inhabitants of Middlethorpe to maintain the dike that divided the village from the Knavesmire.[266] They were unsuccessful, but the preoccupation with this ditch indicates that it was a significant boundary between Middlethorpe and Micklegate ward, and one that would ideally be redefined and reinforced by controlling when and how it was cleaned.

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[256] E31, fol. 10.
[257] E31, fol. 28v,
[258] E31, fol. 63v.
[259] E31, fol. 75.
[260] E31, p.67.
[261] E31, fol.80.
[262] E31, p.38.
[263] E31, p.120.
[264] E31, fol. 6v.
[265] E31, fol.16a, v.
[266] For example, E31, fols.15, 16, 21v, 44v, 77v, pp.29, 142, 292.

The practical aspects of having a clean network of waterways are obvious, and have been discussed above, but their symbolic value as boundaries is surely also a factor in the number of pains laid concerning the scouring and cleaning of these elements of the built environment. Cleanliness is above all a question of control, and an inability to ensure that space is kept ordered is indicative of a lack of authority. By disposing of 'private' dirt in the street, or refusing to pave or clean those areas deemed to be 'public' and therefore maintained to public standards, an individual was able to contest the extent of that control and to push out the limits of his or her private space. Where this ran counter to a perception that the same refuse was unacceptable in public space, an inevitable tension was created over the point at which the dirt infringed each conception of the extent of the space it controlled.

4.5 Conclusion: contested boundaries

Boundaries are most usefully considered in terms of a binary opposition, although this can appear an overly simplistic approach at times. Certainly, we need to acknowledge the complexity of the factors at work in defining spaces. As the editors of the volume of the *Journal of Interdisciplinary History* devoted to urban space indicate, '[t]he problem of defining private in the premodern city was not restricted to demarcating it from an inchoate public; the private was itself an incoherent space'.[267] Nevertheless, the model of binary opposition suggested by Douglas's model of dirt and matter out of place does, I think, offer a useful way of thinking about space. There *is* a point at which one space becomes another space, and I would argue that this is a simple, as opposed to a simplistic, concept. The interest lies in how that point is marked, where it is marked, when it is marked, and who marks it.

Conceptual boundaries are never static. It is clear from a study of the House Books and wardmote court records that they expand and contract in response to changing circumstances. Crises lead to a redefinition of spatial boundaries. Thus, while public space at times clearly extended out to the limits of the city's jurisdiction, when threatened by disease, for instance, it tended to shrink back to the city walls. This kind of fluctuation is characteristic of conceptual boundaries, which are inherently unstable, depending as they do on individual or community responses to changes in time, in the social, economic or political situation, or even in something as variable and ephemeral as mood.

Internal boundaries between public space and the private domain were also liable to shift. Architectural boundaries might represent an apparently fixed boundary between the two, but in practice the conceptual boundary was a mutable one, which was continually tested by individuals. The power of the boundary marking the public domain could be contested in a number of ways, by pushing 'private' unwanted matter into the street, encroaching physically with extensions and obstructions, or behaving in a way that challenged the dominant norms. In their attempts to exclude nuisances from public space, the wardmote courts were therefore engaged in a process of constant negotiation over the boundary between private and public, in which transgressions of socialised ideals of cleanliness

[267] Arnade, Howell and Simons, editors' introduction to Harding, 'Space, Property and Propriety', p.549.

tested the authority of the whole idea of common interest and the nature of public space.

CONCLUSION

This thesis has focused on the regulation of public space in later medieval and early modern York. A close reading of the York City House Books and of the wardmote court records that survive from this period has been deployed in order to think about abstract concepts of space, perception and the notion of 'public' in the specific context of the street. While inevitably concerned with the detail of everyday life evinced in these records, the purpose of the study has emphatically not been about reconstructing what the pre-modern street looked like or the multiple ways in which it was used. Instead, it has applied a theoretical framework to material that has until now been little explored, but which has offered a range of evidence for how the public nature of the street was signalled and understood by those who lived in the fifteenth and sixteenth-century city.

Notions of public space and community were expressed in contemporary terms through the idea of the neighbourhood, which underpinned the working of the wardmote courts. The neighbourhood was a social and a physical entity, and the presentments made by the wardmote jurors reflect the collective *habitus* that determined the expectations and assumptions of the people who were considered neighbours, and therefore part of the community. It has been stressed that this was a community from which the very poor, like the very powerful, were excluded. The perception considered has been limited to that of the 'middling sort' who constituted the neighbourhood, and it is their concerns about what the street should look like and how it should be used that have been the subject of this study.

My approach to the historical records has been influenced by three important figures in disciplines other than history, whose work has illuminated the sources in a new way. Central to the argument has been the use of Mary Douglas's anthropological notion of dirt as matter out of place to think about nuisance. The nuisances recorded in the wardmote court returns represent aspects of the urban environment that were deemed 'out of place' in the neighbourhood. By identifying the actions that were excluded through presentments, and the point at

which that exclusion took place, it has been possible to establish what constituted public space and its limits for members of the neighbourhood community.

While the idea of nuisance as matter out of place is helpful in considering the extent of public space and the kinds of behaviour considered appropriate within it, the actual process whereby the people of later medieval and early modern York perceived the street has been approached from a different angle. Human beings make sense of their surroundings by reading cues embedded in the social and physical environment. In the case of pre-modern York, these cues included the state of paving, the cleanliness of the gutters, the ease of circulation and the dress and the comportment of those using the street, all of which formed part of a shared vocabulary of signs that was understood at an often subconscious level. Together, these cues constituted a code that indicated that the street was public space in which certain actions and forms of conduct were generally considered appropriate.

Here, Amos Rapoport's work in the field of environment-behaviour studies has provided a useful model for identifying the form such signals took in the later medieval and early modern street. Fixed and semi-fixed cues to the meaning of public space were considered in Chapter 2, which examined how the street was constructed. The surface of the street and the façades of the buildings that lined it played an important part in the way contemporaries thought about public space, and a close reading of the wardmote court courts reveals a clear expectation that the street should be adequately maintained, that paving should be level and frontage in good repair, and that there should be no obstructions to impede the free flow of people and goods through the city. These findings call into question the traditional image of the pre-modern city as squalid and chaotic, and indicate instead that cleanliness, uniformity, smoothness and quietness were all prized aspects of the urban environment long before the Enlightenment.

The use of space is critical to its meaning, but the later medieval and early modern street was used in so many different and diverse ways that a comprehensive analysis proved impractical. Instead, the focus in Chapter 3 was narrowed to consider how people behaved, dressed and communicated in public space. By stigmatising some forms of conduct such as scolding as inappropriate, and therefore liable to presentment, the records enable us to establish, conversely, what *was* considered the correct way to behave in public. Again, Rapoport's

model made it possible to think about these activities in terms of non-fixed cues to the public meaning of the street that evoked a certain response in the clothes people wore and the way they behaved.

A careful study of the wardmote court records and the council minutes has shown how the jurors and the civic authorities strove to ensure that commonly held expectations that public space should be clean, neat, and used with quiet decorum were fulfilled. In practice, of course, these ideals were rarely achieved. The tension between the needs of the community as a whole and those of individuals, between the public good and private ambition, has been a consistent theme that has linked the last three chapters in particular. Those presented in the courts for transgressing the commonly held ideal of the street by refusing to repair paving, for instance, or for disturbing their neighbours with their aggressive language, can be seen as challenging the power of the cues that signalled public space. The majority who conformed, however, who kept the street tidy and acknowledged the conventional boundaries between private and public, played an equally active role in the process through which people understood and engaged with their environment, and whereby the meaning of space was continually created and redefined.

The process of presentment in the wardmote courts thus illustrates the dynamic nature of the relationship between people and their surroundings that is critical to the arguments of the sociologist, Anthony Giddens. Giddens' emphasis on the ability of human beings to reinforce or manipulate the meaning of the space they use has offered a useful approach to the wardmote court records in particular. Reading these texts in the light of his theory of structuration has demonstrated that the later medieval and early modern street, like any space, was not a passive backdrop to people's lives, but rather an integral part of the social process. The street was constructed and used in ways that told its inhabitants how they were expected to behave and what they were expected to do. Those who responded appropriately reinforced the notion of the street as public space, and that response was itself a sign from which public space derived its meaning. The negative response of those who chose not to conform to the common ideal was a challenge to that meaning. Indeed, as we have seen in the preceding chapters, the meaning of space was continually contested in this way and liable to change. The thesis as

a whole has demonstrated that the perception of public space was never fixed, but subject to constant negotiation in this way.

A close examination of the documentary sources reveals, further, that the understanding of public space was not simply imposed by higher authorities, but could be changed and manipulated overtly, or in more subtle ways, by wearing inappropriate dress, for instance, by encroaching into the street, by behaving in a loud and aggressive manner, or by disposing of waste in the gutter. Open to resistance as they were, the conventions governing how people understood how the street should be used were nonetheless strong, as is demonstrated by the generally high level of compliance with the regulations enforced through the wardmote courts.

Those conventions were themselves held in place by the underlying structures of power in society. Certain modes of behaviour may be accepted as given in certain spaces, but understanding the significance of the signs that elicit that behaviour means asking, Jonathan Smith suggests, 'how, or by whose authority, is it able to mean what it does?'[1] This is not a question that has been directly addressed in this thesis, although it is implicit in many of the issues raised. Clearly, the role of power in the understanding of space and perception is a complex and important one, which merits much fuller investigation than has been possible in the current study.

A determination to keep the focus of the thesis firmly on the way the people of fifteenth- and sixteenth-century York interacted with their environment has meant that other issues have arisen with which I have chosen not to engage directly. The chronological scope of the study, for instance, has inevitably had implications for the debate about continuity and change, and the way the Reformation has traditionally marked the division between the medieval and early modern period. The evidence of the wardmote court records and the House Books suggests that this traditional divide is not a particularly helpful way of thinking about public space. The way the street was perceived in the fifteenth and sixteenth centuries was marked by both change *and* continuity.

As the prime interface between public and private space, the street during this period was the locus of continual change rather than any abrupt shift in

[1] J. Smith, 'The Lie that Blinds: Destabilizing the Text of Landscape' in Duncan and Ley, *Place/Culture/Representation*, p.89.

perception that can be dated to the Reformation. Chapter 4 demonstrated the elastic nature of conceptual boundaries which fluctuated in response not only to perceived threats from outside the city, but also to the constant negotiation between individuals and the socialized perception expressed in the wardmote courts and promoted by the civic authorities. Other, less erratic, changes can be identified between the late fifteenth and the late sixteenth century, most notably the way in which poverty, sexual misconduct and other unwanted elements were increasingly excluded from the social and material environment.

However, this thesis has been primarily concerned with the question of perception and the relationship between the street and the people who used and maintained it. Here, the differences between the two periods are less obvious. Many interesting conclusions can be drawn from the social implications of the changes in the layout and appearance of the street, but the way people thought about their environment did not change radically. It is true that the later period saw a greater emphasis on the material aspects of the street, while the fifteenth-century courts were more concerned with social problems, but jurors at both times shared a similar idea of the street as space in which the entire community had an investment, and which needed to be defended from encroachment by private interests. The boundaries between these two sets of interests were highly permeable. Public space sometimes expanded into the household if matters were deemed to be of concern to the neighbourhood as a whole, sometimes shrinking back as private space expanded in its turn to impinge on the street in a process through which the extents of public and private space were continually negotiated.

The tension between the perception of the common good and the needs of individuals was evident in the way the street in both periods was constructed and maintained, in the way it was used, and in the way its boundaries were contested. There was a clear discrepancy between ideal and practice, but the records of environmental regulation are nonetheless revealing about many aspects of public space and how it was perceived. By exploring notions of space and perception in a specific historical context, this study has sought to illuminate the active nature of the relationship between people and the urban environment, and thereby to contribute to our understanding of the way the street in the later medieval and early modern city was experienced, interpreted and imagined.

APPENDIX 1

SOURCES AND METHODOLOGY

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1. Sources

The House Books, 1476-1585

Like any other urban authority, the Corporation in York had to deal with the myriad problems arising from the practicalities of large numbers of people living within a restricted space. It strove to reach an ideal shared, one imagines, by most civic authorities throughout history. It wanted buildings in good repair, streets that were clean and easy to move around, a safe and harmonious environment unmarred by tension and subversion. Quietness and cleanness were the over-riding motives behind the regular ordinances passed by the Corporation in the fifteenth and sixteenth centuries, as it attempted to avert the ever-present threat of disorder represented by disease, poverty and internal tensions, to improve public hygiene, and to ensure that the fabric of the city was adequately maintained.

These and other issues were discussed at the council meetings which were usually held in the Council Chamber on Ouse Bridge, and a summary of the business transacted and any decisions made was drawn up by a clerk. These records, dating in a continuous series from 1476,[1] are now bound in a series of numbered volumes known as the York City House Books and held in the city archives. Their history, particularly the damage caused by the flood of 1892 and the subsequent repair and rebinding, are discussed by Lorraine Attreed in the introduction to her edition of the first six volumes,[2] and in the introduction to William Giles's catalogue of the city's records, compiled after the not entirely successful conservation carried out at the beginning of the twentieth century.[3] In addition to Attreed's comprehensive edition of Books 1-6, selections from the medieval and early modern House Books were edited by Angelo Raine and published in eight volumes between 1939 and 1953.[4] Although Raine's edition

[1] Similar material survives in another manuscript (YCA, E35) and has been dated to 1461/2, but is not currently bound as part of the series of House Books. See L.C. Attreed (ed.), *The York House Books 1461-1490*, 2 vols. (Stroud, 1991), Appendix 1, p.689.
[2] Attreed, *York City House Books*, pp.xiv-xviii.
[3] W. Giles, *Catalogue of the Charters, House Books, etc. Belonging to the Corporation of York, Together with a Report on their Renovation* (York, 1909).
[4] A. Raine (ed.), *York Civic Records*, 8 vols. Yorkshire Archaeological Society Record Series 97, 103, 106, 108, 110, 112, 115 and 119 (1939-53).

proves a very useful and accessible source of material, it is somewhat selective and many of the transcriptions are incomplete. Accordingly, I have referred to Attreed's edition of the first six volumes, but have examined in detail a sample of the original manuscripts at approximately twenty year intervals, that is, B8 (1496-1502), B10 (1519-1527), B15 (1541), B23 (1561-1565), B26 (1575-1576), B27 (1577-1580) and B28 (1581-1585). References to material for these years are to the original documents. I have cited *York Civic Records* for any examples drawn from the intervening years. The revised dating system has been used throughout. When citing from the original text, all abbreviations have been extended and some punctuation added for clarity when required, but spellings have been retained.

Although the House Books differ from each other in some respects, the recording of the council meetings indicates that they were part of a coherent tradition already established by the fourteenth century, when the minutes of some meetings were entered into the volume known as the Memorandum Book.[5] In every case, the meetings were recorded in the House Books in a standard format, with the date in Latin at the top and the names of those attending carefully listed down the left-hand side of the folio in order of precedence. The Lord Mayor (or his substitute) was always listed first, followed by the Recorder, if he were present, and then those of the twelve aldermen attending, the sheriffs, and finally the members of the Twenty Four.[6] The recording of the names of those present at the meeting seems to have been one of the chief duties of the clerk. On some occasions, nothing further is noted, although the fact that various members of the council attended makes it clear that a meeting took place. Normally, however, the clerk would record a brief summary of any agreements reached. Some of the minutes of meetings in the earlier volumes are in Latin, but by the sixteenth century, English was always used in this context, with Latin kept for recording legal or other particularly important matters. In addition to the minutes, the House Books contain various bonds, lists, memoranda, deeds, leases and occasional notes as well as copies of letters sent to and from the Corporation. The

[5] There is an argument that the Memorandum Book should be considered an early version of the House Books. 'The resemblance ... is so striking , though the arrangement differs, that it may rightly be regarded as the first of the series.' M. Sellars (ed.), *York Memorandum Book*, Surtees Society, 120 (1911), p.i. My own view, however, that it is precisely the arrangement of the text recording the council meetings that distinguishes the House Books from the Memorandum Book.
[6] Sometimes the sheriffs were listed last.

wide range of material makes the House Books an extraordinarily rich source of information about civic attitudes and concerns from the mid-fifteenth century onwards. My research, however, has focused on the minutes of the council meetings at which the civic leaders discussed the social, moral, economic, environmental, political and legal issues involved in governing an important city. Specifically, I have looked for evidence of attempts by both the Corporation and central government to regulate public space, in order to relate their concerns to those of the wardmote courts. It is clear from a close reading of the House Books that although both local and central government were frequently preoccupied with political and economic issues, they were also well aware of the need to assert authority over public space by regulating how that space was used, the level at which the physical fabric of the city was maintained, and promoting their notions of what constituted 'right conduct' and misconduct.

The Wardmote Court Records

The surviving returns of most of the wardmote courts from the fifteenth and sixteenth centuries are bound together in a single volume known as the Wardmote Court Book, and held in the York City Archives.[7] Divided into two unequal sections, the first part of the manuscript consists of 93 foliated pages, and the second of 331 consecutively numbered pages. Part I includes records for the four wards as they existed between 1575 and 1578, with folios numbered 1, 1v, 2, 2v and so on, with occasional inserts numbered 'a'. A note at the beginning of Part II includes a memorandum to the effect that some earlier leaves of the volume are missing, although the records appear to continue in an unbroken sequence. After folio 1v and 1a in Part II the folios are numbered consecutively and for ease of reference are therefore cited as page numbers.

Some of the headings are in Latin, but otherwise the proceedings of the courts are recorded in English, and in a variety of hands. There is also a wide range in the standard of presentation. Many of the returns are neatly written and very clearly laid out; others appear to be working copies, with much scribbling and scratching out. Occasional returns are written on folios that have been folded and

[7] York, York City Archives, E31.

inserted into the volume in the appropriate date order, and there are a small number of extracts relating to fines in other courts held in the Wapentake of Ainsty, or in the Sheriff's court.[8]

There are, in addition, 20 pages, numbered 1a to 20a, bound separately at the front of E31, which contain the returns for wardmote courts held in York in 1494 and 1495. Four folios recording presentments in courts held in North Street, Castlegate, Monk and Walmgate wards in 1491 survive in the Chamberlains' Account Book.[9] Together with the fifteenth-century returns in E31, these were transcribed by Tim Andrew for his unpublished MA dissertation.[10] I have used Andrew's edition as the basis for my analysis of the material it contains, but references are to the original manuscripts.

In addition to the late fifteenth-century records, a set of returns for six wardmote courts held in 1517 is contained in a manuscript in the Bodleian Library.[11] These records are anomalous in many ways, but in their format, their language and the constitution of the wards, they have more in common with the late fifteenth-century wardmote courts than with those held in the late sixteenth century. Their content is discussed briefly in Chapter 1, but the evidence they offer is otherwise too limited to be of much comparative value.

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[8] E31, pp. 103a-103c.
[9] YCA, CB1a, fols. 136-139.
[10] T. Andrew, 'The Fifteenth-Century Wardmote Court Returns for York' (MA diss., University of York, 1997). Andrew proposes a date of 1496 for the Castlegate wardmote court held on 26th August 'anno xj regni Regis Henrici vij', (E31, fol. 18a), but as Henry VII's reign was dated from 22nd August 1485 (and therefore the 11th year from 22nd August 1495), I have revised the dating of this court to 1495. The Bootham wardmote court held on 18th August in the 10th year of Henry's reign was therefore also held in 1495. (E31, fol. 13a) The Monk Bar court that was held on 22nd August itself in the tenth year of Henry's reign presumably then should be dated 1494, although it is not unfeasible that the clerk made a mistake in this instance and simply forgot that the year should be changed. (E31, fol. 16a).
[11] Oxford, Bodleian Library MS Bodley Rawlinson 451, fols. 1-5. The first folio, recording the wardmote court held in North Street ward, is largely illegible.

2. Methodology

No printed editions exist for the sixteenth-century material in the Wardmote Court Book. Accordingly, I began by noting the month and year of each court record, and the ward in which it was held, and then transcribing the bulk of the court presentments, although at this stage I did not record the names of the jurors and other officials involved in the courts. For most entries, I noted the folio or page reference, the name(s) of the individual being presented, whether it was a presentment, a 'pain laid' or a 'pain forfeited', the detail of the offence, and any fine imposed. Many of the entries in the Wardmote Court Book, however, include a number of names in the same presentment, or an identically worded presentment is repeated several times, and in those cases I noted only the first (or most legible) name and how many others were included. In retrospect, this was a mistake, as although it saved a lot of time when transcribing the original, it made it impossible to track individual offenders with complete accuracy, and also made the calculation of total figures for an offence like paving a more time-consuming process than it needed to have been.

Even allowing for shortcuts of this kind, the presentments transcribed from the Wardmote Court Book still ran to some 4,000 separate entries. This left me with a mass of material that was most easily ordered and analysed in the form of a database. A separate database was created for each of the four wards in the later sixteenth century, each of which was divided into twelve separate fields in order to make the most use of the database's ability to sort and filter material for different purposes. A brief description of each is included below.

Reference

A self-explanatory field that takes into account the division between the foliated pages in the first part of E31, and the consecutively numbered pages in the second part, and makes it easy to check back, both to the transcribed document and to the original manuscript.

Month

Between 1575 and 1586, the wardmote courts were held twice a year, in April/May and October/November.[12] The aim of creating a separate field for the month was not only to distinguish between the two courts held during the year, so that I could gauge the effectiveness of the court by tracking the degree of compliance between one court and the next within the same year, but also to test, for example, whether issues like the cleanliness of the environment were more of a concern in spring, with the potential threat of sickness during the summer, than it was immediately before the summer months. In fact, there seems to be no significant seasonal variation of this kind. The 82 'pains laid' for paving at the Monk court held in October 1576 could be interpreted as measures to maintain the road before the onset of winter, but this does not explain why only 12 were laid in the same ward the following autumn, and only 10 in the Walmgate court held at the same time.

Year

The Wardmote Court Book contains a complete set of records for the four wards over a decade, together with the courts held in all four wards in April 1586. This makes it a particularly valuable source, enabling the identification of patterns of compliance and resistance over a number of years.

Title

While most of those presented are identified by their first name and surname, some are also given titles, and a cursory glance at the number of those titled Alderman, Mr, Mrs and Sir is enough to show that those with civic status were by no means exempt from the jurisdiction of the court. Titles were not always used, however. Edward Fawcet, for instance, was sometimes referred to as Mr Fawcet, or Mr Edward Fawcet.[13] Women were similarly subject to some variation in the way they were titled, as in the case of Mrs Lonsdale, who was also presented as

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[12] According to Drake, the Sheriff's tourn was also held twice a year, a month after Easter and a month after Michaelmas (Drake, *Eboracum*, p.189). It is possible that the dates of the wardmote courts were determined on the same principle.

[13] He was referred to as Edward Fawcet on E31, fols. 11, 32, 70v and pp.18, 20 and 71; as Mr Fawcet or Mr Edward Fawcet on E31, fol. 12 and pp.20, 23, 272, 214, 216, 233 and 235.

Uxor Lonsdale,[14] although women of lower status seem generally to have been referred to by their first name and surname, or simply as, for example, 'Thomas Plummers wyffe'.[15]

Names

For the purposes of the database, the spelling of names that occur in various forms throughout E31 have been modernised. Robynson was rendered Robinson, for instance, and the many variations of Filliskirk (Phylleskirk, Filleskirke, Philiskirke, etc.) as Filleskirk. First names were also modernised, and entered into a separate field to that for surnames, so that individuals could be tracked over the course of the decade. This makes it possible to identify persistent offenders, and whether they were always presented for the same offence, although the accuracy of the figures involved in these cases is compromised by the fact that, as noted above, not all the names in multiple presentments were noted in the initial phase of research.

Individuals can also be traced across the wards, although in fact, there are relatively few instances of people being presented in more than one ward, and those who are appear to be the owners of properties throughout the city. In many cases, the property owner is charged with ensuring that the street bordering the property was properly cleaned and maintained, if rarely expected to carry out the necessary work themselves. It seems that the authority of the courts extended beyond the ward boundaries to present individuals who lived in another ward, but their concerns were limited to the immediate environment of the ward itself.

Of tangential interest is the increasing variety of first names, many seeming to reflect the popularity of courtly romances. Several Lancelots and Percivals lived in late sixteenth-century York,[16] as did Arthur Dawson,[17] Tristram Watts,[18] and a smith called Gawain Bensdine.[19] Other individuals with unusual names included

[14] E31, pp.71, 189. For Mrs Lonsdale, see E31, fol. 4v and p.101.
[15] E31, p.107.
[16] For example, Percival Lovett (E31, p.122), Percival Brook (p.302) and Percival Geldart, a frequent offender in the Monk wardmote courts, particularly in connection with keeping pigs. There was also a Lancelot Geldart (p.187), a Lancelot Sawthell (p.201) and a Lancelot Herbert (p.248).
[17] E31, p.154, p.235. There was also an Arthur Middleton (E31, fol. 42).
[18] E31, p.50.
[19] E31, p.296.

Sir Valentine Brown,[20] Marmaduke Wyman,[21] Samson Percival,[22] Ambrose Awne,[23] the tailor Augustine Dockam,[24] and the wonderfully named Hercules Welbourne.[25] It might be an interesting project to relate naming patterns to the increasing evidence of literacy noted in Chapter 3, and to explore in more detail the influence of reading habits on names.

Occupation

Where the occupation was given, this was noted and allocated a separate field in the database. Some patterns indicative of the social status of those presented in the wardmote courts can be identified as a result, but any conclusions remain tentative. Occupations tend to be given only when some confusion might arise between individuals with the same name, which happens in relatively few of the presentments recorded. This field was also used to note any extra information such as 'alderman' or 'widow'.

Type

A critical field in the late sixteenth-century records. Many of the pages are neatly laid out and categorise the presentments into 'pains forfeited', 'presentments', and 'pains laid'. 'Pains laid' refers to actions the jury wanted to ensure were carried out before a certain date on pain of specified fine; anyone who had not done as the jury required was presented at the following court and became liable to pay the fine, which was described as a 'pain forfeited'. It was a system designed to encourage maintenance of the environment, and although the records can be inconsistent, across the decade it is possible to detect an overall pattern of general compliance, with more 'pains laid' for paving and cleaning than 'pains forfeited'.

Not all the returns were as carefully ordered by the clerk. Some appear to be working copies, scrappily presented with a good deal of crossing out and scribbled notes, and here it can sometimes be difficult to determine whether the entry was intended as a presentment, a 'pain laid' or a 'pain forfeited'. Where this

[20] E31, fol. 4.
[21] E31, fol. 82v.
[22] E31, fol. 91.
[23] E31, p.259.
[24] E31, p.42.
[25] E31, fol. 80v.

is unclear, I have used the tense of the entry as a guide. Generally, anything referring to the past, as when Henry Wilkinson was presented 'because he haith not pavid before his dore',[26] has been included as a 'pain forfeited' on the database, even if not specifically indicated as such by the clerk. Sometimes a negative similarly implies a 'pain forfeited', as when Martin Lordes was fined 3s 4d 'for not pavinge before his stable in norstrett'.[27]

In the same way, entries implying future actions ('that he amend his pentis')[28] have been treated as 'pains laid', while those which use the present tense are classified as presentments. These tend to refer to continuous actions such as keeping pigs, scolding, and breaking trade regulations, rather than specific actions with regard to the cleaning and repair of the urban fabric which are to be done, or have not been done. 'Pains laid' and 'pains forfeited' accordingly are used largely for actions concerned with the maintenance of the physical environment, while presentments are more usually used for actions which have an impact on the social environment.

This is not always true, however. While there are no presentments for paving, and no 'pains laid' or 'pains forfeited' for misbehaviour, occasionally the present tense is used for offences relating to the physical fabric of the city that cannot be easily classified as either a 'pain laid' or a 'pain forfeited'. Thus, William Snawlcher was presented in April 1583 'for making a dunghill on the water banke before his dore',[29] which has been classified as a presentment in the dirt category, as has the presentment of Percival Geldart 'for carring fylth in tubes with blod and other filth in the day tym to his swyn at barker hill'.[30] Many of the entries to do with obstruction are also best classified as presentments, as that of Thomas Sands for 'stoppinge upp' the highway before his tenements in Monkgate.[31]

In addition to the three categories used by the clerk, I also created two separate categories in order to easily identify entries which might illustrate the relationship between the wardmote court juries and the civic authorities. Any requests for improvement by any officials or group of officials (the Chamber, the

[26] E31, fol. 37v.
[27] E31, p.185.
[28] E31, p.4.
[29] E31, p.166.
[30] E31, p.200.
[31] E31, fol. 86v.

chamberlains, 'the officer', the constables, the Lord Mayor and his brethren, etc.) were therefore entered on the database as 'RQL' so that they could be pulled up as a separate category if necessary, but were otherwise included in the general 'pains laid' category for the purposes of the tables. Complaints about failures on the part of the civic authorities were likewise entered as 'RQF' but included under 'pains forfeited' in any overall calculations.

Offence

Sixteen categories of offence were created. Unlike the categorisation of 'pains laid', 'pains forfeited' and presentments, these categories are not contemporary, but reflect my own attempt to sort the material. The distinction between one kind of offence and another is sometimes blurred. A fine for not repairing a wall, for instance, might be interpreted as a concern about the disrepair of the urban environment rather than about the maintenance of boundaries. In fact, I entered an offence like this under the 'boundaries' category, but it should be born in mind that categorizing offences in this way means that any analysis is based on general patterns that are discernable rather than rigid statistics. The categories used were as follows:

Misbehaviour

Used for conduct which evidently transgressed the conventions of 'correct' behaviour within the ward. Examples of misbehaviour include scolding, encouraging disorder by welcoming servants, women of 'evil disposition' and other 'suspicious' types into the house (an offence often described as 'keeping evil rule'), fighting, gambling, abusing officials, petty theft, breaking hedges and being a 'nuisance neighbour'. The separate database for the fifteenth century also includes forms of sexual misconduct in this category – prostitution, procuring, and being of 'dishonest conversation'.

Paving

Used for those offences concerned with maintaining the surface of the street. Paving is usually specified in the late sixteenth century, but this category also includes requests for the repair of highways leading into the city.

Dirt

Includes both presentments for actively contributing to the dirtiness of the environment by disposing of waste inappropriately, making dung heaps, or leaving dead animals in the street, as well as those for failures to scour gutters, sweep the street or clean along the boundary between a property and public space.

Disrepair

This is a category used particularly for ruinous buildings, but also for pentices (overhanging shutters) that were neglected and gutters, bridges and other elements of public space in need of repair.

Obstruction

Any impediments to the circulation of foot or vehicle traffic have been categorized as obstruction. This includes presentments for leaving timber, stones and other obstructions in the street as well as for encroachments into public space by buildings, walls, posts and fences. Common lanes that were closed off to access, and anything blocking the free flow of water through the sewers, as when Mr Vavasour and others were ordered to 'ly lawer there gutters ... that the watter may have the full course frome theme that be above',[32] have also been included as obstructions.

Boundaries

Used for presentments concerned with the maintenance of property boundaries, particularly the repair of walls, fences and railings.

Swine

Presentments relating to the keeping of pigs and pigsties against the local ordinance.

[32] E31, fol. 14.

Dogs

A limited category for presentments of those who allowed certain kinds of dogs, notably mastiffs, to roam the streets without a muzzle on.

Eviction

A number of individuals were presented for their tenants' misbehaviour, others for sub-letting properties to the poor or people otherwise deemed undesirable, and in such cases property owners were required to evict tenants by a certain date. In most instances of eviction, the wardmote juries appear to have been acting in response to the Corporation's initiatives to discourage the 'idle poor', rather than reflecting concerns prevalent in the neighbourhood.

Court

Presentments for failure to appear when summoned to the wardmote court, or for not fulfilling responsibilities as a juror.

Livery

Wearing livery to which one was not entitled was a statutory offence rather than a nuisance. This is another category in which the concerns of the wardmote courts appear to have been generated by government policy, although the wards differed significantly in their approach to this offence, with Bootham representing 84 men for this offence, and Micklegate none at all.

Roofing

Occasional presentments were made for those who insisted on a thatched rather than a tiled roof. This was one of the articles read out to the London wardmote juries in earlier centuries, and derives from the need to reduce the risk of fire. A thatched roof was not, however, deemed to be a nuisance.

Trade

Most of the presentments in this category were for forestalling, regrating or trading or brewing without the appropriate licence.

Common

Each ward had an extensive area of common land over which it exercised jurisdiction, and the rights of those entitled to graze animals on it were carefully guarded. Many of the presentments in this category are for having more beasts than entitled on the land, or grazing animals without the right to do so.

Other

A miscellaneous category including offences which do not fit easily into any of the others. Examples include 'kepinge duckes in the strete',[33] trapping doves,[34] keeping hay in chambers facing the street,[35] and refusing to allow freemen access to St George's close to collect sand.[36] Presentments of butchers holding land within the six mile radius dictated by the Corporation have also been included in this category.

Location

Where a location for the offence was given, I have noted it on the database as a separate category. This makes it possible to examine, for instance, concerns with extra-mural streets compared to those within the city walls, or whether particular areas were associated with particular kinds of offences. As with occupations, however, the accuracy of any patterns established as a result is limited by the fact that in most cases the location is not given.

Fine

The fine proposed for 'pains laid', and that imposed for 'pains forfeited' and presentments was noted as a separate category.

Detail

A field that proved useful for noting details about the offence, and completed for all entries except those where the information was limited to 'for paving', for example, or 'for kepinge of swyne'.

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[33] E31, p.66.
[34] E31, p.182.
[35] E31, fol. 69v.
[36] E31, fol. 82v.

A separate database was created for the fifteenth century records. As these are less extensive than those for 1585-1586, the information for all six wards was included on the same database, but an additional field for the ward was added. For obvious reasons, this database does not have a field for the type of offence (PL, PF, PR) as only presentments were made in this period. Otherwise, the fields used were the same as for the sixteenth century.

Two further databases were made at a much later stage of research, when it became clear that I would need to go back and look at the lists of court officials, and particularly the wardmote jurors, more closely. The names of all the fifteenth-century officials had of course been transcribed by Andrew, so it was a relatively simple matter to transfer these to a database. I took Walmgate as a sample ward, and noted the names of all aldermen and warden presiding over the wardmote courts held there between 1575 and 1586, together with the names of the constables, churchwardens, pasturemasters and inquest jurors for each court. These were then entered onto a database with the reference, the month and year in which the court was held, and the name of the official, divided into two fields for first name and surname, and modernised as with the other databases. Further fields recorded the role of the individual (whether warden, constable, juror etc.), the parish in the case of constables and churchwardens, and whether 'jur' was marked against the name or not. It was then possible in the case of the sixteenth-century records to compare these names with those on the main database and establish not only the occupations in a number of cases but also the proportion of those who served in an official capacity at one time or another and who were also presented in the wardmote courts for various offences.

Conclusion

The use of databases in this way a offers number of advantages when it comes to dealing with a mass of material like that found in the Wardmote Court Book and associated records. Most notably, it facilitates the rapid sorting of data, so that, for instance, it is easy to call up the occupations of those presented for a particular offence, or whether any offences are particularly associated with a given location. In addition, finding individuals and examples to illustrate the points one wishes to

make is immeasurably easier than flicking backwards and forwards through five files of transcribed material, as is the drawing up of tables on which to base discussion.

Nevertheless, the limitations of such tables should be reiterated. Presenting figures in the form of tables like those that follow may give illusion of precision that can be misleading. For many of the records in the database, information about location or occupation may be missing. The categorization of sixteenth-century offences into 'pains laid', 'pains forfeited' and presentments is not always clear, nor is it possible in every case to be exact about the numbers of those involved. The offences themselves have been divided into categories imposed by the focus of my research and do not reflect contemporary ways of thinking about the activities and forms of behaviour presented in the wardmote courts. What such tables *can* do, however, is to suggest certain patterns that can be examined in greater detail and related to other forms of evidence, and the process of drawing them up is often thought-provoking in itself. Most importantly, perhaps, if these limitations are borne in mind, the databases provide easy access to a rich and intriguing source of material that can be used in a variety of ways to illuminate our understanding of how public space was perceived in the later medieval and early modern city.

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APPENDIX 2

TABLES

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Table 1: Wardens 1575-1585

Date of court	BOOTHAM	MONK	WALMGATE	MICKLEGATE
April 1575	Richard Calome Christopher Herbert	Blank	Richard Hall Hugh Graves	Thomas Harrison (Mayor) John Bean
October 1575	Richard Calome Christopher Herbert John Dynelay	William Beckwith	Richard Hall Hugh Graves	Thomas Harrison (Mayor) Robert Maskew
May 1576	Christopher Herbert John Dynelay	Edmund Richardson (Mayor) William Beckwith	Richard Hall Hugh Graves	Robert Maskew
October 1576	Richard Calome Christopher Herbert John Dynelay	William Beckwith	Gregory Peacock Hugh Graves	John Bean Thomas Harrison
April 1577	John Dynelay (Mayor) Christopher Herbert	William Beckwith) Robert Cripling William Brockden (Assistant John Smith (Assistant)	Hugh Graves	Thomas Harrison
October 1577	John Dynelay (Mayor) Richard Calome	William Beckwith Robert Cripling	Hugh Graves Robert Asquith	Robert Maskew Thomas Harrison
April 1578	Christopher Herbert John Dynelay	William Beckwith Robert Cripling John Smith (Assistant)	Hugh Graves (Mayor) William Robinson Robert Asquith	Robert Maskew Thomas Harrison
October 1578	Richard Calome John Dynelay	William Beckwith Robert Cripling	Robert Asquith William Robinson	Robert Maskew Thomas Harrison
May 1579	Richard Calome Christopher Herbert Robert Brooke	Robert Cripling (Mayor) Robert Asquith [sic] John Smith (Assistant)	Robert Asquith William Robinson	John Bean Thomas Harrison
October 1579	Richard Calome Christopher Herbert Robert Brooke	Robert Cripling (Mayor) John Smith (Assistant)	William Robinson	Thomas Harrison
April 1580	Richard Calome Christopher Herbert Robert Brooke	William Beckwith William Allen	Blank	Blank
October 1580	Richard Calome Christopher Herbert Robert Brooke	William Beckwith Christopher Malthy	Robert Asquith (Mayor) William Robinson	Thomas Harrison William Thomson (Assistant)

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Table 1 continued: Wardens 1575-1585

Date of court	BOOTHAM	MONK	WALMGATE	MICKLEGATE
October 1581	Henry May	Christopher Maltby Ralph Richardson	Thomas Appleyard	Robert Maskew Thomas Harrison
May 1582	Blank	Christopher Maltby Ralph Richardson	Robert Asquith William Robinson	Thomas Harrison Andrew Trewe
October 1582	Blank	Ralph Richardson	Robert Asquith Thomas Appleyard	Thomas Harrison Andrew Trewe
April 1583	Blank	Christopher Maltby (Mayor) Ralph Richardson	Hugh Graves Robert Asquith William Robinson Thomas Appleyard	Robert Maskew Thomas Harrison
October 1583	Robert Brooke Henry May	Christopher Maltby (Mayor)	Robert Asquith Thomas Appleyard	Thomas Harrison Andrew Trewe
May 1584	Christopher Herbert Robert Brooke Henry May	Christopher Maltby Ralph Richardson	Robert Asquith William Robinson	Robert Maskew Thomas Harrison Andrew Trewe
October 1584	Christopher Harbert Henry May	Christopher Maltby	Robert Asquith William Robinson	Andrew Trewe Robert Maskew
May 1585	Christopher Herbert Henry May	Ralph Richardson James Kirkby	Hugh Graves Robert Asquith William Robinson	Andrew Trewe (Mayor) Robert Maskew Thomas Harrison
November 1585	Christopher Herbert Henry May	Ralph Richardson James Kirkby	Robert Asquith William Robinson Thomas Appleyard	Blank

Source: YCA, E31

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Table 2: Failures to appear at the wardmote court and jury, 1575-1586

Presented for	Bootham	Monk	Walmgate	Micklegate
Not attending wardmote court	7	54	48	0
Failing to fulfil responsibility as juror	21	0	8	2

Source: YCA, E31

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Table 3: Offences for which jurors presented Walmgate ward, 1575-1586

Offence	Presentments	Pains Laid	Pains Forfeited
Misbehaviour	17	-	-
Paving	-	69	16
Dirt	4	34	16
Disrepair	3	17	6
Obstruction	12	26	3
Boundaries	-	10	4
Swine	7	-	-
Dogs	1	3	1
Eviction	4	4	1
Court	7	-	-
Livery	2	-	-
Roofing	3	8	2
Trade	16	-	-
Common	8	-	-
Other	2	5	1

Source: YCA, E31

Table 4a: 'Pains laid' and 'pains forfeited', Bootham ward, 1575-1586

Offence	'Pains laid'	'Pains forfeited'	% Compliance
Paving	88	124	Negative*
Dirt	46	48	Negative*
Disrepair	62	25	60%
Obstruction	24	8	67%
Boundaries	6	1	83%
Eviction	20	10	50%

Table 4b: 'Pains laid' and 'pains forfeited', Monk ward, 1575-1586

Offence	'Pains laid'	'Pains forfeited'	% Compliance
Paving	518	151	71%
Dirt	226	79	65%
Disrepair	30	11	60%
Obstruction	54	11	80%
Boundaries	21	2	91%
Eviction	45	1	98%

Table 4c: 'Pains laid' and 'pains forfeited', Walmgate ward, 1575-1586

Offence	'Pains laid'	'Pains forfeited'	% Compliance
Paving	522	116	78%
Dirt	207	61	71%
Disrepair	115	33	71%
Obstruction	140	55	61%
Boundaries	35	12	66%
Eviction	20	5	75%

Table 4d: 'Pains laid' and 'pains forfeited', Micklegate ward, 1575-1586

Offence	'Pains laid'	'Pains forfeited'	% Compliance
Paving	417	283	32%
Dirt	181	40	78%
Disrepair	56	13	77%
Obstruction	36	11	70%
Boundaries	35	8	77%
Eviction	44	12	78%

Source: YCA, E31

*Anomaly in figures reflects fact that more 'pains forfeited' are recorded than 'pains laid'.

Table 5a
Occupations of those presented in the wardmote courts, 1491-1495

Note: Occupations are arranged alphabetically. The use of the plural indicates that more than one member of the occupation was presented for an offence, but numbers have not been given as the purpose of the table is to indicate the range of occupations associated with the wardmote courts, rather than to compare precise figures.

Offence	Occupations Presented	Offence	Occupations presented
Misbehaviour	Butcher Chaplain Cobbler Fisherman Goldsmith Innholders Metaller Miller Tailor	*Obstruction*	Bakers Chaplains Fishmongers Labourer Lister Squires Tailor Tanner
Paving	Chaplain Gentleman Knights	*Boundaries*	Not applicable
Dirt	Barber 'Boggemaker' Butchers Chaplain Girdler Horner Hosier Mason Merchant Miller Notary Smith Squire Vintner	*Swine*	Butchers Cobbler Glover Innholder Labourer Prior
Disrepair	Baker Friar Mason Squire Tanner Tilemaker Yeoman	*Dogs*	Cobbler Walker
Common	Butchers Chaplain Husbandman Metallers Miller Walker Yeoman	*Other*	Labourer Prior

Source: T. Andrew, 'The Fifteenth-Century Wardmote Court Returns for York'

Table 5b
Occupations of those presented in the wardmote courts, 1575-1586

Note: Occupations are arranged alphabetically. The use of the plural indicates that more than one member of the occupation was presented for an offence, but numbers have not been given as the purpose of the table is to indicate the range of occupations associated with the wardmote courts, rather than to compare precise figures.

Offence	Bootham	Monk	Walmgate	Micklegate
Misbehaviour	Goldsmith Leather dresser Weaver	Armourer Bakers Labourer Mariner Millers Spurrier Tailor Tilers Weaver	Cobbler Porter Tailors	Butchers Dyers Glovers Labourer Minister Porters Tailors Tanners
Paving	Apothecary Baker Butcher Dean Tailor	Butchers Clerk Cobblers Currier Drapers Girdler Hatter Knight Miller Priests Sadller Tailor Tanner Tapiter	Baker Bower Butchers Cobbler Draper Glazier Glover Innholders Merchant Millers Notary Procter Shipwright Tanners	Cordwainer Draper Girdler Glover Hatter Merchants Scuttlemakers Tanner Vintners
Dirt	Butchers Parson	Cordwainer Cutler Drapers Hatter Miller Parson Schoolmaster Tailors	Baker Barber Butchers Fishmonger Girdlers Innholders Lawyer Merchant Notaries Procter	Butcher Tanners Lister
Disrepair	Butchers Innholder	Bower Lawyer Parson	Baker Carrier Clerk Glazier Potter Tailor	'Brekemaker' Porter Smith Tailor
Obstruction	Bricklayer Butcher Drapers Glazier Miller 'Mr of phissicke' Tailors Tiler	Baker Clerk Draper Goldsmith Hatter Merchant Millers	Baker Draper Glazier Merchants Miller Notary	Cordwainer Knights Lister Tilemaker
Boundaries	Glover	Cutler Mercer Miller	Baker Cobbler Tanner	Baker Porter Tailor Tanner

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Table 5b continued: Occupations of those presented, 1575-1586

Note: Occupations are arranged alphabetically.

Offence	Bootham	Monk	Walmgate	Micklegate
Swine	Servant	Baker Butchers Carrier Draper Priests Smith	Baker Miller	Tanners
Dogs			Parchment maker Miller	Butcher
Eviction		Baker Cutler Drapers Surgeon Tailor Vicar	Clerk Goldsmiths Porter Trumpeter	Clerk Drapers Smith Tilemakers
Court	Goldsmith		Goldsmith	
Livery	Barber Tailors	Tailor	Cook Saddler Tailor	
Roofing		Mercer	Tailor	
Trade	Butcher Tailors	Carpenter Miller Tilers	Brewers Cobbler Glover Merchant Tailor	Glover Servant Tanner
Common	Tailor	Advocate Butchers Servants	Butchers Vicar	Butchers Founderer Innholder Miller Servant Tailor Tanner
Other	Butchers	Butchers Parchment maker Tiler Weaver	Butcher Millers Tailor	Butchers Miller Tanner

Source: YCA, E31

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Table 6
Percentage of offences presented

Offence	1491-1495	1517	1575-1586
Misbehaviour	27.5%	19%	8%
Paving	15%	-	22.5%
Dirt	17%	-	11%
Disrepair	4%	-	5.5%
Obstruction	12%	-	8%
Boundaries	-	-	1%
Swine	4%	3%	7.5%
Dogs	1.5%	-	2.5%
Eviction	-	-	2%
Court	6.5%	-	5%
Livery	-	-	3%
Roofing	-	-	2%
Trade	2%	3%	7%
Common	8.5%	67%	10.5%
Other/unclear	2%	8%	4.5%

Source: T. Andrew, 'The Fifteenth-Century Wardmote Court Returns for York'; MS Bodley Rawlinson 451; YCA, E31

Note: For the purposes of comparison, the figures for 1575-1586 represent the total of 'pains forfeited' and presentments, both of which attracted a fine, but do *not* include 'pains laid' during this period.

See also Figures 6a-6c in Chapter 1

Table 6a: Offences presented 1491-1495

Offence	Bootham	Monk	Walmgate	Castlegate	Micklegate	North St	Total
Misbehaviour	22	8	11	28	3	1	73
Paving	6	3	7	14	3	6	39
Dirt	4	5	16	13	1	5	44
Disrepair	-	1	4	2	4	-	11
Obstruction	5	2	2	20	-	2	31
Boundaries	-	-	-	-	-	-	0
Swine	1	3	1	5	-	1	11
Dogs	-	1	3	-	-	-	4
Eviction	-	-	-	-	-	-	0
Court	5	-	7	5	-	-	17
Livery	-	-	-	-	-	-	0
Roofing	-	-	-	-	-	-	0
Trade	-	-	3	3	-	-	6
Common	-	5	5	2	6	5	23
Other/unclear	-	1	1	4	-	-	6
TOTAL	43	29	60	96	17	20	265

Source: T. Andrew, 'The Fifteenth-Century Wardmote Court Returns'.

Table 6b: Offences presented in 1517

Offence	Bootham	Monk	Walmgate	Castlegate	Micklegate	North St	Total
Misbehaviour	1	4	-	2	-	-	7
Paving	-	-	-	-	-	-	-
Dirt	-	-	-	-	-	-	-
Disrepair	-	-	-	-	-	-	-
Obstruction	-	-	-	-	-	-	-
Boundaries	-	-	-	-	-	-	-
Swine	-	-	1	-	-	-	1
Dogs	-	-	-	-	-	-	-
Eviction	-	-	-	-	-	-	-
Court	-	-	-	-	-	-	-
Livery	-	-	-	-	-	-	-
Roofing	-	-	-	-	-	-	-
Trade	1	-	-	-	-	-	1
Common	3	2	6	2	7	5	25
Other/unclear	-	1	-	2	-	-	3
TOTAL	5	7	7	6	7	5	37

Source: MS Bodley Rawlinson 451, fols. 1-5.

Table 6c: Offences presented in wardmote courts, 1575-1586

Offence	Bootham	Monk	Walmgate	Micklegate	Total
Misbehaviour	17	96	72	76	261
Paving	139	174	129	293	735
Dirt	76	107	108	56	347
Disrepair	71	25	60	25	181
Obstruction	75	60	110	22	267
Boundaries	9	3	14	11	37
Swine	42	99	57	44	242
Dogs	1	10	15	51	77
Eviction	10	17	16	14	57
Court	33	55	63	3	154
Livery	84	7	9	0	100
Roofing	23	8	27	1	59
Trade	58	41	87	33	219
Common	57	99	50	138	344
Other	13	35	79	51	178
TOTAL	708	836	896	818	3258

Source: YCA, E31.
Note: These figures represent 'pains forfeited' and presentments only, and do not include 'pains laid'. Complaints about the Corporation are also included where these represent a 'pain forfeited' or a presentment.

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Table 7a
Misbehaviour and the wardmote courts, 1491-1495

Type of offence	Number presented
Sexual misconduct Prostitution Procuring 'Evil' or 'misgoverned' women	27
Nuisance neighbours Scolding 'evil disposition'	24
Disorderly gatherings	14
Receiving servants	15
Gambling Cards Dice Bowling alleys	3
Petty crimes Theft Hedgebreaking Eavesdropping	2
Assault	0
Other	1

Source: Andrew, 'The Fifteenth-Century Wardmote Court Returns for York'
Note: Some individuals were presented for more than one offence.

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Table 7b
Misbehaviour and the wardmote courts, 1575-1586

Type of offence	Bootham	Monk	Walmgate	Micklegate
Sexual misconduct Prostitution Procuring 'Evil' or 'misgoverned' women	0	2	0	0
Nuisance neighbours Scolding Being a nuisance neighbour Being of an 'evil disposition' Verbal abuse	3	38	25	13
Disorderly gatherings Keeping 'evil company' Keeping 'evil rule' Harbouring 'suspect people'	2	28	10	15
Receiving servants	5	11	9	12
Gambling Cards Dice 'Bowlstarres' Unlawful games	3	6	2	5
Petty crimes Theft Hedgebreaking Eavesdropping Receiving goods	4	10	7	32
Assault	3	5	9	4
Other Taking bribes Blocking light Trapping doves Etc.	0	11	7	2

Source: YCA, E31

Note: Some individuals were presented for more than one offence

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Table 8
Paving in the York wardmote courts, 1575-1586*

	BOOTHAM		MONK		WALMGATE		MICKLEGATE	
	PF	PL	PF	PL	PF	PL	PF	PL
April 1575	2	4	4	10	5	4	2	-
October 1575	-	2	6	9	-	4	-	3
May 1576	-	-	5	51	-	6	-	41
October 1576	-	14	3	83	4	10	10	64
April 1577	10	14	5	9	-	38	23	20
October 1577	10	2	2	11	12	47	30	-
April 1578	3	-	57	16	13	36	-	7
October 1578	1	-	4	6	12	7	14	3
May 1579	1	4	3	24	4	13	32	10
October 1579	3	13	13	7	3	6	30	2
April/May 1580	7	-	-	68	8	68	19	10
October 1580	9	6	6	3	-	44	3	25
April 1581	15	-	4	7	5	6	19	6
October 1581	3	-	5	17	2	38	1	18
May 1582	3	-	1	27	-	6	9	14
October 1582	3	2	2	22	5	25	10	45
April 1583	20	1	11	14	2	4	18	11
October 1583	21	-	1	49	3	23	7	27
May 1584	1	13	1	-	-	7	12	23
Oct/Nov 1584	5	9	9	25	6	32	7	49
May 1585	1	3	-	13	1	62	19	8
November 1585	2	1	3	5	26	7	8	-
April 1586	4	-	6	42	5	29	10	31
TOTAL	124	88	151	518	116	522	283	417

Source: YCA, E31

* These figures do NOT include requests to the civic authorities to repair the paving, or attempts to fine them for failure to do so.

Table 9

Street Cleaning in York, 1575-1586

Ward	PL*	PF/PR*	% Compliance
Monk	226	108	52%
Walmgate	522	100	81%
Micklegate	181	55	70%
Bootham	46	72	Negative

Source: E31.
* Note: These figures do NOT include requests to the Corporation or complaints about lack of official cleaning.

Table 10a

LOCATION OF CLEANING OFFENCES BOOTHAM WARD, 1575-1586

Location	PL	PR	PF
City walls, bar, moats	3		2
Intramural:			
Blake St			1
Coney St			1
Davygate	1		1
Friars'garth			3
Lop lane			1
Minster gates			1
Ouse			8
St Leonard's Landing	1	7	
Swinegate		1	1
Extramural:			
Bootham	10	4	8
Gillygate	14	1	8
Goose lane	2		2
Horsefair	9		11
Pepper Mills			2
Penley's Croft	1		2
Other extramural sites	10	1	2
Not known	2	1	8

Source: YCA, E31

Table 10b

LOCATION OF CLEANING OFFENCES MONK WARD, 1575-1586

Location	PL	PR	PF
Bar, outside, city walls, city moat	28	1	2
Intramural:			
Aldwark	24	1	10
All Saints Peasholme	6		
Christ's parish		1	
Colliergate	2		
Foss	2		
Goodramgate	2		
King's Dike	28		12
Haver Lane	4		
Hungate	21		3
Holy Trinity church & lanes	15	6	7
Ogleforth	1		
Patrick Pool	2		
St Andrew's/St Andrewgate	28		
St Helen's lane	1		
St Sampson's parish	1	1	
St Saviour's parish	1		
Swinegate	4		
Extramural:			
Barker Hill	1	5	
Grange Fields	4		9
Heworth Moor	2		1
Kibblesflax	6		1
Layerthorpe	3		
Monkgate	1		2
Monk Bridge to Abbey Mills	3		4
Shooter Lane	1	7	
Tang Hall			1
Vicars Lees	4		1
Other fields/garths	5		1
Not known	49	7	15

Source: YCA, E31

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Table 10c

LOCATION OF CLEANING OFFENCES: WALMGATE WARD, 1575-1586

Location	PL	PR	PF
City walls, moat & outside bar	10		4
Intramural:			
Castlegate	4		1
Coppergate	2		1
Fish Shambles/Landing	1		2
Foss	27	6	12
Foss Bridge	43		
Friargate/Friars' Walls	2		4
Jubbergate	4	2	1
King's dike/Queen's dike	3		1
Notegaile lane	6	3	3
Ouse		10	
Ouse Bridge & staiths	4	1	3
Ousegate	2		1
Pavement & markets	3	3	4
St Denys's parish	2		
St Margaret's parish	4	5	1
Shambles		1	
Walmgate	1		1
Water lanes (Far & Mid)	10	2	1
White Friar lane	1		
Fishergate	9		3
Extramural:			
Bean Hills (butts), Ace House	4		
Castle Mills		1	
Haver garths	7		3
Heworth garths	15		3
St Andrew's (ex priory)	2		4
St Katherine's lane	2		1
St Lawrence's parish	2		1
St Nicholas's parish	5		1
Tang Hall	2		
Not known	38	6	9

Source: YCA, E31

Table 10d

LOCATION OF CLEANING OFFENCES
MICKLEGATE WARD, 1575-1586

Location	PL	PR	PF
Bar, outside, walls, moat & Skeldergate postern	27	2	6
Intramural:			
Barker Rawe			1
Bishophill	4		
Felter lane	19	1	
St John's parish	4		2
Gregory lane	2		
Holy Trinity parish	3		
King's dike/Queen's dike	3	1	
Micklegate	2		
North St	14	3	
Ouse, bridge, and lanes leading to it	14	2	1
Pageant Green	5		
Skeldergate	16	2	
St Martin's parish	13	1	
Toft Green		1	
Extramural:			
Baggergate	5		
Bishopfields	4		2
Hob lane	9		2
Holgate lane	15		8
Knavesmire	32		16
Scarcroft	9		
St Katherine's House	2		
Other fields/garths	7		
Not known	19	1	5

Source: YCA, E31

APPENDIX 3

ILLUSTRATIONS

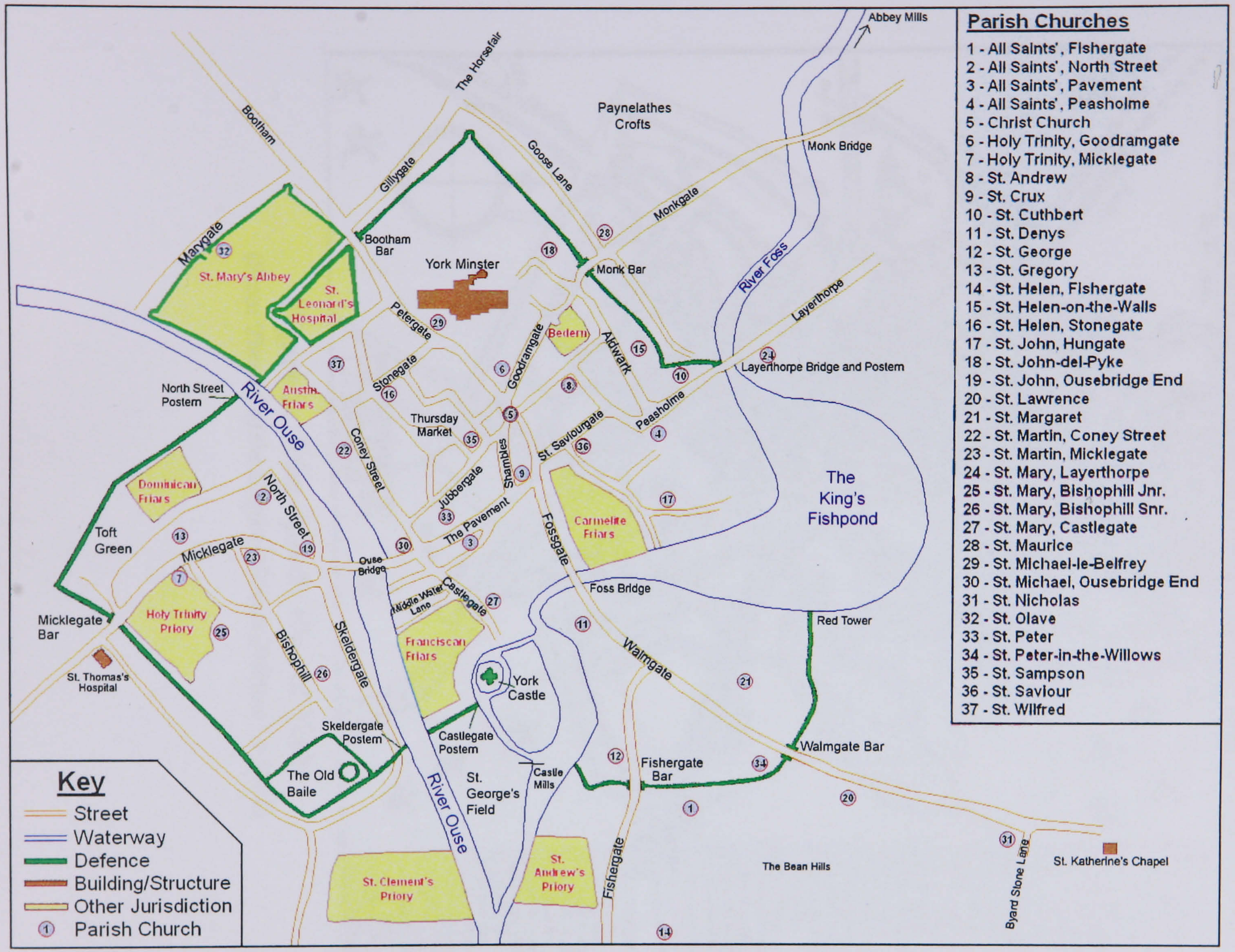


Figure 1: York in the late fifteenth century

(Based on the map in L.C. Attreed (ed.) *The York House Books, 1461 - 1490, Volume 1* (Stroud, 1991) p.xxxv)

(ORIGINAL IN COLOUR)

A3ii

A3iii

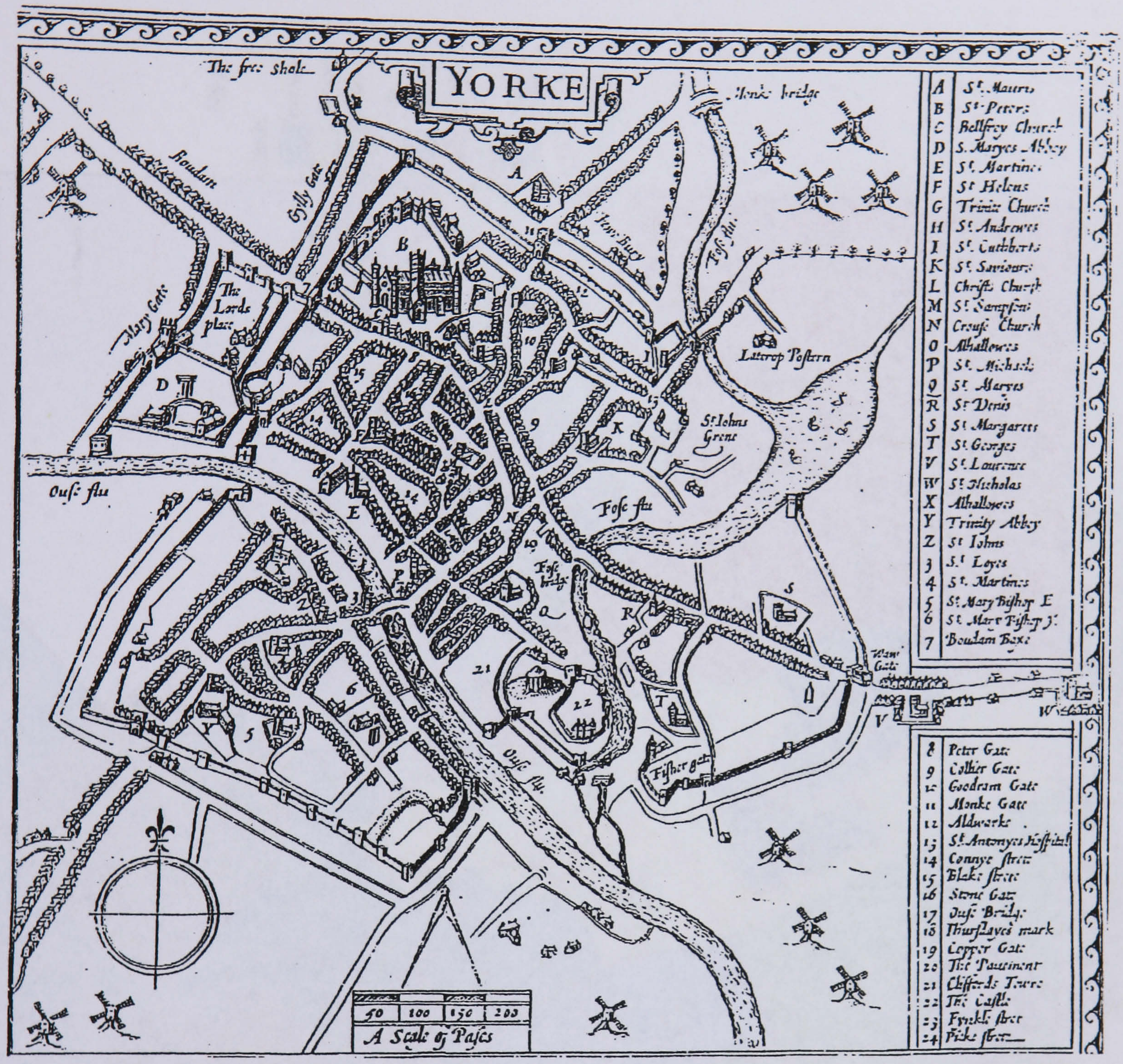
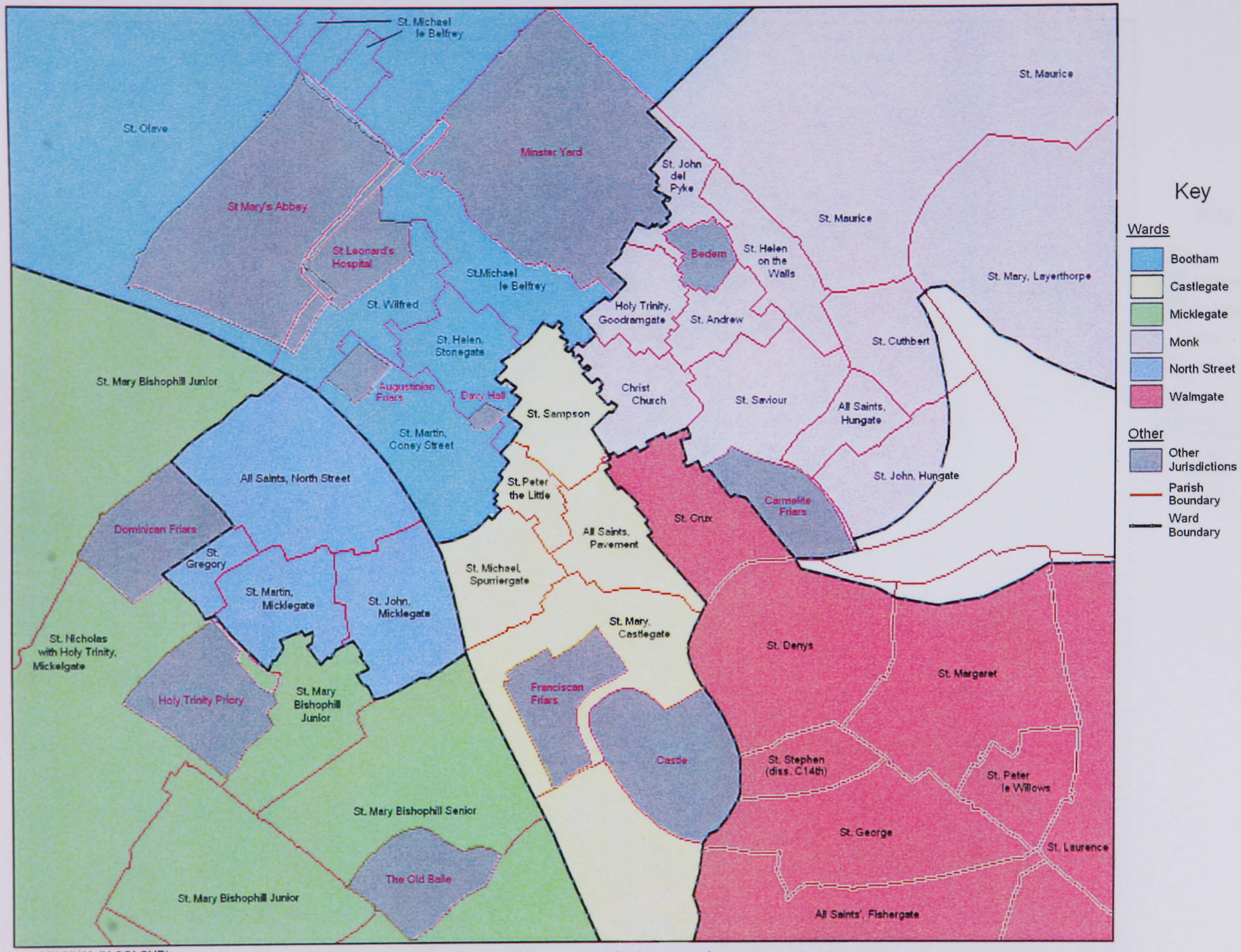


Figure 2: John Speed's Plan of York

(From *'Theatre of the Empire of Great Britaine'*, c.1612)

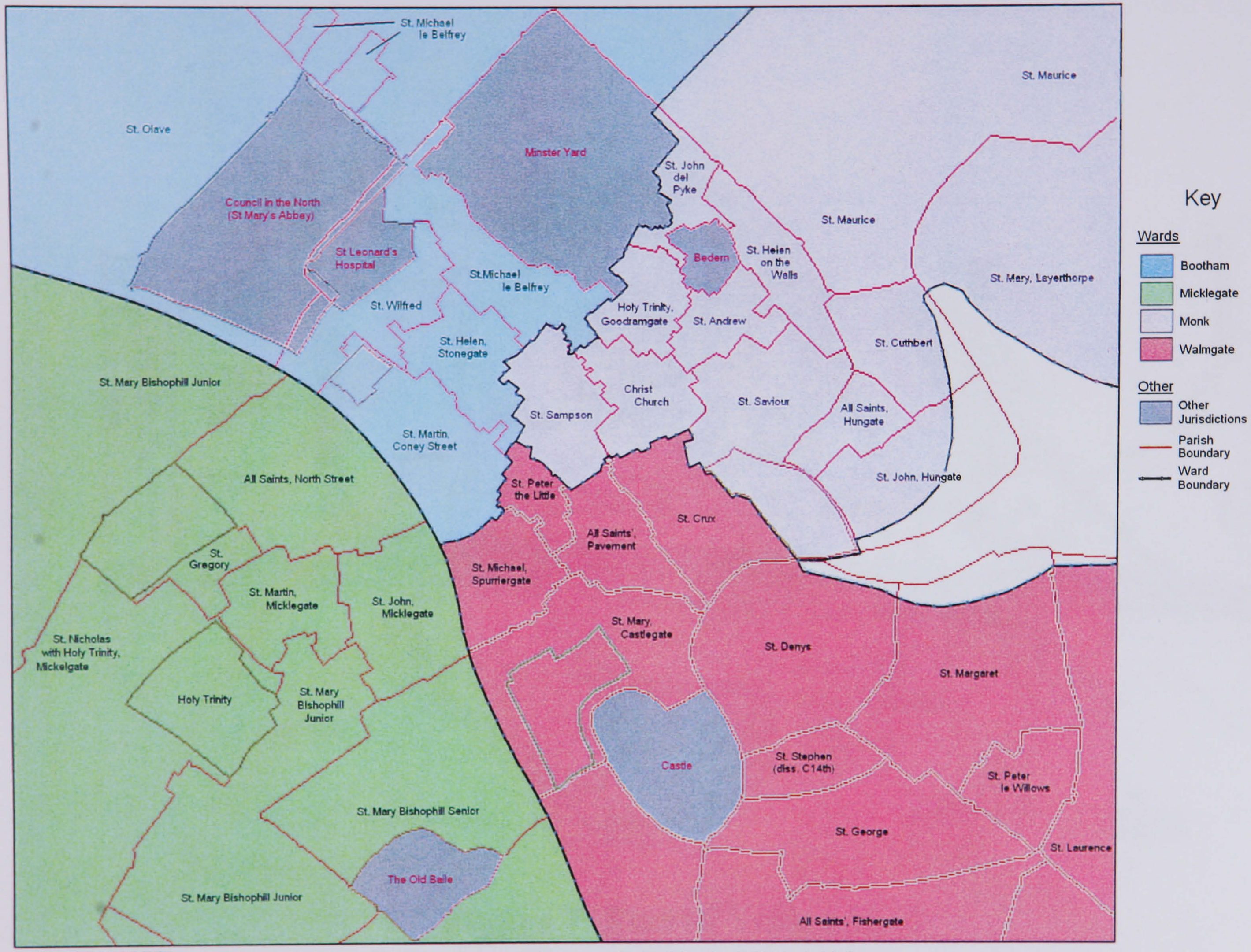


(ORIGINAL IN COLOUR)

Figure 3: The wards in York, 1491-1495

(Based on map of medieval parishes in *RCHME York*, 2: 16)

A3iv



(ORIGINAL IN COLOUR)

Figure 4: The wards in York, 1575-1586

(Based on map of medieval parishes in *RCHME York*, 2: 16)

A3v

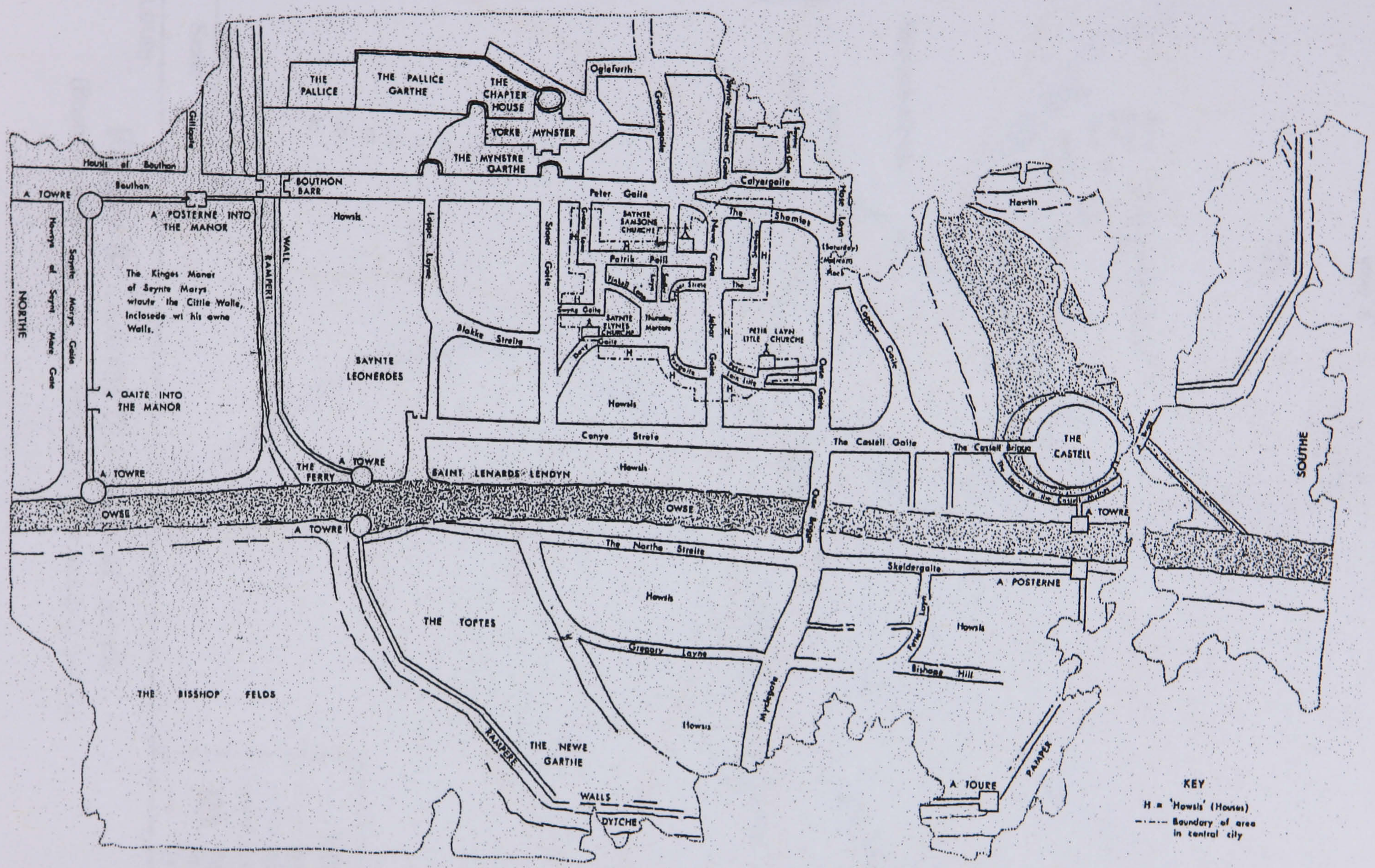
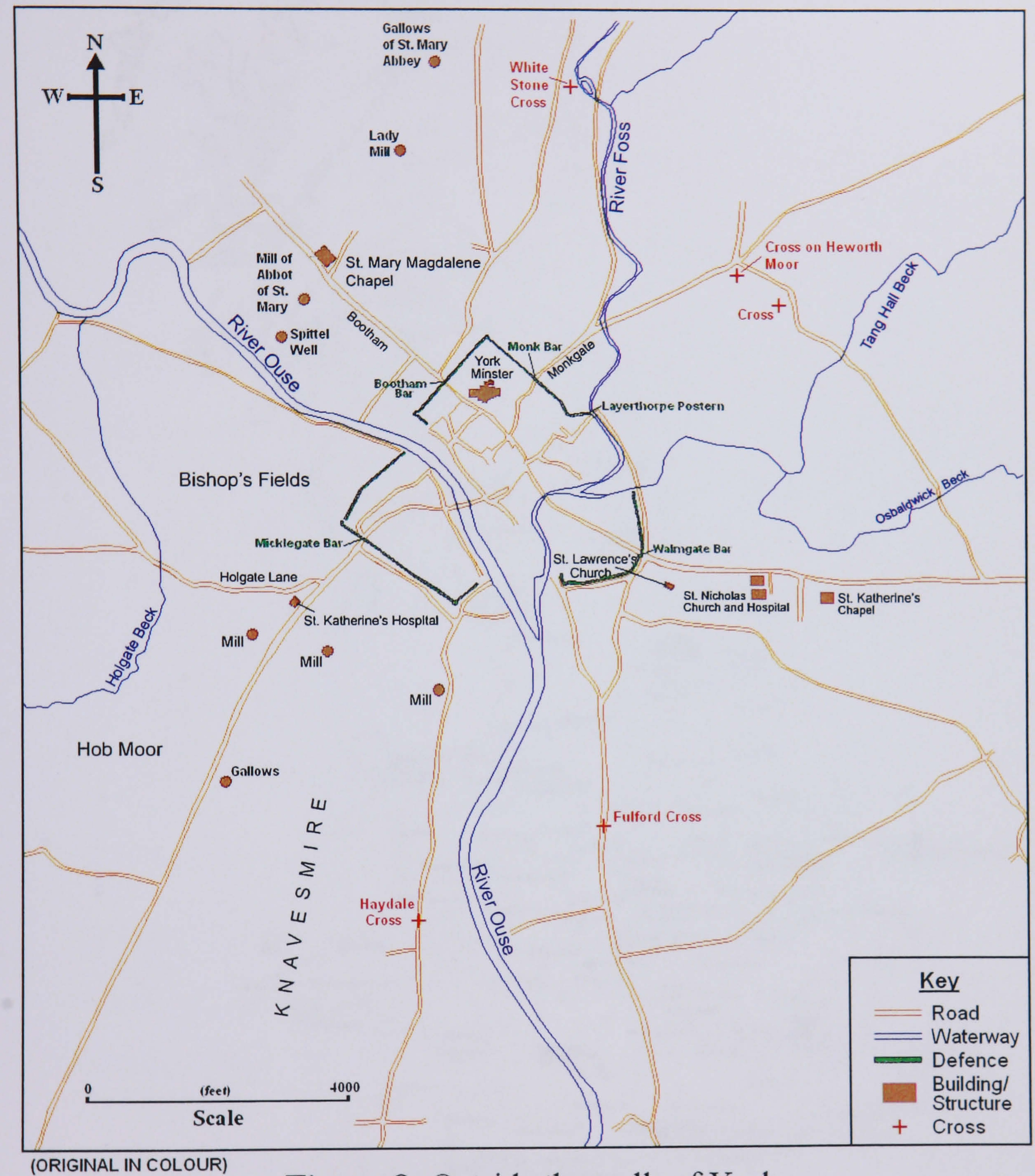


Figure 7: Plan of York c.1545

(From *RCHME York*, 3: xxviii)

A3vi



(ORIGINAL IN COLOUR)

Figure 8: Outside the walls of York

(Based on Map 2 in A. Raine, *Mediaeval York* (London, 1955))

A3viii

Figure 9

Location map showing York in relation to other major English towns and cities
(Based on M.D. Lobel, (ed.), *The British Atlas of Historic Towns*, 3 vols. (1969-89): 1, inside cover.)

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B15
B23
B26
B27
B28
Wardmote Court Book
E31

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