

The Impact of the Black Death on English Legal History

Michael Bennett

Around the middle of June 1348 there slipped ashore, traditionally at Melcombe in Dorset, a rat carrying fleas bearing the plague bacillus. The Black Death, as it came to be known, had arrived in England. Over the long summer it spread inexorably, reaching London in October and probably by this stage infecting the whole of the country south of the Thames. If the epidemic lost some of its momentum over the winter months it nonetheless continued its lethal progress. By the following summer the whole kingdom was reeling in a dance of death. Though estimates of the mortality vary considerably, the best approximations seem to suggest that around a third of the population died in this awful contagion. Perhaps just as important, the bubonic plague and associated strains were now endemic to England. In the following decades, most notably in 1362 and 1371, it would strike again and again, scything away at the fresh growth. The population of England was not to recover its pre-Black Death levels for at least a century and a half.¹

It might be thought that demographic collapse on this scale could not fail to have an impact on all aspects of English life. There has indeed been a great deal of painstaking research on, and a fair amount of shrewd speculation about, the consequences of the plague. A number of economic and social historians, and even perhaps a few religious and cultural historians, seem prepared to portray it as a major turning-point in English history. For historians of English law, the Black Death features far less prominently. If it is mentioned at all, it is in relation to the Ordinance and Statute of

¹ In general, see P Ziegler, *The Black Death*, Harmondsworth, 1970 and J Hatcher, *Plague, Population and the English Economy 1350-1500*, London, 1977.

Labourers, drawn up in response to the labour-shortages after the plague, and, then, more by historians looking back from the perspective of later labour laws than by historians working on the middle ages. Given the scale of the catastrophe and the fluidity of the legal system in the fourteenth century, it is worth looking a little more closely at the problem.

Contrary to the impression given by some chroniclers, the Black Death did not wholly disrupt the functioning of government and the law-courts. The Court of Common Pleas sat uninterrupted at Westminster through Michaelmas term in 1348. The Court of King's Bench happened to be holding sessions in York, still out of harm's way, so there was no reason for it to panic. Despite advice not to reopen in the new year, Common Pleas was open for business at Westminster in Hilary and Easter terms in 1349. The King's Bench meanwhile moved from York to Lincoln, where it was still surprisingly busy. It was only during the Trinity term of 1349, probably the time of highest mortality in England, that the central law-courts were adjourned.²

A disaster on the scale of the Black Death inevitably left in its wake a great deal of dislocation and confusion. The chroniclers certainly give the impression that many of the survivors took advantage of the chaos to settle old scores and to loot. While it would be going too far to talk in terms of anarchy or even a major breakdown in law and order, it seems fairly certain that there was an upsurge in certain sorts of property crime. John of Reading, a contemporary chronicler, reported a marked increase in crime, especially sacrilege.³ It might be reasonable to surmise, too, a general upturn in civil litigation, as more property changed hands, and the collective memory of communities much more fragile; titles became less secure. At first sight the evidence does not entirely support such surmises. The number of criminal cases in King's Bench remained stable, while the amount of civil litigation in the central courts declined.⁴ Still, it needs to be stressed that, given the collapse of the population, a lower volume of business is still consistent with higher per capita rates of prosecution and litigation.

² W M Ormrod, "The English government and the Black Death of 1348-9" in W M Ormrod (ed.), *England in the Fourteenth Century. Proceedings of the 1985 Harlaxton Symposium*, Woodbridge, 1986, pp 175-7.

³ *Chronicon Johannis de Reading et Anonymi Cantuariensis, 1346-67*, J Tait (ed), 1914, pp 109-10; Ziegler, above, n 1, p 165.

⁴ Ormrod, above, n 3, p 177.

There is no direct evidence of mortality-rates among lawyers. Some impressions can be derived from the fate of the more prominent court functionaries. Most of the judges of King's Bench and Common Pleas survived: but Roger Bakewell, Justice of the King's Bench, disappears from the record in 1349.⁵ The King's attorneys in the two central law-courts likewise seem to have succumbed in the summer of 1349, while some nineteen of the recording clerks at Westminster vanish from the record in the course of the plague-year.⁶ In general, wealth and education seem not to have shielded other well-documented groups like the clergy from the contagion, and it must be assumed that lawyers fell victim in the same proportions. Whether they were greatly mourned is another question. From as early as the late thirteenth century there were signs of increasing hostility to the growing number of men making their living from the law. After the Black Death there were fewer of them to share what was still a buoyant trade. For the lawyers who survived, it was potentially a bonanza.⁷

Still, such a heavy blow to what remained a somewhat embryonic legal profession could not have been sustained, one would have thought, without some consequences. It needs to be borne in mind that legal knowledge and forensic expertise were still very much dependent on informal training and court room experience, and on the collective memory of the leading judges and barristers. The process by which the legal profession emerged and gained coherence in the thirteenth and fourteenth centuries is both confused and obscure. The painstaking work of J H Baker and others has revealed the remarkable size of the legal establishment in the reign of Edward I, and P Brand has argued effectively for a high degree of professionalisation among the barristers in the central courts by 1307.⁸ Generally speaking, the fourteenth century was a time of consolidation, but consolidation of a very specific sort. Essentially, it saw a redefinition of the professional identity and career structure of the upper echelons of the legal fraternity, from which the apprentices and sergeants emerged as an even more tightly organised and

⁵ G O Sayles (ed), *Select Cases in the Court of King's Bench under Edward III*, Vol VI, Selden Society 82, 1965, pp III-IXIII.

⁶ Ormrod, above, n 2, p 178.

⁷ Some prominent lawyers who survived the plague seem to have the opportunity not only to amass great wealth but also to help shape the English legal system: see B H Putnam, *The Place in Legal History of Sir William Shareshull*, Cambridge, 1950.

⁸ J H Baker, *The Order of Serjeants at Law. A Chronicle of Creations, with related Texts and a Historical Introduction*, London, Selden Society, 1984; J H Baker, *The Legal Profession and the Common Law. Historical Essays*, London, 1986; P Brand, *The Origins of the English Legal Profession*, London, 1992.

privileged corporation. Given the serious gaps in knowledge, it would be foolhardy to ascribe to the Black Death the leading role in this development. There were clearly longer-term trends at work, and some of the discontinuities and shifts that can be inferred from the patchy record can be seen as responses to intense political pressure from both Crown and Parliament in the 1340s.⁹ Yet it does seem likely that the pace and even direction of change in the later fourteenth century were influenced to some degree by the decimation of the profession.

The point can be illustrated in relation to the profession's increasing control of its own membership. One of the difficulties in talking about a legal profession in the middle ages, of course, is the wide spectrum of people engaged in judicial and legal business. Another problem is the tardy appearance of records relating to professional education. What seems beyond doubt is that a quiet transformation was effected in the fourteenth century. While there are unmistakable signs of legal training and growing professionalism among the barristers and attorneys at Westminster in the reign of Edward I, the impression remains of a certain informality and malleability of arrangements. Two generations later the picture looks entirely different. By the 1380s, it is clear that entry to the upper strata of the profession was largely controlled by colleges of senior barristers, or what were known as the Inns of Court.¹⁰ It can be assumed likewise that, whatever unofficial training was still in existence, it fed into or was subordinate to the regimens maintained at the Inns. Furthermore, it was this body of senior barristers and apprentices who not only had the monopoly of the lucrative business of pleading in Common Pleas but also, once promoted to the rank of sergeant, were the pool from which judges are appointed.

The connection between the institutional development of England's law schools and the gaps opening up in the legal profession as a result of plague mortality can only be speculated upon. It is an especially intriguing question whether the growth of more formal systems of education was prompted by an attempt to allow increased recruitment or was more an attempt to take advantage of the shortage to enforce more rigorously a monopoly of

⁹ See especially G L Harriss, *King, Parliament and Public Finance in Medieval England to 1369*, Oxford, 1975; J R Maddicott, *Law and Lordship: Royal Justices as Retainers in Thirteenth- and Fourteenth-Century England*, Past and Present Supplement 4, Oxford, 1978.

¹⁰ For a recently discovered call of nine serjeants around 1388, each of whom is identified as a member of Grey's Inn, Inner Temple or Middle Temple, see J H Baker, "The Inns of Court in 1388" (1976) 92 *Law Quarterly Review* 184-7 [Reprinted in J H Baker, *The Legal Profession and the Common Law. Historical Essays*, London, 1986].

accreditation. A comparison with the position of the clergy allows some approach to this problem. The acute shortage of qualified priests after the Black Death not only led bishops to embark on crash programmes of ordination, often to the detriment of professional standards, but also prompted some churchmen to endow colleges and scholarships. The establishment by Bishop Wykeham of twin institutions, Winchester College, which was in essence an endowed grammar school, and New College, Oxford, at which Wykeham's scholars could study for a degree, was only the most visionary and opulent of such activities. Perhaps significantly, there is no evidence of any lawyer making any charitable provision with respect to education for his own profession. What is clear, though, is that they could not have failed to be aware of the issues of training and recruitment. It certainly appears that, shortage or not, the lawyers were, in one respect at least, not prepared to lower entry standards. According to John Trevisa, a late fourteenth century scholar, one development since "the first plague", and perhaps a consequence of the death of many grammarians of the old school, was a shift in educational practice by which Latin came to be taught in the medium of English rather than French, which then fell into desuetude.¹¹ Given the context it is instructive that the lawyers held the line. Despite a parliamentary statute of 1362 declaring that pleading should be in English, the practice of law remained dependent on facility with French.¹² Law-French remained an important part of the profession's mystique until the eighteenth century.

There are other signs of consolidation around the middle decades of the fourteenth century. The point to note at the outset, of course, is that the emerging professional identity was that of the barristers, not of all the men involved in the myriad forms of legal practice. The roots of the division of the modern legal profession can be traced back to the late thirteenth century, when a group of men, the sergeants-at-law, secured exclusive rights of audience in the Court of Common Pleas. A whole range of other legal operatives, pre-eminently solicitors and legal clerks, remained for several centuries outside the profession. Again, a consequence of the decimation of the legal establishment in the Black Death might have been to merge barristers and solicitors into a single profession. After all it has been persuasively argued that numbers of lawyers and the volume of business are

¹¹ B Cottle, *The Triumph of English 1350-1400*, London, 1969, pp 20-1.

¹² *Statutes of the Realm*, I, p 375; J Coleman, *English Literature in History, 1350-1400. Medieval Readers and Writers*, London, 1981, pp 52, 292 no. 103. B Cottle, *The Triumph of English 1350-1400*, London, 1969, p 91.

the key variables in explaining the existence of merged and divided professions in various British colonies. In fourteenth-century England the "fusion" occurred at a different level: the leading barristers, often somewhat reluctantly, took on judicial work and increasingly ended their careers on the bench. It seems significant that it was at this very time that the convention that judges be appointed only from the ranks of the sergeants-at-law became firmly rooted. This bond between bar and bench, not found in other European systems, was of prime importance in the development of English law. As G O Sayles has written: "If judges had been trained separately and had enlarged their experience in the course of promotion within the hierarchy of courts, if lawyers had found themselves bound to advocacy all their life, then doubtless the common law would have developed quite different traditions."¹³ Of course, the trend was apparent before the Black Death, and reflected the growing intricacies and idiosyncrasies of the common law. Nonetheless the sudden depletion of the pool of suitable appointments to the bench doubtless strengthened the Crown's determination that the sergeants should undertake judicial responsibilities.

If the main consequence of the Black Death as far as the legal profession was concerned was to enhance its standing and entrench its lucrative monopoly, there is a real irony that the main impact of the plague on the substance of the law was a piece of legislation that sought to limit the ability of other providers of services to do likewise. As the epidemic took its toll in the summer of 1349 many labourers and craftsmen in England clearly felt inclined first to down tools and live for the day, and then, if they survived and gaining a livelihood again seemed relevant, to seek to take advantage of what for sellers of labour should have been a sellers' market. Given the slump in income from land and other sources, this decisive shift in the balance of bargaining power represented a major crisis for landed society and indeed for the Crown itself. The response was rapid. In June 1349 Edward III's council proclaimed the Ordinance of Labourers. It was supplemented in 1351 by a further ordinance, what is generally referred to as the Statute of Labourers, though it was not formally enacted as a statute until somewhat later.¹⁴

¹³ *Select Cases in the Court of King's Bench*, VI, p xxvii.

¹⁴ 25 Edward III, statute 2, cc 1-7; *Statutes of the Realm*, I, pp 311-13; B H Putnam, *The Enforcement of the Statute of Labourers during the first decade after the Black Death 1349-1359*, New York, 1908, pp 12*-17*.

The Ordinance of 1349 identified as the crucial issue the shortage of labour on the land, but recognised, too, the possibility of increases in food prices. In essence it attempted to freeze wages and prices at the levels pertaining in the last plague-free financial year, 1346-7. There were some prosecutions under its terms, but in most parts of the country the Ordinance seems to have been disregarded. In Parliament in 1351 the Commons petitioned Edward III for a more resolute and effective response. They complained that "servants completely disregard the said ordinance in the interests of their own ease and greed and that they withhold their services to great men and others unless they have liveries and wages twice or three times as great as [prior to the plague] to the serious damage of the great men and impoverishment of all members of the said commons."¹⁵

In the new Ordinance maximum wage-levels were set for different forms of agricultural labour, for the various sections of the building industry and for a range of employments in manufacturing and trade. More striking perhaps are those aspects of the legislation aiming at control of the labour force. All able-bodied men and women were required to make themselves available for work; they were to work, if required, for their lords, who had first call on their services, and within the villages in which they resided; labourers without employment were to accept any position offered at the set rates; contracts of service should be by the year or other reasonable term, and not by the day; servants were not to leave their masters within the term of their contracts without permission; and they were to swear before the justices of labourers to observe the ordinances.¹⁶

It used to be thought that this legislation, too, was unavailing. In her monumental work on the enforcement of the Statute of Labourers, Bertha Putnam made it abundantly clear that it was vigorously enforced through the 1350s.¹⁷ D L Farmer has recently demonstrated the success of the legislation in pegging wage-levels back down at this time: "except in the London area, most wages recorded in the mid-1350s were close to the maxima laid down by the statute".¹⁸

¹⁵ Translation from R B Dobson (ed) *The Peasants' Revolt of 1381*, London, 1970, p 64.

¹⁶ Putnam, above, n 14, pp 71-7.

¹⁷ Putnam, above, n 14, pp 71-7.

¹⁸ D L Farmer, "Prices and wages, 1350-1500" in *The Agrarian History of England and Wales*, E Miller (ed) Vol III, 1348-1500 Cambridge, 1991, p 484.

The recurrence of the plague in 1361, and the long-term postponement of demographic recovery, led to wage rises and parliamentary demands for a more determined enforcement of the labour laws. In the 1360s and 1370s there were doubtless hundreds of prosecutions under the act each year. The Ordinance and Statute of Labourers were routinely reaffirmed in Parliament, and the labour legislation was supplemented by the remarkable statute of 1388 which "tried to limit wandering by workers at the end of their contracts, required craftsmen and gild members as well as servants and apprentices to assist with harvesting, and compelled children who had worked in agriculture before the age of twelve to remain forever 'at the same labour, without being put to any mystery or handicraft'."¹⁹ In 1389 there were 800 prosecutions for offences against the labour laws in Essex alone.²⁰ Increasingly, though, it was acknowledged that the bargaining position of the labouring classes was too strong. In 1390 the justices were allowed greater discretion in setting wage-rates, and when in 1446 a new statute sought to re-establish maxima the rates set were markedly higher than the rates enforced under the old legislation.

The Statute of Labourers was certainly not a failure. The assumption must be that the labour legislation acted in some measure as a brake on the upward movement of wages. L.R. Poos has used the court records themselves to underline the intermittent nature of many wage-labourers' employment, which, he rightly points out, "casts some doubt upon the notion that the period's illicitly high wages necessarily translated into a workers' bonanza."²¹ E Clark has noted other ways in which the legislation could be seen to be strengthening the hands of employers, as, for example, when they invoked the statute to combat litigation for arrears of wages.²² While concluding that the act "almost certainly helped to keep wages lower than they would otherwise have been", Farmer has suggested that "the additional aims of getting the unemployed into agricultural service and reducing vagabondage were equally important, and may have been achieved more completely".²³

¹⁹ Farmer, above, n 18, pp 486-7.

²⁰ N Kenyon, "Labour conditions in Essex in the reign of Richard II" (1934) 4 *Economic History Review* 430-1, 442.

²¹ L R Poos, *A Rural Society after the Black Death: Essex 1350-1525*, Cambridge, 1991, p 220.

²² E Clark, "Medieval labour law and English local courts" (1983) 27 *American Journal of Legal History* pp 330-53.

²³ Farmer, above, n 18, p 490.

The significance of the labour legislation appears to have been in its aspiration to use the common law not only to regulate labour but, in some measure, to freeze the traditional social order. From one perspective, of course, the ends and to some degree the means were not wholly novel. On the eve of the Black Death England still had some of the features of a caste society, and the great majority of men, let alone women and children, were in some sense bound to the soil or in some form of service in which their freedom was very constrained. To the degree that wages were important and, with population growth in the late thirteenth century and resultant land-hunger, a significant proportion of the population had come to depend on selling their labour, wage-levels were certainly subject to control. Lords of the manor, needless to say, had considerable leverage over their tenants, and not merely over villeins.²⁴ In addition, there were village by-laws, made and enforced by the more substantial peasants who themselves had need of extra supplies of labour, which set what were felt to be reasonable wage-rates. The regulation of wages was even more an issue in towns, and certainly the guilds and borough councils felt no constraint in setting and enforcing maximum levels and other employment conditions.

What is novel about the Ordinance of Labourers is the national scale of the enterprise. The government could be seen to be intervening, at a time of acute crisis, to maintain what had previously been a system of control of wages and labour based on seigniorial power and local custom. The breakdown of the manorial system and the increasing mobility of the population had already led to some moves in this direction. On the eve of the Black Death some lords in Parliament had sought to strengthen their legal position in relation to runaway serfs, and it had been then ordained that cases of naifty should be tried in the alleged serf's native shire.²⁵ The demographic crisis lent a new urgency to such problems, and provided the occasion to address them at a national level. The labour legislation of 1349-51 thus marked a spectacular expansion in the domain of statute law, bringing within its purview, first, wages and prices, but then, by extension, a whole range of other economic and social arrangements.²⁶

²⁴ Neither in the legislation nor in the prosecutions is any distinction drawn between free men and serfs: Putnam, above, n 14, p 78.

²⁵ E B Fryde, "Peasant rebellion and peasant discontents" in *Agrarian History of England and Wales*, Miller (ed), III, p 754.

²⁶ One of the most ambitious of statutes seeking to stem the tide of social change after the Black Death was the Act against Outrageous and Excessive Apparel of 1363 which laid down maximum standards of dress for the various ranks of society: (37 Edward III, cc. 8-15) W H Dunham Jr and S Pargellis (eds), *Complaint and Reform in England 1436-1714*, 1938, pp 31-4. Interestingly there had been

One of the most significant features of the Statute of Labourers, in terms of both its immediate impact and its longer-term repercussions, was the system introduced to enforce it. In 1351 the keepers of the peace, largely knights and gentlemen appointed to maintain order and record pleas of the Crown, were given judicial powers under this legislation that were to be exercised in four sessions a year. Through the 1350s the government "experimented with separate commissions to justices of labourers (though often men who were also *custodes pacis*), and these justices were given jurisdiction over other economic matters, such as weights and measures, the activities of victuallers and hostlers, and the price of iron".²⁷ Needless to say, the justices of labourers were the very men whose customary powers as landlords and employers were now being superseded by statute law. After 1359 it made sense to merge these commissions with the commissions of the peace. By 1361, when the second plague again concentrated the establishment's minds on the problems of social control, the distinctive institution of the justice of the peace acquired statutory definition. What the gentry were losing as lords of the manor and employers, they were gaining on the peace commission as the agents of royal justice. From the start, and arising in some degree from the work with the labour laws, they not only assumed a range of administrative functions but also considerable scope for summary jurisdiction.

The Black Death can in this respect be seen as a catalyst for the redefinition of feudal power. The coercive power of the magnates and gentry, previously given expression through the manor courts, increasingly began to operate through the agencies of the centralised state and the common law of the land. It is even possible to talk in terms of a deal consciously struck in the aftermath of the plague between the Crown and the classes represented in Parliament. There is a number of facets to the making of this new political order. G L Harriss, for example, has charted in some detail the rising tension between the Crown and the political nation, a tension that in some respects reached a crescendo in the early 1340s.²⁸ Taxation, abuses of royal power, profiteering by government officials, judicial corruption, and the failings of the legal system represent the main grievances which found expression in the political conflicts of the time. The crisis presented by the Black Death provided an important stimulus for the establishment to close ranks. As

a sumptuary law passed in 1336, but it had been exclusively concerned with consumption of food.

²⁷ A Harding, "The Revolt Against the Justices" in *The English Rising of 1381*, R H Hilton and T H Aston (eds), Cambridge, 1984, p 182.

²⁸ Harriss, above, n 9. See also Maddicott, above, n 9.

Harriss remarks: "Almost overnight the Commons became the allies of [the Crown.] They were recruited as justices of labourers, they won their long-waged battle for punitive powers on the commissions of the peace, they received inducements in the form of rebatement of taxation from the fines on their poorer neighbours."²⁹ It is this latter point that demonstrates so well the nature of the new deal. Restive under the government's tax demands, and faced with a slump in their income, the magnates and gentry eagerly embraced the idea that the fines imposed under the Statute of Labourers could be used to offset the tax liability of the communities they represented. It was the beginning of a series of experiments to shift the burden of taxation down the social scale, culminating in the poll-taxes of 1377, 1379 and 1380-1 which were to spark the Peasants Revolt of 1381.

It should not be assumed that the labour legislation was a pure instrument of class power. There was widespread concern about the social disruption resulting from the plague, and the provisions in the act against rises in prices were meant to be taken seriously. It is worth stressing, too, that the landlords and wealthy townspeople represented in the Commons were not the only employers of labour. Many peasants and artisans hired servants and labourers. The provisions against employers who paid above-award wages may even be seen as most in the interest of the smallholder who had little capacity to compete for labour. Conversely, the provision of more exalted services could come within the scope of the act. Prosecutions for leaving the service of a master were taken against stewards and other administrative officials, though not as far as can be ascertained, against lawyers. There was even some debate as to whether the clergy came within the meaning of the act. The judges in King's Bench determined otherwise, but there were still some interesting actions as, for example, the parishioners in Essex who sought to prosecute their parson under the legislation for refusing to administer the sacraments without imposing exorbitant fees.³⁰

Nonetheless the labouring classes were well able to see the general tenor of the legislation, and, given that the law treated even the free as if they were serfs, for them it amounted to a new form of bondage. Resistance to the act was for the most part indirect. Their increased bargaining-power generally won the day. Still, in some quarters the legitimacy of the labour laws was openly challenged. In 1356 the vicar of Aldbury, Hertfordshire, and a local hermit were preaching that there were no laws to restrict people "from taking

²⁹ Harriss, above, n 9, p 516.

³⁰ Putnam, above, n 14, pp 187-9 and appendix, pp 432-3; Harding, above, n 27, p 186.

for their labours and services as much as they are pleased to take", that "if it was ordained or decreed otherwise, the said statute and ordinance were falsely and wickedly made", and that anyone enforcing such rules would be excommunicated.³¹ Resentment of the labour laws certainly welled up in the generation after the Black Death, and was an important element in the social unrest that exploded in the Peasants Revolt.

In conclusion, the epidemic of 1348-9 and the subsequent population collapse can be associated, more or less directly, with important developments in the legal profession and with a piece of legislation epoch-making both in the scope of its ambition and the manner of its enforcement. A proper acknowledgment of the plague's role in these developments requires an appreciation of its role in transforming class relations and stimulating a new alliance between the Crown and the ruling classes. Many of the crucial elements in this major political reordering were already in train, and some were decisively shaped by the contingencies of politics and personality. Still, the Black Death seems to have been a major catalyst in the transformation.

The challenge to the power of the ruling class presented by the demographic collapse prompted the magnates and gentry to join more enthusiastically with the Crown in taxation and legislation. Through the growing power of Parliament and their increasing role in judicial commissions in the countryside, the bases of their class power were being redefined in a manner pregnant with significance for the development of English life, not least its constitution and legal system. By the same token, the plague provided the incentive and opportunity for the lawyers to establish a new *modus vivendi* with the political establishment. The thinning of the ranks of the lawyers gave the leaders of the profession the opportunity to consolidate, to increase the distance between the men who strutted at the bar and the rank-and-file of legal practitioners, and to dominate access to the upper levels of the profession through the Inns of Court. At the same time they developed, or acquiesced in the development of a career-structure which led in most cases to appointment to the bench.

In relation to parliamentary criticism, so strident in 1340-1, the princes of the profession, too, came to terms. Thus judges increasingly affected higher standards of probity, relinquishing, in particular, their profitable connections with former clients. Similarly the legal establishment acquiesced in the delegation to the country gentry of a great deal of, albeit not especially

³¹ *Select Cases in the Court of King's Bench*, VI, pp 110-11.

remunerative, judicial work. Under the long shadow of the Black Death some of the most distinctive features of English constitutional and legal system came to be firmly set in place.

