



**VAGRANCY IN ELIZABETHAN  
ENGLAND AND THE RESPONSE  
OF THE PRIVY COUNCIL, WITH  
PARTICULAR REFERENCE TO  
FIVE TOWNS**

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*Awarded 1995*

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### *Abstract*

This thesis investigates the nature of vagrancy in Elizabethan England and how the Privy Council tried to suppress it in five towns - Chester, Leicester, Northampton, Norwich and York. The investigation is based on a whole range of government (central and local) and non-government sources. The first three chapters are taken up with establishing: the rise of the phenomenon of vagrancy in the sixteenth century and its economic, social and political causes; what the Privy Council did and who were the main people in it who tackled the problem of vagrancy; the offices of local administration through which the Privy Council acted to curb the menace; and the types of vagabond or masterless person who posed such a threat to Tudor and early Stuart England. In chapters four to eight the thesis focuses on the towns in question and examines what the Privy Council considered to be the best policies for each community. Due to the nature of Elizabethan government and provincial urban society the battle to overcome vagrancy was fraught with political tensions, contradictory purposes and vested interests. The thesis concludes with a chapter assessing the Privy Council's policies as they related to the five towns and what the wider and future implications were.

This work contains no material which has been accepted for the award of any other degree or diploma in any university or any other tertiary institution and, to the best of my knowledge and belief, contains no material previously published or written by another person, except where due reference has been made in the text.

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The gathering of primary and secondary source material for this study required much work in the Barr Smith Library at the University of Adelaide. There are many staff members in the library who went out of their way to assist me, and foremost I must express my gratitude to the subject librarians Pat Scott, Margaret Hosking and Susan Woodburn. They took the time to point out when and where books and articles were located, and informed me about when the latest texts would be available. I thank the staff in the Special Collections for allowing me to look at some rare and priceless works. All of the staff in Inter-Library Loans assisted whenever they could in obtaining material from other states' libraries. In particular there are people in the Barr Smith Library whose assistance and advice I valued and I feel it would be a grave disservice not to acknowledge them: Angela Smith, Maria Albanese, Sue Doyle, Juliet Giustozzi, Kathy McCulloch, Chris Miners and Jo Moore. They were all extraordinarily patient and courteous and offered many ideas whenever I asked them about locating hard-to-find or mis-shelved items. To them I can only express my deepest thanks.

## Abbreviations

- AHEW* Joan Thirsk (ed.), *The Agrarian History of England and Wales. IV. 1500-1640.*
- Anstruther, *Seminary Priests* Godfrey Anstruther, *A Dictionary of the Secular Clergy of England and Wales 1558-1850*, I.
- APC* *Acts of the Privy Council of England.*
- Beier, *Masterless Men* A.L. Beier, *Masterless Men: The vagrancy problem in England 1560-1640.*
- Beresford, *Lost Villages* Maurice Beresford, *The Lost Villages of England.*
- BIHR* *Bulletin of the Institute of Historical Research.*
- Blomefield, *Norwich* Francis Blomefield, *The History of the City and County of Norwich*, Part 1.
- Boynton, *Elizabethan Militia* Lindsay Boynton, *The Elizabethan Militia 1558-1638.*
- CSP* *Calendar of State Papers.*
- Clark, *English Alehouse* Peter Clark, *The English Alehouse: a social history 1200-1830.*
- Clark and Slack, *English Towns* Peter Clark and Paul Slack (eds.), *English Towns in Transition 1500-1700.*
- Craig, "James Ryther of Harewood" W.J. Craig, "James Ryther of Harewood and His Letters to William Cecil, Lord Burghley", Parts I and II.
- D'Ewes, *Journals* Sir Simonds D'Ewes, *The Journals of All the Parliaments during the Reign of Queen Elizabeth.*
- DNB* *Dictionary of National Biography.*
- EcHR* *Economic History Review.*
- EEH* A.E. Bland, P.A. Brown and R.H. Tawney (eds.), *English Economic History: Select Documents.*
- EHR* *English Historical Review.*
- Elton, *Tudor Constitution* G.R. Elton (ed.), *The Tudor Constitution.*
- First Assembly Book* Council of the City of Chester, *The First Assembly Book, A/B/1.*
- Groombridge, *Council Minutes* Margaret J. Groombridge (ed.), *Calendar of Chester City Council Minutes 1603-1642.*
- Harrison, *Elizabethan Journals* G.B. Harrison, *The Elizabethan Journals 1591-1603.*
- Hartley, *Proceedings* T.E. Hartley (ed.), *Proceedings in the Parliaments of Elizabeth I, 1558-1581.*
- Haynes, *State Papers* Samuel Haynes, *A Collection of State Papers...From the 1542 to 1570...Left by William Cecill Lord Burghley.*
- Higgins, *County Government* G.P. Higgins, *County Government and Society c.1590-1640.*
- HLQ* *Huntington Library Quarterly.*
- HMC* Historical Manuscripts Commission.
- John Speed's England* *John Speed's England: A Coloured Facsimile of the Maps and Text from the Theatre of the Empire of Great Britaine...1611.*

- Kennett, *Chester*
- L&P*
- Leonard, *Poor Relief*
- Lodge, *Illustrations*
- Nichols, *History and Antiquities*
- Papers of Nathaniel Bacon*
- Pollen, *Martyrs*
- RBL*
- RBN*
- REED*
- Scarisbrick, *The Reformation*
- Slack, *Poverty & Policy*
- Strype, *Annals*
- Tanner, *Tudor Documents*
- TED*
- Thomson, *Lords Lieutenants*
- Tingey, *Records*
- TLAHS*
- TLAS*
- TRHS*
- VCH*
- Wake, *Musters, Beacons, Subsidies*
- Wark, *Recusancy*
- Wright, *Queen Elizabeth and her Times*
- Wright, *Three Chapters of Letters*
- YCR*
- Annette M. Kennett (ed.), *Tudor Chester*.
- R.H. Brodie et al (eds.), *Letters and Papers, Foreign and Domestic...Henry VIII*.
- E.M. Leonard, *The Early History of English Poor Relief*.
- Edmund Lodge, *Illustrations of British History, Biography and Manners*.
- John Nichols, *The History and Antiquities of the County of Leicester*.
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- Records of the Borough of Leicester*.
- Christopher A. Markham and J. Charles Cox (eds.), *Records of the Borough of Northampton*.
- Records of Early English Drama*.
- J.J. Scarisbrick, *The Reformation and the English People*.
- Paul Slack, *Poverty & Policy in Tudor and Stuart England*.
- John Strype, *Annals of the Reformation and Establishment of Religion...During the First Twelve Years of Queen Elizabeth's Happy Reign*.
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- Transactions of the Leicestershire Archaeological and Historical Society*.
- Transactions of the Leicestershire Archaeological Society*.
- Transactions of the Royal Historical Society*.
- Victoria County History*.
- Joan Wake (ed.), *A Copy of Papers Relating to Musters, Beacons, Subsidies, Etc. in the County of Northampton A.D. 1586-1623*.
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## PREFACE

The purpose of this study is to examine the Elizabethan Privy Council's suppression of vagrancy in five towns, Chester, Leicester, Northampton, Norwich and York, and to an extent the counties of which they are a part. Emerging during Thomas Cromwell's administrative reforms in the 1530s, the Privy Council became the main instrument of rule in Tudor England. The Privy Council was composed of the leading officers and notables of state who wielded influence through established legal and judicial institutions. Privy councillors exercised their chief role of advising the monarch as individuals or, more commonly, as a body. They worked through regular government departments which were charged with particular duties. Apart from governing the kingdom, especially in the supervision of finances and justice, privy councillors were also politicians engaged in advancing their own agendas and interests. They were men of superior standing in the realm with a lot of wealth and power at stake.

However, it is strange that the role of the Elizabethan Privy Council, a body constituting the most powerful men in England and meeting more regularly than Parliament ever did, has not received more recognition in the study of one of the most controversial aspects of early modern or preindustrial life - vagrancy. Historical research has emphasised either parliamentary measures, the systems of poor relief conspicuously operated by urban centres and rural communities, or the implementation of the poor laws in succeeding centuries. My analysis hopes to contribute modestly to a rectification of this situation by analysing vagrancy from the point of view of Elizabeth's chief privy councillors, as individuals and as a unit. I am not concerned with the origins and history of vagrancy in Tudor England, a topic which has been more than adequately analysed by specialist writers but still has to be addressed, but with the shifts in how it was perceived and punished. In my view the various manifestations of vagrancy cannot be explained by economic circumstances alone. The laws that defined it and the Elizabethan statutes in particular inevitably took into consideration and reflected the politico-religious atmosphere of the times. Tudor England was very much a society in which power and authority were transmitted through individuals, a theme which is well documented and not claimed as being original here. The point is that powerful individuals had visions of what society should be like and tried to shape it accordingly.

Writers on England in the reign of Elizabeth I note that her kingdom experienced only a few of what can be described as tranquil years. Hers was a country racked by continual warfare, whether in England itself or internationally. England went to war with Scotland (1559-60), with France (1562-63) and with Spain (1585-1604). The last was the most grievous and it entailed intervention in the Netherlands in 1585, in France in 1589 and a long, drawn out presence in Ireland, especially after 1595 to suppress Tyrone O'Neill's uprising. In between the wars with France and Spain, Elizabeth had to contend with the Rising in the North in Yorkshire and the Border counties in the autumn and winter of 1569.<sup>1</sup> This revolt was of momentous importance because the Privy Council punished not only the nobles and gentlemen who engineered it, but also those people of the lower orders who were perceived to support it. The revolt inspired security precautions elsewhere in England. Elizabeth's proclamation of 20 November 1569 dealt specifically with three other counties in this study, Norfolk, Northamptonshire and Cheshire. These shires' lord lieutenants, officials about whom more will be heard later, were urged to suppress "any Stirre or Tumoult...that might be moved by disordred People."<sup>2</sup> Warfare coincided with other developments hovering in the background to this study: economic stagnation, harvest failures which blighted the country in 1586 and again in a sustained four year horror period from 1594-97; and plague.

An examination of events in Leicester, Chester, York, Northampton and Norwich in the context of Privy Council intervention means bringing to light the theme of 'centre' versus 'locality'. In dealing with vagrancy Elizabeth I's Privy Council worked with institutions of local government and people who represented them. Given that there has been much historical research and debate on the theme of centrality versus locality and its influence on the tumultuous events of the 1640s, it is plausible to see whether or not vagrancy played a part in this important aspect of English history. An approach such as this is possible because, as Derek Beales points out, there has been a gradual shift in studies of late sixteenth and early seventeenth localities and their public affairs, away from the gentry and its perception of the county or urban community. Instead, writers are now interested in examining "the extent to which ordinary people below the ranks of the elite made independent and significant choices" in their lives.<sup>3</sup> Was Elizabeth I's Privy Council

1 R.R. Reid, "The Rebellion of the Earls, 1569", *TRHS*, New Ser., XX (1906), pp.171-203.

2 Haynes, *State Papers*, pp.559-60.

3 Derek Beales, "Local Affairs in Seventeenth-Century England", *The Historical Journal*, 32, 2 (June, 1989), p.437.

really better than its often maligned Jacobean and Caroline successors, when it came to utilising town administrations to suppress vagrancy?

Lastly, I wish to comment on the sources used in this thesis. Fortunately, the sixteenth and early seventeenth centuries are richer in primary sources than earlier periods. The decisions and public enactments of Tudor governments are readily accessible. State papers are supplemented by many private collections which the Historical Manuscripts Commission has calendared (perhaps none is greater than the documents which constitute the *Marquis of Salisbury* papers). Since the main emphasis is on the Privy Council, the major sources are its decisions and proclamations as recorded in the *Acts of the Privy Council*. Sadly, the *Acts* do not record the actual processes by which policy decisions were reached. Another glaring setback is the fact that the *Acts* for the years 1583-85, 1594 and 1605-13 have been lost. Calendars of various state papers, whether they deal with domestic, Irish or various foreign matters, cover government proclamations, statutes, directives and comments on vagabonds. They contain the correspondence of local magistrates and town officials addressed to the Privy Council as a whole or to individual councillors. The correspondence from localities contain returns of arrests, depositions about suspects with their statements and suggestions for remedying the problem. Records of county quarter sessions indicate vagrancy trends in the immediate locality of each town and put it in a wider perspective.

At the local government level the historian is lucky that sixteenth century people left a great store in the form of narratives, diaries and reports. There are many avenues of finding source material for Elizabethan Chester, Leicester, Northampton, Norwich and York. Official town records differed in their manner of and reasons for compilation<sup>1</sup> but they are nonetheless full of references to vagabonds, their arrest and type of punishment. It was not enough to look at the records of these towns alone because vagabonds or those suspected of being so moved from town to town. There are instances where they escaped the attention of the authorities in one town only to turn up somewhere else. Printed town documents are in turn supplemented by church and parish registers. They record and describe the efforts of churchwardens in expelling strangers and drifters, and local idle or destitute people who were relieved with alms or short-term jobs.

Originally it was thought that literary sources and dramatic records would play only a supporting role in this study, but this changed as it gradually dawned that dramatic, ceremonial and pageant activity provided a different insight into vagrancy. In 1975 an ambitious research

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<sup>1</sup> Alan Dyer, "English town chronicles", *The Local Historian*, 12, 6 (May, 1977), pp.285-92.



project known as the Records of Early English Drama (REED) began. It grew out of short papers based on research into the records of York and Chester, and led to an attempt to systematically transcribe and publish original documents relating to all manner of official and non-official religious and civic festivals, rituals and processions, and travelling professional and amateur playing companies all over pre-1642 England.<sup>1</sup> Plays, ballads and pamphlets constitute an important source for vagrants in that their condemnation of them did not necessarily mean they promoted the government line of thinking. Of the Elizabethan plays, ballads and tracts used in this study some were not published until James I's reign, the reasons for the gap between writing and publication being a fear that the meaning of one's work would be misconstrued by the authorities, and a wish to keep things private.<sup>2</sup> Ballads are an important source of entertainment and information. In the sixteenth century they were widely circulated on manuscript broadsheets.<sup>3</sup> Tudor balladeers have been called "the journalists of the times" because they had the innate capacity to capture, mould and reflect the national mood.<sup>4</sup>

In the course of this thesis it will become clear that many secondary sources, old and new, have been referred to. Every town in this review has the journal of a local archaeological or historical society specialising in its history, and considerable use is made of them. This has much to do with the nature of the topic. Since opinions on the nature of Tudor government, poverty and vagrancy and the towns in question are constantly being reviewed, validated or changed by research, these rightly should be scrutinised. Where possible the latest ideas in historical thought about the Elizabethan era have been perused. In any case many of these sources contain primary source material in them and could not have been found elsewhere due to a variety of pressures in the research process. The setting out of how many and what kinds of sources were available has thankfully assisted in the subject of vagrancy not becoming a 'narrow' one. More importantly, it also provides the opportunity for further discourse on the scope of the topic in hand.

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1 Alexandra F. Johnston, "A Medieval and Renaissance Dramatic Records Project", *Research Opportunities in Renaissance Drama*, XVII (1974), p.105. REED's editorial policies and practices were recently debated by Theresa Coletti and Peter H. Greenfield. Read their respective articles, "'Fragmentation and Redemption': Dramatic Records, History, and the Dream of Wholeness", *Envoi*, 3, 1 (Spring, 1991), pp.1-13; and "'But Herefordshire for a Morris-daunce': Dramatic Records and the New Historicism", *ibid.*, pp.14-23.

2 H. Robinson Shipherd, "Play-Publishing in Elizabethan Times", *Publications of the Modern Language Association of America*, New Ser., XXVII, 4 (1919), pp.581-82.

3 Hyder E. Rollins, "The Black-Letter Broadside Ballad", *Publications of the Modern Language Association of America*, New Ser., XXVII, 2 (1919), p.258.

4 S.M. Pratt, "Antwerp and the Elizabethan Mind", *Modern Language Quarterly*, XXIV, 1 (March, 1963), p.54; Rollins, *op. cit.*, p.259; C.H. Firth, "The Ballad History of the Reigns of the Later Tudors", *TRHS*, Third Ser., III (1909), p.51; Hyder E. Rollins (ed.), *Old English Ballads 1553-1625* (Cambridge, 1920).

And se what myschyfe  
Idle persons do inuent;  
What conspiracies haue ben wrought,  
Wythin this lyttle whyle

Robert Crowley, 'Way to Wealth', 1550.

## INTRODUCTION

Vagrancy is the classic crime of status, the social crime *par excellence*. Offenders were arrested not because of their actions, but because of their position in society. Their status was a criminal one, because it was at odds with the established order.<sup>1</sup>

It can be stated at the outset that vagrants were the most obvious and visually disturbing symbol of Tudor society's ills. In London and many provincial towns, they begged in the streets and outside people's houses, dossed on pavements, slept in church porches and barns, and squatted in slum tenements. They loitered at alehouses or 'tippling' houses in search of lodgings and/or work. People perceived them to be habitually drunk and members of gangs, terrorising the byways of England. The sheer demonic terror which vagabonds could generate was summed up in Simon Fish's *A Supplication for the Beggars* (1529): "ydell beggers and vacabundes whiche syns the tyme of theyre first entre by all the craft and wilnesse of Satan, are nowe encreased...not onely unto a great nombre, but also ynto a kingdome."<sup>2</sup> Vagrants' physical appearance aroused fear and dread. A Lancashire woman had "black hair, a green waistcoat, a red petticoat and tall of stature, being great with child", while in Buckinghamshire, two ex-soldiers were grossly disfigured. One "had the pox and his face disfigured thereof and the plague and [a] piece of his flesh with a bullet struck off [and] the other had a great disease in his head."<sup>3</sup> At Leicester in 1586 an abandoned ten year old boy who walked to the house of Edward Boughton seeking relief, was "almost devoured with lice."<sup>4</sup> Colourful descriptions such as these are only partly responsible for researchers having taken more interest in vagrancy.

Over the last thirty years, historians and criminologists have been re-examining vagrancy because unlike laws concerning murder, the statutes of the former have been shown to change far more frequently and dramatically in response to the social context in which they were originally implemented. In English law, for example, the definition of vagrants at one time was unemployed workers but at other times it included "lusty rogues", minstrels, jugglers, thieves and shiftless beggars. In American law, legislators' vagrancy codes have included paupers, prostitutes, ex-slaves, "pidgeon droppers", abolitionists, philanderers and homosexuals.<sup>5</sup>

1 Beier, *Masterless Men*, p.xxii.

2 Simon Fish, *A Supplication for the Beggars*, ed. Edward Arber (Westminster, 1895), p.3.

3 Slack, *Poverty & Policy*, p.98.

4 *RBL 1509-1603*, p.222.

5 Jeffrey S. Adler, "A Historical Analysis of the Law of Vagrancy", *Criminology*, 27, 2 (May, 1989), p.209.

Serious and at times acrimonious debate has arisen over scholars' efforts to explain the forces that have guided the development of vagrancy codes and in particular their socio-cultural origins. One of the most vitriolic arguments occurred over the interpretation of historical and cultural contexts. Jeffrey Adler criticised William Chambliss's Marxist critique that ruling elites, as a class, used the legal system to defend their economic position.<sup>1</sup> Chambliss argued that fourteenth century feudal lords preserved their position and pre-bubonic plague labour markets by making vagrancy a new category of criminal behaviour. In the sixteenth century, when Western European economies became more commercialised, a new ruling class of capitalists and merchants reformulated vagrancy laws to address the changing demands of the economic system and to serve the interests of the propertied elite. Adler's point is that Chambliss failed to use the wealth of material found in court records, gaol registers, personal memoirs, legislative debates, travellers' chronicles and town records, etc. Had he done so he would have agreed with recent statistically-based research that the Marxist notion of narrow class interests and the anti-crime orientation of vagrancy laws, was misguided. Widespread pauperism and destitution, not crimes against property, shaped the progress of vagrancy laws.

Thanks to the pioneering work of E.M. Leonard, A.V. Judges and Frank Aydelotte at the beginning of this century, and more recently John Pound, A.L. Beier, Peter Clark and Paul Slack, vagrancy is now a legitimate field of study in its own right. Their research has made it possible to gain a greater understanding of and interest in this important and controversial aspect of early modern English society. When this project got started it took some time to develop a differing viewpoint on vagrancy in early modern England, considering the work that had already been done on it. Richard Harvey's review in the late 1970s of the literature was encouraging because he stated that it was necessary to periodically take stock of the issues in any area of historical investigation.<sup>2</sup> Peter Clark's review of Beier's landmark book *Masterless Men: The vagrancy problem in England 1560-1640* (1985) also pointed the way. Clark highlights problems which the author had not covered sufficiently but which this thesis takes the opportunity to redress. The problems which according to Clark needed further analysis were: regional discrepancies in the impact of masterlessness; vagrants' backgrounds from the

1 For the following see *ibid.*, pp.210-13; William J. Chambliss's reply, "On Trashing Marxist Criminology" and Adler's "Rejoinder to Chambliss" in *ibid.*, pp.231-50. On Chambliss's original thesis explaining how vested economic concerns of a ruling class defined its interests, see his "A Sociological Analysis of the Law of Vagrancy", *Social Problems*, 12, 1 (Summer, 1964), pp.67-77.

2 Richard Harvey, "Recent Research on Poverty in Tudor-Stuart England: Review and Commentary", *International Review of Social History*, XXIV, Part 2 (1979), p.237.

individual and general perspectives; people's reasons for taking to the road and leading what must have been an uncomfortable life; the idea that the authorities' attitude was so "uniformly antagonistic"; and the validity of optimistic interpretations of English economic conditions in the later decades of the sixteenth century.<sup>1</sup>

Despite a criticism made over a decade ago that research focused on restricted areas (usually towns or provinces) when the aim should have been to compare regions and even countries, historians of late medieval and early modern Europe have a better understanding of how poverty and vagrancy were defined in various countries and how those affected were treated.<sup>2</sup> It has to be recognised that Tudor England's efforts to control vagrancy owed a great deal to attempts on the Continent, from Catholic Spain to Protestant northern Germany, especially at the urban municipal and state levels.<sup>3</sup> The reader may otherwise be under the impression that early modern England's experience was in some way unique to Europe. It is not intended here to promote that view. Vagrancy was common throughout Europe and it was no respecter of national boundaries or political creeds. The fact that virtually every city in Europe felt the impact of vagrancy throughout the sixteenth century says something about economic and social conditions generally at the time.

Historians agree that in early modern Europe vagabonds constituted a shadowy, threatening and somehow separate 'underworld' society. As J.A. Sharpe noted about England:

the most familiar member of the disorderly poor is that great source of anxiety to early modern authority, the vagrant. The vagrant as an enemy of society was essentially a creation of Tudor legislation, and the Elizabethan vagrant, as described in the popular literature of the period, has passed into the textbooks as *the* criminal stereotype of the age.<sup>4</sup>

1 Peter Clark, "Review", *Social History*, 12, 1 (January, 1987), pp.108-9.

2 For example: Thomas Riis (ed.), *Aspects of Poverty in Early Modern Europe* (Alphen aan den Rijn, Neth., 1981); Brian Tierney, *Medieval Poor Law* (Berkeley and Los Angeles, 1959), chs. I-III; F. Graus, "The Late Medieval Poor in Town and Countryside", in Sylvia Thrupp (ed.), *Change in Medieval Society: Europe North of the Alps 1050-1500* (London, 1965), pp.314-24; William J. Courtenay, "Token Coinage and the Administration of Poor Relief During the Late Middle Ages", *Journal of Interdisciplinary History*, III, 2 (Autumn, 1972), pp.275-95; Catharina Lis and Hugo Soly, *Poverty and Capitalism in Pre-Industrial Europe*, trans. James Coonan (Hassocks, Sussex, 1979), chs. 1-2; and Marco H.D. van Leeuwen, "Logic of Charity: Poor Relief in Preindustrial Europe", *Journal of Interdisciplinary History*, XXIV, 4 (Spring, 1994), pp.589-613.

3 The literature dealing with this is equally extensive. For primary source material see F.R. Salter, *Some Early Tracts on Poor Relief* (London, 1926) and D.B. Thomas (ed.), *The Book of Vagabonds and Beggars with a Vocabulary of Their Language and a Preface by Martin Luther* (London, 1932), passim. General and specific secondary source surveys include: Sidney and Beatrice Webb, *English Poor Law History: Part I: The Old Poor Law* (London, repr. 1963), pp.29-41; Lis and Soly, *op. cit.*, chs. 3-4; Henry Heller, *The Conquest of Poverty: The Calvinist Revolt in Sixteenth Century France* (Leiden, 1986); Robert M. Kingdon, "Social Welfare in Calvin's Geneva", *American History Review*, 76, 1 (February, 1971), pp.50-69; Robert Juette, "Poor Relief and Social Discipline in Sixteenth-Century Europe", *European Studies Review*, 11, 1 (January, 1981), pp.25-52; Carter Lindberg, "There Should Be No Beggars Among Christians": Karlstadt, Luther, and the Origins of Protestant Poor Relief", *Church History*, 46, 3 (September, 1977), pp.313-34.

4 J.A. Sharpe, *Crime in seventeenth-century England: A county study* (Cambridge, 1983), p.164.

On the other hand debates have revealed historians' personal conceptions of vagrants. Did people become vagrants because society was unable to provide employment as far-reaching economic changes left them powerless to control their own lives? Or did their predicament arise out of some character or moral defect? One can contrast the opinions of R.H. Tawney and Sir Geoffrey Elton. Earlier this century Tawney criticised how convenient it was for officials to make a legal distinction between the able-bodied unemployed and impotent poor. "The distinction between the man who is unemployed because he cannot get work and the man who is unemployed because he does not want work, requires a modicum of knowledge and reflection which even at this present day is not always forthcoming."<sup>1</sup> Elton, in an article on a draft Henrician poor law, criticises Tawney for not drawing attention to the incorrigible who avoided work at all costs. No one could ignore, Elton said, "the existence of the genuinely workshy when temporary experience taught the permanent advantages of...vagrancy; that famous Elizabethan underworld of cozeners and coneycatchers was not entirely populated by the innocent victims of economic distress."<sup>2</sup> W.K. Jordan goes further than Elton by taking at face value what contemporary commentators said about vagrants. Vagrants "moved across the countryside in droves, swarming in to funerals for doles, infesting cities", had criminal intentions and "no desire to be redeemed" from their rootless and wandering life.<sup>3</sup>

In the mid-1970s Pound and Beier debated whether vagrants were responsible for their own misfortune.<sup>4</sup> Pound took exception to what he considered to be a misrepresentation by Beier over a certain passage in the former's *Poverty and Vagrancy in Tudor England* (1971). Beier believed that Pound was too receptive to the ideas of the educated elite in Elizabethan and early Stuart England. Pound criticised Beier for ignoring the fact that towns and villages were not keen to support the poor from outside because they had their own poor to consider. Also, Beier did not distinguish between these people and the 'real' vagrants, people "who *chose not to work*, who earned their livings by their wits, and who were most likely to be punished." In his rejoinder Beier reminded Pound of the "notorious" state of the Elizabethan economy, especially in the cloth industry and technological backwardness generally. It was dangerous to draw proof of the existence of the professional rogue strain from the writings of biased Elizabethans. As one may gather from such debates the 'truth' on vagrancy will always be

<sup>1</sup> R.H. Tawney, *The Agrarian Problem in the Sixteenth Century* (London, 1912), p. 269.

<sup>2</sup> G.R. Elton, "An Early Tudor Poor Law", *ECHR*, Second Ser., VI, 1 (1953), p.55.

<sup>3</sup> W.K. Jordan, *Philanthropy in England 1480-1660* (London, 1959), pp.78-79.

<sup>4</sup> The following summarises the arguments presented by A.L. Beier and J.F. Pound in "Debate: Vagrants and the Social Order in Elizabethan England", *Past and Present*, 71 (1976), pp. 126-34.

elusive as historians will read different things into the records. What cannot be refuted is the view expressed by Tawney that the vagrant's history was "inevitably written by his enemies."<sup>1</sup> The fact is that it is difficult to find anything genuinely from the point of view of an arrested, suspected vagrant. Slack noted that "historians have seldom been able to penetrate the haze of rhetorical abuse to see the vagabond as he was, to define his status, or assess the significance of his mobility."<sup>2</sup>

The opposing views revolve around an individual's responsibility, no matter how bad the situation, to find legitimate employment, reflecting the rationale of late medieval and Tudor laws. Also, historians of vagrancy usually focus on the poor, underprivileged, uneducated and jobless sectors of Tudor and early Stuart society. It is not the case, however, that all vagrants conformed to this stereotype. Vagrants appear in the Privy Council's *Acts* and other official or non-official sources as people who were well-travelled, educated, articulate and therefore had the means to spread disorder and possible treason. Although these types of vagrants will be explored in greater detail in Chapter 3, it is worthwhile to introduce them now. Firstly, warfare in the reigns of Henry VII and his successors led to the phenomenon of vagrants who were at once dangerous to national security - bands of deserting or returning soldiers and their officers, or crippled ex-servicemen reduced to begging. Elizabeth's war with Spain did more than enhance the buccaneering reputations of the likes of Drake, Raleigh, Hawkins and Frobisher. It unleashed unforeseen pressures on government efforts to suppress vagrants and it magnified long-standing economic troubles in many shire and smaller market towns.

Towns were troubled by returning veterans, often in a famished or beggarly condition, and their tendency to become rogues, vagrants and thieves. Thomas More set the tone in *Utopia* (1516) for what happened when a soldier returned from war:

When he comes home, he finds he's physically incapable of practising his former trade, and too old to learn a new one....what's the alternative? He can, of course, wander around until his clothes and his body are both worn out, and he's nothing but a mass of rags and sores. But in that state no gentleman will condescend to employ him, and no farmer can risk doing so...a man who has been brought up in the lap of luxury, and is used to swaggering about in military uniform, looking down his nose at everyone else in the neighbourhood.<sup>3</sup>

In the next century plays such as Ben Jonson's *Every Man In His Humour* (1601), Thomas Heywood's *Appius and Virginia* (1609) and Thomas Dekker's *The Pleasant Comedie Of Old Fortunatus* (1600) and *If This Be Not A Good Play, The Devil Is In It* (1612) recognised the

<sup>1</sup> Tawney, *op. cit.*, p. 268.

<sup>2</sup> Paul A. Slack, "Vagrancy and Vagrants in England, 1598-1664", *EcHR*, Second Ser., XXVII, 3 (August, 1974), p.360.

<sup>3</sup> Thomas More, *Utopia* trans. Paul Turner (Harmondsworth, 1981), pp.44-45.

conditions which gave rise to soldiers' miseries, especially corruption in the military command structure.<sup>1</sup> War was developing into a professional occupation and governments had to start thinking beyond the expedients of raising retinues from tenants of nobles and gentry, and the feudal obligation of all men to possess arms with which to serve the monarch.<sup>2</sup> Unfortunately, as C.G. Cruickshank stated years ago, "the great shortcoming of Elizabethan policy was the failure of the government to provide a permanent paid army."<sup>3</sup> Following the Spanish Armada's defeat it was recognised in some quarters that something had to be done about the sorts of men who were being called up to serve in the ranks. Official views, however, wavered between the recognition that resources had to be set aside for the maintaining of an adequate force, and the willingness to meet the cost of this force.

Secondly, people connected with the dramatic and theatrical arts - actors, minstrels, interludes, jugglers, etc. - fell within the scope of the Elizabethan vagrancy statutes. Generally, in the Middle Ages and up to the late 1530s, both professional and amateur entertainers were popular and officially sanctioned and patronised by the Church, aristocracy, craft guilds and secular authorities. Towns welcomed itinerant players as 'fixtures' of parish life because they raised money for a church's or community's needs. Through their involvement in Corpus Christi plays, miracle plays, revels, pageants and festivals, all keyed to the calendar of the then universal Church, troupes of players and actors flourished in the north, south and midlands of England.<sup>4</sup> Life on the road was not an easy, romantic option, however. Tudor and Stuart entertainers endured the vagaries of weather, robbers, press gangs and public jibes.<sup>5</sup> Thomas Nobbes' *Covent Garden* (1642) recalled "the ragged fellowes...that borrowed the red blanket off my bed to make their mayor a gown", while another work stressed "the ill character of vagrant Players, or, as they are now called, Strolers."<sup>6</sup>

Thirdly, there arose a kind of vagabond who was most feared and cruelly punished if caught. This was the seminary and Jesuit priest who entered England from the 1570s onward as

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1 Rupert Brooke, "The Authorship of the Later 'Appius and Virginia'", *The Modern Language Review*, VIII, 4 (October, 1913), pp.446-47; Frederick Boas, "The Soldier in Elizabethan and Later English Drama", *Essays By Divers Hands Being the Transactions of the Royal Society of Literature of the United Kingdom*, New Ser., XIX (1942), p.127; Peggy Faye Shirley, *Serious and Tragic Elements in the Comedy of Thomas Dekker*. Jacobean Drama Studies, 50 (Salzburg, 1975), p.24.

2 R.W. Hoyle (ed.), *The Military Survey of Gloucestershire 1522* (Stroud, Gloucestershire, 1993), p.xii.

3 C.G. Cruickshank, "An Elizabethan Pensioner Reserve", *EHR*, LVI (1941), p.637.

4 Ian Lancashire, *Dramatic Texts and Records of Britain: A Chronological Topography to 1558* (Cambridge, 1984), pp.xiv-xxv.

5 Alwin Thaler, "The Travelling Players in Shakespere's England", *Modern Philology*, XVII, 9 (January, 1920), pp.491-94, 507.

6 Alwin Thaler, "Strolling Players and Provincial Drama after Shakespere", *Publications of the Modern Language Association of America*, New Ser., XXXVII, 2 (June, 1922), p.244.



the vanguard of the Counter Reformation. The term 'seminary priest' was first used in the Act of 1585, 27 Eliz. I, c.2, to distinguish a younger generation of Catholic priests from the monks and 'old' or 'massing' priests who survived the traumas of the reigns of Henry VIII, Edward VI and Mary I.<sup>1</sup> Generally, seminarists were locally born but they trained abroad in colleges at Douai, Seville, Rome and Valladolid before being sent back to England to reinvigorate the Catholic faith and allegiance to Rome. The arrival of Jesuits in 1580 attracted government attention and generated plenty of hysteria. Jesuits, because they were closely associated with Spain, Spanish policy and were articulate and ready to die for their cause, were especially vilified and feared by central and local authorities loyal to the Elizabethan religious settlement. It is ironic that when legislation became more repressive because of a much-feared "Jesuit invasion in force", the initial subversives in England numbered only three people - Edmund Campion, Robert Parsons and Ralph Emerson, a lay brother.<sup>2</sup>

A document from 1583 intended "for maintenaunce of publique and Christian Peace, against certeine stirrers of sedition", illustrates the extent to which Jesuit and seminary priests were feared, far more than the landless or jobless:

persons that have foresaken their natiue countries, being of diuers conditions and qualities some not able to liue at home but in beggerie...some banckerupt Marchants, some in a sort learned to contentions, being not contented to learne to obey the lawes of the lande, have many yeres running up and downe...vnder secret maskes, some of priesthood, some of other inferior orders, with titles of seminaries; for some of the meaner sort, and of Jesuites, for the stayers and ranker sort, and such like, but yet so warely they crept into the land....bringing with them certeine Romish trash, as of their hallowed waxes, their *Agnus Dei*, many kinde of beades, and such like...[Seminaries and Jesuit scholars] haue wandered vp and downe in corners, in disguised sort, changing their tytles, names, and maner of apparel...Examine, further, how these vagarant, disguised, vnarmed spies have answered, when they were taken and demanded, what they thought of the bull of Pope Pius Quintus, which was published to deprive the Queenes Maiestie, and to warrant her subiectes to disobey her.<sup>3</sup>

The theme of disguise will be expanded on in Chapter 3 but suffice to say that it was an important element in the way that priests worked and travelled in Elizabethan England. John Baxter's *A Toile for Two-Legged Foxes* (1600) depicted Jesuits as being "like vagrant rogues", "stragling extraugants, roguish pedlars of whorish merchandice" and wearing their "hotch-potch and miserable mingle mangle" of popish beliefs "patched together like a beggars cloake made of a thousand shreds."<sup>4</sup>

1 Anstruther, *Seminary Priests*, p.ix.

2 DNB, VIII, p.400; Francis Edwards, *The Jesuits in England from 1580 to the present day* (Tunbridge Wells, Kent, 1985), p.24.

3 *The Harleian Miscellany*, I (1808), pp.492, 511.

4 Elizabeth Heale, "Spenser's Malengine, Missionary Priests, and the Means of Justice", *The Review of English Studies*, New Ser., XLI, 162 (May, 1990), p.175.

In order to comprehend the rising tide of hostility towards vagrants, we must address four important and related issues. Firstly, Tudor society, or more precisely its ruling and educated sections, perceived itself in a certain way and acknowledged the existence of certain constituent and legitimate parts. Secondly, astonishing economic changes occurred in late medieval and Tudor England. Thirdly, we must consider why officialdom's reaction to the presence of vagabonds and tramps was so consistently *violent*. Fourthly, how many vagrants existed in Elizabethan England? The last is a relevant problem because privy councillors, parliamentarians, town councillors, educators, playwrights and balladeers could treat extraordinary and widely varying estimates of the number of rogues and vagabonds as 'gospel truth'. Historians are left with the task of sorting out the probable truth from contrasting and contradictory opinions and guesses.

Sixteenth century society clung to the medieval notion that it was divided into two basic parts, those who ruled and those who worked. Everyone had a master or at least acknowledged a higher authority. The idea that people could and did work or simply live independent of authority was alien.<sup>1</sup> At the close of the fifteenth century the author of *The Tree of Commonwealth* asserted that "the Comynaltie of this realm" consisted of "ye marchantes craftes men and artificers, labourers, franklins, grasiers, farmers, tyllers", all not presuming to question their role and status in life.<sup>2</sup> In the reign of Edward VI and again in Elizabeth's time, *An Exhortation Concerning Good Order, and Obedience to Rulers and Magistrates* was published. It idealised the social structure as a 'Tree of Commonwealth' and set out clearly the divine inspiration behind the political and social hierarchy:

every degree of people in their vocation, calling and office, hath appointed to them their duty and order: some are in high degree, some in low, some kings and princes, some inferior, and subjects, priests and laymen, masters and servants, fathers and children, husbands and wives, rich and poor; and everyone have need of other; so that in all things is to be lauded and praised the goodly order of God, without the which no house, no city, no commonwealth, can continue and endure, or last.<sup>3</sup>

Contemporary commentators, most of whom had gentle or bourgeois origins, by and large presented a conservative and legalistic view of their society. Men such as Sir Thomas Wilson, William Harrison, William Camden and Richard Mulcaster gave prominence to the groups capable of political action rather than the working population.<sup>4</sup> The privy councillor Sir Thomas

1 David Underdown, *Revel, Riot and Rebellion* (London, 1985), pp.36-38.

2 A.F. Pollard, *The Reign of Henry VII from Contemporary Sources*, II (London, 1911), p.212.

3 *Sermons or Homilies Appointed to be Read in Churches in the Time of Queen Elizabeth of Famous Memory* (London, 1839), pp.114-15.

4 David Cressy, "Describing the Social Order of Elizabethan and Stuart England", *Literature and History*, 3 (March, 1976), pp.29-31.

Smith epitomised the attitude of the ruling class towards the poor when he stated that unskilled labourers and craftspeople "have no voice in our commonwealth, and no account is made of them but only to be ruled, not to rule other."<sup>1</sup>

The main difficulty lay in trying to describe a society whose status and legal systems were based on relationship to land at a time when non-landed skills, wealth and power were increasingly decisive. Elizabethan and Stuart social theorists never adequately placed the clergy, merchants, office holders or legal, business and military professions in the 'body politic'. These sections formed occupational hierarchies of a semi-independent nature, whose precise relationship to the basic reference groupings could not be fully clarified. Successful persons found the means to invest their wealth in erecting mansions, acquiring land and urban properties, or leasing them out for good rents. When John Manningham complained in the early 1600s that "charitie in the riche, and patience in the poore" were hard to find because every "man semes to serue himselfe"<sup>2</sup>, it was a grudging recognition that not all men and women were bound together in or even aspired to, the network of patriarchal households and communities on which Tudor and early Stuart society depended. Enforcing conformity to values of order, obedience and degree went beyond the admonitions of royal proclamations, statutory preambles and church homilies. The entire machinery of the criminal law was put into action with the intent of punishing all those who presumed to criticise any number of the kingdom's institutions. If 'authority' and 'order' were represented at the local level by obedience to a master, parent or a guardian, then the very opposite of this ideal was vagrancy. The 'organic' conception of society, in which the monarch appeared as the head or heart, magistrates as the eyes, artisans as the hands and husbandmen as the feet, influenced how the threat of vagrancy had to be countered. No parts of the living body could be idle otherwise it would simply cease to function. Vagrants contradicted all the cherished and accepted conventions and traditions, including family, social, religious, political and economic obligations. "Their very idleness", claims Roger Manning, "was thought to constitute another act of rebellion."<sup>3</sup> Because vagrants had a highly mobile lifestyle and could travel easily from

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1 Sir Thomas Smith, *De Republica Anglorum: A Discourse on the Commonwealth of England*, ed. L. Alston (Cambridge, 1906), p.46.

2 John Bruce (ed.), *Diary of John Manningham, of the Middle Temple...1602-1603*. Camden Society (London, 1868), pp.29, 45.

3 Roger B. Manning, *Village Revolts: Social Protest and Popular Disturbances in England, 1509-1640* (London, 1988), p.163. Edmund Dudley (1509) stated that idleness was "the very mother of all vice...and lineal grandame of poverty and misery, and the deadly enemy of this tree of commonwealth." Cited in A.L. Beier, "The social problems of an Elizabethan country town: Warwick, 1580-90", in Peter Clark (ed.), *Country towns in pre-industrial England* (Leicester, 1981), p.57.

locality to locality, Tudor politicians blamed them for inciting and being at the vanguard of acts of rebellion, sedition, organised crime and treason. Such dissent was abhorred and likened to a cancer devouring the body politic.

The lurid and muck-raking style of certain pamphlets reinforced official prejudices against sturdy beggars by vividly and convincingly depicting them as a fifth column of criminals. These were divided into certain 'orders' or 'schools' and had a secret code of communication. Among the most notorious of these treatises were Thomas Harman's *A Caueat or Warening, for Commen Cvrsetors Wlgarely Called Vagabones* (1567) and John Awdeley's *The Fraternitye of Vagabondes* (1575).<sup>1</sup> These works professed to have a reforming spirit motivating them. Harman went to the trouble of presenting lists of genuine vagabonds in his work to trusted justices of the peace. To a degree, some writers did illustrate real vagrants' personal backgrounds, work histories, urban origins and partners. Unfortunately, the growing interest in the language of rogues and vagabonds, their alleged 'cant', encouraged later pamphleteers and writers like Robert Greene (*The Groundworke of Conny-Catching*, 1592) and Thomas Dekker (*Belman of London*, 1608) to quote Harman and Awdeley verbatim, thereby reinforcing the most sensational and perverse aspects of vagrancy.<sup>2</sup> The first edition of Harman's work became so popular that pirated copies had to be suppressed, but Greene's four-part work and Dekker's borrowed from it.<sup>3</sup>

The most fundamental economic change was the demise of feudalism and a developing capitalist market economy. Since the mid-fourteenth century the loosening of seigneurial bonds permitted people to become mobile. Tenants deserted their holdings for better land elsewhere and labourers and servants sought higher wages from more accommodating employers. Inequalities and instabilities became more marked. An urban mercantile community adopted the values of individualism and acquisitiveness, and challenged the old feudal order based on the land. The growth of an entrepreneurial class taking advantage of profits from new commercial and maritime opportunities undermined the structure of craft and trade guilds and hastened their decline. Puritanism led to the questioning of traditional concepts of the family but in an era of competing religious ideologies, it was difficult for a uniform Christian and Protestant faith to be

1 Both edited by Edward Viles and F.J. Furnivall. Published by the Early English Text Society (London, 1869).

2 Gertrude E. Noyes, "The Development of Cant Lexicography in England, 1566-1785", *Studies in Philology*, XXXVIII, 3 (July, 1941), pp.462-63, 466, 468. Rosemary Gaby has recently pointed out that early seventeenth century works on the subject of rural vagabonds depicted them as being free of greed and ambition, and less brutalised than their urban counterparts. See her "Of Vagabonds and Commonwealths: *Beggar's Bush*, *A Jovial Crew*, and *The Sisters*", *Studies in English Literature 1550-1900*, 34, 2 (Spring, 1994), pp.401-24.

3 *DNB*, XXIV, p.412; Alexander B. Grosart, *The Life and Complete Works in Prose and Verse of Robert Greene*, X (London, 1881-86).

enforced. Parliament and especially the House of Commons searched for greater political power and increasingly questioned the royal prerogative. These broad developments brought in their train a system of economy where it was simply no longer possible for thousands of labouring people to assume that they could expect employment and security for a sustained period of time.

Elizabethan vagrancy did not exist in a vacuum, bereft of influences from previous time, so it is not possible to stay within the bounds of 1558 and 1603. For this reason the enclosure of lands in the fifteenth and sixteenth centuries and the Dissolution of the monasteries and chantries in the 1530s and 1540s, are included. Much has been written on the disruptive impact of enclosure. Suffice to say that it was not a new phenomenon in the sixteenth century and to speak of it in a general sense is to invite debate on variations between and within regions and chronological sequence. At its simplest, enclosure entailed:

the abolition of the open field system of agriculture. The ownership of, and rights over, every strip of land in the open fields and meadows, over the commons and wastes, was taken from the Lord and the villagers and abolished. The old boundaries of the fields, the strips, the baulks and the roadways, might be ignored and the slate wiped clean. Then the land was reallocated. New or additional roads might be set out, new fields were designed and allocated to Lord and village, each taking a compact area of land of a recognisably modern size and shape. The size and quality of these fields depended on the value of the claimant's previous rights.<sup>1</sup>

Enclosure meant, effectively, the extinction of copyhold or leasehold peasants' rights to land. They could not meet the demands of landlords so peasant-farmers, labourers and village craftspeople lost their holdings and became a mobile, unemployed (pastoral-based activities required less labour than arable) and consequently highly visible population. Marxist historians, led by Tawney's influential *The Agrarian Problem in the Sixteenth Century* (1912), emphasised the role of changing class and ownership structures aligned with 'rural capitalism', in the guise of rapacious landlords. They appropriated the rights over common land and created a landless proletariat.

The claim that enclosure was a great social evil is no longer tenable. Firstly, despite Thomas More's famous assertion that England was being devoured by sheep, it is generally accepted that by 1500 the major period of enclosure had already passed. According to one historian's estimate 45% of the country was enclosed by this time and another writer has pointed out that landlords and tenants in the central and southern counties generally enclosed their lands by consent: both were keen to adapt production methods to the expanding London

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<sup>1</sup> Frank A. Sharman, "An Introduction to the Enclosure Acts", *Journal of Legal History*, 10, 1 (May, 1989), p.46.

market.<sup>1</sup> Compact estates promoted greater control and economy of resources (ie. capital, tools and manure), the freedom to ignore negligent neighbours and select crops without regard to the needs of the village community.<sup>2</sup> Pound insists that people deprived of their landholdings may have experienced vagrancy but not permanently; the victims were primarily the families of younger sons who did not have a legal patrimony to land. During the period 1455-1637 no more than 35,000 families on 1200 acres of land were dispossessed and rendered unemployed.<sup>3</sup> Lastly, the difficulties of conflicting evidence, of following each case from start to finish and the tendency of aggrieved parties to use heart-rending language in their appeals for help, mean that tenants' claims of victimisation should not be taken at face value. Maurice Beresford's and Eric Kerridge's investigations of enclosure cases brought into the Exchequer highlight instances of trivial breaches of the law and unjustified accusations, whether in terms of houses destroyed or acreages enclosed.<sup>4</sup> Tenants worded their grievances in such a way as to play on the central government's fear of poverty-stricken, homeless subjects not able to contribute to the security of the Tudor state.

Nevertheless, England's increasing population put access to land at a premium in some counties. Tudor governments established Commissions on Enclosures in 1517, 1548, 1566 and 1607 (they dealt with local outbreaks of violence against enclosers and their fences and hedges) and they indicate that governments treated enclosures as a serious problem.<sup>5</sup> Enclosures had dislocating effects in Yorkshire, Cheshire and Norfolk but it was in Leicestershire and Northamptonshire, "always at the heart of the enclosure debate"<sup>6</sup>, that the effects of rural unemployment and depopulation were harshest. Reporting to Cardinal Wolsey in 1528 on his investigations in the Midlands about "these enormous decays of towns and making of enclosures", John Bishop wrote:

...your heart would mourn to see the towns, villages, hamlets, manor places, in ruin and decay, the people gone, the ploughs laid down, the living of many honest husbandmen in one man's hands...the commons in many places taken away from the poor people, whereby they are compelled to foresake their houses, and so wearied out and wot not where to live, and so maketh their lamentation.<sup>7</sup>

1 J.R. Wordie, "The Chronology of Enclosure, 1500-1914", *EcHR*, Second Ser., XXXVI, 4 (November, 1983), pp.483-505; Eric Kerridge, *Agrarian Problems in the Sixteenth Century and After* (London, 1969), pp.94-133.

2 Sharman, *op. cit.*

3 Cited by John Hadwin, "The Problem of Poverty in Early Modern England", in Riis, *op. cit.*, p.222.

4 Beresford, *Lost Villages*, pp.116-17; Eric Kerridge, "The Returns of the Inquisitions of Depopulation", *EHR*, 70, CCLXXV (April, 1955), pp.212-28.

5 Edwin F. Gay, "Inclosures in England in the Sixteenth Century", *Quarterly Journal of Economics*, XVII (1903), pp.576-97; E.M. Leonard, "The Inclosure of Common Fields in the Seventeenth Century", *TRHS*, New Ser., XIX (1905), pp.101-46; *EEH*, pp.262-64.

6 M.W. Beresford, "The Decree Rolls of Chancery as a Source for Economic History, 1547-c.1700", *EcHR*, Second Ser., XXXII, 1 (February, 1979), p.7.

7 *L&P*, 4, Part II, pp.2076-77.

When a commission tried to find reasons for large scale discontent in every Midlands county in 1548, the blame was put squarely on the enclosing of commons to pasture sheep.<sup>1</sup> Nearly a century later Richard Sandes told Charles I's Privy Council that he would give it "the names of many decayed towns in the cos. of Leicester and Northampton...and who decayed them."<sup>2</sup> Leicestershire and Northamptonshire had estates which were still manorial in their organisation and cultivation systems. With the prospects of profits from enclosure, local landlords increased rents and entry fines which the peasantry could not afford to contest in the law courts, no matter how good their case. Landless copyholders in the fielden areas of agriculture could move in three directions: firstly, the more sparsely settled pastoral regions of the northwest where the extremes of poverty were less well marked; secondly, flight to the towns in the Midlands; thirdly, they could travel to the towns in the south-east and south-west, some of which were already facing economic hardship, and to London.

It is beyond dispute that the Dissolution was decisive in ending the autonomous power of the Church in England and profoundly affected society when large areas of land and property were released onto the market. The studies undertaken by A. Savine and Geoffrey Baskerville and later on by G.W.O. Woodward and Joyce Youings, show that most monastic servants were absorbed by their new owners and Dissolution statutes forbade alterations in land use.<sup>3</sup> But if the Dissolution was not the cause of unemployment it still had worrying implications for urban poor relief since the Church (especially in York and Norwich) dominated their social fabrics. Firstly, the Church employed craftspeople, artisans, stonemasons and unskilled labour in the production and upkeep of buildings, estate property, images, altars, plate and gold work. Secondly, monasteries and chantries and hospitals established by them were traditional sources of alms and charity. They had been for centuries but when they were closed their main recipients of relief - travellers, beggars, cripples, the aged - lost access to food and shelter. Thirdly, the seizure of Church property forced monks, nuns and chantry priests to face the caprices of the world. Research has indicated that the exceptionally black picture painted by contemporaries in regard to penniless and beggarly clerics was overstated. However, though

1 Refer to the introduction in Elizabeth Lamond (ed.), *A Discourse of the Commonweal of this Realm of England* (Cambridge, 1929), esp. pp. xxxix-lxvii.

2 Beresford, *Lost Villages*, p.88.

3 A. Savine, "English Monasteries on the Eve of the Dissolution", in Paul Vinogradoff (ed.), *Oxford Studies in Social and Legal History*, I (Oxford, 1909), ch.4; Geoffrey Baskerville, *English Monks and the Suppression of the Monasteries* (London, 1937), chs. V-X; G.W.O. Woodward, *The Dissolution of the Monasteries* (London, 1966); Joyce Youings, *The Dissolution of the Monasteries* (London, 1971).

the majority of them received pensions, in an age of inflation and currency debasement it would have been hard to survive on them alone.<sup>1</sup> Little is known about the fate of "large numbers of friars and some religious who received no pension and no capacity."<sup>2</sup> The government instituted Visitations to the north in 1538, 1547 and 1559 to ensure that the local clergy were religiously correct, denied the Pope's jurisdiction and swore an oath of loyalty to the Crown. These Visitations and the chantry surveys, the latter in which each parish provided records to commissioners who visited selected sites and summoned representatives of the clergy and laity, ensured that the Crown kept in touch with developments and sentiments in the local church.<sup>3</sup>

The overtly Protestant tone of Edward VI's reign heralded the emergence of renegade priests as a threat to the central government. They were reasonably well educated and in the more religiously conservative regions of the kingdom - Yorkshire, Cheshire and neighbouring Lancashire - likely to recruit people to their cause and spread discord. These shires were insulated by geographical distance from Protestantism in London and continental Europe. Consequently, public rituals of worship of saints, gild festivals, baptisms and the role of dialect in reinforcing regional traditions persisted and made it harder for Protestantism to be accepted.<sup>4</sup> Not coincidentally, the infamous 'branding' and 'slavery' vagrancy statute of 1547 contained clauses for the harsh treatment of apprehended 'popish' priests. Evidence will be presented that people who had been ordained priests before the suppression of the religious houses, were still very much alive, active and feared in Elizabeth I's later years.<sup>5</sup> Clearly, the impression left by some historians that the years between 1520-1550 were marked by a flood of statutes and proclamations making possible the easy establishment of Protestantism, is wrong. John Bossy's research in the early 1960s on Elizabethan Catholicism sparked a debate and more research on the nature and larger than otherwise-imagined extent of the 'old religion'.<sup>6</sup>

1 Diarmaid MacCulloch, *The Later Reformation in England 1547-1603* (London, 1990), p.112; Scarisbrick, *The Reformation*, pp.51-52.

2 Margaret Bowker, "The Henrician Reformation and the Parish Clergy", *BIHR*, L, 121 (May, 1977), p.38.

3 C.J. Kitching (ed.), *The Royal Visitation of 1559: Act Book for the Northern Province*. Surtees Society, CLXXXVII (Gateshead, 1975), pp.xiv-xv; *EEH*, pp.286-91.

4 Wark, *Recusancy*, pp.1-2. See prefaces to William Page (ed.), *The Certificates of the Commissioners Appointed to Survey the Chantries, Guilds, Hospitals, Etc., in the County of York*, Parts I and II. Surtees Society, XCI and XCII (Durham, 1894-95); *APC 1550-1552*, p.245; Robert Whiting, *The Blind Devotion of the People: Popular Religion and the English Reformation* (Cambridge, 1989), pp.264-67; and Ronald B. Bond, "The 1559 Revisions in Certayne Sermons or Homilies: 'For the Better Understanding of the Simple People'", *English Literary Renaissance*, 8, 3 (Autumn, 1978), pp.239-55.

5 Geoffrey Baskerville, "Married Clergy and Pensioned Religious in Norwich Diocese, 1555, Part II", *EHR*, XLVIII (1933), pp.200-201.

6 John Bossy, "The Character of Elizabethan Catholicism", *Past and Present*, 21 (April, 1962), pp.39-59; Carol Z. Weiner, "Popular Anti-Catholicism in England, 1559-1618", *Past and Present*, 51 (May, 1971), pp.27-62; Albert J. Loomie, "The Armadas and the Catholics of England", *The Catholic History Review*, LIX, 3 (October, 1973), pp.385-403; Patrick McGrath, "Elizabethan Catholicism: a Reconsideration", *Journal of Ecclesiastical History*, 35, 3 (July, 1984), pp.414-28; Elizabeth K. Hudson, "The Catholic Challenge to Puritan Piety, 1580-1620", *The Catholic History Review*, LXXVII, 1 (January, 1991), pp.1-20.



It was an accepted fact of life that the lower orders of society lived just above or in most cases below what today would be called adequate subsistence levels. The poor in each town were having their tenuous living standards eroded by inflation, regional economic decay and increasingly irregular work patterns. They appeared regularly and misleadingly as passive recipients of poor relief, a condition which for many must have been intolerable. Genuinely unlucky victims of the vagaries of Elizabethan town life were people on fixed incomes or insecure tenures; people not necessarily unindustrious or unenterprising. Between one quarter and one third of urban populations were destitute because they did not receive regular wages, or they were members of regionally depressed or decaying crafts and industries. Other factors made poverty, from which vagrancy sprung, a 'normal' and everyday occurrence, rather than something unusual: human and animal power were the main means of energy and not always used efficiently; floods, drought, war, animal diseases and the plague dictated the production and distribution of goods and food; the ratio of children to adults was high so a great proportion of society was unemployable; injuries sustained by working parents, whether from disease, work or brawling, meant that their families faced immediate destitution; any years of economic security could prove to be brief ones, generally between the years of 10 and 30-35; and most importantly, society was one in which wealth remained unequally distributed, for a minority of lords, merchants, gentry and richer farmers owned the lion's share of the country's wealth.<sup>1</sup>

Nation-wide fluctuations in trade resulted from the increasing reliance on cloth making, which up to the 1520s had enjoyed a rapid period of uninterrupted growth. When the Continental markets for English cloth were threatened by political crises in 1528, 1551, 1563, 1568-73 and the 1620s, people were inevitably affected by the shutdowns in trade. For each period of crisis in the export of cloth, bouts of unemployment and poverty occurred. Thus, the mass of ordinary folk in Elizabethan England struggled against hard conditions - Elton described the world of most people as one of sheer physical pain<sup>2</sup> - sorely testing people's ability to live within the limits of contemporary behavioural conventions. Plague was another important variable in deciding whether people fell into destitution or not. Outbreaks of pestilence in the sixteenth century may not have wrought the level of physical devastation or psychological trauma as it had done in earlier centuries. Yet London and every major English

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1 Manning, *op. cit.*, p.161; Beier, "The social problems of an Elizabethan country town...", p.62; Beier, *The Problem of the Poor in Tudor and Early Stuart England* (London, 1983), p.2; Slack, *Poverty & Policy*, p.78.

2 G.R. Elton, "Contentment and Discontent on the Eve of Colonization", in G.R. Elton, *Studies in Tudor and Stuart Politics and Government*, III (Cambridge, 1983), p.333.

provincial town still suffered from it in the Elizabethan and early Stuart period. Anywhere between 10-30% of the urban population could die from the plague. Only the phenomenon of migration balanced the normal pattern of burials over deaths. The effect of the plague in hitting a town was all-encompassing. It killed the family breadwinner, disrupted the local economy by shutting down businesses and industries, provoked panic among those who had the means to leave quickly, and increased tensions between governors and governed.

While Paul Slack has worked on the plague in Chester, Leicester, Northampton, Norwich and York in a more general context<sup>1</sup>, the plague was important in another way. In a very subtle manner this periodic catastrophe had the effect of articulating social prejudices of the rich against the poor. Vagrants were suspected of transmitting the plague and this accusation fuelled their 'demonisation'. When magistrates and town councillors isolated and incarcerated victims and their contacts and banished the afflicted from a community, it was always the poor who seemed worst affected. Urban leaders associated the origins of plague with the disorders of the poor, for example, prostitutes and beggars, because it was assumed to have spread from the slums and suburbs of towns. Public health was likened to civic health and a notable social dichotomy emerged. On one hand civic rulers and patrician elites employed and enhanced the authority of the state by controlling the threat from below, while on the other hand the poor, subject to infection, resisted regulation and regimentation because it interfered with public festivities, games and assemblies. Ironically, the authorities seemed bent on flouting Christian principles of visiting the affected, attending funerals and comforting the bereaved.<sup>2</sup>

With religious tensions in mind it is timely to discuss the role of Puritanism in the suppression of vagrancy and its associated disorders. Christopher Hill, whose scholarship on Puritanism needs no introduction, warns "that for contemporaries the word [Puritan] had no narrowly religious connotation."<sup>3</sup> Puritanism is defined here as a set of beliefs held by people who strongly emphasised "the Calvinist heritage of the Church of England...preaching and Scripture above sacraments and rituals, the notions of the calling, the elect, the 'saint', the distinctive virtue of the divinely predestined minority, above the equal worth of all sinful Christians."<sup>4</sup> Puritans existed at all levels of Tudor society, from great noblemen to humble

1 Paul Slack, *The Impact of Plague in Tudor and Stuart England* (London, 1985). See pp.19, 43-44, 61-62, 111-13, 126-43, 203-6, 256-65, 268-69, 271-76, 292-93, 295-96, 318-19.

2 Paul Slack, "Responses to Plague in Early Modern Europe: The Implications of Public Health", *Social Research*, 55, 3 (Autumn, 1988), pp.446-48.

3 Christopher Hill, *Society and Puritanism in Pre-Revolutionary England* (London, 1964), p.24.

4 Underdown, *op. cit.*, p.41.

labourers and weavers. The Jesuit William Weston noted that Puritan meetings on the Isle of Ely included "men, women, girls, rustics, labourers, and idiots"<sup>1</sup> but the phenomenon is mostly associated with urban elites - officials, magistrates, preachers, businessmen. Puritanism flourished in communities experiencing disorders of population growth, the rigours of a market economy, inflation and a widening gulf between rich and poor. It was the ideological platform of the socially and economically dominant who perceived themselves to represent beleaguered islands of godly piety in a sea of earthly profanity. The success in this life that came from observing the well-known symbols of minister, godly book, sobriety, self-help, thrift, Sabbath observance and respectability stood in direct opposition to the chaos of gaming houses, alehouses, dicing, wenching, balladeers, may-poles, Sunday ales and carousing. Since the poor or wilfully idle could not be trusted to live by God's word, they had to be coerced into doing so and the vices that accompanied their condition had to be punished. When Puritans spoke of the 'commonweal' it was with the intention of including only the "spiritually industrious sort of people", not "the multitude" or "the great unjust rude rabble."<sup>2</sup>

With the initial backing of the Privy Council, Puritan 'godly magistrates' cracked down on alehouses, drunkenness, adultery and bastardy, idleness and instances of popery.<sup>3</sup> The justices of the peace at Norwich in 1570, for example, sought to prevent the idle poor slipping "from idleness to drunkenness to whoredom to shameful incest and abominable life greatly to the dishonour of God and ruin of the commonwealth."<sup>4</sup> It is not suggested that non-Puritan secular or religious officials lacked such energy and purpose in suppressing vagrancy. But in the context of a deteriorating international situation in the 1570s and early 1580s, interpreted as a Catholic conspiracy against God's chosen people, the Puritan magistrate's battle against vagrancy was sharpened "by the sense of participating in a universal moral drama, a fundamental conflict between...good and evil."<sup>5</sup> The radical Puritan preacher, Richard Leake uttered the following words in 1599 on the causes of England's "great and capitall sinnes":

grosse Poperie, and blinde superstition in very many places, in so much, that I am afraide, that that abhominable Idoll of indignation, the Masse, is vused in diuerse place about vs...adde hereunto, filthy drunkenesse, abhominable whoredomes, open profanation of the Sabbath; vnlawfull

1 Susan Doran and Christopher Durston, *Princes, Pastors and People: The church and religion in England 1529-1689* (London, 1991), p.84.

2 Julian Martin, *Francis Bacon, the State, and the Reform of Natural Philosophy* (Cambridge, 1992), p.57.

3 J.A. Sharpe, "The history of crime in late medieval and early modern England: a review of the field", *Social History*, 7, 2 (May, 1982), pp.193-95; Scarisbrick, *The Reformation*, pp.175-76.

4 Quoted in MacCulloch, *op. cit.*, p.183.

5 Underdown, *op. cit.*, p.42.

pastimes, with infinite many moe, which they further they bee ripped into, themore filthy stinch ariseth out of them.<sup>1</sup>

His words illustrate well the belief that in some circumstances masterlessness and Catholicism were intertwined. Whether Puritans automatically loathed or had contempt for society's less disciplined folk or the destitute in the localities under review is another matter.

A theme which will become more tragically apparent was the inability of central and local authorities to separate vagrants from the 'deserving' but idle poor, ie. people who were physically incapacitated, too young or too old or wanted work but could not find it. Servants, for instance, were a highly mobile section of the population and in preindustrial England, a stint as a servant was a common if temporary phase in the lives of many people. Servants who were arrested as vagrants were, or claimed to be, unemployed people in search of work, or making their way to a hiring fair, such as the traditional Martinmas hiring fair in the northern counties.<sup>2</sup> This is important because it blurred the distinction between the deserving poor and the undeserving poor, the latter consisting of sturdy-bodied idlers, often young unmarried men who had no satisfactory identification or recognised trade, and were strangers in the community. In appearance, way of life and mode of thought vagabonds must have appeared to be little different from the deserving poor or itinerant workers among whom they lived and died. In order to survive working people supplemented their incomes with earnings from activities with which vagrants came to be associated: prostitution, extortion, poaching, rustling, smuggling, keeping or visiting unlicensed alehouses, illegal begging and outright robbery.

The examination in February 1597 of William Lucke, a London goldsmith who owned a shop in Chelmsford, Essex, illustrates this theme. Lucke's story is a remarkable one. He was an apprentice at the Goldsmiths' Hall but "for want of money", went to Europe to earn his keep in the said trade. Lucke returned to England via Emden to serve in the navy when he heard news of a Spanish invasion but ended up in Sandwich seeing his brother, a master carpenter. He went to Europe again, briefly, and travelled in France and Italy and returned to England to wrought iron at Lincoln for six months. After that he set out for Scotland via Berwick. The governor of Berwick told him there was no work there so Lucke went to Chester and for money

1 Edward M. Wilson, "Richard Leake's plague sermons, 1599", *Transactions of the Cumberland and Westmorland Antiquarian and Archaeological Society*, New Ser., LXXV (1975), p.156.

2 Dorothy Marshall, *The English Domestic Servant in History* (London, 1949), pp.3-7, 10, 13-14, 16-18; P.J.P. Goldberg, "Marriage, Migration, and Servanthood: The York Cause Paper Evidence", in P.J.P. Goldberg (ed.), *Woman Is A Worthy Wight: Women in English Society c.1200-1500* (Stroud, Glouc., 1992), pp.5-7, 9, 12; and Malcolm Kitch, "Population movement and migration in pre-industrial rural England", in Brian Short (ed.), *The English Rural Community: Image and analysis* (Cambridge, 1992), pp.65-66.

he enlisted in the army to fight in Ireland until his discharge. For approximately six months William wrought iron in Plymouth till he was impressed in the navy, ended up in the West Indies and got leave from his commander for an unspecified period before sailing home for England. William Lucke's story came to light when he was apprehended in a Cheapside alehouse called "the Mitre", for conversing with a Chelmsford man about the Spaniards. He reiterated a story told to him by a man in the "Spread Eagle" that the Spaniards had landed in Cornwall, burnt a market town and attempted to blow up a gentleman's house.<sup>1</sup>

So, once-prized social, economic and familial ties and obligations were changing or being discarded. Although it would be an exaggeration to say that these customs were being torn asunder everywhere, Carl Bridenbaugh sums up the desperation of the age. "The half-century after 1590 was a time of profound, unprecedented, and often frightening social ferment for the people of England", for "every member of the lower orders in the countryside and in the towns knew deprivation and genuinely feared insecurity...a majority of the population found themselves living perilously near the level of bare subsistence."<sup>2</sup> Only recently has this become the accepted view. Until the 1960s and early 1970s, when advances in sociology and newly published local records such as coroners' rolls made it possible to discover how societies, past and present, actually worked, the prevailing view had been that as set out by legal and constitutional historians such as Maitland, Stubbs and Prothero in the late nineteenth century. They emphasised the continuity of English society as a structurally stable and cohesive phenomenon, held together by a social contract, the common law and an efficient central government. If there was any violence and corruption, it stayed at an amazingly low level.<sup>3</sup> However, they overplayed the orderliness of medieval and Tudor England. More importantly they failed to grasp the fact that firstly, centuries ago, people, both rich and poor, had a different mentality and system of emotional responses; they cannot be judged by modern standards. Secondly, the implementation of law, justice and even day-to-day living required a large dose of physical violence and bloodshed.

Judging by the behaviour of Tudor York's inhabitants, people employed a medieval "cosmological frame of reference" to explain the world and their relationship to it, in spite of developments in printing, chronology, astronomy, navigation and cartography. As far as they

1 HMC, *Marquis of Salisbury*, Part VI, pp.53-54.

2 Carl Bridenbaugh, *Vexed and Troubled Englishmen 1590-1642* (London, 1976), p.355.

3 Alan Macfarlane, *The Justice and the Mare's Ale: Law and order in seventeenth-century England* (Oxford, 1981), pp.3-9.

were concerned there were only two great fixed points in time - Creation and Doomsday. In between, perceptions of the past and reference to it varied and were measured subjectively. A city custom, after only twenty or thirty years, was deemed to be 'ancient', while a church built two or three generations earlier was thought to be 'new'. A point of professional etiquette during the royal visit to York in 1603 was confirmed not in writing, but purely on the oral "report of ancient men" who remembered Henry VIII's visit in 1541.<sup>1</sup> The people's character, the general poverty and backwardness of late medieval, Tudor and early Stuart society generally seem to explain why so much violence was inflicted against others for the most petty indiscretions. Barbara Hanawalt's study of late medieval England, using coroners' rolls from Northamptonshire, London and Oxford, led her to conclude that the country was a far more violent place than previously thought. Property took precedence over life, individual human lives had little value and people were too conditioned to the time-honoured custom of solving legal disputes by fighting until one disputant either died or surrendered. "So common was violent death from homicide", Hanawalt notes, that "the man in the street ran more of a risk of dying at the hands of a fellow citizen than he did from an accident."<sup>2</sup> Wallace Notestein discovered that not much had changed a century or so later. He found that:

a lack of compassion was characteristic of many. People gathered by hundreds to watch executions....The interest of common men and women in whipping of vagrants and in the ducking of miserable women was unwholesome....Serfdom and numbing poverty had been the lot of their ancestors, and they themselves were seldom better off. They had little to think about except their beasts, their fields, and the common; the neighbour and the wrong he had done. Their minds had been too much occupied with small matters to look at things from another's point of view.<sup>3</sup>

A.L. Rowse made a similar judgement on the cruelty of the age: "Stealing and robbery were endemic...Murder and manslaughter were frequent, there were constant fights and affrays ending in wounding or death...Life, in a world where pestilence and famine were regular, was indeed very cheap."<sup>4</sup>

The almost infantile immediacy of people's passions, aspirations, pleasures and the 'black and white' way in which they codified reality is noted by other writers. Lawrence Stone emphasises that courts "were clogged with cases of assault and battery" and in the face-to-face world of the sixteenth and seventeenth centuries, "it was possible for expressions of hatred to

1 D.M. Palliser, "Civic Mentality and the Environment in Tudor York", in Jonathan Barry (ed.), *The Tudor and Stuart Town: A Reader in English Urban History 1530-1688* (London, 1990), pp.206-9.

2 Barbara A. Hanawalt, "Violent Death in Fourteenth-and Early Fifteenth-Century England", *Comparative Studies in Society and History*, 18, 3 (July, 1976), p.302.

3 Quoted in Macfarlane, *op. cit.*, pp.9-10.

4 A.L. Rowse, *The England of Elizabeth: The Structure of Society* (Madison, Wisconsin, 1978), pp.344-45.

reach levels of frequency, intensity and duration which are rarely seen today...Children were neglected, brutally treated, and even killed; adults treated each other with suspicion and hostility; affect was low, and hard to find."<sup>1</sup> Leslie Clarkson acknowledges that economic hardship, differences over politics and religion were "at the bottom of much aggression" but also asserts that processes of law for settling disputes were too slow, too remote or too expensive for people to bother with. Furthermore, at a time when a regular police force did not exist, there was virtually no one in authority or acting in its name to stop such acts of aggression.<sup>2</sup>

Primary sources document an age of high crime rates, physical brutality and break down in law and order. It is true both of London, which experienced the penetration of the new social and economic forces of capitalism, and the predominantly feudal shires of the north and west. The insecurities of the world, especially poverty and a sudden and possibly unmourned death, made people vicious and sadistic. Even the growing awareness of the rule of law and a semblance of fair justice for the Crown's subjects did not rule out the violent application of that law. The Privy Council authorised the punishment of two women of York in 1541 for burning down a house. One was executed and the other had her tongue "piereced and slit through with a burning iron, to th'intent she shall never after disclose her vicious and abominable doings."<sup>3</sup> Visiting foreigners noted these violent tendencies. An Italian notary wrote that the English "never cease to rob and murder in the streets."<sup>4</sup> According to the Spanish ambassador Michiel Soranio's report in 1561:

a greater number of insurrections have broken out in this country than in all the rest of the world...the change of faith...is the greatest alteration that could possibly arise in a nation because besides the offence which is thus committed against our Lord God, a revolution in laws, customs, obedience, and, lastly, in the very State itself, necessarily follows...Hence also have resulted many depositions of great men and promotions of the unworthy...during the last twenty years three Princes of the blood, four Dukes, forty Earls, and more than three thousand other persons have died by violent death.<sup>5</sup>

Travelling in England and Ireland in 1575, the Dutchman Emanuel van Meteren observed that the "people are bold, courageous, ardent and cruel in war, fiery in attack...having little fear of death."<sup>6</sup> Ten years later the German Leopold von Wedel concluded that fear nor favour were

1 Lawrence Stone, *The Family, Sex and Marriage in England 1500-1800*, abridged ed. (London, 1988), pp.77, 80.

2 Macfarlane, *op. cit.*, p.17.

3 *L&P*, XVI, p.226.

4 Anonymous, *A Relation, or Rather a True Relation of the Island of England*, trans. Charlotte Augusta Sneyd. Camden Society (London, 1847), p.36.

5 *CSP, Venetian, 1558-1580*, p.328. Read Victor von Klarwill (ed.), *Queen Elizabeth and Some Foreigners: Being a series of hitherto unpublished letters...*, trans. T.H. Nash (London, 1928), esp. Part II, pp.303-43.

6 Emanuel van Meteren, "Pictures of the English in Queen Elizabeth's Time", in William Benchley Rye, *England as Seen by Foreigners in the Days of Elizabeth and James* (New York, repr. 1967), p.70.

granted to one's sex or age. While visiting London he saw "eighteen individuals...among these two women and two boys...all together hung on the gallows" from a cart. Unfortunately, they did not die immediately so their friends tugged their legs "to end their lives the sooner."<sup>1</sup>

Tudor statutes acknowledged but did not specify the growing number of vagabonds 'pestering' the realm. Henrician, Edwardian and Elizabethan statute preambles are vague on the subject of actual numbers. According to Paul Slack, there are glaring discrepancies between and within national and local estimates, a situation compounded by preconceived notions of vagrant life, the erratic nature of the Elizabethan economy and chronological and geographical variety in the occurrence of vagrancy.<sup>2</sup> Historians are reasonably confident that by 1600 the vagrant section of the total population did not exceed 2%.<sup>3</sup> With a population approaching 5.5-6 million, Beier estimated the number of vagrants to be 15,000.<sup>4</sup> This is astonishingly low considering the terror masterless people engendered in administrative, judicial and literary circles. Images of 'legions' of vagrants, such as Sir Anthony Thorold's assertion of the existence of a "monstrous swarme of beggers"<sup>5</sup>, were par for the course in the sixteenth century. Sir Francis Godolphin stated in 1597 that during the time of dearth work had to be found urgently for "more than 200,000 loiterers", of which 10,000 alone existed in Cornwall.<sup>6</sup>

Quantitative estimates on vagrants in the form of the tramping poor, soldiers, mariners and drifters in London and the provinces suffer from the variety of ways in which they were punished and the poor documentation regarding the numbers stocked or whipped. In nearly all cases town records reveal only their place of punishment and the place of last-known or assumed residence to which they were forcibly returned. Even London's wealth of documentation is not trustworthy. Its records tell us more about the kinds of people likely to be apprehended and the thinking of the authorities who nabbed them. In 1517 London's officials believed the number of beggars living "oonly by the almes and charitie of the people...amountethe to the nombre of a M and aboue."<sup>7</sup> Yet in the 1550s when the influx of people into London created a major law and order problem, the result of an official investigation into each ward was the existence of only 200 "ydelle vagabondes."<sup>8</sup> At the opposite extreme is

1 Gottfried von Bulow (trans.), "Journey through England and Scotland made by Leopold Von Wedel in the Years 1584 and 1585", *TRHS*, New Ser., IX (1895), pp.266-67.

2 Slack, *Poverty & Policy*, pp.94-95.

3 A.L. Beier, "Vagrants and Social Disorder in Elizabethan England", *Past and Present*, 64, (1974), p.6; Manning, *op. cit.*, p.163.

4 Beier, *Masterless Men*, p.16.

5 Wright, *Queen Elizabeth and Her Times*, II, p.406.

6 HMC, *Marquis of Salisbury*, Part VII, p.160.

7 Frank Aydelotte, *Elizabethan Rogues and Vagabonds* (Oxford, 1913), p.140.

8 *TED*, II, p.418.



the figure given by John Manningham in 1602. He claimed that 30,000 "idle persons and maisterles men" existed.<sup>1</sup> Despite this confusion there can be no doubt that London experienced a general, if not huge, increase in vagrancy. The records of London's Bridewell Court Books confirm this. Between 1560 and 1625 the number of vagrants being dealt with by the Court of Governors increased twelve-fold, from 69 persons in 1560-61 to 815 in 1624-25.<sup>2</sup>

The impact of demobilisation from military service and economic slumps on the numbers of vagrants are another problem. At some point in their lives many people experienced vagrancy but it would have been only temporary. Nationally, John Strype estimated there were 13,000 masterless people rounded up in the 1569 searches, though the research of Beier indicates that a total of 742 were apprehended in the period 1569-1572.<sup>3</sup> William Harrison in 1577 put the number "above 10,000 persons."<sup>4</sup> The only reliable estimate available which incorporates national and regional conditions comes from the Somerset justice of the peace Edward Hext. He wrote in September 1596 about the problems in his county concerning "Egipsions...wandryng Souldiers and other stout roages of England." According to Hext there were 300-400 "Idell people" in every shire, supplemented by 30-40 gypsies.<sup>5</sup> If so, then approximately 16,000-20,000 vagrants existed throughout the kingdom.

This study focuses on vagrancy in its *urban* context as distinct from a *rural* one, although it has to be said that such a distinction cannot be rigidly adhered to throughout. In all of the towns being analysed there was an interplay between the people who inhabited them and the regions in which they were set. The problems of vagrancy in urban settings and the appalling conditions of poverty from which they arose were nonetheless more acute. The rural poor at least had some access to common land for the cultivation of vegetables or animal husbandry. These served as an effective hedge against inflation and they could combine seasonal agricultural labour with handicraft work. The communal aspect of medieval village life persisted in many areas of Tudor England, especially in the mixed farming of the Midlands. In the urban communities, however, newly arrived immigrants from the land entered a world in which kinship systems broke down (to what extent is debatable) and labourers became more dependent on their wage earning capacity. Ralph Holinshed, an Elizabethan chronicler, was

1 John Bruce (ed.), *Diary of John Manningham of the Middle Temple...1602-1603*, p.73.

2 A.L. Beier, "Social Problems in Elizabethan London", *Journal of Interdisciplinary History*, IX, 2 (Autumn, 1978), pp.203-4; Slack, *Poverty & Policy*, p.93.

3 Strype, *Annals*, I, p.572; Beier, *Masterless Men*, p.16.

4 William Harrison, *Description of England* (1577) ed. Georges Edelen (New York, 1968), p.184.

5 *TED*, II, p.345; Harrison, *Elizabethan Journals*, II, pp.136-37.

moved to write in the 1570s that "the poor artificer and householder, which tilleth no land, but labouring all the weeke to buie a bushell or two of graine on the market daie, can there haue none for his monie."<sup>1</sup>

While John Coke (1549) extolled the number of towns in England and the activities in them, namely "the godly bryngyng up of youth...the prudent ordre amongst the occupacions...the great nombre of gentlemen there always estudyeng the lawes of the realme"<sup>2</sup>, other chroniclers believed towns represented a festering sore on the ideal, countrified and ordered world which Tudor propagandists sort to promote. Thomas Starkey compared the stable, predictable world of rural bliss to the disorder and near-anarchy of urban life: "ever in the rude country most study of virtue, and very true simplicity...what adultery, murder and vice, what usury, craft and deceit, what gluttony and all the pleasure of body is had in cities and towns."<sup>3</sup> The motif of the 'evil' town versus the 'good' countryside persisted in Elizabeth's reign when Richard Carey, a Cornish gentleman and landowner, wrote about town mayors and their officers that they were:

justices of the peace for their own limits, and wellnear all of them have large exemptions and jurisdictions, a garment (in divers men's opinions) over-rich and wide for many of their wearish and ill-disposed bodies. They allege for themselves that speedy justice is administered in their towns, and that is saveth great expenses incident to assize trials, which poor artificers cannot undergo....an ignorant fellow of a sowter [ie. cobbler] becomes a magistrate, and takes upon him peremptory judgment in debts and controversies great and doubtful.<sup>4</sup>

The changes which urbanisation generated inspired many contrary opinions on the validity of town life generally.

The urban sphere of life in late Elizabethan times came to be seen as dominating the country. In contrast to the early sixteenth century statement of Polydore Vergil that the English "do not so greatlie affecte citties as the commodious nearness of dales and brookes"<sup>5</sup>, Thomas Wilson's comments in 1600 reveal that England was no longer a land primarily of villages, hamlets, cottages and woodland communities. He estimated that in England and Wales there were 25 episcopal cities, 641 great market and shire towns, and 9,725 village communities and parishes. Of the market towns, 289 seemed in no way "inferior in greatness" and urban life appeared to have a rhythm and unity of its own: "These, by reason of the great priviledges they

<sup>1</sup> *Holinshed's Chronicles of England, Scotland, and Ireland*, I (London, 1807), p.340.

<sup>2</sup> John Coke, *The Debate between the Heralds of England and France*, ed. Leopold Pannier and Paul Meyer (Paris, 1877), pp.115-16.

<sup>3</sup> Thomas Starkey, *A Dialogue between Reginald Pole and Thomas Lupset*, ed. Kathleen M. Turner (London, 1948), p.27.

<sup>4</sup> Richard Carey, *The Survey of Cornwall*, ed. F.E. Halliday (London, 1953), pp.157-58.

<sup>5</sup> Sir Henry Ellis (ed.), *Polydore Vergil's English History from an Early Translation*, I. Camden Society (London, 1846), p.4.

enjoy, every city being, as it were, a Common Wealth among themselves, no other officer of the Queen nor other having authority to intermeddle amongst them."<sup>1</sup> In the course of this study Wilson's last point will be shown to have been incorrect but obviously a transformation was happening. In the period from 1520 to 1600 the total urban population rose from 12% to 20%. The capital, London, represented the greatest single concentration of people, growing from c.60,000 in the 1520s to c.200,000 in 1600.<sup>2</sup>

London is not an integral part of this study but its size, demography and dynamic economy made it the political, social, administrative and commercial hub of Tudor England. It cast such a long shadow on the well-being of the five towns and their vicinities that c.1632 it was written: "*Northamptonshire*, with my sheep, no sooner fed, but *London* devours them."<sup>3</sup> Elizabethan London, especially in the 1580s and 1590s, was a city of stark economic contrasts. On one hand most of the peerage and gentry purchased and leased out lodgings and houses, and allowed the likes of a northern Welsh gentleman in 1605 "to spend the greatest part of the rest of my lyf for the wynter and spring quarter about London."<sup>4</sup> On the other hand the lower rungs of society felt the adverse effects of mass emigration from the provinces, rising unemployment within and a commonly felt lack of advancement in traditional guild/occupation structures.<sup>5</sup> On all the cities and market towns of the realm, not just those being reviewed here, London exerted a powerful influence, drawing on the resources and people of the hinterland.

There are a number of reasons why Chester, Leicester, Northampton, Norwich and York were chosen for this analysis. Firstly, these towns exhibited overt and comparable signs of economic decline, physical deterioration, poverty and sustained outbreaks of vagrancy. Vagrants came from either inside the towns' walls, the nearby region or as part of a substantial flow of people fleeing similar conditions in far away towns. They also provide comparisons in terms of size, the physical area they covered and the populations within them. The largest towns were York and Norwich, having populations of c.8,000-10,000 each in the 1550s and dominating Yorkshire and Norfolk respectively with intricate political and social structures.

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1 F.J. Fisher (ed.), "The State of England, Anno. Dom. 1600 by Thomas Wilson", *Camden Miscellany*, XVI. Camden Society (London, 1936), pp.11-12, 20.

2 C.G.A. Clay, *Economic Expansion and Social Change: England 1500-1700*, I (Cambridge, 1984), p.20; B.A. Holderness, *Pre-Industrial England: Economy and Society 1500-1700* (London, 1976), p.11.

3 John Gutch, *Collectanea Curiosa; Or Miscellaneous Tracts, Relating to...England and Ireland*, I (Oxford, 1781), p.222.

4 P.K. Ayers, "Dreams of the City: The Urban and the Urbane in Jonson's *Epicoene*", *Philological Quarterly*, 66, 1 (Winter, 1987), p.74.

5 Lawrence Manley, E. Jennifer Ashworth and David Rosand, "London 1590: A Conference", *Studies in Philology*, LXXXVIII, 2 (Spring, 1991), pp.202-3.

Their church, university and gild institutions had since medieval times stimulated manufactures and local port facilities. Subsequently, they encouraged a larger concentration of trades to satisfy demand for cloths, household goods and luxuries, industrial wares, food and drink, and ornamental craftwork. York and Norwich were also the most strategically important cities outside of London, playing key roles in the survival of the Tudor dynasty: Norwich, the virtual 'capital' of East Anglia and gateway to the markets and kingdoms of continental Europe; York carrying on its ancient Roman tradition of securing the north against Scottish insurgency on the Borders and in the process combining civilian, religious and military administration. Chester had a very similar function in the northwest county of Cheshire since its distance from London made communication even at the best of times, tenuous. In terms of population, industrial, clerical and education institutions, Chester was not as developed as York and Norwich. Chester had at the most c.3,500-4,000 inhabitants and was primarily a distributive centre for raw materials and goods made elsewhere. But its merchants did trade heavily with much of Ireland, a country over which the Tudors exercised at best only nominal authority, excepting the Pale. In Elizabeth's reign Ireland would play an important part in the rise of and battle against vagrancy at Chester. Northampton and Leicester were selected because of their geographical location in the heart of the Midlands. They were the smallest towns but they still commanded considerable strategic attention. They linked London to the far-flung northern shires, shared similar industrial and agricultural features, population sizes of c.3,000-3,500 and very importantly, were the foci around which enclosures made their greatest impact.

Secondly, these towns were corporation towns. These towns achieved varying degrees of self-government conferred by royal charter. Charters of incorporation improved a town's legal position "by making it a legal person with power to hold property and to sue and be sued in its own name."<sup>1</sup> As incorporated bodies, towns could establish courts, appoint officials, collect taxes, return writs, administer sanitation and housing ordinances and enjoy some degree of independent judicial authority. Politically, incorporated towns were differentiated from borough towns by their purchased right to direct one of their own citizens as mayor in place of

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<sup>1</sup> Joseph Redlich and Francis W. Hirst, *The History of Local Government in England*, 2nd ed. (New York, 1970), p.28. The 'torrent' of incorporations in the reign of Elizabeth has been comprehensively studied by Robert Tittler, "The End of the Middle Ages in the English Country Town", *Sixteenth Century Journal*, XVIII, 4 (1987) and "The Incorporation of Boroughs, 1540-1558", *History*, 62, 204 (February, 1977), passim. From 1485-1540 only 13 borough incorporations occurred but thereafter the pace quickened: 8 towns in the last seven years of Henry VIII; 12 in Edward VI's reign; 24 during Mary's rule and a staggering 56 for the rest of the century. Grants of incorporation can be misleading in that they did not necessarily symbolise urban status. Incorporation provided no guarantee that the settlement, so marked, developed into a town. Alternatively, the absence of an incorporating charter did not hinder the growth of urban functions.

the monarch's bailiff. In return for these privileges of self-government and in particular the control of market practices and by-laws, corporations paid annual sums, 'fee farms', to the Crown. The volume and range of goods and services in which these shire towns trafficked, whether they were industrial goods, luxuries and ornaments, clothing, food and drink, etc., marked them out as regulating the commerce of their regions to their own advantage.

Thirdly, the towns all shared a common social structure in which there existed a clear demarcation between rich and poor.<sup>1</sup> The pyramid of wealth, on the basis of the tax returns of 1523-25, reveal that for most early modern towns, the pattern was to have a very broad base and a sharp, narrow apex. At the base almost a third of the town's inhabitants, if not more, owned only the clothes they wore, a few items of furniture and the tools of their trade. The underemployed, unemployed and destitute did not have wages or goods worth £1 a year. They were exempted from the subsidy. Another third owned or leased property but to maintain it they depended almost totally on their wages and whatever seasonal work they secured during the harvest season. Thus at any time in a given year, when dearth and trade slumps are taken into account, up to two thirds of a town's inhabitants survived with no recognisable means of earning a living. Above these people were the freemen, a vital status in most borough and corporate towns because as independent or master craftsmen, members of religious guilds, mercers, grocers, merchants and employers, they enjoyed political rights and privileges gained through apprenticeship, marriage, inheritance or purchase. Such people constituted the upper ranks of the tax-paying groups in the 1523-25 subsidy. At the apex of the pyramid stood the elite of the urban community, as little as 4-6% of the people owning more than 60% of the taxable wealth of a town. These were the professional people - lawyers, financiers and business people - and they held the major legal and judicial offices, such as mayor, alderman, magistrate, clerk, justice of the peace and recorder.

Admittedly, this is a static and generalised picture. It must be recognised that determined individuals crossed economic and status divisions. Steve Rappaport has rightly criticised the 'pyramid model' which Clark and Slack and others promote. Judging by Rappaport's work on sixteenth century London, the high levels of people being unable to pay tax may not have been due to being penniless, but the sheer administrative nightmare of trying to develop a more comprehensive system of taxation.<sup>2</sup> Yet the consistent feature of the social structure is that in all

<sup>1</sup> Clark and Slack, *English Towns*, pp.111-25.

<sup>2</sup> Steve Rappaport, "Social Structure and Mobility in Sixteenth-Century London: Part II", *The London Journal*, 10, 2 (Winter, 1984), pp.107-8.

of the urban communities, there was an increasing polarisation between a large army of destitute poor tramping the streets and an increasingly narrow elite. By imposing restrictions on people who could compete in a trade where demand was limited, and insisting on joining a guild for the right to carry out a trade or occupation, urban oligarchies forced many workers who could not afford the expense of working towards a mastership, to labour secretly or illegally in a back street or the suburbs to avoid guild jurisdiction. Conversely, it became standard practice for master craftsmen to enter the ranks of the urban merchant class. Once they had accumulated enough capital (favourable marriages and inheritances helped) they could leave their craft for wider horizons.<sup>1</sup> The lucrative wholesale trade in goods and luxuries outpaced the modest livelihoods that ordinary craftworkers earned. The disparity between leading families and lesser ones was a stark feature of Elizabethan towns because the rich merchant and struggling tradesperson lived 'cheek by jowl' in the same street.

Fourthly, the fear of disorder, administrative pressure from the central government, the concentration of wealth in fewer hands and the expense to office-holders, gave rise to the growth of oligarchies. Political power was concentrated in the hands of a propertied lay or clerical minority, not simply as a result of simmering urban tensions but also due to deliberate Tudor policy. The Tudors supported oligarchies in towns in order to create greater social cohesion and quiet. Through the granting or revising of charters and conciliar intervention, the Crown ensured it received the support of urban elites.<sup>2</sup> The reasoning displayed in the 1489 parliamentary statute regarding Northampton and Leicester was applicable in 1589 and to every town in this study:

Forasmuche as of late greate divisions discencions and discordes have growen and been had as well in the Townes and Borowghes of Norhampton & Leyestre as in other dyv(er)s Townes & Bourghs Corporat within this Realme of England...by reason that such multytude of the seid inhabitauntes beyng of lytill substaunce and haveour and of no sadnes discrecion wisdom ne reason which oft in nombre...caused great hobles divisions and discordes among theym selfe as well in the seid eleccions as in assessyng of other lawfull charges...to the subv[er]cion of ye gode rule gov[er]naunce and...to the greate brech of the Kyngs Peace...Be yt...enacted...the Maire of the Town of Norhampton and his brethern for the tyme beyng that then oftymys past have ben Mares of the same...shall do name and chose xlvij psones of the most wise discrete and best disposed psones...to be attendant in the Courtes of the same Bourgh and Towne or upon the Maire and Maires and Baillyfes that nowe be or that hereafter...shall be to be electe chosen and made only by the seid Maire and his brethern...if any of the Inhabitauntes nowe beyng or that hereafter shalbe inhabited in the seid Bough and Towne attempt as to do the breche impedymnt or lette of this psent Acte...yt shall be leeful to the Maire...to comytte ev[er]ly such pson or psones to prison...<sup>3</sup>

1 Through his marriage to the widow Isabella Wyslime, the Hull goldsmith John Harrison obtained a building near the Market Place in 1527. In Ann Bennett, "The Goldsmiths of Church Lane, Hull: 1527-1784", *Yorkshire Archaeological Journal*, 60 (1988), p.113.

2 Peter Clark and Paul Slack (eds.), *Crisis and Order in English Towns 1500-1700: Essays in urban history* (London, 1972), pp.21-22.

3 *RBN*, I, pp.101-3.

To sum up this rise in urban oligarchic activity, there appears to be a three-fold explanation - the fear of social disorder, administrative pressure from the central government and expense to office holders. Only the wealthiest could afford to stand for office and carry out their duties. This is why so many Tudor and Stuart towns had ruling councils with such apparently narrow interests. It must be emphasised, however, that mayors, recorders and aldermen generally held a deep sense of responsibility and care in matters concerning their 'commonwealths'.

Fifthly, the towns had to deal with an institution of deep concern to the Privy Council - the public drinking house, specifically the unlicensed alehouse or tipping house. These establishments, like inns and taverns, had been part and parcel of medieval urban and country life, offering the popular, traditional and community-enhancing experiences of church-ales, weddings, communal feasting and christenings. On another level they stimulated marketing of food and goods and urban development. In the Tudor period there was a pronounced shift in official attitudes towards them by the central and local organs of government and Protestant ministers, as changing economic conditions forced people to migrate from place to place. Two early Tudor statutes, 11 Henry VII, c.2 (1495) and 19 Henry VII, c.12 (1504) empowered justices of the peace to close alehouses because the delights of playing cards, dice, bowls and intoxication encouraged idleness, disorderly living, riot and the potential for rebellion.<sup>1</sup> One alehouse in York in the 1530s became the centre of an anti-enclosure conspiracy formulated by evicted tenants.<sup>2</sup> A little later at Norwich a man drinking in the "Cross Keys" threatened to throw open the Town Close with the help of others.<sup>3</sup>

The dire economic circumstances of the 1540s-50s facilitated a rapid rise in the number of alehouses in operation. People set up alehouses because they were threatened with financial ruin or had no other means to supplement their wages. As many as one house in ten in some towns doubled as alehouses.<sup>4</sup> Among those thousands of people who flocked into towns wanting to re-establish their lives or find better opportunities for business were victuallers of wine, ale and food. The rejection of a parliamentary bill on its third reading in 1576 reveals that the government was by no means united on the issue of "the disorders of ale houses."<sup>5</sup> By 1577 a survey of 27 counties listed 2,000 inns and 14,000 alehouses in operation, the great

1 C.M. Iles, "Early Stages of English Public House Regulation", *Economic Journal*, XIII (June, 1903), p.253; Sidney and Beatrice Webb, *The History of Liquor Licensing Principally From 1700 to 1830* (London, repr.1963), p.8.

2 Peter Clark, "The Alehouse and the Alternative Society", in Donald Pennington and Keith Thomas (eds.), *Puritans and Revolutionaries: Essays in Seventeenth-Century History presented to Christopher Hill* (Oxford, 1982), p.66.

3 Walter Rye (ed.), *Depositions Taken Before the Mayors & Aldermen of Norwich, 1549-1567...* (Norwich, 1905), pp.3, 52-53.

4 Manning, *op. cit.*, p.164.

5 Hartley, *Proceedings*, pp.486-87, 489.

majority of them in the larger towns of the kingdom. Even then, these figures were incomplete and did not take into account the non-surveyed shires. The number of alehouses was probably nearer 18,000-19,000 and if Alan Everitt's figures are correct, then Yorkshire had the lion's share. As early as 1537 York alone contained more than 1,000 beds in city inns and stables for more than 1,700 horses. Sixty years later York corporation licensed as many as 64 innholders and more than 100 tipplers in the city.<sup>1</sup>

Sixthly and finally, each town played a substantial part in the debate over whether towns in the period 1500-1700 were generally 'rising' or 'falling'. The debate is a relatively new one and was fuelled initially by widespread scholarly interest in urban history as a specialised historical field. As urban history gained prominence in the mid-1960s and early 1970s two schools of thought arose concerning the rise or fall of Tudor and early Stuart towns. One advocated that the period from c.1450 to 1600 was one of economic growth and material achievement.<sup>2</sup> The other school set out to present this period as one of recession and declining national income.<sup>3</sup> Alan Dyer in his recent book, *Decline and Growth in English Towns, 1400-1640* (1991), explores the controversy in terms of the general social, political and economic trends in English towns between the fourteenth and seventeenth centuries.<sup>4</sup> Criticism from some quarters emerged that terms such as 'decay', 'growth' and 'decline' were not being used with rigorous precision. As a result doubts arose as to whether it is possible or not to vouch for urban prosperity and poverty.<sup>5</sup> Yet, even though it may be impossible to formulate a geographic *historique totale* for Elizabethan towns generally because of the long tradition of narrative surveys of single towns, it is still possible to make appropriate terms of comparison.

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1 Clark, *op. cit.* (1982), pp.48-53; Alan Everitt, "The English Urban Inn 1560-1760", in Alan Everitt (ed.), *Perspectives in English Urban History* (London, 1973), pp.93-94.

2 A.R. Bridbury, *Economic Growth: England in the Later Middle Ages* (London, 1962); A.R. Bridbury, "English Provincial Towns in the Later Middle Ages", *EcHR*, Second Ser., XXXIV, 1 (February, 1981), pp.1-24; A.L. Bridbury, *The English Economy from Bede to the Reformation* (Woodbridge, Suffolk, 1992), pp.266-92; Alan Dyer, "Growth and Decay in English Towns 1500-1700", *Urban History Yearbook 1979*, pp.60-72; D.M. Palliser, "A Crisis in English Towns? The Case of York, 1460-1640", *Northern History*, XIV (1978), pp.108-25; D.M. Palliser, *The Age of Elizabeth: England under the Later Tudors 1547-1603* (London, 1989); N.R. Goose, "In Search of the Urban Variable: Towns and the English Economy 1500-1650", *EcHR*, Second Ser., XXXIX, 2 (May, 1986), pp.165-85.

3 Clark and Slack, *Crisis and Order in English Towns 1500-1700...*; Clark and Slack, *English Towns*; R.B. Dobson, "Urban Decline in the Later Middle Ages", *TRHS*, Fifth Ser., XXVII (1977), pp.1-22; Charles Phythian-Adams, "Urban decay in Late Medieval England", in Philip Abrams and E.A. Wrigley (eds.), *Towns in Societies: Essays in Economic and Historical Sociology* (Cambridge, 1978), pp.159-85.

4 Especially chs. 2, 4, 5 and 6, wherein the claims of general theorists are compared with the experience of a number and variety of towns. Dyer highlights many difficulties concerning interpretations of documentary sources and archaeological evidence, with an eye to their contradictory, fragmentary and ambiguous character.

5 S.H. Rigby, "Urban Decline in the Later Middle Ages: Some Problems in Interpreting the Statistical Data", *Urban History Yearbook 1979*, pp.46-59; D.M. Palliser, "Urban Decay Revisited", in John A.F. Thomson (ed.), *Towns and Townspeople in the Fifteenth Century* (Gloucester, 1988), pp.1-21.



This thesis argues that the Privy Council had to deal with vagrancy in five towns with similar yet differing regional economies, cultural traditions and attitudes towards coping with people who had no settled roots and very few prospects. But as the reign of Elizabeth wore on and the country drifted into a long and costly war with Spain, the landless or unemployed elements in the vagrancy 'class' were infused with other types of vagabonds who were not immediately recognisable nor so hopeless as to be without direction and purpose in their lives. Elizabeth's Privy Council inherited and formulated vagrancy laws which did not always keep pace with the realities of social and economic change. The first three chapters deal with the general 'setting' of authority and vagrancy. They explore the rise of the Privy Council as an instrument in its suppression and the office(r)s of local and municipal government through which it worked. Furthermore, they examine the development of legislation which was fundamental to the Privy Council's campaigns against rogues and vagabonds; in Parliament from the early 1500s to 1571, and then from 1572 to the end of the sixteenth century. Many debates ensued because parliamentarians and privy councillors who were present wanted rogues and vagabonds to be defined and characterised in certain ways.

The second part of this study, Chapters 4 to 8, brings these threads together by concentrating on each town. Essentially, these chapters comprise the heart of the subject. The interplay between the Privy Council and town administrations in quelling vagrancy is set against the social, political and economic background of each community. Slack notes that "historical attention has sometimes concentrated too much on the statutes and the *poor-law*."<sup>1</sup> For this reason the machine-like processes of bureaucracy emerging in Tudor England will be balanced with examples of the actions, ideas and motivations of individuals. Government was very much a person-to-person experience; the fact that the Privy Council was a compact body of people lent its administration and procedure a personal feel. It issued orders which passed down a 'chain of command' but when councillors were away from London and in their localities of influence, they came face to face with cases of disorder, vagrancy and poverty, and dealt with them on the spot. In the light of success or failure, of cooperation or friction between the Privy Council and the towns' elites in dealing with vagrancy, Chapter 9 assesses and summarises the Privy Council's impact. It also puts this in the wider contexts of Tudor government and society what the ramifications for the early Stuart regime were.

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<sup>1</sup> Paul Slack, "Poverty in Elizabethan England", *History Today*, 34 (1984), p.7.



## CHAPTER 1

### ELIZABETH I'S PRIVY COUNCIL: FUNCTIONS, PROCEDURES AND PERSONNEL

...there shall never appeare a staid counsell till you have a smaller nombre and a perfitt trust of the prince in them. And in the mean tyme all good councillors shall have labor and dolor without reward.<sup>1</sup>

These councellors, like good centinels and watchmen, consult of, and for the publique good, and the honour, defence, safety, and profit of the realm...To these councellors all due honour and reverence is to be given, for they are incorporated to the king himself, and bear part of his cares, they are his true treasurers, and the profitable instruments of the state.<sup>2</sup>

The purpose of this chapter is to discuss the Elizabethan Privy Council's development and to comment on the major personalities in it who were responsible for formulating and implementing anti-vagrancy legislation. Also, it will look at some officials with whom privy councillors worked and provided contacts in the localities. The Privy Council began in the era of the Norman and Angevin monarchs, who relied on the support of the major landholding lay and ecclesiastical magnates in the land. As a medieval royal council it acted as a court or general assembly, and exercised legislative, judicial and executive duties without any clear discrimination regarding those people who did this work. These formed the "King's Council" or "curia regis", its duty being to advise or confer with the king whenever he felt disposed to consult it.<sup>3</sup> The great offices of state which the Lancastrians and Yorkists built up and bequeathed to the Tudors were administered by the curia or members of it: the Chancery, Exchequer, Chancellorship, Treasury and Parliament. The chancellor headed the monarch's secretariat, the treasurer had charge of managing royal finances and the curia generally functioned "to confer with and advise the king whenever he chose to consult it."<sup>4</sup> As late as the last two decades of the sixteenth century, the Privy Council remained characteristically medieval in its itinerancy. Government business may have expanded so much that its functions required a permanent base, a recognised focus on which people dealing with a branch of the Crown's government could converge. But a cursory reading of the *Acts* for the 1580s and 1590s shows that it convened at Greenwich, Richmond, Nonesuch, Oatlands or elsewhere, sharing the

1 Marquess of Winchester to Sir William Cecil, 24 August 1560. In Haynes, *State Papers*, p.361.

2 Edward Coke, *The Fourth Part of the Institutes of the Laws of England* (London, 1817), pp.52-53.

3 Norman Bentwich, *The Practice of the Privy Council in Judicial Matters* (London, 1912), p.1.

4 Michael Barraclough Pulman, *The Elizabethan Privy Council in the Fifteen-Seventies* (Berkeley, 1971), p.9.

peripatetic lifestyle of the royal court. When Elizabeth went on her royal progresses throughout the country, the Privy Council invariably followed.

The Privy Council's permanence as an institution is comparable to that of Parliament, but the Privy Council struggled to become a field of study in its own right. Tudor and Stuart historians focused their attentions on Parliament, to be precise the House of Commons, as the place to analyse the fates of domestic and foreign policies.<sup>1</sup> By the early 1920s, G.W. Prothero and A.F. Pollard recognised that the Tudor Privy Council was the principle institution through which the Crown worked. Perhaps Prothero's and Pollard's most important contribution to the study of the Privy Council was their exploration of the ambiguities and distinctions between King's Council, Privy Council and Star Chamber.<sup>2</sup> More recently it was envisaged that the Tudors tolerated the growth of the Commons only because they had privy councillors talented enough to manage its actions.<sup>3</sup> Elton, in his important work on the Tudor government's "Points of Contact", states that the Privy Council was "territory far less well known than the Houses of Parliament."<sup>4</sup> He believes that the real business of government took place in the Privy Council and its two related administrative bodies, the law courts and the Exchequer.<sup>5</sup> The Privy Council planned legislation in the early 1560s and it was Sir William Cecil, while he sat in the Commons until his elevation to the Upper House in 1571, who saw to it that the bills for Supremacy and Uniformity (1559), the elaboration of the Supremacy and for artificers and labourers (1563) and the consecration of bishops (1566) became statutes.<sup>6</sup> Elton's idea that the Privy Council's management and exploitation of personnel and institutions was more effective than parliamentary proceedings and statutory law, was recognised in the introduction and conclusion of a study carried out on a fishing dispute between the East Anglian towns of Yarmouth and Lowestoft.<sup>7</sup>

This study is not concerned with the Privy Council before the establishment of the Tudor dynasty in 1485, but the councillors who served Elizabeth built on the practices and

1 J.E. Neale, *Elizabeth I and her Parliaments*, 2 vols. (London, 1953-57), passim; T.E. Hartley, *Elizabeth's parliaments: Queen, Lords and Commons 1559-1601* (Manchester, 1992).

2 G.W. Prothero (ed.), *Select Statutes and Other Constitutional Documents Illustrative of the Reigns of Elizabeth and James I*, 2nd ed. (Oxford, 1898), pp.xcviii-xcix, ci-cii; A.F. Pollard, "Council, Star Chamber, and Privy Council under the Tudors" - "I. The Council"; "II. The Star Chamber", *EHR*, XXXVII (1922), pp.337-60, 515-39; "III. The Privy Council", *EHR*, XXXVIII (1923), pp.42-60.

3 David Harris Willson, *The Privy Councillors in the House of Commons 1604-1629* (Minneapolis, 1940), pp.3-4.

4 G.R. Elton, *Studies in Tudor and Stuart Politics and Government*, III (Cambridge, 1983), p.21.

5 G.R. Elton, "The Problems and Significance of Administrative History in the Tudor Period", *Journal of British Studies*, IV, 2 (1965), p.25.

6 G.R. Elton, *The Parliament of England 1559-1581* (Cambridge, 1986), pp.64-65, 92-93.

7 David M. Dean, "Parliament, Privy Council, and Local Politics in Elizabethan England: The Yarmouth-Lowestoft Fishing Dispute", *Albion*, 22, 1 (Spring, 1990), pp.39, 63-64.

precedents of the medieval past.<sup>1</sup> Sir William Cecil, Elizabeth's foremost privy councillor and administrator, was very conscious of the Council's long history. In the late 1580s he made a speech in the Star Chamber and acknowledged "that the same Court was the Councell of State of this Realme" and "that at all tymes since there was a king of this Realme his greate Councelle might decide all offences complayned of before them."<sup>2</sup> The name Privy Council originated in Edward II's reign when the terms "secretum consilium" and "privatum consilium" were first used. Gradually, as the fourteenth century wore on the term "Prive Counseil" gained wider acceptance.<sup>3</sup> Not until the reign of Henry VI did 'Privy Council' become normal usage, when the term emphasised an increasing distinction between the inner body of sworn and paid councillors, and those nobles, lawyers, etc., who were only occasionally summoned.<sup>4</sup> Towards the end of Richard II's reign and throughout the Lancastrian period the 'King's Council' steadily developed into "an ordered, formalized, professional, parchment-bound thing of proper forms and channels."<sup>5</sup> It started to record the dates, names and decisions of those magnates who were present, a practice which became much more systematic in the sixteenth and seventeenth centuries.<sup>6</sup>

The disintegration of royal authority and accompanying baronial strife during the Wars of the Roses, does not hide the fact that aspects of the so-called revolution in Tudor government already existed in the Privy Councils of the Lancastrian and Yorkist kings. Henry VI, Edward IV and Richard III were for the most part assisted by working councils even though the attendance of the magnates of the realm was irregular. The men advising the monarch on decision making and assisting in the execution of royal command were the major officers of the state: the Lord Chancellor, Lord Treasurer, Lord Privy Seal, the knights and esquires of the royal household and some lay administrators.<sup>7</sup> J.R. Lander's studies have shown that the Yorkists continued the process whereby their councils, far from being subdued as originally

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1 Material on the history of the medieval council from Norman to Lancastrian/Yorkist times is extensive. See: Albert Venn Dicey, *The Privy Council* (London, 1887); J.F. Baldwin, *The King's Council during the Middle Ages* (Oxford, 1911); Sir Almeric Fitzroy, *The History of the Privy Council* (London, 1928), pp.1-21; and Edward Raymond Turner, *The Privy Council of England in the Seventeenth and Eighteenth Centuries 1603-1784*, I (Baltimore, 1927), pp.4-12.

2 Theodore F.T. Plucknett, "The Place of the Council in the Fifteenth Century", *TRHS*, Fourth Ser., I (1918), pp.187, 88.

3 Turner, *op. cit.*, pp.25-26.

4 Tanner, *Tudor Documents*, p.216.

5 A.L. Brown, "The King's Councillors in Fifteenth-Century England", *TRHS*, Fifth Ser., 19 (1969), p.115.

6 *Ibid.*, pp.95-98.

7 Penry Williams, *The Tudor Regime* (Oxford, 1979), p.422.

thought, assisted in administering the kingdom by adjudicating on all manner of complaints and making policy decisions.<sup>1</sup>

The Tudor Privy Councils are much better documented institutions than their forebears because their registers, despite some brief gaps after 1540, have survived intact. In the Tudor and early Stuart periods a great change occurred in the relations between the Crown and the Council, and how the Council in turn administered the land. It has been suggested that "if the medieval Council acted as a check upon the King, and had sometimes become his master, the Tudor Council is the King's slave."<sup>2</sup> The Tudors were left unhindered by the self-destruction of the once powerful nobility. Only on two occasions in the sixteenth century, 1549 and 1553, in contrast to the chronic instabilities of the fifteenth century, did schism within the Privy Council threaten to erupt into full-scale civil war.<sup>3</sup> Otherwise a dominating feature of the Tudor era was the consolidation of government and bending it to the dynasty's will. We find that by 1500 its business is increasingly all-encompassing, especially in the matter of regulating the lives of the people. Vagrancy, enclosures, rioting and robberies, apparel and rules regarding conditions of employment came under the scrutiny of Henry VII's advisers.<sup>4</sup>

There was no sudden transformation in Henry VIII's Privy Council when he was crowned in 1509. In his early years he was content to leave the actual business of government to the Council, chiefly the nine men who had served his father.<sup>5</sup> Under Cardinal Wolsey's influence the Privy Council became a more subservient body but the volume of its work kept growing. The 1526 Council Ordinances made provisions for twenty councillors to "give their continual attendance" in adjudicating the king's business, with an emphasis on the "hearing and direction of poor men's complaints on matters of justice."<sup>6</sup> However, as the Letters and Papers of his later years attest, Henry VIII needed an effective council to cope with the practicalities of divorcing Katherine of Aragon, breaking with Rome, dissolving the monasteries and chantries, suppressing the Pilgrimage of Grace and having 'stacks of statutes' passed through Parliament. The pressures of the 1530s and early 1540s forced the bulk of the Council's work to become administrative and judicial, not simply advisory.<sup>7</sup>

1 J.R. Lander, "The Yorkist Council and Administration", *EHR*, LXXIII (1958), pp.27-46.

2 Tanner, *Tudor Documents*, p.215.

3 Outlined in Pollard, *op. cit.* (1923), p.53.

4 William Huse Dunham (ed.), *Select Cases in the Council of Henry VII*. Selden Society, 75 (London, 1958).

5 Pulman, *The Elizabethan Privy Council in the Fifteen-Seventies*, p.12.

6 Carl Stephenson and Frederick George Marcham (eds.), *Sources of English Constitutional History* (New York), pp.331-32; Tanner, *Tudor Documents*, pp.220-21.

7 I.S. Leadam (ed.), *Select Cases Before the King's Council in the Star Chamber...A.D. 1509-1544*. Selden Society, 25 (London, 1911).

One Henrician development served as a foretaste of the Elizabethan Privy Council. This was the reduction in the number of councillors. During Henry VII's reign a total of 227 councillors served the king. At any one time a meeting of 40 or 50 councillors proved far too bulky and faction-prone to be efficient. The size shrank during Wolsey's era to 120, to 19 in 1536-37, 19 in 1540, 22 in 1548, 31 in 1552, 50 under Mary (of which only 19 were actively working councillors), 19 in 1559 and 1586, 11 in 1597 and 13 in 1601.<sup>1</sup> It is not clear, as Elton suggested, how Henry VII's entourage of advisers, courtiers and hangers-on developed into Elizabeth's small but compact group.<sup>2</sup> Neither have historians agreed on the significance of this transformation. There has been a long-standing debate on how the Privy Council developed into a small institutional organisation in the fifty-or-more years before Elizabeth succeeded to the throne. This debate centres on Thomas Cromwell's role in instigating a Tudor revolution in government. Whatever the outcome of this argument, what is essentially important is that an amorphous body of councillors became a formal governing body. It achieved a dual function in handling judicial and administrative business, whereby the Privy Council dealt with administration and when it sat in the Star Chamber it executed conciliar jurisdiction.<sup>3</sup> Elizabeth's advisers would reflect those of the 1530s-40s in that they continued a definite narrowing of the consultative process. The advantages of a small executive board more than balanced the political disadvantages; most of its time became involved in day-to-day government.

The type of Privy Council with which Elizabeth would have been familiar in terms of numbers and organisation first met on 10 August 1540. It consisted of 8 peers, 5 clerics and 6 knights who held offices of state or within the royal household. From that time onward a clerk was appointed to its meetings, recording its decisions in a new series of council registers. The record of the day reveals the following:

The 10th day of August in the 32nd year of the reign of our sovereign lord king Henry VIII...an order was taken and determined by his Majesty by the advice of his Highness' Privy Council...there should be a clerk attendant upon the said Council to write, enter and register all such decrees, determinations, letters and other such things as be appointed to enter in a book, to remain always as a leger, as well for the discharge of the said councillors touching such things as they should pass from time to time.<sup>4</sup>

1 John Guy, *Tudor England* (Oxford, repr.1989), p.310; Williams, *op. cit.*, pp.29-30.

2 Elton, *Tudor Constitution*, pp.88-90.

3 Williams, *op. cit.*, p.30.

4 Elton, *Tudor Constitution*, pp.96-97; *APC 1542-1547*, p.viii.

Excepting the clerics this Council's composition resembled closely the arrangement under Elizabeth. From the time when Henry VIII disposed of Cromwell till his own death in 1547, this was the kind of board he retained to assist him.<sup>1</sup> Two crucial aspects of the Privy Council's authority developed during this time. From 1540 onward it could empower local officials to investigate matters further and all councillors, "in matters touching the king", were legally empowered to bail or bind people over to keep the peace or to appear before them in the Star Chamber. It could also "compel them to do or abstain from doing almost any kind of act."<sup>2</sup> The decisions of the Privy Council were now recorded in its *Acts* and the court of Star Chamber's in the (now lost) *Books of Orders and Decrees*.<sup>3</sup>

The Council experienced many difficulties from the death of Henry VIII to Elizabeth's accession in 1558. Edward VI's Privy Council was marred by intense factionalism in the regimes of the Dukes of Somerset and Northumberland, despite Sir William Paget's attempt to reform it in 1549.<sup>4</sup> In Mary's reign the number of personnel on the Council reverted to that of Henry VII. The membership by March 1554 numbered 44 and as many as 33 or 34 councillors attended the meetings<sup>5</sup>, the end result of rewarding too many loyal friends. An answer to this unwieldy number of councillors was found in confining policy development to a number of committees, but these only had the effect of giving an unconvincing appearance of solidarity to its work.<sup>6</sup> The imperial ambassador for Charles V wrote many times to his king in late 1554 and early 1555 on the impracticalities of "the excessive number of councillors" and the difficulty in transacting any sort of meaningful business on account of divisions in the Privy Council.<sup>7</sup> The one important development in Mary's reign involved the Council acquiring a seal of its own in 1556. Previously it relied on members' signatures only.<sup>8</sup> Now that the Privy Council had the services of clerks, a register and a seal, its institutional organisation was complete.

In spite of the shortcomings of Edward VI's and Mary's rule, their reigns established the fact that the monarch had at his or her disposal a staff of selected advisers to assist in governing the realm. Conciliar letters between 1547 and 1558 on a whole range of business are evidence that its work was already all-encompassing. Especially notable were Edward VI's Council Ordinances (1553) in which he outlined several steps to finalise business in a more

1 Pulman, *The Elizabethan Privy Council in the Fifteen-Seventies*, p.15.

2 Tanner, *Tudor Documents*, p.228.

3 Elton, *Tudor Constitution*, p.92.

4 D.E. Hoak, *The King's Council in the Reign of Edward VI* (Cambridge, 1976), pp.273-75.

5 Pulman, *The Elizabethan Privy Council in the Fifteen-Seventies*, p.16; Tanner, *Tudor Documents*, p.218.

6 Elton, *Tudor Constitution*, pp.99-100; Tanner, *Tudor Documents*, p.224.

7 CSP, *Spanish, 1554-1558*, pp.91, 101, 139, 147, 367.

8 Leonard W. Labaree and Robert E. Moody, "The Seal of the Privy Council", *EHR*, XLIII (1928), pp.190-202.

forthright and effective manner.<sup>1</sup> Whatever the number of councillors or their style of work, during this period as in the Elizabethan one, a small group of them took control of most of the Privy Council's business. Vagrancy and its related issues were handled in this way. When orders went out to the provinces concerning the arrest and punishment of suspected vagabonds, some members were not present when this business was decided upon. On most occasions in Elizabeth's councils, membership averaged out at eleven or twelve members but the actual transaction of business regularly became the responsibility of only half that number.

From the beginning of her reign Elizabeth I adhered to Thomas Cromwell's precept of keeping the Privy Council as a small and therefore manageable body. Part of Elizabeth's speech at Hatfield House on 20 November 1558 bears this out, when she considered "a multitude doth make rather discord and confusion than good counsel."<sup>2</sup> Elizabeth had to take care in doing the least possible dislocation to the 'public service'. And she had to constitute her council in such a way as to retain for herself the greatest weight in deciding the topics of its discussions. Though 15 of Mary's councillors were omitted, 11 stayed on and 7 new councillors were appointed. Thus a degree of continuity characterised Elizabeth's government's personnel with several Marian councillors keeping their judicial or administrative capacities. By the time of her coronation day on 15 January 1559, all the places in the Privy Council and offices of the household were filled, although there was some disquiet over the sacking of William Paget. He had been the most effective and energetic member of the Council.<sup>3</sup> Originally Elizabeth's Privy Council had twenty one advisers. In 1568 it had been reduced to fifteen. It increased slightly to eighteen in 1578 but by the end of her reign the Privy Council was only half the size it had been in 1558. Nevertheless the councillors of 1601 still represented a very select and powerful body.<sup>4</sup> A small group of four or five men actually undertook the bulk of the work. Unlike some others the Lord Treasurer and Secretary regularly attended the Council's meetings. To an extent, James I adhered to the principle that 'small was beautiful' by calling no more than 24 to his Privy Council, with an intention to reduce the number by degrees.<sup>5</sup>

Technically, privy councillors were equal and united in their desire to serve Elizabeth but in practice some personal rivalries existed among them. They had different temperaments

<sup>1</sup> Tanner, *Tudor Documents*, pp.221-24, 232, 234, 237, 241.

<sup>2</sup> James Anthony Froude, *History of England*, VI, (London, 1875), pp.120-21.

<sup>3</sup> Wallace MacCaffrey, *The Shaping of the Elizabethan Regime* (London, 1969), pp.29-30.

<sup>4</sup> Pulman, *The Elizabethan Privy Council in the Fifteen-Seventies*, p.17; *APC 1554-1556*, p.130.

<sup>5</sup> *CSP, Domestic, 1603-1610*, p.7.



and approaches to the job, so in effect the Privy Council was not a monolithic institution. In religion alone, an agent of the Emperor Ferdinand advised him in 1559 on the potential for animosities to erupt at any given moment: "As regards Her Majesty's Councillors only her Secretary Cecil is a Lutheran, some others are Zwinglians, some, in my judgement, believe little or nothing. Others some years ago showed themselves very Catholic."<sup>1</sup> Public policies provided a facade behind which family feuds could be played out and there were two glaring cases of this: firstly, between William Cecil and the Earl of Leicester in the 1570s; secondly, between Sir Robert Cecil and the Earl of Essex in the 1590s.<sup>2</sup> In each case a courtier vied with a statesman over certain aspects of public policy but in the matter of domestic security-related issues this should not be overstated, since the Privy Council's decisions were unanimous. The Protestant commitments of men such as Sir William Cecil and Walsingham were invaluable in uniting them in a common purpose. Believing that a Rome-sponsored Catholic league was bent on destroying England, even the normally puritanical Walsingham wrote that "unity might be a strength to ourselves."<sup>3</sup>

Who then were Elizabeth's principle councillors who discussed and assisted in the drafting of the policy details to do with vagrancy? Not every privy councillor who served Elizabeth was involved in this issue, so it would be pointless to describe each and every one. The following councillors, however, largely modified the policy of the State and thus bore the major responsibility for formulating and implementing vagrancy legislation. They formed a small body of experienced legal and administrative experts at the top level, and knowledgeable in the intricate routines of state business.<sup>4</sup> The purpose of the following biographies is to show that the following privy councillors, whether political or official, gentry or nobility, shared many similarities. Some had experienced government service in Edward VI's reign, so they were not so much 'new men' as 'old hands'. They were all, to varying degrees, gentlemen and educated, and landowners. Some accumulated properties on a vast scale.

The most important councillor of all in terms of order of appointment, influence and longevity was William Cecil, later Lord Burghley. Sir Robert Naunton described Cecil as a "person of most subtle and active spirit, who although he stood not altogether by way of contestation and making up of a party and faction...was wholly intentive" to Elizabeth I.

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1 Klarwill, *op. cit.*, p.108.

2 Alan G.R. Smith, *The Government of Elizabethan England* (London, 1967), pp.22-24.

3 Conyers Read, "Walsingham and Burghley in Queen Elizabeth's Privy Council", *EHR*, XXVIII, (1913), p.35.

4 On the generational aspects of the Privy Council and the political alliances within it, see MacCaffrey, *op. cit.*, pp.245, 291-95, 315.

William Cecil came to the notice of Edward VI and between 1547-1553 proceeded to consolidate the fortunes of himself and his family. Consequently, his administrative and legal talents led him to become a secretary of state and privy councillor in September 1550. He sat on a commission dealing with Anabaptists in 1551, served as Recorder for the town of Boston, was knighted in October 1551 and in April 1552 received the appointment of chancellor of the order of the Garter. Under Mary he lost the posts he held previously. However, Mary saw fit to employ him as a justice of the peace in Lincolnshire, punishing spreaders of sedition and false rumours. On Mary's death Elizabeth appointed him chief Secretary of State almost immediately. Cecil would outlive all the men who formed the original Privy Council in 1558 and more than most, immerse himself in the sheer routine of day-to-day administration. There are many references to Cecil in his capacity as Secretary of State (1558-72) and Lord Treasurer (1572-98) on various aspects of vagrancy-related problems. This is no accident. Cecil left behind a huge mass of manuscripts on every conceivable subject concerning the maintenance of good order in Tudor England. In 1596 alone he personally read 1,290 documents - testimony to his capacity for hard and diligent work.<sup>1</sup>

If Cecil epitomised the official, administrative side of the Privy Council, Robert Dudley, Earl of Leicester and Elizabeth's court favourite, represented the political machinations of the board. Like Cecil, Leicester enjoyed political advancement during Edward VI's reign, becoming a gentleman of the king's privy chamber in 1551, joint-commissioner of lieutenancy in Norfolk in May 1552 and MP for the county in 1553. Elizabeth appointed Leicester to the Privy Council in 1562 and he soon antagonised Cecil and the magnates on the council with his character and scheming. Nonetheless his faithful attendance and regular attention drew him into the heart of all state business. Apart from receiving the lordships and castles of various lands in England and Wales in 1563, and becoming chancellor of the county palatine of Chester in 1565, Leicester abandoned his previously cosy relations with Catholics and thereafter supported the Puritan cause. In doing so Leicester contrived to improve his influence at the court but it brought him into contact with a group of people who believed fervently in social order, individual discipline and the punishment of moral offences. In this respect the Northampton Puritan experiment of the early 1570s comes to mind. The earl was more directly involved with vagrancy during his disastrous command of the army in Holland in the mid-1580s. The

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<sup>1</sup> *DNB*, IX, pp.406-12; Sir Robert Naunton, *Fragmenta Regalia or Observations on Queen Elizabeth, Her Times & Favourites* (1641) ed. John S. Cerovski (Cranbury, New Jersey, 1985), pp.53-55; B.W. Beckingsale, *Burghley: Tudor Statesman 1520-1598* (London, 1967); *CSP, Simancas*, II, p.364.

professionalism of the Spaniards, in contrast to the equipment, supplies and amateurism of the English soldiers and their commanders, encouraged desertions on a scale which Leicester could not allay. He did not unduly influence much in domestic policy but as far as poor relief goes he did establish a hospital for the poor at Warwick in 1571.<sup>1</sup>

The diplomat and administrator Sir Ralph Sadler spent much of his early years in service on missions into Scotland and being active in dissolving the monasteries. By the early 1540s he served as a secretary of state and later took up the post of navy treasurer during the campaign in Scotland (1544). Converted to the Protestant faith, his career under Mary faltered but she trusted him enough for him to have the right to raise an army and suppress "any soden tumulte, stirre or rebellion within our realme." Sadler did not regularly attend the Privy Council but he served effectively by other means. Cecil proved to be his main ally on the board and in the Northern Rebellion of 1569-70 he employed Sadler to good effect as paymaster-general, adviser and superintendent on the expedition that crushed it. Sadler found himself stationed at York on many occasions and while there he realised there were appalling drawbacks in the mustering of soldiers, provisioning them and keeping a lid on their tendency to desert and take up a vagrant's life. His despatches on various military and security-related matters are valuable contemporary records on disorders in the north of England.<sup>2</sup>

Sir Nicholas Bacon, the Lord Keeper, was a highly trained professional man who graduated from Christi College, Cambridge in 1527 and went on to read law at Gray's Inn. In Henry VIII's time he became an MP, obtained the attorneyship of the court of Wards and was named solicitor of the Court of Augmentations. Elizabeth appointed him head of Chancery in 1558, a post he retained until his death in 1579. Bacon did not stand out as a zealous Protestant or politically-driven administrator, but he advised strongly against England being a passive spectator of Catholic activities in Europe. In Parliament, Bacon made the opening and closing addresses, which never varied a great deal from his two main themes of taxation and special legislation. Through his work he controlled a whole panoply of briefings, ministerial statements, royal messages, and the way members not only reacted to them but were able to use them. When the vagrancy laws of the 1570s were being framed Bacon spoke at length on the better execution of these and other laws.<sup>3</sup>

<sup>1</sup> *DNB*, XVI, pp.112-22; Collins, *Letters and Memorials of State*, I, pp.44-47; Hartley, *Proceedings*, p.254.

<sup>2</sup> *DNB*, L, pp.109-12; Arthur Clifford (ed.), *The State Letters and Papers of Sir Ralph Sadler*, 3 vols. (Edinburgh, 1809); Lodge, *Illustrations*, I, pp.139-40.

<sup>3</sup> *DNB*, II, pp.366-71; Hartley, *Proceedings*, pp.xvii, xix, 3, 36, 190-92; Naunton, *op. cit.*, p.62.

Sir Francis Knollys, Vice-Chamberlain and Treasurer of the Household entered the House of Commons in 1542 and represented Horsham. By the time he made his presence felt at a conference of Catholics and Protestants in William Cecil's house in 1551, Knollys had strong Protestant convictions. Knolly's prospects declined while Mary reigned and so he fled to Germany. In return for his loyalty to Elizabeth, Knollys became a privy councillor in December 1558. In his parliamentary career Knollys frequently spoke for the central government on a variety of political matters but in matters of religion he remained a zealous Puritan. His closeness to Elizabeth enabled him to be employed in various roles. As governor of Portsmouth in 1563 Knollys experienced problems in supplying men and money on the disastrous Le Havre expedition. Three years later he battled vainly to control the expenditure on suppressing a rebellion in Ireland. His task of taking charge of Mary, Queen of Scots and the inquiry into her alleged misdeeds in the late 1560s heightened his Puritan views and influenced his actions in Parliament. In May 1572 he would express views on the sorts of people who should be legislated against as vagabonds. In the 1580s he keenly participated in stamping out heresies such as the 'Family of Love' and interrogating Jesuit and seminary priests. During the Spanish Armada crises he commanded the land forces of Hertfordshire and Cambridgeshire.<sup>1</sup>

Sir Walter Mildmay, the Chancellor of the Exchequer, came from a *nouve riche* family that was typical of that age in the way it saw office as a means to land-owning status and for whom university education meant a preparation for public service. Mildmay was a staunch Calvinist and his administrative career progressed steadily in Edward VI's reign. His positions included surveyor general on the court of Augmentations, commissioner to investigate the state of the royal revenues in 1547, and in the early 1550s he immersed himself in many financial matters involving the Crown. Under Elizabeth he continued handling royal revenues and did so throughout the 1570s. Mildmay founded Emmanuel College at Cambridge and he became socially and politically intimate with the university's chancellor, Lord Burghley, no less. With his rise to the Privy Council in 1566 Mildmay began to exert his influence there and in the Star Chamber and Parliament. He encouraged the spread of Puritanism at and beyond Cambridge in the 1560s-70s, sincerely wanting a more powerful godly and learned ministry. He defended Puritans against bishops' complaints, supported motions for "the publique dealing of the Jesuites" and for sending soldiers into Ireland, and advocated the suppression of all domestic

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<sup>1</sup> DNB, XXXI, pp.275-79; Lodge, *Illustrations*, I, pp.381-82; Klarwill, *op. cit.*, p.88.

disturbances, especially those initiated by "certeyne unduetifful subiectes in the north." Like Knollys, who persistently championed the Puritan cause and called for all recusants to be barred from holding public office, Mildmay found an ally on the Privy Council in Walsingham.<sup>1</sup>

In the 1570s the Privy Council became much more vigorously Protestant in character and the councillors most associated with this development were Sir Francis Walsingham, Sir Thomas Smith and Sir Christopher Hatton. Walsingham was reputedly one of the craftiest and most devious councillors to have served Elizabeth. He matriculated in 1548 at that "veritable hotbed of advanced Protestantism", King's College and gained admittance to Gray's Inn in 1552.<sup>2</sup> Being an overt and aggressive Protestant, Walsingham found it prudent to leave England while Mary reigned and during this time studied the laws and languages of the major states of Europe. This gave him the training necessary for a political and diplomatic career, and a hankering for the less pleasant aspects of information gathering, such as his much-vaunted spy service in England and on the Continent. Cecil was impressed with Walsingham's knowledge of foreign affairs and employed him in obtaining secret intelligence from foreign correspondents. His bluntness in encouraging the queen to wage war on Catholic Europe and making England a Protestant stronghold brought the royal wrath down on him on many occasions. He was sworn to the Privy Council in December 1573. In the conduct of foreign affairs Walsingham shared most of the administrative burdens of government with Burghley, but his most conspicuous act of government business lay in the hunting down and examination of Jesuit and seminary priests. It has been alleged that in amassing evidence against these people and their local supporters, high or low, Walsingham was ruthless. He was not, however, solely responsible for the formulation of statutory laws against Jesuits and seminaries, nor the cruel treatment meted out to them when they were apprehended. Like other privy councillors he viewed them as threats to the State because they disseminated illegal and subversive doctrines and fermented resistance to English law. Furthermore, imprisonment and execution cases were referred to him.<sup>3</sup>

In his capacity as principle secretary, once Cecil had left the office and gone to the Treasury, Sir Thomas Smith acted as the most important link between the queen and the Privy

1 *DNB*, XXXVII, pp.374-76; Lodge, *Illustrations*, II, pp.159-60; Frank Stubbings, *The statutes of Sir Walter Mildmay Kt Chancellor of the Exchequer and one of her Majesty's Privy Councillors, authorised by him for the government of Emmanuel College founded by him* (Cambridge, 1983), pp.7-18.

2 Alison Plowden, *The Elizabethan Secret Service* (Hemel Hempstead, Hertfordshire, 1991), p.53.

3 *Ibid.*, pp.54-56; Naunton, *op. cit.*, pp.59-61; *DNB*, LIX, pp.231-240; Conyers Read, *M<sup>r</sup> Secretary Walsingham and the policy of Queen Elizabeth*, 3 vols. (Oxford, 1925).

Council. He controlled the Signet, symbol of conciliar authority, being admitted to the Privy Council in March 1571. Plagued by ill-health, Smith had to share the principal secretaryship with Walsingham but his was not a totally negligible influence on the vagrancy theme. Smith pioneered the establishment of a colony at Ards in Ireland (1572), a project requiring soldiers to protect it. To his embarrassment Elizabeth would remind him a few years later of the social dislocation and anarchy this caused. A scholarly man, Smith also penned one of the great sixteenth century tracts on English government and society, *De Republica Anglorum*. In this work he drew on his experience to describe not so much the actually workings of administration but more its formal framework, the classes in Tudor society and the offices of government by which they were ruled.<sup>1</sup>

Sir Christopher Hatton was a native of Holdenby in Northamptonshire and in the course of his conciliar and parliamentary career, remained closely associated with the county. Hatton owed his rise to service in Elizabeth's reign, initially, in much the same way as Dudley had, as a courtier. Elizabeth ensured that Hatton experienced practical administrative tasks in the 1560s and early 1570s. She made him keeper of her parks in Surrey and Kent, and granted him the reversion of the office of queen's remembrancer in the exchequer (1571) on several estates in Yorkshire, Herefordshire, Dorset and Leicestershire. As an MP for Higham Ferrers 1571 and Northamptonshire in 1572, Hatton gained valuable political skills and he rose from a gentleman of the privy chamber and captain of her guard in 1572 to vice-chamberlain of her household in 1577. In 1577 he became a privy councillor and regularly attended its meetings. By the mid-1580s he was recognised as Elizabeth's mouthpiece in the Commons and a dedicated Protestant, guiding the passage of the bill against seminaries and Jesuits in 1584 into the statute book, interrogating real and alleged conspirators against the queen.<sup>2</sup>

The aforementioned councillors symbolised the success of the landed gentry in wresting control of the administration system from the more conservative, aristocratic magnates of the realm. In 1568, however, the nobility still made up a third of the fifteen-member Council. Only their differing temperaments and abilities prevented them from constituting a united danger to Elizabeth. The Duke of Norfolk and the Earls of Derby and Huntingdon held sway over vast areas of land and very significantly, people's loyalties. Noble families were connected by blood

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<sup>1</sup> *DNB*, LIII, pp.124-27; Mary Dewar, *Sir Thomas Smith: A Tudor Intellectual in Office* (London, 1964); Lodge, *Illustrations*, II, pp.7-8.

<sup>2</sup> *DNB*, XXV, pp.159-62; Lodge, *Illustrations*, II, p.160; Eric St. John Brooks, *Sir Christopher Hatton: Queen Elizabeth's Favourite* (London, 1946).

and marriage, so the Tudors found it wise to keep them close at hand by appointing a number of nobles to the Privy Council. Their seats of power were far from London and knowing what happened in them was not always possible. Elizabeth did not risk the possibility of their brooding - or plotting - on their domains. Being the most eminent and only peer of his kind remaining in England and a cousin of the queen, Thomas Howard fourth Duke of Norfolk was bound to have a say in England's affairs. The duke enjoyed immense power and popular support in East Anglia and strong connections with the authorities in Norwich. In 1559-60 he gained military experience during the campaigns against the French in Scotland. Unfortunately, his was not an inspired choice for the Privy Council (1562) and the delay may have had much to do with certain weaknesses in his outlook: lack of tact and political acumen; resentment at the favours bestowed on Dudley; over-confidence in his own position; and a suspicion by others that he did not totally embrace the Church of England. Norfolk's marital affairs kept him from having a decisive say on affairs of state. The flight of Mary, Queen of Scots to England in 1568 and his half-hearted plan to marry her led to his downfall and eventual execution in 1572. Yet in the context of this study he did have some impact on poor relief in Norwich.<sup>1</sup>

Edward Stanley, third Earl of Derby, played a major role as a privy councillor. He was descended from William Stanley, Henry VII's ally at Bosworth, whom the Tudor installed as Earl of Derby with control over Lancashire and Cheshire. He helped suppress the Pilgrimage of Grace and was steadfast in his loyalty to Henry VIII. The Reformation, however, tested him and as a peer in the House of Lords he protested against the bills confirming the new liturgy, destruction of the old service books, compulsory attendance at divine service and the legalising of marriage for priests. His intransigence did not prevent him from being sworn a privy councillor in 1551 and then lord lieutenant of Lancashire in May 1552. He undertook many actions against heretics during Mary's rule and still retained his place on the Privy Council under Elizabeth, being appointed chamberlain of Chester and visitor of churches for Yorkshire in mid-1559. Elizabeth made him lord lieutenant of Cheshire and Lancashire in 1569 and during the Northern Rebellion he did all he could to help the government. Yet his Catholic sympathies and connections made him suspect to Elizabeth right up to his death in 1572, but as lord lieutenant Derby was ultimately responsible for law and order in England's northwest shires.

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<sup>1</sup> *DNB*, XXVII, pp.67-71; Neville Williams, *Thomas Howard Fourth Duke of Norfolk* (New York, 1964).

He oversaw the mustering and training of soldiers, proceeded frequently against recusants, vagrants and army deserters, and suppressed popular unrest.<sup>1</sup>

Henry Hastings, third Earl of Huntingdon, made a great impact on administration and policy. The earl was one of the most powerful and vigorous nobles in Elizabethan England, having a strong claim to the throne and fervent Puritan leanings. The description of him by his younger brother Sir Francis Hastings marked him out as a 'godly magistrate': "in whome soever hee found eyther backwardnes, or blinde ignorance, hee would seeke lovinglie to have them instructed, or elce by Just severitie to correcte and reforme them, as the strength of his Authoritie in his place would permitt and gyve leave..."<sup>2</sup> As lord lieutenant of Leicestershire and Rutland, 1559 and 1569 respectively, and later as President of the Council of the North in 1572, Hastings was undoubtedly one of the most important 'link men' for the Privy Council and the localities over which he exercised jurisdiction. Not the least of these were the towns of Leicester and York. Huntingdon not only symbolised the link between the municipal and central governments; he played a commanding role in the towns' daily life. He worked closely with the town corporations and county authorities on matters of law and order and took great interest in the provision of constructive work schemes and poor relief for the destitute. This does not mean that tensions between him and the local authorities did not exist but his actual physical presence in the town on many occasions lent weight to *his* authority. As England drifted closer to war with Spain, Huntingdon took active measures in mustering soldiers bound either for Ireland or the Netherlands and scoured the northern countryside for Jesuits, seminary priests and their confederates.<sup>3</sup>

Henry Carey, Lord Hunsdon was also a cousin of Elizabeth and he became one of the "lords and others" of the Privy Council in 1561. A straightforward man, rough in speech, conduct, aloof from factions and a lover of "sword and buckler men", Hunsdon protected Berwick, Northumberland and Newcastle during the abortive coup of 1569-70. In the early 1570s he suppressed marauders on the Borders and according to popular tradition, took a particular delight in hanging Scottish thieves. After 1572, when the Duke of Norfolk's execution meant that there was no longer a magnate with sufficient status or local connections to

1 F.R. Raines (ed.), *The Stanley Papers*, Part II. Chetham Society, Old Ser., XXXI (Manchester, 1853); *DNB*, LIV, pp.50-52. As lord lieutenants for most of the period 1551-1640, the Stanleys would hold these counties as virtual family 'heirlooms'. Read B. Coward, "The Lieutenancy of Lancashire and Cheshire in the Sixteenth and Seventeenth Centuries", *Transactions of the Historic Society of Lancashire and Cheshire*, 119 (1967), pp.39-64.

2 Quoted in M. Claire Cross, "The Third Earl of Huntingdon and Trials of Catholics in the North, 1581-1595", *Recusant History*, 8, 3 (October, 1965), p.136.

3 *DNB*, XXV, pp.126-28; Claire Cross, *The Puritan Earl: The Life of Henry Hastings Third Earl of Huntingdon 1536-1595* (London, 1966).



undertake the lieutenancy of Norfolk and Suffolk, Elizabeth entrusted the job to Hunsdon. Hunsdon owned no lands in East Anglia and was a stranger to both shires. In effect his deputies wielded the office and this meant that in Norfolk, for example, most of the gentry engaged in sharp competition for prestigious and influential positions in local administration. Hunsdon's ability to curb their worst excesses and make them obey the Privy Council would be tested in the late 1580s and early 1590s. His rise to the position of Lord Chamberlain in 1583 and his command of a 36,000-man bodyguard of the queen's person during the Armada crisis was no guarantee of obedience to his authority.<sup>1</sup>

By the late 1590s, after thirty years of continuity and experience, all of the first generation of privy councillors, save Lord Burghley, had died. Sir Thomas Egerton, commenting on the parliamentary sessions of 1597-98, hinted at the problems ahead: "Here is like to be new Lord Keeper, new Speaker, new Clerk, and all of us newly to learn our duties."<sup>2</sup> Of the Council of thirteen which sat in Elizabeth's last Parliament in 1601 only three had been privy councillors in 1586-87. Managerial and parliamentary experience were therefore lacking. The Privy Council by now consisted of only a handful of individuals and as a consequence the influence of further parliamentary legislation on vagrancy was the responsibility of only a very few people. Apart from Burghley, who died in 1597, these people were his son Sir Robert Cecil and Sir John Popham. The younger Cecil's first official duty occurred in 1588 when he accompanied the embassy discussing peace conditions with Spain. In 1589 he was appointed knight and Sheriff of Hertfordshire and two years later sat on the Privy Council, rising to the position of secretary of state in 1596. In the last years of Elizabeth's reign and the first decade of James I's, Cecil had virtually the whole administration of the country in his hands. There was no 'cabinet' as such with which he could share the burdens and responsibilities of office. During the Parliament of 1601 he successfully obtained more supplies to prolong the war in Ireland but in his private correspondence of that year he despaired of the gross inefficiencies in mustering men and provisions. Letters from the civil and military authorities in Chester would inform him of near-anarchic conditions regarding deserters, spies and vagrants.<sup>3</sup>

Sir John Popham had a lasting influence on vagrancy legislation. Popham's special skill was the law and it enabled him to become Reader at the Middle Temple in 1568. From 1571-83

<sup>1</sup> Pulman, *The Elizabethan Privy Council in the Fifteen-Seventies*, pp.29-30; *DNB*, IX, pp.68-70; Naunton, *op. cit.*, pp.69-71; A. Hassell Smith, *County and Court Government and Politics in Norfolk, 1558-1603* (Oxford, 1974), pp.50, 242.

<sup>2</sup> HMC, *Marquis of Salisbury*, Part VII, p.359.

<sup>3</sup> *DNB*, IX, pp.400-4.

he represented Bristol as MP and Recorder. He was a privy councillor in 1571 and soon rose to the position of Chief Justice of the King's Bench. At the Parliament of 1576 he was instrumental in drawing up the bills for subsidy but his hardline attitude towards idleness and vagrancy also made itself felt. With "strict justice, and unwearied application...he administered justice with...wholesome severity."<sup>1</sup> The poor and the vagrant had to be made to work and cutpurses, thieves and highwaymen deserved to feel the full rigour of the law. Rising to the position of Lord Chief Justice in 1592, Popham played a prominent part in state trials and he sat on many committees which devised the means to punish rogues and vagabonds. In the drafting of the Poor Law Act 39 Eliz., c.4, Popham was responsible for the banishment of vagrants "into such parts beyond the seas as shall be at any time hereafter for that purpose assigned."<sup>2</sup>

Privy councillors replicated their ministerial power as influential county magnates. They possessed many manors in virtually every county of the realm and this provided the foundations for the enormous power that they exercised as a bloc. Their periodic residence on the lands that they owned in Yorkshire, Cheshire, Norfolk, Leicestershire or Northamptonshire assisted them in gaining knowledge of local people, customs and conditions. Each councillor had some idea of which offices of administrative responsibility were being coveted for the prestige attached to them. They also developed a sense of which local notables would make the best magistrates and could be trusted with administering the financial burdens of office. The Privy Council did not hesitate to interfere in the process of commissions of the peace, even though this was normally the preserve of the Lord Keeper or Lord Chancellor.<sup>3</sup> The landed status of privy councillors is crucial to knowing how successfully the entire Elizabethan administration worked. In the absence of a paid bureaucracy it gave them control over those officials on whom the monarch depended to carry out orders. All privy councillors were included in commissions of the peace and parliamentary leadership. The association of a councillor with a particular county and the major town within it is a common feature of all the various segments of the board. This power complemented the influence they mustered over royal policy, acquired on appointment as Elizabeth's advisers. For instance, Burghley was frequently in contact with the Queen by virtue of his position as her most trusted minister. He could manage and manipulate the information

<sup>1</sup> Nichols, *History and Antiquities*, II, Part 2, p.445.

<sup>2</sup> *DNB*, XLVI, pp.147-49.

<sup>3</sup> Edward P. Cheyney, *A History of England From the Defeat of the Spanish Armada to the Death of Elizabeth* (New York, repr. 1926), II, p.317.

she received and consequently acted upon. Recalling an incident in 1597 on the delicate subject of money, the French ambassador Monsieur de Maisse wrote: "In her own nature she is very avaricious, and when some expense is necessary her Councillors must deceive her before embarking her on it little by little."<sup>1</sup> Her councillors' suggestions carried weight with the Crown and councillors manipulated the local gentry to their will.

During the early years of Elizabeth's reign the Privy Council met three days a week at nine o'clock each morning, a practice carried out since the 1520s. With the increasing range, complexity and pressures of business, this changed. A combination of national and international crises typified Elizabethan politics and by the 1590s the Council met nearly every day, with sessions in the mornings and afternoons. It is estimated that for one year alone, from 1 October 1590 to 1 October 1591, the Privy Council met on 47 out of the 52 Sundays.<sup>2</sup> Every councillor took a formal oath of allegiance to the monarch, "to be a true and faithful councillor to the Queen's Majesty as one of her Highness's Privy Council."<sup>3</sup> The Privy Council was an industrious body and in performing a mass and variety of work it was most impressive. On any one day it dealt with problems ranging from the highest affairs of state to the most mundane concerns of ordinary people. One such typical working day was 5 September 1581. The Privy Council considered the following: the house arrest of Lady Stonor; commerce with Spain; a land dispute on the island of Guernsey; a poor man's complaint against the Bishop of Hereford; recusant activity and a poor man's allegedly favourable comment about Edmund Campion, the Jesuit; a land dispute between two northern earls; a merchant's losses due to Turkish pirates; the provision of horses for a messenger; and seven passports to foreign vessels freed from embargo.<sup>4</sup> Of course, there were other courts which could deal specifically with these issues but suitors preferred to have their cases heard and hopefully resolved by the most influential people in the highest court of the land.

When war broke out in 1585 the Privy Council's scope of business expanded. It gave most of its time and consideration to distributing food in times of dearth and famine, relieving the poor, investigating riots and illegal land enclosures, alehouses, plague precautions, coin clipping and counterfeiting, etc. It organised military operations, mustering troops and provisions which Elizabeth (not too enthusiastically) agreed should be sent to the Netherlands,

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1 G.B. Harrison and R.A. Jones (eds.), *De Maisse: A Journal of all that was accomplished by Monsieur de Maisse Ambassador in England...Anno Domini 1597* (Bloomsbury, 1931), p.3.

2 Cheyney, *op. cit.*, I, p.67.

3 Tanner, *Tudor Documents*, p.225.

4 *APC 1581-1582*, pp.189-96.

France and Ireland, despatching directives to officials of all ranks throughout the country. These functions necessitated consistent and ongoing action by the entire Privy Council, not just by committees or various councillors acting alone, to whom it had been usual to delegate in earlier times. The privy councillors' attention was drawn to conditions in the more remote parts of the country. While the affairs of the southern and central counties were to some extent left largely to the control of the local officials, this was not the case with the Welsh Marches, Scotch borders, the Channel Islands or Ireland. By far the largest part of the Privy Council's work centred on the prevention and punishment of disorder and sedition. In March 1598 the Council gave instructions to local officials "concerning the relief of poor people, maimed soldiers, the punishment of vagabonds and rogues, and maintenance of tillage."<sup>1</sup> The behaviour and actions of soldiers and sailors impressed for service, or discharged after their return, the arrival of 'loose and masterless men' in London and the provincial towns, the wandering of rogues, idle and vagrant people, evoked a conciliar response in many forms, or its authorisation of special measures of investigation, prevention and punishment. Even greater demands on the Privy Council's industry and powers were made by the imprisonment and prosecution of Catholic recusants of all classes.

The privy councillors, in the course of their ongoing concern with security and all treasonable matters, authorised trusted and respected commissioners to examine suspects. These warrants emanated from councillors sitting as the Privy Council rather than as members of a formal court with specialised officials, records and fixed procedures, so it is difficult to discover how examinations were specifically and typically carried out. A perusal of the Privy Council's register and state papers, however, indicate many letters commanding commissions and letters from examiners back to the Privy Council. By any number of means, including citizens' information, alert assize judges and justices of the peace, common informers or through networks of spies maintained privately by Elizabeth's councillors, suspects appeared before the Privy Council. When a JP or a councillor heard the allegations put forward by an informant or witness and he was convinced that some treasonable activity was in the offing, he ordered the arrest of the suspect(s) and consequently notified the Privy Council. Every suspect was then examined while in custody but unlike examinations carried out in ordinary lawsuits, the examiners repeated the process several times until they were satisfied that they knew

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<sup>1</sup> Stephenson and Marcham, *op. cit.*, pp.382-83.

everything that had occurred and the names of every person involved. The arrest of people on the suspicion that they had harboured seminary and Jesuit priests, for example, was handled in this way by justices of the peace and sometimes by privy councillors personally. Papers and any other documents provided the basis for interrogation by examiners. The examiners were not primarily interested in confirming that the prisoners were guilty of the crimes for which they were apprehended. It was assumed that the allegations upon which justices acted were credible in themselves. They were anxious to detect a Catholic 'underground', its attendant conspirators and plotters, and what prisoners knew about these matters.

The penalties which the Privy Council inflicted on people for wrongdoings reflected the violence of the age. Suspects in jail could be made to suffer the calculated horrors of a precarious diet, isolation, damp, rat infestation and the likelihood of catching potentially fatal fevers. Less subtle punishments included whipping, ear-boring and ear-lobbing, branding, being put in the stocks, and scourging. But what set the Privy Council apart from all other courts of common law, equity, official or governing body of the realm, was the use of torture. The Privy Council alone had the right to utilise this sinister method of obtaining testimony or extracting confessions relating to crimes against the Queen's person or the State. One (hardly impartial) seventeenth century source had it that torture "was fully approved of by the more powerful members of the Privy Council. They were content that...the victims were dragged to the gallows to be torn apart half-alive."<sup>1</sup> Far from enthusiastically promoting the use of manacles and the rack at every opportunity, the Privy Council preferred to use them only as a last resort. Sir Thomas Smith, who witnessed its application, denounced it and William Cecil's *A declaration of the favourable dealing of her Majestie's Commissioners appointed for the examination of certain Traitors* (1583) insisted that torture be inflicted "slowly, unwillingly and with many persuasions to tell the truth without being tortured."<sup>2</sup>

Examiners with a commission to torture knew well that outright brutality against people whose physical and mental health often deteriorated, resulted in unsatisfactory and desperate answers. The examiners had to rely on skilfully framed questions and scrutinising depositions. Francis Bacon remarked that "in the highest cases of treasons, torture is used for discovery, and not for evidence."<sup>3</sup> The Privy Council acted on information that resulted from appointed

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<sup>1</sup> Henry More, *The Elizabethan Jesuits: Historia Missonis Anglicanae Societati Jesu* (1660) ed. and trans. Francis Edwards (London and Chichester, 1981), p.167.

<sup>2</sup> Dacey, *op. cit.*, p.114; Cheyney, *op. cit.*, I, p.70.

<sup>3</sup> Martin, *Francis Bacon, the State, and the Reform of Natural Philosophy*, p.82.

examiners having complete faith in their rigorous and repeated deployment of examination procedures. Councillors regarded as 'fact' the final account of what happened, why and who was involved, the end product of sifting through and analysing testimony and answers to questions. It was a process that privy councillors themselves generated. Irrespective of whether defendants at a trial chose to repudiate what they said, the presentation of such a report of facts at a trial was surely regarded by a court as compelling evidence of guilt.<sup>1</sup> That conclusion became almost inevitable as the international situation deteriorated and domestic troubles increased, and the central government sensed enemies at every turn. With increasing frequency the authorities turned to the torture facilities in the Tower of London and the city's Bridewell. People involved in cases ranging from the Martin Marprelate tracts to anonymous small-time theft were examined earnestly, mostly by Richard Young and Richard Topcliffe, two London-based lawyers and skilled "rack-masters" working on behalf of the Privy Council.<sup>2</sup> In 1580 the central government extended torture to the Jesuits, seminary priests and their local confederates, or anyone perceived to be engaging in spreading Catholic propaganda. The same treatment applied to vagrants and masterless people arrested elsewhere in the country and brought to London for interrogation. Ironically, law officers and senior barristers who had a great respect for formal processes in general, the ability to reconstruct past deeds from often conflicting and doubtful testimony, and experience in estimating the extent of a criminal plot, were the principle men entrusted by the Privy Council with the task of carrying out the most gruesome methods of information gathering.<sup>3</sup>

The theme of management undertaken by trusted subordinates on behalf of the Privy Council had another important manifestation. Rather than being confronting, key men in Parliament were more inclined to be cooperative and where issues or problems arose, they mirrored difficulties among Elizabeth's advisers as well as between her and her subjects. Elizabeth's councillors depended on a number of very competent and 'second-line' people with whom they had personal links, such as William Fleetwood, Nicholas Bacon, Thomas Digges

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<sup>1</sup> *Ibid.*, p.83.

<sup>2</sup> *APC 1587-88*, p.51; *APC 1588*, p.273; *APC 1588-9*, p.310; *APC 1589-90*, p.62; *APC 1592*, p.340; *APC 1591-2*, pp.41-42, 512; *APC 1592-3*, pp.56, 222; *APC 1596-7*, pp.10, 457; *APC 1598-9*, p.428. *DNB*, LVII, pp.52-53; Christopher Devlin, "Richard Topcliffe", *The Month*, New Ser., 5, 3 (March, 1951), pp.151-63. Richard Topcliffe, working in London's Bridewell, was an expert interrogator and torturer of Jesuits, seminary priests and their confederates. His performance in the torture of Edmund Campion enabled Burghley to put him on his payroll as an official pursuivant, operating in London and the provinces. See Christopher Devlin, "The Failure of the English Inquisition: An Incident of 1588", *The Month*, New Ser., 13, 2 (February, 1955), pp.106, 109. Topcliffe's letters to privy councillors are cited in Lodge, *Illustrations*, II, pp.119-25, 143, 428 and Wright, *Queen Elizabeth and Her Times*, II, pp.169, 244.

<sup>3</sup> Martin, *op. cit.*

and Thomas Norton. Fleetwood, Bacon and Norton were 'men of business' prominent in drafting important measures, had legal expertise and made their mark in debates and on committees. Far from being passive tools or instruments or interested only in religious matters, they formed part of the dynamic machinery of government as decision makers and policy formulators.<sup>1</sup> The lawyers Norton and Fleetwood had very similar career experiences. They came to the attention of the Privy Council in the early 1570s - Norton corresponded with Mildmay, Walsingham, Burghley and Hatton while Fleetwood generally favoured Burghley's attention - in their respective capacities as Remembrancer to the Lord Mayor of London and Recorder of London. The Privy Council liked Norton's and Fleetwood's expert rooting out of papistry in London, whether it survived at the Inns of Court or in the poverty-stricken abodes of the capital. Both men actively collaborated with the Privy Council on the examination of seminarists and Jesuits, assisted in the passage of the 1581 anti-recusant and sedition Acts, and worked with Richard Topcliffe on the degree of torture to be used on any particular suspects.<sup>2</sup>

M.A.R. Graves qualifies the view that the Privy Council could *always* depend on its men of business by showing that while a climate of commonplace loyalty and service to Elizabeth I and her Council existed in the period 1559-81, this was not the case afterward. Thomas Norton's comment that his "chiefest care was in all things to be directed by the council" was not so slavishly followed by the more brazenly ambitious practising lawyers such as Sir Edward Coke and future Attorney-Generals Sir John Popham and Sir Thomas Egerton.<sup>3</sup> Nonetheless these men of business, who had connections with the shires and the towns, continued to display their loyalty to the state and the established religion by assisting in the enactment of "commonweal laws" regarding dearth, tillage, poor relief, work houses and vagrancy.<sup>4</sup>

Sending orders to justices of the peace, county sheriffs and municipal authorities was the main method by which the Council's decisions were delivered, ie. issuing official letters, normally signed by seven or eight councillors. These letters could be sent alone or in support of

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1 M.A.R. Graves, "The Management of the Elizabethan House of Commons: The Council's 'Men of Business'", *Parliamentary History*, 2 (1983), pp.11-18; Patrick Collinson, "Puritan Men of Business and Elizabethan Parliaments", *Parliamentary History*, 7, Part 2 (1988), pp.188-98; Hartley, *op. cit.* (1992), pp.4-7.

2 Graves, *op. cit.* (1983), pp.20-21; M.A.R. Graves, "Thomas Norton the Parliament Man: An Elizabethan M.P., 1559-1581", *The Historical Journal*, 23, 1 (March, 1980), pp.17-35; P.R. Harris, "William Fleetwood, Recorder of the City, and Catholicism in Elizabethan London", *Recusant History*, 7, 3 (October, 1963), pp.106-22. Fleetwood's letters to Burghley are printed in Strype, *Annals*, II, p.503; III, pp.147-48, 280; Sir Henry Ellis, *Original Letters Illustrative of English History*, II, 2nd ed. (London, 1825), pp.283-88, 292-93, 295-99; III, Second Ser., pp.53-57.

3 M.A.R. Graves, "The Common Lawyers and the Privy Council's Parliamentary Men of Business, 1584-1601", *Parliamentary History*, 8, Part 2 (1989), pp.189-91, 198-99.

4 *Ibid.*, pp.204-5.

royal proclamations, writs and commissions. The 'Books of Orders' were perhaps the most important and controversial aspect of conciliar administration. The orders included contingencies to alleviate local outbreaks of dearth and plague and generally consisted of "printed collections of statutes selected for the attention of justices of the peace...to preserve public order." In encouraging magistrates to pursue more effective methods of maintaining social order, however, the orders did not go unquestioned by the leaders and magistrates of the towns in this study. Firstly, they emanated from the monarch's absolute power and secondly, they symbolised intrusion by the central government into the affairs of the locality - an intrusion not always welcomed.<sup>1</sup> The Privy Council delegated its authority to these officers, who then reported back to the central government on the results of their efforts. These officials carried out instructions at the Privy Council's behest and would also be advised by it on the punishment to be given to vagrants. In this process the Privy Council received reports from the localities on their conditions and certificates of those suspected persons apprehended: so the council was provided with the tools of reference should a locality give trouble to the government.

In ending this chapter, one can conclude that the Privy Council was the most powerful arm of Tudor government. The Privy Council stands out as the major constitutional and administrative institution of Elizabethan and early Stuart government. Thomas Norton noted in the early 1580s that "it is the wheelles of the councell that hold the chariott of England upright."<sup>2</sup> Barely a month following Elizabeth's death in March 1603, the Venetian secretary Scaramelli wrote that "these Lords of the Council behave like so many kings."<sup>3</sup> It should be noted that Tudor monarchs defined their councillors' power, influence and responsibilities. The Tudors acted as their own ministers and Elizabeth I did not hesitate to transact business alone or with the advice of only one or two councillors away from the Council board. Walsingham complained of this very thing when he wrote to the Earl of Leicester, campaigning in the Netherlands in the mid-1580s.<sup>4</sup> In its relationship to the Crown the board lost all vestige of independence but in dealings with its subjects, the Privy Council was irresistibly strong,

1 Paul Slack, "Books of Orders: the Making of English Social Policy, 1577-1631", *TRHS*, Fifth Ser., 30 (1980), pp.1-22.

2 William Durrant Cooper, "Further Particulars of Thomas Norton, and of State Proceedings in Matters of Religion, in the Years 1581 and 1582", *Archaeologia*, XXXVI (1855), p.110.

3 *CSP, Venetian, 1592-1603*, p.567.

4 John Bruce (ed.), *Correspondence of Robert Dudley, Earl of Leycester*. Camden Society (London, 1844), p.237: "her majesty reteynng the whole dyrectyon of the causes of that contreye to herself and sooche advyce as she receyvithe underhand they know not what to wryte or to advyce. She can by no means...indure that the causes of that contreye should be subject to any debate in counsell, otherwyse than as she herself shall dyrect."



combining virtually every element of authority. The powers that this body had exercised in pre-Tudor times remained intact and to these powers were added all the authority of a court of law and a legislative assembly. The Privy Council's effectiveness depended on the people in it and this reflected on the ability of the reigning monarch to comprehend how crises could be managed or not.

The Privy Council set in motion on many occasions the proceedings that brought together England's governors and governed. From this command it can be inferred that the Privy Council, though lacking a proper bureaucracy as recognised by modern-day standards, had sufficient means to find out what happened and what should happen, in the counties and towns of the realm. It could, in any circumstance, call upon officials or any member of the ruling classes, to execute services of this type, and a number of men attached to the service of the administration in various minor roles were kept constantly busy at such tasks.<sup>1</sup> For example, John Parkhurst, Bishop of Norwich, received a letter from the Council in May 1573, outlining the steps he should take in collecting donations for the expected completion of Yarmouth's haven. The letter suggested that those persons refusing "to condescend to this our reasonable request, or vse diswasions to the contrarye...appeare before us to shewe the causes they haue to the contrarye."<sup>2</sup> In May 1580 disorders in the northwest of the kingdom caused Edward Assheton to comment: "Itt will not be longe affore [there] will be order taken...by the Pryvie Counsell."<sup>3</sup> Elizabeth's advisers were competent men in their discharge of difficult and onerous tasks. Their ability to be effective after policies against rogues and vagabonds were framed and promulgated, however, depended to a large extent on the functions and character of local and municipal officers, to which we now turn.

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1 Cheyney, *op. cit.*, I, p.76.

2 R.A. Houlbrooke (ed.), *The Letter Book of John Parkhurst Bishop of Norwich Compiled during the years 1571-5*. Norfolk Record Society, XLIII (Norwich, 1974-75), p.189.

3 Susan Maria Ffarington (ed.), *The Farington Papers*. Chetham Society, Old Ser., XXXIX (Manchester, 1856), Appendix, pp.129-30.

## CHAPTER 2

### LOCAL ADMINISTRATION: ITS STRUCTURE AND PROBLEMS

It is you see that can see, if you will, the roots and first springs of all these evils that infest and trouble the country, and you therefore chiefly it lieth to cut them off in the tender herb and before that they do grow to dangerous ripeness. For, if you would find out the disorders of alehouses, which for the most part be but nurseries of naughtiness, then neither should idle rogues and vagabonds find such relief and harborow as they have...<sup>1</sup>

William Lambard's instructions to the justices of the peace at Maidstone in 1592 indicate that although the Privy Council at times ordered individuals from the provinces to appear before it for examination, for the most part people did not come into personal contact with the central authorities. Elizabeth's subjects, by and large, had their fates decided by local officialdom. With the twentieth century's emphasis on centralisation, it is hard to appreciate the importance of the agencies of local administration during the sixteenth century. The history of local government under the Tudors is fit for a thesis or separate volume in itself. For our purposes this is not necessary but the major instruments of local administration - namely, the offices of lord lieutenant, deputy lieutenant, justice of the peace, and parish constable or churchwarden - will be outlined.<sup>2</sup> Moreover, it will refer to the agents of local government - a highly complex and intricate web of politics, informal relationships and personalities mingled with law enforcement - in Chester, Leicester, Northampton, Norwich and York. Every locality had its own social structure and peculiar arrangements upon which action would have to depend. Executing policy decisions relied less on bureaucratic channels of command, more on the normal hierarchies of society. The bonds of Tudor administration looked at times to be haphazard and J.R. Tanner was not quite correct in stating that the Tudors had a "constructive genius" in their reorganisation of centre-locality relations.<sup>3</sup> Nonetheless, it did function to the extent that the Privy Council and the Crown in whose name it worked never debased its authority or demand anything remotely short of deference to them from the regions.

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1 Conyers Read (ed.), *William Lambarde and Local Government: His "Ephemeris" and Twenty-nine Charges to Juries and Commissions* (Ithaca, 1962), p.70.

2 For more comprehensive studies of Tudor local government and its institutions, see: A.H.A. Hamilton, *Quarter Sessions From Queen Elizabeth to Queen Anne...Drawn from Original Records* (London, 1878), pp.1-34, 321-48; Elton, *Tudor Constitution*, ch. 10; Cheyney, *op. cit.*, II, Part VIII; Smith, *op. cit.* (1967), ch.7; Rowse, *op. cit.*, ch. VIII; Thompson, *Lords Lieutenants*, passim. Alternatively, a valuable source of calendared letters to and from the Elizabethan Privy Council regarding each type of local official, duties and their problems is "The Manuscripts of William More Molyneux, Esq., of Losely Park, Guildford, Co. Surrey", in HMC, *Seventh Report. Part 1...Appendix*, pp.614-67.

3 Tanner, *Tudor Documents*, p.452.

The position of justice of the peace will emerge as the most critical organ of local government. Justices of the peace and the treatises from which they worked originated in the Middle Ages. We have much to thank Bertha Putnam, who researched deeply into their early history and paved the way for other historians to do likewise.<sup>1</sup> These were the officials who, according to one edition of Lambard's famous treatise on the justice's office, *Eirenarcha or of The Office of the Justices of Peace*, were saddled with enforcing 306 statutes, which encapsulated the laws concerning vagrancy, apprenticeships and poor relief.<sup>2</sup> Lambard's classic study of the justices, which gives a general view of their office, the cases they dealt with in and out of the sessions of the peace themselves, was inspired by his experience as a justice of the peace for Kent.<sup>3</sup> The job lacked standardised procedures and the many changes in statutory provisions made justices' instructions obsolete, if not confusing. Getting the 'system' (ie., that large network of informal relationships and a social structure in which social superiors exercised authority and jurisdiction over their inferiors) to work, then, entailed a constant and consistent exchange of reports, exhortations, appeals and censures emanating from the Privy Council - the mobilisation of social and political duties accepted generally to have derived from hierarchical functions as much as from office.

Generally, the agencies of local administration fell into three types - local courts, local men commissioned by the Crown for purposes of government, and royal officials appointed in the localities. Concerning the local courts, it is pertinent to say that both the feudal and popular (ie., hundred and shire) courts were no longer really relevant in Tudor England. They dealt with a few minor criminal and civil cases but the only functions of note which they retained were the management of the manor through its court and the election of knights for the Parliament in the county court.<sup>4</sup> A major casualty of the Tudor practice of increasing royal officials in the shires

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1 "The Justices of Labourers in the Fourteenth Century", *EHR*, XXI (1906), pp.517-38; "Early Records of the Justices of the Peace", *EHR*, XXVIII (1913), pp.321-30; "The Ancient Indictments in the Public Record Office", *EHR*, XXIX (1914), pp.479-505; "Early Treatises on the Practice of the Justices of the Peace in the Fifteenth and Sixteenth Centuries", in Sir Paul Vinogradoff (ed.), *Oxford Studies in Social and Legal History*, VII (Oxford, 1924), chs. I-IV; "The Transformation of the Keepers of the Peace into the Justices of the Peace, 1327-1380", *TRHS*, Fourth Ser., XII (1929), pp.19-48; and Theodore F.T. Plucknett (eds.), *Proceedings Before the Justices of the Peace in the Fourteenth and Fifteenth Centuries* (London, 1938); Bertram Osborne, *Justices of the Peace 1361-1848* (Shaftesbury, Dorset, 1960), ch. 1; John Bellamy, *Crime and Public Order in England in the Later Middle Ages* (London, 1973), pp.94-100.

2 Smith, *op. cit.* (1967), p.91.

3 All subsequent references come from the 1581 edition, published as part of The English Experience series, 273 (Amsterdam, 1970). *Eirenarcha* underwent several reprints between 1582 and 1610, becoming the standard authority. See also Strype, *Annals*, III, pp.75-76; *DNB*, XXXI, pp.438-39; B.H. Putnam, "The Earliest Form of Lambard's 'Eirenarcha' and a Kent Wage Assessment of 1563", *EHR*, XLI (1926), pp.262-70; and Richard J. Terrill, "William Lambard: Elizabethan Humanist and Legal Historian", *Journal of Legal History*, 6, 2 (September, 1985), p.167.

4 Elton, *Tudor Constitution*, p.463.

was the Sheriff but the demise of this important functionary has been exaggerated.<sup>1</sup> As the officer responsible for some revenue collecting, executing judicial writs, retaining the county prison for vagrants and other disorderly persons, and supervising elections to Parliament, the sheriff retained some influence in administration. The office may have been an expensive and not very rewarding one for an aspiring gentleman, but in the context of apprehending and sentencing vagabonds, he still had duties in connection with the meetings of the courts of assize and quarter sessions and the safe-keeping of prisoners.<sup>2</sup> The sheriff's decline left a vacuum in local government but the Tudors created a new kind of official who had no medieval precedent, the lord lieutenant, who stepped in to fill the gap.

The lord lieutenant stood at the highest and thus most dignified position of a local hierarchy. The office originated in Henry VIII's reign. He appointed deputies in the north and west and these lieutenants replaced the Commissions of Array, which in earlier times the Crown was wont to appoint.<sup>3</sup> Henry VIII occasionally issued special commissions to organise and equip military contingents in specified localities; these commissions going to local magnates such as the Dukes of Norfolk and Suffolk and then to Lord Russell in 1545.<sup>4</sup> It became customary to commission local magnates, privy councillors themselves, with the supervision of levying shire musters. In this way the lord lieutenant and privy councillor, though at times absent from his district, were often one and the same person. During the inflationary conditions in the 1540s and early 1550s the Privy Council wrote to every county's lord lieutenant. Disturbances and outright rebellions of the Reformation years made the office military in character. In the reign of Edward VI lieutenants were appointed in virtually every shire for the purpose of meeting the dangers of the pro-Catholic uprisings in 1550-51. The office received parliamentary sanction in Mary's reign under the statute of 4 & 5 Phil. and Mary, c.3. Thereafter lieutenants gradually took over the military duties once discharged by the sheriffs. As a result of the Marian experience and the "advertisements" of her Privy Council, lord lieutenants had cause to ensure that "watch...be kept in all townes and borowghes within his lieutenancie" and to "have speciale regarde for the punishment of vagabonds, spreaders of ill tales, and devisers or reporters of seditious rumors, by such paines as are ordained by the lawes of the realme in that behalfe."<sup>5</sup> Lord lieutenants were also invested with the responsibility of keeping

1 *Ibid.*; Smith, *op. cit.* (1967), pp.85-86.

2 Irene Gladwin, *The Sheriff: The Man and his Office* (London, 1974), ch. VIII; Bellamy, *op. cit.*, pp.89-91.

3 Sir Henry Ellis, "On the Early History of Lord Lieutenants of Counties", *Archaeologia*, XXXV (1853), p.350.

4 *Ibid.*, p.352.

5 *Ibid.*; *CSP, Domestic, 1547-1580*, pp.30-31.

the peace and receiving the immediate and unconditional assistance of justices of the peace. As a mark of the authority of lord lieutenant, he was normally accorded the title of *Custos Rotulorum*, the official keeper of the records of the county and in this capacity he appointed the Clerk of the Peace.<sup>1</sup> In the selection of lieutenants Elizabeth, during the first twenty six years of her reign, followed the same policy as her sister. Lord lieutenants were appointed for some counties in every year up to 1585 (except 1561) but the emphasis was on the position being a temporary one and granted only for a specific reason. Even the dramatic events of 1569-70, which could have reasonably expected Elizabeth to make the lieutenancy a permanent institution, resulted in her terminating all commissions a year later.<sup>2</sup> From 1585 onward, however, Elizabeth's system of appointments and the time of duration remained markedly different from anything previously undertaken.<sup>3</sup>

The years immediately before and after the Spanish Armada witnessed significant and far-reaching changes in the lieutenancy's history, changes which marked a key phase in making the office a permanent feature in judicial business and administration, and simultaneously encouraged the importance of the lieutenants' deputies. The tone of the Privy Council's words at the beginning of a lord lieutenant's commission reveal the personal nature of Elizabethan government as well as the officer's coming under the Council's direct supervision: "Know ye that to the great and singular trust and confidence we have in your approved fidelity, wisdom and circumspection, we have assigned...you to be our lieutenant..."<sup>4</sup> A lord lieutenant symbolised his district as much as he did the Court. The Privy Council valued his knowledge of local conditions and political sympathies, etc. Only on rare occasions did the Privy Council see the need to remove a lieutenant on the grounds that he was incompetent, indifferent or hostile to the often explicit and demanding orders sent to him.<sup>5</sup> The first business of a lord lieutenant was to assemble the deputies, justices of the peace and other official gentlemen of the locality. The fact that they would then discuss the measures to be taken for their locality's security indicates that the lord lieutenant, despite his ultimate supremacy in matters of martial law, was expected to take into consideration his subordinates' opinions, knowledge and advice.<sup>6</sup> By and large

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1 Tanner, *Tudor Documents*.

2 J.C. Sainty, *Lieutenants of Counties, 1585-1642*. BIHR Supplement, 8 (May, 1970), pp.1-3.

3 Wake, *Musters, Beacons, Subsidies*, pp.lii-v; Thomson, *Lords Lieutenants*, pp.14-42.

4 Thomson, *Lords Lieutenants*, p.73.

5 *Ibid.*, pp.75-77.

6 *Ibid.*, pp.78-80.

privy councillors preferred to rely on the advice and authority of the lord lieutenant because he was in closest contact with them and assumed to know the state of his locality best.

Between 1585-90 commissions of lieutenancy were issued for almost every county of England. A published list from 1587 verifies this fact.<sup>1</sup> In the process one can see how the towns were affected. Chester came under the aegis of the commission affecting Cheshire and Lancashire, authorised by warrant in 1585 and staying under a lieutenancy except in the period 1593-1607. Leicestershire was joined with Rutland under a lord lieutenant in 1587 and continued to do so until 1604-1607. Northamptonshire, the only locality in this study to be held by a lord lieutenant singly and not associated with another county, remained under the supervision of the lieutenant from 1586 onward but not in the years 1591-1603. Norfolk was associated with Suffolk under a lieutenancy in 1585 but not in the period 1596-1605. The city of York became associated with Cumberland, Westmorland, Durham and Northumberland in 1585. The lord lieutenant's office for this part was closely associated with the Lord President of the North. In all cases the Privy Council had the right to nominate deputy lieutenants, a right transferred to the lord lieutenant's warrant at various times.<sup>2</sup> The Spanish threat remained after the Armada's eventual defeat so lieutenants were permitted to keep their positions for the remainder of their lives. This factor helped the position becoming a hereditary one and it was a feature mostly identifiable with the Stanley family's lieutenancy in Cheshire and Lancashire, and the Hastings family's lieutenancy in Leicestershire and Rutland. Another factor which changed things was the extension of authority invested in the commission of lieutenancy. A lord lieutenant had his jurisdiction extended to the entire county to include all corporate and privileged places within its borders, which in some cases were specifically named and had conditions of martial law attached to them.<sup>3</sup> By the late 1590s the whole of England, not just the localities in question, was divided into regular districts over which lieutenants presided.<sup>4</sup>

Lord lieutenants were normally permitted to appoint deputies, one or more to a county. Emerging in the 1550s, deputy lieutenants became recognised as regular officials by 1569 and appointed to the position due to a special clause in the commission of lieutenancy. This enabled the lord lieutenant to confer Letters of Deputation on certain Crown-nominated gentry in his district. Elizabeth and her ministers - more precisely Christopher Hatton (in his capacity as Lord

1 HMC, *Foljambe*, pp.24-25.

2 Sainty, *op. cit.*, pp.13-14, 25-26, 28, 37.

3 *Ibid.*, pp.4-5; Prothero, *op. cit.*, pp.154-56; Higgins, *County Government*, ch. 4.

4 Wake, *Musters, Beacons, Subsidies*, pp.lv-vi; Thomson, *Lords Lieutenants*, pp.117-40; Strype, *Annals*, III, pp.534-36.

Chancellor) whose 1587 warrant to change the names in clauses of deputation is the earliest surviving indication of this procedure - sometimes nominated the deputies without referring to the lord lieutenant.<sup>1</sup> In the larger percentage of cases the latter took the initiative, recruiting the deputy from the county's justices of the peace. The Privy Council could communicate directly with deputy lieutenants without recourse to the lord lieutenant. Lieutenants who had responsibility for more than one county could not appoint deputies to help them throughout the whole region of their jurisdiction. Deputies were always required to serve in one shire and appointed to work within that shire only. Therefore, lord lieutenants who controlled more than one county had different deputies for each.<sup>2</sup> The position of deputy lieutenant was also open to the mayor and other leading corporation members of a town corporation. They assisted in mustering soldiers, apprehending recusants and implementing economic regulations.<sup>3</sup>

The essentially military work undertaken by the lord lieutenants also characterised the work of deputy lieutenants. Deputies forwarded Council orders concerning loans, levies, musters, billeting and beacons to the justices of the peace and to constables in every division.<sup>4</sup> One important aspect of their anti-vagrancy work, which will be explored in further detail in the next chapter, was the musters; that annual assembling, inspection and training of men for military service in the county or counties under their regulation.<sup>5</sup> The musters were held every summer and from the outset they were unpopular because they upset the routines of country life and town business. Theoretically, the duty of serving in the Tudor army or navy fell to all men between the ages of sixteen and sixty but many deliberately failed to attend the musters. Therefore the Privy Council's frequent calls for and inspection of the muster books, expected to contain details of men and equipment, put pressure on the deputy lieutenants and their underlings to select, arm and train an adequate number of the most able-bodied men. The unpopularity of the musters and the subsequent difficulties in finding enough men and the required amount of military equipment and furnishings must have frustrated the lieutenants, particularly so as in the last fifteen years of Elizabeth's reign they had to constantly raise levies for service in France, the Low Countries and Ireland. Military organisation and administration

1 *APC 1587-88*, p.385; Sainty, *op. cit.*, pp.7-8.

2 Gladys Scott Thomson, "The Origin and Growth of the Office of Deputy-Lieutenant", *TRHS*, Fourth Ser., V (1922), pp.153-56.

3 *Ibid.*, p.157; Thomson, *Lords Lieutenants*, pp.60-67.

4 Edward S. Cunliffe, "Booke Concerning the Deputy Lieuetennantshipp", *Sussex Archaeological Collections*, XL (1896), pp.1-37. Admittedly, this document, which covers the period September 27 1624 to July 30 1631 for Sussex, technically falls outside the regions and era covered by this study. Nevertheless it contains a typical deputy lieutenant's memorandum on soldiers' drill and equipment in 1588 and it sheds much light on Tudor and Stuart general management of public affairs.

5 Prothero, *op. cit.*, p.158. The muster master is discussed in the next chapter.

remained a grave deficiency in Elizabethan government.<sup>1</sup> The job was so distasteful and difficult for some officials that it was carried out with only a modicum of effectiveness. Notwithstanding this the Privy Council directed and constantly supervised lieutenants and their deputies in their duties. They received from the board explicit instructions and made equally full reports (or at least they were expected to do so) to the Privy Council in return. Relations between the Privy Council and the lieutenants, however, cannot be assumed to have been completely satisfactory at all times. The Privy Council was not backward in issuing reprimands and criticisms but never at any stage was a lord lieutenant in any of the five towns' localities removed from office. Deputy lieutenants, though, were not so lucky and faced dismissal.

The lord and deputy lieutenants stood at the apex of local administration. Beneath them was the office of the justice of the peace. It is testimony to the importance of this tier of government that parliamentary or conciliar laws were effective only when they could be enforced, "and the only agents available to the council were the justices scattered throughout the shires."<sup>2</sup> From the fourteenth century onward justices of the peace were appointed by the Crown through the Lord Chancellor's control of the Commission of the Peace and the Treasurer's writing up of the actual lists.<sup>3</sup> The Privy Council's authority to issue the hundreds of special commissions, for example, in relation to the grain trade, developed from this. Almost immediately after Elizabeth's accession William Cecil attended a meeting to address the matter of "New shyreffes and Just. of peace", proposing that justices of the peace should have more powers and related matters be settled at the "Councell table."<sup>4</sup> Cecil's vision of the Privy Council having an important supervisory role is backed up by fellow councillor Sir Thomas Smith. Smith asserted that the Privy Council would "finde the shire in rule and order touching those pointes and all other disorders."<sup>5</sup>

The commission of the peace was the most important in a tradition whereby local gentlemen of some social standing in their neighbourhood were granted power by the Crown to investigate cases brought before the conciliar courts, like those about sewers and or waterways and marshlands.<sup>6</sup> When justices of the peace conducted business they did so in the form of

1 This paragraph is based on Thomson, *Lords Lieutenants*, pp.73-77, 84-93, 107-16; Thomson, *op. cit.* (1922), pp.159-60.

2 A. Hassell Smith, "The Personnel of the Commissions of the Peace, 1554-1664: A Reconsideration", *HLQ*, XXII, 4 (August, 1959), p.301.

3 Putnam and Plucknett, *op. cit.*, pp.xlv-xlvi, lxxv-lxxvii.

4 Putnam, *op. cit.* (1926-27), pp.148-49.

5 Sir Thomas Smith, *De Republica Anglorum*, p.89.

6 Elton, *Tudor Constitution*, p.464.



quarter sessions, so named because these meetings were held four times every year. Additional sessions, though, could be held when the business and procedural pressures made them necessary. Quarter sessions were conducted with all the formality and organisation of an important judicial meeting and required the diligent attendance of: the sheriff or his deputy to empanel juries and execute sentences; the gaoler, who was in charge of prisoners; all jurors and witnesses summoned by the sheriff; all people who had been bound over to appear at the sessions; the coroner; and all high constables and bailiffs of hundreds.<sup>1</sup> Specifically, the quarter sessions met to punish people who had allegedly offended against the law of the State and the Church. Quarter sessions lacked the authority to hear cases of treason, forgery and other great crimes but it could exercise jurisdiction over cases of murder, witchcraft, assault, disorderly conduct, burglary, failure to attend church, religious dissent, and a host of other crimes and misdemeanours.

As the justices of the peace took hold of the provinces, the gentry from which they sprung saw in membership of the commission the stepping stone to more prestige and power. The number of justices increased dramatically, from 1485 when there were on average less than ten justices of the peace in every county, to the middle years of Elizabeth's reign when the number grew to forty or fifty.<sup>2</sup> There was never a shortage of candidates for the position of justice of the peace despite the fact that one served without pay (a benefit to the central government for it meant that local administration was an inexpensive option) and they had to manage burdensome judicial and executive duties. Sir Thomas Smith described justices of the peace as "men elected out of the nobilitie, higher and lower, that is the Dukes, Marquises, Barons, Knightes, Esquiers, and Gentlemen, and of such as be learned in the lawes." Their motives varied between "increase of riches, learning or activitie in policie and governement."<sup>3</sup> One Northampton JP put a damper on a sheriff's ambition c.1560 with the curt statement, "such a price of work as in my time the like never was in this shire...and it is very requisite to be."<sup>4</sup> The worth of the prize, however, was hinted at by the Archbishop of York when he wrote to the Bishop of Chester in 1590 on the value of the commission: "You knowe what was promised

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1 Smith, *op. cit.* (1967), p.94; Lambard, *Eirenarcha*, pp.336, 477-93.

2 Elton, *Tudor Constitution*, p.465; Osborne, *op. cit.*, pp.29-30; Smith, *op. cit.* (1967), p.90.

3 Sir Thomas Smith, *De Republica Anglorum*, p.85.

4 HMC, *Lord Montagu of Beaulieu*, p.7.

to her ma<sup>tie</sup> when yo<sup>u</sup> and I became suiters for the commission when the subsidie was exhibited for the prouince of York."<sup>1</sup>

Although it is a view that cannot be pushed too far, the steadily rising work load which justices carried out can be seen as one reason for the rise in their numbers. In Norfolk, an Elizabethan bishop complained that he was not altogether sure who was a justice of peace and who was not, "for that the commission of the peace is so often altered and dailie renewed."<sup>2</sup> In the interests of more efficient administration rather than having more administrators, the Crown was constantly attempting to reduce the number of justices. The local gentry won the battle because the prestige of becoming a justice of the peace was an overpowering one. It was regarded as an indignity to one's person and family to be omitted from the ranks; hence the clamour for seats on the bench. Politicking and tensions of patronage aside, the Tudors developed three aspects of the office in a move to offset the dangers of employing non-professionals who did not understand how to administer complex legal problems. The appointment of a clerk of the peace to assist with each commission was one. With the *quorum* clause in the commission they ensured that important matters were not be attempted by JPs without the presence of one of a small group of trusted or expert members.<sup>3</sup>

The importance of justices of the peace in the urban context can now be described. Commissions developed for jurisdiction specifically for urban use began in the fourteenth century (1327) when officials received many exhortations to maintain peaceful conditions in their communities. Each town's commission usually had a preamble stating local conditions or shortcomings of native officials. It is one reason why medieval urban commissions, in contrast to the Tudor and Stuart ones, lacked uniformity.<sup>4</sup> In content, wording and executive powers, the majority of urban commissions for the peace between 1353-1485 resembled county ones. Gradually, a system grew in which urban commissions had clauses disallowing county justices to interfere in the work of town and borough magistrates. The city of York's justices of the peace, for example, were 'liberated' from the East Riding Bench in 1393.<sup>5</sup> In the fifteenth

1 F.R. Raines (ed.), "Visitation of the Diocese of Chester, By His Grace John, Lord Archbishop of York and Primate of England, A.D. 1590", *Chetham Miscellanies*, V. Chetham Society, Old Ser., XCVI (Manchester, 1875), p.17.

2 Quoted in T.G. Barnes and A. Hassell Smith, "Justices of the Peace from 1558 to 1688 - A Revised List of Sources", *BIHR*, XXXII (1959), p.225. In Norfolk where the number of JPs rose from 37 in 1558 to 61 in 1602, a minority of officers was consistently active in the region and the initiative in increasing the size of the commissions of the peace emanated from the local gentry, not the Crown.

3 Lambard, *Eirenarcha*, pp.37, 55-56; Osborne, *op. cit.*, pp.30-31. The procedures for appointing justices of the peace and renewal of commissions, etc., in Elizabeth I's reign, are noted by Barnes and Hassell Smith, *op. cit.*, pp.222-25, 227, 230-31.

4 Elisabeth G. Kimball, "Commissions of the Peace for Urban Jurisdictions in England, 1327-1485", *Proceedings of the American Philosophical Society*, 121, 6 (December, 1977), pp.450-51.

5 S.K. Walker, "Yorkshire Justices of the Peace, 1389-1413", *EHR*, CVIII, 427 (April, 1993), p.297.

century the size of urban commissions grew from three or four justices to nearly ten or twelve, and appointees were consistently the prominent townsfolk: mayors, bailiffs, lawyers and sometimes gentry from the county in which the town or city was located.<sup>1</sup> Lambard stated that as far as the towns were concerned the justices of the peace:

may...keep it in any other town, and all the presentments shall be good that shall be taken where they hold it...if two such justices make a precept for a session to be holden in one town, and two other justices make another precept for another session to be holden at another town (or in another part of the same town) the same day, then the presentments taken before either of them shall be good.<sup>2</sup>

Town charters provided for the mayor to be a justice of the peace *ex officio* during the actual mayoralty and for a year afterwards, so that there were always at least two in the borough. They normally exercised petty sessional jurisdiction either concurrently with county justices or exclusively.<sup>3</sup>

Although the towns seem to have been technically exempted from county administrative processes because their charters provided scope for special commissions of the peace, they owed their position to the whim of central authority. The Exchequer and Treasury brought them into the orbit of Tudor control. In the second half of the sixteenth century it was the Queen herself who granted commissions to the "Maiors and other heade officers of manie Cities & corporate Townes" to be "Iustices of this kinde."<sup>4</sup> Her Privy Council carefully watched the corporations from whom justices of the peace were drawn. The Privy Council had a vested interest in the drawing up and granting of town charters, such as Leicester's in 1589 and 1599. It had the effect of ensuring that adversaries were not appointed to positions of power in the town.<sup>5</sup> A drawback in the selection of urban magistrates lay in the fact that the prestige of being chosen from the corporation and more importantly their effectiveness in office was hindered by statutory law, which did not attach a salary to the appointment.

Statutes dealing with vagrancy and related disorders came under the jurisdiction invested in quarter sessions. Justices took order "for the excessive wages of servaunts and labourers, for excesse of apparell, for unlawfull games...evill orders in alehouse and tavernes, for punishment of idle and vagabund persons."<sup>6</sup> On these occasions when punishments for

1 Kimball, *op. cit.*, pp.457-59, 466.

2 Lambard, *Eirenarcha*, quoted in Elton, *Tudor Constitution*, p.470.

3 Putnam and Plucknett, *op. cit.*, p.xiv.

4 Redlich and Hirst, *op.cit.*, p.18; Lambard, *Eirenarcha*, p.29.

5 Mary Bateson, "A Collection of Original Letters from the Bishops to the Privy Council, 1564", *Camden Miscellany*, IX. Camden Society, New Ser., LIII (London, 1895), p.vii.

6 Sir Thomas Smith, *De Republica Anglorum*, p.88.

vagrancy were meted out (depending on its definition and whether the relevant statute being enforced stipulated prison sentences, whipping, stocking, sending to the galleys or hanging), every justice was expected to attend but attendance in practice was actually quite irregular. To some extent this feature compromised the power and ruthlessness with which justices of the peace exercised their authority. Throughout the Elizabethan period it appears that only a fraction of the total number of justices of the peace in several shires bothered to show up; the JPs of Yorkshire's West Riding, Wiltshire, Kent and Essex were notably culpable in this respect.<sup>1</sup> Vagrancy-related cases set the tone for the judicial nature of the quarter sessions but many administrative tasks were also carried out at the quarter sessions when they could not be accomplished on other occasions. Examples include the fixing of wage rates, administration of aspects of the poor laws and very importantly, in the context of this study, supervising the houses of correction. By 1590, the year when it was decided to overhaul the commission of the peace because of the increase in justices' work, the revisions clearly indicated the capacity of justices of the peace to act as administrators and judges, granting them wide powers, including the authority to confer decisions on nearly every crime except treason.<sup>2</sup>

In the context of operating in a country undergoing changes in its social and economic fabric, the activities of justices of the peace were essentially policing and political in character. These facets of the job meant the same thing. Whereas in modern terminology 'justice' is equated with an ideal achieved through an objective, neutral process, such discrimination would have been hard to achieve centuries ago, given the blatantly political nature of the Tudors' appointment of people from the ranks of the gentry to rule locally on their behalf. Sir Roger Townshend, a mid-sixteenth century Norwich lawyer, symbolised this. Townshend was a member of a leading gentry family and in the 1520s he assisted Norfolk's subsidy commissioners. Later, as a magistrate he actively helped to impose the Reformation on the lower orders and extirpated sedition amongst them. Thomas Cromwell was so impressed with Townshend's efficiency that he wished the King "had three or four such as Mr Townsend in every shire!"<sup>3</sup> Following on from this, they protected their interests and those of their rulers by repressing "robbers, theeves, and vacabunds, of privie complots and conspiracies, of riotes,

1 Smith, *op. cit.* (1967), pp.94-95; Osborne, *op. cit.*, p.38.

2 Expanded on in: Putnam and Plunkett, *op. cit.*, pp.xx-xxi; Beier, *Masterless Men*, p.155; Elton, *Tudor Constitution*, pp.465-68; Osborne, *op. cit.*, pp.28-29, 33-36, 50-51; B.H. Putnam, "Justices of the Peace from 1588 to 1688", *BIHR*, IV (1926-27), p.146.

3 *L&P*, XIII, Part II, pp.215-16; Sir Henry Ellis, *Original Letters...*, III, Third Ser. (London, 1846), pp.162-63. It is not surprising to learn that Townshend suffered at the hands of the looting mob when Norwich was taken over by Kett's rebels in 1549. His ill-fortune is outlined in Charles Moreton, "Mid-Tudor Trespass: A Break-in at Norwich, 1549", *EHR*, CVIII, 427 (April, 1993), pp.387-98.

and violences, and all other misdemeanors in the common wealth."<sup>1</sup> Echoing this sentiment, Lambard suggested that "Authoritie" over the people had to be infused with "Coertion...to constraine them to obey their order and decree."<sup>2</sup>

For Yorkshire, Cheshire, Norfolk and Northamptonshire in the years 1554-1562, research has been carried out on the state of competition for the office of justice of the peace and the central government's concerns about religious affiliations within them. In Yorkshire representatives of aristocratic families like the Talbots and Nevilles were still being appointed to commissions of the peace. They commanded large resources and could control unrest in the region. A claim in the early Tudor years that "many of the gentry were in practice idle and negligent" and description of some justices as "such ill men" (1550) meant that the lords were also relied on to discipline the judicial bench.<sup>3</sup> Of the 28 JPs who resided in the North Riding in 1554, a large number were noblemen and it reflected the still feudal nature of northern society. Only 5 would still be alive in 1559 and although the number of justices of the peace in the North Riding rose to 34 in that year, barely 14 were included in the patent roll of 1562. Between 1539-1642 some 220 laymen served as justices in Cheshire and the size of commissions increased, from 14 in 1539 to more than 40 in the 1590s. As the sixteenth century wore on appointments tended to be lifelong, restricted to a narrow section of local society and hereditary in nature.

Further south, Northamptonshire's situation appears to have been equally stable. It had 30 men on the commission of the peace in 1554, made up of 1 bishop, 3 lay peers and 26 commoners. By 1559, 14 members of the commission had died but 12 justices listed in 1554 were still in office five years later; of 28 new people recorded at that time, 17 were still present in 1562. Elizabeth and the Privy Council removed a third of Northamptonshire's justices on the assumption that they were Catholics or Marian supporters. In Norfolk a different situation presented itself again in that half of the justices of the peace were dismissed from the commission. There were 33 on the commission during 1554, including 6 members of the House of Lords, the Bishop of Norwich and the Earl of Bath. The number rose to 42 in 1558 but the high number of Catholic sympathisers moved the central government to remove 44% of them in 1559. Norfolk had 12 men who were justices in 1559 but not listed in the 1562 patent

<sup>1</sup> Sir Thomas Smith, *De Republica Anglorum*, p.86.

<sup>2</sup> Lambard, *Eirenarcha*, pp.65-66.

<sup>3</sup> *State Papers Supplementary, Part I*. List & Index Society, 9 (London, 1966), p.202; Walker, *op. cit.*, pp.284-85, 299. The following data draws from John H. Gleason, "The Personnel of the Commissions of the Peace, 1554-1564", *HLQ*, XVIII, 2 (February, 1955), pp.169-77; Hassell Smith, *op. cit.*, pp.302-10; *VCH Chester*, II, pp.41-42.

roll commission, though they may have been still living. Up to this point in time the Elizabethan reaction to the personnel on the commissions in Yorkshire, Cheshire, Norfolk and Northamptonshire did not constitute a deliberate, systematic purge. A highly mortality among justices of mature age entailed their replacement but not at the cost of reconstructing the commission of the peace.

The attempt to do this occurred two years later. The Privy Council addressed a circular to the bishops and archbishops on 17 October 1564. The recipients were instructed to report on the religious opinions of justices of the peace in their respective dioceses. The law drew no distinction between absentees from church (everyone could suffer the same penalty) but from the perspective of the State's domestic security, one class of dissident stood out clearly as being more dangerous than any other. While the Puritan caused unease when he or she abstained from going to church on the grounds that the wearing of a surplice caused personal offence, the recusant who acknowledged obedience to an authority outside of the kingdom was a completely different proposition. The queen's excommunication in 1570 emphasised this danger. The potential for damage caused by magistrates with Catholic sympathies was all too obvious, forcing the Privy Council to send letters to all the bishops and archbishops with the purpose of finding out to what extent justices of the peace complied with the Act of Uniformity. Nationally, just over half (431) of the c.850 justices whose religious affinities became the subject of inquiry were found to be suspect or unambiguously branded as recusants. It transpired that the most hostile resided in the north and west dioceses: Carlisle, Durham, York, Worcester, Hereford and Exeter.<sup>1</sup> Information yielded in the relevant dioceses to which Chester, Leicester, Northampton, Norwich and York were attached is all that need concern us here.

The Bishop of Chester included in his answer to the Privy Council lists of justices who were favourable and not favourable. A difficulty in Chester's charter concerning magistrates, whereby "the Maior is yerelie chosen [and] upon his othe taken is a Justice of peace", was that it would have been legally difficult to dismiss anyone because "their Charter is so ample that neither Alderman nor Justice of peace can be displaced."<sup>2</sup> Leicester, coming under the aegis of the Bishop of Lincoln, was described by him as having 7 justices of the peace who were "earnest in religion", with 4 indifferent to it and 5 accused of being "hinderers."<sup>3</sup> The bishop provided more details about Northampton's "Corporacion" and what was happening in the

1 HMC, *Marquis of Salisbury*, Part I, pp.306-12.

2 Bateson, "A Collection of Original Letters from the Bishops to the Privy Council, 1564", pp.73-80.

3 *Ibid.*, p.31.

county there. With regard to the latter, the support for religion from Sir Walter Mildmay and six others was balanced by 2 justices deemed to be neutral and another 7 hostile to it. Ten men who did not hold places in the commission of the peace deserved to be included because they were worthy of trust.<sup>1</sup> The Bishop of Norwich found it necessary to furnish the Privy Council with two replies in November of 1564. His first indicated that he was not well acquainted with people in Norfolk so he dared not testify as to the state of "zeale and affection" toward the established religion. On further discussions with the Duke of Norfolk and other local notables, however, the bishop concluded that "the Justices of peace of this Shire be verey well affected...for the ecclesiasticall policie", excepting a few others. Significantly, he suggested leaving it to the Privy Council to deal with them but thought that there was no need to augment the number of JPs in Norfolk, the region "being alredie in so good quiet."<sup>2</sup> York, in contrast, provided the Privy Council with major worries if the Archbishop of York's reply is anything to go by. In his reply he could find only 2 justices of the peace in York who could be relied on as "favorers of Religion." Ten others, the mayor included, were not.<sup>3</sup>

To make a case for a sustained breakdown in the 'lines of communication' between the Privy Council and the justices of the peace is unwise. Conflicting attitudes on the issues of illegal ale and tipping houses and the enclosure and tillage laws, however, did arise. In 1561 William Tyldesley wrote to William Cecil on the slackness of JPs in executing conciliar instructions:

of Alehouses (which I do thynck to be the verey stake & staye of all false theves and vagobundes) yf one or ij Justices by Redye to putt them downe that be to bad, by & other Justices be redye to sett them upp agayne...Off tillage, hyt is playne sacreleage to medell with that master, for they be all gentylemen of the Rycher sort of men that be offenders therin...they saye hyt may not be enqueried off, without a speciall commission.<sup>4</sup>

The Privy Council took the view that failing to suppress illegal tipping establishments amounted to corruption or favouritism, which undoubtedly existed in some parts of the country. Justices of the peace, however, coming face to face at their quarter sessions with the grim realities of urban parish life, knew well that these places were an important source of income for folk who could not or would not, find extra legitimate work. It was one thing to present unlicensed ale house owners at the quarter sessions and have them pay the necessary fines or serve a prison sentence. It was another to rob them of a livelihood of a last resort and

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<sup>1</sup> *Ibid.*, pp.35-36.

<sup>2</sup> *Ibid.*, pp.47-48, 58-59.

<sup>3</sup> *Ibid.*, pp.70-73.

<sup>4</sup> *TED*, I, pp.330-31.

consequently reduce them to surviving on the already compulsory, inadequate and unpopular poor relief rates.

Elizabeth's Privy Council inherited the 1552 'Act for Keepers of Alehouses to be bound by Recognisance' (5/6 Edward VI, c.25). Its preamble made the link between disorder and alehouses inseparable. The statute authorised JPs to license only trustworthy borough or county persons in the alehouse trade, to suppress unlicensed establishments and fine their owners.<sup>1</sup> Yet it was also ambiguously worded, permitting justices of the peace to grant semi-permanent licenses on an ad hoc basis. The Privy Council realised that the very illegality of unlicensed alehouses made them a good source of government revenue.<sup>2</sup> It was not always the case that town magistrates upheld the law regarding alehouses, remembering that as local and powerful notables they protected tipplers and business people who conducted transactions within alehouses, as clients of their patronage.<sup>3</sup> Alehouses, with their propensity to be receptacles "of drunkards felons, and loose and idle persons", were a source of tension between the Privy Council and town authorities.<sup>4</sup> The 1580s marked a turning point as far as the Privy Council's attitude to alehouses was concerned. It issued directions to "inquire for Papists and punish vagabonds severely" if they were caught in 'superfluous' alehouses, ie., those establishments outside the towns. Seminary and Jesuit priests, disguised as servants, labourers or masterless men, used alehouses as convenient contact points to spread sedition. At one time a Robert Faux confessed to having given a saddle and bridle to a priest named Forrest at an alehouse in Stoke, Northamptonshire in 1592.<sup>5</sup> In the last quarter of the sixteenth century, culminating in the enactments 31 Eliz. I, c.7 and 35 Eliz. I, c.6 banning the taking-in of lodgers in alehouses because it was feared they were havens for vagrants and potential conspirators, the Privy Council adopted a definite policy of restriction and suppression of such places.

Echoing the conciliar letter of October 1564, Lord Burghley issued decrees to the bishops in 1587 to inform him of their opinions on the performance and activities of justices in their respective dioceses.<sup>6</sup> Before discussing these it is important to note that during this 23-year hiatus the justices of the peace had their duties increased in a significant way. The Privy Council wanted to regulate more closely the activities of grain merchants and speculators, called

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1 Iles, *op. cit.*, p.254.

2 A situation explored more fully in S.K. Roberts, "Alehouses, brewing and government under the early Stuarts", *Southern History*, 2 (1980), pp.45-71.

3 Clark, *English Alehouse*, pp.167-68.

4 Sidney and Beatrice Webb, *The History of Liquor Licensing Principally From 1700 To 1830*, pp.12-13.

5 CSP, *Domestic, 1591-1594*, p.297.

6 Strype, *Annals*, III, p.453.



engrossers, forestallers and regrators, who controlled the movement of grain, corn and other food supplies in various towns' vicinities. Previously they were the subjects of earlier Tudor proclamations in the reigns of Henry VIII and Edward VI. Corn and grain merchants were much feared and loathed because it was felt that their practice of hoarding supplies in one locale or exporting it abroad in order to obtain higher prices, was detrimental and costly to other parts of the kingdom and the domestic market generally.<sup>1</sup> Food merchants were consistently depicted as avaricious hoarders of foodstuffs, thankful for harvest shortages, gloating over their victims, abusing God's bounty and purposely holding back supplies until they became musty and mouldy, and therefore unfit for human consumption.<sup>2</sup>

Originally, the Privy Council made decrees to local justices in the 1540s to stamp out speculators' activities.<sup>3</sup> In Elizabeth's time, however, conciliar policy derived from measures to stop the incidents of piracy which threatened the English Channel and west-coast trade with the Spanish, Flemish and northern French ports. Thus in Norfolk in 1565, for example, the Privy Council instructed officials that "no maner of graine be sufferid to be sent owt untill spetiall warraunte" come from the Crown.<sup>4</sup> The 1571 statute 13 Eliz. I, c.13 enabled justices of the peace to administer the grain trade by regulating the market places and ensuring that prices were kept at a reasonable (but never exactly specified) level. An immediate link therefore was established between the regulation of grain provisions and the welfare of a local county or town. First-hand knowledge of a given locality's economy made it possible for the Privy Council to shape policy in other areas, and the poor laws were no exception.<sup>5</sup> The Council exhorted justices "to make a devisiion and thereupon repaier to the townes and havens...and examine what corne hath ben caryed out, to what places and by what warrauntes, and what ben brought for the relief of the countrie."<sup>6</sup> The problem of the harvest mirroring that of poverty in general arose in the crisis of 1586-87, since comparatively few people lived far away from the bare margin of existence.

To safeguard the population against the threat of starvation, Parliament enacted a statute giving justices powers to restrain the making of malt. By April 1586, a time when distress in the clothing industry aggravated the situation, the Queen's proclamation against corn dealers

1 Burton Milligan, "Sixteenth and Seventeenth Century Satire Against Grain Engrossers", *Studies in Philology*, XXXVII, 4 (October, 1940), pp.585, 587; Vincent Ponko, Jr., *The Privy Council and the Spirit of Elizabethan Economic Management, 1558-1603* (Philadelphia, 1968), pp.8-18.

2 Milligan, *op. cit.*, pp.590-93.

3 *APC 1542-1547*, pp.258-59, 261; *APC 1550-1552*, pp.80, 213, 245, 269, 417, 425, 429, 438, 455.

4 *APC 1558-1570*, p.281.

5 J.S. Cockburn, *A History of English Assizes 1558-1714* (Cambridge, 1972), p.180; Hartley, *op. cit* (1992), p.22.

6 *APC 1571-1575*, p.104.

who profited from shortages and transported it where they liked, was followed by the Privy Council's direction in May 1586. The justices of the peace were to go to the markets personally to see that fair prices were charged.<sup>1</sup> A draft order found in the Burghley Papers is virtually identical to those orders which the Privy Council signed and issued to justices of the peace in January 1587. It is the orders against masterless people which stand out. Justices saw to it:

that no vagabond or sturdy beggar or any y<sup>t</sup> may otherwise gett ther lyving by ther labors be not suffred to wander abroad under coller of beggy(n)g in any town or high waye, and y<sup>t</sup> the Justyces do presently gyve order ther be p(er)so(n)s sufficiently weaponed to assist the constables of every town to attach such vagabo(n)ds both in ther towns side and high wayes and to com(m)itt them to prison w<sup>h</sup>out bayle...if the townshipp shall not obs(er)ve this order...then the justyces shall se due punishme(n)t by fyne uppo(n) the whole townshipp or uppo(n) such partyes in y<sup>e</sup> town as shall be found in fault.

Also, they had to ensure that the alehouses and tippling houses were severely curtailed in terms of the amount of malt they brewed or be closed permanently.<sup>2</sup>

It has been suggested by one historian that the Privy Council enhanced its power by constituting itself as a kind of 'clearing house', ensuring a fairer distribution of supplies between the shires where deficiencies were severe and those in a more fortunate position.<sup>3</sup> On closer inspection this was not always the case. When Lord Burghley received replies to his circular of 1587, Cheshire and Yorkshire still differed from the other three counties markedly in the perceived loyalty of their magistrates. The Bishops concerned with Northamptonshire and Norfolk answered that basically their justices of the peace, as far as appearances went, were conformable to "all Orders established" and "pretending outwardly many signes to further Religion."<sup>4</sup> However, Yorkshire and more specifically the allegations raised against some justices in York, provided plenty of scope for controversy. Archbishop Sandys' assessment of September 1587 generally pleased Burghley but Sandys was critical of Thomas Wentworth, a magistrate who acted as "a great Graine-Man of himself" by buying up as much grain as he could in the markets and then storing it in his house to sell at inflated prices. Sandys also called Burghley's attention to James Ryther, a "soure, subtil Papist, and brought into commission in respect thereof, readie to hinder any matter that shall touche any papist."<sup>5</sup> James Ryther was lord of the manor at Harewood and a justice of the peace for the West Riding. The insult he suffered may have been the result of Ryther's unsolicited correspondence to Burghley in the

<sup>1</sup> Strype, *Annals*, III, pp.434-36; *APC 1586-1587*, pp.71-72, 119-20.

<sup>2</sup> "Part of a Draft of Orders to Remedy the Scarcity of Corn, 1586" in Leonard, *Poor Relief*, pp.318-26.

<sup>3</sup> Osborne, *op. cit.*, p.45.

<sup>4</sup> Strype, *Annals*, III, Appendix, pp.169-71, 175-76.

<sup>5</sup> *Ibid.*, pp.178-79.

summer of 1587, wherein he offered many unflattering opinions on the justices in York and accused the merchant oligarchies of York and Hull of not distributing grain provisions to the poor fairly.<sup>1</sup>

During the last fifteen years of Elizabeth I's reign justices of the peace were required to implement various Privy Council instructions and parliamentary acts. It can be summarised at this point that following the Privy Council's active promotion of campaigns against rogues and vagabonds in 1568-69, the justices of the peace had the whole administration of punishing vagabonds at their disposal (ie., the Poor Law Acts of 1572 and 1576 and anti-Catholic Acts of the 1580s). From 1597 to 1601, when the poor laws were gradually codified, greater burdens were imposed on justices of the peace in that they had to appoint overseers, whose task it was to levy a compulsory rate in the parishes for the indigent poor. In the midst of these statutes one more vagrancy-linked responsibility entrusted to the lord and deputy lieutenants and justices of the peace emerged in the years 1591-93. The war against Spain had been in progress for six years when in July 1591 the Privy Council thought it prudent to find work for returning soldiers and mariners. The task of returning them "to the townes from whence the said soldiers were drawn, and to warne the masters from those whose service they were had", fell to the lord lieutenants and in London's case to the Lord Mayor.<sup>2</sup> Statutes in 1592-93 made deputy lieutenants and justices of the peace responsible for granting weekly contributions (pensions) to maimed or crippled soldiers and mariners. There was a proviso in statutory law that on payment ex-soldiers had to leave their present place of habitation "for their safe repayre to their severall counties."<sup>3</sup> Unfortunately, the fact that nobody had a realistic idea of the number of veterans entitled to relief and the level of contributions expected from the towns' parishes, would undermine the benevolent nature of the scheme. In many cases, as Chapters 4-8 will show, the Privy Council intervened on behalf of maimed soldiers who were refused pensions by the justices because of shortages in funds.

Realistically, more than a few justices knew that while requisitioning grain supplies and visiting recusants' houses were not so bad, other aspects of their job, namely relieving the poor and spending time apprehending and sentencing beggarly vagrants, must have appeared distasteful. The attractions and delights of London made a good excuse for them to leave their

<sup>1</sup> See Craig, "James Ryther of Harewood", Part I, p.111; Part II, pp.133, 142-43.

<sup>2</sup> *APC 1591*, p.352.

<sup>3</sup> *APC 1592-1593*, pp.178-79. Quarter sessions appointed justices to work as 'treasurers' for crippled and unemployable soldiers, with the responsibility of collecting contributions thrust upon the shoulders of the petty constables.

provincial towns for increasingly longer periods, a habit criticised in the Lord Keeper's address in the Star Chamber in 1589.<sup>1</sup> In the midst of the mid-1590s grain shortages when the justices were called on to implement the emergency orders of the mid-1580s, their activities and non-activities became the subject of many complaints. Privy councillors in the Star Chamber blamed the miscarriage of relief and security measures squarely on JPs' shoulders. Elizabeth I herself took the list of justices in her own hands and in the presence of the Lord Treasurer and Lord Keeper, "wente throughe & noted those Justices she would have Continue in Commission, & whome shée thoughte not meete."<sup>2</sup> Several times between 1595-99 justices of the peace were commanded to vacate London and return to their localities, to guard market practices, the sale of food to the poor and "haue care of the service of god and religion."<sup>3</sup>

So far the narrative reveals in a general sense that Elizabethan justices of the peace became the Privy Council's jacks-of-all-trade in every aspect of government; the development accorded well with the Tudor notion of government from the centre. The Privy Council told them to apprehend vagrants and link it to the regulation of food supply. Equally, it is clear that the Privy Council's directions were not being executed with the precision that a centralising administration might have reasonably expected from its subordinates. Justices of the peace were responsible for law and order but to get conciliar orders enacted at the ordinary, everyday level of Elizabethan town life they had to work with decidedly less well known and more anonymous representatives of local communities and urban parishes: constables, churchwardens, overseers and their barely recognised assistants. When vagrants were apprehended they came into contact in the first instance with these people. We will discover that some privy councillors had first-hand contact with them, indicating that they stretched their influence and power beyond the gentry.

In the midst of the parliamentary sessions of early 1572, a speaker noted during a debate on idleness and poverty that poor laws empowered constables "to apprehend all vagarant persons and them to cary to prison."<sup>4</sup> His statement reflected the Tudors' attempt to create a stronger system of administration from above than earlier monarchs, by consciously utilising

1 *APC 1586-1587*, pp.120-21; Osborne, *op. cit.*, p.53.

2 John Haywarde, *Les Reportes del Cases in Camera Stellata 1593 to 1609*, ed. William Paley Baildon (Lincoln's Inn, 1894), p.21.

3 *Ibid.*, pp.lvii-ix, 19-20, 56, 77-79, 102, 106, 159-60; Alexander B. Grosart (ed.), *The Dr. Farmer Chetham MS...Temp. Elizabeth, James I and Charles I*. Part I. Chetham Society, Old Ser., LXXXIX (Manchester, 1873), p.30; *CSP, Domestic, 1598-1601*, p.347.

4 Hartley, *Proceedings*, p.344.

the smallest subdivision of local government, the parish. Whether or not constables, churchwardens and other parish officers fulfilled the expectations thrust upon them has been analysed by historians since the late nineteenth century, when legal and constitutional writers began surveying them from emerging collections of county, borough and village records.<sup>1</sup> The constable's policing duties, such as suppressing armed routs, arresting and committing disturbers of the peace to prison, attending the justices at their sessions and upholding labour laws, originated in the statute of Westminster (1285). He was expected to arrest carriers of weapons at town markets and fairs, and to keep watch on property belonging to fugitive felons and of people already in custody. Joan Kent's introduction to her detailed study of the constableness and its occupants discusses two opposing historical perspectives: the traditional but still influential view that parish officials were incompetent agents of royal and conciliar authority; and a depiction of them as conscientious, aware and hardworking people who, if they failed, did so because the system in which they worked was flawed.<sup>2</sup>

The Tudors did not shy away from augmenting the religious functions of parish officials with increasingly secular ones as part of their need to know what was happening in the shires. It is probable that the 1536 northern insurgency and the belief that there was "moche secrett and severall comunycacyons amongges the Kyngge's sojettes", helped bring about Thomas Cromwell's well known injunctions in 1538 for every parish to keep full and unstinting records on births, deaths, marriages and baptisms in signed registers. These injunctions were re-issued in 1547, 1555, 1563 and 1597, setting the basis for parish officers becoming a tool of secular administration.<sup>3</sup> Individual parishes already had experience in caring for the impotent poor but the Henrician, Edwardian and Elizabethan poor laws expected them to distinguish between those begging but able to work, those who were not able to work through age or infirmity and to arrest the idle and wandering poor. Definite legal sanction thus gradually took over the sense of moral obligation towards the poor and unemployed in parishes throughout the land. Other non-vagrancy oriented legislation such as the statutes pertaining to bridges (1530-31) and

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1 Warren O. Aults' *Husbandry and the Village Community: A Study of Agrarian By-Laws in Medieval England* (Philadelphia, 1965) citing source material from Norfolk, Leicestershire, Northamptonshire and Yorkshire, takes up this theme in a general survey of village community by-law records in medieval, Tudor and early Stuart England.

2 Joan R. Kent, *The English Village Constable: 1580-1642 A Social and Administrative Study* (Oxford, 1986), pp.1-10. On the legal distinctions between churchwardens and constables see W.E. Tate, *The Parish Chest: A Study of the Records of Parochial Administration in England* (Cambridge, 1951), pp.83-88.

3 *L&P*, XIII, Part 2, p.114; J. Charles Cox, *The Parish Registers of England* (Totowa, New Jersey, 1974), pp.1-6; John Southerden Burn, *The History of Parish Registers in England...*, 2nd ed. (Wakefield, West Yorks., 1976), pp.8-9, 17-25.

highways (1555 and 1562) had the same desired effect and made parish constables and their assistants directly answerable to justices of the peace.<sup>1</sup>

Although Elizabeth's reign marks the high tide of Tudor secular encroachment on ecclesiastical forms of administering law and justice, it has been noted that "the church courts took as large a share in parish government as did the justices of the peace."<sup>2</sup> Under Elizabeth the pulpit became a powerful opinion and behaviour-moulding tool. Using tracts, homilies, admonitions and prayer, the parish priest and the churchwardens not only informed their parishioners of events such as the 1569 Rebellion and news of local plague outbreaks, they acted as instruments of political and religious guidance, which more or less meant the same thing. They publicised the pronouncements of the monarch, the Privy Council and bishops, organised the selection of poor relief collectors and annual patrols for the parish boundaries. Justices of the peace would meet occasionally at a church to transact business or look over constables', churchwardens' or overseers' accounts.<sup>3</sup> In short, "the church was turned...into a moral police court, where all the parish scandal was carefully gone over and ventilated."<sup>4</sup> Churchwardens and their sidemen were required to attend the Easter and Michaelmas visitations of an archdeacon or bishop in a market town and present him with formally written lists of offenders and offences, 'presentments' or 'detections'. These dealt with three main subjects: the fabric and furnishing of the church, the performance of divine service and parishioners' behaviour.<sup>5</sup>

Evidence from the towns of Leicester and York, Chester and the dioceses of York and Chester reveals that churchwardens were not immune from the censures meted out to the parishioners under their charge. Jane Gryne of York was presented for fornication but it was not clear "whether the curate did churche hir or no", and at Leicester in the parish of St. Martin's the wardens faced chastisement "for Lackynge a Byble."<sup>6</sup> The Bishop of Chester excommunicated some wardens in October 1592 because they did not show up to answer a complaint that their church "wanteth reparac[i]on."<sup>7</sup> Churchwardens of St. Mary's parish in Chester were presented for not taking the names of absentees from church service in the same year.<sup>8</sup> The dioceses of Cheshire and Yorkshire offer instances of differences in the requirement

1 G.H. Tupling, "Highway Surveyors' Accounts", *The Amateur Historian*, 1, 10 (February-March, 1954), p.301.

2 Sedley L. Ware, *The Elizabethan Parish in its Ecclesiastical and Financial Aspects* (Baltimore, 1908), p.9.

3 *Ibid.*, pp.12-13, 44-45.

4 *Ibid.*, p.14.

5 *Ibid.*, p.11.

6 *Ibid.*, pp.19, 26.

7 *Ibid.*, p.17.

8 Wark, *Recusancy*, p.80.

for churchwardens to be selected from a suitable level of wealth. While Gyles Taylor of Mytton, Yorkshire did not serve as a churchwarden because he was not sufficiently wealthy - "none shall be churchwarden but that payeth above a marke rent and he payeth under that somme" - 17 clerics in Cheshire complained that people chosen to serve "are commonly of the meanest and lewdest sort of the people, and therefore fit to serve the humour of the gentry and multitude."<sup>1</sup>

Constables had express authority to arrest rogues and vagabonds in their neighbourhoods, a power made all the more enforceable by threatening lax officers with fines for allowing "such Roges as haue begged or made aboad within their limits [to be] wilfully suffered...to escape punishment: And if any person giuen harborow, or other reliefe to any such Roge."<sup>2</sup> Lambard was more explicit about the vagrant-catching role of local officials and their answerability to the justices of the peace in relation to the 1572 and 1576 Poor Laws. The 1572 edict required a constable to arrest "all sturdie Rogues, or vagabonds, that shal begge, wander, or disorder them selues within his auctoritie" (this role became incorporated into his position as a collector for the poor) on pain of forfeiting £5. Collectors made:

a viewe & search of all the aged, impotent, and lame persons within their auctoritie, and all such as they shall finde, not being borne, nor within three yeares next before dwelling, within that diuision...they shal presentlie see conuaughed, on horsebacke, in Carte, or otherwise, by their discretions to the next Constable, and so from Constable to Constable the directest way, till euerie one of them be brought to the place where he or she was borne, or most conuersant by the space of three yeares.<sup>3</sup>

The Act of 1576 empowered constables to take up the position of collectors for the poor "to the extent euery such poore and needie person, olde or young, able to doe any worke" must not wander abroad, beg, pilfer things or live in idleness. Constables became intimately connected with the administration and security of houses of correction, in that they were responsible for delivering work materials and wages to the inmates. They were also made responsible for ex-servicemen returning to their home shires or towns, and collecting money for the supplying of pensions for maimed and sick soldiers or mariners.<sup>4</sup>

These obligations remained basically unchanged between 1572 and 1598 but further refinements eventuated in the Acts of 1598, 1601, 1604 and 1610.<sup>5</sup> The importance of these

1 J.S. Craig, "Co-operation and initiatives: Elizabethan churchwardens and the parish accounts of Mildenhall", *Social History*, 18, 3 (October, 1993), pp.362, 364.

2 Lambard, *Eirenarcha*, pp.14-15, 140-41, 194, 345.

3 William Lambard, *The Duties of Constables Borsholders, Tithing Men* (London, 1583). *The English Experience*, 176 (Amsterdam, 1969), pp.27, 29-31.

4 *Ibid.*, p.70; Tate, *op. cit.*, pp.180-81; Ware, *op. cit.*, p.66.

5 G.H. Tupling, "Overseers' Accounts", *The Amateur Historian*, 1, 9 (December 1953-January 1954), p.269; Tate, *op. cit.*, pp.190-91; Kent, *op. cit.*, pp.30-34. In 1615 Chief Justice Coke instructed constables to inquire into felonies,

statutory refinements lies in the fact that constables were encouraged not simply to stay inside their own locale and administer the law. They travelled to other market towns and villages to confer with their superiors on vagrancy matters. The point should not be lost that alongside the 'niceties' of this administrative work, there was also the physical and sometimes cruel nature of their work. Churchwardens and constables personally applied the whipping of vagrants at the whipping post or cart, the pillory and stocks in the punishment of vagrants. There were also occasions when they gave short shrift to beggarly women on the point of birth and hastily conveyed them to a parish boundary.

The war between Spain and England drew anonymous local officers into the realm of religious ideology and the regulation of worship. Churchwardens and constables had to look beyond vagrants as representing the begging poor or mobile workers who abused the labour laws by not having a permit to travel. There were other strangers on the road who had more sedition-minded reasons for being there, and these were the Jesuits and seminary priests and their confederates. In this matter constables' duties did not rest entirely on statute, as a widely-circulated list of articles to "the minister and churchwardens and sworne men of everye parishe...from the Right honourable Lords of her majesties pryvye Counsell" attests. This document directed its recipients to investigate not only suspect school masters and recusants who refused to attend divine service, but also strangers trying to make contact with them; disguised "massinge Preistes Reconcilers Jesuits Seminaries or other Parsons which have received orders or authoritie from the Romish Church to use the lyke."<sup>1</sup> Statutes in 1593 and 1606 made the constable, headborough or tithingman responsible for returning the names of recusants to justices of the peace at the next quarter sessions.<sup>2</sup> However, this was a most vexatious business. Apart from the fact that constables were often made scapegoats for their failure to detect well-trained, disguised or lucky Catholic agents operating in a town and its vicinity, or find evidence of priest-harbours, success depended on the religious sympathy (or apathy) of the community at the time. As the Privy Council's orders filtered through the hierarchy to the municipal parish level, they risked taking on the character of a witch hunt with the potential to arouse public and private hostility to them.

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vagrants and recusants, tillage of land, alehouses, relieving the poor, the sufficiency of petty constables, drunkenness, whoredom, discharging of servants, poulterers and purveyors of high-priced victuals. See *CSP, Domestic, Addenda, 1580-1625*, p.547.

1 Anthony Palmer (ed.), *Tudor Churchwardens' Accounts*. Hertfordshire Record Society, I (Braughing, Herts., 1985), pp.vi-viii.

2 Kent, *op. cit.*, p.34; Tate, *op. cit.*, p.184.



This brings us to the question of how effective municipal constabularies were in executing these sometimes intricately detailed directives against rogues and vagabonds. Following statutory and conciliar orders to the letter was far more difficult in practice than the law makers could ever have envisaged, or Tudor propagandists would have admitted to. Firstly, the origins of churchwardens', constables' and reeves' recruitment and their behaviour was a major headache for the central government. Municipal and government sources reveal that self-employed and busy but lowly shopkeepers, innkeepers and tradespeople served as parish officers. Their social status, economic circumstances, outlook, manners and even their appearance were not much different from the flotsam and dregs of society they had to arrest or look out for. This was a constant source of complaint throughout the period 1560-1620. Sir Thomas Smith admitted that "Constables...many times artificers, labourers and men of small abilitie be chosen unto that office, who have no great experience, nor knowledge, nor authoritie."<sup>1</sup> It is illustrated in William Harrison's *Description of England*, wherein Harrison shows them to have been selected from the lowest classes. They "are not altogether neglected, for in cities and corporat townes...they are commonlie made churchwardens, sidemen, aleconners, now and then constables, and manie times...the name of hedboroughes"<sup>2</sup> This had damaging implications when it came to executing directives from the Privy Council, a predicament well summed up by an incident in Yorkshire. A North Riding officer who was also an alehouse owner permitted 20 rogues to drink in his house at unlawful times.<sup>3</sup>

The Privy Council knew that constables had a role in all matters of social control and they were to make the initial response to what was amiss in their community. It was brought to its attention on a few occasions that people either refused to serve as constables, were improperly selected or were negligent in performing their duties.<sup>4</sup> The paucity of these sorts of records in the *Acts*, however, may suggest that the Council did not want to face the embarrassing situation of personally reprimanding unenthusiastic, often illiterate or uncomprehending constables. There would have been many so it was better to leave this to the justices of the peace or to higher ranking officials 'in the field'. An example of the latter occurred when the Earl of Sussex and Lord Hunsdon reported to William Cecil and the Privy Council respectively that executions of constables, not reprimands, were the order of the day

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<sup>1</sup> Sir Thomas Smith, *De Republica Anglorum*, p.93.

<sup>2</sup> William Harrison, *Description of England*, p.118.

<sup>3</sup> Kent, *op. cit.*, p.202.

<sup>4</sup> *APC 1558-1570*, p.184; *APC 1575-1577*, pp.251, 275; *APC 1578-1580*, pp.179-80; *APC 1581-1582*, p.20.

during the Northern Rebellion.<sup>1</sup> Cecil wrote to Sir Francis Walsingham on 10 August 1586, two months before the trial of Mary, Queen of Scots at Fotheringay, on the subject of capturing conspirators. His first-hand experience with constables was a telling one:

Sir - As I cam from London homward, in my coche, I sawe at every townes end the number of x or xii, standyng, with long staves, and untill I cam to Enfeld I thought no other of them, but that they had stayd for avoyding of the rayne, or to drynk of some alehowse, for so they did stand under pentyces at ale howses. But at Enfeld fyndyng a dosen in a plump, whan ther was no rayne, I bethought my self that they war appointed as watchmen, for the apprehendyng of such as are missyng; and theruppon I called some of them to me apart, and asked them wherfor they stood there? and one of them answered, 'To take 3 yong men.' And demandyng how they shuld know the persons, one answered with these wordes: 'Marry, my Lord, by intelligence of ther favor.' 'What meane you by that?' quoth I. 'Marry', sayd they, 'one of the partyes hath a hooked nose.' - 'And have you', quoth I, 'no other mark?' - 'No', sayth they. And then I asked who apoynted them; and they answered one Bankes, a Head Constable, whom I willed to be sent to me. Surely, sir, who so ever had the chardge from yow hath used the matter negligently; for these watchmen stand so openly in plumps, as no suspected person will come neare them; and if they be no better instructed but to fynd 3 persons by one of them havyng a hooked nose, they may miss therof. And thus I thought good to advertise yow, that the Justyces that had the chardg, as I thynk, may use the matter more circumspectly.<sup>2</sup>

Cecil's letter highlighted the growing knowledge that there was a lack of intelligent, dedicated and trustworthy people in matters of national security.

Contemporary writers brought these criticisms to light although the quality, consistency and veracity of their evidence is to be treated with caution. Playwrights and pamphleteers popularised the view that constabularies were riddled with corruption, inefficiency and stupidity. The minimally employable leaped blindly at the chance to act as substitutes for the otherwise qualified who were too clever to bother with a troublesome task. In *Measure for Measure* and *Much Ado About Nothing*, William Shakespeare depicted their obligatory constables, Elbow and Dogberry respectively, as well-intentioned but inept buffoons. Haggis, Bristle and Poacher, the constables in Ben Jonson's *Bartholomew Fair*, cannot see, let alone stop, the blatant vices paraded before their eyes. Similarly, the early seventeenth century *Street Robberies Consider'd* portrayed constables as lazy. They boasted that they were the "King of the Night" but instead of being "a little more active in their employment...all their business is to get to a watch house and guzzle, till their time of going home comes."<sup>3</sup> Harman and Dekker were far more critical. What they wrote of about the goings-on in London applied to the provincial towns. Constables and churchwardens simply lacked judgement and credulity in

1 CSP, Domestic, Addenda, 1566-1579, pp.169, 244.

2 J. Payne Collier, "Dogberry and his Associates. Arrest of the Conspirators with Mary Queen of Scots", *The Shakespeare Society's Papers*, I (London, 1844), pp.3-4.

3 Hugh C. Evans, "Comic Constables - Fictional and Historical", *Shakespeare Quarterly*, XX, 4 (Autumn, 1969), pp.427, 429-30; Alvin B. Kernan, "Alchemy and Acting: The Major Plays of Ben Jonson", *Studies In The Literary Imagination*, VI, 1 (April, 1973), pp.19-20; Phoebe S. Spinrad, "Dogberry Hero: Shakespeare's Comic Constables in Their Communal Context", *Studies in Philology*, LXXXIX, 2 (Spring, 1992), pp.161-62.

dealing with suspected vagrants, beggars and prostitutes. Worse still, they were actually outwitted by them.<sup>1</sup> In *The Guls Hornbook*, a constable was out of his depth in matters relating to checking foreign nationals. If one wanted to avoid being scrutinised or arrested by patrolling watchmen, it was a good tactic to pretend "to be a Frenchman, a Dutchman, or any other nation whose country is at peace with your owne; and you may passe the pikes: for beeing not able to understand you, they cannot by the customes of the Citie take your examination, and so by consequence they have nothing to say to you."<sup>2</sup> In certain situations people were not going to punish beggars and vagrants. They may have known them (unless they were complete strangers) and that they had been reduced to that condition by harsh economic circumstances or ill-fortune. Constraints such as the fear of losing half a day's precious labour or being away from home for an unspecified period also deterred people from carrying out their duties effectively as constables or assisting them. The threat of reprisals from vagrants was also a strong reason why constables were reluctant to prosecute. Due to lack of evidence, intimidation or simply confusion over identity, not all vagrancy cases made it to the trial stage and justices used their powers of discretion to stop proceedings if they were not going to be successful.

Another way in which churchwardens and constables could manipulate edicts to their advantage was the requirement to collect funds for the supplying of parish 'stock', with which to set the idle and able-bodied poor on work. One of the most popular ways of raising income for the urban parish was to hold 'church ales'. Church ales were tainted with Catholic ritual and subversion, they promoted drunkenness and boisterous joviality threatened to deteriorate into disorder.<sup>3</sup> These occasions attracted the sorts of people that constables were expected to suppress: the swindlers, pickpockets, beggars and vagrants. In the later years of Elizabeth's reign Chief Justice Popham initiated moves for justices of the peace to suppress them. Parish officers, whether they were churchwardens, surveyors of highways or overseers of the poor, had to collect parish revenues by way of a "cess" or compulsory tax or rate, in order to meet parish expenses.<sup>4</sup> Instructions issued to constables and overseers in May 1603 advised them "to cause watch and ward to be kept for the expelling of rogues and sturdy beggars and to forbid ales and wakes."<sup>5</sup> Church ales flourished not just in the northerly cities of York and Chester,

1 Edward Viles and F.J. Furnivall (eds.), *The Rogues and Vagabonds of Shakespeare's Youth* (London, 1907), pp.45, 55-56.

2 Evans, *op. cit.*, p.431.

3 Sidney and Beatrice Webb, *English Poor Law History: Part 1. The Old Poor Law*, pp.11-13.

4 *Ibid.*, pp.13-14.

5 HMC, *Duke of Rutland*, I, p.390.

but in the southern and central towns of Norwich, Leicester and Northampton, communities much closer to the will of the Privy Council.

The offices of administration which have been presented show tendencies by those in whom they were entrusted, to place local or personal interests or loyalties ahead of their official duties. This trend became increasingly noticeable the further one went down the administrative scale. Yet the problems inherent in the lord and deputy lieutenancies, justices of the peace and parish officers do not detract from the fact that they provided a remarkably flexible method of linking the state and local communities during the Elizabethan era. When consideration is given to the range and extent of each official's duties, the time and effort required to make them work and also the problems each ran up against, the record of these essentially mediating positions was surprisingly successful, given the circumstances of the society in which they were set. The move towards tightening local government by encouraging deputy lieutenants and justices of the peace to establish a greater level of regulative control over their municipal jurisdictions is a highlight of late sixteenth and early seventeenth administration. The *Acts* of the Privy Council suggest that it was not until the later years of James I and early years of Charles I that this bore fruit.<sup>1</sup> One of the themes in this chapter concerned military duties. The army and navy were convenient dumping grounds for alehouse riff-raff, unemployables, petty criminals and nuisances. Such an approach was dangerous in that it undermined what the Privy Council intended and it did not diminish vagrancy. More will have to be said on the issue of rogues and vagabonds in military service in the next chapter.

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<sup>1</sup> HMC, *Tenth Report, Appendix VI. The Manuscripts of the Marquess of Abergavenny...*, pp.111-17; APC 1616-1617, p.186; APC 1619-21, pp.29-30, 249; APC 1621-1623, pp.215, 225; APC 1623-1625, pp.55-56, 154-55; APC 1625-1626, pp.42, 73-74; APC 1626, pp.225-26.

## CHAPTER 3

### THE PRIVY COUNCIL, VAGRANTS AND THE LAW: FROM WHIPPING CAMPAIGNS TO HOUSES OF CORRECTION

*Vnhappy Procidor, see how fortune intending thy good the haplesse fates seeke to frustrate such successe, hast thou these fourteen yeeres, gone as a vacabonde about the world vnknown and despised.<sup>1</sup>*

We will now explore more precisely the types of rogues, vagabonds and masterless people who roamed over England. The Privy Council's plans of action against them and their ramifications for Chester, Leicester, Northampton, Norwich and York will also be analysed. This chapter is divided into two sections and there is some degree of overlap between them. The first outlines the evolution of the Privy Council's policies from the late Middle Ages to the year 1569. The second section examines developments from 1570 onward, with special emphasis on Privy Council meetings and their impact on the parliamentary sessions of the 1570s, 1581, 1585 and 1593. During the first phase vagrants were increasingly identified as being more than just victims of economic malaise. They included abusers of labour laws who were perceived to have no regard for the convention of work as servitude to a higher authority, soldiers returning from war, travelling entertainers of many kinds, and Catholic chantry and massing priests. While these miscreants continued to haunt England in the second phase, their numbers were compounded by the arrival of Jesuit priests and seminarists who blurred the issue of vagrancy in terms of their appearance, their acceptance within and harbouring by local communities, and the ideological or political danger they represented.

A common thread running through this chapter is the Privy Council's upholding of statutory law. It is not possible to isolate Privy Council policy from Acts of Parliament for several reasons. Firstly, conciliar directives echoed a great deal of late medieval procedure and thinking. Secondly, some laws were truly innovative. In the parliamentary sessions from the 1530s to the 1590s, some legislation had the input and backing of certain privy councillors. It is refreshing to note that throughout these years the ruling classes, contrary to expectations, did not automatically close ranks in the face of social disorder. An examination of the 'rebels' who inhabited England highlights emerging differences between official and non-government

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<sup>1</sup> From "Perimedes the Blacke-Smith", in Alexander B. Grosart, *The Life and Complete Works in Prose and Verse of Robert Greene*, VII (London, 1881-86), p.39.

accounts of them. Proposed bills on how rogues and vagabonds were to be defined and punished, even those bills keenly promoted by members of the Privy Council, were hotly debated. Whipping campaigns, public works schemes and houses of correction became policy after the 1572 and 1576 sessions but not without some controversy.

The main principles adopted by the Privy Council of instituting, at various times, passports, begging licenses, corporal or capital punishment and public works projects, began in the mid-fourteenth century. The Black Death was instrumental in forcing onto the roads of England people looking for work, loot if they happened to be demobbed soldiers who were none too keen to return to the monotony of village life, or higher wages in depopulated parts of the kingdom where labour was scarce and much-needed. The 1349 Statute of Labourers (23 Edw. III, c.7) forbade, under pain of imprisonment, the giving of alms to any person who was physically capable of labouring for his or her living. By the Act of 1383 (7 Rich. II, c.5) justices of assize, justices of the peace and county sheriffs had the power to bind over vagabonds to be of good behaviour or commit them to the assizes in default of sureties.<sup>1</sup> The statute 12 Rich. II, c.7 (1388) is special because it was the first one that Tudor legislators copied when they formulated their principles. It provided that beggars who were "impotent to serve" should be required "to draw them...to the towns where they were born", and if people did not want to be arrested as vagrants, then letters of testimonial had to be carried by servants leaving their masters, roving friars and beggars, university students, and people returning from abroad.<sup>2</sup> It is evidence that in their bid to return labourers and artisans to the servile conditions of preceding generations, early modern regimes retained a medieval outlook in their efforts to impose social cohesion and control.

The Tudor epoch produced numerous statutes against vagrancy but only those which were historically decisive and contained innovative principles, are relevant. Security was fundamental to the Tudors in terms of their dynasty's survival but surprisingly it does not follow that the central executive mounted a consistent and steadily rising campaign against those people whose very idleness constituted a rebellion against the order of society. There were signs of this when the earliest anti-vagrancy Tudor Acts saw the light of day in 1495 and 1504. They appeared to be less harsh than the legislation of Richard II's reign, imposing the

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<sup>1</sup> Tanner, *Tudor Documents*, p.469.

<sup>2</sup> *Ibid.*

punishment of stocking rather than imprisonment but they insisted more explicitly on the punishment of itinerant people and their being forcibly returned to their own districts. Beggars had to be kept in the hundred of their birth or last place of residence.<sup>1</sup> The crises of the late 1520s, a combination of dearth, plague and unemployment in the cloth industry caused by the declaration of war and the resulting loss of continental markets, prompted the government under Cardinal Wolsey's direction to pursue a policy to limit and where possible, alleviate, economic distress. It aimed above all else for stability and fearing that economic change constituted social dislocation, the Henrician Privy Council undertook 'secret' searches for vagrants throughout the kingdom. A harsh winter in 1527-28 did not prevent a "great number of vagabonds" being rounded up in Norfolk, while "valiant beggars" and "suspect blind hostelries and alehouses" were attended to in Yorkshire's North Riding.<sup>2</sup>

The 1536 Act is a watershed in English poor law history. Not only did it elicit more positive reforms, it came about at a time when the actions of Protestant-minded officials in the central government showed how far medieval theological perspectives on poverty had changed. Paul Fideler believes that the poor laws in the 1530s reflected a growing Christian Humanist trend among Thomas Cromwell's group of legislators. The Christian Humanists approved of moderate prosperity, the stewardship of wealth and enjoined charity. Humanists sought industriousness, which precluded idleness and rebellion, and a more virtuous society whose solicitude for the poor was a disciplined one. They refused to romanticise poverty and especially vagabondage, so work had to be found or created for the able-bodied jobless. This secular and statist perspective tended toward repression because poverty stood in a cause and effect relationship to insubordination.<sup>3</sup> Elton disputes the degree of the humanist-reform perspective in Cromwell's group because it is unspecified. His study of the 1535 draft legislation, which was written by an individual close to Cromwell, does indicate, however, that public works for vagrants were important, even though they had to be dropped for lack of support. Cromwell and his government championed the idea of public works on the King's harbours, rivers and roads. That program for public works did not survive the bill's passage through Parliament.<sup>4</sup>

1 E. Lipson, *The Economic History of England*, III (London, 1961), p. 422; Slack, *Poverty & Policy*, p.115; Tanner, *Tudor Documents*, pp.469-70.

2 *L&P*, IV, Part II, pp.1644, 1701; Leonard, *Poor Relief*, p.51.

3 Paul A. Fideler, "Christian Humanism and poor law reform in early Tudor England", *Societas*, IV, 4 (Autumn, 1974), pp.269-85.

4 Slack, *Poverty & Policy*, pp.118-19. Events at Dover bear this out. Henry VIII had personally supported the employment of "robust mendicants...in private works like the harbour of Dover." John Whalley, paymaster of works at Dover, wrote to Cromwell asking for money in order to pay the workers who were "in want of victuals, especially

From Henry VIII's last years to the end of Edward VI's reign the Privy Council made a greater effort to see that the laws regarding vagrants were obeyed. The troubled economic and political situation seemed to have had the effect of increasing their numbers, and consequently new but not successful legislation was introduced. Setting aside land for pasture farming continued unabated, there were bad harvests in 1545-46, and there was no way that the 48,000 men who had accompanied the military expedition to Boulogne were going to fit back into civilian life.<sup>1</sup> There is a notable increase in the number of letters emanating from the Privy Council to justices of assize and of the peace, castigating or encouraging them to do their duty to enforce this law and punish idle vagabonds.<sup>2</sup> Between 1541-47 the Privy Council wrote to various officials to prevent vagabonds "going upp and downe in the name off Egiptians", usually by having them deported. Towards the end of that period the Council issued letters to the justices "to see the vacaboundes and perturbbers of the peace ponysshed, and that ev[ery] man applie himself to doe as his calling dothe requyer."<sup>3</sup> The order signalled a more hardline attitude than hitherto expressed and nowhere was the authorities' desire to bend the sturdy vagabond and able-bodied poor to the will of the State better expressed than in the controversial Vagrancy Act of 1547 (1 Edw. VI, c.3).

This decree, ultimately regressive and unworkable, stipulated that all able-bodied but idle persons should be judged as vagabonds, bound over as slaves for two years to masters who would willingly take them on. As slaves, people could be legally chained, given only the coarsest food, continually whipped while working and be enslaved to the borough or hundred which could employ them on road making or public work jobs. Vagabonds were branded with an 'S' on the chest and made slaves for life if they ran away and were caught. On the second offence they were executed as felons. It is known that the law had its uses in Norwich in that its provision for suitable houses to relieve the impotent poor, encouraged the mayor and aldermen to solicit donations in their respective wards for the poor in St. Giles' Hospital.<sup>4</sup> But volunteer

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wheat." Whalley encountered a problem in workers leaving Dover to work in the harvest and he had further complaints about the high prices of wheat and its effects on the labourers. Why there was no money to pay the workers is answered by the failure in Parliament to provide for a graduated income tax to pay for public works schemes. It hamstrung the government's efforts in 1536 to do something constructive about vagrancy and only encouraged the Privy Council to resort to the expediency of punishing rogues and vagabonds outright. *L&P*, X, p.200; IX, pp.82, 184.

1 C.S.L. Davies, "Slavery and Protector Somerset; the Vagrancy Act of 1547", *ECHR*, Second Ser., XIX, 3 (December, 1966), p.538.

2 *L&P*, XII, Part II, pp.6-7, 145; XIII, Part II, p.541; XVI, p.456.

3 Davies, *op. cit.*, pp.537-38. See also Sir Harry Nicholas (ed.), *Proceedings and Ordinances of the Privy Council of England*, VII (London, 1837), pp.95, 265, 270; and *APC 1542-1547*, pp.88, 106, 128, 320.

4 Blomefield, *Norwich*, p.261; Tingey, *Records*, pp.xcix-c.



slave owners did not appear so the statute was useless and repealed in 1550.<sup>1</sup> Deeply flawed this statute may have been but it should not be written off as having been a complete aberration. Long after the Act was a mere memory it continued to hold some fascination for members on the Privy Council. William Cecil's proposals to Parliament in 1559 included a revival of the Act "with additions" and in 1586 to reintroduce slavery on the galleys. This particular proposal recalled the Edwardian statute; this "kind of punishment will both terrify ill-disposed persons from offending, and make thos that hazard them selves to offend, in some sorte proffitable to the common welthe."<sup>2</sup>

The tone and contents of the Council's letters about London in the 1550s influenced the spirit of the later Privy Council's orders to the provincial towns' authorities. Efforts were made not only to consult the Lord Mayor about the whipping, pillorying and/or deportation of the "moltitude of vagabundes", but to talk to him in person about keeping order in the capital. Each alderman was reminded of his responsibility for finding out the likeliest places for harbouring vagabonds in his ward. A great deal of the knowledge on which the Privy Council based its letters to the shires was obtained by examining vagabonds apprehended in London, and getting authorities to examine conditions there more closely.<sup>3</sup> Consequently, it became standard practice to send copies of the same letter throughout the kingdom with the intent of holding watches throughout it. Letters to every county in 1550 demanded that current laws should be "put in execucion" and "unlauffull games, sedicions, rumors and such like" stamped out.<sup>4</sup> In a period of twelve years these provisions and the way in which they were drafted hardly changed. It is evident in the orders that the Privy Council sent to the justices of Norfolk in March 1555, to the Archbishop of York, the Bishops of Durham and Carlisle and others in 1561, and to the sheriff and justices of Chester and other places on 23 July 1562.<sup>5</sup>

The statute book was supplemented by proclamations and letters of the Privy Council. These carried more weight with justices of the peace and officers under their control, as they had to cope with administering poor relief and alleviating harvest shortages. One piece of early Elizabethan parliamentary legislation that was long-lasting and with which certain privy councillors were connected, emerged in the year 1563. This was the famous "Act Touching

1 Aydelotte, *Rogues and Vagabonds*, p.63; Lipson, *op. cit.*, III, p.423; Leonard, *Poor Relief*, p.57; Slack, *Poverty & Policy*, p.122.

2 HMC, *Marquis of Salisbury*, Part I, p.162; *EEH*, p.323; J. Payne Collier (ed.), *The Egerton Papers: A Collection of Public and Private Documents*. Camden Society (London, 1840), pp.116-17.

3 *APC 1550-1552*, pp.27, 256-57, 389; *APC 1554-1556*, p.73.

4 *APC 1550-1552*, p.260.

5 Gilbert Burnet, *The History of the Reformation of the Church of England*, V (Oxford, 1865), p.427; *CSP, Domestic, 1601-1603; With Addenda, 1547-1565*, p.510; *APC 1558-1570*, p.116.

Divers Orders For Artificers, Labourers, Servants of Husbandry And Apprentices" (5 Eliz. I, c.4), more popularly and conveniently known as the Statute of Artificers.<sup>1</sup> The Statute of Artificers' origins can be traced to the Ordinance of 1349 and the Statutes of Labourers of 1388 and 1390. It inherited the medieval gild tradition of authoritarian control over industrial activity and applying on a wider scale the principles which municipal councils put into operation. These were to control of employees' wages, protect the claim of the qualified working person from unskilled competitors and secure continuity of employment by insisting on long engagements of service.<sup>2</sup>

The Statute of Artificers was a response to many immediate and intricate difficulties persisting since the late 1540s. These were the debasement of the coinage, inflation which had made earlier Tudor statutory limits on wages obsolete, political unrest, plague, dearth, growth of capitalism, the drift of skilled and labouring people to the less regulated countryside and the competition for employment opportunities it engendered.<sup>3</sup> Stemming from the predicament of the cloth industry, ie. the troubles in overseas markets and an expanding rural woollen industry to the detriment of urban centres, a number of legislative attempts were made.<sup>4</sup> By 1558-59 the insufficiency of this type of legislation was acknowledged, as was the need for a more general statute to cover the major crafts as a whole. Tracing the course of the Privy Council's involvement in the Statute of Artificers and how it was initially received in Chester, Leicester, Northampton, Norwich and York, is a difficult undertaking. The *Acts* of the Privy Council shed no light on the subject because there is a gap in the record between May 1559 and May 1562. Except for William Cecil's letter to Sir Thomas Smith in February 1563, *after* the Statute of Artificers was passed and indicating the existence of "a very good law agreed upon for indifferent allowances for servants' wages in husbandry", no record of debate on this statute exists.<sup>5</sup> Among William Cecil's preserved papers, fortunately, is a document known as the "Considerations delivered to the Parliament 1559", from which the statute largely derived. Of the twenty five points deemed worthy of 'consideration' in the document, only the first six are relevant to vagrancy.<sup>6</sup> Professor Bindoff has documented the role played by privy councillors

1 Reprinted in *EEH*, pp.325-33 and *TED*, I, pp.338-50.

2 Lipson, *op. cit.*, III, pp.207, 252-53, 279, 301.

3 F.J. Fisher, "Influenza and Inflation in Tudor England", *EcHR*, Second Ser., XVIII, 1 (1965), pp.120-29; Hartley, *op. cit.*, (1992), p.25.

4 W.E. Minchinton, "Wage Regulation in Pre-Industrial England", in W.E. Minchinton (ed.), *Wage Regulation in Pre-Industrial England* (Newton Abbot, Devon, 1972), p.16.

5 Wright, *Queen Elizabeth and Her Times*, I, pp.126-27; Hartley, *Proceedings*, p.xxvi.

6 HMC, *Marquis of Salisbury*, Part I, pp.162-65; *TED*, I, pp.325-30; Donald Woodward, "The Background to the Statute of Artificers: The Genesis of Labour Policy, 1558-63", *EcHR*, Second Ser., XXXIII, 1 (February, 1980), p.33; Hartley, *op. cit.*, p.26.

in these significant proposals. The bill which became the Statute of Artificers may have undergone extensive expansion, revision and debate in Parliament, but Cecil, Sir Thomas Smith, Sir James Croft and the Lord Keeper, Sir Nicholas Bacon, examined the questions of labourers and apprentices.<sup>1</sup>

The "Considerations" by themselves were not enough to get the Privy Council the legislation that it wanted passed, so before the Statute of Artificers became law, the Council used them as the basis for pursuing other lines of policy between 1561-63. "It could either attempt to enforce such statutory controls as it had, even though they were out of date, or it could forego controls until a new Parliament enabled it to revise them."<sup>2</sup> Neither alternative seems to have been acceptable to the Privy Council. Instead, it chose a third course of action - encouraging certain localities to enforce existing legislation relating to several matters including currency reform, wage assessments, apprenticeships and regulation of service. At Leicester in November 1560 the Earl of Huntingdon wrote to Cecil on the necessity of calling in all base money circulating there on account of "the Losse which ys now Lyke to falle amongst the poore."<sup>3</sup> At Northampton's general assizes in the spring of 1560, by a parliamentary act yet to be repealed, JPs drew up wage assessments for various categories of work people and either imprisoned or fined people for giving and taking of excessive wages.<sup>4</sup> On the basis of proclamations issued by the Privy Council in 1561 and 1562<sup>5</sup>, action at Chester, Norwich and York commenced a year or two later. Norwich's authorities settled several cases concerning vagabonds and labourers between May 1562 and April 1563 without any trouble.<sup>6</sup> The Chester and York evidence, however, indicates that their magistrates were not so compliant. A letter to Cecil from the well-informed Buckinghamshire JP, William Tyldesley, provides a clue. He related to Elizabeth's secretary the varying degrees of progress in other parts of the country. Accompanying "sertayne penall statutes to be enqueryng off" was "an ernist Letter from the Cownsell, which, as I do perceyve, haith caused in some shyres A littill to be done, & in some shyres nothing at all, yea & as farre as I can perceyve, they that had begone to do partelye well, begyne now to wexe so cold."<sup>7</sup>

1 S.T. Bindoff, "The Making of the Statute of Artificers", in S.T. Bindoff, J. Hurstfield and C.H. Williams (eds.), *Elizabethan Government and Society* (London, repr. 1964), pp.76, 80-81, 88-91.

2 *Ibid.*, p.83.

3 *TED*, II, p.200.

4 Bertha H. Putnam, "Northamptonshire Wage Assessments of 1560 and 1667", *ECHR*, I, 1 (January, 1927), pp.124-34; Bindoff, *op. cit.*, pp.83-84.

5 Minchinton, *op. cit.*, p.18.

6 Woodward, "The Background to the Statute of Artificers...", p.40; *TED*, I, pp.350-51.

7 *TED*, I, p.330; Minchinton, *op. cit.*

Chester and York were similar in that their magistrates knew that economic vitality depended largely on the continual transfusion of people into the community. Yet they had to comply with the government's directive to halt the drift of poor people to or from the town. Like most urban oligarchies Chester's Assembly traditionally kept all the trade of the city to itself and restrained outsiders from coming in and selling their wares, practising their trades, or doing simple labouring work.<sup>1</sup> In the depressed economic conditions, however, the Assembly recognised that Chester's future relied on rural traders, farmers, artisans from other towns, hawkers and pedlars, etc., doing business there. For this privilege outsiders and non-gild members could work there at specific times, such as fairs, on the payment of a toll or fine.<sup>2</sup> The Assembly's actions could hardly have pleased the Privy Council, since it already held grave reservations about the ideological state of Cheshire and Lancashire. The Earl of Sussex, writing at Chester on 22 July 1562, advised William Cecil that people attended divine service there as if it was a May game.<sup>3</sup> The next day the Privy Council dispatched letters to the Sheriff and justices of Cheshire to have "spetiall regarde to the meting with and keping in order of such as wander in those counties without certaine habitacions."<sup>4</sup> Several instances of the Council's order being enforced and the way that it penalised the personal and geographical mobility that helped shape Cestrians' working and/or everyday lives, are noteworthy.<sup>5</sup> Elizabeth Shuttleworth of Chester admitted that in contravention of "the Lawe of wedlocke", she carried on an affair with Peter Hartley in Colne parish. Custance Wade of Nantwich travelled to Chester to lie with the husband of Alis Rile. Rose Swarton, having an affair with "a yonge married man in the in Aspell strete" in Chester, went to Hurleston to give birth to their bastard child. And John Andrewe, previously "beyng of Sould[i]ers at Lithe", left his girl Ellen Dampart and informed his father he would "go into an other Cuntry to seke my Livinge."

Equally worried by the ramifications of stringent property qualifications needed for apprenticeships, York attempted to evade its official responsibilities. These did not go unnoticed. On 22 June 1561 the Council of the North found York deliberately neglectful of its "duties in the execution of the former articles and instructions heretofore...touching servants,

1 Groombridge, *Council Minutes*, p.xxiv.

2 Higgins, *County Government*, pp.11-12.

3 CSP, *Ireland, 1509-1573*, p.199.

4 APC 1558-70, p.116.

5 The following examples are dated between October 1561 and October 1562 and come from Frederick J. Furnivall (ed.), *Child-Marriages, Divorces, and Ratifications, &c., in the Diocese of Chester, A.D. 1561-6...* Also *Entries From the Mayors' Books, Chester, A.D. 1558-1600*. Early English Text Society, Original Ser., 108 (London, 1897), pp.13, 80, 90, 111.

labourers, regrators and others."<sup>1</sup> Then in January 1562, 87 apprentices whose parents did not fit the statutory property qualifications were indicted, along with 113 workers for accepting higher wages than legally permitted.<sup>2</sup> York's leaders took advice to redress this situation in December 1562. They sued for "such lyke proviso concernyng theacte ageynst takyng of apprentices, for the Citie of Yorke as is for London and Norwiche", and told York's MPs to inform one of the Privy Council about the decay of the Queen's chantry lands in York.<sup>3</sup> In getting Parliament or the Privy Council to amend the apprentice regulations York was spectacularly unsuccessful. Lack of experience in lobbying tactics and financial conservatism are probably the reasons why, from 1562 to 1586-87, York did not succeed in getting apprenticeship rules revised in its favour.<sup>4</sup>

Many themes emerge in the Statute of Artificers that helped to shape its restrictive and repressive nature. Firstly, apart from the general rules of a seven-year apprenticeship in industry in the 29 trades recognised at that time, the following tenets were upheld: work was a moral and social obligation; agriculture stood as the most vital kind of work; the seven year apprenticeship was the tool for civic and technical training; labour and occupational mobility were discouraged; and the claims of birth, privilege and property were upheld.<sup>5</sup> Vagrants were not originally targeted by the Statute of Artificers but a number of general stipulations made it inevitably the case that they would be affected by its implementation. The following points also make it patently clear that the Privy Council did not confine itself to regulating wage assessments as indicated by clause 11 of the Act, or ensuring municipal magistrates did the same.<sup>6</sup> The current opinion held that "through the idleness of those professions so many embrace them that they are only a cloak for vagabonds and thieves, and there is such decay of husbandry that masters cannot get skilful servants to till the ground without unreasonable wages."<sup>7</sup> The law distinguished between the 'legal' and 'illegal' worker by confining the occupation of clothier to one who served an apprenticeship in a corporate or market town, thus excluding the agricultural worker who did not satisfy this requirement. It emphasised the belief in economic and social stability and that vagrants symbolised the erosion of traditional master-employee relationships.<sup>8</sup> Able-bodied men and women were liable to serve as agricultural

1 Woodward, "The Background to the Statute of Artificers...", p.37.

2 *Ibid.*, p.40.

3 *Ibid.*; Dean, *op. cit.*, pp.144-45; YCR, VI, p.50.

4 Dean, *op. cit.*, p.145.

5 Bindoff, *op. cit.*, pp.58, 64; Lipson, *op. cit.*, III, p.279.

6 Bindoff, *op. cit.*, pp.74-75.

7 Lipson, *op. cit.*, III, p.280; *EEH*, p.324.

8 Lipson, *op. cit.*, II, pp.36, 65-66.

labourers and could be compelled to do so under the statute, unless they proved that they had exemption from the obligation. Labourers and artisans required testimonials from their last employers whenever they left their abode and they could not obtain fresh employment unless they presented such letters.

Failing to produce testimonials meant travelling workers risked being apprehended as vagrants, and then made to work in agricultural pursuits. Ironically, the clearest expression of Privy Council action in regulating workers' movements does not come from any of the five towns, but from Kingston-upon-Hull. The mayor was advised that "labourers should not move from town to town or from shire to shire without a testimonial sealed for the purpose" and "anyone of able body, under the age of 60, not already occupied and not having lands sufficient to support him should be bound into service" if a job were offered.<sup>1</sup> The Statute of Artificers played a vital part in the Privy Council's strategy. In all practicality the Act's propensity to force everybody into employment and 'freeze society' went against the tide of events and beyond the powers of Elizabethan government to maintain. Elton claims that the Statute of Artificers' only success was in the justices' fixing of wages and publishing lists of them, "which did not please journeymen."<sup>2</sup> It will also be shown later that the statute did not stop the widespread trade in counterfeit passports and their usage by vagrants, rogues and those pretending to be maimed soldiers.

Any improvements in legislation did not match the increasing pressure being exercised by the Privy Council on justices of the peace to quell vagrancy. The method used was twofold; on occasions general measures were implemented through the whole kingdom or on particular regional communities and local officials. The measures mainly consisted of organising searches for the rooting out and punishment of rogues and vagabonds, to discourage wage increases, and to prevent unstable alterations in the price of wheat and corn. The most detailed official returns are about the operations conducted in August, September and October 1571, in response to a general letter from the Privy Council dated 30 July. Watches for "all Roges, Vagabonds, Sturdie beggars, masterles mene, and all persones otherwise suspected", were normally held from nine o'clock at night until three or four in the next afternoon. Justices of the peace interrogated vagrants and then stocked or whipped them at a cart's tail, and issued passports to send them on their way.<sup>3</sup> The reports from nineteen shires between 1569-72 are preserved

1 Letter cited in Woodward, *op. cit.*, pp.36-37.

2 Elton, *op. cit.* (1986), p.267.

3 Aydelotte, *Rogues and Vagabonds*, pp.156-57.

among the state papers and reveal the condition of each county and the extent to which the law was executed. There are variations in the number of reports each locality made but the important point is that they all went to the Privy Council.

While the policies considered above can be explained in terms of general economic trends, the state of the army, itinerant entertainers, wandering ex-priests and the Rising in the North in 1569 created the Elizabethan Privy Council's opportunity for more urgency. Just under a century ago, J.W. Fortescue convincingly described the state of Elizabeth's military forces as reflecting the general political, financial and social malaise of her kingdom. The religious fanaticism of Protestants and their zeal to reorganise the country along religious lines did not, curiously, lead them to reorganise or improve the army to defend them from Catholicism. Expeditions to Scotland in 1560, the siege of Le Havre in 1562, early forays in Ireland in the mid-1560s and the Northern Revolt revealed glaring faults. Chief among them were that ordinary foot soldiers lacked discipline and enthusiasm, the officer corps was riddled with corruption, Elizabeth's parsimony discouraged her ministers from expending money on correcting known abuses, and lastly, two ugly precedents were set. Recruits were raised by emptying prisons of highwaymen, cut-purses and robbers, while press-gangs scoured the countryside and towns for vagrants and beggars.<sup>1</sup>

Early Elizabethan military administrators based their policies and practices on those of Henry VII's time. The idea of a national force only slowly and grudgingly gained acceptance. Apart from the Yeomen, a scattering of garrisons in the north based on Berwick, and increasingly unpopular mercenaries, Tudor England did not have a standing force of professional soldiers. Officials clung to the notion that there was no need to go beyond the traditional shire levies, in contrast to the more professional armies developing in Italy and France. It was assumed that the only skills a foot soldier needed were surviving camp life, executing the simplest manoeuvres and lending his body to shock tactics. Financially, Tudor governments could not afford to sustain the costs of proper training and discipline.<sup>2</sup> Politically,

1 J.W. Fortescue, *A History of the British Army*, I (London, 1899), pp.127-33; and "The Soldier", in *Shakespeare's England: An Account of the Life & Manners of his Age*, I (Oxford, 1916), pp.112-26. Fortescue's later article makes extensive use of several plays by William Shakespeare as evidence for impressment into the army. Like Sir John Smythe, Barnabe Rich, Sir Henry Knyvett and others who are mentioned below, Shakespeare - critically - differentiated between 'gentlemen' volunteers and soldiers recruited from gaols.

2 On the difficulties Henry VII and Henry VIII had in administering and provisioning their armies see: James R. Hooker, "Notes on the Organization and Supply of the Tudor Military under Henry VII", *HLQ*, 23, 1 (November, 1959), pp.19-31; C.S.L. Davies, "Provisions for Armies, 1509-50: a Study in the Effectiveness of Early Tudor Government", *ECHR*, Second Ser., XVII, 2 (1964), pp.234-48; and J.J. Goring, "The general proscription of 1522", *EHR*, CCCXLI, 341 (October, 1971), pp.681-705.

they did not want to encourage the existence of armed and well-trained men in the realm either. This is why inspections of mustered men occurred at several places within counties and not at any central town or market: the central government feared large assemblies of armed men.<sup>1</sup> So an essentially ad hoc and amateurish system of military readiness guaranteed domestic security problems: the burden of impressed, unenthusiastic and ill-disciplined soldiers on towns and villages for wages, lodgings and clothing; simmering tensions between 'bands' of soldiers and townsfolk erupting into violence; the terrors of disease, starvation (due to woefully inadequate or non-existent provisioning of food, clothing and wages) and risking atrocious sailing conditions.

In the last year of Mary's rule the urgent need to defend Calais initiated an improvement in the military system, but did not completely end the quasi-feudal method of levying soldiers. The Crown instructed shire commanders in January 1558 to include the tenants of lords and gentlemen, previously exempted under the old Statute of Winchester with its Commissions of Array. A few weeks later Parliament passed a Militia Act which introduced a scheme of assessment for armour and horse for every section of society. All able-bodied men between the ages of 16 and 60 were liable to serve in the forces, excepting the lords of parliament and their servants, clergy, and justices of the peace. Ironically, the move to bring the landed classes firmly into what constituted a 'national' system by making them bear the costs of equipping soldiers for war, exempted privy councillors. Their dependents were available to serve in their lords' private contingents, not the shire levies.<sup>2</sup> A further impediment to the Act was that it retained the "necessary evil" of impressment.<sup>3</sup> This was the military position that the Privy Council faced when Elizabeth's reign began. It inherited a militia system in which the once militant territorial lords of a previous generation, some of whom had fought in Scotland and at Calais and Boulogne in the 1540s and 1550s, were dwindling in number and influence. Their experience was irreplaceable when matters of local musters and training and imparting knowledge about them arose. Consequently, the appearance of a large number of tracts for the benefit of the good Protestant officer and soldier were long on rumour, prejudice and anti-Catholic propaganda, but short on specifically military content.<sup>4</sup>

1 A.J. Howard and T.L. Stoate (eds.), *The Devon Muster Roll For 1569* (Bristol, 1977), p.iii.

2 Fortesue, *op. cit.* (1916), p.112; Correlli Barnett, *Britain and Her Army 1509-1970* (London, 1970), pp.23-24; Jeremy Goring, "Social Change and Military Decline in Mid-Tudor England", *History*, 60, 199 (June, 1975), p.196.

3 Wake, *Musters, Beacons, Subsidies*, p.cvii.

4 Henry J. Webb, "Military Newsbooks during the Age of Elizabeth", *English Studies*, 33 (1952), pp.241-51; J.R. Hale, *Renaissance War Studies* (London, 1983), pp.248-51.



The government's determination to adhere to outmoded practices and the failings they produced were felt to a greater extent in Chester and York than in Leicester, Northampton and Norwich. In the latter towns the problems associated with unemployable ex-army misfits, crippled veterans and outright deserters were mainly confined to the second half of Elizabeth's rule. Nonetheless, the government's demands were being felt in those towns by 1558. The Privy Council needed 300 soldiers to serve "beyond the seas" in 1549 and the Leicester Town Chamberlains' records for 1555-56 reveal that the second Earl of Huntingdon required "the harynessyng of...xx men."<sup>1</sup> Northampton had always rated highly in the supply of troops and funding of them since medieval times, and by the early months of Elizabeth's reign the Crown required the Commissioners for Musters to levy troops for war against France and Scotland.<sup>2</sup> In the early 1540s the third Duke of Norfolk required from Norwich "the tallest and most apte" of men for war in Scotland and France.<sup>3</sup> During Mary's reign local Commissioners for Musters impressed 500 men for campaigning against France.<sup>4</sup>

Chester's and York's importance as military bases was established well before Elizabeth's reign. Events in both towns demonstrate that their longstanding experience was very different, if not in kind, then in scale. Chester endured the difficulties of 'vagabond soldiers' for nearly a century, from the time 120 Lancashire and Cheshire troops deserted in 1549, to the English Civil War.<sup>5</sup> In 1550 the Privy Council advised the mayor to return 13 Irish soldiers to their home forthwith. During the last months of Mary's reign there were several occasions when soldiers had to be housed and victualled for an unspecified period of time due to lack of good winds.<sup>6</sup> Occasions of 'lack of wynde' would prove ominous. Disrupted or postponed troop movements encouraged boredom, restlessness and brawling among soldiers or with the locals. Worse still, it precipitated mutinies and desertions. York naturally required the presence of a large number of soldiers during the Northern Rebellion but Sir George Bowes' statement to the Earl of Sussex at this time, that "the contreth of Yorkshire never goeth to war but for wages", highlighted an old theme.<sup>7</sup> Since the early 1530s detachments of soldiers in York or at least stationed there while campaigning on the Borders or in Scotland found it difficult to obtain wages, armour and weapons. It was brought to Thomas Cromwell's attention many times

1 Nichols, *History and Antiquities*, I, Part 2, p.393.

2 *RBN*, I, p.207; *RBN*, II, p.444; Wake, *Musters, Beacons, Subsidies*, pp.183-84; HMC, *Third Report*, p.262.

3 R.H. Mason, *The History of Norfolk*, I (London, 1882), p.128.

4 HMC, *Third Report*, p.239.

5 HMC, *Duke of Rutland*, I, pp.35-36; HMC, *Fifth Report*, Part 1, p.350.

6 Kennett, *Chester*, p.33; *APC 1550-1552*, p.119; *APC 1556-1558*, p.308.

7 Sir Cuthbert Sharp, *The Rising in the North...Being a reprint of the Memorials of the Rebellion of the Earls of Northumberland and Westmorland* (Durham, 1975), p.47; Wright, *Queen Elizabeth and Her Times*, I, p.338.

between 1533-37 that if Henry VIII wanted his garrisons in the North to continue functioning, they had to be adequately paid and provisioned. The author of these letters, Sir George Lawson, wrote that all of Yorkshire would be "wild ramage, and out of all good order" if soldiers' pay did not arrive very soon.<sup>1</sup>

There are references to the Privy Council ordering the levying or payment of soldiers in the 1540s without incident<sup>2</sup>, but Lawson's warnings were reiterated by the Earl of Rutland to the Privy Council in 1549. The difficulty of lodging and feeding troops at York in winter made it all the likelier that his soldiers would lay more waste to Northumberland than the enemy's.<sup>3</sup> Unruly troops who originally came from Calais and elsewhere were forcibly disbanded in 1550. It was put to the mayor of York and his brethren that "the Statuts provyded for vagabounds and suche other like" be enacted to stop disorders in the town.<sup>4</sup> The Earl of Shrewsbury and the Council of the North were informed of similar incidents during August-September 1557. A "lack of money" threatened to provoke unrest among the soldiery. They had marched 20 days before being brought to the place of battle, winter was near, the local harvest was not yet in (making provisioning hard) and the troops were "not able to live of their accustomed wages."<sup>5</sup>

Clearly, the methods of raising troops and commanding an army had to be improved. Unfortunately, we are limited in our knowledge about what the Privy Council as a body or as individuals thought on the subject during 1558-71. One can understand the reluctance of any security-minded government body like the Privy Council to put anything into print regarding the state of its armed forces. Elizabeth's proclamation to lords lieutenant in 1560 not to permit returning soldiers to live idly, suspiciously or without employment<sup>6</sup>, may indicate that the Privy Council discussed the matter. Typically, we know most about William Cecil's activities. He was one of the first to act in 1559-60, probably spurred on by the complaint of Captain Edward Turnour. Turnour claimed that his profession "is now by ill-training grown to disorder and mischief", and he loathed having to live "like a conjuror among devils."<sup>7</sup> Cecil directed all

1 *L&P*, VI, pp.11, 98-99, 169, 236-37; XII, Part I, p.57.

2 *APC 1542-1547*, p.31; *APC 1547-1550*, pp.22-23, 118-19.

3 *CSP, Domestic, 1547-1580*, p.6; *HMC, Duke of Rutland, IV*, p.199. Earlier, in November 1548 a veteran officer stationed at Berwick, John Brende, made a similar complaint: "There is better order among the Tartars than in this town; no man can have anything unstolen; none but Scots can be harboured except by force; and price of victuals is excessive. The sick soldiers from Haddington, &c. are shut out of houses, and die of want in the streets." Cited in Harold Davis, "John Brende: Soldier and Translator", *HLQ*, I, 4 (July, 1938), p.424.

4 *YCR*, V, p.44.

5 Lodge, *Illustrations*, I, pp.318-19, 322-26.

6 *CSP, Domestic, 1547-1580*, p.158.

7 *Ibid.*, p.124.

magistrates throughout the country to advise him on the condition of their people and the workability of the statutes enacted for national defence.<sup>1</sup> Fortunately, we can surmise that any discussions must have taken into account the rising number of military treatises in England, for example Peter Whitehorne's *The Ordering of Souldiours in battelray* (1560) and Henry Barrett's *A briefe booke* (1562).<sup>2</sup> Some tomes, whether they concentrated on practical handbooks for amateur captains, soldiers' drills, or the theory of battlefield deployment, were dedicated to individual privy councillors. John Mountgomery dedicated his tract to the privy councillor Francis, Earl of Bedford.<sup>3</sup>

Unlike the soldiery there are less straightforward aspects in an investigation of entertainers in the period up to 1569. It is known that before arriving at a town to play in the courtyard of a popular inn or manor hall, usually during the summer months, players were obliged to give their first performance before the mayor and his officials in the guild hall:

the manner is...that when Players of Enterludes come to towne, they first attend the Mayor, to enforme him what nobleman's servants they are, and so to get licence for their publike playing; and if the Mayor like the Actors, or would shew respect to their Lord and Master, he appoints them to play their first play before himselfe and the Aldermen and common Councill of the City.<sup>4</sup>

Regular playhouse establishments had not yet been constructed (in some places they never were) and this encouraged players and actors to perform in any place where chance provided, such as open street squares, barns, school houses, even churches.<sup>5</sup> The contention revolves around two main issues: the definition of who exactly a 'player', 'actor', 'minstrel' or 'juggler' was; and more importantly, Tudor governments' changing policy towards wandering entertainers generally. Legal methods arose for their regulation and/or suppression but not without tensions arising between the increasingly powerful representatives of the urban middle class who frowned on such activities, and the persistence of the court and nobility in tolerating and offering patronage to players and their companies. It was hard for officials to distinguish between professional and itinerant groups of entertainers because they were both skilled at entertaining people.<sup>6</sup> On occasions it appeared to them that players received better treatment than

1 Fortesque, *op. cit.* (1899), p.128.

2 *Ibid.*, p.136; Hale, *op. cit.*, pp.271-84.

3 Aucher Cornwall Taylor, "'Things Nedefull for this Present State', by John Mountgomery, 1562", *Archaeologia*, XLVII (1882), p.210.

4 Theodore Hannan-Clark, *Drama in Gloucestershire* (1928, Gloucester), p.37.

5 D.F. Rowan, "Inns, Inn-Yards, and Other Playing Places", *The Elizabethan Theatre*, IX (1981), pp.1-20.

6 Loius B.Wright, "Variety Entertainment By Elizabethan Strolling Players", *The Journal of English and Germanic Philology*, XXVI (1927), pp.294-95; Lancashire, *op. cit.*, pp.xxvii-xxx; John C. Coldewey, "That Enterprising Property Player: Semi-Professional Drama in Sixteenth-Century England", *Theatre Notebook*, XXXI, 1 (1977), pp.5-6; Norman Sanders et al, *The Revels History of Drama in English II. 1500-1576* (London, 1980), pp.4-6, 103-5.

they deserved. They played in the presence of Queen Elizabeth at her Court, received "court-mony" and stayed at great houses. If the resident noble could not stay to see them perform he or she paid them a gratuity before sending them away. One lord had a company stay at his residence for several days.<sup>1</sup> Lawrence Stone and Glynne Wickham have cited examples of players being tolerated and even accepted in local communities, by wealthy spiritual and temporal patrons in particular. In the north of England the tradition was strongest. Players from York received rewards for performing in 1527-28 and 1531-32.<sup>2</sup> Nearly a hundred years later a nobleman paid £1 to "a certeyne company of Roguish players whoe presented A new way to pay old debte. for their reward."<sup>3</sup>

The Reformation forced the Tudors to regiment drama because performances, ranging from travelling lone balladeers to official town 'mystery' play productions, were suspected of being awash with Catholic dogma, propaganda, ritual and custom. In the 1530s-40s England moved toward religious and political independence and away from participating as a segment of Catholic Europe. The road to making actors and players vagrants and social undesirables became clear. Henry VIII's government proceeded to eliminate religious drama from national life because of its connection with sedition. In February 1537 a fiddler, John Hogon, moving from Cambridge to Thetford Abbey, was prosecuted for singing a ballad about land-grabbing lords of the realm and "the Masteres of arte, & Doctoures of Dyvynte."<sup>4</sup> A late Henrician proclamation (1545) urged galleys to be filled with vagrants, including idlers living by "falsehood in play", and in the same year a proclamation in London announced the unwanted increase in plays in "suspytyous darke and inconvenyent places", their encouragement of non-attendance at divine service, idleness among young people and apprentices.<sup>5</sup> Under Edward VI the system of licensing players began in 1551 but the first known reference to such a policy being adopted by a government agency happened in 1546, when the Privy Council released, on bond, the Earl of Bath's players for "playing lewd plays" in London's suburbs.<sup>6</sup> The twin-pronged policy of restricting performances to 'official' players of either the king or various lords, and of censoring or discouraging 'superstitious' plays, was evident in the dioceses of

1 Alwin Thaler, "The Elizabethan Dramatic Companies", *Publications of the Modern Language Association of America*, New Ser., XXVIII, 1 (1920), p.130; John Wasson, 'Elizabethan and Jacobean Touring Companies', *Theatre Notebook*, XLII, 2 (1988), p.54.

2 Glynne Wickham, "Players at Selby, Yorks, 1431-1532", *Theatre Notebook*, XII, 2 (Winter, 1958), p.53.

3 Lawrence Stone (ed.), "Companies of Players entertained by the Earl of Cumberland and Lord Clifford, 1607-39", *The Malone Society, Collections*, V (Oxford, 1960), p.26.

4 Mason, *op. cit.*, I, p.129.

5 William J. Griffin, "Notes on Early Tudor Control of the Stage", *Modern Language Notes*, LVIII, 1 (January, 1943), pp.52-53.

6 *Ibid.*, p.52.

York and Chester in 1531 and 1545 respectively, and at Norwich in 1543-44.<sup>1</sup> The Privy Council wrote to the Earl of Shrewsbury in 1556 advising him that it would question Sir Francis Leek on his players' performance of allegedly seditious material.<sup>2</sup>

The instances of censorship and repression of entertainers under the Henrician, Edwardian and Marian regimes did not prevent the targets of their wrath continuing to flourish. It has led historians to suggest that a complete rethink is needed on the idea that successive Tudor administrations conducted a consistent campaign against players and their ilk. The Tudors, as Bing D. Bills says, used drama and theatrical presentations for their own propaganda purposes to bolster current religious and political orthodoxies. On not one occasion either, in spite of the supposedly irresistible tide of Puritan thinking in government, did the Edwardian and early Elizabethan administrations actually abolish cycle plays or expressly forbid them.<sup>3</sup> The key to permanent or transient entertainers' survival, despite contemporary criticisms of them, especially in the form of the royal proclamation of 16 May 1559 which prescribed that no license be given to plays dealing with matters of governance of the state or religious matters, lay in the fact that Elizabeth I loved actors' shows at festive and ceremonial occasions.<sup>4</sup> It forced her political elites, naturally wanting to retain her favour, to jostle for positions of prestige, power and courtly approval by promoting stage shows or keeping troupes under their patronage and sending them on regular tours from year to year in the shires. Mobile entertainers, whether they were patronised or not, flourished because the central government and organisations traditionally responsible for producing drama, namely the royal court, noble households, civic organisations, the Church and academic institutions, organised and promoted stage propaganda.<sup>5</sup>

We find that from the beginning of Elizabeth's reign to the mid-1590s, the Privy Council inveighed against strolling players and minstrels for their supposed vagrancy. Yet most councillors patronised or at the very least tacitly approved of bands of players, minstrels and

1 Arthur F. Leach, "Some English Plays and Players, 1200-1548", in *An English Miscellany Presented To Dr. Furnivall in Honour of His Seventy-Fifth Birthday* (Oxford, 1901), p.220; Mary A. Blackstone, "Patrons and Elizabethan Dramatic Companies", *The Elizabethan Theatre*, X (1988), pp.121-22.

2 Lodge, *Illustrations*, I, pp.260-62; Blackstone, *op. cit.*, p.122.

3 Bing D. Bills, "The 'Suppression Theory' and the English Corpus Christi Play: A Re-Examination", *Theatre Journal*, 32, 2 (May, 1980), pp.157-68.

4 She enjoyed the Court Interluders' Christmas revelries of 1559-60 and foreign ambassadors were shocked to find that plays and processions in London's streets caricatured Catholic heads of state and priests. *CSP, Venetian, 1558-1580*, pp.11, 27; *CSP, Simancas*, I, p.62.

5 J. Arbuthnot Nairn, "Boy-Actors under the Tudors and Stewarts", *Transactions of the Royal Society of Literature of the United Kingdom*, Second Ser., XXXII (1914), pp.63, 65; Alwin Thaler, "The Players at Court, 1564-1642", *The Journal of English and Germanic Philology*, XIX (1920), pp.20-21; Blackstone, *op. cit.*, p.113; Paul Whitfield White, "Patronage, Protestantism, and Stage Propaganda in Early Elizabethan England", *The Yearbook of English Studies* (1991), pp.39-40; Barbara D. Palmer, "Early Entertainment Patterns in Northern England", *Bulletin of the John Rylands University Library of Manchester*, 74, 1 (Spring, 1992), pp.184-85.

bearwards. The Duke of Norfolk, Lord Hunsdon and the Earl of Derby patronised such 'servants' and they were accepted in many towns.<sup>1</sup> William Cecil promoted stage polemic for political purposes at Elizabeth's court and elsewhere as propaganda against Spain.<sup>2</sup> Other councillors had distinctly stronger Protestant sentiments. The Earl of Leicester and the Earl of Huntingdon supported and advanced touring troupes because when they performed in provincial towns, they incorporated moral interludes reflecting their patrons' politico-religious interests. Both men encouraged or commissioned their companies to promote their ideological views in their plays, not only at diplomatic or festive occasions at their residences or in the capital, but also in the gild halls of the local magistrates with whom they had extensive connections.<sup>3</sup> Sir Francis Walsingham ordered the Master of the Revels in 1583 to choose 12 of the best actors from various companies to create the Queen's Men. The troupe acted at court from 1584 to 1591 and thereafter in the provinces until 1603.<sup>4</sup> Walsingham is the "notable wise counsellor that is now dead" who was mentioned in the preface of Ariosto's *Orlando Furioso* (1591). As a politician he wanted to know which persons of consequence or matters of state were being referred to in stage shows.<sup>5</sup>

Establishing exactly when and why monks, friars and priests became associated with the crime and character of vagrancy, and when their harbourers and supporters were also stigmatised by it, is not easy. Although a bill "agaynst massyng prests goinge yn dysguysed apparell" appeared in the 1571 Parliament<sup>6</sup>, the survival of and hardening attitude to Henrician, Edwardian and Marian priests in and beyond the early years of Elizabeth I's reign, is crucial. John Bastwell, once a friar of Chester, was ordered not to wear beads, and Edward Griffes, perhaps an ex-porter of Chester Abbey, was "enjoynd that he shall not use his beades hereafter

1 REED: *Norwich*, passim; REED: *Cambridge*, pp.106, 110, 200; REED: *York*, pp.397, 471. See also Mary Dormer Harris, "The Ancient Records of Coventry", *Dugdale Society Occasional Papers*, I (Stratford-Upon-Avon, 1924), p.6.

2 White, *op. cit.*, p.41.

3 *Ibid.*, pp.49-51; Palmer, *op. cit.*, p.185; REED: *Coventry*, pp.246, 264, 291. It is no accident that the Earl of Leicester's troupe was one of the most prominent of its time, receiving a royal patent in 1574 to act in London and elsewhere in England without restrictions. In return for his patronage Leicester's players carried his name across England at a time when he was seeking popularity and wider influence in the shape of local appointments. Patronising a touring company was consonant with Robert Dudley's sponsorship of individuals and town corporations. See Sally-Beth Maclean, "The Politics of Patronage: Dramatic Records in Robert Dudley's Household Books", *Shakespeare Quarterly*, 44, 2 (Summer, 1993), pp.175-82.

4 Blackstone, *op. cit.*, p.114; Thaler, "The Players at Court, 1564-1642", p.34.

5 Ernest P. Kuhl, "Walsingham and the Elizabethan Stage", *Modern Language Notes*, XLVI, 1 (January, 1931), pp.39-40. As the patronage by privy councillors of companies which made their living in the provinces reached its peak in the 1580s and 1590s, the Privy Council encountered problems with the London Common Council, culminating in the imprisonment of the Earl of Pembroke's players in 1597 for performing the controversial and supposedly seditious play *Isle of Dogs*. These are expanded on by Thornton Shirley Graves, "'Playeng in the Dark' During the Elizabethan Period", *Studies in Philology*, XIV, 2 (April, 1917), pp.90-95, 104-5; and William Ingram, "The Closing of the Theatres in 1597: A Dissenting View", *Modern Philology*, 69, 2 (November, 1971), pp.105-15.

6 Hartley, *Proceedings*, p.249.

under pain of lawe."<sup>1</sup> Men like these may have been less provocative and ideologically rigorous than their later and younger missionary allies, but the research of Claire Cross, II Scarisbrick and more recently Patrick McGrath and Joy Rowe reveals that priests (especially at York) who carried on an underground ministry after 1558, were far more active than originally thought.<sup>2</sup> They were few in number but this was in inverse proportion to their success and stubbornness in converting people to and maintaining their faith in Catholicism. McGrath and Rowe's investigation show that as late as 1579, 9 Marian priests of 60 years of age, 4 of 70 years of age, and 7 of 80 years of age, were known to be active in promoting the Catholic faith. Discounting John Almond, who died in 1585 in York "blind and crooked with old age...grown childish", others like Thomas Jackson survived for a long time without even being suspected or detected. Jackson, a "priest in Queen Mary's time", only came to light in 1586 but even then he was not arrested until 1591. At least 130 'old' priests went to prison throughout Elizabeth's reign and approximately 30 of them died in prison.

Yorkshire illustrates the link of expelled, vagrancy-bound monks and Elizabethan recusancy. While it is true that the staff of some establishments at York received pensions and continued to do so in the mid-1550s, thus mollifying their antagonism to some extent<sup>3</sup>, others were not so lucky and resented the fact. The Act of 1 Edward VI, c.14 dissolved chantries, chapels, colleges and other foundations, effectively putting out of work over 500 secular clergy in Yorkshire. Initially, pensions were paid fairly promptly to them in accordance with the 1548 commission but quickly deteriorated in the 1550s. Commissions in 1552 and 1554 unearthed cases of ex-religious selling their pensions and others had died or were never heard from again.<sup>4</sup> Others persisted in ministering the Catholic sacraments in York, Sheffield, Doncaster, Halifax and Wakefield. York's jails held at least six or eight of them in the 1570s and for the whole of Yorkshire it has been suggested that 150 or more priests worked in a shire that had been penetrated by few seminary priests as late as 1582.<sup>5</sup> When Henry VIII's commissioners took charge of Kirkstall Abbey, the monks left to obtain their livings elsewhere. Thirty-one

1 Wark, *Recusancy*, p.7.

2 Claire Cross, "Parochial Structure and the Dissemination of Protestantism in Sixteenth Century England: A Tale of Two Cities", in Derek Baker (ed.), *The Church in Town and Countryside. Papers Read at...the Ecclesiastical History Society* (Oxford, 1979), pp.270-73; Scarisbrick, *The Reformation*, pp.142-43; Patrick McGrath and Joy Rowe, "The Marian Priests under Elizabeth I", *Recusant History*, 17, 2 (October, 1984), pp.103-5; "The Elizabethan Priests: Their Harbourers and Helpers", *Recusant History*, 19, 3 (May, 1989), pp.209-10; "The Imprisonment of Catholics for Religion under Elizabeth", *Recusant History*, 20, 4 (October, 1991), pp.415-17.

3 L&P, XIII, pp.397, 546; XV, p.29; XVI, p.535.

4 A.G. Dickens, "The Edwardian Arrears in Augmentations Payments and the Problem of the Ex-Religious", *EHR*, LV (1940), esp. pp.384-89, 394-95, 412-17.

5 Adrian Morey, *The Catholic Subjects of Elizabeth I* (London, 1978), p.174.

monks were earmarked to receive pensions and records in 1553, 1568 and 1573 reveal that payments continued long after the demise of their abbey. Some monks managed to obtain positions of assistant curates or chantry priests in York, Richmond, Huddersfield and Spofforth. Others created strong links with sympathetic local families, such as the ex-monk Paul Mason's association with Gilbert Leigh and Thomas Bartlett with George Hall, his host. Another was Edward Sandall who, though serving a number of chantry chapels in York, was not so amenable as it was thought to the changes in religion. Sandall provoked the authorities' wrath for practising as an unlicensed curate at Tadcaster and openly flaunting his veneration of the Saints. Subsequently he appeared before the archbishop's visitation in February 1568 as "a misliker of the established religion and a sower of seditious rumours."<sup>1</sup>

Members of Elizabeth I's executive and Parliament increasingly doubted the loyalty of her recusant subjects. They feared that under the cloak of legality priests perpetuated the old faith by the protection they got from influential sympathisers, allowing them to take the form of tutors, servants, chaplains or stewards. Local purveyors of 'popish' books and Catholic articles of piety came under suspicion. The dread of a developing 'underground' system of support for priests, the most worrying aspect of it being the practice of humble and poor folk to give these potential subversives lodgings in their own homes, at inns and taverns or at the ports, influenced the hostile mood of the lower house when Parliament met in 1563. In the 1563 Parliament one of the fundamental beliefs of Elizabethan law makers and interrogators took shape; that the Catholic community was a monolithic and conspiratorial one. A House of Commons petition to the queen condemned the supposed existence of "a faccion of heretickes in your realme, contentious and malicious papistes...most unnaturally confederate with your enimies to attempt the destruction of your Majestie and us all that live by you."<sup>2</sup> William Cecil noted in a letter to Sir Thomas Smith in January 1563 that a "law...passed for sharpening lawes agaynst Papists", was indicative of "the humours of the commons house, as they thynk nothing sharp ynough ageynst Papists."<sup>3</sup> The Oath of Supremacy was the law in question and it required from all clerical and lay authorities a vow of loyalty to the monarch. Any refusal to

1 Guy D. Barnes, *Kirkstall Abbey, 1147-1539: An Historical Study*. Thoresby Society, LVIII, 128 (Leeds, 1984), pp.88-90; Alistair Lonsdale, "The Last Monks of Kirkstall Abbey", *Miscellany*, 15, Part 3. Thoresby Society, LIII, Part 3, 118 (Leeds, 1973), pp.201-2, 209, 212-13.

2 Hartley, *Proceedings*, p.91. The strong belief in a Catholic conspiracy setting out to destroy English Protestantism and all Catholicism was essentially subversive is explored in Malcolm R. Thorp, "Catholic Conspiracy in Early Elizabethan Foreign Policy", *Sixteenth Century Journal*, XV, 4 (1984), pp.431-48. Thorp puts forward the view that even 'moderate' privy councillors like Sir Thomas Smith, Sir Ralph Sadler and Sir William Cecil were consumed by this fear.

3 Wright, *Queen Elizabeth and Her Times*, I, pp.126-27.



respond to it on a second occasion meant the death penalty and the same went for a priest caught saying Mass or any lay person who "procured mass to be said or willingly suffered it to be said."<sup>1</sup> Archbishop Young of York told Cecil in 1562 that the county's justices had never administered the oath of supremacy: "yt semed unto me there hath byn som synister practyses thouching that othe heretofore."<sup>2</sup> Elizabeth I had good reason for not having the law applied too sharply. Out of a sense of caution and realising the political necessity of keeping the support of the North Riding's leading families, which were overwhelmingly Catholic, she discouraged bishops from offering the Oath of Supremacy twice.<sup>3</sup>

Up to and including the bishops' reports to the Privy Council on the religious affiliations of entrenched Catholic officeholders in 1564, Elizabeth successfully kept the more virulent anti-Catholic sentiments at bay, but the pressure of events changed her position. The 1569 revolt, Elizabeth's excommunication in 1570, intrigues surrounding Mary, Queen of Scots and the Duke of Norfolk in 1568-72, the massacre of Protestants in Paris on St. Bartholomew's Day in 1572, and Catholic conspiracies against Elizabeth in the 1580s, would make it impossible for Elizabeth and her government to find a peaceful solution to the problem of a Catholic minority. The way in which information concerning them was interpreted by her and her foremost councillors influenced measures against Catholics and the enactment of a number of increasingly severe penal laws. Sir Ralph Sadler, to name one, said in Parliament on 2 January 1567 that there existed "secret conspiracies and grete confederacies between the Pope, the French King and other prynces of the popish confederacie."<sup>4</sup> Sadler described the common people of Yorkshire during the northern uprising as "ignorant, superstitious and altogether blinded with the old popish doctrine."<sup>5</sup>

The commanding feature of the period from the 1570s to 1597 is the refinement of anti-vagrancy and poor relief legislation. Elizabethan statutes carefully stated who were responsible for executing each part of an Act and provided penalties for its neglect or abuse. It was inevitable that vagrancy would again be on the agenda when Parliament sat in 1572 because, the response to the Northern Revolt apart, the 1563 Poor Law Act was set to expire at the end of

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1 Alan Dures, *English Catholicism 1558-1642* (Harlow, Essex, 1983), p.9.

2 Roger B. Manning, "Elizabethan Recusancy Commissions", *The Historical Journal*, 15, 1 (March, 1972), p.25.

3 Dures, *op. cit.*, pp.8-9.

4 Hartley, *Proceedings*, p.142.

5 Dures, *op. cit.*, p.16.

the 1571 session.<sup>1</sup> The first reading on 13 April 1571<sup>2</sup> provides fascinating discussion among the representatives of the propertied classes. One of the chief speakers, Mr. Sands, said that the proposed "lawe for beggars to bee oversharpe and bloody, standinge much on the care which is to bee hadd for the poore." Sands justified his position with reference to Worcestershire, where the justices adequately relieved the poor at their own houses and in that way stayed them "from wandringe." Sir Francis Knollys argued from a more hardline perspective, "that hee would have a Bridewell in everye towne, and every tipler in the countrey to yeild twelve pence yearly to the mayntenance thereof." Knollys' comment illustrates the way in which a London institution influenced the discussions in Parliament as a prototype for similar institutions elsewhere in the kingdom. Thomas Wilson was equally uncompromising. Wilson conceded that despite the necessity of poverty "beggars by Gode's word might not be amongst his people...His experience hee shewed throughe the greatest part of Christendome, concludinge that such loosnes and lewdnes was noe where as here." Numerous attempts were made to make something of the bill but the House of Lords ultimately rejected it on 19 May, leaving the problem to be handled in 1572.

The statute 14 Eliz. I, c.5 inaugurated a compulsory rate to assist the deserving poor and a method of punishment for vagrants similar to the severity of the 1547 Act. Before discussing the main bone of contention it is useful to show what would be agreed to, for the resulting definition and mode of punishment remained the basis of parliamentary law and conciliar action, with minor modifications, until 1597. The definition of vagrants in the Act included: all proctors and procurators who did not have royal approval; idle persons "using subtil, crafty, and unlawful games or plays"; palmists, fortune-tellers, quacks; all persons able to labour but not having land, a master or indeed any lawful employment; pedlars, tinkers, jugglers, chapmen not having licenses issued by two justices; able-bodied labourers caught loitering or refusing to work for the customary wages; passport and license counterfeiters, and knowing users of the same; unlicensed Oxford and Cambridge scholars who begged illegally; phoney shipmen claiming losses at sea; all persons delivered out of gaols who travelled to their home counties without the licenses of two justices; all people declared vagrants by the clauses of the Act which concerned the impotent poor; and lastly, fencers, common players in interludes, bearwards or minstrels "not belonging to a baron...or person of greater degree."<sup>3</sup> Unless a person would

1 Elton, *op. cit.* (1986), p.268.

2 The rest of the paragraph comes from Hartley, *Proceedings*, pp.219, 250-51, 253 and D'Ewes, *Journals*, p.165.

3 Hartley, *Proceedings*, p.344; Aydelotte, *Rogues and Vagabonds*, pp.68-69.

stand surety for a vagrant and retain him or her in service for one year, a vagrant was whipped and bored through the ear on the first offence. The charge of felony characterised the second offence unless a person could provide employment for two years. For a third offence judgement as a felon without benefit of clergy awaited the charged vagabond with the possibility of being put to death.<sup>1</sup>

The most troublesome aspect of the 1572 Act was whether actors, players, minstrels and bearwards ought to be included. The Privy Council wanted to regulate their movements in such a way that they could travel safely, as long as they served a baron or any other person of high status. The seeds of dissension on what policy should be taken to use against them were sown in the 1566 Parliament and surfaced during 1571-72. While a bill which possibly tried to give the 1563 Act more power did not progress beyond its first reading, William Cecil's preparation for the session included the words "Tynkers", "bearwardes" and "pedlars" in his definition of vagrancy.<sup>2</sup> It was such a divisive topic that the Privy Council's letter to the University of Cambridge in October 1574 became the basis for all its prohibitions not only of "showes of vnlefull, hurtfull pernicious & vnhonest games", but also of performances by professional players.<sup>3</sup> Privy councillors discovered that the suppression of vagrants, rather than the relief of the poor, was a highly emotive, sharply-debated subject in Parliament and it tested some speakers' patience. Fulke Onslow's *Journal* summarised the almost tortuous proceedings in the Commons:

Sir Fraunces Knowles made report howe he with others had travelled in reforming part of the bill against vacaboundes which was read, wherein in the newe alteration of these wordes 'minstrelles', whether they shoulde be conteyned within the said bill or not, great argument rose, viz. Wilbraham to have them left out. Sir James Croftes to the same effect. Cromwell to have / them within the bill. Sir Fraunces Knowles neither with them nor against them. Sandes with the ministrelles. Snagge much talk and to no purpose. Sir Nicholas Arnold against them. Sir Owen Hopton with the minstrelles. Sir Fraunces Knowles neither with them nor against them. Sandes with the minstrelles. Sir Nicholas Arnold against them. Sampoll against them.

1 Leonard, *Poor Relief*, p.70. Statute 14 Eliz. I, c.5 lacked clauses on the provision of work for the idle poor (this had to be followed up in the next Parliament) but a perusal of the evidence shows that the Act was administered with the utmost rigor. The Earl of Huntingdon implored the justices in December 1572 (in *CSP, Domestic, Addenda, 1566-1579*, p.435) to "stay the spreading of false and seditious rumours and...that all suspected passengers, vagabonds, beggars, and rogues be punished with severity and celerity, according to the late statute." The Act betrayed the lingering fear of masterless people three years after the northern revolt had been crushed. From the Middlesex Sessions there are many references to floggings and ear-boring of people "strong and fit for labour"; the ten week period between 6 October to 14 December 1590, when justices had seventy one people whipped and branded for vagrancy, stands out. There also were numerous instances of sentencing to hang. See Leonard, *Poor Relief*, p.70n; John Cordy Jeaffreson (ed.), *Middlesex County Records...From 3 Edward VI to the End of the Reign of Queen Elizabeth, I* (London, 1886), pp.81, 84, 87, 92, 94, 101-2, 109, 190-91, 201, 221. See also Harrison, *Description of England*, pp.185-86 and *APC 1592-3*, pp.193-96.

2 Elton, *op. cit.* (1986), p.269; Leonard, *Poor Relief*, p.68; D'Ewes, *Journals*, p.132.

3 *REED: Cambridge*, I, pp.276-77.

Adding to this impasse, even the decisive and assured scourge of rogues and vagabonds, William Fleetwood, contributed a "long tedious talke nothing towching the matter in question."<sup>1</sup>

A debate on 20 May provides the most important comments and clues on the direction the Privy Council would take, and how it would affect the towns concerned. Ralph Segarston, MP for Liverpool, reflected the conservatism of the north when he implied that the law against retainers required bishops, lords and gentlemen to keep "so fewe servantes", effectively "breedeth vagabondes."<sup>2</sup> Northern notables included entertainers in their retinues and encouraged them in their custom of travelling the length and breadth of the country, unmolested. Knollys rebuked Segarston for his "ridiculous jesting", deplored the arguments over "smale scruples" and clearly wanted the bill passed as it stood. His temper may not have been helped by Norton's request for modifications to the bill in regard to how minstrels got their livings, or Nicholas St. John's brief discourse on one cause of rogues' increasing numbers, their habit of squatting on commons to erect shelters with no land attached.<sup>3</sup> William Lovelace, sergeant at law, did not distinguish between them and minstrels. They "have such devises to deceive men", he said, "and their clamors be so greate, as it moveth many to pitie them, and yet most of them [be] none other but theeves."<sup>4</sup> Robert Slegge, burgess for Cambridge, pointed the way to a compromise solution of sorts when he remarked that only those minstrels "which wander abroad, not which keepe a continuall habitation", be punished.<sup>5</sup> An agreement was reached on 30 May 1572. "Minstrells, Bearwards, Pedlers, &c." could be labelled vagrants if they were not employed by the nobility or licensed by two justices of the peace.

In contrast to the experience of 1572 the Privy Council took a much less equivocal stance during the 1575-76 sessions. Councillors met and discussed work schemes for the unemployed before Parliament was scheduled to meet. What eventually became "An Act for the Setting of the Poor on Work, and for the Avoiding of Idleness" (18 Eliz. I, c.3) had two origins. It echoed the idea of the 1530s that it was possible to artificially create work for the unemployed poor, but differed in that grandiose public works projects were no longer on the agenda. The statute originated in Walsingham's notes for a Privy Council meeting in January

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1 Hartley, *Proceedings*, p.312.

2 *Ibid.*, p.366.

3 *Ibid.*, p.367.

4 *Ibid.*

5 *Ibid.*

1576: "a device to be preferred to the Parliament for the relief of the poor."<sup>1</sup> From early February to 10 March 1576, the date when the "bill for erecting of stockes for the setting of men to worke, and howses of correction" was sent to the House of Lords for amendment, there was honest debate and contest in the Commons.<sup>2</sup> The major points about the statute reflect the view that the best way to stop the poor from wandering abroad or claim relief, was to provide work for them. Justices of the peace in every city, corporate and market town were authorised to provide any community which needed it, a stock of flax, hemp or other materials on which paupers could be employed, and to erect a house of correction (or Bridewell, named after the royal residence in London) in every county for the punishment of those who refused to work:

to the Entente also that suche as bee alreddie growen up in Ydlenes and so Roges at this present, maye not have any juste Excuse in sayeng that they cannot get any Service or Worcke...and that other poore and needye persons being willinge to worcke maye bee set on Worcke...everye suche poore and nedye person olde or younge able to doe any Worcke standing in necessitye of Releife shall not for want of Worcke goe abrode eyther begginge or committinge Pilfringes or other Misdemeanor lyvinge in Idlenes...And yf hereafter any suche person able to doe anye suche Worcke shall refuse to worcke or shall goe abrode begginge or lyve idellye...suche person or persons...shalbee receyved into suche Howse of Correction, there to be straightlye kepte, as well in Diet as in Worcke, and also punisshed from tyme to tyme as to the said persons havinge the Oversight and Governemente of the said Howse of Correction shalbee appointed as hereafter in this Acte ys declared...<sup>3</sup>

The reference to houses of correction meant that Knollys' 1572 plan for them and financing a general system of support for the poor saw the light of day, but Bridewells predated his views and the legislation of 1576 by many years. London (1553) and then Norwich (1565) were the first towns to have them. As a consequence of the failure of whipping campaigns in the 1530s-40s and the inability to force sturdy beggars to go back to their own parish, Protestant officials looked upon Bridewells as the ideal deterrent.<sup>4</sup>

The imposition of labour discipline was a fundamental principle of legislators, as was the provision of public doles for the deserving poor and public whippings for vagrants. Theoretically, people sent to a house of correction were provided with stock to work in the simplest textile procedures. For a small wage and the threat of punishment by being shackled in irons "for the tamyng of the wylde and lewde persons", inmates spun flax and wool, dressed

<sup>1</sup> Elton, *op. cit.* (1986), p.271.

<sup>2</sup> D'Ewes, *Journals*, pp.231, 247, 250-53, 257-58; Hartley, *Proceedings*, pp.477-78, 482, 484-85.

<sup>3</sup> *TED*, II, pp.331-33.

<sup>4</sup> During the 1540s and 1550s London's leaders believed that they had to establish a method of relieving the poor and indigent, but in such a way as to discipline and coerce them. On London's Bridewell, its foundation, management, ordinances and problems in doling out work and punishment, see: Sidney and Beatrice Webb, *English Prisons under Local Government* (London, repr. 1963), pp.12-13; *TED*, II, pp.306-11; Edward Geoffrey O'Donoghue, *Bridewell Hospital: Palace, Prison, Schools* (London, 1923), pp.136-64, 183-206; Sean McConville, *A history of English prison administration. I. 1750-1877* (London, 1981), pp.26-38; Christopher Harding et al, *Imprisonment in England and Wales: A Concise History* (Breckenham, Kent, 1985), pp.66-73.

hemp, worked hand-mills, lime kilns and ground corn. Profits from inmates' labour went towards the financing of the Bridewell, so as to remove the problem of competition and be less dependent on compulsorily levied parish rates.<sup>1</sup> Would houses of correction come to emphasise the reclamation of people back into the community and train idlers or beggars in worthwhile occupations, or merely administer the whipping laws in another guise? Sadly, there are no references in the *Acts* of the Privy Council to the houses of correction in Norwich, York, Leicester, Chester and Northampton. Winchester, however, which established its Bridewell in 1578, holds some clues as to how the management of the Bridewells in other towns would fare. In early December 1578 the Privy Council wrote to the Bishop of Winchester reminding him that the county bore the cost of building the house of correction. To maintain it, the clergy of his diocese, who previously were not required to be levied, now had to contribute towards its upkeep. As an inducement to the Bishop to comply with the instruction, the Privy Council promised that in future he would receive a sympathetic hearing on any issue.<sup>2</sup> A problem arising at Winchester and one that was common to all houses of correction, was that it did not have sufficient stock with which to set inmates to work.<sup>3</sup> Although the institution started out with typical enthusiasm for reforming its inmates' characters, its authorities became increasingly less willing or able to provide raw materials and food. But the keepers and overseers had to be reimbursed for the cost of materials which they provided, and most of the goods produced were not of great value.<sup>4</sup>

The deterioration of economic conditions in the decade after 1576 and the geographical mobility it entailed as people looked for work, resulted in an unfortunate tendency for workhouse officials to receive people who were genuinely looking for work, and put them alongside rogues and vagabonds. London's Bridewell exemplified the loss of clarity of purpose which in turn infected the rigour of provincial establishments. William Fleetwood's reports to Burghley reveal him to be ruthless in his treatment of 'foreign' vagrants whom he periodically captured in Southwark, Lambeth, Islington and other places in London, but as a trained lawyer he knew that he could not send them to Bridewell. The London house of correction functioned to remove only native vagrants from the streets and this is why Fleetwood made sure that they

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1 Henry Ellis, "Plan projected in 1561, for building a House of Correction in Westminster", *Archaeologia*, XXI (1827), pp.450-54; S.A. Peyton, "The Houses of Correction at Maidstone and Westminster", *EHR*, XLII (1927), pp.251-52.

2 *APC 1577-1578*, p.422.

3 *APC 1578-1580*, pp.300, 417.

4 *APC 1588*, p.416.

"were well whypped" but then returned to their home counties.<sup>1</sup> The legal requirement was impossible to maintain in the face of mounting pressure from overcrowding and neither could officials adequately differentiate between genuine labour mobility and vagrancy. A Privy Council letter to the Mayor and Bishop of London in December 1571 highlights the confusion. It was not known who was worthy of relief or punishment "whereby not only the valiaunt and sturdye as be unmete to lyve by almesse may be punished and banished, but also thothers that be pore and impotent may be...provided for and relieved in theyr howses."<sup>2</sup> As migration to London swelled in the late 1570s and did not abate in the next two decades, Bridewell became so overcrowded that it was reduced to punishing vagrants, not 'correcting' them.<sup>3</sup> Consider the fate of William Barnes, who according to a report in 1601 was incarcerated in Bridewell for fourteen years not because he was a vagabond, but because he was a lunatic.<sup>4</sup>

London's Bridewell exhibited one more defect in its operation which had a far more sinister character, and one attributable to the attitude of the Privy Council. This was the application of torture which was highlighted earlier. Until 1585 torture could only be applied in the Tower of London: such occasions occurred in December 1580 when the Privy Council ordered Solicitor-General John Popham to subject certain Jesuits and "their confederates" to it; and on 3 May 1581 when the Council told the Lieutenant of the Tower to examine "a certain seminary priest or Jesuit naming himself Bryant, about whom there was taken divers books and writings carrying matter of high treason."<sup>5</sup> The entry of seminary priests and Jesuits into England put an end to this policy. They resided under the government's nose in London, Westminster and fanned out into the shires undetected, spreading pamphlets and books from secret presses. Fleetwood's "everie daye", he writes to Burghley in April 1582, was "occupied with Semenarie Priests, massemongers, libellers and suche lyke."<sup>6</sup> One of them, named Osborne, "lived by begginge and labored, as he saithe, by cutting of wood" and carrying it on his back.<sup>7</sup> Their association with a series of Catholic threats to Elizabeth's throne and person (sharpened by the assassination in 1584 of England's ally, the Netherlands' William of Orange)

1 Wright, *Queen Elizabeth and Her Times*, II, pp.18, 73, 86, 88.

2 *APC 1571-1575*, pp. 52-53.

3 *APC 1587-1588*, p.256; *APC 1588*, pp.136, 336.

4 HMC, *Marquis of Salisbury*, Part IX, p.507. An interesting article by Phillip Shaw, "The Position of Thomas Dekker in Jacobean Prison Literature", *Publications of the Modern Language Association of America*, LXII (1947), pp.366-91, includes instances of the Privy Council using London's Bridewell as a military store for weapons and clothing for troops. Soldiers were sent there from the provinces to be issued with better clothing before going on a campaign.

5 *APC 1580-1581*, p.271; Tanner, *Tudor Documents*, pp.241-42.

6 Pollen, *Martyrs*, p.27. Three years earlier Fleetwood condemned a priest called Tippet to be punished like a vagrant: "whipped at a cart's tayle, and to be bored through the eare with a hot iron." In John H. Chapman, "The Persecution under Elizabeth", *TRHS*, IX (1881), pp.38-39.

7 Wright, *Queen Elizabeth and Her Times*, II, pp.170-71.

and supposed intention of carrying out the aims of the Northern Rebellion and to inspire local Catholics to depose Elizabeth I, were marvelled at. It is no surprise to find that violent countermeasures were justified and what better place could be used to interrogate suspected priests and Jesuits than Bridewell? It had instruments of punishment for the 'regular' inmates and these could be extended to other people. On 1 February 1590 the Keeper of London's Bridewell got a warrant to examine, "for the better understanding of the truth of matters against Her Majesty and the state", the seminarist Christopher Bayles alias Evers, and his accomplices.<sup>1</sup> Shortly afterward "Eustace Whyte, a Seminary Priest" and Brian Lassy, "a dispercer and distributor of letters to papistes and other evyll affected subjectes", were tortured in Bridewell.<sup>2</sup> A note penned in 1596 by a prisoner of religion incarcerated in Bridewell recorded the many indignities he suffered. He laboured for eight months "in the hemp house woorke", was chained for nine weeks to a block, stood for ten days with his hands stretched above his head "againste the wall in the standinge stocks", refused to eat when he would not work on a holy day and was released after he received "twenty lashes of the whypp upon the trosse."<sup>3</sup> In theory Bridewell operated as a workhouse for correction but in practice it was a prison for punishing socio-economic and political enemies.<sup>4</sup>

While the details and aims of the 1572 and 1576 Acts were being thrashed out in the Privy Council and Parliament, vagrancy arising out of conditions in the army and navy continued to be a fiasco. Intra-Privy Council memoranda are lacking but a survey of how conscription and mustering were administered by the offices of local administration after the 1560s, is helpful.<sup>5</sup> The Privy Council sent letters of authority with the queen's signet to every lord lieutenant, with instructions to levy a given number of able-bodied men into local militias. The lord lieutenant and deputy lieutenant mustered, trained and led men, and part of this was the task of levying men to serve overseas. To assist in these obligations the lord lieutenant called on justices of the peace and others to act as his deputies, up to five or six, sometimes with one to a large urban community, or as Commissioners of Musters. In the case of a town the orders went to the mayor who doubled as justice of the peace or muster commissioner, then on to his

1 *CSP, Domestic, 1581-1590*, p.646.

2 *APC 1591-2*, pp.39-40.

3 *HMC, Twelfth Report*. Appendix IV, pp.335-36; Shaw, "The Position of Thomas Dekker...", p.370n.

4 *CSP, Simancas*, II, pp.111, 113, 132, 136.

5 This and the next paragraph derive from Fortescue, *op. cit.* (1899), pp.156-57; Charles C. Cruickshank, "Dead-Pays in the Elizabethan Army", *EHR*, LIII (1938), pp.94, 96; Barnett, *op. cit.*, pp.33-35, 45, 47; Henry J. Webb, *Elizabethan Military Science: The Books and the Practice* (Madison, Wisconsin, 1965), pp.64-68; and Stephen J. Stearns, "Conscription and English Society in the 1620s", *Journal of British Studies*, XI, 2 (May, 1972), p.3.



aldermen, constables and bailiffs in each parish. Men fit for service or for manual work were selected and given basic training. Regulations stipulated that the men of each company were to be mustered and counted once a month against the company's roll. Soldiers' lists were then customarily checked and signed by a deputy lieutenant or the soldiers' conductor, the official who brought them to the place of rendezvous or embarkation. The Privy Council made it mandatory for the muster books, effectively constituting the militias' 'order of battle', to be sent to it for scrutiny and thus leaving a record of a community's state of preparation.

Aware that some lord lieutenants' chains of command lacked professional advice, experience and guidance, the Privy Council actively promoted veteran soldiers such as Sir John Norris, a general who saw action in the Low Countries, France, Ireland and Portugal, to undertake tours of inspection. Barnabe Rich, a veteran of Ireland and the author of many works on military issues between 1574 and 1617, was not backward in publicising officers' gross misconduct, ranging from petty theft, cowardice, immorality, absenteeism but most importantly their disgraceful neglect of men's pay, provisions and discipline.<sup>1</sup> Captains who went to war simply to line their pockets did so by not paying soldiers' "imprest" (ie., advances on wages), their regular wages, or "dead-pays" (a legal and regular method of paying wages to men no longer on active service).<sup>2</sup> Dead-pays meant in effect a system by which captains stole the pay of men whose names still appeared on the muster even though they were dead. Captains got away with these blatant outrages by sending unruly and unpaid men on suicidal missions and collected the salaries of men who consequently died. At the siege of Leith in 1560 the pay of 3,000 men out of a total of 5,000 actually went into captains' pockets. This practice was so entrenched that responsible men in Ireland in 1599-1600 became frustrated at the sight of so many leaderless soldiers around them.

The words of Sir John Smythe in *Certain Discourses Military* on the mistreatment of common soldiers are a worthy summation of an unfolding tragedy:

divers thousands of their soldiers in those plentiful countries, partly by hunger and partly by evil lodging, and altogether by the small care and misuse of our such men of war, did perish. Besides that, great numbers of such their sick and starved soldiers, by the order of the Earl of Leicester, were in those parts embarked and transported into Essex, Kent, and other parts of England to recover health; of which foresaid great numbers of miserable and pitiful ghosts, or rather shadows of men...Of these scarce the fortieth man escaped with life. Also, when any of their soldiers - through the naughtiness of scarcity of their victual or by evil lodging, or by the pestering or lying of two or three hundred of them together in one church...or upon divers other disorders and misusages of some of our such men of war - fell sick, our such men of war presently did casse and discharge them out

<sup>1</sup> Henry J. Webb, "Barnabe Riche - Sixteenth Century Military Critic", *The Journal of English and Germanic Philology*, XLII (1943), pp.240-52.

<sup>2</sup> Wake, *Musters, Beacons, Subsidies*, pp.lxxxvi-vii.

of their bands for dead men, turning their provand money with all overpluses into their own purses, procuring new supplies of well-appareled and lusty young men out of England, to the intent to serve their own turns and to consume people after people.<sup>1</sup>

Abuses were too well entrenched to be officially swept aside. Out of sheer frustration Sir John Smythe, who curiously enough had fought in the Spanish armies *and* commanded the Essex infantry at Tilbury, dared to openly criticise politicians and accused Burghley of ignoring the harsh realities of war. Smythe was ashamed that some landowners gladly got rid of difficult tenants and encouraged them to serve abroad, and when they did not return raised the rents for new ones. He argued that to have good soldiers they should enlist as volunteers, be paid and treated well, protected from difficult conditions and corrupt officers, and so have no reason to brand them as rogues and thieves.<sup>2</sup>

The act of nullifying, where possible, the Privy Council's military needs by manipulating vagrancy may appear provocative, even treacherous, but the Privy Council was equally culpable in using military service to impress vagabonds. It was quite content to tell the Lord Mayor of London, the justices of Middlesex and adjacent counties to establish press-gangs with the sole purpose of impressing rogues and vagabonds. Exactly when and why this policy came into being is difficult to tell but it is possible that when Elizabeth's carriage was surrounded by a great 'horde' of beggars at Islington in 1582, the authorities had to act.<sup>3</sup> When the Privy Council specified that those "of habillitye of body and lykely to be...fitt" be press-ganged into service, the cynicism must be tempered with the genuine belief that vagrants could make good soldiers.<sup>4</sup> Vagrants by their very nature had to be resourceful and cunning. Shipping them out of England was an idea already being advocated in non-government circles. Robert Hitchcock's *A Politic Plat for the Honour of the Prince...* (1580) planned to eliminate idleness by employing 5,000 vagrants in a specially created fleet of 400 herring boats.<sup>5</sup> Sir Humphrey Gilbert, the devisor of a number of colonising enterprises to America, West Indies and Ireland, elicited his desire to relieve internal pressures and problems at home by colonising

1 John X. Evans (ed.), *The Work of Sir Roger Williams* (Oxford, 1972), p.xciii.

2 Wake, *Musters, Beacons, Subsidies*, pp.cv-cvii. Similarly, Gervase Markham, who served as a soldier in the Netherlands and Ireland, and wrote *The Muster-Master* (c.1630) was equally critical of government policy. His tract appeared a generation after Elizabeth's death but he focused on failings which took root in her reign. Mindful as he was of the dangers of criticising individual ministers and their policies, his work is invaluable in describing the gradual erosion of the Privy Council's leverage in local military affairs. Markham charged - in an oblique way - late Tudor and early Stuart lord and deputy lieutenants with creating conditions in which corrupt or incompetent officers could flourish. On occasions they were happy enough to release soldiers from military service on payment of a bribe and stole portions of treasure set aside for much-needed rations, pay and weapons. See Charles L. Hamilton (ed.), "'The Muster-Master' by Gervase Markham", *Camden Miscellany*, XXVI. Camden Fourth Ser., 14 (London, 1975), esp. pp.50-51, 62-63, 73.

3 Wright, *Queen Elizabeth and Her Times*, II, p.164.

4 *APC 1599-1600*, p.219.

5 Beier, *Masterless Men*, p.150.

"a great number of men which do now live idly at home...are burdenous, chargeable, and unprofitable to this realm [and] shall hereby be set on work."<sup>1</sup> Colonising America alone would make productive use of the "needie people of our Countrie, which now trouble the common welth, and through want...are inforced to commit outragious offences, whereby they are dayly consumed with the Gallowes."<sup>2</sup>

Since the outbreak of war with Spain in 1585, every campaign on the continent, in Ireland and at sea brought problems in its train. Some officers' dispatches to the Privy Council reveal a sympathy for the common fighting man. A commander writing from Margate in 1588 pleaded with Burghley to spare one or two thousand pounds for "hose, doublets, shirts, shoes and such like...for else, in very short I look to see most of the mariners go naked...and money to discharge those that be sick here."<sup>3</sup> The temptation to abscond from the army or navy in order to make one's way back to England illegally, were in no small part encouraged by the appalling hazards and privations that soldiers, mariners and their commanding officers endured.<sup>4</sup> When the expeditions to Portugal and France returned in 1589 the government was totally unprepared for a decade of mutinous soldiers congregating in the ports and London, getting by on forged and stolen passports, begging licenses or threatening havoc in well-congregated market places.<sup>5</sup> A proclamation of 5 November 1591 ordered the Treasurer of War to pay money to soldiers who were to be conducted "to the places where [they were] levied" from, while wandering lame, idle soldiers and those pretending to be, would be brought under stricter control.<sup>6</sup>

Local authorities, no doubt terrified of ex-soldiers appearing in their communities, rendered it ineffective by habitually sending discharged men "from the place where they were impressed to the place where they were born, and vice versa, and refused to sign their

1 *EEH*, pp.435-36.

2 David Beers Quinn, *The Voyages and Colonising Enterprises of Sir Humphrey Gilbert*, I (London, 1940), p.9. The idea that undesirables simply could be shipped abroad was widespread and acceptable in Elizabethan days. The elder and younger Richard Hakluyt were earnest and consistent propagandists for England's colonial expansion. They believed colonisation, not building almshouses and giving doles, would end unemployment and invigorate England's industries with new markets for their goods. See E.G.R. Taylor, *The Original Writings & Correspondence of The Two Richard Hakluyts*, I and II (London, 1935), pp.175-76, 211, 236, 238-39, 282, 315, 317, 319, 330, 343.

3 John Knox Laughton (ed.), *State Papers Relating to the Defeat of the Spanish Armada Anno 1588*. Navy Records Society, II (London, 1895), p.97; G.E. Manwaring, "The Dress of the British Seaman from the Earliest Times till 1600", *The Mariner's Mirror*, 8 (1922), pp.330-32.

4 G.V. Scammell examines the often horrific conditions of service on Elizabethan and Stuart ships, and the privations of enlisting or pressed sailors in two noteworthy articles: "Manning the English Merchant Service in the Sixteenth Century", *The Mariner's Mirror*, 56, 2 (May, 1970), pp.131-54; and "The Sinews of War: Manning and Provisioning English Fighting Ships c.1550-1650", *The Mariner's Mirror*, 73, 4 (November, 1987), pp.351-68. Similarly, read David Loades, *The Tudor Navy: An administrative, political and military history* (Aldershot, Hants., 1992), pp.98, 198-202.

5 Cheyney, *op. cit.*, II, pp.245-55.

6 Boas, *op. cit.*, p.126.

certificates."<sup>1</sup> England's "multitude of Beggars", said a parliamentarian in 1593, was attributable to "the broken Companies in Normandy and the Low Countries who returned maimed hither, never [going] back again to the Towns from whence they came."<sup>2</sup> Officers and military writers wanted to improve the administration of conciliar instructions, and criticised anarchy in the ranks, the frequency of desertion and scale of some mutinies. Barnabe Rich condemned the following policy toward recruitment but also emphasised the criminal intent of the recruit: "we disburthen the prisons of Theeues, wee robbe the Tauernes and Alehouses of Tospottes, and Ruffines, we scoure bothe Towne & Contrie of Rogges and vagabons. And...send them to theyr Gallies and to other places of like slauery."<sup>3</sup> Simon Harward, a chaplain, told readers of his *The Solace for the Souldier and Saylour* (1592) that combatants revelled in "upholding and frequently most filthy brothell houses and benches for Bacchus in every corner."<sup>4</sup> *The Defence of the Realme* (1596) by Sir Henry Knyvett addressed the shame of soldiers engaged in "the beastlie custome of drunken Carrowsing...with multitudes of weomen and boyes, the untollerable pilfering of freebooters."<sup>5</sup>

Meanwhile the Privy Council, under the influence of Sir Robert Cecil, was instrumental in guiding through Parliament the statutes relating to the provision of relief for unemployed and disabled soldiers, 35 Eliz. I, c.4 (1593) and of 39 Eliz. I, c.17 (1597).<sup>6</sup> Yet, in these measures to counteract a phenomenon for which the country was unready after many years of major expeditions going abroad, the Privy Council found that it had to go beyond relying solely on the usual offices of local government. Lord lieutenants, their deputies and justices of the peace enjoyed almost carte blanche in instituting town parish searches and highway patrols, but tensions arose between them and the Privy Council when the latter re-introduced provost marshals, firstly in London and Middlesex and then in the provinces. Lindsay Boynton wrote at length on the provost marshal and discovered that Lord Burghley's use of them in his lieutenancy of Hertfordshire in the 1590s, had its origins in Henry VIII's reign. Originally, their purpose was purely military - to keep order in the ranks. Over the years the regional support that gathered in favour of the revolts of 1536, 1549 and 1569, and revolt in Ireland in 1556, meant that provost marshals became a paramilitary force used without hesitation against

1 CSP, *Domestic, 1591-1594*, pp.120, 342.

2 D'Ewes, *Journals*, p.492.

3 Barnabe Rich, *A Path-Way to Military Practise. The English Experience*, 177 (Amsterdam, 1969), g.3.

4 Paul A. Jorgensen, "Moral Guidance and Religious Encouragement for the Elizabethan Soldier", *HLQ*, 13, 3 (May, 1950), p.253.

5 Sir Henry Knyvett, *The Defence of the Realme* (Oxford, 1906), p.61.

6 D'Ewes, *Journals*, pp.499, 503, 509, 511, 513, 516; Boas, *op. cit.*, p.131; Edward Coke, *The Third Part of the Institutes of the Laws of England* (London, 1817), pp.84-85; Leonard, *Poor Relief*, pp.73, 78.

civilians.<sup>1</sup> Proclamations for provost marshals in London and the shires were frequent in the 1590s<sup>2</sup> but what need only concern us here is that in 1589 Lord Chancellor Sir Christopher Hatton extended provost marshals to every county.<sup>3</sup> Hatton's authorisation shows in other ways how the board's reliance on people 'on the spot' aggravated local justices' attitudes. Appointing provost marshals could be seen as a back-handed criticism of JPs for not doing their job properly. For the limited time they had, provost marshals operated full-time, received good pay and because they always rode on horse-back, were far more able than justices of the peace, constables or their retinues to cover large areas and arrest suspected dissidents.<sup>4</sup> Furthermore, JPs had to contribute towards the upkeep of provost marshals. A justice's sense of loyalty was not helped by a provost marshal's right to employ freeholders or gentlemen "of the contry", people not necessarily on a commission of the peace.<sup>5</sup>

Two incidents in the 1590s suitably introduce the disguised Jesuit and seminary priest who spread religious dissent via the highways and backroads of the kingdom. Robert Weston and Edward Vaughan reported to Sir Robert Cecil in 1594 on events in a London house. They told Cecil that two men claiming to be servants were displaying considerable sympathy towards Jesuits: "They all appeared masterless men, although one of the Wallises said he was servant to the master of the house; but he did not know his master, who was in the country."<sup>6</sup> On 6 July 1598 there arose a case "respecting a vagrant and mendicant person, named John Slater or Thomas Edmondson, who represents himself to have received holy orders from...bishop Cooper."<sup>7</sup> Since 1574 Roman Catholic priests, trained in various continental colleges or seminaries, arrived in England to reinforce the number and morale of the covert Catholic priesthood remaining from Mary I's reign. Seminary priests and Jesuits entered the kingdom in larger numbers in the 1580s and 1590s, or so it seemed to the locals, an impression formed by the Catholics' resort to the printed word and a flood of books and pamphlets.

Until 1579-80, when the priests' revitalisation of Catholicism gained strength, papal and Spanish intervention in Ireland loomed and the revival of French influence in Scotland raised the spectre of a united Catholic campaign against England, it was actually the House of

1 Lindsay Boynton, "The Tudor Provost Marshall", *EHR*, LXXVII (1962), pp.439-55.

2 *CSP, Domestic, 1591-1594*, p.120; *CSP, Domestic, 1594-1597*, pp.335-36; *APC 1590*, pp.34-35; *APC 1596-7*, pp.23-24; *APC 1598-9*, pp.132-33, 735.

3 HMC, *Seventh Report*, p.646; Boynton, *op. cit.*, pp.444-45; *APC 1589-90*, pp.221-22.

4 Beier, *Masterless Men*, p.153.

5 *APC 1589-90*, pp.223-24.

6 *CSP, Domestic, 1591-1594*, p.463.

7 HMC, *Seventh Report*, p.657.

Commons which took the lead in formulating legislation for the punishment of Catholics and their abettors. Notwithstanding Sir Thomas Smith's opinion in 1573 that Catholicism was to all intents and purposes a conspiratorial creed, "a fowle knot of papisticall justices of peace...and of massing priests"<sup>1</sup>, the Privy Council stayed cautious for the bulk of the decade for two reasons. Firstly, Elizabeth's councillors were conscious of her vehement dislike of outright persecution, and in the absence of proof concerning recusancy or the harbouring of seminary priests, were more inclined to mitigate the penal laws. Secondly, councillors had to remind the more fiery elements in Parliament that the law distinguished between recusants on one hand and priests on the other.<sup>2</sup> But Cuthbert Mayne's capture in Cornwall in June 1577 aroused the Privy Council's need to act on the spread of dissatisfaction more generally.<sup>3</sup> Its decision on 26 July 1580 to imprison influential recusants, a move intended to deprive the projected mission of seminary and Jesuit priests of important local contacts<sup>4</sup>, symbolised the link the Council made between the activities of priests and their potential and real converts to the committing of treason.

All the major laws under which the government proceeded against Catholics between 1571 and 1593 can be explained at this point.<sup>5</sup> Parliament's response in 1571 to the papal bull included a statute (13 Eliz. I, c.2) making it a treasonable offence to introduce and distribute documents from Rome in England. This law against Catholics included seminary priests because they not only presumed to deny that Elizabeth was a lawful queen, they actively reconciled locals to the see of Rome.<sup>6</sup> In practice the Act was hard to enforce because it was difficult to convict indicted suspects who denied the offence strenuously.<sup>7</sup> The 1581 "Act to retain the Queen's Majesty's subjects in their due obedience" (23 Eliz. I, c.1) increased the recusancy fine from £12 to £20 in a bid to deter conversions by missionaries. It was also harsh in stipulating that a:

person who acted to withdraw any of the Queen's Majesty's subjects...from their natural obedience to her...or to withdraw them for that intent from the religion now by her Highness' authority established...to the Romish religion, or move them to promise any pretended authority of the see of Rome, shall be to all intents adjudged to be traitors.<sup>8</sup>

<sup>1</sup> Wright, *Queen Elizabeth and Her Times*, I, pp.460-61.

<sup>2</sup> Read, *op. cit.* (1925), I, pp.293-95.

<sup>3</sup> *Ibid.*, p.280; Chapman, "The Persecution under Elizabeth", pp.27-29.

<sup>4</sup> Anthony G. Petti (ed.), *Recusant Documents from the Ellesmere Manuscripts*. Catholic Record Society, 60 (1968), p.5n.

<sup>5</sup> The statutes discussed below are printed in: Tanner, *Constitutional Documents*, pp.146-63, 413-17; Elton, *Tudor Constitution*, pp.428-37; Henry Gee and William John Hardy (eds.), *Documents Illustrative of English Church History* (London, 1896), pp.485-92.

<sup>6</sup> Anstruther, *Seminary Priests*, pp.ix-xi; Morey, *op. cit.*, pp.59-60, 173-74.

<sup>7</sup> Elton, *Tudor Constitution*, p.421.

<sup>8</sup> Dures, *op. cit.*, p.29.

This Act was the first time that Elizabeth's advisers were openly and deeply committed to assisting in the formulation of anti-Catholic and more precisely anti-missionary legislation.<sup>1</sup>

The statute bolstered the government's campaign against seminary priests by making priests' activities and those of their converts treasonable offences. Executions of priests began in 1581. Four were executed in that year, followed by eleven in 1582 but the number of missionary priests increased to the number of 179 between 1580-85.<sup>2</sup> When this fact is coupled with the Jesuit insurgency and the hysterical atmosphere of 1584-87, it was inevitable that the period's harshest piece of legislation, the 1585 "Act Against Jesuits and Seminarists" (27 Eliz. I, c.2) ordered them to be driven out of England and made it treasonable for being a seminary or Jesuit priest. A person who knowingly received, comforted or maintained a priest was guilty of a felony and liable to be sentenced to death. By the provisions of this Act no less than 123 out of 146 Catholics between 1586 and 1603 would be apprehended.<sup>3</sup> Furthermore, anti-recusancy legislation was put on the statute books in 1587 but this did not apply so much to missionary priests as to their Catholic contacts, who could be convicted by proclamation if they failed to answer an indictment in person, have their fines backdated to the first conviction or have their lands seized for refusing to pay them. The 1593 "Act against Popish Recusants" (35 Eliz. I, c.2) was more thorough. It derived from a House of Lords' bill for "restraining and punishing Vagrant and seditious Persons, who under feigned pretences of Conscience and Religion", corrupted English subjects, and aimed to restrict recusants' mobility to within five miles of their abode, in order to stop the commonplace practice of Catholics moving about to evade jail and payment of fines.<sup>4</sup>

Parliamentary laws alone had little or no effect in dealing satisfactorily with the priests, their harbourers or with young Englishmen prepared to go abroad to the seminaries and then return clandestinely. The laws as they stood, the pressures on justices of the peace at the quarter sessions, the impediments in the way of episcopal commissioners, their church courts and the emphasis on fines to deter local Catholics from consorting with seminary priests or propagating their beliefs, undermined the anti-missionary drive by the end of the 1570s. Justices of the peace could hardly impose anything more than outward conformity, reluctant as they were to

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1 D'Ewes, *Journals*, pp.302, 304, 306.

2 Dures, *op. cit.*, p.30.

3 *Ibid.*

4 *Ibid.*, pp.30-31; D'Ewes, *Journals*, p.461; Morey, *op. cit.*, pp.70-71.

prosecute people who were in many cases their social superiors, magisterial colleagues, relatives or neighbours.<sup>1</sup> Privy councillors had to devise other ways to combat the missionaries. Given that certain parliamentary laws had defects in their implementation, the Privy Council issued special royal and conciliar proclamations in the 1580s and 1590s to carefully selected magistrates for dealing with missionary priests and recusants. Frederic A. Youngs' study of the royal proclamations of 1580, 1581 and 1582 against harbourers of seminary and Jesuit priests, shows that they assisted the government and local magistrates in defining offences falling within existing treason legislation, and thereby placing them within the jurisdiction of the common law courts.<sup>2</sup> Privy councillors, secondly, had to impress on local administrators the view that seminarists and Jesuits were no better than vagrants.

Fortunately, Elizabeth's foremost advisers' opinions on the subject of missionary priests as vagabonds have been recorded. One of the earliest was by the Earl of Huntingdon. He wrote to the corporation of York in 1578, warning it about "these Romish, runnagate, reconciling priests...who under the pretence of holiness seek most wickedly to steal the hearts of the simple people from their God and their lawful and undoubted prince."<sup>3</sup> Walsingham, with his spies sending him reports on priests as they pursued them in the Midlands and the North, pictured priests as running "from county to county and house to house and do draw by persuasion numbers of her Majesty's subjects to fall away in religion."<sup>4</sup> Burghley linked the vagrancy of priests to Catholic loyalty generally. Priests' actions were tantamount to treason against the state in *The Execution of Justice in England* (1583). He wrote it to for two reasons. Firstly, to justify the sentencing to death of 19 priests and laymen over the previous two years. Secondly, to show that missionary priests were not executed for their religion but because their absolving of English people from obedience to Elizabeth I was a blatant political act. Priests were hunted down because they were purveyors of an international conspiracy aiming, ultimately, to ensure that all Catholics worked together to bring to actuality a possible Spanish invasion of their own country:

These disguised persons (called schollars or Priestes) hauing bene first conuersant of long time with the Traitors beyond the sea in all their conspiracies, came hither by stealth in time of warre and rebellion by commaundement of the Capitall enemie the Pope or his Legates, to be secret espialles & explorers in the Realme for the pope...with their hallowed baggages from Rome to poyson the

<sup>1</sup> Manning, *op. cit.* (1972), p.24.

<sup>2</sup> Frederic A. Youngs, Jr., "Definitions of Treason in an Elizabethan Proclamation", *The Historical Journal*, 14, 4 (December, 1971), pp.675-91. See the wording of the 1582 proclamation, sent by the Venetian ambassador to France, Giovanni Moro, to his masters. In *CSP, Venetian, 1581-1591*, pp.35-36.

<sup>3</sup> Nichols, *History and Antiquities*, III, Part 2, p.585.

<sup>4</sup> Read, *op. cit.* (1925), II, pp.312, 324-25.



sences of the subiectes, powring into their hearts malicious and pestilent opinions against her Maiestie and the Lawes of the Realme, and also to kindle and set on fire the hearts of discontented subiectes with the flames of rebellion...These kinds of seditious actions for the seruice of the pope and the traitours and rebels abroade, haue made them traitours: not their bookes nor their beades...nor yet their opinions for the ceremonies or rites of the Church of Rome.<sup>1</sup>

Burghley was angered by the way that priests arrived in England "in disguising habites...as roisters or ruffins...like to the basest common people."<sup>2</sup> Hatton called them "tag and rag" in Parliament and Mildmay was also speaking in Parliament when he referred to priests as "a rabble of vagrant runagates."<sup>3</sup>

The utterances by Mildmay, Chancellor of the Exchequer, are worth retelling. They were remorselessly consistent and sum up the Privy Council's belief in Catholic conspiracies concocted to engineer the downfall of Protestant England. Mildmay used words to effect in Parliament when bills against Catholics and Jesuits were being discussed, and he was not averse to stating them outside Parliament either. His speech on supply on 25 January 1581 contained a lengthy tirade against dissembling papists, the Pope's role in the Northern Rebellion, the Earl of Desmond's revolt in Ireland, "the swarming hither of a number of popish preistes and monkish Jesuites", and the "rabble of vagarant fryers" newly sprung up. Clemency for recusants who received them was dangerous and only engendered in them:

a more arrogant and contemptuous spirit, so as they have presumed not only to disobey the lawes and orders of the realme, but also to accept from Rome secrett absolucions, reconciliations...by the handes of lewde/runagate preistes and Jesuites, haboring and interteyning them even in their howses, thereby shewing an obedience to the Pope.<sup>4</sup>

At the trial of the Northamptonshire notables Sir Thomas Tresham, Sir William Catesby and William Lord Vaux, Mildmay berated the defendants on 15 November 1581 for entertaining "false hipocrates calling themselves Jesuites...a rable of runagate freers, lately copen into the world...roving about in all countreys to trouble the Church of God..."<sup>5</sup> His influence on the spirit of the 1585 Act against Jesuits and seminaries showed in his remark that England needed "straight lawes...against troublers of this state", specifically "these malycious raginge runagates, these Jesuites and priestes" of Rome.<sup>6</sup>

The Privy Council met the challenge of the forces of Catholicism by taking the affairs of missionary priests and their recusant abettors out of the hands of justices of the peace, and into

1 Burghley, *The Execution of Justice in England* quoted in Heale, "Spenser's Malengine, Missionary Priests, and the Means of Justice", p.173.

2 *Ibid.*, p.178.

3 *Ibid.*

4 Hartley, *Proceedings*, pp.504-5; D'Ewes, *Journals*, pp.285-87.

5 Stanford E. Lehmberg, *Sir Walter Mildmay and Tudor Government* (Austin, 1964), pp.194-95.

6 *Ibid.*, pp.239-41.

the lap of special commissions. The analysis of justices of the peace in Chapter 2, it will be recalled, revealed that some magistrates in Chester had papist leanings, so future commissions consisted largely of magistrates known to be zealous Protestants. A mid-1580s "Commission For Banishing Jesuits and Seminary Priests" advertised the Privy Council's determination for authorised officers, ranging from judges to constables, with the assent of any six privy councillors, to banish "divers other Jesuites, seminarie priestes and other wandring and Massing priestes of like affeccion" out of the country.<sup>1</sup> Similarly worded commissions were regularly dispatched to every English county after February 1586, conferring wide powers and providing for more cooperation with other magistrates and officers charged with finding and punishing priests and recusants. To overcome the limitations of jurisdiction in one town or county, commissioners in one locality could notify those of another on the possible whereabouts of an elusive priest. Commissioners in all shires, towns and ports encouraged informers to keep track of suspected priests' and their confederates' movements, record the names and activities of any unknown visitors, and search for suspicious books.<sup>2</sup> Thus Sir Nathaniel Bacon, a commissioner for Norfolk, recommended the fitness or otherwise of individuals to be on the commission for the county and Norwich.<sup>3</sup>

The commissions for the Midlands were equally important. One given to George Elliot by the Privy Council for the seizure of Edmund Campion in Berkshire, resulted in one of the government's greatest coups. On showing his commission to the local justices they sped into action and with the help of forty or fifty armed men, arrested Campion, some disguised nuns and a couple of chaplains.<sup>4</sup> Before this the Privy Council relied on justices of the peace in 1581 and the Bishop of Peterborough in 1582 to find and arrest Jesuits, seminary priests and their sympathisers in Leicestershire and Northamptonshire respectively.<sup>5</sup> A few years later when the Privy Council instructed commissioners Sir Edward Montagu of Northamptonshire and Sir Adrian Nowell of Leicestershire to apprehend "divers Jesuites and Seminarie Preistes lurking and wandring within those countyes", they were also told to enlist the aid of justices specifically

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1 Pettit, *op. cit.*, pp.19-23; *Draft Calendar of Patent Rolls 30 Elizabeth 1 1587-1588 (C66/1304-1321)*. List & Index Society, 247 (Kew, Richmond, 1992), pp.12-13. These sentiments were repeated in the Proclamation against Jesuits in November 1591. Harrison, *Elizabethan Journals*, I, pp.74-77.

2 Manning, *op. cit.* (1972), pp.29-32; Harrison, *Elizabethan Journals*, I, p.87.

3 Manning, *op. cit.* (1972), p.33n.

4 George Elliot, "A very true Report of the apprehension and taking of that arch-Papist Edmund Campion...and divers other Lay people, most seditious persons of like sort" (1581), in A.F. Pollard, *Tudor Tracts 1532-1588* (Westminster, 1903), pp.451-74. Campion's ministry in England lasted less than a year but attracted a wealth of publicity and hysteria. His arrest, torture and eventual martyrdom are described in Morey, *op. cit.*, pp.192-95 and Thomas M. McCoog, "Campion's plea for a disputation", *The Month*, Second New Ser. 14, 2 (December, 1981), pp.414-17.

5 *APC 1581-1582*, pp.164, 386-87.

"well-affected in Religion."<sup>1</sup> The Privy Council thanked the commissions of the two shires in September 1592 for their work.<sup>2</sup> When commissions for the apprehending of priests gained new vigour in the early 1590s and targeted York and its region, the Privy Council worked with the Lord Chancellor in October 1591 to establish them with the authority to arrest, charge and punish persons who diverted subjects from their loyalty to the Crown and the true religion.<sup>3</sup>

The Privy Council, through the statute of 1585 with its drastic penalties for harbouring priests, and fast moving recusant commissions and their officers, harassed the Jesuits. Correspondence from the Continent to Sir Francis Walsingham kept him informed of the numbers of Jesuits he should expect to land in England and spread their 'Popish conventicles'.<sup>4</sup> In their travels to, in and between urban communities, seminarists and Jesuits managed to survive. Much to the detestation of Burghley and the government they recruited young Englishmen to leave the country and be taught in foreign seminaries. Father Garnet, said one report, placed them "in some blind alley near the water, until winde serves for passage, which fitting, the vessell (which is some old hoy...to avoid suspicions)" escaped to the Continent via Gravesend or in barks, "commonly beyond Greenwich."<sup>5</sup> The vagabond nature of their existence was echoed in a 1591 proclamation which condemned locally-born seminarists as dissolute youths of base birth, who partly for "lack of living" became, rebels, fugitives and traitors.<sup>6</sup>

They would survive by creating many 'roguish' disguises and a system of Catholic 'safehouses', phenomena that the 1585 Act, for all its deterrents or the specially constituted commissions, could not stamp out. In July 1586 at a house in Hurleyford in Buckinghamshire, a remarkable meeting took place. Some members of the Catholic laity and three Jesuits, William Weston, Robert Southwell and Henry Garnet, the latter two fated to die on the scaffold, decided that if the Jesuits were to succeed in England they had to move beyond London and the Home Counties, and make priests' shelters in the outer shires. Sudden raids and searches on known Catholic houses were taken into account. Nicholas Owen, a Jesuit lay brother and skilled joiner who came over with John Gerard in 1586 and visited Catholic houses disguised as Garnet's servant, built hiding places or 'hides' in many country houses. Owen's dangerous enterprise

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1 *APC 1586-1587*, p.140.

2 *APC 1592*, pp.191-93.

3 *HMC, Marquis of Salisbury*, Part IV, p.148.

4 *CSP, Foreign, 1581-1582*, pp.572, 623; *CSP, Foreign, 1582*, pp.159-60; *CSP, Foreign, 1583 and Addenda*, pp.310, 615; *CSP, Foreign, 1586-1588*, pp.178, 656.

5 A.C.F. Beales, "Popish Schools Under James I", *The Month*, New Ser., 7, 4 (April, 1952), pp.200-1.

6 Leo Hicks, "Father Persons, S.J., and the Seminaries in Spain", *The Month*, CLVII, 801 (March, 1931), p.193.

ended in 1606 when he was tortured to death after his capture at Hindlip, but he and other builders left their mark on the regions in this study. Owen established hides for John Gerard at Gramston, Oxburghe Hall, Snowre Hall and Lawhall in Norfolk, and Braddocks in Essex when Gerard operated in the Norwich area (1588-1594). When Gerard worked in the Midlands a few years later (1597-1605) Owen built hides at Drayton House and Nevill Holt Hall in Northamptonshire. While the Earl of Huntingdon forced desperate Catholics to leave their homes and seek shelter in nearby caves and woods, Garnet's subterfuge in Yorkshire led to Gerard being able to find safety in a hide at Woolley Hall, the home of Richard Woodroffe and his wife Lady Elizabeth Percy.<sup>1</sup>

The fact remains that the costs and risks of smuggling priests, books, letters, Mass furniture and information remained high, and caused those seminary and Jesuit priests who ventured in or near Chester, Leicester, York, Norwich and Northampton, to rely on their own judgement and initiative. They did not travel in gangs like other vagrants (ie. deserters from the army) and no matter how well organised safehouses were, a lone priest soon lost contact with Rheims or Douai. Government informers had little difficulty in obtaining information on members of the colleges abroad or posting notices at the ports for officials to be on the alert for them. They even pin-pointed some deserted stretches of beach most likely to be used as landing places.<sup>2</sup> Nevertheless, many Jesuits were not found until months or years later. When Persons started his ministry after reaching Dover on 12 June 1580, he "went disguised as a soldier of choleric disposition" while Robert Southwell and John Gerard passed themselves off as country gentlemen. Southwell went to the extent of making sure that he was conversant with the terminology for falconry and hunting. Nicholas Owen rode about in an old cloak "of sad green cloth with sleeves caped with tawny velvet and little gold stripes turning on the cape."<sup>3</sup>

If a priest wanted to divert attention it was usual for him to assume the guise of a commoner, servant, even a beggar. The effect this had on the authorities was electric. In parliamentary speeches, conciliar directives or royal proclamations, they associated subversive Catholics all the more with the unemployed and petty criminals. Burghley's speech about priests coming in disguise "all in their apparell as roisterers and ruffians" was justified and no

1 *DNB*, XLII, pp.433-34; Michael Hodgetts, "In Search of Nicholas Owen", *The Month*, New Ser., 26, 4 (October, 1961), pp.197-209; Michael Hodgetts, "Nicholas Owen in East Anglia", *The Month*, New Ser., 28, 2 (August, 1962), pp.72-73.

2 B.W. Beckingsale, "The Characteristics of the Tudor North", *Northern History*, IV (1969), p.77.

3 *DNB*, XLIII, p.412; Morey, *op. cit.*, pp.177, 182.

exaggeration.<sup>1</sup> Edmund Campion, for instance, being part of "a rable of vagrant and seditious preistes and fryers...beeinge misnamed and disguised in a very ruffianlike sorte...from place to place by the space of one whole yeare wandred...throughe divers sheires, quittinge noe tyme nor occasion to put in ure and fynishe his lewde enterprise."<sup>2</sup> Campion evidently found the 'cloak and dagger' experience a trying one. Mounted on horseback he could hear confession, preach, give the sacraments and escape his pursuers more easily than on foot, but at times he tired of having to "wear ridiculous clothes" and change his name.<sup>3</sup> Not all disguises worked, of course, and they often came undone because priests tried to do too much, like attempting to carry vestments and altar furniture for the celebration of Mass or a breviary. Bernard Patterson, who would escape from York Castle in 1593, had his serving man, "a base begotten desperate and dangerous fellow", carry "the priest's massing vestments, books, etc."<sup>4</sup>

The Privy Council ensured that vagrants were punished according to statutory law. Until the 1570s legislation had changed little since the second statute of Henry VIII. In 1569, as in 1536, Elizabethan vagrancy laws proceeded on the principle of distinguishing between the person unemployed or idle for personal reasons, who was to be punished, and the person not working for economic reasons, who had to be 'set on work'. The same pressures which caused Parliament to constantly legislate new poor laws also drove the Privy Council to search for better ways of executing them. The forms that vagrancy took - pauper, migrant seeking to better him or herself, ex-soldier, minstrel or missionary priest - and the capacity for people labelled by the term to cover long distances in their travels - made town magistrates terrified of unrest and acts of sedition. It now has to be seen how the five towns coped with vagrancy, especially in the latter half of Elizabeth I's reign when, under Lord Burghley's and Sir Robert Cecil's guidance, the Privy Council tried to establish a more centralised administration. The government would have to take into account each town's regional situation, political and economic tensions within them and initiate or suggest plans to control vagrants. All this vigilance would not be sufficient to restrain the 'multitudes' of vagabonds because they had taken on a variety of manifestations, often the unintended result of government policy.

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1 Morey, *op. cit.*, p.176.

2 Petti, *op. cit.*, p.6.

3 CSP, *Domestic, Addenda, 1580-1625*, p.24.

4 Morey, *op. cit.*, p.179. In 1595 William Freeman's six year ministry ended when he was found with a breviary under his hat. *Ibid.*

PLATES 1-XI: PRIVY COUNCILLORS



PLATE I: William Cecil, Lord Burghley



PLATE II: Robert Cecil, Earl of Salisbury



PLATE III: Sir Robert Dudley, Earl of Leicester



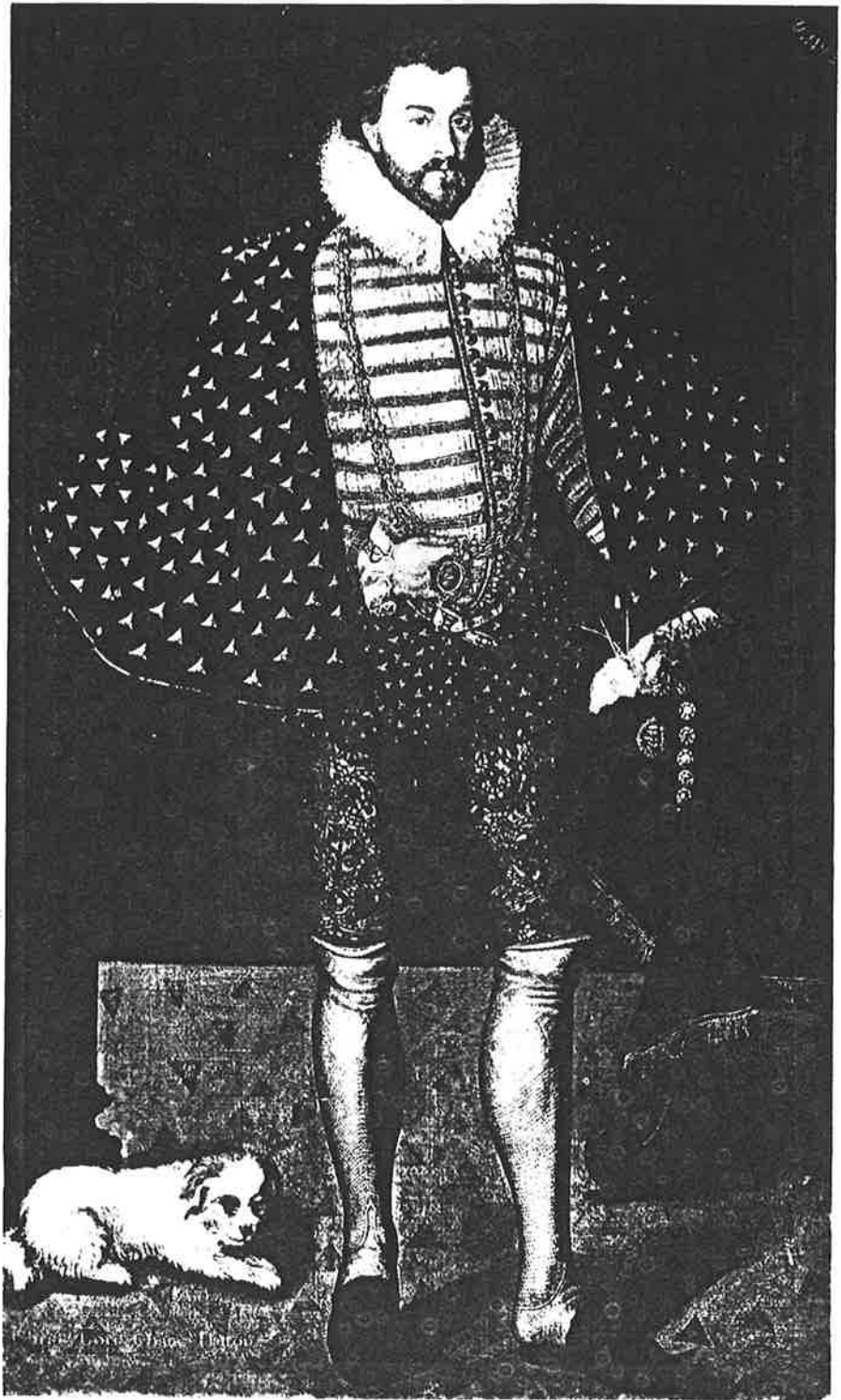


PLATE IV: Sir Christopher Hatton



PLATE V: Sir Thomas Smith



PLATE VI: Henry Carey, Lord Hunsdon



PLATE VII: Thomas Howard, Fourth Duke of Norfolk



PLATE VIII: Lord Keeper Nicholas Bacon



PLATE IX: Henry Hastings, Earl of Huntingdon



PLATE X: Sir Walter Mildmay



PLATE XI: Sir Francis Walsingham





PLATE XII: "The Beggars Are Coming to Town"

## A Caueat or Warening,

FOR COMMEN CVRSE-

TORS VVLGARELY CALLED

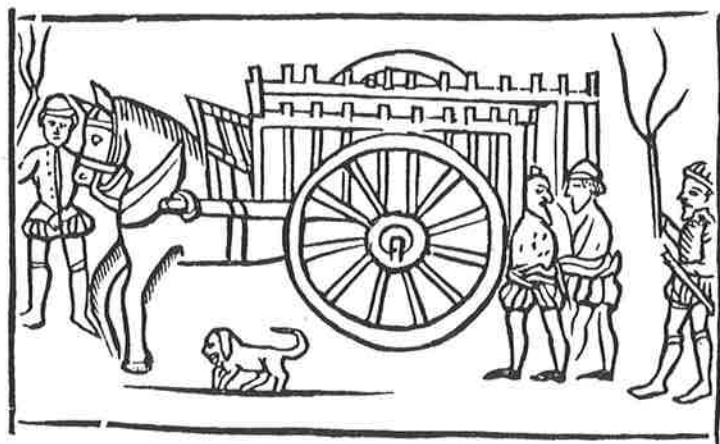
Vagabones, set forth by Thomas Harman,

Esquiere, for the btilite and proffyt of his naturall

Cuntry. Augmented and enlarged by the fyrst author here of.

Anno Domini. M.D.LXVII.

¶ Viewed, examined, and allowed, according vnto the  
Queenes Maiestyes Iniuinctions.



¶ Imprinted at London, in Fleetstreete, at the signe of the  
Falcon, by Wylliam Gryffith, and are to be sold at his shoppe in  
Sagnt Dunstones Churchye garde, in the West.  
Anno Domini. 1567.

PLATE XIII: Title page of Thomas Harman, *A Caueat or Warening, For Commen Cvrsetors Vvlgarely Called Vagabones* (1567)





PLATE XIV: The infamous Elizabethan vagabond Nicholas Jennings in two of his disguises, from Harman's *Caueat*

Of folysshe beggers and of theyr vanytees.



Syns I haue taken the charge one me  
Mo botis and Barges for Folyss to aparayle  
And so agayne of newe to take the se  
I feryd lyst company shulde me fayle  
Within my folysshe shyppis to trauayle  
But nowe doth beggers them selfe to me present  
For fewe of them I fynde of good intent

PLATE XV: A begging family approaches a town, from Sebastian Brandt, *The Ship of Fools*



*Iacomo Callor in et fe.*

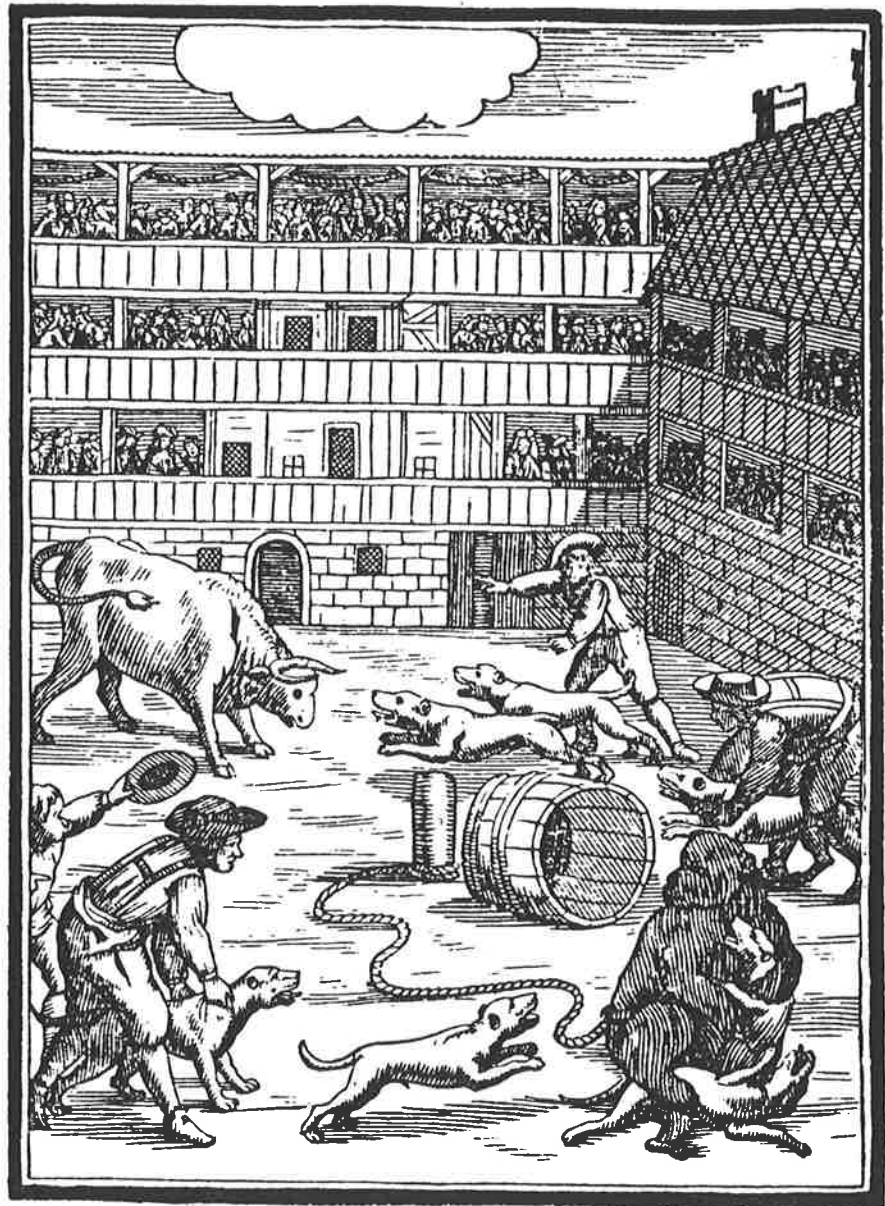
PLATE XVI: Wandering beggar



PLATE XVII: Elizabethan woodcut of a 'sturdy beggar' being whipped through a town. In the background, a gibbet scene.



PLATE XVIII: An Elizabethan pedlar with his wares



Das bereits (Tab. XXXIV.) erwähnte Fechthaus zu Nürnberg war auch der Schauplatz der noch in einigen grossen Städten Deutschlands üblichen Heze. Hier wurden wilde Bären und Stiere durch allerlei Mittel und Werkzeuge, welche unsre Tafel zum Theil vorstellt, zum äufsersten Grimm gereizt, und hernach mit grossen und starken Hunden gehezt. Die Metzger waren es vorzüglich, die an dieser Heze ihren Antheil nahmen, und ihre Hunde dazu gebrauchten, doch hatten auch andere verwegene Leute, welche mit agiren und ihre Hände dabey versuchen wollten, zuweilen Zutritt. Es fiel aber dieses Vergnügen nicht nur öfters für die Hunde und anhegenden Personen sehr mislich aus, und sie wurden getödtet oder beschädigt, sondern es wurden auch zuweilen die Zuschauer dadurch in Schrecken und Angst gesetzt. — Ehre für Nürnberg, daß diese unsinnige Ergötzlichkeit, die der Menschheit Schande macht, abgestellt ist.

PLATE XIX: Bull-baiting scene depicted in a seventeenth century German woodcut. These occasions attracted all manner of vagrants, including beggars, demobbed soldiers, migratory workers, and cut-purses



The forme of the certificate  
 given to the Vagrant poore taken  
 and punished at Stamford-rivers

To all goodly people into whose hands this present writing shall come  
 be it knowne that whereas C. Howard as in these words followeth  
 in the County of ... was taken at Stamford-rivers in the County of ...  
 who was lawfully bounden to the said County ... in that behalf  
 provided and then and there suffered such punishment as in the said  
 Statute is appointed for such offenders. We the Minister and Churchwardens  
 of the towne aforesaid by these presents do certifye and direct by the  
 name of the County of ... and sheweth way to the place above  
 named. And knowing and limiting this to the accomplishment of that the  
 journey the space of ... days not exceeding the date hereof  
 George ...

The names of such vagrant  
 persons as have received pu=  
 ishment and certificate at  
 Stamford-rivers.

1598.

PLATE XX: Late Elizabethan beggars' licences:

(Top) As a guide for local officials this vagrant's certificate (1598) was entered into the 'parish book'. It authorised the vagrant's journey to the parish where he or she belonged

(Below) Licence issued by Lord Howard of Effingham in 1590 to William Browne, a crippled ex-serviceman of London



**H** Charles Lord Howard, Baron of Effingham Knight of the  
 Noble order of the Garter, Lord high Admirall of England, Ireland, and  
 Wales, and the dominions and Isles of the same, of the towne of Calles  
 and marches therof, of Honand, Galtayne, and Cupre, and Captaine  
 Generall of her Majesties Seas and Shipps Royall. To all and singular  
 Justices of Peace, Sheriffs, Baylives, Constables, Custos  
 Mercatorum, Comptrolvers, Ministers, Parsons, Vicars, Curates, Churchwardens, Collec  
 tors for the poore, and all other her Majesties Officers, Ministers, and loving Subjects,  
 as well within the Citie of London, as the dominions of her Majesties Realme of Eng  
 land, and to every of them greeting. Whereas this beare William Browne, of London  
 gunner, lately served in her Majesties service against the Spaniards, in the Barke of  
 Ferretam, and in that service was shot through his bodie, and gravously wounded in  
 sundry places, and by means of the same maimed so, ever: In consideration whereof  
 and for that he is greatly indebted to his Surgeons, in the curing of his  
 wounds and otherwise brought to extreme povertie therby. I have thought good  
 to graunt him these presents, and by authority hereof, in her Majesties name do require  
 and earnestly entreate you and every of you, throughout the said Citie of London, and  
 the dominions of her Majesties Realme of England, to have a Christian and pitiful re  
 gard of the said William Browne and his extreme want and miserie gotten in the ser  
 vice of our gracious Prince, and defence of this our Countrey, and to helpe and relieve  
 him with your charitable benevolence and almes, towards the supplying of his great  
 want, and to present, suffer and assist them, to gather and take the same in all Churches  
 and Chappels, and of all well disposed people within the said Citie of London, and her  
 Majesties said dominions, without any let, trouble, molestation, or incumbrance what  
 soever, wherein you shal do a deed very acceptable in the sight of God, and greatly con  
 sutable to him, his said wife and children in this extreme, wherein we require you not  
 to faile. This presents to endure so, the space of twelve moneths, from the date hereof,  
 given at London in her Majesties high Court of Admirallty, under the great seale  
 thereof, the seventeenth of August, 1590. And in the two and thirtieth parte of the entaine  
 of our Sovereigne Lady Elizabeth by the grace of God Queene of England, France  
 and Ireland, defender of the faith, &c.  
 C. Howard. Heward.

God save the Queene.



PLATE XXI: Rioting and brawling in a Tudor town



PLATE XXII: Disorders of the alehouse. (Top) Minstrels outside a sixteenth century tavern (Below) Early Stuart depiction of alehouse drunkenness and debauchery





PLATE XXIII: Travelling players perform at a gentleman's manor, c.1610



PLATE XXIV: Soldiers on the march:

(Top) The ideal of soldiers well armed, furnished and marching in orderly fashion

(Below) Soldiers plunder a village



PLATE XXV: The hazards of life for vagabond priests:  
(Top) Thomas Atkinson shelters in a rough outhouse  
(Below) Officials bring John Lockwood alias Lassels to York Castle



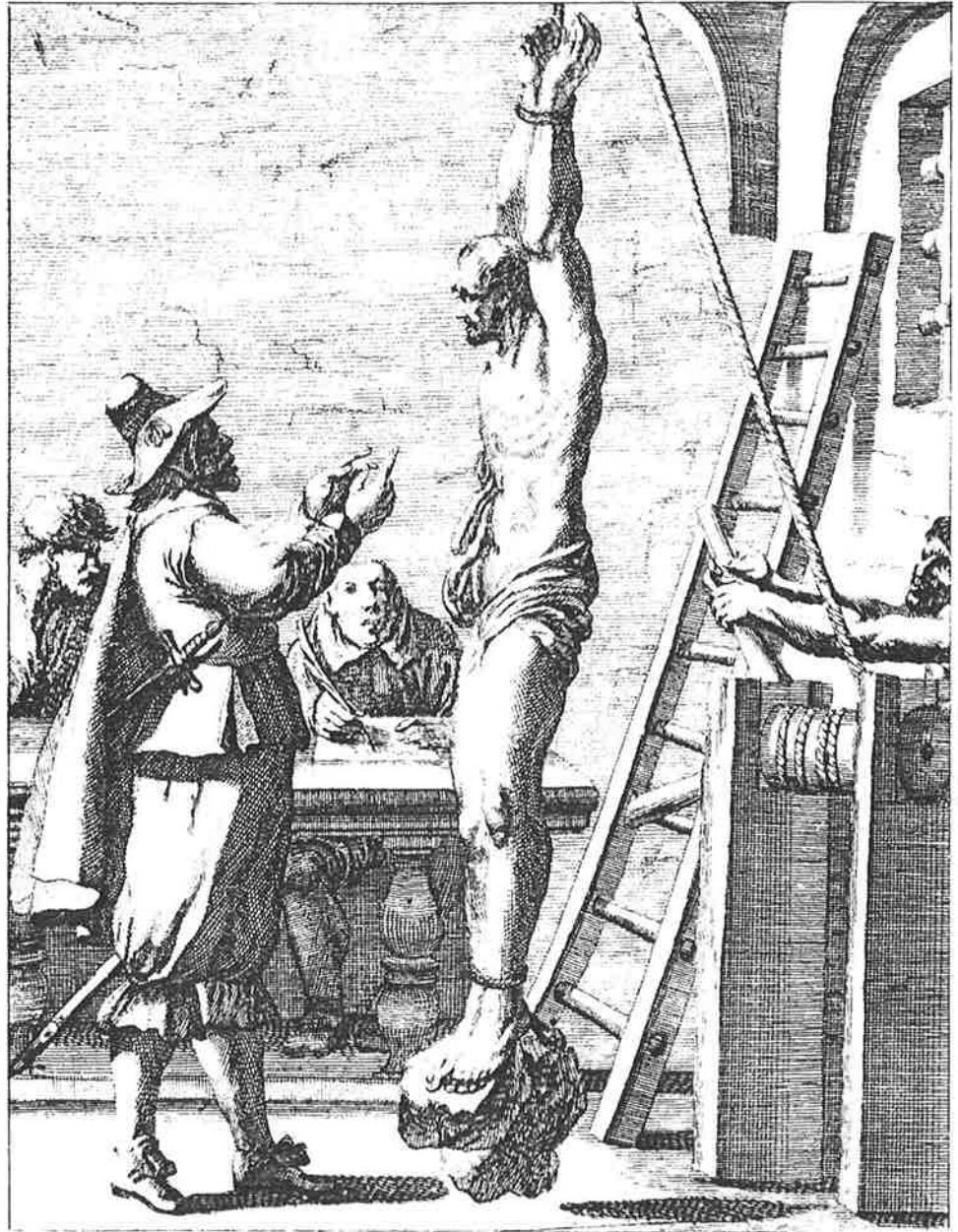


PLATE XXVI: A suspected Jesuit priest is tortured



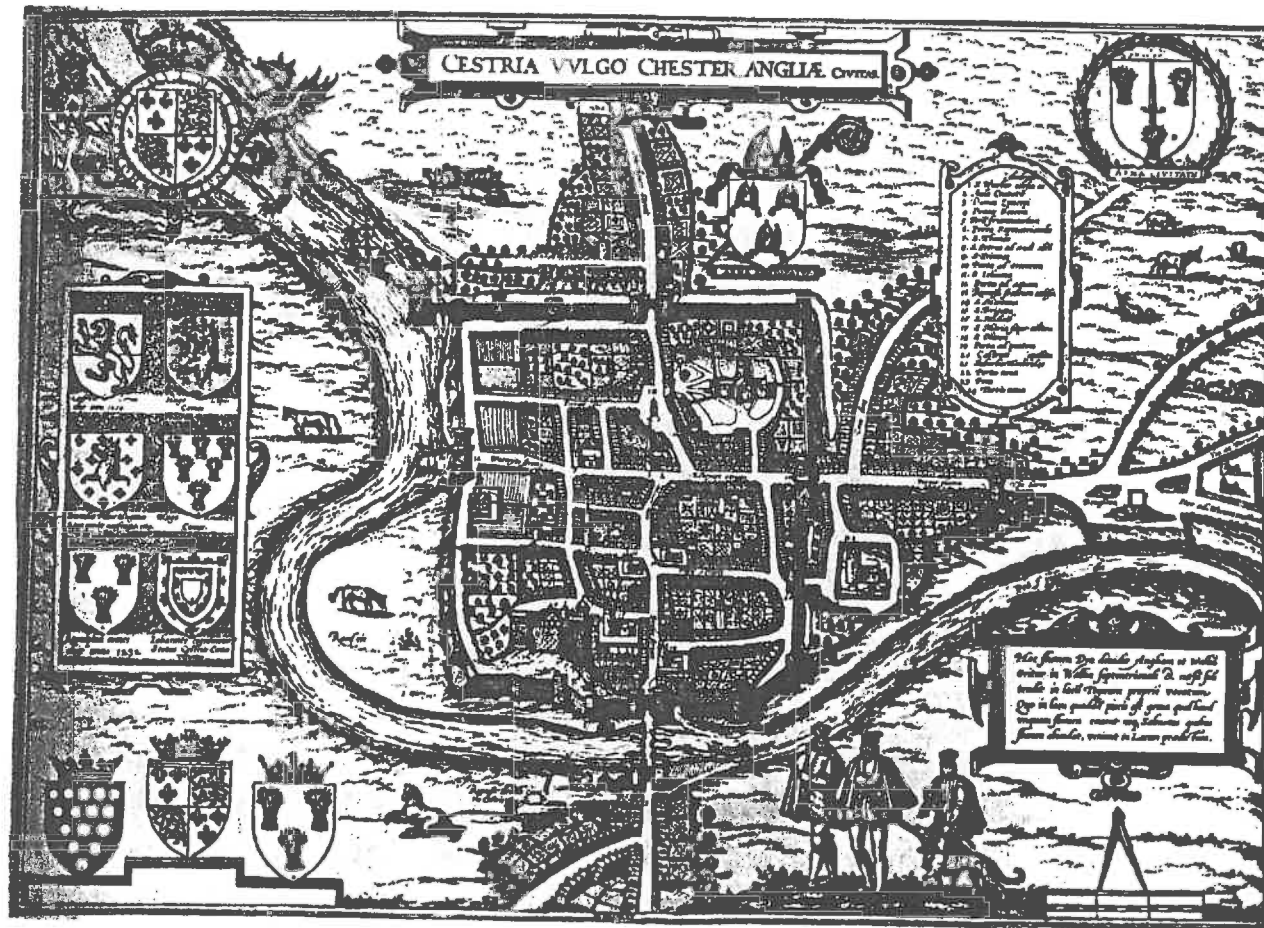


PLATE XXVII: Late sixteenth century plan of Chester

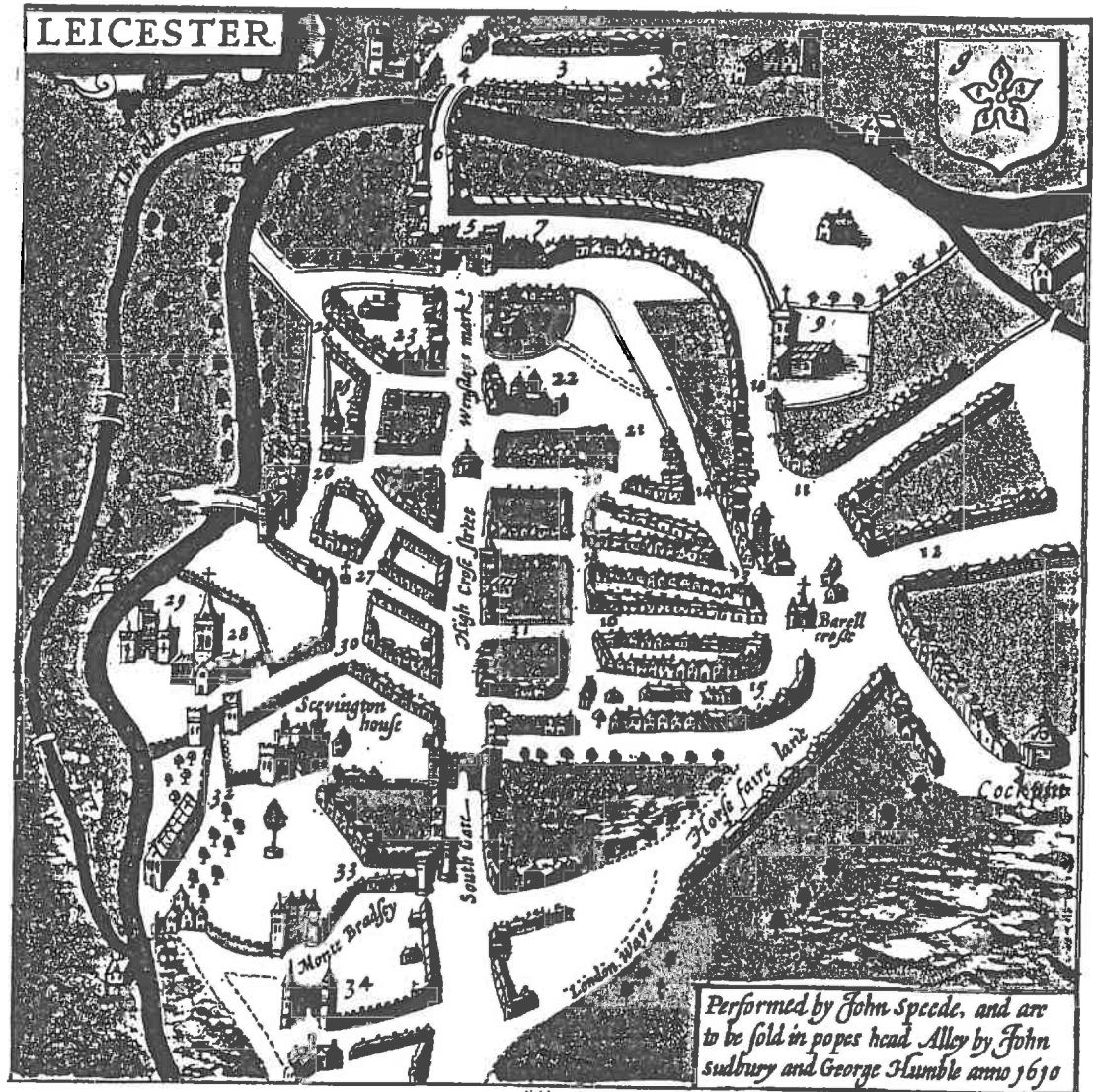
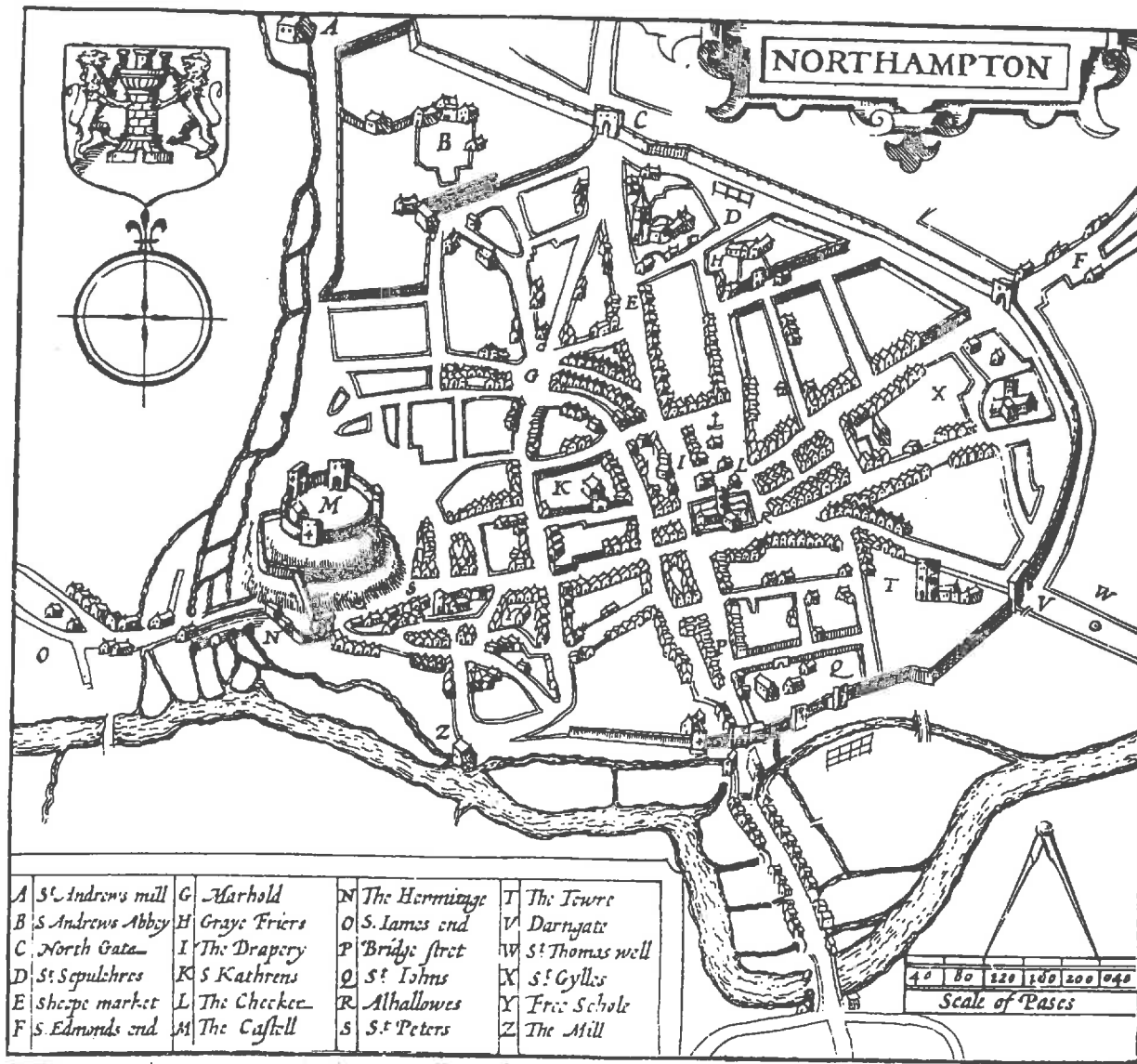


PLATE XXVIII: John Speed's plan of Leicester (1610)



A	S <sup>t</sup> . Andrews mill	G	Marhold	N	The Hermitage	T	The Tower
B	S <sup>t</sup> . Andrews Abby	H	Grave Friars	O	S. James end	V	Darngate
C	North Gate	I	The Drapery	P	Bridge street	W	S <sup>t</sup> . Thomas well
D	S <sup>t</sup> . Sepulchres	K	S <sup>t</sup> . Kathrens	Q	S <sup>t</sup> . Johns	X	S <sup>t</sup> . Gylles
E	sheepe market	L	The Cheeke	R	Alhallowes	Y	Fra: Schole
F	S <sup>t</sup> . Edwards end	M	The Castell	S	S <sup>t</sup> . Peters	Z	The Mill

PLATE XXIX: John Speed's plan of Northampton (1610)



1. Hungate Street.
2. Friars Street.
3. Blackfriars Bridge.

4. St. George's Colegate.
5. Site of John Wyndham's house.
6. St. Mary's Colegate.
10. 'The place where men are customably burnt.'

7. St. Michael's Coslaney.
8. Chapel-Field.
9. Sir Francis Wyndham's house.

PLATE XXX: William Cuningham's depiction of Norwich (1558)



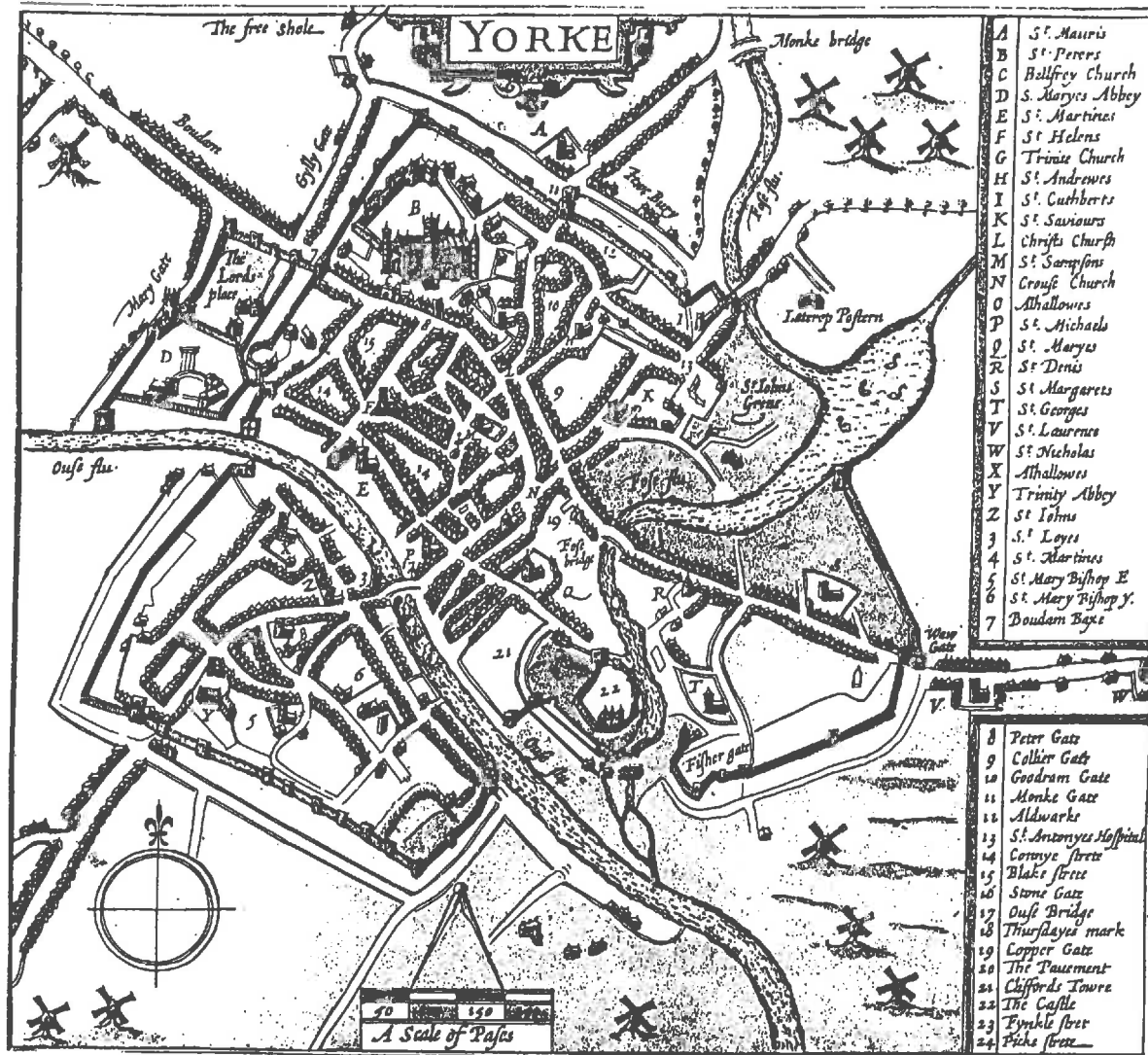


PLATE XXXI: John Speed's plan of York (1610)

## CHAPTER 4

### CHESTER

...examined where he hadde benne for the space of a Senight laste paste Saiethe that on Setdaye night beinge the 13 of Aprell he this ex't was lodged at the howsee of one Thomas gandie nere Buckeley hill and the nexte night after, beinge Sundaye night, he was lodged in a berne at a place Called lower Pever and on Mondaye night there also, on twesday night at on antrobus nere alterengeham and on wensedaie night in a barne not farre from there, the place this ex't knoweth not. And on thursedaye he saithe he was at a buriall of an oulde gentlemann Mr. Vaudrey nere the towne of Aultringeham. And that night hee lodged in bageley at Richard Croens. And on frydaye night at one brendrethes nere Ronald Kelsalles, and on Seterdaye this ex't beinge in Cu'panie...with one John Trefforde whose Cu'panie this ex't hapened upon on thursdaye at the buriall aforesayd, thei too wente together meaninge to have gonne into the Countye of Derby and were taken the same Seterdaye in th' veninge in morpull aforesayd.<sup>1</sup>

So read the contents of a vagrancy case about a man named James Anderton, a native of Lancashire "wanderinge as a Rogue without licence" in Cheshire. His case was heard by Sir Piers Legh, justice of the peace, at Chester on 20 April 1577. Anderton's experience typified that of people arrested as vagabonds near Chester. Anderton was an ex-soldier, not a local inhabitant and found roaming in a region of England which was militarily sensitive. The very next day the examination of two more "Roges without license" by Sir Piers Legh shows they had found lodgings in barns, alehouses and a widow's house during their trek toward Staffordshire.<sup>2</sup> Vagrancy in Chester arose out of a combination of long-term socio-economic upheavals and immediate difficulties in implementing conciliar directives and parliamentary statutes. Furthermore, it was encouraged by tolerant attitudes to the roaming poor.

Cheshire had a long tradition of lawlessness, characterised by the uncontrolled or uncontrollable movements of people. This was despite the fact that the Earls of Chester, as Lords of the County Palatine, wielded authority in Cheshire through their own parliament, constitution and courts of law. In the fifteenth century Cheshire still lacked a regular system of law enforcement, relying instead on the appointment of gentlemen to infrequent commissions to deal with outbreaks of disorder. Tudor governments, up to and including Elizabeth's administration, accelerated Chester's integration into England's administrative system.<sup>3</sup> They

1 J.H.E. Bennett and J.C. Dewhurst (eds.), *Quarter Sessions Records with other Records of the Justices of the Peace for the County Palatine of Chester 1559-1760*. Record Society of Lancashire and Cheshire, XCIV (1940), pp.42-43.

2 Maurice H. Ridgway and Annette M. Kennett (eds.), *The Cheshire Sheaf*, Fifth Ser., 107-191 (The Vicarage, Cheshire, 1992), p.57.

3 Dorothy J. Clayton, "Peace Bonds and the Maintenance of Law and Order in Late Medieval England: The Example of Cheshire", *BIHR*, LVIII, 138 (November, 1985), p.136. New studies have convincingly modified the depiction of Tudor Cheshire as a lawless, crime-infested and economically underdeveloped county. See T. Thornton, "The Integration of Cheshire into the Tudor Nation State in the Early Sixteenth Century", *Northern History*, XXIX (1993), esp. pp.41-45, 46-52, 63; and C.B. Phillips and J.H. Smith, *Lancashire and Cheshire from AD 1540* (New York, 1994), ch. 1.

did not so with vagrancy principally in mind but an incident in 1514-15 pointed the way to the future. The mayor and brethren decided that no one, on pain of arrest, "inhabityng within the said Citie shall not go ner gedder no companyny...into the Countrey nether to prest making walshe weddynges ner ales."<sup>1</sup> Cattle rustlers, poachers, pirates, smugglers, dissenters against the Reformation, broggers, pedlars, badgers and drovers frequently traversed Cheshire. Chester relied on the energy and economic activity of the four last types of people on this list.<sup>2</sup> However, because they neither recognised nor worked for a master (or as more likely happened, were *perceived* as not doing so) they constituted the same threat to security as vagrants did in the eyes of authority. The potential for tensions arising between the Privy Council and local authorities over the labelling and apprehension of such people as masterless people, was real.

The Privy Council's role in the suppression of masterlessness at Chester hinged on political, strategic and economic factors. They had left their mark on the town and its hinterland by end of the fifteenth century and became more evident in the sixteenth. When Henry VII granted a charter of incorporation to the constituent members of Chester's Assembly, the city already had long experience with an increasingly oligarchic system of government. The citizens elected the mayor, two sheriffs, twenty-four aldermen and forty common councilmen. By 1500 Chester followed the custom of other towns by filling office vacancies with only formal reference at best to the citizens at large, and those elected held office for life.<sup>3</sup> In 1573 the octogenarian alderman William Leche was quoted as saying that "for this lx yeares hath so knowen the chosinge and in none other sorte" to be by the mayor, aldermen and common council.<sup>4</sup> While the Assembly preoccupied itself with matters of trade, the mayor, as chief magistrate, and his aldermen undertook many judicial and social functions for the maintenance of order on behalf of the Crown.<sup>5</sup> The mayor, recorder and those aldermen who had served as mayors had their own courts of quarter sessions and were sworn to be "keepers of the peace...as also Justices of the Peace", becoming responsible for controlling labourers, vagabonds, craftspeople and beggars.<sup>6</sup> Thus the 1506 charter established the mayor and

<sup>1</sup> *First Assembly Book*, p.5; REED: *Chester*, p.23.

<sup>2</sup> Clark and Slack, *Crisis and Order in English Towns 1500-1700...*, p.13.

<sup>3</sup> Groombridge, *Council Minutes*, pp.viii-ix; Kennett, *Chester*, p.9; John Cordy Jeaffreson, "The Manuscripts of the Corporation of the City of Chester", HMC, *Eighth Report, Appendix, Part I* (Darlington, 1908), p.360a.

<sup>4</sup> Groombridge, *Council Minutes*, p.ix; *First Assembly Book*, p.20.

<sup>5</sup> Groombridge, *Council Minutes*, pp.xii, xix.

<sup>6</sup> Kennett, *Chester*, p.10.

aldermen who were justices of the peace, and through them the Assembly, as the link between the central government and the people. It was to them that succeeding Tudor governments addressed letters for poor law administration, price regulations, subsidies and security matters.

John Speed described the chief commodities of Cheshire as being "Corne, Cattle, Fish, Fowle, Salt, Mines, Metals, Meares, and Riuers, whereof the Dee...for fruitfulness of pasturage equals any other in the Land, either in graine, or gaine from the Cow."<sup>1</sup> Since the Middle Ages, Chester had supplemented its domestic demands for salt-making, coal-mining and the production of wool by basing its prosperity on overseas trade, principally with Ireland, Spain and northern Europe.<sup>2</sup> In the context of the harsh commercial realities of 1500, however, London had taken away a great deal of the Chester merchants' business. Nonetheless, although the port might not have counted for much nationally, what trade it had was important locally. It still provided a living for a small group of wealthy traders and merchants, and it meant work for a large proportion of its labour force.<sup>3</sup> Historians agree that the silting of the River Dee ruined Chester's economy. Large cargo-carrying ships could not enter its harbour, local industries could not expand commercially so demand for goods remained domestic in nature, and it facilitated the rise of Liverpool and other competing outports.<sup>4</sup> In fact, one contemporary Spanish navigator looking for a potential invasion landing place in the late 1590s described Chester as "a very good harbour" but it was "better to enter with caution and leave the sand banks on the left hand."<sup>5</sup> The silting of the Dee was only one factor in the curtailment of Chester's prosperity and subsequent employment opportunities and the development of skilled trades generally.

Unlike the south-east of the kingdom, Cheshire lacked great centres of wealth and industrial or manufacturing towns. Chester had a leather industry providing work for sadlers, glovers, butchers, and tanners, but of its approximately 25 guilds which jealously guarded craft

<sup>1</sup> John Speed's *England*, IV, folio 69.

<sup>2</sup> Higgins, *County Government*, p.1; S. Ward, *Excavations at Chester...Roman Headquarters Building to Medieval Row* (Chester, 1988), p.56; Jane Greville, "The Rows of Chester: some thoughts on the results of recent research", *World Archaeology*, 21, 3 (February, 1990), p.446; W.H. Chaloner, "Salt in Cheshire, 1600-1870", in W.R. Ward (ed.), *Palatinate Studies: Chapters in the Social and Industrial History of Lancashire and Cheshire*. Chetham Society, Third Ser., XXXVI (Manchester, 1992), pp.104-5.

<sup>3</sup> D.M. Woodward, *The Trade of Elizabethan Chester* (University of Hull, 1970), pp.1-2.

<sup>4</sup> Higgins, *County Government*, p.10; Clark and Slack, *English Towns*, p.100; Kennett, *Chester*, p.19; Groombridge, *Council Minutes*, p.i. A historian has suggested that this consensus depends on taking at face value the claims made by Chester's leaders to successive Lancastrian (1445), Yorkist (1484) and Tudor (1486) administrations in relation to the effect of the silting. In the process of getting the fee farm reduced from £100 to £20 by the last date, "in keeping with the income arising from port dues", the petitioners did not mention the finances coming to them from civic property rents or fines for admissions into gild franchises. Read K.P. Wilson, "The Port of Chester in the Fifteenth Century", *Transactions of the Historic Society of Lancashire and Cheshire*, 117 (1966), pp.1-2, 11.

<sup>5</sup> Albert J. Loomie, "An Armada Pilot's Survey of the English Coastline, October 1597", *The Mariner's Mirror*, 49, 3, (August, 1963), p.291.

apprenticeships, foreign competition and infringements on their respective monopolies, three stand out: the butchers, brewers and bakers.<sup>1</sup> One fifth of the craftspeople were employed in clothing/textiles, so tailors, drapers, weavers and shearmen were important.<sup>2</sup> Chester was not a true manufacturing centre. At best it was a prosperous marketing town distributing goods and materials to other market towns or rural communities. Much work remained unskilled, especially in the building and shipping trades, wherein labourers assisted shipwrights, stonemasons, joiners, carvers, plumbers, and moved goods and everyday materials from place to place. Churchwardens' accounts from 1536-65 for the parish of St. Mary-on-the-hill refer to labourers and "poore follkes" receiving wages for one or two days' work, whether they swept porches, carried stones, or assisted a plumber.<sup>3</sup> A.R. Myers has suggested that some aspects of the town's economy in the second half of the sixteenth century do not fit the image of a community in terminal decline. In spite of the inherent difficulties associated with the silting, oligarchism and the concentration of commerce in fewer hands, the problems associated with the newly-made but poor bishopric (1541), and the domination of Dublin merchants over Chester's trade, the local guilds managed to put on Mystery Plays and Cestrian merchants made inroads into Liverpool's trade in the 1580s.<sup>4</sup> It cannot be doubted, however, that Chester's economy entered troubled waters. In the decades to come many petitions to the Privy Council from concerned merchants and officials mention Chester's physical deterioration, the increasing poverty among themselves and the dangers of idleness among the labouring classes.<sup>5</sup>

Basically, although we know about the sorts of people likely to fall into vagrancy or beggary, judging from records highlighting many cases of individuals appealing to and sometimes receiving help from the oligarchy to save them from ruin, we do not know the percentage of the townfolk involved. G.P. Higgins has said that up to 90% of the county's poorer population, skilled and unskilled, including that of Chester, were affected. On top of Chester's troubles were the more general ones of steadily rising food prices and the declining

1 Groombridge, *Council Minutes*, p.xxiv; Clark and Slack, *English Towns*, p.28; D.M. Woodward, "The Chester Leather Industry, 1558-1625", *Transactions of the Historic Society of Lancashire and Cheshire*, 119 (1968), pp.65-111; L.A. Clarkson, "The Leather Crafts in Tudor and Stuart England", *Agricultural History Review*, XIV (1966), pp.25-39.

2 Kennett, *Chester*, pp.16-17.

3 J.P. Earwaker, *The History of the Church and Parish of St. Mary-on-the-hill, Chester* (London, 1898), pp.216, 220, 232, 237, 239, 244, 248-49, 252.

4 A.R. Myers, "Tudor Chester", *Journal of the Chester Archaeological Society*, 63 (1980), pp.43-57.

5 *Mayor's Letters ML/I, 1-167*, p.1; HMC, *Fifth Report*, Part 1, p.342; Jeaffreson, "The Manuscripts of the Corporation of the City of Chester", HMC, *Eighth Report*, p.374a; *CSP, Domestic, 1547-1580*, pp.410, 535; *CSP, Domestic, 1581-1590*, p.90; *CSP, Domestic, Addenda, 1565-1579*, pp.534, 557; *CSP, Domestic, Addenda, 1580-1625*, pp.14, 32-33; *APC, 1580-1581*, pp.342-43; *CSP, Domestic, 1603-1610*, p.563.

value of wages.<sup>1</sup> Paupers came into Chester from far afield, swelling the ranks of the urban poor and destitute. Vagrants came from rural Cheshire, Ireland, the Isle of Man, Wales and Lancashire's lowlands - a 'rag-tag' army of unskilled or migratory agricultural workers, drifters and ex-soldiers.<sup>2</sup> It appears that enclosures were chiefly to blame and they added to the pressures of a stagnant economy in Chester. Unlike Leicestershire and Northamptonshire, the change from arable to pasture farming did not present an immediate crisis on the land. The hedging or fencing in of land were long accepted local practices.<sup>3</sup> Due to the nature of its terrain Cheshire thrived on a "solid pastoral base" since the Middle Ages, combining cattle-rearing for beef and dairying, pig-keeping, forest husbandry and some sheep-rearing.<sup>4</sup> Wolsey's enclosure commissioners found no evidence of depopulation, decayed towns or houses when they visited Cheshire in 1517, and only 65 acres of arable had been enclosed for pasture.<sup>5</sup>

So at the dawn of the Tudor era Cheshire did not experience the 'classic' problems of enclosure. Yet, while it was accepted practice for villagers to grow corn or wheat in the open fields and reserve their enclosed fields to graze cattle, the ability to keep doing so was complicated by the gradually increasing regional population demanding more food. Farmers turned over more land to pasture or meadow and this affected the amount of grains, wheat, rye, barley, beans, peas and malt, that could be grown. Bad harvests meant widespread hunger, and as land was enclosed, marled and put to grass, the poorer sections of the rural community were dispossessed of a valuable source of fuel, grazing and building materials. By the 1530s-40s pastoral farming did generate tensions although these were not on the scale of the troubles experienced in the Midlands. Many cases before the Court of Star Chamber reveal tenants' fears of being turned into beggars and vagabonds, by being thrown off the land through the threat of violence, physical assaults on them or theft of their animals and neighbours making "unlawful

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1 Higgins, *County Government*, pp.55-56. People's wills included items set aside for the destitute but hard times could also strike those who previously had been well off. In a contract between alderman Sir Thomas Smith, merchant John Harper and the chaplains Sir John Davenport and Sir Henry Bullinge, the parties agreed to build "sixe several mansions or tenements under one rove, convenient for six poore bedemen": the almsrooms were set aside for poverty-stricken members of the ruling class or their widows. See Earwaker, *op. cit.*, p.185; Beck, *op. cit.*, pp.81-82; and Jeaffreson, "The Manuscripts of the Corporation of the City of Chester", HMC, *Eighth Report*, p.371a.

2 Kennett, *Chester*, p.24; Beier, *Masterless Men*, pp.37, 39.

3 Beresford, *Lost Villages*, pp.41-42, 220, 233.

4 Maurice Beresford and John G. Hurst (eds.), *Deserted Medieval Villages: Studies* (London, 1971), p.29; Joan Thirsk, "The Farming Regions of England", in *AHEW*, pp.83-84. The monks of Vale Royal grew wheat in abundance but at the time of the Dissolution Abbot Harwood reported to Cromwell that the Darnhall farm "will bear no wheate." In Lucy Toulmin Smith (ed.), *The Itinerary of John Leland In Or About the Years 1535-1543*, IV (London, 1964), pp.4-5.

5 C. Stella Davies, *The Agricultural History of Cheshire 1750-1850*. Chetham Society Third Ser., X (Manchester, 1960), p.7.

assemblies and riots."<sup>1</sup> Even if local enclosures were not as traumatic as in other localities, Chester felt the effects of enclosures elsewhere. In 1538 the mayor of Chester ordered William Payne to be whipped for being "a valiant and strong beggar", and then returned within 16 days to his home in Chippen Warden, Northamptonshire.<sup>2</sup>

The impact of the Dissolution would be felt in Chester long after the event. Initially, the spoliations robbed local authorities of a ready-made if not too discriminating source of poor relief. In the long term it created problems for the central government in that the religious were deprived of their livings and were not sympathetic to the Reformation. In the meantime the Church's function as a bestower of alms and charity to the destitute and infirm could not be satisfactorily replaced by the efforts of the already overstretched lay-founded hospitals of St. Giles, St. John the Baptist or St. Ursula.<sup>3</sup> Some traditions disappeared. The Benedictine nuns in their Chester priory used to distribute a tenth of their gross income in alms to the poor every Maundy Thursday.<sup>4</sup> According to a petition addressed to Cromwell c.1538-39 by tenants of the Abbey of Vale Royal, the last two abbots gave them "comfort of meat and drink for them and their servants" in return for boon services. On the abbey's surrender the Court of Augmentations attempted to commute these to money rents, with the effect of "impoverishing and undoing of the said tenants...."<sup>5</sup>

The 1531 poor law and the Privy Council's control of the judicial administration of Chester and Cheshire from 1536 onward would indicate, as writers have suggested, that Chester's Assembly took its cue from the statutes in the period c.1530-1600 and in particular the Privy Council's "instruccions and commissions for that purpose."<sup>6</sup> This is true but it must be qualified in the light of Mayor Henry Gee's poor relief plan drawn up in 1539-40. Spurred on by a comment that "the course of merchandise is sore decayed" and reforms in the town were much needed, Gee acted to suppress the problem of vagabonds and coerce idlers to seek work. He pre-empted national legislation on poor relief in much the same way as officials in Coventry, Norwich and York did. The scheme included a census noting the condition of all the poor in each ward, the licensing of 'official' beggars to distinguish them from unidentified ones

1 R. Stewart Brown (ed.), *Lancashire and Cheshire Cases in the Court of Star Chamber*, Part I. Record Society of Lancashire and Cheshire, LXXI (1916), passim. See also: Higgins, *County Government*, p.8; Beck, *op. cit.*, p.39; and *L&P*, V, p.638.

2 *L&P*, XIII, Part 1, p.92.

3 *VCH Chester*, III, pp.178-79, 181-84.

4 *Ibid.*, p.149.

5 Joyce Young, *The Dissolution of the Monasteries*, pp.227-28.

6 Slack, *Poverty & Policy*, pp.119-20; Higgins, *County Government*, p.12; Groombridge, *Council Minutes*, p.xxxi; *APC 1542-7*, p.176; *L&P*, XVIII, Part 2, p.509.

who were put in the stocks for a day and a night. The authorities also banned, on the grounds that it did not go to the 'deserving' poor, charity given by sympathetic townfolk. It was ordered "that all manner of idle persons, being able to labour...shall every workday in the morning in the time of winter at vi of the clock, and in time of summer at iiii of the clock...come unto the high cross of the said city, and there to offer themselves to be hired to labour for their living."<sup>1</sup> Lastly, the role of inns and taverns had to be resolved but instead of banning them outright, the town leaders proceeded to bar victualling to women aged between 14 and 40, with the objective of tolerating them for the sole purpose of raising funds for public purposes, such as the construction of a new haven in 1559.<sup>2</sup>

The Edwardian and Marian Privy Councils intervened in Chester's affairs in the 1540s and 1550s. More crises emerged to test the resources of the town leaders. These included the Privy Council granting them the right to build a new harbour in February 1548 - "by reason of want of a good keye and havon there"<sup>3</sup>, quelling an ugly brawl between some citizens and 500 "Irish kernes" in 1549, the 'sweating sickness' and the rise in prices of corn and other victuals in 1550, the drowning of valuable cattle in the 1551 floods<sup>4</sup>, and interguild disputes arising out of allegations over the making and selling of certain goods and non-gild members from outside Chester being given leave to work or trade inside.<sup>5</sup> In terms of providing employment, public work programs did not curtail the scourges of vagrancy and idleness. Chester's leather craftsmen and retailers did not use much in the way of hired help, such as journeymen. They relied on their immediate families for assistance and in this way cut down on labour costs.<sup>6</sup> As a result it added to the problems of unemployment. The Assembly Books for Christmas 1555 refer to the city being pestered with "dysorderid persons...idellie in vsye & wantonnes."<sup>7</sup> Demand and output for goods and services grew slowly. Basically, only local markets were catered for.

Mary's Council consolidated its relations with the local authorities, commending the mayor's arrest of "onne Plankenhaye" and incarcerating him in Chester Castle.<sup>8</sup> The terrain and distance of England's northwest made good cover for fugitives from the law, so the Council

1 *L&P*, XIV, Part 1, p.62; *EEH*, pp.366-67; *First Assembly Book*, p.6; A.D. Mills, "Chester ceremonial: re-creation and recreation in an English 'medieval' town", *Urban History Yearbook*, 18 (1991), pp.5-6.

2 Clark, *English Alehouse*, pp.79, 171.

3 *APC 1547-50*, pp.545-46; Jeaffreson, "The Manuscripts of the Corporation of the City of Chester", HMC, *Eighth Report*, p.373b; *Mayor's Letters ML/1*, 1-167, p.1.

4 Ormerod, *History of the County Palatine*, p.234.

5 *TED*, I, pp.124-25.

6 Clay, *Economic Expansion and Social Change: England 1500-1700*, II, pp.92-93.

7 *REED: Chester*, p.56.

8 *APC 1552-1554*, p.314; Haynes, *State Papers*, pp.165-66.



told the Sheriff of Cheshire, Sir Hugh Cholmeley, and officers under him "to make secret and diligent searche for Thomas Stukeley, of the countie of Devon, and for John Lincombe and Philipp James, his servantes, who use muche to repaire to the parrishe of Banburye in the said countie..."<sup>1</sup> More important in the Privy Council's developing relations with Chester was the lieutenancy of the county. In his capacity as lord lieutenant the Earl of Derby was charged with keeping the militia muster rolls updated, being alert for any signs of foreign invasion or civil unrest, and responsible to the Crown for the county's justices. He took responsibility for the justices of Chester in 1554<sup>2</sup> and so emerged as the most powerful local personage through whom the Privy Council could articulate its orders and ensure they were implemented at all levels of administration.<sup>3</sup>

The early years of Elizabeth's reign were important in the detection, punishment and expulsion of vagabonds in Chester and in Cheshire generally. A person named Egerton, found in the company of beggars and drunkards, was "whipped from tithing to tithing" in 1561.<sup>4</sup> Poverty in Chester accentuated the problem as the pitiful condition of John Apshawe's family showed in October 1558. When Apshawe's predicament came to the mayor's attention he was described as: "a very poore man, and Liveth upon his neibours, and is a thatcher; and his wief and children go on begginge; and he hym-self hath no certen dwellinge place."<sup>5</sup> Although there was no immediate difference in the way that early Elizabethan Cestrian officials acted as distinct from their Marian predecessors, one of the first instances of government investigations into aspects of municipal life at Chester, the 1559 Visitation, heralded the arrival of the Protestant view of "Ministry" and "Magistracy."<sup>6</sup> This Visitation embraced all aspects of ecclesiastical jurisdiction. Commissioners were empowered to question and jail suspect and unlicensed preachers, enforce subscription to the royal supremacy, the *Book of Common Prayer* and its Injunctions, and examine letters of ordination and institution. A large number of presentments for cases of bigamy, bastardy, adultery, fornication, prostitution, incest and sexual incontinence

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1 *APC 1554-1556*, pp.131-32.

2 Beck, *op. cit.*, pp.3-4; Bennett and Dewhurst, *Quarter Sessions Records*, p.xi.

3 *APC 1554-1556*, p.233.

4 Edward Geoffrey O'Donoghue, *The Story of Bethlehem Hospital From Its Foundation In 1247* (London, 1914), p.133.

5 Furnivall, *Child-Marriages, Divorces, and Ratifications, &c., in the Diocese of Chester, A.D. 1561-6...*, p.125.

6 R.B. Manning, "The Making of a Protestant Aristocracy: The Ecclesiastical Commissioners of the Diocese of Chester, 1550-98", *BIHR*, XLIX, 119 (May, 1976), p.60.

resulted.<sup>1</sup> An instance of this involved the curate of Saint Mary's, Sir Henry Snappe, "a common haunter of alehouses and besides verye necgligente in readinge of the sarvice &c."<sup>2</sup>

Recent research on Chester's parishes reveals that far from being enfeebled by the Edwardian and Elizabethan religious settlements, the climate of social and religious change stimulated lay officials to become directly involved in the management of a large number of activities. This coincided with the central government's "desire to devolve administrative tasks...met half-way by rising grassroots enthusiasm for bureaucratic employment."<sup>3</sup> One of the more notorious symptoms of poverty and idleness in Chester's municipal parishes, was the ease with which adulterous relationships were formed in alehouses, and the costly bastardy cases that ensued. On 21 December 1558 the mayor warned Thomas Mercer not only to discourage "any vnlauffull gamez prohibeted by any act, law, or statute", but also not to "suffer the same to be vsed ne played at, by any other, within his said house."<sup>4</sup> In the early months of 1562 several depositions highlighted the consenting of men and women to forming casual and presumably sexual relationships in drinking houses, taverns and even in a workhouse.<sup>5</sup> Some depositions are worth expanding on. In the case of Jane Downes versus Reginald Downes in September 1562, it was alleged that "apon the vnkindnes growen betwene the said Jane and her husband, he did wast and consume in folly and adultry, in kepinge of noughtie women, and the children that he had by them."<sup>6</sup> Two months later the depositions for Ellin Okell's adulterous behaviour claimed she habitually gave her babies to beggars to care for while she "dwellid in a little peltinge alehouse."<sup>7</sup> The Assembly felt that it had to impose some sort of rating system for the care of illegitimate babies, not forgetting that Chester's finances were under pressure from stagnating commercial circumstances. Originally, the Assembly purchased foodstuffs from the marketplace but the fire outside the Northgate on 29 August 1565 made this procedure totally inadequate: 30-odd dwellings, backhouses and barns were destroyed<sup>8</sup> and the wards were pestered with people who had lost their homes and occupations.

In discussing the role and actions of the Elizabethan Privy Council in Chester we should not overlook the fact that while conciliar actions were in progress, Chester's justices continued

1 *VCH Chester*, III, p.20.

2 Kitching, *op. cit.*, pp.xviii, xxvii, 85; *CSP, Domestic, 1547-1580*, p.148.

3 Nick Alldridge, "Loyalty and identity in Chester parishes 1540-1640", in S.J. Wright (ed.), *Parish, Church and People: Studies in lay religion 1350-1750* (London, 1988), pp.104, 117.

4 Furnivall, *Child-Marriages, Divorces, and Ratifications, &c., in the Diocese of Chester, A.D. 1561-6...*, p.145.

5 *Ibid.*, pp.75, 117-21, 185.

6 *Ibid.*, p.203.

7 *Ibid.*, pp.97-99.

8 Ormerod, *History of the County Palatine*, p.235.

to provide the poor with succour and expel 'alien' beggars and idlers from the town precincts. Margaret Groombridge asserts that mayors and their brethren took no action of any importance until 1576, when in accordance with the statute 18 Eliz., c.3 they provided "a competent stock of wool, hemp, flax, iron and other stuff" to keep the idle unemployed at work, and established a house of correction to encourage the more stubborn among them.<sup>1</sup> This is not true. Before 1576 the authorities reacted to a proliferating variety of disorders emanating from alehouses and tipling houses, the decline in military training, and renegade ex-priests who disregarded the Act of Supremacy and were suspected of preaching the Pope's authority.<sup>2</sup> In accordance with the directive to distinguish between deserving and undeserving poor, they used constables' and watchmen's reports to punish "lewd Roges or vacabonds" who frequented the gaming houses, shops and alehouses.<sup>3</sup> The authorities utilised reports for the introduction of poor rates and encouraged donations, alms and charitable bequests to alleviate the worst instances of destitution among widows, cripples, paupers, ex-soldiers and long-serving but desperate guild members. Alien paupers and itinerants, among them the mysterious "Doctor Canon" and his wife who received 6s. 8d. on condition that they went to Ipswich, "never to retorne hither to be troublesom to this Citie", constituted a drain on the poor rates and so they were punished by being either whipped or expelled.<sup>4</sup> At the quarter sessions on 23 March 1578 a presentment lists men charged as vagabonds to include a weaver, slater, vagabond and a fiddler. All of them were sentenced to be whipped six days later.<sup>5</sup>

Paul Slack asserts that Chester's magistrates regularly enforced the statutes and conciliar directives in the 1570s, and by implication, the next two decades.<sup>6</sup> Slack's assumption is a questionable one on two counts. Firstly, he does not take account of events or administrative/judicial anomalies in late Elizabethan and early Stuart Chester. Secondly, he ignores ordinary and higher class Cestrians' customary tolerance towards itinerant workers or paupers coming into the town, a situation in which actors, minstrels and players played a prominent part. The major reason for the Privy Council's regular interference in Chester and

1 Groombridge, *Council Minutes*, p.xxxi.

2 *First Assembly Book*, p.5; REED: *Chester*, p.40; John Strype, *Ecclesiastical Memorials; Relating Chiefly to Religion, and its Reformation, Under the Reigns of King Henry VIII, King Edward VI, and Queen Mary the First*, I (London, 1816), p.486; Wright, *Three Chapters of Letters*, p.243; VCH *Chester*, III, p.17.

3 REED: *Chester*, pp.142-43.

4 *Mayor's Letters ML/I, 1-167*, p.3; Jeaffreson, "The Manuscripts of the Corporation of the City of Chester", HMC, *Eighth Report*, pp.374a-75a; *First Assembly Book*, pp.27-28, 38, 45, 65, 80; Kennett, *Chester*, pp.24-26; Groombridge, *Council Minutes*, p.xxxii; REED: *Chester*, pp.146, 159, 166, 172, 179-80, 184-85, 274, 288; Furnivall, *Child-Marriages, Divorces, and Ratifications, &c., in the Diocese of Chester, A.D. 1561-6...*, pp.146-47, 149, 156-58, 168-70, 173, 182; Bennett and Dewhurst, *Quarter Sessions Records*, pp.50-51, 67-68.

5 Kennett, *Chester*, p.26.

6 Slack, *Poverty & Policy*, p.125.

nearby communities was two-fold. The justices' punitive powers were failing to deter workers and servants from entering and leaving Cheshire at will, and many customs and instances of influence peddling were upheld over and above the requirements of the law. The records of quarter sessions are revealing. A letter to the County Bench from the justices of assize (14 July 1572) concluded that licensing of alehouses, "albiet...in good state and order", was bedevilled by "the multitude and qualities of strangers that...repaire amongst us."<sup>1</sup> The Middlewich and Knutsford sessions in 1574 illustrate this point further. In the former the constables of Bosley arrested Lawrence Currie, a native of Staffordshire, for beating a woman, allegedly his wife, in an alehouse. In the latter case a Newton husbandman kept and sold ale illegally at his premises and offered unlawful games, delighting an assortment of male servants and children frequenting his place.<sup>2</sup> That same year at the Dartford assizes in far away Kent, Edward Poale and William Hurleston, yeomen of Chester, were found not guilty of attempting to rob and injure a man on the highway at Bapchild back in August 1573.<sup>3</sup> Higgins notes that some people appearing before JPs had letters of support from constables who, because they came from the same low end of the social scale, had a lot in common with the people they were expected to present at the assizes.<sup>4</sup> Some of the more typical traditions, typically help ales, church ales and wakes, were sustained by people who owned drinking establishments, sold food and drink to neighbours or strangers and gave some of the profits to the local needy.<sup>5</sup>

Vagrancy was treated in this way and numerous incidents point to the ease with which vagabonds, outlaws and beggars were accepted by people of high and low standing. A glover from Derbyshire on the tramp had been jailed for vagrancy in 1575 but several Cheshire gentlemen signed a petition on his behalf. They attested to his "honest" life and that to support his family the lack of work forced him to leave "his owne cuntree" and look elsewhere.<sup>6</sup> A girl inspecting a sheep shed near her home in 1582 was shocked to discover five vagrants eating inside.<sup>7</sup> In a barn on the outskirts of Chester in 1609 a honeymooning north country couple casually accepted the company of tinkers, pedlars and wanderers.<sup>8</sup> Priests also fostered relations with vagabonds. The Privy Council ordered the Sheriff of Cheshire in March 1577 to

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1 Bennett and Dewhurst, *Quarter Sessions Records*, p.37.

2 *Ibid.*, pp.40-41.

3 J.S. Cockburn (ed.), *Calendar of Assize Records: Kent Indictments: Elizabeth I* (London, 1979), p.125.

4 Higgins, *County Government*, pp.106, 199.

5 Willaston witnessed such an event in 1572 - "a private ale for the benelovence of their friends to be said without compulsion." In Clark, *English Alehouse*, p.80.

6 Ridgway and Kennett, *The Cheshire Sheaf*, p.57.

7 Beier, *Masterless Men*, p.83.

8 *Ibid.*

find, interrogate and imprison "one Masye, a scolemaster dwellinge at a parisshe within a myle of Whitchurche", for manufacturing counterfeit licenses found on 90 "lewde vagabundes" apprehended in Berkshire.<sup>1</sup> It was probably not so much an ideological commitment to the destitute and desperate that got the unfortunate Masye into trouble, but more likely the more widely felt need for priests to supplement poor stipends. For the sake of more money, a vicar had converted an outhouse into a cottage and lodged a large number of vagrant poor in it.<sup>2</sup> Landlords, much to the annoyance of conscientious magistrates, commonly divided suburban barns and encouraged vagabonds to lodge in them. In 1595 the £10 fine for building cottages and putting common labourers' families in them went unheeded; justices voiced their displeasure in 1605 at unidentified families living in cellars and private chambers as rented rooms, and then proceeding to sell ale and beer in them.<sup>3</sup>

While the presiding magistrates' job may have appeared clear cut to members of the Privy Council, why is it that Chester's (and the county's) justices were inconsistent or hesitant in applying the laws to the letter? The way that local justices of the peace interpreted the Statute of Labourers provides a clue. Under a provision of the statute JPs were more than willing to ease the burden on the poor rates by binding pauper children as apprentices to various masters for periods of seven years.<sup>4</sup> Yet they were equally prepared to risk permitting migrants or itinerant workers to settle in the town, on the basis that outsiders could ply their trade or wares in Chester and improve its economic fortunes. When George Sherington of Preston, "a maker of Kentish cloth", was admitted as a freeman in January 1576, the authorities remained confident that he would stay solvent and not become a burden in his appointed parish of residence. Such was not the case when in February the shearmen, backed by the mayor and 6 aldermen - but opposed by the Weavers' gild - invited skilled weavers from Shrewsbury to start a new branch of the cloth trade. It was ordered "that as many foreign weavers...be admitted into the freedom of the City" but it soon transpired that not all the newcomers found employment. In their efforts to find work they inevitably moved about, became disheartened and before long socially dangerous.<sup>5</sup> Neither was it uncommon for magistrates to interpret the bastardy provisions of 18 Eliz. I, c.3 with local thinking and precedent in mind. Legally, both parents of an illegitimate child could be whipped but magistrates usually resolved these scandals with

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1 *APC 1575-7*, pp.304-5.

2 Clark, *English Alehouse*, p.136.

3 *Ibid.*, p.30; *First Assembly Book*, p.73; Groombridge, *Council Minutes*, pp.20-21.

4 Higgins, *County Government*, p.96.

5 *First Assembly Book*, pp.29-30; Beck, *op. cit.*, p.69.

financial settlements. The offence was treated more as an annoyance than a crime and rarely were the full penalties for it imposed.<sup>1</sup>

The year 1576 was a busy one for Chester's leaders and magistrates. They established one of the first provincial houses of correction to arise from 18 Eliz. I, c.3 and it was an institution that provided work for approximately 40 people. The Bridewell had its roots in 1571-72 when money for a town stock and workhouse was raised. Originally, it functioned not to punish paupers but to improve their lot by employing them in spinning, carding and making of cloth, and then using the profits from the sale of this cloth to relieve the corporation of the burdens of maintaining the idle poor. After some discord within the Assembly in 1575 it was decided to build the workhouse outside the Northgate but the 1576 Act changed the nature of the establishment. The Assembly decided to use the house of correction for "all vagabonds" and "the punishment of the lustie poor people refusing to work...", a function that it seems to have performed adequately (there is no record of any disapproval emanating from the Privy Council) up the end of the sixteenth century.<sup>2</sup> After this date, however, there are hints of decaying conditions and discipline. An inventory of the equipment in Bridewell, dated 19 May 1612, shows the existence of "one ould counter board...twoe broken wheeles...one broken reele" and a "trap for vermyne."<sup>3</sup> One year later the master of Bridewell got drunk with two visitors and proceeded to help an inmate escape.<sup>4</sup> To take the pressure off Chester's Bridewell it was decided in 1611 to build a second house of correction at Altrincham but for economic reasons the justices moved it to Northwich in 1614. The arrangement lasted for fifteen years before several factors took their toll on the municipal and county houses of correction: changes in commissions of the peace; the variable diligence of individual justices in administering policy; the constant need for repairs and subsequent drain on finances; too much reliance on unpaid and therefore corruptible local officials; and sheer administrative incompetence over the non-payment of rent to the owner of the land on which the county building stood.<sup>5</sup>

1 Higgins, *County Government*, pp.90-91. The house of correction at Preston, Lancashire in the early seventeenth century punished the mother of an illegitimate child, while the father escaped punishment. It was thought he would provide most of the maintenance for the child. See B.W. Quintrell (ed.), *Proceedings of the Lancashire Justices of the Peace at the Sheriff's Table During Assizes Week, 1578-1694*. Record Society of Lancashire and Cheshire, CXXI (Bristol, 1981), p.26.

2 R.V.H. Burne, "The Treatment of the Poor in the Eighteenth Century in Chester", *Journal of the Chester and North Wales Architectural Archaeological and Historic Society*, 52 (1965), p.33; Kennett, *Chester*, p.25; *First Assembly Book*, pp.31-32, 34, 52.

3 Groombridge, *Council Minutes*, p.220.

4 Beier, *Masterless Men*, p.168.

5 Bennett and Dewhurst, *Quarter Sessions Records*, p.75; Higgins, *County Government*, pp.93-94; *VCH Chester*, II, pp.51-52.

The defects in administration, of getting conciliar and statutory edicts consistently implemented in and outside Chester, culminated in disturbances surrounding minstrelsy and 'popish' plays in the 1570s-90s, and the Privy Council's concern for the food shortages of the mid-1590s. In the first half of the sixteenth century the secular and ecclesiastical authorities had no hesitation in permitting and promoting the staging of tournaments, the Feast of Fools, pageants and the Corpus Christi Cycle. The 150-year history of the Corpus Christi Cycle and the study and debate it has engendered, makes the Cycle hard to ignore.<sup>1</sup> At first glance it may not appear to have any relevance to the issue of vagrancy and its related themes but the cooks' and inn-keepers' presentation of the "Harrowing of Hell", specifically its third and final scene, belies this. In it a woman taverner has gone to Hell because of her dishonest practices and "breaking statutes of this country/Hurting the commonweal."<sup>2</sup> The secular and ecclesiastical authorities had to control the activities of three main types of entertainers who came within their responsibility: professional troupes; itinerant performers - bearwards, rope-walkers, sword-players, tumblers, jugglers and hoop-jumpers<sup>3</sup>; and the town's gildsfolk who as well as working, sang, played musical instruments or provided pageant wagons. Local entertainers came from an impressive array of gilds - bowyers, vintners, dyers, bakers, brewers, painters, glaziers, goldsmiths, masons, fletchers, stringers, coopers and turners. They may have been semi-professional at best but they were well-paid for their services and their presentation of New Testament stories were considered to be a matter of great pride.<sup>4</sup> According to surviving records the town waits played recorders, "howboies", "cornetes and violins", while William Luter and Randle Crane, "mynstrilles" from the smiths' gild, were familiar with the "pipe, tabarte, and flute."<sup>5</sup> Until the passing of the 1572 poor law, all three types of performer, after presenting their credentials to the mayor or his representative and often an initial paid

1 F.M. Salter, "The Banns of the Chester Plays", *The Review of English Studies*, XV, 60 (October, 1939), pp.432-57; Lawrence M. Clopper, "The Rogers' Description of the Chester Plays", *Leeds Studies in English*, New Ser., VII (1974), pp.63-94. Of particular interest are the essays by David Mills, John Marshall, Peter Meredith and Richard Rastall, in David Mills (ed.), *Staging The Chester Cycle*. Leeds Texts and Monographs, New Ser., 9 (University of Leeds, 1985).

2 R.M. Lumiansky, "Comedy and Theme in the Chester Harrowing of Hell", *Tulane Studies in English*, X (1960), pp.10-11.

3 Beck, *op. cit.*, pp.63-64; Norman Sanders et al, *The Revels History of Drama in English. II. 1500-1576*, pp.24-25.

4 F.J. Furnivall (ed.), *The Digby Mysteries* (Oxford, 1882), pp.xxi-xxii; F.M. Salter, "The 'Trial and Flagellation': a new manuscript", in The Malone Society, *The Trial & Flagellation with other Studies in the Chester Cycle* (Oxford, 1935), pp.1-28. Recently, John Marshall has contributed a number of studies of gilds' accounts which shed light on the post-Reformation performances of the Chester plays from 1546 to 1575. See: "The Chester Coopers' Pageant: 'Selles' and 'Cathedra'", *Leeds Studies in English*, New Ser., VIII (1975), pp.120-28; "The Chester Whitsun Plays: Dating of Post-Reformation Performances from the Smiths' Company", *Leeds Studies in English*, New Ser., IX (1977), pp.51-61; and "Players of the Coopers' Pageant from the Chester Plays in 1572 and 1575", *Theatre Notebook*, XXXIII, I (1979), pp.18-23.

5 Nan Cooke Carpenter, "Music in the Chester Plays", *Papers on English Language & Literature*, 1, 3 (Summer, 1965), p.196; Jo Anna Dutka, "Mysteries, Minstrels, and Music", *Comparative Drama*, 8, 1 (Spring, 1974), pp.112, 114-15.

performance before the council, were at liberty to play publicly and go from town to town, hiring themselves out to other communities' revelries.

There is no evidence that the Reformation engendered a dramatic shift in official and popular attitudes to strolling players, actors or the wanderings of municipal entertainers in Chester. True, the Corpus Christi celebrations came to an end in 1548 and the authorities suppressed some plays, while altering texts in others to reflect and appease official Protestant dogma. However, practices associated with Catholic ritual and ceremony persisted up to and past the early 1560s.<sup>1</sup> Mumming was one of them and it survived the injunctions of 1533-34 and mid-1550s. Mumming was associated with the celebration of Christmas in which the richer townfolk kept open houses and attracted crowds of people to their doors. The delights of food and drink became excuses for excess, drunkenness, ribaldry and rowdyism.<sup>2</sup> The traditional celebration of the old faith is only one part of the reason. Shifting the plays to the Monday, Tuesday and Wednesday of Whitsuntide is another. In a tactic adopted by conservative guildsmen to evade ecclesiastical censure, they relocated the plays from Corpus Christi to Whitsun, a festival more palatable to Protestant sensitivities.

The mayor and aldermen, watching the processions from the 'Pentice' or town hall, endeavoured to be more strict at these occasions by revising plays if sacred Biblical scenes were treated sacrilegiously. The performances, "devided into 24 pagiantes or partes, acordinge to the number of y<sup>e</sup> companies of y<sup>e</sup> cittie", were taken to various 'stations' in Chester to be viewed by the populace "in every streete...without any stayeinge in any place; for, worde beinge broughte how every place was neere done, they came, and made no place to tarye, till y<sup>e</sup> last was played."<sup>3</sup> But the sheer popularity of the pageants and the confusion over wheeling them past the crowds at the appropriate moment engendered disorder. Their production requirements necessitated hundreds more people to work on them and they attracted the interest of characters from out of town: actors, minstrels, waits, itinerant craftspeople and hangers-on.<sup>4</sup> Burghley's notes on the state of Cheshire in 1571 refer to "One Kent, a minstrel, or sucklike, being a servant to the Earl, of late railed against the Friars of the city for that they would not permit ringing on All Souls' Day", and "Daintry, Sir Thomas Stanley's servant, a seditious person

1 Lawrence M. Clopper, "The History and Development of the Chester Cycle", *Modern Philology*, 75, 3 (February, 1978), pp.232-33.

2 REED: *Chester*, p.56; Beck, *op. cit.*, pp.64-65; Kennett, *Chester*, p.22; Howard B. Norland, "Folk Drama in Fifteenth - And Sixteenth-Century England", *Fifteenth-Century Studies*, 13 (1988), p.326.

3 J.J. Jusserand, "A Note on Pageants and 'Scaffolds Hye'", in *An English Miscellany...*, pp.187-88.

4 Clopper, *op. cit.* (1978), p.231; David Mills, *The Chester Mystery Cycle* (East Lansing, Michigan, 1992), pp.xiv-xv.



wandering abroad, blind born, an astronomer, wandering up and down."<sup>1</sup> Once they merged into the community at large they became difficult to restrain, let alone identify.

Gradually, local official antagonism and pressure from the central government led to plays being restricted to the years 1561, 1567, 1568, 1572 and 1575. The notion that a continuous, remorseless and systematic campaign of suppression coordinated by Chester's Protestant leaders and the central government brought this about, should be treated cautiously. Incidents in 1572 and 1575 show that magistrates were caught between their duty to suppress the associations with Catholic ritual, May games, morris dances, miracle and mystery plays, and the prestige and business which these festivities generated. They also reveal that objections to the plays because they were 'popish', incited mayhem and attracted disorderly players and their retinues, came from offended individuals who received a hearing from sympathetic officials. In 1572 the Protestant mayor John Hankey disregarded criticisms of national politicians and factions within Chester to put on plays which were "againste ye willes of ye Bishops of Canterbury Yorke and Chester." A note suggests that opposition was to some individual plays rather than to the performance as a whole: "In this year the whole Playes were played, though manye of the Cittie were sore against the settinge forthe therof."<sup>2</sup> Chester Cathedral's clergy seem to have been in favour of the plays; they erected a "mansion" for the occasion over the Abbey gates and donated beer to the players. There was some confusion as to whether the highest ecclesiastical authorities in the land had jurisdiction over the performances. In any case the "Inhibition...sent from the Archbishop to stay them...Came too late."<sup>3</sup>

Sufficient support to warrant performances of the cycle continued in 1575, motivated by pride in Chester's ancient customs. Mayor Sir John Savage and the city council voted 33 to 12 in favour of them and went ahead with the festivities. But a number of changes were stipulated in order to offset Protestant hostility and follow the doctrinal and legal requirements. The performances were moved from Whitsuntide to Midsummer, a civic holiday and the time when the Midsummer Fair was in full swing. Unfortunately, for Savage and his supporters, the fair was notorious for its disorders, attracting vagrants, pickpockets and thieves of all kinds.<sup>4</sup> These conciliatory gestures failed to appease the Privy Council, now angered that Savage permitted "the popish plaies of Chester" to be acted out "in contempt of an Inhibition and the primates

<sup>1</sup> HMC, *Marquis of Salisbury*, Part I, p.576.

<sup>2</sup> Mills, *op. cit.* (1992), p.xvi.

<sup>3</sup> REED: *Chester*, p.97.

<sup>4</sup> Beier, *Masterless Men*, p.130

letters from yorke" and the equally incensed Earl of Huntingdon. The Council summoned Sir John Savage to London in November 1575 to explain his actions. Savage claimed that he and Hankey had acted in accordance with the wishes of "the counsell of the Citie", and on producing a copy of the minutes verifying his claim, Savage escaped censure.<sup>1</sup> The Privy Council's *Acts* are silent on what was said by it or the mayor. No charges appear to have been brought against him. Savage returned to Chester to resume his responsibilities and he assisted in producing a muster certificate for Leicestershire in 1577 for the Privy Council's perusal.<sup>2</sup>

For all the trouble it caused this debacle did not result in a total ban of plays. Interest in them remained sufficiently strong to motivate the preparation of the five cyclic texts over the period 1591-1607. Strolling entertainers were still allowed to perform there provided they were licensed and organised in companies sponsored by the Queen or members of the nobility. The earls of Derby and Leicester and others on the Privy Council had shows put on for their benefit whenever they visited, and the Midsummer show continued to be a grand affair. The Dean and Chapter of Chester Cathedral paid twenty shillings to the Queen's Players in 1583 and in February 1595 a letter to "all maiors sheriffs baliffs Constables" authorised Cestrians Francis Coffyn and Richard Bradshaw "to trauell in the quality of playinge & to vse musicke in all Cittys Townes & Corporations ...without lett molestation or Contradiction so longe as the behaue themselves well & honestly."<sup>3</sup> The presence of a powerful patron was no guarantee that players and actors would not abuse their privileges. Lord Burghley intervened on the mayor's behalf in 1589 when the players under the auspices of Lord Strange and the Lord Admiral presumed to defy the municipal authorities. Lord Strange's players "in very contemptuous manner departinge from me, wente to the Crosse Keys, and played that afternoone, to the great offence of the better sorte, who knew that they were prohibited by order from your Lordship." His players took upon themselves to perform the banned Martin Marprelate tracts on stage, an act which precipitated the establishment of a commission for the inspection and licensing of plays.<sup>4</sup>

It can be reasonably concluded that the response of Chester's administration to the directives of the Privy Council in relation to the curtailment of ideologically suspect plays and

1 Salter, *op. cit.* (1939), pp.448-49; REED: *Chester*, pp.lv, 112-117; Jeaffreson, "The Manuscripts of the Corporation of the City of Chester", HMC, *Eighth Report*, p.363b; Beck, *op. cit.*, p.64; Clopper, *op. cit.* (1978), pp.234-35; *First Assembly Book*, p.29.

2 CSP, *Domestic, 1547-1580*, p.565.

3 Kennett, *Chester*; REED: *Chester*, pp.177-78.

4 Thomas Heywood, *The Stanley Papers*, Part 1. Chetham Society, Old Ser., XXIX (Manchester, 1853), pp.12-13.

religious carnivals was, at best, equivocal and inconsistent. Henry Hardware's mayoralty at the end of 1590s is notable for its 'hardline', almost Puritan tenor.<sup>1</sup> Hardware's "godly" curtailment of the Midsummer show aroused the ire of "the vulgar sorte of people [who] did oppose themselues against ye reformation of sinnes, not knowinge that anchant synnes ought to haue new reformation."<sup>2</sup> At the end of the century the censorious Hardware gained more notoriety by having the giants in the Midsummer show taken down and broken, banning the Butchers' representation of the Devil, replacing the "naked boyes" with a man in full armour, and generally stopping "any playes beare Baits or Bullbaites."<sup>3</sup> His actions were overturned by mayor Robert Brerewood in 1600. In turn, the tolerance which greeted a "strange man" who came in 1606 with "his wife...& did daunce vpon A Rope...which was rare to the behoulders", was rescinded. Mayor Ratcliffe pursued a policy of strict observance of the Sabbath and "caused the Reapers to be removed that came every Sunday to the high Crosse in the Harvest time to be hired for the Week following."<sup>4</sup> Thomas Throp, reacting to the news of idlers at certain events in late 1614, banned all plays from the common hall and other places in the city or its liberties after five o'clock because they attracted:

idle persons...And Consideringe likewise the many disorders which by reason of Plaies acted in the night time doe often times happen and fall out to the discredit of the government of this Citie...mens servantes and apprentices neglectinge their Masters busines doe Resorte to Innehouses to behold such Places and there manie times wastfullie spende thar Masters goodes...<sup>5</sup>

The Puritan opposition at Chester should not be overstated but by the middle years of James I's reign the increasing intolerance of players, combined with the decline of regular annual performances of the Chester Plays, was evident.<sup>6</sup>

Chester was hit particularly hard by the harvest crisis of the 1590s and it provided the Privy Council with an added administrative, judicial and logistic nightmare. Previously, during the harvest failure of 1586-87 the Privy Council saw the need for vagrancy to be closely linked to the regulation of the corn trade. The justices of the peace had to ensure that markets were well furnished "for the releeving of the necessitie of the poore" and the danger of people roaming for precious food offset by collections being levied in each parish, "according to the Statute for the

1 REED: *Chester*, p.184.

2 Furnivall (ed.), *The Digby Mysteries*, p.xxiv.

3 Salter, *op. cit.* (1939), p.434; REED: *Chester*, p.198.

4 Furnivall (ed.), *The Digby Mysteries*, p.xxix.

5 REED: *Chester*, pp.218, 292-93.

6 Thaler, "The Travelling Players in Shakespere's England", pp.508-9; Graves, *op. cit.* (1917), p.103.

repression of the idle and vagrant persons."<sup>1</sup> A major dilemma posed by poor relief of this kind in the 1590s was that its implementation lay in the hands of a few officials who came from merchant families with so many vested interests, or dealers illegally shifting much sought after food supplies to other areas. Two undated cases before the Exchequer of Chester reveal the extent to which the grain trade was commercialised. One case revolved around the delivery of a supply of wheat and the plaintiff received a request to pay costs and deliver two bushels of "good, sweet and marketable wheat of the measure used within the city of Chester." The other involved the Chamberlain of the Exchequer ordering a pursuivant to impound a provision of corn scheduled to be exported illegally. The legal process did not prevent the proceeds from the legal sale being turned over to the merchants involved in the 'scam' in the first place, following a deduction of fees and expenses.<sup>2</sup>

The permanent presence of soldiers in Chester and garrisons in Ireland during the food crisis of 1595-97 posed a threat to the transportation and distribution of food supplies, and ultimately to the Privy Council's authority. Food traders and victuallers knew they stood to lose money because of artificially deflated prices, so they profited by concentrating on the needs of moneyed officers and soldiers. On 17 March 1595, for example, mayor Fulke Aldersey informed the Privy Council that in the process of conveying 1,000 troops to Ireland, the main victualler, George Beverley, raised the price of corn and other victuals in and about Chester. He allegedly did "better service by providing it in more distant places" than the town.<sup>3</sup> If Beverley was technically 'sailing close to wind' in his dealings it was not so much corruption as taking advantage of the the ambiguous and inconsistent policy of the Privy Council. Securing food for soldiers in Ireland *and* the people of Chester and other towns on the west coast was enormously difficult, so the Privy Council had no real choice but to rely on Beverley and others like him to end or at least make negligible illegal exports of corn "out of the countrie to serve other places (by pretence of carrying it to the Isle of Man and Knockfergus)."<sup>4</sup> The board even commanded officials to assist him, keeping in mind:

that the countrie neere about Chester may be spared and as little of the provisions taken thereabouts as may be, considering that the countrie hath little enough to serve the cittie of Chester, which good stoare of provicion by reason of her Majesty's forces that do often bye there for the passage into Ireland.<sup>5</sup>

<sup>1</sup> *APC 1586-1587*, pp.187-88, 363.

<sup>2</sup> W.J. Jones, "The Exchequer of Chester in the Last Years of Elizabeth I", in Arthur J. Slavin (ed.), *Tudor Men and Institutions* (Baton Rouge, Louisiana, 1972), p.147.

<sup>3</sup> *CSP, Domestic, 1595-1597*, p.18.

<sup>4</sup> *APC 1596-7*, p.257.

<sup>5</sup> *Ibid.*, p.158.

What proportion of the existing harvest went into provisioning the military is unknown but one incident illustrated the secrecy with which it could be carried out to the detriment of the local population. In March 1598 the mayor received a letter from George Beverley, who informed him that as the garrison at Carrickfergus needed supplies he was to expect certain gentlemen "like to sell you wheate" and this operation had to be shrouded in "all secresie."<sup>1</sup>

Establishing exactly what the local connections were between the grain trade and its effect on Chester's anti-vagrancy provisions in the late 1590s are hard to quantify. Years ago Sir William Ashley's research indicated that by 1600 the municipality used corn provisions in such a manner "to attach the poorer inhabitants" to Chester and its economic fortune. The wealthier people made "common bargains" with the magistrates.<sup>2</sup> In December the Privy Council expressed alarm at the practice of the mayor and some justices, "themselves most usuall offenders", of advancing their own interests by pricing grain out of the reach of the poor and permitting too many maltsters to freely engross large quantities of malt. The Council rebuked the mayor because "divers of the Aldermen themselves and justices (as wee are certified) do use the same trade, the disorder...is thereby rather strengthened and increased...we cannot free you from blame because you do not either punishe others or at the least wayes certifie us of their offences."<sup>3</sup> The implications of preferring to use grain for brewing and malting over the normal distribution of food in Chester are obvious but the Elizabethan and early Stuart Privy Council was effectively at a loss to rectify it, despite the presence of military and legal institutions there. A likely theory that explains its failure has been proposed by Peter Clark. The Exchequer of Chester, ultimately responsible for the administration of the 1552 Act regarding tipplers, their premises and their clientele, was undermined by abuses in what he termed "the great river of patronage", one symptom being the practice of justices' clerks to pocket the proceeds from alehouse licenses.<sup>4</sup>

So far I have looked at the 'civilian' aspect of vagrancy in Chester. There was another side to the problem of vagrancy in the town - the military dimension. Elizabeth's administration fought four major rebellions in Ireland. These were the Shane O'Neill rising, the two revolts

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1 Jeaffreson, "The Manuscripts of the Corporation of the City of Chester", HMC, *Eighth Report*, p.397b.

2 Sir William Ashley, *An Introduction to English Economic History and Theory*, II (London, 1936), pp.38-39.

3 *APC 1600-1601*, p.24.

4 Clark, *English Alehouse*, p.170.

conducted by Fitzmaurice and the Earl of Desmond, and the more brutally effective uprising of the Earl of Tyrone in the mid-1590s and early years of the seventeenth century. The Privy Council harangued the mayors and aldermen, justices of the peace and locally-stationed military personnel to muster, billet, provision and transport troops who had marched from various English and Welsh shires, straining the locals' resources and patience. Their efforts were spoilt by the course of the war in Ireland. Irish guerilla tactics such as avoiding pitched battles in the open, destroying English supply lines and enticing English soldiers away from them to engage in pointless chases of the enemy, sapped morale and energy. The retaliatory English practice of laying waste to the countryside by destroying cattle and grain stores only threatened starvation, galvanised local hatred of the invaders and caused refugees to flee to England and in fact land near Chester.<sup>1</sup>

An early indication of the sorts of troubles the Privy Council would experience in the conveyance of troops and provisions to Ireland occurred during February-April 1567. The government had scheduled 250 men, two cartloads of ammunition "and other warlike stores" to be sent across the Irish Sea in February but the Privy Council received news from the justices Sir John Savage and Sir Lawrence Smith in late March that it was impossible due to the weather. The Privy Council wrote back in mid-April, naturally concerned that "with suche soldiours as were out of diverse counties of the realme sent unto Chester to be transported from thence into Ireland...the windes have ben so contrarious." Further, "the merchautes and others" in Chester would have to make up any shortfall in the payment of the soldiers' daily allowance of 6d. It is not known if Chester's leaders balked at this charge imposed on them, but on 26 April the Privy Council wrote to Savage and other justices advising them to prepare as soon as possible 200 of the best soldiers for passage to Ireland, notwithstanding the lack of wind. The rest were transferred to a different command but not before the Council authorised Captain Gilbert to make up the difference by impressing "a number of hable men in that countye of Chester or other where that will willingly go with him."<sup>2</sup>

Chester was not affected by the northern earls' ill-fated stand at Durham in 1569 but the central government did not take the chance of leaving the urban and county authorities to their own devices.<sup>3</sup> It is not clear if the Privy Council wanted 'loose' soldiers at this stage

1 Cyril Falls, "The Elizabethan Soldier in Ireland", *History Today*, 1 (February, 1951), pp.41-42; G.P. Higgins, "The Militia in Early Stuart Cheshire", *Journal of the Chester Archaeological Society*, 61 (1978), p.40.

2 *CSP, Domestic, 1547-1580*, p.288; *APC 1558-70*, pp.341-42, 346.

3 The Queen wrote to Lord Derby on November 24 to raise forces in Cheshire and Lancashire in preparation for an attack on the rebels. Led by Sir John Savage, the county justices declared their loyalty and duty to her and the Privy Council

apprehended specifically as vagrants. The experience in Ireland, however, was not encouraging. In the mid-1570s Sir Henry Sidney, Lord Deputy of Ireland, who described soldiers to the Queen as "no angels, nor yet amongst men the harmlest creatures", convicted and hung in droves "loose and masterless men" wherever he held assize sessions.<sup>1</sup> Sir Thomas Smith's Irish enterprise illustrates too well the plain incompetence in administering an army raised under a system designed to answer limited domestic emergencies. England and Spain may have been fighting a kind of 'cold war' between 1569 and 1585 but Ireland's allegiance to Rome demanded a swift response from the more Protestant-minded individuals in Elizabeth's government in 1572. Smith was keen to proceed with a plan for crushing Catholicism in Ireland by establishing fledgling colonies in Ulster. He blithely ignored the valid reasons for Sir Humphrey Gilbert's abandonment of his colonising projects for Ireland, and Liverpool's experience in the spring of 1572. From Liverpool, barely 100 men out of a force of 800, managed to land in the Ards after interminable delays; the rest just simply "drifted away."<sup>2</sup> Northern Ireland became a haven for disbanded but armed and marauding soldiers. Soon after, an officer said about Ireland that common soldiers "have...such a Loathing of the Place, as they chuse rather here to be hangid for Vagabounds, thenn to endure the Hardnes of this Winter Warre."<sup>3</sup> The expedition quickly turned into a disaster. Disorder broke out among the troops in Chester in August 1574, the result of long delays and shortfalls in victuals, the change in destination from Knockfergus to Carlingford on account of plague in the former, and monies originally set aside for the levies transferred by order of the Privy Council to support 200 soldiers in Liverpool.<sup>4</sup> Elizabeth, whose money was being spent and wasted on the scheme, wrote to Cecil on 4 December 1575 to redress the situation. Sir Thomas Smith was forced to issue a proclamation ordering justices of the peace, mayors, bailiffs, constables and tavern keepers throughout the kingdom to apprehend any of the residue of the expedition who came to any town.<sup>5</sup> All that Smith's venture achieved was to reduce the army in Ireland to "stragglers, and idle masterles Men."<sup>6</sup> Cecil was reminded by Smith, in fact, "of this common riding with

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in early December. On Christmas Eve Lord Clynton informed Cecil that he had patrols on the Cheshire and Lancashire coasts ready to intercept unknown ships. See *CSP, Domestic, 1547-1580*, pp.347, 354, 356; *CSP, Domestic, Addenda, 1565-1579*, pp.143-44; and *CSP, Simancas, II*, p.261.

1 *Calendar of the Carew Manuscripts, 1575-1588*, p.479.

2 Quinn, *The Voyages and Colonising Enterprises of Sir Humphrey Gilbert*, I, pp.12-19; Hiram Morgan, "The Colonial Venture of Sir Thomas Smith in Ulster, 1571-1575", *The Historical Journal*, 28, 2 (June, 1985), pp.262-64.

3 Arthur Collins, *op. cit.*, I, p.61.

4 *CSP, Ireland, 1574-1585*, p.8; *APC, 1571-5*, pp.179-80, 202-3, 279, 282.

5 John Strype, *The Life of the Learned Sir Thomas Smith, Kt. D.C.L.* (New York, repr. 1974), pp.131, 140, 143-44; Dewar, *Sir Thomas Smith: An Intellectual in Office*, pp.156, 163-65.

6 Arthur Collins, *op. cit.*, I, p.126.

pistoles, wherby theves now do more boldly rob true men; and of the common rowtes nowadays of roging beggars by the highway side, naming themselves souldiers of Ireland lately discharged."<sup>1</sup>

The year 1578 marked a turning point when two captains lost control of 400 soldiers and a melee erupted. Scheduled to be stationed in Chester for only one night, the parties brawled over who would "bring their company first from the Roods-eye." The mayor avoided much bloodshed by imprisoning the officers in Northgate gaol and the Privy Council instituted martial law on Shrove Tuesday. A gibbett was built at the High Cross for would-be-deserters.<sup>2</sup> When the Earl of Desmond's revolt broke out in 1579 Chester's vice-chamberlain, William Glaseor, kept Burghley and Walsingham informed of his activities in providing victuals, organising the embarkation or discharge of soldiers, collecting money for soldiers, and sending them the names of soldiers sent by him into Ireland.<sup>3</sup> The Privy Council advertised its concerns about the sorts of men who were being impressed into the army, especially those from Somerset, Dorset and the Welsh counties required to reinforce men from the fortress at Berwick.<sup>4</sup> On 14 September 1579 the Privy Council wrote to the Sheriffs and JPs of Somerset and Dorset, reprimanding them because of insufficient numbers and for not ensuring that only the ablest and fittest were impressed.<sup>5</sup>

The mutinies of December 1580 and May 1581 mark the point at which the dilemma of absconding soldiers became more acute and the Privy Council wanted draconian measures used against them. In the spring and summer of 1580 considerable stresses occurred in controlling soldiers from Wales, Cheshire, Herefordshire, Worcestershire, Staffordshire and Lancashire. Frequent delays in embarking - bad weather, lodging, an appeal by mayor William Goodman to the Privy Council for money to transport 300 soldiers, and "fusty" biscuit supplies from Liverpool - dominated the correspondence between the Privy Council and the military and civilian authorities in Chester.<sup>6</sup> With 300 more soldiers levied in London expected to arrive, the mayor would be wise to apprehend "divers loose persones which maie repaire to and fro to the prejudice of her Majesties service."<sup>7</sup> These tensions were aggravated by events in Ireland in late summer. Soldiers destroyed the rich pasture and cornlands of Munster, causing widespread

<sup>1</sup> Wright, *Queen Elizabeth and Her Times*, I, p.29.

<sup>2</sup> Ormerod, *History of the County Palatine*, p.236.

<sup>3</sup> CSP, *Domestic*, 1547-1580, pp.629-37.

<sup>4</sup> APC 1578-80, pp.224, 232, 243.

<sup>5</sup> *Ibid.*, pp.262-63. In regard to the Welsh troops see pp.266-67, 280.

<sup>6</sup> CSP, *Domestic*, 1547-1580, p.669-70; APC 1580-1, pp.65-66, 86-87, 98-99, 106; CSP, *Ireland*, 1574-1585, pp.243, 245.

<sup>7</sup> APC 1580-1, p.215.



destruction and in the process, the native population, threatened with famine, moved away and some arrived on England's west coast as vagrants, carried there by ruthless sea-captains looking for quick profits.<sup>1</sup> These vagrants brought with them their Catholic faith into a region still steeped in the 'old ways'; the meeting of the two could only spell danger according to the central government's thinking.

The Privy Council believed this was the case with the Lancastrian levies. Receiving word that a company under the command of George Acres was restive, the Privy Council dispatched two sets of orders in early October. One went to the other captains to assist Acres in punishing the malefactors "in case anie of...the souldiours shall departe" or behaved in a disorderly manner. The other went to Acres himself to read to his soldiers:

if anie of them shall ronne awaie, or by quarrelling, stealing or other lewde facte behave them selves disorderlie...then they ought and shalbe directed by their said Capten and his officers...severalie proceeded with as in such martiall cases the lawe hath ordained, without anie favor in the contrary.<sup>2</sup>

Lord Burghley received news from Glaseor in late October concerning some Lancastrians who had to be conducted back to their homes - they would not fight fellow papists.<sup>3</sup> Lancastrian soldiers, in fact, led the mutiny which erupted in December over the non-delivery of coat and conduct money. The Privy Council queried this, suspecting more sinister motives. Did those who took advantage of the confusion and desert do so because of these reasons, or, as the "principall pointe" of the conciliar record of 20 December suggested, because "some of them are charged to have sayed that rather then they would goe into Irelande to serve her Majestie...they would committe them selves to the service of any forraine Prince"?<sup>4</sup> The Privy Council found no evidence for this in its proceedings against the mutineers. It settled, however, for the execution of a ringleader, Hugh Hankey, "within the compas of fellonie...for example to others."<sup>5</sup> It became standard procedure, whenever a mutiny occurred at Chester, or any other port of embarkation for that matter, for the Privy Council to demand that justices of the peace or military officers use the death penalty on suspected ringleaders as a warning to would-be deserters.

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1 Edmund Spenser, "A View of the State of Ireland: Written Dialogue-Wise Between Eudoxus and Ireneus", in Henry Morley (ed.), *Ireland Under Elizabeth and James The First* (London, 1890), pp.53, 143-44; Higgins, *County Government*, p.92.

2 *APC 1580-1*, p.217.

3 *CSP, Ireland, 1574-1585*, p.274.

4 *APC 1580-1*, pp.286-87.

5 *Ibid.*, p.303.

To some extent the origins and outcome of this revolt were replicated in the mutiny of May 1581, but in the latter the Privy Council faced a bigger crisis in suppressing the movements of all kinds of shiftless, loose people, as well as vagrant soldiers. Increasingly, the phenomenon of soldiers deserting the ranks before they embarked for Ireland was complicated by that of soldiers absconding *after* they had landed, and returning illegally to England via Chester or the other western ports. Despite the efforts of mayor William Byrd and the provisioner George Beverley in February-March 1581 to convey a picture of efficiency to the Privy Council, or Burghley specifically, in the victualling and shipping of levies from Derbyshire, Leicestershire, Warwickshire, Shropshire, Lancashire and north Wales, the horrors and confusion of war in Ireland produced gross deficiencies in food, drink, wages and clothes.<sup>1</sup> Seventeen soldiers fled Captain Dowdall's regiment "without licence" in early March and Beverley informed Burghley that soldiers returning to Chester by more legitimate means had also vanished.<sup>2</sup> Liverpool's mayor complained that eight of the aforementioned Derbyshire recruits scheduled to be in Chester by 15 April "and thence to our town, to be embarked", had run away and he needed assistance to arrest them.<sup>3</sup> This development concerned the Privy Council because it meant that disturbances spread fairly rapidly. When the mayor informed the Privy Council that a 700-man troop had been forced back by winds, causing 600 to become unruly and 100 to desert<sup>4</sup>, the revolt which erupted was not confined to Chester. Urgently, the Privy Council requested the mayor and city justices to apprehend and commit to prison the mutineers and determine their punishment at the next assizes.<sup>5</sup>

Over the next few years the Privy Council continued overseeing the victualling, lodging and embarking of soldiers. In regard to the controlling of soldiers' movements, one development to emerge in the mid-1580s was the Privy Council's request for copies of signed indentures from commissioned officers, who in turn received them from officers conducting soldiers to the port of embarkation. The certificates recorded the names and parish of birth and residence of levied ('fit') men from various shires. Hence in February 1585 the Sheriffs of

1 *Ibid.*, pp.360-61; *CSP, Ireland, 1574-1585*, pp.286, 297.

2 *APC 1581-2*, p.5; *CSP, Ireland, 1574-1585*, p.305.

3 HMC, *Duke of Rutland*, I, pp.125-26.

4 Kennett, *Chester*, p.33.

5 *APC 1581-2*, pp.58, 64. This being done, the Privy Council alerted the Attorney General, the Justices of Assize and the mayor in mid-June of its intentions towards this "late mutynous disorder and disobedience of certen souldyers at Chester and Liverpoole", with the object of inflicting "some sharpe and exemplary punishment" on the offenders. These included James Aspeden, a deserter who had allegedly blasphemed and displayed "trayterous affectyon" to the Queen, and the ringleaders Horton and Hill, charged with inciting soldiers to run away and mutiny against their captain. The ringleaders' executions could only proceed if felony had been proved. Not till December was this done, with reference to a statute of Henry VI's reign. Due to an unspecified technicality Horton and Hill each received one year's imprisonment. *Ibid.*, pp.96-98, 123, 280-81.

Herefordshire, Worcestershire and Cheshire, each charged with the responsibility of drafting 50 men bound for Chester, received orders from the Privy Council to send up their accounts. Two years later the lord lieutenants of Cornwall, Derbyshire, Lancashire and Cheshire did the same, "for certain numbers of men to be enrolled and putt in readynes to march within three dayes warning for Irland."<sup>1</sup> Even then, this measure failed to prevent the bands being furnished with defective armour or personnel. Chester, to a greater extent than all the other towns combined, was the victim of close or distant communities dumping unsavoury types and perceived dregs of society on it in the name of mustering.<sup>2</sup>

The winter of 1585/86 in Ireland and Spain's intention to invade England some time in 1587-88 created more problems in that the conditions of military service encouraged soldiers to desert. Letters from Ireland indicated severe shortages in food, clothing and money. In January 1586 Sir Henry Wallop wrote to Walsingham that the remaining soldiers at Carrickfergus were dying of starvation and cold.<sup>3</sup> Four weeks later Lord Deputy Perrot, writing from Dublin Castle, advised the Privy Council on the risks of quartering soldiers in towns; they were liable to steal whatever provisions remained. So bad did things become that there was not enough grain to sustain one band of 100 men. Accompanying Perrot's comments were those of George Beverley, who saw miserable scenes at Munster: the men under Captain Norris, "utterly destitute", only managed to keep alive "by shifting from town to town."<sup>4</sup> In late February Walsingham received communication from Perrot: "The soldiers were all so worn out of heart through want of meat, money, and clothes, as I know not what to say or think of them. There were never poor men so ill dealt with, they desire but meat, drink, and clothes for all the miserable toil they endure."<sup>5</sup>

The Earls of Derby and Shrewsbury were busy at this time. Chester's mayor enacted orders coming from Shrewsbury in February 1586 to stop "all Shippes, Barques and other vessels...whose absence maie be above sixe weeks from England"; he sent "a perfecte Booke" to the Earl of Shrewsbury containing the number and names of all ships with details of cargoes

<sup>1</sup> CSP, *Ireland, 1574-1585*, pp.391, 552-53; CSP, *Domestic, 1581-1590*, pp.195, 216, 226-28; APC 1586-7, p.339.

<sup>2</sup> Derbyshire in the 1580s and 1590s was a 'good' example of this. The Privy Council warned the Earl of Shrewsbury on several occasions about the quality of men being mustered and incidents of desertion while being conducted to Chester. See references in HMC, *Duke of Rutland*, I, pp.326-81; G.R. Batho (ed.), *A Calendar of the Shrewsbury and Talbot Papers*, II (London, 1971), pp.313, 322; and J. Charles Cox, *Three Centuries of Derbyshire Annals, As Illustrated by the Records of the Quarter Sessions...*, I (London, 1890), pp.218-21.

<sup>3</sup> CSP, *Ireland, 1586-1588*, p.5.

<sup>4</sup> *Ibid.*, pp.17-18.

<sup>5</sup> *Ibid.*, pp.28-29. Such was the intensity of dearth and scarcity in the Pale, as pointed out by Wallop in a note to Burghley, that the "Pale poor" had abandoned their ploughs, cattle perished and the winter corn was never sown. *Ibid.*, p.47.

and crew.<sup>1</sup> Derby also took responsibility for acting on reports provided by the mayor on the number and nationalities of people leaving and entering England via the port.<sup>2</sup> In April and May 1586 the Privy Council asked him to appoint 600 Cheshire men to be trained and furnished, a task made harder by the high price of corn and victuals.<sup>3</sup> During July and August 1586 the Privy Council then ordered him to investigate the disappearance of 32 soldiers who had "secretlie withdrawn themselves" from service after having originally volunteered to serve and taken prest money.<sup>4</sup> Although he informed the Privy Council that Chester could boast well-furnished and well-trained soldiers, Liverpool's poverty and inability to bear the costs of quartering soldiers in the town added to the pressures in Chester.<sup>5</sup>

It was commonly believed that Ireland would provide the springboard of an attack in the vicinity of Cheshire and Lancashire. The fact that some of these counties' gentry were suspected of being against the established religion and the Queen herself could only fan the flames of suspicion, rumour and fear.<sup>6</sup> As far as possible Chester's authorities suppressed these dangers on the Privy Council's instructions and once again their town bustled with military activity, accompanied - inevitably - by disorders among the soldiery.<sup>7</sup> After 1588 invasion scares still abounded and martial law was imposed on many occasions, though it was virtually impossible to distinguish suspected traitors and spies from shiftless, itinerant pests.<sup>8</sup> Furthermore, the Armada had landed soldiers in the north of Ireland, necessitating the impressing of levies for campaigns in Monaghan, Armagh, Connacht and the Ulster plantations. It was at this point that the Privy Council assented to the Lord Deputy of Ireland's advice to embark on a complete conquest of Ireland, in the knowledge that a force of 2,000 men at any one time would not suffice in stopping England's continental enemies from sowing sedition among its Irish subjects in the Pale.<sup>9</sup>

This development had important ramifications for the problem of vagrant soldiers in Ireland and their arrival in or near Chester in the 1590s. Already in May 1589 Sir William Herbert despaired of "raging" and "ravening" soldiers stationed in Youghal, Limerick and

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1 Jeaffreson, "The Manuscripts of the Corporation of the City of Chester", HMC, *Eighth Report*, p.373a.

2 *Mayor's Letters ML/1, 1-167*, p.2.

3 HMC, *Foljambe*, p.15.

4 *APC 1586-7*, p.173.

5 *CSP, Domestic, 1581-1590*, p.345.

6 Higgins, *County Government*, pp.64-65.

7 *CSP, Domestic, 1581-1590*, p.651; *CSP, Ireland, 1586-1588*, pp.253, 257; *APC 1587-8*, p.297; *APC 1588*, p.231; Kennett, *Chester*, p.31.

8 *CSP, Ireland, 1588-1592*, p.449.

9 *CSP, Domestic, 1581-1590*, pp.545, 553-55; *CSP, Ireland, 1588-1592*, pp.52, 70; *APC 1588*, p.322; Higgins, *County Government*, p.118; Richard Bagwell, *Ireland Under the Tudors*, III, (London, repr. 1963), pp.172-95.

Tralee running amok, killing sheep and abusing tenants' or freeholders' food and drink.<sup>1</sup> More than ever before, chronic shortcomings in the provisioning of the companies increased the numbers of deserters. The mutiny of May 1590 sums up the Privy Council's problems, committed as it was to deploying large garrisons in Ireland. Following the Privy Council's orders in March and April 1590 to the mayor, Earl of Derby, Lord Deputy of Ireland and Earl of Pembroke to ensure, respectively, shipping for 300 soldiers, good discipline, to check "the state of the bands", and for the 400 soldiers levied out of Wiltshire, Worcestershire, Shropshire and Herefordshire to be well furnished with coats and conduct money, it did not take long for troubles to surface. Owing to negligence in the counties the Privy Council warned the Lord Deputy in May to expect very poorly chosen men and armour<sup>2</sup>; the authorities from where the levies were picked had taken the opportunity to impress troublemakers and idlers. Then mutiny, accompanied by wholesale desertions, broke out in Limerick on 28 May. A company of foot soldiers broke ranks and marched to Dublin, demanding to know why the older bands did not receive their pay while the raw recruits did. It transpired that the Privy Council had stayed their money at Chester "before the daie of the mutiny", on account of pirates threatening the western coasts.<sup>3</sup>

When soldiers returned from Ireland the Privy Council insisted that they be told to go back to their place of residence, a policy designed to facilitate speedy re-impressment, but more importantly to stop them from roaming about the kingdom. In October 1590 the Council ordered "that the souldiers at their retorne be not suffrd to wander disorderly, but that every man betake him self to his home and possession."<sup>4</sup> One particular difficulty was the fate of the wounded and permanently maimed veteran; as mentioned earlier, soldiering in Ireland entailed great cruelty and bloodshed. Ships returning to Chester from Ireland carried many hundreds of wounded and maimed soldiers. As the analyses of Norwich, Leicester, Northampton and York will indicate, the ability of permanently-crippled veterans to work or find work diminished considerably. They fell easily into destitution and from there to vagrancy, beggary and crime. But it is in this town that maimed soldiers had their most dramatic impact because contingents from Cheshire and many other counties were present in every body of soldiers drafted for foreign service. However, since the demand for pensions and almsrooms exceeded the amount

1 *CSP, Ireland, 1588-1592*, p.191.

2 *Ibid.*, p.315; *APC 1590*, pp.24, 28-30, 33, 143.

3 *Calendar of Carew Manuscripts, 1589-1600*, pp.31-33, 35; *APC 1590*, pp.226-28.

4 *APC 1590-1*, p.39.

of money and space available, their provision became an entirely arbitrary affair. This generated tensions between the Privy Council, obligated to find some means of relieving ex-soldiers, and the local authorities who were determined to remain solvent.

In the early 1590s the Privy Council was embroiled in a number of cases involving unsatisfactory treatment handed out to ex-soldiers in Chester. In August 1591 the council wrote to the Masters of the Hospital of Chester Cathedral, concerned that William Lawton had not as yet received an almsroom to which he was entitled, considering "the hurtes and maimes sustained by him" in war. For some reason the room had gone to John Proby; the Privy Council insisted on its reversion to Lawton.<sup>1</sup> By October this still had not taken effect and it was not till April 1593, when Lawton (finally entered into the record as an almsman) decided to abide in Worcester with his family and friends, that the matter was settled.<sup>2</sup> That month the Privy Council rebuked the Dean and Chapter for their tardy care of John Morrice, noting that "wherein there hath bin occasion to ymploye greate number of people" in war, on their return "there are at this tyme very many that go up and downe a begging, a thing lamentable to beholde, and...we do all we maie to take order they may in some sorte be provided for."<sup>3</sup> In another case in March 1592 the Privy Council came to the assistance of the aged veteran Robert Rogers, who lost a leg and had the Queen's promise of an almsroom. The conciliar record states that Rogers "beinge in Flyntshire with his frindes some...twentie miles distant from his place", fell sick and lame. Since he could not return to Chester the Dean's administration saw fit to take advantage of his absence by appropriating part of Rogers' pension. On the advice of the Flintshire JPs that Rogers had no other means of relief, the Privy Council instructed the Dean to assist Rogers far better than was done previously and to fully restore his pension.<sup>4</sup>

Leaving aside the serious difficulties in providing pensions and shelter for maimed soldiers and allegations of corruption, the treasurers (normally two junior justices) did not have sufficient funds to draw upon to satisfy either the Privy Council's or soldiers' demands. The levying of special rates on Chester's citizens and non-enfranchised inhabitants was a sensitive issue, considering that they already contributed towards the upkeep of the gaol, house of correction and local almshouses. Nor could the county quarter sessions hope to take some of the pressure off the city judicial bench. On 8 June 1593, just days before the levying of soldiers

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1 *APC 1591*, p.388.

2 *APC 1591-2*, pp.13-14; *APC 1592-3*, p.181.

3 *APC 1592-3*, pp.149-50.

4 *APC 1591-2*, p.343.

from Wales, Cheshire, Derbyshire, Lancashire and Staffordshire for operations in Ireland, the Privy Council wrote to the Sheriff and justices of the peace of Cheshire and other counties. It wanted them to improve poor relief by ensuring that at the local level, all constables, churchwardens and parish officers discharged their duties properly, and as far as soldiers were concerned, to permit "some register to be kepte of the numbers of the persons and their qualities, that yt maie be understoode howe the[y] are relieved."<sup>1</sup> Despite this attempt to reorganise relief for maimed soldiers at the 'coal face' of local government, the episode known as Tyrone's Rebellion made an already difficult job in Chester and the county virtually impossible to execute.

The political machinations, military manoeuvres and overall significance of the Tyrone Rebellion fall outside the scope of this study and have been examined elsewhere.<sup>2</sup> Nonetheless, this nine year revolt had important consequences for Chester in that the disorders caused or aggravated by suspected ex-military vagrants were never graver. In 1595 alone there came "several times two thousand four hundred footmen, and three hundred horsemen" from many counties.<sup>3</sup> The Cheshire proverb, "Better be hanged at home than die like dogs in Ireland" originated in this period.<sup>4</sup> It was necessary to "set sufficient watch in all the highways, footpaths, and bylanes, for the apprehending of such soldiers as shall offer to escape before God sends a wind."<sup>5</sup> After the Privy Council's issuing of orders to the lords lieutenant, sheriffs and justices of several counties in April 1594 for the levying of soldiers to embark for Ireland via Chester<sup>6</sup>, disorders exploded in the town among the 1,500 troops during Fulke Aldersey's much-troubled mayoralship. The soldiers:

dailly fought and quarrelled that the cityzens were often rayzed; especially at once beinge all up upon uproare from the Eastgate to the Barres, the Mayor, like a worthy stowte man, appeased by proclamation the tumulte and soughte oute the originall quarellers and sent them to prison, and caused a gibet to be sett up at the Hie Crosse for to execute marshall lawe and three souldiers to be broughte in sighte of all the reste of their fellowes, and one had a halter upon the lathes aboute his necke...

Only the entreaties of their captains and other officers saved these men but the unsatisfactory recruitment and arming of soldiers elsewhere undermined Aldersey's ability to keep law and

1 *APC 1592-3*, pp.298-300, 324-27; Jeaffreson, "The Manuscripts of the Corporation of the City of Chester", HMC, *Eighth Report*, p.375a; *CSP, Domestic, 1591-1594*, p.352.

2 Steven G. Ellis, *Tudor Ireland: Crown, Community and the Conflict of Cultures, 1470-1603* (New York, 1985), pp.298-312; R.B. Wernham, *The Return of the Armadas: The Last Years of the Elizabethan War Against Spain 1595-1603* (Oxford, 1994), *passim*.

3 Ormerod, *History of the County Palatine*, p.237.

4 *CSP, Ireland, 1592-1596*, p.489; Wark, *Recusancy*, p.108.

5 Bagwell, *op. cit.*, p.249.

6 *CSP, Domestic, 1591-1594*, p.495.

order. He alleged this in a letter (December 1594) to the Sheriff and JPs of Lancashire who were responsible for the levying of 100 men scheduled to march to Chester.<sup>1</sup> Their armour was defective and in some cases missing, an allegation sorely denied by justices Asheton and Holland in their report to Burghley a month later.<sup>2</sup>

Aldersey managed to reduce tensions in Chester in the spring of 1595. Firstly, despite the absence of Sir John Savage and Sir Hugh Cholmley, in Hampshire and "busy about the soldiers" respectively, he commandeered all available shipping there and at Liverpool for the conveyance of 1,000 soldiers.<sup>3</sup> Secondly, he withdrew 100 Denbighshire and Flintshire levies from the town.<sup>4</sup> The summer and autumn, however, were tumultuous seasons, revealing all too clearly that in spite of frequent conciliar injunctions, nothing could effectively be done to prevent the desertions of so many soldiers. In July Burghley received news from the mayor and Commissioners of Musters concerning the growing restlessness of certain companies. The latest batch of levies in the town, according to Aldersey, had been recruited "upon the highway and some out of their beds without shoes, doublets, &c", arriving in Chester - minus the runaways - "in very bare and naked sort." Much of the force of 1,000 foot soldiers and 100 horsemen were unsuitable and they engaged in "daily fighting and quarrelling": to make matters worse, the soldiers' conductors had appropriated all the coat and conduct money for themselves. By July's end the authorities in Dublin were blaming the rising tide of desertions from an army already beset with sickness and non-payment of troops, on "the new crews lately sent out of England."<sup>5</sup> Sir John Norris's Dublin communique to Sir Robert Cecil (2 August) contains a tersely-worded request for improvements in these matters. Following the now standard descriptions of penniless, ill-clad, disease-ridden and starving soldiers who would "run away and steal rather than famish", Norris complained that he did "let my Lords of the Council understand before my coming out of England, that if there were not better provision made both for paying and victualling of the soldiers than was accustomed, the service would be hindered and the country spoiled."<sup>6</sup> His criticisms were reinforced by Wallop's equally blunt note of 5 August to Burghley: "Extreme misery of the poor soldiers. They are destitute of

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1 *Ibid.*, p.569.

2 *CSP, Domestic, 1595-1597*, p.3.

3 *Ibid.*, p.18.

4 *CSP, Ireland, 1592-1596*, p.313.

5 *Ibid.*, pp.341-43, 345, 347-49.

6 *Ibid.*, pp.356-57.



brogues, shirts, mantles, or anything to defend them from the weather, and driven to go naked."<sup>1</sup>

Throughout August and September the Privy Council received new reports of desertions. These incidents followed quickly in the wake of delays in embarkation, wheat shortages and a shortfall in the 'treasure' set aside for the soldiers' diet. In Ireland Wallop wrote to Burghley that apart from the lack of victual, the unseasonable weather and "general waste of the country", certain captains assisted soldiers' illegal passage back to England's western coasts by selling passports. Two horsemen had been caught as far north as Durham.<sup>2</sup> Thus this period brings to light evidence of just how far deserters roamed. They did not confine themselves to the vicinity of Chester. Mayor Aldersey warned Burghley to expect for interrogation in London several runaways being escorted by the bailiff of Ripon in Yorkshire.<sup>3</sup> Then there occurred the episode involving three Hertfordshire recruits - John Oliver, Thomas Cater and the elusive John Evans. They were drafted in St. Albans, "being dwellers within the liberty", only to desert at Chester in early September. Fearing that they would return to their home, the Privy Council alerted Burghley, in his capacity as lord lieutenant of Hertfordshire, to apprehend them and punish them, to set an example to others. Sir John Brockett's letter to Burghley in November attests to the fact that Oliver and Cater were arrested fairly quickly: they had already been in prison at St. Albans for "two or three months."<sup>4</sup>

The criticisms by commanders in Ireland of the soldiers coming from Chester spurred the Privy Council into action. It directed the lord lieutenant of Cheshire to appoint a provost marshal with vast powers of arrest to include not only absconding soldiers, but vagabonds in general and to "prevent all unlawful assemblies, especially [of] suspected persons."<sup>5</sup> From November 1595 onwards, throughout 1596 and 1597 it initiated measures by which it hoped to end the scandal of vagrants being impressed into the army and soldiers becoming vagrants. The English and Welsh county and municipal authorities charged with mustering and conducting newly-recruited levies to Chester, had to do the following: furnish men with apparel to protect them in winter; improve the distribution of coat and conduct money, likewise grain and corn provisions; ensure only fit and able men were impressed; appoint experienced captains to train

<sup>1</sup> *Ibid.*, p.360.

<sup>2</sup> *Ibid.*, pp.363, 366, 369, 373, 386.

<sup>3</sup> *Ibid.*, p.394.

<sup>4</sup> Interestingly enough, Oliver's wife had petitioned Brockett for his release. Due to a legal technicality, "by reason of their not being committed to the charge of their captain", Brockett recommended their discharge. *CSP, Domestic, 1595-1597*, pp.99, 127; HMC, *Marquis of Salisbury*, Part IV, p.312.

<sup>5</sup> Beier, *Masterless Men*, p.152.

soldiers in all aspects of war and discipline; punish deserters who had fled after accepting conduct money; and record the names and places of residence of the soldiers and the state of their weapons and armour, the certificates thereof to be sent to the Privy Council or the Exchequer.<sup>1</sup> Importantly, the Privy Council appointed two officials, Peter Proby (March 1596) and Maurice Kyffin (September 1596) to go to Chester and be its 'eyes and ears'. Their wide-ranging duties included the overseeing of the mayor and his officers' activities, weeding out all unsuitable levies and returning them to their home parishes with money to stop them from begging, eradicating corruption and defects in the musters wherever possible, minimising delays in embarkation and ensuring soldiers received their basic diets.<sup>2</sup>

Their appointments initially had a positive effect on quelling vagrancy among soldiers either waiting to embark for Ireland or returning to their homes. When mutiny broke out in early April 1596, fanned by brawls between English and Welsh troops, Liverpool's infection by returning sick and beggarly soldiers (causing all the companies to be sent to Chester for its "nearness of shipping"), and returning soldiers encouraging those in the town not to go, Proby ordered all the soldiers to embark "by proclamation on pain of death" and imprisoned the troublemakers.<sup>3</sup> The Privy Council thanked him, the mayor and municipal justices for not only arresting the ringleaders from the North Welsh contingents but also for catching and imprisoning "so manie of the rest as are ronne away or fledd from their conductors."<sup>4</sup> They had shown care and diligence in the safe passage of horse and foot to Ireland and taken the trouble to return levies to their homes "by reason of their yeeres, lamenes or other infirmitye."<sup>5</sup> Later in the year Kyffin placated irate "bare-legged and barefoot" horsemen from the diocese of Gloucester by having them supplied with apparel and good weapons. One anonymous horseman, "most poor and needy, wanting money and divers necessaries", Kyffin sent home because he was "found to be dangerously diseased of the foul sickness (called *morbis Gallicus*)." He barred the conductor of these soldiers from ever issuing supplies again on account of such "difficulties and defects in the setting forth of so small a number of horsemen" (October 21).<sup>6</sup> By June 1597, as a result of his "painful travail", Kyffin reported to Burghley

<sup>1</sup> *APC 1595-6*, pp.47, 93-94, 155-56, 167-68, 262-65, 274-75, 302, 305; *APC 1596-7*, pp.161-64, 176-77, 181-82, 210-11, 243-44, 343-45; *APC 1597*, pp.21-27, 68, 115; *CSP, Domestic, 1595-1597*, p.178; *CSP, Ireland, 1592-1596*, p.477; *HMC, Marquis of Salisbury*, Part VII, p.181.

<sup>2</sup> On Proby see *APC 1595-6*, pp.280-87. For Kyffin see *CSP, Ireland, 1596-1597*, pp.133, 146-47; *APC 1596-7*, pp.178-79.

<sup>3</sup> *CSP, Ireland, 1592-1596*, pp.489, 502-3, 507; Harrison, *Elizabethan Journals*, II, p.86.

<sup>4</sup> *APC 1595-6*, pp.331-33.

<sup>5</sup> *Ibid.*, pp.422-23; Harrison, *Elizabethan Journals*, II, pp.102, 186-87.

<sup>6</sup> *CSP, Ireland, 1596-1597*, pp.149, 172.

that he had saved the Privy Council considerable expense in such things as apparel because he had convinced the captains "to use their uttermost endeavour for keeping their companies strong, instead of not caring, as before, how weak and wretched they were."<sup>1</sup>

Proby's and Kyffin's success during 1596-7 were not sustained. Factors beyond their control continually undermined their efforts. As early as August 1596 the "general waste of the country" and "lack of victual" in Ireland hastened the decay of the bands "through death, running away, and passport given by such captains as greediness and gain hath caused to hinder the service...selling leave to divers of their soldiers to depart."<sup>2</sup> Then in September 1596 a combination of high prices, poor harvest and bad weather prevented supplies getting to Ireland.<sup>3</sup> Desertions continued unabated. In December a company commanded by Captain Dutton was unable to embark from Hollyhead on four occasions due to the weather. The Privy Council considered returning the soldiers to their home counties but some of them had fled, dangerously so, because they had taken the armour, apparel and furniture with them. The Privy Council urgently requested the mayor, Thomas Smith, "to require the deputy-lieutenants of the countyes whence they were levied...to see them apprehended and commytted, and their names certefyed hether unto us."<sup>4</sup> Reports surfaced from Ireland in early 1597 of new disasters in the victualling and deployment of soldiers, with references to theft, corruption and so many "hunger-starven" conscripts.<sup>5</sup>

The importance of these latest disorders rest on the fact that they were to a large extent caused by glaring inconsistencies in conciliar policy. Normally insisting on soldiers being properly armed and clothed before being transported, the Privy Council was increasingly prepared to ship ill-prepared soldiers as quickly as possible across the Irish Sea. It had become acutely sensitive to the escalating costs of keeping soldiers in Chester for any length of time. This happened with the 550-man contingent of Yorkshire levies who constituted part of a larger muster of 900 Dublin-bound levies in October- November 1596. The contingent contained at least 200 unarmed men and instead of lodging them and waiting for "Captaine Simms" to arrive from London with the supplies, the Privy Council ordered their immediate embarkation, promising that their arms would follow shortly. Its overriding concern was that the Crown's costs "be lesned, which...will amount to xxxli. by the daie...besides the charge of their

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1 *Ibid.*, pp.314-15.

2 *CSP, Ireland, 1592-96*, p.366.

3 *CSP, Ireland, 1596-1597*, p.99; Ormerod, *History of the County Palatine*, p.237.

4 Jeaffreson, "The Manuscripts of the Corporation of the City of Chester", HMC, *Eighth Report*, p.378a.

5 *Ibid.*, p.379b; *CSP, Ireland, 1596-1597*, pp.255, 265, 284-85, 291.

transportacioun and sea victualinge, amountinge to cc.li. over and besides some other extraordinary charges."<sup>1</sup> This 'cost-cutting exercise', so typical of late Tudor England, also affected the soldiers' rations. On the subject of transporting 1,260 soldiers in May 1597, Thomas Smith acted on Burghley's advice of cutting the soldiers' daily food allowance from 6d. to 5d, thus saving "Her Majesty xijd. a week out of every of their diets."<sup>2</sup> What the Privy Council had done was to effectively compromise what men such as Proby and Kyffin set out to achieve.

By the winter of 1597-8 the government's decision to fight war 'on the cheap' in Ireland was disastrous.<sup>3</sup> Burghley's private notes of 2 January 1598 record the possibility of reaching peace with Spain, a proposal influenced in part by the widespread and intractable nature of the dilemma posed by returning soldiers. Believing that peace would spare Elizabeth "excessive charge of treasure, victuals, munition, and supplies of men", the aging lord treasurer saw the situation becoming a vicious circle:

On the other hand are the discommodities upon dissolving of soldiers. The soldiers spared out of Ireland will either if left in Ireland, make waste there, or will be ready to provoke the Irish to rebellion. Such as shall return to England will live disorderly, if they are not forced to return to their native countries, or to their former trade. The like discommodity will ensue to those discharged out of the Low Countries.<sup>4</sup>

And yet Burghley's pessimistic assessment did not curtail the Privy Council's levying of thousands more men and tonnes of victuals in early 1598, to reinforce the "decaied bandes" in Ireland. Again the Privy Council, in series of letters sent to the Sheriff and Commissioners of Musters in Cheshire, Lancashire, Staffordshire and Warwickshire, directed that no rogues or vagabonds be impressed into the army.<sup>5</sup> The scale of military activity in Chester during the spring and summer of 1598<sup>6</sup> was far greater than anything yet experienced in the town. The resources and patience of every local official, from the mayor, aldermen, justices of the peace to the lowliest parish constable, were stretched to the limit.

Following the defeat at Amargh in August 1598 Chester's authorities reacted to a new bout of disorders. Deserters pestered the city, the countryside or fled further afield. The

<sup>1</sup> Jeaffreson, "The Manuscripts of the Corporation of the City of Chester", HMC, *Eighth Report*.

<sup>2</sup> *CSP, Ireland, 1596-1597*, p.284. In a later instance Burghley also disapproved of the Chester cutlers' bill of nearly £50 for repairing armour and weapons belonging to 650 soldiers. As far as he was concerned the cutlers could accept the mayor's offer of £20 or if they demanded full repayment, "lett them gett it as they thinke good from the captens and soldiers whose armour it was." In Jeaffreson, "The Manuscripts of the Corporation of the City of Chester", HMC, *Eighth Report*, p.380a.

<sup>3</sup> *CSP, Ireland, 1596-1597*, p.429; *CSP, Ireland, 1598-1599*, pp.37-38.

<sup>4</sup> *CSP, Domestic, 1598-1601*, pp.1-2; Harrison, *English Journals*, II, pp.247-48.

<sup>5</sup> *APC 1597-8*, pp.371, 515-16, 524-29.

<sup>6</sup> *Ibid.*, pp.608-9, 622-23; *APC 1598-9*, pp.17-18, 46; *CSP, Ireland, 1598-1599*, pp.81, 203, 245; Jeaffreson, "The Manuscripts of the Corporation of the City of Chester", HMC, *Eighth Report*, pp.397a-399b.

conciliar schedule of 17 August contained a list of "the Counties from whence 2,000 men are levied for Ireland", and sheeted the blame for the illegal dismissal of soldiers from service on the corruption or sheer incompetence of some captains. So disgusted did the Privy Council become that even ships' captains were blamed for this fiasco and it threatened to confiscate the freight of suspected offenders.<sup>1</sup> The Privy Council continued to receive reports from the troops' conductors when they had arrived in Chester, outlining the steady deterioration of men, their equipment and provisions. Of the 200 Norfolk troops originally levied to march to Chester at the end of September, 40 had run away and all the officers were found wanting.<sup>2</sup> The most despairing episode of this kind concerned troops conducted by Captain Francis Stafford in September-October. On 24 September the Privy Council requested the Lord Mayor of London to search the liberties for 300 soldiers, reminding him not to impress vagrants or suspected criminals into the ranks, yet soon after: "Wee cannot but take notice that wee have bin informed of very ill choyse of men made at this tyme."<sup>3</sup> These levies formed part of a larger contingent of 800 soldiers and the Privy Council duly warned the mayor of Chester to expect Stafford's charges and cooperate with him in maintaining good order when they arrived.<sup>4</sup> They arrived on 11 October but Stafford's report to Sir Robert Cecil revealed the steady material and disciplinary decline of the London and Buckinghamshire levies. The former wore cassocks of northern cloth unsuitable for the Irish winter; the latter were the "worst men and worst appalled of all the 800."<sup>5</sup> While the soldiers were stationed in Towcester the London detachment mutinied and some deserted, forcing the Privy Council to issue warrants for the apprehension of all escapees and - belatedly - "for a diligent watch to be set."<sup>6</sup> A record of the city of Salisbury betrays the lack of diligence in the watch. In August 1599 the authorities there issued a certificate to George Massey, described as a gentleman and formerly serving under the conduct of Henry Dabridgecourte, to return to Chester "where he says he was born."<sup>7</sup>

There is such a wealth of detail in the calendered material for the remainder of Elizabeth's reign, that it is superfluous to expand on it. The only difference is the far greater frequency with which the Privy Council and local authorities in Chester and places in Ireland

1 *Calendar of Carew Manuscripts, 1589-1600*, pp.281-82. The same allegation was repeated in October. See *CSP, Ireland, 1598-1599*, pp.274-75.

2 *CSP, Ireland, 1598-1599*, p.272.

3 *APC 1598-9*, pp.151, 173.

4 *Ibid.*, pp.185-86, 188-89.

5 *CSP, Ireland, 1598-1599*, p.286.

6 Jeaffreson, "The Manuscripts of the Corporation of the City of Chester", HMC, *Eighth Report*, p.398b; HMC, *Marquis of Salisbury*, Part VIII, p.397.

7 Paul Slack (ed.), *Poverty in Early-Stuart Salisbury*. Wiltshire Record Society, XXXI (Devizes, 1975), p.25.

are writing to each other on the sorts of disasters that happened previously.<sup>1</sup> The importance of mentioning such documentation lies in demonstrating that the Privy Council's remedial efforts to resolve the military and domestic situation in Chester amounted to little more than a drop in the ocean. The constant transportation of soldiers to Ireland crippled Chester's maritime economy. One mayor's diplomatic but pointed complaint to Burghley on 8 August 1598 blamed his city's decay on the merchants' prolonged loss of business with Spain.<sup>2</sup> Chester's merchants suffered as a result of:

the great charges they daily sustained for the service in Ireland, the Queen, about 12 years since, granted them a licence for transportation from Chester of 10,000 dickers of calves skins beyond the seas...the city is greatly impoverished, and yet during this rebellion in Ireland has been very much charged for the Queen's service, which they can hardly continue, unless they be by some good means relieved.<sup>3</sup>

Chester's capacity to cope with returning soldiers and provide poor relief for injured veterans was severely affected. Magistrates were not so unfeeling as to quibble over the rank of a soldier in deciding whether or not he received compensation. Thomas Cheswis, an officer, received a yearly stipend.<sup>4</sup> The treasurers made payments of 14s. 6d. "to xj soldiers of therle of Essex men, their ship being Caste awaie in Walles", and 12d. "to a lame soldier" to cover his journey to London.<sup>5</sup> Where possible a conscious effort was made to secure almsrooms for ex-soldiers.<sup>6</sup>

The mentions in official municipal, military and government dispatches of deserters becoming vagabonds, nonetheless escalated to the point of embarrassment. In one month alone (September 1598) the hue and cry went out for the capture of: "a poore soldier having a canker & pox"; "John Whitlock, a tall man, with a yelow beard & greene bretches, & white canvas dublet...rune away"; William Yeves, Christopher Beyman and Vincent Clifford who all deserted on the same day; Thomas Hurst, a "big black man, with little heare on his face a blew coat, faste with yelow" and abandoned his lodgings before supper; "William Roales, a yeulwish heare & beard, & a long lock tyed up"; and "John Bassel of mean stature, well set , & a paier of

1 Lodge, *Illustrations*, II, pp.394-404, 535-42; Jeaffreson, "The Manuscripts of the Corporation of the City of Chester", HMC, *Eighth Report*, pp.397b-98b; HMC, *Marquis of Salisbury*, Part X, pp.268-69; Part XI, pp.61-62, 425, 465-67, 474-75; Part XIV (Addenda), pp.136, 138, 148-49, 152, 163; *CSP, Ireland, 1598-1599*, p.470; *CSP, Domestic, 1601-1603; With Addenda, 1547-1565*, pp.135, 187, 190, 193-94; *CSP, Ireland, 1599-1600*, pp.2, 5, 20, 79, 81, 478-79, 489; *Calendar of Carew Manuscripts, 1589-1600*, pp.333-34; *Calendar of Carew Manuscripts, 1601-1603*, pp.297, 449. Passim following collections: HMC, *Marquis of Salisbury*, Part IX; *APC 1598-9; APC 1599-1600; APC 1600-1601; APC 1601-1604; CSP, Domestic, 1598-1601; CSP, Ireland, 1600; CSP, Ireland, 1601-3 (With Addenda, 1565-1654)*. See also John Maclean (ed.), *Letters from Sir Robert Cecil to Sir George Carew*. Camden Society (London, 1864).

2 HMC, *Marquis of Salisbury*, Part VIII, p.298.

3 *Ibid.*, Part IX, pp.424-25.

4 *APC 1597-8*, p.352.

5 Furnivall, *Child-Marriages, Divorces, and Ratifications, &c., in the Diocese of Chester, A.D. 1561-6...*, pp.168-69.

6 *CSP, Domestic, 1603-1610*, pp.30, 78.

whitish hose, all luste...about his pocket."<sup>1</sup> The acceptable level of efficiency reached during the crisis of 1588 appears to have been completely lost by the end of Elizabeth's reign.

Is it possible to find anything positive about the Privy Council's actions in regard to military affairs at Chester? The themes and some of the episodes outlined above make depressing reading. The sense of anarchy and the feeling of officials' helplessness is not exaggerated and in the light of Higgins' study of the county's military state in the 1580s and 1590s, probably understated.<sup>2</sup> He shows that in the Jacobean and early Caroline period, despite a further deterioration in the decade 1603-13, the militia system was greatly improved.<sup>3</sup> No doubt some sound policies, which had been formulated during Tyrone's rebellion, now had a chance to work. The Privy Council realised that Cheshire's parish communities were far apart and musters could hardly be completed in one day. The system of holding formal general musters was supplemented yearly by special musters for training and inspection of armour.<sup>4</sup> It made sense for musters to be held under the supervision of the deputy lieutenants, and instil some measure of responsibility in the constables by having them draw up the lists. The lord lieutenant, the Earl of Derby, could not be relied on too much because he was inclined to take more care of his family's affairs in Lancashire and the Isle of Man, rather than Cheshire.<sup>5</sup> The appointment of a muster-master, his duties drawn up by the Clerk of the Privy Council, William Waad in 1598, shows that the Council wanted someone there who could train men in fire-arms, organise local bands, select men to roles for which they were most suited and take no nonsense from jealous locals.<sup>6</sup> Even during the nightmarish spring and summer of 1600 when Chester was engulfed with insolent, violent (and unwanted) soldiers and food shortages, the Privy Council dictated the pace of military activity. It demanded and got the cooperation of the leading justices of the county to go to Chester and assist the mayor with shipping, troops and provisions.

Two years before the Spanish Armada set sail for England, Spanish agents collected information on religious opinions in the English shires. Their report indicated that the Catholic faith was strong in Lancashire and Staffordshire, but did not mention Cheshire. The finding that barely 200 Catholic recusants were identified in the county in the 1590s would, on the surface

<sup>1</sup> Furnivall, *Child-Marriages, Divorces, and Ratifications, &c., in the Diocese of Chester, A.D. 1561-6...*, p.171.

<sup>2</sup> Higgins, *County Government*, pp.129-34, 143-50.

<sup>3</sup> *Ibid.*, pp.150-58.

<sup>4</sup> *Ibid.*, pp.150-51.

<sup>5</sup> *Ibid.*, p.121.

<sup>6</sup> *Ibid.*, p.146.

at least, have justified the Spanish writing off Cheshire as a base for support.<sup>1</sup> The assessment grossly underestimated the situation in that the number of Catholics detected did not encapsulate the true size of the papist population. Throughout the Elizabethan period the local Catholic population inhabited Chester city, the western regions of Cheshire, the rural deaneries of Chester, Wirral, Malpas, and part of the deanery of Nantwich. Only 24 of the 302 recusants known to have lived in Elizabethan Cheshire came from east of the River Weaver.<sup>2</sup> Furthermore, in areas where papists were few they possessed a political importance out of proportion to their numbers. Of 66 Cheshire justices named in 1564, 42 were said to be unfavourable to the 1559 religious settlement.<sup>3</sup> Leading members of the gentry were recusants and their faith made them potential and in some cases real harbourers of subversive priests. In 1580 seven justices were forced to relinquish their offices as suspected papists, on the basis of the Bishop of Chester's report to the Earl of Leicester that they consciously resisted attending church services and led the common people astray.<sup>4</sup> Around the same time twelve named Cheshire gentlemen and a lady occupied houses "greatly infected with popery" and the Bishop of Chester was unlikely to convert them with resident but unknowledgeable curates and "unworthy" parsons.<sup>5</sup>

Catholicism remained vibrant in the places mentioned above because they are where the clergy's spiritual care and the Church's supervision were strongest and survived the rigours of the Reformation. Lower down the social scale the extent of Catholic resistance to Protestantism becomes apparent when the alehouses are investigated anew. Richard Brock, an aleseller and his wife Joan, a convicted recusant:

do keepe in their Alehouse (which is not fully five roodes distant from the chancell doore of the parish church) diverse pictures and other popish reliques, and namely one great Crucifix of brasse or copper fayrely gilded which Brock audaciously and in contempt of the statute sometimes bringeth forth and openly setteth up before such as come to drinke at his house.<sup>6</sup>

Such things, then, helped to undermine the war against the Jesuits and seminarists in Chester and its vicinity. Some well-known Catholics went before the city quarter sessions in 1588 for their absence from church for periods ranging from two months to two years.<sup>7</sup> This is not all.

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1 *VCH Chester*, III, p.88.

2 *Ibid.*

3 *Ibid.*, p.89.

4 *CSP, Domestic, Addenda, 1580-1625*, pp.11-12.

5 *Ibid.*, p.35.

6 Bennett and Dewhurst, *Quarter Sessions Records*, pp.93-94; Clark, *English Alehouse*, p.157.

7 Wark, *Recusancy*, p.70.



Prior to the Jesuits' and seminarists' arrival in Cheshire the work of maintaining local people in the Catholic faith fell to surviving Marian clergymen.

No doubt assisted by their popularity and protection by all classes of Catholic families, these clergymen soldiered on through the early days of Elizabeth I's rule. Two "old priests" are said to have been responsible for the strength of recusancy in the parishes of Malpas and Bunbury. Marian priests worked at Wrenbury, Congleton and Ridley in the 1570s and 1580s, reinforced by Welsh priests coming to celebrate Mass.<sup>1</sup> Chester had more than its share of clerical troublemakers. Robert Frances was found wandering around Chester's streets after a curfew.<sup>2</sup> A list of "evil-disposed persons of whom complaint has been made" (1561), included a chaplain called Morren who "wandereth in Staffordshire and Lancashire very seditiously" as "the person who cast abroad the seditious libel in Chester."<sup>3</sup> The Assembly Books (1566) drew attention to the fact that "great inconveniences have ryson and growen" because Cestrians looked for "company to any prest, offering wedding or ale to be had or said."<sup>4</sup> The examples of Thomas Houghton of Wrenbury and Isobel Whitehead of Chester remind us that their activities lent colour to the anti-vagrancy drives of Elizabeth's later years. Houghton was indicted at the quarter sessions in 1581 and imprisoned in Chester Castle.<sup>5</sup> Until Isobel was finally apprehended by the Earl of Huntingdon and imprisoned in York Castle where she died in 1587, she "wandered up and down doing charitable works" for Catholic prisoners.<sup>6</sup>

The story of the Privy Council's efforts to extirpate popery and its roaming, priestly adherents in the 1560s to the end of the 1570s is characterised by failure. The reasons for this failure lay in a few key shortcomings in the structure and execution of administration and personnel. Chester was the last English see to be filled after the vacancies of 1559-61, a dangerous situation because the diocese - stretching in unwieldy fashion from Cheshire into Lancashire, to the Yorkshire Dales and southern halves of Westmorland and Cumberland - needed an able and energetic bishop to correct abuses in ecclesiastical administration and religious practice. An ecclesiastical commission for Chester was appointed in July 1562 and included the Earl of Derby and the mayor. It fined and imprisoned some religious offenders but to no lasting effect. Moreover, in 1568, 1570 and 1575 the Privy Council became angry with

1 Bennett and Dewhurst, *Quarter Sessions Records*, p.90.

2 Beck, *op. cit.*, p.70.

3 *CSP, Domestic, 1601-1603; With Addenda, 1547-1565*, p.524; Wark, *Recusancy*, p.2.

4 *REED: Chester*, p.76.

5 Timothy McCann (ed.), *Recusants in the Exchequer Pipe Rolls 1581-1592*. Catholic Record Society, 71 (1986), p.89.

6 Scarisbrick, *The Reformation*, pp.151-52.

Bishop William Downham, a placid man who had virtually no success in making local clerics conform to the Elizabethan settlement or in attacking recusancy and religious conservatism.<sup>1</sup> Downham died in 1577 and the next important phase of confrontation between renegade priests and officials working on behalf of the Privy Council occurred when the Earl of Derby and Downham's successor, William Chadderton, would lessen the gap between the policies recommended by the Council and their local execution. The Earl of Derby, as we know, was a great magnate and epitomised wealth, standing in the community and the dispensing of patronage. Chadderton, appointed in 1579, had great leadership skills and zeal and he promoted Protestant preaching in the main market towns. Chadderton had the support of the Earl of Leicester, Archbishop Sandys of York and the Earl of Huntingdon. They helped to set in motion the ecclesiastical commission of 1580-81, which proved to be an efficient tool (sometimes) in discouraging recusancy and punishing 'roguish' massing priests.<sup>2</sup> The Jesuits Nicholas Sanders and Edmund Campion had been sighted in Cheshire and the Irish Pale in the early 1580s. Campion, in fact, crossed into England from Dublin on 25 June 1580 disguised as a traveling jewel salesman.<sup>3</sup> In June 1582 the Privy Council warned the Sheriff of Chester to apprehend John Whitmoor, "a verie daungerous papist...suffred to be at libertie, wandring and lurking within the said countie", because he was a recusant and known harbourer of priests.<sup>4</sup>

The suspicion in the early 1580s that all was not as well as Chadderton and Derby claimed, is illustrated by the government's change in policy following the 1581 'Treason' Act. Now the ecclesiastical commission and the quarter sessions attempted to bring heavier pressure to bear on recusants than ever before. Those who could not escape arrest nor conform were jailed, and if the authorities' success in bringing recusants to heel was limited, clearly their attitude towards them had hardened.<sup>5</sup> The Privy Council had knowledge of incidents whereby recusants were at liberty and clearly entertaining wandering priests at their homes or at secret meeting places.<sup>6</sup> As regards Chester, the work undertaken by the Earl of Derby and Bishop Chadderton did not take effect until the establishment of an ecclesiastical commission on 1

1 Wark, *Recusancy*, pp.4-5, 9-16; Manning, *op. cit.* (1976), p.62; *VCH Chester*, III, pp.20-22.

2 Wark, *Recusancy*, pp.21-23; *VCH Chester*, III, p.23; Manning, *op. cit.* (1976), pp.72-73; Cross, *op. cit.* (1979), p.269. Chadderton's jurisdiction included the whole of Lancashire, which is not a part of this study. For accounts of his work in Lancashire, the priests who roamed from there into Cheshire and Yorkshire, and his responses to the Privy Council's directives, see: Henry Fishwick, "Lancashire in the Time of Elizabeth", *TRHS*, VI (1877), pp.192-99; and J. Stanley Leatherbarrow, *The Lancashire Elizabethan Recusants*. Chetham Society, New Ser., 110 (Manchester, 1947), chs. 4-6.

3 Thomas M. McCoog, "The Flower of Oxford: The Role of Edmund Campion in Early Recusant Polemics", *Sixteenth Century Journal*, XXIV, 4 (Winter, 1993), p.899.

4 *CSP, Domestic, 1581-1590*, pp.10, 16; *CSP, Ireland, 1574-1585*, p.286; *APC 1581-2*, p.447; *DNB*, L, p.260.

5 Wark, *Recusancy*, ch. III, esp. pp.31, 34-35.

6 *Ibid.*, ch. IV.

February 1581 at Middlewich. On 22 February, a day after the commission moved to Chester, some recusants were fined in Chester's Shire Hall. The Privy Council was pleased with some aspects of its representative's toil, particularly the commission's sterner treatment of recusants and sending the names of those who would not conform, so that offenders could be indicted at the next sessions.<sup>1</sup> In May 1581 the Privy Council called upon Chadderton to solve the case concerning a young local girl, Elizabeth Orton, who claimed to see visions in which Mass was celebrated, the Virgin Mary appeared and the flames of Purgatory roared. She had allegedly "put in writing and scattered abroad amongst the papists and ignorant people of your diocese; which appears to have bene the invention of some Jesuite or other devilshe seducer to abuse the vulgar and ignorant sort."<sup>2</sup> Fraudulent though her visions were when she was examined by the ecclesiastical commissioners, Elizabethan officials thought any kind of ammunition against Jesuits was justified and popular interpretations of religion were too anarchic to be tolerated.

In late 1583, although some recusant gentlemen were arrested and imprisoned in Chester Castle, 'popish' justices were said to be still very much in power. A dispute arose in July that year over the costs of food allocated to the recusant prisoners. The JPs who were not targets of the Privy Council's wrath petitioned it, claiming that such a sum was better spent on setting "Vagabonds on work" than for supplying recusants. It would appear that given the Council's desire for local JPs to execute the laws regarding vagrancy in Cheshire, they deserved its full support for their wishes. Astonishingly enough, this did not happen. Instead the Privy Council demanded that the malcontent petitioners come before it for having the temerity to abuse it, the Bishop of Chester and the Earl of Derby:

the whole Diocese was to have been eased of the Number of Rogues, Vagabonds, and masterless Persons, wandring and pestring the same. Who, by the erecting certain Houses of Correction, were to have been set in Work and employed in honest and commendable Arts and Exercises...upon this Information apon the pretended Grievance of her Majesty's Subjects, Wee do think it convenient to have the said Collection...to be stayed; yet, before we would give any Direction therunto, not knowing what your Lordships and the rest...can say to the Information in that behalf delivered unto us.<sup>3</sup>

It is possible that the Council's harsh reaction might have been a ploy to 'shake' the Cheshire justices and bolster its at times tenuous authority over them.

As we enter the mid-1580s the accusation against Cestrian and county Catholics of failing to attend their parish church was invariably accompanied by the allegation that, whether

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<sup>1</sup> *Ibid.*, pp.25-26.

<sup>2</sup> *Ibid.*, p.27.

<sup>3</sup> Strype, *Annals*, III, pp.168-70 and Appendix, pp.56-57.

rich or poor, they harboured aging friars or well-trained Jesuits and seminarists. In the years 1583-86, Puritan reformers working for the Privy Council or individuals like Walsingham and the Archbishop of York, gathered information about leading gentry figures and poor people who supported and protected older and younger missionary priests.<sup>1</sup> Officials in Chester knew about Sir Richard Mollineaux, his daughters "and other persons" taking an oath and declaration of support for the Pope and his position as supreme head of the Church.<sup>2</sup> The widow Alice Cheiswes and labourers Thomas Maddock and Thomas Trime were among those common people who were likely to receive and harbour massing priests in Chester in the mid-1580s.<sup>3</sup>

The adventures of priests and their harbourers give credence to a list of "The names of the Jesuytes, Seminary priestes and others, gentlemen, who are fled out of the countye of Lancashire since the last serche there, and of the places where they are now supposed to bee."<sup>4</sup> A Cheshire-born priest, Richard Hatton, was apprehended on 17 January 1584 and Lady Warberton of Congleton "doth kepe ane old priest who calles hymselfe Watkenes, but his name is Wyllyam Worthington...he goeth abrode for a monthe or syxe weekes and he hathe be(n) twyse at Rome."<sup>5</sup> On 24 September 1584 Joan Morley was examined at Chester, accused of and admitting to the charge that she had aided the seminary William Morgan. Morgan, travelling in Cheshire under the name of Jones until he was taken at Hoxton, was "apparelled in a sky coloured cloak and a blue hat to colour himself."<sup>6</sup> Ralph Crocket, born in 1552 at Barton-on-the-Hill, was arrested and examined on 30 April 1586. He said that he had travelled to Norfolk, Oxfordshire and Gloucestershire.<sup>7</sup> Robert Wilcox, "born at Westchester, made preest beyond the sea iiij years past", was a Cestrian who travelled over much of England seeking converts. He was caught in Kent and transferred to the Marshalsea prison "by the Privee Counsel's order where he ever since remained."<sup>8</sup> So by the mid-1580s the government found that humbler laymen and women, usually harder to find or identify than gentlemen and their wives, occupied key positions in the organisation and retention of Catholic belief. The government was more wary of Jesuits and seminaries than the older Marian priests who, because of advancing age, could not lead a fugitive lifestyle for very long. John Maddocks was caught in 1585 but unlike some of his fellow prisoners who were hanged or banished, he was simply "an old poore

1 Wark, *Recusancy*, pp.48-52.

2 CSP, *Domestic*, 1547-1580, p.321.

3 McCann, *op. cit.*, pp.37, 116, 176.

4 Wark, *Recusancy*, p.53.

5 *Ibid.*

6 Anstruther, *Seminary Priests*, pp.236-37.

7 *Ibid.*, p.93.

8 Pollen, *Martyrs*, p.161.

fellow and malicious, but no seminarye."<sup>1</sup> Thomas Holford was a seminary priest and the harshness of his fate, in contrast to Maddocks', attests to the importance attached to his kind.

Thomas Holford was one of the most wanted priests in Cheshire. Born in Aston, near Nantwich in 1541, he was reconciled to the Catholic Church c.1582 and returned to England from Rheims in mid-1583. Holford, described by Chadderton as "a tall, blacke, fatte, stronge man, the crowne of his head balde, his beard marquezated", was apprehended at Nantwich in May 1585 and examined at Chester Castle shortly afterwards. Chadderton's description of Holford captures perfectly the theme of priest in disguise. Holford's apparel included "a black cloake with murrey lace, open at the sholders, a straw couloured fustion dublet laide on with red lace, the buttons red, cut and lade under with redd tafeta...A little blacke hatte lyned with velvet in the brymms, a falling band and yealow knitte stockes."<sup>2</sup> Holford's fate on the scaffold was sealed when, in declaring that he would not "departe the realme, but that ether Tyburne or Boughton shall have his carcase", he admitted before the justices at the Chester quarter sessions that during his two year ministry, he fully intended to persuade Elizabeth I's subjects to adhere to the Church of Rome. Before his martyrdom Holford resumed his role of priest in Chester Castle by saying Mass for some Catholics, even their jailer.<sup>3</sup>

Thomas Holford's vigorous Catholicism and his obvious courage meant that when the priests' activities reached their peak in the late 1580s and early 1590s, the Privy Council would be hard pressed to root them out. Yet there is a sense that it was an issue far better understood and handled than it was in the 1570s. From 1587 to mid-1590 the Privy Council had reason to be happy with some aspects of religious policy in Cheshire. On the episcopal front it conferred with Chadderton on his policy of improving the behaviour and performance of municipal and rural clergy. The preferment of good preaching ministers led to a diminution in some recusant non-conformity.<sup>4</sup> The lay authorities, under the temporary command of the Earl of Derby's son, Ferdinando Lord Strange, while his father was away in the Netherlands, reduced anti-recusant business in Chester and Cheshire to a manageable level. The one sour note to arise was the penetration of Chester Castle by a Welsh priest and his celebration of Mass inside,

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<sup>1</sup> Wark, *Recusancy*, pp.59-60.

<sup>2</sup> *Ibid.*, p.60.

<sup>3</sup> *Ibid.*, pp.60-62; Anstruther, *Seminary Priests*, pp.170-72; Pollen, *Martyrs*, pp.109-10; *CSP, Domestic, 1581-1590*, p.242.

<sup>4</sup> *APC 1588-89*, pp.309-10; *APC 1590*, pp.66, 335-42; Wark, *Recusancy*, pp.74-75; *VCH Chester*, III, p.24.

indicating that conditions at the fortress constituted a grave weakness in the control of recusancy.<sup>1</sup>

The Privy Council commended Ferdinando in February 1588 for his "diligent and carefull endeavour used for the apprehension of the recusantes lurking and resyding in those partes", his commital to trial of "those sortes...especiallie of such as should be deemed daungerous to her Majestie and her estate."<sup>2</sup> Then in July, Strange was already prepared for the worst when, after the Armada had been sighted, the Council sent him last minute instructions to repress "anie such person or persones ill-affected [that] do attempt or any waie make shew to stirre...in this tyme."<sup>3</sup> The vigilant tone of the Privy Council's correspondence to officials continued in its general letter of 8 March 1590 to the deputy lieutenants. This letter divided recusants into three groups and demanded the names and means of the principal, middling and "inferiour sorte", the last "assessed at noe fines or penalties for their recusancie whoe are likewise as evell affected in religion as the rest."<sup>4</sup> To the returned Earl of Derby the Privy Council was more specific, telling him that Lancashire and Cheshire were infected with "many Seminaries and other evill affected persons"; so it requested him "to take present ordre that such suspected persons within your jurisdiction [and] auctoritie as be of good habilitie, and whose liberty maie breed daunger to the State, be furthwith comytted to some [safe] place."<sup>5</sup> Derby acted in unison with Chadderton and the justices so that every legal loophole which assisted recusants to escape conviction and so be at liberty to help the runagate priests, was blocked. The earl was zealous in his efforts and praised by the Privy Council for them. Bishop Chadderton, unfortunately and much to his own disappointment, failed to provide anything else apart from the names of the recusants he sent to the Privy Council.<sup>6</sup>

The *Acts* from May 1591 to November 1592 and a report which the Council of the North sent to the Privy Council near the end of 1591, demonstrate that the Privy Council refused to let up either its goading or encouragement of officials.<sup>7</sup> K.R. Wark analysed the veracity of the 1591 report and says that its descriptions should be treated cautiously. The report's writer was a Puritan, prone to over-generalise in his condemnation of the lay and ecclesiastical authorities' failure to 'roll back' recusancy, and he equated conditions in Cheshire

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1 Wark, *Recusancy*, pp.69-71.

2 *APC 1587-1588*, p.361.

3 *APC 1588*, p.170.

4 *APC 1589-90*, p.406.

5 *APC 1590*, p.156.

6 Wark, *Recusancy*, pp.76-77.

7 *APC 1591*, pp.88-89; *APC 1591-1592*, pp.324-25. See also *CSP, Domestic, 1591-1594*, p.288.

as being on par with Lancashire.<sup>1</sup> The writer's prejudices come through but his calendared document in the State Papers shows that priests were active, covertly carried out marriages and baptisms and, if arrested, failed to divulge information. Some JPs and ecclesiastical commissioners tolerated and participated in cockfights and illegal games, failed to execute the late proclamation for catching priests, and sometimes did not examine on oath, as they were required to by law, the churchwardens, constables, parsons, curates and the like. The author did not forget the existence of vagrants from the lay side of the population. Their growing numbers were encouraged by the non-implementation of the 1552 law against "innumerable" alehouses and the 1576 poor law - "there are many lusty vagrants."<sup>2</sup>

Wark's analysis raises the possibility that the Privy Council, on the basis of information being fed to it by frustrated and interested parties in Cheshire, completely overestimated the danger that 'runagate' priests posed to the Tudor state. Certainly the arrests that have been cited indicate that the government was making some headway against Jesuits and seminary priests. Neither could travel unmolested and in disguise among the laity for a great length of time. But there must be some truth in the 1591 report because in June 1592 another official happened to acknowledge the prevalence of "May gaimes, morryce daunces, plaies, bearebaytinges, ales and other like pastimes...on the Sondaies and Hollydaies at the tyme of Divine service and other Godlie exercyses."<sup>3</sup> The Privy Council's perception of events in Cheshire was occasionally shaped by non-judicial sources. When John Bell alias Burton, a seminary priest, was captured and brought to the attention of the Earl of Derby and then the Privy Council in September 1592, he offered to work for the government and state all he knew about conspiracies and plots against England.<sup>4</sup>

The ecclesiastical commission for the purpose of inquiring into church attendance, massing priests' activities and their supporters was renewed for Chester on 28 January 1592.<sup>5</sup> Initial investigations got underway at the Inner Pentice with the examination of ten suspected recusants. It is pointless to discuss the course of these examinations and the way more people were drawn into the net because Wark has already documented them in precise detail. In any case they followed the routine of examination that had lasted since the early 1580s.<sup>6</sup> As far as

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1 Wark, *Recusancy*, pp.78-88.

2 *CSP, Domestic, 1591-1594*, pp.158-59.

3 *APC 1591-1592*, p.549.

4 *APC 1592*, pp.166-67.

5 *APC 1591-1592*, p.211.

6 Wark, *Recusancy*, pp.88-100.

evidence of priestly activity in Chester is concerned, the commissioners wrote in their report to the Privy Council that none existed. Examinants denied any personal knowledge of either Jesuit or seminary priests *in the city* but may have contrived to contact them in places outside the town and consequently evaded the authorities' jurisdiction. Furthermore, not being numerically large the recusant community in Chester drew on its own financial and spiritual resources so as not to depend wholly on the inspirational and covert deeds of priests.<sup>1</sup> The rising number of indictments at the assizes in 1592 symbolises, according to Wark, not only the growth of recusancy and more work for officials, but also the year when the Privy Council's authority reached its peak. (Not forgetting the more Puritan-minded mayors of Chester) Wark goes on to say that the Earl of Derby and William Chadderton showed such drive in restricting and punishing the movements of local Catholics and the hunting down of Jesuits and seminaries, that the remainder of Elizabeth's reign was "an anti-climax; never again was recusancy so strong and, in consequence, never again was so systematic a hunt needed."<sup>2</sup>

This judgement is too sweeping and should be tempered in the knowledge that all was not plain sailing in the decade after 1592-93. The Mayors' Letters contain the privy councillor Lord Hunsdon's warrant for the arrest of John Tempest alias Triplande (10 March 1593). On 15 June 1594 a letter from the Lord Deputy of the Council in Ireland to the mayor of Chester enclosed a list of young persons, who were picked up in Dublin, suspected of going abroad "to places of Popishe religion"<sup>3</sup> The economic convulsions of the mid-1590s encouraged local paupers to spread religious dissidence. Jane and Edward Davye of St. Bridget's parish, Chester, were "very pore" but kept "popish reliques (such) as a superaltare and popishe books" in 1595.<sup>4</sup> Further, records taken from various parishes in "Chester Deanerie" in 1596 confirm that vagrancy extended to more than one social level and beyond one's employment status to include religious activity:

Nicholas Tod vagrant thereabout, worth noth...

Marie - spinster a beggar dwelling in one of the said Thomas his house...

Martyn Burnop yeoman, he is vagrant and is seized of landes worth *Xli* by yeare.

John Robson yeoman vagrant thereabout worth nothing.

Margarett Jameson wife to James Jameson of Berwick she is vagrant about Medomsley

Anne [Hodgson] of...Yorkshire...executed for receiving of seminarie priests.<sup>5</sup>

<sup>1</sup> *Ibid.*, pp.101-2, 106.

<sup>2</sup> *Ibid.*, pp.106-7.

<sup>3</sup> *Mayor's Letters ML/1, 1-167*, pp.3, 7.

<sup>4</sup> Wark, *Recusancy*, p.116.

<sup>5</sup> Clare Talbot (ed.), *Miscellanea: Recusant Records*. Catholic Record Society, LIII (London, 1961), p.52.



Presentments were recorded in the diocese of Chester in 1596. Northgate prison in Chester housed "Ellen Browne, Ellen Wilden, single folkes and prisoners...of the Syttie of Chester...& verie poore." And in an extramural parish: "Katherine Sparrowe spinster daughter to John Sparrowe of Rushton and hath bene a vagrante pson butte now dwelleth" with her father.<sup>1</sup> Wark suggests that when the Irish War placed large administrative pressures on Chester in the later 1590s, its officers remained alert for suspicious strangers, sometimes youths suspected of being priests, and meticulously examined and inquired about them thoroughly.<sup>2</sup>

Wark qualified his assertion of relative calm with reference to the Privy Council's delight at the capture and interrogation of the suspected Thomas Leek and his allies in August 1601.<sup>3</sup> That this was not the only episode to excite the authorities in the late 1590s and the year 1600 is shown in other material not cited by Wark. The Bishops of Chester and secular justices wrote to Sir Robert Cecil about 'lewd priests', their hold on local Catholics and occasional capture. For example, on 3 November 1600 the "desperate seminary priest" Thurstane Hunt, a "principal seducer of the people", was apprehended and the reform of the county would have been all the more possible if he and his confederates had "speedy and sharp justice" done to them.<sup>4</sup> The Privy Council, then, pulled out all the stops in order to bring priests and seminarists in and near Chester to heel. That the missionaries were successful can be put down to the traditional strength of Catholicism in the north and recusancy taking root in certain areas and in particular families and parishes by the middle of Elizabeth I's reign. The Privy Council prodded local authorities to eradicate them by providing a counterpart within the established church in addition to the parochial clergy, and building up a legal and administrative machine, often cumbersome in nature, but whose effectiveness at the end of the period has been shown to have been greater than it was some twenty or thirty years earlier.

In conclusion, the Privy Council's troubles with vagrancy at Chester spilled over into James I's reign. As far as soldiers coming to Chester were concerned, for example, the Privy Council still required soldiers such as those from Essex in mid-1608 not to be drafted from the

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1 *Ibid.*, pp.65-66.

2 Wark, *Recusancy*, ch. VIII.

3 *Ibid.*, pp.124-27; *APC 1601-1604*, p.179.

4 HMC, *Marquis of Salisbury*, Part VIII, p.213. See also HMC, *Marquis of Salisbury*, Part X, pp.84, 373; *CSP, Ireland, 1599-1600*, p.496; *CSP, Ireland, 1601-1603; With Addenda, 1565-1574*, p.635; *CSP, Domestic, 1598-1601*, pp.389-90.

ranks of the idle and masterless.<sup>1</sup> At a time when religious offenders at Chester continued to provide painful reminders of how spasmodic or inconsistent the methods of information gathering and arrests were<sup>2</sup>, the Privy Council criticised justices' efforts to curtail the worst effects of plague raging at Chester during 1603-5, despite their efforts to relieve it.<sup>3</sup> Relations between the central government and Cheshire deteriorated in 1610 when, in contravention of the injunction to suppress illegal or 'superfluous' ale and tipping houses, some officials acquitted 1,300 unlicensed owners in a single session.<sup>4</sup> Clark says this situation resulted from town and county magistrates fighting over their respective jurisdictions.<sup>5</sup> Either way, justices of the peace demonstrated their power and standing in the locality, when they granted informal licenses or protected tipplers against other magistrates.<sup>6</sup>

This is an important point in judging the Privy Council's effective power. Chester had the honour of receiving judges twice yearly to instruct the magistrates on the Privy Council's wishes, and the justices met there at least six times a year, twice at assizes and four times at quarter sessions. Yet the borough's jurisdiction extended to only a fraction of Cheshire's population. Furthermore the unwieldy division of local administration between municipality, county, hundred, parish and township led to the dissipation of existing financial and material resources in what were already comparatively poor communities. The people charged with the obligations in them had conflicting loyalties and difficulties in raising finances for judicial purposes.<sup>7</sup> The main conclusions one can draw about vagrancy as a law and order issue are negative ones. Local administrators was reasonably effective but more than periodically, the dangers posed by beggars, illegitimate children, injured and deserting soldiers, needy paupers and seditious priests, engulfed the Chester and county courts of quarter sessions. Justices of the peace residing in Chester acted according to statute and orders from the Privy Council, but locally and deeply entrenched customs influenced their deliberations. Neither were their implementations always quick or systematic.

1 B.W. Quintrell (ed.), *The Maynard Lieutenancy Book, 1608-1639*, I (Chelmsford, 1993), pp.1-3.

2 *CSP, Domestic, 1603-1610*, pp.27, 502.

3 Bennett and Dewhurst, *Quarter Sessions Records*, p.54; Groombridge, *Council Minutes*, pp.xxxiv, 8; *VCH Chester*, III, p.50.

4 Sharpe, *op. cit.* (1982), p.201. In the 1630s, nearly a century after Henry Gee's attempted reforms of alehouse abuses, it came to light that St. Peter's Churchyard was still being used by people as a mere convenience for getting from the church to the houses of several people "who all of them keepte tipling houses." In Raymond Richards, *Old Cheshire Churches* (London, 1947), Appendix II, pp.388-89.

5 Clark, *English Alehouse*, pp.170-71.

6 *CSP, Domestic, Addenda, 1580-1625*, pp.612-13: On 25 May 1619 Sir Henry Bunbury and others lodged their report to the Privy Council. The alehouses and victualling houses of Wirral hundred showed hospitality to "men of all ranks, nobles and others...whom they could not restrain from their pleasures. The hundred is like an island, except the end next Chester, which is 14 miles broad, and passengers for Ireland sometimes wait a quarter of a year together for a wind...passengers are obliged to go to country houses, or to the neighbouring gentry."

7 Higgins, *County Government*, pp.13, 108; *VCH Chester*, II, pp.51-52; *APC 1577-8*, p.236.

## CHAPTER 5

### LEICESTER

Flee idleness and be wel occupied.<sup>1</sup>

To poore and to needie, to high and to low,  
Lord Hastings was friendly, all people doth know;  
His gates were still open the straunger to feede,  
And comfort the succourles alwaies in neede...

The naked he clothed with garments from cold,  
And frankely bestowed his siluer and gold,—  
His purse was still open in giuing the poore,  
That always came flocking to Huntingdon's doore...<sup>2</sup>

In the East Midlands town of Leicester on 22 March 1603, a rumour started in an alehouse claimed that Elizabeth I had died, two days before she actually did so.<sup>3</sup> For this reason the Privy Council wrote to Leicester's authorities on 25 March, urging them to be on guard "agaynst the pernycious designes of forrayne and Common enymyes of this wholl state and ageynst anye domesticall and inward trobells."<sup>4</sup> Elizabethan Leicester became a notorious haven for undesirable wayfarers and travellers, suspected papists and assorted down-and-outs from the Midlands and the northern shires. Leicester may have been a small town but the Privy Council felt that it was important enough to be used as a base for soldiers and supplies during the 1569 northern uprising. Troops were required to meet there "both on Horseback and on Foote", under the command of the Earl of Huntingdon, "welbeloved Counsellor."<sup>5</sup> In the course of Elizabeth's reign, the municipal corporation dealt with difficulties that it alone could not solve. The town endured outbreaks of plague and increasing poverty within and outside its walls. Its corporation attempted to counter these challenges by extending its authority.

To do so the town needed the assistance of institutions and people with power and influence to overcome these problems and yet not sacrifice its privileges and rights. It was "Henry, the third Earle...who was first able to convert his Stewardship of the Honour into a guardianship of a very practical sort."<sup>6</sup> Many aspects of the patronage of Leicester by the third

1 Motto of the Trinity Hospital, Leicester, 1579, in J.B. Firth, *Highways and Byways in Leicestershire* (London, 1926), p.20.

2 Excerpt from "The crie of the poore for the death of the right Honourable Earle of Huntingdon" (1596), in *Black-Letter Ballads and Broad-sides* (London, 1869), p.228.

3 Clark, *English Alehouse*, p.158.

4 *RBL 1603-1688*, p.1.

5 Haynes, *State Papers*, p.561; *CSP, Domestic, 1547-1580*, pp.348-49.

6 *RBL 1509-1603*, pp.xxi-xxii

earl and his successors have been the subject of discussion by Claire Cross and other writers. They discovered that the earls' activities went deeper than the level of mere official business; they were very much part of Leicestershire's traditions and social culture. The third earl and his successors' willingness to promote the spiritual well-being of Leicester reinforced their judicial, legal and administrative powers in the town.<sup>1</sup> The purpose here is to confine their influence to the area of poor relief and punishment of vagrants, themes which included the foundations for civic preaching and schemes to provide employment for the destitute and wilfully idle. When the issue of vagrancy took on critical proportions in Leicester during Elizabeth's later years, it was much more than an issue of local economic malaise. It became caught up in the issues of dynastic security, the war with Spain and ideological turmoil.

Being on a major route linking London to the north, Tudor Leicester was located in a shire once described by John Speed as "a Countrey Champion, abounding in corne...pit-coales...& with abundance of cattle."<sup>2</sup> Another writer in 1622 marvelled at the county's "exceeding rich ground, yielding great increase of corn in abundance of all kinds...and it affordeth many good and large sheep pastures breeding of sheep to (incomparable) height and goodness."<sup>3</sup> In medieval times Leicester was the centre of a flourishing cloth industry, which in spite of the invention of the fulling mill and the drift of the industry from towns to rural settings, remained viable well into the fifteenth century. Even in the first half of Elizabeth I's reign, 1 out of 12 freemen still worked in some capacity in textiles: weavers, dyers, shearmen and clothiers.<sup>4</sup> This did not disguise the problems that took their toll on the social fabric of the town. Symptoms of the town's woes had been consistently recorded over a long period of time. By the 1400s the decision to impose extra duties and levies on goods hastened the trend of urban depopulation and declining property values.<sup>5</sup>

One cannot ignore either the problems caused by geography. The River Soar, on which Leicester is situated, had no real capacity for handling large volumes of traffic and consequently much potential business and wealth passed to the town of Northampton.<sup>6</sup> The corporation and

1 Cross, *The Puritan Earl*, pp.118-25 and "The Third Earl of Huntingdon and Elizabethan Leicestershire, *TLAHS*, XXXVI (1960), pp.6-21; R.W. Greaves, "The Earl of Huntingdon and the Leicester Charter of 1684", *HLQ*, XV, 4 (August, 1952), pp.371-91; Catherine F. Patterson, "Leicester and Lord Huntingdon: Urban Patronage in Early Modern England", *Midland History*, XVIII (1991), pp.45-62.

2 *John Speed's England*, III, folios 57-58.

3 Quoted in Beresford, *Lost Villages*, p.243.

4 Hoskins, *op. cit.* (1955), p.59.

5 Bolton, *op. cit.*, pp.201-2, 249-50.

6 G.H. Martin, "The evolution of Leicester 1066-1835: Norman to Tudor", in N. Pye (ed.), *Leicester and its region* (Leicester, 1972), p.279.

more importantly its working people grew poorer. Badges were issued to the destitute in 1517 and the tax rolls of 1525, although including 2,100 people, omitted the c.900-1,000 too poor to be taxed. A third of Leicester's population, consisting of unemployed or under-employed journeymen and craftsmen, had a bare minimum of subsistence.<sup>1</sup> The almshouses of the Hospital of Holy Trinity in the Newark and the hospital, College and Church for the Annunciation of Our Lady were fourteenth century creations. They cared for a small number of aged, lunatic, idle and diseased people. In the awkward conditions of the 1500s, however, they could not handle larger numbers of destitute people. William Wigston, a merchant of the Staple of Calais, therefore founded the "New" or Wigston's Hospital in 1513, to distribute 2s. to the poor.<sup>2</sup> For most of the sixteenth century Leicester's population languished at c.3,000-3,500 and it lacked a solid manufacturing base. Even in its immediate region Leicester exerted little influence on the surrounding villages as an urban food market.<sup>3</sup>

From the time of the 1488-89 letters and patent and statute, the commoners were excluded from government, allowing mercantile interests to keep a secure hold on civic government. A century later the royal charters of Elizabeth I (1589 and 1599) recognised the corporation as constituting a mayor elected annually, 24 aldermen and 48 co-burgesses.<sup>4</sup> A relatively small group of merchants, including the powerful Wigston, Heyrick and Abney families, who owned 22% of all Leicester's taxable property in 1524, dominated the town. These prominent people created a close-knit group, forming virtual 'dynasties' in civic administration. The retention of order, stability, their positions as mayor and aldermen and the honour of their ancient borough town were their main concerns and so this 'closed' corporation actively participated in Leicester's business and poor relief projects.<sup>5</sup> William Wigston senior was an outstanding instance of this trend. He imposed his authority as mayor by virtue of the fact that he received from his predecessors the town seal and standard measures, documents and charters concerning the town's liberties, ordinance books and by 1551, copies of parliamentary

1 Derek Charman, "Wealth and Trade in Leicester in the Early Sixteenth Century", *TLAS*, XXV (1949), p.84.

2 Walter H. Godfrey, *The English Almshouse* (London, 1955), p.30; Nichols, *History and Antiquities*, I, Part 2, p.471; R.W. Greaves, "The Old Leicester Corporation and The Town Almshouses", *TLAS*, XXI, Part II (1940-41), pp.153, 164. The hospital's story does not end here. The redrafting of its statutes under the guidance of the third Earl of Huntingdon forms an important part in the later discussion of his influence and the changing perception of poverty and public policy towards its alleviation.

3 *VCH Leicester*, IV, p.76; W.G. Hoskins, "An Elizabethan Provincial Town: Leicester", in J.H. Plumb (ed.), *Studies in Social History* (London, 1955), p.47; W.G. Hoskins, *The Midland Peasant* (London, 1957), p.175.

4 *VCH Leicester*, IV, pp.56-57, 106-7; *RBL 1509-1603*, pp.247-52, 359-64.

5 Henry Hartopp, *Roll of the Mayors of the Borough and Lord Mayors of the City of Leicester 1209 to 1935* (Leicester, 1936). On the important Heyrick family, which originally came from Houghton, see John Harwood Hill, *The History of Market Harborough, With That Portion of the Hundred of Gartree, Leicestershire* (Leicester, 1875), pp.118-23.

acts.<sup>1</sup> Wealth was increasingly concentrated in fewer hands as the sixteenth century progressed. This accentuated the gulf between rich and poor in the town to the extent that Leicester's mercantile leaders doubled as landlords, leasing tenements to poor artisans and craftspeople.<sup>2</sup> As economic conditions worsened the gap between the working poor and beggars narrowed. For example, in the late 1590s one woman claimed that in order for her children and herself to survive she had no choice but to set up an alehouse. Later, in the reign of James I, Mary Taylor, an innkeeper, was "altogether unable and unfit to keep a common inn both in respect of her poor estate and smallness of house."<sup>3</sup>

Accompanying economic decline were clear signs of physical deterioration. One Henrician state paper attested to Leicester's increasing decay and Leland noted that the Bishop of Lincoln's palace and the castle were falling to ruin.<sup>4</sup> A petition to the Chancellor of the Duchy of Lancaster in 1540 complained that the greater part of High Cross Street had also fallen into ruin.<sup>5</sup> A draft letter to Elizabeth I in 1587 described the borough as "soe decayed, as the whole circuyte conteynethe onlye sixe paryshes and tenne wardes" and were not inhabited. Elizabeth owned 200 houses in Leicester but they lay "in greate ruyn and decaye scituate in the moste frequent streetes."<sup>6</sup> W.G. Hoskins points out that in the autumn of 1587 at least half of the c.600 houses in Leicester needed repairs. The cost of repairs became a local responsibility but the Crown retained a substantial yearly rent on its properties.<sup>7</sup> Expenditure, in the form of rising costs of mustering and furnishing soldiers, collecting parliamentary subsidies, poor relief and law suits concerning Leicester's charter (in particular its poor relief provisions) made commerce and cloth production almost secondary issues. Notwithstanding these problems, Leicester's physical decay and overall economic decline must not be overdrawn. In the sixteenth century although it may not have been thriving as it had been in the Middle Ages, the town was still a busy market centre.

Leicester experienced vagrancy as part of a wider and older regional dilemma, involving urban and rural communities throughout the Midlands. Inflation, population pressure and changing farming patterns encouraged a large part of the Midlands population to migrate. Migration to and within Leicestershire, in its villages and towns, had been considerable since

1 A.K.B. Evans, "The custody of Leicester's archives from 1273 to 1947", *TLAHS*, LXVI (1992), p.109; *RBL 1509-1603*, pp.66-67.

2 J.L. Bolton, *The Medieval English Economy 1150-1500* (London, 1980), pp.261, 284.

3 Clark, *English Alehouse*, pp.15, 82.

4 *L&P*, V, p.518; Smith, *The Itinerary of John Leland In Or About the Years 1535-1543*, I, pp.15, 17.

5 *RBL 1509-1603*, p.43.

6 *Ibid.*, pp.233-34.

7 Hoskins, *op. cit.* (1955), pp.51, 55.

the thirteenth century.<sup>1</sup> In the fourteenth century local officials instituted fines for the harbouring of outsiders.<sup>2</sup> In Hoskins' estimation nine Leicestershire families out of ten either died out or changed their abode. People were on the move and according to contemporary reports, migrants had two major destinations in mind: London and the Midlands towns. In the latter case poor migrants relocated from the countryside to find lodgings in Nottingham, Warwick, Stamford, Lincoln and Coventry, as well as Leicester.<sup>3</sup> A common pattern developed in these towns insofar as the incoming poorer migrants tended to settle either in the danger-ridden suburbs beyond the town walls, or in the side streets and backlanes within the walled areas.<sup>4</sup> In Leicester, specifically, poorer migrants converged onto the suburbs of St. Margaret's parish, and in the South Gate and along Belgrave Gate. Not surprisingly, these were the parishes where unlicensed, disorderly and often illegal alehouses were irresistible to the vagrant.<sup>5</sup> Henry VII thanked Leicester's leaders in 1486 for their diligence in punishing rogues and vagabonds, and the town's 1506 charter contained a Latin reference to the arrest of "mendicantibus, et vagabundis."<sup>6</sup> Between 1517-21 Cardinal Wolsey and Henry VIII kept the mayor and brethren busy in maintaining order, keeping nightly watches, preventing riots and apprehending vagrants in the borough.<sup>7</sup> Municipal ordinances banned strangers and locals from playing unlawful games - "dyce, haserdyng, tenes, bowlys, pykking with arowes, coytyng with horsshon, penpryk, foteball, ne cheker in the myre."<sup>8</sup> Parish constables presented aliens and strangers for punishment in 1522, and during the 1530s the mayor had to use all his magisterial authority in "setting the watch" and suppressing any disturbances of the peace.<sup>9</sup>

Before, during and after Elizabeth's reign the flow of migrants criss-crossing the Midlands created many problems for local constabularies. Parish officials had to sort out 'respectable' migrants from the itinerant ones, a job which must have involved a large degree of ruthless decision making. On one hand constables could distinguish between the moving of the Halliday family from Leicestershire into Rutland in the 1560s to pursue its stonemasonry

1 W.G. Hoskins, *Leicestershire Yeoman Families and Their Pedigrees* (Leicester, 1947), p.40.

2 David Postles, "The pattern of rural migration in a Midlands county: Leicestershire, c. 1270-1350", *Continuity and Change*, 7, Part 2 (August, 1992), p.153.

3 Beier, *op. cit.* (1981), pp.54, 57; Beier, *Masterless Men*, p.46; Peter Spufford, "Population Mobility in Pre-Industrial England. Part 1: The Pattern of Migration", *Genealogists' Magazine*, 17, 8 (December, 1973), pp.425-26; Slack, *Poverty & Policy*, p.67.

4 W.G. Hoskins, *Provincial England: Essays in Social and Economic History* (London, 1963), p.85.

5 Clark and Slack, *Crisis and Order*, p.18; Clark and Slack, *English Towns*, p.95; *RBL 1590-1603*, pp.330-31; Alice Clark, *Working Life of Women in the Seventeenth Century* (London, 1919), p.223.

6 Aydelotte, *Elizabethan Rogues and Vagabonds*, p.60; Nichols, *History and Antiquity*, I, Part 2, pp.385, 390.

7 Slack, *Poverty & Policy*, p.116; *RBL 1509-1603*, p.14.

8 Stephenson and Marcham, *op. cit.*, p.293.

9 William Kelly, "The Great Mace, and Other Corporation Insignia of the Borough of Leicester", *TRHS*, III (1874), p.299.

trade<sup>1</sup>, and people such as the vagrant, counterfeit crank and imposter Nicholas Jennings, born and bred in Leicester. Jennings, who moved south to London and begged in the city of London using various disguises, was the inspiration for Thomas Harman's *Caueat*.<sup>2</sup> On the other hand such distinctions were blurred by a mass of poor migrants - a mixed bag of indistinguishable soldiers, gypsies, poor travellers and foreigners. Many times constables exhorted pregnant and husbandless women and 'Egyptians' to leave their communities and become other people's burdens. One constable feared a woman "soe greete with child that I was feereful she would have cryed out before I should have bee(n) shutt of hir."<sup>3</sup> Ultimately, Leicester was burdened with such people. Despite passing ordinances in November 1566 and in February 1575 against the housing of such foreigners within Leicester<sup>4</sup>, several incidents reveal how ineffective they were. In October 1575 William Fleetwood wrote to Burghley concerning a suspicious man in London who "stolle an Orphant of the Citie of 11 yeres olde, and married her in Leicester, he being 30 yeres olde."<sup>5</sup> Poor Catherine Boland was shunted back and forth between Leicester and a Northamptonshire parish between December 1582 and February 1583 while officials debated her place of birth.<sup>6</sup> Three Hungarian-born vagrants were in Leicester in 1590-91 and in 1614 12d. was paid "to the Burne-man for his horse and Carte, to cart a Knaue and a Queyne, which came from Coventrie."<sup>7</sup>

The problems of unemployment, destitution and the resulting anti-Tudor agitation were aggravated by the Dissolution of Leicester Abbey, the friaries and the religious guilds between 1538-48, and in the long term by enclosures. Previously, the Abbey opened its gates to kings and beggars alike and to wayfarers of all degrees. It fed the poor, administered to the sick and taught the young, but now all this was finished. John Bouchier, the last abbot of Leicester, wrote to Thomas Cromwell in 1534 that with the abbey's suppression imminent, he would be hard-pressed to make satisfactory arrangements for his staff: "I must pay wages to 200 persons in my house, and find them meat and drink."<sup>8</sup> However, it cannot be assumed that the priests, friars and their dependents automatically became prone to vagrancy. True, they were now out of

1 B.G. Hayes-Halliday, "A Family of Rutland Stonemasons", *Rutland Record*, 6 (1986), p.202.

2 The story of his eventual arrest is outlined in Sheila Ahern, "The apprehension of Nicholas Jennings: a study of an Elizabethan conman", *Parergon*, New Ser., 11, 2 (December, 1993), pp.17-25.

3 Joan R. Kent, "Population Mobility and Alms: Poor Migrants in the Midlands During the Early Seventeenth Century", *Local Population Studies*, 27 (Autumn, 1981), pp.35-37.

4 *RBL 1509-1603*, pp.118, 156-57.

5 HMC, *Marquis of Salisbury*, Part II, p.117.

6 Beier, *Masterless Men*, p.114.

7 *RBL 1509-1603*, p.274; William Andrews (ed.), *Bygone Leicestershire* (Wakefield, Yorks., repr. 1969), p.167.

8 *L&P*, VII, p.228.



work: 21 friars, 35 priests and 19 canons, not to mention the chantry priests and employees in the minor hospitals.<sup>1</sup> Yet Francis Cave wrote to Cromwell in 1538 stating that "thabbott, conventt, and servanttes of the sayde monastery...haith beyne payde...cxlixli."<sup>2</sup> This may simply confirm that most ex-religious persons received pensions and were absorbed by the new secular owners, but we know nothing of the pension's true worth or the promptness with which it was paid. As well, the actual number of people who relied on monastic and chantry contributions for poor relief in Leicester swelled to some 500 people. Between 1538-1550 they had to find work or a new source of alms, a task made more difficult by three events. Firstly, the corporation decided to close St. John's Hospital in 1548 and did not restore it until 1589. Secondly, the payments of pensions to some ex-religious staff in the reigns of Edward and Mary were unaccountably interrupted. Henry Hylton, to name only one, was "onpaid by the space of twoo yeres."<sup>3</sup> Thirdly, and in part a result of the second point, some priests - "seditious prests and yvill peple set forth to seke restitucons" - were tainted with the suspicion of having personally led or inspired the enclosure revolts.<sup>4</sup>

Notwithstanding the general claim that enclosures were done by consent between landlord and tenant<sup>5</sup>, the local experience was a dramatic and traumatic one. Leicestershire was in the heartland of open-field farming, wherein 95% of the land was being cultivated, little waste land existed except in Charnwood Forest, and only 10% of its total acreage had been converted from arable to pasture.<sup>6</sup> The Black Death ushered in a long period of change whereby village desertions, especially in the eastern half of the county and in the vicinity of Leicester, and the large-scale conversion of arable lands to sheep or cattle pasturing, became the norm. It is possible that the conversion was forced on landowners because firstly, large tracts of open fields could not be maintained by a reduced labour force, and secondly, due to the character of villages in fielden country.<sup>7</sup> Enclosures continued regardless of parliamentary statutes and the findings of Cardinal Wolsey's commission of 1517-18.<sup>8</sup> Leicester Abbey, Selby Abbey and Breedon Priory were notorious depopulators in the first twenty five years of Tudor rule, in which time one third of the 31,000 acres subject to enclosure in Leicestershire between 1485-

1 T. Fielding Johnson, *Glimpses of Ancient Leicester, in Six Periods*, 2nd ed. (Leicester, 1906), pp.156-57.

2 Wright, *Three Chapters of Letters*, pp.163-64. For payments to the "late abbott and 12 monks of the late Leicester monastery" in 1551, see *CSP, Domestic, 1601-1603; With Addenda 1547-1565*, p.409.

3 Dickens, "The Edwardian Arrears in Augmentations Payments and the Problem of the Ex-Religious", p.394.

4 Scarisbrick, *The Reformation*, p.115; Nichols, *History and Antiquities*, II, Part 1, p.78; IV, Part 2, p.685.

5 *AHEW*, p. 254; Michael Reed, "Pre-Parliamentary Enclosure in the East Midlands, 1550-1750, and its Impact on the Landscape", *Landscape History*, 3 (1981), p.59; R. Millward, "Leicestershire 1100-1800", in Pye, *op. cit.*, p.251.

6 W.G.Hoskins, *The Age of Plunder: King Henry's England 1500-1547* (London, 1976), p.69.

7 Millward, *op. cit.*, pp.243-46; *AHEW*, p.92.

8 I.S. Leadam (ed.), *The Domesday of Inclosures 1517-1518*, I (London, 1897), pp.6-14.

1607, was hedged in.<sup>1</sup> Evicted tenants had reportedly "departed in tears"; in the autumn of 1496 Sir Robert Brudenell evicted 30 people from Holyoak on the Leicestershire-Rutland border and according to one report those that "have departed thence are either idle or have perished." Actions like this created a class of evicted tenants who made up the bulk of Leicester's vagrant poor. Moreover, the squirearchy and the nobility who were responsible for most enclosures got away with it, firstly by packing juries who underestimated the amount of land converted and secondly, having the ear of sympathetic justices of the peace who shared the same interests and ambitions.<sup>2</sup> Hoskins writes of Leicestershire's mid-sixteenth century enclosers that:

...countrymen of Leicestershire, a small county in which everybody of some social position knew everybody else, and in which there was a great deal of intermarriage, were not slow to learn from each other the new way of doubling their incomes by turning their estates into sheep and cattle pastures, and driving away their tenants from the one-time arable fields.<sup>3</sup>

The result was unemployment accompanied by forced migration of poorer husbandmen and labourers.

Enclosure-aggravated disturbances erupted in Leicestershire and Rutlandshire in 1549-52, propelled, according to the Edwardian Privy Council, by "a stir of divers confederators" and "tumultous assemblies of lewd persons."<sup>4</sup> The reality was more like that of a servant of Henry, duke of Suffolk. This servant, who stood to lose everything at the manorial property of Beaumanor in 1552, had "many children, a great familie, and no other relief but only these milles."<sup>5</sup> A Privy Council letter to the Earl of Huntingdon and the Commissioners of Oyer and Terminer in October 1556 summed up the full impact of enclosure on the wage-earning class. The local authorities were commanded to investigate why "dyverse husbandmen within that countie of Leicestre have put out of service many of thier hired servantes,...who they be and for what cause they have so doone...compell thier maisters to take them agayne, and to take ordre that none from hensfurth put awaye his servaunt untill he have declared causes."<sup>6</sup>

Thus the Edwardian and Marian Privy Councils made their presence felt in Leicester. In Mary's reign religious conformity and vagrancy were practically intertwined. Her Privy Council demanded the mayor of Leicester to appear before it "and to bring with him, under his safe Custodie, the Vicar of St. Marten's there."<sup>7</sup> As in Chester, the mid-1550s was a time when

1 Beresford, *Lost Villages*, pp.192, 207; John Pound, *Poverty and Vagrancy in Tudor England* (London, 1971), p.11.

2 Hoskins, *op. cit* (1976), pp.69-72; *CSP, Domestic, 1603-1610*, p.33.

3 Quoted in Beresford, *Lost Villages*, p.195.

4 Lodge, *Illustrations*, I, p.163; HMC, *Marquis of Salisbury*, Part I, p.92.

5 Nichols, *History and Antiquities*, III, Part 1, p.144.

6 *APC 1556-8*, p.9.

7 Haynes, *State Papers*, p.178.

anti-vagrancy legislation was for the most part punitive and geared towards the punishment of offenders. On the night of 17 November 1553 a man was killed in the town following a drunken brawl and this led to a curfew being imposed. Alehouse keepers had to report to the alderman of their respective wards the names and dwelling places of strangers found in their establishments. If it was found that any person from Leicester:

cut down or carry wood out of the New Park, Abbey Park, Stocking and Ashe close, or any other wood of the Queen's or any other persons about the town, not being bought, on pain to be punished by the justices of the shire where he shall be taken, and sent to the town to be likewise punished at the mayor and justices' pleasure, and to be ordered as vagabonds, and banished the town for ever.<sup>1</sup>

The concept of vagrancy encompassed not just those people who were deemed to be idle and refusing to work according to the laws of the land. Depending on the circumstances, such as above, it could include people who *were* employed but involved in activities that marked them as being bothersome to the representatives of law and order.

Leicester's council obeyed the decrees of the government but at the same time it took more positive steps to alleviate begging and vagrancy. It put forward a variety of schemes to increase employment, including the making of "kerseys" and empowering the town chamberlains to hire men to work in repairing and ditching the "Cowhey." The latter attempt involved "every man having any cattel goyng or pasturyng within the Cowhey shal fynde yerly, when nede shal requyre, a man to worke a day's worke about the same for the fencyng and safe kepenyng of the same pasture."<sup>2</sup> St. Martin's Church provided temporary employment for "two poor women" for cleaning the furnishings and Robert Croste "for a day's work at the storehouse."<sup>3</sup> These efforts did not sustain work for very long. Indeed they may not have been devised with this in mind. Though unskilled labourers, itinerant craftsmen and journeymen had no prospects of long-term employment in Leicester, they provided its leaders, hard-headed businessmen as well as administrators, with a supply of cheap, unregulated and expendable labour. Not only did unemployment cause problems, so too did underemployment, because it perpetuated gild restrictionism; the prohibition on outside traders and workers discouraged them from earning their livings in Leicester on a regular basis.<sup>4</sup>

1 Nichols, *History and Antiquities*, I, Part 2, p.394; *RBL 1509-1603*, pp.75-76.

2 Johnson, *op. cit.*, p.165; Nichols, *History and Antiquities*, I, Part 2, pp.393-94.

3 Nichols, *History and Antiquities*, I, Part 2, p.569.

4 Charman, *op. cit.*, pp.84-85; Clark and Slack, *English Towns*, p.108.

At the beginning of Elizabeth's reign the major impression one has of Leicester is that of a town with serious socio-economic problems. It was failing to provide adequate work or relief for the incoming husbandmen and labourers who were forced off the land. The story of the Elizabethan Privy Council's work in stamping out vagrancy in Leicester began with ensuring that the corporation's officers and the county magistrates implemented the provisions of 5 Edward VI, c.25. The Statute of Artificers was the other important instrument in the Privy Council's attempt to stamp out vagrancy in and around Leicester. The town government and county justices of the peace, under the aegis of the Earl of Huntingdon, had to cooperate in ensuring that journeymen and servants were issued proper passports if they wished to leave their masters under license.<sup>1</sup> On the strength of the evidence found, the Privy Council's punishment of vagabonds and the promotion of poor relief in Leicester were relegated to certain individuals: Henry Hastings third Earl of Huntingdon; to a lesser extent his brothers George Hastings fourth Earl of Huntingdon and Sir Edward Hastings; the mayors of Leicester and the municipal magistrates with whom they worked and in some cases, fought. This is not to suggest that the municipality's contribution was insignificant. In 1568 the authorities instituted a comprehensive poor relief scheme - "An Act for the vniuersall Relaffe of the poore & Impotent people Inhabitinge within the towne of Leicester" - on the lines of those in operation in other towns. It set out compulsory rates for poor relief, invested in public works schemes to train and isolate the idle and destitute and encouraged magistrates to punish 'morality' problems associated with poverty - vagrancy, drunkenness, idleness, bastardy, fornication and profanity.<sup>2</sup> Unfortunately, the proliferation of ale and tipping houses could not be suppressed by municipal bylaws alone. And their failure to do so inevitably caught the attention of Leicester's patrons and in particular the third Earl of Huntingdon.

Before moving on to discuss the courses of action taken by the Earl of Huntingdon against vagrants and the idle poor, it is necessary to explain exactly what he was up against in regard to alehouses. Their survival and profitability stemmed from the fact that brewing and malting were key and profitable occupations in Leicester. Throughout the Midlands in fact, the weather and soil were very conducive to producing great quantities of good quality barley.<sup>3</sup>

<sup>1</sup> *VCH Leicester*, IV, p.105.

<sup>2</sup> The act is fully reprinted in William Kelly, *Notices Illustrative of the Drama, and Other Popular Amusements, Chiefly in the Sixteenth and Seventeenth Centuries...of the Borough of Leicester* (London, 1865), pp.197-99. See: *RBL 1509-1603*, pp.121-23; John Cordy Jeaffreson, "The Manuscripts Belonging to the Corporation of the Borough of Leicester", HMC, *Eighth Report*, p.427a; and Nichols, *History and Antiquities*, I, Part 2, p.397.

<sup>3</sup> Marianne G. Briscoe, "Deserts of Desire: Reading Across the Midlands", *Fifteenth-Century Studies*, 13 (1988), p.268.

Maltsters may have been suspected in Leicester because they often faced charges of hoarding barley and not bringing it to market to be sold to the people. This did not, however, apply to freemen of the town, normally innholders who were 'full-blown brewers' but had a special license to ply their trade for travellers, not locals. This equivocation was noted in the borough records (1585): "from henceforthe, no kilnes bee newe erected, buylded or made, within the towne of Leicester, nor subbarbes thereof, without the consent of the Mayor, Recorder and Aldermen...for the tyme beinge."<sup>1</sup> Provisions for malting kilns were contained in the 1589 charter. The existence of c.160 alehouses in the town in 1615 gave maltsters a ready and more profitable market than that of ordinary supplying and victualling at the behest of the authorities.<sup>2</sup>

Leicester's geographical setting made it an ideal 'half-way point' for many upland dwellers from Yorkshire, Lancashire, Westmorland and Cumberland who travelled to the south and south-east lowlands in search of work. Having left behind them a network of kinfolk and extra-familial support, they found that Leicester's alehouses were places where information on jobs, shelter, food supplies, alms-giving, or more shadier opportunities for advancement could be gathered. It is no coincidence that Leicester's alehouses entertained travellers during the economic slumps of the 1550s, 1590s and early 1620s. Secondly, many local workers - tailors, wood mongers, coal mongers, blacksmiths, metal workers, tanners and carpenters - had long resorted to brewing and selling ale and beer to supplement their incomes. The 1577 certificate sent to the Privy Council indicated that the owners of inns, alehouses were very poor and of mean abilities.<sup>3</sup> They had no qualms in encouraging strangers, in contravention of the November 1563 bylaw preventing innkeepers from keeping strangers at their inns for more than three days, to resort to their establishments, often their own houses.<sup>4</sup> There are countless references to nefarious activities in tipping houses: vagrants are housed and entertained; local paupers waste what cash they have; foreign workers and merchants do business in them instead

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1 *RBL 1509-1603*, p.216; Nichols, *History and Antiquities*, I, Part 2, p.404.

2 *VCH Leicester*, IV, pp.57, 95.

3 *CSP, Domestic, 1547-1580*, p.565.

4 Nichols, *History and Antiquities*, I, Part 2, p.396. It was hard to retain some consistency in the by-laws when they were being constantly changed. In 1578 the Leicester authorities decided that it was possible for people to stay in alehouses for an hour but not "in the time of sermons, that is between eight and eleven in the morning, or at any time of service or lesson." A curfew system came into being in 1583 marking nine o'clock as closing time but in 1598 the town reverted to the old rule; alesellers were banned from serving drinks to all and sundry and instead to certain persons on ill-defined business purposes. The corporation undermined its own efforts in battling this aspect of vagrancy by its conservative regulation of industry and attention to rules. The mayor and two JPs controlled all the occupations, whether they were companies or amalgamations of various crafts, and the apprenticeships that went with them. Because they denied craftsmen the freedom of the borough or guild membership on account of their desperate poverty, the tailors for one had no choice but to set up as brewers in the suburbs. The end result, despite the nominal control justices had in administering alehouse licenses at the quarter sessions, was the reverse of what was intended. For the above see *RBL 1509-1603*, pp.100, 153-54, 236, 238-39, 358, 383.

of in the market place; and brawling, rumour-mongering, seditious comments and robbery are rife.<sup>1</sup>

In 1569, the third Earl of Huntingdon, whose principle residence lay some 20 miles from Leicester at Ashby-de-la-Zouch, purchased a town house in Leicester's main street, the Swinesmarket. From here he could watch the town closely, its government and the inhabitants. Before this time his influence on the town manifested itself in his capacity as administrator of the duchy of Lancaster's property in Leicester in 1557.<sup>2</sup> Then, more directly, he was the originator of the 'godly' ordinances passed by the corporation in February 1562, compelling a person from every household in Leicester to listen to a sermon each Wednesday and Saturday from seven to eight o'clock.<sup>3</sup> All the victualling houses were ordered to shut on Sabbath days and holy days. Two people from each parish were appointed to collect donations for the poor and 'foreign' apprentices had to pay 20s. for the privilege of working in the town. Towards the end of 1562 Henry Hastings demanded greater discipline and vigilance in the tipping and alehouses. Realistically, it was impossible to control them absolutely but it was expected that any owner who had strangers stay in a said establishment for more than three days would notify the mayor or aldermen of his/her particular ward, "unless he knows from whence he comes."<sup>4</sup>

Wigston Hospital became an integral part of the earl's plan to make Leicester a truly Protestant town. Indeed, its reformation stands as a microcosm of what the earl intended for Leicester generally. In the mid-1570s this institution did not as yet conform to the Puritan tenets of the town. Wigston Hospital was suspected of concealing traces of Catholicism and indiscriminately relieving native poor and strangers. Huntingdon, more than the corporation it seems, made it his prerogative to root out any trace of Catholicism in the hospital, reform its statutes and apply a far more rigorous approach to poor relief, "for the good and diligent instruction of the inhabitants of the town and county of Leicester in the true knowledge of God and the Christian religion."<sup>5</sup> Sir Ralph Sadler assisted Huntingdon in reorganising Wigston Hospital, especially in finding the "defect" of bearing names of Saints or other superstitious titles. The poor almspeople in Wigston Hospital, numbering 12 men and 12 women at a time, had to be inhabitants of Leicester or who lived on lands belonging to the hospital. They had to

1 *RBL 1509-1603*, pp.101, 108-9, 162, 174, 181, 208, 233-34, 330-31, 438-39; *RBL 1603-1688*, pp.86, 95, 160, 259; Nichols, *History and Antiquities*, I, Part 2, p.417.

2 W.G. Hoskins, *op. cit.* (1955), p.52; G.H. Martin, *op. cit.*, p.278.

3 *RBL 1509-1603*, p.101; Doran and Durstan, *op. cit.*, p.86.

4 Nichols, *History and Antiquities*, I, Part 2, p.396.

5 Cross, *The Puritan Earl*, pp.124-25.

be genuinely deserving poor "as is either very aged, decrepid, blind, lame, or maimed, or that wanteth natural wit." On no account did Huntingdon and the master of Wigston Hospital, Thomas Sampson (a harsh Calvinist) permit persons "which hath of himself or herself whereon to live." Discipline and punishment were the key features of Wigston Hospital. If any of the lodgers were caught outside the premises indulging in cursing, profanity, drunkenness, adultery, fornication, stealing, begging, gaming and spreading gossip, they were permanently banished from Wigston Hospital on a third offence. Eventually the hospital's statutes and ordinances were confirmed by a parliamentary act in 1584.<sup>1</sup>

What the institution of Puritan lectureships and the reorganisation of Wigston Hospital did was to set the ideological climate for how Leicester's authorities perceived the problems of idleness and masterlessness, and ultimately treated and cured them. Huntingdon's strategy made the Privy Council's general security measures that much more easier to be accepted and enforced in Leicestershire as a whole. A provost marshal was already in action in the county in December 1569<sup>2</sup> but the searches for rogues and vagabonds in mid-1571 really established the Privy Council's power in the region. A systematic sweep of the county, headed by the JPs George and Francis Hastings, netted many "rogues and vacaboundes", including an allegedly troublesome fellow named Thomas Bassett in the hundred of Sparkenhoe at Burbach.<sup>3</sup> In 1572, with the northern and Norwich uprisings still fresh in the minds of legislators, Leicester felt the brunt of sweeping poor relief legislation which confirmed prejudices against the poorer sort, expanding the definition of vagrants to include all people found loitering and refusing to work for the standard wages and conditions. The whipping and branding provisions of 14 Eliz. I, c.5 were administered on several occasions. The accounts of Leicester's Chamberlain between 1570-75 record many references of payments to "Richardson the burneman" for whipping rogues and vagabonds at the tail of his cart in the town.<sup>4</sup> In late November 1573 the Privy Council told the Sheriff of Leicester to send it for examination one Edmund Tournour, "undersuer guide."<sup>5</sup> On August 3 1575 the Privy Council advised the Sheriff of Derbyshire to arrest one "Separ" who "lurketh in that shiere", and return him to Leicester gaol.<sup>6</sup>

1 Nichols, *History and Antiquities*, I, Part 2, pp.476-96; A. Hamilton Thompson, *A Calendar of Charters and Other Documents Belonging to the Hospital of William Wyggeston at Leicester* (Leicester, 1933), pp.54-83.

2 CSP, *Domestic*, 1547-1580, p.350.

3 State Papers Domestic 12/LXXXI, folio 46.

4 *RBL 1509-1603*, pp.133, 137, 160-61. The enforcement of 14 Eliz. I, c.5 did not slacken. Under its provisions, two harlots were carted about the town in 1586, 6d. was paid for the punishment of a lame cripple in 1591, and William Sheene received 2d. for the "correction of Roages" in 1605. In Andrew, *op. cit.*, pp.167, 173-74.

5 *APC 1571-5*, p.147.

6 *APC 1575-7*, p.12.

Huntingdon recognised that by themselves these measures could not solve Leicester's employment problems. Worthwhile and long lasting employment schemes had to be encouraged and in this respect Huntingdon anticipated the Acts of 1572 and 1576. In 1571 Huntingdon and the Leicester authorities agreed to set the able-bodied poor to work by getting a clothier, Thomas Bradgate of Gloucester, to live in the town. The proposed manufacture of kerseys got underway in 1573 and was followed quickly by the earl's scheme to sell coals cheaply to the poor (1574). Henry Hastings donated £42 to the corporation to be spent at a rate of £6 a year for seven years. Leicester was in fact the only town to provide continual provisions of coal for its poor.<sup>1</sup> Spurred on by Huntingdon's vision, the mayor decreed in March 1576 that every inhabitant of the town and its liberties had to employ, for one day's work, at least one person for the purposes of gathering stones, digging and carrying sand, and repairing pavements.<sup>2</sup>

Huntingdon invested much of his own time and wealth into public work schemes such as weaving, baize-making, spinning, knitting, capmaking and bonelace weaving, and selling coal to the poor. Unfortunately for him and for Leicester the sale of coal to the poor was the only consistently successful aspect of the plan. The Bradgate project's failure did not faze Huntingdon, judging by his efforts to get clothiers to work in Leicester in 1584 and 1592.<sup>3</sup> How then, is the failure to be explained and what repercussions did it have for the prolongation of idleness, vagrancy and disorder in Leicester? After the middle of the sixteenth century, cattle took over from sheep as the basis of Leicester's economy. Excellent in quality though Leicestershire wool was, merchants preferred to move it directly to the cloth-manufacturing districts for immediate export to the Low Countries and Calais. There was no longer a need for it to be collected in Leicester. Butchers, glovers and tanners steadily dominated the number of admissions to the freedom of the town, while the admissions of mercers and merchants declined.<sup>4</sup> To emphasise the point about the failure of job creation schemes in Leicester, an Irishman from Dublin, John Frith, twice petitioned the town council to grant him permission to settle as a freeman clothier. The fact that he did not settle was due to "not suffycyent water abought the sayd towne, ether for mackynge collors, or bleching of lynane, wheareby your suppliant shall be dryven to provyd some other place fyt for y<sup>at</sup> porposse."<sup>5</sup>

1 Nichols, *History and Antiquities*, I, Part 2, pp.398-400; *RBL 1509-1603*, pp.160, 414; *RBL 1603-1688*, p.2.

2 Nichols, *History and Antiquities*, I, Part 2, p.400.

3 *Ibid.*, p.406; Cross, "The Third Earl of Huntingdon and Elizabethan Leicestershire", pp.15-16; *RBL 1505-1603*, pp.200, 202, 238, 278, 280, 282-83; Jeaffreson, "The Manuscripts Belonging to the Corporation of the Borough of Leicester", HMC, *Eighth Report*, p.430b.

4 Hoskins, *op. cit.* (1955), p.59; *RBL 1509-1603*, p.260.

5 *RBL 1509-1603*, pp.417-18.



The establishment of a house of correction also summed up the realisation (if not publicly admitted) that the goods which were made by its inmates would never find local markets. This was as good as admitted by a county JP who informed the mayor of Leicester "that there is an intention in myself and the rest of the Justices to erect a house of correction according to the law", with the proviso that the Bridewell (with the accompanying problems) be established in the town.<sup>1</sup> Originally part of the property of Leicester Abbey, and come into the ownership of the Hastings family, the local Bridewell was set up "for the better encouragement of the poor folk there."<sup>2</sup> The bill for the erecting of "an hospital in Lester and assurance of certeyne lands to the same" was passed in Parliament on 3 March 1576.<sup>3</sup> It was difficult for Leicester's poor to find work or to have it allocated to them. Then again begging, the authorities' reactions to it and the attractions of Leicester's alehouses had never really changed or gone away.

Musicians, actors, minstrels and bear baiters, licensed or not, frequented Leicestershire by early Stuart times. There is a 1628 reference to the wholly legitimate presence in Leicester of "Knight and his Companie, being Players" and "Mr Kite, a playe & his Companie."<sup>4</sup> On the other hand, Gabriel Chilway, a tailor from Stathorne, in the county, was indicted at the Nottingham county court in 1618 for luring servants and children from their parents and masters "to follow...a stage player."<sup>5</sup> Unlike Chester and York, where entertainers were more intimately bound up with those cities' culture, Leicester had a decidedly more Puritan regime and was not so accommodating. The first "proper theatre" at Leicester, in fact, was only built in 1750.<sup>6</sup> Leicester never came close to Chester in terms of a history of religiously and culturally inspired entertainment, yet it was a recognised part of the routes along which players moved about.<sup>7</sup> "[T]he most lucrative routes lay southeast along the coast of Kent into Sussex to Southampton where good roads led to the west, or north of London along the Old North Road to York, over to Leicester and the well-travelled western route to Bristol, or into the flat counties of East Anglia."<sup>8</sup> Eight pence had been paid by the authorities at Canterbury as a

1 James Henry Thomas, *Town Government in the Sixteenth Century* (London, 1933), p.132.

2 Nichols, *History and Antiquities*, I, Part 2, p.266, n.3.

3 Hartley, *Proceedings*, p.486.

4 J.G. Riewald, "Some Later Elizabethan and Early Stuart Actors and Musicians", *English Studies*, 39 (1958), p.37; *RBL 1603-1688*, p.248.

5 H. Hampton Copnall, *Nottinghamshire County Records* (Nottingham, 1915), p.113.

6 Richard Leacroft, *The Theatre Royal, Leicester 1836-1958* (Leicester, 1958), p.3.

7 Alice B. Hamilton, "Leicester Notes", *REED Newsletter*, 1 (1979), pp.17-19.

8 Sally-Beth Maclean, "Players on Tour: New Evidence From Records of Early English Drama", in *The Elizabethan Theatre*, X (1988), p.70.

"reward to the mynstrelle of leyceter" in 1543-44.<sup>1</sup> Players were received in Leicester in 1555 and 1559. Then in 1566, as Leicester's economic slide set in and its government became more Puritan in character, officials were no longer so keen to pay bands of players out of its coffers and looked upon players as an incitement to further disorder.

Leicester's administration did not conduct an outright persecution of all travelling entertainers to the town. Players from Coventry visited Leicester and played without hindrance in 1569 and 1571<sup>2</sup>, and these were years in which the Privy Council-inspired whipping campaigns were sustained. Leicester corporation permitted credentialled players to perform but restricted them to the town hall or specified private houses. The previously tolerated "players, musicians, jesters, noblemen's bearwards and such like", who visited the town needed the express permission from the mayor or legitimate licenses to entertain within the town's walls.<sup>3</sup> Public places and thoroughfares were off limits because they led to alehouses and distracted the local poor from seeking work and obeying the rules regarding licensed begging. Thus:

before this time the town stock hath been and is much decayed by reason of giving, carrying, and bestowing of great gifts...to others that have sundry times resorted to the said town of Leicester, and also at the banquets of venison, or gifts and rewards given to players, musicians, jesters, noblemen's bearwards, and such like charges; and is like daily to be more and more to be decayed, except reformation thereof be speedily had; therefore it is enacted, ....that from and after the said day there shall be no such great allowance paid, delivered, or allowed out of the town stock for any such expenses that shall happen...

The mayor and aldermen had to give their consent to what was going to be performed.<sup>4</sup> Leicester dutifully followed the law established by the Privy Council in November 1581 to present players' performances only to the mayor and brethren, and to restrict even further rewards given to entertainers and acting companies.<sup>5</sup> In the case of performances when a registered company was refused the right to use the town or gild hall, Leicester's authorities placated its members by paying them a 'reward', as in 1586 when the Earl of Essex's group were paid 20 shillings not there.<sup>6</sup>

The most outstanding controversy in relation to players' activities happened in March 1583 between the town council and the company sponsored by the Earl of Worcester, which included certain players of the Queen's Master of the Revels, Edward Tylney. As in Chester,

1 Giles E. Dawson (ed.), "Records of Plays and Players in Kent 1450-1642", The Malone Society, *Collections*, VII (Oxford, 1965), p.11.

2 *REED: Coventry*, p.578.

3 Nichols, *History and Antiquities*, I, Part 2, p.397

4 Thaler, "The Travelling Players in Shakespeare's England", pp.494-95; John Tucker, Murray, "English Dramatic Companies in the Towns Outside of London, 1550-1600", *Modern Philology*, 2 (1904-5), pp.553-54.

5 *Ibid.*, p.554; J.O. Halliwell, "Dispute between the Earl of Worcester's players and the Corporation of Leicester in 1586: from the records of that City", in *The Shakespeare Society's Papers*, IV (London, 1849), p.145.

6 Murray, "English Dramatic Companies in the Towns Outside of London, 1550-1600", p.549.

the system of licensing companies did not prevent unruly behaviour by bands of players. On 3 March Tylney's men received permission to play provided they did not incite acts which would justify interference from justices of the peace, the mayor, bailiffs and constables, etc.<sup>1</sup> Three days later Worcester's players, ten in number, arrived in Leicester with a license dated 14 January 1583, granting them the right to go abroad and provide entertainment in the houses of "several precincts and corporations."<sup>2</sup> They came before the mayor at the town hall and claimed that Tykney's men were not lawfully licensed to play. The Worcester company claimed that "they forgot their box [containing the licenses to play] at the Inn in Leicester, and so [Tylney's] men got it", a charge which was hotly denied.<sup>3</sup> However, the mayor still denied the Earl of Worcester's players' request to play at an inn. When he tried to appease them by paying for their dinner and asking them not to play presently because it was inconvenient, they held the mayor in contempt by proceeding through the town playing their drums and trumpets. The mayor subsequently threatened to write to their patron over the ridiculing of his authority and the embarrassment caused him, for which Worcester's players craved the mayor's pardon. Only upon their submission did Worcester's players get permission to play at the inn, provided they promised "that upon the stage, in the beginning of their play, to show the hearers that they are licensed to play by Mr. Mayor and his good will, and that they are sorry for the words past."<sup>4</sup>

Political circumstances influenced magistrates' opposition to the performing of plays and other entertainments, even those undertaken by troupes belonging to important and influential noble patrons. The Earl of Huntingdon was not the only privy councillor to take an interest in Leicester's well-being and encourage a hardline attitude to propagators of disorder. Sir Francis Walsingham participated in the Leicester assizes in 1582. He advised the Privy Council that on finding a suspicious man found wandering in the county, he found the person to be "so suttile that my advise was that the lords of her majestie's Privy Counsel shoulde be advertised."<sup>5</sup> Eight years later the town authorities were under an obligation to restrain their repressive policies when "certain players" who were most certainly Moors, came "playinge upon ropes" at the Cross Keys. Unlike previous travellers they were not hounded out of the town, probably because England was cultivating good relations with the Barbary states at the time, presumably as an attempt to outflank Spain strategically. It accounts for Bullocke Bazia, a

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1 *Ibid.*, pp.541-42.

2 *Ibid.*, pp.542, 556.

3 *Ibid.*, p.545.

4 *Ibid.*, pp.545-46.

5 Pulman, *The Elizabethan Privy Council in the Fifteen-Seventies*, p.120.

Moor, allowed "to goe and passe for Englande to shewe your highness suche playe and pastime as he and his company ar able to shewe in tokenn of good will and fryndshippe that we owe unto yow and your countrey."<sup>1</sup> The all too brief hiatus in actors' regulations was evident in 1591 when the respect shown to the Moorish playing company was replaced by refusals to allow other companies to play, although they were paid. Lord Dacre's players, "which were not suffered to play", obtained 2s. 6d. and the Earl of Worcester's players received 10s. "for that they did not play."<sup>2</sup> During 1606-7 when the rules stipulated that all players "as doe belonge to anie of the Lordes of his Maiesties most honorable privie Counsell alsoe accepted to these they are to paye accordinge to the Auncyent Custome, havinge Warnynge by the Mace bearer to bee att everye such play."<sup>3</sup>

The stage had been reached in Leicester, then, whereby a person perceived as refusing to work or not conforming to accepted work practices could be automatically deemed a vagrant. The magistrates interrogated Edward Wilcocks in October 1590 after he was apprehended at the alehouse known as the 'Bull'. He had not made it clear to the authorities' satisfaction how he had obtained a blue coat and an enamelled dagger. On 28 November Edward Jeffrey, vagrant, was charged with stealing a horse. Jeffrey claimed in his defence that ever since Lady Day "he hath had no servyce butt wandered to and froe to gentlemens housses where he was best knowne to get a meales meate to kepe hymself from follye."<sup>4</sup> While army deserters and Jesuit and seminary priests are yet to be discussed, it is necessary to analyse the Privy Council's role in Leicester for the remainder of the 1590s and the early 1600s. Vagrancy and begging were much feared in Leicester. Matters were not helped by the mid-1590s dearth of corn in the county, where complaint was made of the high price of corn and grain, "to the grief of the poor people whose want is now increased by the evil custom of the farmers and graziers in those parts that feed their sheep with pease, which in time of scarcity is the best relief that the poor find for their bread."<sup>5</sup> Neither were such problems by a widow's determination to keep "many poor children at work in knitting of jersey", or the windfall of the corporation receiving a

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1 J.D. Alsop, "A Moorish Playing Company in Elizabethan England", *Notes and Queries*, New Ser., 27, 2 (April, 1980), p.135. This same company also went to Norwich. On 22 April 1590 the authorities there donated £2 to "the Queen'es men when the Turke went vpon Roppes at Newhall."

2 Murray, *op. cit.*, p.544.

3 RBL 1603-1688, p.51.

4 RBL 1509-1603, p.268.

5 Harrison, *Elizabethan Journals*, II, p.50.

Cornish pastor's donation of £3 "to be disposed by the Magistrates of the towne...to keepe the poore a worke."<sup>1</sup>

That Leicester's authorities did not like destitute strangers living in their town and becoming chargeable to it, were realised by the destruction by fire of the township of Walton on 24 July 1601. It left 200 people "by so suddaine an accident reduced to extreame povertie with theire wyves, children and famylies."<sup>2</sup> Landlords were required to take bonds of their tenants or lodgers so that they would not become chargeable by reason of their poverty. Every alderman was instructed to search his ward once every fortnight for strangers.<sup>3</sup> Ironically, it appears that their vigilance and too strict an interpretation of statutory law gave them more problems than solutions. The mayor was reprimanded in October 1598 for inhibiting a person from dwelling in a house unless he managed to get bonds of £200 that neither his wife nor children became public burdens - "seing ther is no suche matter in any of the late statutes made ther for the provision of y<sup>e</sup> pooer or for y<sup>e</sup> punishment of rogues."<sup>4</sup> Alice Turner was found to have been wrongfully punished as a vagrant in 1599. In a complaint that was heard before the Court of Common Pleas, Leicester's justices misread the statute 39 Eliz. 1, c.4., making "rogues at your pleasures, a thing not agreing to the place and office of Justices of the Peace." They were advised "to releve but not to make rogues, or our betters shall judge of our proceedings."<sup>5</sup>

Apart from the Privy Council instituting a program for the collection of donations in adjoining counties to alleviate the burden of the catastrophe that befell Walton, legal problems surrounding vagrancy and poverty dominated and frustrated its role in Leicester. The task of simply having vagrants apprehended and punished became a tool of local politics. The Privy Council's allegation of corruption in Leicester in 1593, when the fee-farm of certain lands bestowed by the Crown for the corporation's use, namely to support "a preacher, a clothier, and mayntenance of the saide town" had "been taken to private uses"<sup>6</sup>, was but a hint of things to come. The long-running dispute over who was liable to pay poor relief in the 1590s and early 1600s stemmed from the 1589 charter. It permitted Leicester to attain fiscal autonomy and an effective corporate personality but the town was still subject to county officials in such matters as subsidies and levying soldiers. When the plague struck Leicester in 1593-94 it brought

1 *RBL 1509-1603*, p.442; Nichols, *History and Antiquities*, I, Part 2, pp.407, 417.

2 *APC 1601-1604*, pp.179-80; Harrison, *Elizabethan Journals*, III, p.198.

3 Hoskins, *op. cit.* (1955), p.61.

4 *RBL 1509-1603*, p.351.

5 *Ibid.*, pp.384-85, 398-99.

6 Jeaffreson, "The Manuscripts Belonging to the Corporation of the Borough of Leicester", HMC, *Eighth Report*, p.432b.

tensions to a head. Mayor Robert Herrick wrote to Henry Hastings, Sir George Hastings and to the Privy Council at different times imploring them to force county justices to contribute money to Leicester. Leicester's corporation struggled to find the money to pay for the upkeep of watches on infected people coming into town, and also ensuring local victims were virtually barricaded in their own homes. The plague, which incidentally cost Leicester more in terms of money than lives, nonetheless effectively put a halt to all its commercial and market activities. Herrick noted that the people who could be normally relied upon to contribute to poor relief were in danger of needing it themselves: "dyvers of the inferyor sorte...growe so poore want of trafique, that they have more nede to be relyved than to take anything from them."<sup>1</sup>

The Privy Council tried to resolve the differences between Leicester and the county by threatening to bring representatives of both parties to book if they did not put their efforts into keeping the peace and the country quiet. Furthermore:

And where there is anie towne corporate within your countie, which have Justices of peace, within themselves and the Justices of peace of the countie, exempt from entermeddlinge therein, these are to require yowe to sende vnto them a copie of these letters requiringe them to make the like certificate vnto vs by that tyme.

The Privy Council stated it would notify the Lord Keeper to dismiss any justice of the peace from his commission for neglecting his duty of keeping law and order in his district.<sup>2</sup> Exactly why this threat amounted to very little cannot be easily explained. The Earl of Huntingdon, the Privy Council's 'eyes and ears' in Leicestershire, was actually present in the county at the time, and not at York in his role as Lord President of the North. It is possible that advancing age (he died childless in 1595 and was succeeded as lord lieutenant by his brother George), and the substantial losses incurred by his work schemes threatened to ruin the family financially. Understandably, it would have taken up his attention and made him less decisive in Leicestershire at that point in time.

Certainly the impression given by the municipal sources is that Leicester was vulnerable to the exactions of the county treasurers - keen to claim taxes from it but not to share in the responsibilities of poor relief. A symptom of anti-Leicester bias was the presence of Sir John Gray (a serious rival to the supremacy of the Hastings family) on the commission for a subsidy. Sir Thomas Egerton, Lord Keeper, was told by the mayor of Gray's "indifferencie" to the

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<sup>1</sup> Quoted in William Kelly, "Visitations of the Plague at Leicester", *TRHS*, VI (1877), p.407. Kelly expands on the politics of the plague of 1593-94 and the difficulty the town had in getting the county to contribute towards its costs. Also *RBL 1509-1603*, pp.291-96 and Jonathan E.O. Wilshere, "Plague in Leicester, 1558-1665", *TLAHS*, XLIV (1968-69), pp.50-53.

<sup>2</sup> *RBL 1509-1603*, pp.342-43.

corporation and since Gray could not be omitted from the commission, Sir Edward Hastings was added to it to counter-balance his aggressive designs.<sup>1</sup> When trouble flared up in 1599-1600 concerning the funding of pensioners in the Spitalhouse, its inmates faced the prospect of being thrown out on to the street and becoming what the magistrates suppressed - vagrants; truly a contradiction in purposes. George Hastings, Earl of Huntingdon was notified in October 1599 that the "multitude of oure owne impotent helples poor is infinite...their burden intollerable and thereby we nowaye able to relieve the poore of the spittle, who are almoste sterved by reason the countie doeth restrayn them." The almspeople in the Spitalhouse had been provided with a yearly pension of £12 by the county treasurers, but it was then decided to leave it, in the mayor of Leicester's words, to "oure...poore Corporacion."<sup>2</sup> The mayor reminded the earl in December 1599 that the recipients of poor relief were "almost famished" due to the intransigence of the county magistrates. He argued that if Leicester was to be thought of as part of the county in all actuality if not strictly legally, then on that basis every county parish owed 2d. for the relief of Leicester's destitute. In reply the earl was not decisive. Huntingdon was willing "to give order that some allowance might be made out of the cuntrie towards the releiff of the pore within the hospital called the Spittle", but only if the mayor could show "that the cuntrie heretofore hath bene taxed to anye suche charge", which the earl, to his knowledge, did not think so.<sup>3</sup> Convinced, more than ever, that the county justices abused the statute 43 Eliz. I, c.23 for relieving poor prisoners, maimed soldiers and sailors, the corporation took over the running of "certain tenements" at the old College of Newark in early 1600. A group of Leicestershire justices wrote to Sir Robert Cecil in March 1600 claiming that the Seal of the Duchy of Lancaster granted them control over it.<sup>4</sup> But the legal complexities of poor relief, clearly a bone of contention in some quarters, did not end here. It continued when the issue of the vagrant and beggarly condition of recruited, demobbed or deserting soldiers and mariners raised its head.

Leicester played a large role in the Tudors' military adventures by raising troops in the town to complement the shire levies. In the late 1570s and early 1580s the Privy Council brought greater pressure to bear on the resources of the municipality and the county as the drift

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1 *Ibid.*, pp.413-14.

2 *Ibid.*, p.372.

3 *Ibid.*, pp.387, 392.

4 *VCH Leicester*, IV, p.68; HMC, *Marquis of Salisbury*, Part X, pp.88-89.

towards war with Spain quickened. In 1582 100 county levies were required for service at Berwick. Two years later Leicester provided 20 men and the county 130 for military duty. An order went to the Earl of Huntingdon in December 1587 to select and equip 500 men for any sudden occasion. When the Armada crisis eventuated in 1588 musters were tending to be conducted perfunctorily and irregularly, even when its authorities were "charged with fortye soldyars, footemen, whiche were prest and sett forthe readye furnyshed, with armour and munyzion."<sup>1</sup> This is the aspect of military obligations which the town found hardest to sustain throughout the late Elizabethan and early Jacobean period. It is made all the more plausible by Allen Chinnery's research into the muster of 21 October 1608. He found that the proportion of able-bodied men capable of bearing arms was so small, it forced the mayor to tell the constables to assemble all men between the ages of sixteen and sixty, "of what condicion or sort soever", to appear before the deputy lieutenants and Earl of Huntingdon.<sup>2</sup> It also inspired internal divisions. The mayor told Henry Hastings that citizens shouted him and his colleagues down in public, objecting against tax increases to finance military training and furnishing of war materials.<sup>3</sup> Later, Huntingdon received a petition reminding him that Leicester's "accustomed charge" never exceeded £10 and it begrudged him the payment in April 1590 "in respect of our greate debt, and povertye."<sup>4</sup> Gone, it seemed, were the days when the central government was quite cordial in its attitude to Leicester's corporate pretensions and privileges in regard to military affairs. Instead, as one writer put it, Leicester felt the "blustering, hectoring tone" of the Privy Council in the 1590s. The Council ordered Leicester to be careful, "towchinge the curious standing upon your charter, least you cause the same to be called in question, and contending for some parte do lose all."<sup>5</sup>

A feature of the war against Spain, as mentioned previously, was the Privy Council's inconsistency in using the war as an excuse for the impressment of vagrants. Leicester's leaders acquiesced in this policy and were no different from many other town corporations. On more than one occasion Leicester witnessed the mustering of recruits who could only be described as 'the bottom of the barrel'. The Privy Council made it clear in a letter to Huntingdon that it expected the 150 recruits bound for Boston to "be of hable bodies and yeares meet for this

1 *RBL 1509-1603*, pp.169, 172, 178, 206, 245; *CSP, Domestic, 1547-1580*, pp.546, 667; Nichols, *History and Antiquities*, I, Part 2, pp.400, 402, 405; III, Part 1, p.435; *CSP, Domestic, Addenda, 1580-1625*, p.84; *CSP, Domestic, 1581-1590*, p.442.

2 Allen Chinnery, "The Muster Roll for Leicester of 1608", *TLAHS*, LX (1986), pp.25-33.

3 Boynton, *Elizabethan Militia*, p.177.

4 *RBL 1509-1603*, pp.261-62.

5 Boynton, *Elizabethan Militia*, p.183.



imploiment."<sup>1</sup> In September 1592 levies from several counties marched to Southampton to avoid the plague in London, but the Leicestershire contingent included several runaways. According to Sir John Norris this contingent was most unsatisfactory and probably contained undesirables, "such has been the slender care found in them."<sup>2</sup> From 1595 onwards the town contributed troops specifically for Ireland (via Chester or Bristol) and in 1597 the county did the same.<sup>3</sup> The Privy Council said in its letter to the lord lieutenants (10 September 1596) that it would not tolerate the impressment of "vagrant nor of the baser sorte, whiche kinde of people comonlye so soone as they can fynde the meanes of escape do run awaye from their captaines."<sup>4</sup>

Obviously, the problem was widespread but it appears that Leicester corporation was a notable offender. Whether this had anything to do with the fact that George Hastings had less than cordial relations with the town is uncertain. Certainly, tensions existed as a result of the 1589 town charter not giving the corporation as much control over the commissions for musters and levying subsidies as it wanted.<sup>5</sup> The earl, whose job it was between 1598-1601 to oversee the levying of "very sufficient and able men" for Ireland from town and county, wrote to the corporation in April 1598 that on the advice of the Privy Council, its levies should not contain "starters or shifting persons."<sup>6</sup> His advice, judging by the contents of conciliar letters, went unheeded. Complaint was made by the Privy Council in August 1598 that:

in the late leavyes both there and in other places there was that neglect used as many were chosen of ydle and loose people, so as yt seemed you rather sought by that meanes to dysburden the countye of such un-profytable people then the advauncement of her Majesty's service or regard of her dyreccion and when they came to the porte many of them rann away from their coulours.

Furthermore the deputy lieutenants and JPs were at fault for directing "their precepts unto the constables, who take such refuse of men as the villages desire to be rydd of for their lewd behayour."<sup>7</sup> Letters written to the lord lieutenants on 29 November 1598 criticised the impressment of "the baser sort of weake and impotent people or of vagarent and idle persons",

<sup>1</sup> *APC 1591*, p.221.

<sup>2</sup> *CSP, Domestic, 1591-1594*, pp.266, 280-81.

<sup>3</sup> *APC 1595-6*, pp.47-48, 262-63. Letters concerning the county authorities are found in: *APC 1597*, pp.26-27; *APC 1597-8*, pp.584-86, 609; Jeaffreson, "The Manuscripts Belonging to the Corporation of the Borough of Leicester", *HMC, Eighth Report*, p.379b.

<sup>4</sup> *APC 1596-7*, p.162. Two deserters from Leicestershire, John Osteler and Robert Allen, are mentioned in earlier conciliar despatches. See *APC 1592*, pp.214-15.

<sup>5</sup> *RBL 1509-1603*, p.xxi.

<sup>6</sup> *Ibid.*, p.340; Nichols, *History and Antiquities*, III, Part 2, p.589.

<sup>7</sup> *APC 1598-9*, pp.94-97. In this same letter, the Privy Council hoped that by taking "the names and surnames of every soldyner and out of what paryshe and deviccion he was taken...it might be knowne in what paryshe such men as do runn away were sett forth", it could solve the problem of recruiting vagabonds.

demonstrate the failure of the Privy Council's hopes.<sup>1</sup> The Leicester authorities saw to it that a morris dancer was not only drummed out of the town in May 1599 but also "appoynted one of the three soldyers..sent into Ireland."<sup>2</sup> It was an act which flew in the face of the Earl of Huntingdon's orders from the Privy Council to muster "sixe verie sufficient and able men...not loose people addicted to lewednes and idlenes."<sup>3</sup> Conciliar orders to the same effect written in May 1600 and April 1601 ensured it became a dead letter.<sup>4</sup> Part of the problem in Leicester lay in the difficulty of collecting sufficient parish rates for the relief of maimed soldiers. The five parishes of St. Martin's, St. Mary's, All Saints', St. Margaret's and St. Nicholas' officially contributed 5d. weekly for the assessment but they were in arrears dating back to 1593.<sup>5</sup>

Keeping in mind that Leicester's economy suffered from a lack of jobs for those who were fit to work but had no occupation to go back to, this put pressure on poor relief arrangements for those who were crippled and therefore forced to beg. This was not disguised by the fact that the authorities did manage to find relief for the veterans James Beverley in 1599 and several others in the first decade of James I's reign.<sup>6</sup> There was one outstanding case, riven with legal complexities, which highlights the inability of poor relief arrangements as they stood, to cope with this aspect of the tramping poor. Funds had been collected throughout Leicestershire in 1600 for the relief of returning sick and disabled soldiers.<sup>7</sup> The arrangement was instituted to prevent returned soldiers and sailors from falling into vagrancy and crime, but a controversy lasting from 1598 to 1602 arose over the pension owed to Thomas Yates, "a maymed soldyer and mariner" born in Leicester. This episode epitomised the legal troubles of the borough and county, viz. the 1599 town charter. The county justices were intimidating their urban counterparts and shifting many of their responsibilities to Leicester. The county Treasurer was also accused of going beyond his duty of levying the corporation's tax. Thomas Yates had been commended by the Privy Council to the county JPs and Treasurer for his pension but they refused to pay him. Mayor Newcombe's letter of February 1600 confirms this denial.<sup>8</sup> This put the Leicester authorities in a bind because they claimed that the town, owing to its great poverty and "vi smale parishes", could not cope. For over a year there was much argument over who

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1 *Ibid.*, pp.313-15.

2 *RBL 1509-1603*, p.359.

3 *Ibid.*, p.401.

4 *APC 1599-1600*, pp.412-16; *APC 1600-1*, pp.315-18.

5 *RBL 1509-1603*, p.403.

6 *CSP, Domestic, 1598-1601*, p.199; *CSP, Domestic, 1603-1610*, pp.389, 394, 398, 496.

7 *APC 1599-1600*, p.317; Jeaffreson, "The Manuscripts Belonging to the Corporation of the Borough of Leicester", *HMC, Eighth Report*, p.433a.

8 *RBL 1509-1603*, pp.xlvii, pp.396-98.

owed what according to the provisions of 43 Eliz. I, c.3, during which time Yates' condition could not have improved. The Privy Council requested that "such releefe be yelded unto the saide poore marryner as by our former Letters was prescribed", in July 1601.<sup>1</sup> Notwithstanding a proviso to the said statute that the town should bear the responsibility for Yates, it appears that the county justices were liable. Furthermore the judges took into account Leicester's small parishes and their inability to "be any way answereable to the proportion of the pensions allowed to the maymed soldiers which are to be chargeable" upon it.<sup>2</sup> Not until October 1602 was the matter settled when the corporation "agreed to certifie the Councells lettres towching Yates...and to send the said lettre by Mr Pilkington to Mr Robert Heyricke whoe is nowe att London."<sup>3</sup>

Though Catholicism was not strong in Leicestershire and recusancy hardly compared with other counties<sup>4</sup>, the local authorities' experience with people who clung to and spread the old faith should not be completely negated. The suspicion arose that some people held suspect beliefs and communicated them outside the confines of the town, meaning that persons could be labelled vagrants if they were caught doing so. For example, Mayor Thomas Clarke wrote to Sir Francis Walsingham in May 1584 that he had seized books that were contrary to the *Book of Common Prayer*. The books were found in the house of a local "carrier" named Grene who had brought them from London.<sup>5</sup> In 1587-88 an unfortunate Cambridge tailor, Richard Wryghte, who had stayed for a night in Leicester "at ye signe of ye Belle", travelled by horse ("hys name yat sold hym he know[eth] not") to Nottingham and was promptly questioned as to why he was pursuing business in popish Lancashire.<sup>6</sup> John Craddock, formerly a Warwickshire man but servant to Mr. Humfry Baker of Shapey in "Leicester shire", had "neither lands nor goods" when the recusancy commissioners examined him in Marshalsea prison in the 1590s.<sup>7</sup>

Contemporary records suggest that the county, more than the municipality, was pestered with dangerous people of no fixed abode spreading religious sedition.<sup>8</sup> The community of

1 *APC 1601-4*, pp.45-46.

2 *RBL 1509-1603*, pp.430-31.

3 *Ibid.*, p.451.

4 *VCH Leicester*, II, p.105.

5 Jeaffreson, "The Manuscripts Belonging to the Corporation of the Borough of Leicester", HMC, *Eighth Report*, p.430b; Nichols, *History and Antiquities*, I, Part 2, p.403.

6 W.H. Stevenson and James Raine (eds.), *Records of the Borough of Nottingham. IV. 1547-1625* (London, 1889), pp.220-21.

7 Petti, *op. cit.*, p.72.

8 *APC 1577-8*, p.400; *APC 1581-2*, p.164; *CSP, Domestic, 1581-90*, pp.275, 463.

Kegworth appears to have been the place for consistent seminary activity. Lancelot Blackburn, a Yorkshire-born priest who was described as a "black man, cut near, with some gray hairs, and snaffleth in his speech" was captured there in December 1576.<sup>1</sup> Robert Sutton, born at Kegworth, was hanged at Clerkenwell.<sup>2</sup> A locally-born (Ashby-de-la-Zouch) seminary priest, Thomas Freeman, was captured in April 1585, interrogated at Bedford and banished from England, but not before he was questioned as to "where he had the popish singing-cakes which he had about him."<sup>3</sup> Nonetheless some vestiges of the old faith persisted in Leicester in the form of maypole dancing and church ales.<sup>4</sup> If there were any deliberate attempts to foster discord in the town on religious grounds, they generally fell foul of the efforts of the Earl of Huntingdon and the corporation in stamping them out.<sup>5</sup> Nonetheless in late 1586, the year of the Babington Conspiracy, Leicester was plagued with various "prophecies and sayings", the result of "divers Jesuites and Seminarie Priestes lurking and wandring...who are receaved and harboured in the houses of sundrie gentlemen and others of good accompte...."<sup>6</sup> Stories abounded in Leicester of the ruin awaiting England should Mary, Queen of Scots be executed.<sup>7</sup>

The Scottish Queen's execution did not put a stop to these stories. The municipal and county authorities were on the alert for popish strangers travelling on Leicestershire roads. A "Palmer of Leicestershire" was questioned in March 1591 about a priest who had been apprehended for allegedly saying Mass in his house.<sup>8</sup> Lord Burghley received news in April that a man named Robert Weston, claiming to be seeking service, had been apprehended with letters on him: they were from his recusant father in Clerkenwell to Francis Babington, brother of the infamous conspirator.<sup>9</sup> A 1595 government document titled "Priests lurking in Derbyshire and Leicestershire" mentions 11 houses in which seminary priests were suspected of being received and harboured.<sup>10</sup> The mayor of Leicester told George Hastings, Earl of Huntingdon that he arrested a suspicious character who arrived in the town on horseback. He was "a dangerous wandringe popishe recusant...an aged man...upon him were founde a paire of beades and another popishe booke, and in money and gold almost vii *li.*, whereof one peece

1 Anstruther, *Seminary Priests*, pp.39, 164, 284, 390.

2 Pollen, *Martyrs*, p.290.

3 Anstruther, *Seminary Priests*, p.124.

4 Kelly, *op. cit.* (1865), pp.71-73, 103-11.

5 *Ibid.*, pp.237-43.

6 *APC 1586-7*, p.190.

7 Jeaffreson, "The Manuscripts Belonging to the Corporation of the Borough of Leicester", HMC, *Eighth Report*, p.432a; Kelly, *op. cit.* (1865), pp.216-17.

8 *CSP, Domestic, 1591-1594*, p.21.

9 *Ibid.*, pp.27-28.

10 *CSP, Domestic, 1595-1597*, p.7.

of gold was of the popes owne coyne" (November 1599).<sup>1</sup> Then in February 1600 the presiding mayor wrote to the assize judges concerning the arrest "within the libertie of our Corporacion, one Walter Barloe, a vagarant, recusant, popish [priest of no] valewe", with no lands or goods to his name. It is interesting to note that his punishment was not the corporation's responsibility but that of the county justices of the peace and coroners, as laid down in the statute 35 Eliz. I, c.2.<sup>2</sup> In November 1604 mayor Thomas Chuttle wrote to the Privy Council informing it that he had:

fownde A man (beinge a straunger) in an Alehouse in our Towne and suspectinge hym to be some spie, or Lewde fellowe cawsed hym to be stayed and brought with his fardell before me and others of the Justices to owr Towne hall to be examyned of whom I founde dyvers papisticall books, Pictures Crusyfixes Jett Rings and Currall beads, who upon his examination hathe confessed he is a Catholicke<sup>3</sup>

The same mayor almost immediately afterwards made another reconnaissance of Leicester and apprehended Richard Crosland, "a papist a very Lewde and bad fellow as by his examination doth apere unto us and about him divers books and pictures of sondrye fashin which he was travellinge abroad the Countyes here about."<sup>4</sup>

To conclude this chapter on Leicester, one can sense the variety of the masterless person in the town and its surrounding areas, and the pitfalls encountered by the central, municipal, and county authorities. If Elizabeth's Privy Council, working through the earls of Huntingdon, was successful in getting Leicester's administration to punish vagrants and provide employment, the success was short-lived or at best muted. As we shall discover in the chapter on Norwich, Leicester lacked this major East Anglian town's more efficient poor relief system. The disquiet in the countryside over enclosures did not abate. They symbolised an ongoing and grave injustice in the revolt of 1607 when "a great number of common persons...violently cut and broke down hedges, filled up ditches, and laid open all such inclosures of commons and grounds as they found inclosed, which of antient time had been open, and employed in tillage."<sup>5</sup> Some inhabitants of Leicester were said to be very sympathetic towards the rioters and "sent them...spades and shovells for speedy performance of their present enterprize." The Earl

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1 *RBL 1509-1603*, p.379.

2 *Ibid.*, p.396.

3 *RBL 1603-1688*, p.22.

4 *Ibid.*, p.23.

5 Nichols, *History and Antiquities*, IV, Part 1, p.148.

of Huntingdon established a gibbet in Leicester to hang offenders but the mob tore it down. So incensed was he that he confined Leicester's mayor, Lebbeus Chamberlain, to close quarters.<sup>1</sup>

Leicester could not offer much in the way of work for people who were on the receiving end of enclosures. There are recorded instances of labourers giving the town a wide berth in the 1620s-30s and going further south east.<sup>2</sup> Many years later, Commonwealth and Stuart Leicester was not much different from its Tudor predecessor. John Evelyn, a diarist, described it in 1654 as an "old and ragged city...large and pleasantly seated, but despicably built."<sup>3</sup> A few years later Leicester was depicted as an "old stinking town, situated upon a dull river, inhabited for the most part by tradesmen."<sup>4</sup> Some other points are outstanding. Firstly, the movement of people to and in Leicestershire was considerable and so was the official apprehension with which it was perceived. Coming at a time of an increasingly dangerous international situation, the anti-vagrancy net caught rogues and legitimate migrants alike. Secondly, the efforts to produce worthwhile work schemes for both the impotent and the vagrant poor were failures. The only consistent thing about them was the fact that any work found for incorrigible people was brief and transitory. Leicester had lost much of its medieval importance and with it its markets, partly due to factors outside its authorities' control, partly due to the policies they pursued which in effect worsened its economic situation. Yet it was still attractive enough to merit the attention of travellers and undesirables ultimately headed elsewhere. The Privy Council relied heavily on the energetic third Earl of Huntingdon to ensure that law and order and the poor laws were implemented. However, he was often kept away from Leicestershire because of his commitments as Lord President of the North, so his authority was often implemented through his locally-based brothers, George and Edward Hastings. As lord lieutenants and deputies the Hastings brothers oversaw the military training and supply for the town and the county. They assisted the town's leaders in maintaining law and order, supporting their claim for a charter in 1589. Thus Leicester's townsmen saw these activities as a useful and worthy symbol of help and friendship from a powerful patron.

Having some independent powers and yet ultimately dependent on the central government for their economic and political privileges, Leicester is an example of an early modern town that found it necessary to have a powerful and influential ally to settle internal

<sup>1</sup> *Ibid.*, I, Part 2, p.420; *RBL 1603-1688*, pp.59, 64; Hartopp, *op. cit.*, pp.82-83.

<sup>2</sup> Marjorie Kensiton McIntosh, *A community transformed: The Manor and Liberty of Havering, 1500-1620* (Cambridge, 1991), pp.27, 76-77.

<sup>3</sup> William Bray (ed.), *Diary and Correspondence of John Evelyn, F.R.S.*, I (London, 1857), p.298.

<sup>4</sup> HMC, *The Manuscripts of his Grace The Duke of Portland, Preserved at Welbeck Abbey*, II, p.308.

civic controversies. Nonetheless, it was impossible to expect perpetual accord between the two. The punishment of vagrancy in Leicester in terms of closing the alehouses and tippling houses was problematic because it meant curtailing the profitability of the brewing and malting industries. This is a major theme in the next chapter on Northampton which, though it had Sir Christopher Hatton as its major patron, was never so closely bound to one person or family as Elizabethan Leicester had been. Leicester's experience with its patron in matters of poor relief, general administration and military matters was the most intense of all the towns in this study, despite the fact that it was the smallest.

## CHAPTER 6

### NORTHAMPTON

I pray God to deliver this country from the Welchmen and their followers, and give our countrymen minds like men. For my life I cannot persuade them to keep their money in their purses, but they will either be hiring of men in their place or else bribing to get themselves released. I am at my wit's end, and cannot tell what to do to be rid of this service. We prest and gave 6*d.* apiece to fourscore and fourteen men at Ketteringe this day senight, and charged them upon pain of death to appear at Northampton upon Monday, at which time there appeared but threescore and six men that the captain would take, and many did not appear at all, but as it seemeth are run away. Whereupon I did send my bailies to seek them up, and they have brought some of them, but yet we lack six men of our number of 75. I beseech your assistance herein, for I am so tired that I know not what further to do without your good help.<sup>1</sup>

This sorrowful passage comes from a letter written at Northampton by Sir Thomas Mulsho on 3 June 1597. Mulsho referred to a forced draft of soldiers bound for Ireland. He depicted an example of the endemic disorders in and around Northampton in the late Elizabethan period. It was a time when the Privy Council received letters from local justices of the peace on suspected rogues and masterless people caught roaming in the shire, far from their place of origin. Northampton had a geographic and hence strategic importance to the Tudor regime. Situated on a high ridge overlooking the Nene River and valley, Northampton lay near a major route to the troublesome north and it was an important link between the ancient capitals of Winchester and York. It was also the centre of an important if small agricultural district, its hill and vale lands well suited to the "classic Midland system of open-field mixed farming" and experienced the techniques of convertible husbandry by the sixteenth century.<sup>2</sup>

In the late 1530s John Leland commented on Northamptonshire's "marvelus fair corne ground and pasture."<sup>3</sup> In 1610 the county was "pleasant and fruitful; full of cattle and corn" and John Speed described its commodities as being "chiefly gotten by tillage and plough, whereby corne so plentifully aboundeth, that in no other Countie is found more, or so much."<sup>4</sup> The fens in the east and the alluvial soils of the uplands supported wheat and grain growing while permanent pasture flourished in the Nene Valley's floodlands.<sup>5</sup> For over a hundred years these features attracted people to Northamptonshire. The surveyor John Norden found the county in 1625 to be:

<sup>1</sup> Wake, *Musters, Beacons, Subsidies*, pp.cxi-xii.

<sup>2</sup> Ian Gentles, "The Purchasers of Northamptonshire Crown Lands 1649-1660", *Midland History*, III, 3 (Spring, 1976), p.207; *AHEW*, pp.89, 94.

<sup>3</sup> Smith, *The Itinerary of John Leland In Or About the Years 1535-1543*, I, p.4.

<sup>4</sup> HMC, *Duke of Buccleuch & Queensberry*, III, p.141; *John Speed's England*, III, folio 52.

<sup>5</sup> M.A. Brown, *Northamptonshire* (Cambridge, 1911), pp.60-61, 90.



a most pleasant Shire, adorned with salutarie and profitable Seates manie and notable Sheepe Pastures, rich feedings for Cattle, fertile Corne Groundes and lardge Feilds greatly enrichinge the industrious Husbandman....It is very populous, and the Townes, Parishes, yea every *Hamlett* for the most parte, but most especiallie the Houses of the Nobillitie most healthfully Scituate in a most pure and comfortable Ayre. The Countrie most comfortable for Travaylers not only in regard of the open perspects which are delightfull to wayfaringe Men; But also in regard of plentie of Townes, Parishes and Villages, which are so universallie dispersed, that in every two or three Myles at the most, is found a Place of ease to the wearisome Travylour.<sup>1</sup>

Finally, Richard Sandes advised Charles I's Privy Council that the county was one of "the best naturall corne countryes which affore supplied the wants of others every way, beinge in the middle of the land."<sup>2</sup> The descriptions confirmed the economic vitality and abundance of natural resources. Yet the emergence of Puritan gentry families with an energetic and decisive stamp of authority did not hide the fact that long and deep-seated social and economic problems existed, problems which the Elizabethan Privy Council had to address.

A careful analysis of vagabondage in Northampton will bring to light two major points. Firstly, it was not a new phenomenon in the sixteenth century. The *Liber Custumarum* (c.1460), a document outlining various administrative, guild and commercial procedures and regulations, referred to the town authorities ensuring:

that good rule and substanciall guyding be firmly had and effectuelly folowed in all places w<sup>t</sup>in yo<sup>r</sup> iurisdiction hauvyng such good and wise awaite continually that of may vacabunde rioturs or vngodly disposed personnes restiant or repairing amonges you presume or take vpon thaym to make any embracies affrayes or debates...or to owe any seducious langaage arreise any Rumours of forge and contrive newes or tithinges of vs.<sup>3</sup>

The attention of the central government came to the fore in this matter, in that the newly established Tudor dynasty exerted its authority swiftly to overcome any hostility to it. In 1487 the "Letters Patent from the King to the Mayor Concerning the Peace of the Town" reiterated the above ordinance, with an addition threatening to bring the mayor and ruling officers to account if they did not make secure "this our land or of othir w<sup>t</sup>oute the same to abuse and blynde our innocent subgiettes prouoyng and enducyng thaym to recieve or falle into rebellion and disobeissaunce in subuersion of all good rule and policie."<sup>4</sup> In 1495 the borough charter recorded the "Mayor Recorder and two Burgesses...have full power and authority to keep and cause to be kept the peace of us and our heirs and also the statute and ordinances there and at

1 John Norden, *Speculi Britannie Pars Altera: Or, a Delineation of Northamptonshire; Being a brief Historiell and Chorographicall Discription of that County* (London, 1720), p.24.

2 K.J. Allison et al, *The Deserted Villages of Northamptonshire*. University of Leicester Department of Local History Occasional Papers, 18 (Leicester, 1966), pp.5-6.

3 Christopher A. Markham (ed.), *Northamptonshire Notes and Queries*, IV (Northampton, 1892), p.161.

4 *Ibid.*, p.162.

Cambridge of hunters workmen artificers servants hostellers beggars and vagabonds and other mendicant men who call themselves travelling men."<sup>1</sup>

Local enclosures had a lot to do with the rising number of beggars and vagabonds. They occurred most prominently in the period c.1440-c.1550, when approximately 82 villages, widely distributed through the shire, became empty. In the *Historia Regum Angliae* (c.1459) John Rous recorded the depopulation of several places in Northamptonshire.<sup>2</sup> Evictions of tenants occurred on ecclesiastical and lay estates, particularly in the northeast and eastern parts of Northamptonshire, where the pressure of renewed population growth made itself felt in the expropriation or subdivision of tenants' lands.<sup>3</sup> Admittedly, parts of Northamptonshire had longstanding parcels of land set aside for pastoral farming, but in 1500 most of Northamptonshire was "devoted to arable farming": open fields and mixed farming predominated. Hence the changes from tillage to sheep and cattle rearing in the early sixteenth century were such that in 1517-18 and 1548-49 Northamptonshire and Oxfordshire alone accounted for 31% of all prosecutions before the Exchequer for illegal enclosures in these years.<sup>4</sup> Contemporary writers lamented its impact on the "labouring people maintained by the plough as yet in Northamptonshire."<sup>5</sup> And Richard Knightley's will (1540) illustrates the great changes passing over the landscape. Part of his estate contained "900 sheep and all cattall in Sillyworthe, North Hants...."<sup>6</sup>

The decades between 1520 and 1560 were dominated by disturbances generated by these changes. A bitter enclosure case before the Star Chamber in 1529 recorded tenants' resort to hedge-breaking and throwing down ditches in an effort to rectify a perceived wrong.<sup>7</sup> Vast tracts of land once under the plough now served as pasture, throwing out of work many agricultural labourers. They left their districts in search of work. Two major destinations beckoned for these people: Northampton, with its own poor and destitute to deal with; and the forests of Rockingham, Salcey and Whittlewood, which between 1520-1670 experienced a

1 *RBN*, I, p.105.

2 W. E. Tate, "Inclosure Movements in Northamptonshire", *Northamptonshire Past and Present*, I, 2 (1949), p.20.

3 W. E. Tate, *The English Village Community and the Enclosure Movements* (London, 1967), p.198; John Steane, *The Northamptonshire Landscape* (London, 1974), p.170. Contemporary descriptions of evictions of tenants by lay and ecclesiastical lords in Northamptonshire are in: Beresford, *Lost Villages*, pp.74-75; Leadam, *op. cit.* (1897), pp.263 and 275-76, n.1; Steane, *op. cit.*, p.192; and R. L. Greenall (ed.), *The Parish Register of Long Buckby, Northamptonshire 1558-1689*. Vaughan Papers in Adult Education, 17 (Leicester, 1971), p.v.

4 See Clay, *op. cit.*, I, pp.77, 116-17.

5 Quoted in Philip A. J. Pettit, *The Royal Forests of Northamptonshire: A Study in Their Economy 1558-1714*. Northamptonshire Record Society, XXIII (Gateshead, 1968), p.145.

6 R. M. Serjeantson, *A History of the Church of St. Peter Northampton, Together With The Chapels of Kingsthorpe and Upton* (Northampton, 1904), pp.226-27.

7 I. S. Leadam, "The Security of Copyholders in the Fifteenth and Sixteenth Centuries", *EHR*, VIII (1893), pp.692-94.

dramatic growth in villages and an economy based on raising pigs, cattle and horses. In the late 1520s Sir Edward Montagu, a Commissioner against forestalling and regrating of grain in Northampton (1527) carried out searches for vagrants.<sup>1</sup> His brief came from a proclamation directing justices to enforce the statutes "concerning beggars and vagabonds, unlawful games, and putting down alehouses and inns at villages' and towns' ends, idle persons having of late very much increased, which has led to continual thefts, burglaries and murders."<sup>2</sup>

The second major point is that because other places in the county experienced vagrancy, Northampton's problem has to be understood in a regional context. Many townships, villages and forest communities, particularly, in the latter case, King's Cliffe and Rockingham<sup>3</sup>, had to endure a considerable mobility among the lower classes of society. The examples of the nearby village of Kingsthorpe, the town of Towcester and the forests are sufficient to illustrate this point. As early as 1484 an ordinance in Kingsthorpe's Court Leet directed "the comyn brewers" in "tyme of wynter, ffrome mhelmesse to estern, after the our of ix yn the nyght", not to "harborough nor resceyve noo psone...nor suffre hem withynne the dores."<sup>4</sup> Orders to this effect became more frequent in the reign of Edward VI (1547). There were laws against inhabitants lodging, upon pain of fines, "any strawnge persones more then one night and one day", "any myster woman with childe", and "any sturdy beggar."<sup>5</sup> Meanwhile, a great deal of movement among lowly-paid migratory workers was evident at Towcester in 1524-25.<sup>6</sup> The research of Philip Pettit into the economy of Northamptonshire's royal forests indicates that many inhabitants were landless and unemployed labourers from the fielden areas and the towns, encouraged to settle there due to the lack of resident lords.<sup>7</sup> Initially, they survived reasonably well - if illegally - by supplementing their small crafts and itinerant trades with naturally available fuels such as beansticks, dung and turf. Yet the increasing population in these parts entailed a greater subdivision of forest holdings, so that the worst features of urban poverty were reproduced in the forests: crime, idleness, and overcrowding.

It is to Northampton's economic condition that we now turn. Leland claimed that in this town of seven parish churches "the Church of Al-Halowes (All Saints) is principate, stonding

1 *DNB*, XXXIII, pp.223-24.

2 *L&P*, IV, Part 2, p.1613.

3 Beier, *Masterless Men*, pp.30, 37.

4 J. Hulbert, *Kingsthorpiana; Or, Researches in a Church Chest, Being a Calendar of Old Documents Now Existing in the Church Chest of Kingsthorpe, Near Northampton...* (London, 1883), p.20.

5 *Ibid.*, pp.85, 89, 94.

6 Bruce M.S. Campbell, "The population of early Tudor England: a re-evaluation of the 1522 Muster Returns and 1524 and 1525 Lay Subsidies", *Journal of Historical Geography*, 7, 2 (April, 1981), p.147; Kitch, *op. cit.*, p.62.

7 See Pettit, *op. cit.*, esp. pp.85, 143-48, 162-63.

yn the harte of the toune, and is large and welle builded."<sup>1</sup> Speed commented that it was built all of stone, retained strong walls except on its western boundary and "for circuit, beautie, and building" the town was "ranked with the most of the Cities of our Land."<sup>2</sup> Their comments do not indicate that Northampton had seen hard times by the beginning of the seventeenth century. Northampton's great days as a prosperous cloth town, when weaving and related industries were its major activities, were well and truly in the medieval past.<sup>3</sup> A petition as early as 1334 attested to lost rents and houses falling to the ground. In a ranking of towns based on the lay subsidy for that same year, Northampton fell below 50th position. Again in 1334, the number of weavers residing in the town fell from 300 to virtually nil. Further evidence of decay emerged in 1390-1400 and in 1431 Parliament enacted a statute "for Paving and Repairing certain Highways and Streets within the Town of Northampton."<sup>4</sup> When the corporation obtained new powers in 1462 £20 of the fee farm was remitted for twenty years.

Geographical considerations hindered Northampton's municipal growth in that it could not take advantage of the economic development of exporting manufacturing products rather than raw materials, which is what coastal towns such as Norwich, Bristol and the Cinque ports could do. Edward IV, Richard III and Henry VII granted remissions of taxation in their reigns as Northampton fell deeper into decay. A 1489 statute overturned the older and more democratic constitution of the assembly, placing the town's administration in the hands of an oligarchy, consisting of the mayor, ex-mayors, bailiffs and ex-bailiffs and forty eight of the burgesses.<sup>5</sup> By the 1550s conditions had grown worse. Firstly, the fire of 1516 destroyed the greater part of the town and according to "An Acte for repairing and amending of the townes of Gloucester, Nothingham, Northampton and other" (27 Henry VIII, c.1), the town lay "in great ruin and decay, with many void grounds" and such "decayed houses" had to be rebuilt.<sup>6</sup> By February 1549 the Privy Council requested the Chancellor of Augmentations to order 500 lode of stone from the steeple of St. Edmund's church "for reparacion of their towne walles and west bridge there."<sup>7</sup>

The cloth industry went to the countryside, a process repeated elsewhere, such as at Coventry, York, Lincoln and Oxford. In 1524 clothworkers still made up the second largest

1 Quoted in Francis Whellan and Co., *History, Topography, and Directory of Northamptonshire...*, 2nd ed. (London, 1874), p.117.

2 *John Speed's England*, III, folio 52.

3 Dyer, *op. cit.* (1991), p.20.

4 *RBN*, I, p.435; John H. Williams, *St Peter's Street Northampton: Excavations 1973-1976* (Northampton, 1979), p.6.

5 *RBN*, I, pp.xxx-xxxii, 97-100; *VCH Northampton*, III, p.19.

6 *RBN*, I, p.435; *VCH Northampton*, III, p.31; Whellan and Co., *op. cit.*, p.119.

7 *APC 1547-50*, p.391.

group of the town's crafts, but although the county became a notable wool-producing area, Northampton's cloth trade never re-established its former glory. Further population decline resulted, leading to a reduction of inland trade and a consequent evaporation of its markets and fairs for locally produced cloth.<sup>1</sup> True, the presence of some shearmen, fullers, dyers, and weavers indicates that Northampton remained a finishing centre of some note<sup>2</sup>, but it was the local landowners such as the Vauxs, Knightleys, Spencers and Catesbys, who grew rich on the boom in cloth production. In the seventeenth century Thomas Fuller recognised that it was "enough for Northamptonshire to sell their wool, whilst that other countries make cloth thereof."<sup>3</sup> Northampton had to survive hard times by diversifying its economy. The leather trades, quarrying, and holding an annual fair specialising in sheep, horses and cattle, still attracted people to the town. But high taxes discouraged commerce and increased the fiscal responsibilities on those still living in Northampton. The royal fee farm, the upkeep of the town hall, prison, roads, walls and bridges became a burden.

The Dissolution contributed to the escalation of beggary in Northamptonshire. The principle monasteries, nunneries and friaries were closed and/or demolished, their treasures and other goods scattered. Most religious houses in the town had seen the writing on the wall in any case and they refused to keep their properties in good repair.<sup>4</sup> These acts severely reduced the Church's ability to provide alms for the destitute. For example, the priory at Catesby had once stood "in such a quarter much to the releff of the kyng's people and his grace's pore subjects."<sup>5</sup> The Abbey of Sulby was forced to cease its tradition of providing 26 poor men with a penny each, a farthing loaf and a herring, not to mention a similar charity given to another 500 poor folk.<sup>6</sup> The evidence suggests that some religious staff and recipients of their charity suffered from the traumatic transfer in wealth and power. On 19 May 1536 George Gifford advised Cromwell that there were "many poor in Northampton" and the Abbey of St. James had a reputation for its "great good done to the poor", providing daily relief for "three or four score folk of the town and country", as did the hospitals of St. John the Baptist and St. Leonard.<sup>7</sup>

1 R.L. Greenall, *A History of Northamptonshire* (London, 1979), p.38.

2 Alan Dyer, "Northampton in 1524", *Northamptonshire Past and Present*, VI, 2 (1979), p.76.

3 Thomas Fuller, *The History of the Worthies of England*, II (London, 1840), p.498.

4 J.J. Scarisbrick, "Religion and Politics in Northamptonshire in the Reign of Henry VIII", *Northamptonshire Past and Present*, V, 2, (1974), pp.88-89; Whellan and Co., *op. cit.*, p.118.

5 George Baker, *The History and Antiquity of the County of Northampton*, I (London, 1822-1830), p.286.

6 *VCH Northampton*, II, p.141.

7 *L&P*, X, pp.384-85; *VCH Northampton*, II, pp.129, 158, 160-61.

When St. Andrew's suppression approached in 1538, William Parre notified Cromwell on measures to be taken for its staff:

we thynk it expedient the saide pensions to be payede by the hondes of the particuler recever of the suppressede londes of this countie of Northampton, and ther pensions payable at our Ladys day next insewyng...We have also assignede a vicarage of vij<sup>li</sup> nowe at this tyme vacant, to one of the convent for his pension...lest the pore man shulde bege in the mean tyme, the thyng beyng of so smale valew...<sup>1</sup>

The impact of the Dissolution on the lives of religious staff and recipients of poor relief should not be overstated. Nearby St. Mary de Pratis Abbey and Delapre Abbey managed to provide pensions for their prioresses and nuns. The aged Thomas Butteler, formerly of Oundle Parish Church, received a grant from the Guild of Our Lady in 1550 because he had "no other lyving."<sup>2</sup>

When John London and George Gifford visited Northampton in early 1539, it was in dire straits. There had been a profound decline in the availability of employment for skilled craftspeople, servants and labourers. The most important trades/crafts now emphasised self-employment, such as leatherworking (especially shoemaking and saddlery) and shopkeeping. These professions in turn dominated the magistracies and councillorships. In doing so they made Northampton a typical Tudor town in that it had a narrow apex of very wealthy people at the top and a wide base of struggling poor at the bottom. The subsidy assessment for 1524-25 shows that nearly a third of the total population was excluded from paying tax on grounds of poverty. In fact, it has been suggested that 80% of Northampton's population was poverty-stricken when it is considered that 54% of those taxed were the poorest to be taxed, and another 27% too poor to be taxed.<sup>3</sup> Messrs. London and Gifford were in agreement when they wrote to Thomas Cromwell. According to London, there "used to be much clothing here, but now is very little, and many are out of work; the artificers decrease, and the tipplers and ale houses increase daily."<sup>4</sup> Gifford said that Northampton was "a towne full of moche povertie and ympotent people."<sup>5</sup> Yet, although drinking establishments contravened longstanding guild regulations and more importantly attracted strangers to the town, we shall see that the local authorities' attitudes to them were remarkably inconsistent.

<sup>1</sup> Wright, *Three Chapters of Letters*, p.169.

<sup>2</sup> *VCH Northamptonshire*, II, pp.114-15; Joan Wake and W.A. Pantin, *Delapre Abbey Northampton: Its History and Architecture* (Northampton, 1975), p.5; W. Smalley Law, *Oundle's Story: A History of Town and School* (London, 1922), p.48.

<sup>3</sup> Dyer, *op. cit.* (1979), pp.73-74.

<sup>4</sup> *L&P*, XIV, Part 1, p.21; C.H. Williams (ed.), *English Historical Documents 1485-1558* (London, 1967), pp.969-70.

<sup>5</sup> R.M. Sergeantson, *The Abbey of St. James, Northampton* (Northampton, 1906), p.259.

Ex-monks played a key role in the Pilgrimage of Grace in 1536<sup>1</sup> but it was the anti-enclosure riots of 1549-51, again mainly in the form of hedge-breaking, which caught the attention of the central government. Disturbances arose in Northamptonshire in 1548 over the Mass and the sacraments at Glapthorne, yet it was not until a well-informed London butcher spoke directly to Sir William Paget on the taking of common land and no place for the poor to pasture their stock, that the Crown and the government acted.<sup>2</sup> It quickly issued orders for the ending of such assemblies and the execution of rebels. A young William Cecil received instructions to "cause great watche to be kept by Night in every Towne" and to be on the look out for "certen lyght Knaves, Horsecorsers, and Craftsmen. There be dyverse in Northamptonshire, Partie to this Matter...as the Case shal appere by our Examynacions."<sup>3</sup> By the early 1550s Northamptonshire was beset with destitute and homeless people. On 16 July 1551 the "commissarie of Northampton", William Bynseley, recorded in a letter to John Johnson that "the poor man Geoffrey Blofeld...has six fatherless children to support, and many debts."<sup>4</sup> On a more general note a pamphlet of the time, *The Decaye of England Only By The Great Multitude of Shepe* (c.1550-53) summed up the situation best. It stressed the dangers of idle husbandmen and their families roaming from place to place. Previously they had "meate, drynke, rayment and wages, paying skot and lot to God and to our Kyng", but now:

Many...worshypful men sette no store, nor pryse, vpon the mayntanaunce of tyllage of theyr landes, as before tyme hath been vsed...but many of them doeth kepe the most substaunce of theyr landes in theyr owne handes. And where tillage was wont to be nowe is it stored wyth greate vंबरment of shepe....whether shal they go? into Northamptonshyre? and there is also the lunge of twelef score persons loste: whether shall then they goo? foorth from shure to shyre...and be scathered thus abrode...and for lack of maisters, by compulsion dryuen, some of them to begge, and some to steale.<sup>5</sup>

The vivid prose of this work is rather sweeping in its condemnation of enclosure practices. Like most contemporary tracts it was prone to exaggeration. A deputy lieutenant remarked in 1560 that "most or all standeth by tillage and labour of the plough."<sup>6</sup> Nonetheless, the trend toward capitalistic sheep-farming did not abate. An analysis of sheep surveys for the years 1547 and 1564 reveals, tellingly, that farmers concentrated sheep-grazing on deserted village sites.<sup>7</sup>

1 J.J. Scarisbrick, "Religion and Politics in Northamptonshire in the Reign of Henry VIII", p.88.

2 Barrett L. Beer, *Rebellion and Riot: Popular Disorder in England During the Reign of Edward VI* (Kent State, 1982), p.151.

3 Lamond (ed.), *A Discourse of the Common Weal of this Realm of England*, pp.xxxix-xl; Haynes, *State Papers*, pp.115-16.

4 *Descriptive List of State Papers Supplementary (S.P. 46) Private Papers, Series I 1535-1705*. List & Index Society, 33 (London, 1968), p.52.

5 *TED*, III, pp.52-54.

6 HMC, *Duke of Buccleuch & Queensberry*, III, p.8.

7 John Martin, "Sheep and Enclosure in Sixteenth-Century Northamptonshire", *Agricultural History Review*, 36, 1 (1988), pp.39-54.

Admittedly the Privy Councils under Edward VI and Mary did not initially pursue the threat of wandering rogues and vagabonds. A Commission of Lieutenancy for the purpose of mustering levies was granted to the Marquis of Northampton in 1551. His command of the county, Hertfordshire, Cambridgeshire, Berkshire, Oxfordshire, Bedfordshire and Surrey was the largest at that time.<sup>1</sup> Secondly, the Privy Council ordered the mayor to investigate a seditious song sung in the town in early 1552<sup>2</sup> and the Marian Bishop Roote had John Kurde, a shoemaker, burnt near the North Gate in 1557 "for denying the popish transubstantiation."<sup>3</sup> Thirdly, the central government tacitly supported the hierarchical rigidity of Northampton's administration. Elaborating on the 1490 *Liber Custumarum*, the mayor and his brethren saw fit to punish "seditious wordes misrule and ungodlie governaunce" and devise means to end "commotions, striffes & debates, povertie myserye & many other inconveniences."<sup>4</sup>

The Northampton authorities' acceptance of the *Book of Common Prayer* and the fact that two corporation members on the commission of the peace in 1564 were said to be loyal "furtherers of religion", meant that the central government could work closely with the corporation.<sup>5</sup> Along with Kettering and Daventry, Northampton became a centre of Puritan-based social and moral reform in the 1560s. Local businessmen, gentry and clergy promoted a program of reform which had positive and negative aspects: firstly, to create a godly preaching ministry by the institution of a "Moses in every parish"; secondly, and in tandem with it, to sweep away remnants of popish ritual and custom (although it was not till the arrival of Percival Wibun that Puritan evangelism really began).<sup>6</sup> Serious trouble emerged later over the flouting of the conformist principles of the *Book of Common Prayer*, but initially the preachers there had the strong support of William Cecil and the Earl of Leicester. This is important because at the time Marian priests who refused to acknowledge the Elizabethan religious settlement were active throughout the county, more than once thought. Part of Bishop Edward Scambler's reply to the Privy Council in 1564 states the following: "Item that the stragling doctors & priestes who haue libertie to stray at there pleasures...do much hurte secrettlye and in corners."<sup>7</sup>

1 Thomson, *Lords Lieutenants*, pp.31, 33.

2 *RBN*, II, p.196; *APC 1550-2*, p.465.

3 R.M. Serjeantson, *A History of the Church of St. Giles Northampton* (Northampton, (1911), p.39.

4 *RBN*, II, pp.19-20.

5 Serjeantson, *op. cit.* (1911); Bateson, *op. cit.* (1895), p.36.

6 Clark and Slack, *Crisis and Order in English Towns 1500-1700...*, p.27; *RBN*, II, p.385; W.J. Sheils, *The Puritans in the Diocese of Peterborough 1558-1610*. Northamptonshire Record Society, XXX (Northampton, 1979), p.120; John Fielding, "Arminianism in the Localities: Peterborough Diocese, 1603-1642", in Kenneth Fincham (ed.), *The Early Stuart Church, 1603-1642* (London, 1993), pp.94-97.

7 Bateson, *op. cit.* (1895), p.34.



This danger paved the way for even greater cooperation between the Privy Council and Northampton's leaders, especially during 1569-72, that notorious period of alleged Catholic conspiracies, economic instability and open revolt. Not surprisingly, Cecil supported Northampton's Puritans as a bulwark against the Northern Rebellion in 1569 and the Papal Bull of 1570.<sup>1</sup> For his part the Earl of Leicester's religious sympathies favoured Wiburn and his mission to reform the "poor men of Northampton."<sup>2</sup> With the support of such aldermanic families as the Raynsfords, Manleys and Coldwells, Wiburn set about implementing the 'order' of Northampton on 5 June 1571; to join the community's religious life with its civic institutions, following the pattern of Geneva, whereby "the bishop's authority and the mayor's joined together...ill life is corrected, God's glory set forth and the people brought in good obedience."<sup>3</sup> Notwithstanding Bishop Scambler's suppression of this order and the Earl of Leicester's intervention on the Puritans' behalf<sup>4</sup>, this signalled an important phase in Northampton's rigorous approach to matters of law and order, particularly in relation to vagrancy-related disorders. Leicester himself, when he admonished Scambler for criticising the prophesying movement, believed that the preaching "sharplie and precislie sought the reformation of the lycentious sort."<sup>5</sup>

The Puritans' reformation of their own congregations moved away from discussions about ecclesiastical polity to active work in the community: the spiritual and moral regeneration of the individual and the household now centred on the municipal congregation at large.<sup>6</sup> This in turn influenced such matters as destitution, idleness, drunkenness, bastardy, profanity and rumour-mongering. In 1569 an order emerged whereby for the poor to be relieved, they could obtain wood cheaply through a strict regulation of its sale, on pain of inhabitants paying 12d. to the poor man's box in All Saints' Church.<sup>7</sup> The *Book of Common Prayer* was retained but it also became compulsory for everyone in Northampton, no matter what their station in life, to attend sermons. More lectures were given on Tuesdays and Thursdays in All Saints' Church, followed by the punishment of suspected faults. Part of the town's elaborate regulations for 1571, directed the mayor, brethren, preachers and ministers to investigate each parish:

1 VCH Northampton, II, p.43.

2 HMC, *Pepys Manuscripts*, p.177.

3 Quoted in Sheils, *op. cit.*, p.26.

4 *Ibid.*; HMC, *Pepys Manuscripts*, pp.177-78; Strype, *Annals*, II, pp.90-95.

5 Patrick Collinson (ed.), *Letters of Thomas Wood, Puritan, 1566-1577*. BIHR Special Supplement 5 (London, 1960), p.xxvii.

6 Roland Usher (ed.), *The Presbyterian Movement in the Reign of Queen Elizabeth As Illustrated by the Minute Book of the Dedham Classes 1582-1589*. Camden Society (London, 1905), pp.11-21.

7 RBN, II, pp.178-79.

for the correction of discords made in the towne as for notorious blasphemy, whoredome, drunkenes, raylinge against religyon, or the preachers thereof, skowldes, rybaulde, and such lyke, wch faults are eche Thursdaye presented unto them in writinge by certein sworne men, appointed for that service in each parisshe, so the bisshopes authoritie and the mayors joyned together being assisted wth certein other gentlemen in comysion of peace, yll lyeff is corrected, Goddes gloary sett forth and the people brought in good obedience.<sup>1</sup>

While Calvin's Geneva provided the model for an order which replaced the ecclesiastical courts with a more regular and energetic local discipline, an association had also been made between preaching, spreading the word of God and keeping 'the people' in order. With the Midlands experiencing a growing numbers of poor and vagrant people, Puritanism's emphasis on the duty of local elders and deacons "provided an ecclesiology which suited those needs."<sup>2</sup>

One of the most alarming aspects of disorder to appear in Northampton and challenge its Puritan leaders, and one persisting well beyond the Elizabethan period, was vagrants' habitation of drinking dens. As early as 1538 at the "Sign of the Bell" an ex-friar had openly and seditiously discussed the nature of the sacrament of the altar.<sup>3</sup> The by-law passed in 1568 forbidding all innholders and vintners "nor none that kepithe any tiplinge house mayteine or kepe any Company in ther howses" during sermons on the Sabbath was ignored only two years later. Complaint arose in 1570 that "the greate multitude of...pettit bruars, typlinge howses, or alehouses, who neither regard assyze nor any other reasonable price nor goode order...rather maintain drunckards and Idle lycensious persons to the displeasure of almightie god and annoyance of the common wealthe."<sup>4</sup> It is not hard to realise why vagrants and strangers frequented these establishments in Northampton and its vicinity when one considers the extent of their proliferation. When the Privy Council issued the general directive in July 1577 for the returns of the names of those people licensed to be keepers of inns, taverns and alehouses, in the shire alone the county lieutenant gave a total of 8 taverns, 30 inns and 400 alehouses. In the town about 80 of these places existed.<sup>5</sup>

Bishop Scambler's report to Burghley in April 1573 on divisive Puritan practices at Northampton, involving the sacraments "contrarie to forme prescribed by the publique order of the Realme", brought the Puritan arrangements to a temporary halt.<sup>6</sup> This did not, however, affect cooperation between the Privy Council and Northampton's leaders in apprehending

1 *Ibid.*, pp.386-90; Usher, *op. cit.*, p.4

2 Sheils, *op. cit.*, p.120; Patrick Collinson, *The Religion of the Protestants: The Church in English Society 1559-1625* (Oxford, 1982), p.177.

3 Spufford, *op. cit.* (1985), pp.44-45.

4 *RBN*, II, pp.300-1.

5 *Ibid.*, p.301; Clark, *English Alehouse*, pp.71-72; *CSP, Domestic, 1547-1580*, p.563.

6 Wright, *Queen Elizabeth and Her Times*, I, pp.475-77; Sir Henry Ellis, *Original Letters...*, III, Second Ser., p.34.

people migrating into the shire, either trying to improve their circumstances or simply escaping more appalling conditions elsewhere. Either way the phenomenon sharpened the authorities' prejudices against the wandering poor and encouraged them to believe that rogues, vagabonds and masterless people were 'flooding' into the region. Hence, when the Privy Council issued orders for the carrying out of searches and arrests of 'suspect' and 'loose' people in Northampton's vicinity, the local justices of the peace and magistrates were only too willing to oblige the central government.

The reports for the period 1569-72 make interesting reading. Admittedly, they refer to the county, not Northampton, but they record where vagabonds caught in the area came from, their mode of punishment and the places they were forced to go to. In reply to the Privy Council's letter of March 1569 "for the Inquisicon and privie search for vacaboundes unlawfull beggers rogues and egiptians", Thomas Andrews (writing at Winwicke on 27 June) sent certificates of the sturdy vagabonds taken and whipped at Peterborough (25 March) and Higham Ferrers (March 28).<sup>1</sup> On 7 April 1570 William Saunders, acknowledging a conciliar command to "make deligent enquire of loose vagrauntte and Idell psons, as then were to be fownd", despatched his reports for the hundreds of Fawsley and Cleyley. The Fawsley certificate included one "Agnes Goodman, born in Bribnell in the countie of Warwickshier." That of Cleyley included two married couples "taken at Stoke and punished at Towcestre": William and Margaret Hester were permitted to pass on to Woollaston in Worcestershire; and William and Agnes Jackson were licensed to travel to Hertfordshire.<sup>2</sup>

The justices' reports for 1571 indicate the sorts of pressures they perceived themselves to be under. Northamptonshire seemed to be bearing the brunt of continual population movement, judging by the numbers of those arrested for vagrancy and their wide-ranging geographical origins. The Privy Council demanded greater efforts to be made in stopping this disorder. On 25 July it wrote to Northamptonshire's Sheriffs and JPs, demanding that punishment should be: "by stocking and sharp and severe whipping, according to the laws effectually, and that without redemption of favours...for there is no greater disorder nor no greater 'rote of thefts, murders, picking, stealing, debate and sedition than is in those vagbonds."<sup>3</sup> Accordingly, the reports for August, September and October demonstrate a certain cruel thoroughness. The justices' certificate of late August set the tone for what was to follow.

1 State Papers Domestic 12/LI, folio 27.

2 State Papers Domestic 12/LXVII, folios 102, 104-5.

3 HMC, *Lord Montagu of Beaulieu*, p.11.

Having kept "straight and diligent watche att the tymes appoynted", the justices of the peace had "taken the vacabounds & beggers whos names hereafter are enclosed", and punished them "accordinge to the statute in that behalfe providede." Among those who suffered summary punishment were the brothers Thomas and John Rychard of Demock, Oxfordshire, Edwarde Davide "of Mongomerye shier borne in newe towne", and Royse Pollard from London.<sup>1</sup>

Sir Edmund Brudenell, in his certificate dated 13 September had "cawsed straighte watche and Searche to be kepte and made the daie and nyghte...for the apprehension of all Roges Vagabounds sundrie Beggers masterles men and Suspecte psons". Among the people he and the other magistrates in his division had "severlye and sharpelye...stocked and whipped" were the following:

Thomas Hatherbye taken at Polbrooke and ther punyshed by stockinge & whippinge and by pasporte dismissed and sente from constable to constable to the countie of Derby wher he saieth he was borne.

Robert Richardson & Margaret his wyfe were taken at Bullwike and ther stocked & whipped & by paseporte sent from constable to constable to Hillmanston in the countie of Warwike.

Elizabeth Taylere taken at Bullwicke & ther stocked and whipped and by paseporte sent from constable to constable whe she saithe she was borne.

George Davie taken at Bullwicke & ther stocked & whipped & by pasport sent to...the countie of Lecestre.<sup>2</sup>

Brudenell included a certificate from the constables in the hundred of Thadlington, wherein the constables, apprehending "all vagabounds & suspect psons taken in the pryvey watche...the xij<sup>th</sup> & xij<sup>th</sup> dayes of Septembre 1571", returned them to Worcester, Berkshire and Hampshire.<sup>3</sup> Of the vagabonds caught by Thomas Spencer and taken to Daventry on 8 October 1571 and whipped, the most outstanding were: a Welsh married couple from "Westherford in the countie of Pembroke"; Marie Gilberte of Essex; Margarit Blancharde "borne in Hyborne in the countie of Stafford"; and Richarde and Joane Adlam, sent from constable to constable all the way to Exeter, Devonshire, their last place of (claimed) residence.<sup>4</sup> Finally, the Sheriff of Northamptonshire furnished the Privy Council with reports (23 April 1572) of rogues and vagabonds caught in the eastern and western parts of the county.<sup>5</sup>

1 State Papers Domestic 12/LXXX, folio 144.

2 State Papers Domestic 12/LXXXI, folio 25.

3 *Ibid.*, folio 26.

4 State Papers Domestic 12/LXXXI, folios 114-15.

5 *CSP, Domestic, 1547-1580*, p.441.

The number of vagabonds in this period increased. Eleven were captured in August 1571 and by March-April 1572 the total had risen to 30.<sup>1</sup> In spite of these activities it does not appear that the apprehension and punishment of masterless people had much effect on the problem in Northampton. Obviously there were deficiencies in poor relief and a symptom of the inability to provide meaningful work for the idle poor was the periodic cleaning of the town ditches.<sup>2</sup> Yet strangers kept coming to the town. In early September 1576 the churchwardens of one parish indicted John Clarke for allowing "carde plaie in his house in the tyme of Comon praier, one sondaie with two straungers."<sup>3</sup> There are also records of illegitimate children born of unknown people, such as the case of "ye daughter of no certain man."<sup>4</sup> Orders were promulgated in 1580 and 1582 forbidding every manner of person, during the Sabbath, to inhabit the inns, taverns, and common houses for the purposes of dice, drinking or playing unlawful games.<sup>5</sup> The persistence of disorder caught the Privy Council's attention in 1584 when the shire officials and concerned townspeople petitioned it over pluralism and mismanagement of funds at St. John's Hospital. Allegations were raised to the effect that firstly, the newly appointed Master, Arthur Wake, refused to leave his residence in the Channel Islands, and secondly, "hardly the xxth part of the revenues were given to the reliefe of any impotent aged or feeble persons."<sup>6</sup> This may reflect a slackening in the policing of illegal begging and vagrancy; in July of that year Margaret Herdson of Northampton was committed at the Witham assizes in Essex for vagrancy.<sup>7</sup> In 1585 the assembly took the step of permitting 21 poor people to have the badge of the town. In groups of seven they would go to the inns for two days each, in order that they might legally "begge the towne." Any beggars caught without a badge were committed to ward at the mayor's discretion.<sup>8</sup>

The economic crises of 1586-87 and the mid-1590s are yet to be examined but the main threads of vagrancy in Elizabethan Northampton have been outlined. The Privy Council, as thorough as it was in ensuring that the anti-vagrancy provisions of various poor relief statutes, ie. the revived 22 Henry VIII, c.12 (till 1571), and poor laws of 1572 and 1576 were carried out, could in effect do little to stem the tide of disorder in the region. Why was this so, given

1 Aydelotte, *Elizabethan Rogues and Vagabonds*, p.162.

2 *RBN*, II, pp.534-35.

3 Serjeantson, *op. cit.* (1911), p.41.

4 *Ibid.*, p.186.

5 *RBN*, II, p.302.

6 *VCH Northampton*, II, p.158.

7 J.S. Cockburn (ed.), *Calendar of Assize Records: Essex Indictments: Elizabeth I* (London, 1978), p.250.

8 *RBN*, II, p.179.

that the Privy Council could count on the support of such august local persons as Sir Christopher Hatton and his equally influential deputy, Sir Richard Knightley, who as a Puritan had important relations with the town? There are instances in which the magistrates, despite their enthusiasm of the early 1570s, showed a marked reluctance to carry out statutory commands to the letter. In the matter of establishing a house of correction and a town stock of raw materials for the able-bodied poor to work with, as provided by the poor law of 1576, the town's authorities were curiously lacking in enthusiasm. Not until 1615, when the records echo the corporation's fear of "the resorting of Alyens and Vagraats to this towne who seak to plant themselves here", did they undertake this and even then it was only for the grinding of malt.<sup>1</sup>

Northampton's brewing and malting trades are an important consideration in explaining the success (or otherwise) of the town's poor relief provisions. It is an aspect of the economy that was linked to the way vagrancy was dealt with locally. The liquor-based occupations were boosted by the county's corn and wheat supplies and the knowledge that they lacked the formalised institutions and regulatory processes of York, Norwich and Chester.<sup>2</sup> Much to the Privy Council's concern large quantities of grain were transported to Lynne, Norfolk in the mid-1560s.<sup>3</sup> Alan Everitt's research indicates that the brewing trade in Northampton came under the control of half a dozen or so men.<sup>4</sup> Is it possible that they were not prepared to damage their own interests by supporting too thorough a campaign against the sorts of people who frequented Northampton's alehouses and ultimately made them wealthy? A convenient loophole existed in the 1582 by-law that imposed a 12d. fine on anyone inhabiting an inn, tavern, alehouse or victualling house on the Sabbath. The order did not apply to anyone who went "to anye of the places above mentioned, there soberlye to eate or drynck with his frende, or being invited as a neighore or geste to dynner by the goodman of the howse."<sup>5</sup> Everitt points out that as local capitalists the wealthier brewers acted as money lenders to workers and husbandmen who were reckless with their finances.<sup>6</sup> The Privy Council was worried by the apparently 'cosy' arrangement they had with badgers of corn. When they came to Northampton they purchased excessive amounts of corn for the brewing and malting trades. This pushed up prices at the market place, much to the detriment of the poor who needed bread.<sup>7</sup> Brewing and

1 *Ibid.*, pp.177-78.

2 *Ibid.*, p.278.

3 *APC 1558-1570*, p.223.

4 Alan Everitt, "Country, County and Town: Patterns of Regional Evolution in England", *TRHS*, Fifth Ser., 29 (1979), pp.92-93.

5 *RBN*, II, p.301.

6 Alan Everitt, "The Marketing of Agricultural Produce", in *AHEW*, pp.555-56.

7 *HMC, Duke of Buccleuch & Queensberry*, III, p.13.

malting houses were notorious fire hazards but the profits that could be made from them were too tempting. This is why the Privy Council in 1575-77 was aghast that its orders to the mayor and brethren of Northampton for the building of malt kilns or at least reform them to prevent of fire hazards, were being ignored.<sup>1</sup>

The general economic crisis of the mid-1580s and the declaration of war against Spain brought these matters to a head. The well documented failure of the 1586 harvest and the escalation in the price of bread threatened to devastate Northampton's poor, even though in the context of this national catastrophe other parts of the kingdom fared much worse. In this situation the emergence of Sir Christopher Hatton, who received his Commission of Lieutenancy on 12 September 1586, made the presence of the Privy Council more pronounced than before. Previously, Hatton had intervened in 1583 on behalf of Ursula Warde, a "poor widow" of Northampton, for her to be admitted *in forma pauperis* when she sued "men of evil disposition."<sup>2</sup> A year later he issued licenses for people to beg locally on behalf of the Hospital of St. Leonard.<sup>3</sup> Hatton's commission entitled him to have authority over "our County of Northampton, and all corporate and privileged places within the limits or precincts of the same County", to muster levies from the same and included express orders to suppress "enemies, insurrection, rebellion, riots, routes or unlawful assemblies or any like offences." Hatton, with the cooperation of "all and singular our Justices of the Peace, Mayors, Sheriffs, Bailiffs, Constables, Headboroughs, and all other our officers, ministers and subjects...in all corporate and privileged places within the limites of the said County of Northampton", had the ultimate responsibility of ensuring that noone "shall wander upp and downe nor run abroade...."<sup>4</sup>

To reinforce his position the Privy Council ordered the commissioners for restraint of grain and victual to bring all available corn stocks to the market, in order to "prevent the present dearthe and abate the excessive prices of corne generallie."<sup>5</sup> The orders of the mid-1570s limiting malting kilns had been ignored, so the Privy Council ordered the deputy lieutenants to go to Northampton and intervene personally:

you shall searche the barnes, granars and storehou[ses]...in Northampton [and] within three or fower miles of to the same towne...You shall likewise take paines to view all the kylles now built within

<sup>1</sup> APC 1575-1577, pp.8, 345; APC 1577-1578, pp.33, 106, 386.

<sup>2</sup> CSP, Domestic, Addenda, 1580-1625, p.89.

<sup>3</sup> HMC, Various Collections, IV, p.265.

<sup>4</sup> Thomson, *Lords Lieutenants*, pp.153-56; Wake, *Musters, Beacons, Subsidies*, pp.1-8; Jeremy Goring and Joan Wake (eds.), *Northamptonshire Lieutenancy Papers and Other Documents 1580-1614*. Northamptonshire Record Society, XXVII (Gateshead, 1975), pp.2-3.

<sup>5</sup> APC 1586-7, p.98.

that towne for mault, and cause so manie of the said how[ses] to be converted in other vses as in your discrecions, for the danger of fier or annoyance of the towne or neighbourhoode.<sup>1</sup>

The content of Northampton's commonalty's appeal against the malting kilns (1586) confirms Everitt's thesis on the elite's 'conflict of interest'. Their owners were no less than the town's aldermen, bailiffs "and men of gret welth" who, for the most part, "haue sett vppe to the number of sixtene kyilles at the leest within the town and liberties, and manye of them in most daungerous and fearfull places for burning the towne."<sup>2</sup> A corresponding rise in the price of meat following an outbreak of disease in cattle and sheep also forced the Privy Council to instruct both the county JPs and "the mayors and other chief officers of...priveleged places" in Northamptonshire to get their houses in order and "of the same among the meaner sort."<sup>3</sup>

By November the poor were being denied access to grain supplies on account of the activities of grain merchants, but of far greater concern to the authorities was the effect this had on law and order. According to the mayor in his letter to Hatton, the 'deserving poor' of the town, fast becoming indistinguishable from the 'undeserving' sturdy beggars who flocked to it, were "so hardlie distressed that we stand in great dowte of some mutenie or vnlawfull attempte to aryse amongeste them, vnles somme politique meanes be devised for the spedye reformation of suche horrible abuses."<sup>4</sup> Such a mutiny did not eventuate but as England was at war with Spain, the central government was naturally fearful for internal security and Northampton was no exception. Hatton received a memorandum (15 June 1588) from the Privy Council with an order to stop "false rumours and rep[ortes]" being circulated. The "authours of suche rumors and tales should be dilligently fo[und] out from tyme to tyme and severely and speedely punished"; the "lewde persones" thought capable of this were the "manic vagrente and idle persones that goe aboute [the] countrey fitt to be evill instrumentes in all bad accions."<sup>5</sup>

There was a further influx of vagrants and accompanying disorders into the vicinity of Northampton in the 1590s. Sir Richard Knightley and Sir Thomas Spencer forwarded to the Privy Council a letter containing a "trewe sartyfycate of alle suche vacabones taken wythen the hundreds of ffawsley and gylsburogh." This certificate (dated 13 May 1594) records the punishments of vagrants on March 25 and April 2, and the far-flung origins of many of those taken: Davy Tomson and his wife Margaret from Northumberland; Homfrey and Jane Robinson

1 Goring and Wake, *op. cit.*, pp.25-26.

2 *Ibid.*, p.27.

3 HMC, *Duke of Buccleuch & Queensberry*, III, p.26.

4 Goring and Wake, *op. cit.*, p.24.

5 *Ibid.*, p.54.



"borne in the northe"; Thomas Chapman, presumably escaped from "Leycester of the spitall howse"; Anne Bunney from Canterbury; Roberte Mylles "born in Meddullsex"; "Gregory Gamon borne in the Countie of Stafford"; and "Peter Masse & Anne his wyffe borne in the Countie of Chester."<sup>1</sup> During November 1596 the Privy Council had 80 vagabonds from Northamptonshire brought to London - "lewd persons...calling themselves Egipcians" - for the purpose of finding out "their lewd behaviour, practyces and ringleaders."<sup>2</sup> Some of the ringleaders were committed to prison in London and then, on the instructions of Lord Chief Justice Sir John Popham, removed to Bridewell and tortured by Richard Topcliffe.<sup>3</sup>

While the working poor could be prejudiced against their more beggarly cousins, preferring to spend their money on themselves (especially in tippling houses), the harvest crises of 1594-97 and incidents of local flooding made poor relief collections negligible.<sup>4</sup> It was "most lamentable to be seen", read a letter to the Privy Council by "divers gentlemen" of Northampton, that "the labourer and the poorer sort...as well persons of middle age as old folks and children, go on begging...for want of food."<sup>5</sup> The Privy Council wrote to the Sheriff and Custos Rotulorum of the county on 25 May 1595: "either the markets be not served with sufficient quantity of grain for the necessity of the people, or else such as is bought at the markets is held at so high prices as the poor people cannot be relieved." The justices of peace were implored to do more to help the destitute in this time of dearth. Hunger made people leave their locales and set out to find food or steal it. Therefore the justices, assembling in Northampton in January 1596 to regulate the price of corn, wheat and meat, had to circumvent these 'wanderings' by entrusting people with the duty of carrying reasonable amounts of grain to the market place, to be sold to the poor at reasonable prices. The Privy Council had exempted the county from providing victuals for the navy because of grain shortages; it is not known, given the preference for malting and brewing, the extent to which they tried "to restrain the making of malt in some reasonable measure, in regard the poor people should not pine for bread."<sup>6</sup> This is why the Privy Council criticised the justices of the peace in 1597 for not attending to the needs of the poor.<sup>7</sup>

<sup>1</sup> State Papers Domestic 12/CCXLVIII, folio 229.

<sup>2</sup> *APC 1596-7*, p.325.

<sup>3</sup> *Ibid.*

<sup>4</sup> HMC, *Duke of Buccleuch & Queensberry*, III, pp.35, 41; *APC 1596-7*, pp.532-33.

<sup>5</sup> HMC, *Marquis of Salisbury*, Part VIII, p.243.

<sup>6</sup> HMC, *Duke of Buccleuch & Queensberry*, III, pp.35, 41; *APC 1595-6*, p.164.

<sup>7</sup> HMC, *Duke of Buccleuch & Queensberry*, III, p.52.

Northamptonshire was one of several counties in the winter of 1598 to endure great losses and hardship caused by floods.<sup>1</sup> The parish of All Saints, Northampton had an assessment levied upon its inhabitants and occupiers of land in 1598. A sum of £13 6s. 8d. was raised "for the setting of the poore of the same parishe on worcke and for other uses according to an acte made in the parliament holden...in the xxxix<sup>th</sup> year of the quene's raigne."<sup>2</sup> But the reports from eight justices of the peace in 1598 on highway assaults in the area<sup>3</sup> demonstrated two things: firstly, that law and order could not cope with the pressure of population on the resources of Northampton and the county; and secondly, this in turn influenced the administration of poor relief and public work schemes. The disorders in Northamptonshire were such that Sir Edward Montagu, writing to his mother Lady Montagu on his affairs in London (June 1600) wondered if he should be busy in "weightier matters, as punishing of rogues and such like."<sup>4</sup>

The military campaigns waged in the Low Countries and Ireland in the 1580s-90s and the early years of the seventeenth century, left their mark on Northampton. An analysis of the Privy Council's actions in regulating poor relief to ex-soldiers returning to places in Northamptonshire, even as late as 1624 when the Privy Council upheld veteran Daniel Sudley's petition for a pension<sup>5</sup>, reveals similarities to Leicestershire. Essentially, virtually the entire responsibility for the welfare of ex-soldiers rested on the shoulders of local municipal and county administration. While most sources for this theme derive from the late 1570s onwards, a hint of the troubles to come was evident in 1560. Mustering troops seemed to be of secondary importance compared to the urgency of harvest work, "for the relief of the county and some ease to the poor men there."<sup>6</sup> Then in February 1579 commissioner Erasmus Dryden wrote to Sir Edward Montagu:

We found the Captain very strait and scrupulous in allowing our men and armour or apparel, which he demanded to be full in all respects, whereby we were driven to make to him large allowance for the apparelling of them...I never saw so many errors committed in so easy a service, though I will be no finder of fault.<sup>7</sup>

1 Harrison, *Elizabethan Journals*, II, p.318.

2 *RBN*, II, p.179.

3 *CSP, Domestic, 1598-1601*, p.104.

4 *HMC, Lord Montagu of Beaulieu*, pp.28-29.

5 *CSP, Domestic, Addenda, 1580-1625*, pp.673-74.

6 *HMC, Lord Montagu of Beaulieu*, p.10.

7 *HMC, Duke of Buccleuch & Queensberry*, III, pp.16-17.

In 1582 100 county levies had been chosen to serve under the Earl of Huntingdon in the North<sup>1</sup>, while the first soldiers to be supplied from the town under the auspices of the General Musters Act were recruited in December 1585, the "sceassment" valued at £16.<sup>2</sup>

Between this time and the crisis of the Spanish Armada, Northampton became one of the towns (the others being Culworth, Towcester and Daventry) where county infantry and cavalry were inspected for their weapons and armour. They were not as yet sent on overseas service but were conducted to the south of England to serve under Lord Hunsdon, to defend the Queen and Court, and towns and ports from the expected attack. Sir Christopher Hatton set to work by circulating to his deputies various Privy Council letters, the most outstanding being those dated 2 October 1586, 20 February 1587 and 9 October 1587. While the first letter enjoined the deputy lieutenants to ensure infantry consisted of "such householders as for their personage shall be found servicable and of living and able to bear the charge of the training", the second and third, respectively, ordered the enrolment of 1200 men and the county forces to be put in readiness. There was, however, a marked reluctance of landowners and captains to act fully upon their obligations in the matters of providing the full quotas of men, and training, arming and disciplining them. Captains could purchase weapons and outfits and be recompensed by the county - whenever it deemed to do so; and proof was needed that weapons had been lost on the queen's service in order to reclaim money. The costs of training soldiers fell on those who paid subsidies. A triple monetary obligation was on the landowners, over and above the personal service they gave as justices, commissioners or deputy lieutenants: they supplied and equipped horsemen, maintained them at the musters, and they paid taxes to fund the infantry musters.

It is not surprising that haggling occurred to avoid the customary payment of coat-and-conduct money, and it put Sir Christopher Hatton in an embarrassing position. As Lord Chancellor he was obliged to see that the county quota and quality of mustered men were upheld, but as lord lieutenant of a county in which he had allegiances he placated discontent in 1587 by reducing the quota of foot soldiers from 1200 to 600 and horse from 190 to 100. This actually made sense because 600 men, properly trained and armed, were far more valuable than double that number simply massed together and ill-equipped. Unfortunately, some officers had not even bothered to get in touch with their units and - barely six weeks before mobilisation -

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1 *CSP, Domestic, Addenda, 1580-1625*, p.84.

2 *RBN*, II, pp.444-45.

such money that was saved had not yet been spent on making coats for soldiers.<sup>1</sup> Northampton was in some respects diligent before, during and after the Armada crisis. The town contributed £30 toward coat-and-conduct money and when county detachments gathered there on 30 July 1588 before arriving at Hunsdon's camp in early August, each one received its coats and pay, and their captains dutifully signed the accounts.<sup>2</sup> The system worked at Northampton in as much as the man who was personally assessed actually served. In 1590 the assembly resolved that glover William Atkyns would receive 4 shillings which "hee payde and layede out for the provision of the Soldiers in consideration hee served himselfe as a Soldyer."<sup>3</sup>

When the time arrived for Northamptonshire's soldiers to march home (15 August 1588) the government paid their conduct in advance but at a much less generous rate than that which the county authorities permitted for the outward march.<sup>4</sup> Here the references to roguish soldiers truly begin, starting with Lord Hunsdon's letter to the deputy lieutenants that Robert Wylmore of Northampton was one of four men "prest to serve as soldiers under him" but who "have refused come upp according to their dutie."<sup>5</sup> The Privy Council wrote to Hatton on 25 August to congratulate him and his deputy lieutenants on choosing "good and hable men", but there was anxiety that some captains had not paid their men in full, and took money to excuse them and replaced them with "hierlinges in their places."<sup>6</sup> The renewal of Hatton's lieutenancy in February 1590 coincided with the return of soldiers from abroad.<sup>7</sup> On 29 June 1591 the Privy Council told Hatton the procedure to be taken in countryside and towns for returning soldiers. Firstly, they "shall retorne home to the places from whence they were chosen, and there to lyve on that condicion wherein they were with their parentes, masters or otherwyse in some particuler estate of them selves." Secondly, with reference to the towns (ie. Northampton, Towcester, Peterborough and Higham Ferrers), it was preferred "that they maie be favored to continewe in theirre former occupacons to lyve thereby, or yf they shall by anie casualty happened to them in theirre service be made unhable to gett their lyvnge...the towne or paryshe maie giue some contrybucion for theirre releefe untill they maie be hable to gett theirre lyvinge." Thirdly, the government hoped that by this process ex-soldiers would not "wander abroade and to fall into the mysery of begginge or of danger of punyshment by the lawes."<sup>8</sup>

1 This paragraph is based on Wake, *Musters, Beacons, Subsidies*, pp.lxxxxii-xcvi

2 *Ibid.*, pp.xcvii, xcix-ci, 20-21.

3 *RBN*, II, p.445.

4 Wake, *Musters, Beacons, Subsidies*, p.cii.

5 *Ibid.*, p.ciii.

6 *Ibid.*

7 HMC, *Duke of Buccleuch & Queensberry*, III, p.28.

8 *APC 1591*, pp.352-53.

A rising source of tension came from the dispute over the care of returned and often crippled soldiers. Where and when it could, the Privy Council intervened on behalf of men who appear to have suffered from justices' and treasurers' negligence or refusal to grant them alms. In 1591 Edward Vernam was entitled "to gather the devociions of charitable people" for six months, and in 1598 the Privy Council ordered the officers to grant "such allowance for his maintenance...for persons of his sort and qualitie."<sup>1</sup> The local authorities' refusal to acknowledge the needs of some maimed soldiers did not stem from personal callousness. It was more from a realisation that their ability to collect parish funds for their relief was already stretched to the limit by the wider and long-term consequences of the harvest crises of 1594-97 and floods of 1598. So they could not pay, forcing veterans to go to other places. During 1612-13, for example, Trinity College, Cambridge, recorded the arrival of a "trumpetor of Northampton [who] had both his hands quite strooke of with a Cannon at Cales, and yet playes on his trumpet with 2 fingers."<sup>2</sup>

The first reference to outright deserters is dated 8 March 1593, two months after 150 men were mustered for service in Normandy. Captain Parre Lane made a note of 27 "Runaways and defective men of the East division."<sup>3</sup> The rate with which inefficiencies in mustering and defects in equipment were reported, increased in 1595-96 when the repeated calls for soldiers in Ireland began to be met with tacit resistance in Northampton and other towns. Firstly, the Privy Council admonished the county Sheriff in August 1595, insisting that men be properly trained in military service. As far as the justices at Kettering were concerned, the "training of soldiers will be a great charge and trouble to the county...[and they desired] that their poor countrymen may be spared for this reason."<sup>4</sup> The pressure on town chests meant that the people were liable for higher and more regular payments for soldiers and their furnishings. Increasingly, the inhabitants of Northampton refused to contribute their share towards them. Constables were empowered to gather money in their wards and they personally warned defaulters that they rendered themselves liable to be kept in ward by the mayor's sergeant until such time the payment was made.<sup>5</sup>

Captain Parre Lane, who commanded a cavalry detachment in 1589, then in 1595 served as county muster-master and in later years resided in the parish of St. Peter at

<sup>1</sup> *Ibid.*, p.75; *APC 1597-8*, p.323.

<sup>2</sup> *REED: Cambridge*, I, p.496.

<sup>3</sup> *HMC, Duke of Buccleuch & Queensberry*, III, pp.30, 32.

<sup>4</sup> *Ibid.*, pp.36-37.

<sup>5</sup> *RBN*, II, pp.445-46.

Northampton, took over the bulk of equipping and despatching of drafts of men bound for Ireland via Chester.<sup>1</sup> In the absence of a lord lieutenant (Sir Christopher Hatton had since died) Lane rose steadily in the Privy Council's estimation. Consequently, the instructions that came from the Privy Council to the High Sheriff and four deputy lieutenants in September and December 1596 are worth highlighting.<sup>2</sup> Parre Lane, "beinge a gentellmann of that cuntreye and of good reputacion and well knowne unto to you to be theyr captaine" obviously had the trust of the Privy Council. A better kind of recruit was necessary for Ireland, "not vagrant and of the bassar sorte which kinde of people commonlye so soone as they cann finde the meanes to escape doe runne away from theier captaines." Lane and his associates had to get foot soldiers and cavalry to Chester, and in the process record all their names, what they carried in the way of arms and furniture, and the parishes where they were levied. But would the temptation to rid Northamptonshire of sturdy beggars and gaol-birds prove too strong for more inexperienced or bloody-minded officials?

Like Leicestershire's borough and county authorities, Northamptonshire's officers solved their vagrancy problems in the short term by impressing rogues and vagabonds into the regiments bound for Chester, Bristol and other points of departure, much to the constant dismay of the Privy Council.<sup>3</sup> There was a great need for foot soldiers to be at Chester in the early spring and summer of 1596 and in April 1597. Though these were duly sent there, Sir Edward Montagu indicated on his report from Northampton that he was disgusted by Sir Robert Wingfield's recruiting method: "ashamed by his cousin's default in sending insufficient (unfit) men...to the musters."<sup>4</sup> The rising cost of war in Ireland caused Northampton's leaders to keep an eye on their expenses for county and borough troops in 1598-99. Fifty shillings "at the least" was needed in addition "for the apparelinge of suche soldiers as shalbe pressed out of the towne", and the assembly had to raise £10 from inhabitants who could pay. When the muster commissioners went to Northampton Castle and set the press gangs to work in the town and county, the levied rate rose to £13 6s. 8d. by June 1599 and to £15 in February 1600.<sup>5</sup>

The compiler of Northampton's borough records believed that in the first few years of the seventeenth century the town resisted the Privy Council's military demands more

<sup>1</sup> Wake, *Musters, Beacons, Subsidies*, pp.cix-x.

<sup>2</sup> *Ibid.*, pp.32-35.

<sup>3</sup> *APC 1592-3*, pp.15, 32; *APC 1597-8*, pp.585-86; *APC 1598-9*, pp.95, 541; *APC 1599-1600*, pp.412-16; *APC 1600-1601*, pp.22-23, 315-18; *APC 1601-1604*, pp.80, 239-40.

<sup>4</sup> HMC, *Duke of Buccleuch & Queensberry*, III, pp.45, 48; Jeaffreson, "The Manuscripts of the Corporation of the City of Chester", HMC, *Eighth Report*, p.379a.

<sup>5</sup> *RBN*, II, p.446.

successfully. For instance, it resisted the imposition of cavalry requirements, and the orders of October 1601 requiring the town to levy fewer soldiers than normal was taken to mean that the war in Ireland had come to an end.<sup>1</sup> On closer inspection, however, this was not so. The Privy Council did not expect Northampton's charter of incorporation, which was technically exempt from county jurisdiction, to prevent it "from contributing and assisting either jointly or severally to the common public services of the State."<sup>2</sup> Recruits from the county were still being called up for transfer to Chester. There was no effort to disguise the fact that in 1600-1602 the commissioners and the High Sheriff Edward Montagu had problems with deserters running loose in the county and in the vicinity of Northampton. The precaution of listing each recruit's name and dwelling-place on indenture rolls and sending these records to the Privy Council did not stop soldiers absconding.<sup>3</sup> The Privy Council took into account that deserters in Northamptonshire could be armed when it wrote to the county justices in April 1602. The board advised good choice be made of suitably fit men bound for Chester: "touching the arming and apparelling of them, no provision is to be made in the county, as they shall be well furnished at the place of imbarcking, where a good quantity of those provisions remains."<sup>4</sup> The local arming of troops may not have fallen on deaf ears but the quality of impressed men was still appalling. Northamptonshire recruits, ideally, were required to come from stable and tax-paying occupations. Lindsay Boynton's remark that the trained bands in 1600 contained barely any taxpayers is backed up by the discovery that Northamptonshire's contribution of troops in comparison to those of other counties was "very ill men, not 40 good ones."<sup>5</sup>

The Privy Council's correspondence with the Northamptonshire muster commissioners in Elizabeth I's final years suggests that the premier body was clearly dissatisfied with their work. Its orders were getting to the grassroots level of government but were difficult to execute, despite the provision of certificates with levies' surnames, dwelling places, etc. Once the Privy Council reproached the commissioners for a certificate sent to it. Erroneously believing that the Privy Council would only be interested in the details concerning "best" men and equipment, their certificate omitted the names and addresses of some soldiers.<sup>6</sup> Just as galling was the subsidy to be collected in 1602. Requiring a subsidy to expel the Spanish who

1 *Ibid.*, pp.446-47.

2 HMC, *Duke of Buccleuch & Queensberry*, III, pp.68-69.

3 *Ibid.*, pp.64-67, 69.

4 HMC, *Duke of Buccleuch & Queensberry*, III, p.68; HMC, *Lord Montagu of Beaulieu*, p.30.

5 Boynton, *Elizabethan Militia*, pp.109, 175; HMC, *Marquis of Salisbury*, Part XII, p.164.

6 Boynton, *Elizabethan Militia*, p.44.

"hath already set foot and is lately seconded with new forces" in Ireland, the commissioners were ordered to make higher assessments among themselves. There is no evidence that the order was complied with because the assessment lists of 1602 were virtually identical with those of 1600.<sup>1</sup> Here we have a problem which illustrates the damaging struggle between the central government and local dignitaries. Negligence in training the militia to be efficient and assessing themselves for tax are signs that local municipal and county gentry leaders chafed under crown control.

When the next lord lieutenant, the Earl of Exeter, received orders from the Privy Council in August 1605 the damage had been done; the method of ensuring that levied troops were suitable for active duty became one of informal inspection, which in turn encouraged "flagrant dereliction" of duty by the commissioners. Exeter wrote to his deputies and commissioners to hold a muster and view of arms. They did so, claiming to have noted the defects and commenting that all would be made good when the arms stored by the armourers in Northampton were produced. After reading the certificate the earl was scathing in his reply. It was "very rawe and not fitt for me to present to the Councell Board, yt is so generall as allmost it might have bene made without aney vewe." The state of "horse and foote" at Northampton had not been checked and the rolls of indenture were useless for two reasons. Firstly, "in regarde that some men may dye some decay and others allter their places of habitacon" and secondly, "such persons as are best able to beare [military service] and most unlikely to decay" were not enrolled.<sup>2</sup> To finish on the overall difficulty in Northampton and the shire of finding suitable recruits, we need go no further than a letter from justices of the peace to constables in the East Division in mid-September 1605. It read, "And if any of the said persons of the selected band be dead or gone away out of any of the towns or parishes wherein heretofore they dwelt, then see you charge the petty constables to bring thither before us two others of the most able persons in every town."<sup>3</sup> Being "able" was a matter, it seems, of selective interpretation. Vagabonds and beggars were impressed in the army in Northamptonshire and marched out of it because local authorities could see no other way out of the county's social and economic problems. The author of *A Consideration...touching Depopulation* (1607) proposed the idea that all of Northamptonshire's excess population should be removed "to the wars or deducing

1 Wake, *Musters, Beacons, Subsidies*, p.cxiv.

2 *Ibid.*, pp.118-21; Boynton, *Elizabethan Militia*, p.210.

3 HMC, *Duke of Buccleuch & Queensberry*, III, pp.95-97.



of colonies."<sup>1</sup> In 1614 Sir Edward Montagu claimed that the shire simply was not equipped with a special trade to provide employment for the surplus population.<sup>2</sup>

Like Leicestershire, Catholicism in Northamptonshire may not have been particularly strong but its adherents were found in every social class. The patronage of Puritanism in Northamptonshire was fragmented. This permitted the recusant Tresham and Vaux families, examples of "wealth and prominence", to counterbalance the Montagus, Knightleys, Caretons and Mildmays. In turn this galvanised "the flourishing Papist population."<sup>3</sup> A few leading local families who upheld the old faith harboured priests on their estates, some of whom were born in the county but met their fate at the gallows in Tyburn and York Castle, or were examined in London's Bridewell.<sup>4</sup> Further down the social scale Northampton's St. Sepulchre parish had two recusant yeoman in the community, while an investigation into the village of Lowick in 1606 found that of 10 spinsters and widows, 6 were inclined to Catholicism.<sup>5</sup> When priests were not being harboured on local estates, a favourite place of communication for them were the tipping houses. It is not known precisely when the Jesuit and seminary priests made their first impact on Northampton. The turning point may well have been the occasion of an alleged "papist assault" on an informer at Kettering in 1576. This case went before the Star Chamber<sup>6</sup> and alerted the Privy Council to 'runagate' priests in the vicinity of Northampton. Sure enough, on 28 November 1578 the Privy Council directed Northampton justices of the peace to arrest "one Collier, a priest."<sup>7</sup> The order was given at a time when the central government had many problems on its hands regarding Northampton in 1578-79, mainly radical Protestant 'prophesyings', words allegedly spoken against the Queen in 1579, wild rumours regarding the Queen's proposed marriage and an outbreak of plague. Not only did they add to an atmosphere of uncertainty, the radical Puritans blamed it on the Catholic insurgency.<sup>8</sup>

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1 Pettit, *op. cit.*, p.147.

2 *Ibid.*

3 Oswald Barron and Lady Knightley of Fawsley, "The Knightleys of Fawsley", *The Ancestor*, II (July, 1902), p.11; John K. Gruenfelder, "Two Midland Parliamentary Elections of 1604", *Midland History*, III, 4 (Autumn, 1976), p.243; Sir Gyles Isham, *The Triangular Lodge: Rushton, Northamptonshire* (London, 1970), p.5; McCann, *op. cit.*, pp.176, 180; G.I. Merrion-Jones et al, "The Dating by Dendrochronology of Three Northamptonshire Halls", *Vernacular Architecture*, 18 (1987), p.34.

4 *APC 1586-7*, p.140; Anstruther, *Seminary Priests*, pp.172-73, 193-94, 203-4, 247-48, 382.

5 McCann, *op. cit.*, pp.32, 44; Scarisbrick, *The Reformation*, p.158. There were examinations of people and the priests they were said to have entertained in April 1606. *CSP, Domestic, 1603-1610*, p.312.

6 J. Anthony Williams, "Sources for Recusant History (1559-1791) in English Official Archives", *Recusant History*, 16, 4 (October, 1983), p.353.

7 *APC 1577-1578*, p.403.

8 *VCH Northampton*, II, pp.44-48; *APC 1578-1580*, pp.93-94, 132-33, 158-60, 218-19; *RBN*, II, p.238; Sheils, *op. cit.*, pp.122-23; St. John Brooks, *op. cit.*, p.157; Serjeantson, *op. cit.* (1911), pp.40, 85.

The 1580s were punctuated with conciliar-directed searches for suspected Jesuit and seminary priests. In this decade two priests, William Weston and Henry Garnet, established contacts in the county, mainly in Harrowden, the seat of the Vaux family and further afield at Shoby in Leicestershire.<sup>1</sup> Undoubtedly, the most notorious example of subversion concerned Edmund Campion. Campion contacted Lord Vaux, Sir William Catesby and Sir Thomas Tresham in 1581. Vaux, Catesby and Tresham were brought before the Star Chamber where Lord Chancellor Sir Walter Mildmay accused them of encouraging "a rable of semynarie men and runagate freers, who call themselves jesuytes." Campion epitomised the worst fear of subversion in the provinces, "nomyngating Northamptonshere, where he came to the howses of thes prysoners at the barre, and lastlie, unto Barkshere, where he was apprehended."<sup>2</sup> A native of Northamptonshire, Everard Hanse, was captured soon afterwards on his return to England, brought to London to face William Fleetwood and indicted under 1 Eliz. I, c.1 and 23 Eliz. I, c.1. Hanse admitted "that he was a Catholike, and a Priest, one of the Seminary at Rheims...and come over into thys realme, to persuade the Queenes subjectes to the Romish faith, whiche he called...winning of soules."<sup>3</sup>

Specific evidence for Northampton is lacking but judging by events in the surrounding area the urban authorities would have been on the alert for this type of activity. The Privy Council informed the Bishop of Lincoln in mid-October 1581 that fugitive recusants, including one John Thymolbye of Irenham, kept "them selves within the countie of Northampton oute of your Dyoces and jurisdiction." Sir John Spencer, High Sheriff of the county, received a warrant from the Privy Council to arrest the Jesuit William Parsons and his confederates, in mid-October 1584. The Privy Council authorised the justices of Northamptonshire in June 1586 to enter suspected houses where "Jesuites and Seminarie Preistes...are receaved and harboured in the houses of sundrire gentlemen and others."<sup>4</sup> In this way it received information that a suspected 'popish' vagrant, John Charnocke, had been arrested and examined near Wellingborough, on his way to London.<sup>5</sup> The seminary priest Mountford Scott, native of Suffolk, worked for his faith in Northamptonshire in 1587 after being in East Anglia during the

1 Michael Hodgetts, "Elizabethan Priest-Holes I: Dating and Chronology", *Recusant History*, 11, 6 (October, 1972), p.280.

2 *APC 1581-2*, pp.155-56; John Bruce, "Observations upon certain Proceedings in the Star-chamber against Lord Vaux, Sir Thomas Tresham, Sir William Catesby, and others, for refusing to swear that they had not harboured Campion the Jesuit", *Archaeologia*, XXX (1844), p.100.

3 C.A. Newdigate, "Some Hostile 'True Reports' of the Martyrs", *Miscellanea*. Catholic Record Society, XXXII (London, 1932), pp.390-92; Chapman, "The Persecution under Elizabeth", pp.29-30.

4 *APC 1586-1587*, p.140.

5 *APC 1581-2*, pp.238-39; *CSP, Domestic, 1580-1591*, pp.207, 346.

early 1580s. The record of his experience at an isolated house called the 'Hermitage' summed up his zeal but also the fact that conditions of poverty made locals more amenable to Catholicism. Scott was reported to have told the occupant, Thomas Colwell: "Get ye forth of this house as fast as ye can, for I never knew any lay folks that dwelt in these religious houses but their ends were either heresy or beggary, of which the last he accounted the best."<sup>1</sup>

The movements of people like Edmund Campion were assisted by the foundation of the "Catholic Association" in 1580, wherein young men of property and money, unencumbered by office, could devote their energies towards directing the Jesuits' campaign.<sup>2</sup> The letter of the Privy Council to Bishop Richard Howland on 25 November 1595 stated the following:

of late certain are found more backward and remiss than in former times, and daily increase, to the danger of infecting others. Her Majesty commands you to cause inquisition to be made in every diocese in your province, by the Bishop and other ordinaries, of the number of recusants in every parish, how many be householders, how many be vagrant and fugitives.<sup>3</sup>

It reveals that Northamptonshire's religious fugitives were included in the definition of vagabonds. Furthermore, it was evident exactly one year later that the role of the justices of peace in finding them was difficult due their influential support network in the county. The justices of the peace advised the Privy Council that recusant families, "some of their wives, some of their sons, and some of their daughters, and a great number of other great Papists...never come to church."<sup>4</sup> The 1590s were years in which itinerant priests, equated with the spreaders of rumours such as the death of the aging monarch, had to be hunted down by commissioners of musters. The Privy Council was elated with the capture, interrogation and confession of Robert Faux in December 1592.<sup>5</sup>

Yet Jesuits and seminary priests continued to enjoy free movement in the Midlands counties and Northamptonshire justices could not pursue their quarry into neighbouring Buckinghamshire, which was "out of the precinct of our command."<sup>6</sup> The obvious frustration that the justices must have felt should not be taken to mean outright impotence or incompetence. Sir Robert Cecil was advised by Northamptonshire justices in October 1601 that they had interrogated John Constable from Yorkshire about Jesuit missionaries - in particular, about one called Moore who had a club foot - resorting to houses in Lincolnshire.<sup>7</sup> This episode shows

1 Anstruther, *Seminary Priests*, pp.303-4.

2 St. John Brooks, *op. cit.*, pp.216-17.

3 HMC, *Duke of Buccleuch & Queensberry*, III, pp.38-39.

4 *Ibid.*, pp.49-50.

5 CSP, *Domestic*, 1591-1594, p.297.

6 HMC, *Marquis of Salisbury*, Part IX, pp.302-3.

7 *Ibid.*, Part XI, pp.437-38.

that although apprehending subversive priests in Northamptonshire was very much a 'hit and miss' affair due to the nature of Catholic support there, the local authorities did try to make their county safe security-wise by knowing what was happening in other parts of the kingdom. The Earl of Kent's letter in June 1607 at the time of the enclosure revolt, shows that popish subversion from priests was much feared, but it was wrongly assumed to be the cause of disturbances. The earl mentioned "3 or 4 popish priestes or Jesuites are lately fledd from some of those rebellious people in Northamptonshire w<sup>ch</sup> if it be true, there is the better hope that the rest of those rebelles will not longe continue together (wantinge theis & such like popish persons theire Ring-leaders and cheife Captaynes)."<sup>1</sup>

In the course of this analysis of Northampton, several themes came to light and are similar to Leicester's experience: the town's economic situation and regional importance; the impact of enclosures and the Dissolution; the Privy Council's relations with the municipal and county authorities; and the punishments/prevention schemes administered on vagrants. Unlike Leicester, or for that matter Chester, not one mention was found at Northampton of minstrels or players acting in a vagrant or roguish fashion. The town does not appear to have had any problems with them. In fact, one writer's research indicates that from 1603 to 1721 there is a complete gap in Northampton's theatrical history.<sup>2</sup> All that is known is that the town waits followed certain procedures in wearing livery and presumably, if they were going to play in another town, put "in suertyes to redeliver the cognisaunce at their departure."<sup>3</sup> Coventry paid "the Musicions of northampton" two shillings and sixpence in 1601 without any trouble.<sup>4</sup> It may be the case that musicians who thought about plying their trade in Northampton, were deterred by the success of Puritan justices in other communities (for example Grafton Underwood and Brackley) in convicting them as vagrants.<sup>5</sup>

It is misleading to conclude on the Privy Council's suppression of vagrancy and related disorders at Northampton. In a sense they had just started. The themes which have been covered continued well into the seventeenth century.<sup>6</sup> For example, the controversy over enclosures had not yet reached its peak. From 1578-1607 a total of 27,335 acres of land were

1 Edwin F. Gay, "The Midland Revolt and the Inquisitions of Depopulation of 1607", *TRHS*, New Ser., XVIII (1904), Appendix II, p.242.

2 Lou Warwick, *Drama That Smelled Or "Early Drama in Northampton and Hereabouts"* (Northampton, 1975), p.33.

3 *RBN*, II, p.91.

4 *REED: Coventry*, p.358.

5 Fielding, *op. cit.*, pp.101, 108.

6 Joan Wake (ed.), *Quarter Sessions Records of the County of Northampton....(A.D. 1630, 1657, 1657-8)*. Northamptonshire Record Society, I (Hereford, 1924), pp.xxvii, 55-56, 64-65, 191.

enclosed and this resulted in the eviction of 1,444 people. Displaced villagers either swelled the bands of vagrants and beggars, or they settled where they could and managed to scrape together a meagre livelihood. Local businessman Francis Tresham commented in 1604 that "you could not remove all the tennantes without much clamour, and especiallie when itt is near Northampton whose affectiones arr well knowen to you."<sup>1</sup> In reference to the state of affairs in Northamptonshire, Sir Edward Montagu said in the House of Commons in 1604 that the laws against depopulation and enclosure were so riddled with loopholes as to be worthless.<sup>2</sup> The much-analysed enclosure revolt in mid-1607 was almost inevitable.<sup>3</sup> The authorities' ability to catch "disorderly Persons of the meaner and bader Sorte" was hindered by the rebels' flight into Warwickshire and Leicestershire. The "Lievtenants of those Shires" were told in June 1607 to suppress "by fair or foul meanes" the pulling down of hedges and ditches.<sup>4</sup> In the report to the Privy Council on the depopulation and conversion of arable to pasture, it was estimated that 9,000 acres in Northamptonshire were enclosed.<sup>5</sup>

The spread of alehouses guaranteed vagrants would continue to pester the county. Robert Bolton, a Northamptonshire preacher and author of *Some Generall Directions for a Comfortable Walking with God* (1625) remembered his own locality when he wrote "we lift up our voices against drunkenness and it is high time, for it grows towards a high tide and threatens...a lamentable inundation to the whole kingdom."<sup>6</sup> If Lord Bacon's letter to the King of Denmark is to be believed, it was impossible to differentiate between vagabonds and the people who operated alehouses. Legal alehouses quickly degenerated into dens of thieves and iniquity, especially that of a person named Griffyn who was chased out of Northamptonshire, "and dwelt in a wood in Buckinghamshire, and sett up an ale-house, and then, pursued by the justices, removed in to the village of Waddesden, and there obteyned a licence, from the comissioners to sett upp an inne there."<sup>7</sup>

Sir Christopher Hatton's role as lord lieutenant should have consolidated the link between the Privy Council and the county but there were drawbacks. Firstly, by being

1 M.E. Finch, *Five Northamptonshire Families, 1540-1640*. Northamptonshire Record Society, XIX (Oxford, 1956), p.89.

2 HMC, *Duke of Buccleuch & Queensberry*, III, p.91; HMC, *Lord Montagu of Beaulieu*, p.42.

3 Harold Spencer Scott (ed.), "The Journal of Sir Roger Wilbraham...For the Years 1593-1616", *Camden Miscellany*, X. Royal Historical Society (London, 1902), pp.91-92; Gay, "Midland Revolt", pp.240-41.

4 Edmund Sawyer, *Memorials of Affairs of State in the Reigns of Q. Elizabeth and K. James I. Collected (chiefly) from the Original Papers of...Sir Ralph Winwood, Kt.*, 2 (London, 1725), p.315.

5 Scott, "The Journal of Sir Roger Wilbraham...", p.93. See also Gay, "Midland Revolt", pp.215, 230.

6 Quoted in Clark, *English Alehouse*, p.108.

7 Samuel Rawson Gardiner, "On Four Letters from Lord Bacon to Christian IV. King of Denmark, together with Observations on the part taken by him in the Grants of Monopolies made by James I", *Archaeologia*, XLI (1847), pp.233-34.

preoccupied with state business he did not personally oversee the execution of instructions. These he left to his deputy lieutenants whose knowledge of the people and the land were greater than his. Secondly, Hatton totally lacked military experience and his being chief commissioner of musters in Middlesex did not disguise the fact that he did not serve in the Netherlands or Ireland. There are instances, however, when he oversaw the enforcement of economic and social regulations, both in Northampton and the rest of the county. The mid-1580s and mid-1590s tested Hatton and his deputies to the limits of their capabilities. The Privy Council certainly had the will to enforce its authority in Northampton by building on the procedures of the past and relying on local elites and their deputies to carry out conciliar directives and parliamentary statutes. What it did not have were the resources to ensure they were done to the letter, nor an understanding of how Northampton's economy had changed and how it worked for the benefit of a select strata of people. Vagrancy persisted because of the capital intensive, not labour intensive, way in which local grain production and sheep-cattle rearing worked. Vagabonds tended to be either local people who could not be employed, or people attracted to Northampton from other parts of the realm where employment opportunities were even more severely limited.

## CHAPTER 7

## NORWICH

there stood at the one ende eyght small women and chyldren spinnyng worsted yarne, and at the other ende as many knittyng of worsted yarne hose: and in the myddest of the sayde stage stood a pretie boy richly appareled, which represeneted the commonwealth of the cite. And all the rest of the stage was furnished waith men whiche made the sayde severall workes, and before every man the worke indeede....

The idle hande hath here no place to feede,  
The painefull wight hath stil to serve his neede.<sup>1</sup>

In August 1578 Elizabeth I, accompanied by eight privy councillors and other notables, heard these words while they stayed in Norwich during the monarch's progress in the eastern counties of England.<sup>2</sup> The words are from a pageant celebrating Norwich's manufacturing traditions and its success in overcoming the effects of economic depression and poverty. These had troubled Norwich and much of Norfolk for most of the sixteenth century, but the municipal policy of providing work for destitute and idle adults and children seemed to have paid off. The significance and success of Norwich's authorities in dealing with vagrancy, particularly in the period 1565-80 and including the famous 1570 census and 1571 *Book of Orders*, has been analysed by historians.<sup>3</sup> The medieval economy's transition to a capitalist one entailed much disruption and destruction. From the mid-fourteenth century, when people who succumbed to the plague in the provincial capital and were described as "Religious and *Beggars*"<sup>4</sup>, to the occasion when Lord Chief Justice Popham complained of "rogues" starting a fire in the township of North Walsham (June 27 1600)<sup>5</sup>, masterlessness was rife. Tudor Norwich's appalling economic circumstances were made worse by depopulation or complete abandonment of neighbouring towns and villages. Furthermore, the eruption of employment-related disturbances in 1549 and 1569-70 revealed to the authorities that the local poor, far from remaining passive, could rise against them. They blurred the differences between the deserving

1 John Nichols, *The Progresses, and Public Processions, of Queen Elizabeth... Illustrated with Historical Notes*, II (London, 1788), p.12.

2 Tingey, *Records*, p.cxxv; Blomefield, *Norwich*, pp.318-54; REED: *Norwich*, pp.243-330.

3 Leonard, *Poor Relief*, pp.101-107; Slack, *Poverty & Policy*, pp.73-75, 82-85. J.F. Pound's research is required reading: "An Elizabethan Census of the Poor: The treatment of vagrancy in Norwich, 1570-1580", *University of Birmingham Historical Journal*, VII (1962), pp.135-61; *The Norwich Census of the Poor 1570*. Norfolk Record Society, XL (Norwich, 1971), esp. pp.7-21; and *Poverty and Vagrancy in Tudor England*, pp.60-68.

4 Goddard Johnson, "Chronological Memoranda Touching the City of Norwich", *Norfolk Archaeology*, I (1847), p.142. My italics.

5 HMC, *Marquis of Salisbury*, Part X, pp.201-2; HMC, *Fifth Report*. Part I, p.485.

poor and the dangerous, able-bodied poor, and this influenced the future actions of the Privy Council in Norwich.

Straddling both sides of the River Wensum, just above the confluence with the River Yare, Norwich lies on a site which gives it the command of a navigable river with good access to the sea. William Schellink described Norwich in the mid-seventeenth century as "a famous, old town, pleasantly situated on the slope of a hill along the river which protects its lower side, and elsewhere surrounded by strong walls with towers and twelve gates."<sup>1</sup> The site is also the point where different soil types converge and this shaped the agricultural economy that went on around it in Tudor and early Stuart times. Alluvial flats to the east encouraged grazing while in the north and north-north west heavy but fertile soils proved beneficial for arable farming. Pastoral farming in the 'wood and pasture' region and arable agriculture in the 'corn and sheep' area predominated.<sup>2</sup> John Speed described Norwich's locale as "maintained chiefly by feeding of Cattell, yet well stored with Corne and Sheepe."<sup>3</sup> By the late Middle Ages Norwich had a high level of economic prosperity, based on leather crafts, luxuries, stained glass and lime manufacture. It dominated the well established agricultural markets in a principle grain-growing area of the kingdom. Undoubtedly the most important aspect of its economy was the worsted trade and its export markets on the Continent. It provided workers in textiles and related trades in and around Norwich with regular work, and encouraged the authorities to embark on an ambitious building scheme in the fifteenth century.<sup>4</sup>

London apart, Tudor Norwich was "the largest and richest town in England" in the early sixteenth century when it had a population of approximately 13,000 people, and paid more taxes any other provincial urban centre.<sup>5</sup> Norwich's regional dominance, however, was threatened by cumulative crises in the shape of plague, the Wars of the Roses and the increasing difficulty of finding ready markets for its cloth. These factors cast a long shadow over Norwich's future. Between 1361-1400 the worsted trade remained at a high level but declined. The sale of worsteds fell from 10,000 to 2,200 in 1450. This was potentially disastrous

1 Maurice Exwood and H.L. Lehmann (eds.), *The Journal of William Schellink's Travels in England 1661-1663*. Camden Society, Fifth Ser., I (London, 1993), p.158.

2 James Campbell, "Norwich", in M.D. Lobel and W.H. Johns (eds.), *The Atlas of Historic Towns*, II (London, 1975), pp.1-2.

3 *John Speed's England*, II, folio 35.

4 The wealth of fourteenth century Norwich is summarised in Blomefield, *Norwich*, pp.93-94. On the nature of Norwich's late medieval and Tudor administration and its oligarchic tendencies, see Blomefield, *Norwich*, pp.208-9; REED: *Norwich*, pp.xx-xxiv; and Tingey, *Records*, pp.xvi, xcv-xcviii.

5 Beer, *op. cit.*, p.97; REED: *Norwich*, p.xvi.



because in the mid-fifteenth century Dutch cloth manufacturers gained favour for their lighter cloths in the Portuguese, French and Spanish markets. The town government's ability to rectify this situation was interrupted by serious ecclesiastical attacks on aspects of its jurisdiction.<sup>1</sup> The decline of the manufacture and export of worsteds was particularly vexing. Up to 1535 Norwich exported c.3,000 locally-produced worsteds annually but by 1561 this had plummeted catastrophically to a mere 38. In 1536 one weaver simply could not contribute towards the subsidy, as with another in 1537 because he sold no worsted. Generally the tax commissioners collected much less revenue in Norwich than before.<sup>2</sup>

This had a serious impact on working and living conditions. It has been estimated that while 6% of the population owned more than half of the land and goods, nearly 60% of people at the other end of the social scale lived in poverty. Those who were normally accorded some form of alms or charity had previously made up only 4-5% of the population: the single parent families, orphaned children, old widows and the crippled.<sup>3</sup> The downturn in most trades and crafts and the decay in the availability of work meant that increasingly, the mayor and aldermanic bench, the Church and charitably-minded gentry, had to cope with a far greater mass of suffering. The fires of 1505 and 1507 brought Norwich to a low ebb. The Assembly order of 1509 to rebuild the burnt houses was issued at a time when the charred remains of them were still inhabited by people of the "mendicant class."<sup>4</sup> At this time the *Constables Charge*, part of the oaths and duties for all the municipal officers from the mayor downwards, directed them "to kepen wach" in their respective wards and to arrest "alle manner of nyght-walkers, baratoors, and mysdoers, comune tenyse pleyers, and hasardowris, bowlers, valyant and mighty beggers, agens the KINGIS pees..."<sup>5</sup> The year 1527 was a notoriously difficult one, punctuated by a scarcity of corn and Henry VIII's French wars depriving Norwich of its continental markets. Consequently, local clothiers and farmers could not afford to provide employment.<sup>6</sup> A 1527 document claims that the town's defences were difficult to maintain and made the problems of security even worse. Apparently, "walles, gates, toures and tourettes beautified with goodly mansions and enhabited with Substanciall merchantes and Craftysmen...now of late a parte

1 Outlined in Campbell, *op. cit.*, pp.15-16.

2 J.F. Pound, "The social and trade structure of Norwich 1525-1575", in Peter Clark (ed.), *The Early Modern Town* (London, 1976), pp.135-36; *L&P*, XI, p.165; Dyer, *op. cit.* (1991), p.55.

3 Clark and Slack, *English Towns*, p.121; Beer, *op. cit.*

4 Blomefield, *Norwich*, p.182; Tingey, *Records*, p.lxxi

5 Blomefield, *Norwich*, pp.183, 188.

6 *Ibid.*, pp.197-98; *EEH*, pp.282-83.

decayed for lack of loking to."<sup>1</sup> In 1559 the order for paving Norwich's streets reported that a good percentage of houses, their streets and some sections of the walls, were in a bad state:

And for that now of late tyme thorough the gredynes and obstynacy growne into dyverse mens hartes which neyther regard the comodyte of helthe...many comely and fayer houses adjoynng upon the common and high stretes in diverse and sondry places within this cittie....fall in rewin and decaye and some prostrate to the grounde...the paving of the strete ageynst the same houses or grounde to decaye and be broken to the great discommodyte and annoyaunce of the...Majestrates at this present.<sup>2</sup>

The conditions in Norwich which facilitated the growth in poverty and idleness having been outlined, external factors must also be considered.

No discussion of vagrancy in Norwich can proceed without some comments about enclosures. As I stated in the Introduction, much of what Tawney claimed in regard to enclosure-driven evictions has been modified. One study found that far from being simply oppressed and at the mercy of their landlords, some Norfolk landholders were active participants in the land market and enclosures were undertaken by agreement between landlords and tenants.<sup>3</sup> Other writers conclude that the conversion from arable to pasture farming did not necessarily create tensions between lordly sheep owners and grain growers. Nor was the division of pasture and permanent arable so rigid as to exclude the advantages of convertible husbandry. Cattle and sheep fed freely on open arable fields and particularly in Norfolk's north-west sheep-corn region, tenants had security of feed for their animals.<sup>4</sup> However, the economic life of the sheep-corn region was more contentious due to the expansion of sheep farming at the expense of arable, open field agriculture. This was the area from which Norwich attracted a sizeable bulk of its vagrant population.<sup>5</sup>

The years 1500-1550 witnessed encroachments on the peasantry's rights of common. Frequently, landlords enclosed demesne strips in open fields and enjoyed sole rights of 'shackage' on them. Tenants lost their rights of common as enlarged flocks fed on heath land pasture.<sup>6</sup> This aroused much resentment because when large areas of land were converted to

<sup>1</sup> Brian S. Ayers et al, "The Cow Tower, Norwich: a detailed survey and partial reinterpretation", *Medieval Archaeology*, 32 (1988), p.194.

<sup>2</sup> F.L. Salzman, *England in Tudor Times* (London, 1926), pp.56-57.

<sup>3</sup> John E. Martin, *Feudalism to Capitalism: Peasant and Landlord in English Agrarian Development* (London, 1983), pp.154-55.

<sup>4</sup> Frances Gardiner Davenport, *The Economic Development of a Norfolk Manor 1086-1565* (Cambridge, 1906), pp.80-81; K.J. Allison, "The Sheep-Corn Husbandry of Norfolk in the Sixteenth and Seventeenth Centuries", *Agricultural History Review*, V, 1 (1957) pp.19-21; Naomi Riches, *The Agricultural Revolution in Norfolk* (London, 1967), pp.43-47.

<sup>5</sup> Slack, "Vagrants and Vagrancy in England, 1598-1664", p.375.

<sup>6</sup> Allison, *op. cit.*, pp.22-23.

pasture there was no longer employment on that land for the labourer and his or her family. Whereas dozens of people were required to till and harvest the holding, now only two or three shepherds sufficed. While landlords' profits increased many landless labourers faced the prospect of no home and little or no employment. Depopulation resulted and the 1517-18 enclosure commission presented several landowners, among them the Dean and Canons of St. Mary in the Fields, Norwich, for depriving people of their dwellings at Pudding Norton, Alethorpe, Sturston, Holt, Narford, Chosely and Bowthorp, to name a few.<sup>1</sup> In another incident the conversion of 10,454 acres of land resulted in the eviction of 380 people and the destruction of 76 houses.<sup>2</sup> Investment in enclosing enterprises by landed nobility and gentry considerably widened the gap between rich and poor, fuelling agrarian disturbances. As a foreign observer noted prior to Ketts' rebellion: "The nobles, who used to hire their lands out *en ammodiation* and gave the peasants means of earning their livelihood, now keep it all for themselves."<sup>3</sup> Many abuses were not corrected in law despite the peasants' legal access to the courts of Star Chamber and Requests.<sup>4</sup> Having been deprived of lands, a new class of landless labourers came into being, with no else to go but to the towns to seek either work or charitable relief. The record for the Feast day of St. Matthew the Apostle (1528) referred to the city being "sore coveted, specially by the people of the countre; before wherof yerly at that time more than any other tymes in the yeer the people of the countre have used abundantly for to resort to the said citie."<sup>5</sup>

The ranks of the vagabonds who tramped to and from Norwich, discharged feudal retainers, monastic servants, dispossessed smallholders and copyholders - even a local woman who was cruelly treated by her husband and forced to beg when he forced her out of the town<sup>6</sup> - were swelled by another sort, ex-friars and monks. The Dissolution entailed the destruction and transfer to private ownership of 263 monastic institutions in Norfolk, and with it a tradition of distributing 'broken meats' or 'left-overs' to paupers waiting at abbey gates.<sup>7</sup> The records of St. Giles' Hospital and Magdalen Hospital in Norwich for the years preceding their surrenders attest to irregularities in the distribution of doles and begging for alms, respectively.<sup>8</sup> The

1 *Ibid.*, pp.24-25; Beresford, *Lost Villages*, pp.311-12.

2 Frank Geary, *Land Tenure and Unemployment* (London, 1925), p.65.

3 *CSP, Spanish, 1547-1549*, p.397.

4 Anthony Fletcher, *Tudor Rebellions*, 2nd ed. (London, 1968), p.69.

5 Henry Harrod, "A Few Particulars Concerning Early Norwich Pageants", *Norfolk Archaeology*, III (1852), p.7.

6 Paul Hair (ed.), *Before the Bawdy Court: Selections from church court and other records...1300-1800* (London, 1972), p.111.

7 T.H. Swales, "The Redistribution of the Monastic Lands in Norfolk at the Dissolution", *Norfolk Archaeology*, XXXIV, Part I (1966), pp.14-44; Tingey, *Records*, p.xcvi; Blomefield, *Norwich*, pp.209-10.

8 Tingey, *Records*, pp.xcvi, xcviix-ix.

dissolving or secularisation of Norwich's 17 parish churches, 4 friaries, suburban monasteries and collegiate church of St. Mary in the Fields<sup>1</sup>, significantly added to the ranks of the unemployed "by putting out of work large numbers of monastic servants and domestic employees whose services the new owners might well not need."<sup>2</sup> Thomas Cromwell got many letters about the condition of religious institutions in Norwich and the county. They indicate that on being thrown out of them, the staff had "no salary nor pension of the place, but only the devotion and charity of good people."<sup>3</sup>

Far from being passive, luckless or aimless people, some ex-religious personnel clung to the old ways and stirred up trouble. In early 1538 one John Davie was apprehended, "apparelled in a frieze coat, black hose with fustian slops" and armed with a sword, buckler and dagger. He had been taken for a vagrant and on his interrogation he admitted "that he had been heretofore a priest and once a monk."<sup>4</sup> More arrests followed. In August a monk arrested for treason came to the notice of the government and in September the Duke of Norfolk needed advice before the quarter sessions could proceed with the matter of "the vagabonds...not yet clearly banished from Norfolk and Suffolk."<sup>5</sup> The mayor and aldermen of Norwich examined three men concerning words spoken by Peter Vyknell about the Pope and "the good willers he hath in England."<sup>6</sup> Years later wandering ex-monks were still a major headache. After Kett's rebellion it was remarked that "in Norffolke...ther goeth many preestes to wrake."<sup>7</sup> To stop such movement the Privy Council sent letters for the apprehension of "certeyn light ffellowes that came out of Suff. to Wyttram in Essex, where they drynke all day and looke upon bookes in the night."<sup>8</sup> In 1553 the Council wrote to the Bishop of Norwich "for Ordre to be taken in that Dioces, that no Man whatsoever he be, Prest Deacon or other, be suffred from hensforth to preach or expounde the Scriptures openly" without a royal license.<sup>9</sup>

Up to this point the presence of beggars in Norwich did not alarm local magistrates greatly. They simply had them whipped and sent back to their place of origin. What is important

1 Campbell, *op. cit.*, p.19.

2 G.W.O. Woodward, *op. cit.*, pp.167-68. Norwich Cathedral Priory, for example, had approximately 50 monks and employed over 200 servants, from the local area to cater for them. Added to these were the dancers, trumpeters, minstrels and interludes who celebrated feast days and Saints' days at the establishment. See Sheila Lindebaum, "Entertainment in English Monasteries", *Fifteenth-Century Studies*, 13 (1988), pp.413, 415.

3 *L&P*, VIII, p.127; XII, Part I, p.113; XIII, Part I, p.374; XIII, Part II, pp.215-16.

4 *L&P*, XIII, Part I, p.203.

5 *L&P*, XIII, Part II pp.60, 149.

6 *L&P*, XIV, Part II, p.273.

7 Susan Brigden (ed.), "The Letters of Richard Scudamore to Sir Philip Hoby, September 1549-March 1555", *Camden Miscellany*, XXX. Camden Society, Fourth Ser., 39 (London, 1990), p.87.

8 Frederic William Russell, *Kett's Rebellion in Norfolk* (London, 1859), p.46.

9 Haynes, *State Papers*, p.170.

was the rising tide of central government interference in local affairs at a time of a "mass of criss-crossing spatial and occupational movements."<sup>1</sup> As well as paupers and beggars arriving in Norwich, people were also leaving it. Skilled but unemployed and underemployed workers, including weavers, carpenters, butchers, smithies, masons and tilers went into the countryside, to work on building projects on enclosed lands.<sup>2</sup> Norwich's Assembly complained that guild workers "ffled and dayly went from the said citie and enhabited them selffe other where for pouertie."<sup>3</sup> A bylaw introduced in 1544 prevented "Artificers" from leaving Norwich but it had little effect. Ten years later "some moore...have departed out of the same and have dwelte in dyvers placers in the Countye of Noffolk."<sup>4</sup> Interpreting it as a problem of 'gypsies', the Privy Council responded by despatching orders to the Sheriff and justices of the peace in March 1547 "for avoyding of Egipcions wandring there, and punishement with extremitie to be made."<sup>5</sup> In 1548, a year before the situation regarding rural and urban discontent erupted into open rebellion, the Privy Council sent orders not only for the maintaining of beacons, but also "to have a good eye and a special regard to the doings of the common people, and in case of any misdemeanours, &c., to give order for the stay and reformation of the same, with all diligence."<sup>6</sup>

Kett's rebellion in the summer of 1549 was a watershed in determining how the local and central governments responded to vagrancy at Norwich. The uprising has been exhaustively analysed and does not concern us here.<sup>7</sup> In relation to vagrants there is little evidence to tie them with much of the activity of the rebels, apart from a contemporary reference to "vagabond boyes" supplying the insurgents with arrows during the siege of Norwich.<sup>8</sup> Since there was a major travel route from Cambridge to Norwich it is possible that masterless people fanned the rebellion by spreading rumours of the 1548 Midlands enclosure commission.<sup>9</sup> Regular working people, in fact, spread the revolt<sup>10</sup> but this did not prevent the ruling class from painting them in the colours of the dangerous poor. Some months after the event, Sir

1 John Patten, "Patterns of migration and movement of labour to three pre-industrial East Anglian towns", *Journal of Historical Geography*, 2, 2 (April, 1976), p.114.

2 Tingey, *Records*, p.lxx.

3 *Ibid.*, pp.111-12.

4 HMC, *First Report*, p.104; Tingey, *Records*, p.131.

5 *APC 1547-50*, p.452.

6 Russell, *op. cit.*, pp.13-14.

7 *Ibid.*, passim; Blomefield, *Norwich*, pp.222-60; Joseph Clayton, *Robert Kett and the Norfolk Rising* (London, 1912); *VCH Norfolk*, II, pp.494-98; Barret L. Beer, "The commoyson in Norfolk, 1549: a narrative of popular rebellion in sixteenth-century England", *The Journal of Medieval and Renaissance Studies*, 6, 1 (1976), pp.73-99; Stephen K. Land, *Kett's Rebellion: The Norfolk Rising of 1549* (Ipswich, 1977); *REED: Norwich*, p.348.

8 Fletcher, *op. cit.*, p.66.

9 *Ibid.*, p.69.

10 S.T. Bindoff, *Kett's Rebellion 1549* (London, 1949), p.20.

Anthony Auchar wrote to William Cecil with the warning that "under the pretence of symplissitie and povertie there may rest mouche myschffe."<sup>1</sup> The crushing of Kett's rebellion highlighted desperate economic and social problems in Norwich. It did not solve them. Not coincidentally, the municipal government took the step of alleviating conditions in the poorer parishes by instituting compulsory contributions for poor relief in May 1549, the first provincial city to do so after London (1547).<sup>2</sup> It culminated in Norwich's policy, first undertaken in the Marian era (1556) and then in the Elizabethan one, of separating professional beggars and idlers from those people who genuinely wanted to work.<sup>3</sup>

In 1558 Norwich was reeling from the effects of a decade of economic decline, outbreaks of plague and high food prices. The closure of Antwerp in 1551 and the collapse of the russell-weaving and hatting experiments reduced many labourers, textile workers, hatters, cordwainers, tailors, cobblers goldsmiths and silversmiths to destitution and in some instances, beggary. The Court of Mayoralty in January 1561 appointed Symon Frary and Christofer Johnson "to be masters of the beggers w<sup>h</sup>in the Cytte of Norwiche."<sup>4</sup> At a banquet held in the Crown Inn the almoner's staff gave loaves of bread and meat to beggars while destitute women and children waited outside.<sup>5</sup> Evidence suggests that conditions at Norwich were aggravated by the anti-vagrancy drives of the Marian and early Elizabethan Privy Councils being compromised by abuses of municipal by-laws. During 1552, 1555 and 1556 the Privy Council sent decrees to the Norfolk Sheriff and justices of the peace to apprehend, imprison and on one occasion to execute, all suspected spreaders of seditious gossip and talebearers - all specifically classified as vagabonds.<sup>6</sup> However, when tenements were left empty by workers who had had enough of Norwich, their owners, in a bid to obtain some form of rent, resorted to accepting beggars and strangers from abroad to lodge in them. Municipal investigations confirmed this aspect of the economic recession in the worsted industry. It transpired that some aldermen and councillors, who owned at least one third of all the houses occupied by the poor, actually encouraged overcrowding. In one case a house owned by Henry Shipdam was occupied by two old women, a deserted wife, a one-legged hatter and his children, and an unemployed brewer who was with a

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1 Russell, *op. cit.*, p.202.

2 Tingey, *Records*, p.126.

3 *Ibid.*, pp.cii, 127-33.

4 *Ibid.*, p.178.

5 Neville Williams, *Thomas Howard Fourth Duke of Norfolk* (London, 1964), pp.69-70.

6 *APC 1552-1554*, pp.49, 59; *APC 1554-1556*, pp.185, 231; Pound, *Poverty and Vagrancy...*, p.44.

whore when the surveyor called.<sup>1</sup> It seems that while officials publicly rebuked these sorts of people, they still pocketed what money they could get from them!

The Norwich census of 1570 documents what had been occurring long before that date, namely the migration of people from the upland pastoral regions of the northwest of England to the arable regions of the south and southeast. Dispossessed copyholders and equally unfortunate urban workers and apprentices from the Midlands, Yorkshire, Westmorland, Cumberland and Lancashire came to East Anglia. Norfolk, regardless of the inroads made by enclosure for sheep-rearing, remained a major cereal growing region. A foreign observer at the time described the "great quantities of grain, flour, bacon, and other provisions are being gathered" in Norfolk and Suffolk.<sup>2</sup> Activity like this attracted workers who could not find better opportunities in their own trades. They hoped to get employment in harvest or general farm labouring.<sup>3</sup> Thus the census cites examples of long range migration from the north to Norwich, including some localities in this study:

Thomas Barthlett of 50 yeris, with one hande, that worke nott, & Jane, his wyfe, of that age, that use to go abrode & peddle; & 3 children of 8, 6, 3 yer, and a deaf wenche that begge, and have dwelt her 7 yer...

Henry Burrell of 50 yer, laborer, nowe in worke, and Kathene, his wyfe, of that age, that spyn white warpe, but now hath no worke, & 2 yonge chyl dren, & hath dwelt here 4 yere, & cam out of Yorkshire, & owe for the housse 5 li...

William Gamble of 40 yeris, carter, & Chrysten, his wyfe, that spyn white warpe; & 2 yonge children, & hav dwelt here 8 yeres, & cam from Northamptonshire...

Thomas Pele of 50 yere, a cobler, in worke, & Margaret, his wyfe, that spyn white warp; & 3 children, the eldest 16 yere & spin, & thother 2, 12 & 6 yere, & go to skole & have dwelt her 9 yere, & cam oute of Yorkshire...

Thomas Browne of 60 yer, laborer in work, & Elizabeth, his wyfe, of 50 yer, that spyn linnen, & have dwelt here 2 yer, & cam from Yorkshire...<sup>4</sup>

As 'out-of-towners' they would have found it very difficult, if not impossible, to break into the ranks of Norwich's 'closed shop' system of craft guilds. 'Foreign' craft and tradespeople were discriminated against in Norwich and forced to operate as itinerants outside the guild system. Tinkers and pedlars, who constituted nearly two fifths of vagrants on Norwich in the period 1564-72, alarmed the authorities with their "occupational solidarity."<sup>5</sup> Unfortunately, the silence of the Freeman's Rolls means that not much else is known about "the movements of the

1 Slack, *Poverty & Policy*, p.82.

2 CSP, *Simancas*, II, p.450.

3 Patten, *op. cit.*, pp.121-22; Pound, *op. cit.* (1962), pp.139-40.

4 Pound, *The Norwich Census of the Poor*, pp.33, 35, 39, 43, 86.

5 Beier, *Masterless Men*, pp.87, 91.

great bulk of urban dwellers" who did not become apprentices and progress to become freemen of the city.<sup>1</sup>

It is misleading, however, to assume that the bulk of the working population in early Elizabethan Norwich drifted into vagrancy-type conditions. The decline in textiles permitted other activities to gain in prominence and consequently Norwich, in spite of depressed conditions, kept its regional supremacy. The food and drink services prospered and the fairs encouraged "a vast concourse of people" to participate in Norwich's economy. The Duke of Norfolk was the most important of them and until his fall from favour dominated the region's business, especially in his influence on the appointment of magistrates and other officials. His position as lord lieutenant for Norfolk and Suffolk, his attendance at the quarter sessions in Norwich, and patronage of mercantile, guild and business interests there, attracted the county gentry, and their needs generated better employment prospects for the poor.<sup>2</sup> But these conditions brought new problems and challenges in their train.

The policy of allowing Dutch, French and Walloon migrants to settle in Norwich in 1564 and the establishment of a Bridewell in 1565, played an important role in the desire to boost the local economy and crush disorder. These bring to light the role played by influential individuals - privy councillors, justices of the peace and municipal officers. They emphasise the theme that Tudor government depended largely on personal contacts, patronage and family allegiances in formulating and executing policy. They had more than a little bearing on the Privy Council's suppression of vagrants at Norwich. In the year 1564 the worsted industry plummeted and the operatives in the trades connected with it were desperate. The autumn was so damp that agricultural activities had virtually ceased and by mid-December a severe two-month frost set in.<sup>3</sup> People left Norwich to scavenge for bread in the countryside.<sup>4</sup> In late 1564 the mayor and sheriffs devised a plan to invite Protestant refugees from the Low Countries to settle in the city. The Duke of Norfolk agreed to the proposal. He successfully petitioned the Queen for a royal license to authorise the settlement of 30 master workmen and their households, a total of 300 alien immigrants.<sup>5</sup> Their settlement was made easier by the support of the Bishop of Norwich,

1 D.M. Woodward, "Sources for Urban History.I. Freeman's Rolls", *The Local Historian*, 9, 2 (May, 1970), pp.91-92.

2 Mason, *op. cit.*, I, p.527; Hassell Smith, *op. cit.* (1974), pp.27-44; Pound, "The social and trade structure of Norwich 1525-1575", pp.138-39; Campbell, *op. cit.*, p.18.

3 Tingey, *Records*, p.lxxix.

4 Blomefield, *Norwich*, p.282.

5 *Ibid.*, pp.332-33; TED, I, pp.298-99; Charles E. Lart, "Some Passive Registers of 1612", *The Ancestor*, XII (January, 1905), p.104.



John Parkhurst; he experienced exile himself during the Marian regime.<sup>1</sup> Elizabeth was aware of the tradition of relations with Flanders and mindful of the political value of having religious refugees of the 'true faith' in England. The local census of 1571 recorded a total of 4,000 aliens in Norwich. The major characteristics of this enormous (by sixteenth century standards) immigration was that it retained its self-contained character and represented a concentration of people and skills which successfully culminated in the 'New Draperies'.<sup>2</sup>

To counter what was thought to be such an endemic problem of lawlessness, the city purchased the Normanspital from the Dean and Chapter in 1565 to convert it into a Bridewell, the first one established outside London and a decade before the 1576 statute. A book of orders for its management was made<sup>3</sup>, and with it the following strategies were in place: forbidding the able-bodied to beg; licensing the impotent poor; surveying beggars; providing stocks of grain and work for the unemployed; founding hospitals; and enforcing compulsory taxation. This and the refugees' manufacture of bayes, arras, and mockadoes enriched Norwich but did not create immediate prosperity. A combination of economic and political problems existed at the end of the 1560s. Firstly, people from the poorer economic groups in Norwich followed the pattern of Chester, Leicester and Northampton by making a living from ale and tipping houses. The diligence of the corporation in overseeing the provisions of the 1552 Licensing Act was at best inconsistent and neither did the ordinance of 1560 prohibiting alehouse keepers from brewing their own liquor, have much effect.<sup>4</sup> There were 480 places in operation in 1577 and the highly urbanised character of Norwich put the ownership of illicit establishments in the hands of ordinary leather, clothing and textile workers, not so much labourers or husbandmen.<sup>5</sup> The owners of these establishments attracted customers of their own station. William Prynne, for example, a journeyman weaver, stayed in four Norwich alehouses while in the employ of a clothier in 1568-69.<sup>6</sup> The proliferation of alehouses and tipping houses within and without the city gates was accelerated when the Duke of Alva's advance in the Netherlands in 1569 closed the traditional markets for English cloth on the Continent, causing many cloth workers to be

1 W.F. Greeny, "The French Church, or St. Mary the Little, Norwich", *Proceedings of the Huguenot Society of London*, II (1887-1888), p.553.

2 Bernard Cottret, *The Huguenots in England: Immigration and Settlement c.1550-1700*, trans. Peregrine and Adriane Stevenson (Cambridge, 1991), pp.54-55.

3 Tingey, *Records*, p.civ; Pound, *op. cit.* (1962), pp.143-44.

4 Tingey, *Records*, p.182.

5 Clark, *English Alehouse*, pp.76, 79, 169; *Papers of Nathaniel Bacon*, I, pp.264-65; *CSP, Domestic, 1547-1580*, p.558. The archaeological evidence for Pottergate and Alms Lane in Norwich confirms the widespread nature and low status occupation of brewing ale. See Sue Margeson, *Norwich Households: The Medieval and Post-Medieval Finds from Norwich Survey Excavations 1971-1978*. East Anglian Archeology Report 58 (Norwich, 1993), p.239.

6 Clark, *English Alehouse*, p.136.

employed "on short time" only.<sup>1</sup> It was serious enough, according to one foreign observer, to merit the attention of several "principal councillors of State" because the affected Norwich workers "were not employed in their accustomed trades, saying that they were without the means of livelihood by reason of the suspension of commerce with the Low Countries and Ireland."<sup>2</sup>

Secondly, the Duke of Norfolk's incarceration in the Tower of London on 11 October 1569, following the revelations of his involvement with Mary, Queen of Scots and the approaching revolt of the Earls of Northumberland and Westmorland, heightened local tensions among his supporters on his East Anglian estates and in Norwich.<sup>3</sup> According to Sir Christopher Heydon in his report to the Privy Council on 1 December, he and the Norfolk JPs made arrangements for the punishment of sedition and found all things in good order.<sup>4</sup> Ironically, the letter reached the Privy Council after the Duke of Norfolk's tenants at Kenninghall rose in revolt on 6 December. This uprising<sup>5</sup>, which never at any stage reached the scale of the 1549 attempt, quickly fizzled out with all the conspirators in gaol before Christmas. The authorities ensured that the ringleaders - John Welles (sawyer), John Barnarde (linen-weaver), and Thomas Alexander (yeoman farmer) - did not abandon their occupations and link up with the rebels in the North. The Sheriff of Norfolk and Suffolk, William Walgrave, arrested them and had them "sent upp to our Counsell wher so ever we shall be."<sup>6</sup>

Another challenge to the Privy Council's authority was the attempted rebellion in Norwich in May 1570. Heydon wrote to the Privy Council on 10 May that the region was orderly, having "made inquiries throughe out the countie of Norff and the citie of Norwich"; all "suspect and ydle persons" were rounded up, some committed to prison and others bound over to appear at the next sessions of the peace.<sup>7</sup> On 16 May revolt erupted in Norwich. On this occasion the conspirators were substantial office-holders and gentlemen of the county, most notably John Appleyard, Sheriff of Norfolk and Suffolk in 1559 and Brian Holland, formerly escheator of Norfolk in 1556-57 and an administrator of the Duke of Norfolk's county property. Their supporters included gentry with strong Catholic sympathies. The conspirators' main aim was to link up with the northern rebels, using as a 'cover' the idea of ridding Norwich

1 Neville Williams, "The Risings in Norfolk, 1569 and 1570", *Norfolk Archaeology*, XXXII, Part II (1959), p.73.

2 *CSP, Venetian, 1558-1580*, p.437; *CSP, Spanish, 1568-1579*, pp.179, 181.

3 *REED: Norwich*, p.xviii.

4 *State Papers Domestic/12, LX*, folio 2.

5 Described in detail in Neville Williams, *Thomas Howard Fourth Duke of Norfolk*, pp.177-79.

6 Haynes, *State Papers*, p.540; *CSP, Spanish, 1568-1579*, p.225; Neville Williams, *op. cit.* (1959), p.74.

7 *State Papers Domestic/12, LXVIII*, folio 57.

of its foreign population. However, nothing came of it and those involved were arrested and executed soon enough.<sup>1</sup>

The Privy Council investigated this matter closely because the most alarming aspect of this attempt was its success in rallying some support at Harleston fair, in the parish of Redenhall on the Norfolk/Suffolk border.<sup>2</sup> Although Burghley's letter of 11 July to the deputy lieutenants contained anti-vagrancy provisions which Pound has described "as no more than common form"<sup>3</sup>, these cannot be so easily dismissed. As Beier points out, market days and fairs were "magnets" for vagrants and in the midst of looking for work, trouble, seeking alms, or stealing goods, these people also peddled dangerous gossip.<sup>4</sup> Thomas Jermy, writing to William Paston, Sheriff of Norfolk and Suffolk in January 1565, reported:

sundry suspicious and lewde disposed persons, a great brotherhood of them, who be cuttepurse and notable theves, that are appointed to meete at Lynne Marte, and accompanied with their women....They have packes and fardells and selletth wares....When they have cut a purse, strayght they convey the same to one of their companye, who is a peddeler.<sup>5</sup>

Their access and movement to and around Norwich was made easier by the good state of the roads linking East Anglian fairs. The roads easily accommodated "pedestrians, horsemen, pack horses, carts, and horse-drawn wagons."<sup>6</sup> The foreign observer Gureau de Spes wrote to Phillip II "that at a certain fair on St. John's day, the people should meet in great numbers and take up arms."<sup>7</sup> Perhaps with these thoughts in mind Burghley demanded vigilance "for beacons, for suppressyng of Rogues and vacabondes, for orders for peace in fayres and marketts", and "sharp and spedy punyshment of carriers and spreddors" of stories and rumours.<sup>8</sup> Burghley's letter was not only significant in assisting the Norwich authorities devise a comprehensive poor relief scheme based on the famous census; it also betrayed the government's lingering fear of the "multitud of people of meane and bass sort" rising against it. The searches for vagrants were complicated by the fact that the 'deserving poor' needed little encouragement in fomenting unrest if they stood to benefit by it. This is why Burghley ordered

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1 Pound, *The Norwich Census of the Poor*, pp.8-9; W.C. Ewing, "The Norwich Conspiracy of 1570", *Norfolk Archaeology*, V, pp.74-76; Tingey, *Records*, p.lxxxii; Lodge, *Illustrations*, I, pp.511-16; Strype, *Annals*, I, pp.617-18; Wright, *Queen Elizabeth and Her Times*, I, pp.372-74.

2 Williams, *Thomas Howard Fourth Duke of Norfolk*, pp.181-82.

3 Pound, *The Norwich Census of the Poor*, p.9.

4 Beier, *Masterless Men*, pp.74-75.

5 HMC, *Third Report*, p.263.

6 Margaret T. Hogden, "Fairs of Elizabethan England", *Economic Geography*, 18, 4 (October, 1942), p.398.

7 CSP, *Spanish, 1568-1579*, p.258.

8 State Papers Domestic/12, LXXI, folio 155.

the Norfolk justices of the peace, acting in partnership with the "head and Govnors" of Norwich, to "reteyn the multitud in quietnes and obedience."<sup>1</sup>

Following the suppression of the revolt Norwich's officials undertook the comprehensive census of the city. Before investigating this matter it is necessary to outline the aftermath of the Duke of Norfolk's exit from the scene. It brought to prominence not only those Protestant justices whom the Privy Council wanted, but Puritan ones at that. They wanted to regulate the conduct of clergymen for any Catholic backsliding and remove vestiges of Catholic ceremonial in church service and administration of the sacraments.<sup>2</sup> Furthermore, they punished wilful absentees from church, a duty encouraged by the Privy Council in a letter to Bishop John Parkhurst in December 1569.<sup>3</sup> They also wanted to punish what they reckoned to be manifestations of vagrancy and related disorders: idleness, drunkenness, dissent, adultery, bastard-bearing, profanity and blasphemy. In contrast to the Duke of Norfolk, who was content merely to relieve beggars at his palace<sup>4</sup>, the measures implemented in Norwich by Puritan magistrates were all-encompassing:

Item, whether the laye people be diligent in comminge to the churche on the holy daies, and with all humblenes, reverently and devoutly, do geue themselves to the hearing of commune prayer in the time thereof...Item, whether there be amonge you blasphemers of the Almighty God, adulterers, fornicators, bauds, or receauers of such pesons. Any suspected of incese, or any other notorious fault, sin or crime. Any dronkardes, ribldes, common slaundersers of their neighbors, raylers or scolders, sowers of discorde between neighbours...Item, whether there be in your parishes any Innkeepers or Alewives, that admit any resort to their houses in tyme of common prayer. Any that commonly absent themselves from theyre owne Churche or otherwise idely or lewedly prophaneth the Sabbath daye...<sup>5</sup>

They had resorted to rules for imposing social order not just on people liable to be accused of vagrancy but on all the 'baser sort' of people.

The Privy Council could now rely more fully on the cooperation of municipal and shire justices. The former included the mayors of Norwich, most notably John Aldrich and Thomas Gawdy and the Chancellor of Norwich Cathedral, Thomas Becon. Becon forged links with the Earl of Leicester. The Earl's appointment as high steward in King's Lynn and Yarmouth encouraged him to make a "firm friendship" with the radical Protestant gentry of East Anglian corporate towns.<sup>6</sup> Becon had contacts with the Puritan justices of Norfolk and Suffolk, including such luminaries as Sir William Buttes, Sir Thomas Woodhouse and Sir Nicholas

<sup>1</sup> *Ibid.*; *APC 1558-70*, p.362.

<sup>2</sup> Mason, *op. cit.*, I, pp.393-95; *Papers of Nathaniel Bacon*, II, pp.223-24.

<sup>3</sup> Houlbrooke, *op. cit.*, pp.93-94.

<sup>4</sup> Blomefield, *Norwich*, p.296.

<sup>5</sup> *VCH Norfolk*, II, pp.265-66.

<sup>6</sup> Collinson, *Letters of Thomas Wood, Puritan, 1566-1577*, p.xxvi, xxxvii; HMC, *Marquis of Salisbury*, II, pp.195-98.

Lestrange, all "verey well affected and geven to the executing of the orders and lawes" of the realm.<sup>1</sup> The 'linchpins' in cementing closer ties between the Privy Council, the Norwich magistrates and wider Norfolk community were the Lord Keeper, Sir Nicholas Bacon and his sons Nathaniel Bacon and Nicholas Bacon on the commissions of the peace, for Stiffkey and Ipswich respectively.<sup>2</sup> The Lord Keeper, previously a driving force on the 1559 commission for religious conformity in Norwich and Ely dioceses, the formulation of the Statute of Artificers and a deputy lieutenant for Norfolk and Suffolk before 1572, took over the Duke of Norfolk's position as bestower of favours, honours and offices on like-minded gentry people. He and his sons oversaw and encouraged the stricter application of laws as they applied to the poor and shiftless, by working closely with the preaching ministry and magistrates.<sup>3</sup>

In this more 'godly' atmosphere the *Book of Orders* was instituted. The orders stipulated that no person should beg on pain of whipping. While the impotent poor received a weekly allowance, youths and maidens had to be put into some kind of service, the able-bodied but idle poor were put into the Bridewell: the men ground malt and the women were made to card and spin. Inmates were kept as prisoners to work for their meat and drink for a period of twenty one days, working from five to eight in summer and six to seven in winter, with "one-half hour or more to eat and quarter of an hour to spend in prayer." An officer surveyor was appointed to bring before the mayor any person he had found in the streets. St. Giles' Hospital became a residence for twelve children who received a rudimentary education and discipline. In every parish selected women were appointed to receive and put other women, maidens and children to work. Finally, families which had not abided in the town for three years or more were evicted and care was taken that no strangers should be "suffered here to inhabit as be not able to live of themselves, or like to be chargeable to the city."<sup>4</sup> The experiment was hailed as a great success. In all, 950 children, 180 women and 64 men "that did beg and live idly" were found work and over £3000 was saved in the forceable removal of beggars from the town.<sup>5</sup>

John Aldrich played a substantial role in developing the Bridewell and other poor relief reforms during 1570-72. Previously a town councillor in 1549 when the poor rate was levied, he became mayor of Norwich in 1570 and MP in 1572 and 1576. Norwich's success in its

1 Bateson, *op. cit.* (1895), p.58.

2 Houlbrooke, *op. cit.*, pp.49-51.

3 Robert Tittler, *Nicholas Bacon: The Making of a Tudor Statesman* (London, 1976), ch. XI; Patrick Collinson, *Godly People: Essays on English Protestantism and Puritanism* (London, 1983), pp.134-53.

4 This summary paraphrases Lipson, *op. cit.*, II, p.414.

5 Tingey, *Records*, pp.344-358; Blomefield, *Norwich*, pp.295, 313; Campbell, *op. cit.*, p.17; Pound, *op. cit.* (1962), p.148; *EEH*, pp.369-72.

efforts to fight vagrancy and Aldrich's example of energetic Calvinistic paternalism, struck a cord with those on the Privy Council and in Parliament who were sympathetic to him. Not surprisingly, John Aldrich served on the committees for discussing the poor relief bills in 1572 and 1576.<sup>1</sup> His leadership and the reform program at Norwich may have had the effect of further inspiring the Privy Council to investigate conditions in the localities and make their observations the basis of legislation. Sir Francis Walsingham found time to visit Acle's Bridewell in 1574. Acle, a small township eleven miles east of Norwich, had its own 'House of Reformation', and Walsingham described it in a letter to Cecil: "after the manner of a Bridewell, ther is appointed both worke and ponnishment for such idle laborers, stubborne servants, vagabond roges, and other disordered people, as were wonte to annoye those partes."<sup>2</sup>

The initial success of the 1571 scheme did not mean that magistrates could afford to rest on their laurels. The *Book of Orders* was supplemented by other actions to arrest real and potential slides into vagrancy. Notwithstanding the terrors of the Bridewell, beggars continued to haunt the town. In late 1571 a clerk lost his ears on the pillory for giving a beggar a counterfeit license.<sup>3</sup> On 4 August 1572 the 23 week pregnant Alyce Cadye was questioned as to her reasons for being in the town. She had been made pregnant by her master and forced to blame it on another servant of his, Robert Thetforde. When she left her employment to stay with her uncle in Norfolk, he would not recognise her as "his kynneswoman."<sup>4</sup> Lord Keeper Bacon administered the issuing of proctors' licenses for "the house of the pore" in 1573.<sup>5</sup> In 1573 the magistrates stipulated that all unemployed tradespeople would assemble at the Market Cross at five o'clock in the morning with the tools of their trade.<sup>6</sup> Richard Durrant, a bonesetter, was appointed to assist people who had broken their limbs and were too poor to pay for being healed. Altruistic motives apart, the authorities wanted to protect the medical guilds from "sondrye women" and doctors who had been evicted from the churches years earlier but continued to practise physic and surgery in the liberties. They constituted a large group of people who worked outside the normal system of formal membership, apprenticeship and office-bearing in a gild or company.<sup>7</sup> Further laws were enacted to prevent the housing of

1 Slack, *Poverty & Policy*, p.149.

2 Sir Henry Ellis, "Letter from Secretary Walsingham to the Lord Treasurer...", *Norfolk Archaeology*, II (1849), p.95; *APC 1571-5*, p.328; Tingey, *Records*, p.civ.

3 Houlbrooke, *op. cit.*, p.101.

4 *Ibid.*, pp.131-32.

5 *Ibid.*, p.186.

6 Tingey, *Records*, p.144.

7 *Ibid.* Margaret Pelling has analysed Elizabethan and Stuart Norwich's innovative social policies and economic circumstances in regard to the elderly poor and how the authorities put them to work. Read the following by her: "Healing the Sick Poor: Social Policy and Disability in Norwich 1550-1640", *Medical History*, 29, 2 (April, 1985),

vagabonds and any newcomers who were liable to be a charge on public funds were not permitted to settle in Norwich.

The settlement of skilled and industrious Dutch and Walloon refugees started to take some pressure off the magistrates. By 1575, according to *The Benefite Receyved by the Strangers in Norwiche for the Space of Tenne Yeres*, the newcomers "set on worke their owne people but do also set on worke our owne people within the cittie as also a grete number of people nere xx<sup>ti</sup> myles aboute the cittie, to the grete relief of the porer sorte there"; the local inhabitants did "practice and make suche comodities as the strangers do make, whereby the youthe is set on worke and kepte from idlenes."<sup>1</sup> Tensions certainly existed between the foreigners and locals. Norwich's citizenry was not above selling the refugees' good and inexpensive quality material for a profit by selling it retail in their own neighbourhood or wholesale to London's shopkeepers.<sup>2</sup> The Privy Council was aware that foreign workers in Norwich were not always appreciated. In a letter to the mayor and brethren on 20 April 1576, the Council, mindful that it preferred "the quiet government of that citie", demanded that the authorities deliver to it two local shoemakers who stirred up trouble regarding the refugees.<sup>3</sup> In February 1577 the Privy Council advised the mayor and aldermen that "they maye enjoye the benefitte of her Majesties graunte by letters Patente for the buying of fine wolles to be employed in the towne for the setting of pore men on worke."<sup>4</sup>

A month before Elizabeth set foot in Norwich in 1578 Sir Christopher Heydon reported to Nathaniel Bacon that William Buttes and himself appointed "a privie watche to be kepte before the next assyses...the apprehensyon of all rogues, vagabundes, ydle, wandering...suspected persons, and suche as lyve disorderlye and contrarie to [the] lawes of this realme" and a similar "privie watche to be kept generallye out of this shiere that night."<sup>5</sup> Their rounding up and incarceration of masterless people was spurred on by the establishment of rates for a house of correction in Gallow Hundred "for ydle, vagrant and obstynate

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pp.115-137; "Occupational Diversity: Barbersurgeons and the Trades of Norwich, 1550-1640", *Bulletin of the History of Medicine*, 56, 4 (Winter, 1982), pp.484-511; and "Old Age, Poverty, and Disability in Early Modern Norwich: Work, remarriage and other expedients", in Margaret Pelling and Richard M. Smith (eds.), *Life, Death and the elderly: Historical perspectives* (London, 1991), pp.74-101.

1 William John Charles Moens, *The Walloons and their Church at Norwich: Their History and Registers. 1565-1832* (Lymington, 1887-1888), p.262; *APC 1571-5*, p.311. To prevent alien refugees at Norwich from falling into vagrancy or similar difficulties if they were granted permission to go to London and elsewhere, they were lodged at various inns under the protection of church officers or lent sums of money. See W.J.C. Moens, "The Relief of the poor members of the French Churches in England", *Proceedings of the Huguenot Society of London*, V (1894-1896), p.335.

2 Kate Hotblack, "The Dutch and Walloons at Norwich", *History*, New Ser., VI (January, 1922), p.236.

3 *APC 1575-7*, p.108.

4 *Ibid.*, p.281.

5 *Papers of Nathaniel Bacon*, II, p.16.

persons."<sup>1</sup> This sense of purpose certainly impressed the Privy Council and it extended its thanks to the Bishop and justices of Norwich for establishing a Bridewell to punish "loyterers, stubborn servantes, and the settinge of vagabondes, roagues, and other idle people to work."<sup>2</sup> It must be said, however, that the plague ravaged Norwich in 1579-80 and assisted the authorities in disposing of the problem.<sup>3</sup> The comparative success of the Norwich scheme in punishing idlers and setting them on legitimate work was more than encouraged by the Privy Council. In its efforts to assist the consolidation of the woollen and worsted trades, it permitted the Norwich authorities to turn a blind eye to the requirements of statutory law, for the sake of keeping people in employment. The Privy Council commended the Bishop of Norwich, mayor and the Wardens of the "Companie of the Misterie of Russells" (20 June 1580) for sending a suit on behalf of the worsted weavers, against two weavers of the said company, Roger Haste and William Blome. Haste and Blome had contravened a statute of Mary's reign by illegally producing and selling "worsted yearne" in the city but many people were "therebie sett on worke."<sup>4</sup> Secondly, the Privy Council exempted Norwich in June 1581 from the 1576 proclamation regarding the buying of wool, also because "the poore people were sette on worke."<sup>5</sup> Thirdly, privy councillors advised the mayor to ignore the statute "prohybytinge the killinge of calves" on account of the murrain in cattle causing scarcity of victuals.<sup>6</sup>

The foregoing data validates the impression that Norwich's leaders were alert and at ease with the instructions given by the Privy Council, to the extent of making statutory laws seem superfluous. The corporation went beyond the Bridewell provisions of the 1576 Poor Law by purchasing the site for *another* house of correction in the parish of St. Andrew in 1585.<sup>7</sup> How, then, given that justices were familiar with destitution, unemployment and vagrancy and dealt with them accordingly, does one account for the inconsistencies that arose over vagrancy laws as they applied to minstrels, interludes and players? These are characters who, according to the Mayor's Court Books and Chamberlains' Accounts, came frequently to Norwich in the second half of the Elizabethan period, and in spite of the town's overt

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1 *Ibid.*, p.1.

2 *CSP, Domestic, 1547-1580*, p.642; Gamini Salgado, *The Elizabethan Underworld* (London, 1977), p.193.

3 Tingey, *Records*, pp.cxxv-cxxvii, 187-90, 335-36; *APC 1578-80*, pp.211, 249-50; Blomefield, *Norwich*, p.354; Pound, *op. cit.* (1962), p.150.

4 *APC 1580-81*, pp.63-64.

5 *APC 1581-82*, pp.48-49.

6 *APC 1586-1587*, pp.44-45.

7 Tingey, *Records*, pp.cv, 389.



Puritanism in the first half of the seventeenth century, found ample opportunity to play.<sup>1</sup> Records provide plenty of testimony that Elizabethan and early Stuart Norwich was a popular stopping place for touring provincial town or London-based individuals and companies. The clown and actor Will Kemp's morris dance from London to Norwich in February and March 1600 is the most famous event of this type.<sup>2</sup> More generally and more importantly records reveal the types and status of Elizabethan and early Stuart actors, minstrels and interludes, etc., who played there. Norwich was one of three municipalities (the others were Wymondham and Yarmouth) sharing the dubious honour in the 1590s of being able to provide facilities not only to professional or licensed troupes and town waits, but also to the "ministrelli", tumblers, bearwards, rope-balancers, jugglers and buskers whose status and role were ambiguous.<sup>3</sup>

For the first twenty-five years of the Elizabethan era there appear to have been no punishments for thespian transgressions or illicit attendance at plays in Norwich. From 1559 to 1565 there was no hint of criticism being levelled at minstrels and players belonging to the Queen, the Duke of Norfolk, the Earl of Leicester, Lord Oxford, Lord Ambrose and Lord Willoughby, or other towns for that matter. They were allowed to perform and receive payment.<sup>4</sup> The demise of the productions of Corpus Christi, Whitsuntide and other feast days between 1565 and 1570 was not solely an indication of intolerance of supposed Catholic ritual either. Preoccupied with municipal projects, the state of local wool manufacture and the poverty of the city and its crafts, Norwich simply allowed once popular religious celebrations such as Corpus Christi and the Grocers' Play to slide into oblivion.<sup>5</sup> Guild-associated musicians were not the only ones affected by this change. The official town waits were also affected. Their function was to magnify the legitimacy of the mayor, his council and enhance the profile of local administration in the eyes of the citizens and distinguished visitors alike through the use of music and drama.<sup>6</sup> As servants of the corporation and as professional music makers and show or pageant presenters, they were entitled to certain fringe benefits but had now been deprived of

1 Leonard G. Bolingbroke, "Players in Norwich, from the Accession of Queen Elizabeth until their suppression in 1642", *Norfolk Archaeology*, XIII (1898), pp.1-20.

2 Alexander Dyce, *Kemps Nine Daies Wonder: Performed in a Daunce From London to Norwich*. Camden Society (London, 1840); *REED: Norwich*, pp.331-338.

3 Thaler, "The Travelling Players in Shakespere's England", pp.497, 513-14; The Malone Society, "Records of Plays and Players in Norfolk and Suffolk 1330-1642", *Collections*, XI (Oxford, 1980-81), pp.x-xviii.

4 *REED: Norwich*, pp.45-52; *REED: Cambridge*, II, p.1004.

5 Covered in more detail in: Osborn Waterhouse (ed.), *The Non-Cycle Mystery Plays, Together with the Croxton Play of the Sacrament and The Pride of Life*. Early English Text Society, Extra Ser., CIV (London, 1909), pp.xxvii-xxxiii; Alan H. Nelson, "On Recovering the Lost Norwich Corpus Christi Cycle", *Comparative Drama*, 1V, 4 (Winter, 1970-71), pp.241-52; and Jo Anna Dutka, "The Lost Dramatic Cycle of Norwich and the Grocers' Play of the Fall of Man", *The Review of English Studies*, New Ser., XXXV, 137 (February, 1984), pp.1-13.

6 Carole A. Janssen, "The Waytes of Norwich and an Early Lord Mayor's Show", *Research Opportunities in Renaissance Drama*, XXII (1979), pp.57-58.

an important source of legitimate and sanctioned income. To survive the blow they hired themselves out as performers at private dinners, anniversaries, family functions and weddings. Norwich's corporation was not unduly alarmed by this because the waits generally obeyed the restrictions of the night watch and rarely left the town in any case. Two developments, however, aroused concern. One was the waits' tendency in the early 1580s to combine music with other occupations, and none was more lucrative or mutually supportive than entertaining clients in alehouses and inns.<sup>1</sup> These in turn attracted players, minstrels and entertainers from out of town and led to many instances of deliberate flouting of rules about where and for how long they could perform.

The ravages of the plague which followed in the wake of Elizabeth I's visit to Norwich and the outbursts of infection in 1591, 1602 and 1625, awakened a strong feeling of distrust in the minds of civic officials against strolling players. Two events in 1583 confirmed suspicions that some entertainments were conducive to encouraging vice and sin, promoting brawls and quarrels, profaning the Sabbath, and even encouraging murder. The Earl of Worcester's players, who had terrorised Leicester in March 1583, maintained their insubordinate ways in Norwich the following June. They were not permitted to play but when they received money as recompense, they played anyway and were told to leave Norwich.<sup>2</sup> Then on the afternoon of 15 June 1583 the Queen's Players were scheduled to perform a play in the yard of the Red Lion Inn. Shortly after the start a gatecrasher threatened the players' gate-keeper and in retaliation three of the players, all armed with swords, pursued the man into the street. Matters got out of hand when a servant of Sir William Paston mortally wounded a person (who had assaulted one of the players) with his sword.<sup>3</sup> Whether the corporation used this particular incident to justify its hardening attitude towards players is yet to be resolved, but the tone of future records is unmistakable. Between 1585 and 10 February 1589, the day when the Norwich Assembly passed a law punishing illicit attendance at plays - "no ffreeman of this Citie shall go to, or bee present at any playe or enterlude within the seid Citie or lybertyes therof" - many instances occurred of officially patronised companies being rewarded for not performing. If they did so, their performances were allowed only under very strict conditions.<sup>4</sup>

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1 *REED: Norwich*, pp.xxxviii-xxxix.

2 *Ibid.*, pp.65-66.

3 *Ibid.*, pp.70-76.

4 *Ibid.*, pp.80-91, 96, 107, 109, 113, 117, 120.

By the early years of James I it became harder and more time-consuming for the mayor's court to monitor visiting troupes' activities. The 'legitimate' theatre was flooded with a host of itinerant but persistent and resilient people trying to earn a their livings by skill, cunning, audacity and sometimes sheer bluff. Roguish minstrels, balladeers and their families were told to leave Norwich or, if they were caught again, whipped out of the city or incarcerated in Bridewell.<sup>1</sup> On other occasions it appears that Norwich's governors' sense of tolerance and tastes defined what was considered to be disorderly: a Turk is paid forty shillings for going "vppon Roppes at newhall (1589-90); a group of players armed with fake licenses masquerades as players of Lord Chandos (1590-91); a London weaver, John Wheately, is registered as able to show "a beast called A Basehooke" (12 July 1600); John Watson, ironmonger, has the king's warrant to display "two beastes called Babonnes" (5 October, 1605); and the Frenchman Jacques Babell is licensed by the Privy Council "to play vppon A Roape" (24 December 1608).<sup>2</sup> The last example is one of only two references to the Privy Council writing to Norwich specifically about individual and group entertainers. The other is dated 30 May 1623 and it indicates that the Jacobean Privy Council was more concerned about Norwich's handling of the problem than the Elizabethan one was. In the letter the point was made that working people were likely "to be drawne a way from their works, and labour, by this sorte of loose, and wandering people", and "manufactures are in the meane tyme in such sorte neglected, as causeth dayly...dammage to that City [and] noe small hurt and p'judice to the Comon wealth in generall."<sup>3</sup> It suggests that the complete absence of letters from the Elizabethan Privy Council means that it had more confidence in Norwich's governors' ability to distinguish between legal and illegal players. To be sure, there were inconsistencies in the way that the poor laws were applied but not urgent enough to warrant the Privy Council's attention.

Norwich's inhabitants had worked hard to re-establish their city's prosperity and employment opportunities for the poor in the 1570s and 1580s. Various crafts were busy enrolling local apprentices.<sup>4</sup> The harvest failures of 1586-87 and the mid-1590s threatened to undo what was achieved by making goods and foodstuffs much more expensive. The experience of the late 1520s threatened to repeat itself but the Privy Council acted to alleviate the

1 *Ibid.*, pp.107, 115, 126, 128, 140-43, 147.

2 *Ibid.*, pp.96, 98, 115, 126, 133.

3 E.K. Chambers and W.W. Greg (eds.), "Dramatic Records from the Privy Council Register, 1603-1642", The Malone Society, *Collections Parts IV and V* (Oxford, 1911), pp.378-79.

4 W.L. Goodman, "Woodworking Apprentices and their Tools in Bristol, Norwich, Great Yarmouth and Southampton 1535-1650", *Industrial Archaeology*, 9, 4 (November, 1972), pp.381, 384-85, 390, 392-93.

situation. Norwich faced a situation where skilled and unskilled workers could not purchase bread at whatever price, since unemployment meant there was little or no chance of acquiring a sufficient surplus over expenditure to provide for a reasonable saving. The Privy Council ordered justices of the peace to attend the markets even though Sir William Heydon wrote to the government in June 1586 that he was able to muster only eight magistrates in Norfolk, "to take order for supplying the markets...with grain."<sup>1</sup>

True, the municipality's poor relief mechanisms were tested by internal and external factors. The Dutch and Walloon communities experienced difficulties in relieving their own poor in the winters of 1587 and 1589, respectively.<sup>2</sup> Norwich's law enforcers also had to be alert for the presence of unlicensed beggars, gaol escapees, runaway servants, drunkards and strangers from other towns and villages in Norfolk. The Privy Council received information that the township of Goulston in February 1590 was "a receptacle for all disordered and masterles persones, daylie comitting fowle abuses."<sup>3</sup> But the Privy Council did nominate Norwich as the place to receive individuals who had legitimate begging licenses. On several occasions in 1590 the Privy Council granted the right to individuals to go there for the purpose of soliciting alms for a specified period of time, normally one month. Thus on 24 May Nicholas Rowand had leave "to travel to the cittie of Worcester and from thence to Norwich."<sup>4</sup> Then in September the Privy Council granted William Smith and his wife the right to pass quietly to Norwich and ask for devotions from charitable people.<sup>5</sup> The previously mentioned policy of the Privy Council encouraging Norwich's leaders not to follow statutory work practices too closely, did not slacken. For example the Council did not want a destitute Dutchman, John de Wilde, to be prohibited from making ginger bread since it was "the only trade he hath to lyve uppon...to maintaine his howse and family."<sup>6</sup>

The brewing trade at Norwich provoked the Privy Council to regulate it in much the same way as it had done at Northampton. In c.1578 an anonymous libel referred to engrossers and forestallers of grain as "those murthering maltsters" and "bloody cornbuyers."<sup>7</sup> Primarily, the engrossing of corn and its diversion from food making into the production of ale in 1594-97

1 *CSP, Domestic, 1580-1591*, p.333; *EEH*, pp.373-74.

2 Tingey, *Records*, pp.lxxxvi, 195.

3 *APC 1589-90*, p.368. See: *APC 1595-6*, pp.313, 333-34; *APC 1597*, p.88; HMC, *Gawdy*, esp. pp.20, 33, 34, 37, 60, 68-70, 89; HMC, *Various Collections*, II, p.243; "The Manuscripts of the Corporation of Thetford, Norfolk" in HMC, *Various Collections*, III, pp.119-44; and *Papers of Nathaniel Bacon*, III, p.284.

4 *APC 1590*, p.159.

5 *Ibid.*, p.452

6 *APC 1597*, p.14.

7 HMC, *Marquis of Salisbury*, Part XIII (Addenda), pp.168-69.

alarmed the Privy Council and could only incite the grievances of the poorer sort on the knife-edge of survival. The Privy Council record of 26 November 1595 included a libellous sedition against it by Norwich's poorer inhabitants. The Council therefore warned the mayor not to tolerate them but also reminded him that these sorts of disturbances would not occur if the poor were properly relieved or found work, for "the peace and quiet of the cittie."<sup>1</sup> The Privy Council ordered the mayor and aldermen in 1595-96 to reduce people engaging in "the trade of maulsters" to a more convenient number "and onlye to permitt some few."<sup>2</sup> Hysteria over the state of the harvests spread from Norwich to other townships in Norfolk in 1597. Humphrey Guibon, High Sheriff of Norfolk, wrote to Lord Burghley on 30 April 1597 that "common people", assembling "in a very riotous and tumultous manner", prevented ships from departing with corn bound for Gainsborough and forcibly unloaded it.<sup>3</sup> Writing back to Mr. Guibon on 3 May 1597, the Privy Council repeated its concerns about continual harvest shortages on law and order amongst the lower classes. It regretted that so much of the country languished "in so greate want" but wanted tough measures taken against the people "so mutenosly and sediciously disposed [who] under the pretence of such need and scarcety have entered into conspiracy to raise tumultes", taking grain from its rightful owners with force and violence. Watchmen, therefore, had to be stationed in the market towns of the county to keep the "vulgar people" in their places.<sup>4</sup>

The work of levying and caring for returned soldiers and mariners was familiar to early Elizabethan Norwich. Captain Drury, a soldier fighting against Kett's rebels in 1549, required surgery as a result of his efforts but could not pay for it. Consequently, "the charges of the same souldieur shall be borne at the costes of the Cittie, as Mr Mayour and his Brethren shall think best."<sup>5</sup> The Duke of Norfolk took command of local levies and officers in the war against Scotland, and on New Year's Eve 1561 the mayor permitted a begging ex-soldier, Edmonde Abbott, to reside in the town because he was "hurte and mayned in the Quenes affayres."<sup>6</sup> Norwich's strategic position in East Anglia entailed military manoeuvres in the area before the war with Spain started. In the 1560s-70s the head constables kept a record of men chargeable

<sup>1</sup> *APC 1595-6*, pp.88-89.

<sup>2</sup> *Ibid.*, p.21; *APC 1596-7*, p.149.

<sup>3</sup> *CSP, Domestic, 1595-1597*, p.401; Leonard, *Poor Relief*, p.126.

<sup>4</sup> *APC 1597*, pp.88-89.

<sup>5</sup> R.H. Mottram, *Success To The Mayor: A narrative of the development of local self-government in a provincial centre (Norwich) during eight centuries* (London, 1937), p.157.

<sup>6</sup> *REED: Norwich*, p.347; Tingley, *Records*, p.180; *TED*, II, p.312.

with armour and from this the captains would inform the muster commissioners if their companies were up to strength. Then the commissioners were to inform the Privy Council of this fact.<sup>1</sup> In the likelihood of an invasion from the Spanish-controlled Low Countries, Norwich would be subjected to a scorched earth policy. The government envisaged that soldiers would burn local corn stores, drive away cattle and destroy bridges, dig ditches, barricade streets and send all women, children and provisions into Norwich castle.<sup>2</sup>

As the likelihood of war approached the Privy Council ordered on 10 January 1584 that all the muster commissioners were to meet at the "White Horse" in Norwich on the morning of 29 January. The commissioners from the city and shire had the responsibility of ensuring that the "cheif constable(s) aswell by their travell as the travelle of the under constables" made flawless declarations regarding the quality and availability of men, armour and weapons. In particular, the commissioners had to be diligent in the appointment of captains, petty captains, lieutenants and sergeants.<sup>3</sup> Immediately, the commissioners replied to the Privy Council that a number of problems hindered their assembling in so short a space of time the men to be viewed. The days had become very short, the weather was deteriorating, the commissioners' sessions continued "verye longe" and the high costs of moving men, armour and materials were not helped by Norwich, Lynne and Yarmouth being exempted from the charge and supply.<sup>4</sup> Nevertheless, there is no indication that the authorities let things slip because the muster commissioners agreed in May to permit "hable men [to] be vewed and trayned accordinge to the Councelles letters and instruccions in that case pre[s]cribed."<sup>5</sup> The Queen and the Privy Council, in fact, appear to have had no grounds for complaint in early April 1585. They were pleased that the local bands consisted of "gentlemens and yeomens" sons, were of "such decente & souldierlike sorte as is fitte for such" and could bear the costs of furnishing their own weapons and furniture. The Privy Council simply reminded the officials to keep the men trained, the muster books in order and updated so that soldiers could be located at short notice and put into action.<sup>6</sup>

Intransigence between the Privy Council and local officials, however, was unavoidable. The irony is that local radical Protestant officials, who normally insisted on an aggressive

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1 Boynton, *Elizabethan Militia*, p.49.

2 *Ibid.*, p.148.

3 *Papers of Nathaniel Bacon*, II, pp.276-77.

4 *Ibid.*, pp.279-80.

5 *Ibid.*, p.291.

6 *Ibid.*, pp.306-8.

foreign policy and strong defences against the forces of Catholicism, suddenly entertained the view that the Privy Council's control of military administration constituted an interruption and infringement on how such matters were handled locally. The appointment of Lord Hunsdon as lord lieutenant of Norfolk and Suffolk and the instillation of permanent deputy lieutenants in 1585, meant that the Privy Council relied on its own military agents, including provost marshals and muster-masters (such as Captain Gilbert Haners<sup>1</sup>) to initiate schemes for greater military efficiency. So Lord Hunsdon called up officials to undertake work with him in March 1586, in relation to providing the navy with wheat and butter:

My loving friends the Sheriff and Justices of the Peace of the county of Norfolk, and to her Majesty's Commissioners for the Restraint of Grain and other Provisions in the said county, and to Sir Edward Clowe, Sir William Hadon, and Sir Thomas Knyvett, Knights, my Lieutenants for the said shire, and any of them.<sup>2</sup>

While the officials responsible for these directives looked forward to and staked their careers on producing worthwhile soldiers, the local JPs had certain allegiances, reputations and loyalties to consider. A. Hassell Smith finds that the basic conflict was that while the Privy Council demanded military improvements, the local authorities struggled to implement them because of their attitude and difficulties in collecting and spending the required military rates.<sup>3</sup>

Hassell Smith's work on the county is valuable because it throws light on how the Privy Council considered Norwich's control of soldiers' mustering, their training and provisioning, and their fall into beggary and vagrancy. The Privy Council, having entreated Lord Hunsdon during the Armada crisis "that good order be given to see watches kept in every thoroughfare town to stay and apprehend all vagabonds and rogues that [are] like to pass up and down to move disorders...to cause such to be executed by martial law"<sup>4</sup>, exerted pressure on Norwich and county institutions. Even if they did not have the resources to comply, they were obliged to provide succour for soldiers and mariners. Individuals like John Redman, "a poore maimed soldiour", for example, were authorised to collect alms from "wel-dispossed people in al places, churches and such like excepted for the space of one whole year"<sup>5</sup> The Council wanted to ensure that ex-soldiers with legitimate passes and begging licenses were safely brought to the almsrooms of Norwich Cathedral. If there was no room there they were eligible for relief from the county justices. So on 5 June 1590 the Privy Council ordered George Watkins, once he had

<sup>1</sup> HMC, *Foljambe*, p.10.

<sup>2</sup> Thomson, *Lords Lieutenants*, pp.82-83.

<sup>3</sup> A. Hassell Smith, *op. cit.* (1974), pp.277-93; *Papers of Nathaniel Bacon*, III, pp.xix, 63-65, 78-79, 247, 281.

<sup>4</sup> HMC, *Foljambe*, p.53.

<sup>5</sup> *APC 1590-1*, p.241.

seen certain friends in Durham, to return to London where he was to remain "untyll such tyme as he shall have the rome and place of an almesman within the Cathedrall Church of Christ" at Norwich. Watkins was still unemployed in October 1590, "unhable to worke", so the Privy Council granted him permission to reside as an almsman in Norwich Cathedral.<sup>1</sup> On 16 December 1590 the Council asked Norwich Cathedral's authorities to "open the bowells of mercy" to "certeine poore souldiors notoriously maimed in the warres, and havinge no substance of their owne whereby to live"; if they failed to do so any potentially embarrassing abuses in poor relief would be investigated. Sure enough, in February 1593, the Privy Council queried the Dean and Chapter of Norwich Cathedral on their refusal to allow one poor man into the place, despite his having an almsroom bestowed on him by the Queen.<sup>2</sup> A glance at the late Elizabethan and early Jacobean state papers reveals that soldiers managed to acquire almsrooms in Norwich Cathedral; Christopher Brewerton in June 1599 and Robert Leake (June 1604) and John Hobson (September 1607).<sup>3</sup> It was not possible for every injured serviceman to obtain an almsroom and the safety of an 'indoors' environment. Robert Mackey, a quarter gunner "grevously maymed of both his handes most apparant to be seen", received 33s. 4d. on 9 October 1593.<sup>4</sup> Several years later the justices and treasurers for injured soldiers and sailors were ordered to grant stipends to Henry Rysinge (blinded at sea) "whereof he is utterly destitute of any meanes to live of himself", and to John Benet, "a maymed souldier that was borne at Bromhill."<sup>5</sup>

What reasons account for the soldiers who were unfortunate or desperate enough to fall through this 'safety net'? We know that vagabond soldiers were a local problem because in accordance with government's step in November 1589 of proclaiming provost marshals, Lord Hunsdon employed one in Norfolk. He was accompanied by five henchmen, presumably because they were familiar with the local terrain.<sup>6</sup> Their job was made more time-consuming because Norfolk was considered to be an important source for soldiers and sailors when those from other districts had deserted. This did nothing to halt the problem of local levies absconding and so the three or four warrants which Norfolk received yearly to impress soldiers for service in Ireland, backfired. Sir John Norris complained in late August 1594 that he had not sailed

<sup>1</sup> *APC 1590*, p.187; *APC 1590-91*, pp.51, 296, 324.

<sup>2</sup> *APC 1592-3*, pp.67-68, 124-26.

<sup>3</sup> *CSP, Domestic, 1598-1601*, p.214; *CSP, Domestic, 1603-1610*, pp.118, 371.

<sup>4</sup> *Papers of Nathaniel Bacon, III*, p.250.

<sup>5</sup> *APC 1596-7*, p.209; *APC 1597-8*, p.199.

<sup>6</sup> Boynton, *op. cit.* (1962), p.444.



from Portsmouth to Brest because, as he put it, "his men are continuing to run away" and Norfolk's proximity as the ideal levying location did not help.<sup>1</sup> Hassell Smith's research indicates that the existence of vagrant soldiers at Norwich and other places can be blamed on two things undermining county jurisdiction: corruption at the musters and levying of soldiers for overseas service; and justices' opposition to the lord lieutenant's attempt to introduce professionalism into training and administration<sup>2</sup>

Notes from Nathaniel Bacon's papers and elsewhere back this conclusion. Questions were put forward to constables in December 1594 about whether they had levied the right sort of recruits, paid soldiers their allocated conduct money and legally discharged them from service, and prevented desertions.<sup>3</sup> Investigations deepened and when the records of previous years' accounts were examined alarming discrepancies began to show. In 1590 Captain Warlock was given charge of 201 men but had conduct money for 182, "so as the contrey was put to the charge of 19 men more then semeth to have ben employed in Her Majestes service."<sup>4</sup> Captain Shelton was supposed to have 147 soldiers sent out with him in 1591 but he had conduct money for 135.<sup>5</sup> Out of 242 troops scheduled to be at Harwich in 1594, only "130 & odd persons" arrived there and all the rest were either discharged or ran away, and it was suggested that conduct money had not been paid. That vagrants had been levied was hinted at by a condemnation of the lieutenants, whose job it was to obey the warrant to select "men of good sort for the service, yet the most of them were discharged underhande, and others taken, whome the chief constables were caused to apparell to the extraordinary charge of the contrey."<sup>6</sup>

During the 1590s a view developed that for the purpose of keeping order in the ranks, the trained bands and militias had to be reduced from 500-600 to small companies of no more than 150-200. The Privy Council seems to have taken this consideration seriously. Sir John Peyton, a professional soldier appointed by Lord Hunsdon (who also had the expertise of Captains Jackson and Allen Lewes) to be one of his deputies in 1588, wrote in a memorandum to the Privy Council in 1596 that the trained bands were too large for one captain, his lieutenant, ensign and two or three sergeants to manage. The bands, instead, had to be divided into smaller

1 Harrison, *Elizabethan Journals*, I, p.319.

2 Hassell Smith, *op. cit.* (1974), pp.284-85.

3 *Papers of Nathaniel Bacon*, III, pp.287-88.

4 *Ibid.*, p.305.

5 *Ibid.*

6 *Ibid.*, pp.306-7.

detachments: "the country is very large and the companies too great, so that the men spend a day in marching to the place of training and another in returning home, and the whole time appointed for their instruction is spent in calling the muster roll and 'reviewing the furniture.'"<sup>1</sup> Lord Hunsdon implemented the proposal straight away and angered the established commanders by having the seven large companies divided into thirty-three smaller ones.<sup>2</sup> Hunsdon's death in 1596 did not mean that this policy was allowed to lapse. Five years later the Privy Council directed the muster commissioners to reduce the number of men in each "trainband of the militia" to 200 soldiers.<sup>3</sup>

The hysteria about vagrants and rogues in Norwich spilled over into perceptions of 'treacherous papists' at home and the Catholic League abroad. Local and active support for the Reformation does not deter from the fact that the Catholic population in Norfolk was a sizeable one. The faith had its adherents among many classes of people. William Cecil and Walsingham received news to this effect. In August 1570, Dirrich, "a rank papist, late Chaplain to the Archbishop of Canterbury", came to Cecil's attention. Eight years later Walsingham learned of "divers obstinate and arch-papists, that would not come to church."<sup>4</sup> When Queen Elizabeth visited Norwich several gentlemen were incarcerated in Norwich Castle for their "obstynat papystrie" and "baddness of belyffe."<sup>5</sup> In 1587 Bishop Edmund Scambler sent an account to the Lord Treasurer of the names, places of abode and the condition of justices of the peace in Norwich diocese. He described the religiously suspect as either "backward in religion" and their associates "for the most part popish."<sup>6</sup> In Norwich people with modest occupations came under suspicion. A vintner, John Nedeham, received from Mumford Scott or Monford Skott, a gentleman's son, an "orbilicus consecratus" from the See of Rome. Scott would be executed in London in 1591 for taking up priests' orders, bringing Catholic beads into the kingdom and distributing them to the queen's subjects.<sup>7</sup> Robert Copping, a servant to "Mr Lynne of Norwich" was suspected, as was Thomas Lyne of "Tedham by Norwyche", a 52 year old grocer who "sai the he hathe nedar landes nor goodes."<sup>8</sup> Puritan magistrates and their officials would have troubles with local recusants and disguised or protected priests, but they

1 HMC, *Marquis of Salisbury*, Part V, p.523; HMC, *Marquis of Salisbury*, Part VI, p.222.

2 Hassell Smith, *op. cit.* (1974), p.287.

3 HMC, *Eleventh Report...The Manuscripts of the Marquess Townshend* (London, 1887), p.12.

4 Mason, *op. cit.*, I, p.570.

5 *Ibid.*

6 *Ibid.*, p.401.

7 *Ibid.*, pp.572, 575; McCann, *op. cit.*, pp.90, 115; Pollen, *Martyrs*, p.100.

8 *Papers of Nathaniel Bacon*, III, p.136; Petti, *op. cit.*, p.84.

exaggerated the level of local Catholic activity. Even Edmund Freke, Bishop of Norwich, fell foul of them when he dismissed his Chancellor, John Beacon, on the grounds of inadequate qualifications and corruption. In retaliation many of Freke's advisers were imputed with the unsubstantiated charge that they were collaborators of papists and spreaders of discord. His baker, butler and miller were accused of being reconciled to the Jesuits and hearing Mass.<sup>1</sup>

The records of the years from 1583 onward provide more details of the Privy Council's persecution of Jesuits and seminaries. The year had but just opened when the Norwich authorities vigorously enforced the laws against Catholics. On 17 January Mayor Thomas Gleane and the aldermanic bench wrote to the Privy Council with the information that they had apprehended and interrogated people who had heard Mass, some of whom "had been shriven and received hallowed beads (as they term them)."<sup>2</sup> The assizes which commenced on 23 April at the Shire House in Norwich resulted in many people being charged and convicted or bound over to appear at the next sessions for recusancy. Recusants had heard or said Mass, accepted "hallowed beads" with the intention of wearing them, or assisted in the publication of a book.<sup>3</sup> Their ability to do these things was in no small measure due to the ability with which disguised preachers traversed the area around Norwich. For example, Castle Acre had the expertise of one Audley "a Mass priest, a privy maintainer of Popery", while one Fermer or Farmer reputedly managed to visit every Norfolk papist's home.<sup>4</sup>

There are other indications of their skill in eluding detection during the mid-1580s. The Privy Council ordered the Warden of the Western Marches in the summer of 1583 to find and arrest Lancelot Boast, a gentleman from Dufton. The search for Boast ended on the other side of England in Norwich:

Beinge demaunded what he sawe or was in companie with the John Boast, he saithe that...he met with the saide Boast betweene Mayden heade and Collbrooke, James Warcop clarke and one beneficed within a mile and a half of Norwidge...beinge in his companie [they] lodged at the signe of the Cocke...apparelled in a cloake of ratts color, lether hose...<sup>5</sup>

Thomas Lovell's deposition of 9 January 1584 included the discovery that "a yong man ded say the messe & browght his trynkytes in a walet" and proceeded to say Mass for some people from Norwich "also sayd at a gentylmans howse in that towne ther."<sup>6</sup> Then came the unmasking of

<sup>1</sup> Mason, *op. cit.*, I, pp.397-99, 570-71; *Papers of Nathaniel Bacon*, II, pp.274-76.

<sup>2</sup> Mason, *op. cit.*, I, p.571.

<sup>3</sup> *Ibid.*, p.572.

<sup>4</sup> McGrath and Rowe, "The Marian Priests under Elizabeth I", p.117; Mason, *op. cit.*, I, p.571.

<sup>5</sup> Pollen, *Martyrs*, pp.63-65.

<sup>6</sup> *Papers of Nathaniel Bacon*, II, p.276.

the Ipswich-born and Douai-trained Robert English. A spy described in a statement made on 17 April 1584 how he had gone to Horsham St. Faith's house near Norwich "and by the curate there was brought into Mrs. Southwell's house, where he saw one Robert English alias More", once a scholar at Magdalene College, Cambridge. English admitted "that he had been a traveller beyond sea and had changed his name after his return because he would not be acknown of his religion."<sup>1</sup> The embarrassment that these people caused the Privy Council to have can be traced to mainly political and administrative factors. In the case of the first the objective of the 1584 searches by Puritan magistrates to apprehend seminary priests and crush secret Masses was undermined by their plan to discredit Bishop Freke. They hoped to succeed by questioning the captured Thomas Hopkins, reputed to be "a grete counsellor" of Freke's and associated with the abortive rising in south Norfolk in 1571.<sup>2</sup> Local security was compromised on two levels of the administrative process. It was difficult to get constables and churchwardens to take oaths for the guarding of recusants and arrest of priests because their towns and hamlets had become empty. This forced the Privy Council, at one stage, to inquire as to "whoe be inhabited in those townes."<sup>3</sup> Higher up the administrative/judicial ladder the justices were not coming to Norwich until summer, wrote Francis Wyndham to Sir Nathaniel Bacon on 2 February 1584. Laxity such as this only served to encourage the "boldenes" of local "massehearers."<sup>4</sup>

A Lincolnshire man, William Allot, was arrested in the house of a Norwich widow<sup>5</sup>, reinforcing the perception that local Catholics were untrustworthy. Nathaniel Bacon sent Walsingham a copy of a letter which had been found on a person on the highway near Fakenham. The letter allegedly contained details about recusant meeting places.<sup>6</sup> On 28 May 1585, just prior to hostilities opening against Spain, the Privy Council wrote to the Norfolk justices concerning coastal security and to be on guard for:

what persons either strangers or Englishe shall seeke to lande and of what condicion thei are, so as none be suffered to come or lande...that be notorious merchantes and those of honest & sounde condicions or otherwise persons exercising fisshing...you can make choice of some speciall honest persons that dwell within anie the porte townes...and to direct them daily to see what persons shall come...and to suffer none to come on to lande untill thei be searched and duly examyned.<sup>7</sup>

1 Anstruther, *Seminary Priests*, pp.110-11.

2 *Papers of Nathaniel Bacon*, II, pp.271-72, 336.

3 *Ibid.*, pp.203-4.

4 *Ibid.*, p.281.

5 Anstruther, *Seminary Priests*, p.6.

6 *CSP, Domestic, 1581-1590*, p.610. See also pp.153-54.

7 *Papers of Nathaniel Bacon*, II, p.311.

However, priests continued to land on the Norfolk coast with impunity and the 1586 commission into recusancy had little effect on it.<sup>1</sup> In the spring of 1586 it was brought to the attention of the Privy Council that local popish sympathisers even managed to infiltrate the navy. Ingram Greine, a mariner, had joined the crew on the *Burre* with the intention of killing Sir Francis Drake!<sup>2</sup> Due to illness in late 1587 Burghley and Walsingham could not focus their administrative skills on the problem and so the Earl of Leicester took up the role of flushing out "the daindger of those persones & their herborers" and "where ther certen haunttes can be disciepheryd directly."<sup>3</sup> It took the one outstanding case of the vagabond priest in Norwich, John Gerard, who was born of upper class parents in Lancashire, to bring about a change in the fortunes of the Privy Council.

John Gerard joined the Society of Jesus on 15 August 1588.<sup>4</sup> In November he landed on the Norfolk coast and adopted the disguise of a falconer looking for a bird he had lost. His freedom of movement and ability to spread anti-Protestant sedition - he had the temerity to meet Edward Yelverton of Grimston in Norwich Cathedral and through Yelverton was introduced "to the house and circle of nearly every gentleman in Norfolk" - was facilitated by Nicholas Owen. Owen built him one of the best hides ever established at Oxburgh Hall, owned by Thomas Bedingfield.<sup>5</sup> Gerard spent a night "in the open under the rain in chilly autumn" and spent the following day wandering about like a beggar without food. Brought before a local squire for examination because he refused to go into a church to hear the sermon, Gerard talked his way out of an appointment with the local justice and rode to Norwich where he conversed with a stranger at an inn, not far from the city gates.<sup>6</sup> Throughout 1591 he moved through Norfolk, establishing his 'headquarters' at Braddocks, between Thaxted and Saffron Walden. He converted 20 heads of families to Catholicism "and a very considerable number of less exalted people."<sup>7</sup> John Gerard was captured in 1597 but before he escaped from the Tower of London he was tortured (racked and manacled) there. The warrant issued to conduct the torture was justified on the grounds that Gerard "very lately did receive a packet of letters out of the Low

1 *Papers of Nathaniel Bacon*, III, pp.9-10.

2 Julian S. Corbett (ed.), *Papers Relating to the Navy During the Spanish War 1585-1587*. Navy Records Society, XI (London, 1898), p.83.

3 *Papers of Nathaniel Bacon*, III, pp.46-47.

4 *DNB*, XXI, p.422.

5 Hodgetts, *op. cit.* (1962), pp.74-75.

6 More, *op. cit.*, pp.309-12; T.B. Trappes-Lomax, "Roman Catholicism in Norfolk, 1559-1780", *Norfolk Archaeology*, XXXII, Part II (1958), p.28; John Gerard, *The Autobiography of an Elizabethan*, trans. Philip Caraman (London, 1951), pp.11-14.

7 Michael Hodgetts, "Elizabethan Priest Holes: III- East Anglia, Baddesly Clinton, Hindlip", *Recusant History*, 12, 4 (January, 1974), pp.171-72; More, *op. cit.*, p.313.

Countries which are supposed to come out of Spain, [he] being noted to be a great intelligencer and to hold correspondence with Parsons the Jesuit and other traitors beyond the seas."<sup>1</sup> In the warrant, treason had threatened in the form of an elusive, disguised and informed individual spreading treasonous Catholic plots with the objective of overthrowing Elizabeth's Protestant realm.

The work that Gerard did in Norfolk was carried on by others but ultimately they paid with their lives and their success must be judged accordingly. Robert Southwell, Henry Walpole, Thomas Hunt and John Ruffet were all natives of Norfolk but they were captured operating far from their place of birth. Southwell was unmasked at Uxenden in Middlesex and executed, bowelled and quartered at Tyburn the day after his trial in February 1595. The authorities executed Walpole at York in the same year and Hunt would be executed in Lincoln in July 1600 following his arrest at an inn called the 'Saracen's Head'.<sup>2</sup> Ruffet (alias Adams) was captured and tortured twice on the rack. He was banished but returned in November 1597, ending up in the Clink prison in July 1602.<sup>3</sup> The appointment of experienced commissioners to hunt down priests and starve the local recusants of contact with them had, according to a letter dated 16 January c.1597, the desired effect:

A number of chatholiques were aprehended and cast in prison, wher mani died oppressed with melancholie, and (which was most lamentable) mani revolted, and all the preysse fled, which were about xxv in number. So as upon this occasion onli of gatheringe an assemble and delivering owt of canons that contri, that was most freest and harbored so mani chatholiques, becam presentli most troublesome and now so barren of good men as yt can scant aforde one prieste to help them in ani extrem necessite.<sup>4</sup>

Another reason for their failure may lie in their distancing themselves from Marian priests. Although they seem not to have had the same success or luck as John Gerard and his contemporaries, evidence exists that old priests operated in the region. One priest at Southerpingham "within half a yeare now past hath had accesse to the house of Edward Brampton...gent" (1592).<sup>5</sup> Richard Jackson and Robert Parton were old priests at work in Norwich and elsewhere. Jackson was eventually caught in Gerard's old hideout at Braddocks, Essex in the autumn of 1592 and Robert Parton may have gone out of his way to avoid his younger ally, indicating a breach in Catholic solidarity and generational trust. When he was

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<sup>1</sup> Robert Matz, "Speaking What We feel: Torture and Political Authority in King Lear", *Exemplaria*, VI, 1 (Spring, 1994), p.229. The same warrant is discussed in the context of how Elizabethan torture worked generally, in John H. Langbein, *Torture and the Law of Proof* (Chicago, 1977), pp.81-90.

<sup>2</sup> Mason, *op. cit.*, I, pp.575-76.

<sup>3</sup> Anstruther, *Seminary Priests*, pp.125, 297.

<sup>4</sup> Mason, *op. cit.*, I, pp.569-70.

<sup>5</sup> *Papers of Nathaniel Bacon*, III, p.136.

interviewed in Norwich in 1593, Parton, then "of lxxvii yeres or ther aboutes" said that "he never had conference with any semenarie preestes nor Jesuites."<sup>1</sup> Whatever the reason, the Privy Council was successful as far as Norwich and its environs were concerned, in putting pressure on Catholics' ability to hold congregations.

The Privy Council's involvement in their suppression developed out of late medieval and earlier Tudor precedents, but this does not mean that its methods were totally derivative. Suppressing rogues, vagrants and masterless men may not have been simply a law and order issue. Though there is a lack of data to substantiate it, it is possible that their apprehension was very much tied up with local politics. The events of 1549 and 1569-70 involved county notables as well as economic difficulties which threatened vagrancy for many workers, craftspeople and small-time traders. When they 'hit the road' in search of better prospects or mischief-making (the latter case was the usual assumption made by their superiors), were they really vagrants, distinguishable from the non-migrant poor on the one hand, and from migratory workers of a higher social status on the other? The Privy Council dealt with Norwich by looking at the wider region's strategic, economic and political priorities and these considerations generally shaped its attitude to vagrancy. Natural disasters such as the encroachment of the sea at Tyrrington and Waxham involved the Privy Council in 1601. It was felt that the county authorities should not carry the burden of raising the funds for the affected inhabitants and the work needed to shore up the coastal banks. The Privy Council ordered Norwich and Yarmouth to raise contributions for the cause, with a warning that those "of good habillytie" refusing to have their names recorded and sent to the Council.<sup>2</sup> Poverty, vagrancy and the local economy dominated Norwich's horizons in the early seventeenth century. The Privy Council wrote on 20 May 1610 for directions in the examinations of four apprentices. They were alleged to have attempted an act of sedition in Norwich.<sup>3</sup>

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<sup>1</sup> Hodgetts, *op. cit.* (1962), pp.75-76; Petti, *op. cit.*, p.65.

<sup>2</sup> *APC 1600-1601*, pp.385-87, 405-6; *APC 1601-1604*, pp.402-4.

<sup>3</sup> *CSP, Domestic, 1603-1610*, p.611.

When the Elizabethan Privy Council began to exert its influence in Norwich during the 1580s and 1590s, this town had already experienced more than half a century of locally-generated experiment, ranging from the brutally repressive to the enlightened and farsighted. The actions of the Privy Council at Norwich reflect the actions of a government cautiously manoeuvring towards a method of poor relief that would simultaneously remove the threat of insurrection and provide adequate care for all categories of poor, including vagrants. From time to time the Privy Council became convinced that desperate measures were needed when rogues and vagabonds in or near Norwich were perceived to be at their most disorderly. The Privy Council reinforced the local policing system with specially appointed officers who received extraordinary powers to deal with subversives. Where necessary and under the aegis of the Privy Council, officials such as provost marshals and justices of the peace had the power to hang vagrants without going through the normal processes of law. The proliferation of institutions to combat vagrancy might suggest that the Privy Council was helpless in the face of such a problem. Nonetheless, Norwich, despite typifying English towns in that it operated as a semi-autonomous unit where neither Crown, Privy Council or Parliament could do much to enforce urban obligations effectively, felt the very real extension of state authority implicit in the policies and practices of the Privy Council. To grant powers of arrest, judgement and punishment to parish constables, as well as to chartered bodies such as Norwich's Bridewell, was a major innovation and just one of many. Many of Norwich's magistrates may have been Puritan in character and enjoyed the sympathy and admiration of the Privy Council. However, because they did not consistently implement vagrancy statutes and conciliar decrees or institute proper care for paupers and beggars, problems grew under the sporadic but increasingly harsh and repressive measures. Thus the evidence at Norwich in relation to state policy as it applied to itinerant subversives suggests that the Privy Council was faced with a formidable four-pronged problem: social, economic, political and administrative.

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1 Craig, "James Ryther of Harewood", Part II, pp.134-35.

2 Maud Sellars, "The City of York in the Sixteenth Century", *EHR*, IX (1894), p.285.

3 David Hey, *Yorkshire from AD 1000* (London, 1986), p.171.

4 Wright, *Queen Elizabeth and Her Times*, II, pp.376-77; Strype, *Annals*, IV, p.282.



## CHAPTER 8

### YORK

The poore people of the partes are growen, and yet do growe, to great and perillus numbers, and now that charyty waxeth colder by reson the more able, which ar the greater parte of the poore, ar expectid to woork in harvest, in trewth they fall to stealinge and to other unlawfull acctions hardly to be repressid for their generallyty, and trewe people that go abrode about their lawfull busynes this tyme of harvest are at home extremly iniured with the pyllferings of the vagrant persons. The causes of the extraordinary nombres of thes have greatly growen by the hardnes of som rich men that have this year put away servaunts & woorkfolke, which in other yeares they usually kepte; also the unablenes of many that put servaunts away because they cwolde not keep them, come rysinge to so hie a price and the trades of clothinge fallinge to so lowe a rate as in the confynes of this shier woole is solde for ijs iijjd a stone.<sup>1</sup>

This is how the Yorkshire justice of the peace James Ryther described, in a letter to Lord Burghley during the summer of 1587, what he felt to be the causes and symptoms of destitution and vagrancy in his part of England. Of all the towns beset by the horrors and disorders of vagabondage and beggary, York was one of the worst affected. Maud Sellars suggested that York "literally swarmed with beggars."<sup>2</sup> More recently, David Hey asserts that York's corporation was "continually vexed by the task of dealing with immigrant vagabonds who entered the city in search of charity after leaving in despair the shrunken and deserted villages of the countryside."<sup>3</sup> Ryther's complaint attests to vagrancy being widespread in the north but it relates to only a few facets of the problem. Ryther made no mention of the equally difficult stresses of migrating labourers, deserting and vagrant or maimed soldiers, itinerant entertainers, or seminarists and Jesuits. The implications for military security in this part of England were such that Lord Burghley often received correspondence addressing deficiencies in Yorkshire. Ryther advised Burghley "to gyve an eye on the back-door" and the Archbishop of York told him in 1596 that the "Country lyeth to be invaded by reason of the many good Ports and Creeks, and few or no Forts to withstand the Enemy."<sup>4</sup>

York, by virtue of its status as a staple town for the wool trade and textile industry, had been one of the most important provincial towns. It attracted business by dint of its being the royal headquarters for the Scottish wars. People flocked to York to take advantage of the

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1 Craig, "James Ryther of Harewood", Part II, pp.134-35.

2 Maud Sellars, "The City of York in the Sixteenth Century", *EHR*, IX (1894), p.285.

3 David Hey, *Yorkshire from AD 1000* (London, 1986), p.171.

4 Wright, *Queen Elizabeth and Her Times*, II, pp.376-77; Strype, *Annals*, IV, p.282.

consequent boom in the trading, victualling and manufacturing crafts.<sup>1</sup> The city was fully separated from Yorkshire in 1396 by royal charter and its leaders accorded much honour and dignity. The mayor received the counsel of twelve aldermen and the junior council known as the Twenty-Four gave its assistance as well. Financial responsibilities owed to the Crown were dealt with by two sheriffs while four or more chamberlains oversaw the city's finances.<sup>2</sup> York was the ecclesiastical capital of the north, the see of a rich and powerful archbishopric. It controlled over forty parish churches, innumerable chantries and religious endowments. The Tudors inherited a longstanding legal and jurisdictional presence in York, one that threatened to overshadow the independent government of the civic authorities after the Pilgrimage of Grace.

It is useful, firstly, to outline the geographical context in which York's economy waxed and waned. Yorkshire has great variations in its landscape, ranging from the Plain of York to the dales and moors of the West and East Riding respectively.<sup>3</sup> The highland districts of Yorkshire relied greatly on cattle and sheep farming, while the lowlands concentrated on corn and some grains. Ryther described the people abiding in the "mountaines more north" living by milk and sheep, growing only oats while the bulk of their agricultural activity centred on "furtill pasture & meddowe."<sup>4</sup> John Speed stressed the hardness and frugality of working life in the early seventeenth century, a description that was equally valid for the sixteenth:

the People of this Prouince, are inured to maintaine a moderate, and ordinary heate in their bodies, by extraordinary hardnesse of labour...In other places where the Hills are baren and bare of Corne and Cattle, they make a recompence of those wants by the store of Copper, Lead, and stone, or Pit-cole...and for the lacke of woods which doth heere much pinch the People, they are requited againe with plenty of grasse...<sup>5</sup>

The emphasis on pastoral activities facilitated the dominance of leather crafts and related industries, especially in the West Riding. These were vital to the northern economy because towns such as York and Beverley lacked a distinctive industrial base. As such, the leather industry, involving the marketing of bullocks, calves and raw hides, generated a large proportion of employment. Evidence for the township of Skipton reveals that in 1597 its fair charter was described as "very useful to those living within forty miles near the aforesaid town,

1 Philip Short, "The Fourteenth-Century Rows of York", *Archaeological Journal*, 137 (1979), pp.130-31; Herbert Heaton, *The Yorkshire Woollen and Worsted Industries from the Earliest Times up to the Industrial Revolution*, 2nd ed. (Oxford, 1965), pp.1-44.

2 Lorrain Attreed (ed.), *The York House Books 1461-1490*, I (Stroud, Gloucestershire, 1991), pp.xviii-xix. Analyses of the officers and the election process are contained in *VCH York*, III, pp.31-37 and *REED: York*, I, pp.x-xiii.

3 W. Harwood Long, "Regional Farming in Seventeenth-Century Yorkshire", *Agricultural History Review*, VIII (1960-61), esp. pp.103-13.

4 Craig, "James Ryther of Harewood", Part I, pp.111-12.

5 *John Speed's England*, IV, folios 73-74.

for the buying, selling and exhibition of horses, cows, bullocks and sheep."<sup>1</sup> Great loads of raw hide were transported to Hull each year, then "vpp Humber and the fresh rivers there to Turnbridge and Bawtrey, and hence by land to our seuerall dwellings within the...West Riding of Yorkshire." So important was leatherworking to York that by the late sixteenth century 20% of new admissions to the freedom of the city were leatherworkers.<sup>2</sup>

The causes of late medieval, Tudor and early Stuart York's economic, religious and social troubles have been documented, studied and debated by many historians, a situation arising from the fact that there is so much source material on this important community.<sup>3</sup> For our purposes it is only necessary to refer to them in the context of charting the rise of vagrancy from the late fifteenth century to the mid-sixteenth. The gradual transfer of York's textile and cloth fulling industries to rural areas and smaller towns such as Leeds, Wakefield and Halifax, in order to escape York's rigid guild and manufacturing laws, the deteriorating condition of the River Ouse, falling long-distance trade and its taxes and tolls on people who brought goods and produce to the city, were accepted by contemporaries and historians alike as being responsible for the increasing destitution of York's workforce. It is the major reason why York's ability to collect revenue fell alarmingly between 1450-1550.<sup>4</sup> York was once ranked as the foremost provincial city in the realm with a population estimated at more than 12,000. By the 1520s York fell to sixth place and had less than 8,000 people in 1548, recovering to 11,500 by 1600 and 12,000 by 1630.<sup>5</sup> The corporation's records reflected the decay of overseas commerce and cloth industry in that incomes from housing rents fell as did the number of freemen's

1 Arthur Raistrick, *West Riding of Yorkshire* (London, 1970), p.156.

2 Clarkson, *op. cit.* (1966), pp.31-34; *YCR*, III, p.7.

3 Francis Drake, *Eboracum: Or the History and Antiquities of the City of York...In Two Books* (London, 1736), chs. V-VII; Sellars, *op. cit.*, passim and "York in the Sixteenth and Seventeenth Centuries", *EHR*, XII (1897), pp.437-447; Maud Sellars (ed.), *York Memorandum Book*, II. Surtees Society, CXXV (Durham, 1915); J.N. Bartlett, "The Expansion and Decline of York in the Later Middle Ages", *EcHR*, Second Ser., 12, 1 (1959), pp.17-33; Claire Cross, "The Economic Problems of the See of York: Decline and Recovery in the Sixteenth Century", *Agricultural History Review*, 18, Supplement (1970), pp.64-81; D.M. Palliser, *The Reformation in York 1534-1553*. Borthwick Papers, 40 (York, 1971); "Epidemics in Tudor York", *Northern History*, VIII (1973), pp.45-63; D.M. Palliser, "The trade guilds of Tudor York", in Clark and Slack, *Crisis and Order in English Towns 1500-1700...*, pp.86-116; "A Crisis in English Towns? The Case of York, 1460-1640", *Northern History*, XIV (1978), pp.108-25; Joyce W. Percy (ed.), *York Memorandum Book*, III. Surtees Society, CLXXXVI (Gateshead, 1973); R.B. Dobson (ed.), *York City Chamberlains' Account Roll 1396-1500*. Surtees Society, CXCII (Gateshead, 1980); J.I. Kermode, "Urban Decline? The Flight from Office in Late Medieval York", *EcHR*, Second Ser., XXXV, 2 (May, 1982), pp.179-98; Hey, *op. cit.*, ch. 3; P.J.P. Goldberg, *Women, Work, and Life Cycle in a Medieval Economy: Women and Work in York and Yorkshire c.1300-1520* (Oxford, 1992), ch. 2; Nigel J. Tringham (ed.), *Charters of the Vicars Choral of York Minster: City of York and its Suburbs to 1546*. Yorkshire Archaeological Society Record Series, CXLVIII (Leeds, 1993), pp.xix-xx, 315; *VCH York*, IV, pp.120-25. The records of the North Riding and West Riding are equally important sources for evidence for the apprehension and punishment of vagrants in the county. See G.C.F. Forster, "The North Riding Justices and Their Sessions, 1603-1625", *Northern History*, X (1975), pp.102-25; and introductory comments by John Lister (ed.), *West Riding Session Rolls 1597/8-1602; Prefaced By Certain Proceedings in the Court of the Lord President and Council of the North, in 1595*. The Yorkshire Archaeological and Topographical Association Record Series, III (1888), pp.xv-xvii, xix-xx, xxxv-vii.

4 Heaton, *op. cit.*, pp.45-88; *VCH York*, II, pp.409-12; *VCH York*, III, pp.449-50; Craig, "James Ryther of Harewood", Part I, p.111; Percy, *op. cit.*, p.166; *REED: York*, II, p.845; *L&P*, VI, pp.500-501; VIII, p.99; XIX, Part I, p.57; *APC 1552-1554*, p.287.

5 Palliser, *op. cit.* (1973), p.46.

admissions. Clothiers of Halifax, Leeds and Wakefield were much too competitive for York in June 1561: "not onely the commoditie of the water mylnes is there nigh hand, but alsoo the poor folk as spynners, carders and other necessary work folks for the sayd webbyng may there besyds their hard labour have kyen, fyre and other releif good and cheap whiche in this citie very deare and wantyng."<sup>1</sup> Declining numbers of weavers and looms reached such drastic proportions that there were only 10 weavers "whoo can work both lynen and wollen" and 4 looms, "which for the most part doo stand unoccupied for lak of work."<sup>2</sup>

The physical conditions with which labouring skilled and unskilled people coped in many parts of York reflected the economic malaise. The corporation wrote to Henry VII for assistance in rebuilding sections of the walls and arming the Castle. He agreed that "we be credibly informed that our Citie of York in divers placs and parisches theroff is fallen into suche extreme ruyne and decaye."<sup>3</sup> Yet York Castle continued to languish in the early 1530s and by then it was unsuitable for lodging Henry VIII's commissioners and councillors.<sup>4</sup> The extent of Edwardian and Marian York's physical delapidation is summed up in one extract from the municipal record:

Yea it would pitied a man's hart to see what hard shift a powre man and woman made for some wer fayne to sell theyr pott or theyr panne and other implements some laid their apparell to pledge to pay with their tax and of certayne vacant howses in the decaied paroches the collectours had nothyng to distrayne but toke of the doores and wyndowes to make up stake with.<sup>5</sup>

Utter "ruyne and decaye" was the description used in 1562 for the delapidated state of properties owned by the mayor and commonalty.<sup>6</sup> Archbishop Grindal's 1575 visitation reported the fact that not only were many church buildings falling into "decaie" or "ruyne", their official residents had encouraged common bawds, petty thieves, drunkards and people of "evell lief" to inhabit them.<sup>7</sup> Important sections of York remained in bad shape in the 1580s. The lead above the gild hall was "in great decaye" (1585) and Ryther informed Lord Burghley in 1589 that "ther castle decayd...They have had of late L churches; now ther byldinges ar so decayd as within their walles they have numbers of gardens & orchards, some pastur & meddow; their suburbs not great."<sup>8</sup> Toward the end of 1598 the remission of the fifteenths and tenths, valued

1 *YCR*, VI, p.17.

2 *Ibid.*

3 *YCR*, II, pp.9, 81

4 *L&P*, VII, p.617.

5 *VCH York*, III, p.465.

6 *YCR*, VI, p.43.

7 W.J. Sheils, *Archbishop Grindal's Visitation, 1575. Comperta et Dedecta Book*. Borthwick Texts and Calendar: Records of the Northern Province, 4 (York, 1977), pp.2-5.

8 *YCR*, VIII, pp.90-91; Craig, "James Ryther of Harewood", Part I, p.103.

at £300, was justified on the grounds that York endured "great ruin and long decay...their charge in maintaining six great stone bridges, in bringing up orphans and young children, and relieving the poor and aged."<sup>1</sup>

York's efforts to alleviate poverty preceded the poor law Acts of the 1570s by over fifty years.<sup>2</sup> Distinguishing between the sturdy and true beggar began as early as 1515, when the corporation ordered the wardens of the four city wards to make the latter wear tokens on their shoulders.<sup>3</sup> In 1528, ten years after it was reiterated that nobody could beg, parish constables had to list the beggars, distribute tokens to the legitimately destitute and expel the remainder from the community. 'Master' beggars were appointed in every ward to report the arrival of unknown mendicants and ensure that they left soon afterwards.<sup>4</sup> Again the constables produced lists of beggars who resided in their parishes in 1538 when the plague struck and barred them from seeking alms in public. Long before the implementation of a national poor rate, a similar scheme operated in York during the 1540s and it functioned through and beyond the traumatic experience of the plague in the early 1550s.<sup>5</sup> The mid-Tudor corporation's acts reveal changing perceptions of how the poor should be relieved and which poor should be relieved at public expense. Previously, York, which had at least 23 hospitals including one of the largest in England, St. Leonard's, continued the medieval practice of receiving and caring for poor or infirm pilgrims and strangers coming to the city.<sup>6</sup> The ordinances belonging to the Hospital of St. Thomas mirrored changing priorities. It had beds "for the harbering of pore indigent travalyng people commyng unto the saide hospitall."<sup>7</sup> In 1546 an examination of the hospital found it incongruous that while the level of poverty in York grew, it still had "vij beddes for the lodgyng of poore peple, beyng straungers."<sup>8</sup> This tradition was earmarked for change in the ordinance of 6 February 1554. It was far less accommodating to strangers: "no maner of poore folke shall be admyttyed into the sayd hospitall w<sup>t</sup>owt lycens and consent of the master,

1 *CSP, Domestic, 1598-1601*, p.126.

2 In regard to women of late medieval and early Tudor York being more inclined than men to contribute towards charitable causes and relieve symptoms of poverty in a variety of ways in their neighbourhoods, see P.H. Cullum, "And Hir Name was Charite': Charitable Giving by and for Women in Late Medieval Yorkshire", in Goldberg, *Woman Is A Worthy Wight: Women in English Society...*, pp.182-211.

3 *YCR*, III, p.46; Beier, *Masterless Men*, p.154.

4 *YCR*, III, pp.66, 111, 118, 133.

5 *YCR*, IV, pp.30, 37, 62, 64; *YCR*, V, pp.33-35, 50, 71, 84, 115; Sellars, *op. cit.* (1894), p.286; *VCH York*, IV, p.133.

6 P.V. Addyman, "The archaeology of public health at York, England", *World Archaeology*, 21, 2 (October, 1989), p.261; Cullum, *op. cit.*, p.200.

7 Robert H. Skaife, *The Register of the Guild of Corpus Christi in the City of York*. Surtees Society, LVII (Durham, 1872), pp.x-xi, 270-73.

8 *Ibid.*, p.286.

wardens, and...thois as ben freemen or freemen's wyfes of this cite, or their childerne, aged, decrepite, and fallen into poverté, and non other."<sup>1</sup>

Migration to York constituted an important cause of vagrancy there and it should not be underestimated. Occasional checks by the York municipality revealed the existence of foreign residents who lived permanently in the liberties because they were either tolerated or could not afford (or did not need) the freedom of the city; paupers, vagrants, minstrels and outlaws.<sup>2</sup> P.J.P. Goldberg's analyses of migration to late medieval/early Tudor York found that migrant women chose to settle in the suburbs because rental accommodation was cheaper compared to the wealthier central parishes.<sup>3</sup> The crux of the matter was that at this time not nearly enough employment opportunities could be generated for the mass of people who journeyed to York to find work. Judging by the pleas of the cardmaker and pinmaker guilds, it was felt that migrants stole local jobs or if not finding work, added to the problems of poverty in the city.<sup>4</sup> A potent attraction in York for migrants who were down on their luck were its ale and tipping houses. The decline in York's ability to export cloth goods in the sixteenth century was offset by a flourishing malting industry. It encouraged poor and middling people to set up these establishments in York's extramural suburbs well before Elizabeth's reign. An 1528 ordinance - far from being the last of its kind - was issued to limit the number of hostelries because they attracted strangers and beggars and encouraged drunkenness among York's labouring class.<sup>5</sup> John Uvedale's letter to Cromwell in the 1530s suggests that, in his opinion at least, the timber-consuming malt industry had virtually destroyed the forests within a twenty mile radius of York and encouraged poor folk to forsake "all honeste mysteries and handy occupacons and dayly doo practise this feate of malte making."<sup>6</sup> The corporation closed the malt kilns in the city and suburbs temporarily in 1549 but alehouses continued to thrive. Local officials, having recognised the occupation of alehouses by vagabonds and instructing parish constables to keep registers of "all alehouses and typlyng howses within their circuyte", bowling alleys and the

1 *Ibid.*, p.304.

2 *YCR*, I, pp.55-56, 102, 170-71; Dobson, *op. cit.*, pp.xxxiv, 134; *REED: York*, II, pp.752-55; Alexandra F. Johnston, "York Notes", *REED Newsletter*, 2 (1976), p.10.

3 P.J.P. Goldberg, "Marriage, migration, servanthood and life-cycle in Yorkshire towns of the later Middle Ages: Some York cause paper evidence", *Continuity and Change*, I, Part 2 (August, 1986), pp.147-48; Goldberg, *op. cit.* (1992), ch. 6.

4 *REED: York*, II, pp.845-46.

5 *REED: York*, I, p.245.

6 John Wm. Clay (ed.), *Yorkshire Monasteries Suppression Papers*. Yorkshire Archaeological Society Record Series, XLVII (Leeds, 1912), p.77.

"vacabundes and able persons" who used them, faced a portent of future Privy Council intervention in this particular aspect of vagrancy.<sup>1</sup>

Part and parcel of migration to York was the issue of enclosures. Enclosures were just as important in Yorkshire as they were in the Midlands. Similarly, the Yorkshire experience was an uneven one in terms of chronology, distribution and impact on the poor. In 1547, 64 citizens of York felt threatened by restrictions on their right to graze after harvest time, arguing that they "and the moste parte of the power [poor] comminalitie of the said Citie ar not habill to mayntayn there famelie and household unlesse that they may have there said common."<sup>2</sup> In the East Riding it was confined principally to the era preceding the 1450s and in the Yorkshire Wolds the conversion from arable to grass land mainly in the late fifteenth and early sixteenth centuries.<sup>3</sup> As Cheshire, Leicestershire, Northamptonshire and Norfolk have shown, wholesale evictions of people were not the whole story. While it is true that the 1517 Inquisition for Yorkshire found evidence of the decay or destruction of cottages in the West Riding, enclosures did occur with consent between peasants or between peasant and landlord.<sup>4</sup> An example of this was Bradford Moor in 1589 where the tenants unanimously agreed to enclose their holdings.<sup>5</sup> Many enclosure cases, however, went before the Star Chamber in Henry VIII's reign, indicating that consensus between neighbours was far from the rule.

True, the great majority of enclosure cases before the Star Chamber in the 1520s-40s dealt specifically with disputes over titles to land, not simply eviction. Disputes often degenerated into the latter when local husbandmen suffered deprivations at the hands of landowners or from neighbours of their own class. Records of proceedings at the Star Chamber document many instances of abuses, whereby an encloser deliberately trespassed with sheep and cattle on someone else's pasture, used well-armed gangs to threaten violence against persons and property, charged excessive rents with impunity and forcibly expelled tenants, especially older widows, from their holdings, leaving them with nothing.<sup>6</sup> Whatever the queries over custom and their eagerness to do military service, tenants provided hundreds of

1 *YCR*, V, pp.23, 76-77. Alehouses in York and the county flourished despite conciliar and local attempts to control their disorderly character and the people they attracted. In the late 1580s James Ryther alerted Lord Burghley to the problem but the Privy Council's subsequent orders concerning the examination and registration of illegal tipplers had little or no effect. See Palliser, *op. cit.* (1990), pp.218, 242; Craig, "James Ryther of Harewood", Part I, pp.107, 117 and Part II, pp.135-36, 138; *APC* 1588, pp.371-72; *APC* 1591-2, pp.251-52; Drake, *Eboracum...*, p.212; and *YCR*, VIII, p.131.

2 Palliser, *op. cit.* (1990), p.216.

3 Beresford, *Lost Villages*, pp.170, 245.

4 Leadam, *op. cit.* (1893), p.695; Tate, *op. cit.* (1967), p.45; Raistrick, *op. cit.*, pp.77-78.

5 Joan Thirsk, *Tudor Enclosures* (London, repr. 1970), pp.6-7.

6 William Brown et al (eds.), *Yorkshire Star Chamber Proceedings*, 4 vols. Yorkshire Archaeological Society Record Series, XLI, XLV, LI, LXX (Leeds, 1909-27), passim; *AHEW*, pp.31-32.

'testimonials' in the pre-Elizabethan era, highlighting the legitimate concern that reducing summer grazing had the potential to disrupt Yorkshire rural communities' economic viability. Two cases which sum this up were the enclosures of Rothwell Haigh, near Leeds in the 1520s and early 1530s, and the equally serious eruption of tenants' discontent at Craven in 1535.<sup>1</sup>

So far, the record shows that York's authorities dealt with vagrants primarily in terms of their being victims of economic dislocation. An anonymous correspondent wrote to Thomas Cromwell in 1534 that it created "the idleness of the people."<sup>2</sup> The Henrician, Edwardian and Marian Privy Councils and the Council in the North, however, displayed a different outlook on vagrancy at York and in the north generally, one that tended to see masterless and itinerant people, including buyers and sellers of goods, as political or religious subversives. One senses this in the examination of Christopher Aske shortly after the Pilgrimage of Grace, that the ebb and flow of people criss-crossing the Pennines to get to various markets and fairs was not all that it seemed:

...also diuerse any many of the said abbeys wer in the montaignes and desert places, wer the peple be rud of condyccions...now not only theis tenautes and seruautes wantes refresshing ther...but also strangers and baggers of corne as betwix Yorkshir, Lancashir, Kendall, Westmoreland & the bischopreke...<sup>3</sup>

The suspicion persisted during and long after the Dissolution. Considering that over 1,000 people in York alone followed the monastic life, much stood to be lost and the overthrow of the county's 106 monastic establishments provoked greater resistance than anywhere else in the land.<sup>4</sup> The Dissolution process in Yorkshire occurred at a time when strong local loyalties from the laity of all classes, to the Pope and especially to lowly preachers working on his behalf, remained strong.<sup>5</sup> In York this loyalty was not so binding because the authorities, mindful of economic realities, clashed with monastic and chantry priests over stipends which the latter assumed were their automatic right.<sup>6</sup>

1 R.W. Hoyle, "Thomas Lord Darcy and the Rothwell Tenants, c.1526-1534", *Yorkshire Archaeological Journal*, 63 (1991), pp.85-107; and R.B. Smith, *Land and Politics in the England of Henry VIII: The West Riding of Yorkshire: 1530-46* (Oxford, 1970), pp.161-63.

2 *L&P*, VII, p.617.

3 Cited in Geoffrey Dent, "Markets and Fairs: Their contribution to rural life in north-west Yorkshire", *Folk Life*, 10 (1972), p.10.

4 Thomas Baines, *Yorkshire, Past and Present: A History and a Description of the Three Ridings of the Great County of York...*, I (London, n.d.), pp.571, 576-77.

5 J.S. Purvis (ed.), "A Selection of Monastic Rentals and Dissolution Papers", *Miscellanea*, III. Yorkshire Archaeological Society Record Series, LXXX (1931), passim; G.W.O. Woodward, *op. cit.*, pp.113-14.

6 Sellars, *op. cit.* (1915), pp.lxiii-iv; Dobson, *op. cit.*, p.xxxvi.



Priests intimated "their very affectionate opinion and devotion towards the pope" and denied Henry VIII's supremacy. Therefore "seditious preachers and promoters of the pope's usurpations" had to be apprehended.<sup>1</sup> The impact of seditious and vagabond priests began to be felt in earnest in 1537. Numerous anecdotes about monks, nuns and friars drifting to nearby villages and stirring the people abound.<sup>2</sup> A hint of the scale of vagrancy was provided by the Duke of Norfolk in "lettres for the punishment of vagabunds" in June 1537. The duke had never seen "so many as be in thiese cuntrees" and he blamed it on the slackness of justices of the peace and the liberality of alms provided by religious houses and private individuals. His greatest worry was that "no small number of [vagrants] shall drawe Southewards."<sup>3</sup> Local authorities and the paths of communication to them were often few and far between. The elusive chantry priests forced the Privy Council in October 1552 to move the Earl of Shrewsbury, then President of the Council of the North, to go to York and apprehend "one Lytser, dwelling besydes the payment" and search him "for bookes and writinges touching matters of prophetic, and to certifie of that shalbe founde."<sup>4</sup> The justices of Durham alerted the Earl of Shrewsbury that several "Egyptians" had been imprisoned in the local jail for counterfeiting "the King's Majesty's great seal."<sup>5</sup> Counterfeiters moved their operations to Yorkshire and six years later the earl was again required to suppress and punish them.<sup>6</sup> Mary's accession did not guarantee her complete support in the north despite her Catholicism. She and her Privy Council wrote to the mayor of York, John North, in June 1554, making vagabonds the scapegoats for the insecurity of her regime in Yorkshire. North was instructed to safeguard the city from:

rebellion, tumultes, uprores and to have especial regarde to vacabonds and to suche as did spriede any vague prophesies, sediciouse, false and untrue rumours and to punnyshe ther in accordyngly; we have neverthesse to oure no small great sundrie intelligences of dyverse and sundarie lewde and sediciouse tales, forged and spredde by certayne maliciouse persones towchyng the state of our person with many other vayne and slaunderouse reportes tendyng to the movyng of sedicion and rebellion, whiche faults passing unpunnyshed semeth eyther to be wynted at or at the least litill considered, whiche is unto us very straunge...<sup>7</sup>

It was on a charge of slandering Catholicism that the Privy Council instructed the Earl of Shrewsbury in April 1556 to investigate and punish six or seven people, reputedly the servants of a Sir Francis Leek, as vagrants. They had roamed about the northern shires presenting

<sup>1</sup> Strype, *Ecclesiastical Memorials*, I, pp.306, 396-402; *L&P*, VI, p.417; VIII, pp.178, 234; IX, p.10; X, p.17.

<sup>2</sup> Strype, *Ecclesiastical Memorials*, I, pp.485-86; *L&P*, XII, Part I, pp.81-82, 132, 581.

<sup>3</sup> *TED*, II, pp.301-2.

<sup>4</sup> *APC 1552-1554*, p.156.

<sup>5</sup> Lodge, *Illustrations*, I, pp.165-66.

<sup>6</sup> *APC 1554-1556*, p.241.

<sup>7</sup> *YCR*, V, p.107.

"certain plays and interludes, containing very naughty and seditious matter touching the King and Queen's Majesties."<sup>1</sup>

The Council of the North's security provisions in April 1557 combined poor relief and punishing wilful idlers, beggars and strangers in the area. This strategy was important in that it pointed the way to the future and the methods by which its Elizabethan variant sought to control Yorkshire and adjacent counties. They also show how important it was for the central government to know what was happening at the local level of administration. Justices of the peace were ordered to put into effect 15 articles emphasising certain virtues: honest labour in husbandry or crafts; the unemployed to be put to work on flax, hemp, wool or any other means of labour; punishing (by whipping or otherwise) idle and loitering persons; get overseers to enforce curfews; register and examine suspicious strangers; regulate alehouse keepers and inspect them for harboured strangers and any rumours they may be peddling; and finally, uphold statutes against gaming, bowling alleys, illegal tipling houses, rebellions and misdemeanours in churches and churchyards.<sup>2</sup>

At the commencement of the Elizabethan era it would appear that York was in a potentially devastated position and required the attention of the central government. The combination of a general economic downturn in the 1550s, plague epidemics and bad harvests, had undoubtedly exacted a toll on many aspects of York's economy. In 1562 the town corporation complained to the Council in the North of "the evydent decaye and dymenishyng both of people and habitacons, by the third part within this Cite."<sup>3</sup> York, in fact, was beginning to recover its economic viability as a trading town (even if cloth no longer predominated its markets) so the above story cannot be taken at face value. The city had over 50 crafts and occupations, municipal and ecclesiastical courts, numerous markets and fairs, river and road communications. These could still generate avenues for business and employment. Through a variety of initiatives - the permanent establishment of the Council in the North and Ecclesiastical Commission at York, the corporation's sale of unprofitable properties and tenements, the rising demand for goods and services connected with the victualling and distributive trades - York continued to attract hopeful immigrants.<sup>4</sup> York's leaders realised, albeit not consistently, that

1 Lodge, *Illustrations*, I, pp.260-62.

2 HMC, *Various Collections*, II, pp.89-92.

3 YCR, VI, p.33.

4 Palliser, *Tudor York*, ch. X; Dyer, *op. cit.* (1991), pp.27-28; D.M. Palliser, "A Regional Capital as Magnet: Immigrants to York, 1477-1566", *Yorkshire Archaeological Journal*, 57 (1985), pp.111-23; Palliser, "York under

keeping the town's economy as tightly regulated as possible by keeping out people perceived to be interlopers, ie. strangers such as merchants buying and selling wares, foreign apprentices and common labourers, was detrimental to new opportunities for business.<sup>1</sup> Fair-minded leaders permitted foreign workers and craft masters to work in York as long as they were not "gyven to idelnesse or ease and havyng no sciens craft or occupacon", and contributed part of their earnings towards the guilds and the upkeep of public events.<sup>2</sup>

Unfortunately, the reviving prosperity had the effect of attracting not only immigrants with special skills but large and unprecedented numbers of paupers in the 1560s. In these circumstances the policy of weekly collections for poor rates and expulsions of foreign beggars, which became a permanent feature of anti-vagrancy administrative policy in the 1560s, was not altogether successful.<sup>3</sup> Travellers came from Lincolnshire, Cheshire, Scotland, County Durham, Westmorland, Furness and Cumberland - provinces with poor soils, a great deal of lawlessness and not able to sustain burgeoning populations. Migration to York from south of the Midlands was rare but Edward Yovell, who was born in London and had been taken as a vagrant at Salisbury after quitting an apprenticeship at Worcester, had a travelling companion who suggested that they leave the southern shires and go to Andover, Oxford and then York.<sup>4</sup> Vagrants would cram into overcrowded houses or extensions at the rear of properties, and survive at the mercy of unscrupulous and profiteering landlords.<sup>5</sup> The situation began to change in that while York had anticipated many aspects of the Acts of 1572 and 1576, the central government and its officials now critically scrutinised its poor relief policies with the purpose of giving them a wider application and 'laying down the law' to all local representatives of authority.

Thus, throughout the first half of the 1560s, the mayor and aldermen were on the receiving end of laboriously detailed royal proclamations and letters from the Council in the North to suppress spreaders of false rumours and keep York free of disturbances caused by

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the Tudors: The Trading Life of the Northern Capital", in Everitt (ed.), *Perspectives in English Urban History*, p.57; Hey, *op. cit.*, pp.131-35.

1 Francis Collins (ed.), *Register of the Freemen of the City of York from the City Records*, I. Surtees Society, XCVI (Durham, 1897), pp.xii-xv; *VCH York*, III, pp.450-51; *TED*, I, pp.96-97; J. Theodore Bent, "Extracts from Ye Gild Book of the Barber-Surgeons of York", *The Antiquary*, VI (London, 1882), p.155.

2 *YCR*, VI, p.133; *REED: York*, I, pp.129, 152, 176, 342; *REED: York*, II, pp.672, 676-78, 682; *VCH York*, III, pp.459-60..

3 *YCR*, VI, pp.6-7, 14, 23, 54, 61, 63, 83-84, 138, 141, 151. Wallace T. MacCaffrey cites a case in *Exeter, 1540-1640: The Growth of an English County Town* (Cambridge, 1958), p.95. A beggar named Henry Burton, native of York, was apprehended in Exeter but the local authorities' enquiry to the mayor of York found his begging license to be legitimate.

4 Slack, *Poverty and Policy*, pp.94-95.

5 Palliser, *Tudor York*, p.275.

vagrants, labourers and servants, unlawful assemblies and illegal alehouses, and middlemen who traded illegally in food and goods.<sup>1</sup> The Privy Council, meanwhile, authorised the Archbishop of York to organise the apprehension and punishment of masterless people (1561).<sup>2</sup> A few years later the Privy Council informed York's officials of its displeasure. Justices of the peace "within our Cytie of York" and throughout the county were singled out for failing to search and examine "all vacabonds, valiant beggers and all other persons...not having lands, tenements, fees, waigs, nor goods and being out of service or other lawfull traide, misterie or occupacon."<sup>3</sup> The Privy Council's pleasure was for York not to focus solely on paupers but all "suche persons as suspiciouslie there do remayne and resorte, and suche as under the color of passingers throughe the countrey or beyng gentillmen or captaines or souldiours or under color of buying horses, cattells or corne...."<sup>4</sup> This comprehensive list must have been too much for York's magistrates to sort out. They had enough trouble controlling and returning destitute immigrants, who they could easily identify, back to their last place of residence or chastening them with the cart and lash.<sup>5</sup> Margaret Sheles, "a notorious vacabonde" who entered York c.1570, became a minor cause celebre. For *ten years* she loitered in and about the city despite being whipped, burned through the ear and expelled, yet the Northern Ecclesiastical Commission could not decide what punishment short of death would suffice to keep her away.<sup>6</sup>

Sheles' case came at the end of the Northern Rebellion, about which more will be mentioned. Months before the revolt broke out in late 1569, the Privy Council issued York with the most detailed and thorough orders then known to combat vagrancy. Unrest was known to be brewing in the North and a contemporary report of "the assemble and conference of people at fares" increased tensions.<sup>7</sup> On 30 June 1569 the Privy Council wrote to York's secular and ecclesiastical authorities to send their certificates to the Council of the North, "by whome we looked to be informyd of theis matters." The Privy Council's demands are worth reprinting almost in their entirety:

...youe shall secretly accorde by way of distribucon of youre selves, with the helpe of other inferyor offycers, whom ye may well truste, to cause a straight searche and goode stronge watche to be begonne on Sunday at Night, about ix of the clok, whiche shalbe the tenth of July, in...the Citie of

1 YCR, VI, pp.20-21, 42-43, 86-87, 124.

2 CSP, *Domestic, Addenda*, 1547-1565, p.510.

3 YCR, VI, p.92.

4 *Ibid.*

5 YCR, VII, p.18.

6 Palliser, *Tudor York*, p.277; YCR, VIII, pp.12-13.

7 Fletcher, *op. cit.* (1970), p.93.

Yorke and the Countie and liberties of the same...and in that searche and watche to apprehend all vacabonds, sturdie beggers commonlie called rogues or egeptians and all other idle vagarunt persons, haveng no maisters nor certaintie, home or whereby to lyve, and then cause to be ymprysoned in stocks and suche like and accordinge to the quallyties of these to proced against them as by the lawes ys orered and that with convenyent severitie so as...they may be by punysshment forced to labour for there livinge...so ar yowe to take good hede how to avoyde the abuse of your pasports by the whiche, when the names onlie of the places to which they ar dyrected ar speciallie namyd; the said lewde persones craftely do...carrye aboute with them certen counterfet seales of corporate townes and suche lyke to there purposes in that behalf, for the whiche before they shalbe demissed...

Item we cannot but consider that in the searche herof dyverse vagarunt persons wilbe founde who will counterfayt themselves as impotent beggars and that after tryall thereof and punysshment made in such cases, it wilbe necessarye to provide charitablie for suche as shalbe indede founde unfeynedlie impotent by age, syknes or other wise, to get their lyvinge by labour...and that they be not suffered to wander or lye abrode as commonlye they do, in the highwayes for lacke of sustentacon...

Item youe shall do well to cause the ordynare watchemen in all parishes to be well warned that by no lewd practises of evill disposid, craftie persons passage by them in the night by pretences of watche wordes or suche lyke lewde devises any levy or rasinge of people be mayd as in some corners of the realme haith bene lately attemptid, thoughte well staid by the wiser men...[we] wishe youe to contynewe in your carefulnes of your offices to see the peace dewlie kepte and the disturbers thereof by words, tailes, newys spredinge, of unlawfull books and wrytyngs or by deds to be at the first with spede stayed and sharplie punyshed...

Item if any of youe shall perceyve any of your nombre being Justices of Peace in any of thes things negligent, we hartelie require youe, the rest or any of youe to advertise the said L. President and Counsell by your pryvate and secrete lettres for in so doynge we must allowe youe, and we meane to provide some good remedye as reason is it should be to remove credett and estymacon frome then that wilfullie so deserve the contrarye.<sup>1</sup>

Relief for the deserving poor accompanied these measures but in the context of the stand made by the northern earls, the Privy Council, during and for a long while after the central government's counter-offensive, concentrated on restraining what it believed to be a class of idlers who were at the beck and call of the rebels.

Apart from the arrest of a Yorkshire man in Warwick (suspicions about him were fuelled by his father having taken part in the rebellion) and the existence of unpaid deserters from the rebels<sup>2</sup>, there is no evidence to suggest that the large floating population of labourers, ne'er-do-wells, talebearers, tinkers and pedlars, etc., drawn to York's or local surrounding communities' alehouses, supported the coup attempt. Ecclesiastical proceedings from the courts of Durham during the winter of 1569-70 record the testimony of many people, mostly lower clergy, urban and rural craftspeople, and labourers. Not one person mentioned rogues and vagabonds in his or her deposition.<sup>3</sup> How, then, can the Privy Council's reaction be explained? One explanation is that it overgeneralised the deeply religious conservatism as galvanising the

1 YCR, VI, pp.152-55. A month earlier the Privy Council sent similar instructions to the Earl of Huntingdon, the High Sheriff of Yorkshire and county justices of the peace "of those Partes, Concerning restraint of Vagabonds, and such like." See CSP, Domestic, Addenda, 1566-1579, pp.77-78 and Strype, *Annals*, I, Appendix 1, pp.87-89.

2 Thomas Kemp (ed.), *The Book of John Fisher, 1580-1588* (Warwick, 1900), p.51; Fletcher, *op. cit.* (1970), p.98.

3 James Raine, *Depositions and Other Ecclesiastical Proceedings From the Courts of Durham...to the Reign of Elizabeth*. Surtees Society, 21 (London, 1845), pp.127-206.

northern gentry, its bands of retainers and servants, and commoners. Sir Ralph Sadler claimed that the "common people are ignorant, superstitious, and altogether blinded with the old popish doctrine, and therefore so favour the course which the rebels make the colour of their rebellion..."<sup>1</sup> Certainly, popish practices such as rosaries, pilgrimages, praying on beads and old burial customs were common and naturally involved much moving about, but these traditions, interpreted by worried Protestant officials as hostility to the official church, had become a matter of public social convention, not a declaration of private conviction and therefore hostility to the reformed church. There is another explanation and a more understandable one, and it was hinted at in the last chapter. The northern rebellion was connected to events at Norwich and in particular the Duke of Norfolk and his supporters. For the sake of the Elizabethan regime's survival the Privy Council felt obliged to destroy or intercept all possible means of communication or joining of forces between the conspirators in the north and south.

This would explain not only the rash of orders that went to York in 1570-72 from the Privy Council, the Council in the North and the Earl of Huntingdon, but also the wording of the commands. The mayor, aldermen and justices of the peace were told to organise secret watches and privy searches, to apprehend people who spoke out against the Queen and her councillors, the common prayer or administration of the sacraments, to punish "unlawful convencons, conspiracons, conventicles or assembles", and to arrest "lewde persones, vacabunds, sturdie beggars", rumour-mongers, loitering soldiers and fraudulent carriers of corn or grain.<sup>2</sup> As far as alehouses are concerned the orders were equally thorough. Legitimate ones would close on Sundays while the illegal or 'unnecessary' ones had to be shut down. Owners of the former were required, if summoned, to disclose to the authorities any conversations "by any maner of persone of any newes, tales, reports or rumours" touching on the monarch, her advisers or subjects "soundyng to any sedicon, slander or dishonour of theym."<sup>3</sup> Even the very loyalty of York's wardens and constables to the regime was not taken for granted. They forfeited "for every mighty beggar vj<sup>s</sup> viij<sup>d</sup>", and for every other vacabund ij<sup>s</sup> iiij<sup>d</sup>" if they failed to stock, cart or whip them according to statute.<sup>4</sup> Lastly, the Earl of Huntingdon, succeeding the Earl of Sussex as President of the Council in the North in 1572, added his personal and immediate

1 Fletcher, *op. cit.* (1970), p.151.

2 YCR, VII, pp.10-11, 25-27, 35-36, 44-45.

3 YCR, VI, pp.160, 162; YCR, VII, pp.19-20, 26.

4 YCR, VII, p.5.

stamp on matters at York. Through the powers invested in his commission he impressed on the authorities in York, other towns and the Ridings, their duty to implement the newly-created poor law (14 Eliz. I, c.5).<sup>1</sup> Furthermore, in December 1572 he ordered York's magistrates to stop "false and seditious rumours and the sending of messages from the late rebels to trouble the quiet of the realm, order is to be given in market towns and other places that all suspected passengers, vagabonds, beggars, and rogues be punished with severity and celerity, according to the late statute."<sup>2</sup> It was a sign that three years after the traumatic Northern Rebellion, deep political and psychological scars lingered in Elizabeth I's government. There was much about economic and social life in Yorkshire that privy councillors simply did not comprehend or trust.

The government of York played a responsible, creative and at times original part in developing methods of poor relief and setting the idle on work. When the house of correction was established in accordance with national legislation, the nature and purpose of its administration marked a significant departure from its previously enlightened approach to cloth making and labouring enterprises for the idle poor and vagrants. Originally, in 1566-67, York's concerned leaders worked out an elaborate scheme for a work house (the preferred site was St. Anthony's Hall but subsequently St. George's House also fulfilled this purpose) in which poor folk able either in limb or body to work in webbing and weaving did so. Providing employment came to be seen as the key to reviving York's position as the centre of spinning and weaving in the county. In 1570, after the corporation's investment in wool to the value of £100, the procurement of looms, a hogshead of whale oil, shears and shearboards, moderate success followed. The sale of the city's cloth netted good sums of money but the workhouse's viability relied on keeping the weavers constantly supplied.<sup>3</sup> St. Anthony's Hall could not yet be called a proper house of correction because it was several years in advance of national legislation and although it did punish rogues and vagabonds, it also served as a refuge for the aged and helpless poor and as a hospital.<sup>4</sup> An instance of the punitive tendencies occurred in 1574 when the mayor and parish wardens started a scheme for settling some paupers in the three hospitals and used these places as centres for distributing doles to a few others living at home.<sup>5</sup> At the

<sup>1</sup> *Ibid.*, pp.52-53, 58-60

<sup>2</sup> *CSP, Domestic, Addenda, 1566-1579*, pp.435-36.

<sup>3</sup> *YCR*, VI, pp.110-11, 129-30, 143, 147-48, 150, 179; *YCR*, VII, p.4; *VCH York*, III, pp.466-67; *VCH York*, IV, p.134.

<sup>4</sup> *YCR*, VII, pp.86, 145-46; *YCR*, VIII, pp.114-15; J.S. Purvis and E.A. Gee, *St. Anthony's Hall, York* (London, 1953), p.7.

<sup>5</sup> *YCR*, VII, pp.91-93.

Hospital of St. Thomas in 1574 one "Robert Kaye, a pore boye, havynge a lame legge" was permitted "to remayne in this hospitall untill suche tyme as he can gett a maister, and...to have ijd. a weke duryng that tyme."<sup>1</sup>

The Earl of Huntingdon reminded York's authorities in 1577 to start work on establishing a house of correction according to the 1576 Act. It is probable they agreed with adopting a harder line on the unemployed, rebellious and wilfully idle, even if they did have a work house scheme in operation. Perhaps in response to the earl's suggestion in July 1577 to record the "nombre, quallities and ayge of all the poore", not forgetting to divide them between the able and impotent idle, some inmates of St. Thomas and Trinity hospitals were "whipped abowte this Citie."<sup>2</sup> Expulsions, specifically the policy of ejecting unemployed workers who had come into York within the last three years, did not seem to be enough to deter drifters, migratory workers or beggars.<sup>3</sup> The house of correction established at St. George's House selected the poor "with all expedicion...and at their said viewe to consider and sett down who is mete to work and what kynde of work."<sup>4</sup> The partitioning off of a section of St. Anthony's Hall in 1584 "for the punnyshment of such rooges as will not worke", suggests that the authorities had to extend their resources to combat vagrancy.<sup>5</sup> On entry to the York Bridewell a man or woman was whipped until "his or her bodye be bloodye" and the idle pauper was repeatedly lashed if he or she refused to cooperate or work. Inmates were generally retained in the house of correction for at least twenty one days unless they were taken into employment. While some differentiation was made between the unskilled and skilled workers - the former survived on "coarse bread and small aile" while the latter received "pottage made of such offall as may be had at the shambles or of sodne beanes" - the treatment of inmates verged on the barbaric. Those who attempted to escape were locked to a post by hand, foot or neck, and such treatment compromised the Bridewell's purpose of reforming vagrants through the harsh imposition of a work ethic. It had by now resorted to admitting malcontents who were not actually vagrants, but "common blasphemers, common drunkards, common railers or scolds."<sup>6</sup>

While the Earl of Huntingdon continued to wield much influence at York in his capacity as lord lieutenant and President of the Council of the North during the 1580s and early 1590s,

1 Robert H. Skaife, *op. cit.*, p.309.

2 *YCR*, VII, pp.156-57.

3 *VCH York*, IV; *YCR*, VII, pp.91, 144, 159; Beier, *Masterless Men*, p.45; Hey, *op. cit.*, p.133.

4 *YCR*, VII, pp.120-21; Drake, *Eboracum...*, p.216.

5 Leonard, *Poor Relief*, p.114.

6 *VCH York*, III, p.466-69; *VCH York*, IV, p.134.



he did not interfere unnecessarily in the corporation's business of apprenticing poor children, whipping rogues and vagabonds or setting them on work.<sup>1</sup> The authorities in York had done much to alleviate unemployment but Huntingdon and the officers under his command were still busy dealing with matters on York's outskirts, trying to distinguish between genuinely destitute people from vagrants and marauding freebooters, such as the "young gentlemen and others riding and travelling abroad as masterless men, not having whereupon to live, nor using any lawful art, science or mystery, who are yet received into gentlemen's houses, and allowed to live idly in market towns."<sup>2</sup> A band of wandering gypsies found in Berkshire were described in March 1576 as "lewde vagabundes, men and women...under colour of a counterfett licence...graunted unto them by some of her Majesties Counsell in Yorke", and so they had to be caught and punished.<sup>3</sup> On the other hand John Lawson, a destitute and debt-ridden labourer with a family to feed, had a license to travel through the West Riding for a whole year to collect alms from well-disposed people.<sup>4</sup> A few months later, on 6 March 1577 to be precise, the Privy Council advised Hastings to grant a begging license to William Johnson of Naworth, "in consideracion of certaine losses susteyned."<sup>5</sup> In July 1578 the Privy Council again asked him to review another destitution case, this time concerning Christopher Whyte, who had petitioned the Privy Council on account of his poverty, and was "permytted...to aske the almes of well disposed people on his voiage to York where he inhabiteth, and after his arrivall there to doe the like for the space of iiij monethes."<sup>6</sup>

The Earl of Huntingdon was required to intervene in enclosure cases, since he was working at a time when common arable fields were either gradually disappearing from the Dales or being left to go to waste. Much of the best meadow and pasture land had been divided into small closes. In an inflationary age when landlords would be keen to maximise their rents from profits and entry fines, the exact method by which a tenant held land was crucial to knowing whether he or she would be evicted from it or pressured in some other way to leave. Illegal encroachments and unauthorised cottages were being addressed in the early 1560s but supervision was slack. Cultivators who had leases for life or terms of years lacked the power to

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1 Lipson, *op. cit.*, III, p.430; Leonard, *Poor Relief*, p.111; *YCR*, VIII, passim; *YCR*, IX, pp.22, 28, 30, 36, 86, 89, 124, 128. The Privy Council advised Henry Hastings in April 1587 to help clear the debts of John Danehill, a clothier at York who "did verie much good to the helpe and releife of a number of persons whom he did sett on worke." See *APC 1586-1587*, pp.32-33.

2 HMC, *Various Collections*, II, p.94.

3 *APC 1575-1577*, p.304.

4 HMC, *Various Collections*, II, p.95.

5 *APC 1575-1577*, p.301.

6 *APC 1577-1578*, p.285.

resist demands for higher rents, but the position of tenants who held land by customary tenure was very complicated and in some instances hopelessly muddled.<sup>1</sup> Sir Richard Cholmeley enclosed lands to the detriment of "sundry poore women who exhibited their supplicacion" to Elizabeth I. Huntingdon received a command to undo the threat to Yorkshire's "towneshippes and inhabitautes" because "the said poore folkes deserve to be pitied and relieved as farre in lawe might be."<sup>2</sup> Years later (6 September 1591) the Privy Council called on him to protect Elizabeth Theckestone, "a poore widowe" from eviction, against the illegal detaining of her lands and house by John Atkinson.<sup>3</sup> Huntingdon's unexpected death after a short illness in 1595 robbed Yorkshire and the northern counties of an energetic administrator and punisher of vagrants. Nevertheless the rounding-up of vagabonds continued. In 1596 resulted in the capture of 196 gypsies - men, women and children - resulted in 106 of them being tried and condemned to death at the York sessions. Only nine were actually executed and one of the gypsies received a license valid for seven months to conduct them to their places of origin. They got only as far as Lancashire before the license was confiscated.<sup>4</sup>

As the Privy Council extended its authority over York in the 1570s and after, there was a corresponding tightening up of regulations over morals in the town.<sup>5</sup> While it has been pointed out that council members were not exempted from the regulations, to the extent that council members were barred in 1578 from participating in weddings featuring old and disorderly customs<sup>6</sup>, the rules centred on controlling the unruly behaviour of the poorer people and the sorts of activities that attracted vagrants. As early as 1569 the corporation banned the midsummer ritual of rush-bearing on the grounds that it went beyond flirting and dancing.<sup>7</sup> The task of ensuring that these stipulations were adhered to by York corporation fell to the Archbishop of York in 1570:

Item that the minister and churchwardens shall not suffer anye lordes of misrule or *sommerr* Lordes or ladyes or anye disguised persons or others in christmasse or at may *gammes* or anye minstrels morrie dauncers or others at Ryshebearinges or at any other tymes to come vnreverentlye into anye churche or chappell...and there daunce or playe anye vnseemelye partes with scoffes ieastes wanton gestures or rybould talke...<sup>8</sup>

1 Hey, *op. cit.*, p.147.

2 *APC 1575-1577*, p.382.

3 *APC 1591*, p.429.

4 Beier, *Masterless Men*, p.58.

5 J.A. Sharpe, *Defamation and Sexual Slander in Early Modern England: The Church Courts at York*. Borthwick Papers, 58 (York, 1981), p.12; *YCR*, VII, pp.99-100, 121, 123-24, 130-31, 143-44; *YCR*, VIII, p.6; *YCR*, IX, p.55.

6 *VCH York*, IV, p.152.

7 *YCR*, VI, p.157.

8 *REED: York*, I, p.358.

Equally notorious was the local custom of Yule Riding on St. Thomas's Day. According to a letter of 1572 signed by the Archbishop of York and other ecclesiastical commissioners, "two disguised persons called Yule and Yule's wife should ride through the city very undecently and uncomely, drawing great concourse of people after them to gaze, often times committing other enormities."<sup>1</sup>

The growing intolerance of events that were deemed conducive to inciting disorder among the lower classes spread to the surviving 'relics' of medieval drama, the plays of the Corpus Christi cycle, Pater Noster, Creed and Midsummer shows. It brought into sharp focus the fate of those people whose livelihoods depended on them: the travelling bands of musicians, entertainers and minstrels; and York's hard-to-distinguish waits, professional and amateur players, who included a "blind itinerant harper" and "a man who played the tongs and bones."<sup>2</sup> Over 30 craft guilds, religious associations and the town waits were deeply involved in the organisation and production of performances and related festival/ritual activities.<sup>3</sup> Late fifteenth century public proclamations cited the requirements of law and order, requiring actors and players to be "discrete and able players within this Citie", and the craft guilds weeded out "all o[th]er insufficient personnes, either in connyng, voice, or personne."<sup>4</sup>

The history and fate of York's plays, pageants and public processions shared many common features with Chester and this has not escaped the notice of writers on the subject. Meg Twycross comments on the mobile pageant 'stations' and how they were moved to various parts of the city to be heard by the populace.<sup>5</sup> Lawrence Clopper has analysed the similarities between York and Chester in greater depth in the way that processions and pageants were widely supported before and after the Reformation. They attracted visitors and generated business opportunities. Their ultimate demise resulted from changing tastes, the impact of statutory law and Privy Council directives, and the faction-ridden nature of York's municipal administration over the appropriateness of representing certain religious themes.<sup>6</sup> The difference was that whereas Chester could draw on minstrels in Cheshire as long as they were licensed at

1 *VCH York*, IV; Palliser, *op. cit.* (1990), p.210.

2 Palmer, *op. cit.* (1992), p.183.

3 Lucy Toulmin Smith (ed.), *York Plays...Performed by the Crafts or Mysteries of York on the Day of Corpus Christi in the 14th, 15th, and 16th Centuries* (Oxford, 1885), pp.xxviii-xxix, xxx-xxxi; Richard Beadle and Pamela M. King (eds.), *York Mystery Plays: A Selection in Modern Spelling* (Oxford, 1984), pp.ix-xiv, xvi. See Martin Stevens, "The York Cycle as Carnival", *Fifteenth-Century Studies*, 13 (1988), pp.447-56.

4 Smith, *York Plays...*, p.xxxvii; Beadle and King, *York Mystery Plays: A Selection in Modern Spelling*, p.xxiii.

5 Meg Twycross, "Places to hear the play': pageant stations at York, 1398-1572", *REED Newsletter*, 2 (1978), pp.12, 15-17.

6 Lawrence M. Clopper, "Lay and Clerical Impact on Civic Religious Drama and Ceremony", in Marianne G. Briscoe and John C. Coldewey (eds.), *Contexts for Early English Drama* (Indianapolis, 1989), pp.103-6, 116-19, 126-27.

an annual court held by the Duttons of Dutton, York was less tolerant of any foreigner performing or singing in the town. The records of Ripon Minster, Selby Abbey and Fountains Abbey confirm that ecclesiastical establishments generated and patronised travelling troupes, but York's authorities were less willing to oblige them. They did not want interlopers in local productions, such as that of Herod and the Magi.<sup>1</sup>

Itinerant yet properly licensed, legitimate players nevertheless provided a popular form of entertainment and dissemination of news in York or other towns of the county. They also provided the means by which a nobleman could make his influence felt in various parts of the country, with the specific purpose of developing a support base among potential 'clients'. In Chapter 3 it was mentioned that Sir Robert Dudley, Earl of Leicester, was one nobleman who was particularly aggressive in this method of influence peddling. One sees him having this in mind when in June 1559 he wrote to the then lord lieutenant in Yorkshire, the Earl of Shrewsbury. Leicester's "players of interludes" already had the permission of other lord lieutenants to "play in divers shires within the realm", and their master was keen for his troupe to have license "for the like liberty in Yorkshire."<sup>2</sup>

After the precedent of York corporation's move in the early 1560s to take the lead in scaling down the dramatic shows, certain pageants were ordered to be examined and 'reformed' in 1567-68. Because the suggested replacement for the Creed Play deviated "from the senceritie of the goppell", the writing was on the wall for all future dramatic presentations.<sup>3</sup> During the 1570s Archbishop Grindal and his successor Sandys took aggressive steps in confiscating suspect play-texts and putting down religious plays in York, especially when a Catholic-sympathising mayor, William Allyn, caused tensions by reviving the Pater Noster Play in 1572 (the year in which Grindal moved to halt the Whitsun plays in Chester). In April 1579 it was agreed that the Corpus Christi Play should be revived on condition that it be amended, but here the history of York's medieval drama concluded.<sup>4</sup> Subsequently, players and actors residing in York who were left 'high and dry' by the cessation of dramatic activities felt the weight of the law upon them. In 1571 the town waits are told to "keep their morning watch with their instruments accustomed every day in the week except only Sundays, and in the time of

<sup>1</sup> *Ibid.*, p.104; Barbara D. Palmer, "Corpus Christi 'Cycles' in Yorkshire: The Surviving Records", *Comparative Drama*, 27, 2 (Summer, 1993), p.219; Dutka, "Mysteries, Minstrels, and Music", p.115.

<sup>2</sup> Lodge, *Illustrations*, I, pp.376-77; J. Payne Collier, *Lives of the Original Actors in Shakespeare's Plays* (London, 1853), p.3.

<sup>3</sup> *YCR*, VI, pp.35, 124, 144; *YCR*, VII, pp.48, 52; *VCH York*, IV, p.152; Barbara Palmer, "Corpus Christi 'Cycles' in Yorkshire...", pp.226-27.

<sup>4</sup> *VCH York*, IV, pp.152-53; *YCR*, VIII, p.7; Smith, *York Plays...*, pp.xvi, xxix-xxx.

*Christmas* only."<sup>1</sup> The authorities in 1579, "as be allowed by statute", ordered the searchers of the city's waits not to "suffer anie strainge musicians to go abroade within this Cittyie, playnge at mens dowers or in their howses."<sup>2</sup> Their playing within the city was thereafter normally restricted to the common hall of York.<sup>3</sup> In 1582 and in October 1584 two minstrels were presented before the Council Chamber "for that they haur gone abroad, in the contry in very evill apparell, with their hose...at their heeles...they are comon drunkerdes."<sup>4</sup> Thus at Aldburgh in 1585 "no manner of minstrell shall play in any parte of the towne...at any tyme whearby to call or kepe any manns servatns or children from their masters or parents howses after IX of the cloke at night", wedding feasts excepted.<sup>5</sup> In 1598 and 1602 minstrels had restrictions put on them as far as travelling outside York was concerned. Their allowances from the corporation were subject to examination and better account was to be made of whether "they cannot Live and mainteine themeselves and there families."<sup>6</sup> During the reign of James I a group of citizens started a local theatre but it was soon suppressed on the grounds that it encouraged manual workers to become actors "and fall to an idle course of life."<sup>7</sup>

The levying and mustering of men from Yorkshire or to reinforce troops already there was important during Elizabeth's early years, as found in the certificate for mustering soldiers from the North and West Ridings in February 1559.<sup>8</sup> The business at York revealed itself to be a sore grievance and burden. Firstly, 8 plague-stricken military reservists fled into the surrounding district, according to a council letter of August 1558.<sup>9</sup> Secondly, York objected to the costs involved and felt insulted that no separate commission of array was issued. It also had legitimate legal grievances over the mayor's failure to make the Ainsty contribute its share. According to statute the town was free from interference by muster commissioners. Henry Hasting's predecessor as President of the Council in the North, the Earl of Shrewsbury, thought he could interfere but in any event the government ignored the corporation's claim that Shrewsbury could not muster it. Instead, the Earls of Shrewsbury and Huntingdon carried out this duty as lords lieutenant.<sup>10</sup> Six hundred foot soldiers from York and from the county were

1 Drake, *Eboracum...*, p.215.

2 REED: *York*, I, p.391.

3 YCR, VIII, pp.51, 103.

4 REED: *York*, I, pp.399, 408-9.

5 Sir Thomas Lawson-Tancred, *Records of a Yorkshire Manor* (London, 1937), p.77.

6 *Ibid.*, pp.479-80; Talbot, *op. cit.*, p.32.

7 Palliser, *op. cit.* (1990), pp.241-42.

8 CSP, *Domestic, 1547-1580*, p.122.

9 Palliser, *op. cit.* (1973), p.51.

10 F.W. Brooks, *York and the Council of the North* (London, 1954), pp.12-13; Boynton, *Elizabethan Militia*, p.37.

required for service at Berwick in August 1565, "so as to be able to march upon an hour's notice."<sup>1</sup> In the same way that the campaign against the Earls of Westmorland and Northumberland provoked fundamental changes in the way that unemployment and vagrancy were punished, the revolt initiated a new era in managing the soldiery. When the rebels were crushed, Sir Ralph Sadler worried about the impatience of soldiers from more southerly counties wanting to return home. On Christmas Eve 1569 the soldiers who had guarded York were disbanded without payment, with the unconvincing assurance of "faire words and assured promise to have full pay."<sup>2</sup> Five days later Lords Warwick and Clinton were forced to pay the restive soldiers out of their own money because the treasure carrying their wages had been unaccountably delayed.<sup>3</sup> In his letter to Cecil on 31 December 1569 he commented that it was easier "to satisfye the number that are in maner of one shyre, and not farre to resort home upon promes, then those who be of viij or x shyres, some ij<sup>c</sup>...myles distante from hence, and some...of whom we are without redye payment."<sup>4</sup> Next day Sadler was forced to admit the existence of activities carried out by "disordered and unruly soldeours."<sup>5</sup>

In the 1570s the Earl of Huntingdon was the key man in controlling local military procedures. At this stage there was little negative evidence about the men under his command. The earl personally inspected the ranks in 1573 and reported to Burghley that he saw "great numbers of tall men, and a people most willing and ready to serve her majesty."<sup>6</sup> During the 1580s the tone of official records gradually and inexorably changed. The earl, stationed at York in 1580-81, outlined a challenge that became more endemic in the 1590s but whose early appearance boded ill. His early orders for general musters specified that the muster roll include every name and surname of "hable men...inhabityng Yorke" and those chosen "to be honest, sober and obedient in matters of religion, which partes are as necessarie in good soldiers as any other habilitie."<sup>7</sup> Muster commissioners resorted to enlisting society's misfits into the army because, according to Huntingdon, there was a "great and sudden declining" for reliable yeoman or artisan types to enlist.<sup>8</sup> The remainder of the 1580s was a time when the Privy Council's long-term demands on York and the county increased. Yet its statements of intent on mustering were tempered by the Earl of Huntingdon's own suggestions. The Privy Council

1 CSP, *Domestic*, 1601-1603; *With Addenda*, 1547-1565, p.572.

2 Sharp, *op. cit.*, p.115.

3 *Ibid.*, p.123.

4 Arthur Clifford (ed.), *The State Papers and Letters of Sir Ralph Sadler*, II (Edinburgh, 1809), pp.353-54.

5 *Ibid.*, pp.358-59.

6 Boynton, *Elizabethan Militia*, p.109; Cross, *The Puritan Earl*, pp.212-14, 222.

7 YCR, VIII, pp.33, 42.

8 CSP, *Domestic*, *Addenda*, 1580-1625, p.5.

directed the Earl of Huntingdon in May 1584 to levy 10,000 able foot soldiers and 400 horsemen, of which 3,000 were "to be chosen out of the places nearest to York." Out of a total of 42,000 mustered this represented a ten-fold increase since 1573. He had to provide certificates to the Privy Council of the number of men being levied in each riding and the weapons with which they were armed. Huntingdon's reply on 28 July to this directive reveals that fulfilling these sorts of demands were impossible due to the nature of the region he was administering. Fully furnishing and arming 10,000 men from Yorkshire entailed massive financial burdens on the county and at best only 6,000 foot soldiers and 350 horsemen could be raised.<sup>1</sup>

In readiness for a possible invasion in 1586 the Earl of Huntingdon's lieutenancy was renewed. York complied with his request in September 1586 to supply 300 soldiers.<sup>2</sup> Huntingdon's commission in mustering and training soldiers was closely linked to the "repressing of caryers of news", apprehending Jesuit priests and ensuring that vigilant watches were posted on all thoroughfares and in all towns.<sup>3</sup> To do so required the necessity of good quality troops and commanders. Huntingdon advised the Privy Council on instances of slackness in both. Locally commissioned captains did not have much wartime experience and this did not augur well for the maintenance of discipline among the soldiery. No captain, Huntingdon felt, could be entrusted with the responsibility of keeping order among more than 100 men.<sup>4</sup> On this matter the Privy Council took Huntingdon at his word and supported him in reducing - for operations in Scotland initially - "the numbers aforesaid into bandes under severall Captens."<sup>5</sup> Inexperienced captains should command only 100-300 soldiers and had to have veteran lieutenants alongside them to ensure that the rank and file did not get out of hand.<sup>6</sup> Vagrants and social dregs found their way into the Yorkshire levies. Lord Hunsdon warned Lord Burghley on 26 October 1587 that he intended to return 200 soldiers from the Scottish frontier. They were "so badly chosen and worse finished, as unless they be better chosen and furnished I had rather have none."<sup>7</sup>

The inadequacies of the mid-late 1580s forced the Privy Council in 1590 to give the Earl of Huntingdon paramount authority in creating better procedures in levying and training soldiers

<sup>1</sup> *Ibid.*, p.119; Boynton, *Elizabethan Militia*, p.95. The specific details regarding the composition and places of recruitment of these 6,000 soldiers are recorded in HMC, *Various Collections*, II, pp.98-100.

<sup>2</sup> *YCR*, VIII, pp.124-26, 128.

<sup>3</sup> *APC 1586-1587*, p.199.

<sup>4</sup> *CSP, Domestic, Addenda, 1580-1625*, p.126; HMC, *Foljambe*, p.12.

<sup>5</sup> *APC 1587-1588*, pp.390-91.

<sup>6</sup> *CSP, Domestic, Addenda, 1580-1625*, pp.183-84; *CSP, Domestic, 1581-1590*, p.375.

<sup>7</sup> HMC, *Marquis of Salisbury*, Part III, p.293; *APC 1587-1588*, p.267.

for war or garrison duty, and in the business of providing relief for crippled soldiers. The two were not so mutually exclusive. In the former case the Privy Council adopted the procedure of having locally levied mariners between the ages of 16 and 60 entered on a roll recording their age, place of abode and occupation "at which tyme lykewyse when they shuld be assembled together...uppon paine of deathe not to departe from their habytacion and dwelling place, so as thei might allewaies hereafter be forthecominge within three howres warninge, to be employed."<sup>1</sup> The Privy Council expected to receive deputy lieutenants' certificates, which could be used as a reference point for identifying and punishing deserters, "soche marryners, gonners and seafaring men."<sup>2</sup> Muster masters were another method of controlling raw levies and Huntingdon was authorised to employ paid muster masters, "to traine and discipline the said companies, whereby they might be made more ready and apt for service."<sup>3</sup> The Privy Council continued Huntingdon's policy of captains having command of only 150 men each, the names of their charges sent to Burghley and then recorded in the Exchequer for future reference.<sup>4</sup> Lieutenants who had not submitted properly certified accounts of musters were hastened to do so. One abuse that had to be reformed was the practice of "noblemen" keeping enrolled men as their own retainers.<sup>5</sup> Exactly how and if at all these measures were implemented cannot be ascertained. The last recommendation arose in November 1595 but it was already being reported in December (by which time Hastings was dead) that commissioners personally appointed by him had failed to do anything about the defective certificates for "divers wapentakes and divisions."<sup>6</sup> Lord Burghley got certificates in January 1596 from the North, East and West Ridings about the state and supplies for mustered troops. Some, however, were in an imperfect state and it was not possible for the relevant authorities to procure provisions.<sup>7</sup>

At York, the Privy Council left it to the administration to ensure that constables for each parish in the city became responsible for 'shows of armour', wherein householders had to present for inspection their weapons, armour and apparel.<sup>8</sup> In the midst of these demands concerning the soldiers from the Council, York endured worrying harvest shortages which affected its ability to feed them; it also had its local poor inhabitants to consider. As with Chester, Leicester, Northampton and Norwich, the Privy Council insisted that local

1 *APC 1589-90*, pp.401-2.

2 *Ibid.*, pp.429-30.

3 *APC 1590*, pp.14-15.

4 *HMC, Various Collections*, II, pp.104-7; *APC 1591*, pp.242-43.

5 *CSP, Domestic, 1595-1597*, pp.128-29.

6 *Ibid.*, p.143.

7 *Ibid.*, pp.164-68.

8 *REED: York*, I, pp.468-69, 474-75, 480-81, 491-92.



commissioners and justices of the peace had to prevent the unnecessary movement of grain and corn from their vicinities, unless they had conciliar permission to do otherwise. Simultaneously, it had to ensure that supplies were not hoarded in one local to the detriment of other parts of the country. The dilemma of trying to 'please all parties' is demonstrated by the Privy Council's sensitivity to conditions at York in early 1597. On account of having only "smale stoare...growing in or nere the liberties of the same", the Privy Council urged the justices of Nottinghamshire, Lincolnshire and Leicestershire to permit Lawrence Collinson, a licensed purveyor, to moderate quantities of grain for York's relief. When the mayor York received this message the Privy Council hoped York would "be releevd heereby and yet the counties where the provision is to be made not pressed with any greevance."<sup>1</sup> In 1597 York was at the mercy of the mayor of Boston, who had prevented a boat laden with rye from proceeding to the northern city "for the reliefe of the poore", and instead had "the most parte taken and sold there under cullor or order gennerally that no grayne should be transported from thence."<sup>2</sup>

In the case of poor relief or finding employment for returned and crippled ex-soldiers, the Privy Council feared the probability that they were likely to make large demands on publicly-funded charity in York, Beverley, Ripon and other places if they had no other way of making a living. Consequently, it persuaded the earl and the Council of the North to intervene in cases where possible. An early example of this occurred in late 1589 when Ralf Waade, "a poore souldyour maymed" and facing eviction from his landholding in the liberty of Norham, had his title to it speedily restored.<sup>3</sup> The Privy Council reminded Huntingdon of his responsibility to ensure the relief of injured soldiers, and others to be returned to their last place of habitat to carry on their previous trade/occupation. The deputy lieutenants had the additional task of not "sufferinge them for want of imployment to wander abroade and to fall into the mysery of begginge."<sup>4</sup> The parliamentary legislation of 1593 meant that relief for crippled and injured ex-servicemen returning to Yorkshire, as elsewhere, was made more systematic and the immediate responsibility of justices of the peace.<sup>5</sup> Nonetheless, Huntingdon's personal stamp of authority was needed on behalf of the debt-ridden veteran Captain Arthur Bouchier in August 1593, perhaps indicating a lack of experience by the JPs and treasurers in handling such

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<sup>1</sup> *APC 1596-7*, pp.516-17, 523.

<sup>2</sup> *APC 1597*, p.3.

<sup>3</sup> *APC 1589-90*, p.217.

<sup>4</sup> *APC 1591*, pp.352-54.

<sup>5</sup> *APC 1592-3*, pp.300-1.

matters.<sup>1</sup> Thomas Wiggon was an ex-soldier who tramped all over the country begging for relief before having his case heard at York in 1597. A native of York, he was apprenticed in London but fell into poverty and took to the road. He appeared in York again, briefly, and was pressed into service on the Calais expedition of 1596.<sup>2</sup>

Levyng, mustering and poor relief procedures remained basically unchanged in York and the county for the rest of the 1590s and early 1600s. The crucial difference was one of scale as greater demands were made on local muster commissioners to obtain more troops for operations in Ireland. The Privy Council reiterated its demands for only fit persons to use and wear armour, employment of muster masters, coat and conduct money were issued correctly and copies of muster rolls were sent to the Privy Council and the Exchequer.<sup>3</sup> These were vital since soldiers had to march a fair distance to Chester, Bristol or Plymouth just to get to the point of embarkation. The pressure to 'make up the numbers' in the army made the conciliar directives barring the employment of rogues and vagabonds impracticable.<sup>4</sup> The most glaring proof of vagrants from York and the county being recruited and then deserting from the army and causing havoc elsewhere, comes from Chester in mid-1600. In regard to one incident, Thomas Lord Burghley, son of the great Treasurer, was Lord President of the Council of the North at this time and the Privy Council admonished him in a circular (24 June) for permitting "so many lewde and dissolute persons as have and do contynewallile either runne awaie...or abandon their service."<sup>5</sup> The reprimand did not have had much effect because in early August the Privy Council warned the mayor of Chester, Henry Hardware, that "there hath bene greate abuses commytted by the conductors in exchanginge of men and puttinge other in their places, wherein wee have received particulerly informacion by captaine Phillippes of singuler lewde dealinge in the conductors of the Yorkshire men."<sup>6</sup> Hardware specifically singled out shoddily recruited Yorkshiremen as the cause of recent disturbances in his town. He had much difficulty in bringing the Yorkshire muster commissioners to book.<sup>7</sup>

It is unlikely that the muster commissioners deliberately set out to contravene the Privy Council's express orders, so how is the break down in Yorkshire's military preparedness and

1 *Ibid.*, pp.438-39; Cross, *The Puritan Earl*, p.223.

2 Palliser, *Tudor York*, p.276.

3 *APC 1595-6*, pp.287-88; *APC 1596-7*, pp.212, 240-42, 345-46; *APC 1597*, pp.24, 339; *APC 1597-8*, p.381; *APC 1598-9*, pp.491, 568-69, 666, 669; *APC 1600-1601*, pp.22-23; *APC 1601-1604*, pp.79-83, 239-42, 476; *CSP, Domestic, 1598-1601*, pp.24, 126, 231-32; HMC, *Marquis of Salisbury*, Part IX, pp.46-47, 67.

4 *APC 1597-8*, pp.584-85; *APC 1598-9*, pp.540-44

5 *APC 1599-1600*, pp.412-16.

6 *Ibid.*, pp.558-59.

7 HMC, *Marquis of Salisbury*, Part X, p.269.

soldierly professionalism to be explained? Basically, Thomas Lord Burghley inherited a problem which had plagued the Earl of Huntingdon: the initial poverty of Yorkshire in comparison to other counties and continual and escalating charges for sustaining the war effort in Ireland. Thomas argued this much to his brother Robert Cecil on 27 July 1601 that the costs of clothing and arming each man was exorbitant.<sup>1</sup> The powers invested in the lord lieutenant provided no guarantee that soldiers would turn up at the muster or indeed with their armour. The practise of officers appointed to hold musters but taking money for releasing men whose names appeared on the muster roll, despite the pain of a hefty fine if caught, went unchecked. Recruiting officers, justices of the peace and lowly constables often enlisted well-to-do householders and yeomen who did not intend to serve. They would then pay for their release and for a small sum a substitute from York's (and the shire's) body of unemployed or unemployable would be bought. As well, desertions and total lack of discipline were common when the dregs of the able-bodied unemployed marched from York to Chester. Most Yorkshire companies at full strength consisted of 150 men but dishonest captains failed to report men lost by death or desertion so that they could pocket their clothing allowances and pay. Lastly, the Privy Council had to contend with the feelings of local JPs about the defencelessness of Yorkshire once the trained men of the militia, who really were the most suitable for the army, had gone to Ireland or the Continent. Yorkshire's long coasts and secret landing locations tempted local authorities to keep the best soldiers back, so at a moment's notice they could repel oft-rumoured Spanish landings and the real insurgency of Jesuit and seminary priests. It is to the latter phenomenon that we now turn.

One of the most striking features, which all officials entrusted with the duty of eradicating it and enforcing religious conformity in York and Yorkshire agreed, was the degree of Catholic subversion obstinacy they encountered. A.G. Dickens has made a study of recusancy in Yorkshire's rural and municipal communities, concentrating on the first three decades of Elizabeth I's reign. Catholicism was strong but visitation records did not point to a widespread, entrenched or deliberate denial of reformed doctrines of worship or the Elizabethan injunctions. Lacking leadership and organisation, local recusants were cowed into submission by northern ecclesiastical commissioners in the 1570s, but things changed in the 1580s. Under the influence of seminarists and Jesuit priests there was a corresponding rise in recusants

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<sup>1</sup> *CSP, Domestic, 1601-1603; With Addenda, 1547-1565*, p.75; HMC, *Marquis of Salisbury*, Part XI, pp.475-76.

refusing to bring children to baptism and catechism, churchwardens' failing to enforce the financial penalties on church absentees, and the harbouring of suspicious persons.<sup>1</sup>

Privy councillors and local authorities accepted as fact that Marian priests, Jesuits and seminarists actively goaded local Catholics of all classes to be disobedient: "the great declynyngge of...subjects from the religion established" was in large part caused "by the seditious persuasion of Jesuits and Popish priests sent from foreign countries."<sup>2</sup> The Bishop of Carlisle wrote to Lord Burghley on 27 October 1570 that the inhabitants of Yorkshire indulged in 'popery' and were less conformable in religion than the people of Westmorland and Cumberland.<sup>3</sup> Archbishop Sandys told the Privy Council in October 1577 that obstinate people in his diocese refused to go to church, being "stiff-necked" and "wilfull."<sup>4</sup> Even the Earl of Huntingdon, depicted by the Bishop of Chester as more purposeful than any two bishops put together when it came to tracking down "the vagrant priests", despaired of Jesuits' and seminaries' insurgency in Yorkshire. On the occasion when he led a successful raid on Arthington House, 20 miles west of York, following a tip-off on priests hiding there, he wrote to Walsingham: "It is such a country as I did not expect to find so near York, and the chief inhabitants...have now shown themselves what they are indeed."<sup>5</sup>

Before and after the Northern Rebellion and the utter shock it had given to the Privy Council, York and its environs experienced the meanderings of that class of Marian or 'old' priests who had been deprived of their offices. They often wandered around the countryside with no recent background of a benefice in the region. Until the last of them died in Yorkshire in 1613, these priests became an integral feature of the vagrancy situation. According to a specialist in the history of Yorkshire Catholicism, Father Hugh Aveling, there is evidence of 54 priests of this kind, some with considerable education and ability. Deprived of the deanery of Durham in 1559, Dr. Thomas Robertson, was reported in the early 1560s to be "doing hurt in Yorkshire."<sup>6</sup> Dr. Francis Babington, formerly Rector of Lincoln College, Oxford, and Thomas Marshall, deprived of the deanery of Christ Church, Oxford, were reported to have been sheltered in Lord Darcy's and the Earl of Cumberland's abodes respectively.<sup>7</sup> Henry

1 A.G. Dickens, "The First Stages of Romanist Recusancy in Yorkshire, 1560-1590", *Yorkshire Archaeological Journal*, 35 (1941), pp.157-81.

2 HMC, *First Report*, p.108.

3 CSP, *Domestic*, 1547-1580, p.395.

4 *Ibid.*, p.561; Dickens, "The First Stages of Romanist Recusancy...", p.167.

5 CSP, *Domestic*, *Addenda*, 1580-1625, pp.11-12, 45.

6 Hugh Aveling, "The Catholic Recusants of the West Riding of Yorkshire, 1558-1790", *Proceedings of the Leeds Philosophical and Literary Society*, X (1962-63), p.200.

7 *Ibid.*

Cumberford is said to have been one of the most lively of these unsettled priests. After his capture in the house of the Dowager Countess of Northumberland at Broomhall, Sheffield in late 1570, he declared before the commissioners who examined him the righteousness of the Mass and the Pope as supreme head of the Church. Prior to his death in 1587 the aging Cumberford antagonised Archbishop Sandys with the number of converts he made in the prisons at York and Hull.<sup>1</sup>

There were also poorer and more clearly discernible vagabond Yorkshiremen who established contacts in the area, like William Baines "a popish vagrant preist dwelling with his brothers sonne at Caton" (1578) and William Hudson "a vagrant popish preist lurking from tyme to tyme with Jennet the wife of Michael Hudson at Campsall" (1580).<sup>2</sup> Coming over the Pennines or preferring to live a roaming life in the Pennine area were Lancashire Marian priests such as Robert Copley, who reconciled the Earl of Northumberland to the Catholic faith in 1567, and fugitives from Derbyshire who escaped detection in the Peak district.<sup>3</sup> One "popish and vagrant preist"- William Wattes - came over the River Humber in northern Lincolnshire. While he was eventually caught in 1579 in the process of conducting a party of Catholics to York, Francis Smith, once a parson of Crowle in Lincolnshire, lasted even longer. As late as 1606 he was known to be at Little Smeaton.<sup>4</sup>

With the passing of the years the numbers of Marian priests steadily declined because of capture and/or death. After the Northern Rebellion, Elizabeth's government reinforced the northern administration. It appointed the active Puritan, Edmund Grindal, as Archbishop of York in 1571 and Henry Hastings, Earl of Huntingdon, became President of the Council in the North in 1572. Like the Earl of Derby and Chadderton in Cheshire during the 1580s, Grindal and Huntingdon had a close partnership and initiated a determined attack on Catholicism in the decade 1572-1582. Through various methods of investigation - empanelling juries, using informers and spies, prosecuting churchwardens, clergy and presenting recusants before the courts - the Marian priests were located, hunted down and rounded up.<sup>5</sup> By 1593, when Huntingdon was also engaged in tracking down Jesuits and seminary priests, there were according to his estimation barely six old priests left alive in Yorkshire. Of the 22 captured up to that year, one had been executed in York (the Scotsman, George Douglas), 9 perished in York

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1 *Ibid.*

2 *Ibid.*, p.201.

3 *Ibid.*

4 *Ibid.*

5 *Ibid.*, p.193.

Castle or the Hull blockhouses and another 9 were banished (8 in one go in 1585) from prisons to the Continent. One of the last Marian priests to be working was a man who the Earl of Huntingdon called "slack herrie", Sir Harry Stapper. Stapper was an ex-fellow of University College, Oxford. He was harboured by Margaret Bolland, a widow, in 1581 and arrested in Richmondshire before 1593. Whether he escaped or was released we cannot be certain but was still at work in the West Riding during 1612-13.<sup>1</sup> The government's success against these old priests is unquestionable but can the same be said when it came to apprehending the more vigorous and younger Jesuit and seminary priests?

The task facing either Huntingdon, Walsingham or the Archbishop of York and the officials with whom they worked and sent information to the Privy Council, was made difficult by the local origins of the seminary and Jesuit priests and their familiarity with the county. Between 1583 and 1603 approximately 96 seminary priests of Yorkshire, out of which some 42 appear to have come from families in the West Riding, arrived on the English mission. Adding to these the 18 Yorkshiremen (6 to the West Riding) who arrived by 1582, there were some 50 men who gravitated toward the Riding.<sup>2</sup> It is less clear when the Jesuits began working in Yorkshire after Campion's obscure visit in 1581 but it is known they were a mere handful in comparison to the seminary priests; by 1603 there may have been only five or six Jesuits operating in a wide arc throughout the north. The Jesuit mission is said to have begun with the landing of Richard Holtby and John Curry on the north coast on 14 January 1591, although John Gerard (having 'terrorised' Norwich a few years before) was already moving about the northern shires in 1591-92. One of their number was Richard Mush, a native of Knaresborough and formerly a York physician's servant, so whether Jesuit or seminary, they were skilled enough to lose themselves among the population who give them moral succour.<sup>3</sup> One Yorkshire family was bound over by the High Commission in December 1580 with instructions that they go to divine service and hear sermons: "In case at any time hereafter, any papistical priest or other person disobedient in religion resort to his or their house or company, he shall apprehend and bring him before the Commissioners."<sup>4</sup>

The confession of the much-travelled Campion alerted the Privy Council to covert Catholic support in Yorkshire. In August 1581 the Earl of Huntingdon received orders to search

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1 *Ibid.*, p.216.

2 *Ibid.*

3 *Ibid.*, pp.216-18.

4 *CSP, Domestic, Addenda, 1580-1625*, p.27.

the houses of Campion's alleged confederates, "for bookes and other superstitious stuffe" and to interrogate "others in their familie and neighbourhoode" on how many and on what occasions they were in his company and heard Mass, confession etc.<sup>1</sup> In 1582 a priest carrying a pike staff on his shoulders passed himself off as a local. Twenty years later the seminary James Harrison was caught in a house, whose owner "had but two or three kine and nine sheep, and a poor cottage poorly furnished, with 12 acres of land."<sup>2</sup> And Valentine Thomas was suspected of being familiar:

with divers priests in the North part of England, that there were a number which were entertained and relieved by the Catholics, as he termeth them, of that country, and that there were more come over of late about Christmas...I am assured that most of them were Lancashire and Yorkshire men...such as they can persuade to be Papists they will consequently soon persuade to be traitors.<sup>3</sup>

The business of apprehending Jesuits, seminaries and their confederates closely resembled that of military deserters. Operations which had York as their target could not be contained there because subversives fled into the county's interior or other counties. These were usually Lancashire, Durham, Lincolnshire, Cheshire, Westmorland and Northumberland, but some managed to reach London. To cite a few cases: the Privy Council instructed the Earl of Huntingdon to assist the Bishop of Durham, who had unearthed but could not capture "certen masse priestes and other personnes outlawed and condemned for Highe Treason"; the Privy Council demanded the sending down of a Lincolnshire man arrested in York, Martine Gravener; and lastly the Earl of Huntingdon was asked by the council to apprehend the Yorkshire-born William Bell, "fledd from hence...for saying of a Masse."<sup>4</sup>

A setback for the Privy Council was the impossibility of keeping watch on every point of entry along the northern or more specifically, the Yorkshire coasts. The Earl of Huntingdon had only so much in the way of personnel and resources to comb the shores and coastal roads for Jesuits and seminary priests. Locally, he was much admired for his "incredible toyle day and night" yet the Privy Council demanded that he and his principal officers keep "straight watch...in the portes, townes and passages if happelie they, or anie of them, might be apprehended."<sup>5</sup> The exiles developed ways of conveying men overseas and back. Two of the

<sup>1</sup> *APC 1581-1582*, pp.152, 282.

<sup>2</sup> *CSP, Domestic, Addenda, 1580-1625*, p.71; *HMC, Marquis of Salisbury*, Part XII, p.83; Anstruther, *Seminary Priests*, pp.150-51.

<sup>3</sup> *HMC, Marquis of Salisbury*, Part VIII, p.152.

<sup>4</sup> *APC 1577-1578*, pp.79-80; *APC 1580-1581*, pp.130, 320-21. On this theme see also *APC 1581-1582*, pp.432-33; *APC 1591*, pp.40, 191-92; *APC 1596-7*, pp.408-9; Anstruther, *Seminary Priests*, pp.9, 92, 170, 199, 285, 299, 353, 377; *HMC, Marquis of Salisbury*, Part V, p.484; *CSP, Domestic, 1591-1594*, pp.377-78.

<sup>5</sup> Pollen, *Martyrs*, p.235; *APC 1586-1587*, p.297.

more ingenious methods used were, firstly, the cloth export from Leeds via Hull to the Continent as a cover for transportation and secondly, Father Richard Holtby's device of passing priests going to Yorkshire through a Newcastle merchant trading to Middleburg. Holtby, of Fryton in Yorkshire and described in a report to the Privy Council (1593) as "a little man, with a reddish bearde", had much influence in the north and constructed many hiding places for priests.<sup>1</sup> Holtby's organisation bordered on the intricate and operated in such a way as to let priests move freely between mission districts. Once in Yorkshire the priests moved on to Grosmont in Cleveland, a typically isolated and unfrequented house that served as an ideal resting place between missionary journeys, where Catholics met for Mass and received the Sacrament. Huntingdon knew how to get the names of the priests in Yorkshire but he could not link them to a specific place.<sup>2</sup> More through good luck than good management, Jesuits, seminaries and their helpers were occasionally captured soon after they landed in the north. Richard Grave's system of posing as a cloth-buyer while he worked for seminaries in the West Riding was exposed in 1582. And in 1594 a Sheffield cutler, Simon Knowles, was uncovered as he carried books and priests to and from St. Omer.<sup>3</sup> The Bishop of Durham's report to Sir Robert Cecil in 1600, however, shows what the government was competing with. The bishop recalled that in 1589 South Shields, at the mouth of the Tyne near Newcastle "was the chief landing place for Jesuits and seminary priests, and for bringing in of Mass books and other Popish and traitorous books, and the like for passage outwards in conveying youths and others beyond the seas to the seminaries."<sup>4</sup>

York may have been the most security-conscious town in the north but this did not deter Jesuit and seminary priests from going there. The answer as to why they risked imprisonment and probable death to go to York is found in the sorts of people who could hide and support them. The York House Book holds a list, dated 20 November 1576, of 59 recusants, no fewer than 51 being women, and nearly all poor people of the artisan or small tradesperson class.<sup>5</sup> Both the Privy Council and the Earl of Huntingdon, York's "loving friend", despatched directives to York in 1578, worried that it was fast emerging as a centre of priestly subversion and attempts by the 'agents of Rome' to reconcile local Catholics to the Pope.<sup>6</sup> Walsingham

1 *DNB*, XXVII, p.209.

2 Aveling, *op. cit.*, pp.217-19.

3 *Ibid.*, p.217.

4 *HMC, Marquis of Salisbury*, Part X, pp.202-3.

5 *YCR*, VII, pp.130-37; *VCH York*, IV, p.153; Dickens, "The First Stages of Romanist Recusancy..."; McCann, *op. cit.*, pp.24-25, 55, 67, 115, 118, 130, 165, 167, 195; Chapman, "The Persecution under Elizabeth", p.42; Scarisbrick, *The Reformation*, p.156.

6 *YCR*, VII, pp.174, 177-79.



received intelligence from the Earl of Shrewsbury about seminary priests he had apprehended in the region. On 26 April 1579 Shrewsbury sent a letter to Walsingham in London about a seminary priest he had just apprehended, "a very obstinate and froward fellow."<sup>1</sup> Later he informed Walsingham again on the activities of a suspected seminary priest, Lancelot Blackburne. The seriousness of the situation was again brought to Walsingham (1582) with the news that "one Tankard" of Boroughbridge in Yorkshire was "a liberal giver to the Seminary at Rheims and elsewhere", and had many masses said in his house by five priests.<sup>2</sup> Blackburne's examination inspired a conciliar order to suppress "the dailye corruption growen by scolemasters, bothe publique and private, in teaching and instructing of youthe."<sup>3</sup> But a real problem for the Privy Council occurred in January 1580 when it was shocked to learn that the mayor of York, Robert Cripling, was very lax in punishing popish recusants. Cripling's condemnation of York Minster's chancellor following a sermon and restoration of the freedom of a Scotsman who had made seditious speeches, angered the Privy Council.<sup>4</sup>

Cripling's impertinence gave credence to the rumours that Catholicism lingered in York's aldermanic circles and that one or two mayors had protected recusants. It had a three-fold effect. It forced the Earl of Huntingdon to persuade the reluctant corporation to assume greater responsibility for civic religion, namely to appoint a town preacher.<sup>5</sup> It intensified the Privy Council's subjugation of seminaries and Jesuits in the North and caused it to scrutinise the efficiency of local justices in suppressing them. Following the arrest and imprisonment of Cripling by Huntingdon, the Privy Council realised what his laxness had provoked in York. In 1580 the common clerk prepared indictments at the assizes against recusants and orders to arrest seminarists appeared in the House Books.<sup>6</sup> A "Masse in the house of Doctor Vavisor" occurred in July 1580 and the earl and the Archbishop of York had to "take paines in the bolting out furdur what Recusantes and massinges have ben of late yeres within the said cittie."<sup>7</sup> As head of the High Commission for Ecclesiastical Causes, the Archbishop of York complemented Huntingdon's job by ordering the church hierarchy to put an end to priests baptising children "in a Popish manner" or having "children not lawfully baptized."<sup>8</sup> York's first executions of

1 HMC, *Marquis of Salisbury*, Part II, p.253.

2 Lawson-Tancred, *op. cit.*, p.175.

3 CSP, *Domestic, 1581-1590*, p.411; *APC 1580-1581*, p.59.

4 *VCH York*, IV; *YCR*, VIII, pp.28-30.

5 Claire Cross, *op. cit.* (1979), p.277.

6 *VCH York*, IV, p.154.

7 *APC 1580-1581*, pp.107-8.

8 Eric Josef Carlson, "Marriage Reform and the Elizabethan High Commission", *Sixteenth Century Journal*, XXI, 3 (1990), esp. pp.448-50.

priests began in August 1582. Their trials were always conducted at the assizes so as to promote the belief that they were being punished not for their religion but for their *political* activities (precisely that of withdrawing the people's allegiance from the Crown).

When William Hart and Richard Thirkfield were martyred in York in 1583 on 15 March and 29 May respectively, a contemporary described the city as still "inclined...to the Catholic faith" and "the common multitude sometimes go into the churches of the heretics through fear of the unjust laws."<sup>1</sup> The description was to an extent propaganda but in 1583-84 the ease with which priests infiltrated York was frightening, and more than a little embarrassing to the authorities. The Privy Council was understandably angry that seminary priests entered York "ever disguised and in a most secrete manner" and were "in sondry placs well entertaned and harbored", encouraging "the inferior sort to continewe in ther blindnes and disobedience."<sup>2</sup> A little later:

the sheriffs of this city taking occasion to view their prisoners in the Kidcotes upon Ousebridge they found amongst those that are committed for not coming to church certain Mass books, pictures, holy water with stencles beads, pairs of vestments, wax candles, and girdle, and a great canvas bag belonging to some man having in it some unlawful books...it is supposed that some Seminary priest did resort and frequent the company of the said prisoners in the said gaols and there did say Mass.<sup>3</sup>

The tabling of the 1585 Act against seminaries and Jesuits was followed by its almost immediate application in York. Expulsions and fines were replaced by more violent means of coercion. Marmaduke Bowes was executed on 26 November 1585 and Margaret Clitherow met the same fate on 25 March 1586.<sup>4</sup> Along with these sufferers, Edward and Anne Teshie and Alice Awdorne went to prison. All of them must have been guided by seminary priests, since they gave clear and precise answers when questioned about their recusancy: either because of conscience or there being "neither altar nor sacrifice."<sup>5</sup> The trial of John Minet in the city in March 1589 was notable not just because the accused faced charges of being "one Athiest" and "hethen", brawling in church, disturbing the Divine Service, "slanderer, backbiter and sower of dissension, charmer, sorcerer enchanter, conjurer"; he had also delivered a Catholic sermon on the Feast of John the Baptist.<sup>6</sup> During the second half of the 1580s York became the place to

1 J.H.Pollen, "Father Person's Memoirs (Concluded), No. VI", *Miscellanea*, IV. Catholic Record Society, IV (London, repr. 1969), pp.77-79, 87.

2 *YCR*, VIII, pp.64-66.

3 *Ibid.*, p.72; McGrath and Rowe, *op. cit.* (1991), p.426.

4 McGrath and Rowe, *op. cit.* (1989), p.217. Margaret Clitherow's is a notable case. She was the daughter of Thomas Middleton, sheriff of York and had been brought up in the Anglican faith. She was condemned on the grounds that she received instruction from seminary priests and intermittently harbouring them over several years.

5 *VCH York*, IV, p.153.

6 Veronica M. O'Mara, "A Middle English Sermon Preached By a Sixteenth-Century 'Atheist': A Preliminary Account", *Notes and Queries*, 34, 2 (June, 1987), pp.183-85.

execute Marian and seminary priests, whether they were caught in the city, county or far outside it. The martyrdoms included: George Douglas, a Marian priest, who, "apparelled in course canvas doublit and hose", was active in the Midlands; Alexander Crow, a shoemaker of Howden, East Riding; the York-based Francis Ingleby of Ripley, West Riding and described as "a short man but well made, and seemed a man of 35 years of age or thereabouts"; Edward Burden, born in Cleveland, North Riding; and Edmund Sykes of Leeds, West Riding.<sup>1</sup>

It is necessary only to note these few because by this time the Privy Council's operations against subversive, vagrant priests branched out to include investigations of common people in York and the county as a matter of course. Taking into account the temper of religion in this part of the kingdom, they were naturally suspected of complicity with the enemy. Thomas Belson went to the scaffold in York Castle, accused and convicted of "conveying intelligence between Bridges the priest and others beyond the seas and soem of this realme by unknowen means."<sup>2</sup> More incidents sufficiently illustrate this. On 3 December 1584, William Hopwood, who had been a soldier for six years in Ireland, was examined at York in regard to his travels from Liverpool to Carlisle and to Scotland (with his lieutenant's written permission). He swore that he had never carried letters into or from Scotland, knew nothing of the conveyance of letters to Mary, Queen of Scots and all he had to live on was his pay as a soldier at Berwick.<sup>3</sup> In another case John Barcroft, c. December 1591, protested to Sir Robert Cecil that although he knew his brother became a priest, he did not know when. He could however, identify a Doncaster carrier by the name of James Turner, who in turn had talked to a "Little William" (born in Yorkshire) at an inn.<sup>4</sup> Another case demonstrating the Privy Council's ability to investigate the activities of Jesuits and seminaries by concentrating on local commoners in York and the county, was that of Thomas Emmerson. The Earl of Huntingdon personally questioned this man on 23 November 1593 about his employment history and travels. Emmerson claimed that he had never been to the Low Countries, had begun an apprenticeship to John Edwards in York's New Fish Street and completed it in 1590. He then set up a tavern in Lent that year and decided to earn his keep as a soldier at Berwick, obtaining the livery of Lord Sadler at 8d. a day.<sup>5</sup> Investigations of servants and merchants in the latter half of the

<sup>1</sup> Pollen, *Martyrs*, pp.88-89, 114; Anstruther, *Seminary Priests*, pp.57-58, 95, 181-82, 344; Dickens, "The First Stages of Romanist Recusancy...", p.173, n.8; Aveling, *op. cit.*, p.219.

<sup>2</sup> McGrath and Rowe, *op. cit.* (1991), p.420.

<sup>3</sup> *CSP, Domestic, Addenda, 1580-1625*, pp.130-31.

<sup>4</sup> *CSP, Domestic, 1591-1594*, pp.148-49.

<sup>5</sup> *Ibid.*, pp.387-88.

1590s and early 1600s are proof that the Privy Council, or Sir Robert Cecil at least, did not take reports of the region being orderly at face value.<sup>1</sup>

The incident of a man using various aliases but normally referred to as "Jas. Young" brings to notice another dimension of harbourers that the Privy Council was at a loss to control. Young was examined in August 1592 and he claimed that he knew a priest called Mushe and another called Bell. They "went into Yorkshire to remain about York" and what is notable about it is that whereas the gentlemen of the region had taken to abandoning their priestly allies, gentlewomen continued to support them.<sup>2</sup> Previously, the Privy Council knew that Catholic women in York or outside it were more stubborn in their faith than their husbands. Archbishop Grindal informed William Cecil in 1580 that he would send to him for examination three priests who had been found after a search of the house belonging to the Countess of Northumberland.<sup>3</sup> The wife of a Newcastle merchant, Elizabeth Hedley, was committed to prison "with divers other woemen...in the gayle of Sadburie and York."<sup>4</sup> The Privy Council blamed the social standing of female recusants of the richer sort for the encouragement of "the weaker sort" in finding the nerve to flinch from "the propagacion of the Gospel"<sup>5</sup> Yorkshire women fulfilled a double role. They promoted the efforts of Jesuits and seminaries to 'invade' the county and hide out as vagrants, and through their actions encouraged their tenants, servants, etc., to receive them or accompany them on their work. On several occasions the Privy Council made aware its detestation of Catholic women, "those wilfull and obstynate persons in those partes...that will not by anie meanes be brought to conforme themselves to her Majesty's lawes", in letters to the Earl of Huntingdon and the Archbishop of York.<sup>6</sup>

In early March 1592 the justices of the peace for the North, West and East Ridings received commissions on account of the continuing number of seminary priests in Yorkshire. Then on 25 April the Privy Council required the Earl of Huntingdon and the Archbishop of York to provide lists of the names, behaviours and qualities of all recusants; "howe you finde them in opinion to be obstinate or otherwise dangerous, or to be suspected for their alledgiance" to Elizabeth I and the state.<sup>7</sup> The harbouring of Jesuits and seminaries, which had not reached the magnitude of the late 1590s, forced the Privy Council to take this course of

1 HMC, *Marquis of Salisbury*, Part V, pp.445-47; Part IX, p.320; Part X, pp.185, 280-81.

2 CSP, *Domestic*, 1591-1594, pp.261-62.

3 CSP, *Domestic*, 1547-1580, p.396.

4 APC 1591, pp.152-53.

5 APC 1592, pp.110-11.

6 APC 1592-3, pp.122-23; 317-18, 421-22.

7 HMC, *Marquis of Salisbury*, Part IV, p.258; HMC, *Fifth Report*, Part I, p.267; CSP, *Domestic*, 1591-1594, p.19; APC 1591-2, p.406.

action. At this stage it appears that the energies of the Earl of Huntingdon and his security 'network' were the best means by which subversion could be thwarted and individuals' faith truly shaken.<sup>1</sup> The Jesuit Richard Holtby himself went so far as to pay the earl a back-handed compliment:

of bloody and cruel mind against Catholic men and their religion; and one, as he is thought, of no deep reach in matters of weight and judgement, yet through continual practice in persecuting us these twenty-two years he has borne the office of President, is grown so ingenious to work us trouble and disquietness, that herein he need not give place unto any, though they be of greater wit and capacity..."<sup>2</sup>

Another writer, anonymous but just as hostile, alleged that Huntingdon condoned the secret murder of Catholics while they languished in prison. It is alleged he said to one keeper, "It were more worthy to hang thee than this Papist, for if thou hadst been an honest man or a true subject, all the Papists in thy custody had been despatched ere this day."<sup>3</sup> The nature of hunting down priests could not be contained in the vicinity of York and the county. The orders of 1592 saw the Earl of Huntingdon conducting operations against seminary priests by concentrating on the wealthier harbourers of priests, which by the end of the year spread to Lancashire. In his opinion there was little difference between the seminaries and their protectors: "Caterpillars, and sedicious seducers of hir Maiesties subiects in these partes, by whom most of the seminaries here scattered be directed, and on whom our principle Recusants doe chieflie depend."<sup>4</sup> In January 1593 the scope of his mission was shown in a list he gave to Burghley of the "Jesuits, seminaries and old priests, in the South parts, Lancashire, Yorkshire, Richmondshire, the Bishopric, and Northumberland", and notes of the places in London where they said Mass.<sup>5</sup>

At this juncture lowly-born men such as Thomas Trollop, "a base-begotten, desperate, and dangerous fellow", who had assisted the priest Bernard Patterson with his massing vestments and books, etc., on the way to York, continued to provoke the Privy Council, the Earl of Huntingdon and others.<sup>6</sup> However, the records now emphasised the vagrant and itinerant nature of seminaries' and Jesuits' existence. The searches of 1-2 February 1593 resulted in the arrest of Anthony Page, a seminary, in York "in a conveyance made in the bottom of a haystack....The entrance thereof not being well stopped, one of the searchers

<sup>1</sup> *APC 1592*, pp.27-28.

<sup>2</sup> Patrick Nuttgens, *York: The Continuing City* (London, 1976), p.62.

<sup>3</sup> Chapman, "The Persecution under Elizabeth", p.27.

<sup>4</sup> *APC 1592*, pp.365-66, 482; Pollen, *Martyrs*, pp.212-13.

<sup>5</sup> *CSP, Domestic, Addenda, 1580-1625*, p.345.

<sup>6</sup> *Ibid.*, pp.355-56.

climbing up upon the hay fell into the place where Mr. Anthony was, and so was he taken."<sup>1</sup>

The statement of 24 October 1593 by Anthony Atkinson intended for Sir Robert Cecil is equally worth noting:

And when any Searche is maid in Yorkshier, Bushopprick, Northumberland, Comberland, Westmerland and Lancasher ffor any papist preest, then eyther thay ar conveyed into Caves in ye grownd or secrett places not possible to ffeind theme. And, further some ffleethe into Darbieshier into ye Hie Peeke...where ye papists have harbors in ye Stony Rockes, and they ar releevd by shippards, so yt...is a Sanctuary ffor all wycked men, and is more used of late than ever was in respect of yt Justice of Peace...<sup>2</sup>

Atkinson's statement can be read in two ways. It either makes Elizabethan conciliar and statutory policy look ineffective because Jesuits and seminaries preferred to live roughly, or the vigour with which priests and their helpers were attacked by the Earl of Huntingdon and those acting in his name, forced them to this way of life. Certainly, the violence of the period 1593-95, when the executions of priests and their helpers in York or their incarceration in London's Bridewell for interrogation under torture reached their peak, tested their moral fortitude and took their toll. William Harrington, James Atkinson and Bryan Lacey suffered in Bridewell, Lacey being "pitifully tortured" there.<sup>3</sup> Others broke down under pressure and provided information to the Privy Council leading to the arrest and execution of their compatriots. The preacher Thomas Bell renounced Catholicism and even Thomas Clark, who cut an impressive and threatening figure in 1593 (wearing a "a great sword, and is a big man with a short black beard") capitulated to the authorities.<sup>4</sup> William Hardesty, Jesuit, became a spy on receiving a pardon in April 1593 and his information led to the execution in York of John Ingram in 1594.<sup>5</sup> Huntingdon's spies were successful in cutting short the success of missionary activities. They supplied their employer with names, places where they hid and were most likely to visit, and this contributed to the apprehension of the Jesuit Henry Walpole, who survived only as "a vagrant in those parts."<sup>6</sup>

It is wrong, therefore, to dismiss the Privy Council's policy as entirely ineffective but it depended on magistrates' zeal and their deputies' efficiency in particular to make the effort truly successful. The Privy Council urgently requested the Council of the North in August 1596 to get York's magistrates to arrest and examine a resident, "one Grene, a tall blacke man...that ys

<sup>1</sup> Hodgetts, *op. cit.* (1962), p.71; Michael Hodgetts, "Elizabethan Priest-Holes: V- The North", *Recusant History*, 13, 4 (October, 1976), p.257.

<sup>2</sup> Pollen, *Martyrs*, pp.221-22.

<sup>3</sup> *Ibid.*, pp.287, 292; Anstruther, *Seminary Priests*, pp.149-50.

<sup>4</sup> Anstruther, *Seminary Priests*, pp.76-77; Cross, *The Puritan Earl*, p.245.

<sup>5</sup> Pollen, *Martyrs*, p.288; Anstruther, *Seminary Priests*, p.148.

<sup>6</sup> Cross, *The Puritan Earl*, pp.239-41; More, *op. cit.*, pp.261-62; Pollen, *Martyrs*, p.249.

a great harborer and receaver of Jehesuites and Semeniarie Preestes."<sup>1</sup> Armed with this information the searchers wasted precious time by inspecting the houses of all the Greens they could trace, only to find each and every one of them conforming to the laws of the realm.<sup>2</sup> Huntingdon's death, as mentioned earlier, was a great blow to the Privy Council and led to some deterioration in preventative security. By mid-1596 Yorkshire towns were "exceedingly poisoned with Popish recusants" and the local Catholics were "apt enough to pass and convey such dangerous priests and Jesuits."<sup>3</sup>

The fact was that urban people now tended to conform more with Privy Council policy than the rural parishes, which were much harder to control. This is backed up by evidence from Yorkshire's rural deaneries in 1595-96:

Martyn Ridston gent a nototyous popish recusante a vagrante fugitive person of no knowne lyvinge or welth...

Jane Barker of Bubywthe wydowe a poor woman, a popish recusante harboured & relieved by...John Barker and Elmott Staveley...nothing worth in goods, a popish recusante...

Jane Dyneley of Ingelbie a woman of no lyvinge but harboured and releived onely by William Dyneley of Ingelbie her sonne, a popish recusante....

Jannett Hoode a single woman, a beggar residing in their parish and hathe been indited by order of the lawe.

Katherine Wimpe, a single old woman gnoe living is a recusante

John Grene gent having no living nor goods...save one horse with he rideth upon, is a recusante

Alice Crathorne worth iiiLi in goode a vagrante pson and wandereth here and there...

John Hudson a beggar and Agnes Robinson of Skinningrane servant a popish recusant and hath noe stay of living....

William Marshall of Glacedale a vagrant person but what he is worth is not knowne he is a recusant and somtimes frequenteth the towne of Lyverton...

Robert Gargrave Tailor is a vagrant recusant sometimes cometh into their chappelry & wandereth here and there

Agnes widoe a beggar...and her sonne whose name the churchwardens know not dwelling with her ar likewise Recusants....

John Walker, yeoma' vagrant supposed to have *Cl*i at usurie

Christopher Burdon yeoman, & his wife vagrants worth in goode xxli....

John Parkinson ali Fawkener sometime of Knayton though to be a conveyor of Semnaries from place to place a Will full slanderer of the gospell....

Nicholas Johnson gent sometymes dwelling at Northfield house, a vagrant recusant and is possessed of Lease worth xiiijli vjs viijd & of goods worth xxvjli xiijs jiiijd.<sup>4</sup>

<sup>1</sup> APC 1596-7, pp.77-78.

<sup>2</sup> Palliser, *op. cit.* (1990), p.229.

<sup>3</sup> HMC, *Marquis of Salisbury*, Part VI, pp.54, 62-64. The long-serving clerk of the Privy Council, William Waad, had occasion to receive a letter from John Jackson, preacher of Melsonby church near Richmond, that since the earl's death, "the Papists have increased in number and malice." CSP, *Domestic, 1595-1597*, p.418.

<sup>4</sup> Talbot, *op. cit.*, pp.21-28, 30-31, 33, 44-45, 53.

The most striking thing about this list is that it includes people who were not necessarily poor or utterly destitute. They fell under the swoop of vagrancy laws because (as beggars and drifters were prone to do) they moved from place to place but they actively promoted Catholicism or protected priests as well.

The vagabond character of Yorkshire recusants in 1595-96 and their capacity to harbour Jesuit and seminary priests are further confirmed by the findings of the conciliar directive that went to Matthew Hutton, Archbishop of York, on 26 November 1595. Hutton was ordered by the Privy Council to inquire into the number, social standing and livelihoods of recusants, and in particular to investigate how many stayed in their localities or had become fugitives. Of the 2,040 recusants (868 men and 1,172 women) mentioned in the reports which were returned to Sir Robert Cecil on 25 February 1596, it was revealed that 2 players of interludes, 4 pedlars, 3 pipers, 96 labourers and 1 sailor had been on the move, getting casual employment to avoid the inquiries of justices of the peace and churchwardens. In all, the term vagrant was used 108 times and was applied to those who were not householders or of no fixed abode. Among those who were indicted for harbouring seminary priests was an escapee from the prison at York, Thomas Warcoppe of Burneston in the West Riding.<sup>1</sup>

The findings validate Beier's point that the law as much as economic circumstances went a long way to stigmatising people as vagrants. Local Catholics could be indicted as vagrants because they took up the cause of the runagate priests, and in their adventures were impossible to differentiate from 'regular' drifters frequenting taverns and alehouses. This happened to Miles Dawson in July 1596 when he confessed before the Archbishop of York and the Council of the North. Dawson was a school teacher in York for two years but convinced himself of the righteousness of the Catholic religion. Accompanied by two men, Dawson travelled "by common inns" and made contacts in London, Cambridge and Oxford.<sup>2</sup> The rest of the 1590s was not particularly outstanding in the way of new developments at York. The pattern of the past remained the same: priests landed on the coast; they continued to be discovered in the houses of people living within or near the city gates; receivers and harbourers of seminary and Jesuit priests were punished at the York assizes and either languished in the dungeons of York Castle or were swiftly executed. The investigations of Anthony Atkinson in

<sup>1</sup> The above is based on the findings in E.E. Reynolds, "Recusants in the Province of York (1596)", *The Month*, New Ser., 27, 4 (April, 1962), pp.227-37.

<sup>2</sup> HMC, *Marquis of Salisbury*, Part VI, p.283.



Lincolnshire in July 1597 showed that Jesuits and seminary priests who were protected in that county still had easy access to Yorkshire and Derbyshire.<sup>1</sup>

Herein is summed up the basic problems that the Privy Council had in ridding Yorkshire of vagabond priests and of bringing native confederates to heel, despite having at its disposal the powers of the municipality of York, the Council of the North and the High Commission. The capture of a large proportion of seminarists, Jesuits and the few remaining Marian priests failed to prevent the growth of a Catholic 'hard core' among certain Yorkshire gentry families. It also has to be remembered that Tudor government was government by the gentry and if some members of it were not entirely sympathetic to government policies, then those policies were compromised. This opened the way for officials, even under the vigilant eye of a Huntingdon, to be inefficient if not corrupt and likely to promise recusants their release from prison on payment of a bribe. The nature of the administrative apparatus, finally, helped recusants who shielded massing priests to escape the wrath of the law. Largely because it was run by professional lawyers and so was slow and complex, good attorneys working on behalf of recusant gentry resorted to delaying tactics before the courts and encouraged their clients to constantly move abodes. Aveling cites individuals from county and municipal families that got away with this. William Middleton of Stockeld was a wealthy and important recusant but he was labelled a vagrant because he constantly moved round his houses in the West and North Ridings in the 1590s.<sup>2</sup>

By the first years of the seventeenth century the successes of Jesuits and seminaries were being successfully thwarted, though slowly and not completely.<sup>3</sup> The inspiration they had undoubtedly given in encouraging recusants not to attend church was put to one final test resulting in a large number of captures, indictments and executions of priests, and conversions.<sup>4</sup> The Bishop of London confidently asserted in his report to the Privy Council that fomenters of sedition experienced "a great distaste to our strict government here, and makes papists think that we proceed more strictly with them than is done elsewhere."<sup>5</sup> Thomas Lord

1 *Ibid.*, Part VII, pp.105, 230; HMC, *Marquis of Salisbury*, Part IX, p.194; *CSP, Domestic, 1595-1597*, p.369; McGrath and Rowe, *op. cit.* (1989), pp.225-26; Anstruther, *Seminary Priests*, p.324; Collins, *op. cit.*, II, p.12.

2 Aveling, *op. cit.*, p.215.

3 Witness the events at Groman Abbey near Whitby during the spring and summer of 1599. Lord Sheffield's raid on the place uncovered popish books and materials for celebrating Mass, and made Groman Abbey the "chief receptacle of the most dangerous recusants, priests, and fugitives in those parts." See *CSP, Domestic, 1598-1601*, pp.188, 200-1, 210-11, 232-33.

4 HMC, *Marquis of Salisbury*, Part IX, p.31; *CSP, Domestic, 1598-1601*, pp.321-22, 379; Anstruther, *Seminary Priests*, pp.42-43, 246, 356-57; *APC 1598-9*, p.709; *APC 1599-1600*, p.601. On the apostasy of priests for this period see Michael C. Questier, "English Clerical Converts to Protestantism, 1580-1596", *Recusant History*, 20, 4 (October, 1991), pp.455-77.

5 *CSP, Domestic, 1601-1603; With Addenda, 1547-1565*, p.211.

Burghley, securing the appointment of Lord President of the North in August 1599, enjoyed only a short time in the office but in what amounted to the last real Elizabethan purge of priests and their supporters, he echoed Huntingdon's campaigns by harrying recusants, capturing some priests and punishing corrupt officials.<sup>1</sup> He commented in March 1600 that 18 out of every 20 recusants now proceeded to go to church: "In the worst parts of this shire I hear five hundred have come in this three weeks, so that a notable papist complained that the common people are declining from them."<sup>2</sup> The statement of Thomas Thursby, a seminary priest who was arrested on 14 June is also noteworthy. Not only did he admit to being a Catholic, he was forced "to fly out of his country [county] to avoid persecution, because they take stricter courses in the north country at this time than has been heretofore accustomed."<sup>3</sup> A year later he was forced to rectify this belief somewhat when he added that in spite of certificates indicating greater religious conformity, he could not vouch "for the remoter parts."<sup>4</sup> The younger Lord Burghley was no more successful than the earl. This failure to completely eradicate the priests' wanderings in Yorkshire is not surprising. Even the justices of the peace for the county, less than a year before Elizabeth's death, admitted that it was ultimately an impossible task. The Jesuit Wright may have been recently apprehended in July 1602 and Robert Nutter and Edward Thwinge executed at York, but experience told the justices "that the people here (with whose affections we are acquainted, being for the greater part inclined to popery) will...confirm themselves in that religion."<sup>5</sup>

Elizabeth I's advisers had an enormously difficult situation to handle at York. The Privy Council worked with a number of authorities in order to suppress vagrancy there. Apart from the municipal administration the Privy Council communicated with the Council of the North and its Lord Presidents, and the ecclesiastical administration under the Archbishop of York. In common with the other towns, vagrancy in York took on many subtle and unsubtle forms, requiring responses of varying effectiveness according to the circumstances at any given moment. The nature of the regional economy, migration to York, enclosures, the Dissolution, and the disastrous conditions of the 1550s and early 1560s all profoundly affected the ability of middling and poor people to find and sustain their livelihoods. Many of the policies which

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1 Aveling, *op. cit.*, p.216; Harrison, *Elizabethan Journals*, III, p.39.

2 HMC, *Marquis of Salisbury*, Part X, p.48.

3 Anstruther, *Seminary Priests*, p.356.

4 HMC, *Marquis of Salisbury*, Part XI, p.236.

5 *Ibid.*, Part XII, p.232; Harrison, *Elizabethan Journals*, III, pp.110-11.

Elizabeth's Privy Council recommended to York's authorities were admittedly either not new or were already in operation. Surveys of the poor were carried out, beggars whipped and work houses established.

Elizabeth's reign witnessed a recovery of sorts in York as some trades revived and new ones prospered, but the revolt of 1569-70 forced the Privy Council to intervene more thoroughly than before. The city had such an important place in Elizabeth I's strategic considerations that it was far easier to simply repress roaming paupers in or near it, than go to the expense and time of finding other ways to relieve them. Again, vagrants and masterless people came in all shapes and forms. The harshest and at times cruellest treatment was reserved expressly for vagabonds who were seen as a menace to public order. Like the unrest in Norfolk and related events at Norwich in 1549 which terrified the propertied classes and triggered conciliar-inspired searches for vagrants, the Northern Rebellion was the turning point as far as conciliar interference at York is concerned. In religious terms York was conservative but thanks to the presence and durable legacy of the Earl of Huntingdon and the more Puritan archbishops, its leaders were conscious of doing more to enforce the Elizabethan laws concerning prayer and worship, and to find and bring to book the massing priests and their harbourers. The fear that they generated resulted in few sessions at which a small number of vagrants was not presented, and justices of the peace may have heightened the problem overall by insisting on the eviction of squatters from rural hovels. In hard economic times their attitude stiffened, hence their occasional checks on the numbers of vagrants who were then whipped and sent from constable to constable back to their own parishes.

## CHAPTER 9

### ASSESSMENT AND CONCLUSIONS

Their enemies were disorder, and the restless appetites which, since they led to encroachment of class on class, were thought to provoke it...their aim was to crystallize existing class relationships by submitting them to the pressure, at once restrictive and protective, of a paternal Government, vigilant to detect all movements which menaced the established order, and alert to suppress them.<sup>1</sup>

The Elizabethan period was a dynamic one and in the preceding pages it has been suggested that a fundamental change occurred in how vagrancy and its characteristics were perceived, in the context of a changing economy and deteriorating international political situation. As the number of barely distinguishable beggars and respectable poor rose, there was a shift from the increasingly inadequate locally and community-based support for the poor and punishment of masterless people in the five towns, to conciliar solutions. The battle against vagrancy between the years 1558 and 1603 cannot be seen in isolation from events prior to and after them. From the 1450s to the 1630s, economic and demographic developments in most regions of England increased the number of destitute people and reinforced the negative associations surrounding the idle poor. These had long term effects on communities and towns, which in an era of mounting poverty and conditions of beggary, virtually assumed the whole burden of poor relief. The religious convulsions between 1530 and the remainder of the century also had consequences for the Elizabethan regime. It brought matters to a head by changing perceptions of who a vagrant was and what he or she represented as a symbol of economic, political and social deviance.

Having analysed the causes, character and course of vagrancy in Chester, Leicester, York, Norwich and Northampton, and the Privy Council's response in each case, it now remains to do four things. Firstly, the significance of the four major types of vagrancy - the landless or jobless poor, ex-servicemen, travelling entertainers, Jesuit and seminary priest - will be summarised. Secondly, the role and effectiveness of the Privy Council as a body and individuals in terms of conciliar and statutory policy implementation, will be looked at. Thirdly, did the towns in question really want conciliar intervention in their business, considering that they already had poor relief schemes in place? Fourthly and lastly, it needs to be asked if the

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<sup>1</sup> R.H. Tawney, *Religion and the Rise of Capitalism* (London, repr. 1943), pp.166-67.

Privy Council's handling of vagrancy at the towns tell us anything about the development of England as a nation state in the seventeenth century.

Vagrancy deeply troubled the Tudor establishment. In the sixteenth century enclosures drove men, women and their families to seek new prospects on the open roads. Some writers also stress the influence of the Dissolution. It destroyed an important charitable institution and the poor had much difficulty in discovering other means of relief. Unemployment, depressions in the cloth industry, rapid inflation, dearth and the growth of population exacerbated vagabondage and masterlessness in the Elizabethan era. Some of those people who moved about the country and towns were genuinely looking for employment as it had been traditionally practised and regulated, but others preferred the sorts of employment (for example tinkers, pedlars, vendors) that required a wayfaring kind of life. The effects of the Dissolution and enclosures influenced the thinking of Elizabeth's privy councillors. They (but not all of them) were persuaded in their views by the growing belief among religious and secular writers and thinkers that vagrancy was not just a social problem, but evidence of unacceptable behaviour on the part of a member of the commonwealth. In the recent words of one writer, vagrancy came to be seen "as the practice of reprobates beyond the pale."<sup>1</sup> Both Calvinist theology, armed with its sharp and uncompromising division between the elect and the damned, and economic dislocations that divided society into a prosperous and respectable elite and an impoverished underclass, helped to bring about this new ideological formulation. One can detect this change in the shifting attitude toward the solicitation of alms and charity, beginning with mendicant friars in the reigns of Henry VIII and Edward VI, and ending with the Elizabethan experience of returning soldiers and seamen. Public begging insulted and subverted the social order of the Tudor commonwealth. As England became increasingly Protestant and the older medieval ideals of poverty and charity became unfashionable, idleness was condemned as both a sin against God and a damnable crime against the commonwealth.

Vagrants came to be seen as members of a criminal 'antisociety' and deserving of being condemned in Hell. A mere short step to that place of destination was another symbol of Tudor society's division into cultures of good and evil - the alehouse, tippling house or tavern. Within these establishments drinking companions, rogues, beggars, tricky or lazy servants and braggart soldiers congregated. They violated the Elizabethan social order with their indulgence

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<sup>1</sup> Jonathan Haynes, *The Social Relations of Jonson's Theater* (Cambridge, 1992), p.99.

in other sure signs of depravity and crime: swearing, whoring, fighting and roistering. Inevitably, with destitute people pushed onto the road by trade, harvest crises and housing shortages, drinking and gaming establishments became synonymous with society's flotsam, the vagabonds, prostitutes and beggars. Government and pamphlet propaganda, however, tended to exaggerate the notion of alehouses as dens of iniquity and vice, wherein armed gangs conducted initiation ceremonies and veritable 'godfathers' presided over secret and criminal societies. In reality most people inhabiting alehouses were underemployed servants, maids and apprentices with time on their hands, simply escaping restrictions on personal behaviour. Or they were subsistence migrants seeking refreshment and information on local jobs and opportunities, depending on alehouse contacts when kinship and friendship networks evaporated. Tipplers came under fire for allegedly encouraging inebriates and strangers but they generally kept on the right side of the law by reporting political rumours and suspicious characters to the magistrates.<sup>1</sup>

The whole of England, it seemed to privy councillors and local administrators alike, was threatened by beggars including literate, seditious-minded ones at that. This belief took hold as early as the 'mopping-up' campaigns after the Pilgrimage of Grace and Kett's Rebellion. Beggars acquired the image of a fifth column because they were potential or real adherents of traitors to the Tudors. Thieves seemed to abound everywhere, especially in the troublesome north where bands of masterless people and renegades menaced towns and villages long after the Borders ceased to be an effective frontier. English society had always had its poor, idle and displaced, but Elizabeth I's reign produced new twists to the old problems. Vagrants formed a *part* of the general culture of migration to the towns and they were not easily distinguishable from travelling apprentices, servants and other working people. The appearance of the vagrant at the core of the criminal underworld epitomised deep social changes that could not be understood.

Puritanism helped to foster the belief that vagrancy was a sinister conspiracy which spread through the land in ways associated with Catholicism. Not surprisingly, where Puritans were in power they implemented the Privy Council's policies in energetic and ruthless ways. The righteousness of Puritanism encouraged local magistrates to adopt a paternalist and intrusive attitude to the activities of the lower orders in the towns. No doubt the Puritanism of

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<sup>1</sup> See Clark, *English Alehouse*, pp.127-30, 159, 167.

some of Elizabeth's chief officers with whom such magistrates had contact encouraged them even more. Men such as Sir Francis Walsingham, Sir Nicholas Bacon, the Earl of Leicester, Christopher Hatton and the Earl of Huntingdon supported Puritan magistrates, preachers and writers. As we have seen, official records were not alone in documenting this transformation. It also found voice in the rich balladeering and stage traditions of roguery. The fascination with the figure of the rogue in late Elizabethan and early Stuart forms of entertainment ranged from almost sympathetic fascination to outright horror. On one hand Christopher Marlowe's *Tamburlaine the Great* and Shakespeare's *King Lear* invited the audience to think through, via the status crime of vagrancy, the themes of social identity and political organisation that had become unavoidable in England's post-feudal society.<sup>1</sup> On the other hand some works conformed to the government's perception of a politically dangerous multitude of sturdy poor. Puritan diatribes such as Philip Stubbes' *Anatomie of Abuses*, George Puttenham's *The Arte of English Posie*, William Prynne's *Historio-Mastix: The Players Scourge* and Henrie Chettle's *Kind-Hartes Dreame* depicted travelling balladeers and the people who listened to them as the result of moral debasement, of falling from the path of honest work and preferring idleness. Linking these tracts was the common motif of the typical ballad audience being identified with the alehouse and its itinerant customers.<sup>2</sup>

On the basis of evidence from five towns it is at best naive and at worst misleading to generalise about Elizabethan political and social attitudes toward travelling acting companies and individual entertainers. Northampton apart, the evidence at Chester, Norwich, York and Leicester does confirm that under aristocratic, civil and ecclesiastical patronage, hundreds of actors and players criss-crossed England by the end of the sixteenth century, despite growing pressures against their doing so. Entertainers were involved in a complex social struggle with their enemies and detractors in London and the provinces. Attacked as immoral and for inciting disorder in their audiences, the creation of the Theatre and the Curtain in London as legitimate establishments was not enough to suggest that players had a fixed, secure place in the commonwealth. The dilemma after the 1570s rested on two things: who had the right to control

1 Mark Thornton Burnett, "Tamburlaine: An Elizabethan Vagabond", *Studies in Philology*, LXXXIV, 3 (Summer, 1987), pp.308-23; William C. Carroll, "'The Base Shall Top Th'Legitimate': The Bedlam Beggar and the Role of Edgar in King Lear", *Shakespeare Quarterly*, 38, 4 (Winter, 1987), pp.426-41.

2 G.B. Harrison (ed.), *Henrie Chettle Kind-Hartes Dreame 1592 William Kemp Nine Daies Wonder 1600* (London, 1923), pp.15-17; George Puttenham, *The Arte of English Posie*, ed. Gladys Doidge Willcock and Alice Walker (Cambridge, 1936); Sharon Achinstein, "Audiences and authors: ballads and the making of English Renaissance literary culture", *Journal of Medieval and Renaissance Studies*, 22, 3 (Fall, 1992), pp.316-18; and John Jowett, "Notes on Henry Chettle", *The Review of English Studies*, New Ser., XLV, 179 (August, 1994), p.388.

strolling entertainers; and since patronised, licensed and therefore legitimate players were often as idle and footloose as illegal ones, could they be subjected to the same range of controls?<sup>1</sup>

The attitude and policy of the Privy Council is hard to pin down in regard to the treatment and punishment of entertainers. It suppressed actors' groups and theatres but this does not necessarily mean it was hostile to them. Under the earlier Tudors the Privy Council knew that players made a good vehicle for propaganda in winning the 'hearts and minds' of the monarch's subjects, at the risk of public comment on taboo subjects.<sup>2</sup> Under the terms of the 1572 poor law they could authorise them to play without fear of prosecution as vagabonds.<sup>3</sup> The 1570s and 1580s witnessed the unfolding of a fundamental clash between the Privy Council and town governments. While actors received the patronage of Elizabeth I, her courtiers and noblemen, local administrations, deliberately or misinformedly, lumped legal acting troupes with the lowest vendors of the profession. Officials built a maze of legal and economic obstacles to either keep them out or discourage them from performing in their communities. Puritan-leaning town mayors and their supporters among the citizenry and executive arm learned to exercise great patience and tact when a form of entertainment subsidised by a court aristocracy based in London, imposed itself on their provincial urban environments. If there were inconsistencies in the way minstrels and their kind were treated in relation to vagrancy laws, where some escaped its application but others did not, it is because as Peter Womack suggests, they symbolised a political paradox; "actors were affiliated [to] the nation - an invisible collective, too numerous and diffused ever to be literally present - while on the other hand they had disaffiliated from the immediate urban body in whose neighbourhood they happened to work."<sup>4</sup>

To judge if the Privy Council succeeded or failed against the Marian and the Jesuit and seminary priests is equally difficult. The later 1580s and 1590s were characterised by government agents hunting them down and tempering the optimism of the Jesuits by planting spies among them. The Jesuits knew they stood a good chance of being captured and suffering terribly in prison or at their executions. Certainly, the Privy Council and town officials and ecclesiastical commissioners treated captured renegade priests with great severity because of

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1 William Ringler, "The First Phase of the Elizabethan Attack on the Stage, 1558-1579", *HLQ*, 5, 4 (July, 1942), pp.394, 406, 411, 417-18; Muriel C. Bradbrook, "The Status Seekers: Society and the Common Player in the Reign of Elizabeth I", *HLQ*, XXIV, 2 (February, 1961), pp.111-14.

2 *Ibid.*, p.115.

3 *Ibid.*, p.117; Peter Womack, "Imagining Communities: Theatres and the English Nation in the Sixteenth Century", in David Aers (ed.), *Culture and History 1350-1600: Essays on English Communities, Identities and Writing* (New York, 1992), p.109.

4 *Ibid.*, pp.110-11.



their presumed political intent. But they were hard to monitor when religious nonconformity became part and parcel of the vagrancy issue; it had the effect of blurring it because of the itinerant nature of priests' lives and of some local supporters. The stubbornness of the Catholic faith and its propagation by Jesuits and seminaries was greater in Yorkshire and Cheshire than in Leicestershire, Northamptonshire and Norfolk. In part the priests' acceptance by local recusant communities was assisted by the ambiguous character of the Church of England itself. For all its Protestant tenets it retained the Catholic structure of bishops, cathedrals, courts, and some traditional rituals and ceremonies.<sup>1</sup> However, this did not stop the idea circulating in government circles that Catholicism was monolithic, seditious and motivated by treason. On closer examination Catholicism was consumed with its own contradictions and tensions but these were not taken into consideration by Elizabeth I's government. The divergence in aims and methods of Henrician and Marian priests, as opposed to incoming younger Jesuit and seminary priests, are a case in point. Neither is it the case that the slightest trace of Catholic belief always provoked hysteria and persecution. According to a recent study by Edward Terrar, labouring class recusants in London, York, Norwich, Bristol and Newcastle were not prosecuted because they were too poor and they conformed, if only outwardly, to the established Church.<sup>2</sup> The act of reconciling English Catholics to the spiritual and political authority of Rome was, nonetheless, fraught with danger for those who attempted it. Jesuits and seminaries went about their mission covertly, disguised as paupers, merchants and soldiers. Their disguises helped them to become part of the vagrancy mythology in that the original purpose with which they visited England was construed as meaning something else.

The most that can be said about the Privy Council's searches for Jesuits and seminaries in the five towns was that it was a mixture of success and failure. In the late 1570s and 1580s the Privy Council was just coming to grips with massing priests' movements about the country. It took a full decade of patient information gathering by the officers and spies working for Lord Burghley and Walsingham, to learn about the likely local supporters, harbourers and landing or hiding places, before the Privy Council could put commissions to work effectively in the late 1580s and early 1590s. The persecution became so intense that Claudio Acquaviva, a general of the Society of Jesus at the time, seriously considered suspending or abandoning the Jesuit

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1 Kenneth Fincham, "Introduction", in Fincham, *op. cit.*, p.2.

2 Edward Terrar, "A Seventeenth-Century Theology of Liberation: Antinomianism and Labour Theory of Value in the Beliefs of English Catholic Labouring People, 1639-60", *The Journal of Religious History*, 17, 3 (June, 1993), pp.297-98.

mission in England entirely.<sup>1</sup> Even then the successes arrived at in the towns have to be put in the context that some priests were never identified, let alone apprehended in Elizabeth I's time. The priest Garnet had been in England since 1586 and "had his Finger in every Treason since that time", was eventually arraigned on 28 March 1606.<sup>2</sup> On some occasions the Privy Council demonstrated its vigour and thoroughness. The victims of capital punishment in the fight against vagrant and runagate priests in the five towns were part of a national trend.<sup>3</sup>

The mustering and demobilisation of soldiers was a far more pressing administrative nightmare. The evidence of the five towns, in fact, bolsters the pessimistic picture presented in a recent and more general study of early modern Europe and the impact of warfare upon its emerging (and hostile) nation states. England's Privy Council was just one of many European governments prepared to administer military matters in every aspect, but lacked the administrative experience, finance, personnel and resolve to find answers to the difficulties of mustering, discipline, provision of food and pay to officers and foot soldiers, or how to accommodate great numbers of ex-soldiers back into civilian life.<sup>4</sup> Recruits had little or no inclination to attend the musters. Neither did they have much enthusiasm for overseas service. Increasingly, the tendency to leave a locality once it was known the musters would be in progress forced the Privy Council to authorise lord lieutenants and their deputies to adopt the convenient measure of impressing men, far too often of poor quality, character and all too often vagrants, into service. The Privy Council knew that at all levels of mustering and demobilising soldiers, it needed the experience of professional soldiers. There were never enough of them, however, and their professionalism and dedication to efficiency ran counter to local loyalties and ways of doing things. At all five towns this is true and furthermore the Privy Council was powerless, unless energetic individuals such as the third Earl of Huntingdon were actually there, to arrest the deterioration in municipal responsiveness to orders. The Elizabethan muster system failed due to the demands made on it for ever increasing numbers of men, and because it made the problem of the vagrant or rogue soldier a two-fold one. The army and navy's organisation, firstly, created rogues and vagabonds, and in the second case it permitted rogues and vagabonds to be impressed. The services' mixture of private enterprise and public service encouraged captains and other officers to engage in fraudulent contracting of men, supplies and

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1 Thomas M. McCoog (ed.), *Monumenta Angliae. I. English and Welsh Jesuits: Catalogues (1555-1629)* (Rome, 1992), pp.lxii-lxiii.

2 Sawyer, *op. cit.*, 2, p.205.

3 Dures, *op. cit.*, p.32.

4 Frank Tallett, *War and Society in Early-Modern Europe, 1495-1715* (London, 1992).

wages. Justifiably, official and literary writers condemned officers for their part in creating conditions of vagrancy within the ranks.

From town constables' point of view military duty was a dangerous affair. Reprisals against constables occurred during the 1580s-90s, 1613-17, the late 1620s and late 1630s, those periods when the Privy Council asked local authorities to inspect and keep in readiness armour, weapons and muster only fit men for military service in Ireland, on the high seas or on the Continent.<sup>1</sup> Impressment naturally aroused much hostility about the number and types of men required. While pressing someone into the army or navy was a good way of settling old scores under the guise of following instructions, such as the time when a sixty year old Norfolk man "imperfect in his arm" was pressed because he bore witness against a constable's brother<sup>2</sup>, it was also common for constables to be bribed or offer bribes. Constables, at the risk of being impressed themselves if they failed in the task, took the expedient of pressing strangers, usually vagrants, rather than their neighbours and they offered bribes to captains in order to release legitimate recruits and avoid the risk of vengeance. A contemporary and widespread complaint arose that deputy lieutenants *and* constables connived to press men "who were strangers travelling through on urgent business; some insufficient men were not listened to, and others prest were released by the constable for reward."<sup>3</sup>

The level of this activity cannot be exaggerated. If it was bad in Elizabethan times it grew worse in the Stuart period. In Leicestershire constables rarely executed a warrant for impressment "wherein it is not preceived that they returne some for particular spleene" - and the commonplace nature of these incidents did not enhance the constables' record. Again in Leicestershire, a lord lieutenant queried the constables' ability to raise good quality troops: "seeing themselves every day prest for their disservice and every day released, beeing confident of their impunitie by experience...make dayly returne of defective men before us." In Northamptonshire (1639-40) deputy lieutenants accused constables of producing unsatisfactory recruits. Burton Latimer and other constables were pressed into the army themselves for apprehending and detaining the servants of gentlemen and "strangers of good quality of other countyes" instead of "their owne townesmen."<sup>4</sup> The behaviour of some lesser officers caused a lot of concern. Their delinquency merely reflected the reality that the Tudor military system was

1 Kent, *op. cit.* (1986), pp.40-41, 229.

2 Stearns, *op. cit.*, p.9.

3 *Ibid.*

4 Kent, *op.cit.* (1986), pp.181-85, 302-3.

riddled with corrupt practices, involving higher constables, captains, conductors of troops and even deputy lieutenants. Conflicting signals from the Privy Council did not help either. The many demands for only fit and able-bodied men to be levied were interspersed with its permission to local authorities to draft "unnecessary persons that now want employment and live lewdly or unprofitably."<sup>1</sup>

Chester suffered more than the other towns combined because of its dual role in receiving soldiers and then ferrying them en masse to Ireland. Nonetheless the Privy Council received many letters from the authorities in Leicester, Northampton, Norwich, York and their county equivalents regarding dangerous bands of ex-servicemen. They had returned from military campaigns only to find that their livelihoods no longer existed and the chances of finding a new one were remote. If soldiers were injured they found themselves at the mercy of inadequate relief or legal wrangles between town and county magistrates as to who was liable to pay them supporting pensions. Thus the Privy Council intervened on soldiers' behalf. Martial law was deemed to be the only adequate response to suppressing and executing bands of deserters and armed brigands. When deserters got back to the familiar shores of England they were not averse to causing trouble further inland.

The Privy Council took the lead in schemes to punish vagrants and relieve the poor. Conciliar intervention in urban affairs reached its peak in Elizabeth I's later years when her government's fiscal and military needs put pressure on municipal corporation rights. Town councillors, starting with the mayoral and aldermanic bench, took control of a range of parish officials including constables, churchwardens, beadles, overseers and nightwatchmen. Where the ruling elites wielded power as justices of the peace, aldermanic justices implemented many administrative duties demanded of them by the Privy Council. They did so through the law courts, quarter sessions, assizes, church sermons, general administration, or medical and occupational corporations. New forms of deference had to be created and it was not enough simply to bolster mayoral power via proclamations, statutes and other fiats. Even seating arrangements in town hall council chambers, church pews and the manner of how aldermen and councillors proceeded to the gild hall, court, or church had to be visually coercive.<sup>2</sup> English

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<sup>1</sup> *APC 1623-1625*, p.250.

<sup>2</sup> Clark and Slack, *English Towns*, pp.126-34; Robert Tittler, "Seats of Honor, Seats of Power: The Symbolism of Public Seating in the English Urban Community, c. 1560-1620", *Albion*, 24, 2 (Summer, 1992), pp.206-10, 213-14.

society, as conditions in the towns show, was slowly but steadily changing from one in which all people had a place and a duty to which, for the common good, secular and religious powers strove to retain them, to a capitalist one in which people lived and worked independent of authority. The men who ruled the land in the name of Elizabeth I had to adapt to economic changes which, since the late fifteenth century, had separated agriculture and industry from the web of traditional social obligations in the manor, village and gild.

As a unit and individuals, privy councillors were just as much involved in local administration on an everyday basis as the town officials on whom they relied. The councillors symbolised patriarchy and the paternal reality of Tudor government with their oft-repeated concerns for public order and the social harmony of the commonwealth. Much of the anti-vagrancy provisions in the poor law Acts, especially those of 1572 and 1576, came from the Privy Council. As national figures, the privy councillors in this thesis immersed themselves to varying degrees of interest and effectiveness - in instigating new welfare experiments that emerged in each of the towns under review. The Earl of Huntingdon in Leicester and York, the Earl of Derby in Chester, Sir Christopher Hatton in Northampton and the Duke of Norfolk and Lord Hunsdon in Norwich, epitomised conciliar action just as innovative in social welfare and the punishment of crime as the urban authorities with whom they closely worked. They held sway in the countryside and in the urban sphere over and above those who exercised jurisdiction in York, Chester, Northampton, Leicester and Norwich.

Elizabeth I inherited from Cardinal Wolsey and Thomas Cromwell a system whereby the monarch could not only rely on an increasingly effective Privy Council as a tool of government, but one that coordinated poor law draft schemes to employ vagrants on highway building projects, fortifications and harbours.<sup>1</sup> From such beginnings the Privy Council reached its apogee between 1590 and 1640, getting the laws relating to economic conditions of the poor and idle put in operation systematically throughout the kingdom. Elizabeth's Council was vigilant in urging and harassing justices and mayors to obey the spirit and the letter of legislation. The Privy Council was only a handful of men who did not have a supporting departmental bureaucracy. The sheer separation of government from its subjects meant that highly placed officials claimed greater powers than they could implement.<sup>2</sup> Potentially, the risk of losing papers and not keeping track of events was greater. In the Stuart era this was all the

<sup>1</sup> G.R. Elton, *Reform and Renewal: Thomas Cromwell and the Common Weal* (Cambridge, 1973), pp.73, 122-24.

<sup>2</sup> Christine Carpenter, "Law, Justice and Landowners in Late Medieval England", *Law and History Review*, 1, 2 (Fall, 1983), pp.213-14.

more so, "especially when the guiding hand of an efficient secretary of state was lacking."<sup>1</sup> The Privy Council's position rested on the will and strength of the Crown, not on a popular or parliamentary basis. It did react to the political vagaries of the day but to a large extent it proceeded along a course determined for it by that period's social and political forces.

The Statute of Artificers showed that the Privy Council had grown anxious on the whole question of vagabondage and poor relief. There may have even been a growing sense of compassion among privy councillors for the afflicted masses who had to bear the brunt of inflation, poor harvests and shrinking local and international cloth markets. What compassion there may have been was not directed by sentiment. The purpose of the Statute of Artificers was to create not only conditions of work in a given region but to also counter the effects of rising labour costs and migration "which threatened to overturn [the] economic regime."<sup>2</sup> In any case such sympathy was quickly extinguished by the events of 1569-70 in Norwich and the dread that they would be repeated elsewhere.<sup>3</sup> When the conspirators tried to make contact with the northern rebels their effort was associated with vagrancy in that hungry people with families to feed could not afford to be too discriminating about where their sustenance was coming from. So the whipping campaign which arose out of the Northern Rebellion and lasted from 1569 to 1572 was a temporary expedient that succeeded in only suppressing the manifestations of vagrancy without tackling its causes. The 1572 Act was in some ways visionary, in others backward looking. It did have a 'catch all' definition of vagabonds and masterless people but the authorities who executed it were obliged to recognise the existence of exemptions, namely returning soldiers and sailors, and servants and harvest workers who in the nature of their jobs had to move around. Nonetheless the Act echoed the severity and sheer brutality of the 1547 statute: the imposition of whipping and ear-boring for the first offence; condemnation for felony on a second offence; and the death penalty for a third.

In some government and literary circles during the 1570s it was felt that whipping campaigns against these most visible symptoms of disorder and economic dislocation were neither productive nor workable. The Acts of 1572 and 1576 recognised, begrudgingly, that there were some people who were idle through no fault of their own. Provisions of stocks of flax, hemp and iron were allocated to the towns and the necessity for compulsory contributions

1 Derek Hirst, "The Privy Council and Problems of Enforcement in the 1620s", *Journal of British Studies*, XVIII, 1 (Fall, 1978), p.53.

2 L.R. Poos, "The Social Context of Statute of Labourers Enforcement", *Law and History Review*, 1, 1 (Spring, 1983), p.52.

3 See above, pp.244-46.

in the form of weekly instalments to relieve the poor was recognised. The Privy Council expected town authorities to administer the aforesaid statutes and as we have seen in each case, individual privy councillors made their personal presence felt on several occasions. Important as this was, the Privy Council did not adopt purely 'stand-over' tactics to ensure laws were carried out. After all, the central government invited John Aldrich, mayor of Norwich, to take part in the parliamentary discussions of 1571-72 in regard to improving methods of poor relief.

If it is suggested that the Elizabethan Privy Council failed to curb vagrancy in each town and actually made it worse, then the most visible symbol of that failure was the main feature of the legislation of 1576, the house of correction - Bridewell. That failure is all the more pointed when it is estimated that nationally, approximately 200 houses of correction were in existence at one time.<sup>1</sup> Bridewells represented an improvement on the draconian severity of the 1547 Act which reduced vagabonds to slavery and the 1572 Act ordering them to be committed to jail. Vagrants, at the very least, now had a chance to redeem themselves through work even though, given the context of the times, conditions were undoubtedly harsh and at times appalling. Local Bridewells were obviously too small and under-funded to cope with the poor en masse. In the first generation of their existence provincial Bridewells followed the course of London's by achieving some measure of success, and justices of the peace were conscientious in their administration.<sup>2</sup> Unfortunately, work houses retained the stigma of poverty. The attitude that rogues and beggars should be punished for their condition as well as for their idleness lingered in Jacobean times. Basically, the assumptions which took no notice of people's increasing geographical mobility and tendency not to be employed all the time (interpreted as the love of "delightful idleness and wandering"<sup>3</sup>) continued to dominate official thinking.

Administrative factors were the main cause of the Bridewells' problems. Bridewells were a new administrative form and it is probable that customs and norms, allied to greed and corruption, left their mark. London's Bridewell, the house which provided the initial model for others, was tainted with scandal in 1602 when the City authorities farmed out the prison for 10 years at £300 to certain promoters, only to uncover rorts and all manner of vice within a few months.<sup>4</sup> According to a 1610 report, 1,697 persons who were relieved mostly consisted of ex-soldiers and vagabonds temporarily housed there before being sent to their parishes of origin.

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1 Sidney and Beatrice Webb, *English Prisons under Local Government*, p.12.

2 *Ibid.*, p.14.

3 HMC, *Marquis of Salisbury*, Part VII, p.118.

4 O'Donogue, *op. cit.* (1923), pp.190-92.

Barely 130 of them actually experienced any "arts and occupations" and of these at least 88 were children.<sup>1</sup> The purpose of Bridewells as centres of reformation was corrupted by the temptation to use them as ordinary gaols. Prisoners entered them not for reasons of moral guidance but safe custody. Privy councillors found it expedient to use London's Bridewell as a state prison for Roman Catholics, Spanish prisoners of war and for "men and women who had libelled king, queen or courtier, who were suspected of stealing plate from Whitehall palace or of carrying letters from a suitor to a wealthy ward of the King."<sup>2</sup> Since these were not the uses for which Bridewell was originally intended, they must have created inconvenient precedents in administrative practice and weakened its claim to be an institution of a distinct kind.

Idleness, originally meaning people who could not or would not support themselves, came to mean something far more general and disturbingly vague.<sup>3</sup> The masters of houses of correction in each town had the opportunity to interpret the law to suit the circumstances of their institution. The houses of correction in Leicester, Chester, York, Norwich and Northampton do not reveal a unified pattern of management being practiced. What they do show is that, tragically, there were occasions when genuinely innocent people without employment were made to work alongside criminals and idlers. The urban institutions were not profitable or productive and the Webbs were essentially correct in diagnosing their faults. When a master was appointed and had his salary fixed, and when a magistrate did not distinguish between a Bridewell and a county gaol, Bridewells operated as private concerns. The custom of "passing" vagrants from place to place and the tendency to farm out the institutions to private contractors in order to alleviate public cost, effectively devalued houses of correction.<sup>4</sup> The Acts of 1572 and 1576 served as the basis of Privy Council policy for the next twenty years. Their suitability for the five towns varied. Possibly the only successful aspects of the Acts were the coercive ones. Examples from state papers have shown that officials were more expert at catching vagrants, whipping them, banishing them and incarcerating them. Because they caught more vagrants it was assumed that vagrancy was increasing when in fact they apprehended people whose employment relied on their mobility.

The next phase of conciliar action which the towns experienced, or endured depending on the circumstances and the attitude of the Privy Council towards them, followed in the wake a

1 Hadwin, *op. cit.*, p.233.

2 O'Donogue, *op. cit.* (1923), p.185.

3 Robert B. Shoemaker, *Prosecution and Punishment: Petty crime and the law in London and rural Middlesex, c. 1660-1725* (Cambridge, 1991), pp.37-38; Lipson, *op. cit.*, III, p.426.

4 Sidney and Beatrice Webb, *English Prisons under Local Government*, p.15.



of succession of good harvests and the declaration of war against Spain. In the mid-1580s and mid-1590s catastrophic harvests were accompanied by widespread riots and desperate attempts to regulate prices. Only one of the five communities investigated - York - recorded cases of actual starvation as Newcastle and Cumbria did, or suffer a considerable increase in vagrants as happened in Somerset in 1596 (so vividly described by Edward Hext) or the grain-related anti-merchant riots in Stratford during the winter of 1597-98.<sup>1</sup> The Poor Law Acts of 1598 and 1601 came about when it appeared that vagrancy threatened to overwhelm the whole legal process. They reflected a century of experiment, spanning ideas which were based on totally repressive or enlightened attitudes. By this late stage the Privy Council was not prepared to make innovations and it fell back on the old formulas. It was too concerned with removing the danger of insurrection to facilitate 'progressive' care for all categories of poor. The punishing of vagrants returned to the spirit of the 1572 legislation. Justices of the peace were given leave to settle cases out of sessions and a person caught begging in a town could be whipped until bloody, without the magistrate being informed of the fact. Vagrants who were strangers were given testimonials of punishment and returned to their home parish for the purpose of being placed in service if they were able-bodied, or in almshouses if they were incapacitated. Provision was also made for banishment from the realm or perpetual service on the galleys. They left themselves open to be executed as felons if any returned from such banishment.

It is not easy, then, to assess the success or failure of the Privy Council in suppressing vagrancy in Chester, Leicester, Northampton, Norwich or York. Obviously, town aldermen regularly patrolled the parishes to flush out vagrants and even delved into their own funds to bolster public provisions. However, conditions, history and the diligence of urban officials and magistrates in sustaining the initial enthusiasm for a particular scheme, varied and tended to wane. The demands placed on lord lieutenants, deputy lieutenants, justices of the peace, churchwardens and constables were many and they increasingly conflicted with local political and economic pressures in the two last decades of the sixteenth century. From the perspective of the Privy Council, administrators seemed to carry out their obligations only partially and tardily at best. To a large extent the degree of efficiency they had depended on regional economic circumstances. By 1600 population growth and commercial/industrial activities in the

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<sup>1</sup> Palliser, *op. cit.* (1990), p.218; Pound, *Poverty and Vagrancy...*, pp.50, 52; Richard Wilson, "Against the Grain: Representing the Market in *Coriolanus*", *The Seventeenth Century*, VI, 2 (Autumn, 1991), p.111.

towns and the tendency for people to be geographically mobile, were altering the character of their communities. These changes produced a growing disparity between prosperous merchants and artisans and poor skilled or non-skilled labourers, with the potential to undermine the type of communal cooperation which was so essential to local government's success.

Peter Clark has elaborated on a number of themes to illustrate why vagrancy in sixteenth and early seventeenth century towns became such an important issue.<sup>1</sup> Demographic growth was an important variable in that, aside from being a defining characteristic of urbanisation, towns experienced a very high influx of poor migrants coming from the countryside or other recession-hit towns. Urban growth before 1640 was markedly substantial in that the incidents of plague, popular unrest and subsistence crises did not deter people from tramping into the urban environs. Migration to towns fuelled demographic expansion, most noticeably in the south-east of England where population deficits in towns, housing shortages and surplus labour in the countryside combined to create a flood of newcomers to urban centres. Poorer migrants, often indistinguishable from people apprehended for vagrancy, travelled long distances from the economically devastated upland regions of the north-western counties. The towns into which vagrants and legitimate migrants arrived were going through fundamental economic changes. Towns which had been established in early medieval times, such as Gloucester, Canterbury, Coventry, York, Norwich and Winchester, could not by the mid-sixteenth century rely solely on textiles to survive, nor on the tightly regulated craft guilds that worked in them. The industry was moving to the countryside and smaller towns, and so challenging the marketing role and regional supremacy of once mighty towns. This forced provincial capitals such as York and Norwich to diversify their industrial base and as a consequence specialist industrial, distributive and servicing trades emerged.

Town rulers accomplished this process only by undertaking some fairly ruthless decisions regarding their pauper populations. Alleviating the worst effects of poverty and beggary figured among the most crucial tasks of urban magistrates. Labourers and artisans uprooted from the countryside or other towns were prone to the ravages of destitution, isolation and begging. The lives of once-proud craftsmen or smithies became enmeshed with those of casual labourers, minstrels and pedlars, prostitutes, vagabonds, returned soldiers and the disabled. Migrant paupers (no matter what skills they had) compounded local unemployment

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<sup>1</sup> The following two paragraphs are based on Peter Clark, "Introduction", in Peter Clark (ed.), *The Transformation of English Provincial Towns 1600-1800* (London, 1984), pp.13-19, 30-31.

and created levels of poverty that exceeded 30% in some cases, threatening to overwhelm traditional poor relief projects. During trade depressions or plague outbreaks this situation was at its most critical. Hence town leaders introduced a range of solutions of varying effectiveness: work stocks; Bridewells; evictions of immigrants; municipal work schemes; licensing of beggars; or establishing new almshouses and hospitals. The fundamental flaw in these initiatives was that not all vagrants could be caught, nor could genuine recipients of poor relief be consistently supported and protected by a few ill-paid constables or overseers. Clearly, poverty on such a large scale had repercussions for town administrations.

Edicts emanating from the Privy Council and making their way down the 'system' via the town aldermanic benches may have inspired awe, and churchwardens and constables knew they were answerable to the more alert judges of assize and justices of the peace. There were more than a few occasions when they simply refused to fulfil their legal obligations. Knowing full well that they risked financial penalties and instances of personal and public humiliation, why did many local officials persist in doing so? Local traditions, social relations and above all loyalties in one's own street or ward could decide the outcome of a vagrancy case. Stuart Clark comments on ordinary people having their own forms of policing and punishing offenders.<sup>1</sup> This theme of subjects differing from their lords and masters in how they perceived and defined what constituted anti-social behaviour has been explored more fully by Keith Wrightson in his study on Stuart Essex and Lancashire. He makes the point that historians rely too heavily on how Tudor and Stuart moralists, legislators, administrators and political thinkers conceived of order, and how they hoped to achieve it practically through a combination of parliamentary legislation and Puritan-inspired moral regulation. Parish inhabitants had a concept of order but their "ideal arrangement of human institutions, a pattern of authority and an ultimate scheme of values" differed from that of official ideology. Their values were more flexible than statute law and more in tune with economic realities than the ideals of legislators and moralists. Thus the Edwardian Act of licensing alehouses and Elizabethan Statute of Labourers were implemented in such a way as to minimise interference into unapprenticed or unauthorised participation in trades, crafts and manufactures.<sup>2</sup>

1 Stuart Clark, "Popular Culture and Politics in the English Revolution: A Review Article", *Comparative Studies in Society and History*, 30, 1 (January, 1988), p.167.

2 Keith Wrightson, "Two concepts of order: justices, constables and jurymen in seventeenth-century England", in John Brewer and John Styles (eds.), *An Ungovernable People: The English and their law in the seventeenth and eighteenth centuries* (London, 1980), pp.21-46.

Every municipal scheme, including the more thorough ones in York and Norwich, was dogged at some stage by indifference, financial difficulties and corruption. Much anecdotal evidence has been presented in this study but it is not proof that local officials did their job well or poorly. The towns arrested vagabonds and rogues regularly: Chester, York, Leicester, Northampton and Norwich have arrest records for long periods of time in the sixteenth and early seventeenth centuries. There is also plenty of evidence to suggest that individuals and families were successfully cared for. Elizabethan government was capable of wielding effective action and on many occasions the 'system' worked. Petty constables made presentments to higher constables, who passed on their certificates to justices of the peace and Sheriffs, who in turn sent them to the board of the Privy Council or individual members of it. Most vagrants received trials and ensuing punishments at the parish level. The records depended on the diligence and vigilance of justices of the peace and their clerks keeping constables' presentments meticulously up-dated and thorough. Each town could not possibly hope to implement every aspect of legislation and Privy Council directive that was put to them, even if some towns had parliamentary bills designed specifically for their economic benefit. They neither had the organisation nor the money to do it.

The most workable system that the Privy Council had in policing the parish level utilised a mixture of ad hoc procedure and local tradition. It would be pointless to be too critical of this system because as Elizabeth Melling suggested, "the people of several centuries ago had neither the conception, the inclinations nor the means to adopt modern administrative methods."<sup>1</sup> Much of the material presented in this study is derived from the Privy Council's *Acts*. Over a time span of nearly fifty years the *Acts* reveal something about the nature of Tudor government. The registers contain many decrees on a whole variety of subjects, of which vagrancy was a substantial part, issued in the same mode and language. This indicates two things: firstly, that the Privy Council never really attempted anything new in dealing with vagrancy; secondly, thanks to the structure of society these problems never went away. The Privy Council reacted to events as they cropped up. Conciliar action was characterised by operating on short-term options and dealing with existing crises as they emerged. The only real long-term policy that the Privy Council had was to keep a close eye on each town's situation. It did not feel the necessity to plan ahead with the idea of preventing as many such problems as possible from arising in the

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<sup>1</sup> Melling, *op. cit.*, p.xvi.

first place. Nor could it conceive of dealing with the unavoidable ones as they emerged. The Privy Council did not attempt to integrate the efforts of individuals or groups into a meaningful, co-ordinated whole. In the forty-five years of Elizabeth's reign the Privy Council's methods were mainly punitive in that its most frequent declarations focused on simple targets - rogues, vagabonds and masterless people. It did attempt more positive work-orientated experiments to alleviate vagrancy and conditions of beggary, but the fact is that most Elizabethan legislation, especially the landmark statutes of 1572 and 1576, was valid only until the following Parliament.<sup>1</sup> The 1572 statute did not even specify how the levied poor relief rates were to be assessed and collected. Because it is an example of just one statute open to interpretation, it was naturally open to abuse.

The vagrant was someone who did not fit into pre-conceived notions of work, obedience and deference, and therefore was a socially unworthy nuisance: someone who could not establish to the satisfaction of the central and local authorities his or her place in the social order and productive processes of the Tudor and early Stuart state. One of the most striking features about vagrants is that out of all proportion to their actual numbers, they inspired a succession of parliamentary statutes, royal and conciliar proclamations, and an endless stream of county and town by-laws for their punishment. All these measures encompassed notions of Tudor England's unemployed, landless and masterless population. Government authorities, either in London and Westminster or in the provinces, made bold and at times conflicting assumptions about the causes of vagrancy, its character and how it should be brought to heel.

What, if anything, does the history of the Privy Council's suppression of vagrancy in five Elizabethan towns tell us about England's progress to a nation state? At the end of the Elizabethan age the state had accumulated more power over its subjects and domestic situation than it had at the beginning of the Tudor epoch. Yet it did so without widespread bureaucratisation or truly revolutionary institutional innovations. A.J. Slavin has said that Elizabethan people submitted to power vested in real and sometimes "irrational" agents - ties of kinship, customary law, property systems and religion.<sup>2</sup> The major organs of state power, of which the Privy Council was one, had access to prescriptive procedures and processes but in

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<sup>1</sup> *Ibid.*, p.4.

<sup>2</sup> A.J. Slavin, "The Tudor State, Reformation and understanding change: through the looking glass", in Paul A. Fideler and T.F. Mayer (eds.), *Political Thought and the Tudor Commonwealth: Deep structure, discourse and disguise* (London, 1992), p.224.

the absence of a monopoly on violence, command over the economy or any other sanctions adequate to the extension outward from the centre to the periphery of royal prescription during a time of religious and economic uncertainty, Elizabeth I's ministers ruled more by a distribution of patronage, rather than working through "a rational-legal and constitutional order whose agents possessed the power to control a given territory."<sup>1</sup> This is a bedevilling paradox and it shows that state formation is an indefinite and intangible process. One must treat cautiously the theory that central and local power structures in early modern England were naturally and eternally hostile to each other. Michael Braddick has noted this situation as being at the core of what he calls the "Tudor-Stuart Problem":

The English state in this period was required to deal with new problems, internally and externally, and yet attempts to create the necessary apparatus fell foul of local resistance. However, by the end of the [seventeenth] century the state was far more effective in many of these areas...this presents something of a paradox: the state grew more powerful, and yet the county gentry were triumphant in their battle for freedom from 'central interference'....Local governors were part of the apparatus of the state, and the greater effectiveness of state policy initiatives is perhaps to be explained, in...terms of a new identity among local governors. At the same time this newly powerful state was not imposed on an unwilling populace but offered people the means by which to deal with their everyday problems.<sup>2</sup>

What he is saying sums up the situation between the Privy Council and the five towns. The 'typical' Tudor community transcended purely spatial connotations and policy was not so much imposed as negotiated between various interests.

The investigations into Elizabethan Chester, Leicester, Northampton, Norwich and York reveal that they were an integral part of the Privy Council's more general search for political and social stability. We learn from the study of these towns that the Privy Council was in charge of the state and acquired the authority - to a lesser extent the means - to manipulate the direction of cultural change and the content of cultural life. Through policies of cultural and/or moral regulation, Elizabeth I's councillors tried to integrate provincial society by standardising some basic notions concerning the nature of the social order. By suppressing and punishing forms of cultural and economic life that conflicted with what was seen as natural and normal, Elizabeth I's privy councillors promoted the authorised version of social order as the basis for their own legitimacy.

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<sup>1</sup> *Ibid.*

<sup>2</sup> Michael Braddick, "State formation and social change in early modern England: a problem stated and approaches suggested", *Social History*, 16, 1 (January, 1991), p.15.

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## **Crime, Poverty and Vagrancy**

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