

A Northern Survey of the Tudor Poor Laws

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During the sixteenth century the citizens of Northern England faced dearth, plagues and the collapse of the cloth trade all while the Protestant Reformation unfolded.¹ Through the lens of three villages within the North, it is clear that King Henry VIII and late Queen Elizabeth I, sought to codify the best practices of various counties and maintain social order as they confronted the growing problem of the poor.² While there were inklings of concern around vagrancy and poor relief prior to the Henrican statutes, it was not until the dissolution of the monasteries and the growing economic depression that widespread overarching legislation was applied. As the Tudors strived for centralized power, it meant they needed to limit the spread of citizens from village to village. Villagers' politics and connections to nobility played a role on the ground in the application of the Tudor poor regime in the northern villages of Chester and Lincoln. In these villages and their greater counties varied with their enforcement and care of the poor. Areas, like the port town of Chester, that were economically central to the Tudors were more likely to be already practicing the themes of the laws. Not everyone was willing to go along with the transition and dissolution, as seen in uprisings in Lincoln where poverty and vagrancy thrived due to the collapse of the cloth trade. The poor laws did not purely seek to alleviate the problem of poor, instead, they defined who was worthy of relief and established standardized protocols and punishments in efforts to maintain order and reduce travel.

The authority and social control that villages wielded on a local level is best viewed through their execution of various statutes of the old Poor Laws.³ As such, it is important to chart

¹ The English Reformation took place during the sixteenth century. While it was a part of the greater Protestant Reformation amongst Europe, a movement away from Roman Catholicism, in England, it was mostly a political tool for King Henry VIII to get his marriage annulled.

² Tudor England refers to 1484 – 1601, the length of the Tudor family dynasty. The majority of this paper will focus primarily on the Henrican and Elizabethan periods.

³ “Old Poor Laws” are meant to distinguish the Tudor Poor Laws of the sixteenth and seventeenth centuries from those enacted in the nineteenth century.

the ways that the laws had evolved from the market-controlling medieval restraint of able-bodied beggars into the comprehensive legislative regime of the mid-sixteenth century. When supplementary methods to curtail vagrancy had emerged, there was a newfound need to assign authority of their execution. This ultimately transitioned into the elaborate state-led system of public welfare that lingered into the Stuart Period.⁴ Not only will these laws be examined in the context of the powers given to local authorities in poor relief, but they will also reveal the ways in which the Tudors sought to centralize and protect their authority. This will be done by putting the laws within the socioeconomic context surrounding the emergence of Tudor authority in England, focusing on themes encompassing the deserving poor and their care as well as the undeserving and their punishments between 1485 and 1601. An effort to examine the ways that the Tudor monarchs centralized order and control of the realm in relation to the themes of criminalization of idleness and vagrancy control are evident in prescriptive sources, such as laws themselves, the local registers, as well as the *Letters and Papers, Foreign and Domestic, Henry VIII*. The Tudor monarchs' poor regimes demonstrate the continuous change in classification and perpetual redefining of who made up the deserving and undeserving poor. Legislation and proclamations were utilized in a more nuanced way than as a means for the eradication of early modern poverty. During this delicate transitional moment, the comprehensive legislation displays the Tudor monarchs' desire to maintain centralized control and prevent the spread of moral failings such as idleness and roguery from contaminating others in society. Moreover, the legislation verifies that interactions between religious, political and social dynamics were shifting along with the values and expectations of the realm. Included in these cultural values was charity and the "deserving poor;" not only did legislation articulate who was eligible for relief, but it sought to construct a socioeconomic and political instrument which would punish

⁴ A.L. Beier, *The Problem of the Poor in Tudor and Early Stuart England*, (London: 1983), 14.

those who chose to remain unemployed, while also stripping the authority of public charity away from churches and entrusting it with community leaders. No longer would churches be the authority on charity, nor would beggars get a free pass to wander. According to the novel relief system, however, the Justices of the Peace are responsible for enacting compulsory poor rates and distributing the alms.

The research presented would not be possible if it had not been for historians growing interest in the socioeconomic history of England in the 1970s and 1980s. As proved with Richard Harvey's publication, "Recent Research on Poverty in Tudor-Stuart England: Review and Commentary," in the *International Review of Social History*. In this article Harvey presents John Pound's work surrounding the *Norwich Census of the Poor*, as well as A.L. Beier's and Paul Slack's respective works surrounding vagrancy and Elizabethan England. Published in 1979, Harvey also mentions W.K. Jordan's work on public relief history, which was at the forefront of the research, publishing *The Charities of London, 1480-1660* in 1960.⁵ In order to recreate the image of the poor laws on the ground in the North, this paper is building on the works of these men, as well as the more recent and critical research of Marjorie Keniston McIntosh.

The desire to limit vagrancy in an effort to maintain society with economic reforms was not unique to the Tudor family. These standards of the deserving or impotent poor grew out of medieval legislation enacted in response to the Black Death's eradication of a large percentage of the feudal labor force. The shortage in labor led to peasants negotiating wages as well as remaining voluntarily unemployed in favor of collecting alms. This leisurely unemployment furthered the increase of wages and labor shortages, ultimately resulting in the need for

⁵ Richard Harvey, "Recent Research on Poverty in Tudor-Stuart England: Review and Commentary," *International Review of Social History* 24, no. 2 (1979): 237–52.

state-sponsored social order to prevent the laborers from wandering place to place and disrupting the status quo. These laws established a fixed price for labor, services and victuals, that insufficiently matched amounts from the pre-pestilence period 20 years prior and penalized those who were both receiving and giving more than those set amounts. Not only this, but the criminalization of vagrants was codified and gave power to local authorities to imprison laborers who left their jobs, as well as “the lords of the towns or manors” who tried in “any way to act contrary to this our present ordinance.”⁶

The initial poor law put in place under tudor rule was not apart of comprehensive reforms, but rather it sought to scale back the “rigorous” laws concerning vagrants. King Henry VII enacted the 1495 *Act Against Vagabonds and Beggars* where the aforementioned medieval laws were deemed “too costly” to enforce and instead states that stocks would be put up for their punishment.⁷ Vagrancy in the sixteenth century was considered dangerous and unholy, as Tudor proclamations regarded vagrants as undeserving members of the poor who were responsible for “all of the vices and enormities to the high displeasure of God and disturbance of the King’s peace and his subjects.”⁸ Evangelical condemnation of voluntary poverty and concern with maintaining socioreligious order coincided with the overall increase of beggars and idleness in England. Instead, King Henry VIII’s solidification of authorities allowed for villagers in Christian communities to utilize the transition as a moment of opportunity. Utilizing the gap in authority of poor relief as a means of skirting moral responsibility, evangelicals put forth the “puritan work ethic” in order legitimize their abdication of religious obligations to those who

⁶ *The Ordinance of Labourers* (1349) and *The Statute of Labourers* (1351) in “The statutes of the realm”: Printed by command of his majesty King George the Third, in pursuance of an address of the House of Commons of Great Britain. From original records and authentic manuscripts / [Edited by Alexander Luders and others]., v.1.pp 307-309;

⁷ Beier, 50.

⁸ Paul Slack, *Poverty and Policy in Tudor And Stuart England*, (Longman, New York: 1988), 23.

were “incapable of working for their own support.”⁹ It was not until 1531 that the more comprehensive English poor laws officially began with the King Henry VIII’s *An Act Concerning Punishment of Beggars and Vagabonds* which responded to the rising number of beggars as a result of depression. Reforming the punishments of the able-bodied beggars from stocks to public whipping and forcing their return to their hometown in 1531 was not sufficient, as 1536 statute entailed the returned vagrants to work. A rough draft in 1535 laid out plans for public works jobs to be provided, but this was scraped and instead, it put more responsibility on the “parish or municipal authorities.”¹⁰

During the medieval period of fourteenth-century England, King Edward III’s labor laws codified various types of “poor” and themed that were later defined and expanded upon by the Tudor poor laws.¹¹ Not only do these medieval laws elude to the Tudor’s attitude towards the poor, but also, as a result of this precedent, the people of England were harboring little sympathy for the willingly poor, who medieval poet William Langland called “wasters.”¹² Also Draconian was King Edward III’s request that his subjects, “under the aforesaid pain of imprisonment,” refrain from the pious obligation of alms and to resist “cherish[ing] them in their sloth, so that thus they may be compelled to labour for the necessities of life,” in order cut off support from the “many sound beggars [who] refuse to labour so long as they can live from begging alms” and “[give] themselves up to idleness and sins, and, at times, to robbery and other crimes.” Instead of focusing on the inability of laborers to negotiate their pay, it is more crucial in this context to note how the law established a precedent for the refusal of alms to needy neighbors

⁹ Marjorie Keniston McIntosh, “Poverty, Charity, And Coercion in Elizabethan England,” 461.

¹⁰ Pound, 38.

¹¹ Edward III was an English king from 1327 to 1377 who had restored royal authority after the tumultuous reign of his father, Edward II.

¹² Anne M. Scott, *Experiences of Poverty in Late Medieval and Early Modern England and France*, (Ashgate, England: 2012), 20-21.

deemed “undeserving,” creating a community divide. The statute made it a matter of neighborhood obligation for the communities to concern themselves with the legitimacy of those who were collecting alms as their primary source of income, establishing a communal distrust and disdain of the idle poor.¹³ The *Ordinance of Labourers* (1349) explicitly forbids almsgiving to those who are physically able to work and defines this class as vagrants, while the *Statute of Labourers* (1351) instituted stocks in every village for the purpose of punishing runaway laborers and other idle members of the community.¹⁴ These medieval laws allude to themes that are central to the Tudor poor regimes, such as the legal definition of the Deserving and Undeserving Poor.

Declaring these medieval mandated labour laws of imprisonment too costly to enforce, 1495’s act established a standardized punishment for the undeserving and reinforced the theme of the disabled, “impotent” poor as the only group worthy of fiscal support through codification. On the otherside of that coin, it also served as a call to punish the undeserving poor and reduce wanderers. Building upon this, King Henry VIII, motivated by financial needs cloaked in moral reasoning, seemingly viewed the concept of Tudor poor relief as a vessel for social control instead of a system of social welfare for the “impotent” or otherwise powerless members of the community. It leaves the question unanswered whether if some who were deemed “rogues,” were deemed so in order to minimize the required responsibility of their wellbeing, especially considering the counterintuitive notion of local communities reducing the rate of poverty in their

¹³ *The Ordinance of Labourers* (1349) and *The Statute of Labourers* (1351) in “The statutes of the realm”: Printed by command of his majesty King George the Third, in pursuance of an address of the House of Commons of Great Britain. From original records and authentic manuscripts / [Edited by Alexander Luders and others], v.1.pp 307-309;

¹⁴ *The Ordinance of Labourers* (1349) and *The Statute of Labourers* (1351) in “The statutes of the realm”: 307-309; “The Statute of Labourers, was issued after the great plague of the Black Death, which raged in Europe from 1347 to 1349. The same fields remained to be tilled, the same manual labour to be performed; but a large proportion of the labourers had died, and the rest could command what wages they pleased.”

communities by reducing who was eligible for care. The actual administration of the relief and enforcement of the punitive anti-vagrancy measures were acted out at the local level in communities, leaving the “middling-sort” to be churchwardens and overseers of the poor who would selectively enforce different aspects of the legislation depending on the local attitudes. Regional variation in adherence to the various statutes and reveal that the poor regime may have been legislated on a national level as a mechanism to codify local practices and redefine who was deserving of charity. By standardizing certain practices such as requiring registers of the poor and restricting almsgiving, the Tudor poor regime was more likely inspired by the local efforts that were already in place in regions that were economically central to England.

Chester

Vagrancy as a result of widespread poverty led Mayor Henry Gee of Chester to enact some of the earliest legislation that identified the poor and defined them in accordance with the laws of King Henry VIII. In 1539 regulations stipulated by the Mayor confronted the social concerns arising from “the great number of multitude of valiant idle persons and vagabonds” who, rather than “labour for their livings,” chose to earn their means through the “charitable alms of good Christian people.” This behavior was declared “contrary to good conscience and the wholesome statute and laws of our sovereign Lord the King in such case made and provided.”¹⁵ In an effort to ensure the city was in compliance with the King’s values and the Lord’s, the point of this regulation was to create a census of the “number and names of all indigent and needy mendicant people” and divide these now licensed beggars into assigned wards within the city of Chester in which they would be limited to beg. Not only were “every of them assigned” to wards as a result of being “searched, known and written,” but every household within every ward had a

¹⁵ REGULATIONS MADE AT CHESTER as TO BEGGARS, 1539. [Morris. *Chester in the Plantagenet and Tudor Reigns*, pp. 355,356], in *Economic Sources of England*, 366.

list of those deemed deserving of Christian charity. If a beggar who was not listed attempted to collect alms, the household would be obligated to “deliver him to the constable of the same ward” so that he could be punished in the stocks.¹⁶

Chester’s regulation also made a point to put idle laborers to work in pursuit of a society with a strong work ethic. The regulation targeted those deemed undeserving with work obligations, as it stated “that all manner of idle persons, being able to labour” within Chester who were “not admitted to live by alms,” were required to “offer themselves to be hired” every workday in order to live within Chester.¹⁷ Sixty beggars were licensed until further surveys of Chester’s poor conducted throughout the sixteenth century documented an increase in the amount. The increase of licensed beggars is followed with the 1586 emergence of mandated monthly hunts for vagrants and rogues by magistrates, which would be employed at various points during the late sixteenth and early seventeenth century.”¹⁸ Not only was Chester one of the leading cities in England for censuses of the poor, but they also established one of the earlier houses of correction for the suppression of vagrancy through workhouses for the able-bodied poor, with initial assessment efforts emerging in 1572. The Chester workhouse officially opened up in 1576 and was inspired by London’s Bridewell, established in 1557 as a house of correction that permitted the seizure of vagrants.¹⁹ Vagrants and otherwise undeserving members of the poor were sent to work in an effort to reform them with “the discipline of work,” while also allowing the house to run like a machine without too much outside economic stimulus.²⁰

¹⁶ Regulations made at Chester, 366-367.

¹⁷ Regulations made at Chester, 367.

¹⁸ "Early modern Chester 1550-1762: Economy and society, 1550-1642," in *A History of the County of Chester: Volume 5, Part 1, the City of Chester: General History and Topography*, ed. C P Lewis and A T Thacker (London: Victoria County History, 2003), 106.

¹⁹ C.P. Lewis, *Early Modern Chester*, 106; Austin Van der Slice, *Elizabethan Houses of Correction*, 27 *Am. Inst. Crim. L. & Criminology* 45 (1936-1937), 51.

²⁰ Van Der Slice, 51.

Chester's house focused on clothmaking and employed 20 poor people in 1577 and that number grew to 100 by 1638.²¹

National acts that influenced Chester's enactment of poor relief were the Act of 1563 for the Relief of the Poor and the *Act for the Punishment of Vagabonds and for the Relief of the Poor and Impotent* which established compulsory charitable donations and poor rates respectively. For Chester's deserving poor, the introduction of compulsory charitable alms in 1563 and then poor rates in 1572 were not enough and parish poor rates were administered. The 1598 s Elizabethan poor law reforms were eagerly enacted by the mayor, aldermen, JPs, constables and the parish overseers.²² Charitable benefactors left direct poor relief, established loan programs with no interest, and also provided work opportunities for those deemed deserving, with combined charitable relief equating to about £84 a year, which is not too far off from the £98 raised through compulsory charitable donations in 1567.²³ Chester was a city which held an important place in the greater English economy, not only due to its manufacturing of leather, but also due to its location. It was the largest port in the northwest and distributed wool, linen, leather goods, corn, cattle and cheese.²⁴ Likely because of the city's access to resources and civic connections to London, Chester was able to confront the problem of the poor in a manner that resembled the actions seen in the South in London's Bridewell and Norwich's census.

Lincoln

In as early as 1517 those who were able-bodied and poor were being tracked in Lincoln, with constables in charge of gathering and presenting of the idle and able "before the mayor and his brethren" those who were not employed.²⁵ By 1531 the previously mentioned statute was put

²¹ CP Lewis, 107.

²² Lewis, 106.

²³ Lewis, 108

²⁴ Lewis, 102.

²⁵ Tudor and Stuart Lincoln, 38.

out by the king requiring that the unlicensed vagrants as well as the idle and able to be whipped, yet it ensured the poor were relieved. There are records that twice in Lincoln that the common council ordered and executed a search of the poor to be presented before the mayor under this statute. While the able poor was being searched for and put to work, those who were deemed deserving of alms were given an “ensign” which allowed for their begging legally.²⁶

The dissolution of the monasteries caused great commotion during this period, with any monastery that was valued under a certain amount being dissolved. The Black Monks cell was likely to be up for dissolution and on May 4, 1536 the common council’s recorder went to London in an effort to obtain any of the land for the city to no avail. The land was not suppressed at that time, yet when it was, the city was still unable to lock down the land which sowed discontent. In response to the different clerical bodies coming into their county dissolving monasteries and collecting new taxes an uprising loomed.²⁷ These rebels had ample demands and they seemed to express discontent with the new role that the government had. These demands were: “that no more religious houses be suppressed, except (according to one report) 'such houses as the king has suppressed for his pleasure only'; that the subsidy be remitted; that the clergy be released from payment of tenths and first fruits to the Crown; that the Statute of Uses be repealed; that villein blood be removed from the privy council; that five heretic bishops, including Cranmer, Latimer, and Longland, bishop of Lincoln, be deprived and punished.”²⁸ This uprising included the tearing up of Thomas Cromwell’s commission that was being read aloud to the villagers.²⁹ There were many towns with known “traitors” as Richard Cromwell called them, within Lincolnshire, so many that he felt that “the whole shire should be sacked,” yet at the end

²⁶ Tudor and Stuart, 39.

²⁷ Tudor and Stuart Lincoln, 42.

²⁸ Tudor and Stuart, 43.

²⁹ 43.

of the uprising, Louth and Horncastle's gentlemen offered to surrender. This was not what the king wanted, as he was hoping to teach them a lesson.³⁰

This agrarian region was struggling with unemployment due to the collapse of the cloth trade, and Lincoln's poor existed before the sixteenth century but it was the commands of the King that put pressure on required local councils to take action within their specific parishes. In Lincoln in the 1540s a pillory was erected for the able-bodied poor and constables were to search for them and present them before the mayor.³¹ In 1551 the county enforced presenting on a widespread scale, and in some areas, JPs may have been too quick to use their authority. Evidence of its overuse is seen in 1585 with a complaint against one JP sent to the Earl of Lincoln. He is "accused of abusing his authority as a justice for the furtherance of his own private business," and he was also accused of "ordering that his daughter's maid be put in the stocks in Leatherhead for speaking against his daughter," which demonstrates a willingness to use the stocks.³² There is evidence that the stocks were used when travelers from London, like a butcher and a haberdasher were taken to the stocks. These men were "taken among vagabonds and valiant beggars."³³ Beggars were licensed in Lincoln in accordance to the 1531 statute, and "twice under this statute the common council ordered a search for vagabonds," while the "parish constables were bidden to bring the poor of their parishes before the justices and aldermen, have their names recorded, and those authorized to beg had an 'ensign' provided for them," and as for alms, they were collected weekly, but were only for those who were licensed and no one else.³⁴

³⁰ Tudor and Stuart Lincoln, 47.

³¹ Tudor and Stuart Lincoln 66

³² Discovery Catalogue, National Archives, "Articles of complaint by unknown 'poor men' to the Earl of Lincoln, Lord High Admiral [d.Jan 1585], against the conduct of Edmund Slyfield as justice of the peace,"

<https://discovery.nationalarchives.gov.uk/details/r/25a5c65a-7877-4eda-951f-30e396054118>

³³ Tudor and Stuart Lincoln, 38.

³⁴ Tudor 39.

There is a lot more to be said about the village politics surrounding social welfare and the increasingly rigid definitions of the deserving poor. There are records of the dissolutions impacts on other villages in the north, specifically within Yorkshire. These records along with various wills and hospital records help to understand why the King was met with yet another uprising in the North.³⁵

³⁵ Regretably, I will not be able to make these points in this paper at this time. I intend to correct all errors with footnotes and have further details on the larger legislation that I did not include at this time. I understand that this survey is incomplete as it stands, but I hope for your patience as I complete it

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