

PART THE FIRST.

CHAPTER I.

Early legislation — Laws of Athelstan and Canute — State of the population prior to the Conquest — Under the Norman kings — In the time of Henry II. — Conquest of Ireland — Magna Charta — Feudalism — Laws of Henry III. — 'Provisions of Merton' — Laws of Edward I. — 'Statute of Winchester' — 'Statutes of Merchants' — Slavery of the people — The Crusades — Annexation of Wales — Condition of the Welsh people — Rise of a middle class, *temp.* Edward II. — Mingling of the races — Advance of freedom — Increase of vagrancy — Laws of Edward III. — 'Statute of Northampton' — The great plague — 'Statute of Labourers' — Sumptuary law — Prevalence of violence and disorder — Laws of Richard II. — Popular progress — Spread of freedom — Wat Tyler's rebellion — Population in 1377 — Wages and scarcity of agricultural labourers — First game-law.

It has been usual to assign the origin of our English Poor Law to the time of Richard the Second, but an approximation to the principle of a Poor Law may be discerned in the legislation of a much earlier period. Our Saxon ancestors required every peasant who had not a domicile of his own, to reside with some householder who should be responsible for him. Without such surety he would not be regarded as a member of the community, nor be entitled to its protection. By the laws of King Athelstan (A.D. 924), it was ordained that ^{A.D. 924.} "lordless men, of whom no law can be got, ^{Athelstan.} the kindred be commanded that they domicile him to folkright, and find him a lord in the folkmote."^a And further, "if any landless-man should become a follower in another shire, and again seek his kinsfolk, that he may harbour him on condition that he (the kinsman) make 'bot'^b for him." And the laws ^{1017.} of King Canute ^{Canute.} (A.D. 1017) ordain "that every one be

^a "Folkmote" or "Folcgmot," a general assembly of the people.
^b "Bot"—amends—satisfaction for an injury.

brought into a hundred and in 'borh,'^c and that the 'borh' hold and lead him to every plea."^d Each householder was held responsible for all the individuals of his household, whether bond or free, and for any stranger whom he had admitted under his roof.

These laws were no doubt intended as measures of police, and appear well calculated to prevent the growth of vagabondage and violence. But they had likewise the effect of establishing reciprocal relations between the landless-man and the landowner; between property and poverty; between the householder and the houseless; casting upon one the duty of supervising the conduct and providing for the wants of the other, in some respects similar to the Poor Law of the present day. The results of this legislation were likewise, it may be presumed, not very dissimilar, for the improvident and the indolent would endeavour, with the smallest amount of labour, to obtain the largest amount of assistance from the householder who was liable for their support and responsible for their conduct; whilst the householder would as certainly endeavour to obtain the largest amount of labour in return for the cost and responsibility to which he was subject. It would be then—as it has been since, and is now—a struggle between property and poverty, between the provident and the improvident, between the industrious and the idle; and on the mode in which this struggle is conducted, and on the equilibrium attained by these opposing influences, the social condition and general weal of a people will, as has been before observed, in great measure depend.

The state of the Anglo-Saxon population, as they existed prior to the Conquest, has been thus well described:^e "Among the Anglo-Saxons

^c "Borh"—a surety.

^d See also the Laws of Hothaire and Eadric, A.D. 673 and 959, in the Ancient Laws and Institutions of England, published by the Record Commission.

^e See Lingard's 'History of England,' vol. i. pp. 347 and 353. See also Sir F. Palgrave's 'History of the English Commonwealth,' vol. i. p. 13.

the free population was divided into the *Eorl* and *Ceorl*, the men of noble and ignoble descent. The former were said to be ethel-born; and, with a people acknowledging no other merit than martial prowess, it is probable that this distinction attached to those only whose fathers had never exercised the occupations of husbandry or the mechanical arts. . . . Among the ethel-born, the first place was occupied by the cyning, or king. After the royal family, the highest order in the state was that of the ealdormen, or earls. The districts which they governed were denominated their shires, confined originally to a small tract of country, but gradually enlarged to the extent of our present counties. The 'thanes,' so called from *thegnian*, to serve, were a numerous and distinguished order of men, divided into several classes of different rank and with different privileges. . . . The lowest class of freemen was that of *ceorls*, or husbandmen; of these some possessed boecland, but not in sufficient quantity to raise them to the rank of thanes; others held lands of their lords by the payment of rent, or other free but inferior services. . . . These several classes formed but a small part of the population, of which perhaps not less than two-thirds existed in a state of slavery. . . . All slaves were not, however, numbered in the same class. The most numerous class consisted of those who lived on the land of their lord, near to his mansion, called in Saxon his 'tune,' in Latin his 'villa.' From the latter word they were by the Normans denominated 'villeins,' while the collection of cottages in which they dwelt acquired the name of village. Their respective services were allotted according to the pleasure of their proprietor. Some tilled his lands, others exercised for him the trades to which they had been educated. In return they received certain portions of land, with other perquisites, for the support of themselves and their families, but all were alike deprived of the privilege of freemen.

Their persons, families, and goods of every description, were the property of their lord. He could dispose of them as he pleased, either by gift or sale. He could annex them to the soil, or remove them from it. He could transfer them with it to a new proprietor, or leave them by will to his heirs."

Hume, on the authority of Selden,^f notices two statutes of Athelstan, by the first of which a merchant, who had made three long sea-voyages on his own account, was entitled to the quality of a thane; and by the second, a corl or husbandman who had been able to purchase five hydes of land, and had a chapel, a kitchen, a hall, and a bell, was raised to the same distinction. The opportunities were, however, few by which a merchant or a corl could thus acquire distinction; and all writers agree in describing the people—not the servile classes only, but the entire people (for there was no middle rank)—as being at the time of the Conquest in a rude and barbarous state. Many of the clergy were hardly able to read the Church service; and whilst the nobility and landed gentry for the most part spent their time and means in riotous living and in coarse sensual excesses, the great body of the occupiers and cultivators of the soil were held in a state of bondage, without the power of removing from the estates on which they may be said to have vegetated, and where they were consequently kept in a condition of almost total ignorance and barbarism.

At the period of the Conquest (1066) the Anglo-Saxon population has, with every appearance of probability, been estimated at 2,150,000,^g including every class or denomination into which the people were divided, from the corls or nobles to the ignoble corls or churls: the

^f See Hume's History, vol. i., Appendix 1, p. 209; the edition of 1782.

^g See M'Culloch's Account of the British Empire, vol. i. p. 396. See also the 'Pictorial History of England,' book v. cap. 7, where this question is very fully discussed.

wergild, or value of the life of the former, being held equal to that of six of the latter. The Normans were more advanced in civilisation than the people whom they conquered, among whom they introduced many of the arts and elegancies of life, but these benefits were purchased at a heavy cost. The military adventurers who accompanied the Conqueror had to be ^{1066-1087.} rewarded, and this could only be done by dis- ^{William the Conqueror,} possessing the present occupants, so that the conquest ended in confiscation and in the establishment of a despotism far more oppressive than that which had previously existed. The great body of the labouring classes remained, it is true, as in the Saxon times, partly serfs or slaves, prædial or domestic, and partly villeins attached to the soil. But William introduced the feudal system in its utmost severity, and the bondage which had been comparatively easy under Saxon rule became a stern and rigid despotism under the Norman. In one respect, however, the change was not unattended with advantage. Order was established, the laws were rigorously enforced, and breaches of the public peace were severely punished. William himself exercised despotic sway, but he permitted none other to commit violence or transgress the law. Such was likewise the case during the reign of Henry the First, who ^{1100-1135.} was called "the Lion of Justice," and of whose ^{Henry I.} stern severity in enforcing it numerous instances are recorded. He is said at one time, in Leicestershire, to have hung no less than forty-four persons charged with robbery. In other respects he was a great and accomplished prince, and, on account of his learning, acquired the name of *Beauclerc*, or the Scholar. Of the reigns of Rufus and Stephen, one immediately preceding, the other following, that of Henry the First, it need only be said that, whilst equally tyrannical and oppressive, they were wanting in the order so strenuously maintained by the Conqueror and by Henry, and therefore,

although no less fertile of evil, they were without the countervailing good.

In saying that the Normans introduced many of the arts and elegancies of life, it is not meant to imply that civilisation, as the term is now understood, prevailed during the Norman period. A century after the Conquest, and in the reign of Henry the Second, the most powerful sovereign of his day, there was great coarseness of manners and habits; and the most squalid wretchedness, and vice in its most revolting form, were rudely blended, and, as it were, incorporated, with the pomp and pageantry of the royal processions. These processions were, in fact, little better than organized mobs, perambulating the country, and levying contributions, without stint or mercy, upon all who unhappily came within their reach. Estates were then held on the condition of furnishing straw for the royal beds and litter for the royal apartments. The rush-strewer was a recognised officer in the royal household, and it was considered an act of unusual magnificence to cover the floor of the great dining-hall with clean rushes or clean straw daily, so that those who could not find room at the common table might sit on the floor without soiling their clothes. Homely and incongruous as this may appear, contrasted with the barbaric splendour exhibited on other occasions, it is yet consistent with what is seen in every rude and partially civilised state of society. A passion for show prevails most among a savage or semi-savage people, and can in no case be regarded as a proof of civilisation, the characteristics of which are simplicity and harmony, an avoidance rather than a courting of gorgeous pageantry.

In 1172 Henry the Second completed the conquest of Ireland. That country, then in a state of utter barbarism, and governed by native chieftains constantly at strife among themselves, had been, by a papal bull, declared subject to the English Crown; and

1154-1189.
Henry II.

1172.
Conquest of
Ireland.

Strongbow, Earl of Strigul, accompanied by a small number of followers, had, with Henry's permission, undertaken the task of reducing it to subjection, in which he made considerable progress, the rude natives being unable to resist his small armed band. After a time, however, Henry himself undertook the enterprise on a more extended scale, and landed at Waterford with 500 knights and 4,000 common soldiers. He met with very little resistance, and after remaining about six months in Ireland, and receiving the homage of his new subjects, he returned in triumph from a conquest which, although easily achieved, has been most important in its consequences.

Magna Charta was wrung from the unwilling John by the armed barons assembled at Runnymede in 1215. This charter, long regarded as the foundation of English liberty, relieved the nobility and freemen from the arbitrary exactions of the sovereign, but the serfs and villeins were not included, and remained in a state of slavery as before. A villein or rustic was not, however, by the imposition of any fine, to be deprived of his carts, ploughs, and implements of husbandry; and this, as is remarked by Hume, "was the only article calculated for the interests of this body of men, probably at that time the most numerous in the kingdom." With reference to this early period, Mr. Macaulay finely observes, "The sources of the noblest rivers which spread fertility over continents and bear richly laden fleets to the sea, are to be sought in wild and barren mountain tracts, incorrectly laid down in maps and rarely explored by travellers. To such a tract the history of our country during the thirteenth century may be not unaptly compared. Sterile and obscure as is that portion of our annals, it is there that we must seek for the origin of our freedom, our prosperity, and our glory. Then it was that the great English people was formed, that the national character began to exhibit

those peculiarities which it has ever since retained, and that our fathers became emphatically islanders,— islanders not merely in geographical position, but in their politics, their feelings, and their manners.”^b

The condition and habits of the nobility and gentry being of the rude character above described, even after the Norman and Saxon races had, in great measure, become blended into one people, it will readily be supposed that the mass of the population must have been in a still ruder state. It is the very nature of feudalism, which throughout the Norman period existed in its most despotic form, to depress the many and to elevate the few. It raised the chieftain to a height so much above the commonalty, as to obliterate any feeling of natural equality or common interest between them. The one revelled in feudal pomp, and exercised an authority little short of absolute over both person and property; the other was ignorant and depressed, without rights or privileges which were not over-ridden or controlled by the will of the superior lord, who was looked up to as a being of a higher order, and whose behest was not to be disputed.

Neither was it the lowest of the people only who were thus controlled. All, of every class below the chieftain, were subjected to the like iron rule. Even in the domestic affair of marriage, a man had to seek the permission of his feudal superior, who exacted a fee according to the circumstances of the parties. Thus in the reign of Henry III., by ‘The Provisions of Merton’ (20th Henry 3rd, cap. 7), it was enacted that, “when an heir cometh to full age, he shall give to his lord and pay him as much as any would have given him for the marriage, before the receipt of his land, and that whether he will marry himself or not; for the mar-

Effects of
feudalism.

1216-1217.
Henry III.

1235.
20 Hen. III.,
cap. 7.

^b See Macaulay's ‘History of England,’ vol. i. p. 17.

riage of him that is within age of right pertaineth to the lord of the fee.” If persons holding property, and that not unfrequently of great value, were thus coerced in the personal affair of marriage, one may readily judge what was the state of the less opulent and inferior orders. This is, however, further manifested by another statute of the same reign, in which men are classed with woods, houses, and other chattels. The 43rd Henry 3rd, cap. 23, directs that “Farmers, during their farms, shall not make waste or sale or exile in woods, houses, *men*, or in anything else belonging to the tenements which they have to farm, unless they have a special grant in the writing of their covenant making mention that they may do so.” The *men* here referred to, and with houses and woods guarded from waste, sale, or exile, were the serfs and villeins fixed to the soil, and rendering the farm productive by their labour, to waste or exile whom would make the farm of less value, and therefore be an injury to the lord.

Our old Saxon institutions, in which the freedom and responsibility of individual action were, to a considerable extent, recognised, could not withstand the aggressive influence of feudalism introduced by the conquerors, and rapidly fell into desuetude. Military chiefs with their armed retainers abounded everywhere. Norman castles sprang up as if by magic throughout the length and breadth of the land, and the longest sword governed if it did not also make the law.

Under these circumstances, the poor, the aged, and the impotent, were encumbrances undeserving of care or consideration; and if they could not obtain subsistence by begging or stealing, they were left to starve. Those only were cared for who were able to take part in the pageantry, and assist in upholding the power, of the feudal baron or head lord, whose influence, and often whose safety, depended on the number and hardihood

1259.
43 Hen. III.,
cap. 23.

of his followers; and he was seldom fastidious in the selection, provided they were strong and courageous. Honesty was not a necessary qualification. The practised and astute plunderer was most valued as a partizan; and the chief who was the most reckless and ferocious was certain of having the greatest number of followers of like character, who flocked to him in the hope of sharing in his successes and rioting in unrestrained violence. The number of such adventurers constantly traversing the country, and ready for any mischief, is described by early writers, and in the preambles to Acts of the legislature, as being very great; and when to these are added the vagabonds and professed mendicants, partly thieves and partly beggars, moving about from one district or one religious establishment to another, the evil must have been of a magnitude truly appalling.

Thus in the reign of Edward the First, little more than two centuries after the Conquest, we find the 'Statute of Winchester' (*The 13th Edward the First*) commencing with this recital: "Forasmuch as from day to day robberies, murders, burnings, and thefts be more often used than they have been heretofore, and felons cannot be attainted by the oath of jurors, which had rather suffer strangers to be robbed, and so pass without pain, than to indict the offenders, of whom great part be people of the same country, or at least if the offenders be of another country, the receivers be of places near." The Act then goes on, in the spirit of our early Saxon legislation, to make the hundred answerable for all robberies perpetrated within its limits; and it further directs, for the more surety of the country, "that in great towns, being walled, the gates shall be closed from the sun-setting until the sun-rising, and that no man do lodge in the suburbs without his host will answer for him; and the bailiffs of towns are to make inquiry of all persons being lodged in the suburbs, and, if they do find any that have lodged or

Edward I.
1272-1307.

1285.
13 Edward I.
Statute of
Winchester.

received any strangers or suspicious persons, the bailiffs shall do right therein." The Act further directs (c. 5) "that highways leading from one market-town to another shall be enlarged, so that there be no dyke, tree, nor bush, whereby a man may lurk to do hurt, within two hundred foot of the one side, and two hundred foot on the other side of the way. And if perchance a park be near to the highway, it is ordered that it be set back two hundred foot from the highway as before-said, or that a wall, dyke, or hedge be made, that offenders may not pass to do evil." It is then further ordered, "that every man have in his house harness (or armour) according to his station, to keep the peace."

These enactments indicate a very disturbed and insecure state of society. From the precautions taken to guard towns, by closing the gates and searching the suburbs, it must be inferred that the plunderers carried on their nefarious avocation in parties, and by combinations more or less numerous. The clearing a space of two hundred feet on each side of the roads leading to and from market-towns, for the protection of passengers, is just the precaution taken in India at the present day, whenever the road passes through a jungle or uninhabited tract of country, in order to protect the traveller from the spring of the tiger—so near does man, when uncontrolled by law, and acting under the influence of his own selfish passions, approach to the nature of a beast of prey proverbial for its ferocity and treachery. It would be impossible for a community to prosper under such a state of things as is here exhibited. Violence would beget insecurity, insecurity would produce recklessness, which would be followed by poverty and want; and so the round would be continued in perpetual succession, beginning with violence and ending in want, which again would occasion the evil of which it was itself a consequence.

To break this chain of evil—to guard against the

consequences of absolute want, and as far as possible to prevent its occurrence, without at the same time lessening the inducement to independent exertion, or imposing an unnecessary burthen on the community—are the legitimate objects of a Poor Law. But the circumstances of the country were not then sufficiently advanced for the application of such a principle. Rude laws were passed prohibiting vagabondage and violence, and inflicting cruel punishments and mutilations on all who were convicted of such offences; but except in the case of the Saxon peasant before mentioned, who, if houseless or landless, was required to place himself under the protection of some householder or landowner, no other means are noticed for obviating or relieving the extremity of want, and thereby preventing one of the most powerful incentives to the commission of crime. At that early period of violence and disorder, the only idea which seems to have been present to the minds of the governing class was that of coercion and punishment. No thought of prevention, in any shape, appears to have occurred to them.

During the reign of Edward the First, however, the germs of future improvement began to be manifested. The laws were rendered more clear and definite, and were better administered. Robberies, murders, and other outrages were repressed. The roads were improved, and travelling was rendered more secure. The complaints of foreign dealers who brought their wares into England were attended to; and, by the two 'Statutes of Merchants' (*The 11th and the 13th*
1283, 1285.
11 and 13
Edward I. *Edward the First*) redress was afforded against the hardships and injustice to which they had been exposed, and which are thus noticed in the preamble to the earlier statute: "Forasmuch as merchants which heretofore have lent (*i. e.* sold) their goods to divers persons be greatly impoverished, because there is no speedy law provided for them to have recovery of

their debts at the day of payment assigned; and by reason hereof many merchants do refrain to come into this realm with their merchandises, to the damage as well of the merchants as of the whole realm." The redress afforded to foreign traders under these Acts, and the other ameliorations of Edward's reign, are manifestations of progress, and all tended to advance civilisation and promote the general weal. By establishing security and greater facilities of communication, social intercourse and the interchange of commodities would be increased, and industry and enterprise encouraged. The effects might not in every case be immediately apparent, but they would be certain in the end; and in proportion as they were developed, would the condition of the people be improved—that is, unless some adverse influence should unhappily exist sufficiently powerful to destroy the good seed thus sown, before it had time to germinate and produce fruit.

That such an adverse influence did exist, and that it must have more or less neutralized the benefits which would else have resulted from the measures above noticed, is certain. Sir Frederic Eden, a writer of no mean authority,¹ in commenting on this period, observes—"If we except the baronial proprietors of land, and their vassals the free tenants and socmen, the rest of the nation seems to have been involved in a state of servitude, which, though qualified as to its effects, was uniform in its principle, that none who had been born in or had fallen into bondage, could acquire an absolute right of property." In a subsequent portion of his work he remarks, with respect to the same period, "In both Magna Charta, and the charter of Henry the Third in 1225, a class of men are mentioned who appear to have been considered in the light of moveable property. The prohibition to guardians from wasting the men and

¹ See Sir F. M. Eden's 'History of the Labouring Classes,' vol. i. pp. 7 and 35.

cattle on the estates of minors is a clear proof that villeins who held by servile tenures were looked upon in the light of negroes on a rice, a tobacco, or a sugar plantation. Long after the year 1225 they were considered as a saleable commodity. In 1283 a slave and his family were sold by the abbot of Dunstable for 13s. 4d.; in 1333 a lord granted to a charity several messuages, together with the bodies of eight natives (villeins) dwelling there, with all their cattle and offspring; and in 1339 we meet with an instance of a gift of a nief (a female slave), with all her family, and all that she possessed, or might subsequently acquire."

The state of slavery here described had long existed —it is indeed difficult to say when it did not exist. It prevailed throughout the Saxon period, it was continued and extended by the Normans, and it was not until after the two races had become amalgamated that the people began to struggle for freedom,—feebly and casually no doubt at first, and with uncertain and varied success; but the impulse once given, the stream once set in motion, it continued to flow onward with an accelerating force, until the last remnant of bondage was swept from off the land.

It took centuries, however, to accomplish this change. The evil was closely mingled with the institutions of the country, and required much time and successive efforts for its eradication. So long as it existed in any shape no great or permanent improvement could take place in the condition of the people, for slavery is a plant of such noxious growth, that nothing good will flourish near it. Wherever it prevails—wherever man is the property of another, he can have no rights or independent will, and is without the personal responsibilities which attach to a state of freedom. The great majority of a people, whatever their social condition, must of necessity be devoted to manual occupation of some kind; but if they are in a state of slavery, their wants are provided for, they are

Slavery of
the people.

clothed, fed, maintained by their masters, to whom they belong, and who are entitled to the fruits of their labour. They are therefore without property, and are themselves the property of others, on whom devolves the charge of providing for their wants, present and prospective. Serfdom and villeinage are only modifications of slavery, and, so long as these prevailed, there could be no call for any special provision for the destitute. The persons who might, if free agents and in a destitute state, have been properly relieved out of the common stock, would, as serfs or villeins, have a claim on their masters, to whom they belonged, and who were bound to provide for them. To afford relief to such persons would therefore in reality be to relieve their masters at the public charge, and thereby exonerate them from the performance of a duty properly incidental to their position.

A state of slavery, in whatever form, and under whatever designation, whether as vassals, serfs, or villeins, is so directly opposed to all the best impulses of our nature, that sooner or later mankind are sure to rise up against it and demolish its chains. The demolition may take place gradually, and by successive efforts on the part of the people themselves, as time and opportunity serve; or it may be accomplished by a great convulsive movement arising out of some stirring and sudden event; or it may be consummated by the master class taking an enlarged view of their true interests, and wisely considering that creatures of their own race, having the same hopes and fears, feelings, passions, and capabilities as themselves, cannot long or safely be kept in what may be called a state of negation, nor in that state be of equal use to their employers or to the community, as when left to the free exercise of their faculties on their own responsibility, within the limits of law.

The crusades in which the Christian powers of Europe engaged for wresting Jerusalem from the dominion of the

Saracens, and which with occasional intermissions were continued from the preaching of Peter the Hermit in 1096, to nearly the end of the thirteenth century, must have exercised a considerable influence on the manners and habits of the period. The numbers who engaged in these enterprises were very great. In the first crusade the Hermit is said to have led a million of combatants to the shores of the Bosphorus. About a century afterwards Palestine became, under our Lion-hearted Richard and his magnanimous opponent Saladin, the chief field of heroic and chivalrous enterprise. It was also a field of superior civilisation; and on their return, the pilgrim warriors brought from thence a knowledge of arts and usages to which they would find no parallel in their own country, but which they would naturally endeavour to implant there. The crusades must therefore, on the whole, be regarded as favourable to social improvement. They no doubt largely promoted the extension of commercial intercourse.

In the year 1284 Wales was finally annexed to the English crown, and by the 'Statutes of Wales' ^{1284.} 12 Edward I. (*The 12th Edward 1st*) a code of laws and municipal regulations was established for that country, which thenceforth may be regarded as a portion of England. The statute commences thus:—"Edward, by the grace of God, King of England, Lord of Ireland, and Duke of Aquitaine, to all his subjects of his land of Snowdon." It then recites that Divine Providence, which is unerring in its judgments, having "now of its favour wholly and entirely transferred under our dominion the land of Wales with its inhabitants, heretofore subject unto us in feudal right, and annexed and united the same unto the crown of this realm as a member of the same body"—the king, being desirous that the land of Snowdon should be governed with due order, and that the people should be protected in security under fixed laws, caused the laws and customs of those

parts hitherto in use to be rehearsed before him and the nobles of his realm, by whom the same were diligently heard and considered; after which certain of them were abolished, some were allowed, and others were corrected, and likewise certain others were added thereto, and the whole were ordained and commanded to be "from henceforth for ever steadfastly kept and observed." The statute then goes on, at much length, to enact a code of laws for Wales, not very dissimilar from those of England, and differing chiefly where the different circumstances of the two countries appeared to render it necessary or expedient.

The Welsh people at this time were far more rude and uncivilised than the people of England, and being secluded in their mountain fastnesses, and almost continually engaged in border depredations, their improvement under such circumstances was unlikely, if not nearly impossible. The establishment of a uniform code of law, administered under the supervision of a stable and vigorous government, must therefore have been a great boon to Wales, and whatever improvement has taken place in the condition of its people may be dated from this period. The Welsh language has, however, continued to prevail very generally even to the present day, and has thus prevented that country from participating so largely as it might otherwise have done in the great advance in literature, science, and social institutions which has taken place in England. This must be lamented by all who are anxious to improve the condition of the Welsh people, one of the first steps to which would be the diffusion of English literature and information through the medium of a common language.

The final annexation of Wales by Edward the First was not one of the least memorable acts of his reign, so fertile in events of the highest interest and importance. Had his efforts for the similar annexation of Scotland been successful, it would have brought the whole British

island under one government, and averted a vast amount of evil; but this consummation was reserved for a subsequent period. Edward repressed the disorders which had sprung up during his father's feeble reign, and compelled his turbulent barons to submit to the law, which he at the same time so enlarged and improved as to earn for himself the title of the English Justinian. To him we owe the establishment of justices of peace, and the settlement of the jurisdiction of the several courts of law. His courage, industry, and penetration were alike conspicuous, and he was in every respect a great and politic sovereign. He died on the 7th of July 1307, and was succeeded by his son, Edward the Second, whose character was in all respects the reverse of that of his father.

Before the end of the reign of Edward the Second, a middle class of men arose, who, although not altogether free, were not subjected to the absolute and unconditional services of personal bondage. Such were the servile tenants of manors, who were permitted to occupy small portions of land, and were at the same time required at certain seasons to assist in the cultivation of the demesnes of their lords. It is stated by the writer just quoted^{*} that as early as the year 1257 a servile tenant, if employed before Midsummer, received wages; and in Edward the First's reign he was permitted, instead of working himself, to provide a labourer for the lord, from which it is obvious that he sometimes possessed the means of hiring one. Free labourers must therefore have then existed, although they were probably not numerous; but their number would go on increasing, and the circle of freedom would thus become gradually enlarged.

As population increased the people would naturally feel and begin to exercise the power which numbers

Edward II.
1307-1327.

A middle
class arose.

^{*} Sir F. Eden's 'History of the Labouring Classes,' vol. i. p. 12.

confer. The old ties of serfdom and villeinage were becoming more and more relaxed, and each succeeding year witnessed an addition to the number of those exonerated from thralldom. The labouring classes generally were left more free to follow their own devices, or they asserted this freedom by combining together for the purpose. The distinction of race had, moreover, at this period nearly disappeared. "Early in the fourteenth century the amalgamation of the races was all but complete; and it was soon made manifest by signs not to be mistaken, that a people inferior to none existing in the world had been formed by the mixture of three branches of the great Teutonic family with each other and with the aboriginal Britons."^m This mixture and amalgamation must have added greatly to the strength and importance of what may be emphatically called the people. Separated into races, they were feeble—united, they were strong; and now, being thus united, they were able to work out their deliverance from villeinage, and vindicate their right to freedom, sooner and with greater certainty than would otherwise have been practicable.

The change from a state of slavery to a state of freedom at this time in progress was, however, like all other great changes, attended with a certain amount of evil—it led to a great increase of vagrancy. Many of those who had struggled for and asserted their own freedom, resorted to begging and vagabondism, and not unfrequently to violence, whenever employment, or the means of honest livelihood, was not readily obtainable, and sometimes, perhaps, when it was. The idle and the evil-disposed were of course the first to do this, and the unsettled character of the period fostered and gave licence to the vocation of a beggar, which, moreover, received direct encourage-

Mingling of
the races.

Advance of
freedom.
Increase of
vagrancy.

^m See Macaulay's 'History of England,' vol. i. p. 18.

ment from the almsgiving inculcated by churchmen, and practised by the religious communities. We cannot wonder, therefore, that mendicancy and vagabondism should have increased with the spread of freedom, nor that they were regarded as nearly connected by the master class, who could hardly be expected to have a friendly feeling for the one, and who suffered from the growing evils of the other. These evils are vividly described in the preambles to the various statutes enacted for their correction, and must indeed have at length become of very serious magnitude. Yet even in these evils the germ of a good is apparent, for, if the people had not ceased to be slaves, they could not have possessed a freedom of action, or resorted to vagrancy as a means of living. As vagrants they might be coerced or reclaimed, and become good citizens; as slaves they would be irreclaimable, and would continue to taint and deteriorate the whole community. The change, therefore, even when accompanied by its perhaps unavoidable drawback of vagabondage and mendicancy, must be regarded as conferring most important benefits.

The feeble and disorderly reign of Edward the Second affords no matter for observation, except it be to lament the evils which prevailed throughout it, and its melancholy termination. The youth of his successor, Edward the Third, rendered him at first unfit for controlling the elements of discord and confusion which had sprung up and spread so widely under his father, and violence and disorder continued for a time to prevail; but the young king gave early indications of energy and talent, and his long and eventful reign constitutes one of the most important epochs of our history, whether regarded in a social or in a political point of view.

The first effort made in the new reign for restoring order was by the 'Statute of Northampton'^{1323.} (The 2nd Edward 3rd), which, after again es-

tablishing the Great Charter in all points, proceeds to enact, "That no man, great nor small, of what condition soever he be (except upon a cry made to keep the peace), be so hardy as to come before the king's justices, or other of the king's ministers, with force and arms, nor to go nor ride armed by night nor by day in fairs or markets, nor in presence of the justices or other ministers, nor elsewhere, upon pain to forfeit their armour to the king, and their bodies to prison at the king's pleasure." And, "as to punishment of felonies, robberies, manslaughters, trespasses, and oppressions of the people, committed in times past," the king is empowered to appoint justices in divers places (as was done in the time of Edward the First) "of great men of the land, which be of great power, with some of the justices of one bench or the other, and other learned men in the law, to inquire, hear, and determine all manner of felonies, robberies, manslaughters, thefts, oppressions, conspiracies, and grievances done to the people against the law and custom of the land, as well by king's ministers as by others whatsoever they be, and that as well within franchise as without."

More stringent measures appear, however, to have been required for repressing the violence and disorder which then prevailed, and accordingly, three years after the above, *The 5th Edward the 3rd, sect. 14*, was passed.^{1331.} It recites, "Whereas in the Statute of ^{5 Edw. III.,} Winchester (the 13th Edward 1st) it is contained, that if any stranger pass by the country in the night, of ^{sec. 14.}

^a By a foot-note it appears that this and the other statutes of this reign were sent into Ireland in the form of letters patent, with the writ following:—"The King to his trusty and well-beloved Anthony de Lucy, his justice of Ireland, greeting. Certain statutes by us and the prelates, earls, barons, and other great men of our realm set forth in divers our parliaments since we took upon us the government, we do send unto you in form of letters patent, commanding that the statutes aforesaid and all the articles therein contained, in our aforesaid land of Ireland, as well within liberties as without, you do cause to be publicly proclaimed, and, so much as to you and our people of those parts belongeth, to be firmly kept and observed."

whom any have suspicion, he shall presently be arrested and delivered to the sheriff, and remain in ward till he be duly delivered; and because there have been divers manslaughter, felonies, and robberies, done in times past by people that be called roberdesmen, wastors, and draw-latches, it is accorded, That if any man have any evil suspicion of such, *be it by day or by night*, they shall be incontinently arrested and kept in prison till the coming of the justices assigned to deliver the gaol, who shall proceed to the deliverance of such persons according to law." Thus the power given by the statute of Edward the First to arrest suspicious persons in the night-time, is now extended to the day as well, and better provision is made for bringing such persons to trial.

The king's attention was not alone confined to establishing order and repressing violence at home, or to the foreign wars in which he was engaged. He further aimed at increasing the power and improving the condition of the country by fostering commerce. In the second year of his reign, "The staples beyond sea, and on this side, ordained by kings in times past," were abolished, and merchant strangers were permitted freely to come and go with their merchandise. And now a more full provision is made in this respect by ^{1335.} ^{9 Edward III.} *The 9th Edward 3rd*, which recites, "That great duress and grievous damage have been done by some people of cities, boroughs, ports of the sea, and other places, which in long time past have not suffered nor yet will suffer merchant strangers nor others which do carry and bring in by sea or land wines and other livings and victuals, with divers other things necessary and profitable, to sell or deliver such wines, &c., to any other than to themselves, by reason whereof such stuff aforesaid is sold to the king's people more dear than they should be if such merchant strangers and others might freely sell them to whom they would." And it

is therefore ordained, "That all merchants, strangers, and denizens, and all other of what estate or condition soever they be, that will bring or sell corn, wines, aver-depois, flesh, fish, and all other livings and victuals, wools, clothes, wares, merchandises, and all other things vendible, from whencesoever they come, by foreigners or denizens, at what place soever it be, city, borough, town, port of the sea, fair, market, or elsewhere within the realm, may freely, without interruption, sell them to what persons it shall please them, as well to foreigners as to denizens," and all charters and usages to the contrary are declared void.

Fifteen years afterwards this statute was confirmed by *The 25th Edward 3rd*, which still more earnestly denounces all impediments to the free-^{1350-1.} ^{25 Edw. III.} dom of traffic. It directs that the above statute shall be in all points kept and maintained, and that any statute, charter, proclamation, usage, or judgment to the contrary "shall be void and holden for none." And further, that "every merchant or other, as well alien as denizen, that shall bring any manner of merchandises or chaffer to the city of London, or other cities, boroughs, towns, or ports of the sea, may freely, and without challenge or impeachment of any, sell in gross, or at retail, or by parcels, at his will, to all manner of people that will buy the same, notwithstanding any franchises, grants, or customs to the contrary; sithence that such usages and franchises be to the common prejudice of the king and his people." This distinct assertion of the great principle that privileges were not to be enjoyed by one class to the injury of another, by the few to the prejudice of the many, was doubtless most important. It, in fact, comprises all that has been contended for by enlightened statesmen in every age, and its open recognition by the sovereign and legislature of that period could not fail of producing a highly beneficial effect upon the other relations of the community.

If chartered and accustomed privileges were not to be retained by corporations, how could they be retained by individuals? how could vassalage be maintained or serfdom be upheld? The abolishing of such chartered privileges, and the reasons on which the abolition is here grounded, indicate a great advance in the march of freedom, both socially and commercially.

In Nolan's 'Treatise on Relief and Settlement' it is said that "The more ancient statutes for regulating the poor were enacted to repress their vagrancy, not to provide for their maintenance," and it is impossible to examine these ancient statutes without recognising the justice of this observation. It may, however, be said that the vagrant was generally a beggar, and the beggar was always a vagrant; so that it would have been extremely difficult, if not impossible, for the legislators of that early period to discriminate between the two. They therefore took them together, apparently regarding them as identical; and they probably hoped by repressing vagrancy to put an end to all the evils connected with it. Accordingly, in the 'Statute of La-

^{1349.}
^{23 Edw. III.} bourers' (*The 23rd Edward the 3rd*), which is so often referred to by writers on the subject of the poor, it is, among other things, enacted, "That, because many valiant beggars, as long as they may live of begging, do refuse to labour, giving themselves to idleness and vice, and sometimes to theft and other abomination, none, upon pain of imprisonment, shall, under the colour of pity or alms, give anything to such which may labour, or presume to favour them in their sloth, so that thereby they may be compelled to labour for their necessary living." The valiant beggars here described must be taken to include the vagrant class generally, to none of whom, if able to labour, are alms permitted to be given; but it is not prohibited to give alms to such as are *not* able to labour. The prohibition in one case seems to be equivalent to a tacit sanction in

the other; and the distinction thus indicated, is left to be worked out and applied by the public on their own responsibility in each case.

The reason assigned for passing this statute, and the several enactments it contains, deserve particular notice, as throwing light on the ^{1348.}
^{The great}
^{plague.} condition of the people immediately after the great plague which swept from east to west over the then known world, making the most frightful ravages, and bearing misery and devastation in its train. It reached London the latter end of 1348, and thence spread throughout England, attacking both man and beast. The poorer classes suffered most, and it has been said that one half the population were destroyed by this dreadful visitation.

Such was the period at which the 'Statute of Labourers' (*The 23rd Edward the 3rd*) was passed. It begins by stating, that, "Because a ^{1349.}
^{23 Edw. III.} great part of the people, and especially workmen and servants, late died of the pestilence, many, seeing the necessity of masters and great scarcity of servants, will not serve unless they may receive excessive wages, and some rather willing to beg in idleness than by labour to get their living;" and it then goes on to direct "that every man and woman, of whatsoever condition, free or bond, able in body, and within the age of threescore years, not living in merchandise, nor exercising any craft, nor having of his own whereof he may live, nor proper land about whose tillage he may himself occupy, and not serving any other, shall be bound to serve him which him shall require, and take only the wages, livery, meed, or salary which were accustomed to be given in the places where he oweth to serve. And if any such man or woman, being so required to serve, will not the same do, and that be proved by two true men before the sheriff, or the bailiffs or constables of the town, he shall anon be taken and committed to gaol,

there to remain under strait keeping till he find surety to serve in the form aforesaid." The Act then directs, that, "if any reaper, mower, or other workman or servant, retained in any man's service, do depart from the said service without reasonable cause or licence before the time agreed, he shall have pain of imprisonment;" and none under the same pain are to receive or retain any such in his service. And it is further directed, "that no man pay, or promise to pay, any servant any more wages, liveries, meed, or salary, than was wont, nor in other manner demand or receive the same, upon pain of doubling of that that so shall be paid, promised, required, or received, to him which thereof shall feel himself grieved pursuing for the same."

In like manner saddlers, skimmers, white-tawers, cordwainers, tailors, smiths, carpenters, masons, tilers, shipwrights or boatbuilders, carters, and all other artificers and workmen, are prohibited from taking "for their labour and workmanship above the same that was wont to be paid to such persons five or six common years next before; and if any man take more he shall be committed to the next gaol." The attempt to limit prices by law, was not confined to the article of labour. The statute proceeds—"Butchers, fishmongers, hostlers, brewers, bakers, pulvers, and all other sellers of all manner of victual, shall be bound to sell the same for a reasonable price, having respect to the price that such victual be sold at in the places adjoining; so that the same sellers have moderate gains reasonably to be required, according to the distance of the place from whence the said victuals be carried. And if any sell such victuals in any other manner, and thereof be convicted, he shall pay the double of the same that he so received to the party damnified, or, in default of him, to any other that will pursue in his behalf." A copy of this statute was sent to each of the bishops, with a request that it might be published in the churches and

other places of his diocese, and that he would "direct the parsons, vicars, ministers of such churches and others under him, to exhort and invite their parishioners, by salutary admonitions, to labour and observe the ordinances aforesaid, as the present necessity requireth."

It appears that the benefits expected from the above statute, notwithstanding the co-operation of the clergy, were not realised, for in less than two years another was passed (*The 25th of Edward the 3rd*) in ^{1350-1.} _{25 Edw. III.} amendment and continuation of it. This Act begins by reciting—"Whereas late against the malice of servants, which were idle and not willing to serve after the pestilence without taking excessive wages, it was ordained that such servants, as well men as women, should be bound to serve receiving salary and wages accustomed. And now, forasmuch as it is given the king to understand in this present parliament, by petition of the commonalty, that the said servants, having no regard to the said ordinance, but to their ease and singular covetise do withdraw themselves to serve great men and other, unless they have livery and wages to the double or treble of that they were wont to take before, to the great damage of the great men, and impoverishing of all the said commonalty;" wherefore it is ordained, that carters, ploughmen, drivers of the plough, shepherds, swineherds, deies, and ^{Scale of} _{wages.} all other servants, shall take liveries and wages accustomed. Where wheat was wont to be given, they shall take it, or for the bushel 10*d.*, at the will of the giver. They shall be hired to serve by a whole year, or by other usual terms, and not by the day. In time of *sarcling* or haymaking their wages are to be but a penny the day. A mower of meadows is to be paid for the acre 5*d.*, or by the day 5*d.* Reapers of corn in the first week of August 2*d.*, in the second and subsequent weeks 3*d.*, and less in the county where less was wont to be given, "without meat or drink or other courtesie to be

demanded, given, or taken." Threshers are not to take for threshing a quarter of wheat more than 2*d.*, and for the quarter of barley, beans, pease, and oats, 1*d.*, "if so much were wont to be given."

The Act further provides that the said servants are to be sworn twice in the year "to hold to do these ordinances," and it directs, "that none of them go out of the town where he dwelleth in the winter, to serve the summer, if he may serve in the same town." But there is a saving in behalf of "the people of the counties of Stafford, Lancaster, and Derby, and people of Craven, and of the marches of Wales and Scotland," who are permitted to come in harvest-time, and safely return, as they were wont to do beforetime. The permission thus given to the people of these districts to "go a harvesting" is a proof that the rural population of the southern parts of England was then, as in the present day, insufficient for performing the work required at harvest-time; and it may also be regarded as a proof that the mode of cultivation and the habits of the people in the places named, were such as to admit of a considerable portion of the population migrating to other districts at certain seasons, as so many of the Irish of late years have been in the habit of doing.

The wages of carpenters, masons, tilers, and other workmen of houses, are in like manner fixed by this Act. A master carpenter at 3*d.*, and another at 2*d.* a day; a master or free stone-mason 4*d.*, other masons 3*d.*, and their servants 1*d.*; tilers 3*d.*, and their knaves 1*d.*; other coverers of fern and straw 3*d.*, and their knaves 1*d.*; and plasterers and workers of mud walls and their knaves the same, without meat or drink. Carriers by land or by water, hostlers, victuallers, cordwainers and shoemakers, goldsmiths, saddlers, horse-smiths, sporriers, tanners, curriers, tawers of leather, tailors, and other workmen, artificers, and servants not here specified, are to be "sworn before the justices to

do and use their crafts and offices in the manner they were wont to do in the time before." And in order to ensure the observance of the Act by all these several parties, the stewards, bailiffs, and constables of towns, are to be sworn "to inquire diligently, by all good ways they may, after all who act contrary to this ordinance, and certify their names to the justices, when they shall come into the country to make their sessions; so that the same justices, on being so certified of the names of the rebels, shall do them to be attached by their body to answer of such contempt, and to find surety to serve, and take and do their work, and sell things vendible, in the manner aforesaid." And in case of any one being convicted of breaking his oath, he is to be imprisoned forty days, and for a second conviction "he shall have imprisonment of a quarter of a year; so that at every time he offendeth, and is convict, he shall have double pain."

With reference to the above prices of labour, Hume observes—"It is remarkable that in the same reign the pay of a common soldier, an archer, was sixpence a day, which by the change both in denomination and value would be equivalent to near five shillings of our present money. Soldiers were then enlisted only for a very short time. They lived idle all the rest of the year, and commonly all the rest of their lives. One successful campaign, by pay and plunder and the ransom of prisoners, was supposed to be a small fortune to a man, which was a great allurements to enter into the service." °

The two statutes just noticed (the 23*rd* and 25*th* Edward 3*rd*) are identical in their object, and must be taken as forming one enactment. They both aim at establishing uniformity of price, as well for commodities as for labour, and they likewise aim at effecting such a

° See Hume's History, vol. ii., p. 496, of the edition of 1782.

distribution of the labourers as would, in the opinion of the framers of these Acts, secure a proportionate supply to each locality. A new element is thus introduced, and an attempt now first made to fix and render permanent that which in its very nature is variable and uncertain, and this, moreover, at a time when there were more than ordinary obstructions in the way of such legislation. The population of the country had been thinned by the destructive wars, foreign and domestic, of the preceding half-century. Hardly four years had elapsed since the battle of Crecy was fought by Edward the Third and his heroic son, and the fearful pestilence, said to have carried off nearly a moiety of the people, had only just ceased its ravages. At this period, when the labouring classes were diminished in number, and when the demand for labourers must consequently have been increased, the legislature commenced that series of attempts for establishing a low and uniform rate of wages, and also for confining the labourer to one particular locality, which was so long persevered in, inflicting much hardship, impeding improvement, and in the latter case ending, after an interval of three centuries, in establishing a general law of settlement.

Nine years after the last of the preceding Acts, *The*
1360-1. *34th of Edward the 3rd* was passed, imposing an
34 Edw. III. additional penalty upon labourers and artificers who absented themselves from their services, and directing that they should be branded on the forehead with the letter F, "in token of falsity." At the same time a fine of 10*l.* was imposed on the mayor and bailiffs of a town if they failed to deliver up a labourer or artificer who had left his service.

By *The 37th Edward the 3rd* a number of regulations
1363. were established on a variety of subjects, begin-
37 Edw. III. ning with the price of poultry, which was fixed at 4*d.* for a goose, the same for an old capon, 3*d.* for a

young one, 2*d.* for a hen, and 1*d.* for a pullet. The Act then directs that merchants shall deal in one sort of merchandise only, on penalty of fine and forfeiture, and commissioners are appointed to enforce this provision. In like manner handicraftsmen are restricted to one trade or mystery, and the diet and apparel of servants are minutely regulated. "Grooms and servants of lords, as well as they of mysteries and artificers," are to have meat once a day of flesh or of fish, and the remnant of milk, butter, and cheese, and other such victuals, according to their estate; and they are to have clothes for their vesture or hosing, whereof the whole cloth shall not exceed two marks; and they are to wear nothing of silk or of gold or silver embroidered; and their wives and children are to be of like condition in their clothing and apparel. The Act then, with similar exactitude, prescribes the clothing and apparel to be worn by "handicraftsmen and yeomen, and by esquires and gentlemen, and by merchants and citizens, and by knights and by the clergy," and lastly, by "carters, ploughmen, drivers of the plough, oxherds, cowherds, shepherds, swincherds, and other keepers of beasts, threshers of corn, and all manner of people attending to husbandry, and all other people that have not forty shillings of goods and chattels." These latter, from the carter downwards, are prohibited from wearing "any manner of cloth but blanket and russet of 12*d.* a yard, with girdles of linen, according to their estate; and they are to eat and drink in the manner as pertaineth to them, and not excessively." And finally, "to the intent that this ordinance may be maintained and kept in all points without blemish, it is ordained that all makers of cloth within the realm shall conform them to make their cloths according to the price limited by this ordinance."

Clothes to be worn by the several orders of men prescribed.

Such were the restrictions imposed at this period on

native industry and enterprise, and this too in the reign of one of the ablest sovereigns who ever filled the throne. It has been justly remarked, "that there is not a reign among those of the ancient English monarchs which deserves more to be studied than that of *Edward the Third*, nor one where the domestic transactions will better discover the genius of that kind of mixed government which was then established in England." ^p On this account, therefore, it has been thought desirable to make fuller extracts from the statutes passed in this reign than might otherwise have been necessary, with the view of affording an insight into the opinions then prevalent, as well as into the habits of the people, their position with respect to their superiors, and the views of these latter as regards the duties reciprocally required from them.

That the attempt made to establish a uniform rate of wages was injudicious, that so long and as far as the attempt succeeded it would prove mischievous, and that in the end it would entirely fail, we are now well assured. The same may be said of the attempt to regulate apparel and the price of butcher's meat and other food. On these matters the general advance of intelligence has produced a corresponding improvement in modern legislation. But with respect to the restrictions imposed upon the labourer, chaining him as it were in one particular locality—however hurtful it may have been to the labourers themselves, however mischievous to the masters, and however impolitic in other respects—modern legislation has comparatively made little advance. On this head the ancient policy has continued to prevail in some shape or other ever since, and, in spite of experience and most conclusive reasoning to the contrary, virtually exists even at the present day.

^p See Hume's 'History of England,' vol. ii. p. 499.

The circumstances which led to these enactments, and the motives by which the legislature were influenced, are sufficiently indicated in the Acts themselves. The demand for labour at that time exceeded the supply. War and pestilence had destroyed vast numbers of the people, and those who were left became of more value, of greater importance, required higher wages, were less obedient, less tractable, and no doubt acted in various ways differently from what they were wont to do at former periods—in short, they now probably tyrannised in their turn. This was all very natural; and it was natural also that the employers of labour, and the master-class generally, should feel aggrieved by this change. They would probably look back to the times of villeinage and serfdom with regret, and might wish to re-establish some portion of that control over the labouring classes which had been lost in the progress of society, and the want of which they were led by late events more urgently to feel, and to consider as necessary both for their own and for the general good.

It has been stated by a high authority that the origin of the English Poor Laws "was an attempt substantially to restore the expiring system of slavery;"^q and this may, indeed, be said to have been the case as regards the statutes limiting the price of labour, and requiring persons to serve at certain rates of wages, and compelling residence in particular localities; but it can hardly be so said with respect to the enactments for repressing vagabondage, which was the open palpable evil of the day. The vagrant and vagabond class comprised all the idle and the dissolute, the perpetrators of burnings, robberies, murders, and every description of violence and crime. Beggars were

^q See an article on Poor Law Reform, understood to be written by Mr. Senior, in the *Edinburgh Review*, No. 149.

generally vagrants, and often not distinguishable from them; and against this vagabond and vagrant class, taken as a whole, the coercive legislation of the period was directed, doubtless with a view to the suppression of violence and disorder, but without exempting the merely poor and destitute, who, although less culpable if culpable at all, were still regarded as portions of the class.

That there was at this time cause for coercive legislation cannot be denied. In describing the state of England at the end of Edward the Third's reign, Mr. Hume remarks,—“As to the police of the kingdom during this period, it was certainly better than during times of faction, civil war, and disorder, to which England was so often exposed. Yet were there several vices in the constitution, the bad consequences of which all the power and vigilance of the king could not prevent. The barons, by their confederacies with those of their own order, and by supporting and defending their retainers in every iniquity, were the chief abettors of robbers, murderers, and ruffians of all kinds, and no law could be executed against those criminals. The Commons make continual complaints of the multitude of robberies, murders, rapes, and other disorders, which they say were become numberless in every part of the kingdom, and which they always ascribe to the protection that the criminals received from the great. The King of Cyprus, who paid a visit to England in this reign, was robbed and stripped on the highway with his whole retinue.”^r On the preceding reign of Edward the Second (extending from 1307 to 1327) it is remarked,—“The disorders of the times from foreign wars and intestine dissensions, but, above all, the cruel famine which obliged the nobility to dismiss many of their retainers, increased the number of robbers in the king-

^r See Hume's History, vol. ii. pp. 403, 369, 321, and 227, edition of 1782.

dom, and no place was secure from their incursions. They met in troops like armies, and overran the country. Two cardinals, themselves the pope's legates, notwithstanding the numerous train which attended them, were robbed and despoiled of their goods and equipage when they travelled on the highway.” There was less disorder under Edward the First, of whose reign (from 1272 to 1307) the same writer remarks,—“The chief obstacle to the execution of justice was the power of the great barons; and Edward was perfectly qualified, by his character and abilities, for keeping these tyrants in awe and restraining their illegal practices. He took care that his subjects should do justice to each other, but he desired always to have his own hands free in all his transactions, both with them and with his neighbours.” But in the feeble reign of his predecessor, Henry the Third, which continued for the long period of fifty-six years, and ended in 1272, a very different state of things existed. Mr. Hume, speaking of this reign, and quoting from the Chronicle of Dunstable, says “that men were never secure in their houses, and that whole villages were often plundered by bands of robbers, though no civil wars at that time prevailed in the kingdom.”

These quotations are inserted as bearing testimony to the disregard of law, and the violence, disorder, and insecurity which prevailed throughout the ^{Prevalence of violence and disorder.} country for a long period previous to the termination of Edward the Third's reign. Of this state of things vagabondism was both a cause and consequence, and against vagabondage in its various forms the enactments of the legislature were directed. The enactments, however, proved ineffectual. They neither put an end to vagabondage, nor prevented persons from seeking to better their condition by a change of service; for in 1376, just at the close of Edward's reign, we find the Commons making great complaints

that servants and labourers quitted service on the slightest cause, and then led an idle life in towns, or wandered in parties about the country, "many becoming beggars, others staff-strikers, but the greater number taking to robbing." To remedy these evils, the Commons propose that giving relief or charity to persons able to work should be prohibited; that vagrant beggars and staff-strikers should be imprisoned until they consented to return home to work; and that whoever harboured a runaway servant should be liable to a fine of 10*l.*, an immense sum in those days. This proposal of the Commons does not, however, appear to have been adopted by Parliament; and the death of the king, not long after, put a stop to further proceedings in the matter for a time.*

The administration of Edward the Third was much less vigorous and popular in the latter years of his reign than it had been in the earlier portion; and the disorders which he at first repressed with a strong hand began again to prevail, preparing the way for that struggle between the master and the servile classes, which broke out with so much violence in the time of his grandson and successor. The extreme youth and the feeble character of Richard the Second ill qualified him for dealing with the difficulties of the position to which he succeeded, and his unfortunate reign of twenty-two years presents one continuous scene of violence and disorder.

The first Act in connexion with our subject, after the accession of the new sovereign, was *The 1st Richard the 2nd, cap. 6.* It refers to grievous complaints by the Lords and Commons of villeins and land-tenants withdrawing their services "under pretext of exemplifications from the Book of Domesday, and by their evil interpretation of the same they affirm them-

* See Sir Frederick Eden's 'History of the Labouring Classes,' vol. i. p. 42.

selves to be quit and utterly discharged of all manner of servage (serfage) due as well of their body as of their said tenures, and will not suffer any distress or other justice to be made upon them, but do menace the ministers of their lords, and gather themselves together in great routs, and agree by such confederacy that every one shall aid other to resist their lords with strong hand, to the great damage of their said lords and evil example to other to begin such riots." It is then ordained that the lords which feel themselves grieved, shall have special commissions under the great seal, addressed to the justices of peace and other sufficient persons, "to inquire of all such rebels, and of their offences, their counsellors, maintainers, and abettors, and to imprison all those that thereof shall be endited before them, as well for the time past as the time to come, without delivering them out of prison by mainprise, bail, or otherwise, without assent of their lords, till they thereof be attainted or acquit. Provided always that if the said villeins or land-tenants, rebels, be thereof attainted, they shall in no wise be delivered till they have made a fine to the king, and also have the assent of their lords aforesaid."

This enactment plainly indicates what was then working in the popular mind, which was further manifested in the following year by the passing of *The 2nd Richard the 2nd, cap. 6.* which recites that the king hath perceived, as well by complaints made to him as by his own knowledge, "that divers of his liege people in sundry parts of this realm, as also the people of Wales, in the county of Hereford, and the people of the county of Chester, with the counties adjoining, some of them claiming to have right to divers lands, tenements, and other possessions, and some espying women and damsels unmarried, and some desiring to make maintenance in their marches, do gather them together to a great number of men-of-arms and archers in the manner of war, and confederate themselves by oath and

other confederacy, not having consideration to God nor to the laws of Holy Church, nor of the land, nor to right nor justice; but, refusing and setting apart all process of the law, do ride in great routs in divers parts of England, and take possession and fix themselves within divers manors, lands, and other possessions, of their own authority, and hold the same with such force, doing there many apparelments of war; and in some places do ravish women and damsels, and bring them into strange countries, where please them; and in some places lying in wait with such routs, do beat and maim, murder and slay the people, for to have their wives and their goods, and the same women and goods retain to their own use; and sometimes take the king's liege people in their houses and bring and hold them as prisoners, and at the last put them to fine and ransom, as it were in a land of war; and sometimes come before the justices in their sessions in such guise with great force, whereby the justices be afraid, and not hardy to do the law; and do many other riots and horrible offences, whereby the realm is put in great trouble," &c. For remedy of which evils, and desiring above all things the peace and quietness of the realm, and that the good laws and customs thereof be kept and maintained in all points, and offenders duly punished, it is ordained by the king, with the assent of Parliament, "that none be so hardy from henceforth as to do anything that shall be in affray of the people or against the peace." And it is further ordained, "that certain sufficient and valiant persons, lords and others, shall be assigned by the king's commission in every county, which shall have power, as soon as they know or be credibly certified of any assemblies, routs, or riotings, of offenders, baratours, and other such rioters, in affray of the people and against the peace, to arrest them incontinent without tarrying for indictments or other process of law, especially the chieftains and leaders of such routs, and send them to the next gaol,

Riots, combinations, and daring outrages.

with the cause of their arrest clearly put in writing, there to abide till the coming of the justices into the country, without being delivered in the mean time by mainprise, bail, or other manner."

The daring outrages here described seem to warrant the application of such a remedy as is here provided; yet from some cause, whether proceeding from its maladministration or the dislike of the "valiant persons" selected to carry it into effect, or jealousy of the sovereign power, this enactment seemed "very grievous" to the Commons, and at their prayer it was "utterly repealed and annulled" the next year, and all who had been imprisoned under it, "without other indictment," were declared to be "utterly delivered." The Statute of Northampton (*2nd Edward the 3rd, cap. 3*),¹ providing for such offences in the ordinary course of law, was at the same time confirmed. An eminent writer on Constitutional Law remarks, with reference to the immediate repeal of this enactment at the instance of the Commons, that "so sensitive was their jealousy of arbitrary imprisonment, that they preferred enduring riot and robbery to chastising them by any means that might afford a precedent to oppression, or weaken men's reverence for Magna Charta."²

These two statutes of Richard the Second show that a great social revolution was then in progress. Persons who had long been held in a state of bondage, were day by day more strenuously manifesting their determination to be free; and the smaller holders of land, who were liable to be called upon by their lords for a certain amount of labour, or were required to perform certain services in lieu thereof, were evading the performance, and obtaining by force or by fraud exemption from their accustomed tasks. It was in short a struggle of the servile many against the claims of the superior few;

¹ Ante, p. 32.

² See Hallam's 'Middle Ages,' vol. iii. p. 253.

and, like all such struggles, it was pretty certain in the long run to terminate in favour of the greater number. Yet the nobility and gentry, the chivalry of England, strove hard to retain their ancient authority over their vassals of every degree, and relinquished it only, as it were, inch by inch, as it was successively wrested from them by the pertinacity of the peasantry and the people, who it must be confessed did not always make a moderate or a right use of their victory.

This contest could not fail to generate a certain amount of hostile feeling between the master and inferior classes, and it is remarkable that a similar state of things existed at this time both in Flanders and in France, the two countries most intimately connected with England, and with whose people our own were in habits of continual intercourse. There can be little doubt therefore that the feeling prevalent in one country was communicated to, and produced an effect upon, the others. The movement in each tended to the

same objects, that is, to the emancipation of the people from villeinage, serfage, and forced servitude of every kind, and to an assertion of personal freedom and equality of civil rights.

In Flanders this spirit of independence had been nurtured by, if it did not owe its origin to, the commercial enterprise and manufacturing industry which had long flourished there; and which, wherever prevalent, has not failed to give rise to free and liberal institutions. England may have felt somewhat of a like influence, commerce having been fostered and encouraged throughout the long reign of Edward the Third, as the numerous Acts respecting it passed therein sufficiently testify. He also promoted the establishment of a native woollen manufacture, English wools having previously been for the most part exported, generally to Flanders, for the purpose of being made into cloth.

The growth of manufactures in England would necessarily draw people from the rural districts into towns, and their congregating there would probably lead in the majority of cases to their emancipation from the control of their former masters. That such was the consequence may be inferred from the *34th Edward the 3rd*, A.D. 1300, by which a fine of 10*l.* to the king was imposed on the mayor and bailiffs of any town "who refused to deliver up a labourer, servant, or artificer," who had absented himself from his master's service, together with a further fine of one hundred shillings to be paid to the person whose claim for the delivery of any such labourer, servant, or artificer had been so refused.

Early in the summer of 1381, less than three years after the passing of the *2nd of Richard the 2nd*, the outbreak under WAT TYLER took place. ^{1381.} Wat Tyler's Rebellion. The ostensible cause was the people's dislike of the poll-tax of a groat a head, which had been imposed in 1377 upon every person of fourteen and upwards; but the public mind was then in a state fitted for the reception of any violent impulse. The train was laid, and a casual spark would ignite it. The explosion was in this instance caused by the indecent conduct of a collector of the tax towards a young female, the daughter of one Walter, a tyler, residing in the town of Dartford, who immediately with his hammer beat out the collector's brains. The bystanders applauded the action, and flew to arms, exclaiming that it was time for the people to assert their liberty, and take vengeance on their oppressors; and the flame rapidly spread throughout the county. Walter the Tyler, or "*Wat Tyler*" as he was called, was appointed their captain, and, by the time the insurgents reached Blackheath, their number is said to have amounted to a hundred thousand. The demands made by these peasant rebels were four—

1st. The total abolition of slavery for themselves and their children for ever.

2nd. The reduction of the rent of good land to 4*d.* the acre.

3rd. The full liberty of buying and selling, like other men, in all fairs and markets.

4th. A general pardon for all past offences.

These demands would now be all considered reasonable and proper, except the second, the tenor of which would lead one to infer that the insurgents did not consist of the peasantry merely, but that the inferior tenants and small occupiers of land took part in the movement. The demands were at once acceded to by the young king; but the insurgents became more confident and exacting as their numbers increased, and the commotion was at length terminated by the death of Wat Tyler in Smithfield, and by the king's putting himself at the head of the rioters when Tyler fell, and calling upon the people to follow him as their leader, which, after a little wavering, they instinctively did.

This outbreak was not confined to Kent and the counties near London, but it spread nearly throughout the whole of England, and everywhere the leaders avowed similar objects. The power of the insurgents, however, fell with the dispersion of their main body at Smithfield; and although there was at first some talk of abolishing villeinage, with a view to the prevention of similar outbreaks in future, the great lords and the master class, when the danger was over, evinced little disposition to adopt a more liberal policy, either by emancipating their serfs, or relinquishing any of their old prescriptive rights. On the assembling ^{1331.} of Parliament an Act was passed (*The 5th Richard 2nd*) granting pardon to all who had exceeded the limit of law in repressing the late "insurrection of villeins and other offenders," and ordaining that "all manumissions, obligations, releases, and other bonds,

made by compulsion, duress, and menace in the time of the late rumour and riot, shall be wholly annulled and holden for void;" and any person who should in future make or begin any such riot and rumour is declared to be a traitor to the king and to the realm. Thus ended this brief struggle for liberty on the part of the people. But although apparently fruitless at the time, it served to show the power of the masses when roused into action by any strong impulse, however sudden and unpremeditated. It also taught the superior orders that there were limits to their authority, and that forbearance and conciliation were necessary even for their own security—an important lesson, fraught with great benefit to the servile classes, and leading to their gradual but certain amelioration.

The imposition of the poll-tax, which led to Wat Tyler's rebellion, afforded means for estimating the amount of population. There were ^{1331.} _{Amount of population.} doubtless many omissions, but it appears that 1,367,239 persons paid the tax, exclusive of Wales, Chester, and Durham; and Mr. Chalmers concludes that the population of England and Wales at that time was about 2,350,000. Mr. M'Culloch concurs in this conclusion, which he thinks "is not very wide of the mark;" but he further observes, that "the data are obviously too loose and unsatisfactory to enable any one to pronounce with any certainty with respect to it."^x

Two years after these events, by *The 7th Richard the 2nd*, the Statute of Winchester (*13th Edward the 1st*)^y was again confirmed, as was also the ^{1333.} _{7 Richard II.} *5th Edward the 3rd, cap. 14.*^y And at the same time it was ordained, "that the justices and the sheriffs in every county shall have power to inquire of all vagabonds and feitors, and upon them to do that the law demandeth; and that bailiffs, constables, and other

^x See M'Culloch's 'Statistical Account of the British Empire,' vol. i. p. 396.

^y Ante, pp. 22 and 32.

governors of towns and places where such feitors and vagabonds shall come, shall be empowered to examine them diligently, and compel them to find surety for their good bearing; and if they cannot find such surety, they shall be sent to the next gaol, there to remain till the coming of the justices for deliverance of gaols, who shall do upon such feitors and vagabonds that which to them best shall seem by the law." This enactment is exceedingly vague, and seems to have aimed at finding a remedy for an evil of great magnitude, by conferring an almost unlimited power on the judges, in whose discretion the law itself as well as its application was thus vested; but, like all which preceded it, this enactment failed as a remedy for the evils complained of, and vagabonds, "feitors," and mendicants continued to infest the country as before.

We are now arrived at *The 12th Richard 2nd*, the statute which has been usually considered the origin of our English Poor Law. But in the present work, all enactments affecting the industrious classes, or bearing materially upon the condition of the people, are regarded as partaking more or less of the nature of a Poor Law; every such enactment being intended, if not actually calculated, to prevent the occurrence and spread of poverty, or else to apply a remedy wherever poverty existed in such a form, or to such an extent, as to be a nuisance or source of danger to the community. *The 12th Richard the 2nd* is, however, a very important statute. It begins by confirming the two statutes of the *23rd and 25th Edward the Third*² respecting artificers and servants, and then ordains, "That no servant or labourer, be he man or woman, shall depart at the end of his term out of the hundred, rape, or wapentake where he is dwelling, to serve or dwell elsewhere, or by colour to go in pilgrim-

² Ante, pp. 32 and 39.

age, unless he bring a letter patent containing the cause of his going, under the king's seal, which for this intent shall be assigned to the keeping of some good man at the discretion of the justice of the peace. And if any servant or labourer be found in any city or borough or elsewhere wandering without such letter, he shall be taken and put in the stocks, and kept until he hath found surety to return to his service, or to serve and labour in the town from whence he came." And it is further ordained that none receive such servant or labourer without such letter testimonial, upon a pain to be limited by the justices; and likewise that servants, artificers, and apprentices "shall be compelled to serve in harvest, to cut, gather, and bring in the corn."

Complaint is then made that "servants and labourers will not serve and labour without outrageous and excessive hire, and much more than hath been given in any time past, so that for scarcity of the said servants and labourers the husbands and land-tenants may not pay their rents, nor scarcely live upon their lands, to the great damage and loss as well of the lords as all the commons; and also because the hires of the said servants and labourers have not been put in certainty before this time,"—wherefore it is ordained that the following shall be the wages of servants in husbandry:—

	s.	d.	
A bailiff, by the year, with one suit of clothes	13	4	1388. Rates of wages.
A master hie, carter, and shepherd, each	10	0	
The oxherd and the cowherd, each	6	8	
The swineherd, deyrie woman, and a woman labourer, each	6	0	
A driver of the plough, at the most	7	0	

"and every other labourer and servant according to his degree, and less in the county where less was wont to be given, without clothing, courtesie, or other reward by covenant." And if any give or take more than is above specified, for the first offence, the giver and the taker are each to pay the value of the excess so given or taken, and for the second offence double the amount,

and for the third offence treble the amount; and in default of such payment, to "have forty days' imprisonment."

It would seem from these enactments that there was a scarcity of agricultural labourers at this time, which is further indicated by a subsequent provision in this Agricultural labourers. Act, directing "that he or she which use to labour at the plough and cart, or other labour or service of husbandry, till they be of the age of twelve years, shall abide at that labour without being put to any mystery or handicraft; and if any covenant or bond of apprenticeship be from henceforth made to the contrary, the same shall be holden for none." The people were now therefore apparently drawn from the rural districts into towns, by the higher wages and greater comfort to be there obtained. The apprenticing of youths and children to trades and other urban occupations was another drain upon the country population. And lastly, the great boon of freedom from servitude, which villeins and serfs acquired by residing a year and a day in a town, could not fail of making them eagerly desirous of removing thither, whenever they could escape from their rural masters.

The towns would naturally increase in wealth as arts and civilization extended, and with this extension there would be an increased demand for labour. Various manufactures—the establishment of which Edward the Third so wisely promoted—had now, moreover, taken root, and were producing their usual fruits, diffusing intelligence, and liberalising and improving the habits and condition of all who came within their influence. Of this diffusion of intelligence and improvement, the towns were the centres; and it was as natural that the rural population should be drawn to them, as that the lords of the soil should regard them with jealousy and dislike. Town communities have ever been the advocates of freedom, and the opponents of tyranny in any shape.

After thus prohibiting servants and labourers from

wandering, whether in search of employment or for other cause, and fixing the rates of wages to be paid to them, the Act (12th Richard 2nd) directs "That every person that goeth begging, and is able to serve or labour, it shall be done of him as of him that departeth out of the hundred or other place without letter testimonial, as afore is said." And "that beggars The impotent poor. impotent to serve shall abide in the cities and towns where they be dwelling at the time of the proclamation of this statute; and if the people of the cities and towns will not, or may not, suffice to find them, that then the said beggars shall draw them to other towns within the hundred, rape, or wapentake, or to the towns where they were born, within forty days after the proclamation made, and there shall continually abide during their lives."

This is the first enactment in which the impotent poor are directly named as a separate class, which is the chief reason that it has been referred to as the origin of our Poor Laws. But although "beggars impotent to serve" are directed to remain for the rest of their lives in the places where then resident, or where they were born, no provision is made for their sustenance in such places; no relief is there provided for them; and they are left to chance or casual charity for support, the only object apparently being to prevent their wandering about the country. Some approach to the principle of settlement seems to have been in the minds of the framers of this statute, since the impotent poor are required to abide or remain in certain places; but as no obligation is imposed on those places to afford them support, it cannot be said that either settlement or compulsory relief was directly contemplated. Both the one and the other had their origin at a subsequent period; and the chief characteristic of the 12th Richard the 2nd is, the fact of its having openly recognised the distinction between "beggars able to labour," and "beggars impotent to serve."

The attempt made in this statute to restrain servants and labourers from quitting the hundred, rape, or wapentake where they were dwelling, and the attempt to regulate the amount of wages they were to receive, require no comment. Both the one and the other must have proved futile. The latter was immediately found to be so, for in the year following, by *The 13th Richard*

^{1389-90.}
^{13 Rich. II.} *2nd, cap. 8*, it was enacted, "Forasmuch as a man cannot put the price of corn and other victuals in certain," the justices in sessions at Easter and Michaelmas "shall make proclamation, according to the dearth of victuals, how much every mason, carpenter, tiler, and other craftsmen, workmen, and other labourers by the day, as well in harvest as in other times of the year, after their degree, shall take by the day, with meat and drink, or without meat and drink, between the two sessions before said." And it is further ordered that "victuallers shall have reasonable gains, according to the discretion and limitation of the said justices, and no more, upon pain to be grievously punished." It may also be inferred that the restrictions as to the residences of the impotent poor had been found

^{1392.}
^{15 Rich. II.}
^{cap. 6.} inconvenient in some cases, as three years later, by *The 15th Richard 2nd, cap. 6*, it was enacted, that in every licence of the appropriation of any parish church (that is, the appropriation of its revenues to some cathedral, monastic, or other religious institution), it shall be expressly provided that "the diocesan shall ordain a convenient sum of money to be distributed yearly of the fruits and profits of the same to the poor parishioners, in aid of their living and sustenance for ever;" and this enactment was confirmed in the following reign.

The 13th Richard 2nd, cap. 13, is an Act of some importance in connexion with our subject, it being the first of that series of enactments for the preservation of game which have had a certain influence on our rural population, and been not alto-

gether without it on those in the towns. The Act recites, "Forasmuch as divers artificers, labourers, servants, and grooms keep greyhounds and other dogs, and on the holydays, when good Christian people be at church hearing divine service, they go hunting in parks, warrens, and connigries of lords and others, to the very great destruction of the same; and sometimes under such colour they make their assemblies, conferences, and conspiracies, for to rise and disobey their allegiance." It is then ordained and assented, "That no manner of artificer, labourer, nor any other layman, which hath not lands or tenements to the value of 40s. by year, nor any priest nor other clerk, if he be not advanced to the value of 10l. by the year, shall have or keep from henceforth any greyhound, hound, or other dog to hunt; nor shall they use fyrets, heys, nets, harepipes, nor cords, nor other engines, for to take or destroy deer, hares, nor conies, nor other gentlemen's game, upon pain of one year's imprisonment; and that the justices of peace have power to inquire, and shall inquire, of the offenders in this behalf, and punish them by the pain aforesaid." We here see a privileged class and a property qualification established, and penalties imposed on persons taking game if not so qualified, who are likewise prohibited from keeping dogs, ferrets, nets, or engines of any kind by which "gentlemen's game" may be taken or destroyed. This is the groundwork of our game-laws, which, with various modifications, have continued to the present day.

Artificers and
labourers pro-
hibited from
killing game.

CHAPTER II.

Laws of Henry IV. — Progress of improvement — Wealth and intelligence of towns — Hotspur's rebellion — Enactments relating to the Welsh — Apprenticing in towns — Increase of vagrancy — Transition from vassalage to independence — Necessity of relief for poverty — Laws of Henry V. — Population — Abuse of charities — Wars with France — Laws of Henry VI. — Wages — Threatening letters — Restrictions on foreign merchants — Price of wheat — Cade's insurrection — Laws of Edward IV. — Sumptuary laws — Remarks by Adam Smith and Blackstone — Commercial prohibitions — State of agriculture — Laws of Richard III. — Restrictions on Italian merchants — Wars of York and Lancaster — Extinction of feudalism — Laws of Henry VII. — Increase of wealth and general improvement — Alarm at increase of pasturage — Increase of vagabonds and beggars — Modification of apprenticeship laws — Wages — Maritime discoveries — Vagrancy — Population.

In September, 1399, Richard was deposed, on the ground of his being weak, violent, and incapable of governing; and his cousin, the Duke of Lancaster, succeeded him, under the name of Henry the Fourth.

Henry IV.
1399-1413.

However doubtful may have been the right of Henry to the crown, he began his reign judiciously by providing for the protection of traders, whether foreign or native. *The 1st Henry the 4th, cap. 17*, recites and confirms the statute passed in the sixth year of his predecessor, by which it was ordained, "that every foreigner and alien, being of the king's amity, and coming to the city of London, and other cities, boroughs, and towns within the realm, as well within the liberties as without, with fish and all manner of other victuals, there tarrying and returning, shall be from henceforth under the safeguard and special protection of the king." This is not so full, nor given in so free a spirit, as in *the 9th and 25th of Edward the 3rd.*^a There is a hearty and comprehensive earnest-

1399.
1 Henry IV.,
cap. 17.

^a Ante, p. 32.

ness in the wording of these which must have told well with merchants, both foreign and native, and given confidence that they would be protected in their dealings. Such protection, and the opportunity of free interchange of commodities, are in fact all that traders require: everything else depends upon the wants of the parties with whom they deal; upon abundance in one place and deficiency in another—in short, upon supply and demand. This important truth appears to have been well understood by Edward the Third. He encouraged trade by protecting traders. He naturalized our woollen manufacture by encouraging Flemish weavers to settle here, and protecting them in their operations. And thus he laid a foundation for improvement on the sure ground of labour and the profitable employment of capital, by which the condition of the people would be ameliorated, and through which their freedom from vassalage and their social elevation were eventually achieved.

During the preceding half century, comprising twenty years of the reign of *Richard the Second*, and the last thirty years of *Edward the Third*, great improvement had taken place in the condition of the people and of the country generally. In the early part of Edward's reign, pestilence and war had thinned the population and retarded improvement; but the firm and vigorous government that he after a time succeeded in establishing, and the encouragement and protection he so wisely extended to trade, could not fail of operating beneficially, and the effects continued throughout the feeble reign of his successor, notwithstanding the disorders by which it was disgraced, and the violence by which it was terminated. The seeds of amelioration thus sown struck deep into the soil, and the mild influence of commerce prepared the way for and hastened their development.

The freedom and many comforts enjoyed by the

persons residing in a town, would naturally excite a desire for similar enjoyments in the rural population, then in a state of servile dependence, and possessing scarcely any of the comforts and few of the conveniences of life. If a villein succeeded in acquiring a little property he was driven to conceal it, as, if discovered, it would belong to his master; and in order to preserve it he would probably take the first opportunity of escaping to a town, where, if he could conceal himself from the pursuit of his lord for a year and a day, he would be free for ever. What-
Superior wealth and intelligence of the towns. ever stock was accumulated by the most industrious and intelligent of the peasantry, was naturally therefore transferred to the towns, where alone it could be securely enjoyed; and hence the increase, and in most cases the superior wealth and intelligence, of the urban population.

At the accession of Henry the Fourth, emancipation from villeinage had doubtless made considerable progress, as compared with what existed at the Conquest, or a century subsequent. The rebels in Wat Tyler's insurrection were many, if not mostly, villeins; and their demands show them not to have been ignorant of the great essentials of liberty. Although their requests, granted at first, were afterwards revoked, and although many of them were punished, it may still be presumed that the spirit then manifested, and the success they for a time achieved, would not be without effect upon their masters, nor fail to stimulate a continual longing after freedom in themselves. With such a desire actuating the great mass of the people, the transition from a state of servitude to one of free labour must have been rapid, despite the difficulties by which every such change is necessarily beset.

The first two or three years of Henry the Fourth's reign were distracted by civil commotions, the natural attendants on his irregular accession to the throne. The Percies in the north rebelled
Rebellion under the Percies and Owen Glendower.

against him, and the Welsh under Owen Glendower endeavoured to throw off the dominion of England. The ancient feud between Celt and Saxon broke forth with renewed inveteracy, plunging all the border counties into a state of turmoil and insecurity. Although these circumstances may not have materially retarded the great change from servitude to freedom then in progress, they must necessarily have impeded improvement in other respects. The excesses committed by the Welsh appear to have been very great, judging from the character of the legislation to which they gave rise, and which must have tended to throw the two races still farther apart, instead of drawing them closer and promoting their amalgamation, as would have been the true policy.

In *The 2nd Henry the 4th, cap. 16*, complaint is made "that the people of Wales, sometimes by day and sometimes by night, cometh within the ^{1400-1.} _{2 Henry IV.} counties joining upon the marches of Wales, and doth take divers distresses of horses, oxen, kine, sheep, swine, and other goods, and the same doth carry away. And also doth daily arrest the people of the said counties coming with their merchandises or other their goods and chattels, to the great impoverishing of the people of the said counties." For prevention of which evils, the lords marches are directed to keep sufficient ward; and it is, moreover, ordained that no Welshman shall be permitted to purchase lands in England, and that no "whole Englishman" shall be convicted at the suit of any Welshman, except by an English judge or jury. It appears that hostile feelings towards the Welsh continued to increase; as two years afterwards, by *The 4th Henry the 4th, cap. 29*, it was ^{1402.} _{4 Henry IV., cap. 29.} ordained that no Welshman should be permitted to carry arms; that neither victuals nor armour were to be taken into Wales; that Welshmen were not to have castles, and that all castles and walled towns in Wales were to be kept by Englishmen; and

lastly, that "an Englishman who married himself to a Welshwoman shall not be put in any office in Wales or in the marches of the same."

It was not until the seventh year of Henry's reign that he seems to have had leisure to attend to the domestic condition of his people. The statutes of the 25th *Edward the 3rd*, and the 12th *Richard the 2nd*,^b "touching labourers, artificers, and other servants of husbandry," were then confirmed by *The 7th Henry IV.*^{1405-6.} cap. 17. which goes on further to recite, with respect to the apprenticing of children, that, "notwithstanding the good statutes aforesaid, infants, whose fathers and mothers have no land, nor rent, nor other living, but only their service or mystery, be put to serve and bound apprentices to divers crafts within cities and boroughs, sometime at the age of twelve years, sometime within the said age, and that for the pride of clothing and other evil customs that servants do use in the same; so that there is so great scarcity of labourers and other servants of husbandry, that the gentlemen and other people of the realm be greatly impoverished for the cause aforesaid,"—for remedy whereof it is ordained, "That no man or woman, of what estate or condition they be, shall put their son or daughter of whatsoever age to serve as apprentice to no craft nor other labour within any city or borough, except he have land or rent to the value of twenty shillings by the year at the least, upon pain of one year's imprisonment, and fine and ransom at the king's will; and if any covenant be made to the contrary, it shall be holden for none." If any person received an apprentice contrary to this ordinance, he was to forfeit a hundred shillings.

The object of this enactment is explained in the preamble. There was a scarcity of servants and other labourers in husbandry, and this scarcity would be in-

^b Ante, pp. 39 and 50.

creased by apprenticing children to handicrafts and other occupations in towns, which it appears was still practised in contravention of the Act of Richard the Second. Such apprenticing was, therefore, felt to be a grievance by "the gentlemen and other people of the realm;" meaning, of course, the landowners and master class, who would by this means lose the control over some of their villeins, vassals, bondmen, or servants, since every child so apprenticed would become free, in like manner as every adult person who resided in a town for the space of a year became free. We cannot wonder, therefore, at the jealousy and dislike of towns, and of this practice of apprenticing children therein, felt by the aristocracy and the lords of the soil, nor at their attempting to prevent the consequences to which they saw it would give rise.

This statute of *Henry the Fourth* further directs, that "once in the year all the labourers and artificers dwelling in the same leet, shall be sworn to serve and take for their service after the form of the said statutes (25th *Edward 3rd* and 12th *Richard 2nd*); and if they refuse that to do, they shall be put in the stocks within the town where they be taken, for three days, without bail or mainprise, till they will make gree, and from thence they shall be sent to the gaol." This was the last Act of Henry the Fourth's reign having reference to our present subject; and it will be seen that little more was done by him than to confirm the Acts of his two immediate predecessors, under whom the change from a state of bondage to one of freedom was continually advancing. This change, most important in itself, carried with it a variety of consequences, which probably were not contemplated at the time, nor felt till long afterwards. One of these consequences requires to be noticed, it being immediately connected with the subject in hand.

So long as the great body of the people were held in

bondage, without individual rights or responsibilities—so long as they were the property of the owners of the soil, of which it may be almost said they formed a part—they could not be considered poor in the legal sense of the term. They were the absolute property of their masters, who must provide for their wants, as the condition on which they commanded their services. They were not, in strictness, subjects of the state, but bondmen, servants, slaves of the territorial lords, who were responsible for their conduct, and to whom they looked for protection and support. No sooner, however, did this state of absolute dependence on their masters cease, and the people begin to assert the right of free action, and to undertake their own natural responsibilities, than poverty or want more or less intense must have occurred among them—want, for which there was no legally appointed means of relief—poverty, from the pressure of which there was no immediate refuge. A man freed from vassalage, and thus pressed by his necessities, with nothing more than his own efforts to rely upon, would often and almost unavoidably become a wanderer, in search of employment as a means of subsistence if of industrious and honest habits, in search of subsistence by other courses if idle or dishonestly disposed.

As the number of persons thus freed from bondage increased, the number of such wanderers would increase likewise; and with this increase of number there would be a greater tendency to evil courses, as well as a greater power of working mischief, and thus their existence would become a source of danger to the rest of the community; for what can be more dangerous than a body of men linked together by a common want, and sufficiently numerous to set the law at nought, and enforce their demands however disorderly or extravagant?

Such was the state of things which had been gradually growing up, and against which legislation was directed,

Emancipation from vassalage leads to an increase of vagrancy.

but apparently with little success, from the time of Edward the First downwards. By the 12th of Richard the 2nd,^c an attempt was made to separate the impotent poor from the great mass of itinerant poverty, and to compel them to relinquish their vagrant habits and become stationary. But as no provision was made for their support within the limits to which they were restricted, they would, as a matter of course, if not of necessity, continue to resort to the places where they could most readily obtain the means of satisfying their wants; and, against the cravings of actual want, legal restrictions present but a feeble barrier.

The chief difficulty however was not with respect to the impotent poor, whose infirmities rendered them comparatively powerless for mischief: it was the mass of unemployed able-bodied wanderers, professedly seeking employment, who constituted the greatest difficulty. A portion of these wanderers may be presumed to have been desirous of living by honest labour; but many, and probably the larger number, were of a different class, idle or vicious, beggars rather than workers, and not unfrequently the perpetrators of crimes which their numbers enabled them to commit with impunity. This was an evil perhaps unavoidably resulting from the breaking up of vassalage and serfdom. The slave could not be immediately changed into a free labourer. There must of necessity be a period of transition, and a long struggle between the two antagonistic systems; and whilst this struggle was continued, the condition of the free labourer would be precarious, and subject to occasional want and privation. The existence of serfdom would, so long as it lasted, interpose an embarrassing element between the employer and the labourer, and would tend to depress the wages of the latter as well as render employment on any terms uncertain;

^c Ante, p. 56.

and it would not be until after the transition period had passed, and the struggle between the two systems had entirely subsided, that the labourer could be said to be really free for the unrestricted exercise of his vocation, or that the opportunity of living by his own independent exertions was secured to him. Such transition must therefore, from its very nature, be always painful and beset with difficulty and privation to the labouring class, however favourable the circumstances under which it may be effected.

Even when the transition from a state of vassalage had been passed, and equality of civil rights established, the labourer, then free, would be occasionally exposed to distress and suffering, through sickness, want of employment, and the other casualties of life. A man thus circumstanced must be deemed *poor*, in contradistinction to the villein or serf, who could not be so considered, because his master was at all times bound to provide for him. It is therefore only when *free*, that men can be so reduced as to be *poor*, in the strict sense of the term—that is, reduced to a state of actual want and

With freedom relief for poverty becomes necessary.

destitution, for the relief of which they are not entitled to claim assistance in any quarter; and for such persons a special provision of some kind seems to be required, in order to prevent their necessities rising to such a head as would drive them to the commission of crime, and compel them to prey upon the community.

Henry the Fifth succeeded to the throne on the death of his father in 1413, and shortly after his accession he entered upon that series of wars for establishing his claim to the French crown, which continued throughout his reign, and was left as an unhappy legacy to his infant successor, draining England of its people and its wealth, and inflicting much mischief and misery on both countries. Destructive as these wars were, and mischievous in every

Transition from vassalage to independence.

Henry V.
1413-1422.

sense, they yet seemed to establish one fact of no little importance as regards the condition of the people, namely, that the feudal system had at this time become so much weakened as no longer to serve for the defence of the kingdom. When Henry in 1415 proceeded to France, instead of relying as aforesaid upon the feudal retainers of the crown, and the nobility and great territorial lords, he was compelled to issue a commission of array, empowering certain persons therein named to review all freemen able to bear arms in the several counties, and to array and keep them in readiness to repel an enemy. At this time the population of England and Wales did not probably fall much short of three millions. We have seen it estimated at 2,350,000 in 1377,^d and another authority makes it amount to 2,700,000 at the beginning of the fifteenth century,^e and there is no reason to suppose that it did not go on increasing down to the commencement of the waste and devastation of the French wars.

1415.
Amount of population.

By *The 2nd of Henry 5th, c. 4*, the statute of the 12th *Richard the 2nd*, "and all other good statutes of labourers made and not repealed," are ordained to be firmly holden and kept and put in due execution, and proclamation thereof by the sheriffs in full county was directed to be made. The justices of peace were likewise empowered "to examine all manner of labourers, servants, and their masters, as well as artificers, by their oaths, of all things done contrary to the said ordinances and statutes, and to punish them upon their confession, as though they were convict by inquest." This large and irresponsible power conferred upon the justices could hardly fail of leading to much tyranny and oppression.

1414.
2 Henry V.,
cap. 4.

It appears by the first clause of this statute, that great abuses then existed in the administration of

^d See ante, p. 55.

^e 'Pictorial History of England,' book v. cap. vii. p. 269.

certain hospitals, which had been founded "to the honour of God and of his glorious mother, in aid and merit of the souls of the founders," for the reception of "impotent men and women, lazars, men out of their wits, and poor women with child, and to nourish, relieve, and refresh other poor people in the same;" which hospitals, it is said, "be now for the most part decayed, and the goods and profits of the same by divers persons, as well spiritual as temporal, withdrawn and spent in other uses, whereby many men and women have died in great misery for default of aid, living, and succour, to the displeasure of God and peril of the souls of such spenders." Inquisition is accordingly ordered into these abuses, which are not very dissimilar to what we sometimes hear complained of at the present day with respect to charitable institutions. It appears, however, that there was much need of some such established aid for the poor at that time, since "many men and women had died in great misery for default of it;" and this fact, with the others before noticed, warrants the conclusion that villeinage had now become greatly reduced, if not nearly extinct, in England, and that it formed the exception rather than the rule.

The 4th of Henry the 5th, cap. 4, repeals the penalty to which a person was subjected who paid ^{1416.} _{4 Henry V., cap. 4.} higher wages than is prescribed by the *12th of Richard the 2nd*, on the ground that "the givers of such wages will in no wise present such excesses to eschew their own punishments, to the great loss of the king, and grievous damage of the lords and other people, because of the non-punishment of the defaults of servants and labourers;" and it is then ordained that "the pain contained in the said statute shall run only upon the taker." These must all be regarded as efforts on the part of the superior orders, to depress and keep down the working classes below the natural level

which they were struggling to attain. Serfage and villeinage had passed or were fast passing away. The demand for labour had increased, and the labourers were endeavouring to obtain proportionally higher wages. But the legislature, consisting entirely of the employers of labour, interposed to prevent the rise thus warranted by circumstances, and strove to keep the rate of wages below its natural limit. This it might perhaps be possible to accomplish partially, and for a time; but the waters would soon rise, and sweep away the puny mounds which a short-sighted legislation attempted to build up to arrest their progress, and the elements of supply and demand would assert their supremacy in this as in other matters.

The 9th Henry 5th, cap. 5, passed in the last year of Henry's reign, recites "that whereas, at the passing of the *14th of Edward the 3rd* (1340), ^{1421.} _{9 Henry V., cap. 5.} there were divers valiant and sufficient persons in every county of England to occupy and govern the same, and forasmuch that, as well by divers pestilences within the realm of England, as by the wars without the realm, there is not now such sufficiency," it is then ordained, that "the king may make the sheriffs and escheators through the realm, at his will, until the end of four years." This shows how destructive Henry's French wars had been, and how dearly the country had paid for the empty renown he had acquired. It appears that, after these sacrifices to the Moloch of military glory, there were not a sufficient number of the gentry left in England to conduct the ordinary business of the county. The above enactment applies to the nobility and gentry only; but we are informed that both France and England had become so exhausted of the means by and with which armies are raised and maintained, that, before the end of the war, scarcely the appearance of an army could be brought into the field on either side, —a proof of the deficiency in the two chief elements of

power, wealth and population, contrasting most unfavourably with the condition of the country at this king's accession, from which condition it had retrograded through his reckless ambition. Yet Henry was popular with the nation, and the people, who were the greatest sufferers, hailed his victories with acclamation—such is the influence of military glory upon its unreasoning victims!

Henry the Fifth unquestionably possessed qualities of a high order, and recent investigations have cleared his early life of the vices and follies by which it was believed to have been disgraced, but which in Shakspeare's magical page almost assume the character of virtues.¹ If Henry had applied his great talents to the improvement of his people and the encouragement of industry at home, instead of wasting the wealth and energies of the nation in foreign wars for objects of personal aggrandisement, he would have proved a great benefactor to his country, and merited the blessings of mankind. To the wars with France, commenced by him, made popular by his successes, and continued throughout the greater part of the reign of his son, may be traced that feeling of rivalry and hostility between the two nations which has continued almost to the present day, and led to so much misery and bloodshed.

On the death of Henry the Fifth, in 1422, at the Henry VI.,
1422-1461. early age of thirty-four, his son, Henry the Sixth, succeeded to the crown. He was then an infant, less than a twelvemonth old, and his uncles were appointed his guardians, with a council nominated by Parliament to assist them in carrying on the government. The war with France was then in full activity, and its natural consequence, the drain of capital, was "grievously complained of" in Parliament. It was

¹ See Tyler's 'Memoirs of Henry the Fifth,' a work evincing great industry and research, although perhaps somewhat lengthy and diffuse in its composition.

therefore ordained by *The 2nd Henry 6th, cap. 6*, "that no gold or silver shall be carried out of the realm, unless it be for payment of the wars 1423.
2 Henry VI.,
cap. 6. and soldiers of the king beyond the sea, upon pain of forfeiture of the value of the money so carried out, to be levied of him that shall bring, carry, or send it out of the realm; and he which espieth it, and thereof giveth knowledge to the council, shall have the fourth part of the forfeiture." By the same Act, the late statute of the *4th Henry 5th*, which exempted from penalty masters who gave more than the prescribed rate of wages, was repealed, and the former penalties against the giver of such wages were again established.

The 6th Henry 6th, cap. 3, recites the statutes *12th and 13th of Richard the 2nd*,² and then affirms 1427.
6 Henry VI.,
cap. 3. that these statutes are not put in execution,—"that is to say, the first statute, because that the punishment in the same is too hard upon the masters of such servants, forasmuch as they shall be destitute of servants if they should not pass" (that is, pay more than is prescribed by) "the ordinance of the statute; and the second statute, because that no pain is limited against him that doeth contrary thereto." It is therefore ordained that justices of the peace and the mayors and bailiffs of cities and towns shall, once in the year in full session, make proclamation how much every servant of husbandry shall take for his service by the year then next following; and further, that they shall make like proclamation at Easter and Michaelmas, "how much every artificer and workman shall take by the day, and by the week, with meat and drink, or without meat and drink, as well in August as in other times of the year. And if any servant, artificer, or workman do the contrary of such proclamation, and be thereof attainted, he shall forfeit every time the value

² Ante, pp. 56, 60.

of his wages; and if he have not whereof to make good to the king, he shall have imprisonment of forty days, without bail or mainprise." And the justices of peace, mayors, and bailiffs are empowered to hear and determine such offences, "as well at the king's suit by suggestion and surmise, as at the suit of the party in such case grieved." And the justices, mayors, and bailiffs are further empowered "to examine at their discretion, as well such servants, artificers, and workmen, as their masters, and if they find the contrary to be done of such proclamation so made, the said servants, artificers, workmen, and labourers shall be punished in the form aforesaid, and shall yield to the party grieved his double damages." The employer or master is thus again exempted from penalty, and is even enabled to proceed against his servant for an act which was contrary to law, and in which they had each concurred—surely a most partial and one-sided legislation!

Two years later, it is recorded in the preamble to ^{1429.} *The 8th Henry 6th, cap. 6*, "that divers great ^{8 Henry VI.} mischiefs and subtle felonies and robberies now late have been done in the town of Cambridge, and in the counties of Kent and Essex, and in other places, by people offenders unknown," by means of bills (or letters) directed to divers people, commanding them to put divers great sums of money in certain places where the said offenders might easily carry the same away; "certifying in the said bills that, if they put not the same money in the places assigned at a certain day, the offenders would do the greatest and most outrageous vengeance; and because such sums have not been so put, according to the purport of the same bills, many houses and goods and chattels of divers persons at Cambridge, and elsewhere, have been feloniously burnt and utterly destroyed." And it is then ordained that all such burnings of houses shall be adjudged high treason. The "subtle felonies" here

Threatening
letters.

complained of appear in their nature identical with the "threatening letters" of a later period, although modern offenders might possibly not carry their "outrageous vengeance" quite so far, on disregard of their notice, as it appears those of old time were in the habit of doing. But in either case the crime is doubtless very heinous, betokening an immoral and disorganized state of society, and on every account meriting the severest punishment.

By the same statute, the restrictions imposed by the *7th Henry 4th, cap. 17*,^b by which persons not having land or rent of the value of twenty shillings a year are prohibited from apprenticing their children in cities or towns, is repealed as respects London, on account of the great hindrance which the said statute might occasion to the inhabitants of the said city; "and also respecting the entire affections and great kindness done and shewed to our Lord the King in all his affairs by the citizens of London, and to encourage them the more to such affections and kindness hereafter." This special exception in favour of London may be regarded as an indication that its trade had increased, and required an increased number of operatives. It seems, moreover, to indicate that the citizens were taking part in the business of legislation, and that they had become of greater importance in the state.

As bearing upon the social condition of the people at this time, and therefore connected with our subject, it may be stated that *The 18th Henry* ^{1439.} ^{18 Hen. VI.,} *6th, cap. 4*, records—"that great damage and losses daily come to the king and to his people by the buying and selling that the merchants, aliens, and strangers do make, without notice, governance, and surveying of any of the King's liege people, as by such buying and selling which they do use together, every of them with

^b Ante, p. 66.

other, they do impair and abate the price and value of merchandizes of this noble realm, and do increase and enhance the price of all their own merchandizes, whereby the said merchants aliens be greatly enriched, and the king's subjects grievously impoverished, *and great treasure by the same aliens carried out of this realm.*"

Restrictions on foreign merchants. For remedy of these asserted evils, it is ordained, that aliens should no longer be permitted to sell to aliens, and that all alien merchants and strangers should thenceforth be under the surveying of hosts to be assigned to them in every city, town, or port whither they had come, and that these hosts were to be privy to all their sales and contracts, and that the proceeds of what they sold were to be invested in English merchandizes "growing and made within the realm;" and that the hosts were to register in a book "all the buyings, sales, contracts, and employments" of the said alien merchants, and send a transcript thereof to the king's exchequer twice in the year; "and the said host shall take for his labour in that case of every merchant stranger two-pence for every twenty shillings in value of all manner of merchandizes so by the said merchants aliens sold and bought."

These enactments exhibit a sad falling off from the liberal policy of Edward the Third, who encouraged the resort of foreign merchants, protected them in their dealings, and permitted the freest interchange of commodities, without regard to their origin or nature. Perhaps the last reason assigned for establishing these restrictive regulations was the chief, if not the only one, that "great treasure" was carried out of the realm; and of course this was assumed to be done, as it probably was chiefly done, by the agency of these "merchants aliens," who found the exportation of such treasure more profitable than to export English commodities, in return for the articles which they had imported. But the cause of this efflux of treasure, namely, the

deficiency or defectiveness of home-production, was overlooked by the legislators of that day, as it has been by those of a subsequent period. Instead of labouring to increase and improve native produce, restrictions were resorted to, which could not fail to operate injuriously upon the trade and commerce of the country, and thereby add to the evil they sought to cure; whilst they would at the same time curtail employment, and reduce the earnings and lessen the comforts of the great body of the people.

By *The 23rd Henry 6th, cap. 12*, a new scale of wages is established, and servants in husbandry are required to give their masters warning, and to engage with some other master before quitting their present service, failing in which they are to continue to serve their first master for the next year. It is also directed that the yearly salaries and wages of servants, labourers, and artificers, shall not exceed the following rates:—

Bailiff of husbandry	23s. 4d.	{and clothing of the value of .}	5s.	with meat and drink.
Chief hind, carter, and chief shepherd . . . }	20s. 0d.	ditto	4s.	ditto
Common servant of husbandry . . . }	15s. 0d.	ditto	11d.	ditto
Woman servant . . . }	10s. 0d.	ditto	4s.	ditto
Infant within the age of fourteen . . . }	6s. 0d.	ditto	3s.	ditto

The wages, by the day, of artificers and common labourers, between Easter and Michaelmas, were not to exceed—

A free mason or master carpenter }	4d.	with meat and drink ;	5d.	without meat and drink
A master tiler or slater, and rough mason, and common carpenter, and other artificers concerned in building }	3d.	ditto	4d.	ditto
Every other labourer . . . }	2d.	ditto	3d.	ditto.

In the winter months, between Michaelmas and Easter, the wages are to be in each case 1d. per day less.

The above rates are not, however, to extend to

labourers in the time of harvest, at which season the wages by the day are fixed as follows :—

A mower	4d.	with meat and drink ;	6d.	without meat and drink.
A reaper and a carter	3d.	ditto	5d.	ditto
Women and other labourers	2d.	ditto	4d.	ditto

But in every case it is directed “that such as deserve less shall take less ; and in places where less is used to be given, less shall be given from henceforth.” If any persons refuse to serve and labour according to these premises, justices of the peace are empowered to call them to examination of the same, and to commit them to gaol, “there to remain till they have found surety to serve and labour in form by law required :” and justices are also empowered “to take all servants retained with any person under colour of husbandry, and not duly occupied about the same, and compel them to serve in the occupation of husbandry to such as shall require their service.” This and all the other statutes of labourers are to be proclaimed throughout the realm twice every year.

If the above rates are compared with those prescribed in 1388 by the 12th of Richard the 2nd,¹ it will be seen that a great increase has taken place in the wages of all annual servants. At the former period a bailiff was directed to be paid 13s. 4d. per annum, without clothing ; a bailiff is now to be paid 23s. 4d. per annum, together with clothing to the value of 5s., making together 28s. 4d. So with the chief hind, shepherd, and carter : they were each paid 10s. per annum in 1388 ; they are now to be paid 24s., including 4s. clothing. Common servants in husbandry were then paid 7s. ; they are now to be paid 15s., together with 11d. clothing. A woman servant was then paid 6s. ; she is now

Comparison of the rate of wages in 1388 and 1444.

¹ Ante, p. 56.

paid 10s., and clothing of the value of 4s., making together 14s. It appears, therefore, that in little more than half a century the yearly wages of the above class of persons had more than doubled in amount.

The 25th Edward the 3rd,^{*} passed in 1350, affords the means of comparing the daily wages of certain artificers and harvest-labourers at that period, with the rates established nearly a century afterwards by the present Act of 1444. From Easter to Michaelmas, the wages per day, without meat or drink, was, for—

	In 1350.	In 1444.
A master carpenter	3d. per day	5d. per day
A master or free mason	4d. ”	4d. ”
Other common labourers about buildings	1d. ”	3d. ”
A mower	5d. ”	6d. ”
A reaper	3d. ”	5d. ”
Women and other labourers	1d. ”	4d. ”

Comparison of the rate of wages in 1350 and 1444.

With the exception of carpenters, reapers, women, and common labourers, there is no very great difference observable in these rates after the lapse of a century, although in the former comparison, extending to little more than half that period, the wages of annual servants were increased upwards of 100 per cent. The 25th Edward 3rd was confirmed in 1388 by the 12th Richard 2nd ; so that the yearly wages of the bailiff, hind, carter, &c., which prevailed in 1350, continued without material change in 1388 ; and the increase now observable must therefore have taken place subsequent to that time. May not this difference of increase in the yearly and daily rates of wages—the one being more than doubled in the course of half a century, whilst the other remained comparatively stationary for twice that period—have been owing to the progressive emancipation of the people, and the growth of independent feelings and habits among them, and a not unnatural dislike to engage for a year, as reminding them of their former state of bondage ?

^{*} Ante, p. 35.

It cannot escape observation that, in all these enactments for the regulation of wages, the great object of the legislature was to prevent a rise—to fix a maximum, not to assign a minimum—to place a limit on the ascending scale, leaving the descending scale without check or limitation. No servant or labourer was permitted to receive above a certain amount of wages, whatever the quantity or quality of his work, but he might be paid any less sum to which his employer could succeed in beating him down; for it is especially provided “that such as deserve less shall take less, and where less is used to be given less shall be given from henceforth.” It is clear, therefore, that the interest of the master-class was alone considered in these enactments; and were it not that such regulations are, from their very nature, in a great measure nugatory and impracticable, they might have inflicted serious injury upon the working classes, for the continued depression of whom they were, through a short-sighted policy, obviously designed.

It may here be worth noticing, that in 1350 the bushel of wheat is, by the *25th Edward 3rd*, declared to be worth 10*d.*, or rather that the employer had the option of giving it to his labourer in lieu of 10*d.*, if he so preferred; and Sir Frederic Eden, in the table of prices deduced by him from various sources, and printed in the Appendix to his ‘History of the Labouring Classes,’ gives 10*d.* as the price of a bushel of wheat in that year. In 1444 he puts wheat at the same price, that is, 6*s.* 8*d.* the quarter, or 10*d.* the bushel, although there had been, as was to be expected, great fluctuations of price in the interim. It may, therefore, be assumed that the cost of provisions had very little, if anything, to do with the changes which took place in the price of labour and the rate of wages between 1350 and 1444. These changes must have originated in another source, and

Price of
wheat,
1350-1444.

were in all probability mainly owing to the spread of freedom, the increase of intelligence, and improvement in the mode of living of the great mass of the people.

In 1450 we find John Cade, or “Jack Cade,” the so-called “Captain of Kent,” attainted as a traitor, and all his goods and chattels forfeited to the king by *The 27th Henry 6th, cap. 1.* The country was in a state of great disorder at this time, and the people were discontented and turbulent. Insurrections had broken out in several places, and Cade, who was an Irishman, and had served in the armies abroad, assumed the name of Mortimer, and put himself at the head of the movement in Kent. This outbreak was not much unlike that under Wat Tyler, in 1381, and both the one and the other were evidences of the unsettled state of the public mind, and the disorganized condition of the country, without which neither Tyler nor Cade could have gathered followers. Each advanced to the capital, and each maintained his position for a time, committing many acts of violence, and inspiring great terror. Each also sank as suddenly as he had risen; but these outbreaks nevertheless served to show the governing class the necessity of conciliating the people, who had given such proofs of their power, and of their readiness to exert it. These occurrences, although causing much disorder at the time, were not, therefore, altogether unproductive of good, inasmuch as they secured greater consideration for the wants and wishes of the inferior orders, and helped forward the great work of emancipation, an object then happily not far from its accomplishment.

In 1461 Henry the Sixth was deposed, and Edward the Fourth, of the House of York, assumed the crown. Two years afterwards an elaborate statute was passed (*The 3rd Edward 4th, cap. 5*), containing, among a great variety of other provisions, express regulations for the apparel to be worn

1450.
27 Hen. VI.,
cap. 1.

1450.
Jack Cade.

Edward IV.,
1461-1483.

1463.
3 Edw. IV.,
cap. 5.

by persons according to their several degrees; and it seems not a little extraordinary that the legislature should at such a time have given its attention to such a subject, the nation being then hardly freed from the turmoil of rebellion, and the bloody conflict between the adherents of York and Lancaster, which ended in the deposition of one sovereign, and the elevation of another. It must be presumed, however, that it was then deemed a matter of primary importance, to thus openly distinguish the different orders of society; and it would doubtless exercise considerable influence on the habits and position of each, although whether it would prove beneficial to either may reasonably be questioned.

After referring to previous statutes having a like object,¹ the Act declares that "the commons of the realm, as well men as women, have worn, and daily do wear, excessive and inordinate array, to the great displeasure of God," &c.; and it then ordains "that no knight under the estate of a lord, nor the wife of such knight, shall wear cloth of gold, nor corses wrought with gold, nor any fur of sables. And that no bachelor knight, nor his wife, shall wear any cloth of velvet upon velvet; and that no person under the state of a lord shall wear any cloth of silk of the colour of purple. And that no esquire or gentleman under the degree of a knight, nor their wives, shall wear any velvet, satin, nor counterfeit cloth of silk resembling the same, nor any corses wrought like to velvet or satin, nor any fur of ermine." The Mayor of London and his wife are permitted to wear the same array as bachelor knights and their wives; and the aldermen and recorder of London, and the mayors and sheriffs of other places, are, with their wives, permitted to wear the same

¹ Ante, p. 43.

array as gentlemen and esquires and their wives. No man possessing less than the yearly value of forty pounds, nor his wife, son, or daughter, nor any widow of less possessions, is permitted to wear any fur of matron's letuse (pure gray or pure miniver), nor any girdle garnished with gold or silver-gilt, nor any corse of silk made out of England, nor any kerchiefs whereof the price of a *plite*^m shall exceed the sum of 3s. 4d. "And no man, not having possessions of the yearly value of forty shillings, shall wear any fustian, bustian, fustian of Naples, scarlet cloth in grain, nor no fur but black or white lamb."

It is further ordained by this statute, that no knight under the estate of a lord, nor esquire, gentleman, or other person, shall use or wear any gown, jacket, or coat, unless it be of a length to cover his buttocks, and tailors are prohibited from making any of shorter dimensions. The pikes of boots and shoes are restricted to two inches in length, with a like prohibition to shoemakers; and because coverchiefs (kerchiefs) are daily brought into this realm, inducing great charge, cost, and waste in the same, it is ordained "that no person shall sell any lawn, neifles, umple, or any other manner of coverchiefs, whereof the *plite* shall exceed ten shillings." It was also ordained, that no servant in husbandry, or common labourer, or servant to any artificer dwelling out of a city or borough, nor their wives, should use or wear in their clothing any cloth whereof the broad yard exceeds the price of 2s., nor hosen whereof the price exceeds 14d. the pair, nor any girdle garnished with silver; and their wives are limited to coverchiefs of a price not exceeding 12d.

Nineteen years after the above regulations were established, complaint was made "that, owing to the non-due execution of the same, the realm

^{1462.}
22 Edw. IV.,
cap. 1.

^m A *plite* was a yard and a quarter in length, and each piece of Flemish lawn contained sixteen *plites* or *plights*.

was fallen into great misery and poverty, and like to fall into greater, unless better remedy be provided;" and it is accordingly ordained, by *The 22nd Edward 4th, cap. 1*, "That no manner of person, of whatsoever estate, degree, or condition, shall wear any cloth of gold or silk of purple colour, but only the king, the queen, the king's mother, the king's children, and his brothers and sisters; and that none under the estate of a duke shall wear any cloth of gold of tissue; and that none under the estate of a lord shall wear plain cloth of gold; and no man under the degree of a knight shall wear any velvet in their doublets or gowns; and that no yeoman, nor other man under the degree of an esquire or gentleman, shall wear in their doublets damask or satin, nor gowns of chamlet; and that no man under the estate of a lord shall wear any woollen cloth made out of the realm, nor wear any furs of sables." No restrictions were, however, imposed on the wives and daughters of the foregoing persons. Their attire appears to have been left to their own discretion and sense of propriety. Servants in husbandry, and other servants and common labourers, are, as before, restricted to cloth of 2s. the broad yard; but their wives are permitted to wear a "reile, called a kerchief," of the value of 20*d.*, instead of the previous limit of 12*d.*, and the hosen permitted are raised from 14*d.* to 18*d.*, from which we may infer that the market price of these articles had increased, or else that the condition of the people had so far improved during the few preceding years of comparative peace and order, that they were able to pay a higher price for a better article than at the commencement of Edward's reign.

These enactments with respect to clothing, throw considerable light on the social habits and the general condition of the people, as well as on the views entertained by their rulers with regard to an open and

Another ordinance of clothing.

marked distinction of ranks. Compared with the similar enactments in 1363 (*37th Edward 3rd*),^a they show a considerable advance in the costliness and elegance of attire, and this is particularly observable in the clothing of the labouring class, who in 1363 were restricted to wearing russet or blanket of 12*d.* a yard, but they are now permitted to wear cloth of 2*s.* a yard, and their wives are allowed to wear kerchiefs of the value of 20*d.*, and girdles and other articles combining ornament with use. Of all such laws it is somewhat coarsely, but at the same time with much force, remarked by Adam Smith, that "it is the highest impertinence in kings and ministers to pretend to watch over the economy of private people, and to restrain their expense, either by sumptuary laws or by prohibiting the importation of foreign luxuries. They are themselves always, and without any exception, the greatest spendthrifts in the society. Let them look well after their own expense, and they may safely trust private people with theirs. If their own extravagance does not ruin the state, that of their subjects never will."^o

This condemnation of sumptuary laws must, as a general rule, be admitted to be correct. But notwithstanding the deference due to so high an authority as Adam Smith, it may be questioned whether his sweeping denunciation has not, in this instance, been too strongly and unreservedly expressed. Blackstone appears to take an equally sound, but more Adam Smith and Blackstone. judicious and temperate, view of the question.

He says, that "Laws made to regulate and constrain our conduct in matters of mere indifference, without any good end in view, are regulations destructive of liberty; but if public advantage can arise from observ-

^a Ante, p. 43.

^o 'Wealth of Nations,' vol. ii. p. 27.

ing such precepts, the control of our private inclinations in one or two particular points will conduce to preserve our general freedom in others of more importance, by supporting that state of society which alone can secure our independence. Thus the statute of Edward the Fourth, which forbade the fine gentlemen of those times, under the degree of a lord, to wear pikes upon their shoes or boots of more than two inches in length, was a law that savoured of oppression, because, however ridiculous the fashion might appear, the restraining of it by pecuniary penalties would serve no purpose of common utility. But the statute of Charles the Second,^p which prescribes a thing seemingly as indifferent (a dress for the dead, who are ordered to be buried in woollen), is a law consistent with public liberty, for it encourages a staple trade, on which in great measure depends the universal good of the nation."^q

An instance of retaliatory prohibitions not unworthy of notice, as bearing eventually on the condition of the people, if not immediately affecting it, took place in 1464, between the governments of England and Flanders. In that year the importation of "woollen cloths made in any other region" was prohibited by *The 4th Edward the 4th*; and the Duke of Burgundy, sovereign of the Low Countries, then issued a proclamation, to the effect that all manner of woollen cloths and woollen yarn made and wrought in the realm of England should be banished out of the lands of the said Duke, whereby, our legislators naïvely observe, "by all likelihood the makers of woollen cloths within this realm of England, as weavers, fullers, dyers, spinners, carders, and winders of yarn, and other persons exercising the said cloth-making, and also

^p See post, part ii. chap. iii.

^q Blackstone's 'Commentaries,' 1st book, sec. 126.

buyers and sellers of the same, should be destitute of occupations, and become so idle that it should provoke them to sin and evil life, which God defend." It is accordingly ordered, as a remedy for so great an evil, that the importation of merchandise of any kind, except provisions, from the countries under the dominion of the Duke of Burgundy, shall be prohibited, until English cloths and yarns shall be admitted into those countries as freely as they were before the proclamation of the said Duke.

It would appear, from this enactment, that the woollen manufacture had become of great importance in England at this time, that a considerable number of persons were employed in its various branches, and that the quantity of cloth exported was so large as to afford ground for a retaliatory proceeding on the part of a rival state. Our legislators, however, seemed unconscious that they ought not to expect other countries to take our commodities, unless we consented to take theirs; and that a prohibition imposed on one side, was likely to be met by a similar imposition on the other. They apparently did not perceive this. But they did perceive that the prohibition of the Duke of Burgundy would deprive our people engaged in these manufactures of the means of living, as the Duke would probably perceive that a like prohibition on the part of England would operate in a like manner on the people similarly occupied in Flanders. Each side was sensible of its own privations, but neither heeded the privations of the other, and both were deservedly the victims of their own narrow and selfish policy.

In this case, provisions were excepted from the prohibition, and allowed to be imported as before; from which we may gather that England, with a population at that time probably not exceeding three millions, did not raise sufficient food for the support of her own people. English agriculture was indeed at that time in a very

rude state, and we may form some idea of the husbandry of the period, and the miserable return obtained from the land, and the consequent low condition of the labourers, from the fact stated by Sir John Cullum.* He says that in Hawsted, in 1390, the crop from 57 acres was 42 quarters and 1 bushel of wheat, which is less than 6 bushels an acre; 38 quarters and 2 bushels of barley from 24 acres, which is rather better than 12 bushels an acre; 34 quarters 2½ bushels of pease from 22 acres, which exceeds 12 bushels an acre; 33 quarters 2 bushels of oats from 54½ acres, or about 5 bushels an acre. With such defective husbandry we cannot wonder that the country did not support itself, and that provisions, as we have just seen, were allowed to be imported, whilst all other commodities were prohibited. It is true that from 1390, when the management here described existed at Hawsted, to 1464, the date of the above prohibitory enactment, a considerable period had intervened; but foreign wars and domestic strife throughout nearly the whole of the time had kept the country in such a state of anarchy and disorder, that no material improvement was likely to have taken place, neither is it likely that there was better husbandry in other parts of England than is above described as practised at Hawsted in Essex.

The reign of Richard the Third was so criminal in its origin, and so brief in its duration, that little opportunity was afforded for legislation. But we nevertheless find, shortly after his accession, that an Act was passed (*The 1st Richard 3rd, cap. 9*) "touching the merchants of Italy," of whom it is complained, "that great numbers inhabit and keep household within the City of London, and other cities and boroughs, and take warehouses and cellars, and therein put their wares and merchandises,

State of
agriculture.

1483-1485.
Richard III.

1483-4.
1 Rich. III.,
cap. 9.

* Sir John Cullum's 'History of Hawsted,' p. 219.

which they bring into this realm, and deceivably pack, meddle, and keep the same, until the prices thereof been greatly enhanced for their great lucre, and the same wares and merchandises they then sell to all manner of people, as well within the ports whereunto they bring them as in other places, and as well by retail as otherwise; and also buy the commodities of this realm, and sell them again within the same, and a great part of the money coming thereof employ, not upon commodities of this realm, but make it over the sea by exchange unto divers countries, to the great hurt and lessening of the king's customs, and the great impoverishing of his subjects, of whom they should buy the commodities." It is then directed that these Italian merchants shall sell their wares in gross, and employ their money in commodities of this realm; and further, that no alien should occupy a house with another alien, nor be a handicraftsman, unless as a servant to one of the king's subjects; and all alien artificers are restricted from selling by retail.

It would appear from the above, that foreign merchants and artizans had become numerous, and interfered with our own people, as well in the home as in the foreign markets; and if this were the case, the jealousy here manifested was not perhaps unnatural. But instead of applying to the legislature to restrain these foreigners from competing with us, our merchants and artizans should have taken pattern by them, and striven to equal or surpass them in skill and enterprise. Their wealth and experience must doubtless have been of great use in nourishing and sustaining native industry, at a time when civil commotions had wasted native capital, and perverted it to other objects; and the country ought to have cherished the source whence such benefits were derived.

During the contest which had prevailed for the best part of a century between the rival Houses of York

Restrictions
on Italian
merchants.

and Lancaster, no great improvement could be expected to take place in the general state of the country. The whole period, with little intermission, presented one dismal scene of strife and violence. In reference to this period, Hume observes,—“There is no part of English history since the Conquest so obscure, so uncertain, so little authentic or consistent, as that of the wars between the Roses. All we can distinguish with certainty through the deep cloud which covers that period is a scene of horror and bloodshed, savage manners, arbitrary executions, and treacherous, dishonourable conduct in all parties.” Yet there was one redeeming circumstance connected with this unnatural state of things. Each of the contending parties was compelled to court the people, and the side which obtained the largest amount of popular support was sure to triumph, at least for a time, and until outbidden by its opponent. These appeals to the people could not fail to add to their importance, and increase their social influence. They were, in fact, become a substantive power in the state. The struggle was no longer confined to the nobility and landed gentry of the two rival factions. The people now asserted their right to have a voice in deciding by whom they would be governed, and the side which they supported always prevailed. Sir Frederic Eden remarks that “the great drain of men occasioned by Henry the Fifth’s wars, and the subsequent bloody contest between the Houses of York and Lancaster, eventually contributed to render the whole nation free:” and there can be no doubt that the popular element made great progress under the influence of these circumstances. The long and unhappy years of civil strife, which inflicted such serious mischiefs on the country, and entailed such calamitous consequences upon families and individuals, may therefore be regarded as affording some compensation for these evils,

The wars of York and Lancaster.

in the sense of importance, and the feeling of self-respect and self-reliance, which were thereby infused into the great body of the people, preparing the way for, and rendering them fitter to enjoy, the civil liberty which they afterwards attained.

The great feudal nobility suffered much in these civil wars, and were reduced in number, as well as impoverished by the expenses, penalties, and confiscations to which they had been subjected. A distinguished historian observes that “the extent of the destruction which had fallen on the old aristocracy (through the wars of York and Lancaster) may be inferred from a single circumstance. In the year 1451 Henry the Sixth summoned fifty-three temporal lords to Parliament. The temporal lords summoned by Henry the Seventh to the Parliament of 1485 were only twenty-nine, and of these twenty-nine several had recently been elevated to the peerage.”* In fact, feudalism may now be said to have received its death-blow. The nation had long been preparing for the change. The distinction of Norman and Saxon was no longer maintained. The two races had amalgamated and become one people. The exorbitant power of the nobility had been reduced, and the condition of the peasantry gradually elevated. With the conversion of the serfs and villeins into free labourers, a class of small farmers had sprung up, occupying an intermediate position between the lords of the soil and the labouring class, and exercising an important influence with regard to both. Commerce had increased, and brought with it an increase of wealth and means of employment. These changes were all of gradual growth, so gradual indeed as to be scarcely noticed at the time; but their final result was most important, abolishing class privileges, and establishing the right of every man to equal

Extinction of feudalism.

* Macaulay’s ‘History of England,’ vol. i. p. 39.

law, none being above its restraints, and no one below its protection.¹

The battle of Bosworth, in August 1485, put an end to the reign of Richard the Third, and raised ^{1485-1509.} Henry VII. Henry the Seventh to the throne of England. Henry's accession constitutes an important era, a kind of turning-point in our social history. Speaking of this reign, Mr. Hallam observes, "It began in revolution, and a change in the line of descent. It nearly coincides, which is more material, with the commencement of what is termed modern history, as distinguished from the middle ages, and with the memorable events that have led us to make that leading distinction, especially the consolidation of the great European monarchies, among which England took a conspicuous station." From the commencement of Henry's reign, the increase of trade and manufactures, the spread of wealth and civilisation, and the improvement in the general condition of the people, may be said to have been uninterruptedly progressive. How much of this was owing to the firm and prudent government established by him, and how much to the circumstances of the times, and the general spread of intelligence, we need not stop to inquire—the fact is undoubted, and we of the present day are witnessing its benefits. Not that there was any great change in the principle or system of government pursued by Henry, as contrasted with his predecessors; but under him peace was maintained, the ascendancy of law was firmly upheld, life and property were protected, and class assumption, and what remained of feudal dominancy,

Increase of
wealth, and
general im-
provement.

¹ "Moral causes noiselessly effaced, first the distinction between Norman and Saxon, and then the distinction between master and slave. None can venture to fix the precise moment at which either distinction ceased. Some faint traces of the old Norman feeling might perhaps have been found late in the fourteenth century. Some faint traces of the institution of villeinage were detected by the curious so late as the days of the Stuarts; nor has that institution ever, to this hour, been abolished by statute."—Macaulay's 'History of England,' vol. i. p. 22.

were repressed. This is in truth nearly all that is essential to good government at any time, and this the people possessed throughout the reign of Henry the Seventh, who therefore must be regarded as one of the best, if not one of the greatest, of our English sovereigns.

In 1488 two Acts were passed (*The 4th Henry 7th, cap. 16, and cap. 19*) concerning the decay of ^{1488-9.} population in the Isle of Wight. The first ^{4 Hen. VII.,} ^{cap. 16 & 19.} declares that "it is for the security of the king and realm that the Isle of Wight should be well inhabited, for defence against our ancient enemies of France; the which isle is late decayed of people, by reason that many towns and villages have been let down, and the fields dyked and made pastures for beasts and cattle." And the second Act recites that "The king, having singular pleasure above all things to avoid such enormities and mischiefs as be hurtful and prejudicial to the common weal, remembereth that great inconveniences daily doth increase by desolation and pulling down and wilful waste of houses and towns, and laying to pasture lands which customably have been used in tilth, whereby idleness, ground and beginning of all mischiefs, daily do increase; for where in some towns two hundred persons were occupied and lived by their lawful labours, now be there occupied two or three herdsmen, and the residue fall into idleness. Husbandry, one of the greatest commodities of this realm, is greatly decayed, churches destroyed, the service of God withdrawn, the bodies there buried not prayed for, the patrons and curates wronged, the defence of this land against our enemies outward feebled and impaired, to the great displeasure of God," &c. In remedy for this formidable list of evils, it is ordained that no man shall take a farm in the Isle of Wight the rent of which shall exceed ten marks, and that the owners of land let to farm shall keep and maintain

Alarm at
conversion of
arable land
to pasture.

upon such land the houses and buildings which are necessary for tillage and husbandry.

These enactments are obviously intended to prevent the conversion of arable land into pasture. Some stress is laid upon the necessity of a population in the Isle of Wight for defending it against the ancient enemy; but, taking the two statutes together, it is clear the governing intention was to prevent the increase of pasturage, and to enforce the practice of tillage. This is the first instance exhibited in the statutes of that alarm at the increase of pasturage, and decrease of the rural population, which has manifested itself in some shape or other almost down to the present day, and about which so much has been said and written, and even sung, for who can forget poor Goldsmith's lines?—

“ A time there was, ere England's woes began,
When every rood of ground maintain'd its man.”

That the conversion of any considerable tract of land from tillage to pasture would occasion inconvenience, and possibly distress, to certain of the labourers previously employed upon it, must be admitted. Every change will, for a time, be productive of inconvenience to some one; but this can hardly be deemed a sufficient reason for legislating against all change. If the change be not advantageous, it will sooner or later be abandoned; and if advantageous, to legislate against it would not only be wrong, but would also be in the long run ineffective.

In the present instance, the demand for increased pasturage was probably caused by improvement in the condition of the people, by their living better, and consuming a larger quantity of animal food. Something may also have been owing to an extension of manufactures, particularly the woollen manufacture, for the supply of which with its staple material, an increase of sheep pasturage was probably required. An increase of manufactures would likewise draw the people to the

towns, whither their newly acquired freedom would enable them to resort without let or hindrance. In short, pasturage was needed, and men found it their interest to extend it, and therefore ought to have been left to act upon their own judgment and responsibility, which would have been safer guides for them, and for the country generally, than legislative enactments, however well intended and carefully devised.

The 11th Henry 7th, cap. 2, is entitled ‘An Act against Vagabonds and Beggars,’ and commences by declaring that the king “most ^{1495.} _{11 Hen. VII., cap. 2.} entirely desireth amongst all earthly things the prosperity and rest of this land, and his subjects to live quietly and surely; and willing always, and of his pity intending, to reduce them thereunto by softer means than are provided in the statute *7th of Richard the 2nd, cap. 5*; and considering also the great charges that should grow for bringing vagabonds to the gaols according to that statute, and the long abiding of them therein, whereby it is likely many of them would lose their lives.” It is then ordained, that, instead of such misdoers being committed to the common gaol, the sheriffs, mayors, constables, and other officers of cities, boroughs, and towns, “do make due search, and cause to be taken all such vagabond, idle, and suspected persons living suspiciously, and them to set in the stocks, there to remain three days and three nights, with no other sustenance than bread and water, and after that to be set at large, and commanded to avoid the town. And if he oftsones be again taken in the same town or township, he is then to be set in the stocks the space of four days, with like diet; and if any person give other meat or drink to the said misdoers whilst in the stocks, or the same prisoners favour in their misdoings, they shall forfeit for every time so doing twelve pence.”

It is also further ordained, that beggars not able to

work shall go rest and abide in the hundred where they last dwelled, or where they were best known, or born, "there to remain or abide, without begging out of the hundred, upon pain to be punished as is before said." But this is merely a repetition of the *7th Richard 2nd*,^{1495.} with the addition of a penalty of twenty pence on any sheriff or other officer who shall neglect or fail to carry these provisions into execution. There is, moreover, a prohibition against servants, apprentices, and labourers, playing at certain games, except at Christmas; and a proviso at the end permits a diminution of punishment for women with child, and persons in extreme sickness.

This Act substitutes the summary punishment of the stocks, with bread and water, for that of committal to gaol directed by the *7th of Richard the 2nd*. How far it was more lenient may admit of question, but it certainly was more prompt, and therefore perhaps more effective. The class of persons against whom the provisions of the Act were directed, had in all probability gained head during the disorder of the civil wars; and it may be presumed that their numbers were likewise increased by the emancipation from villeinage which had now been consummated, and which, whilst it left the people free to follow their own inclinations, exonerated their former masters from responsibility for their support. That there was, owing to these or other causes, an increase of beggars and vagabonds seems likely, or this recurrence to legislation on the subject would hardly have taken place.

The exemption in favour of sick persons, and women with child, shows a tender consideration of which we have seen no previous instance; and the preamble of the present Act, to the effect that the king desires the quiet and prosperity of his subjects above all earthly things, shows that a new spirit pervaded the govern-

¹ Ante, p. 55.

ment, and that it was actuated by a feeling towards the mass of the people different from that which had theretofore existed. Indeed the people had risen to so much consideration at this time, that an Act was passed in the present year (*The 11th Henry 7th, cap. 12*),^{1495.} providing, as "a mean to help and speed poor persons in their suits," that writs should be issued, and counsel and attorneys assigned for them, free of cost, in all suits "for redress of injuries and wrongs to them daily done, as well concerning their persons and their inheritance as other causes."^{11 Hen. VII., cap. 12.}

The prohibition against giving meat or drink to the "misdoers" whilst in the stocks, seems to point at almsgiving as being one cause of the evil of vagabondage. It is not unlikely that the increase of wealth which had taken place, would lead to an increase of almsgiving on the part of the laity, and to an increased distribution of alms by the clergy and the numerous religious institutions then existing in every part of the country. It would further seem that this charitable tendency was so general, so strong, and so little discriminative, as to render a legislative prohibition necessary to restrain it, and to prevent its neutralizing the penalty inflicted by the law, which would of course tend to increase the amount of crime.

The statute of *Henry the 4th*, prohibiting persons not having lands or rents of the value of 20s. a year from apprenticing their children in any city or borough, and which had been repealed in favour of the citizens of London,^v is also, on the prayer of the citizens of Norwich, repealed as regards them by *The 11th Henry 7th, cap. 11*.^{1495.} They represent, that "by force of that statute many and divers great vexations and troubles and losses have been done to them, whereby the most substantial crafts, called worsted-weavers and

^v Ante, pp. 66 and 77.

clothiers, by which crafts the weal of the said city hath and should be maintained, be greatly decayed;" wherefore they pray that the citizens of Norwich may be at liberty to take the sons and daughters of any persons that will put them to be apprentice in the said city, the penalties of the said Act notwithstanding—a reasonable request, reasonably and promptly complied with; and a similar permission was in the following year, for like reasons, extended to all the worsted-makers in the county of Norfolk.

In the same year *The 11th Henry 7th, cap. 2*, was passed. It is entitled 'An Act for Servants' Wages,' and was of short duration; but it nevertheless deserves notice, as it affords the means of comparing the rates therein prescribed, with those established by the *23rd Henry 6th*, in 1444.* The Act begins, as usual, by referring to the previous statutes on the same subject, especially to that "made by the right noble Christian prince of blessed memory, King Henry the Sixth;" notwithstanding which statutes, it is declared, that "great and many defaults daily increase, rest, and continue, among labourers and artificers, some because the said statutes be not executed, and some because the remedy by the said statutes is not very perfect, nor giveth certain nor hasty remedy; so that daily, by subtle imagination in defraud of the said statutes, many of the king's subjects been hurt, deceived, let, and damaged in their building and husbandry;" for remedy of which it is enacted and ordained, that none engaged in husbandry shall receive higher wages by the year than the following:—

Scale of wages.

	s.	d.		s.	d.
A bailiff in husbandry . . .	26	8	clothing . . .	5	0
Chief hine, carter, and chief shepherd	20	0	ditto . . .	5	0
Common servant in husbandry	16	8	ditto . . .	4	0

* Ante, p. 79.

	s.	d.		s.	d.
Woman servant	10	0	ditto	4	0
Child within the age of fourteen years	0	8	ditto	4	0
Every other labourer and artificer, from Easter to Michaelmas, shall receive	0	2	a-day with meat and drink	0	4
Ditto from Michaelmas to Easter	0	1	ditto	0	3
And in the time of harvest—					
A mower is to be paid	0	4	ditto	0	6
A reaper and a carter, each	0	3	ditto	0	5
A woman and other labourers	0	2	ditto	0	4

The wages of artificers, by the day, are not to exceed

A free mason	} From Easter to Michaelmas, 6d. a-day each, without meat and drink; with meat and drink, 4d. a-day.
Master carpenter	
Rough mason	
Bricklayer	
Master tiler	} From Michaelmas to Easter, 5d. a-day each, without meat and drink; with meat and drink, 3d. a-day.
Plumber	
Glazier	
Carver	
Joiner	} 4d. a-day without meat and drink, and 5d. a-day with meat and drink.
Master mason or master carpenter having charge of the work, and six or more men employed under him, to have	

The wages of shipwrights, by the day, from Candlemas to Michaelmas, are not to exceed—

A master ship-carpenter taking charge of the work, and having men under him	5d. with meat and drink	7d. without meat and drink.
Another ship-carpenter, called a hewer	4d. ditto	6d. ditto
An able clincher	3d. ditto	5d. ditto
An holder	3d. ditto	4d. ditto
A master caulker	4d. ditto	6d. ditto
Another mean caulker	3d. ditto	5d. ditto
A caulker labouring by the tide, for every tide	4d. ditto	

From Michaelmas to Candlemas the wages of artificers are to be 1d. a day less.

In places where less wages than the above have been usually given, less are still to be paid, "this Act notwithstanding;" and all husbandry servants and artificers are compelled to serve when required, under penalty of imprisonment for a month, and a fine of twenty shillings; and masters are liable to a penalty of

40s. for every time they shall give higher wages than is here prescribed. It is further ordained, "that every artificer and labourer be at his work, from the middle of March to the end of September, before five of the clock in the morning, and that he have but half an hour for his breakfast, and an hour and a half for his dinner and for sleep, and that they depart not from their work till between seven and eight of the clock in the evening." From the middle of September to the middle of March they are "to be at their work in the springing of the day, and depart not till night;" and the additional half-hour for sleep at dinner-time is not to be allowed during this winter portion of the year.

These rates are set forth in greater detail than we find them in the *23rd Henry 6th*; but they are open to the same objections. Indeed it may be said that their very completeness for their intended object, renders them the more certainly injurious. It will be seen, on comparison, that there is no material difference between the wages now prescribed and those previously established. There is an increase of a penny a day to the master mason and master carpenter, and an increase of 3s. 4d. in the yearly wages of the bailiff in husbandry, but in the other items there appears scarcely any difference; and it may, therefore, be inferred that prices have, on an average and on the whole, remained nearly stationary during the preceding half-century. The present resort to legislation, avowedly for the purpose of regulating, but in reality for preventing an increase in the rate of wages, would seem to imply that the working classes were endeavouring to secure a larger share of the comforts and conveniences of life, in return for their labour, than they had previously been accustomed to obtain.

The chief difference between the former, and the above table of wages, is in the latter's including ship-carpenters and caulkers, of whom no notice was taken

Compared
with the
rates esta-
blished in
1444.

in any preceding enactment. Shipbuilding has, therefore, it may be presumed, gone on increasing, and has now become a regular and recognized branch of industrial occupation. Indeed, maritime enterprise appears to have been in great activity in Europe at this period. Three years previous (August 2nd, 1492) Columbus had sailed from Spain for the discovery of a new world; and a few years later, Vasquez de Gama rounded the Cape of Good Hope in his way to India. Henry viewed these enterprises with the far-seeing eye of a statesman, and with the spirit of a merchant adventurer. He would have assisted Columbus: he did send out Sebastian Cabot, who first discovered the American continent. Henry also laid the foundation of the British navy by building the "Great Harry," the first ship possessed by the crown, and in the building of which he expended the large sum of fourteen thousand pounds. It was natural therefore that he should wish to regulate the wages of shipwrights, in common with other artizans.

This Act for regulating wages was, however, repealed in the following year by *The 12th Henry 7th, cap. 3.* No ground is assigned for this repeal, beyond the general declaration of "divers and many reasonable considerations and causes, and for the common wealth of the poor artificers—as free masons, carpenters, and other persons necessary and convenient for reparations and buildings, and other servants and labourers in husbandry." It has, however, been supposed that the chief cause of the repeal was the high price of corn, wheat having risen from about 4s. the quarter, when the Act was passed in 1495, to the famine price, as it may be called, of 20s. the quarter in 1497, as appears by the table of prices appended to Sir Frederic Eden's 'History of the Labouring Classes.'

In 1503-4 another Act against "vagabonds and beggars" was passed (*The 19th Henry 7th, cap. 12*), in which reference is again made to

America
discovered,
and the Cape
of Good Hope
passed.

1496.
12 Hen. VII.,
cap. 3.

1503-4.
19 Hen. VII.,
cap. 12.

the *7th Richard the 2nd*. The recital is precisely similar to that of the Act of 1495,^x and the enactments differ chiefly in now prescribing a smaller amount of punishment for the same offences. Thus, "vagabonds, idlo people, and suspected persons living suspiciously," are to be "set in the stocks, there to remain the space of one day and one night, with no other sustenance but bread and water," instead of three days and three nights; and they are afterwards to be set at large, and go to "the city, town, place, or hundred where they were born, or else to the place where they last made their abode by the space of three years, and that as hastily as they conveniently may, and there remain and abide." If again apprehended in the same town, they are to be set in the stocks for three days and three nights, instead of six days and six nights, as is before directed; but the penalty of 12*d.* is continued against any one giving meat or drink or favouring the "misdoers," or, it is also now added, "who shall them receive or harbour over one night." Beggars not able to work, are ordered to go rest and abide in the place where they were born, or where they last resided the space of three years, "there to remain without begging out of the said city, town, hundred, or place, upon pain to be punished as aforesaid;" and no man is to harbour or keep any such beggar in his house over one night, upon the same pain.

The penalty on sheriffs and other officers for neglect or failing to carry the provisions of the Act into effect is increased from 20*d.* to 3*s.* 4*d.* The same prohibition against apprentices, servants, and labourers playing at certain games, except at Christmas, is continued; and, instead of the proviso with regard to women with child and sick persons, it is now directed, "that diminution of punishment of vagabonds and beggars aforesaid may be had for women great with child, and men

^x Ante, p. 96.

and women in great sickness, and persons being impotent and above the age of sixty years, by the discretion of him that hath authority to do the said punishment, this Act notwithstanding." This statute may, therefore, be said to be really what the previous Act of 1495 only professed to be—a mitigation of the severity of that of the *7th Richard 2nd*. Its tone is more humane and considerate, and the punishments inflicted under it do not, on the whole, appear greater than the occasion warranted. The direction for beggars to confine themselves to the places of their birth, or where they last resided for three years, is open to the same objection as the similar enactment in the Act of Richard, no provision being made for their relief in those places; but the giving a discretion to the administrators of the law for diminishing the amount of punishment in the cases of sick, aged, and impotent persons, is a decided improvement, and bears evidence of a more kindly feeling than had existed at former periods.

This was the last Act having reference to the poor passed in Henry's reign. He died, five years ^{1509.} afterwards, on the 21st of April, 1509, in his ^{Death of} Henry VII. 53rd year. It has been said of him that he loved peace without fearing war, and that he was free from timidity either in the conduct of his affairs or in the day of battle. Throughout the whole of his reign he was strenuous in his efforts to prevent the great lords and landed gentry from engaging retainers, and giving badges and liveries, a practice by which they enlisted people to assist them in riots and violences, and even in bearing evidence for them in courts of justice. In his general summary at the end of Henry's reign, Hume says, "The art of printing, invented about this time,^y extremely facilitated the progress of improve-

^y It is supposed to have been first practised in 1451.

ment. The invention of gunpowder changed the whole art of war. Mighty innovations were soon after made in religion, such as not only affected those states that embraced them, but even those that adhered to the ancient faith and worship. And thus a general revolution was made in human affairs throughout this part of the world, and men gradually attained that situation with regard to commerce, arts, science, government, police, and cultivation in which they have ever since persevered."

The population of England and Wales at this time had probably risen to 4,000,000. In 1528 returns were obtained of the stock of grain in the kingdom, and some of these returns, containing likewise a statement of the number of inhabitants in certain districts, have been preserved, from which statements, coupled with the census returns of 1831, it has been inferred that the population in 1528 was about 4,356,000; and if such were the case, it may, without violating probability, be assumed that it amounted to four millions in 1509.*

* See M'Culloch's 'Account of the British Empire,' vol. i. p. 398-9, 2nd edit. See also ante, pp. 55 and 71, where the population is estimated at 2,350,000 in 1381, and at 3,000,000 in 1415.

CHAPTER III.

Accession of Henry VIII. — Sumptuary laws — Prices of provisions — Pulling down of houses — Consolidation of farms and increase of pasturage — State of Manchester — Gipsies — Vagrancy — "Valiant beggars" — "Rufflers" — Employment of children — Prices — The Reformation — Suppression of religious establishments — Condition of the people — Accession of Edward VI. — Loiterers and wanderers — Beggars' children — Aged and impotent poor — Collection of alms — Trade combinations — Pasture and tillage — "Gigge-mills" — 'Act of Uniformity' — Book of Common Prayer — Laws of Mary — Restoration of popery — Amendment and confirmation of Acts of Henry and Edward — Sumptuary law — Gipsies — Prices of wheat — Tillage — Cattle — General increase of prices — Influences of popery and of the Reformation.

HENRY THE EIGHTH succeeded to the throne at the early age of eighteen, and neither the amusements and dissipation natural to his youth, ^{1509-1547.} Henry VIII. which the wealth accumulated by his father enabled him to command, nor the excitement and turmoil of continental politics, into which he eagerly entered, appear to have so far occupied his time as to prevent his attending to the business of government and the condition of the people. His reign exhibited throughout proofs of great activity and energy, although not always wisely directed either by himself or his advisers, the principal of whom was Wolsey for sixteen years of the period, that is, from 1513 to 1529. Henry's natural qualities were of a superior order: his manners were popular, frank, and manly, and his appearance was highly prepossessing. Throughout his long reign, and notwithstanding the violent and culpable acts by which it was stained, he never ceased to be a favourite with the people. He was, in short, eminently fitted for the times in which he lived, and the circumstances in which he was placed; and it is not perhaps too much to say, that scarcely any other English sovereign could have brought about the stupendous changes which he effected, with so little danger and disturbance

to the machine of government and the general framework of society.

Henry was fond of splendour, pageantry, and parade, in which his figure and high bearing fitted him ^{1509.} ^{1 Hen. VIII.,} ^{cap. 14.} for appearing to advantage, and much of his attention was given to such matters. One of the earliest Acts of his reign was that for regulating apparel (*The 1st Henry 8th, cap. 14*), the preamble to which recites that "the great and costly array and apparel used within this realm, contrary to good statutes thereof made, hath been the occasion of great impoverishing of divers of the king's subjects, and provoked many of them to rob, and do extortion, and other unlawful deeds, to maintain thereby their costly array."

^{Ordinance of} ^{clothing.} The statute then goes on to prescribe what description of clothing may, and what may not, be used by persons of different ranks and degrees. This is done with a minuteness approaching to the ludicrous, but women are specially exempted from the provisions of the Act. Purple and cloth of gold are reserved to the exclusive use of the king, queen, and royal family, and "no man under the degree of a knight is to wear any guarded or pinched shirts, or pinched partelet of linen cloth, upon pain of forfeiture of the same shirt or partelet, and for using of the same to forfeit ten shillings."

This statute is, in fact, a revival of that of Edward the Fourth,^a with certain modifications adapting it to the altered habits of the time; and so important was the due regulation of apparel deemed by Henry and by his parliament, that elaborate Acts were passed at three subsequent periods, establishing new and more minute regulations on the subject. These Acts were *The 6th Henry 8th, cap. 1*; *The 7th Henry 8th, cap. 6*; and *The 24th Henry 8th, cap. 13*.

^{1515, 1516,} ^{1533.} ^{6 and 7} ^{Henry VIII.,} ^{caps. 1, 6,} ^{and 24} ^{Henry VIII., cap. 13.}

^a Ante, p. 83.

The preambles of the two former are similar to that of the first Act, and there is no very material change in their enactments; but in the last Act it is recited, as an additional reason for its being passed, that there "hath ensued and daily do chance such sundry high and notable inconveniences as be to the great, manifest, and notorious detriment of the common weal, the subversion of good and politic order in knowledge and distinction of people, according to their estates, pre-eminences, dignities, and degrees, and to the utter impoverishment and undoing of many inexpert and light persons inclined to pride, mother of all vices." This Act takes a wider range of regulations than any of the preceding, for, in addition to the king and royal family, and dukes, marquesses, earls, and barons, it prescribes the dress to be worn, or rather that which may *not* be worn, by persons having an income of 200*l.* a year, of 100*l.* a year, of 40*l.* a year, of 20*l.* a year, and of 5*l.* a year. It then lays down the rule for servants, yeomen, and persons having less than 40 shillings a year; and for husbandmen, servants in husbandry, and journeymen in handicrafts; after which the apparel permitted to be used by the clergy is prescribed.

These regulations show the spirit and character of the times in which they were framed, when incidents of private life and domestic economy were held to be fit subjects for legislative interference. The Acts regulating apparel cannot, therefore, with propriety be omitted when describing the condition or commenting on the habits and usages of the people.

Of a character somewhat similar, and therefore not to be entirely passed over, was *The 3rd Henry 8th, cap. 15*. This statute, after providing for the protection of our native manufactures by prohibiting the importation of foreign hats and caps, directs "that no capper or hatter, nor other person,

^{1511-12.} ^{3 Hen. VIII.,} ^{cap. 15.}

sell nor put to sale any cap or hat that shall be made within this realm, unless it be sufficiently wrought, and of a sufficient colour in every point, after the goodness and fineness of the wool whereof they shall be made, upon pain of forfeiture of 6s. 8d. for every cap or hat so sold;" and caps made of the finest "Leemynster wool" are to be sold for 3s. 4d., and those made of the second sort for 2s. 6d., and those of the third sort for 20d., and those of the fourth sort for 12d. The price of caps made of the finest "Coteswold wool" is to be 2s., of the second sort 16d. The caps made of Leemynster wool are to be marked with the letter L, and those made of the Coteswold wool with the letter C; and no capper or hatter is to take a higher price than the above, under a penalty of 11s. This is not only shutting out foreign competition, but regulating the home manufacture and fixing the price of the commodity. Could there be a more effectual mode of preventing improvement, and ensuring the worst article at the highest cost? Yet the measure was doubtless intended to produce the very opposite of these results, to benefit both the producer and consumer, the operatives and the community at large, and was probably popular at the time.

The next statute of this reign requiring notice is *The* ^{1514-15.} *6th Henry 8th, cap. 3.* It is entitled 'An Act ^{6 Hen. VIII.,} concerning Artificers and Labourers,' and is a re-enactment verbatim of the *11th Henry 7th,*^b which we have seen was only in force one year. The twenty years which had since elapsed seem to have called for no change in the rates of wages then fixed, and which differed little from those prescribed in 1444 by the *23rd Henry 6th;*^c so that, after an interval of seventy years, we find no material difference in the rates of remuneration prescribed for labour. A corresponding steadiness

^b Ante, p. 99.^c Ante, p. 79.

is observable in the price of wheat. In 1442 and 1444 wheat stands in Sir Frederic Eden's Table of ^{Prices of} Prices at 6s. 8d. a quarter, and in 1514 and ^{provisions.} 1515 it stands at 6s. 8d. and 6s. respectively, although there had been great fluctuations in the intervening period, varying from 1s. the quarter in 1454 and 1s. 8d. in 1463, to 24s. the quarter in 1486 and 20s. in 1497. Taking the whole period between the years 1444 and 1514, however, 6s. appears to have been about the average price of a quarter of wheat.^d

Under these circumstances, it would seem that a recurrence to the practice of fixing wages by statutory enactment, is only to be accounted for by a desire on the part of the master-class to prevent a rise, which the working classes were probably striving to obtain. The futility of such enactments is, however, proved by the results which invariably attend them. In the present instance, it was found necessary the year following to repeal the Act as far as it regarded masons, carpenters, and other artificers in the City of London. Wolsey's influence was now in the ascendant, and he was a great patroniser of building and builders, and probably interfered to procure the repeal.

In this and the following year two Acts were passed "concerning pulling down of towns," of a ^{1514, 1515.} similar tendency to those of the preceding reign ^{6 and 7} Henry VIII., ^{cap. 5 and 1.}

^d The following comparative statement of other articles, extracted from Sir Frederic Eden's Table of Prices, may here be useful in illustration of the circumstances of the two periods:—

	In 1444.		In 1511.	
	s.	d.	s.	d.
A fat ox	31	3	13	4
A lean ditto	13	0	8	0
A sheep (1449)	2	5½	1	8
A calf	2	0	1	8
A pig	3	0	3	0
A goose	0	3	0	4
Three pigeons	0	1	0	1
A quarter of malt	4	0	4	0

These figures are not perhaps to be implicitly relied on, but they serve at any rate to show that no steady or decided rise in price had taken place in the interval between the above dates.

with reference to the Isle of Wight. These Acts (*The 6th Henry 8th, cap. 5*, and *The 7th Henry 8th, cap. 1*) recite, that great inconveniences are occasioned by the pulling down and destruction of houses and towns, and laying to pasture lands which have been usually occupied in tillage, to the great increase of idleness; as where 200 persons were daily occupied and lived by tillage and the breeding of cattle, "the said persons and their progeny are now minished and decreased, whereby husbandry, which is the greatest commodity of this realm, is greatly decayed." It is then directed that all towns, villages, and hamlets, and other habitations so decayed, shall be re-edified within one year, and that all tillage-lands turned to pasturage shall be restored again to tillage.

Nine years afterwards this question of the decay of towns and the increase of pasturage again became the subject of legislation. The preamble to *The 25th Henry the 8th, cap. 13*, declares, that divers of the king's subjects, "to whom God of his goodness hath disposed great plenty and abundance of moveable substance, now of late have daily studied and invented ways and means how they might accumulate and gather together into few hands, as well great multitude of farms as great plenty of cattle, and in especial sheep, putting such land as they can get to pasture, and not to tillage, whereby they have not only pulled down churches and towns, and enhanced the old rate of rents, or else brought it to such excessive fines that no poor man is able to meddle with it, but also have raised and enhanced the prices of all manner of corn, cattle, wool, pigs, geese, hens, chickens, eggs, and such other, almost double above the prices which hath been accustomed, by reason whereof a marvellous multitude of the people of this realm be not able to provide meat, drink, and clothes necessary for themselves, their wives, and children, but be so

Pulling down
of houses
prohibited.

1533-4.
25 Hen. VIII.,
cap. 13.

Consolidation
of farms, and
conversion of
arable land
to pasture,
prohibited.

discouraged with misery and poverty that they fall daily to theft, robbery, and other inconvenience, or pitifully die for hunger and cold." It is then assumed that the chief reason influencing these "greedy and covetous people to keep such great portions of the land from the occupying of the poor husbandmen, and to use it in pasture and not in tillage, is the great profit that cometh of sheep—some having 24,000, some 20,000, some 10,000, some 6,000, some 5,000, and some more and some less." And it is then ordered, as a remedy for this supposed crying evil, that no man shall keep above 2,000 sheep, under the penalty of 3s. 4d. for every one kept by him above that number.

It appears from the tenour of this enactment that more capital and more skill were now being applied to the land, and hence "the gathering into few hands great multitude of farms, and great plenty of cattle, especially sheep." We may presume that the increase of capital, or what is called "the great plenty and abundance of moveable substance," had arisen mainly from the increase of trade and manufactures; and to this cause may also be attributed the increase in sheep-pasturing, wool being in greater demand for the purposes of the manufacturer, and consequently yielding a greater profit to the wool-grower. These circumstances denote an increase of employment, and consequently of social comfort, although it is possible, and not inconsistent with this general increase of comfort, that in certain of the rural districts distress may, as is asserted, have been occasioned by the changes then in progress.

So likewise the complaints made ten years subsequently in *The 35th Henry 8th, cap. 4*, of the decay of towns, must be regarded as arising from a similar change. The old walled and fortified towns had become of less importance in a time of peace and established order, and their corporate usages operated as restrictions upon trade, and especially on

the manufacturer, who required space for his operations, and who was glad to remove to an open town or village as soon as he could do so with safety. Hence the decay of the old enclosed towns, and the gradual growth of new ones, more favourable as sites of manufacturing industry.

It is recorded of Manchester, so early as *The 33rd of Henry 8th, cap. 15*, that "the inhabitants are well set a work in making of cloths, as well of linen as of woollen, whereby the inhabitants have obtained, gotten, and come into riches and wealthy living, and have kept and set many artificers and poor folk to work within the said town, and many poor folks had living and children and servants there, virtuously brought up in honest and true labour, out of all idleness." Such was doubtless the case in other places as well as Manchester, although these new seats of industry are overlooked in the lamentations for the decay of certain of the old towns.

In 'An Act concerning Egyptians,' passed in 1530-1 (*The 22nd Henry 8th, cap. 10*), we find the first statutory notice of that extraordinary people. The Act recites, "Forasmuch as afore this time divers and many outlandish people calling themselves Egyptians, using no craft or faicte of merchandise, have come into this realm, and gone from shire to shire and place to place, in great company, and used great subtle and crafty means to deceive the people, bearing them in hand that they by palmystire could tell men and women's fortunes, and so many times by craft and subtlety have deceived the people of their money, and also have committed many and heinous felonies and robberies, to the great hurt and decay of the people that they have come among." It is then ordained, that no such persons shall in future be permitted to come into this realm, under pain of imprisonment and forfeiture of all their goods; and further, that proclama-

tion should be forthwith made, commanding all the "Egyptians" then in the country to depart within sixteen days, under like penalties. It does not appear, however, that these directions were attended to, for the Egyptians or gipsies continued to infest the country as before, mingling with the people, and preying upon their credulity, and becoming more or less identified with the vagabond and mendicant classes; and so they have continued even to the present day.

Shortly afterwards was passed a most elaborately framed Act "concerning the punishment of ^{1530-1.} ^{22 Hen. VIII.,} beggars and vagabonds." This statute (*The 22nd Henry 8th, cap. 12*) is deserving of especial notice, affording, as it markedly does, a proof of the close and careful attention which was given to the subject at that time. The preamble recites that "in all places throughout this realm, vagabonds and beggars have of long time increased, and daily do increase in ^{Beggars and} ^{vagabonds.} great and excessive numbers, by the occasion of idleness, mother and root of all vices, whereby hath insurged and sprung, and daily insurgeth and springeth, continual thefts, murders, and other heinous offences and great enormities, to the high displeasure of God, the unquietation and damage of the king's people, and to the marvellous disturbance of the common weal. And whereas many and sundry good laws and strict statutes and ordinances have been before this time devised and made for the due reformation of the premises, yet that, notwithstanding, the said numbers of vagabonds and beggars be not diminished, but rather daily augmented into great routs and companies, as evidently doth appear." It is then ordered, for remedy of these evils,—

Firstly.—That justices of the peace, mayors, sheriffs, and other officers, shall from time to time, within the limit of their authorities, make diligent search of all aged poor and impotent persons which live by alms and charity; and the said justices, &c., may enable such of the said

impotent persons as they think convenient to beg and live of the charity and alms of the people, within a limit to them to be appointed, "and shall register their names in a bill or roll indented, the one part thereof to remain with themselves, the other part to be certified at the next sessions, there to remain under the keeping of the Custos Rotulorum;" and they are also to deliver to every impotent person so enabled to beg, a letter containing the name of such person, and witnessing that he is authorised to beg, and the limit within which he is so authorised; and the letter is to be sealed with a seal engraved with the name of such limit, and subscribed by one of the said justices, &c. And if any impotent person so authorised shall beg in any other place than within such prescribed limit, "the justices, mayors, and sheriffs may, at their discretion, punish such person by imprisonment in the stocks the space of two days and two nights, giving them only bread and water, and after that causing them to be sworn to return again without delay to the place where they were authorised to beg."

Punishment
of beggars
going beyond
the limits
assigned
them.

Secondly.—If any such impotent person shall go about begging, having no such letter under seal, "the constables and other inhabitants within the town or parish where such person shall beg, shall cause him to be taken and brought to the next justice or high constable of the hundred, who shall command him to be stripped naked from the middle upwards, and cause him to be whipped, if it shall seem to the discretion of the said justice or high constable that it be convenient so to punish such beggar; and if not, then to command such beggar to be set in the stocks by the space of three days and three nights, there to have only bread and water." He is then to be furnished with a letter under seal, and assigned a limit within which to beg, and is to be sworn to repair thither immediately "after his punishment is to him executed."

Thirdly.—If any person or persons, "being whole and mighty in body, and able to labour," be found begging, or if any man or woman, being whole and mighty in body, and able to labour, "having no land master, nor using any lawful merchandise, craft, or mysterie, be vagrants, and can give no reckoning how he doth lawfully get his living," the constables and others of the king's subjects of every town, parish, and hamlet, are to arrest the said vagabonds and idle persons, and bring them before a justice of peace, high constable, mayor, or sheriff, "who at their discretion shall cause every such idle person to be had to the next market-town, or other place most convenient, and be there tied to the end of a cart naked, and be beaten with whips throughout the same town or other place, till his body be bloody by reason of such whipping; and after such punishment he shall be enjoined upon his oath to return forthwith the next straight way to the place where he was born, or where he last dwelled the space of three years, and there put himself to labour like as a true man oweth to do." The person so punished is to be furnished with a letter duly sealed, witnessing that he hath been punished according to this statute, and stating the day and place of his punishment, and the place whereunto he is limited to go, and by what time he is limited to come thither, within which time he may lawfully beg by the way. If he fails to obey the order appointed in the said letter, "he is eftsoons to be taken and again whipped, and so, as often as any default shall be found in him contrary to the order of this statute, he is in every place to be taken and whipped, till he be repaired to where he was born, or last dwelt for three years, and there labour for his living, without begging, as long as he is able so to do." And if, where any impotent person or strong beggar doth happen to beg contrary to this statute, the constables and inhabitants be negligent and fail to

Punishment
of vagrants.

take and punish every such beggar, then the parish or township is to forfeit for every such default, if it be an impotent beggar 3s. 4d., and for every strong beggar 6s. 8d., "one half to the king, the other half to him that will sue for the same."

Fourthly.—"Scholars of the Universities of Oxford and Cambridge that go about begging, not being authorised under the seal of the said universities, and shipmen pretending losses of their ships and goods at sea, going about the country begging, without sufficient authority witnessing the same, shall be punished and ordered in manner as is above rehearsed of strong beggars. And all proctors and pardoners going about without sufficient authority, and all other idle persons going about, or abiding in any city, borough, or town, some of them using divers and subtle craft and unlawful games and plays, and some feigning to have knowledge in physic, physionomie, palmistry, or other crafty science, whereby they bear the people in hand that they can tell their destinies, diseases, and fortunes, and such other like fantastical imaginations," shall, if found guilty of any such deceits on examination before two justices, be punished by whipping two days together, after the manner before rehearsed. "And if he oftsoons be guilty of the same or like offence, then he is to be scourged two days, and the third day put upon the pillory from nine till eleven of the clock in the forenoon, and have one of his ears cut off; and if he offend a third time, he is to have like punishment of whipping and the pillory, and have his other ear cut off."

Fifthly.—"If any person shall give harbour, money, or lodging, to any beggars, being strong and able to work, who act contrary to the form of this statute, every person so doing is subjected to such fine as the justices at their general sessions shall direct. And if any person or persons shall in anywise hinder the execution of this Act, or make rescue against any

mayor or other person endeavouring for the due execution thereof, such person or persons for every such offence shall lose and forfeit a hundred shillings, and over that have imprisonment at the king's will. And it is further ordered, that the Act shall yearly be read in open sessions, "to the intent that it may be the more feared and the better put in execution."

By thus reverting to greater stringency towards vagrants, it would seem that the more lenient course prescribed by the 19th Henry 7th, cap. 12,^e had not proved successful. Indeed this is assumed in the present Act, which begins by asserting the great increase and excessive numbers of vagabonds and beggars, to correct which evil the several enactments are professedly framed. These enactments are here given nearly verbatim, and at greater length than usual, for the purpose of showing the great care bestowed on the subject by the framers of the statute, and also as affording much insight into the condition of the people, and the opinions and feelings prevalent at the time with respect to the vagrant classes.

The legislators of that day were strenuous in their endeavours to put an end to vagabondage in every shape; but they recognised the distinction between the impotent poor beggar and the able-bodied mendicant, and directed a different proceeding with respect to each. As regards the impotent poor, the proceeding seems to have been prescribed with a view to ascertaining whether it would be possible so to regulate mendicancy as to deprive it of its evil consequences; whether, in short, the sanction or toleration of begging, by means of a letter of licence under strict limitations and restrictions, might not be adopted without encouraging or leading to an increase of beggars. The experiment was made in a good spirit, but the result

Distinction
between the
impotent and
able-bodied.

^e Ante, p. 103.

could hardly have been regarded as doubtful, even at that early period. With respect to the able-bodied, the course adopted was more direct and more stringent. But the distinction thus made in the mode of treating the two classes, and which is laid down with such minuteness in the present Act, although doubtless important, still ends in sending both the one and the other back to the place of their birth or previous residence; granting to the impotent permission to beg, and requiring, but not enabling or in any way assisting, the able-bodied to set themselves to work. No provision is made for sustaining the weak, or for helping the strong to find employment; and, therefore, notwithstanding the severity of the punishments awarded, the statute was sure to fail of accomplishing the object for which it was designed.

The fourth provision, inflicting punishment on scholars of the two Universities who go about begging without being duly licensed, seems at the present day an extraordinary enactment; but it was not then so regarded. The priests and inferior clergy were all, more or less, beggars or solicitors of alms, and those of the mendicant orders were professedly such; so that, partly from custom and partly from teaching and example, not only was begging tolerated, but the profession of a beggar was regarded as not being disgraceful. Against habits and impressions thus countenanced and upheld, the legislature had to struggle in its endeavours to suppress mendicancy; and it was not until after the Reformation had been established, and the monastic orders suppressed, that mendicancy can be said to have been materially lessened, or that habits of self-reliance and feelings of self-respect became in any considerable degree prevalent with the people.

This Act (*The 22nd Henry 8th, cap. 12*) continued in force five years, at the end of which time it was repealed, and another elaborate statute was framed with

a like object. The present Act was, however, revived ten years afterwards; and, notwithstanding former failures, it appears to have been still much relied upon for defending the community against the spread of vagabondage and mendicancy.

The 27th Henry 8th, cap. 25, has the same title as the preceding Act, a deficiency in which it was intended to supply, and which is thus described ^{1535-6.} ^{27 Hen. VIII.,} ^{cap. 25.} in the preamble:—"And forasmuch as it was not provided in the said Act how and in what wise the said poor people and sturdy vagabonds should be ordered at their coming into their countries, nor how the inhabitants of every hundred should be charged for the relief of the same poor people, nor yet for setting and keeping in work and labour the aforesaid valiant vagabonds." It is then ordered that the mayors, bailiffs, constables, and other head officers of cities, towns, and parishes, "shall most charitably receive such poor creatures or sturdy vagabonds as are specified in the said Act," and shall succour, relieve, and keep the said poor people by way of voluntary charitable alms, in such wise as none of them shall of necessity be compelled to wander and go openly in begging; and also shall cause the said sturdy vagabonds and valiant beggars to be set and kept to continual labour in such wise as they may get their own living with the continual labour of their own hands. The mayors, bailiffs, constables, &c., are likewise "to endeavour to order and direct the poor people, valiant beggars, and sturdy vagabonds, in such wise that the present Act shall be duly observed and put in execution, upon pain that every parish shall forfeit twenty shillings for every month in which it is omitted and not done."

This provision, or rather direction, for setting the "sturdy vagabonds and valiant beggars" to work, is an important advance upon the previous Act; but still it was evidently feared that there might be a want of

means for carrying the provision into effect; and it is, therefore, further ordered, that the mayors and other head officers, &c., and the churchwardens or two others of every parish, "shall take such discreet and convenient order, by gathering and procuring voluntary alms of the good Christian people within the same, with boxes, every Sunday and holiday, or otherwise among themselves, in such good and discreet wise as the poor, impotent, sick, and diseased people, being not able to work, may be provided, holpen, and relieved; and that such as be lusty, having their limbs strong enough to labour, may be daily kept in continual labour, whereby every one of them may get their own living with their own hands." It is then also further ordered, that every parson, vicar, and curate shall exhort people to extend their charitable contributions from time to time for and towards the above objects; and they, or some other honest man of every parish, are to keep a book of reckoning, and therein enter all such sums of money as shall be gathered by the charitable alms of the inhabitants, and in what wise any part of the same money shall be spent. The book is to be bought and paid for by the constable and churchwardens, and to remain in the custody of two or three of them, or of some indifferent man by their consent, and not with the parson of the parish. It is, however, expressly declared that the alms are not compulsory, and that no one is "to be constrained to any such certain contribution, but only as their free wills and charities shall extend." The churchwardens and collectors are not to continue in office more than one year; and if there should be a surplus of alms collected in any one parish, it is to be applied in aid of other poor parishes near or adjoining.

After thus organising the collection and appropriation of alms, the Act goes on to direct that no person

Poor people not able to work are to be relieved.

An account of such relief to be kept.

shall make any common or open dole, or shall give any money in alms, otherwise than to the common boxes and common gatherings, for the purposes of this Act, "upon pain of forfeiting ten times the value of all such money as shall be given contrary to the tenour and purport of the same." And all persons and bodies politic and corporate, that are bound to give or distribute any money, bread, victuals, or other sustentation to poor people, must give the same into such common boxes, to the intent that it may be employed "towards relieving the said poor, needy, sick, sore, and indigent persons, and also towards setting in work the said sturdy and idle vagabonds and valiant beggars." This was a great stretch of legislative power, but it was no doubt necessary for affording even a reasonable chance of the collections proving sufficient for the intended object. It was likewise, it may be presumed, necessary for checking mendicancy and vagabondage; for as long as these doles and other established charities were distributed, so long would there be claimants to partake of them—they might occasionally afford relief to destitution, but it is certain that they would also help to create it, by diverting people from industrial pursuits and leading them to rely upon almsgiving.

A new description of offenders are noticed in this statute. They are described as idle persons, "ruffelers," calling themselves servingmen, but having no masters. They are expressly subjected to the penalties provided in this and the previous Act; and if, after having been once taken, whipped, and sent into any town, hundred, or parish, any of the aforesaid "ruffelers, sturdy vagabonds, and valiant beggars" wander, loiter, or idly play the vagabonds, and absent themselves from such labour as shall be appointed unto them, then, being apprehended, and upon due examination and proof, they are not only to be whipped again, and sent to the town or parish whereunto they

"Ruffelers" to be treated as "sturdy vagabonds."

were first appointed, but also "have the upper part of the gristle of the right ear clean cut off, so as it may appear for a perpetual token that he hath been a contemner of the good order of the common wealth." And every constable, with the assistance of the most substantial people of every parish where such "ruffeler, sturdy vagabond, or valiant beggar" shall happen to be taken, shall do or cause to be done this execution, as well in whipping as in cutting off the said upper gristle of the ear, upon pain of forfeiting five marks, and the inhabitants are to assist the said constables to the best of their power, upon the like pain. It is also further directed, that if any ruffeler, sturdy vagabond, or valiant beggar, having the upper part of the right ear cut off as aforesaid, be apprehended wandering in idleness, and it be duly proved that he hath not applied to such labours as have been assigned to him, or be not in service with any master, "that then he be committed to gaol until the next quarter sessions, and be there indicted and tried, and, if found guilty, he shall be adjudged to suffer death as a felon."

The only other section of this statute requiring notice is that which provides for placing poor children out in service. By the 4th section, it is enacted, that the governors, justices of the peace, and head officers and constables of every city, town, or parish, shall have authority "to take up all children between the ages of five and thirteen years, who are begging or in idleness, and appoint them to masters in husbandry or other crafts to be taught, by which they may get their livings when they shall come of age, giving to them of the said charitable collections clothing to enter into such service." And if any of such children between the ages of twelve and sixteen refuse such service, or depart from the same without reasonable cause, they are to be apprehended and openly whipped with rods, at the discretion of the said officers.

The several provisions of this comprehensive statute go a long way towards creating a parochial machinery for the relief and management of the poor, and seem in fact to have been the foundation of what was afterwards done in this respect. The Act is therefore deserving of particular notice, as well on this account as because it embodies all that the experience of the statesmen of the day could devise on the subject of the poor; and at no other time was more attention paid to this question or to the condition of the people generally. It is impossible to go through the numerous Acts passed in *the present reign*, often (as in the case of the two just cited) most elaborately framed, and bearing upon almost every point of social interest, without feeling convinced that the condition of the people occupied much of the attention of government. The views entertained were not always sound, nor the measures adopted always calculated to produce the best effects; sometimes indeed the very reverse, as in the instances already noticed of wages and apparel and sheep pasturage; but still attention was given, care was manifested, and the ease and comfort of the great mass of the people seem to have been earnestly desired both by king and parliament.

Thus, in 1532-3 complaint was made to the king on behalf of his "poor subjects of this realm" ^{1532-3.} (*The 24th Henry 8th, cap. 3*), "that whereas ^{24 Hen. VIII.,} before this time all manner of victual hath been sold at prices convenient, so that all your subjects, and especially poor persons, might with their craft or bodily labour buy sufficient for the necessity and sustentation of them, their wives, and children; but now all victual, and especially beef, mutton, pork, and veal, which is the common feeding of the mean and poor persons, are sold at so excessive price that your said needy subjects cannot gain with their labour and salary sufficient to pay for their convenient victual and sustenance;" and on this complaint it is ordered that beef and pork shall

be sold at a halfpenny a pound, and mutton and veal at a halfpenny and half a farthing, and that the flesh shall be cut out in reasonable pieces according to the request of the buyer, "without fraud or covyn." But it is also further specially provided, that in places where beef, mutton, pork, and veal be sold at less prices, this Act is not to apply. In the following year another Act

^{1533-4.}
^{25 Hen. VIII.,}
^{cap. 1.} was passed (*The 25th Henry 8th, cap. 1*), con-

firning and enforcing the above, and further directing "that every owner, grazier, farmer, breeder, drover, and brogger, which shall have any beefs, muttoms, veals, or porks fat and kept to be sold for man's meat, shall, whensoever any butcher shall resort to them to buy the same, make sale of their said cattle at such reasonable prices as the said butcher may retail the same again according to the effect of the said former Act."

^{1533-4.}
^{25 Hen. VIII.,}
^{cap. 2.} And about the same time an Act was passed (*The 25th Henry 8th, cap. 2*) enabling the

Lord Chancellor and other high officers of state to fix and regulate the price of "cheese, butter, capons, hens, and chickens." But two years afterwards the above two first-cited statutes were repealed, and butchers were permitted "to kill and sell all manner of beef, pork, mutton, and veal at their pleasure, as freely as they did or might have done at any time before the making of the said statutes." We may therefore presume that, however well intended, the futility of such regulations, in all respects except as to the many inconveniences arising from them, had in the course of these two years become sufficiently apparent. Yet the price of cheese, butter, capons, and chickens was still left subject to the fiat of the Lord Chancellor.

The chief event of Henry's reign, however, and that which unquestionably led to the greatest improvement in the condition of the people, was the Reformation, or rather the emancipation of the kingdom from the thraldom of papacy, for the Reformation cannot be

said to have been fully established until the reign of Elizabeth—so deliberate was the preparation, and so gradual the bringing about, of this great religious revolution, notwithstanding its connexion with all the higher feelings of our nature, and the stirring circumstances by which it was attended. But the people generally, and no inconsiderable portion of the secular clergy, had been long prepared for the change, and went heartily with Henry in his repudiation of papal authority,¹ or it would not have been so quietly and effectually accomplished.

In 1532 an Act was passed (*The 23rd Henry 8th, cap. 20*), denouncing the extortions of the see of Rome, and prohibiting the payment of annates and first-fruits. The year following, by another statute (*The 24th Henry 8th, cap. 12*), the pre-eminence and authority of the king, and the sufficiency of the body spiritual to determine all questions of the law divine without the intermeddling of any exterior person, and of the temporality for all trials of property, are asserted, and appeals to Rome are prohibited under penalty of premunire. The next year another Act was passed (*25th Henry the 8th, cap. 21*), in which various grievous exactions "by the Bishop of Rome, called the Pope," are specified, and the independence of the realm is therein again asserted, and all payments to "the bishop or see of Rome" are prohibited. Again, by *The 26th Henry 8th, cap. 1*, the king is declared the supreme head of the Church of England; and finally, in 1536, the authority of "the bishop of Rome" within the king's dominions, and the usurpation of the papal power, are, by *The 28th Henry 8th, cap. 10*, declared to be ^{1536.}
^{28 Hen. VIII.,}
^{cap. 10.} extinguished: and all persons who shall by writing, teaching, or preaching uphold the same, are subjected to the penalties of premunire. This last Act

¹ See Hallam's 'Constitutional History,' vol. i. pp. 56-63, 4th edition.

may, therefore, be said to have completed the severance of England from the see of Rome, and the king and the parliament forthwith set about remodelling and reforming the religious institutions of the country.

The "small abbeys, priories, and other religious houses of monks, canons, and nuns," were suppressed in 1536; and three years afterwards the dissolution of the larger abbeys and monasteries was decreed by *The*
1539.
31 Hen. VIII.
cap. 13. *31st Henry 8th, cap. 13.* It is probable that these two measures may not at first have been popular, as all persons who had been maintained in and by such institutions, and those who had been accustomed to receive alms at their gates, would naturally lament the abolition, and might raise a cry after their accustomed doles. But of the evil tendency of all such establishments there can be no doubt. "It is obvious that the habits of indolence which the monastic institutions tended so strongly to cherish had the effect of increasing tenfold the evil which they were designed to cure. Multitudes of the idle and dissolute were sent forth from these haunts of profligacy; and the votaries of indolence and beggary, who were daily fed on the alms distributed at the doors of the religious houses, soon spread their debasing and demoralising influence through the land."^e

The dissolution of these institutions, numerous and opulent as they were, could not however fail to produce very important results, not as affecting the poor alone, but with respect to the entire population; and these effects were greatly heightened by the circumstances involved in the reformation then in progress. The public mind, released from the shackles of the Romish Church, and excited by constant discussions on what was passing in reference to religion, not in England only but throughout Europe, would turn with increased

^e See the Rev. Robert Burn's 'Historical Dissertation on the Law and Practice with regard to the Poor, and on the Modes of Charity,' p. 50.

energy to questions of domestic policy and social improvement. It has been well remarked, with reference to the social and economical effects of the Reformation, that "the overthrow of an institution so venerable as the (Romish) Church, and which had hitherto held down the whole national mind and habits of thought and action with so comprehensive and firm a grasp, was like the bursting asunder and passing away of all old customary bonds and enclosures, and a throwing open to all men of the clear broad field of a new era. But besides the universal excitement it thus diffused, and the constraint and benumbment from which it released the spirit and energies of the people, the abolition of the old religion operated also in a more palpable way to benefit the cause of the national industry, which is that of the popular strength, by the large number of additional hands it soon set to work in productive and profitable labour. It is calculated that about fifty thousand persons were wont to lead an idle and useless life in the English monastic institutions, and that, by the dissolution of these establishments and the abrogation of clerical celibacy together, about a hundred and fifty thousand persons of both sexes heretofore withdrawn from marriage, were added to the force by which the population is kept up. In the state of England in that age, such an addition to the effective stock of its population, was a direct augmentation of the sources of the public wealth."^h The Reformation must therefore be kept prominently in view at this period, in all considerations regarding the condition of the people, or the relief of the poor.

That there was great need of such changes as followed the Reformation, is quite certain. So backward were the people at that time in much that concerns the comforts, and what may be called the smaller luxuries

^h See 'Pictorial History of England,' vol. iii. p. 902.

of life, that it was not until the end of Henry's reign that sallads, carrots, turnips, and other edible roots were produced in England. These vegetables had previously been imported from Holland and Flanders, and when Queen Catherine wished for a salad, she was obliged to send a messenger thither to fetch it. Indeed, commercial intercourse was then mostly confined to the Low Countries, whose merchants purchased our English woollens and other commodities, and distributed them to other parts of the world. In proof of the demoralization which prevailed, it is only necessary to state that seventy-two thousand criminals were executed for theft and robbery during Henry's reign, which would be equal to an average of two thousand a-year. The condition of the people in a religious and moral point of view must have been low indeed, to render such a fearful sacrifice of life at the shrine of justice necessary for the protection of property, although other causes may have tended to increase its insecurity. That one other cause existed in the absence of an adequate provision for the relief of the destitute, has been shown in the preceding pages; and this may, perhaps, account for much of the criminal violence which the strong arm of the law was called in to punish and repress. But it is nevertheless certain that the moral habits of the people were then of a very low standard, and we cannot but suppose that this must have been in some degree owing to the nature of the religious instruction imparted to them.

No further statute respecting the poor was passed in this reign, after *The 22nd Henry 8th, cap. 12*, and *The 27th Henry 8th, cap. 25*,¹ and these two Acts remained thenceforward in concurrent operation. Henry died on the 28th of January 1547, and was succeeded by his son, Edward the Sixth, then only ten

1547-1553.
Edward VI.

¹ See ante, pp. 115 and 121.

years of age. His mother and his tutors were all favourers of the Reformation, for which the prince himself, who is described as of very precocious intellect, was also said to be zealous. His uncle and chief adviser and guardian, the Duke of Somerset, was a decided supporter of the reformed doctrines, and with him and Archbishop Cranmer chiefly rested the duty of maturing and establishing the ritual and order of our Reformed Church, very nearly as they exist at the present day.

One of the earliest Acts of Edward's reign was *The 1st Edward 6th, cap. 3*, "for the punishment of vagabonds, and for the relief of the poor and impotent persons." Between eight and nine years had now elapsed since the monasteries and religious houses were suppressed, and one consequence of their suppression was to throw back upon the community a number of the vagrant and mendicant class who had been accustomed to derive their chief support from those establishments. The numbers thus driven to levy contributions on the public must have been considerable, and would grievously augment the evil against which legislation had been so long and so strenuously directed. Accordingly, this statute begins by reciting that "idleness and vagabondage is the mother and root of all thefts, robberies, and other evil acts and mischiefs, which the king and parliament hath often with great travail endeavoured to repress; but owing to the foolish pity of them which should have seen the laws executed, the said goodlie statutes have hitherto had small effect, and idle and vagabond persons, unprofitable members, or rather enemies of the common wealth, have been suffered to remain and increase, who, if they should be punished by death, whipping, imprisonment, or with other corporal pain, it were not without their deserts; yet if they could be brought to do service, it were much to be desired." All statutes and Acts here-

tofore made for the punishment of vagabonds and sturdy beggars are then declared to be "repealed, void, and of none effect."

After thus repealing all previous enactments, the Act proceeds to establish a series of punishments for idle vagabonds,—“whether man or woman, not being lame, impotent, or so aged or diseased with sickness that he or she cannot work.” Every loitering and idle wanderer, who shall refuse to apply himself to honest labour, or to work for wages, or for his meat and drink, or who shall run away from work he has agreed to perform, is to be taken for a vagabond; and if he continue idle and refuse to labour, or run away from work set him to perform, he is to be branded with the letter V, and be adjudged a slave for two years to any person who shall demand him, to be fed on bread and water and refuse meat; and caused to work in such labour, “how vile soever it be, as he shall be put unto, by beating, chaining, or otherwise.” If he run away within the two years, he is to be branded in the cheek with the letter S, and adjudged a slave for life; and if he run away again, he is to suffer death as a felon.

“The loitering and idle wanderer,” if no man demanded him, is to be examined by any justice of the peace who might happen to espy him; and if it shall appear that he had been an idle vagrant and vagabond the space of three days, the justice is to cause the letter V to be marked on his or her breast with a hot iron, and then to send him to the place where he was born, there to be compelled to labour in chains or otherwise on the highways, or at common work, or from man to man, as the slave of the inhabitants, who are to set and keep him at work, upon pain of forfeiting, for every three days the slave shall be idle by their default, 5*l.* if a city, 2*l.* if a borough, and for a town or village 20*s.* If it appeared that he was not really born

Loitering,
idle wan-
derers.

in the place of which he represented himself as being a native, he is to be branded in the face, and remain a slave for life. And it is further ordered, that the master of any slave may put a ring of iron about his neck, arm, or leg, “for the more knowledge and surety of keeping him.”

The Act further provides, that a young beggar, or the child of a beggar, whether it be male or female, between the ages of 5 and 14, “idly wandering about as a vagabond,” may be taken by any manner of person from any such beggar, “being the mother, nurser, or keeper thereof, whether they be willing or not;” and upon the person’s promising before a justice of the peace to bring the child up in some honest labour or occupation, the justice may adjudge the said child to be servant or apprentice to the person so promising, until it reach the age of 20 if a woman-child, and until 24 if a man-child; and if any child so adjudged shall run away from such master or mistress, the child may be taken again and punished in chains or otherwise, and be used in all points as a slave for the time above specified; and the master or mistress is then empowered “to let, set forth, sell, bequeath, or give the service and labour of such slave-child to any person or persons whomsoever he will.” Slaves, or children so adjudged, wounding their master or mistress in resisting their corrections or otherwise, or either before or after they are set free conspiring to do them mischief of any kind, are “to suffer the pains of death as in case of felony;” or else, if the master or mistress, or any other person, be willing to take them, they are to become to such persons slaves for life.

Provision is likewise made in this Act (*The 1st Edward 6th, cap. 3*) for the care and relief of the aged, infirm, and impotent poor, and for preventing their wandering and begging out of their

The children
of beggars
and idle
wanderers.

Aged and
impotent
poor.

own districts, not differing materially from what was ordained by the *27th Henry the 8th*,^k except only that it is more strictly enjoined that such of this description of poor as are capable of doing anything shall be kept at work; and also, that beggars not belonging to the district, are directed to be sought for by the mayors, sheriffs, constables, and other officers, under a penalty of forty shillings for every default, and conveyed to the place where born or where most conversant, to be there kept and nourished of alms; and the curate of every parish is enjoined, "according to such talent as God has given him," to exhort his parishioners to remember the poor according to their means, and the need there be for their help.

This statute was repealed two years afterwards, and now deserves attention chiefly on account of its exhibiting the ruthless spirit which had been called forth in the country by the spread of mendicancy and vagabondage, and which influenced the legislature to pass so stern and revolting a law.

It is clear that such extreme severity was soon found to be wrong, for *The 3rd and 4th Edward 6th*,^l *cap. 16*, recites, as a reason for repealing the above statute, "that the good and wholesome laws of the realm had not been put in execution because of the extremity of some of them." *The 22nd Henry 8th*, *cap. 12*,^m is then revived, and its provisions "concerning how aged and impotent persons should be ordered for their better relief, and how vagabonds and strong beggars should be punished, and every matter, article, proviso, and sentence therein contained are established, and from henceforth are to stand in full strength and virtue as a perfect Act of Parliament for ever." The directions for removing the aged, impotent, and infirm poor to the place of birth or last

^l 1549-50.
3 and 4
Edward VI.,
cap. 16.

^k Ante, p. 121.

^m Ante, p. 115.

residence, and for keeping such of them as are able at work, are, however, again enacted in all their original stringency; and if they refuse to work, or run away, or beg in other places, they are then "to be punished with stocking, beating, or otherwise, as shall seem convenient."

In the following year *The 5th and 6th Edward 6th*, *cap. 2*, was passed, with the professed object and intention, as set forth in the preamble, "that valiant beggars, idle and loitering persons, may be avoided, and the impotent, feeble, and lame provided for, which are poor in very deed." By this statute that of the year preceding, and the Act of the *22nd Henry 8th*, *cap. 12*, are confirmed and commanded to be justly and truly put in execution. The Act then directs that in every city, town, and parish, a book shall be kept by the parson, vicar, or curate, and the churchwardens, containing the names of the householders, and of the impotent poor; and that the mayor and head officers in towns, and the parson and churchwardens in every parish, shall yearly, in Whitsun week, "openly in the church, and quietly after Divine service," call the householders and inhabitants together, and shall elect and appoint two able persons or more to be collectors of the charitable alms of the residue of the people for the relief of the poor. And the Sunday next, or Sunday following, when the people are at church, "the said collectors shall gently ask and demand of every man and woman what they of their charity will give weekly towards the relief of the poor, and the same is to be written in the same book. And the collectors shall justly gather and truly distribute the same charitable alms weekly to the said poor and impotent persons, without fraud or covine, favour or affection, and after such sort that the more impotent may have the more help, and such as can get part of

^l 1551-2.
5 and 6
Edward VI.,
cap. 2.

Collectors of
alms for the
relief of the
poor.

their living have the less, and by the discretion of the collector to be put in such labour as they be able to do; but none are to go or sit openly begging, upon pain limited in the aforesaid statute." If any person, being able, shall obstinately and frowardly refuse to give towards the help of the poor, or wilfully discourage others from so charitable a deed, the parson and churchwardens are gently to exhort him, and, if he will not be so persuaded, then the bishop is to send for him, to induce and persuade him by charitable ways and means, and so to take order according to his discretion. No person elected and nominated to the office of collector is permitted to refuse to execute the same for one whole year, upon pain of forfeiting Collectors to account quarterly. twenty shillings to the alms-box of the poor. And the collectors are to account quarterly to the town and parish authorities, at which accounting "such of the parish as will may be present."

This is the last statute passed in Edward's reign having immediate reference to the poor, and it leaves the law nearly the same as it was at his accession, the chief difference being an improved organization for collecting alms and distributing relief, the necessity for which, in the absence of any established provision, had now, it must be presumed, become very urgent. The officers designated for this purpose, have a close resemblance to the overseers of the poor not long afterwards appointed in every parish, and of whom these collectors may be regarded as the precursors.

There were, however, other Acts in Edward's reign which, although not bearing directly upon the poor as a separate class, affected them in common with the rest of the community, and exercised a considerable influence on the social condition of the people; and to these it will be necessary briefly to advert.

The first is entitled 'An Act touching Victuallers and Handicraftsmen' (*The 2nd and 3rd Edward 6th,*

cap. 15). This Act recites, that "sellers of victuals, not contented with moderate and reasonable gain, have conspired and covenanted together to sell their victuals at unreasonable prices;" and likewise, that "artificers, handicraftsmen, and labourers, have made confederacies and promises, and have sworn mutual oaths, not only that they should not meddle one with another's work, or perform and finish that another hath begun; but also to appoint how much work they should do in a day, and what hours and times they shall work, to the great hurt and impoverishment of the king's subjects."

All such combinations are, therefore, now declared to be illegal, and the parties joining in them are, for the first offence, subjected to a penalty of 10*l.*, or imprisonment for twenty days; for the second offence, to a penalty of 20*l.*, or the pillory; and for a third offence, to a penalty of 40*l.*, or pillory with the loss of his ears; and also "shall at all times afterwards be taken as a man infamous, and his depositions or oath not to be credited." We here see that combinations of workmen existed at that period as well as in a later day, and that it was found necessary to put them down by strong penal enactments. But as respects the selling of victuals, legislative interference could not have been needed; for any combination of sellers to demand excessive or unreasonable prices would naturally, in a little time, bring about its own correction. If the prices were so high as to yield a return above the usual rate of profit on capital, other competitors would come in, and then the equilibrium would be restored without violence or the necessity for legislation, a free and open market being all that is required for adjusting the prices of commodities.

With respect to the combining of the artizans, handicraftsmen, and labourers above described, if this was occasioned by their wages being at that time unduly

1548.
2 and 3
Edward VI.,
cap. 15.

Combinations
of workmen
and others
prohibited.

depressed below what, as free men giving their labour in return for the means of subsistence, they were reasonably entitled to demand, they would doubtless be warranted in agreeing or combining together for the purpose of obtaining an increase, provided it were done without violence, coercion, or intimidation of any kind. There must be no threatening or insult to the employers—no inflammatory appeals to the passions or fears of the workmen. It is essential that both be left entirely free, each working-man to dispose of his labour on such terms as he deems most advantageous, either singly or conjointly with others, at his own option; and every master to employ whomsoever he pleases, and on whatsoever terms he may choose or be able to make.

The combinations prohibited in the above Act were not so conducted. It appears that restrictions were imposed on workmen by the artizans themselves, prescribing who should and who should not work, the quantity of work which each man should perform, and the particular times he should be employed. This was an unwarrantable interference with the freedom of action to which every man is entitled, and it was necessary for the protection of all parties that it should be prohibited; and for none was it more necessary than for the workmen themselves, who are always the greatest sufferers on such occasions. Experience shows that combinations never take place without bringing privation and suffering in their train, nor without exciting distrust and ill-feeling between the operatives and their employers, to the injury of both. Combination is a two-edged weapon, which cannot be wielded without danger. It may prove fatal to both parties, and is sure to injure the weaker, that is the workmen; who often, nevertheless, in disregard of this fact, allow themselves to be led on by restless and uneasy spirits of their own class, until they find themselves entangled in engagements from which they can

Effects of
such com-
binations.

not escape, and the penalties consequent on which are in the end heavily visited upon themselves and their families.

In 1551 the old alarm about the conversion of tillage land into pastureⁿ was revived, and *The 5th and 6th Edward 6th, cap. 5*, was passed "for the maintenance and increase of tillage and corn."^{1551-2. 5 and 6 Edward VI., cap. 5.}

It recites that tillage has of late been much decayed, by such as have converted to pasture lands usually put in tillage; and it enacts that "as much land or more shall be put wholly in tillage, and used and sown according to the custom of the country and nature of the ground, and so shall be continued and used for tillage and sowed for ever, by the owners, farmers, or occupiers thereof, as was or hath been put in tillage in any one year since the first year of King Henry the Eighth," upon pain of forfeiting five shillings annually for every acre not so put and kept in tillage; and commissioners are appointed to see that the Act is obeyed. It had not yet been proved that matters of this nature are best left to the discretion of the parties interested, and that legislative interference on such occasions is invariably either useless or mischievous. The anxiety manifested for increasing the supply of corn shows, however, that the consumers of corn had increased in number, or else that each required a larger quantity. In all probability both causes existed at this time. Population had increased, the people lived better, and their general condition was improved.

In the same year *The 5th and 6th Edward 6th, cap. 22*, was passed "for the putting down of gigge-mills." It states in the preamble that certain mills called "gigge-mills" are newly devised, erected, and used in many parts of the country, for the perching and burling of cloth," by reason whereof^{1551-2. 5 and 6 Edward VI., cap. 22.}

ⁿ See ante, pp. 95 and 112.

the true draperie of this realm is wonderfully impaired, and the cloth thereof deceitfully made." Gigge-mills prohibited. It is therefore directed that such mills shall not be used, under a penalty of 5*l.* "for every cloth wrought in or by any of the said mills called gigge-mills." The reason assigned for this prohibition is the injury caused to the manufactured article. If this were really the case, and that the character of our woollens in the markets of the world was injured by the use of these mills, there would be ground for the prohibition, our woollen manufacture being at that time the great staple of the country, and affording the means of subsistence to a large number of the people. But the prohibition is more likely to have originated in a fear and jealousy of machinery's interfering with manual labour, on which account it is noticed here. Such jealousy and fear have been manifested with respect to almost every kind of machinery, or new mechanical invention; and have often occasioned great mischief, and led to the destruction of much property, through the misguided violence of the operative classes; who are nevertheless, in the end, always gainers by such improvements.

1549.
2 and 3
Edward VI.,
cap. 1. In the second year of Edward's reign, 'The Act for the Uniformity of Service and Administration of the Sacraments' was passed. This Act was at that time so necessary for quieting the public mind, then in a state of great excitement on the subject of religion, that its importance can hardly be overestimated. Cranmer, the archbishop of Canterbury, and certain of the most learned and discreet bishops and other learned men, were appointed "to consider and ponder the premises, having as well an eye and respect to the most sincere and pure Christian religion taught by Scripture, as to the usages in the primitive Church, and to draw and make one convenient and meet order, rite, and fashion of common and open

prayer and administration of the sacraments, to be had and used." The Book of Common Prayer was accordingly framed, and laid before the lords spiritual and temporal and commons in Parliament assembled, who, considering "the godly prayers, orders, rites, and ceremonies in the said book, and the considerations of altering those things which be altered, and retaining those things which be retained," do pray that it may be ordained and enacted, and that all ministers in cathedrals and parish churches or other places shall be bound to use the services in such order and form as is mentioned in the said book, and none other. This was accordingly done, and copies of the Book of Common Prayer were ordered to be placed in every church, at the cost of the parish. The passing of this Act, and the distribution throughout the country of so beautiful and comprehensive a form of public worship as was thus promulgated, and in which the people were themselves to join and take a part, could not fail of being highly beneficial. It must have fallen like oil upon the troubled waters, and helped to still the jarring elements of theological controversy and sectarian strife.

Edward died on the 6th of July 1553, at the early age of sixteen, to the great grief of the nation; and he was succeeded by his eldest sister, the princess Mary, then in her thirty-seventh year. The first Act of Mary's reign, was to assert her own legitimacy; the second, to repeal all the innovations in the religious service made by her predecessor; and the third, to provide for the punishment of persons disturbing licensed preachers in their sermons, or priests while performing mass. Mr. Hallam remarks that "the queen, in fact, and those around her, acted and felt as a legitimate government restored after an usurpation, and treated the recent statutes as null and invalid." "The Latin Liturgy was restored, the married clergy expelled

The Book
of Common
Prayer
ordained.

Queen Mary.
1553-1558.

from their livings, and even many Protestant ministers thrown into prison for no other crime than their religion, before any change had been made in the established laws."^o

In the same year, an Act was passed against rebellious assemblies. This Act (*The 1st Mary, cap. 12*) directs, ^{1553.} ^{1 Mary,} ^{cap. 12.} that if any persons, to the number of twelve or above, shall assemble and go about to alter or change any laws established for religion, and being commanded by the sheriff, or any justice of the peace, or the mayor of any corporate town, to retire to their own homes, shall in riotous manner remain and continue together one whole hour after such commandment, they shall be adjudged felons, and suffer execution of death as in case of felony.

The insurrection under Sir Thomas Wyatt broke out in January of the year following (1554), professedly against the queen's intended marriage with Philip of Spain, which in the people's minds was identified with the re-establishment of popery. The insurrection was, however, speedily suppressed, and the marriage took place on the 25th of July following, that being the festival of St. James, the patron saint of Spain. Shortly afterwards an Act was passed "against seditious words and rumours," by which a penalty of 100*l.*, or ^{1554-5.} ^{1 and 2 Phillip} ^{and Mary,} ^{cap. 3.} else the pillory and loss of ears, was enacted against any person who shall utter seditious slanders against the king or the queen. Persons repeating the same are to suffer the loss of one ear, or pay a fine of a hundred marks, and be imprisoned one month; and any person writing against the king or queen is to suffer the loss of his right hand. An Act was likewise passed ^{1554-5.} ^{1 and 2 Phillip} ^{and Mary,} ^{caps. 8, 9, and} ^{10.} "repealing all statutes, articles, and provisions made against the See Apostolick of Rome," and announcing the arrival of Cardinal Pole as

^o See Hallam's 'Constitutional History,' vol. i. p. 41, 4th edition.

Legate from the Pope, whose pardon of England and the English people had been obtained through the intercession of the king and queen. And this is followed by another Act, which recites that divers naughty and heretical persons, in a devilish sort, contrary to the duty of their allegiance, have in conventicles and other profane places, esteeming themselves to be in the true faith, whereas indeed they are in errors and heresies, prayed against the queen's majesty that God would turn her heart from idolatry to the true faith, or else to shorten her days, or take her quickly out of the way. It then enacts, that "all persons making such prayers, and their procurers and abettors, shall be taken and judged traitors, and shall suffer and forfeit as in cases of high treason." And another Act immediately followed, making slanders against the king and queen punishable by forfeiture of lands, goods, and chattels, and imprisonment for life.

The religion of a people is so intimately connected with their social well-being, and exercises so powerful an influence upon every class, the poor as well as the rich, that reference to it could not with propriety be omitted in a work like the present; and I have therefore briefly gathered these several enactments under one view, as they throw light upon the state of religious feeling in England at that time, and moreover prove that the queen's zeal in favour of "the old religion," as it was called, was not responded to by the country, but, on the contrary, that a strong feeling existed in favour of the reformed doctrines and ritual established in the last reign, the abrogation of which was directly opposed to the wishes of a very large section of the people. The jealousy and dislike of popery were, no doubt, greatly increased after the Spanish marriage, which it was feared would tend to re-impose and rivet the chains of the papacy; and these feelings kept on increasing throughout the whole of Mary's uneasy reign, being continually

fed by the persecution to which Protestants of every denomination were subjected.

The 5th and 6th Edward 6th, cap. 2, for "putting down valiant beggars," and for relieving those "who are poor in very deed,"^p was continued by *The 1st*

^{1555.}
^{2 and 3 Philip}
^{and Mary,}
^{cap. 5.} *Mary, cap. 13*; and by *The 2nd and 3rd Philip*

and Mary, cap. 5, the *22nd Henry 8th, cap. 12*,^q and the above-named statute of Edward, are both confirmed and continued, subject to the amendments then made. The first of these amendments regarded the collection of alms. It is now enacted, that yearly on some one holy-day in Christmas, in every city, borough, and town corporate, the mayor, bailiffs, or other head officers, and in parishes the parson, vicar, or curate, and the churchwardens, having a register of the names of the inhabitant householders, and of all such impotent, aged, and needy persons as are not able to live of their own labour, shall openly in the church, after divine service, call the inhabitants together, and shall appoint two able persons collectors of the charitable alms for the relief of the poor; which collectors, the Sunday next after their election, or the Sunday following, when the people are at church, shall gently demand of every man and woman what they of their charity will be contented to give *weekly* towards

^{Weekly}
^{collections}
^{for the poor.} the relief of the poor; and the said collectors shall justly gather and truly distribute the same charitable alms *weekly* to the said poor and impotent persons, in such manner that the more impotent may have the more help, and such as can get part of their living may have less, and be put to such labour as they are able to do: "but none are to go or sit openly a begging, upon pain limited in the aforesaid statutes."

It is also enacted, that if any person, being able, shall obstinately and frowardly refuse to give towards the help

^p Ante, pp. 135 and 115.

^q Ibid.

of the poor, or shall discourage others from so doing, the parson and churchwardens shall gently exhort him, and, if he will not be persuaded, then the bishop shall send for him, and "take order for the charitable reformation of every such obstinate person." And it is further directed, that if any parish has more poor than it is able to relieve, upon certifying the number and names of the persons with which it is overburthened to two justices of peace, they may grant to as many of such poor folk as they think good "a licence to go abroad to beg and receive charitable alms out of the said parish, in which licence the places to which such poor folk may resort shall be named; and if any of them transgress the limits so to them appointed, or beg at other places than are named in the licence, the party so transgressing is to be taken for a 'valiant beggar,' and punished according to the statute *22nd Henry 8th*,^r and the licence taken from him." Moreover such licensed beggars are to wear openly, on the breast and back of their outermost garment, some notable badge or token to be assigned by the parish authorities, with the assent of the justices.

This Act was to endure only to the end of the next session of parliament, but it was renewed by *The 4th and 5th Philip and Mary, cap. 9*, on the ground that it had been found "good and beneficial for the common wealth of this realm." It does not differ materially from the *5th and 6th Edward 6th, cap. 2*,^s but it is a little more full and explicit in its provisions. It likewise enables justices to grant permission for poor persons to go abroad to beg, in cases where a parish happens to be overburthened with poor, which may be regarded as equivalent to a rate in aid; and it also establishes the practice of badging the poor. Neither of these provisions are contained in the statute of Edward.

There are two or three other Acts of Mary's reign

^r Ante, p. 115.

^s Ante, p. 135.

which incidentally bear upon the condition of the people, and exemplify the spirit of the period. Thus ^{1551-5. 1 and 2 Philip and Mary, cap. 2.} by *The 1st and 2nd Philip and Mary, cap. 2*, another attempt is made "for the reformation of excess in apparel," and all persons not being the son and heir of a knight, or not worth 200*l.* in goods, or not having 20*l.* a-year in land, offices, fees, or other revenues, are prohibited wearing "any manner of silk in or upon their hat, bonnet, nightcap, girdle, hose, shoes, scabbard, or spur-leathers, on pain of three months' imprisonment, and a fine of 10*l.* for every day's wearing contrary to the tenour of this Act." Women may, however, wear in their caps, hats, girdles, and hoods, as they before might lawfully use and wear. Persons keeping servants, and permitting or conniving at their wearing silk contrary to this Act, are subjected to the heavy fine of 100*l.* It may hence be inferred, that people of the middle class, as they increased in wealth and attained a higher social position, were desirous of making a better and gayer appearance in their clothing—in short, that, as Hamlet says, "the toe of the peasant came so near the heel of the courtier that he galled his kibe."

By *The 1st and 2nd Philip and Mary, cap. 4*, the ^{1551-5. 1 and 2 Philip and Mary, cap. 4.} statute of Henry the Eighth against the gipsies,⁴ or persons calling themselves Egyptians, is revived. It is declared in the preamble, "that divers of the said company, and such other like persons, not fearing the penalty of the said Act, have come over again into this realm, using their old accustomed devilish and naughty practices, with such abominable living as is not in any Christian realm to be permitted, named, or known." A fine of 40*l.* is then imposed on any person bringing over any such Egyptians; and any of them who may have been so brought, and re-

⁴ Ante, p. 114.

maining a month, are declared felons. The inducements must have been very strong to lead to their "coming over" in the face of such a penalty.

The 1st and 2nd Philip and Mary, cap. 5, is directed to restrain the exportation of corn and provisions of any kind, under penalty of forfeiting double ^{1551-5. 1 and 2 Philip and Mary, cap. 5.} the value of the commodities exported, and one year's imprisonment of the master and mariners of the exporting vessel. The price of wheat this year, according to Sir Frederic Eden's table, advanced from the statutory exportation price of 6*s.* 8*d.* a quarter to 16*s.* a quarter; and the year following it ad- ^{Prices of wheat.} vanced from 8*s.* at the commencement to 25*s.* a quarter in the latter end of the year. These enormous fluctuations must have caused much distress among the people, for whom steadiness of price is the chief essential. To a steady continuous range of either high or low prices the rate of wages may, and probably will, in the long run conform; but sudden and great advances in price do not admit of such conformity, and must necessarily entail privation and suffering on the working classes,—on all, in short, who subsist on the proceeds of their own labour in any shape.

In the following year an Act was passed (*The 2nd and 3rd Philip and Mary, cap. 2*), entitled 'An ^{1555. 2 and 3 Philip and Mary, cap. 2.} Act for the re-edifying of decayed Houses of Husbandry, and for the Increase of Tillage.' It recites and confirms the *4th Henry 7th, cap. 19*,^u which is declared to be "good and profitable to the common wealth;" and it then declares that the Act shall extend to houses having 20 acres or more of land attached, "whether the same or any part thereof be, hath been, or shall be, used or put in tillage or not," and commissioners are appointed to inquire and take surety from offenders, and to take order for re-edifying

Ante, p. 95.

decayed houses, and for re-converting land into tillage, at their discretion. This is immediately followed by another Act (*cap.* 3) for "the keeping of cows and breeding of calves," which recites that "of late years great numbers of persons have laid their lands, farms, and pastures to feeding of sheep, oxen, runts, and such-like cattle, having no regard or care to breed and rear up young beasts, whereby is grown great scarcity of cattle and victual necessary for the sustenance of divers sorts of people; and more is like to be, if speedy remedy be not provided." It is then enacted, under a penalty of twenty shillings, that one milch cow shall be kept for every threescore sheep, and one calf be reared for every six-score sheep; and for every ten oxen or other beasts one milch cow shall be kept, and a calf be reared in the proportion of one for every two cows annually.

"The scarcity of victual" (*i. e.* butcher's meat), notwithstanding the conversion of arable land into pasture immediately before complained of, seems to indicate an increase in the demand, rather than a decrease in the supply, as is assumed by the framers of the Act. The people earned more, and were enabled to consume food of higher price and quality, and hence probably the apparent deficiency which the above legislation sought to remedy.

There does, however, appear to have been a general increase in money prices during the preceding half-century, occasioned perhaps in some degree by the influx of the precious metals from the New World.

On referring to Sir Frederic Eden's table of prices, we find, in 1500, the price of an ox set down at 11s. 8d. In 1511, 13s. 4d. is given as the price of a fat beevè, and 8s. as the price of a lean one. In 1531, the price of a large ox is 1l. 6s. 8d.; and in 1551 a best fat ox is set down at 2l. 13s. 4d., a middling one at 2l. 3s. 4d., and an inferior one at

1555.
2 and 3 Philip
and Mary,
cap. 3.

General
increase of
prices.

1l. 13s. 4d. These prices are, of course, not to be regarded as an accurate measure of any alteration which may have taken place, so much depending on the size and condition of the animals; but they seem to warrant a conclusion that there was an actual increase of price within the above period, and this is confirmed by an examination of other items in these tables: thus, a wether sheep, unclipped, is valued at 1s. 8d. in 1500; in 1529 a wether is valued at 2s. 4d.; and in 1551 the price of a best lean sheep is set down at 3s. 4d., and a best fat sheep at 5s.; the inferior sort of each being valued at 2s. and 3s. respectively. In 1500 the price of a goose is 4d.; of a dozen pigeons, 4d.; and of a hundred eggs, 6d. In 1541 it is for a goose, 7d.; for a dozen pigeons, 10d.; and for a hundred eggs, 1s. 2d. The price of wheat within this period exhibits extraordinary variations. Thus, in 1500 it was 3s. 4d. a quarter; in 1501 it was 6s. 8d. and 7s. 4d.; in 1504 it was 5s. 8d.; in 1511 it was 6s. 8d.; in 1516 it was 6s. and 10s. 8d.; in 1521 it was 20s. and 26s. 8d.; in 1527 it was 15s. and 20s.; in 1528 it was 26s. 8d. and 9s. 6d.; and in 1530 it fell to 5s. 4d. and 6s. 5d. It rose again in 1537 to 13s. 4d.; in 1541 to 18s. 8d.; and in 1544 to 25s. 4d. In 1550 it was 13s. 4d.; and in 1551 it sunk to 8s. In 1552 it was 21s. and 14s.; but in 1553 it again fell to 8s., and so continued, without material variation, till the latter end of 1555, when it was for a short time at 25s. In 1556 the price of wheat ranged from 8s. the quarter in the early part of the year, to 53s. 4d. before harvest, and 5s. the quarter immediately after harvest.

If the extreme variations above indicated, be regarded as referable to unproductive seasons, and therefore exceptional, the average price at the commencement of the half-century may, as has been stated,* be taken at

* Ante, p. 111.

6s. the quarter, and at the end of it at 10s. This is probably about the ratio of increase in the price of commodities generally during the period, which may be considered as being fully one-half in excess of what it was at the commencement of the century.

With reference to the above prices, Sir Frederic Eden, in a note at foot of his table, observes that, "in noting the money prices of provisions about this time, it should be remarked that this year (1550) the shilling was reduced by proclamation to sixpence, as the coin had been much diminished by clipping." This is another element of disorder affecting an estimate of change in the price of commodities, the precise amount of which it is now impossible to ascertain, for the proclamation seems only to have given a public sanction to that change in the value of the coin which had in fact been already made by means of clipping; but when made, or how long this change had been in progress, does not appear. All that can be said with certainty on the subject is, that there was at this time nothing to call for or to warrant an interference of the legislature, either to prevent the conversion of arable land into pasture, or to enforce the keeping of cows and rearing of calves. Such interferences almost invariably produce effects the reverse of what was intended.

The chief or leading circumstance of Mary's reign, at the end of which we are now arrived (she died on the 17th November, 1558), was her unceasing endeavour, from the hour she ascended the throne, to put down every vestige of the Reformation, and to re-establish popery. No effort was spared for the accomplishment of this object. Means the most cruel, and which earned for her the unenviable title of "Bloody Queen Mary," were resorted to, to alarm the timid and to punish the obstinate; and the struggle

^r "A commission issued in 1557 authorising the persons named in it to inquire, by any means they could devise, into charges of heresy or other re-

ended, as such struggles for the most part have ended, in weakening that which it was sought to uphold, and strengthening that which it was endeavoured to destroy. What might have been the condition of this country if the efforts made in Mary's reign to restore the Roman Catholic religion had been successful, it is impossible to say; but it may be assumed, as in the highest degree probable, that the public spirit, intelligence, and advancement of every kind, social, moral, and religious, which sprang into life, as it were, immediately after the final settlement of the Reformation under Elizabeth, would then not have taken place. The influence of the Church of Rome would have prevented it.*

At Mary's accession, it is probable that nearly half the people were more or less favourable to the old religion, or, at least, were not very unwilling to follow their queen in adopting it; so that, before the end of the first year, the kind of popularity which usually attends a new sovereign, and the efforts made and the influences used, may be said to have neutralized all that had been done for the Reformation in the time of Edward, if they had not even brought about a certain preponderance in favour of Romanism; and the subsequent Acts of Mary's reign were necessary for showing the people

ligious offences, and in some instances to punish the guilty, in others of a graver nature to remit them to their ordinaries, seems (as Burnet has well observed) to have been meant as a preliminary step to bringing in the Inquisition." "One proclamation in the last year of her inauspicious administration, after denouncing the importation of books filled with heresy and treason from beyond sea, proceeds to declare that whoever shall be found to have such books in his possession shall be reputed and taken for a rebel, and executed according to martial law."—Hallam's 'Constitutional History,' vol. i. p. 42, 4th edition.

* The effects of this influence are thus described by a modern historian:—"Throughout Christendom, whatever advance has been made in knowledge, in freedom, in wealth, and in the arts of life, has been made in spite of her, and has everywhere been in inverse proportion to her power. Whoever passes in Germany from a Roman Catholic to a Protestant principality, in Switzerland from a Roman Catholic to a Protestant canton, in Ireland from a Roman Catholic to a Protestant county, finds that he has passed from a lower to a higher grade of civilization."—Macaulay's 'History of England,' vol. i. p. 48, 3rd edition.

the real nature of that religion. If Mary had been less of a bigot, less zealous in punishing those whom she regarded as heretics or schismatics, the final and nearly unanimous establishment of our Reformed National Church might not have taken place under her successor. This seems, indeed, to be the view taken by Mr. Hallam, who, in commenting on the Reformation, observes, "But what had the greatest efficacy in disgusting the English with Mary's system of faith was the cruelty by which it was accompanied. A sort of instinctive reasoning told the people what the learned on neither side had been able to discover, that the truth of a religion begins to be very suspicious when it stands in need of prisons and scaffolds to eke out its evidences. Many are said to have become Protestants under Mary who, at her coming to the throne, had retained the contrary persuasion; and the strongest proof of this may be drawn from the acquiescence of the great body of the kingdom in the re-establishment of Protestantism by Elizabeth, when compared with the seditions and discontent on that account under Edward." So that a great positive good was worked out of a great apparent evil, by a series of opposing influences, such as the history of the world shows are often called into action by Divine Providence for its own beneficent purposes; and we, of the present day, are reaping the fruits of what was then so well and so wisely planted.

CHAPTER IV.

Accession of Elizabeth — Collectors — First compulsory assessment — Service and wages — Sturdy beggars — Aged and infirm poor — Overseers — Bastardy law — "Collectors and governors" — Houses of correction — "Censors and wardens" — Working of leather — Gipsies — Sumptuary law — Exportation of corn — Game-laws — Regulation of buildings — Vagrancy in London — Duties of overseers — Rate in aid — Liability of parents and children — Rogues, vagabonds, and sturdy beggars — Immigrant vagrants — Soldiers and mariners — Progress of legislation — Provisions of the 13th Elizabeth — Effects of the Reformation — General tendency of legislation with respect to the poor — Condition of the people — Prices of provisions — Wages — Social improvement.

ELIZABETH was in her twenty-fifth year when she succeeded to the throne (November 17th, ^{Queen Elizabeth,} 1558), and she had from an early age given ^{1558-1603.} promise of those superior talents by which she was afterwards so greatly distinguished. She had been compelled to conform to the rites of the Romish Church during the late reign, but was known to favour the Reformation; and all who held to that persuasion, and all who dreaded the intolerance of the Church of Rome, hailed her accession with delight. The first Act of her reign was the assertion of the supremacy of the Crown in matters ecclesiastical, and "abolishing all foreign power repugnant to the same." By the second Act, the Book of Common Prayer and Administration of the Sacraments, of the time of Edward the Sixth, was re-established. The third Act formally recognised the Queen's title, and the fourth the restitution of tenths and first-fruits to the Crown.

These Acts were sufficiently indicative of a determination to prevent papal interference in England; but the Roman Catholics were still numerous, and after a time began to manifest discontent, and to stir up doubts and apprehensions among the people. Throughout the

whole of her reign, indeed, the queen was disturbed by adverse intrigues in this quarter; and hence it may be said that the legislative and other proceedings against the Romanists, partook more of a political than a religious character. "The position in which the queen was placed rendering her death a most important contingency, the popish party made use of pretended conjurations and prophecies of that event, in order to unsettle the people's minds, and dispose them to anticipate another reaction."^a

Against such practices, *The 5th Elizabeth, cap. 15*,^{1562-3. 5 Elizabeth, cap. 15.} was directed. It imposed a penalty of one year's imprisonment and a fine of 10*l.* for a first offence, and for a second offence imprisonment for life and the forfeiture of goods. Acts against the introduction "of Bulls and other Instruments from the See of Rome," and against "Jesuits and Seminary Priests and other like persons," and against "Popish Recusants," were subsequently enacted: but these and similar measures originated in political considerations, being directed against the enemies of the then established government, which accounts for, and in some degree excuses, the acts of severity, and even cruelty, occasionally exercised towards the Romanists; who omitted no opportunity, throughout Elizabeth's reign, of exciting troubles both at home and abroad, and by whose machinations the queen's life was thought to be placed in jeopardy.

The foregoing notice of what took place, with regard to religion, in the present and last two reigns, may probably be deemed sufficient, and will render it unnecessary to advert again to the subject, whilst passing in review the statutes which were subsequently enacted for the relief of the poor, or which affect the

^a See Hallam's 'Constitutional History,' vol. i. p. 113.

general condition of the people; and these we will now proceed to consider.

In 1562 another Act was passed 'for the Maintenance and Increase of Tillage,' by which it appears that the alarms about the conversion of arable land to pasturage had not subsided. The statutes of Henry the Seventh and Henry the Eighth^b on this subject, already noticed, are in this Act recited and confirmed. Lands tilled four years successively at any time since the twentieth year of Henry the Eighth, are to be kept in tillage, under a penalty of 10*s.* per acre; but there is a proviso in favour of "such as shall be a common fatter of beefs or muttons to be sold in markets and fairs, or to common butchers." This exception makes it difficult to understand to whom the Act would apply, and almost warrants the supposition that it was inserted for the purpose of rendering the Act nugatory.

The *2nd and 3rd Philip and Mary, cap. 5*, for the relief of the poor,^c was continued in the first year of Elizabeth's reign by *cap. 18*; and after an interval of five years the subject again came under consideration, and an Act was passed comprising whatever the information and intelligence of the day could devise on the subject. This Act, *The 5th Elizabeth, cap. 3*, has the same preamble as the last statute of Edward the Sixth, and that of Philip and Mary; and the former statute, together with that of the *22nd Henry 8th, cap. 12*,^d it expressly confirms. The Act then, nearly in the words of the *2nd and 3rd Philip and Mary*, provides for the appointment of collectors of alms, and for licensing the poor to beg in cases where a parish happens to be overburthened, and also requiring the beggars so licensed to wear badges. It then in like manner provides, that if any person, being

^b Ante, pp. 95 and 112.

^d Ante, p. 115.

^c Ante, p. 144.

able, shall refuse reasonably to give towards the help and relief of the poor, he is to be gently exhorted and persuaded thereto by the clergy and the churchwardens.

It would appear, however, that hitherto the gentle askings of the collectors, and the exhortations of the clergy and the churchwardens, and the charitable "ways and means" of the bishop, had all alike failed to induce the people to contribute "according to their means;" and the time seems to have arrived when, voluntary charity having failed, compulsion of some kind must perforce be resorted to, in order to provide the necessary means of relief for "the impotent, feeble, and lame, which are the poor in very deed." Accordingly this statute (*The 5th Elizabeth, cap. 3*) enacts, that after due exhortation and persuasion, first by the parson and churchwardens of the parish, and next by the bishop, "if any person of his froward or wilful mind shall obstinately refuse to give weekly to the relief of the poor, according to his ability," the bishop shall have authority to bind him under a penalty of 10*l.* to appear at the next sessions, when the justices are again to "charitably and gently persuade and move the said obstinate person to extend his charity towards the relief of the poor;" and if he will not be persuaded therein by the said justices, "they may sesse, tax, and limit upon every such obstinate person so refusing, according to their good discretion, what sum the said obstinate person shall pay;" and if he refuse to pay the sum so limited, taxed, and appointed, the justices, on complaint of the collectors and churchwardens of the parish, may commit the said obstinate person to prison until he pay the same, "together with the arrearages thereof, if any such shall fortune to be."

This is the first instance of a compulsory assessment for the relief of the poor, and it is therefore of marked

Obstinate persons refusing to contribute, may be assessed for relief of the poor.

importance in the history of the Poor Law. It is true that the power to assess and tax can only be exercised after a tedious and circuitous process of exhortation and persuasion; first, by the churchwardens, then by the parson, and afterwards by the bishop; and then, upon their failure of success, and the same being certified to the justices, these last are likewise to try persuasion before they resort to compulsion. Still, after all these preliminaries have been gone through, the justices are empowered to assess and levy, "according to their good discretion," from all those who refuse voluntarily to contribute towards the relief of the poor; and the important principle that property is thenceforward to be held subject to the needful relief of the destitute, is thus formally sanctioned by the legislature.

At the same time with the above Act "for the relief of the poor," another was passed (*The 5th Elizabeth, cap. 4*), entitled 'An Act touching divers orders of Artificers, Labourers, Servants of Husbandry, and Apprentices.' This Act has been considered as in some sort a continuation of the preceding Act (*cap. 3*), although it makes no express reference to the poor as such, but rather aims at preventing destitution and mendicancy by forcing employment upon every one of age and ability to work. It is, in fact, a selection from all the preceding enactments on the subject of labour; those provisions deemed useful being retained, others modified, and the rest repealed. The preamble states, that, although there are a great number of statutes concerning wages, servants, labourers, and apprentices, as well in husbandry as in other occupations, yet, partly owing to the number, imperfection, and contrariety of these laws, and chiefly that the wages limited are in divers instances too small, and not answerable to this time, on account of the great advancement of prices, the laws cannot, without

1562-3.
5 Elizabeth,
cap. 4.

great grief and burthen to the poor labourers and servants, be put in execution, although the said laws were at the time of making them thought to be good and beneficial, as divers of them yet are. Wherefore, if the substance of as many as are meet to be continued shall be reduced into one solo law and statute, and an uniform order prescribed concerning the wages and other orders for apprentices, servants, and labourers, there is declared to be "good hope that the same law, being duly executed, should banish idleness, advance husbandry, and yield unto the hired person, both in time of scarcity and in the time of plenty, a convenient portion of wages."

The Act then, in accordance with this preamble, ordains that every unmarried person, and Persons compelled to serve. every married person under thirty, not having 40 shillings per annum, nor being otherwise employed, shall be compelled to serve as a yearly servant in the trade to which he was brought up; and none are permitted to quit such service, or to be dismissed therefrom, during the year, unless on cause allowed by two justices; and after any such quitting of service none are to leave the town or parish in which they served without a testimonial under the corporate seal, or else signed by a constable or other head officer, and by two other honest householders. Every servant departing without such testimonial, or refusing to produce it, is subjected to imprisonment, and any master who retains him is made liable to a penalty of 5*l.* All persons between the ages of twelve and sixty are, moreover, if not otherwise employed, "compelled to serve in husbandry by the year, with any person that keepeth husbandry, and will require any such person so to serve within the same shire where he shall be so required;" and unmarried women between the ages of twelve and forty may be compelled to serve by the year, week, or day, for such

wages, and in such reasonable sort and manner, as shall be deemed meet, under penalty of commitment.

The hours of work, and the time for meals, are likewise prescribed, and the rates of wages to be paid to the several artificers, servants, and labourers, are required to be ascertained and settled annually by the justices in sessions assembled, who are to "call unto them such discreet and grave persons as they shall think meet, and, after conferring together respecting the plenty or scarcity of the time, and other circumstances necessary to be considered," they are authorized to limit, rate, and appoint the wages "of all servants, labourers, artificers, Justices empowered to fix the rate of wages. workmen, or apprentices of husbandry as they shall think meet, by the year or by the day, week, month, or otherwise, with meat and drink, or without meat and drink; and what wages every workman or labourer shall take by the great "for mowing, reaping, or thrashing of corn, and for mowing or making of hay, or for ditching, paling, railing, or hedging, by the rod, perch, lugg, yard, pole, rope, or foot, and for any other kind of reasonable labours or service:" and the said justices are further directed to certify the same, with the considerations thereof, under their hands and seals, "into the queen's most honourable Court of Chancery, before the 12th of July in every year," to be approved by the Privy Council, and then proclaimed by the sheriffs. And in order to ensure the observance of the rates of wages so settled and proclaimed, penalties are imposed on any one who shall directly or indirectly retain or keep any servant, workman, or labourer, or shall give any greater wages or other commodity than what is set forth in the said proclamation. The giver of excessive wages is subjected to ten days' imprisonment and a fine of 5*l.*; the receiver, to twenty-one days' imprisonment; and all such contracts are declared to be void and of none effect.

By one of the provisions of this Act every justice of peace, and the constable or other head officer of every township, is, in the time of harvest, upon request and for avoiding the loss of any corn, grain, or hay, empowered to cause all such artificers and persons as be ^{Persons compelled to serve in time of harvest.} meet to labour "to serve by the day for the mowing, reaping, shearing, getting, or inning of corn, grain, and hay, according to the skill and quality of the person; and none shall refuse so to do, upon pain to suffer imprisonment in the stocks by the space of two days and one night." The Act contains other regulations specially referable to apprentices and journeymen in several trades and occupations, and the proportions of each to be kept; and also exemptions of certain places from the provisions of the Act in these respects, on the ground of their local customs or privileges.

If it were possible to effect the distribution and to regulate the price of labour by legislative enactment, as the framers of this statute must have believed, the care and pains which they bestowed upon it ought to, and probably would, have ensured success; but we know that such distribution and such regulation are practically impossible. Both the one and the other are essentially governed by the great principle of supply and demand, which legislation may disturb but cannot establish, and which is only safe, certain, and beneficial when left to its own free unrestricted action. The attempt here made is, however, not without its use, serving as it does to show that the value of labour and of the labouring classes was becoming better understood, and that the importance of the people, and their efforts to free themselves from old usages and restraints, crippling their industry, began to be felt, although the master-class were yet ignorant of the true mode of dealing with the newly-awakened impulse.

Ten years after the passing of the above Act, the long, minute, and highly important statute *The 14th Elizabeth, cap. 5*, was passed. It is entitled ^{1572-3, 14 Elizabeth, cap. 5.} 'An Act for the Punishment of Vagabonds,* and for Relief of the Poor and Impotent,' and it begins in the usual style, by declaring that "all parts of this realm of England and Wales be presently with rogues, vagabonds, and sturdy beggars exceedingly pestered, by means whereof daily happeneth horrible murders, thefts, and other great outrages, to the high displeasure of Almighty God, and to the great annoyance of the common weal." It then expressly repeals the 22nd *Henry the 8th*, the 3rd and 4th *Edward the 6th*, and

* In a book published in 1566, entitled 'A Caveat or Warning for Common Cursetors, vulgarly called Vagabonds,' there is a curious and graphic account of the hordes of idle vagrants who then infested the country. The author classes the male vagabonds under fifteen separate designations, beginning with "the Rufflar" as being "the worthiest of this unruly rabblement." "The Upright Man" is the "second in sect of these rainging rabblement of rascals." The third is "the Hooker or Angler," described as a "perilous and most wicked knave." The "Rogue" and the "Wild Rogue" are the fourth and fifth; after which come "the Freshwater Mariners," whose "ships were drowned in the plain of Salisbury;" and so on to the "Counterfeit Crank," of whom it is said, "These that do counterfeit the crank be young knaves and young harlots that deeply dissemble the falling sickness, for 'the crank,' in their language, is the 'falling evil.'" A long account is given of this description of impostors, after whom come the "Dommerar," and lastly the "Jackinan and Patricio." The female vagabonds are classed under nine separate designations. But all, both men and women, old and young, are described as thieves by profession, and as living in a most dissolute and licentious manner. They have a slang language of their own, of which the writer gives a curious specimen in a dialogue between two of them; and he further gives a long list of the "most notorious and wickedest walkers that are living now at this present time, with their true names as they be called and known by." Many of the descriptions in this work find parallels in the present day; and indeed it may be regarded as invariably true, that, whatever improvement takes place in the general condition of a people, those in the lowest grade will partake of the improvement in the least degree, if they partake of it at all. The endeavour should therefore be to lessen the number of this lowest class as much as possible, and this it was sought to effect by severity of punishment, as is manifested in the several statutes enacted at that time on the subject. The book is written and set forth by Thomas Harman, Esq., "for the utility and profit of his natural country." Two new editions were published in the following year, and a fourth edition in 1573. The work must therefore have been popular, and the subject one of general interest. There was a reprint of the work in 1814, from which the above is taken. Harrison, in his 'Description of Britain,' published in 1586, quotes and comments on Harman's book, and gives extracts from it.

the 5th of the present reign;^f in fact, it repeals all preceding enactments on the subject, and ^{1572.} ^{14 Elizabeth,} ^{cap. 6.} aims at framing a complete and comprehensive law, as well "for the utter suppressing of the said outrageous enemies to the common weal, as for the charitable relieving of the aged and impotent poor people."

The licence, if not direct encouragement, given to beggars by the 2nd and 3rd Philip and Mary,^g and continued by the 1st Elizabeth,^h had probably by this time produced its natural fruit, and led to a great increase of the class of persons who are not only denounced in the preamble of the present statute as being enemies of the common weal, but against whom the first enacting clause is specially aimed. It directs that every person above the age of fourteen taken begging, shall be committed to gaol until the next session, at which, "if duly convicted of his or her roguish or vagabond trade of life, he or she shall be adjudged to be grievously whipped, and burnt through the gristle of the right ear with a hot iron of the compass of an inch about," and this punishment is forthwith to be executed, "except some honest person will of his charity take such offender into his service for one whole year next following;" and if the offender so taken into service shall leave the same before the end of the year, he is to suffer the punishment of whipping and burning through the ear, as at first adjudged. For a second offence, he is to be "taken, adjudged, and deemed in all respects as a felon," and to suffer as such, unless some honest person will take him into his service for two whole years; and if he depart and leave his service before the expiration of the two years, he is then forthwith to suffer and forfeit as a felon. For a third offence, he is adjudged to "suffer death,

Beggars
severely
punished.

grievously whipped, and burnt through the gristle of the right ear with a hot iron of the compass of an inch about," and this punishment is forthwith to be executed, "except some honest person will of his charity take such offender into his service for one whole year next following;" and if the offender so taken into service shall leave the same before the end of the year, he is to suffer the punishment of whipping and burning through the ear, as at first adjudged. For a second offence, he is to be "taken, adjudged, and deemed in all respects as a felon," and to suffer as such, unless some honest person will take him into his service for two whole years; and if he depart and leave his service before the expiration of the two years, he is then forthwith to suffer and forfeit as a felon. For a third offence, he is adjudged to "suffer death,

^f Ante, pp. 115, 134, 157.

^g Ante, pp. 144 and 155.

and loss of land and goods, as a felon, without allowance of benefit of clergy or sanctuary."

These enactments savour of the spirit which prevailed a quarter of a century previous, when the 1st Edward the 6th was passed,^h and the revival of such extreme severity can only be accounted for by supposing that there had since been an alarming increase of the evils against which legislation was at that time directed. The designation of "rogues, vagabonds, and sturdy beggars," who are subjected to the above penalties, is by this Act defined to include idle persons going about and using subtle craft and unlawful games, and all persons whole and mighty in body, but having neither land nor master, nor able to give an account of how they get their living, and all common labourers using loitering and refusing to work for the wages commonly given. Any person harbouring, or giving money, lodging, or other relief to any such rogue, vagabond, or sturdy beggar, "either marked or not marked," is declared liable to a penalty of twenty shillings; and if any person "do disturb or let the execution of this Act," he is to forfeit five pounds, and be subject to imprisonment at the queen's pleasure.

"Sturdy
beggars"
defined. To
harbour or
relieve them
subjects to a
penalty
of 20s.

After thus enacting punishments of no ordinary severity for the vagrant class, and prohibiting, under a penalty of twenty shillings, the giving them money or other relief, the Act declares that poor aged and impotent persons should be provided for, as well as rogues, vagabonds, and sturdy beggars repressed, and that aged impotent poor people should have convenient abiding places to settle themselves upon, so that none of them should hereafter beg or wander about: to which end it is directed that justices of the peace, within their respective

The aged and
infirm poor
to be pro-
vided for and
have abiding-
places as-
signed them.

^h Ante, p. 131.

divisions, are to make "diligent search and inquiry of all aged, poor, impotent, and decayed persons, born within their said divisions, or which were there dwelling and living by alms within three years preceding, and make a register-book, containing their names; and when the number of such poor people shall thus be truly known, the justices are to appoint, within every their said several divisions, meet and convenient places to settle the same poor people for their habitations and abidings, if the parish within which they shall be found does not provide for them." And the justices are also required to ascertain what the weekly charge for the relief and sustentation of the said poor people will amount to, and by their good discretion to tax and assess the inhabitants dwelling within the said divisions to such weekly charge as every of them shall contribute, and to appoint persons to collect and gather the same, and make delivery thereof to the said poor people as the justices shall appoint; and they are likewise required to appoint *overseers of the poor*, to continue in office for one whole year; and if a person so appointed shall refuse to act, he is to forfeit ten shillings.

The Act likewise provides, "that if any person, being able to further this charitable work, shall obstinately refuse to give towards the help and relief of the said poor people, or shall wilfully discourage others from so doing," he shall be brought before two justices to show the cause of such refusal, and abide such order therein as the said justices shall appoint; and if he refuse so to do, then he is to be committed to gaol until he be content to obey such order. Provision is also made for persons aggrieved by taxation under this Act, who may appeal to the next general sessions of the peace. And further, in order to guard against the, at that day, not improbable danger of any parish or town being unable to afford needful relief "to the poor, lame, and impotent persons, with money to be collected

Overseers
of the poor
appointed.

in manner aforesaid, and it were overgreat a burthen to the collectors to gather meat, drink, corn, and other things," the Act provides that, where collection of money cannot presently be had, justices in sessions may license some of the poor to ask and gather alms within any other town, parish, or parishes of the county; "and the inhabitants of every such town, parish, or parishes, to which such poor or impotent persons shall be so appointed, shall be coacted and bound to relieve the said poor in such sort as the said justices shall appoint."

But the legislature of that day, in their anxiety to provide needful relief for the infirm and impotent poor, did not overlook the necessity for its due limitation; and the Act accordingly directs that any of the said poor persons, who are not so diseased or impotent but that they may do some manner of work, "shall be, by the overseers of their said abiding-place, appointed to work;" and if they refuse, "then they are to be whipped and stocked for their first refusal, and for the second refusal to be punished as in case of vagabonds in the first degree." With like prudent severity, the Act provides, "that if any of the said poor people refuse to be bestowed in the abiding-places appointed of the said justices, but covet still to hold on their trade of begging, or after they be once bestowed in the said abiding-place do depart and beg," then the person so offending is, for the first offence, to be counted a rogue or vagabond in the first degree; and if he a second time offend, he is then "to suffer as a rogue and vagabond in the last degree of punishment set forth by this Act in all points:" that is, he shall suffer as a felon.

If any surplus money should remain after the said poor and impotent people are provided for, the Act directs that the justices shall, in such convenient place within their shires as they shall think meet, "place and settle to work the rogues and vagabonds that shall

Infirm poor
refusing to
work, or
quitting the
abiding-
places as-
signed them,
subjected to
punishment.

be disposed (i. e. *able*) to work, there to be holden to work by the oversight of the said overseers, to get their livings, and to live and be sustained only upon their labour and travail."

There is one curious clause in this Act, which may be noticed as indicating the spirit and manners of the time. After reciting that the city of Bath and the town of Buxton are intolerably overcharged by the number of poor and diseased people who resort thither for some ease and relief of their diseases, it is enacted that no diseased or impotent poor person living on alms shall resort to the city of Bath or town of Buxton, "to the baths there for the ease of their grief," unless he be licensed so to do by two justices of the county where he then dwells, and be also furnished by the inhabitants of the parish or place whence he shall be so licensed, with means of maintenance during his abode there and turning home again, upon pain of being punished as a vagabond.

The whole of this Act is framed with great care, and comprises all the chief points of Poor Law legislation suited to the period; and these several points are set forth and provided for with a clearness and minuteness of detail, which leaves no room for doubt as to the intentions of the legislature in any case. The enactments against the vagabond and mendicant class must be regarded in the light of a vagrant law, and their extreme severity, although it does not accord with the sentiments of the present day, was perhaps not more than was then necessary. The imposition of a fine of 20s. upon persons who should harbour or give money or other relief to any rogue, vagabond, or sturdy beggar, "whole and mighty in body and able to labour," is little more than a re-enactment of the provisions in the *22nd and 27th Henry 8th, caps. 12 and 25*;¹

¹ Ante, pp. 115 and 121.

and although it was probably of little avail, either at that time or in the present instance, the enacting such a penalty shows the importance attached to putting down the trade of begging, and which moreover the legislature was now better entitled to do, since some organized means of relief had been provided for those whose infirmities required it.

By the *5th Elizabeth, cap. 3*,^k the justices were empowered to assess and tax at their discretion such persons as refused, after due admonition and persuasion, to contribute, according to their ability, towards the relief of the poor. The present Act requires the justices, within their several divisions, to ascertain the number and the wants of the poor, and to make an estimate of what the weekly charge towards the relief and sustentation of the said poor people will amount to; and then it empowers them to tax the whole of the inhabitants of the division for the relief of such poor people, and likewise to appoint collectors and overseers to gather the money so assessed, and to superintend its application. In case the inhabitants of any division or parish shall be so poor as not to be able to pay the sum assessed upon them, the justices are, in such case, further empowered to tax other divisions or parishes in aid. And if there should be a surplus remaining after the impotent poor people are duly provided for, it is to be applied to setting the idle and able-bodied poor to work. These are all important provisions, and they show that Poor Law legislation was rapidly advancing to the point when the relief of destitution would be recognised as a public duty, and be legally established as a public charge.

It is true that much of this was done by the preceding Act (*5th Elizabeth, cap. 3*),^k but it was done circuitously and inferentially, rather than positively; and this was

^k Ante, p. 155.

probably one cause of its being found defective in practice. The present Act proceeds direct to its object, by requiring the justices to tax every householder for the relief of the poor, and it further provides the requisite machinery for the collection and the application of the money so assessed. This, with the power of imposing a rate in aid whenever necessary, and the authority given by the Act to apply a portion of the money levied as a poor-rate to setting the able-bodied poor to work, might seem to leave little room for future legislation. It was in fact an immense advance upon all previous enactments, and must have been so considered at the time; but there was, nevertheless, a crudeness about it indicative of its novelty. The principle was enunciated with sufficient clearness, the outlines were boldly sketched, but the filling in was defective. The scheme was to be carried into operation, not by the people of the several localities who were chiefly interested, but by the justices; for in a matter so new and untried, a large discretionary power was necessary, and in what other hands could this power be at that time vested? This reliance upon the justices for the working of the measure, which perhaps in the first instance was unavoidable, seems to have been the cause that a county, or hundred, or divisional mode of rating and management was adopted, instead of its being made parochial, as had previously been the case. This Act continued in force for a quarter of a century. Some amendments, and very considerable additions, were however made to it four years afterwards, by the 18th Elizabeth, which must indeed be regarded as a kind of supplement or continuation, and which now requires our attention.

The 18th Elizabeth, cap. 3, was enacted, 'For some better Explanation, and for some needful Addition to the Statute concerning the Punishment of Vagabonds and Relief of the Poor, made in the 14th year of the Queen's Majesty's Reign.' And "First,

1575-6.
18 Elizabeth,
cap. 3.

concerning bastards, begotten and born out of lawful matrimony (an offence against God's law and man's law), the said bastards being now left to be kept at the charge of the parish where they were born, to the great burthen and defrauding of the relief of the impotent aged true poor of the same parish, and to the evil example and encouragement of lewd life." Justices are therefore now directed to take order for the punishment of the mother and reputed father of every such bastard child, as well as for the better relief of every such parish, in part or in all; and also for the keeping of every such bastard child, by charging the mother or reputed father with the payment of money weekly, or other needful sustentation, in such wise as they shall think meet. And if the mother and reputed father fail in obeying the order made upon them by the justices, the party so defaulting is to be committed to gaol, there to remain, unless security be given for performance of the said order, or for their appearing at the next general sessions of the peace.

Mother and
reputed
father liable
for the child's
maintenance.

This important provision was the commencement, and must still be regarded as constituting the basis, of our bastardy law, although considerable changes have since from time to time been introduced, with the view of modifying or more clearly establishing the liability of one or both the parents. The necessity for such a law, which must be presumed to have arisen, would seem to imply that the moral condition of the people had deteriorated, or at least that it had not improved proportionably with the increase of wealth and population. A different result might have been expected, from the diffusion of intelligence, and the more pure and spiritual character of the religious instruction opened out to every class by the Reformation. But this is not the only instance in which the actual results in social economy fall short of, or are at variance with, our not unreasonable expectations; and in this as in other instances, we

must be content to take the good with a certain admixture of evil.

The next important provision of the Act commences with this recital—"To the intent youth may be accustomed and brought up in labour and work, and then not grow to be idle rogues; and to the intent also that such as be already grown up in idleness, and so are rogues at present, may not have any just excuse in saying that they cannot get any service or work, and be then, without favour or toleration, worthy to be executed; and that other poor and needy persons, being willing to work, may be set on work." It is then enacted, that in every city and town corporate, and likewise in every market-town or other place which the justices of peace may in general sessions appoint and order, a competent stock of wool, hemp, flax, iron, or other stuff, shall be provided by taxation of all the inhabitants within the several limits. The said stock is to be committed to the custody of such persons as the mayor, bailiff, or other head officers of the cities and corporate towns may appoint, and in other places to such persons as shall be appointed by the justices. The persons so appointed are to be called "the collectors and governors of the poor," and they are empowered, "with the advice of them who do appoint them," to order and direct the division and manner of working of the said stock, so as that every poor and needy person, old or young, able to work, and standing in necessity of relief, "shall not for want of work go abroad begging, or committing pilferings, or living in idleness."

A stock of wool, hemp, iron, &c., to be provided to set the poor on work.

The "collectors and governors" thus ordered to be appointed, are from time to time to deliver out wool and other materials to be wrought by the poor, who, when the same is delivered back, are to be paid "according to the desert of the work;" and the articles are to be sold, and the money applied to

"Collectors and governors of the poor."

purchasing "more stuff in such wise that the stock shall not be decayed in value." And if any poor person, being able, shall refuse to work, or shall go abroad begging, or live idly, or having taken such work shall spoil or embezzle the same, in such wise that the minister, churchwardens, and collectors and governors of the poor, shall think him not meet to have any more work out of the same stock, then he is to be taken, "in convenient apparel meet for such a body to wear," to one of "the houses of correction hereafter to be provided, there to be straightly kept as well in diet as in work, and also punished from time to time, as the persons having the oversight and government of the said house of correction shall appoint."

With respect to "the houses of correction," it is directed that in every county one, two, or more abiding houses or places convenient, by appointment and order of the justices in general sessions, shall be provided, and be called the house or houses of correction; and also stock and store, and the implements for setting to work and punishing, "not only those which by the collectors and governors of the poor for causes aforesaid shall be brought, but also such as be inhabiting in the parish, or taken as rogues, or once punished as rogues, and by reason of the uncertainty of their birth or of their dwelling for three years, or for any other cause, ought to be kept within the same county." And the said houses of correction, with stock, stores, and implements, are to be provided in every county by a tax levied and gathered from the inhabitants, by order of the justices within their several authorities. Two years are allowed for carrying the Act into effect, failing in which the money levied is to be returned; and any person refusing or neglecting to pay the tax so ordered, is to forfeit double the amount. The justices in general sessions are, moreover, empowered to appoint persons to be "censors"

"Houses of correction" to be provided.

"Censors" and "wardens" appointed.

and "wardens" of every such house of correction, who are to have the rule and government thereof, according to such orders as the justices shall prescribe; and they are also to appoint collectors for the gathering of such money as shall be taxed upon persons towards the maintenance of the said houses of correction; and if any one so appointed shall refuse to fill the office of collector, governor of the poor, censor, or warden, he is to forfeit five pounds; and they are to make "a just and true account," whenever called upon, under penalty of committal, without bail or mainprise.

The former Act (*14th Elizabeth*) having omitted to provide for the punishment of such poor and impotent persons as, being relieved within their parish, nevertheless "wander abroad loitering and begging," the present Act directs that every such person shall, for the first offence, be whipped, and so returned home again to his or her parish; and if such person shall a second time offend, he is to suffer as a rogue in the first degree; and if he again offend, he is then to suffer in all respects as a rogue and vagabond.

The provisions established by the two Acts, the *14th and 18th Elizabeth*, are all highly important, not only on account of the vigorous way in which it is attempted to grapple with the evils of bastardy and vagrancy, but likewise as manifesting more comprehensive views with respect to the relief of the poor, and the mode of administering such relief, than we have seen in the earlier statutes. That much was expected from these Acts, and from the intended "houses of correction," appears certain from the wording of the 9th clause of the latter Act, in which hopes are expressed "that many well-disposed persons, understanding the good success which will grow by setting people on work and avoiding idleness, will from time to time give to the sustentation and maintenance of the same good purpose and intent, and for their

better encouragement to the same;" and it then goes on to empower persons holding lands, tenements, or hereditaments in free soccage, or in their own right, to give and bequeath the same for providing and maintaining any of the said houses of correction, "without any licence of mortmain, or writ of *ad quod damnum* to be sued out of the same, any custom or usage to the contrary in any wise notwithstanding." It is clear, therefore, that the aid and co-operation of the public, founded on a persuasion that these "houses of correction" would prove effective, was reckoned upon by the framers of the Act, who would seem to have been confident of success, despite of previous failures in legislating on the subject; and in this confidence it was provided that the two Acts should conjointly continue in force for seven years.

These statutes (the *14th and 18th Elizabeth*, caps. 5 and 3) with their ruthless enactments against vagabondage and mendicancy, and their more judicious and humane provisions for the relief of the infirm and destitute poor, continued, with certain modifications established by the *35th Elizabeth*, cap. 7, to be the law of the land for more than twenty years, until they were altogether superseded in 1597, by the *39th Elizabeth*, caps. 3 and 4.¹ Although then repealed, however, and their importance in a legal sense lost, these earlier statutes of Elizabeth's reign possess great historical interest, embodying as they do the opinions prevalent at the time, and exhibiting one of the marked gradations through which Poor Law legislation passed; on which account they have here been quoted and commented on at greater length than might otherwise have been necessary or expedient.

Advantage may be taken of the present interval to notice some other Acts, having reference to, or in some way bearing upon, the condition of the people, which,

¹ See post.

as already observed, ought always to be kept in view in connexion with Poor Law legislation.

The 5th Elizabeth, cap. 5, is entitled 'An Act touching certain politic Constitutions made for the Maintenance of the Navy.' It directs that, ^{1562-3. 5 Elizabeth, cap. 5.} "for increase of provision of fish by the more usual and common eating thereof, and for the benefit of this realm, as well in maintenance of the navy, as in sparing and increase of flesh victual," every Wednesday throughout the year is to be observed and kept as a fish-day, "as Saturdays be or ought to be;" and all persons are prohibited from eating flesh on Wednesdays, or on days usually observed as fish-days, under penalty of forfeiting 3*l.* for every time they so offend, "or else suffer three months' close imprisonment without bail or mainprise." It may be doubted whether this measure originated altogether in "politic considerations for the maintenance of the navy." To increase the consumption of fish would operate as an encouragement to the fisheries, and might possibly lead to some additional supply of seamen for the navy; but the above provisions have rather the appearance of looking back to the usages of the old religion, which still held a certain influence over people's minds.

In the same year, immediately following the above ^{1562-3. 5 Elizabeth, cap. 6.} Act, another was passed (*cap. 6*), apparently with the view of preventing persons from impoverishing themselves by the use of foreign finery in their clothing. It ordains that, "if any manner of foreign stuff or wares, not grown or first wrought in any of the queen's dominions, appertaining to the appareling, clothing, decking, garnishing, or adorning the body," shall be sold to any person "not having in possession lands or fees to the clear yearly value of 3,000*l.*," without being paid for in ready money, the seller thereof shall be without remedy for recovering the same. So that whoever might thereafter wish to

purchase any foreign finery, if not worth 3,000*l.* a year, would be compelled to go a shopping with money in hand—no great hardship perhaps, if not even a wholesome restriction; but it seems to imply that credit had been unduly stretched and misused by the fashionables of that day, although probably to nothing like the extent that it has been subsequently, and even is at present. What statesman, however, would now think of proposing such an Act as this for its limitation?

In the same year likewise, an elaborate Act of forty-four clauses was passed regulating the making ^{1562-3. 5 Elizabeth, cap. 8.} and use of leather, a matter that had repeatedly occupied the attention of the legislature in preceding reigns, and therefore, it must be presumed, was considered of much general importance. This Act, *The 5th Elizabeth, cap. 8*, is curious for the extreme minuteness of its provisions. It begins by referring to the "many good statutes theretofore made for the tanning, currying, and working of leather, as a thing very necessary for the queen's subjects; for that every sort of people must of necessity use and have leather for divers and sundry purposes, notwithstanding which, leather was never worse tanned, curried, or wrought than now a days it is; by reason whereof divers persons are not only put to great loss and other inconveniences, but also do take divers and sundry diseases, to the shortening of their lives, as by complaints exhibited to parliament manifestly appeareth." It is then ordained, that butchers shall not gash hides, and that tanners shall not sell them if gashed. Calves are not to be killed under five weeks old; and no butcher is "to occupy the feat, craft, or mystery of a tanner," and no tanner is to be a butcher, or a shoemaker, or a currier. Minute regulations are laid down for liming and tanning hides, for felling and barking oaks, for the currying of leather, for making shoes, for sealing and selling leather, and for preventing its being exported—all evincing a

praiseworthy care for the health and convenience of "the queen's majesty's subjects," but all, at the same time, it must be admitted, of very questionable policy.

It appears that the severe enactments against the *gipsies*, or Egyptians,^m had not cleared the country of these people. On the contrary, their numbers had been increased, by many native vagabonds associating with them and adopting their habits and manner of life;

and a new statute (*The 5th Elizabeth, cap. 20*)^{1562-3. 5 Elizabeth, cap. 20.} was therefore passed, with the view of correcting this evil. It enacts that "every person which shall be seen or found in any company or fellowship of vagabonds commonly called Egyptians, or counterfeiting, transforming, or disguising themselves by their apparel, speech, or other behaviour, like unto such vagabonds, and shall continue and remain in the same by the space of one month, every such person shall be deemed and judged a felon, and suffer the pains of death." It is a fact seemingly well deserving the attention of legislators, that punishment, when pushed to extreme severity, almost invariably fails of its object. It may even be said to produce an opposite result, by enlisting the sympathies of the people in favour of the culprit, who is regarded as a kind of hero, or a desperate gambler who has thrown for a high stake, and perilled his life on the cast. Thus, in the case of these *gipsies*, the severe laws enacted against them did not drive them away, nor deter them from pursuing their usual avocations, but, on the contrary, other persons it appears joined them. There was probably a charm for the idle and the dissolute in the *gipsy* way of life. It may also, on account of its wandering desultory nature, and the kind of chancemedley and uncertainty attending it, have had attractions for others as well. But whatever the attractions or inducements, it is clear the utmost

^m See 22nd Henry VIII. c. 10; and 1st and 2nd Philip and Mary, c. 4—ante, pp. 114 and 146.

severity of the law did not deter the *gipsies* from wandering, pilfering, and fortune-telling, neither did it deter others from consorting with them in these pursuits; and the cruel and revolting enactments which have just been cited were left to disfigure our statute-books, accompanied by the mortifying reflection that, if they were operative at all, it was probably in a way the reverse of what was intended.

In the year 1566, and again in 1571, Acts were passed for "The true making of hats and caps." The first Act recites that "the Queen's Majesty's true subjects, using the art of making woollen caps, are impoverished and decayed by the excessive use of hats and felts." All persons under the degree of a knight are therefore prohibited from wearing a hat or cap of velvet, under a penalty of 10s. The second Act, after a particular enumeration of the many persons occupied "in the trade and science of capping," of whom, in London alone, there were said to be no less than eight thousand, goes on to enact that every person above the age of six years, except ladies, lords, and knights, and gentlemen in the possession of twenty marks by the year in land, shall upon Sundays and holydays wear upon their heads one cap of wool (which is declared to be very decent and comely for all states and degrees), made within this realm of England, and dressed and finished by some of the trade or science of cappers, upon pain of forfeiting the sum of 3s. 4d. This enactment may have been very acceptable to the "cappers," but it must surely have been felt as a hardship by other people. It goes one step beyond protection, for it enforces the use of the home-made article. Exclusive legislation could be carried no further.

An Act of considerable importance (*The 13th Elizabeth, cap. 11*)^{1571. 13 Elizabeth, cap. 11.} was passed in 1571, "For the better increase of Tillage, and for maintenance

and increase of the Navy and Mariners of this realm." It enacts that all her Majesty's subjects may lawfully export corn to friendly countries, from ports where there is a collector or other officer, and in vessels of which English-born subjects shall be the owners, whenever the prices are so moderate that no prohibition shall be made to the contrary. An export-duty of a shilling a quarter is to be levied on wheat, and eight pence a quarter on all other grain. But the queen is empowered at all times to prohibit exportation from all or any of the ports or places within the realm; and the Lord President and Council in the North, and the Lord President and Council in Wales, and the justices of assize at their sessions, are given a like power over the ports within their several jurisdictions. This was, perhaps, no more than acting with due caution in the then state of the country, with its imperfect means of transit and communication, and when in one district there might be a deficiency, and in another an excess. The Act appears, on the whole, to have been framed on large and liberal views, creditable to the legislators of that day, and, if carried out in a like spirit, it would no doubt promote the accomplishment of both its professed objects.

The 23rd Elizabeth, cap. 10, declares that "the game of pheasants and partridges is, within these few years, in manner utterly decayed and destroyed by means of such as take them with nets, snares, and other devices, as well by day as by night; and also by such as do use hawking in the beginning of harvest, before the young pheasants and partridges be of any bigness, to the great spoil and hurt of corn and grass then standing and growing;" and the Act then prohibits the taking of pheasants or partridges in the night, under penalty of 20s. for the former, and 10s. for the latter, or one month's imprisonment; and it also imposes a penalty of 40s. on persons hawking

^{1580-1.}
23 Elizabeth,
cap. 10.

or hunting in the standing corn. A similar Act for the preservation of game, and imposing a penalty of 6s. 8d. on all persons tracing hares in the snow, had been passed in 1523 (the 14th Henry 8th, cap. 10), the notice of which was omitted in its order of time. It recites that "the king and noblemen of England have used and exercised the game of hunting the hare for their disport and pleasure, which game is now almost utterly destroyed by reason that divers persons, tracing hares in snow, have killed and destroyed the same hares by ten and twelve and sixteen upon one day;" and such tracing is prohibited in future, under the above penalty. These Acts make no reference to the property qualification established by the 13th Richard 2nd, cap. 13," but simply prohibit the killing of game at certain seasons and in a certain manner; the penalties they impose are in neither case excessive, and contrast favourably with what prevailed at a former period, when the life of a man was set against that of a deer.* The slaughtering of "ten, twelve, or sixteen hares in a day," complained of by Henry the Eighth and his nobles, appears small sport compared with the enormous slaughter which sometimes takes place in the battues of the present day.

Hitherto the decay of buildings has generally been a subject of complaint, but *The 31st Elizabeth, cap. 7,* is entitled 'An Act against erecting and maintaining of Cottages.' It declares that "great inconveniences are found by experience to grow by the erecting and building of great numbers and multitudes of cottages, which are daily more and more increased in many parts of this realm." And it directs that no person shall build or erect any manner of cottage for habitation or dwelling, "nor convert any building or housing, made or hereafter to be made,

* See ante, p. 60.

* Hume's 'History of England,' vol. i. p. 346.

to be used as a cottage for habitation or dwelling," unless four acres of land at the least be attached to the same, under a penalty of forfeiting 10*l.*, and paying a further forfeit of 40*s.* for every month any such cottage shall be upheld. Cottages in cities and towns, and those erected for workmen in mines and quarries, are specially excepted, as are also cottages on the sea-coast, used by sailors or persons who attend on shipping. The Act concludes by prohibiting more than one family or household inhabiting any one cottage, under a penalty on the owner and occupier of 10*s.* for every month it shall be so occupied—a most wholesome provision, showing a praiseworthy care for the health, comfort, and morality of the people, and so essentially conducive to these ends as to warrant such an interference with the rights of property for enforcing it.

The above Act applies to cottages in rural districts; and not long afterwards *The 35th Elizabeth*,^{1592-3. Elizabeth, cap. 6.} cap. 6, was passed for regulating buildings in towns. It declares that "great mischiefs and inconveniences daily grow and increase by reason of the pestering of houses with divers families, harbouring of inmates, and converting of great houses into several tenements or dwellings, and erecting of new buildings within the cities of London and Westminster, and places near adjoining, whereby great infection of sickness and dearth of victuals and fuel hath grown and ensued, and many idle, vagrant, and wicked persons have harboured there." And it is then ordered that no new buildings shall be erected in London or Westminster, or within three miles thereof, unless they be fit for the habitation of persons assessed at 5*l.* in goods, or 3*l.* in lands, upon pain of forfeiting 5*l.* quarterly for every such building; and houses are prohibited from being converted into several dwellings, under a penalty of 5*l.* per month on the landlord, and a like penalty on the occupier or other person permitting the house to be so divided.

This Act, like the one preceding, was, no doubt, intended for the promotion of health, comfort, and morality, by preventing the erection or the use of insufficient habitations, and the overcrowding and filthy and immoral habits thence arising, which were the chief causes of those fearful outbreaks of pestilence by which England had been so frequently visited. These Acts, taken together, afford evidence of the increase both of the rural and town population, as well as of the general increase of wealth. But, it may be asked, if the building of cottages in rural districts, and the erection of small houses in towns, are prohibited, where are the increasing numbers of the working people to live? The condition now required of attaching land to every new cottage, is a sufficient answer as regards the country; and with respect to the towns, we may presume the Act would only be operative in preventing that overcrowding in existing habitations by "idle, vagrant, and wicked persons," which is so strongly complained of, and not in preventing the erection of suitable residences for the working people, whose presence was required for doing the town's work.

It appears, however, despite of this last Act, that the metropolis continued to be much troubled by the number of idle and disorderly persons who resorted thither, and lived by pilfering and begging. Stow, in his 'Survey of London,' states^p that in 1569 an order was made to apprehend all beggars and idle people, whether men, women, or children, or other masterless vagrants. The vagabonds and sturdy beggars were to be taken to Bridewell; the aged, impotent, sick, sore, lame, or blind to St. Bartholomew's or St. Thomas's Hospitals; and the children under sixteen to Christ's Hospital. For this purpose, the beadles were directed to attend at each of the City

Great number of idle and disorderly persons in London.

^p See Stow's 'Survey of London,' book v. cap. 30.

gates morning and evening, and at Billingsgate and Lyon's Keye at tide-times. But the City continued nevertheless to swarm with beggars, "valiant and sturdy rogues, masterless men, vagrants, and maimed soldiers," for dealing with whom, and preventing the mischief and great annoyance they occasioned, City marshals were appointed to take some good course for clearing the streets of these wandering people, and sending them to their several places of punishment.

It would seem that these measures were not without effect, as, "by the care of Fleetwood the recorder, and the other magistrates, in 1575, there were few or no rogues and thieves in gaol, for Lord Keeper Bacon, sitting in the Star Chamber, and calling for the book of misbehaviours of masterless rogues, fencers, and such-like, there was none to present for London."⁴ The queen, and most of the nobility and gentry, were, however, then absent from London on account of the pestilence, which may account for the absence of beggars and masterless rogues at this time; for they appear to have returned with the court in renovated force as soon as the plague abated, as in 1580 we find "a great parcel of rogues encompassing the queen's coach near Islington one evening, when she was riding abroad to take the air, which seemed to put her into some disturbance."⁵ Thirteen years afterwards, in 1593, London and the country generally were so grievously pestered with beggars, that the queen put forth a proclamation⁶ against idle persons and vagabonds wandering in the common highways, and the multitudes of able men, neither impotent nor lame, exacting money upon pretence of service in the wars, to the annoyance of the common people both in their goods and lives; for reformation whereof justices and officers are commanded to have a better regard thereto, and to appoint

⁴ See Stow's 'Survey of London,' book v. cap. 30.
⁵ Ibid. ⁶ Ibid.

watches and privy searches in places needful, and to attach and imprison all such idle vagabonds, and to send the lame and maimed into their countries according to the statute.

After this notice of a few of the statutes of Elizabeth's reign, more or less affecting the general interests of the people, or helping to throw light upon their habits and condition, we will turn to an examination of the Acts having immediate reference to the poor as a class. The chief of these, both in order of time and of importance, are the two Acts, the 39th *Elizabeth*, caps. 3 and 4, already referred to.⁷

The 39th *Elizabeth*, cap. 3, provides in the first place for the appointment of overseers of the poor in every parish. The churchwardens are declared to be overseers *ex officio*, and the justices are yearly in Easter week to appoint "four other substantial householders" to the like office. These overseers are to take order from time to time, with the consent of two or more justices, "for setting to work the children of all such whose parents shall not be thought able to keep and maintain them, and also all such persons, married or unmarried, as, having no means to maintain them, use no ordinary or daily trade of life to get their living by." The overseers are further empowered, with the consent of the said justices, "to raise weekly or otherwise by taxation of every inhabitant, and every occupier of lands in the said parish, in such competent sum and sums of money as they shall think fit, a convenient stock of flax, hemp, wool, thread, iron, and other necessary ware and stuff to set the poor on work; and also competent sums of money for and towards the necessary relief of the lame, impotent, old, blind, and such other among them being poor and not able to work; and also for the putting out of such children to

^{1597-8.}
39 *Elizabeth*,
cap. 3.

Overseers
of the poor
appointed
in every
parish.

⁷ Ante, p. 173.

be apprentices, to be gathered out of the same parish, according to the ability of the said parish; and to do and execute all other things, as well for the disposing of the said stock as otherwise concerning the premises, as to them shall seem convenient."

The said overseers are directed to meet together at least once every month in the parish church, upon the Sunday in the afternoon, after divine service, "to consider of some good course to be taken, and of some meet orders to be set down, in the premises." And within four days after the end of their year of office, they are to yield up to such two justices of peace "a true and perfect account of all sums of money by them received, or rated and cessed and not received," and also of such stock as shall be in their hands, and of all other things concerning their said office, "upon pain to forfeit for every default twenty shillings." And the overseers are empowered to levy by distress and sale, under a warrant from two justices, the sums of money of every one that shall refuse to contribute according as they shall be assessed, as well as the sums of money or stock which shall be behind upon any account to be made as aforesaid, rendering to the party the overplus; and in defect of such distress, the justices may commit the offender to prison until payment be made.

The justices are likewise empowered, as in the 14th *Elizabeth*,^a to "rate and assess any other of other parishes" in aid, if they perceive that the inhabitants of any parish are not able to levy among themselves sufficient for the purpose. And with the consent of two justices, the churchwardens and overseers may bind poor children to be apprentices, till the age of twenty-four if a man-child, and twenty-one if a woman-child. The Act also follows the precedent of the 14th *Elizabeth*, in providing that, if any persons

^a Ante, p. 162.

shall find themselves aggrieved with any sess or tax, or other act done by justices, churchwardens, or overseers, they may appeal to the quarter sessions.

This Act moreover establishes the highly important principle of the mutual liability of parents and children, by enacting "that the parents or children of every poor, old, blind, lame, and impotent person, or other poor person not able to work, being of sufficient ability, shall at their own charge relieve and maintain every such poor person, in that manner and according to that rate as by the justices in quarter sessions shall be assessed, upon pain to forfeit twenty shillings for every month which they shall fail therein."

Mutual liability of parents and children.

In all these enactments the legislature appears to have been governed by kindly and benevolent feelings towards the really poor; but there is one provision of an opposite character—The 10th section enacts, that "no person or persons whatsoever shall go wandering abroad and beg in any place whatsoever, by licence or without, upon pain to be esteemed, taken, and punished as a rogue." This is certainly severe, and at variance with the spirit of the other provisions of the Act; but in order to modify its application, a proviso is added, excepting from such penalty "any poor people which shall ask relief of victuals only, in the same parish where they do dwell, so the same be in such time only, and according to such order and direction, as shall be made and appointed by the churchwardens and overseers of the poor of the same parish, according to the true intent and meaning of this Act." It may be presumed, therefore, that the penalty imposed by this clause, was only enforced in the case of notorious and profligate offenders.

The present Act approximates very closely to that passed four years afterwards (*The 43rd of Elizabeth*, cap. 2), which still continues in force, and is the founda-

tion and groundwork of our English Poor Law. The difference between the two Acts chiefly consists in the more complete elaboration, in the latter, of the several provisions with respect to the levying and application of the rates, which the brief period that intervened had probably shown to be necessary for removing doubts, correcting errors, and securing the orderly and effective working of the law.

The Act we have just been considering (*The 39th Elizabeth, cap. 3*) is entitled 'An Act for the Relief of the Poor.' Its fellow Act, *The 39th Elizabeth, cap. 4*, is entitled 'An Act for the Punishment of Rogues, Vagabonds, and Sturdy Beggars.' The objects as well as the spirit of the two Acts are so dissimilar, that they would hardly seem to belong to the same system; but although thus apparently differing, there can be no doubt that they were considered at the time as essentially connected, and as being each necessary to the other. The two classes of persons to which the Acts apply were in fact so intermingled, and so constantly running into each other, that it would be often impossible to deal with them separately, or always to discriminate between the merely "poor" and the "rogue, vagabond, or sturdy beggar." The two statutes must therefore be regarded as parts of one whole, although for conveniency they are enacted separately.

The *39th Elizabeth, cap. 4*, commences by repealing ^{1597-8.} "all statutes heretofore made for the punish-
^{39 Elizabeth,} ment of rogues, vagabonds, or sturdy beggars,
^{cap. 4.} or for the erection or maintenance of houses of correction,"^v from which we may infer that the previous enactments for these objects had failed of the desired effect. The Act then empowers the justices of peace of any county or city assembled at quarter sessions "to erect

^v Ante, p. 168, 18th Elizabeth, cap. 3.

or cause to be erected one or more houses of correction within their several counties or cities;" and they are further empowered to make orders from time to time "for the providing of stocks of money and all other things necessary for the same, and for raising and governing of the same, and for correction and punishment of offenders thither to be committed." A definition is then given of the persons deemed offenders under the Act, and the list comprises "all persons calling themselves scholars going about begging; all seafaring men pretending losses of their ships and goods on the sea; all idle persons going about either begging or using any subtle craft or unlawful games and plays, or feigning to have knowledge in physiognomy, palmistry, or other like crafty science, or pretending that they can tell destinies, fortunes, or such other fantastical imaginations; all fencers, bearwards, common players, and minstrels; all jugglers, tinkers, pedlers, and petty chapmen; all wandering persons and common labourers, able in body, and refusing to work for the wages commonly given; all persons delivered out of gaols that beg for their fees or travel begging; all persons that wander abroad begging, pretending losses by fire or otherwise; and all persons pretending themselves to be Egyptians:" all such persons, it is declared, "shall be taken, adjudged, and deemed rogues, vagabonds, and sturdy beggars, and shall sustain such pain and punishment as by this Act is in that behalf appointed."

It is then enacted, that every person thus declared to be a rogue, vagabond, or sturdy beggar, and who shall be taken begging, wandering, or misordering themselves, shall, by the appointment of any justice of the peace, or by any constable, headborough, or tithing-man, assisted therein by the advice of the minister or one other of the parish where such person shall be taken, "be stripped naked from the middle upwards, and be openly whipped until his or

Sturdy
beggars to
be stripped
naked and
whipped, and
sent to their
place of birth
or last
residence.

her body be bloody, and shall then forthwith be sent from parish to parish, by the officers of every the same, the next straight way to the parish where he was born, if the same may be known by the party's confession or otherwise; and if the same be not known, then to the parish where he or she last dwelt by the space of one whole year, there to put himself or herself to labour as a true subject ought to do; or if it be not known where he or she was born or last dwelt, then to the parish through which he or she last passed without punishment."

After being thus whipped, the culprit is to be furnished with a testimonial certifying the same, with the date and place of punishment, and the place whereunto he is directed to go, and the time allowed for getting thither. "And if the said person through default do not accomplish the order appointed by the said testimonial, then to be oftsoons taken and whipped; and so often as any default shall be found in him or her contrary to this statute, in every place to be whipped till such person be repaired to the place limited." And the person so whipped, &c., is to be conveyed, by the officers of the village where he last passed through without punishment, to the house of correction, or to the common gaol, there to remain and be employed in work, until he or she shall be placed in some service, or, if not able of body, until placed in some almshouse.

It is further provided, that "if any of the said rogues shall appear to be dangerous to the inferior sort of people where they shall be taken, or otherwise be such as will not be reformed of their roguish kind of life," in such case the justices may commit them to the house of correction or the county gaol until the next quarter session, where the majority of the justices then assembled are empowered to banish such rogue unto such parts beyond the seas as shall be at any time assigned by the privy council; and if the rogue so banished shall return again without licence, he shall suffer death as in case of felony."

The clause in the 14th *Elizabeth* is repeated, providing that any one having charge of a vessel passing from Ireland, Scotland, or the Isle of Man, who shall willingly bring or suffer to be brought into England, any "Mannsyke, Scottish, or Irish rogue, vagabond, or beggar, or any such as shall be forced or very like to live by begging," is liable to a penalty of twenty shillings. And constables, headboroughs, and tithing-men are subjected to a penalty of ten shillings in case they shall "be negligent and do not use their best endeavours for the apprehension of such vagabond, rogue, or sturdy beggar, and cause every of them to be punished according to the true intent and meaning of the Act." The influx of beggars from Ireland, Scotland, and the Isle of Man, for prevention of which this enactment was framed, was probably owing to the superior wealth of England, without which there would have been little inducement for immigrants—independently of that love of change which seems natural to the mass of mankind.

Diseased poor are again prohibited from resorting to Bath or Buxton, "to the baths there for the ease of their griefs," unless licensed by two justices, and provided with sufficient means of subsistence whilst they abide there, and for their travelling thither and returning. There is likewise, as in the 14th *Elizabeth*, a proviso in behalf of shipwrecked mariners, permitting them, under a testimonial signed by a justice of peace, to "ask and receive such relief as shall be necessary." These enactments indicate the growing importance of maritime pursuits, and the estimation in which they were at this time held. The age of Drake, and Raleigh, and Frobisher, and Davis, and Lancaster, so fruitful in nautical daring and commercial enterprise, could not fail of imparting increased energy and hardihood to every department of maritime adventure; and hence shipwrecks would be likely to be of more frequent occurrence.

In these two statutes of the *39th Elizabeth*, caps. 3 and 4, a marked distinction is made between the infirm and impotent poor, or "poor indeed," and the sturdy beggars "mighty in body," whose poverty is occasioned by their being idle and vicious, the two classes being dealt with in separate Acts. The system was still, however, deemed incomplete, there being no easy and certain means by which persons of opulence could by their individual efforts, or by their contributions, voluntarily assist in furthering the objects sought to be attained by the stringency of the law. To supply this deficiency, another Act (*cap. 5*) was passed, which, taken in combination with the two preceding Acts, may be regarded as forming one entire measure for relieving the poor and repressing vagabondism.

^{1597-8.}
^{39 Elizabeth,}
^{cap. 5.} The *39th Elizabeth*, *cap. 5*, after quoting in the preamble the *35th Elizabeth*, which empowers persons to bequeath lands and hereditaments for providing and maintaining houses of correction, &c., declares that "the said good law hath not taken effect as was intended, by reason that no person can erect or incorporate any hospital, houses of correction, or abiding-places, but by her Majesty's special licence by letters patent under the great seal." Wherefore, in order that so good and charitable a work may be effected with as great ease and little charge as may be, it is enacted, that any person may, within twenty years, at his will and pleasure, by deed enrolled in Chancery, "found and establish one or more hospitals, maisons de Dieu, abiding-places, or houses of correction, as well for the sustentation and relief of the maimed poor, needy, or impotent people, as to set the poor to work; and from time to time to place therein such head and members, and such number of poor, as to him shall seem convenient." The hospitals, &c., so founded are to be incorporated, and have perpetual succession for ever, "in fact, deed, and name," and are to be ordered and

visited as appointed by the founder. But it is provided that no such hospital, &c., shall be founded or incorporated, "unless it be endowed for ever with lands, tenements, or hereditaments of the clear value of ten pounds by the year."

In the same year with the three preceding Acts, *The 39th Elizabeth*, *cap. 17*, was passed for the ^{1597-8.}
^{39 Elizabeth,}
^{cap. 17.} correction of another evil, apparently of serious magnitude. It recites that "divers lewd and licentious persons, contemning both laws, magistrates, and religion, have, of late days, wandered up and down in all parts of the realm, under the name of soldiers and mariners, abusing the title of that honourable profession to countenance their wicked behaviour, and do continually assemble themselves, weaponed, in the highways, and elsewhere, in troops, to the great terror and astonishment of her Majesty's true subjects." And many heinous outrages, robberies, and horrible murders are daily committed by these dissolute persons." It is then ordered that all wandering soldiers and mariners or idle persons shall settle themselves to some labour, or else repair to the place where they were born, or to their dwelling-place, if they have any, and there remain, betaking themselves to some lawful course of life, on pain of being reputed felons, and suffering as in case of felony without benefit of clergy. This was certainly severe, having regard to the class of persons against whom the Act was specially directed; but if the enormities named in the preamble were really perpetrated, they would warrant the exercise of great severity against the offenders.

The above statute was, however, repealed three years afterwards by *The 43rd Elizabeth*, *cap.* ^{1601.}
^{43 Elizabeth,}
^{cap. 3.} 3, which, in a more kindly spirit, recites—that "it is now found more needful than it was to provide

* This reminds one of the wayside beggar, who with levelled carbine frightened poor Gil Blas out of a charitable contribution.

relief and maintenance to soldiers and mariners that have lost their limbs and disabled their bodies in the defence and service of the state; and to the end that the said soldiers and mariners may reap the fruits of their good deservings, and others be encouraged to perform the like endeavours," it is now enacted that every parish shall be charged to pay such a sum weekly towards the relief of sick, hurt, and maimed soldiers and mariners, having been in her Majesty's service, as the justices in quarter sessions shall determine, under certain limitations as to amount; and the same is to be leviable by distress, in default of payment. But it is nevertheless provided, "that every soldier or mariner that shall be taken begging in any place within the realm, shall for ever lose his annuity or pension, and be taken, deemed, and adjudged as a common rogue and vagabond, and shall sustain the like pains and punishments as is appointed for common rogues and vagabonds."

We are now arrived at the important period when, by *The 43rd Elizabeth, cap. 2*, the principle of a compulsory assessment for relief of the poor was fully and finally established as an essential portion of our domestic policy. In the earlier statutes we have seen that little was aimed at beyond the repression of mendicancy and vagabondage by inflicting severe, and often cruel, punishments on the offenders; and even in the statutes of a later period this still appeared to be the chief and governing motive. "Valiant beggars and sturdy vagabonds" were in nearly every case denounced as causing all the evil and disorganization which prevailed in the land. The permission to beg on certain conditions, and within certain limits, and the attempts made to stimulate charitable relief for the infirm poor, can hardly be considered as exceptions, for they must, from their very nature, have been almost, if not altogether, inoperative.

Such was the state of Poor Law legislation down to the passing of the 39th of Elizabeth in 1597. Long previously, however, a persuasion seems to have been gaining ground that severe punishments alone would not prove effectual, and that something else was necessary for putting down vagabondage and mendicancy, with their auxiliary train of evils. Thus, by the *27th Henry the 8th, cap. 25*, the head officers of towns, &c., were directed to succour and charitably relieve the impotent poor, and also to set and keep "sturdy vagabonds and valiant beggars at continual labour." And the *5th and 6th Edward 6th, cap. 2*, directs a register of the poor to be kept, and the parishioners to be "gently exhorted and admonished" to contribute, according to their means, for like objects. The *5th Elizabeth, cap. 3*, goes still further, and empowers justices to use compulsion towards persons obstinately refusing to contribute; and by the *14th Elizabeth, cap. 5*, overseers are appointed and a better organization is formed for the collection and distribution of charitable alms; whilst by the *39th Elizabeth, cap. 3*, nearly all the means are provided, short of an absolute and regular assessment of property, for effectually relieving the destitute poor, and for giving employment to such of them as are able to labour.

Notwithstanding these successive measures, each in advance of the other, a conviction seems to have been forced upon the legislature that something further must yet be done. It appears at length to have been seen, that severity of punishment loses its terrors in the presence of actual want; that a man will beg, or steal, or resort to violence, rather than starve; and that the first step towards putting down begging and vagabondage and crime, should be to provide against the occurrence of such an extremity of want as would leave no alternative between starvation and a breach of the law. It was evident, however, that this convic-

tion had been preceded, and was accompanied, by a strong sense of the vast importance of the subject, and the serious difficulties and dangers with which it was beset; and it was not until each and all of the foregoing statutes had been tried and fully tested, and after experience had shown their insufficiency, that the eminent statesmen of Elizabeth's reign courageously determined to act upon the principle that the relief of destitution must be undertaken as a public duty, and be provided for at the public charge, in order to ensure the due ascendancy of the law; and this principle was finally established by the passing of the *43rd Elizabeth*, to a consideration of which we will now proceed.

The 43rd Elizabeth, cap. 2, the great turning-point of our Poor Law legislation, is still the foundation and text-book of English Poor Law. It is remarkable that this most important statute has no preamble, setting forth the evils to be corrected and the good expected from it, as is the case with most of the other statutes; but it goes at once to its object, and directs that in every parish "four, three, or two substantial householders shall, under the hand and seal of two or more justices of the peace, be yearly nominated in Easter week, and that these, with the churchwardens, shall be overseers of the poor." These overseers are "to take order from time to time," with the consent of the justices, for carrying the several provisions of the Act into effect. They are to raise, "weekly or otherwise, in every parish, by taxation of every inhabitant, parson, vicar, and other, and of every occupier of lands, houses, tithes impropriate, or appropriations of tithes, coal-mines, and saleable underwoods, in the said parish, in such competent sum and sums of money as they shall think fit," for the following purposes:—

First. "For setting to work the children of all such whose parents shall not be thought able to keep and maintain them."

Secondly. "For setting to work all such persons, married and unmarried, having no means to maintain them, and who use no ordinary and daily trade of life to get their living by."

Thirdly. "For providing a convenient stock of flax, hemp, wool, thread, iron, and other ware and stuff, to set the poor on work."

Fourthly. "For the necessary relief of the lame, impotent, old, blind, and such other among them being poor, and not able to work."

For effecting these several objects, the churchwardens and overseers of the poor are, as was directed by the *39th Elizabeth, cap. 3*,^x "to meet together at least once in every month, in the parish church, after Divine service on the Sunday, to consider of some good course to be taken, and of some meet order to be set down, in the premises." And within four days after the end of their year of service, and after other overseers are in like manner appointed, they are "to make and yield up to such two justices of the peace, as aforesaid, a true and perfect account of all sums of money by them received, or rated and sessed and not received, and also of such stock as shall be in their hands, or in the hands of any of the poor to work, and of all other things concerning their said office." And in case of default, absence, or negligence of any kind being proved against them, before two or more justices, they are subjected to a fine of twenty shillings.

The mutual liability of parents to maintain their children, and of children to maintain their parents, established by the *39th Elizabeth*, is extended by this Act to the grandfathers and grandmothers, whenever the parties respectively are of sufficient ability so to do. And the churchwardens and overseers are empowered, with the assent of two justices, to bind those

^x Ante, p. 183.

“poor children, whose parents cannot maintain them, to be apprentices, where they shall see convenient, till such man-child shall come to the age of four-and-twenty years, and such woman-child to the age of one-and-twenty years, or the time of her marriage; the same to be as effectual to all purposes as if such child were of full age, and by indenture of covenant bound him or herself.”

With wise and provident forethought the experienced statesmen to whom we are indebted for the present Act, likewise guarded (as they had done in the 14th and the 39th *Elizabeth*) against a possible excess of poverty in any locality, and the consequent deficiency of means for affording relief, by providing that if “the inhabitants of any parish are not able to levy among themselves sufficient sums of money for the purposes aforesaid,” then any parish or parishes within the hundred may be “taxed, rated, and assessed to pay such sum and sums of money to the churchwardens and overseers of the said parish, for the said purposes, as the said justices shall think fit, according to the intent of this law;” and if the hundred shall be deemed unable, then the county is to be assessed for like purpose. This is “*The Rate in Aid*” clause, which has, however, very rarely been acted upon, its existence probably helping to avert the contingency which it was provided to meet.

Justices of the peace are empowered “to commit to the house of correction, or common gaol, such poor persons as shall not employ themselves to work, being appointed thereunto by the overseers;” and they are also empowered, on the nonpayment of the moneys taxed and assessed, to issue a warrant of distress for recovering the same, and in defect of such distress to commit the offender to prison until the said money with all arrearages be paid. But any person or persons who shall find themselves aggrieved by “any sess, tax, or other act

done” under the provisions of this statute, may appeal to the justices at their general quarter sessions, who are “to take such order therein as to them shall be thought convenient.”

Such are the chief provisions of this important statute; and so complete were they as then framed, both for providing the means of relief, and for its due administration in all cases in which relief could be necessary or proper, that they stand entire and constitute the basis of the law at the present day—always however excepting the settlement law, and the various complicated enactments which sprang out of it, and of which we shall have to speak hereafter.

The 43rd Elizabeth was not the result of a sudden thought or a single effort, but was gradually framed upon the sure ground of experience; and it is curious to trace the successive steps by which its chief enactment, that of a compulsory assessment for the relief of the poor, came at length to be established. First the poor were restricted from begging, except within certain specified limits. Next the several towns, parishes, and hamlets were required to support their poor by charitable alms, so that none of necessity might be compelled “to go openly in begging;” and collections were to be made for them on Sundays, and the parson was to stir up the people to be bountiful in giving. Then houses and materials for setting the poor on work were to be provided by the charitable devotion of good people, and the minister was every Sunday specially to exhort the parishioners to contribute liberally. Next the collectors for the poor, on a certain Sunday after divine service, were to set down in writing what each householder was willing to give weekly for the ensuing year; and if any should be obstinate and refuse to give, the minister was gently to exhort him, and, if he still refused, then to report him to the bishop, who was to send for and again gently exhort him; and if still refractory, the bishop was

to certify the same to the justices in sessions, and bind him over to appear there, when the justices were once more gently to move and persuade him; and if he would not be persuaded, they were then to assess him in such a sum as they should think reasonable. This prepared the way for the more general assessment authorised by the 14th and the 39th *Elizabeth*, which again led to the complete and universal assessment of property established by the present Act, and which still continues the law.

In less than two years after the passing of the above Act, Elizabeth terminated her long, distinguished, and most useful career. She died on the 24th of March 1603, in the seventieth year of her age and the 45th of her reign. Her character is best shown in the history of her country and of the age in which she lived; and it would be out of place to speak of it here further than is necessary for elucidating our subject.

The vigorous government of the Tudor sovereigns, extending over a period of nearly a century and a quarter, from the accession of Henry the Seventh to the death of Elizabeth, was favourable to agricultural and commercial industry, and to the increase and improvement of the population, which has been estimated at five millions in 1580.⁷ This may have been, and probably was, rather a high estimate, but at the end of Elizabeth's reign there can be little doubt of the population having reached that amount. A middle class had sprung up during this period, possessed of considerable wealth and influence, and serving in some degree as a check or counterpoise to the power of the crown, which grew to an inordinate height after it had obtained an ascendancy over the great feudal aristocracy. But the chief event of the Tudor dynasty was the

⁷ See 'Pictorial History of England,' book vi. p. 903; and see also M'Culloch's 'Statistical Account of the British Empire,' vol. i. p. 397.

Reformation, commenced by Henry the Eighth, matured under Edward the Sixth, and finally consummated and established in the reign of Elizabeth. We can hardly over-estimate the consequences of the great change then effected. The free circulation of the Scriptures in the native tongue must have exercised a most beneficial influence upon the habits and religious feelings of the people; whilst the public mind, awakened and roused into activity by the circumstances of the period, and elevated by the precepts and examples of holy writ, assumed a bolder and more energetic tone, not with regard to religious questions only, but in all matters connected with the political and social condition of the people, their wants, their duties, and their rights.

So great a change, involving the overthrow of the entire establishment of the Roman Catholic Church, the annihilation of its power, and the confiscation of its property, was felt in every nook and corner of the land, but by none perhaps so immediately, or so much, as by that class which had been accustomed to rely upon alms for support. The vagrants and mendicants were at once deprived of their accustomed doles, and their ranks were at the same time swelled, not only by the persons discharged from the numerous religious institutions, but also by the many who were heretofore occupied with the forms and ceremonies of the Romish religion, for whom there was no place under the more simple ritual by which it was superseded. When to these immediate consequences of the Reformation is added the fact that serfage and villeinage had, at no very remote period, been abolished, and that by such abolition the people had acquired the right of independent action, and severally taken upon themselves the duty of providing for their own wants, we cannot wonder if mendicancy and vagrancy were for a time increased, or that these evils should be more loudly complained of under Edward

the Sixth, and in the earlier part of Elizabeth's reign, than they previously had been.

Out of this increase of evil, however, there sprang up a remedy, as has been the case in so many other instances—an effectual relief for destitution was at length established, and the community thereby acquired a right to prohibit mendicancy. Without doing the one, it would have been futile as well as cruel to attempt the other—the two things must go together. The successive failure of all preceding legislation on the subject tended to confirm and establish the truth of this axiom, on which at length the framers of the 43rd of *Elizabeth* had the wisdom and the courage to act. The effects following upon this action I shall endeavour hereafter to describe; but in the mean time it will be necessary to take a hasty survey of the state of the law, the circumstances of the country, and the general condition of the people, at the close of Elizabeth's reign.

Whoever shall have perused the extracts given in the preceding pages, and considered the circumstances of the periods in which the statutes were severally passed, can hardly fail to perceive that they all tended to the establishment of a legally authorized provision for the relief of the destitute. Even the most stringent and severe enactments against vagrants and beggars tended to this, their failure serving to show that no severity of punishment could be effective; and but for these severe and often cruel enactments, the fact of their insufficiency might not have been so clearly established. Whilst a doubt remained on the point, so long as there appeared to be a chance of putting down vagabondage and mendicancy by penal and prohibitory statutes alone, it cannot excite surprise that severity more or less stringent was resorted to, or that cumulative punishments, even of a revolting character, should have been enacted against offenders. Hence the fluctuations observable in the various statutes, from the 13th of

Edward the 1st downwards. At one time they are more stern and cruel, at another time less so; but they always manifest a severity of character from which the mind of modern legislators would shrink. In fact, each gradation in the scale of punishment was tried, abandoned, re-established with added stringency, and again abandoned, with a lingering pertinacity which can only be accounted for by the struggle between experience and preconceived notions, and the kind of uncertainty that was felt as to whether it might not yet be possible to succeed by such means.

This uncertainty appears, however, at length to have yielded to the conviction that something more must be done than merely to punish offenders. Charitable alms and contributions for the relief of the poor were invoked, and after a time a machinery was constituted for collecting and distributing these offerings, and for stimulating liberality where the givers were found tardy. Means for relieving the infirm poor were thus in some degree provided, as well as coercion and punishment for the vagrant class; but the latter was positive and certain, the former contingent and uncertain. So this too failed, and the last step was at length taken, of giving a certainty to each, so far as it is susceptible of being attained by legislative enactment.

Man's natural wants, and his desire to obtain the comforts and conveniences of life, will generally operate as sufficient stimulants to exertion; but in every community there will be certain individuals so feebly constituted, either physically or mentally, as to be unequal to the task of providing for themselves; and there will likewise be some whose moral qualities are of so low a standard, that, although not labouring under bodily or mental infirmity, yet the motives which actuate others fail of influencing them, and they are found naturally idle, and indisposed or unequal to continuous effort or application of any kind. These two classes are properly

objects of care in every community. They are the weak parts of the social fabric, and must be looked after and regarded as a common charge. To these two classes may be added a third, the violent, insubordinate, and vicious, whose numbers will in great measure depend upon the state of society and the circumstances of the times, and who are the fit objects for penal legislation. But individuals of this last class will nevertheless not unfrequently endeavour to prey upon the community under the guise of, and by mingling with, one or other of the two first-named classes. From this class chiefly came the sturdy vagabonds, "mighty in body," so often complained of in the earlier statutes, and against whom the severest enactments were directed. The three classes here described, differing essentially each from the other, and not having by any means the same claims for sympathy and assistance, are yet included under the general designation of "the poor." In all legislation for the poor, therefore, the distinctive characteristics of these classes ought to be borne in mind, and care should be taken that, whilst providing for all who are in actual need, the relief afforded shall be so regulated as that encouragement be not given to the idle and the vicious; and the 43rd of *Elizabeth* was framed in conformity with this principle.

The passages which have been cited from the statutes passed in the several reigns, immediately affecting or indirectly bearing upon the condition of the people, will throw light upon the state of the country at the different periods to which they refer. Regarded as a whole, they bear evidence of continuous social improvement, often slow indeed, but in the main always progressive. Freedom from vassalage accompanied the growth of trade and manufacturing industry, and with these came increase of wealth and civilization, and the growth of a middle class serving as a connexion between the higher and the lower orders, and thereby completing,

and as it were cementing, the social structure. In the earlier reigns these improvements made comparatively slow progress, and were not always perceptible—in the latter, improvement was more rapid and more apparent. This was especially the case in Elizabeth's reign, by the end of which society may be said to have very nearly attained its present form. Individual liberty was then established, the law was indifferently administered, and the productive energies of the country were more freely developed.

It must not be supposed, however, that the condition of the people or the civilization of that day was equal to what exists at present. In the great towns the difference was perhaps less, for there wealth had accumulated, and brought improvement in its train; but in the villages and country districts we have at the present day nothing approaching to the rude and barbarous manner in which the rural population then lived. At the time of Elizabeth's accession, their habitations were for the most part wretched hovels, formed of wattles plastered over with mud or clay, often without chimneys, and with nothing to admit the light but an opening in the wall. Their mode of living was equally rude, and they slept upon straw.* Perhaps this description applies more particularly to Edward's and Mary's reigns, and improvement may have taken place in the time of Elizabeth, for she is said on some occasion to have declared that "when the houses were of wood she had men of stone, but that since the houses were built of stone she had wooden men." This may or may not have been said by the queen, but the report or belief that it was so, warrants a presumption that some such change had taken place in the habitations of the people. An important change had certainly taken place in another

Condition of
the people
in the time
of Elizabeth.

* See Holinshed, as quoted by Hume, in a note at the end of the 4th volume of his History, p. 462.

respect, the number of criminal executions having decreased to less than 400 annually. This number doubtless indicates the existence of a fearful amount of crime, but it is still much less than in previous reigns, especially in that of Henry the Eighth, when there were said to be 2000 of such executions every year.

Coaches were first introduced from Holland in 1564, and pocket watches were introduced about the same period. Before that time, ladies were accustomed to travel on horseback, or in uncouth waggons, which were compared to great boxes on wheels. The first legislative provision for the repair of roads was by the *2nd and 3rd Philip and Mary*, which declares that the roads were at that time tedious and noisome to travel on, and dangerous to passengers and carriages, and enacts that the inhabitants of every parish shall keep their roads in repair, and annually appoint two surveyors of the highways for the purpose of attending to this duty. In the early part of her reign Elizabeth generally travelled on horseback, and on state occasions she rode on a pillion behind the Lord High Chancellor. With the aid of a Dutch coach and a Dutch coachman, she was enabled, in the latter years of her reign, to move from one place to another with more comfort and greater dignity.

In 1582 the number of seamen in England was ascertained to be 14,295. The number of vessels was 1,232; of which only 217 were above eighty tons burthen. Yet in 1599, on the alarm of an invasion by the Spaniards, the queen equipped a fleet and levied an army in a fortnight, a proof that the events connected with the formidable Armada in the early part of her reign had not been forgotten, and that she still had the hearts of the people with her. Ireland, although it had been upwards of four centuries subjected to the English Crown, was still in a state of rudeness and disorder. It yielded a revenue of only about six thousand a year,

whilst it is affirmed that in ten years Ireland had cost the queen 3,400,000*l.*, an immense sum, if we consider the slender income possessed by Elizabeth, and out of which she had to defray all the expenses of her government, civil, military, and domestic. In 1569 a patent was obtained from the Czar of Muscovy, with whom the queen had cultivated friendly relations, granting to the English an exclusive right of traffic with that country. The trade with Turkey commenced about the year 1583, and in 1600 the queen granted the first patent to the East India Company. These are incidents of great national importance, having a material influence upon the industrial occupations and the social condition of the people, as well as upon the wealth and power of the country.

During the half-century preceding Mary's reign, or from 1500 to 1550, it has been shown that a ^{Prices of provisions.} considerable advance in the money prices of commodities had taken place;^a but the advance was still greater in the following half-century, as appears by the table of prices collected by Sir Frederic Eden.

Wheat was 8*s.* and 13*s.* 4*d.* the quarter in 1550, and about the same in 1555 and 1561, after which year the price rose considerably. In 1562 it was 17*s.* in April, and 22*s.* in December. In 1568 it was 13*s.* 4*d.*; in 1574 it was 24*s.*; in 1579 it was 16*s.*; in 1584 it was 20*s.*; in 1591 it was 18*s.*; in 1593 it was 12*s.*; in 1598 it was 18*s.*; and in 1599 it was 27*s.* the quarter in August, and 23*s.* in November. These are set down, not as the extreme, but as what appeared to be about the medium prices in the several periods. The fluctuations were, however, very great,—thus in 1554 the price of wheat was at one time 8*s.*, at another 16*s.*; in 1560 the price in June was 16*s.*, and in December 26*s.*; in 1565 the price was 15*s.* at the end of March, and in the January following it was

^a See ante, p. 149.

28s.; in 1573 just before Christmas it attained the famine price of 56s. the quarter, but in August of the following year it fell back to 24s. In 1586 it again rose to the enormous price of 53s., and in 1587 to 64s. in London, and 80s. in other places, and one quotation even gives it at the almost incredible price of 104s. In 1596 wheat in the early part of August was at 56s., at the end of the month it fell to 36s.; but shortly afterwards it again rose to 100s. Putting aside these extreme fluctuations, however, it appears that 10s. a quarter, which we have assumed to be about the medium price for wheat in 1550,^b advanced to 23s. and 27s. the quarter in 1599, being an apparent increase of above 100 per cent. in the money price of the article within that period. The prices of other grain corresponded nearly with the price of wheat. In 1562, when wheat was 10s. a quarter, rye was 8s., barley 6s. 8d., and oats 5s. In 1590, when wheat was at 21s., rye was 17s. 6d., barley 13s. 4d. In 1595, when wheat was 44s., rye was 26s. 8d., and barley 20s. Towards the end of this year rye was imported from Denmark, and sold to the poor at 32s. the quarter, wheat being then at the famine price of 53s. 4d.

I refrain from quoting the prices of oxen, sheep, poultry, and a vast variety of other articles given in the table, as these prices would much depend on size, quality, and other circumstances, about which no information is afforded; neither do I take into account the change made in the value of the silver coin in 1550,^c the extent of which, although possibly considerable, cannot now I believe be accurately estimated. But after a careful examination of all the circumstances, it is, I think, impossible to doubt that a very considerable and general increase in the money price of all the necessaries of life took place in course of the sixteenth century, and that the larger portion of such increase

^b See ante, p. 149.

^c Ibid.

occurred in the latter half of the period, when the more rapid increase of wealth, and the generally improved condition of the great mass of the people, would naturally occasion a greater demand, and when moreover the influx of the precious metals from the New World, which had been going on throughout the entire period, would necessarily cause them to be more abundant, and tend to advance the money price of every kind of commodity.

With respect to wages, the last statute prescribing the amount to be severally paid to labourers, artificers, and others, was passed in 1514,^d and ^{Rate of wages.} this did no more than re-enact the 11th Henry 7th, cap. 2, passed in 1495.^e The 5th Elizabeth, cap. 4, in 1562,^f does not venture to prescribe what wages are actually to be paid in each case, as was done in the preceding Acts; but, after reciting "that the wages and allowances limited and rated in the said statutes are too small, and not answerable to this time, respecting the advancement in prices of all things belonging to the said servants and labourers," it goes on to express a hope that by recasting, consolidating, and duly modifying the said laws, "it will come to pass that the same law, being duly executed, should banish idleness, advance husbandry, and yield unto the hired person, both in time of scarcity and in the time of plenty, a convenient portion of wages." The Act then, as has already been shown, empowers the justices in quarter sessions to fix the rates of wages annually within their several divisions, and to proclaim and enforce the same under certain penalties.

If we compare the rates of wages established in 1495 by the 11th Henry the 7th,^g and confirmed in 1514 by the 6th Henry the 8th,^h with the wages paid about the end of the reign of Elizabeth, it will be seen that an

^d Ante, p. 110.

^e Ante, p. 99.

^f Ante, p. 157.

^g Ante, p. 99.

^h Ante, p. 110.

increase had taken place nearly corresponding with the increase in the prices of provisions. Thus in 1495 the wages of masons, carpenters, and other artificers were by the statute fixed at 6*d.* a day in summer, and 5*d.* a day in winter, without diet; whilst in 1601 the wages of a mason or tiler are stated in the tables to be 1*s.* 2*d.* a day. In 1495 the wages of a day labourer were 4*d.*, without diet—in 1601 they are set down in the tables at 10*d.* In 1495 the wages of a bailiff in husbandry were fixed at 26*s.* 8*d.*, with 5*s.* for clothing; of a hine, carter, or shepherd at 20*s.*, with 5*s.* for clothing; of a common servant in husbandry at 16*s.* 8*d.*, and 4*s.* for clothing; of a woman-servant at 10*s.*, with 4*s.* for clothing; and of a boy of fourteen at 6*s.* 8*d.*, with 4*s.* for clothing. In 1593 the wages fixed by the magistrates of the East Riding of York, under the provisions of the 5th Elizabeth, are, for a bailiff in husbandry 33*s.* 4*d.*, with 6*s.* 8*d.* for clothing; a chief servant or shepherd, 26*s.* 8*d.*, with 6*s.* 8*d.* for clothing; a common servant in husbandry that can mow and plough, 23*s.* 4*d.*, with 6*s.* 8*d.* for clothing; a woman-servant who can brew and bake, 13*s.*, with 4*s.* for clothing; and a youth under eighteen years of age, 16*s.*, without allowance for clothing.

The rates of wages fixed by the justices at the quarter sessions held at Okeham, in the county of Rutland, on the 28th of April, 1610, were, for a bailiff in husbandry, 2*l.* 12*s.*; for the best sort of man-servant (say the hine, carter, or shepherd), 2*l.* 10*s.*; for a common servant who can mow, 2*l.*; for a ploughman, 1*l.* 9*s.*; for a woman-servant, 1*l.* 3*s.* 4*d.*; and for a youth under sixteen, 1*l.* These two latter rates are quoted from documents inserted in the appendix of Sir Frederic Eden's tables, and it may be further remarked that in 1544 it was found necessary to raise the wages of seamen in the king's ships from 5*s.* to 6*s.* 8*d.* a month.

On a summary of the documents above referred to, it appears that the rates of wages at the three periods named, including the allowance for clothing, were as follows:—

	1495.		1593.		1610.	
	<i>s.</i>	<i>d.</i>	<i>s.</i>	<i>d.</i>	<i>s.</i>	<i>d.</i>
By the Year.						
A bailiff in husbandry	31	8	40	0	52	0
A hine, shepherd, or husbandry } servant of the best sort	25	0	33	4	50	0
A common servant in husbandry	20	8	30	0	40	0
An inferior ditto			25	0	29	0
A woman-servant	14	0	17	4	26	8
A youth under sixteen	9	8	16	0	20	0
By the Day.						
A mower in harvest, without meat } and drink	0	6	0	10	0	10
A reaper or carter, ditto	0	5	0	5	0	8
All other labourers } without meat and } drink	0	4	0	5	0	7
	0	3	0	4	0	6
Artificers, without meat } and drink	0	6	0	8	0	10
	0	5	0	7	0	8

The rates severally proclaimed by the justices of the East Riding in 1593, and by the Rutlandshire justices in 1610, as above quoted, had, in all probability, especial reference to the circumstances of these districts, and cannot be taken as proofs of what was done in other parts of the country; but they may be regarded as presumptive evidence, and, coupled with the lights obtained from other sources, they warrant the conclusion that an increase in the money rate of wages had taken place in course of the sixteenth century, equivalent to the increase in the price of the necessaries of life within the same period. It could hardly indeed have been otherwise, for, if the labourer's earnings be not sufficient for maintaining him in health and vigour, he will not be able to perform the same amount of labour, if to labour at all. So that, in the long run, the cost of subsistence, taken in its largest sense, may be said to govern the rate of wages, without however excluding the influence of supply and demand, and the higher or lower condition of the labouring class, each of which,

no doubt, likewise affects the question. An excess of labour would lower its market value—an inferior social condition with respect to living, lodging, and clothing, might require less than one of a superior order—but sufficient for maintenance must still in some shape be obtained by the labouring class.

On the whole then, it may I think be assumed, that at the end of Elizabeth's reign, notwithstanding the increase which had taken place in the price of all commodities, the great mass of the English people were able, by a due exercise of industry, to obtain as large an amount of subsistence and physical enjoyment as at any former period, whilst the social improvements which had taken place extended in no inconsiderable degree to them, enlightening their minds, improving their habits, and raising them to a higher and more independent position.

There was doubtless at this time, still much rudeness observable in the dwellings, manners, and general mode of living of the great mass of the people; but the taint of former vassalage was now nearly obliterated, and they felt and acted as freemen, asserted their rights as such, and occupied their proper position in the community. For the maintenance and further improvement of that position no measure could have been better timed or better devised than the 43rd of *Elizabeth*. By making provision for relieving the destitute, and for setting the idle to labour, it rescued society from the danger and demoralisation that would ensue, if these two classes were left to wander at large; and also from the heavy tax of supporting them as mendicants, which, in the absence of such a law, all experience shows, would have fallen most heavily upon the class raised but one degree above them, and therefore least able to bear the burthen, and most liable to be dragged down to the same low level.

END OF PART THE FIRST.

PART THE SECOND.

FROM THE ACCESSION OF JAMES THE FIRST TO THE END OF THE REIGN OF ANNE.

CHAPTER V.

Accession of James I.—Laws against papists—Wages—Players—Rogues and vagabonds—Proclamation against incorrigible rogues—Overseers—Inns and alehouses—Conjurations and witchcrafts—Regulation of manufactures—Fisheries—Exportation of corn—The plague—Gunpowder Plot—Exportation of beer—Game-laws—Enactments against drunkenness—"Levellers"—Apprenticeship bequests—Houses of correction—Expedients for raising the revenue—Hospitals and working-houses—Abolishment of monopolies—Women convicted of "small felonies"—Laws relating to Wales—Usury law—Prohibition of profane swearing—Infanticide—Exportation of corn—Advance in prices—State of England and Ireland—Commerce—Progress of the Poor Law.

It has been shown by what gradual steps, and through what a series of enactments, often conflicting and always marked by great severity, the legislature advanced to a recognition of the principle that property must be chargeable for the relief of poverty, and that the security of the one is inconsistent with the extremity of the other. The 43rd of *Elizabeth* was the matured fruit of this principle, out of which it grew, and on which all its enactments are based. And in order to show the necessity for such a measure, abstracts have been given of the various statutes passed in the three or four preceding centuries for restraining mendicancy and for punishing vagabondage, but which, having been framed in disregard of this great principle, altogether failed of the desired effect. Such other Acts have likewise been noticed as were calcu-