1933

Condition and care of the poor in England to the year 1601.

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Boston University
BOSTON UNIVERSITY
GRADUATE SCHOOL

Thesis

CONDITION and CARE of the POOR
in ENGLAND

to the YEAR 1601

by

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(A. B., Boston University, 1931)

submitted in partial fulfillment of the
requirements for the degree of

Master of Arts

1933
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Introduction

Beginning with the bringing of Christianity to England, the Church accepted and took over the relief of destitution. The development of this ecclesiastic system, together with the growth and work of its allied institutions; the cause and results of its break-down; and the development of a public relief system by the State to take its place; all occur within our period. It shall be the purpose of this paper to recount some of the vital phases in the change from Church control to State control over the relief of the poor, and to analyze the growth of a national poor law.
I Church Care of the Poor

A. Emphasis on Almsgiving

For Athens and Rome poor relief was a matter of state concern. However, from the beginning, the Church took over the care of the poor. The story of mediaeval poor relief is the story of church relief. Christianity "transferred this duty (that of caring for the poor) from the state to the individual, and to the voluntary corporation." Almsgiving "ranked with prayer and fasting as the outward and visible signs of the inward and spiritual grace"—it was a fundamental religious duty. When England was converted to Christianity in the 7th century, these ideas of relieving destitution were implanted. From Bede we learn that in Anglo-Saxon times, the administration of poor relief was almost entirely under the control of the Church. Almsgiving and hospitality were, however, inculcated as religious duties of considerable importance, and there is much to make us think they were extensively practiced by Anglo-Saxon kings and noblemen.

Egbert, Archbishop of York (732 - 767) says, "Be thou gentle and charitable to the poor, zealous in almsgiving, in attendance at church, and in the giving of tithe to God's Church and the poor." "Give to the poor, and thou shalt have

1. The Catholic Church—in this thesis to be referred to as "the Church".
2. Rogers (Six Cent.) p. 416
3. Webb p. 1
4. Leonard p. 2 (Bede's Ecclesiastical History, Book III Ch. VI)
5. Ribton-Turner pp. 8-9 (Confessionale Egberti Arch. Ebor.)
treasure in heaven" became the subject of many a sermon, preached in the extremely rhetorical style of the time. King Edgar (958 - 975) probably under the influence of St. Dunstan, promulgated canons, urging the giving of alms. "And we enjoin that the priests so distribute the people's alms, that they do both give pleasure to God, and accustom the people to alms."

For the early Christians, almsgiving was a way of following the example of Christ. It was not long, however, before we find a change from this simple love of the Saviour, to emphasis on the benefit which would accrue to the individual through almsgiving. "Respect was had not to the poor but to self and what could be gained thereby."

With almsgiving so regarded, it was perhaps inevitable that it should become indiscriminate in spite of the fact that many of the foremost in the Church taught again and again that discrimination should and must be shown if the alms are to be efficacious. Says Basil: "Great experience is required to distinguish between those who are really poor and those who beg only that they may collect money. He who gives to a distressed and sick person gives to God, and will receive a reward. But he who gives it to a vagabond and parasite, throws his money to the dogs, i.e. gives it to men who deserve rather contempt for their audacity than pity for their poverty." Ambrose speaks of the acts of pretended beggars and

warns that care be taken "lest the portion which belongs to the needy, becomes the prey of rogues." He lays down the excellent rule: "They often say they are overwhelmed with debts, try whether they speak the truth; they say they have been plundered, try whether this is the case; in one word, find out whom you are relieving."

The continual urging in the churches for almsgiving could not but have an effect on those who were to be relieved. They began to feel it no disgrace to be poor and to receive assistance from the Church. There grew up what Gasquet calls the "ius pauperum": the right of the poor to expect alms from the goods and benefices of the Church. The doctrine gave the poor a claim on the Church. As phrased in Dives et Pauper, "To him who squanders the alms of the altar on luxury and useless show, the poor man may justly point and say, "It is ours that you so spend in pomp and vanity!'"

B. The Parish

1. Origin and Organization

To carry out the aims of the Church was the organization in which both those who had, gave, and those who had not, received: namely, the parish. England, Christianized in the 7th Century, was converted by "bishops, accompanied by itinerant priests, who made use of conventual houses as the

10. Ibid 369
11. Gasquet (Parish Life) pp. 85-6
12. Ibid
centres of their work." Large numbers were often converted with the conversion of their king. After the conversion it is presumable that one or more of the priests stayed behind to continue the work of the Church as the bishops went on to bring Christianity to others. Here we have the germ of what was to be the parish. "The parochial system was not firmly established," says Loch, "until the 10th century (970). Then by a law of Edgar, a man who had a church on his own land was allowed to pay a third of his tithe to his own church.”

It was this organization of the ecclesiastical parish "starting without any statutory direction, and developing its autonomous arrangements for providing a local revenue out of which it not only maintained the parish church but also contrived to give alms and succour to poor travellers or sick folk, (which) became in England during more than four centuries, the principal local authority for the public relief of the destitute." In defining the parish, Bishop Hobhouse says—"the parish was the community of the township organized for church purposes, and subject to church discipline" recognizing the rights of the whole body and the right of each parishioner, man or woman, to a voice in self-government, but at the same time subject to "inspection and restraint" by a central outside authority. In this community, all were equal, no "lords of the manor or political personages had any sort of

14. Loch 269-270
15. Webb p. 8
16. Hobhouse (Rentalia) XXIV
power or authority over it...the parish, so far as it was organized, had been the creation of the Church and was free."  

I. It is to the parish that we must look for the story of early poor relief. There was no state relief. The organization known to us as the parish became "nearly ubiquitous over the whole of England." At the head of this structure was the priest, one of whose chief tasks it was, becoming ever more important and necessary as the early ardor died out, to inculcate in his parishioners the duty of almsgiving. The people themselves were bound together by a brotherhood tie which, coupled with the single faith, single worship, and close kindred "unalloyed by any foreign element from generation to generation" was so closely knit that "the weaker ones were succoured by the stronger as out of a family store...Long custom, based on and ever inspired anew by Christian teaching and example, bound the divergent classes of the community in such close brotherhoods as to insure the relief of the neediest."  

From later documents we read of meetings of the parishioners which from the middle of the 16th century on are called vestries. Everywhere apparently without question, the head of this gathering was the rector of the parish. Its other principal officers were two, or occasionally three or even more, householders of the parish "freely chosen, according to

17. Webb p. 6  
18. Hobhouse (Rentalia) XXIV-XXV (On this basis Hobhouse tends to minimize the relief actually given by the parish, saying "it did nothing in the way of money relief").  
19. Cox, J. C. (Parish Registers) p. 10
varying local custom, to be 'keepers of the goods and chattels of the parish."

These officers were later universally called churchwardens. Accordingly, we shall use this name in reference to them. They were responsible "by custom and common law... to the Ordinary—i.e. the bishop or his archdeacon—as well as to the ecclesiastical courts," for all the duties pertaining to the parish not only for maintenance and repair of the church itself but also "as records conclusively prove, for the duty of relieving the poor." The manner of selecting the churchwardens, the time, number, and method of supervision over their accounts seems to vary in accordance with local custom.

The usual number of wardens was two. In St. Mary's, London, one warden was chosen each year, the other remaining in office for two years, but not with the same colleague. No one apparently was ineligible for election. Women were at times selected e.g. in St. Patrick's, Ingestre in 1426-7, Alice Cooke and Alice Pyppecun were chosen wardens. In some cases, especially later in our period, fines were imposed for refusal to serve as churchwardens. In 1570, the parish of St. Martin, Leicester, imposed a fine of 10s. on refusal to become churchwardens, and the fine was enforced in 1571, 1581, 1584, 1585, and 1587. The time set for the election of wardens and the reporting of accounts took place at various times of the year from Christmas to Whitsuntide.

2. Revenues of the Parish

From earliest times the Church imposed upon itself the duty of assisting in the support of the poor. "The duty of considering the revenues of a parish as common property to be held in trust for needs of hospitality and the relief of the poor is inculcated in every tract dealing with the subject, and acknowledged in numberless ways...the property of the Church is the property of the poor." For a long time the sole purpose of money contributed by the faithful was relief of destitution. Ecclesiastical dogma throughout the Middle Ages regarded such care as the primary obligation of the administrators of church property.

a. The Tithe

The most famous, as well as the "largest, most regular, and most general source of revenue" was the tithe. To it, more than to any other part of parochial income, was attached the burden of caring for the poor. In fact, canons demanding the payment of the tithe, constantly name the relief of destitution as one of the main bases on which the demand is made.

The origin of the tithe is traceable back to the Old Jewish law of giving one-tenth as recognized in the Old Dispensation by Abraham, Jacob, and Moses. The tithe is commonly

26. Uhlhorn p. 289; Gasquet (Par. Life) pp. 10-11
defined as the "tenth part of all fruits and profits justly acquired, owed to God in recognition of His supreme dominion over man, and to be paid to the ministers of the Church." Among the early Christians the practice of community of goods made any such thing as a tithe unnecessary. As the Church grew, however, and its needs, especially the need of the poorer faithful, became greater, a definite source of income became vital. The council of Macon (585) made the "first express declaration of the Christian obligation of paying tithes, not indeed as a new law, but as the assertion of an admitted Christian principle." The Council of Rouen (680) declared the same principle. In the following century, the payment of the tithe begins throughout western Europe. In England, we learn from the Anglo-Saxon Chronicle of 855 that Ethelwulf of Wessex, the father of Alfred the Great, assigned to the Church one-tenth of his land.

The great Church teachers, Chrysostom, Jerome and Augustine urged the giving of a tenth. But the exact fraction was not set forth in any enactment. Many probably gave a tenth of their own accord, or "made the law of tithes the standard of their almsgiving." Theodore urges "let the tribute of the Church be according to the custom of the province, that is, let not the poor suffer violent wrong in respect to tithes or in

28. Gasquet (Par. Life) pp. 10-11
29. Gasquet (Par. Life) p. 11; pp. 5-6
30. Ibid ("Probably not the land, but one-tenth of the produce." Tithes were of two kinds, predial- to be paid on land, and personal- a tithe of profits.
31. Uhlhorn p. 269
any other respect. It is not lawful to give tithes except to the poor..."

Various early councils and heads of the Church also promulgated rules as to the division or payment of tithes. In the sixth century, Pope Gregory urged that the revenue be shared among four main objects: the bishop, the parochial clergy, the maintenance of the fabric of the Church, and the relief of the poor. The Council of Tours, 813, enacted that "the tithes of parish churches should be distributed by the parish presbyters, with the cognisance of the bishop, for the use of the Church and the poor. At Aachen, 817, it was decreed that in richer parishes, two-thirds of all church revenues be given to the poor, and in poorer churches, one-half be given. The Council of Paris in 829 said that the bishop was entitled to one-fourth of the tithe, but if he had sufficient income, he should leave this for the parish church to use for the poor.

In England, the tripartite instead of the quadrapartite division is said to have been among the instructions given to St. Augustine. It is, at any rate, this division which we found in an ordinance in the eighth century ascribed to Egbert, Archbishop of York, in which he ordained that "The priests are to make a written list of the names of the givers, and according to the authority of the canons they are to divide them in the presence of men that fear God. The first they are to take for

33. Webb p. 2
34. Hatch p. 113
the adornment of the church; but the second they are, in all humility, to distribute with their own hands, for the use of the poor and strangers; the third part, however, the priests may reserve for themselves." The right of the bishop had disappeared, Ashley maintains, with the allotment to the several parishes of settled revenues - which were the tithes of the parish.

The poor are to have then at least a fourth but more commonly a third, of the tithe. Whatever evidence exists for the payment of the tithe before the Conquest "exists also for their appropriation not to the clergy only, but also to the poor." Many urged the payment of the tithe on the ground that it was for the relief of the poor. One of the Church fathers writes "a man who does not pay his tithes will appear before the tribunal of the Eternal Judge, charged with the murder of all the poor who have died of hunger in the place in which he lives; since he has kept back for his own uses the substance which God has assigned to the poor."

The poor were regarded as having legal claims upon the tithe. In cases of sequestration into the Bishop's hands, the latter was instructed to administer relief to the poor out of his income. In 1342, Archbishop Stratford in dealing with

35. Webb p. 2; Ashley pp. 308-9; Ribton-Turner pp. 8-9 (The statute of Ethelred, the nearest approach to state interference in early times, exactly confirms this canon.)
36. Ashley p. 308
37. Batch pp. 114-115
38. Ashley pp. 308-8 (Ascribed to St. Augustine)
appropriation ordered that "a portion of the tithe should always be set apart for the relief of the poor, because, as Bishop Stubbs has pointed out, in England, from the days of Ethelred, 'a third part of the tithe which belonged to the Church was the acknowledged birthright of the poor of Christ's flock.'" In the questions which the bishop or his representative would ask the churchwardens at visitation, we find, "If non-resident, does he give the fortieth part to the poor?"

Beneficed men non-resident are arraigned for not complying with this provision.

The importance of the tithe to the poor is shown in statutes passed to insure their share. In 15 Richard II and 4 Henry IV, enactments were made requiring that an appropriate amount of money should, in cases of sequestration, be set aside for the parish poor. The latter statute added the penalty of disappropriation if this was not done. Whether the canons and statutes were carried out, and their frequent re-enactment tends to show that they were not, the result was to take away the personal care of the parish priest in the distribution of alms. It is this personal distribution by the priests of the individual parish which Ashley calls "the parochial system."

The elective officers, the churchwardens, had nothing to do with the tithes. These were received in accordance with the

39. Gasquet (Per. Life) p. 86
40. Ware p. 26
41. Ware pp. 31-2
42. Hobhouse p. 250; Loch p. 272
43. Ashley pp. 308-10
law, by the parson or vicar and distributed by him with no reference to the wardens.

The canon of the Council of Merton, 1305, gives a good idea of the extent to which the principle of the tithe might be used. Tithes should by law be paid on: the cutting and felling of trees and woods, the pasturage of the forests and the sale of timber, the profits of the vineyard, fisheries, rivers, dovecots, and fish-stews, the fruits of trees, the offspring of animal, the grass-harvest, and that of all things sown, of fruit, of warrens of wild animals, of hawking, of gardens, of manses, of wool, flax, and wine, of grain and of turf where it was dug and dried, of pea-fowl, swans, capons, geese, ducks, of lambs, calves and colts, of hedge cuttings, of eggs, of rabbits, of bees with their honey and wax,—together with the profits from mills, hunting, handicrafts of all sorts, and every manner of business.

It is easy to see why the tithe was for a long time the chief of the parochial incomes. Had it continued to be paid and kept in the parish itself, even the fraction allotted might have been sufficient to care for the needy for some centuries. But such was not the case. As early as the 12th century "the tithe ceased to supply any appreciable sum towards the relief of the poor." Instead of being used for

44. Gasquet (Par. Life) p. 124. N.B. This may account for the little about poor relief which is to be found in the early Churchwardens accounts.

45. Gasquet (Par. Life) p. 12. This includes predial and personal. In fact, it is hard to conceive of anything which would not come under some item in this list.

46. Webb p. 3
local relief, the money collected went to found monastic institutions and hospitals. The parish ceased to be able to depend upon the tithe as the basis for its local relief. It must look for other sources. "Such parochial poor relief as we do find at the close of the Middle Ages was furnished, as a rule, not from the tithes but from other sources." It is these other sources which we now must study.

No such general source of income as the tithe appears to have arisen for the individual parishes. The accounts lean to the theory that it was a matter for each parish, and each used the method or, more common, methods for which it was best adapted. To give but a few examples:

In 1457-8, the several sources of income in the parish of Yeovil as shown in the churchwardens accounts of that year are

1) Sale of seats - 10s. 10 d.
2) Fees (tolling of bell, hire of the cope, cross and censor for funerals) - 16s.
3) Rents of carts standing by the churchyard on market days - 1s. 4d.
4) Gifts of individuals - 22 13s. 4d.
5) Rents for Parish Weights - 9s. 1d. 4d

In Titenhull, Somerset, the funds accrue from
1) The bakehouse. ) Let out for private hire.
2) The brewhouse. )
3) The church-house.
4) Parish lands.
5) Live stock owned by the parish.
6) Gifts and bequests. 49

In St. Peter-in-the East, Oxford in 1443-4, the receipts include
1) Rents to the value of 10s. 8d.

47. Ashley p. 310
48. Nichols, Collectanea iii pp. 134-41
49. Cox, J. C. (Churchwardens Accounts) p. 20
in 1414 describes the condition as follows: "Many hospitals founded as well by the noble kings of the realm, and lords and ladies, both spiritual and temporal, to the Honour of God and His Glorious Mother, in aid of the souls of the said founders, to the which hospitals the same founders have given largely of their moveable goods...lands and tenements where-with to sustain old men and women...and other poor persons are now in most part decayed, and the goods and profits of the said by divers persons withdrawn and spent in other uses whereby many men and women have died in great misery, for default of aid, living, and succour." Also there must have been many other wardens like the one in Trollope's story of that name, who lived up to the letter of the founder's intention, but who, due to the greatly increased value of the foundation, paid to himself (with the cognisance of the bishop) a huge salary. The early zeal cooling, they continued their work but did not, evidently, increase it to meet the greatly increased demand for such institutions which various causes, notably the Black Death and the agrarian revolution brought about.

The knife of Henry VIII fell on the hospitals also. In addition to the suppression of monasteries and chantries, he dissolved 110 hospitals. The number seems small in spite of the fact that some hospitals were untouched. The explana-

30. Ashley pp. 320-1
31. The warden in Trollope's book received £600 a year plus a house with all appurtenances for looking after 12 bedesmen.
tion may lie in the fact that in the economic decline of the previous century, many had already lapsed.

The result of the dissolution of the hospitals is amusingly described in a little poem written about 1550 by Robert Crowley, the rhyming satirist.

"A merchant, that long time
Had been in strange lands
Returned to his county
Which in Europe stands;
And in his return
His way laid to pass
By a Spittlehouse not far
From where his dwelling was.
He looked for this hospital
But none could he see;
For a lordly house was built
Where the hospital should be.
'Good Lord!' (said this merchant)
'Is my country so wealthy
That the very beggars' houses
Be built so gorgeously?'
Then by the wayside
Him chanced to see
A poor man that craved
Of him for charity.
'Why' (quoth this merchant)
'What meaneth this thing?
Do you beg by the way
And have a house for a king!'
'Alas! sir' (quoth the poor man)
'We are all turned out
And lie and die in corners
Here and there about.'" 33

Some of the hospitals were not destroyed and remained to assist the needy. Many of these were handed over to the municipal authorities. In London, for instance, the king gave to the city the Hospitals of St. Bartholomew, of Bethlehem, 34 Bridewell, St. Thomas, and Grey Friars, now Christ's Hospital.

32. Loch p. 265
33. Ashley pp. 322-3
34. Ashley pp. 362-4
It is interesting to note that in the case of London, the royal house continued its support. By 2 and 3 Philip and Mary c. 5 in 1555, and likewise in a similar statute in 1557 it was enacted that "all sums gathered in London are to be paid to and distributed by Christ's Hospital." The reason for the renewal is "because it had been found 'good and beneficial for the common wealth of this Realm.'"

This alone is evidence that the hospitals in spite of the charge that they had decayed, were doing good work and work which was much needed, "If the only thing effected by this age had been the creation of hospitals, it would have produced a grand result, and one deserving the gratitude of all future ages."

II. Almshouses

In our discussion of hospitals, we have often met the word almshouse. This latter institution was in the beginning connected with the hospital. In smaller places, the work of the almshouse was one of the functions of the hospital, while in a larger community, there was usually a separate institution. The two were for a long time inseparable.

As the monastery was the first to satisfy the institutional impulse, and the hospital the next, so the almshouse came in likewise for its share in the satisfaction of this desire. The characteristic form of the 14th century founda-

2) Parish gatherings as Christmas and Easter.
3) A church-ale at Whitsun-tide.
4) Burial fees (for burial within the church).
5) Hocktide gatherings (collections by young men and girls from the opposite sex on Monday and Tuesday of Hocktide).
6) Rent from players' garments.
7) Rent from funeral torches. 50

In the latter part of the 15th century, St. Edmunds in Sarum (Salisbury) had a long list of sources of revenue including, besides those mentioned above from other parishes, sums received from the font tapper, Paschal money, collections for the Holy Loaf, will contributions, standings at St. Edmund's fair, hire of vestments, three church ales per year, and gatherings at the dancing at Whitsun-tide. 51

Some parishes had still other methods, while others possessed sufficient land, houses, and cattle which it had received as gifts or legacies and which if given for the general use of the parish, might be available for relief of the poor. In St. Petrock's, Exeter in 1512-13 the rents of Assize total £7 12s., collected from a long list of parish land and tenements. Here the only other source of revenue needed was a collection at Easter, which brought in £6s. 6d. 52 The parish of St. Michael's, Bedwardine, Worcester "possessed lands and tenements in various parishes." From its churchwardens accounts we learn that there "was never any lack of money for parish purposes in spite of a rather lavish expenditure at times.

Parish endowments for specific parish purposes appear often in the local records of the sixteenth century.

50. Cox p. 21
51. Cox p. 53 ff (The amounts received from the ales are by far the largest.)
52. Dymond p. 41
53. Ware p. 62
"Sometimes a land or fund was set apart by the donor, or by the parish itself... sometimes its revenue maintained this or that cripple or blind man, or a number of them, or for buying wearing apparel for them."  

b. Church ales and allied festivities

A common source of parochial income were the church ales. "There were no rates for the poor in my grandfather's days" says John Aubrey of Wiltshire, "but for Kingston, St. Michaels, the church ales of Whitsuntide did the business." The mediaeval church forbade all labour on feast days and required the attendance of all people at church services as a religious obligation. After the services the people turned their attention to entertainment and amusement since there was no work for the day. "Thus the Holy Day became identified with the Holiday." Planning for great festivities was common. Of these, the ales were among the most popular as they were the best for raising large sums of money. The proceeds of such ales are a yearly item in many wardens accounts. In other parishes, ales were used when a large expenditure was to be made by the parish.

The ales were great festive celebrations and were held usually at or near Whitsuntide. Sometimes invitations were sent to the surrounding parishes, as many as 10 or 15 of

54. Ware pp. 64-5  
55. Webb p. 11  
56. Cox, J. C. (Churchwardens Accounts) p. 286  
57. Hence they are also called Whitsun-ales or May-ales in the accounts. - Webb p. 11
them, to be read from the pulpits. All were asked to come.
The parish giving the ale was a scene of great activity. Large quantities of supplies were brought out from the parish store and all sorts of food-breasts of veal, quarters of lambs, fowls, eggs, butter, cheese, fruit, spices—were donated or purchased.
"Cuckoo kings and princes were chosen, or lords and ladies of the games, ale-drawers were appointed...Minstrels, drum players, and morris-dancers were engaged." The parish borrowed many utensils and dishes to prepare the great feast. On the appointed day, crowds flocked in from all sides. If some special personage was expected, all the village might go to meet him.

The church ale with all its merry-making was an important business matter. The receipts were often very large. At Mere, Wiltshire, "out of a total wardens' receipts of 42l 7s 4d. for the 2 years 1559-61, the 2 church ales netted 2l 17s. 1½d."

At Chagford, Devon, the churchwardens were called ale-wardens, indicating the importance here of the ales. The parishioners of St. John's, Glastonbury in 1589 ordered "that the churchwardens shall yearly keape ale to the comodety of the perische upon payne of xxv. a year." In some places persons refusing to act as ale-wardens were fined. In 1564 Christopher Wydecomb of Ashburton, Dovern paid 20s. and at Wing, Bucks, the fine was 3s. 4d. for refusal to be "lorde at Whitsuntyde."

58. Ware pp. 70-74
59. Ware p. 72
60. Ibid
Besides the church ales we also find clerk-ales to pay the salary of the parish clerk, bedales to help some poor man in trouble, bride-ales to celebrate the wedding of those too poor to give a wedding feast. In general, ales were by far the more common in the central, eastern and southern portions of England, for the scattered population of the north did not lend itself to such social gatherings.

The ales had their period of popularity varying with the individual parish and then due perhaps to the excesses incident in their festivities or to the growth of state control they gradually died out. In 1579 the ale at Mere in Wiltshire which 2 years before had yielded a profit of £12 6d. gave way to a definite collection for the church, which brought in £16 18s. 4d. Soon after in 1588 to be exact, the collection gave way to the ale which yielded £14 2s. 6d. In 1593, neither was used. The following year saw the ale resumed and it continued to be held until 1613. The Puritans hated the very idea of church-ales and worked for their abolition. As one contemptuously expressed it "he that sat the closest to the ale-barrel was accounted the godliest man of all." Throughout the latter part of our period (to 1601) the ales remain, however, a common expedient for parish revenue.

Of a similar nature were the "Gatherings with Hobby-horse" (festivals at which cake and ale was served) at

61. Cox, J. O. (Churchwardens Accounts) p. 287
63. Stubbs, "Anatomy of Abuses."
Christmas and New Years. Church plays, games, pageants, "May games", "Robin Hood plays or bowers", Mocktide sports, all were turned into sources of revenue by the parish, through the taking up of collections at them. The King and Queen of Summer Games were chosen annually at St. Ives, Cornwall. It was the King's duty to hand over his receipts for the relief of the poor. In 1575, this amounted to 14s. 6d. In St. Augustine's, Redon, as early as 1339-40, 7s. was received from a play on the feast of Epiphany. In the accounts of St. Lawrence, Reading, 1498, we find the item "Received of the gathering of a stage-play, 18s." 1507 "Received of the Sunday after Barty lastyle for the play in the Forbery 13s. 8d." In Braintree, Essex, in 1523, a play of St. Swithin netted to the Church 13 13s. 7½d. Some parishes kept costumes and stage properties which they hired out to other parishes.

c. Church stock

Another common source of income to the parish came from church stock either in the form of money or live stock. The possession of such property becomes noticeable during the 15th century, the result of a gradual accretion from gifts and bequests. The money, in charge of the churchwardens, might be lent to reliable persons at interest and from the proceeds give assistance to the poor and meet the cost of church repairs.

64. Ashley p. 311 65. Cox, J. S. (Churchwardens Accounts)
66. Weare pp. 75-6 66. p. 291
67. Hobhouse pp. 310-11 says "at a high rate of interest."
Also out of this fund money might be loaned to needy parishioners on pledge of surety by other parishioners to tide them over a difficult period.

The representatives of the parish of Stratton when summoned before the Bodmin, Cornwall justices in 1594-5 to report on the parish stock certify that it "amounts to the now some of Sixteen pounds, some years it is more and some years less..." And, they continue, "the usinge of our sayde stock is by the two wardens and the rest of the eight men which for the same stande sworne. And it is bestowed about her majesties service, for buyinge of armor, settinge forth of soldiars with powder and shott...And likewise for the relievinge and mainetayning of the poore...They thereupon give the name of the impotent and decrepit persons and orphan childern wholly relieved by the parish, 10 in number, and add that there are upwards of a hundred poor which are not able to live of themselves, but have reliefe dayle of thinge or another of the seide parish."

The Church store might also consist of live stock, originating in gifts and bequests, each giving 1 or 2 animals to the parish. "It became, in fact, customary in an agricultural community for testators to bequeath 1 or more sheep or cows to the parish to reinforce the church stock." These were kept to yield an annual income to the parish. — "Bessing-

68. Ware pp. 61-2
69. Webb pp. 9-10 (these continued well into the 17th century.)
ton, Cambs., was largely dependent for its church income on the farming of cows."

The "Twelve Men" (a sort of parish executive and administrative body) of Puttlington, Durham, where the parish flock was one of the chief means of raising parish funds, enacted in 1584 "that every 24 rent within this parish, as well as hamlets as townships, shall graze, winter and somer, 1 shepe for the behaufe of this church." Sometimes they were given to poor people at a reduced rent, thus helping the poor. One of the early English reformers says that the stock managed by wardens was in some places 6, some 8, and in some, a dozen kine "given into the stock for the relief of the poor and used in some such wise that the poor 'cottingers' which could make any provision for fodder, had the milk for a very small hire, and then the number of stock reserved (= maintained at the original number) all manner of veales (profits) besides both the hire of the milk and the prices of the young veals and old fat weares, was disposed to the relief of the poor." St. Mary's, Shrewsbury in 1544 was making an annual profit of 4l 1s. 3d. out of 10 cows and 3 sheep. In 1596, 2 cows were bequeathed to Lapworth parish, one of which was to be used for the relief of the poor.

70. Cox, J. G. (Churchwardens Accounts) p. 292
71. Were, pp. 63-4
72. Corbet (Parish Life) p. 108
73. Webb p. 9
74. Cox, J. G. (Churchwardens Accounts) p. 292
As early as 1407 from the churchwardens accounts of that year, the parish of Tavistock received 10d. for an ox and 2s. 4d. for cows. In 1411 the same parish makes the following profits:

"selling of cattle 4s. 6d."
"sale of wool 2s."
"sale of 4 cows 49s. 6d."
"sale of 10 goats 12s. 4d."

d. Other sources of revenue

Relief was also distributed to the poor through the chantry priests in connection with obits or annual services to be performed for the intention of some deceased parishioner. These priests were supported from funds given for that specific purpose and for the most part "their raison d'etre was to look after the poor of the parish church." The services which these priests performed consisted not only of celebrating anniversary masses, but also of giving annual alms to the poor. For instance, the obits of Alton amounted to 77s. 6d. out of which the poor were to receive 46s. 7d.

Many examples of obits are found in the churchwardens accounts, e.g. extracts concerning the Cambridge chantry in St. Mary's atte Hill in London, which began in 1479.

"1457-8 Costes of Maister W. Caumbridge Chauntreye
"Item to 15 poor men 13d."

"1459-90 Maister Caumbridges Chauntreye costs 28s. 4d. in which brede and ale are give to pore ffolkes.

75. Cox, J. C. (Churchwardens Accounts) p. 232
76. Gasquet (Parish Life) pp. 95-6
77. Gasquet (Parish Life) p. 267
"1490-1 "to poure folk in brede and ale 11s. 9d."
"1492-3 "for bread and ale and cheese to the pore peopel
6s. 8d."

The items occur account after account as do those of a similar chantry of John Bedham which began in the same year.

Sometimes the bequest reads that after the expense of the service, the rest is to be spent by the churchwardens for the poor—"that the Residewe of the said jerye 10s. that is left unspent and not paid, shall be divided and distributed by the said chichewardens to every powre howsold in the said pariszcze of Saint Mary at Mill 4d. as fer as it will ex-

In the accounts of St. Petrock's, Exeter of 1547-8 we learn that "this is the last year in which obite were celebrated." This was probably under the reformation edicts. The value of the obite to the poor varied of necessity from parish to parish and from time to time. They were not a steady source of relief in all places, but in some parishes at least, there must have been many obite in which the poor would share.

Another source of income came from the Church House, "one or more cottages which had been given or bequeathed to the parish and were used for all sorts of public purposes." Sometimes it was let to the highest bidder and the rent put

78. Littlehales pp. 97-285
79. Littlehales p. 289
80. Dysond p. 63
into the parish stock.

Other less frequent sources include the churchscot, a rent in kind to the church. In describing the status of a blacksmith about the year 1280, the following statement is found, "He shall give churchscot as David does." Later we find a widow exempt from "half the churchscot", and again in the accounts of 1308-9, "the same render account of 61 hens of churchscot." Another was called Ballesylvre or Ballysilver, "a collection in small amounts from the women of the parish married during the preceding year." In 1453-7 under receipts we find the statement "Ballesylvre is now annually collected in amounts ranging from 2d. to 5d."

Gradually, all of these methods fell into disuse or became viewed with disfavor. As this happened, offerings or gatherings in church became more frequent and more systematized. In time these collections became regular, being taken up in many parishes four times a year—Easter, Midsummer, Michaelmas, and Christmas—and hence were known as quarterage. Since the sum given by each was often set down in "quarter books" or "Easter books" and was at times sued for, if refused, the so-called offering might easily be actually an assessment.

As early as 1287, Loch finds that "quasi-compulsory charges in the nature of a rate were imposed on parishioners for various purposes." In the later centuries, the 14th and

81. Webb pp. 13-14
82. Oros p. 25
83. Tyndall p. 21
84. Ware p. 77
85. Loch p. 272
15th, these collections are less common. The quarterlees was collected for the last time in St. Petrock's, Exeter, in 1478-79. Thereafter only the Easter collection is necessary owing to the increase of vested property or to the use of other sources of revenue. Apparently the wheel swings back again, for when the new sources of revenue were suppressed or dried up, we find "increasing prevalence of the ancient habit of the inhabitants in vestry assembled to impose a cess" to meet parish expenses. This tax was called the church rate, although as Webb points out, it was spent on all kinds of secular purposes "from the destruction of vermin to the relief of the poor."

The only case of a compulsory Church rate before the time of Elizabeth (when it became the law of the land) occurred in the opinion of Hobhouse, in St. Michael's, Bath. Here it was levied as early as 1383. "It was laid apparently over the whole area of the parish in the town and county and was viewed as a debt, enforceable in the spiritual court." It is interesting to note that St. Michael's did not need to use any other source of revenue, such as the church-ale or Watchtide festivities.

3. Use of parish revenues.

What benefit did the poor receive from these various incomes? Some suggestions as to how relief was provided have

86. Dymond p. 21
87. Webb p. 14
88. Hobhouse (Patton) pp. 250-1
already been given. Too, definite provisions for the poor were contained in some types of parochial income. A detailed statement as to the exact way in which relief was distributed is not possible from the source material at hand. It may be, as Cres suggests, that the complete annals of the poor have not been studied and set down or the accounts have not been preserved. The fact remains that we do find donations to the poor in the accounts of the churchwardens but they come in the later and more completely preserved accounts. Yet when they do come, they seem to come in numbers and are nowhere spoken of as new or in accordance with any rule or statute such as we might expect, were it a new step the parish was taking.

Examples of what we do find in the churchwardens accounts are:

"1491-2 "Item, for tylling of the poure mens howes...2s. 2d." 1494-5 "Item, to Crystover Kenyn for makyng of the pewes for the pone pepull, and 1 pew at the Northe dorre and 2 benches...51s. 5d." 90
1547-8 "Alms gyven and paid to poore men, wekely, on the Sunday...Item, paid to 5 poore men for 30 weckes, paid wekely on the Sunday, at 2s. every Sunday 16".91
1487-8 "to 3 poore men, that is to wyt Hugh Jackson, William Paris, and to William Wylocokes on every Sunday throwse the yer - 12d.
Summa for a hole yer - 52s." 92
(This particular item appears year after year with one name, that of William Paris, remaining in each item.)
1547-1549 "The 23rd day of February in the yere of our Lorde God 1540, there remayneth in the pore men's box 2s. 3d." 93
1546-9 "Paid to ye poore men of ye paryshe, 14 names, each receiving 12d." 94

89. For example, the churchwardens accounts of Crawley do not begin until 1766 and we know there were such officers there for earlier. 91. Littlehales p. 386
90. Littlehales p. 174 92. Littlehales pp. 140 ff
94. Hobhouse (Patton) p. 101 (This is, he says, the first item of poor relief. 93. Clark-Weaver (Spelsbury) p. 65
There were ways beyond actual money relief in which the Church helped the poor. The tribunal of the ecclesiastics was always open to them, and if "in the increasing corruption of imperial tribunals" they could scarcely obtain justice, this was a big boon to the poor. The right of sanctuary wherein the Church afforded a place of refuge to those unjustly pursued and to "enable them to assert their rights" was very important in that it gave the poor man the benefit of time for mediation and also for the initial wrath to cool. The period of sanctuary was limited to 30 days, during which time the Church would, if the man was too poor, maintain him at her own expense. The Beverly and Durham sanctuaries were among the most celebrated in England. Here the privilege extended not only to the church, but for a mile all around with various degrees of safety and rules as to procedure.

4. Summary

Beginning with a definite source of income - the tithe - of which the poor were universally conceded to have a right to a large fraction, the parish upon its loss through impropiation or decline, turned to other sources of revenue, each individual parish using the method or methods for which it was best adapted. It is well to keep in mind that the parish was not of fixed area but varied greatly in size and

95. Whihorn p. 366
96. Jusservand p. 154 "None could violate it."
97. Whihorn p. 366
98. Jusservand pp. 158-161
composition. A city, like London, had many parishes. In only the small villages was there a single parish. In the North, where the population was scattered, a parish might include several villages. In evaluating the work of this division, this must be kept in mind. It can be said, however, that throughout the period, the parishes for the most part, were small enough for all the inhabitants to be known to each other. Nevertheless, personal care by the parish priest broke down.

In the multiplicity of revenue sources and of varied method, no completely effective system was built up to replace it. To fill in the gaps, wholesale almsgiving by "magnates, ecclesiastical and lay, by monasteries, by gilds, by private persons" flourished. Charity became institutional rather than parochial. It is to these institutions and to charity outside of the parish church to which we must now turn.

C. Monastic Institutions

Not specifically connected with the parish but likewise a product of the Church, was the establishment throughout all Christendom of a network of monastic institutions. These came early into England following their development in western Europe and the Christianization of England. The famous order of the Benedictines was founded in the sixth century, a century before the winning of Britain. The great piety of the con-

99. One of the parishes described in Trollope's Warden consisted of 6 houses besides the church.
100. Ashley pp. 308-9
vorted Saxons led them to bestow generously, even lavishly on
the founding of such institutions. As early as the 8th
century, Thrupp speaks of the monasteries as "open at all times
and all seasons for relief." There is another wave of zeal for
institution founding in the 12th century during which many
monastic orders were constituted and many huge endowments were
made.

Many of the English towns grew up around the monas-
teries: Oxford beside the great monasteries of St. Frideswide
and Osney; similarly, Abingdon, Reading, St. Albans, Coventry,
Durham and many others owe their origin to them.

Relief of distress and destitution was one of the
main impulses back of the founding of monastic orders. It was
through this that they had readily won popular respect and
support; it appeared as an obligation in the rules of each
order. In the Benedictines, the oldest order, it was "laid
down that 1/10 of the conventual income should always be spent
on the poor." Among the most efficacious means of securing
eternal life, Benedick reckons "feeding the poor, clothing the
naked, visiting the sick, and burying the dead." Again, under
the Cistercian rule, the abbot was not allowed to eat with
the others, "because his table is with the strangers and the
poor."

1. Rogers (Sax. Gent.) p. 103
2. Ribton-Turner p. 9
3. Loch p. 276
4. Rogers (Six Gent.) p. 103
5. Ashley pp. 311-12
6. Uhlhorn pp. 359-60
7. Cheyne pp. 206-7
Once established, the monasteries appear to have grown rapidly. One of the common means of growth was the securing of local church revenues, a process called appropriation. The following is but one example:

"Thurston, Son of Wini in the time of King Edward the Confessor, gave the manor of Harlow to the great monastery of St. Edmund, recently restored by Canute, with the manor and church appennent to it." 8

While the possession of additional income undoubtedly increased the resources of the monastery available for relief, on the other hand, the loss suffered by the individual parish must have been great. There were, however, rules concerning the use of appropriated revenues, decreeing that a certain percentage should be left in the home parish for relief. In the case of the monastery of St. Edmund and the manor given by Wini described above, the order was, in 1398, required to pay "10s. a year to the parishioners to be distributed to the poor in compensation for any damages to them by means of the appropriation."

The possessions of the monastic houses in particular were popularly regarded as "oblations to the Lord" and "the patrimony of the poor." The institutions made daily provision for the needy, sick, sore, lame, or otherwise impotent. All made "daily distribution of broken victuals, if not always of money, at the convent gate."

8. Cutts pp. 100-1
10. Cutts pp. 100-1
11. Secrest (Henry VIII) pp. 462-3
12. Webb pp. 16-17
In every monastic institution there was a special appointed officer variously termed the porterius, cleemosynarius, cellarius (in the Benedictine order) or most commonly, the almoner, who was in direct charge of relief, and of the almony situated usually near the church. His duties were to distribute alms prudently and discreetly; "to relieve travelers, palmers, chaplains, mendicants, and the leprous;" to visit and relieve the old, infirm, lame, and blind who were confined to their beds; to meet the need of all poor as far as he was able. Continuous outside relief might be given after consultation with the superior. In all these works he is to interest himself with diligence and sincerity "in the consciousness that he will have to give account at the day of judgment." Connected with this work was a porter whose duty it was to greet every stranger with "Thanks be to God!", and give him a kind reception. The poor and strangers must be received with respect and looked after with care, for "in them is Christ received."

In some cases, at least, the almoner was given special incomes, as, for example, in the Dunstable accounts we find the statement, "Restored to the almonry the tithe of white bread, which by common consent had been withdrawn 3 years." Also, all the remains from the meals, the old clothes of the

13. Loch pp. 274-5
14. Uhthorn pp. 359-60
15. Ibid
16. Nichols (Bedfordshire) p. 127
monks were given to the almoner for distribution. At Christmas he had at his disposal stores of stockings, clothing, and food to give as presents.

Besides being a distributor of relief at the monastery gate and in the surrounding neighborhood, the almoner had also at his disposal for the sick, a dormitory with rooms and a kitchen. Here a hospitalarius attended to their needs assisted by novices.

The monasteries also established separate "hospitals" in which they gave "some sort of primitive medical succour to the sick." These were forerunners of the present-day hospital. Some made a specialty of caring for orphans. In many, some sort of school instruction was given to the poor as well as to the gentry.

Other types of relief flowing out of the monastery were the loaning of seed for planting, of bread, corn, and meat in case of need before the crops were harvested, the selling of food in the markets to keep the price down. "And if the price of corn had begun to start up in the markets, they made thereof with mainlands of corn and sold it under the market price to poor people, to the end to bring down the price thereof."

"It has been often said and often denied, that the

17. Locht pp. 274-5
18. Webb pp. 16-17
20. Ibid
monasteries supplied the want which the poor law, two genera-
tions after the dissolution of those bodies, enforced. That
the monasteries were renowned for their almsgiving is certain.
The duty of aiding the needy was universal. "Themselves the
creatures of charity, they could not deny to others that on
which they subsisted." An estimate of the value of the aid
given by the monasteries may be gained through a study of some
of the eleemosynary endowments held by ecclesiastical bodies
in the diocese of Bath and Wells, as compiled from the Valor
of Henry VIII in 1537.

<table>
<thead>
<tr>
<th>Place</th>
<th>Value</th>
<th>Unit</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cliftonbury</td>
<td>440</td>
<td>16s. 8d.</td>
<td>(to give only the largest endowments)</td>
</tr>
<tr>
<td>Taunton</td>
<td>141</td>
<td>9s. 0d.</td>
<td></td>
</tr>
<tr>
<td>Cleave</td>
<td>26</td>
<td>15s. 4d.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>1366</td>
<td>14s. 10d. 23</td>
<td></td>
</tr>
</tbody>
</table>

This is but a single diocese.

Ribton-Turner has an interesting method of computing
the value of the monasteries to the poor. Comparing the
population of 1539 (about 4,000,000) and the population of
1887 (26,000,000); the amount of money spent by the monasteries
in 1539 (using as a basis 1/3 of their income) and the amount
spent by the state in 1887 (19,000,000) he finds that the pro-
rate contribution of the monastery was 2s. 9d. per head as
compared to the state's taxation-raised contribution of 6s. 4d.
24
per head. This (2s. 9d. per person) represents of course,

22. Rogers (Six Cent.) pp. 416-17
23. Taking a conservative estimate of modern value, this
amounts to over $56,000.
24. Ribton-Turner p. 54
the relief distributed by the monasteries alone.

Any estimate of the work done by the monasteries must take into consideration the fact that these were not established at all places, with the definite aim of caring for all the poor of the nation. They were at best a supplementary source and must be judged as such. Their relief was of necessity limited in area to the neighborhood of the institution. The amount given at the gate with broken meat and drink, although very considerable, "cannot have served as a reliable substitute for other means of relief throughout the breadth of the land." For example, the doles at Glastonbury are estimated in 1537 at £40 16s. 8d. - a large sum, "so large probably as to attract a body of resident beggars in waiting, but not large enough to blow beyond a few neighboring villages." In speaking of the locations of monastic institutions, Hobhouse says, "Passing from Wells northward, no other centre of almsgiving could be found nearer than Bath, Keynsham, Bristol, or, going southwards and westward, at the Abbeys of Muchelney, Athelney, Taunton, Cleeves, Berlync and Bridgewater."

It appears, although documents do not show much evidence of it, that the early zeal and ardor for which the monasteries had become famous, cooled. Loch gives two reasons. As a result of the larger estates being held in entail by the end of the 15th century and the consequent putting of younger sons into religious houses, these institutions inevitably

25. Hobhouse XXIV
became worldly. Also in the 15th century, "owing to mismanage-
ment, waste, and subsequently to the decline of rural property,
their resources were greatly crippled." Another side of the
story is found in the fact that since the Black Death of 1349,
we find an ever increasing number of wanderers and vagabonds.
So great was this increase that the monasteries could not have
continued in proportion to each, the relief which they had
previously given to a smaller number. The question is a many-
sided one; its answer is not within the province of this paper.

Whatever proportions the relief given out reach, by
the end of the 15th century, anything in the nature of unsystem-
stized charity was beginning to be regarded as a dubious good.
When we consider that "no wayfaring person could depart without
a night's lodging, meat, drink, and money; (it not) being
demanded, from whence he or she came and whither he would go"
and put with this the recurring statutes attempting to keep
people from leaving their homes and wandering even though it
might be in search of work or of better wages, we can readily
see that the idea of wholesale almsgiving would be considered
an evil. What a blessing it must have seemed, on the other
hand, to the oppressed poor!

The death-blow to monastic charity comes with the
dissolution decrees of Henry VIII. By 27 Henry VIII c. 28
(1536) all monasteries and religious houses with less than
£200 annual income were suppressed; and by 31 Henry VIII c. 13

27. Loch p. 276
28. Webb p. 17
29. Gasquet (Henry VIII) pp. 462-3
(1539) all such institutions were dissolved. These amounted to 186 greater and 374 lesser monasteries, which in addition to 48 houses of the Knights Templars make a total of 608; possessing an annual income of £137,000. ("equal to £1,644,000 today" - 1887).

This confiscated property was given, according to the statute, to the king "to give, grant, and dispose them, or any of them, at his will and pleasure to the honour of God and the wealth of this realm." The king naturally gave them to his favourites and heirs who were supposedly to possess them "in as ample a manner" as they had been possessed by the religious bodies. The new possessors were bound under heavy penalties "to provide hospitality and service for the poor, such as had been given them previously by the religious foundations."

The Reformation had given Henry VIII his pretext. The growing Tudor state had regarded with jealousy the monastic incomes for over them it had no control. Perhaps it was intended that the money which had been given to the monastic orders would now be given to the new secular owners for the use of the State. However, "it is idle to expect that they who saw ancient institutions, on which the duty of almsgiving was imposed, not only swept away, but devoted to entirely different purposes, in which these obligations were utterly neglected, would contribute of their free will..."

Whatever good was expected to come outside of personal enrichment, the results were one-sidedly bad. The new owners did not live up to the conditions on which they had received the establishments, did not regard themselves, as the religious owners had, as trustees for the common purposes of religion and the support of the poor. "Covetous officers have so used this matter that even those goods which did serve to the relief of the poor, the maintenance of learning... be now turned to maintain worldly, wicked covetous ambition... be taken, sold, and made away to the great slander of you and your laws, to the utter discomfort of the poor, to the grievous offence of the people."

Shortly after the first edict of dissolution, it was proposed to present to the king a petition from the lords and commons, asking him to stop any further suppression. This document states "at the making of the said act it was thought we might full well thereby have advanced the revenues of your noble crown without prejudice or hurt of any of your poor subjects, or of the commonwealth of this your realm; yet nevertheless they perceive those houses already suppressed, showeth plainly unto us, that a great hurt and decay is thereby come and hereafter shall come to this your realm, and great impoverishing of many your poor obedient subjects from lack of hospitality and good householding, which was wont in them

34. Gesquet (Henry VIII) pp. 106-7
35. Blend p. 287: Lever (Sermons 1550, Arber's Reprints)
to be kept to the great relief of the poor people of all the
36
country adjoining to the said monasteries..."

Again, apparently with reason, there is attached
to the suppression of the monasteries the rising of the rich
above and against the poor. Undoubtedly, the receipt of the
monastic lands greatly increased the wealth of the receivers,
while, at the same time, the condition of the poor was made
worse through the loss of whatever assistance they might have
had from the monastery. "The suppression made of yeomen and
artificers, gentlemen; and of gentlemen, knights, and go
forth upward; and of the poorest sort, stark beggars." A
final act to degrade the poor still more was made by Henry VIII
when he offered to support the 13 poor men formerly supported
by the monks of Gloucester, on condition that they wear caps
and cloaks bearing "a badge emblazoned with a token of the
royal munificence."

The immediate results of the suppression must have
been even worse. Many, finding themselves deprived of re-
sources, joined the vagrants who now greatly increased, became
more troublesome. "Many, only too probably, perished from
destitution. And then the transference of the monastic lands
to private owners increased very largely the areas troubled by
those agrarian changes which were one great cause of distress
in the 16th century." So great was the need that collections

37. Gasquet (Henry VIII) pp. 463-4
38. Gasquet p. 468
39. Ashley pp. 316-7
for the poor were taken up every Sunday at St. Paul's Cross and distributed among the most necessitous.

In summarizing the work of the monasteries, Gasquet makes this pithy statement. "It is impossible to read any account of the work done by the monastic institutions for the poor without perceiving in how many directions this present generation has been compelled by very necessity to devise some substitute for the consideration thus exercised. Our modern workhouses, our burial-clubs, our hospitals and charities, ever crying out for funds, much of which is swallowed up in management, what are they but awkward and imperfect agencies for executing a portion of those duties to society which flowed naturally and unobtrusively from the religious communities in their ordinary practice of Christian charity."

D. Hospitals

Another institution for the relief of distress was the hospital, which was, in the early centuries of its existence "for care rather than cure", for the reception of the destitute and decrepit as well as the sick. The early beginnings of the hospital are obscure. The word hospital goes back to the word hospes meaning guest. A sufficient starting-point, says Uhlhorn, is found in the hospitality which was always esteemed an eminent Christian virtue. He dates the

40. Gasquet (Henry VIII) p. 475
41. Gasquet (Henry VIII) p. 465
1. Clay XVII - XVIII
first xenodocheion in the time of Constantine. Basil in 370, founded the famous hospital in Caesarea and this was widely copied. Hospitals were treated as church institutions and under the management of the ecclesiastics, received the same privileges as the Church.

When England was converted to Christianity, the idea of hospitals was already firmly implanted in the Church system. They were very naturally carried over into England, where, as in other parts of western Europe, they became another outlet for the institutional impulse which we have already noticed in the establishment of monastic institutions.

The thought behind such founding was the duty of hospitality much emphasized by the Church. Theodore, Archbishop of Canterbury, 668-696, says: "Whosoever doth not receive a sojourner into his house, as his Lord ordaineth and promiseth of the Kingdom of Heaven therefore, where he saith 'Come ye blessed of my Father, receive the kingdom," for such time as he receiveth not sojourners and hath not fulfilled the commands of the Gospel...let him do penance..." The first institutions received all in need of an asylum, "strangers, the poor, widows, orphans, the sick." By degrees, separate institutions were founded, each to care for a particular type of need. From this division comes the modern hospital as a place for the sick.

2. Uhlhorn pp. 325-7
3. Ribton-Turner p. 9 (Liber Penitentialis Theodori Arch. Cantuar. XXV)
4. Uhlhorn p. 323
As with the monasteries, so with the hospitals. The outbreak of institutionalism in the 11th and 12th centuries led to a great increase in the number of hospitals and likewise to the founding of hospital orders. There were many of these in England where they were for a time very popular. We find the Brothers and Sisters of the Holy Ghost established in 1196, the Sisters of St. Elizabeth in 1207-1231, The Beguins and Beghards in 1175, "the Knights of St. John and many others." 6

Clay lists around 750 hospitals in England. At Canterbury, for example, there were 4, each for a different purpose. Two had been endowed by Lanfranc in 1084, one for poor, infirm, lame, and blind men and women, and one outside the town for lepers. Later in the time of Henry II, a hospital for leprous sisters was founded, and still later, one for leprous monks and poor relations of the monks of St. Augustine. St. Bartholomew's in London was established in 1123 for "a master, brethren and sisters, and for the entertainment of poor diseased persons till they got well, of distressed women till they were able to go abroad; and for the maintenance until the age of 7, of all such children whose mothers died in the house." 7 St. Thomas's (1228) had a "master, brethren, and 3 lay sisters with 40 beds for poor,

8. The word leper was applied to those suffering from many diseases other than leprosy. It was not considered contagious. Loch p. 278
infirm, and impotent people, who also had victual and firing. 10
St. Thomas' of Canterbury was founded "for the poor, for persons going to Rome, for others coming to Canterbury and needing shelter and for lying-in women." In 1245, the Hospital of St. Nicholas, Salisbury, was established and the next year saw the founding in the same place of the Hospital of Easton Royal.

Hospitals were often founded (or reestablished on some earlier institution) by the municipal authorities, e.g., the founding in 1450 of the Hospital of St. Thomas by the burgesses of Northampton "for the support of 12 poor persons (men or women) as inmates who were to receive a weekly allowance with clothing, firing and washing." Also in Northampton was the Hospital of St. John, founded at first to give only temporary shelter for the infirm poor and orphans, but in 1546, it was changed into a permanent abode for 8 poor folk, as well as for hospitality. Scarborough, Chester, and Ipswich were among the other towns to establish municipal hospitals.

Since the Church regarded the hospitals as ecclesiastic property, it is natural that the clergy should be the heads of these institutions. Gregory the Great

11. Clay p. XVIII
13. Cox, J. C. (Northampton) p. 341. (In 1534, there were further additions to their possessions and in 1592 we find that the consent of the aldermen was necessary for admittance, showing continued supervision by the town.)
15. Leonard pp. 8-9
expressly required "that only such should be chosen as presi-
dents of the hospitals as were "religiosi"-i.e. nuns and monks."  
The chief superintendence was, as with the churches, in the  
heads of the bishop whether the institution was established  
by the Church or founded and endowed by private individuals.  
He it was who nominated the officials, supervised the insti-
tution, saw that it fulfilled the ends for which it was  
founded, went over the accounts, and exercised over it all  
_17_ jurisdiction.  In immediate charge of each hospital was an  
abbot, friar, master, or warden assisted by 2 or 3 priests, 
and sisters and brethren, religious or lay, to care for the  
inmates.

Admission to these hospitals while ultimately in the  
hand of the bishop of the diocese, was usually regulated by  
_18_ the prior or master.  For the hospital of St. Nicholas in 
York, the conditions for admission were: "promise or vow  
of continence, participation in prayer, the abandonment of  
all business, the inmates' property at death to go to the  
house."  In case of private endowment, the benefactor might  
make some restrictions as to admission.  An example of this  
may be found in the Hospital of the Holy Sepulchre in Haden  
where "the founder and his descendants retained the right of  
presenting a man or women, whole or infirm, to be provided for  
in the hospital."  Further, "the hospital was held bound to

16. Uhlhorn p. 337 ("Here is the germ of the hospital orders")
17. Uhlhorn p. 333
18. Loch pp. 284-5
receive any afflicted person, allied to the founder or his heirs, within the 4th degree of blood, and sufficiently to provide for him." Other nominations might be made by the parish. For example, in the churchwardens accounts of St. Helen's, we find the vestry "holden this daie that there shall be a petition made unto the Governors of Chryst's Hospital for to receive a chylde of Elizabeth Brownes." In case of municipal establishment and support, the burgesses in practically all cases, appear to have retained the right of nomination and control.

These institutions, ranging in size from a small cottage to "a wealthy establishment rivalling in magnificence a great monastery," were supported in various ways. If attached to the monasteries, they would be supported by the tithes or other monastic revenue or from the appropriated tithes and incomes. Collections might be made by special agents. For the support of leper hospitals, lepers with their "clapdishe" begged in the markets. Some of the large institutions had proctors who went one day each month to the churches and other religious houses during the services and took up collections among the congregations. Others received inmates on payment of a certain sum. Dunstable in 1227.

20. Boyle pp. 167-8
21. Cox, J. E. (St. Helen's) p. 107
22. Ashley p. 318
23. Dymond p. 68 (In 1583-4 in the accounts of St. Petrock's we find under payments "To those that come with licenses to gather for hospitals at sundrye times")
24. Loch pp. 282-4
assigned a treasure found in the church; and "to the new hospital at Dover."

By far the largest means of support came from lands, tenements, or rents left to a hospital or with which a hospital was founded. The will of William de Elsingg in 1348 presents such a good example of the method of founding, directing, and endowing a hospital, that we shall quote it in extenso.

"All his tenements and rents in the parishes of St. Alphege and St. Mary de Aldermanburi together with the appropriation of the said church of St. Mary, in which tenements he had already commenced to build an almshouse of stone and a church, he devises for the maintenance of a hospital (originally founded by testator in 1329) for the poor, blind, and indigent of both sexes, under the direction of a prior and convent; and he wills that 'no one else soever, ecclesiastical or secular,' except the said prior and convent and the testator's executors after named, shall intermeddle in the said house or hospital. And whereas the wants of the poor are too many for his means to completely satisfy, he leaves to the said prior, etc. tenements, shops, rents, etc. in the parishes of St. Lawrence, etc., etc. (a long list of parishes). The Dean and chapter of St. Paul's are appointed patrons to the said hospital and to act as wardens during a vacancy. His executors are to be guardians of the said hospital and of all the above tenements until a prior and canons shall have been duly elected and installed." 26

For a long time, practically every will contained provisions for the hospitals. In the 14th century "bequests to each of the seven or more charitable hospitals (London) became a part of the 'common form' of testament." The will of Sir Thomas Gresham, to quote but one, leaves £10 per year to each of these hospitals and directs that the mayor and other officials put 8 poor and impotent people into the 8

26. Nichols (Bedfordshire) p. 66
26. Sharpe pp. 562-3 (In Vol. II, p. iii we find subsequent bequests to this hospital, called Elsingg Spital, later Sion College with its almshouses.)
Many of the hospitals possessed large endowments. God's House, in Southampton, founded in 1189 for decayed merchants possessed in the time of Richard II, houses, shops, and lands in seven different parishes. Another apparently with sufficient income of its own gives in 1168 its "houses of fleet street" to Herbert, Archdeacon of Canterbury.

In spite of frequent bequests and splendid endowments, the hospitals were not apparently, at least by the early 16th century, sufficient to cope with the needs of the people. More in his Utopia criticises them and pictures the improvements necessary. From his description we may learn some of the respects in which the hospitals failed. "But first and chiefly of all," says More, "respect is had to the sick that be cured in the hospitals. For in the circuit of the city, a little without the walls, so big, so wide, so large that they may seem 4 little towns, which were devised of that bigness partly to the intent that the sick, be they never so many in number, should not lie too thronged and straight and therefore uneasily and uncommodiously."

It appears that, as in the case of monasteries, the hospitals had their day, and then, after wealth and opulence, came decline. At any rate, after 1400 the great number of bequests so common in the previous century, cease. A statute

27. Rogers (Six. Cent.) p. 104
29. Cheyney pp. 319-20 (quoting from the Utopia)
tion was the hospital. The next century, however, sees favor sweeping to the almshouse, and it now becomes the popular establishment to found or to bequeath an income to. When need on the one hand and wealth on the other became great, the almshouse as differentiated from the hospital, became necessary.

The religious guilds were the first to establish almshouses, followed soon by their counterparts, the craft guilds. "During the course of the 15th century all the more important companies of London" erected almshouses. At first they were given shelter only, but later with an increase in funds, the custom of giving each a regular weekly allowance. Sometimes the institution was founded for destitute and needy members of the guild, their widows and orphans, but gradually they took in without restrictions as to guild affiliations. Other almshouses had no connection with the guild. Such foundations were made by Lanfranc and Anselm near Canterbury right after the Conquest, by Henry de Blois near Winchester, in the reign of Stephen, and by Stephen's wife, Matilda, in London. It was during the 15th century, however, that the almshouses became most popular.

Examples of the founding of such institutions include that of Hiram's Hospital, made famous by Trollope in "The Warden". The author describes the beginning of his house as follows: "In the year 1434, there died at Barchester one

37. Ashley pp. 326-7
38. Ibid
39. Rogers (Six.Cent.) p. 110
40. Ibid
John Hiram, who had made money in the town as a wool-stapler, and in his will he left the house in which he died and certain meadows and closer near the town... for the support of 12 superannuated wool-carders, all of whom should have been born and bred and spent their days at Bercheste. He also appointed that an alms-house should be built for their abode, with a fitting residence for a warden, which warden was also to receive a certain sum annually, out of the rents of the said butts and patches."

The support of the alms-houses came from the same sources as that of the hospitals. Requests to the institutions are common, e.g. "I bequeath to 4 poor people in my alms-house at Banbury next the churchyard of the church there, to be disposed and conserved according to the ordination of my executor for 20 years, to wit, every week to each of them 4d.... Total £66 13s. 4d."

Parish support is contributed. In the churchwardens accounts of St. Peter's, Exeter in the year 1564-5 we find "Item, paid in the alms houses for the whole yeare to Richard Juyle and Johan Cornyshe... 34s. 8d."

Cities and municipalities likewise supported alms-houses: "Item, to the poor of the Spittle House at Boston..."

In the wills we find mention of many alms-houses. We know that they existed at Frome, Ilchester, Glastonbury,

41. Trollope pp. 2-4
42. Weaver p. 154
43. Dymond p. 62
44. Boyle (Hedon) lxiv
Oxford, Yevill, Bridgewater, and Colchester, to mention but a few.

Along with the monasteries and the hospitals, the almshouses too suffered in the greed and disruption attending the suppression and dissolution by Henry VIII and his son and successor. Those attached to the religious guilds were especially hard hit. There seems to be evidence, however, that many almshouses of importance were saved from destruction, "if not without a hard struggle." Again, like the hospitals, the control of almshouses was sometimes given to the municipality. In York, for instance, it was decreed that "the Lord Mayor for the time being should be chosen yearly master of the hospital of the Corpus Christi Gild, and that the poor folks and beds should be maintained, found and used in the hospital as before times had been accustomed."

Unlike the hospitals, however, the foundation of almshouses continued to be a popular form of charity for several centuries. Toward the end of our period, in 1590, the widow of Sir Andrew Jade "established and endowed an excellent institution for the industrious poor at Colchester, the benefits of which are still enjoyed."

With the great increase in the number of vagrants and destitute people during the 16th century, almshouses became more and more vital, were encouraged by statute, and

45. Shelton pp. 43-100
46. Weaver pp. 160-264
47. Ashley pp. 326-7
48. Ibid
49. Cox, J. E. (St. Helen's) p. 255
were established by municipalities as a center of the relief which they were forced by statute to provide.

F. Guilds (Gilds)

Unconnected with either the parish or the monastic institutions but nevertheless, sharing much in common with both, were the organizations known as gildes. The English guilds are apparently older than those on the Continent, for it is from England, in the time of Cnut, that we get the earliest "reliable and detailed" accounts in the form of 3 guild-statutes. They were popular in England and spread until they became "well-nigh universal."

The motivating force behind the establishing of guilds is found in the inclusion in the concept of medieval religion of the practices of mutual assistance, aid to the poor, helpless, and sick, to strangers, pilgrims, and prisoners which were considered as much exercises of religion as attendance at church. The statutes of the earliest guild of which we have accounts show this. This guild was founded at Abbotsbury by Orsey, a friend of Cnut, in honor of God and St. Peter with its principal objects: "the support and nursing of infirm Guild-brothers, the burial of the dead, the performance of religious services," and the praying for the departed souls.

Smith, whose work on guilds is regarded as one of the

60. Smith (Fremont p. lxv)
61. Casquet (Parish Life) p. 365
62. Smith (Fremont p. lxv)
best, defines the early English gild as "an institution of local self-help, which, before the poor-laws were invented, took the place in old times of the modern friendly or benefit society but with a higher aim; while it joined all classes together in the care of the needy and for objects of common welfare, it did not neglect the forms and practices of religion, justice, and morality" which were, adds Gasquet, "the mainspring of their life and action." 53

Guilds may be divided into two broad classes which are not, however, mutually exclusive: the religious or social guilds, and the craft and merchant guilds. The former made no distinction of trade or class and were founded on a wide basis of brotherly love. The latter type of guild while similar to the social guild in many of its principles, was made up of members following a certain trade or craft. While it had as its chief object, the regulation of that craft, it had also many of the charitable aspects of the religious guilds. It is these latter with which we are here concerned.

The right of a guild to organize and to possess lands and tenements forever was granted by royal authority; of this the following is an example:

"When the same fraternity or guild shall be thus begun, founded, erected, united, created and established, or their successors, for the maintenance of 2 chaplains to celebrate divine service... and for the relief of the poor and feeble brethren and sisters 54.

of the said fraternity of guild, they may purchase lands and tenements, rents and services...for the maintenance of the said 2 chaplains and for the relief of the poor and feeble aforesaid, as is said above, forever."

The spirit behind the guild is clearly shown in the use made of their incomes. There is hardly any good and useful purpose imaginable to which some or all of the guilds were not devoted. Acest and Smith list 22 different kinds of charity and relief given by the guilds, ranging from aid in poverty, sickness, old age, in case of loss of sight, limb, or estate, loss by fire, flood or theft, to repair, dowries for poor girls, aid to prisoners, sharing of burial expenses, and in the case of seafarers, help in case of loss through the sea. Examples of each are very numerous. We will quote but a few taken from guild ordinances.

"Know, brother and sister of this fraternity, if a male in poverty, every brother and sister shall give ye power brother or sister a fasting day or wake." - The Guild of St. Botolph, Norwich. 57

"Any good girl shall have a dowry provided for her if her father is too poor to find one himself." Ludlow 58

"If any one of the said trade shall depart this life and have not wherewithal to be buried, he shall be buried at the expense of the common box." Whitefriars, London. 59

"5 shillings to be bestowed towards the pot to be boiled for the poor prisoners in the Queen's gaol." 60

55. BLAND, pp. 145-50 (Incorporation of a Guild...Patent Roll 25 Henry VI - 1447)
56. SMITH, pp. xxxvi-xcv; GASQUET, pp. 257-266 WEBB, pp. 20-1
57. SMITH, T. p. 15 ("very common")
58. GASQUET (Parish Life) p. 357
59. BLAND, p. 137
60. COTTON, p. 56
"If it befall that any of the gild, either a brother or an unmarried sister, being young and able to work, has, through sickness, become so poor that help is much needed, there shall be paid to him, out of the goods of the gild, as a free grant for 1 year, 10 shillings, to enable him to follow his own calling in such manner as he thinks best. And if, owing to sickness or any other cause that may be excused, he is not able to earn back the 10 shillings during the first year, he shall be let keep the money for another year. If at the end of 2 years he is not able to earn back the 10 shillings, nor to make increase thereupon, he may keep the money yet another year, in order that he may make a profit out of it. If at the end of the third year he is unable to earn back beyond what is his own, the 10 shillings with an increase, then the money shall be wholly released to him." - Gild of the Blessed Virgin Mary, Hull - 1357. 61

"It is ordered and agreed that John Sampforde shall receive in the world to be provided for the poore this year." 62

In times of famine when the poor were particularly distressed, the guilds were helpful in keeping the price of foodstuffs down. In 1356, a particularly difficult year we find one gild making this plan—

A cargo of rye was purchased at the rate of 4s. 6d. per bushel (the price at the market was then 2s. a bushel and very scarce at that) 1/3 of the amount allotted to each member of the Company (Guild) was given to him for his own use or to make a profit on, the remaining 2/3 of the cargo was sold to poor householders at the cost price. 63

Another extremely common form of charity was the establishing and maintaining out of the Guild revenues, alms-houses or hospitals. The ordinance of the Guild Merchants of Coventry provided that "Out of the rest of the profits of the
land and houses aforesaid, and out of the goods and chattels of the guild, they find means of living for 31 men and women, who were unable either to work or to gain their own living; and the charge of this amounts to £35 3s. per year. Moreover, one of the houses aforesaid is to be kept as a lodging-house with 13 beds to lodge poor folks coming through the land, and there is a governor of this house, and a woman to wash their feet, and whatever else is needed. The yearly cost thereof is £10."

The Guild of the Holy Cross in Birmingham kept almshouses "there be relieved and maintained upon the ore possessions of the said guild...13 poor persons, who have their houses rent free, all other kind of sustenance as well "food and apparell as all other necessaries."

The aldermen and stewards of the Guild of St. Eligius, Beverley, in 1378 are "bound to maintain 2, 3, or 4 bedridden poor folks while they live; and, when these die, they must bury them, and choose others in their place."

There are many other such ordinances and many such almshouses supported by the Guilds. Individual charity among the members of the guild was also great. In describing the members of one guild, Cotton finds four who had independently established one or more almshouses. Another scheme

64. Smith, p. 261
65. Smith pp. 246-9
66. Smith (Brentano) pp. 148-9
67. Cotton p. 36
68. Cox, J. E. (Northampton) pp. 45-6 (one such bequest in Coventry became the "town's most important charity.")
69. Gasquet (Parish Life) pp. 256-7
used was for a member to leave money to the Guild with which it was to establish almshouses or funds to distribute yearly to poor people.

In summary of the good work of the guilds, Rogers says, "It is quite certain that the town and country guilds obviated panperism in the Middle Ages."

There was, however, the other side to the craft guilds which caused injury to the poor man in search of better employment. These guilds became very powerful, gaining practically a monopoly in their district in the trade in which its members were engaged. Membership in them was limited and at times, costly, yet such membership was essential for trade success. London, in the time of Edward II, ordained "that no person, whether an inhabitant of the city or otherwise, should be admitted to the freedom of the city unless he were a member of one of the trades or mysteries." Both Henry VI and Henry VII tried to break the exclusiveness of the guilds by compelling to submit their ordinances for approval. Henry VIII fixed 2s. 6d. as the maximum entrance fee for entering apprenticeship and 3s. 4d. as the maximum fee for quitting apprenticeship.

The guilds had become wealthy, powerful and exclusive. They seemed to forget the early principle on which they were established and aimed at the benefit of the few.

70. Smith (Brentano) p. cxi 71. Bland pp. 279-80
fortunate enough to be its members. The rest must be kept out. Here they must have been a source of great distress instead of assistance to the poor man endeavoring after the fight to secure freedom from bondage, to secure for himself better work and more wages. To their credit, it must be admitted that the Guilds kept up their institutional work, but had they been of direct assistance to the agricultural labourer forced out of his home through the agrarian changes, and now attempting to enter the inviting field of the crafts, there might have been less need for their almshouses.

In view of the large possessions of the guilds and also in view of the fact—so easily made into an excuse—that many had been founded with religious aims, it was inevitable that some, at least, should fall under the axe of Henry and his son Edward. By 27 Henry VIII c. 4 and 1 Edward VI c. 14 all the possessions of the guilds, "except what could creep out as being trading guilds" were confiscated by the Crown, and like the monasteries and their allied institutions, given to favourites "who had devised and helped the scheme, gorged themselves out of this wholesale plunder of what was, in every sense, public property under the pretext that they would now be used for "more godly and virtuous purposes." Edward VI's act handed over to the Crown all "manors, lands, tenements and other hereditaments" belonging to all gilds and fraternities.

Thus another great source of aid to the poor was lost and another factor added to make a national poor law necessary. In this case, probably every parish felt it, because guilds existed in practically all. A comprehensive national system of relief is brought another step nearer.

G. Private Charity

We have discussed the early charity of the Church and the growth of institutions, monastic and guild, hospital and almshouse. Many of these were endowed by private individuals. The immense amount of private charity is impossible to measure. The duty of almsgiving and of hospitality so urgently taught by the Church is carried out on all sides both during the life of the individual, and after his death through the provisions of their wills.

Stories of the great charity of the earlier kings of England are famous and numerous. Bede tells the following story of King Oswald. "When he was once sitting at dinner, on Easter-day, with his bishop, having a silver dish full of dainties before him, as they were just ready to bless the bread, the servant whose duty it was to relieve the poor came

74. Ashley maintains that a considerable part was left of the guild endowments to form the principal portion of the "down-land" of a later period. Throughout his discussion of guilds, Ashley, for some reason, seems hostile and unsympathetic. He speaks of their "meagre doles," "chance bequests," "occasional aid". No other authority consulted uses such terms in discussing the guilds. Webb, Smith, Brentano and Gasquet all praise and emphasize the work of the guilds.
in on a sudden, and told the king that a great multitude of needy persons from all parts were sitting in the streets and begging some alms of the king. The latter immediately ordered the provisions set before him to be carried to the poor, and the dish to be cut in pieces and divided among them."

Alfred, Asser says, "bestowed alms and largesses on both natives and foreigners of all counties. Canute, too was solicitous for the welfare of his poor. From Rome, he sent back orders that the ancient dues be collected and distributed to the poor before he returned to England on penalty of a royal mulct.

Great prelates and nobles followed the example of their rulers. Their almsgiving often assumed huge proportions, often providing daily for scores or even hundreds of persons, with double or triple alms on great feast days. Bishop West of Ely "daily gave at his gates, besides bread and drink, warm meat to 200 poor people." Bishop Brokensford who died in 1329, divided his estates "unto 6 Beiliwicks, the Beiliff of each was ordered to deliver to 40 of the poorest persons daily a silver farthing, or its value in food...At Michaelmas the survivors of the 40 were to receive 4s. for a clock and shoes." The accounts, especially those of London and the cities contain many receipt items of gifts from nobles or wealthy merchants.

Those unable to afford huge spectacular, daily or

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75. Ribton-Turner pp. 12-13
76. Ribton-Turner p. 9
77. Ribton-Turner pp. 13-14
78. Ashley p. 328
79. Hobhouse p. 260 (Appendix C)
even occasional distributions usually reserved their charities until their deaths. Requests for all sorts of works of mercy form a typical feature in mediaeval wills, occurring in some form in practically all. Common provisions include sums to be distributed among the poor of a certain parish or even parishes; to portion off poor girls; to be given to poor tenants, to prisoners; gifts of food, fuel, and clothing. Any estimate of the value or the number is impossible. All that can be said is that they seem many times more numerous in mediaeval wills than in those of our day. All were imbued with the necessity of almsgiving.

A few examples of the more common forms follow.

"I will that the rest of my goods be distributed amongst the poor, in all the benefices that I have ever held or now hold, more or less being given according to the length of time I have lived in them and maintained hospitality." - William Sheffield - 1496. 80

"The residue to be deeded amongst poor people, and deeds of alms at the discretion of myn executors." - Sir William Rolls, 1541. 81

"If any tenuant be so pover that he may nought, for poverti pay his ferme that is owing, I will that ther be nought reserved off hym, but that he may reasonably pay, and that the remansunt be forgeffyn." - Sir Roger Salewayn - 1420. 82

"Do, lego...Panperibus et miserabilibus parochise de Kelne cum capella triginta merces...de Enforce cum capella decem merces"...to a total of 7 parishes. - Robert de Kereville - 1267. 83

"I bequeath a M (1000) of halfpenny lovys to yoven to poore men be my executors withynne 12 monthes after my decease, that is to say, to every poor men that cometh, a loaf." Richard

60. Casquet (Parish Life) p. 9
61. Cox, J. E. (St. Aelien's) p. 237
62. Rich (Salisbury) pp. 342-6
62. Furnivall, p. 52
Say - 1555. 84

"I bequeath 2 parts of the wood of the great vineyard to the poor of the parish of Yeole." Ralph Manston - 1447. 85

"I will pay the fees of 12 prisoners...which doeth lye for their fees only of delyvery." John Mongeham - 1614. 86

Many wills - perhaps the majority - provided for the giving of alms on the day of burial, or on the month's mind, or on the anniversary of the death of the testator. Sometimes elaborate ceremonies are prescribed for the funeral with a provision for small sums to be given to each of a number, often 100 to 200, men, women, or children who come to the funeral, or for money to buy a specified type of cloak to be worn in the funeral procession. A common provision states that sums are to be given to bedridden men and women at the day of interment. The motive behind all of these is of course the benefit which would accrue to the soul of the testator before the Judgment Seat.

I discovered three wills which seem worthy of further consideration. One is the will of the renowned Dick Whittington (1421) whose name is still remembered. He leaves "his dwelling house in the parish of St. Andrew aforesaid and all his lands and tenements...to be sold by his executors and the proceeds devoted to pious and charitable uses and the fulfillment of this his testament." His executors in carrying out these provisions founded the well-known college and almshouse named for him.

84. Shelton p. 113
85. Weaver p. 166
86. Littlehales p. 20
87. Sharpe p. 432
A second is that of George Painter in 1562, which says in part - "after bequeathing 3 houses to the mayor, bailiffs, and their brethren 'to the use, purpose and intent that the said mayor, his brethren and bailiffs, shall in the said 3 houses immediately after my death place 3 pore men or women, and give weekly or yerely to every of them 3 pence by weeke, one cheldar and a half of Castle Coales, and six hundreth of peates or turves of the best, brought and freely delivered at the dores of the said 3 pore folks, that is, to every of them one half cheldar coales and 2 hundreth peates or turves and this my ordinance to continue forever." This establishes outside aid support forever by private endowment.

The third is that of John Bedham (1472) which reads in part "I woll that the said wardeyns...to pay to 3 pore people most nedeful...dwellyng in the said parissech of St. Mary atte hill, every Sunday wekely every yere for evermore, that is to say, to every of the same pore people 4d. in honour of the Blessed Trynyte." The beneficiaries were later called St. Mary's Almsmen. We find items in the warden accounts of St. Mary's showing that this will was carried out. In 1477-9, the accounts read "paid to 3 pore men of the bequest of John Bedehem, to everyche of them by the week 4d. that is to wite, from the 28th day of December in the 17th yere aforesaid unto the 11th day of Ffebruarre in the 19th yere of the kyng

88. Boyle, Hedon App. II cciii
89. Littlehales p. 17
aforenamed, both dais accompted, that is, by 111 wekes - total 111s."

Another form of bequest was the leaving of funds for hospitals or almshouses, for a foundation or contributing towards their construction. Also bequests were often left to the inmates of these institutions in the form of money, food, clothing, or fuel. The number of hospitals and almshouses mentioned in the wills, individually and collectively, is amazing. They are one of our big sources as to their number and location. Some wills leave sums to several such institutions. One in 1417, after leaving sums to a score of towns, bequests gifts also to 9 hospitals. A few examples of will provisions are:

"To the making of the poor men's house if the parish do built it...5s." Richard Say, 1555. 91

"I bequeath to the poor dwelling in the almshouse 1 quarter of wheat." John Marnston, 1447. 92

"To every poor person in the Almshouse in Frome 4d." William Calcote in 1543. 93

"To the poor of the almshouse in Yevill, for one whole yeer, to each person every week, 6d." Joan Aysshe, 1455. 94

Asley criticises these bequests from the view of indiscriminate charity. This is true in part in the case of detailed provisions for the feeding of great numbers following the funeral services which often led to carousing. But it

90. Littlehales p. 89 (Important as showing one type of machinery through which the provisions of wills were carried out.)
91. Shelton p. 184
92. Weaver p. 160
93. Shelton p. 42
94. Weaver p. 168
seems unfair to classify all under the one heading. The support given by the provisions of the wills to the existing hospitals and almshouses and to the individual parishes must have been considerable.

Judged by the conditions of the Middle Ages, private charity must have helped greatly in the alleviation of suffering among the poor. That is, if the provisions of the wills were carried out. In some cases, the churchwardens accounts show expenditures corresponding to the bequests. In other instances, the charities founded are still in existence. We know that in the first decade of the 17th century, the Courtes of Quarter Sessions settled complaints and difficulties connected with the administration of charities, old and new. The money, when handed over to the overseers and wardens sometimes disappeared, or was allowed to accumulate instead of being distributed as the bequest provided. We find from 1607 on complaints of mismanagement, e.g. "Taunton St. James had a fund for supplying faggots to the poor, which had been mismanaged and lost." Another case occurs where they were unable to get the money from the executor. In these cases, the Justices had jurisdiction and assumed control. Records of the Quarter Sessions, before 1600, are rare and incomplete. May we not argue backwards and say that if this was the custom in the very first decade of the 17th century, that at least half of the 16th century had also a way of insuring that the

95. Bates pp. 3-4
provisions of the wills were executed?

In summary of the value of private charity, we present the statement in Blackstone's Commentaries, Vol. I Bk. I, Sec. 6 - "The poor of England till the time of Henry VIII subsisted entirely upon private benevolence, and the charity of well-disposed Christians."

H. Summary

The inclusion of Guilds and Private Charity under the care of the Church was based on the fact that both were instigated by the principles and practices of the Church, and thus were directly or indirectly, the result of the Church's attitude toward the poor. The relief of the poor as given by the Church and its allied institutions was extremely effective and widespread. That it could not meet the needs of an ever-increasing demand was due primarily to a lack of system and unified control, and in the second place, to the fact that in most cases, incomes were not definite and thus a comprehensive scheme of relief was not possible.

"That grinding, hopeless poverty, under which existence may be just continued, but when nothing is won beyond bare existence, did not, I am convinced, characterize or even belong to mediaeval life. That men died from want, I can believe, but I do not think that they lived and died by inches, so to speak... No period has done so much for the poor

96. Cox, J. E. (Derbyshire) p. 136
as the Middle Ages." 97

"What wholesale distribution of alms, what an abundance of institutions of the most various kinds, what numbers of hospitals for all manner of sufferers, what a series of ministrant order, male and female, knightly and civil, what self-sacrifice and devotedness!" 98

97. Rogers (Six. Cent.) p. 415
98. Uhlhorn p. 396
II Economic developments lead to statutory enactments.

A. The Manorial System

The basis of English economic life throughout the early part of our period is agriculture, and the system of agriculture is based on the manor, a self-supporting economic unit, existing side by side with the parish, the religious and social unit. All was held by the lord on whom the inhabitants were dependent, not only for the land on which they worked, but for clothing, food, and all the necessities of life. The whole was operated like a cooperative farm. Each had his duty to perform to the land which maintained them all. The vast majority of the people were serfs, and as such, were without property and, at least by theory of law, were unable to acquire any.

The organization of the manor is a very complex one and is not of concern here. The effect on the need of poor relief is readily seen. Being without property, indeed, themselves the property of others, the inhabitants could make little or no provision for the future. In reality, their position was similar to that of slaves. Those among them who might, had they been free and in need, want relief, would, as serfs or villeins, have a claim on their lord, to whom they belonged and who was bound to provide for them. To give relief to such a person would be in reality relieving the lord and absolving

1. Hobhouse p. xxv
2. Elton, App. 244
him from a duty incidental to his position as owner. There could be no poor in the legal sense of the word so long as the people were held in bondage and were without rights.

The system was not exclusive, however, for there must have been some who sank into poverty owing to accident, plague, misfortune or some similar cause and who, if unable to find another master who would take them into service, would be in danger of starvation and destitution. Also, there might have been and in all probability were harsh, cruel masters who drove out their infirm, aged, or worn-out servants. To care for all such cases, we have the ecclesiastical parish and the institutions already described.

Gradually, with varying rates in varying districts, the classes of slaves and villeins were changed into one class—customary tenants. In the Domesday Book, there are, for the Manor of Crawley, "6 villeins, 25 bordars, and 20 slaves" arranged in descending order. Four centuries later, these were all in one group—customary tenants. These people were not free in the absolute sense, for they still owed specific services to the lord (e.g. week-work, boon-days), they could not leave the manor without the lord's consent, nor could they marry off their children without his approval. Nevertheless, beyond these services and restrictions, they were free to

3. Nicholls pp. 26-7
4. The chances of this were remote for, from earliest times, (Linc., 688-725) statutes were passed against wandering.
5. Gras p. 46
The next step was commutation of their services through a payment of a certain lump sum to the lord. After this, the tenant no longer owed work. The development into Independent laborers of great numbers of institutions, for destitution and need must have increased to a great extent.

With the acquiring of independence comes also the responsibility of providing for themselves. The lord is no longer even morally responsible for their welfare. This with the acquiring of independence comes also the establishment of memorial care may in part explain the establishment of great numbers of institutions, for destitution and need must have increased to a great extent.
B. Early Legislation

Early legislation by the state (= the national government) was not to make any provision for relief, but to keep the people held to the manors. Statute after statute was enacted forbidding the leaving of the manor or the offering of shelter to anyone who had quitted his proper abode. As early as Ine (688-725) the law ordered that "a man going from his lord must be returned and pay a fine of 60 shillings." Inability to pay the fine resulted in being made a penal slave. We might call this the beginning of a poor law for in one sense, it was aimed at putting every man under a lord on whom he would be dependent.

Alfred the Great, in his will, enfranchised all his dependents giving them express liberty to choose their lord, bidding that "in the name of the living God, no man hinder them, either by demands of fee or any other thing" from choosing whomever they wished as their lord and master. These rights were soon forgotten, however, in spite of Alfred's commands. Athelstan in 924 ordained that "lordless men of whom no law can be got, the kindred be commanded that they domicile him to folkright, and find him a lord." Also, "if any landless men should become a follower in another shire, and again seek his kinsfolk, he may harbour him on condition that he (the kinsman) make bot (amends) for him." In the Domesday Book.

10. Ribton-Turner p. 4
the privilege of leaving his land and changing his lord is spoken of as "one of the distinguishing marks of the Gesith- 
undman" or demi-noble. The Anglo-Saxon Chronicle after the
Conquest, complains of the sufferings of the people under the
new lords who are seeking all possible gain.

Thus the people are again forced to stay with the
lord on whom they were dependent. The laws of the succeeding
kings aim at upholding and enforcing this principle. Henry I
in 1101 states that "if any man leaves his lord without
license, he shall be fined for the escape, and he shall be com-
pelled to return and to do right in all respects." Still the
Chronicle speaks of hard circumstances. In the year 1164 -
"Full heavy year was this. The man that had any property was
bereaved of it...the man that had not was starved with hunger."

The next rulers are weak, the kingdom is in confusion
and the main thing of import to us is the growth of vagrancy
and disorder. The unsettled reign of Stephen and Matilda was
a hard one for the poor. "Never was more wretchedness in the
land," says the Chronicle. Robber bands rose in great numbers,
led by the famous Robin Hood with his rob the rich and give to
the poor policy, Adam Bell, Clym of the Clough, and William
of Cloudesley.

A century after the Conquest, the Assize of Clarendon
by Henry III in 1166, forbids the sheltering of a wandering man

12. Ribton-Turner p. 4
13. Ribton-Turner p. 21
14. Ribton-Turner pp. 22-4
anywhere except in a borough and there for only one night unless he be sick, under penalty of arrest for the host as well as for the guest. The Magna Carta, considered the foundation stone of English liberty, contains no reference to serfs and villeins, probably at that time the most numerous classes, other than a statement that "a villein or a rustler was not by the imposition of any fine, to be deprived of his carts, ploughs, and implements of husbandry."

The reign of Edward I is a decided contrast to the disorderly reign of John. The turbulent barons were put down. Law and order begin to emerge from disorder and oppression. In this period, says Ribton-Turner, free labourers through commutation of their services by money payments first appear. The famous Statute of Winchester (1285) falls in this reign. It orders that a stretch of 200 feet be cleared on either side of the highway, an attempt to strike back at the bands of robbers who made travel unsafe, even dangerous. Edward II spoiled his predecessors good work. Disorder and corruption again prevailed. The extent of the lawlessness is pictured in the famous story of the hold-up of the king and his party of retainers by Sir Gosseline and his robber gang who searched all before they were allowed to continue on their way.

This brings us to the rule of Edward III, the beginning of the Hundred Years War and, most important from our angle, to the Black Death, a phase so important that it merits

15. Cheyney p. 142
16. Nicholls p. 19
17. Ribton-Turner p. 34
18. Ribton-Turner p. 40
special consideration. Up to now we have seen little to help the poor. Turbulence and strife, coupled with the exactions of the lords made their existence unbearable and drove many of them into hordes of robbers which kept the country in still more disorder and made the successful carrying on of agriculture difficult. Famine and pestilence were common. From the Conquest to the 14th century the population remained stationary, a conclusive proof of the havoc wrought.

In some parts of the country, we find former serfs successfully breaking away from the manor and, by living undetected in a municipality for a year and a day, gaining their freedom. Others paid an annual recognition fee for the privilege of staying away from their manor. That they were allowed to do this shows the beginning of the decline in the manorial system. Again some of the nobles as well as the king himself, permitted their servants to buy their freedom in order that money might be raised to continue the war with France.

3. The Black Death

The Black Death, the most notable occurrence in the 14th century and the great milestone for the English agricultural labourer, originated, it is thought, in the East, and ravaged all Europe. It was carried into England according to one view, by soldiers returning from the fighting in France. At any rate, on the first of August in 1348, it struck in the

19. Loch pp. 264-5
20. Gras pp. 93-4
ocoport towns of Dorsetshire, thence travelled slowly to the west and north, arriving in London from September to November, reached its height in Surrey and Hampshire during the follow-
ing Spring and in the northern and eastern counties during the summer and early autumn, affecting the whole country.

The terrible poverty of the many, and utter disregard of any sanitary precaution in the towns, gave the deadly disease a firm foothold. Few kept their beds more than 3 days; to most death came in from ½ to 2 days. Whole populations were wiped out. Estimates as to the number taken by the plague vary from 1/5 to 9/10 of the entire population, with ½ probably nearer correct. While the plague was by no means confined to the labouring classes, due probably to the extreme wretchedness of their existence, the death rate was highest among the poor.

In 1350-1 the balance sheet of one estate shows that the whole family of the bailiff had perished, the rents were only 1/3 of their previous amount. One mill is abandoned for lack of a tenant. The corn mill rents for far less than half its previous rate, and the next year no tenant can be found for it. The exit of the manor drop to a fourth and the profit is less than a tenth of the customary one. Labour, on the other hand, costs three times what it did before the plague. Prices fell. A horse worth 40s. went for 6s. 3d; a fat ox costs 4s., a cow, 12d. "Sheep and cattle went wandering through the fields and there was no one to drive them. Crops perished

21. Rogers (Six. Cent.) p. 231
for want of some one to harvest them." There was abundance that year.

The Death was far-reaching in its results. The most obvious effects were among the labouring classes. For one thing, it spelled the doom of servitude. There were already a few free labourers; few, that is, in proportion to the total number of labourers. The relation of the workers to their employers was now completely overturned. Money meant little, it was labour that was of value, it was master of the situations for it was the scarce commodity. Taking advantage of their opportunity, large numbers of workers forced their lords to make statements in the rents and services due them. Should the masters refuse, the labourers left and the land remained uncultivated. Fees for remaining away ceased to be paid. Wages rose as the labourers found they could obtain more from their former masters, or wandered about to sell their services to the highest bidder. They refused to serve by the year, demanding instead hire by the day.

1. The Statute of Labourers

On June 18, 1349, Edward III with the consent of his council issued the Ordinance of Labourers, the first of a long series of statutes aimed at restoring the status ante pelestem and at keeping the labourers from benefitting from the

22. Cheyney pp. 255-7
23. Gras, pp. 93-4. From 1349-1433, no fees of annual recognition were collected at Crawley.
natural economic advantages of scarcity. As the first of such provisions, the Ordinance is of special importance. It may for convenience be divided into 5 main parts.

a) Every able-bodied men and women under the age of 60, free or servile, and without other means of support shall be bound to serve him who shall require him for the wages, liversies, hire, or salaries which used to be paid 5 years before the Plague. Imprisonment until he is willing is the penalty.

b) Imprisonment for any labourer, of any rank or condition, withdrawing from service before the end of his term.

c) No man shall pay or promise to pay to anyone more wages in any form than he was accustomed to pay for that service before the Death under penalty of a fine of double the amount paid.

d) Artificers or workmen shall not take any more for their labour or craft than they used to get in the 10th year of Edward III under penalty of imprisonment.

d) All sellers of victuals are bound to sell such victuals at reasonable prices.

f) No one under penalty of imprisonment shall presume to give anything to such as are able to labour.

The purpose of this is unmistakable. There are, however, 2 clauses of special significance. For the first time, the law recognizes the existence of free men. Further, it takes the first step towards the national control of poor relief, in the opinion of Leonard, by restraining the liberty

of the giver. To put it in another way, the Ordinance forbids the giving of alms to able-bodied beggars, now set apart as a class. This proves to be a common feature in the legislation of the succeeding two centuries.

Parliament did not meet in 1349 on account of the Plague - hence, the proclamation of the King. The first to meet after the Death - in 1360, hastened to enact the Statute of Labourers, affirming and supplementing the Ordinance, aiming likewise at securing an adequate supply of agricultural labour at the ante postem price. The same provisions and penalties are decreed. Going from one parish to another is forbidden. Day hire is outlawed. Wages must be kept at pre-plague levels and in many cases, specified wages are set forth. Enforcement is placed in the hands of special Justices of Labourers who are to hold sessions at least 4 times a year.

With the Ordinance, this statute furnishes positive proof that radical changes had taken place, that a new era had come in which the landlords would if possible wipe out. Both remained law until formally repealed by 5 Elizabeth c.4 in 1562, over 200 years. The effect was as might be expected, the very opposite of what was intended. "Labourers took to flight from their native counties in order to evade the provisions, and many took refuge in the corporate towns in order to gain their enfranchisement. Strikes and combinations became frequent among the artisan class...prices were necessarily enhanced...and imprisonment of large numbers of labourers could
only have the effect of increasing the scarcity... The only result of this legislation consequently was to embitter the relations between the upper and lower classes, and to institute 
a common bond of union amongst the latter."

There is much disagreement among the authorities as to the enforcement of the statute provisions. Rogers says they were "universally disobeyed" for the reason that farmers were compelled to comply with the labourers demands or have their crops ungathered. Jusservand points to the repeated complaints in Parliament about the non-enforcement of the statutes. In this connection, it is well to remember that it was a Parliament of landlords who had everything to gain by pushing the enforcement to the limit.

Bertha H. Putnam has made what appears to be an exhaustive study of the enforcement for the first decade. She comes to the conclusion that "it is impossible to doubt that during the 1st decade the wages and price clauses were thoroughly enforced." Wages did rise, she admits, but that, she says, is no evidence that they would not have risen higher. She points out that the salaries of the Justices of Labourers, the enforcing officers with no other duties, depended upon a goodly number of convictions. The lower courts would recognize unwritten contracts, by which the labourers had, before the Plague, owed or sold their services.

25. Rogers (Six. Cent.) p. 228
27. Putnam p. 261
Bland, in the documents of the period, finds cases of enforcement.

1351 - "From Simon Mallor for his excess - 40d."
"From Robert Throstle for the same. 6d."
"From the town of East Mersia 48s. 4d. from fines of workmen of the same town."
"From the town of West Mersia and Tingringlehoe 14 3s. 11d. from fines of workmen." 28

Further, in many records there are suspicious erasures leading to the opinion that the bailiff put in other sums to make it appear that the statute was being enforced.

While the statute apparently was enforced during the first decade of its existence, there is little evidence that it was so vigorously enforced thereafter. Petitions in Parliament increase. Putnam sees after the first period a "falling-off in the energy with which the statutes were administered." Year after year Parliament complained that the Statute of Labourers was not enforced, reenacted it, "strove to make it effective, were baffled, adopted new and harsher expedients, and were disappointed." The story of these attempts is the story of legislation in connection with the poor until the time of Henry VIII in the 16th century.

2. Labour statutes to 1400

A decade after the Statute of Labourers 34 Edward III co. 10 and 11 was enacted to meet the insistent petitions and demands of the landowners that the statute of 1350 was

28. Bland pp. 169 ff
29. Rogers (Six. Cent.) p. 229
30. Putnam pp. 223-4
31. Rogers (Six. Cent.) p. 237
not being enforced. It aimed at securing better enforcement through the infliction of harsher penalties. If a labourer runs away and does not return, he is now outlawed, arrested on sight, and sent back to the place from which he had fled, there to be branded on the forehead with an "F" in "token of his falsity." If he is apprehended and the party refuses to return him to his former place, the plaintiff may sue the Mayor and Bailliffs of his new place of residence before the Justices of the Peace, who if they are guilty, fine them £100 lbs.

Enforcement of the first statute was entrusted to specially appointed officers - the Justices of Labourers. These are now renamed Justices of the Peace, and the Court of Quarter Sessions is formally established. From now on one of the notable features of the statutes is the steady increase in the powers and duties of these justices.

In another statute of the same year, 36 Edward III c. 8, Leonard finds the first national provision for funds for the relief of the poor. In this enactment, "the wages of priests are regulated and it was ordered that the fines of those parishioners who paid more than the statutory rate should be given to the poor.

It is about this time that Piers Plowman, the famous graphic picture of the peasant and beggar at this period, is

1. Webb pp. 25-6
2. We might expect the records of these sessions to contain much of value, but the fact is that they are non-existent until the middle of the 16th century.
3. Leonardp. 4 The initial step in a policy to take 2½ centuries to complete.
written. There is, says Langland, "confusion to the poor man though he plead forever. The law is lordly and dilatory, without bribes few can gain their ends. Faithful burghers and landmen she often bringeth to ruin and reduceth all the commons to core and covetousness." Beggars he describes as "filling their stomachs by lies, contriving to live in idleness and ease by the labour of other men. Truth bids the wealthy merchants to do several necessary works of charity, such as build hospitals for the sick, help poor prisoners, promising them a reward in the next world if they so do.

The labourers adopted any device to get away from the old life and, taking advantage of the general disorder, fled. Some pretended to be crippled and devised forcing themselves into hideous disfigurements and postures so as to beg with impunity; others joined the pilgrim bands — anything to escape the statutes and reach a place where they would be undisturbed by the execution of the laws. Many, too, perhaps incited by the example of the returned soldier or attracted by the idea itself, continued to live the life of a vagrant or joined the already famous robber bands. The height of these gangs is shown in the disgraceful hold-up of the visiting King of Cyprus. After this example of inefficiency, the King (of England) gave the city of London the power of trying evil-doers without calling in the King's justiciaries, implying the incapability of the royal officials.

4. Ribton-Turner pp. 64-5 (quoting Langland)
5. Juseerand pp. 47-8
The following year Edward introduced the practice of feeding, clothing, and distributing money to indigent persons on Maundy Thursday, a ceremony since followed. This generous act on his part does not alone, however, for the bad example he set in impoverishing his treasury through war. He lived on the land, paying no one. Archbishop Islip is said to have complained to him, "When men hear of your coming, everybody at once for sheer fear sets about hiding or eating or getting rid of their geese, chickens, and other provisions, that they may not utterly lose them through your arrival."

In 1672 Parliament again declared that labourers and servants continue to flee from one place to another, some going to the towns to become artificers, some into strange districts to work on account of the excessive wages, none remaining for certain in any place. For these reasons the statute can not be put into execution against them. The Commons therefore petitioned that vagrant beggars should be imprisoned till they promised to return home to work, that it should be forbidden to give alms to able-bodied, and that anyone harbouring a runaway slave in his service should be liable to a penalty of £10. It does not appear that the King assented to this bill.

The condition in this period was one of class against class, of antagonism between the employers and the employed.

7. Ribton-Turner pp. 53-4
8. Where they may gain freedom by remaining undetected for a year and a day.
10. Micholle pp. 47-8; Ribton-Turner p. 52
Edward III had left the administration under a very unpopular ministry. By the beginning of Richard II's reign, the feeling between the two groups was extremely bitter. In the enactment of 1 Richard II c. 6 (1377) we read that "villains had assembled riotously, in considerable bodies" had endeavored to withdraw their services from their lords, and claimed to be entirely free. The ensuing law decreed that the "commissioners shall issue under the great seal, upon the supplication of any lord to enquire into the offenses of these refractory villains; and that they shall be immediately committed to prison without bail or mainprize, if their lords shall so insist." The social revolution was going on, despite the laws. Persons who were held in bondage were daily more strenuously manifesting their determination to be free. The attempts to force them back into their old status were more and more exasperating. Underneath the disorder a volcano was soothing, ready for eruption in case of any additional pressure.

Due to continued warfare the royal exchequer had been exhausted. As an additional source of revenue, Parliament, in 1360, granted the king, a poll-tax to be taken of the goods of each person, male as well as female, of 4 pence a head on all lay persons over 14 years of age, none but known beggars being exempted. Beneficed clergymen paid a shilling and other ecclesiastics except mendicant friars, paid 4 pence. Needing the money immediately, the King found it profitable to antici-

11. Ribton-Turner pp. 56-7
12. Ibid
13. Rogers (Six. Cent.) p. 117
pute the amount which the tax world yield, and farm out the collection to the highest bidder. These collectors, since they were out for personal gain, enforced the payment with great rigour. The insult offered by one of these collectors to the daughter of a tiler (the now famous Wat Tiler) provided the spark which set off the volcano. Thus begun the "one vivid appearance of the peasantry in the politics of medieval England." 14 The insurrection spread with amazing rapidity. Common grievances had united the lower classes.

There were revolts away from the main organization as well. People hearing of the rising in Kent and Sussex against the king rose likewise against their lord or abbot. In the Churchwardens' Accounts of Dunstable we read that at St. Albans the people "flocking to a standard broke open the gaol, beheld a prisoner and, forcing into the abbot's house, demanded of him a charter, which he, for fear of his life was forced to grant. The mob rose likewise at Aslbridge, Berkhamsted, and Hemelstide." 15 The town of Dunstable also rose led by their mayor and demanded a charter of liberty. At first the prior refused, but remembering what had happened at London and at St. Albans he yielded and gave them their charter.

The main body under Tiler demanded from the king:

Four concessions:

1) Total abolition of slavery for themselves and their children forever;

14. Warbhem p. xxviii
15. Dicolo's (Bedfordshire) pp. 156-7
3) The reduction of the rent of good land to 4d. per acre;
4) The full liberty of buying and selling; like other men, in all markets and fairs;
4) A general pardon for all past offences. 16

None of these demands was outrageous in the least. They represented what the peasant really needed in order to become an independent free man. The king, confronted by the great mob of rebels, was forced to consent to all their demands and granted them the emancipation they wanted so badly. But as soon as the crowd showed signs of dispersing, Richard sided by his nobles and their armed retainers fell upon the peasants, killed their leader and many of his followers. Their power was broken. There was some talk of abolishing villeinage in order to prevent a similar outbreak, but as soon as the danger was passed, "the great lords and the master class evinced little disposition to adopt a more liberal policy." 17

Parliament answered the demands of the peasants by enacting "that all grants of liberties and manumissions to the said villeins and bond tenants, obtained by force, are in dis-herison of the, the Lords and Commons, and to the destruction of the realm, and therefore null and void," and, they add, that "this consent they would never give to save themselves from perishing all together in one day." The abbot and the prior of St. Albans and of Dunstaple who had been forced to grant charters had them cancelled as being exhorted by force. Presumably things settled back to the condition ante quo. The

15. Ribton-Turner pp. 57-8
17. Nicholls p. 34
16. Rogers (Six. Cent.) p. 263
The revolt was "not a desperate enterprise; it was conducted with extraordinary coolness and good sense," hence it did not have the excesses of similar peasant risings in Europe. The English peasants had shown their strength. Despite the final outcome and the attitude of Parliament, many landlords must have realized the dangerous undertow current and let their lands, on their own accord, accepted money payments for services and, in effect, freeing his servants.

In spite of the scare of 1381, Parliament did not realize its error, but continued trying to enforce the labour statutes. After admitting that now there were more idlers and vagrants than ever, the statutes 7 Richard II c. 5 reaffirms 23 and 25 Edward III. Power is given to the Justices of Assize, Justices of the Peace and Sheriffs to examine any vagabond and compel him to prove his safety. Lacking such proof, the vagabond is to be sent to gaol to await the coming of the justices court. This was another attempt to secure more rigorous enforcement, this time by taking away powers from local officials and giving them to the justices. This act "speedily proved as ineffectual as those which had preceded it."

The next legislative step is taken 5 years later in 1388 by a group of statutes, 16 Richard II cc. 3,5,7,8. While the previous statute had aimed at separating the able-bodied, and thus implicates a class of impotent people, yet it does not directly mention such a distinction. The statute of 1388

19. Sussexard p. 274
20. Ribton-Turner p. 59
specifically separated there unable to labour, the impotent poor. For this reason, it is sometimes referred to as the origin of the poor law. Taken as a group, there are five main provisions:

1. (c.3) Reiterates all the Statutes of Labourers and orders that stocks be placed in every town for the enforcement thereof. Further, no one may depart out of the hundred in which he has worked unless he carry a letter patent, stating why, whence, how, land, etc. In the absence of such a letter he is to be put into the stocks until he find stryty.

2. (c.4) Regulates wages again, this time setting forth definite scales with fines and imprisonment as penalties.

3. (c.5) Children employed in agriculture prior to the age of 12 are not to be placed in any other trade. Craftsmen may be compelled to do agricultural labor in harvest time.

4. (c.7) Vagrant or able-bodied beggars are to be treated as wagebonds.

5. (c.8) Beggars unable to serve six to remain in the cities or towns where they are dwelling at the time of the proclamation of the statute. If, however, the people of the said cities or towns cannot or will not support them, they are to go to other towns in the hundred or to the towns where they were born, this being done within 60 days. They are to remain there the rest of their lives. 21

Besides being another attempt to keep down the labouring classes, this statute thus recognizes that there is such a class as the impotent poor; i.e. people who are unable to work and incapable of supporting themselves. In the manorial system these would be cared for by the lord, but this is not expected any longer, an excellent proof that the manor had declined and that as a whole villeins were not the most numerous. The core of these impotent is transferred from the lord

21. Ashley pp. 354-5; Bland pp. 173-6; Webb p. 25
Learns pp. 3-40
to the district where they are obliged to reside, implying the duty of that district to support its own poor.

This enactment may also be regarded as the first law of settlement for it attempts to fix a permanent place of abode for those incapable of self-support and therefore in need of relief. All of these are parts of a comprehensive poor law; all are found in later statutes. There is, however, at least one vital element missing. While directing that the impotent poor become settled, it makes no provision for their support in their district other than to place the responsibility for such support on the district itself. The framers evidently hoped that they would be provided for either by the inhabitants or by the Church with its allied institutions. We have the beginnings of a system of relief but they probably had little effect for the reason that they were too stringent to be enforced.

Parliament in 1396, had set down specific wage scales and tried to fix the rates. The uselessness of this was recognized the very next year by a Richard II c. 6 which transferred rate-setting to the justices by giving them the power to proclaim at specified times according to local conditions, how much the various classes of agricultural workers and the craftsmen should receive.

Having decreed that the individual districts should be held responsible, Parliament next cast about for a way of

22. Lounsd p. 5
23. Ribton-Turner p. 63
lessening their burden. The method hit upon was to regulate the revenues of the Church. This is logical, since it was the Church who was most interested financially as well as spiritually in the care of the poor. The loophole seized upon was impropriation - the acquiring of the revenues of a living by a monastery or a non-resident. If Richard II c. 16 in 1391/2 decreed that in every case of impropriation a portion of the revenue should be assigned annually to the poor of the local district. This was reenacted by 4 Henry IV c. 12.

It is now half a century since the momentous Black Death. What change has it brought in the condition of the poor? The reaction of the ruling classes was, as we have seen, to attempt to keep them in the same position as before the plague and to prevent them through fines, stocks, and imprisonment from taking advantage of the scarcity of labour and the corresponding rise in its value. Service is in the blood, they said, not in any economic law. They endeavoured to keep them still chained to the soil by preventing wandering. Against these efforts, we have seen the peasants, eager to seize their opportunity, flee from their old homes seeking work elsewhere at higher wages, freedom in the corporate towns or as a last resort, joining ranks of vagrants when the laws made it impossible for him to enter again into ordinary life. Vagabondage increased in spite of the statutes. When any one who had be-

14. Leonard pp. 3-7; Nicholls p. 60
Some settled away from home was in danger of apprehension, he again fled. Imprisonment was a severe, often fatal, punishment, for the prisons were often "Dungeons where the damp of the walls and the stationary position compelled by the irons corrupted the blood and engendered hideous maladies." A sentence to gaol for any period of time was by no means a light penalty.

But neither stocks nor the threat of such imprisonment could hold back those who had been bound in servitude. Every scheme for escape was welcomed and tried. The punishments for falsifying the letters allowing one to leave his home show that there was this overwhelming desire to break away, to better one’s condition somehow. To aid them were the farmers who needed their services. Stocks and prisons benefitted them not at all, and they, fortunately, were glad to get the labourer at his own price and keep him from detection, especially since detection meant trouble for themselves. Another bright side is furnished in the statement of Rogers that in the 14th century, there was "no corresponding rise in the price of provisions."

It was in short a struggle between the servile many and the ruling few, and "like all such struggles, it was pretty certain in the long run to terminate in favour of the many." It is this struggle which we now must follow for it lies the key to the rise of a national poor law.

25. Jussesand p. 226
26. Rogers (Six. Cent.) p. 239
27. Nicholls pp. 31-2
...
who could not work to remain at home.

In the period from the Black Death to 1530, many of the statutes seem to have no direct bearing on the subject of poor relief. Any statute, however, which bears materially upon the condition of the lower classes is to be regarded here as part of the development of a poor law, because all, while tending to aid landowners, did, on the other hand, aim at preventing the spread of or the doing away with poverty and wretchedness by forcing all to work or, if impotent, to stay at home where it was expected they would be relieved.

The 15th century is one of disorder, disturbance, even violence with the continuance of the Hundred Years War with France, Cade's Rebellion, the devastating Wars of the Roses, and recurrent famines as the most salient features. Under such circumstances little in the way of a social program could be expected. Legislation of the character of the preceding century continued to be enacted.

7 Henry IV c. 17 in 1405/6 forbade the apprenticing of any son or daughter to any craft unless the parent had land or rent to the value of 20 shillings, under pain of imprisonment. This was another method of keeping the poorer class still dependent on the soil and preventing a depletion in the ranks of the agricultural labourers. A decade later, 2 Henry V c. 4 (1414) gave greater powers of examination and punishment of vagabonds to the Justices of the Peace in an attempt to secure more rigid enforcement of the previous labour statutes.
Another section of this statute is of direct bearing in that it orders an inquiry to be made into the reported abuses in the endowed institutions (such as the hospitals, monastic houses, and almshouses established not by the state, but by the Church, private individuals, or corporations). This is a slight but purposeful move on the part of the state towards the taking over of the control of institutions in whose foundation or support it had no part.

The second quarter of the century brings an extremely unfair enactment in 6 Henry VI c. 13 of 1427. The statute, after complaining as usual that the previous statutes are not enforced, decrees that the Justices of the Peace shall meet once a year in full session and proclaim the wage every type of servant in husbandry is to receive for the coming year. At Easter and Michaelmas the Justices are to set the daily or weekly wages of every craftsman and workman. If a labourer demands or receives more than the prescribed wage, he is liable to the penalty of double damages to the "aggrieved employer," and in default of payment, to be imprisoned. The employer, exempt from any penalty, could make an agreement with a workman, get the work done, and then sue the workman on the ground that it was unlawful.

Seventeen years later, in 1444, by 23 Henry VI a new scale of wages is established, denoting perhaps the failure of the previous plan. Servants in agriculture may not leave their

29. Nicholls pp. 75-6
master without notice, nor without engaging with another master before said notice - another attempt to prevent by whatever means possible, the quitting of the farm. It is interesting to compare the wages set in 1444 with those of 1350 and 1388. To quote but a few wage scales of each:

<table>
<thead>
<tr>
<th>Occupation</th>
<th>(Rate per day)</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Reaper</td>
<td>1350</td>
<td>1444</td>
<td></td>
</tr>
<tr>
<td>Master carpenter</td>
<td>3d.</td>
<td>5d.</td>
<td></td>
</tr>
<tr>
<td>Women and other agricultural workers</td>
<td>1d.</td>
<td>4d.</td>
<td></td>
</tr>
<tr>
<td>Common labourer</td>
<td>1d.</td>
<td>3d.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Occupation</th>
<th>(Annual Wage)</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bailiff</td>
<td>13s. 4d.</td>
<td>23s. 4d.</td>
<td>5s. for clothing</td>
</tr>
<tr>
<td>Shepherd</td>
<td>16s.</td>
<td>24s.</td>
<td>clothing</td>
</tr>
<tr>
<td>Woman Servant</td>
<td>6s.</td>
<td>10s.</td>
<td>4s. for clothing</td>
</tr>
</tbody>
</table>

It is evident that despite the statutes and penalties, wages had increased, particularly those of the agricultural labourers, the very wages the statutes aimed at maintaining at the old level.

Discontent on the part of the people, already evidenced by the uprising of 1381, continued with apparently no lessening in intensity. The Hundred Years War draining the resources of the country and bringing no compensating advantage, added to their grievances. In 1450, led by an Irishman by the name of Cade, they rose up again demanding greater liberties. The main body assembled in Kent, but sympathetic insurrections again took place in other parts of the country.

30. Nicholls pp. 80-1
The result of this was the same. The king with his retainers dispersed the crowd. No liberties were gained, but for a second time the extreme discontent of the lower classes was evident.

The Wars of the Roses (1455-1485) the bloody contest between the Houses of York and Lancaster, added to the distress of the labouring classes. At the same time the resulting weakening of the power of the nobles contributed to the downfall of feudalism and the freedom of the masses. Lawlessness and confusion were rampant. In it, many gained freedom. Vagrancy increased and its ranks were swelled further by the addition of soldiers home from France out to get by plunder what they had lost across the Channel.

With the cessation of hostilities and the union of the warring houses under Henry VII, a new era begins in English history. Henry systematically reduced the power of the nobles and built up the power of the nation. Man-power no longer vital to the noble, he was more than ever willing to commute the services of his villeins for money. The enforcement of Henry's laws against livery (3 Henry VII c. 1) must, however, have increased the ranks of vagrants by forcing the nobles to discard numbers of old retainers.

The first statute for our consideration in the new regime is that of 11 Henry VII c. 2 enacted in 1495/6. After recounting the folly and expense of keeping vagabonds in gaols,

31. Ashley p. 356
Henry with the intention of lightening these charges, decrees that instead of imprisonment, the penalty for vagrancy should be the setting in the stocks for 3 days and 3 nights for the first offence, with only bread and water. A fine of 12d. is imposed upon anyone offering any assistance or comfort. For a second offence the period of stocking is doubled. After this punishment, they were to be set out of the town and ordered to avoid it thereafter. Every beggar unable to labour is to go into the hundred where he is best known on pain of being set in the stocks. Nicholls questions whether this really was more lenient. "It certainly was more prompt and therefore perhaps more effective."

11 Henry VII c. 22 enacted in the same year again regulates wages, keeping them about the rates of 1444. It was of short duration, however, being repealed in the following year because of famine and the extremely high price of wheat, and corn, which rose from 4 shillings to 20 shillings. A third statute of that year (1495/6) aimed at helping the poor in their court suits by providing 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." All of these provisions are in keeping with the policy of Henry VII to get internal order, secure financial sufficiency, and bring peace to his subjects. In spite of his much publicized love of money, Henry "built and endowed several religious

32. Eden p. 47; Tanner pp. 473-4; Nicholls pp. 97-8
33. Nicholls p. 98
34. Nicholls pp. 99-102
foundations and was a great almsgiver. 35 Here for the first time, there seems to be a tendency to consider the poor instead of listening only to the pleas of the landowners and employers.

By 19 Henry VII c. 12 five years later, stricter enforcement of the above statutes is demanded. The Justices of the Peace are ordered to search out those negligent in its execution.

19 Henry VII c. 12 in 1503/4 continues the policy of milder punishments for greater effectiveness by cutting the period of stockage from 3 days and 3 nights for a first offense and 6 days and 6 nights for the second offense to 1 day and 1 night and 3 days and 3 nights respectively. Also further decreases in case of sickness, impotency, and old age (over 70) are decidedly humane tendencies and appear to be a reversal of the severe punishments of the earlier statutes. To enforce the order more rigidly, Justices of the Peace are commanded to search for offenders 4 times a year. Thus while the punishments are milder, the net result on the individual might have been harsher, due to a more thorough enforcement.

There is one statute of 6 Henry VIII c. 3 to be included in this section because it is practically a verbatim reenactment of 11 Henry VII with little or no change in the schedules of wages, which in turn had been based on those of 1444. This is an indication, strangely enough, that the labourers were struggling for and succeeding to some extent

35. Ribton-Turner p. 69
36. Tanner p. 470
in securing an increase in wages which, in turn, caused the landowners and employers to seek help to prevent any increase. The act, along with the others of similar character, appears to have been futile. The next year, 1516, it was repealed "so far as it affected masons, carpenters, and other artificers."

From Athelstan and Canute down, we have seen an abundance of statutes, all aiming at preventing vagrancy from any cause, even if it be that of an honest labourer seeking employment under better conditions, at keeping the labourer held to the soil despite greatly changed conditions. The idea upon which this legislation rested was that there was "sufficient employment at customary or reasonable wages in his own town or village or in the country immediately around for every able-bodied man who was willing to work." The cruel and oppressive laws led the labourer to evade and resist the laws, gave rise to a condition of continual disorder accompanied by no small amount of crimes of violence, and the breaking-out occasionally into widespread insurrections as in 1381 and 1450. The only weapon of the labourer was flight into some territory or corporate town where industries were beginning to be of importance or where his services were in demand. When detection became likely, he fled again into an ever-increasing band of vagrants. This mobility of the labourer was, says Webb, throughout the 15th century, "sufficiently extensive to defeat

37. Ribton-Turner p. 71
38. Ashley pp. 335-6
not only the economic strength of the lords of the manor and the growing class of capitalist farmers, but also, in spite of the severest statutes, the effective authority of Parliament."

From the point of view of administration the important development is the growth of the Justices of the Peace and the gradual handing over to these national, crown-controlled and crown-appointed officials of all powers and duties which had belonged to the local courts of the county, the hundred, and the manor.

In conclusion, it must be noted that these statutes aimed at the repression of vagrancy, the keeping of people at home, but not at maintaining them. A distinction is attempted between able-bodied and impotent, but no provision for relief is established. The efforts of Parliament up to now cannot be regarded as setting up any sort of a successful system or even a complete system.

39. Webb pp. 27-8
40. Putnam p. 153
III The Poor Law of the 16th century.

A. Rise of new school of social thought.

Coming to the front in the first quarter of the 16th century in all the countries of western Europe is a group of social thinkers. Out of this "new intellectual ferment" comes the demand for the enacting of systematic public provision for the destitute. During this period, the movement gained ground in all parts of western Europe, both those affected by the Reformation and those which remained Catholic. This philosophy recognized that no policy of mere repression could stop either begging or vagrancy and that a systematic provision must be made by the government for all those in need through any cause whatever. Further, all indiscriminate almsgiving must be forbidden whether actuated by pity, sympathy or any other cause, and a definite source and fund must be provided.

The leading thinkers in this movement were many. Each reformer had his scheme of social reform as well as of religious change. Luther, in his Manifesto to the Christian Nobility of the German Nation in 1520 declared that "one of the greatest needs of the time is the total abolition of mendicancy. It would be an easy regulation to introduce, if we have sufficient courage and earnestness, that every town should provide for its own poor people. Each town could maintain its own and it could discover which were truly poor." 2 Zwingli, in

1. Webb p. 29
2. Ashley p. 342
his reform measures introduced in Zurich in 1525, forbids every kind of begging and points out that only the sick and enfeebled are entitled to permanent support either in institutions or by means of outdoor relief. All cases should be investigated. The Scottish Nominalist John Major has his scheme also.

But England owes its penetration with the new philosophy in regard to the poor not to any of these, but to Juan Luis Vives (1492-1540) "a brilliant Catholic humanist" whom Henry VIII had invited to England. Vives' views are contained in a long treatise published in 1526 at the request of the city of Bruges. This work ranks as the earliest exclusively devoted to poor-law policy. The treatise was very widely read and discussed. Vives plan as described in his work may be briefly outlined as follows:

1. It is the duty as well as to the interest of the community to see that the destitute are provided for.
2. All begging of any kind forbidden.
3. An accurate census to be taken of all the destitute including an examination into the causes of their distress and their ability to labour.
4. For those unable to work, a refuge must be found in hospitals or almshouses with classification to meet the special needs of the sick, the insane, and the blind.
5. Those able to work should be given employment in their own community, and, if necessary, forced to labour.
6. Outdoor relief to be given to "the honest and shamefaced poor abiding in their own houses."
7. Education should be provided for children as a means of securing their moral improvement.
8. The existing endowments can be so managed as to prove with bequests and church collections, adequate for the carrying out of this program.

In brief, his proposal means the complete assumption

3. Ashley p. 342
4. Webb p. 36
5. Cf. Webb pp. 36-9; Ashley pp. 343-7; Loch pp. 305-6
of public responsibility for the relief of all classes of the destitute, and its administration by public officials. We have already seen the germs from which many of Vives' ideas could be developed. Institutions and endowments are already in existence. A beginning has been made in the taking over of public relief. The development of a comprehensive poor law from these initial steps makes up the story of the 16th century.

B. Urgent need of a Poor Law.

We have described briefly the conditions of the 14th and 15th century, the disorder and the great number of vagrants which successive statutes had been unable to diminish. We have discussed the rise of agitation for a public system of relief as personified in Vives, Luther, and Zwingli. Why should the 16th century be the century for the development of a comprehensive poor law? Let us examine some of the phenomena of the period and see why there arose such a greater need for a poor law that it was deemed best for the safety of the state to continue experiments into the poor law realm until a successful system should be developed.

Various dates have been given, some of which have been noted, for the real beginning of the English Poor Law. We have selected, for reasons which will appear, the 22nd year in the reign of Henry VIII as the dividing line between the old mediæval methods and the more modern plan of systematized control of relief.
1. Increase in vagrancy.

Many elements produced the social and economic catastrophe of the 16th century. "The condition into which the country fell can hardly be considered less than a catastrophe." The changing conditions induced by the decline of the manor, the breaking away from the land, and the giving way of feudalism to the modern industrial and commercial life created an unsettled, masterless class who roamed about the country. All change brings hardship; especially to those, of whom there is always a large group, who find themselves unable to cope with a new situation. Retainers were no longer needed by the lord, who now turned his attention to getting the maximum monetary return out of his land. Also, manufacturing into which many former agricultural labourers found their way, was a less staple and more fluctuating occupation than agriculture. Day-hire at wages is not as dependable as agricultural work wherein some one would see that all were cared for. The corporate towns were beginning to shut out labourers from the country, on the plea that they were beggars. The years 1619-1621 were "years of dearth and terribly high prices in England," increasing destitution and at the same time filling the ranks of those wandering about the country. Also there were many whose natural disposition, aided by the unsettled conditions and the demoralizing wars of the 14th and 15th centuries fostered the vocation of begging.

7. Webb p. 43
Before the 16th century, judging from the statutes, beggars were a decided nuisance. The 16th century brings many more, so many more that "it lives in terror of the tramp.

The decided increase appears to have begun in the early years of Henry VIII's reign, and was common not only to England, but to all the countries of western Europe. The people looked upon all vagrants as guilty men, avoiding work in order to live in an easy and disorderly manner, in spite of the fact that many were honest and really in search of work. "They would much rather be sick still with ease and idleness, than to be whole and with great pain to labour, to earn honestly their living?-- thus runs the opinion of a contemporary doctor. Southempton used its barbers to frighten away vagabonds, and 1527 paid 4 pence to 4 barbers for cutting the vagabonds' hair short.

In describing the condition of the crowd of vagrants waiting outside the gate of a certain hospital, Copeland, a contemporary writer, says there are "people with bag and staff, crooked, lame, and blind, scabby and scurvy, pock eaten both in flesh and skin, lousy and scald, and bald as apes, with scarcely a rag to cover them, breechless, barefooted, all stinking with dirt, with a thousand tatters drabbling to the skirt. Boys, girls, and lazy strong knaves, shivery and distracted. Common beggars are to be met with in all the streets." Certainly not much sympathy here!

9. Ribton-Turner p. 98
Some of the causes of this increase in vagrancy have already been suggested. There are others, of a very direct bearing in this century; namely, enclosure, dissolution of the monasteries, and debasement of the currency.

2. Dissolution of the monasteries.

The dissolution of the monasteries begun under 27 Henry VIII c. 28 in 1536 and completed 4 years later by 31 Henry VIII c. 13 has already been discussed. Our purpose here is to show its effect upon vagrancy and the need of a poor law. The confiscation of 606 institutions, the driving out of all of their inhabitants, and the shutting off of aid which was accustomed to be given by these institutions to wanderers, some, at least, of whom we must not forget, were worthy and really, unable to earn their living, was bound to have an immediate and vital effect. Henry and his courtiers may have believed that people would continue to give to the support of the poor under public control as much as they used to give to the old institutions of the now disestablished church. An estimated sum of £45,333 6s. 8d. had been given annually. But they certainly failed to realize that "men will give to what they believe to be a religion far more freely than they will to what they know to be want, and perhaps with reason." It is certain that the anticipation was not realized.

The dissolution of the monasteries was carried out

12. Rogers (Econ. Int.) p. 342
in such a way as to bring great hardship. Henry bestowed them freely upon his favourites. "This monstrous pillage of the poor and gross fraud upon the nation" produced an immediate effect. The real and deserving poor, robbed of what had been for centuries set apart to meet their needs, were flung upon society. Vagrancy everywhere increased. "Thenceforth pauperism became a caste in England." The greed of the new possessors, their utter disregard for anything but their own ends, coupled with the taking away of time-honoured institutions must have had an incalculable psychological effect, as well as a serious financial effect upon the condition of the poor. The new owners seized the waste-land and common ground, and raised the rents with the result that the poorer class (on these lands) "are brought to such poverty that they cannot maintain their families and pay the landlords their rent." The dissolution undoubtedly made the Poor Law more necessary and, coupled with other causes, brought matters to such a point that strenuous measures had to be taken if the state was to be preserved.

3. Enclosure.

By far the biggest cause of distress was the agrarian revolution which comprised all of those changes usually summed up under the single word "enclosure". Early in our period we studied briefly the manorial system wherein every man was bound

13. Cox (Derbyshire) p. 133; Smith, Toulmin p. 144
to the land which in turn maintained them all. Gradually, we saw, people broke away from the manor, some through being allowed to purchase manumission, others through flight either to other districts or into the gaige of vagrants infesting the land. So long as the land was turbulent and man power important to the lord, he was determined to keep his tenants. Large numbers of retainers were more important than monetary return. However, when Henry VII developed a strong central government, progressively lessened the powers of the nobles (already much eaten away by the Wars of the Roses) through laws against livery and maintenance and the putting down of private warfare, man-power was no longer vital to the lord. He now turned his attention to getting the most out of his lands in money. "It is easy," says Tawney, "to under rate the significance of this change, yet it is in a sense more fundamental than any other; for it marks the transition from the medi eval conception of land as the basis of political functions and obligations to the modern view of it as an income-yielding investment. Land-holding, in short, tends to become commercialized."

During the preceding century, England had developed to a great extent the textile industry, for which wool was a chief necessity. Thus, when attention was turned to economic profit from the land, the natural, indeed the inevitable procedure was to use the land for the breeding of sheep. But on most of the land were people, farming their own plots and using

15. Tawney (A. P.) pp. 188–90
with it, but also have raised and enhanced the prices of all manner of corn, cattle, wool, pigs, etc. almost double above the prices which have been accustomed."

The extent of the enclosures is variously estimated. It was most powerful in the midland section, during the 16th century the chief granary of the country and less felt in the southwest and southeast. Northumbria was affected but little. Here to the end of the century, the old tenure remains and the memorial officials who in the south were cursed as the agents of eviction and rack-renting were in the north trying to keep the peasants on the soil.

More's Utopia was directed against the excessive spread of sheep-raising with the resulting eviction of tenants. "Is not the government both unjust and ungrateful that is so prodigal in its favors to those that are called gentlemen... and on the other hand, takes no care of those of a meaner sort?" asks More. Goldsmith in his "Deserted Village" bewails the change.

"A time there was, ere England's woes began
"When every rood of ground maintain'd its man." 21

The immediate result of enclosure was the throwing out of employment of large numbers of cottagers and families who had found their living on the soil. Lock estimates that

18. Ribton-Turner pp. 78-9  
19. Tawney (A.P.) pp. 188-9  
20. Cheyney p. 326  
21. "The Deserted Village", lines 57-8
in the change to sheep-farming, a hersman and his wife took the place of 18-24 farm hands. The avenues to trade and business were blocked by the rules of the Corporation and the requirement of seven years of apprenticeship, practically impossible for the family man. By statute they are punished if they don't work and punished if they seek work. If they go to live with others on losing their own homes, they are punished for violation of the Statute of Inmates. In the words of the Statute of 1533/4 (25 Henry VIII c. 13) they "be not able to provide meat, drink, or clothes necessary for themselves, their wives and children, but be so discouraged with misery and poverty that they fall daily to theft, robbery and other inconvenience, or pitifully die for hunger and cold."

Statistics are obscure but the depopulation caused by the enclosure, which by the end of the century statesmen began to understand as related to pauperism and vagrancy as cause to effect, played a vital and compelling part in forcing the state to organize public relief, "the most enduring achievement of the social legislation of the 16th century statesmen."

4. Debasement of the currency (1543)

Rogers lists first in his causes of the total subjection of the poor, "the deluge of base money," the amount of

22. Loch pp. 293-4
23. Ribton-Turner pp. 78-9
24. Tawney (A.P.) pp. 266 and 272
25. Rogers (Econ. Int.) p. 240
which he estimates as equal to all the gold and silver for any period of 10 years of Henry VIII's reign. Further, the depreciation in the value of money threatened with ruin those who did not adopt the new method of commercializing land; that is, by sheep-farming. Thus this base currency increased the amount of enclosure. With the issuance of base money, prices are arbitrarily raised, always in excess of wages which are especially retarded now because of the wage legislation. The hardship falls heaviest on the poor. The prices were so enhanced that "neither the poor labourer can live with their wages that are limited by your Grace's laws, nor can the artificers make, much less sell, their wares at any reasonable price." Provisions rose 2½ times. "16.6 shillings after the change went no further than 6 shillings did before." Wages remained unchanged.

Added to the debasement, and producing a similar result was an influx of silver from the New World. This great increase of silver in circulation plus the cheapening of the existing money caused prices to rise 50%, and again in the next decade, 50% more while wages rose only 15%. In 1500, the price of a goose is 4d., in 1541, it has risen to 7d.; the value of a dozen pigeons rose from 4d. to 10d. and of a hundred eggs from 6d. to 1s. 2d. in the same period.

26. Doch p. 294
27. Rogers (Econ. Int.) p. 240
28. Leonard p. 16
29. Nicholls p. 149
C. Municipal Ordinances

A model for the state to copy in its experiments to build a national system of poor relief is found in the municipal ordinances of the corporate towns and cities. The national legislation lags behind the local, but it tends to try the same experiments and the same methods. London was the first secular authority to organize the relief of the poor.

The earlier ordinances, like the legislation of Parliament, are negative rather than positive; that is, they aimed at keeping out beggars and vagrants by the stringent punishment of begging. As early as 1359, London directed an ordinance against country labourers who, having fled from the farms, were flocking to the city where many lived by idleness, thus using alms which might otherwise be given to the deserving poor of the city. The regulation orders that any found begging be put into the stocks for ½ a day for the first offense, 1 day for a second, and 40 days imprisonment for a third offense. All of the constables and beadels of each ward are empowered to arrest all such people. In 1375, London passed a similar ordinance by which any able to work were punished if they were caught begging. Other cities and towns, tried to protect themselves in a similar manner.

At an early date, corporate towns gave relief to the necessitous. In Southampton in the 14th century, forfeits and alms were awarded to the poor. In the next century, lists

30. Leonard p. 5; Ribton-Turner p. 51
of weekly payments of alms are kept. In 1441, we find the
city giving 44 2s. 1d. every week to poor men and women. In
Lydd, corn was given by the town to its poor at Christmas and
Easter.

The supervision of relief was often entrusted to
municipal officials. The Mayor of Landwick was also manager
of the hospitals of St. Bartholomew and St. John. The munici-
pal council of Exeter appointed a Warden of the Poor annually
to look after its many charitable foundations. In Hereford
there was a municipal almshouse, "supported by way of payment
to the corporation from ecclesiastical tenants for a share in
the city's privileges."

Many cities established a town stock of wheat or
rye for sale in time of famine at low prices; at such times
they imported grain to distribute to the poor. There were
also practices, really amounting to taxation, in order to
secure funds for the care of the poor, such as leper tolls (as
gathered at Ipswich, Chester, Southampton, Carlisle, and
throughout all Cumberland) and hospital tolls (used throughout
York and Durham.)

London was usually the leader in relief legislation
due to the fact that being the largest by far, it attracted
most the class likely to become beggars or incapable of self-
support. In 1532, the city decreed that collections be taken

31. Leonard p. 9, estimates that this sum would care for
140-150 persons per week.
32. Green pp. 41-2
33. Webb pp. 22-3
up each Sunday at the church doors by two aldermen as a means of getting money for relief. This proved insufficient. Due to the increasing numbers of destitute London was forced to find a more stable source of income, and in 1547, assessed the first compulsory poor rate in England. The ordinance provided that instead of the voluntary contributions at the church doors on Sunday, the people of London should pay towards the sustenance and maintenance of the poor "the moiety or half-deal of one whole fifteenth." Further, all poor were to be divided into 3 classes: the poor by impotency, by casualty, and the thriftless poor, each class being subdivided into 3 degrees. For the first two classes, hospitals were to be used, supported by the city. For the third class, the law set aside a "wide, large, empty house" given to the city by Edward VI, and called Bridewell. Here they were to be put to work. This institution became a model and the name Bridewell became the popular one for similar Houses of Correction all over the country. In 1554 London was forced to issue another decree against beggars, this time ordering them to leave the city and forbidding merchants to sell any provisions to any serving men unless the same showed his letter-patent. Two years later, London again complained of the great number of beggars and the increasing poverty within its limits. Taking the stand that early marriage was a great source of this wretchedness, the ordinance of 1556 increased the period of apprenticeship to the age of 24. In

34. Because located near the ancient well of St. Bride.
35. Webb pp. 47-50; Ribton-Turner pp. 97-8
1569, a further ordinance against beggars provides for the searching out by each Beadle, of all idlers and beggars and the bringing of vagabonds and sturdy beggars to Bridewell; aged and impotent to St. Bartholomew's or St. Thomas's, and children under the age of 16 to Christ's Hospital. A watch is set at the city gates to keep out all undesirables. The next year, because of the consequences brought on by a slight plague, London decreed that all vagrant, masterless, and poor be taken to the hospitals and cleansed. Then those who do not belong in London are to be banished. This vigorous repression of vagrancy seems to have been successful, for in 1575, Stow tells us, there are few or no rogues or thieves in gaol, for neither rogues nor masterless men dared now once appear in those parts.

Other cities followed the same general policy. In 1539, Chester made a series of regulations as to beggars whereby all the needy are to be searched out and divided into 5 groups, each of which was to be assigned to a ward wherein they are to beg. As a check-up, their names are to be written and a list kept in each man's house. If a beggar's name is not on this list, he is to be sent to the stocks on penalty of a 12s. fine. The ordinances also provided for the setting to work on schedule of all able-bodied idlers. Norwich in 1571 made a very complete and detailed scheme of relief including

36. Ribton-Turner pp. 97-8; Bland p. 323
37. Ribton-Turner pp. 104-5
38. Ibid
the forbidding of all begging, the establishment of a Bridewell for the setting to work of the able-bodied under the complete charge of a special bailiff; the appointment of an "officer surveyor" to go about the city to arrest able-bodied idlers or disorderly persons; and the appointment of women to receive into their homes girls and children whom they shall set to work and so teach that they shall not grow up to be idlers. For this last, a payment of 20 shillings a year is given for each person so cared for. A penalty of 20 days imprisonment is imposed on those who refuse to do such work if appointed to it by the city. Colchester definitely ordered a compulsory assessment for poor relief in 1557; Ipswich and Norwich followed suit.

Outdoor relief of the poor was given by some of the towns as early as the reign of Edward VI. A few examples of such relief by the town of Exon are:
"to Tennyson's man for bringing up coal to the poor.
"for three hundred turves to the poor 9d.
"to the poor women the 18th of April for a month 3s." This is a continuous item later referring to them as "the poor women in Painter's House."

Thus we see here in advance of national legislation all kinds of relief and suggestions as to what should be included in a complete public poor relief system.

40. Bland pp. 369-72
41. Boyle pp. lxiii-lxiv
D. Legislation, 1530 - 1601.

1. Statutory provisions through the Act of 1576.

As distinguished from statutes merely penal in character threatening dire punishments to beggars or vagrants and those which provide in some way for relief, 22 Henry VIII c. 12 is the first enactment which can be called a law for the relief of the poor. This Act is significantly entitled, "How Aged Poor and Impotent Persons Compelled to Live by Alms Shall Be Ordered."

Beginning as is usual, with a complaint about the great increase in the number of beggars, this statute makes a distinction between the aged, poor, and impotent persons and those whole in body and able to labour. Beggars are divided into these two classes. The first class, the impotent, the Justices of the Peace are to search out, each in his own territory, and allot to each such impotent beggar a certain district in which alone he may solicit alms, giving him a letter containing such information and keeping a duplicate for themselves. Should any be caught begging beyond the limits thus assigned, he is to be punished by imprisonment in the stocks for 2 days and 2 nights with only bread and water. If any impotent person is found without such a letter, he is to be whipped, stocked for 3 days and 3 nights with only bread and water and then assigned to a district wherein he may beg.

Any person whole of body and able to labour found vagrant and unable to account for his mode of living is to be
brought to the Justices of the Peace who are to have him stripped, tied to a cart, and whipped throughout the town until bloody; then enjoined to return to his place of birth or to the town wherein he last resided for 3 years, there to put himself to work. He is to have a letter describing the above punishment. If the person whipped is an idle one but not vagrant, after the whipping, he is to be kept in the stocks until he has found surety to work.

For negligence in the carrying out of this statute, a town may be fined 3s. 4d. for every impotent beggar and double the amount or 3s. 6d. for every able-bodied beggar. Froosters, gardeners, and all other idle persons found with the proper authority are to be whipped, stocked, and lose an ear. Anyone aiding an able-bodied beggar is liable to a fine at the discretion of the Justices; anyone hindering the execution of the statute is fined 100s. plus a sentence of imprisonment.

Enforcement is hastened by a proclamation from the king stating that if within 2 days after the enactment, any are found without a letter, out of the hundred in which they were born or last resided for 3 years, they are to be whipped and then given a letter on receipt of which each is to go immediately to his proper place of abode.

The statute is progressive in its distinction between impotency and pure vagrancy, but it makes no provision for

42. Cf. Tanner pp. 470, 475-80; Eden pp. 4-5; Webb pp. 44-5; Ribton-Turner pp. 74-8
43. Ribton-Turner p. 78
their support other than directing the Justices to give them licenses to beg in a definite territory. Further, it does not say how the impotent and able-bodied are to go to their proper districts if they are found in other places, nor does it say how they are to be received; set and kept at work. The mere recognition that there are people unable to work represents a change in attitude and is a step in the right direction. As a corollary of this recognition comes the recognition of a duty of the state towards those people. Out of this the whole system of poor relief was destined to grow.

Samples of the form letters prescribed by the Act include:

License to an Impotent Beggar to Beg.

"Kent as Memorand that A. B. of Dale for reasonable considerations is licensed to beg within the Hundred of F. K. and L. in the said County, given under the seal of that limit, tali die et anno."

Letter to be delivered to a beggar or vagabond after he had been whipped.

"Kent as J. S. whipped for a vagrant strongbeggar at Dale in the said county, according to the law in the XIX day of July in the 20th year of King Henry VIII was assigned to pass for with from thence to Dale in the county of Gh d; where he saith he was born, or where he last dwelled by the time of 3 years, and he is limited to be there within 14 days next ensuing at his peril, or within such number of days as to him shall be assigned by the discretion of the maker of the said letter; In witness whereof the seal of the limit of the said place of his punishment hereunto is set." 44

This act remained in effect for five years; then succeeded by 27 Henry VIII c. 25 which recognizing the deficien-

44. Ribton Turner pp. 74-5; Eden p. 18
cies of the previous act, is enacted to supplement it. It adds, however, a new doctrine—for the first time, no begging is to be allowed and no alms are to be given to individuals. Instead as a means of income, the town officials with the churchwardens or two others of every parish are to collect alms every Sunday, holyday, and festival so that all impotent might be fully relieved and none beg. Clergy are to exhort the people to be generous. All giving of private relief is forbidden under penalty of a fine of ten times as much, and all persons or bodies which used to or are bound to distribute to the poor, are to bring all to the common box, a record book of which is to be kept in each parish. This money is then to be used for relieving the impotent and setting the idle to work. A quarterly inspection is ordered into the accounts of each collector with a penalty in case of default of 6s. 6d., by the churchward (who now may serve one year only) assisted by "3 or 4 of their honest neighbors."

Further provisions include the appointment of 2 or 3 of each parish by the mayor or constable to collect 2 or 3 times a week broken meats and drink from each householder. All thus gathered is to be evenly divided among the poor. Rich parishes with a surplus in the common box should give this surplus to other poor parishes in the town or hundred. If a parish does not maintain its poor, it is fined 20s. a month unless it be proved that their funds are insufficient.

45. Cf. the London Ordinance of 1532.
In regard to whipped beggars passing to their proper place of abode they shall be entitled every 10 miles to go to the constable of the parish in which he is, and there receive meat, drink, and lodging for one night only. On second offense, the able-bodied beggar is to be whipped and lose the upper part of the gristle of his right ear. On any further offense, he was liable to death as a felon, and as a common enemy to the Commonwealth.

More than did its predecessor, this statute aims at establishing a nation-wide organization, with the public officers (as opposed to ecclesiastic officers) of every parish or township being, for the first time, definitely charged with the duty of maintaining the impotent poor. For this purpose all of the alms and charitable funds of the community are concentrated in their hands. Also for the first time, none are allowed to beg. The duty of setting the able-bodied to work was imposed upon the parish authorities, but the provisions for it were indefinite and sketchy. The essential things needed now are a stable, calculable income for the support of the poor and definite provision for the setting and keeping to work of the able-bodied. The modern idea of public works by the state to give these employment was discussed. The Crown had suggested measures to the Commons providing that able-

46. "There were few more constant drains on the parish funds than the relief of licensed vagrants travelling with passes." Cox p. 336
47. Cf. Eden pp. 5-7; webb pp. 45-7; Ashley pp. 366-8
Ribton-Turner pp. 81-3; Tanner pp. 479-81
bodied beggars be set to work at the king's charge, some at Dover and others at places where the water had broken over the lands. But for some reason, no statute containing such a clause was passed.

Hobhouse maintains that this statute was completely disregarded, at least by the parishes whose records are extant. The individual parishes either were not amenable to state regulation or considered still their own system adequate for their needs.

The children of Henry inherited a strongly centralized government, but it was of a country in which poverty and unsettlement in spite of frequent statutes, were very great. The whole system of endowed charities, ecclesiastical and lay, which had been the bulwark of previous relief, was now broken up with the property for the most part going into other hands. This source of funds for relief was dried up and dissipated. The civil government tried to organize a system of poor relief through the new church without taxation, but this proved to be unsuccessful. In the reign of Edward VI, the height of these efforts to prevent unsettlement or vagrancy is reached. Reliance continues to be placed throughout his reign upon voluntary contributions coupled with exhortations by the clergy and increasing pressure upon the contributor.

48. Ashley pp. 388-9
49. Hobhouse p. xv
We now come to the severest enactment against vagabondage, a statute so savage in its penalties that it seems impossible to believe that it should have been carried out. Based on the assumption that vagabondage is "the mother and root of all evils", 1 Edward VI c. 3 (1548/9) begins with admitting that all the good and godly previous statutes which it now repeals, have not been effective. In spite of their punishments, vagrancy has increased. The weapon to combat this increase must be severity. Accordingly, any able-bodied man or woman refusing to work and living idly for 3 days is to be branded, the statute provides, with a red hot iron on the breast with the letter V (in token of his vagrancy) and then adjudged the slave for 2 years of the person informing against him. During this period of slavery, he is to be fed bread, water, and such refuse meat as the master may wish to give him; forced to perform any labour demanded of him, if necessary, by the use of chaining or whipping. If he runs away for a period of 14 days, he is to become the slave of his master forever and be branded with an S. Upon running away a second time, he is adjudged a felon, with death as the penalty. A master may, should he so desire, put a ring of iron about the neck, arm, or leg of his slave; sell, hire out, or give away his slave to anybody for the period of years for which the latter is to be his slave. A slave turning against his master or his property and doing damage is guilty of death as a felon.

If a vagrant for 3 days is found by the Justices of
the Peace in their monthly search for able-bodied vagabonds, he too, is to be branded with a V and sent to the proper place and there kept in chains or otherwise either at the common works in ascending highways or in the service of an individual. If any such person should lie about his proper place of abode, he is to be branded with an S and adjudged a slave forever to the inhabitants of the town in which he said he was born.

All persons were empowered to take idle children from vagrants and keep them as apprentices, in the case of boys until the age of 24, and in the case of girls, until 20. If they run away they may be punished in chains, and be considered slaves until reaching the age of 24 and 20, respectively.

In regard to the impotent poor, the officials are to lodge them in cottages or in convenient houses, there to be relieved by the devotion of the good people. Periodic inquiries are to be made so that the town may not be burdened with the support of those not properly belonging there. All who are at all able to work are to be employed by the town or by individuals, "who would find them meat and drink for their work." For funds, reliance is still placed on voluntary alms, to be collected every Sunday and Holyday, after the sermon of the curate who is to exhort to the best of his ability, the people to remember the poor and the duty of Christian charity.

This act so atrocious in its penalties, so full of opportunities for oppression and misery was repealed 3 years.

50. Eden, pp. 10-14; cf. also Tenner pp. 470-2; Ribton-Turner pp. 69-92
later by 3 and 4 Edward VI c. 16 (1550). Whether or not it was actually enforced in all its severity to any great extent is a matter of doubt. It was, however, one of the contributing causes of Ketts Rebellion in 1549.

As a result of this uprising, a proclamation was issued against idle vagabonds demanding that the statute be vigorously enforced and stirrers-up of tumults be hanged without delay. After the rebellion, Sir John Cheke attests the failure of the entire statute in a work called "Hurt of Sedition - how grievous it is to a commonwealth", in which he says in part, "that say ye to the number of vagabonds and loitering beggars, which after the overthrow of your camp and scattering of this seditious number, will swarm in every corner of the realm, and not only lie loitering under hedges, but also stand sturdily in cities, and beg boldly at every door, leaving labour which they like not, and following idleness which they should not.

Although decidedly repressive and inhuman in its punishments, this act of 1 Edward VI c. 3 was to a certain extent progressive in its provision for the erection of suitable tenements, cottages and other convenient houses for the aged, crippled, and the weak. These classes, the most needy of all, are now given by statute at least, a definite place of abode in which they will be cared for. Also, many parishes, especially those of the Midland counties, adopted the plan set

51. Ribton-Turner p. 94  52. Ribton-Turner pp. 92-3
forth in the statute for the unemployed poor. In these places, the unemployed known as "roundmen, went from house to house, and every household, of a certain rental was bound to employ them for at least one day at a certain wage."

The act as a whole, was not successful, however, 5 and 6 Edward VI c. 16 (1549/50) in repealing it laments that the statute has not been duly executed and that the number of idlers and vagabonds has daily increased. The present statute returns to that of 22 Henry VIII c. 18 of 1530/1 adding amendments to the effect that labourers refusing to work are to be treated as vagabonds, and placing emphatically upon the parish the responsibility of caring for those unable to work and the setting to work of those who are. For income, the enactment relied still on the voluntary alms of the church members. The weakness of such a source is of course its uncertainty.

The next year brings another act whose purpose is the provision of a more definite source of income.

5 and 6 Edward VI c. 2 (1551/2) directs that the magistrates of the towns and the ministers and churchwardens of the country parishes appoint annually at Whitsun tide, 2 or more persons as collectors of the alms for the relief of the poor.

These officers are, on the Sunday after their election when the sermon has been heard, to ask each household what it will give weekly for the relief of the poor, and to record the sum in a special book. They are further empowered to collect

53. Ashley pp. 365-6
54. Ribton-Turner pp. 94-5; Hobhouse XV
these sums and to use them for setting the poor to work or supporting them as the case may be. Quarterly accounts are to be made to the above-mentioned magistrates or to the ministers and churchwardens. For enforcing the payment of this weekly sum, the statute provides for exhortation by the minister; then, if ineffective, by the bishop who shall induce him "by charitable ways and means." A penalty of 20s. is imposed for refusal to be a collector.

In 1552 in kitten, we read that a poor-box was set up under orders from the archbishop by the wardens who were required to gather the gifts to the poor and dispense them among the poor. Here, the ecclesiastical rather than the civil, took charge of a function similar to that enacted by statute for civil officers. This is probably the step taken, if any, by most of the parishes.

The end of Edward's reign leaves the relief of the poor under an arrangement similar to that of Henry VIII, with an improved method for and definite officials assigned to, the collection of alms and the dispensing of relief to the poor.

In the first year of Mary's reign Edward's statute is continued by 1 Merse 2, c. 13 (1553). Again by 2 and 3 Philip and Mary c. 5 of 1555, it is connected with a change in the date of appointment of collectors from Whitsuntide to Christmas. Also by this act, the justices of the peace are empowered, in case the parish is too poor to support all of its needy, to 55. Eden pp. 12-14; cf. also Webb pp. 46-7; Tanner pp. 471-2
license some to beg outside the parish limits. Thus begging, outlawed for over a score of years is again permitted by statute, indicating that it never did really cease. The next year, 1 and 5 Philip and Mary c. 9 again enacts the same provisions adding the practice of begging the begging poor. This is the final statute on the subject in the reign of Mary. Altogether, there is but little change.

Despite all the statutes, vagrancy and idling had greatly increased and it was necessary for Elizabeth to give considerable attention to the problem of poor relief, giving rise to a number of enactments. Behind the brilliant period of her reign "glean a background of social equal and misery." The deficiencies or errors of the previous laws must be corrected. A few years had shown the lack of real compulsion back of extortion by the bishop as a means of insuring contributions, the inadequacy of voluntary aid even under the weekly payment plan, and the inability of forcing, under the existing rule, the collectors to account for the money received and paid out. Further, in parishes whose records are in print, it is apparent that they failed to live up to the provisions of the statutes, preferring still to work out their own methods as they had for centuries. All of these weaknesses must be corrected if a successful public system was to be organized.

56. Hobhouse xv
57. Eden p. 14; Minton-Turner pp. 98-9
58. Tawney (A.P.) p. 193
The first act of Elizabeth (1 Eliz. c. 18) was to continue the existing statute. Her first important enactment with poor relief was made in 1562/3 by 6 Eliz. c. 3. Commencing with practically a re-enactment of 2 and 3 Philip and Mary, it changes the date of selection of collectors of alms to Midsummer Day; and increases the penalty of refusal to £10. The importance of the statute is in the increase in the pressure on the almsgiver, practically amounting though with much circumlocution, to the levying of a rate. If the bishop is unsuccessful in winning over an obstinate alms-refuser, he is to bind him over to the Quarter Session under penalty of £10. If the justices fail to induce the man to give, they are empowered to rate, oot, or tax that person according to their discretion, a sum which he must pay weekly or on default be committed to gaol. The basis of the rate is made ability to pay and property is held subject to taxation for the poor.

These are two very important elements in a successful poor law. That this provision of making the justices the ultimate controllers of almsgivers was carried out is attested by Care, who says that the Act books "teem with presentments like these; 'one Holaway refuses to give to the poor box and is found able by the parish'..."Thomas Arter will give but a half-penny to the poor. Arter appears and says he is not of the wealth that men take him to be. The judge commands him to pay a half-penny

59. Evidently all parishes had not complied with the statutes in the matter of date for in the previous year St. Helen's elected on May 4. Cox, J. E. (St. Helen's) p. 102.
every week. In addition, the statute also tightened the control over the collectors by requiring them to settle their accounts within 5 days, or be committed to gaol.

A corollary to this act, 5 Eliz. c. 6 passed in the same year, has called down the severe condemnation of practically every writer. It relates to the statutes of labourers, of which we have seen many, 34 to be exact, since the Common Ordinance of 1349. Despite their severe penalties, these statutes had been ineffective. 5 Eliz. c. 6 admits in its preamble that these former statutes, which it now repeals, could not be carried into execution "without the great grief and burden of the poor labourer and hired man" and then continues to enact a law along identically the same lines. All persons from 14 to 60 not otherwise employed were compelled to serve in husbandry with hours of work, and the rates of wages fixed annually by the Justices of the Peace in their Easter session. Single women from 12 to 40 may be compelled to work by the day, week, or year. Artificers are compelled to serve in time of harvest or be put into the stocks. Settlement is enforced through the necessity of testimonials before one can enter into any other service on pain of imprisonment. The inequalities recognized by the law and the favoritism shown to the master may be seen from the punishments for breaking the enactment.

Masters dismissing servants wrongfully are subject

60. Ware p. 41
62. "the very reason why earnings of labour should never be subjected to legislation" -- Eden pp. 15-16
to a fine of 40s. while servants leaving unlawfully are subject to imprisonment. An employer not complying with the wages set is imprisoned 10 days and fined 40, while a labourer is imprisoned 1 month and the 10s which naturally he would find for bread to procure. Further, a labourer assaulting a master was to be imprisoned for not less than 6 months.

As to the enforcement of the act, Rogers has discovered 13 schedules of wages. Cox has 2 additional ones and explains the lack of more with the idea that probably the same schedule was often republished. Rogers, an authority on wages and prices, says there is no wage at a level which "from the evidence of prices, would not, even if the peasant had continuous employment, find bread for him and his household." To earn a year's living, says Leach, it would have taken a labourer "not 52 weeks, but sometimes 2 years, or 52 weeks, or 65 weeks." He also maintains that it was enforced throughout this century and at least at times to 1814, when it was at least repealed. However, enforced, its effect must have been oppressive in the extreme to the labouring classes. It is the final labour statute of our period.

The purpose of the act was to prevent numbers from entering into commerce and manufacturing, then coming to the fore of England's industries and offering an attractive opportunity for the common labourer. But the results were more fer-

63. Ibid
64. Rogers (D.D.) p. 241
65. Leach p. 313
reading. Just acquiring independence after the servitude of
Feudalism, labourers were subjected to a bondage of capitalism
for nearly 3 centuries. "The most inhuman of the many atro-
cious acts levelled at that ever, right of the poor," it
"criminalised the degradation of the poor, made pauperism in-
evitable, and misery universal;" and "delivered English
labour tied and to no, into the hands of the most interested
capitalists"—are some of the opinions voiced by authors.
It continued in force for over 250 years with results still
evident. "If you go into the streets and alleys of our large
towns, and indeed, of many English villages, you may meet the
fruit (of this statute)... in the degradation and helplessness
of poor countrymen."

The relation of this act to further legislation for
the poor is in many cases, that of cause to effect. By setting
the wages to be paid to workers, the state made itself respon-
sible for their sufficiency. Any lack must be made up by
relief. By making a poor law more necessary, the use of the
compulsory poor rate was inevitable. With this, despite fear-
ful conditions among the lower classes, it might be possible to
continue such an arrangement for some time, as it was for 2
centuries and a half. Perhaps in this one statute may be
found the explanation of much of England's later history.

The same year brings still another statute—this

66. Rogers (E.I.) pp. 240-1
67. Cox (Derbyshire) p. 237
68. Rogers (Six. Cent.) p. 425
time against vagabonds of all kinds, directing that a thorough search throughout all England on the same day be made by the Sheriffs and the Justices of the peace. In this man-hunt, Stripe estimates that 13,000 masterless men were taken up. Any foreigners among these were to be expelled from the country, and all others, able-bodied or impotent, be classified and provided for as the preceding statutes enacted. This was, it could seem a spectacular attempt to wipe out vagrancy and get every man settled.

That it was not a decided success is shown in the preamble to the next important legislation on poor relief, wherein complaint is made that all parts of the realm are "exceedingly pestered" with rogues and vagabonds "by means whereof daily happens in the same realm horrible murders, thefts, and other great outrages."

This important statute, 11 Ill. c. 5 repeals the former vagrancy laws, not including 8 Ill. c. 4, the Borrowers' statute; and combines vagrancy and relief in one. Entitled "An act for the punishment of vagabonds and for the relief of the poor and impotent", the statute proceeds to define the term vagabond in no uncertain terms, listing no less than 8 classes of people who are to be considered vagrants, including besides the generally accepted class of those unable to account for themselves or refusing to labour, players in interludes, for-

59. Ribton-Turner pp. 102-4
70. Tanner p. 472
tune-tellers, counterfeiters of hunting licenses, fences, bondsmen, and shippers pretending losses at sea. Any of these found over 14 are to be gaged until the next quarter sessions at the expense of the parish. On conviction by the justices, the penalty was whipping and turning through the gristle of the right ear with an iron about an inch in circumference, unless some reliable person would take the offender into his service for one year. On second offense, if over 16 years of age, the penalty was death as a felon, unless again some reliable person would take him, this time for a period of 2 years. For a third offense, death as a felon was mandatory.

On the relief side of the statute, the justices and the town or parish officials in meeting are to settle all poor people in convenient homes, and on ascertaining the number of such needy and the amount necessary to provide for their relief, the said officials are to decide the weekly assessment which will bring in the necessary funds. Using this rate, the first definitely provided for by national statute, they are to tax and assess all the inhabitants to such weekly charge as each is to pay, listing each name and the amount taxed per week. To collect these rates, collectors (like the old collectors of alms) are to be appointed for one year. These officials are also to appoint overseers of the poor for one year with a fine of 10s. for refusing. These overseers are to have complete charge of relief, and if any surplus remained after maintain-

71. Eden pp. 16-17
ing the impost on poor as provided, they were to use it to at
rogue end able-bodied vagabonds to work. It is interesting
to note that the present system of Scotch poor law is modeled
on this statute.

Here we have in fact the poor rate which the Act of
1662 called for in effect. This affords proof that voluntary
contributions so long depended upon, had not been sufficient.
England was a long time in recognizing that such a rate was
inevitable. The City of London had adopted it in 1547. Paris
adopted it soon after, and in 1562 it was put into effect for
all of France.

Such was the law. The real action in the individual
districts varied with the needs of that locality. Generally
speaking, the individual towns or parishes did not commonly re-
sort to rates unless other means of income, such as endowments,
municipal or parish lands, church clerks, alea, etc., proved
insufficient. At Boston, Norfolk, there was no rate because the
revenue of the town was already sufficient. Where rates were
levied, it was done in all sorts of ways varying from parish
to parish, town to town. In an emergency, the principal men of
the parish might tax themselves only; the rate might be payable
in kind; it might be assessed for each by yardland or per acre,
on an ability-to-pay basis; by assessing an arbitrary sum on
each person, farm, or house, or rating the assumed value of

72. Of. Neden pp. 16-9; Blend pp. 372-3; Ribton-Turner pp.
106-8; Michell's pp. 161-6
73. Ribton-Turner p. 344
74. Ashley p. 360
75. Ware pp. 59-61
the poor.

Rogers has recovered one of these assessments, a rate levied on the parish of Sandridge for the relief of the poor and of armed soldiers, and among other things, the maintenance of prisons and hospitals. The rate of assessment is a penny per acre. The justices direct that "only 1 rate a year shall be levied on owners and occupiers of under 10 acres, twice a year on those above 10 and below 50, all additional assessments, if required, being paid by those who are over 50 acres . . . . But the rate provides that if the occupier has little land, but a good house, he shall not be exempted from a tax which is not to be too heavy on the poorer tenants." This seems a very fair taxation. By the country as a whole, however, the poor rate was felt, even before it was passed, to be a "greater tax than some subsidies," and a century later it amounted to a "third of the revenues of England and Wales."

Boyle in his accounts of the port of Hooon, gives the oath of office to be taken by the overseers and collectors in that town in the early reign of Elizabeth. "You shall swear that you will well and truly serve this town and corporation for the year following in the office of collectors and overseers of the poor, wherein you shall provide for the poor thereof according to the statute in that case made and provided, and all other things belonging to your office. So help you God."

76. Ware pp. 88-9; Webb p. 15
77. This is an early example of progressive taxation.
78. Rogers (R.I.) pp. 242-3
79. Loch p. 116
80. Boyle p. xci
Were the two offices appear to have been held by the same person.

Details as to enforcement are rare, for the records of the Quarter Sessions, although such sessions began in 1652 do not exist until 1680. In the beginning of the next century, as early as the records do begin, however, we find reference to the enforcement of these rates. In the North Riding Records for the year 1685, for example, we read that "John Gill, Wm. Swain's wife, William Freeood, William McKibb, Thomas Ford, John Scoott, 111 of Harma, (are presented) for severally refusing to pay the same levied on them for the relief of the poor suffering under the violation of pittance, contrary to Christianity". Webb cites "Innumerable Instances" in which men and women strong and fit for labour, but having neither masters nor lawful vocations whereby to get their living were adjudged vagrants, arrested and burned through the gristle of the right ear at the close statute enacted. Here, however, maintains that it was the principal act of 1660-1 which governed the action of the Justices; and also, that in spite of the statute giving the Justices the power to appoint or see that collectors are appointed, the ecclesiastical courts rather than the Justices usual to have made" after the matter. The overseers of the poor were supposedly regular officers, but in Cresley, at least, the churchwardens did not give up their interest in the poor, and usually one of them served as an

81. Atkinson p. 3
82. Webb pp. 57-8
83. Ware p. 27
An important addition to poor law administration is found in this statute in the provision for putting to work with any surplus funds, the rogues and vagabonds. In this enactment, it is, however, very indefinite, and is stated more as a permission than as a requirement. This provision is greatly extended by the next relief act in 1576.

18 Eliz. c. 3 (1576) contains two points of importance: the provision for tax-supported town stocks on which the poor can secure work and the provision for the erection of 1, 2, or more Houses of Correction in each shire. In regard to the former, the Justices are to set up in each city, corporate town, or market place a competent stock of wool, hemp, flax, iron, or other material to be paid for by taxes levied on all inhabitants. This stock is to be under the supervision of Collectors or Governors of the Poor, appointed by the Justices and the town officials. These collectors may deliver a portion of the stock to needy and impotent persons to be wrought, presumably in their own home, into yarn or other matter as the case may be, within a given time. On bringing it back to the collectors and governors, the worker is to be paid and given more stock under similar conditions. The finished products may be sold by the governors at the market, using the money to buy more stock so that the total might not be decayed in value. The purposes of this provision are to teach youths to work that

84. Gras p. 577
they may not grow up in idleness, to give work to those who need it, and also to those who make the excuse that they are unable to find work—the first glimmer of insight into the problem of unemployment through inability to find work.

The second part of the statute decrees that buildings shall be purchased or hired for use as Houses of Correction, in all probability modeled after the Bridewell given in 1546 by Edward VI to the city of London. All those who refuse to take any of the above work and continue to live in idleness or who spoil any of the stock, as well as those who continue to beg are to be received into these said Houses of Correction, there to be "straightly kept in diet as in work and punished from time to time." This institution managed by appointed wardens and censors is to be supported, as in the case of the stock, by an assessment on the inhabitants. Failure or refusal to pay this tax is penalized as also in the case of the stock, by a fine of double the amount. Anyone refusing to accept the office of governor of the poor is subject to a fine of 35.

A minor clause in the statute quickens the enforcement of the statute against vagrants by providing for their transportation by the constable of the town in which they are found, to the constable of the next town and so on until the appointed gaol has been reached.

This statute by discriminating between those who are unemployed because they cannot find work and those unemployed

85. Tanner p. 483
because they don't want to work makes a valuable distinction from the view-point of the needy poor who now for the first time have a chance to escape the severe and degrading punishments of the vagrancy laws. Whether or not the statute was immediately carried out is a matter of conjecture. Some parishes did establish stocks; some established Bridewells.

Exeter, we know, had a Bridewell in 1587; Northampton, although we find the name Bridewell on the town survey in 1586 did not, in the opinion of Cox, establish one until 1615. The Quarter Sessions Records when they do begin, mention several such institutions. Probably, as with other provisions, each territory established a House of Correction when conditions demanded it.

In these two statutes, that of 1572 and that of 1576 we have a comprehensive system of relief supposedly extending to every part of the kingdom, and aiming at a complete and systematic maintenance in the parish in which each belonged, for all classes in need of relief. For helping those unemployed through inability to find work, there is the stock of materials on which he may work and be paid for it; for the idler who cares not to work, we have the penal institution in which he will be forced to work and lead a partially useful life. The provisions are the groundwork for the relief as systematized in 1597 and 1601.

As soon as 1579, complaints are made about the execution of the statutes. One written in that year, declares

87. Cox, J. C. (Northampton) p. 177
that if these were "justly, truly, and severely" executed as they ought to be, implying of course that they are not, the "dung and filth of idleness would easily be rejected" and cast out and there would not be seen the numerous loitering, idle persons and ruffians now apparent everywhere. In 1586, the Queen deemed it necessary to issue a proclamation urging the Justices to carry out the statutes and set the unemployed to work through the use of the stock as provided in 1576, and relieve the impotent poor. If one parish is unable to secure enough funds to care for its poor, adjoining parishes with fewer poor must help out. Further, Justices are especially to enforce the penalties against vagrancy. The proclamations orders that persons "sufficiently weaponed" assist the constables of each town to arrest and commit to gaol all vagrants. This implies that the number of vagrants had become exceedingly large and bothersome and also that the provisions of the statutes were either not being carried out at all or were extremely unsuccessful in their execution.

2. The Ecclesiastical and Secular Parish.

Early in our review we noticed that the parish which had begun as an ecclesiastical unit, was the division in many cases used in administration by the secular and national authorities. In many of the statutes the two are not clearly differentiated. Each had its own administrative officers, with each

88. Ribton-Turner pp. 120-1
89. Bland pp. 318-9 (Lansdowm MSS. No. 54)
often having concurrent powers and similar duties, especially toward the poor. So great was this entanglement of the two that "during the reign of Elizabeth at least it can be authoritatively summed up, the Church Courts took as large a share in parish government as did the Justices of the Peace. Secular and ecclesiastical judges had concurrent jurisdiction... at any rate between 1572 and 1597 over the care of the parish poor."

The penalties used by each varied. For the civil courts, imprisonment was the main weapon; of the penalties used by the ecclesiastical courts to enforce its decrees, the principle one was excommunication, both lesser and greater. Lesser excommunication consisted in being forbidden to attend church and the sacraments, and the greater made the recipient virtually an outcast from society, certainly a punishment to be feared if one counts the effect on a man's business and social affairs, and the trouble and expense of securing an absolution. The confusion between the two authorities was bound to result in maladministration. It was finally corrected by the comprehensive statutes of 1597 and 1601.

The rate prescribed by law was probably not carried into effect. Webb estimates that "only in an infinitesimal proportion of the 15,000 parishes and townships, or the couple of hundred cities and boroughs," was any compulsory poor rate actually levied prior to 1598. It became, however, more and more usual as other sources became too uncertain or dried up.

90. Webb pp. 15-16  91. Ware pp. 46-7  92. Webb pp. 55-6
completely.

There were many additions to the revenues for poor relief especially in the matter of fines assigned to the poor. Sometimes the ecclesiastical courts commuted a penance for money to go to the parish poor; fines for profanation of the Sabbath or immorality generally went to the poor. In 1570, half of the forfeitures for detaining goods belonging to a bankrupt's estate was given over. Parliament directed that half the penalty for not wearing a woolen cap on Sunday should go to the poor. The Star Chamber often fined offenders, especially enclosers of cottage lands and engrossers of land, sums to be given to the poor. Several times it is directed that fines, sometimes all and sometimes 1/3, for not attending church on Sunday be given to the poor and the maintenance of Houses of Correction. Since the effect of the Reformation was still being felt, these fines must have been an important source of income. The value is shown in the writings of a contemporary: "Whereunto if we add the forfeiture of 12 pence (the 1558 provision) for every householder absent from church... there would be sufficient relief for the poor of all places."

Attempts were also made to keep up the old charity. In 1569 "John Baldwin (is) presented 'for the fame and report goes' that he keeps back £10, a legacy given 7 years previously for church repairs and the poor box, and the church and the poor have wanted the same, having no benefit thereof." The vestry of St. Helen's is informed in 1575 that the parish min-

93. Ware pp. 80-4; Eden p. 22; Cox, J.C. (Parish Registers) p. 5
94. Ware p. 94
95. Ware p. 41
ister had received the offering of the leathersellers and others which should come to the poor men's box. He is ordered to restore this and henceforth receive no such offerings. In St. Petrock's, Exeter, in 1569-60 we read that the parson of the parish decided to give his donation this year to the poor instead of to the church.

3. Conditions make revision necessary.

Conditions following the statutes of 1572 and 1576 were apparently no great improvement over the conditions previous to their enactment. As might be expected in face of the financial responsibility of each parish for the care of its own members, the district developed an exclusive life of its own, aiming at keeping out all possible and regarding with strong suspicion any newcomers. If it could have had its way, "no alien poor could have gained a settlement amongst them--no, not even after 20 years' residence." Such a practice must have had a pernicious effect upon the care of the poor. Using all possible means, parishes tried to avoid any new charges. Much of the work of the law was nullified. The great number of unattached is shown in an item in 1590, describing the funeral of one George, Earl of Shrewsbury. The number who appeared for the dole was 8000, and it was said that as many more were there who "would not be served through their un-

96. Cox, J. E. (St. Helen's) p. 106
97. Dymond pp. 37-8
98. Ware pp. 91-2
Famines occurred to make conditions worse, one in 1586 resulting in a proclamation that all means be used by the justices to see that the poor got corn and bread at the ordinary prices. In 1589 and again in 1591 proclamations were issued to secure help for the justices in apprehending vagabonds of all kinds, lamenting that there is wandering abroad a great multitude of people. In the quarter Session Records of 1592, "Richard Rose of the city of Gloucester (was indicted) for murderously assaulting William Woffe of Ambersly... on being found by the constable wandering and begging."

Perhaps the reason for the ineffectiveness of the vagrancy statute was thought to be the severe penalties attached to its execution, for 33 Eliz. c. 7 in 1592/3 modified them, ear-boring and death for the second or third offense is abolished and whipping as established in 1550/1 by 22 Henry VIII c. 12 is revived—a return to the methods of 60 years before.

Another statute of the same year limits the amount of the poor rate to be assessed. No parish is to be rated over 6d. or under 1d. In a county in which there were more than 50 parishes, the rate was not to exceed 2d. per parish. This is indicative of the burden which the poor rate was felt to be.

Throughout all the statutes, responsibility was placed on the individual parish or township, each being expect-

1. Ribton-Turner p. 121
2. Bnd pl 5
ed to care for its own poor. If the charge was too much, the statute suggested that richer neighbouring parishes assist. Evidently this did not work out successfully, for we find many examples of people being permitted to beg, presumably because the parish is unable to care for them. In 1584 the assembly of Northampton agreed that 21 people should be allowed to have the badge of the town, "7 to go 2 days to the inns, the next 2 days another 7, and so on, in order that they might completely beg the town." In 1597, the Quarter Sessions were petitioned to allow 6 poor people from Dunster to beg without the limits of the parish which was unable to support them all. Begging, supposedly illegal for over 60 years, is still permitted.

Vagabondage still increases. In 1596, Edward Hext, a Justice of the Peace, wrote to the Lord Treasurer giving in his belief as the causes of this increase—that House of Correction were not kept up," though they had had an excellent repressive effect; that burning in the hand (the statute specified the ear) was not permanent, and that the inferior officers of the law did not do their duty. In 1582 we are told, those relieved are "not the hundredth part of those in want," yet the statutes were supposed to care for all cases. The conclusion is that the provisions were not carried out; each parish continued to use its own methods, adopting the state plan if it proved feasible. In some places, immediately upon the passage of the acts, attempts were made to carry them out, but these were presently neglected and then abandoned. 4. Cox, J.C. (Northampton) p.179 5. Ribton-Turner p. 125

Added to these conditions, there came from 1594 to 1597 a great scarcity in corn and provisions. "The poor died from starvation or rose in insurrection." The whole question of relief was thus again brought to a head and Parliament was forced into action. The result was embodied in 2 statutes which represent the culmination of the activities in the line of poor relief for our entire period and which remain the fundamental principles of the English poor relief system until 1834, when the entire field is again reconsidered. These two statutes are so closely connected that for convenience they shall be described together.

4. The Statutes of 1597 and 1601.

39 Eliz. c. 3 and 43 Eliz. c. 3 of 1597 and 1601 respectively were based on two assumptions: First, the land and property of each parish is sufficient to maintain its population; and secondly, that every able-bodied man and woman, if given access to employment could be self-supporting. In fulfillment of these principles, persons to be relieved are divided into 3 classes: children, able-bodied, and infirm. Children whose parents are unable to maintain them are to be set to work or put out as apprentices until the age of 21 in the case of girls, and 24 in the case of boys. In regard to the able-bodied, a distinction is made between "moral" and "economic" paupers. Moral paupers or those who refuse to work even if
such were provided are, as in the act of 1576, to be sent to
Houses of Correction there to be kept in compulsory labour.
Economic paupers or those who, though willing to work are, be-
cause of economic conditions, unable to find employment, are
to be set to work by the individual towns or parishes using the
common stock at home or in work-houses as provided in the act
of 1572. The lame, impotent, aged, blind, in short, those
incapable of self-support are to be maintained by the town or
parish in a house or houses built for them. Outdoor relief by
building homes for them is hindered by the statute of 31 Eliz.
c. 7 which forbade the building of any cottage in the country
unless 4 acres of land was attached. The statute did enact,
however, that houses for impotent poor might be erected on the
old memorial wasteland.

For control, the statutes aimed at uniting the parish
ecclesiastical officials and the parish-town secular, civil
officers. Overseers of the poor, in charge of all relief ad-
ministration were to be appointed yearly in Easter week by the
Justices of the peace, and consisted of the churchwardens of
every parish and 4 substantial householders. State control is
made supreme, for it is the Justices to whom the overseers are
responsible. The duties of the overseers are to raise compe-
tent sums for the relief of the poor and impotent and to pro-
vide work for the able-bodied unable to find employment.

For funds, the statutes again consolidate the old and
the new systems of relief. The churchwardens had had in the
majority of cases, control of parochial endowments. These the
state now aims to bring under its control by enacting that over-
seers (who included the churchwardens) should use all existing
endowments, and also encourage further endowments and bequests.
These voluntary sources of income are now to be utilized towards
the relief of all the necessitous. The additional revenue
required was to be raised by taxation, weekly or otherwise, a
compulsory tax on all inhabitants, on specified kinds of
property. All was under the immediate supervision of the
Justices of the Peace.

A companion statute to 39 Eliz. c. 3 (1597), 39 Eliz.
c. 4 repealed all former acts against sturdy beggars, rogues
and vagabonds. The relief statutes provided for the whipping
and expulsion from the parish of such people if they did not
belong there, as in the act of 1576. Boring through the ear
was abandoned and the less severe and perhaps for that reason
more enforceable, whipping was again set as the penalty.

These statutes contain no new principle but a more
emphatic and detailed provision for the carrying out of prin-
ciples already recognized. The individual had a right to
relief, but the state in return had a right to demand work
from those able to perform any. The disturbed condition of
the country and the wretchedness of the labouring classes had
forced the putting of these two beliefs into a workable system.

Strangely enough, the act of 1601 was to stay in

pp. 420-2; Loch pp. 318-20
effect only until the end of the next Parliament. It was however, extended from time to time and was finally made permanent in 1641, remaining in effect until 1834.

Humanitarianism there may have been in the Elizabethan code, but the motivating force was a recognition of the oft-proved fact that men must be fed if they are to respect the rights of others.
Summary

In our study of the condition and care of the poor in England to the year 1601, we have witnessed the change from church care because of a spiritual duty to all of God's poor; to state control of relief because of the material duty of preserving order; from the inculcation of almsgiving and its sufficiency for relief to the absolute forbiddance of almsgiving and the forced use of the compulsory poor rate; and finally, the change from the position of the lower class as serfs on the manors, dependent upon their lords to positions of wage-controlled independence.

Taking over the care of the poor, the Church, from its inception in Britain, stressed almsgiving and the use of the tithe and other revenues for the care of the poor as well as for the maintenance of the fabric of the Church and the support of ecclesiastics. The parish was the local unit of religious life, each with its own organization and revenues out of which to relieve its needy. Complementing the work of the Church and of the parish, are monastic institutions, hospitals, and almshouses, each with its period of greatest growth and popularity, the charitable work of the guilds, and the great amount of private charity.

From a condition of servitude under the manorial system, aided by statutes to prevent unsettlement, the lower class through purchase of manumission or by flight into the
corporate towns, finally spurred by the effects of the Black Death, emerged into freedom, only to be curtailed and repressed by labour statutes, beginning with the famous Ordinance of 1349. Throughout all this period of change, indeed, lasting throughout our entire period, there are great swarms of vagrants, whose ranks contain those unable to find work, those just escaping from the manors, in addition to those naturally liking such a life, now greatly attracted to vagrancy because of the unsettled conditions, incessant warfare, and the extreme punishments of the labour and vagrancy statutes.

This great increase in vagrancy coupled with the lack of system and of unified control of the relief given by the Church and its allied institutions made the latter inadequate. There follows a long transition period during which the old system of Church care tried to carry the hopeless and ever-increasing burden, and the State delays the assumption of control and relief. Before the State can control, it must first become the powerful unit. After the Wars of the Roses, this is accomplished under Henry VII.

The first enactments of the State are not poor laws, but vagrancy laws, trying with use of severe, inhuman punishments to keep the people from leaving the dependence of the manor and becoming unsettled. At length, spurred on by a new school of social thinkers, notably Vives, and forced by an alarming increase in the number of vagrants, induced by the dissolution of the ecclesiastic institutions, the consequent
loss of their relief the great distress caused by the agrarian changes under enclosure, and the rise in prices due to debasement of the currency, the State took over relief and began to build a workable system.

For a long time, it worked on the theory that the able-bodied vagrant deserves nothing but punishment. Following this idea, the State enacted statute after statute, decreeing penalties of whipping, branding, boring through the ear, even offering him as a slave in attempts to decrease vagrancy.

Towards the impotent, by 1530, the State admits a responsibility; placing their care on the individual parish or township. For their support, the State tries to make almsgiving sufficient, bringing more and more pressure to bear on the giver. Failing in both—the abolishment of vagrancy and the supporting of the impotent through almsgiving—the State in 1572 and 1576, recognizes that a compulsory rate is necessary, and that there is the possibility of unemployment through inability to find work.

To care for the three classes of impotent, unemployed, and vagrant, the State now decrees the poor rate, the town stock, and the House of Correction respectively.

These acts are not, due to difficulties in administration, faithfully executed by the individual parishes. In 1597, forced by the great increase in destitution, the State completely overhauls its system of relief by 2 statutes, one that year and the other in 1601. These statutes contain no new principle but they provide for better administration by
uniting the ecclesiastic and the secular parish. So solid is this achievement that it remains in force for over two centuries—until 1634.
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Note: Extent used.

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Since the published records begin late in the 16th century, only those of the first few decades were studied.

Churchwardens Accounts
The early accounts are disappointing in regard to poor relief. The later ones are valuable especially in connection with the enforcement of the statutes.

Wills
Medieval wills are an important source of information about private charity. They show clearly the decline in private almsgiving and the increase in foundations for institutions, especially hospitals and almshouses.
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Note: Extent used.

General books on poor law were studied for the period
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