

Vagabond!

Mark Rathbone

Mark Rathbone assesses the effectiveness of measures taken in Tudor England to meet the problems of poverty and vagrancy.

In February 2004 a new law came into force to get tough with vagrants. The use of Anti-Social Behaviour Orders was part of a concerted attempt to drive beggars off the streets. In central London, Westminster Council began a crackdown on vagrants, taking fingerprints and DNA samples from people found begging. 'Beggars identified as repeat offenders or those that are active around cashpoints,' said a council spokesman, 'will be considered for post-conviction ASBOs if their behaviour continues.'

The methods used in the twenty-first century may be more sophisticated, but in the Tudor era too vagrancy was seen as a social problem needing tough solutions.

The Reign of Henry VII

The first major Tudor statute which attempted to tackle the problem was passed by parliament in 1495. This ordered officials to seize 'all such vagabonds, idle and suspect persons living suspiciously and then so taken to set in stocks, there to remain by the space of three days and three nights and there to have none other sustenance but bread and water; and after the said three days and three nights, to be had out and set at large and then to be commanded to avoid the town.'

This policy made no provision for remedying the problem, merely moving the offenders on from town to town. It made no distinction between two classes of people: the real vagrant, who had chosen to live a nomadic existence as a professional beggar, and the jobless man genuinely seeking employment; both were categorised as 'vagabonds' or 'sturdy beggars', who were to be punished and moved on. Furthermore, it barely allowed for a third category, the 'impotent poor', who were unable to support themselves because of illness, disability or old age. The statute merely allowed 'women great with child, and men and women in extreme sickness' to be spared punishment, but made no provision for helping them. Like much social legislation in the first half of the Tudor period, the effectiveness of the 1495 Act was hampered by lumping several different categories of people together and by treating poverty as a crime to be punished, rather than a social ill to be alleviated.

Economic Problems

By the 1530s the problems of poverty and vagrancy were substantially worse than they had been at the start of the century. One reason for this was the rise in population: from little more than 2 million in 1485, the population had reached about 2.8 million by the end of Henry VIII's reign. Although crop failures and epidemics in Mary I's reign caused a temporary downturn, the upward trend was quickly resumed and the population had increased by 1603 to 4 million: it had almost doubled during the Tudor

era. Not all of this increase could be absorbed into the local economy, so there was a rise in the number of people who migrated in search of work. The population was growing faster than the economy's ability to provide employment opportunities.

Inflation too was beginning to be felt by the 1530s. The price of wheat had risen from about six shillings a quarter in 1500 to about ten shillings in 1540, and was to reach almost 30 shillings by 1600. During the century, all wages fell in real terms, those of the unskilled labourer most of all; the numbers of those who lived in poverty correspondingly increased. Enclosures were blamed by many contemporaries for increasing poverty by turning families from their homes and putting sheep in place of arable farming. However, most enclosure had taken place before 1485 and enclosures are now generally thought by historians to have had only a limited effect on poverty during the Tudor era.

The Dissolution of the Monasteries in the 1530s was once seen by historians as a major cause of the worsening problems: the eviction of thousands of monks increased the number of beggars and the disappearance of the monasteries removed a major source of poor relief. Modern research has cast doubt on this and the fact that parliament turned its attention to improving the laws against vagabonds in 1531 suggests that the problem was seen to be increasing several years before the dissolution. But in some towns and cities, the removal of monastic charity did have some effect. A study of poor relief in Exeter, for example, revealed that before the dissolution, St John's Priory provided £29 out of its income of £102 to support 13 paupers living in the hospital and nine students of grammar. St Nicholas' Priory also provided some charitable services, including the provision of dinner every day for seven poor men. At St Mary Arches the income of £19 was shared between the priest and twelve poor men. Almost all of these sources of poor relief disappeared at the dissolution.

The Reign of Henry VIII

Whatever the causes of the increase in poverty and vagrancy which was evident by the 1530s, a royal proclamation in 1530 described idleness as 'the mother and root of all vices' and ordered that whipping should replace the stocks as the punishment for vagabonds. This change in policy was confirmed by a new Act passed by parliament in 1531, replacing the one of 1495. This Statute did, however, distinguish between the impotent poor and the sturdy beggar, by giving the old, the sick and the disabled licences to beg. No further provision was made for them, however, and the Act again failed to acknowledge that a man may wish to work but be unable to find employment. All able-bodied unemployed were to be treated alike. Those genuinely seeking work were faced with a bleak choice: unable to find employment, they either had to starve or break the law by begging.

Tudor governments saw poverty as a cause of unrest: they addressed themselves to the problem not out of any humanitarian motives, but out of a belief that unmitigated poverty was a breeding ground for disorder, as indeed it often could be. Sir John Cheke exploited popular fear of vagabonds in 'The Hurt of Sedition', his diatribe against Ket's Norfolk rebels of 1549, warning that they would 'stir up uproars of people, hurly-burlies of vagabonds, routs of robbers ... [who would] 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, ... stand in the high way to ask their alms whom you be afraid to say nay unto honestly, lest they take it away from you violently.' This fear of disorder lay behind most of the social legislation of the sixteenth century.

There were in the 1530s already some indications of a more enlightened attitude. Henry VIII's government realised the inadequacies of the 1531 Act, and considered a far more radical measure. A bill, possibly written by William Marshall, a close adviser to Thomas Cromwell, was drawn up in 1535, which recognised that there was not sufficient work available for all men. It proposed that this be rectified by an ambitious programme of public works on roads, forts, harbours and rivers. Notice was to be given of jobs available and the unemployed were to be set to work at reasonable wages, while the impotent poor were to be maintained in their parishes. The whole effort was to be funded by a tax on income and capital. It all sounds reminiscent of Roosevelt's New Deal four centuries later, and there was even an alphabet agency, the 'Council to Avoid Vagabonds', to direct it all. This would certainly have represented a remarkable advance - had it ever reached the statute book.

However, despite Henry VIII publicly lending his support to the Bill, it was savaged in parliament. The measure which was eventually passed in 1536 was far less sweeping. Neither the scheme for public works nor the Council to Avoid Vagabonds survived, and although the Act did place responsibility for the impotent poor on the parish or municipal authorities, it relied on voluntary donations for the financing of poor relief. Despite this advance, the 1536 Statute still embodied, in W.K. Jordan's words, 'the stubbornly held persuasion that there were no genuine unemployed and that vagrancy and begging could be driven from the realm by the application of the criminal law'.

The Reign of Edward VI

That the criminal law should be turned against the unemployed also informed the Duke of Somerset's Act of 1547, which attempted to suppress vagrancy by the use of extreme punishments. Two years' servitude and branding with a 'V' was the penalty for a first offence, and attempts to run away were to be punished by lifelong slavery and, for a second time, execution. The weakness of this Act lay in its failure to establish any administrative machinery to back up its threats. Justices of the Peace, whose responsibility was to enforce the Statute, were understandably reluctant to apply such excessive punishments. Despite orders from the Privy Council 'to see the vagabonds and perturbors of the peace punished', there is no evidence that the Act was ever enforced. Indeed, the Act of 1550 which replaced it (with provisions similar to those of 1531 and 1536), admitted that, 'the extremity of some [of the laws] have been occasion that they have not been put in use'.

A further act two years later made town and parish authorities responsible for appointing two men as 'gatherers and collectors of the charitable alms of all the people for the relief of the poor', who were to 'gently ask' for contributions. Those who refused to pay up could be 'gently exhorted' by the vicar or churchwarden, and if their powers of persuasion proved insufficient, reluctant payers faced the terrifying prospect of a visit from the bishop, to 'induce and persuade' them.

The Reign of Elizabeth

By 1558, the government's official attitude to the problems of poverty and vagrancy was still little different from that of 1531. However, important changes came in 1563 and 1572. In 1563, the first steps towards a compulsory rate for poor relief were taken, the system of voluntary contributions introduced in 1536 and elaborated in 1552 having proved inadequate. From 1563, however, parishioners could be brought by the bishop before the Justices, and continued refusal could lead to imprisonment until a contribution was made. This statute was far from satisfactory since no provision was made for assessment and the size of the contribution was up to the individual, but at least the principle that compulsion was needed had been recognised.

The following few years, however, saw a renewed attempt to suppress vagrancy by means of severity. Between 1569 and 1572, there was a determined campaign to persuade Justices to administer the existing laws more thoroughly, which met with some success. 1572 saw the enactment of a Bill whose provisions were more severe than those of any other, with the exception of that of 1547. Punishments included being bored through the ear for a first offence and hanging for persistent beggars. Furthermore, there is evidence that it was enforced - in the Middlesex Quarter Sessions between 1572 and 1575, 44 vagabonds were sentenced to be branded, eight to be set to service, and five to be hanged.

However, the 1572 Act had a greater significance than this: it was the first measure to give an adequate definition of vagrants - as all able-bodied men without land or master, who would neither accept employment, nor explain the source of their livelihood; this was taken to include peddlers, tinkers, workmen on strike, fortune-tellers and minstrels. But it did make exceptions - properly licensed returning soldiers and sailors, harvest workers and servants whose masters had dismissed them or died, were exempted. The government had at last recognised that there were able-bodied men who were unemployed through no fault of their own. The Statute also augmented that of 1563, by providing for the assessment of compulsory weekly contributions to a poor rate.

Important though this Act was, it was deficient in two vital respects. First, it made no attempt to support the able-bodied unemployed, although this was partially rectified by an Act of 1576, which ordered the provision of stocks of hemp, flax and iron for them to work on. Secondly, the administrative machinery to put it into effect was inadequate. The only new office it established was that of overseer of the poor, who was to be appointed annually from among the more substantial householders in each parish to assist the constables and the churchwardens in the execution of their duties. The overseer was unpaid, and could not refuse the office. The Act was administered entirely at a local level, and no mechanism was created to oversee the work of local officials. In many areas, it is doubtful if the provisions of the Act were ever put fully into effect. This was a period of almost continually good harvests - the only bad years between 1566 and 1593 were those of 1573 and 1585 - so the need for these provisions was limited.

The series of bad harvests in the 1590s, however, made it necessary for further action to be taken. The government had at last come to realise that there were large numbers of men who were unemployed because there was no work for them, through no fault of their own, and that adequate provision must be made for them, as well as for the incapacitated, and the hardened vagabond. In recognition of the fact that each of these types of person represented a different problem, the Poor Law initiated in 1598 was divided into several statutes. Vagabonds were to be whipped, returned to their parish of origin, placed in houses of correction, and, if proved quite incorrigible, to be banished from the realm. A separate 'Act for the relief of the poor' elaborated and clarified the existing machinery for administering poor relief. Further Acts provided for the building of hospitals and workhouses and defined the law governing charitable trusts. This series of Statutes, supplemented by others in 1601, established a machinery to deal with the problems of poverty and vagrancy which was infinitely more complex than anything dreamt of in 1500, and which was to remain in force in its essentials for nearly two and a half centuries.

The Elizabethan Poor Law in Action

Building an elaborate system of legislation on paper is all well and good, but how did it work in practice? In fact, at least in the first half of the seventeenth century, the new machinery appears to have been rarely invoked. All too often, it appears, towns

preferred to avoid the trouble and expense of the new system and use the traditional methods of whipping vagrants and returning them to their place of origin. Despite the new system, local officials still, as they had done in 1485, relied on deterrence: to punish vagrants severely enough to deter them from begging - at least in that locality. To give the city a reputation for sternness among the vagrant class would discourage others. Yet municipal records often show that there were numerous cases of returned vagrants being recaptured, whipped and again banished, evidence that this strategy was ineffective. Nevertheless, it remained the basis of municipal reaction to vagrants well into the seventeenth century.

The register of Salisbury, for example, records the issuing of 557 passports containing the names of 651 vagrants, between 1598 and 1638. All were described as wandering and, unless pregnant, disabled or under the age of seven, were whipped; all were ordered to be passed from constable to constable back to their birthplace or parish of residence. Some were long term professional vagrants, like Humphrey Reade and his wife, apprehended at Salisbury in 1610, who had no 'certain place of dwelling and have wandered many years'. Some feigned sickness, like a 'Dummerer' who pretended 'he hath no tongue', or the enterprising woman who terrorised the citizens of Salisbury by running into their houses 'affirming herself to have the plague'. Others were runaway apprentices, or servants whose masters had dismissed them or died - wandering in search of work, which the Poor Law was intended to provide. The Elizabethan Poor Law certainly did not cure the problems of poverty and vagrancy at a stroke.

Part of the reason that the elaborate machinery of 1598-1601 was rarely invoked was the existence and extent of private charity. The newly-created machinery of the Poor Law was generally only used for emergency situations in areas suffering from plague or exceptional economic distress. However, even then the government was often very reluctant to use the Poor Law. In 1619-22, for instance, when poor harvests coincided with a severe depression in the cloth trade, the government responded with the traditional measures of exhortation, price regulation and proclamations condemning disorder. 'There hath been no collection for them [the poor],' complained the writer of the splendidly-named pamphlet *Greevous Grones for the Poor* in 1621, 'no not these seven years, in many parishes of this land, especially in county towns.'

There was an obvious disincentive for towns to operate the poor rate, in that the more efficient a town's charitable services became, the more beggars and vagrants would be attracted there. Yet many towns invested in a stock of corn to be sold to the poor at below market rates when it was scarce - for example, Bristol did this as early as 1522. Many cities introduced compulsory poor rates long before Acts of Parliament required them. London, for example, did so in 1547. In the 1570s Ipswich was spending between £170 and £180 per year on poor relief measures, all derived from compulsory local rates, Exeter between £120 and £140. Norwich in the same period was spending over £500 per year. The Privy Council wrote to the Bishop of Norwich and the Justices of Norfolk commending their efforts in the establishment of machinery 'for the punishment of loiterers, stubborn servants, and the setting of vagabonds, rogues and other idle people to work'. The parliamentary committee appointed to discuss the problem in 1572 included John Aldrich, one of the architects of the Norwich system.

Conclusion

The sixteenth century saw the gradual realisation and rectification of the shortcomings of traditional policies towards poverty and vagrancy - principally a failure to differentiate between the impotent poor, the genuinely unemployed and the professional vagabond; and a failure to back up statutes with adequate administrative and financial resources. Nevertheless, even after 1598, a heavy reliance was still placed on private charity, the

elaborate machinery of the Poor Law was in most localities infrequently applied, and traditional remedies which had changed little since 1495 continued to be employed.

The problem of vagrancy remained, and is still with us more than four centuries later. Maybe the new regime of fingerprinting, DNA testing and Anti-Social Behaviour Orders will sort it out. Or then again, maybe not.

Further Reading:

A.L. Beier, *Masterless Men: The Vagrancy Problem in England, 1560-1640* (1985)

A.L. Beier, *The Problem of the Poor in Tudor and Stuart England* (1983)

N Fellows, *Disorder & Rebellion in Tudor England* (2001)

Steve Hindle, *The State and Social Change in Early Modern England* (2000)

John F Pound, *Poverty and Vagrancy in Tudor England* (1971)

Paul Slack, *From Reformation to Improvement: Public Welfare in Early Modern England* (1998)

Paul Slack, *Poverty and Policy in Tudor England* (1988)

Penry Williams, *The Tudor Regime* (1979)

Issues to Debate:

- What were the main causes of poverty and unemployment in the Tudor period?
- Why were Tudor monarchs so reluctant to legislate for poor relief?
- How effective were the measures that were passed?

Summary of principal Tudor statutes on poverty and vagrancy

Year

Statute	'Vagabonds'	Unemployed seeking work	Old, sick or disabled	11 Henry VII c.2	Put in stocks for three days, then moved on.	Treated as vagabonds.	1531	22 Henry VIII c.72
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