

THE ENGLISH PRIVY COUNCIL AND DISABLED SOLDIERS, 1558-1625

THE ENGLISH PRIVY COUNCIL AND RELIEF  
OF  
DISABLED SOLDIERS, circa 1558-1625

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### Abstract

This thesis investigates the response on the part of the government of early modern England to a new social problem. In the late sixteenth century large numbers of disabled ex-servicemen were returning to an England in which they could no longer rely on traditional patrons and methods of relief for charity. The Privy Council's reaction to this phenomenon, from its initial response of moral suasion and the use of the royal prerogative to its ultimate response - sponsoring and attempting to enforce legislation, is examined for the period 1558-1625.

Unlike other poor relief legislation the relief of maimed veterans in this period has received no comprehensive treatment by historians. This study contributes to an enhanced understanding of poverty and poor relief measures. It sheds light on the social dynamics of the period, particularly what the Privy Council and soldiers perceived as the proper functioning of the social order. In addition, our grasp of the Council's role in the development and administration of social policy is improved. This examination of the Privy Council's involvement in the relief of disabled soldiers also illuminates the nature of its political relations with Parliament, and, more significantly, with local county authorities.

The study of the origins of legislated veteran's benefits is an important step towards a more comprehensive discussion of the relatively overlooked social and political impact of demobilization on early modern England.

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## LIST OF ABBREVIATIONS

APC	<u>Acts of the Privy Council of England</u> , ed. J.R. Dasent, 32 vols. (London, 1890-1907).
BL Lansdowne	British Museum, London, Lansdowne MSS. (Burghley Papers)
C.J.	<u>Journals of the House of Commons</u> , volume i, (London, 1803).
D'Ewes	<u>The Journal of all the Parliaments during the Reign of Queen Elizabeth</u> , ed. Sir Simon D'Ewes (London, 1681).
HMC	Historical Manuscripts Commission.
HPT	The History of Parliament Trust: <u>The House of Commons 1558-1603</u> . ed. P.W. Hasler, 3 vols. (London, 1981).
Kent	Joan Ruth Kent, "Social Attitudes of Members of Parliament with Special Reference to the Problem of Poverty, circa 1590-1624", Ph.D. dissertation, University of London, 1971.
L.J.	<u>Journals of the House of Lords</u> , volume ii (London, n.d.).
PRO, CSPI	Public Record Office, <u>Calendar of the State Papers relating to Ireland</u> .
PRO, SP	Public Record Office, State Papers Domestic.
Proc.	<u>Proceedings in the Parliament of Elizabeth I</u> , volume I: 1558-1581, ed. T.E. Hartley (Leicester, 1981).
SR	<u>Statutes of the Realm</u> , 11 vols. (London, 1810-1828).
SRP	<u>Stuart Royal Proclamations</u> , eds. P.L. Hughes and J.F. Larkin, vol. I (Oxford, 1973).
STC	<u>A Short-Title Catalogue of Books Printed in England, Scotland, and Ireland and of English Books Printed Abroad, 1475-1640</u> , A.W. Pollard G.R. Redgrave eds. (London, 1926; vol. 1 of the 2nd ed., eds. W.A. Jackson, F.S. Ferguson, and K.F. Pantzer, London 1986; vol. 2 of the 2nd ed., eds. Jackson, Ferguson and Pantzer, London 1976).
TRP	<u>Tudor Royal Proclamations</u> , eds. P.L. Hughes and J.F. Larkin, 3 vols. (New Haven, 1964-9).

Dates have been changed so that the year begins on 1 January. All quoted abbreviations have been silently expanded.

## Chapter 1

### Historiographical Introduction

...We have...a sort of poor lately crept amongst us...not before known to our elders: I mean poor soldiers, of whom this commission specially speaketh. There were always poor leprous, poor lazarous, aged poor, sick poor, poor widows, poor orphans, and suchlike, but poor soldiers were either rarely or never heard of till now of late.<sup>1</sup>

So declared Justice William Lambarde in his 17 January 1594 charge at a special Commission held in the county of Kent. Despite Lambarde's observation the long and extensive historiographical debate concerning poverty and poor relief in early modern England has largely ignored the nature of the (in some ways distinct) political response to the social problem of poor soldiers. This thesis deals with the English government's response, in the years 1558 to 1625, to the problem of what contemporaries called both poor maimed, and disabled, soldiers.

During this period the way the elites in England responded to the perceived problem of poverty changed fundamentally - from individual and church relief of the poor via traditional hospitality and alms to increasingly sophisticated regulation and relief of the poor by statute. Why this change occurred, and what it tells us about the nature of English government and society in late Tudor and early Stuart England, are both important historiographical problems. The history of the English government's attempts to relieve disabled soldiers contributes to an enhanced understanding of these problems as well as the nature of English government and administration.

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<sup>1</sup> William Lambarde, William Lambarde and Local Government ed. Conyers Read (Ithaca: Cornell University Press, 1962), 183.

The primary purpose of this chapter is to provide the historiographical context for the subsequent chronological examination of the relief of disabled soldiers from the accession of Queen Elizabeth to the death of James I. The following will be reviewed: the historiography of poor relief since the late nineteenth century; the little that has been written concerning the relief of disabled soldiers; the constitutional nature of the Privy Council, the principal organ of central government concerned with disabled soldiers. Included in this review of the constitutional nature of the Council will be consideration of the recent historiographical decline of parliament, and the Council's relationship with the localities. Brief attention will also be given to the question of why the problem of disabled soldiers emerged.

## I

Towards the end of Elizabeth's reign a series of statutes was passed by Parliament which introduced nation-wide compulsory taxation for the relief of the poor to be administered on a parochial basis. In addition, legislation was passed requiring that Justices of the Peace see that Houses of Correction were erected within every county and urban jurisdiction to put the able-bodied poor to work. Earlier provisions for the apprehension and punishment of vagrants were also renewed with some variations. This flurry of legislation initiated a system of secular poor laws which was to continue largely unchanged in principle for over

two hundred years.<sup>2</sup>

Poverty and the emergence of secular poor laws (and what these developments tell us about the nature of English government and society in this period) have been the objects of an historiographical debate which has been, and is, heated and inconclusive. Examining the work of historians who have dealt with these historical problems since the late nineteenth century it is apparent that there has been both a development of different ideological positions and a shift away from a national treatment of these problems towards careful concentration on local areas (with a corresponding change in the type of evidence used).

Concerning himself only with statutes, T. MacKay in The English Poor: A Sketch of their Social and Economic History (1889) was able to maintain that the poor law was one of the last remnants of "the Socialistic tyranny of slavery, feudalism, and centralized authority."<sup>3</sup> For MacKay, early modern England was a feudal society which was therefore basically flawed. Feudalism denied many the rights to property. Because only property can impart to the individual the sense to limit the size of the household to an economically reasonable number, many families grew too large and became poor.<sup>4</sup> This evil situation was

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<sup>2</sup> Two introductions to the specifics of these legislative changes can be found in: John Pound, Poverty and Vagrancy in Tudor England (London: Longman Group Ltd., 1971), 39-57; A.L. Beier, The Problem of the Poor in Tudor and Early Stuart England (New York: Metheun, 1983), 23-42.

<sup>3</sup> T. MacKay, The English Poor: A Sketch of their Social and Economic History (London: John Murray, 1889), v.

<sup>4</sup> MacKay, 129.

compounded by the poor laws which further encouraged the poor to breed. It is not "great depression of trade or want of employment" which created great numbers of "masterless men" and the "vagabond class" but the poor law itself; MacKay argued that it is certain that a "degraded population grows and multiplies with most alarming rapidity whenever a maintenance is by law or custom provided for it."<sup>5</sup>

E.M. Leonard in The Early History of English Poor Relief (1900) took a very different position from MacKay, the classical Liberal. Using statutes, reports of the Justices of the Peace, Privy Council orders, and printed municipal records, she attempted to show that England had a uniquely continuous poor relief system, which had a major role in "making England a law-abiding and orderly community."<sup>6</sup> She dismissed liberal "free competition" anachronisms and maintained that the state's action was vital in alleviating the poor's suffering and creating order during a "time of transition."<sup>7</sup> In the process of describing what this period of transition was and how the authorities responded to it, she established arguments which have had lasting historiographical impact.

Leonard maintained that there was a real danger to the social order from increased poverty and vagrancy (with its distinctive rebel culture) which manifested itself in various sixteenth-century revolts like the Pilgrimage of Grace. Property is never secure when people are

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<sup>5</sup> MacKay, 121.

<sup>6</sup> E.M. Leonard, The Early History of English Poor Relief (Cambridge: at the University Press, 1900), x.

<sup>7</sup> Leonard, 302.

hungry: they are "always ready to join forces of disorder...."<sup>8</sup>

Increased poverty is explicable in terms of a movement from feudalism to capitalism with its concomitant dislocations. Thus, a mass of unattached poor was created because of enclosures, the release of noble retainers, price inflation, and the instability of new industries (particularly the cloth trade).<sup>9</sup> State intervention was considered because medieval practices of indiscriminate alms-giving were viewed by many English and European Protestants, as well as Catholics, as ineffective in meeting the new problems.<sup>10</sup> In England the realization that the state must become involved was assisted by the effects of the dissolution of the monasteries during the Reformation.<sup>11</sup> Leonard described a three stage development in state response: municipal experiments from the 1550's on influenced the creation of parliamentary statutes during Elizabeth's reign, which were increasingly enforced by the Privy Council after 1601. This progression had the important character of a movement from repression, to genuine paternalistic relief for (in Gardiner's words) "the benefit of the poorer classes" who were being overcome by external changes, and exploited by an opportunistic aristocracy.<sup>12</sup>

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<sup>8</sup> Leonard, 11, 303.

<sup>9</sup> Leonard, 14-17.

<sup>10</sup> Leonard, 20.

<sup>11</sup> Leonard, 21.

<sup>12</sup> Leonard, 295-296; the quotation is from Samuel Gardiner, History of England, VII., (1884 ed.), 160.

The Christian Socialist, R.H. Tawney, agreed with Leonard that the poor law was the result of a shift from feudalism to capitalism and not a medieval remnant. However, Tawney believed that the poor law was not genuinely paternal but "a police measure" - one that was part of a broad Tudor desire for centralization and control.<sup>13</sup> In The Agrarian Problem in the Sixteenth Century (1912) he argued that the initiatives of the authorities were repressive and largely unwarranted; vagrants were merely looking for work in the cities, or squatting on forest and pastoral lands, because of genuine hardship primarily caused by enclosures.<sup>14</sup> Hence, the "tramp's" history was "written by his enemies...who lived warm and slept soft...."<sup>15</sup>

With the rise of the Puritan and mercantile middle classes in the seventeenth century an even harsher "new medicine for Poverty" was concocted. Taking much of his evidence from contemporary Puritan literature, Tawney argued that the Puritans discarded all sense of social responsibility - a new theology emerged which emphasized other worldly and personal salvation in a manner which created an "exploitive individualism."<sup>16</sup> He caustically commented that a society that reveres

...the attainment of riches as the supreme felicity will naturally be disposed to regard the poor as damned in the

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<sup>13</sup> R.H. Tawney, The Agrarian Problem in the Sixteenth Century (London: Longmans, Green and Co., 1912), 272; Tawney, Religion and the Rise of Capitalism (London: Harcourt Brace and World Inc., 1926), 262.

<sup>14</sup> Tawney, Agrarian Problem, 270.

<sup>15</sup> Tawney, Agrarian Problem, 275.

<sup>16</sup> Tawney, Religion, 254.

next world, if only to justify itself for making their life a hell in this. Advanced by men of religion as a tonic for the soul, the doctrine of the danger of pampering poverty was hailed...as the sovereign cure for the ills of society.<sup>17</sup>

The Puritans believed that the poor needed "regulation" - the eye of an employer; thus, a shift from the elite's obligation of charity to the poor's duty of work takes place, and the Puritans incarcerated the poor in workhouses for profit.<sup>18</sup>

Writing in 1927, Sidney and Beatrice Webb drew consciously on Leonard and Tawney in their first volume of English Poor Law History. While their own research did not reach farther back than 1889, the Webbs nonetheless emerged with an important synthesis.<sup>19</sup> Overall, they argued that the poor laws constituted a "Relief of the Poor within a Framework of Repression"(sic).<sup>20</sup> While they agreed with Leonard's chronology of state response to the problem of poverty, including the conclusion that the period from 1590-1640 involved an attempt at control and protection, they nevertheless argued that the poor laws were a method used by the elites in a class struggle.<sup>21</sup> The laws developed in the sixteenth

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<sup>17</sup> Tawney, Religion, 267.

<sup>18</sup> Tawney, Religion, 259.

<sup>19</sup> Beatrice and Sidney Webb, English Poor Law History, Part I: The Old Poor Law (Edinburgh: Frank Cass, 1963, first published London: Longmans, Green and Co., 1927), XXII.

<sup>20</sup> Webb and Webb, 396.

<sup>21</sup> Although the Webbs' argument certainly sounds like the one in Marx's Capital they only refer to him once in a footnote, and on a minor issue; see Webb and Webb, 108.

century were due to an attempt by the upper classes to rectify the troublesome advantage labour acquired after the Black Death: workers were able to increase their wages by moving from place to place.<sup>22</sup> The growing sophistication of the laws was a result of the emergence of a protestant belief in the "systematic organization of labour in the production of commodities."<sup>23</sup> Thus, for the Webbs, the relief measures were a "new" capitalistic "turning of the screw" in order to "discipline the whole propertyless class to the continuous and regular service, in agriculture and manufacturers, of those who were becoming masters."<sup>24</sup> Hence they regarded Leonard's argument that English peace and order was a result of the poor laws as class inspired: being "...given, over and over again, by typical representatives of the rulers of England."<sup>25</sup> The Webbs believed that the class control aspects of the legislation were particularly apparent when one understands that there was no right of the poor to relief, but an obligation of the parish officers to provide it in the manner they defined, which in practice allowed them to control and discipline their inferiors.<sup>26</sup>

A number of historians have more recently sought to substantiate, qualify, or critique elements within the broader, national arguments brought forward by Leonard, Tawney and the Webbs. Christopher

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<sup>22</sup> Webb and Webb, 26-27.

<sup>23</sup> Webb and Webb, 408-409.

<sup>24</sup> Webb and Webb, 420.

<sup>25</sup> Webb and Webb, 404-405.

<sup>26</sup> Webb and Webb, 406-408.

Hill and G.R. Elton in the early 1950's addressed questions pertinent to the influence of ideas on society's official and unofficial actions towards the poor. Hill in "Puritans and the Poor" qualified the type of argument brought forth by Tawney and the Webbs. While Hill agreed that poor relief was a "national programme" which sought to establish a capitalist discipline "backed up by the power of the state, and administered by the employing class", Hill put a slightly different emphasis on the role of Puritanism in this development.<sup>27</sup> Accepting Marx's argument in Capital,<sup>28</sup> Hill maintained that the ideas of Puritanism were convenient tools that were not religious but "bourgeois" - the result of an economic reality.<sup>29</sup> Hill's maintenance of the supremacy of economic forces is clearly revealed when he comments that although the Puritan attempt to take over the established Church failed "...by that time the critical period of expropriation, and the most urgent need for inculcating labour discipline, had passed. A century of development of capitalism had done much to root out the old mentality, both in the poor and in the rich."<sup>30</sup> In a later article - "The Many-Headed Monster in Late Tudor and Early Stuart Political Thinking" - Hill further developed this argument. He maintained that "in the long-continuing economic, social, and psychological crisis of the sixteenth

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<sup>27</sup> Christopher Hill, "Puritans and the Poor", Past and Present, no.2 (November: 1952): 32-50, 37.

<sup>28</sup> Hill, 38.

<sup>29</sup> Hill, 45-46.

<sup>30</sup> Hill, 44-45.

and early seventeenth centuries, religious organization offered a means of controlling and directing upheavals of the masses."<sup>31</sup>

Elton in "An Early Tudor Poor Law" criticized both Leonard and Tawney within his analysis of a remarkable discarded draft of the 1536 "Act for the Punishment of Sturdy Vagabonds and Beggars." This draft, containing almost all the elements of the mature poor law of the seventeenth century, influenced Elton to disagree with Leonard's view that it was the municipal experiments which influenced the central authorities' approach. Instead, he argues (without much effort at substantiation) that this draft, likely written by a humanist named William Marshall who was familiar with continental secular poor relief schemes, crucially influenced the formation of the later acts.<sup>32</sup> To a large extent, however, Elton agreed with Leonard's overall argument that the English poor law of the late sixteenth century was a genuine attempt to relieve the poor, rather than merely an instrument of control, which was unique in Europe - "the only really effective national system of poor relief..."<sup>33</sup> Tawney is criticized for having a "sentimental" attitude towards vagrants, many of whom were "genuinely workshy" and "ruffians". It would be better, Elton argued, to accept the arguments of

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<sup>31</sup> Christopher Hill, "The Many-Headed Monster in Late Tudor and Early Stuart Political Thinking", From the Renaissance to the Counter-Reformation ed. C.H. Carter, 269-324 (New York: 1965), 314.

<sup>32</sup> G.R. Elton, "An Early Tudor Poor Law", Economic History Review, 2nd Series, VI (1953): 55-67, 63; See also Paul A. Fideler, "Christian humanism and poor law reform in early Tudor England", Societas: A Review of Social History IV (1974): 269-85.

<sup>33</sup> Elton, 55.

the author of the draft, "...believing that the criminal classes at least existed before the rise of capitalism"<sup>34</sup>

F.J. Fisher and D.C. Coleman both attempt to readdress the economic causes of the problem with poverty using a model first suggested by Sir Theodore Gregory in 1948: England of 1500-1650 as an "underdeveloped" nation.<sup>35</sup> This model challenges certain arguments brought forth by Tawney, the Webbs and Hill respectively - that the rich developed an ethic which enabled them to get wealthier at the expense of the poor, and deliberately kept the wages down by means such as the poor law. Fisher and Coleman maintain that within the English economy even though demand was "remarkably vigorous...economic expansion was slow" due to man's inability to control nature technologically during the period in question.<sup>36</sup> With industry sluggish, the population growing, and current agricultural techniques dictating the need for enclosure, competition for the land was intense - pushing up rents and forcing many off the land.<sup>37</sup> Inflation, evictions, and trade depressions are thus the

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<sup>34</sup> Elton, 63.

<sup>35</sup> F.J. Fisher, "Tawney's Century" chapter in Essays in the Economic and Social History of Tudor and Stuart England, ed. Fisher (Cambridge: at the University Press, 1961), 2.

<sup>36</sup> D.C. Coleman, "Labour in the English Economy of the Seventeenth Century", Economic History Review, 2nd Series, VIII (1955): 280-295, 292; W.G. Hoskins in his Provincial England (London: Macmillan Ltd., 1963) argued on the basis of tax assessments from the 1520's that two-thirds of the people in many towns were near or below the poverty line and thus "massive inequality...[was] already deeply rooted and strongly developed in English urban communities by the early sixteenth century" and could lead to serious dislocations "in years of high food-prices or bad trade." 84.

<sup>37</sup> Fisher, 9-10.

short term elements which result because of fundamental economic weakness.<sup>38</sup> Hence, these economic historians believe that ethics and individuals have no significant role and therefore Fisher in his essay "Tawney's Century" gently comments that Religion and the Rise of Capitalism is a "perceptive account of contemporary attitudes."<sup>39</sup>

Similarly Alan Everitt in the Agrarian History of England and Wales (1967) discussed the economic realities which resulted in situations portrayed by contemporaries, and some modern historians, in ethical terms. He argued that contemporary criticism of the middleman was unjust because, as urban centres grew, a logical contest emerged during times of dearth between the private trader, who provided the cities with grain, and the market town, which sought to keep its own supply. While the Crown's grain regulations were necessary to keep order, nonetheless the enterprise of the middleman was vital for the "well-being of the community at large."<sup>40</sup>

W.K. Jordan, in his Philanthropy in England 1480-1660 (1959), launched a strikingly different interpretation of poverty, and the development of secular poor relief. In perhaps the last substantial

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<sup>38</sup> Coleman, 293; A recent restatement of essentially the same position is in his, The Economy of England, 1450-1750 (Oxford: at the University Press, 1977); A recent synthesis of economic historians' work is C.G.A. Clay's two-volume Economic Expansion and Social Change: England 1500-1700 (Cambridge: at the University Press, 1984).

<sup>39</sup> Fisher, 14.

<sup>40</sup> Alan Everitt, Chapters VII and VIII in The Agrarian History of England and Wales IV 1500-1640 ed. J. Thirsk, 396-592 (Cambridge: at the University Press, 1967), 586; for the social implications of this economic perception see below, Wrightson and Walters, 19-20.

analysis of the "poverty problem" from the national perspective, Jordan examined 35,000 wills from ten counties. He concluded that the systematic endowments given by Puritan merchants and gentry were even more important than the Parliamentary Poor Law system in alleviating poverty, because the former supplied "the constructive effort, as well as most of the funds" for the emergence of new secular ethics and institutions which provided for a treatment of "poverty, misery and ignorance" in a manner characteristic of a true "liberal society."<sup>41</sup> Thus, for Jordan, there is "Law and Reality", the Statutes and Philanthropy.<sup>42</sup> Moreover, not only were the Puritans' efforts more financially substantial but, unlike the crown's policy of taking over certain areas of social responsibility from the "older classes" of "nobility and clergy" for the sake of political expediency, they flowed from a "sensitive social conscience" that was secular in its goals and achievements but based on "sources of deep and moving piety."<sup>43</sup> Also, the endowments were "carefully designed" and "shrewdly invested" in order to meet a number of different aims - "municipal betterments", "education", and assistance for the poor<sup>44</sup>—and were systematically spread "to distant parts of the realm where the economy was

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<sup>41</sup> W.K. Jordan, Philanthropy in England 1480-1660 (London: George Allen and Unwin Ltd., 1959), 16-17.

<sup>42</sup> Jordan, 126.

<sup>43</sup> Jordan, 20.

<sup>44</sup> Jordan, 253-297.

strait...."<sup>45</sup> Jordan maintains that this development away from parochialism led to the emergence of a national consciousness. This was particularly true of Londoners, who provided 23-55% of the relief for the nine other counties.<sup>46</sup> Assisted by the crown, these men, in response "to the economic and social travail of the sixteenth century", created "a nation."<sup>47</sup>

Although Jordan was criticized by Lawrence Stone and Charles Wilson in 1959 - particularly for his failure to consider inflation when indicating the rise of charitable giving<sup>48</sup> - it has been recent historians, looking at particular local areas, who have most tellingly indicated the flaws in Jordan's argument. This has been possible because of the careful use of hospital, judicial, municipal, parish and census records in attempts to better answer questions raised by the broader sweep.

As early as 1927 the Webbs were calling attention to the possibilities of the local approach when they commented that Leonard's belief in the extensive application of the Laws in the early seventeenth century should be investigated "in the parish, municipal and county

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<sup>45</sup> Jordan, 361.

<sup>46</sup> Jordan, 364.

<sup>47</sup> Jordan, 361.

<sup>48</sup> Lawrence Stone, "Review of W.K. Jordan's *Philanthropy in England*", *History* 44 (1958), 257-60; Charles Wilson, "Review of W.K. Jordan's *Philanthropy in England*", 75 *English Historical Review* (1960), 685-7; For a more recent review of the debate over Jordan's figures see J.F. Hadwin, "Deflating Philanthropy", *Economic History Review*, 2nd Series, XXXI(1978): 105-117.

archives of this period (which, though scanty, exist in greater number and variety than historians appear yet to have realized and are only now beginning to be printed)...."<sup>49</sup> And, indeed, in 1931 F.G. Emmison published his "Poor Relief Accounts of Two Rural Parishes in Bedfordshire, 1563-1598." This clearly revealed the vast differences in the implementation of the poor laws, even between two parishes in the same county. He maintained that most rural areas needed no systematic relief measures until a generation after the crisis of the 1590's. Emmison maintained that a majority of the rural parishes were "very small in population" and were therefore still capable of providing for their poor through traditional methods.<sup>50</sup> It was not until 1963, however, that J.F. Pound, explicitly influenced by Emmison, published his important article "An Elizabethan Census of the Poor." This paper, his Poverty and Vagrancy in Tudor England (1971), and his rebuttal to A.L. Beier's criticism of his stance on vagrancy in 1976, reveal an historian who consciously examines local areas, emerges with important conclusions, yet does not use the depth of analysis which later historians would employ.

Pound's research provides much with which to criticize the arguments of previous historians who were primarily concerned with the entire kingdom. Mackay's declaration that the poor had excessively large families is contradicted by the results of the Norwich census which

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<sup>49</sup> Webb and Webb, 79-80.

<sup>50</sup> F.G. Emmison, "Poor Relief Accounts of Two Rural Parishes in Bedfordshire, 1563-1598" Economic History Review, III (1931):102-116, 103.

reveals that the poor had an average of two children in each family while the wealthier had four or more.<sup>51</sup> Pound's work also buttresses Leonard's contention that the urban experiments affected parliamentary legislation. The 1572 act resembled Norwich's scheme and there were men from Norwich, who had been involved in the city's experiment, on the parliamentary committee that formulated the bill.<sup>52</sup> Pound also questions the view that the problems with disorder, due to poverty and vagrancy, were as drastic as historians like Leonard have maintained. He points out that the relief system was only implemented in times of urban crisis and that therefore "towns were adopting a temporary solution to a temporary problem."<sup>53</sup> This conclusion is problematic however - he also argued that the urban crises were frequent and caused by a multitude of serious difficulties, some indeed temporary (like famines and plagues)<sup>54</sup>, but others long term. Examples of the latter include: unemployment due to the depressions in the textile industry<sup>55</sup>; the migration of misplaced rural people; and the long-term

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<sup>51</sup> J.F. Pound, "An Elizabethan Census of the Poor", Birmingham University Historical Journal, VIII (1962): 135-161, 142.

<sup>52</sup> Pound, "Census", 149.

<sup>53</sup> Pound, Poverty and Vagrancy, 83.

<sup>54</sup> For a recent study concentrating on the two famines of 1597 and 1623, and their "economic conditions and ...demographic consequences" on the north-west see Andrew B. Appleby, Famine in Tudor and Stuart England (Stanford: Stanford University Press, 1978).

<sup>55</sup> See J.F. Pound, "The Social and Trade Structure of Norwich 1525-1575", The Early Modern Town ed. P. Clark, 130-140 (London: Longman Group, 1976): for an interesting analysis of the changing social and occupational make up of Norwich.

depression of wage rates which affected many urban workers.<sup>56</sup>

More importantly - in terms of later historiographical debate - Pound accepts Jordan's argument as to the importance of private charity despite his own conclusions derived from Norwich which indicated "...the amounts derived from the poor rate in the country were as a whole far larger than Professor Jordan assumed..."<sup>57</sup> His acceptance of Jordan's arguments is even more surprising given Pound's conclusion that: philanthropy was ineffective during the frequent crisis periods; when these occurred municipal action was quite striking; in the 1570's the amount spent on relief in Norwich exceeded what was "received by city chamberlains in the same period for normal business."<sup>58</sup> Pound also fell short in his analysis of vagrancy. He tended to accept contemporary actions of the authorities as well as the opinions expressed by writers of the time (like Harman); local officials "knew their men", only punishing or incarcerating the "incorrigible...professional" vagrants "who choose not to work."<sup>59</sup> Echoing Leonard, Pound comments "the authorities, both local and national, did their best to alleviate the lot of the deserving poor."<sup>60</sup>

Both Paul Slack and A.L. Beier published articles on vagrancy in

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<sup>56</sup> Pound, Poverty and Vagrancy, 80-81.

<sup>57</sup> Pound, Poverty and Vagrancy, 76.

<sup>58</sup> Pound, "Census", 145.

<sup>59</sup> J.F. Pound and A. L. Beier, "Debate: Vagrants and the Social Order in Elizabethan England", Past and Present, 71 (1976): 126-134, 127, 129.

<sup>60</sup> Pound, "Debate", 128.

1974 within which they adopt very similar approaches, and come to similar conclusions - both of which are different from Pound's. This controversy reveals the development of an increasingly careful treatment of the evidence by historians who are using sources characteristic of the "local treatment." Like Tawney, both agree one must be careful with the sources: Slack warns of the dangers of "the haze of rhetorical abuse" through which vagrants were assaulted by contemporaries. Beier uses judicial indictments from 18 counties (but primarily concentrating on those from Warwick), and Slack Salisbury's and Colchester's lists of vagrants as well as reports of the Justices of the Peace, in order to discover the occupations, ages, behaviour, and mobility of vagrants. They found that contemporary depictions of idle vagrant gangs, having a distinctive culture characterized by sexual immorality and the indiscriminate use of violence, are simply inaccurate. Instead, it is revealed the individuals had good economic and social reasons for moving, and that their movements demonstrate a clear response to seasonal and market forces, thereby indicating they were not lazy rogues but the disadvantaged attempting to survive.<sup>61</sup> Beier shows those vagabonds who were arrested as criminals in Warwick were not very violent at all: there were no attempted or actual murders, only brawls and thefts - and usually involving other poor.<sup>62</sup> Thus, the vagrancy laws

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<sup>61</sup> A.L. Beier, "Vagrants and the Social Order in Elizabethan England", *Past and Present* No.64 (1974), 21; Paul Slack, "Vagrants and Vagrancy in England 1598-1664", *Economic History Review*, 2nd Series, XXVII(1974):360-379, 368-370.

<sup>62</sup> Beier, "Vagrants", 15.

were inappropriate - punishing those who should be relieved - and actually contributed to the problem of expelling beggars from their own parishes at times.<sup>63</sup> They also argue that it is a mistake to believe that the vagrancy laws were an expression of any xenophobic fear of strangers. Hospitality at Warwick was still very extensive<sup>64</sup> and, hence, the laws were the product of paranoid officials. Indeed, for Beier (although not the more cautious Slack) the laws also represent the emergence of a society increasingly wedded to an individualistic commercialism and are thus a tool of a self-interested "elite minority."<sup>65</sup>

Beier continued his analysis of vagrancy in his Masterless Men: The Vagrancy Problem in England, 1560-1640 (1985). Using municipal, parish, county, Quarter Session, and central records he built on his earlier work in order to analyze comprehensively the origins, structure, and social/political import of vagrancy. In particular he attempted to further delineate and substantiate his argument that the vagrancy laws in their construction and enforcement were the result of the late Tudor and early Stuart elites' desire to control the poor, and thus "perpetuate their own hegemony."<sup>66</sup> Hence the laws were not constructed with the relief of the poor as the objective. In his chapter entitled

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<sup>63</sup> Slack, "Vagrants", 378.

<sup>64</sup> Beier, "Vagrants", 16-17.

<sup>65</sup> Beier, "Vagrants", 29.

<sup>66</sup> A.L. Beier, Masterless Men: The Vagrancy Problem in England, 1560-1640 (London: Methuen & Co. Ltd., 1985), 175.

"State policy: from Utopia to the penal colony", Beier further maintains that the English elites in their attempts to control vagrants greatly extended the authority of the state: "...the evidence of state policy...suggests that governments were faced with a formidable social problem; so formidable that they were prepared to breach the traditional bounds of the constitution."<sup>67</sup> Beier illustrates his argument by pointing out that the vagrancy laws gave local officials summary powers of justice. They had the authority to whip, brand and incarcerate without trial. Similarly, martial law - provost-marshal - was used against vagrants with summary powers of execution. In addition transportation and impressment of vagrants were practised contrary to tradition.<sup>68</sup> Beier emphasizes that these measures had the support of the localities:

as well as providing a short-cut around the courts, summary justice suited the interests of urban oligarchs and village notables who dominated local government. It granted them the authority to police their inferiors almost at will, and thus to control the pressing problems of destitution and disorder....<sup>69</sup>

While a review of the vagrancy debates reveals different treatments of evidence, it is not indicative of the most recent and influential development within the topic of poverty and poor relief: the deliberate reconstruction of communities - cities, towns, and villages - in which poverty, and the relief thereof, are placed within the context

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<sup>67</sup>Beier, Masterless Men, 170.

<sup>68</sup>Beier, Masterless Men, 156-157.

<sup>69</sup>Beier, Masterless Men, 157-158.

of the local social and political situation. Five historians can be used to demonstrate this new approach - the already familiar Slack and Beier as well as Peter Clark, Keith Wrightson and Valerie Pearl.

Clark and Slack in 1972 edited the volume Crisis and Order in English Towns, 1500-1700 in which they argue that poverty was one of the "most significant problems in urban society."<sup>70</sup> The thrust of their overall argument, which can be gleaned from Crisis and Order and a more general treatment four years later,<sup>71</sup> is that over the course of these two centuries several important "external pressures" throughout Europe were "imposed upon towns."<sup>72</sup> These included demographic growth as well as price, trade, and migration fluctuations which before 1650 "were critical, in bringing the problems of declining industries and increasing poverty, of political conflict and social discontent to the majority of English towns."<sup>73</sup>

In his essay on "The Migrant in Kentish Towns 1580-1640" Clark makes extensive use of ecclesiastical court deposition books which detail people's movements in order to argue that due to the influx of migrants the "urban hierarchy saw its lower rungs engulfed in bottomless

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<sup>70</sup> Peter Clark and Paul Slack, "Introduction", Crisis and Order in English Towns, 1500-1700 (Toronto: University of Toronto Press, 1972), 2.

<sup>71</sup> Peter Clark and Paul Slack, English Towns in Transition 1500-1700 (Oxford: at the University Press, 1976).

<sup>72</sup> Clark and Slack, Transition, 158; See also Clark, "Introduction", Early Modern Towns; See also Fernand Braudel, trans. Reynolds, The Wheels of Commerce (New York: Harper and Row, 1982, first published 1979), 506-514.

<sup>73</sup> Clark and Slack, Transition, 158.

poverty." The result was the destruction of the "customary fabric of urban community" a neighbourly alms-giving gave way to poor rates, which in turn created tremendous financial and political turmoils for the political elite.<sup>74</sup> Part of the decay in community was a polarization between the rich and poor which saw the poor increasingly frequent alehouses having been "excluded from the political and social arena...."<sup>75</sup> Clark discovers many of these same themes in his 1979 treatment of the "'The Ramoth-Gilead of the Good': urban change and political radicalism at Gloucester 1540-1640". For this paper Clark made use of a wide variety of local records. In addition to diocesan deposition books he used parish registers, freeman registrations, Quarter Sessions rolls, hospital records and ordinances, and the papers of leading Gloucester families. He argues that along with the development of a group consciousness amongst an increasingly prosperous elite there was also "massive, escalating poverty as the urban economy proved unable to adjust to rising demographic pressure."<sup>76</sup> Dominating the "debates and decisions of the ruling elite in the decades before 1640", the problem of poverty was tackled in a piecemeal fashion. The ultimate result was the tightening of the "administrative machinery" in

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<sup>74</sup> Peter Clark, "The Migrant in Kentish Towns 1580-1640", chapter in Crisis and Order, 150-152.

<sup>75</sup> Clark, "Migrant", 152; see also Peter Clark, "The Alehouse and the Alternative Society", eds. Thomas and Pennington, 47-72 (Oxford: at the Clarendon Press, 1978). Chapter in Puritans and Revolutionaries.

<sup>76</sup> Peter Clark, "'The Ramoth-Gilead of the Good': urban change and political radicalism at Gloucester 1540-1640", chapter in The English Commonwealth 1547-1640 eds. Clark, Smith and Tyache, 167-187 (Leicester: at the University Press, 1979), 169.

order to keep the peace without any attempt to tackle the underlying problems themselves. Thus, for example, small groups of aldermen, "exploiting to the full their power as justices of the peace", met several times each week "to deal summarily with vagrants and other suspect persons...."<sup>77</sup> Clark, in his analysis of Gloucester's treatment of the poor, virtually ignores the national perspective (unlike Slack below) - concentrating on the town. His conclusion is that the town's statutory relief, alehouse regulation, and lectures to the poor, were "instrument[s] of social control" which were "at best palliatives."<sup>78</sup>

Slack in his "Poverty and Politics in Salisbury 1597-1666" (1972) uses parish registers, churchwarden's accounts, Quarter Sessions rolls, censuses of the poor, storehouse and other municipal records, as well as chancery and conciliar central records to demonstrate clearly that dearth, the plague, and industrial depression, could have a tremendously devastating effect on the number of destitute and, thus, create political problems for the elite who had to deal with the problem of poverty.<sup>79</sup> Unlike Clark's perceptions of Gloucester, Slack discovered that the Puritans of Salisbury attempted a poor relief scheme which was not only vast in its scope, but also marked by a "comparative generosity and openness" that indicated a sincere religious motivation of care for

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<sup>77</sup>Clark, "Radicalism at Gloucester", 175-176.

<sup>78</sup>Clark, "Radicalism at Gloucester", 176.

<sup>79</sup>Slack, "Poverty and Politics in Salisbury 1597-1666", Crisis and Order, 168-178.

the poor.<sup>80</sup> The scheme, implemented in the 1620's, involved a municipal brewery, a storehouse from which the poor could obtain food by presenting tokens, and a workhouse which was not a coercive institution, but one dedicated to finding employment for people in the town.<sup>81</sup> Although Slack has thus discovered a group of Puritans who indicate that Tawney and others have "pointed", too "harsh an attitude", Slack also maintains that Jordan's argument for the importance of Puritan philanthropy does not hold water in Salisbury either.<sup>82</sup> The various endowments that did exist dealt with small numbers of people and were being constantly misused by those who administered them. Slack argues that it was necessary to use the "statutory machinery of the poor law", that this brought in at least twice as much money as the charitable endowments, but that it was still inadequate to meet a crisis like that of the 1620's.<sup>83</sup>

Beier comes to similar conclusions as Slack in his 1981 study of Warwick from 1580 to 1590 in which he makes use of probate records of wills and inventories, the "Black Book of Warwick" with information about the town's politics, charities and finances, as well as "the Book of John Fisher, 1580-1588" which contains censuses of the poor, examinations of vagrants, and poor rates. He argues that Jordan's position on the importance of charity is incorrect; it ignores the

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<sup>80</sup> Slack, "Salisbury", 184-185.

<sup>81</sup> Slack, "Salisbury", 182-185.

<sup>82</sup> Slack, "Salisbury", 184.

<sup>83</sup> Slack, "Salisbury", 178-179.

ravages of inflation, the misuse of endowments, and the distortion caused by calculating the influence and extent of endowments purely in monetary terms - Leicester's large bequest (which Beier shows to be ineffectual) only "makes it appear that there was a great upsurge of philanthropy in the town."<sup>84</sup> Beier goes a step further than Slack when he attempts to prove that Jordan's belief in the qualitative replacement of religious giving by secular endowments, due to the effects of Protestantism, is incorrect. Before his specific examination of Warwick, Beier cites studies which clearly reveal that Catholics in Italian cities set up secular endowments and thus, "to think that Protestants had a monopoly of secular giving in the sixteenth century is parochial and whiggish."<sup>85</sup> He then proceeds to show, by an examination of Warwick's wills, that the continuance of traditional forms of funeral doles "persisted up to 1640 and far outnumbered endowed charities at most times."<sup>86</sup> In fact, his examination of the effect of the dissolution

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<sup>84</sup> A.L. Beier, "The Social Problems of an Elizabethan County Town: Warwick, 1580-1590" County Towns in Pre-Industrial England ed. Clark, 45-86 (New York: Leicester University Press, 1981), 70.

<sup>85</sup> Beier, "Warwick", 71; for examples of work by historians studying continental Europe who acknowledge and/or argue that Catholics as well as Protestants were influenced by (civic) humanists, were involved in secular giving and, indeed, established secular systems of poor relief see: Brian Pullan, "Catholics and the Poor in Early Modern Europe", Transactions of the Royal Historical Society 25 (1975), 15-34; Pullan, Rich and Poor in Renaissance Venice (Cambridge, Mass.: Harvard University Press, 1971) Natalie Zemon Davis, "Poor relief, humanism and heresy" Studies in Medieval and Renaissance History, 5 (1968): 217-75; Robert M. Kingdom, "Social Welfare in Calvin's Geneva", ANA 76 (1971), 50-69.

<sup>86</sup> Beier, "Warwick", 72.

of the monasteries at Warwick indicates that, if anything, Protestantism harmed the town: the crown granting the town "a comparative pittance" to replace the loss.<sup>87</sup> However, Beier is careful in his analysis of Warwick's Puritan leadership during the 1580's, to show that, rather than seeking "a new medicine for poverty", they sought order and, indeed, their "villains were those old bogey-men, self-interested landlords."<sup>88</sup>

Wrightson and Walter in "Dearth and the Social Order in Early Modern England" (1978) use two case studies - Essex from 1629 to 1631 and Lancashire from 1647 to 1650 (and their Quarter Sessions rolls, county lieutenancy books, as well as the Privy Council registers and State Papers) - in order to argue that the traditional equation of dearth and disorder, brought forth by Leonard and others, is simplistic. Popular action, rather than being mindless and violent, was ritualistic and directed specifically against the export of grain from communities in times of dearth by middlemen.<sup>89</sup> Thus the "customary" grain riot, as strange as it may seem, is indicative of an alliance between the traditional landed authorities and the increasingly vulnerable poor (embodied in the enforcement of grain regulation during periods of harvest failure) against the emerging "middling sort" who were denying the age old paternalistic obligations of the elite. As long as these

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<sup>87</sup> Beier, "Warwick", 78.

<sup>88</sup> Beier, "Warwick", 77.

<sup>89</sup> Keith Wrightson and J. Walter, "Dearth and the Social Order in Early Modern England", Past and Present, No. 71 (1976): 22-42, 38.

regulations were seen to be enforced the poor would not riot and thus, "society emerged from the crisis [of dearth] intact, with its values and structure of authority reinforced, for dearth highlighted the former and enhanced the latter's legitimacy."<sup>90</sup>

Wrightson's perception of a growing rift between traditional groups in society (the poor and the aristocracy) and an emerging middle group, is the main theme in his and David Levine's 1979 study of the village of Terling in Essex in which they made extensive use of Quarter Sessions rolls, Church court records, hearth tax records, various types of parish records, wills, and manorial and estate records in order to examine village life from 1525 to 1700.<sup>91</sup> Their examination of the men who were church wardens and sessions jurymen from the 1590's to the 1670's reveals an appreciable change; there was a growth in literacy and marked decline in the prosecutions for drunkenness, sexual misdemeanor, and failure to attend Church.<sup>92</sup> They conclude that this is indicative of a growing polarization between the increasing numbers of poor, and the emerging "better sort."<sup>93</sup> The latter were the prosperous yeomanry who

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<sup>90</sup> Wrightson and Walter, 42; See also Peter Clark, "Popular Protest and Disturbance in Kent, 1558-1640", The Economic History Review, XXXIX, No.3 (1976), 365-381 for similar conclusions.

<sup>91</sup> For other treatments of rural areas see Margaret Spufford, Contrasting Communities (Cambridge: at the University Press, 1974) and David G. Hey, An English Rural Community: Myddle under the Tudors and Stuarts (Leicester: at the University Press, 1974).

<sup>92</sup> Keith Wrightson and David Levine, Poverty and Piety in an English Village: Terling 1525-1700 (New York: Academic Press, 1979), 180-181.

<sup>93</sup> Wrightson and Levine, 182.

"owed" their wealth to their:

commercial farming, their novel attitudes and perceptions, to their involvement in the currents of administration, educational, and religious change, their power to their role as the local officers of Church and State, their social identity to their withdrawal from and hostility to a popular culture <sup>94</sup> that was slowly being transformed into a culture of poverty.

Levine and Wrightson maintain that the poor law administration was an important part of this process of polarization. It enabled the yeomen to control the poor; the badging of the destitute by the "rulers of Terling", seven years before the law was changed to make it obligatory, being an "enduring symbol of social transformation."<sup>95</sup>

Valerie Pearl made extensive use of churchwarden's accounts and vestry minute books in order to write about the "Social Policy in Early Modern London" (1981). In this paper she disagrees with the (type of) argument offered by Wrightson - that the administration of the Poor Laws was one aspect of the control by one section of society over another. She argues that, rather than class weapons, "consumer protection and...the extension of relief to the poor" were the result of genuine "popular pressure", and warns that "we should not underestimate the sense of communal responsibility..." which existed in London during this

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<sup>94</sup> Wrightson and Levine, 181.

<sup>95</sup> Wrightson and Levine, 182; for the same thesis writ large see Keith Wrightson, English Society, 1580-1680 (New Jersey: Rutgers University Press, 1982); two recent authors largely accept Wrightson and Levine's argument - see J.A. Sharpe, Crime in Early Modern England 1550-1750 (New York: Longman, 1984), particularly Chapter 5 on "Controlling the Parish", and C.G.A. Clay, Section iii on "The Control of the Poor" within the chapter on "Society and the Poor".

period.<sup>96</sup> She also maintains that the result of this pressure was more substantial than has been allowed. Thus, Leonard and the Webbs were mistaken about the consistency of relief over time, Tawney was wrong about the effectiveness of the grain regulations, and Jordan was greatly in error in believing that philanthropy was more important for relief than the rates.<sup>97</sup> Furthermore, based on her previous study on the Corporation of the Poor during 1649 to 1660 - which was a "humane" attempt at the education and training of the destitute<sup>98</sup> - as well as the treatment of orphaned children and squatters by City officials, she argues that a:

sense of communal responsibility increased, rather than diminished, in the century of Puritanism. Poor relief in London was not a cure for poverty. At the same time it was emphatically not the harsh 'new medicine' presented to us by Professor Tawney.<sup>99</sup>

After a century of historiography the different ideological positions taken by Pearl and Wrightson in many ways resemble those between Leonard and Tawney. For one poor relief indicates a genuine concern for the destitute, and brings about a desirable preservation for "political stability",<sup>100</sup> while for the other the Laws are a class

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<sup>96</sup> Valerie Pearl, chapter in "Social Policy in Early Modern London", History and Imagination: Essays in Honour of H.R. Trevor-Roper eds. Jones, Pearl and Wordon, 115-131. (London, 1981), 119.

<sup>97</sup> Pearl, "Social Policy", 122, 120, 120-121.

<sup>98</sup> Pearl, chapter in "Puritans and Poor Relief: The London Workhouse, 1649-1660", Puritans and Revolutionaries, 221-227.

<sup>99</sup> Pearl, "Social Policy", 125-129, 131.

<sup>100</sup> Leonard, 86-87; BL Lansdowne, 48, 54.

weapon used during a period of increasing social polarization. Due to the careful analysis of new sources, within a framework which provides the opportunity for a closer inspection, we now know more about: the extent to which the statutes were enforced throughout England; the forces which pushed local areas to establish relief measures; the relative importance of philanthropy and the rates in providing relief; who the vagrants were and why they moved; and the extent to which Puritanism can (not) be described as a uniform set of ideas which played a major role in the response to poverty, as well as the formation of the Poor Laws. In spite, therefore, of the movement from national studies based upon broad hypotheses to detailed and increasingly elaborate local studies, the issues surrounding poverty and relief have not disappeared. Some areas have been clarified, some erroneous suggestions have been removed, but the lack of a consensus is largely due to differing ideological visions of the roles of class and state in English historical development. As will be seen later in this study, the particular issue of the relief of disabled soldiers is also open to different interpretations, which can parallel those of the writers discussed above.

## II

As has been mentioned above, there has been surprisingly little written on the response to the problem of disabled soldiers by those concerned with poverty and the political response to that problem. Leonard only mentions one instance of the Privy Council's action prior to the enactment of the Act in 1593 "for Relief of Souldiours." In the

Book of Orders of 1587, issued by the Privy Council to sheriffs and Justices of the Peace, the Councillors demanded "that the maymed or hurt soldiers and all other impotent persons be carefullye seene unto to be relieved."<sup>101</sup> The Act itself, and its alterations in 1598 and 1601, are dealt with briefly in the context of a general discussion of how Parliament initiated, and the Privy Council tried to enforce, legislation which sought to extend genuine paternalistic relief to the lower orders.<sup>102</sup>

Similarly brief is J.F. Pound in Poverty and Vagrancy in Tudor England (1971). In several paragraphs Pound gives his analysis of the government's response to the problem of returning soldiers, within which he describes the 1593 Act as having "supplemented" the government's actions of appointing Provost Marshals to capture and punish vagrant soldiers.<sup>103</sup>

In an unpublished thesis on the "Social Attitudes of Members of Parliament with Special Reference to the Problem of Poverty, circa 1590-1624" (1971) Joan Kent deals with the provisions made for maimed soldiers and mariners by Parliament in the 1590's. Using Parliamentary journals, statutes, and various manuscript collections containing speeches of members, she argues that disabled soldiers were given special treatment by Parliament because they were regarded as different

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<sup>101</sup> Leonard, 86-87; BL Lansdowne, 48,54.

<sup>102</sup> Leonard, 73, 75, 78, 136, 143, 170, 213, 220.

<sup>103</sup> Pound, Poverty and Vagrancy, 4-5.

from the rest of the impotent people.<sup>104</sup> She concludes that:

the provision for maimed soldiers was looked upon not only as an act of charity, but as a reward for services they had rendered to the state and as an incentive to encourage others to undergo similar dangers for the welfare of the commonwealth.<sup>105</sup>

Historians concerned with the military aspects of this period pay little more attention to the problem of disabled soldiers. Sir J.W. Fortescue in the History of the British Army (1899) maintains that

Elizabeth was not friendly to soldiers, and hated to be troubled with obligations towards men who had faithfully served her. An Act had been passed in 1593 throwing the relief of crippled or destitute soldiers on their parishes, and she could not see what more they could want...she would not be pestered with the sight of the miserable creatures.<sup>106</sup>

C.G. Cruickshank in his Elizabeth's Army (2nd Edition 1966) could not disagree more: "...for humanitarian reasons as well as from motives of policy the queen, the Privy Council, and parliament were deeply interested in the welfare of old and disabled soldiers."<sup>107</sup> Cruickshank gives a three-paragraph description of the government's actions leading up to the "noble attempt to deal with the problem...embodied" in the 1593 Act.<sup>108</sup> His discussion deals almost

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<sup>104</sup> Kent, 39-60.

<sup>105</sup> Kent, 60.

<sup>106</sup> J.W. Fortescue, History of the British Army, (London, 1898), Vol.I, 157.

<sup>107</sup> C.G. Cruickshank, Elizabeth's Army (Oxford: at the University Press, 2nd Edition, 1966, 1946), 183.

<sup>108</sup> Cruickshank, 184.

entirely with the proclamations of 1 August 1563<sup>109</sup> and 5 November 1591 that dealt in part with poor maimed and/or sick soldiers and mariners. The rest of his five-page analysis deals with the Act itself, amendments to it in 1597 and 1601, and (very briefly) the Council's attempts to enforce these statutes. Overall Cruickshank, although allowing that the soldiers' "pension legislation was, up to a point, defensive" (it relieved the tension caused by discharged and disabled soldiers around London), argues that in the main the government's action was initiated by men like Sir Robert Cecil who "genuinely sympathized with the lot of the wounded soldier."<sup>110</sup>

More recently Geoffrey Parker, an historian of the Spanish Army, has compared English treatment of wounded and disabled soldiers with Spanish. His comparison would likely meet with Fortescue's approval. Parker comments that Spanish soldiers who were wounded received free hospital care and special homes were set up for "mutilated survivors" while wounded English soldiers received no help until the limited 1593 Act. This left many to "starve to death, crippled and spent...."<sup>111</sup>

Historians have written very little on the formation of a response by the English government to the problem of poor maimed soldiers. Similarly, little has been written on either the initiatives

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<sup>109</sup> Cruickshank incorrectly dated this proclamation as 1 August 1562; TRP, II, 510.

<sup>110</sup> Cruickshank, 186.

<sup>111</sup> Geoffrey Parker, The Army of Flanders and the Spanish Road 1567-1659 (Cambridge: at the University Press, 1972), 167-168; Geoffrey and Angela Parker, European Soldiers, 1550-1650 (Cambridge: at the University Press, 1977), 59.

taken by the English government or the enforcement of such initiatives. The few discussions that exist, then, are brief and rest primarily on published proclamations and statutes. The disagreements amongst them principally concern the motives for the government's actions (and their overall approach to the Queen's reign in general): the government acted out of a paternalistic concern for the soldiers (Leonard, Kent, and Cruickshank); the action was grudgingly and reluctantly taken in the face of a problem that was considered a nuisance (Fortescue and Parker); relief for maimed soldiers was necessary to complement a policy of repression with the goal of achieving control of demobilized soldiers (Pound).

### III

Basic examination of how and why the government attempted to deal with the problem of disabled soldiers is necessary and long overdue. The appropriate sources will be utilized - the Council's registers, the State Papers, the papers of Lord Burghley, parliamentary journals, statutes, proclamations, Quarter Sessions rolls, and accounts from Treasurers for disabled soldiers. These sources provide the evidence necessary for an examination of this long neglected topic from the national perspective while allowing for some focus on local areas and implementation of government policies.

It is useful to begin by examining some reasons for the emergence of the problem of disabled soldiers in this period. The basic underlying cause seems to have been the change in the nature of warfare which caused what Michael Roberts in 1955 described as a "Military

Revolution, 1560-1660'. Due to a gradual shift from an emphasis on cavalry to infantry, changes in tactics (mobile to siege warfare), and the types of weapons (pikes and fire arms replacing bows and lance) there occurred a "prodigious increase in the scale of warfare in Europe".<sup>112</sup> In a 1979 paper in which he reviews the soundness of Robert's thesis (and finds it largely substantiated by scholarship since 1956), Geoffrey Parker comments that "there is absolutely no doubt about...the growth in army size. Between 1530 and 1710 there was a ten-fold increase both in the total numbers of armed forces paid by the major European states and in the total numbers involved in the major European battles."<sup>113</sup> In the England of the 1590's military manpower was 50% more than it had been forty years earlier (an increase from 20,000 to 30,000 men).<sup>114</sup>

Another development was a change in the recruitment for, and composition of, the military. Jeremy Goring in "Social Change and Military Decline in Mid-Tudor England" (1975) commented that the most

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<sup>112</sup> Michael Roberts, The Military Revolution 1560-1660 (Belfast, 1956).

<sup>113</sup> Geoffery Parker, "The 'Military Revolution, 1560-1660' - a Myth?", chapter in Spain and the Netherlands, 1559-1659 (London: Collins, 1979), 95.

<sup>114</sup> Parker, "A Myth?", "Table I: Increase in Military Manpower, 1470-1710", 96; During Elizabeth's reign (1558-1603) English forces: intervened in the French civil war on the Protestant side in 1562; successfully squelched the 1569 Rebellion of the North; saw service in the Netherlands (low countries), France, Portugal and Spain (Cadiz raid) from 1585 to 1604 against Spain; had to deal with an Irish rebellion from 1590 to 1601. Cruickshank lists the levies (and destination thereof) in England and Wales for service abroad from 1585-1602 (see Appendix I below).

serious problem in the Mid-Tudor period (1536-1558) "was the inadequacy of the nation's military organization". He commented that previously the crown had been able to raise troops by ordering individual lords and gentlemen to raise men from the ranks of their tenants, servants and other dependents".<sup>115</sup> This was no longer the case, however, as "the quasi-feudal system of recruitment, which had worked tolerably well in an age when the high nobility, in return for the King's 'good Lordship', had placed their 'powers' at his disposal in the event of a war, functioned less effectively in an age when the old aristocracy was passing to a multiplicity of lesser landowners."

In addition nobles and lesser landowners were experiencing marked problems meeting their military obligation as they were "faced with rising costs, dwindling households and a less subservient tenantry."<sup>116</sup> This situation forced the Crown to increasingly "resort to the 'national' system of recruitment in which the leading gentry (acting collectively as commissioners)" were required "to recruit men indiscriminately from the inhabitants of their Shires".<sup>117</sup> With the serious decline of the quasi-feudal recruitment system in England by the mid-sixteenth century the armies and navies which were created in the

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<sup>115</sup> J.J. Goring, "Social Change and Military Decline in Mid-Tudor England", History 60 (1975), 185-197: 188.

<sup>116</sup> Goring, 195.

<sup>117</sup> Goring, 188; see also Penry Williams' chapter on "Force and Arms" in his The Tudor Regime (Oxford: at the Clarendon Press, 1979), 109-135.

late 1580's and 1590's in order to fight the Spanish and the Irish were composed to a large extent of impressed men.<sup>118</sup> Lambarde blamed the reliance on a certain type of impressed soldier for the emergence of the problem with poor soldiers. He commented that:

...in the old time but also within the reach of our own memories, at the journeys to Boulogne, Musselburgh, St. Quintans, New Haven, and Leith, the nobility, knighthood and gentry of the realm carried to the wars with them their [fr]eehold or copyhold tenants, their able and wealthy neighbors, and their own menia[1] and household servants, of the which three sorts, two were able at their return to live of their own, and the third was never forsaken of their lords and masters under whom they had adventured. But now, when not only our gaols are scoured and our highways swept but also the cannels [sic] of our streets be raked for soldiers, what marvel is it if after their return from the wars they do either lead their lives in begging or end them by hanging.<sup>119</sup>

Although Lambarde seems to have forgotten that prisoners in Newgate were released to reinforce besieged troops at New Haven, military historians like Cruickshank agree that "the recruitment of the dregs of society", although it had been done for some time, was prevalent in Elizabeth's reign.<sup>120</sup>

Some of Lambarde's contemporaries made similar observations. Matthew Sutcliffe in his 1593 The Practice, Proceedings and Lawes of Armes wrote that as a rule constables were told to round up vagrants and

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<sup>118</sup> Cruickshank, 26.

<sup>119</sup> Lambarde, 183-184.

<sup>120</sup> Cruickshank, 27; Pound in Poverty and Vagrancy (4-5) ignores almost entirely the changes which produced a 'new' problem in the 1580's. His comments suggest continuity.

the unemployed for the wars.<sup>121</sup> In addition, central records for the late 1580's and early 1590's document several instances of prisoners and masterless men being specifically targeted for recruitment. They formed part of the first expedition to the Low Countries in 1585, for example. The Privy Council ordered that all able bodied unemployed in Surrey and Sussex were to be conscripted. The constables proceeded to raid popular meeting places and fairs in order to "recruit" as many men as possible.<sup>122</sup> The Privy Council's registers record five other instances of the impressing of vagrants at this time.<sup>123</sup>

To deal with the masses of returning masterless soldiers and the disorder they caused the Privy Council resorted to appointing Provost-Marshals to force the demobbed to return to their home counties and take up their former lives.<sup>124</sup> For the many who were maimed for life, however, a return to working lives was impossible.

Conditions of service for soldiers in this period were deplorable. One historian has described them thus:

...for those who stayed with war [and did not desert], who marched among its episodes, were transported to it in hideously uncomfortable and under provisioned vessels, slept in its siege trenches and stood up as targets on its battlefields, half died, the majority from bacteria rather than bullets. It was an age of actual or potential

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<sup>121</sup> Matthew Sutcliffe, The Practice, Proceedings and Lawes of Armes (1593), 62-63, cited in Cruickshank, 27.

<sup>122</sup> Harl. MSS. 703, f. 41b in Cruickshank, 28.

<sup>123</sup> APC XIV, 74-75; XVI, 291; XIX, 183; XX, 69; XXII, 150-151.

<sup>124</sup> See Lindsay Boynton, "The Tudor Provost-Marshal", The English Historical Review, No. CCCIV (July 1962): 437-455; Beier, Masterless Men, 98, 152-153.

invalids.<sup>125</sup>

Those who were injured were treated by their military's medical service. Geoffrey Parker, in a section on the Spanish army's military hospital in the Low Countries, comments that it "had to deal mainly with surgery cases - limbs injured by sword, pike or gunshot." Of the three the last was very serious as it often involved internal injuries or infections which the contemporary surgeons could not treat. Don Luis de Requesens, a Spanish officer, reflected on one occasion, when several of his men had been wounded, that "most of the wounds come from pikes or blows, and they will soon heal, although there are also many with gunshot wounds and they will die."<sup>126</sup> Parker concludes, however, that "within these limitations, the Army's doctors and surgeons registered some remarkable successes." He gives an example of the types of injuries involved in the case of 41 injured Spanish soldiers in 1574, of these four had lost at least two limbs, five the use of a leg, 13 a hand or arm, 11 suffered bad gunshot wounds in the mouth, eye or a limb, and four lost a limb by a cannon ball. All of these survived because of the treatment given by the army's surgeons.<sup>127</sup>

The English military's medical service is examined in a chapter by Cruickshank. He comments that in the early part of the reign, when each company of around 100 men was supposed to be accompanied by a

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<sup>125</sup> J.R. Hale, War and Society in Renaissance Europe 1450-1620 (London: Fontana Press, 1985), 120.

<sup>126</sup> AGS E 564/134, Requesens to the King, 4 November 1575 cited in Parker, The Army of Flanders, 168.

<sup>127</sup> Parker, The Army of Flanders, 168.

surgeon, "the unlucky private more often than not found himself in the hands of a medical officer who would have learned something from a witchdoctor."<sup>128</sup> In the 1580's, however, the Privy Council reformed the medical system so that two surgeons on much higher wages were hired for each regiment of ten companies. A portion of the high wages was to be set aside for assistants. Thus skilled surgeons were in charge of "their less expert colleagues, who found it difficult to try out their random personal theories on unfortunate patients."<sup>129</sup> Sick leave was introduced, and hospitals were utilized in the Low Countries.<sup>130</sup> The result, according to Cruickshank, was "a marked improvement" in the medical services.<sup>131</sup> J.R. Hale in War and Society in Renaissance Europe, 1450-1620 comments favourably on the level of Europe's military medicine: "...a host of men returning from the wars without an arm or with a wooden leg testified to its rough-and-ready ability to save lives."<sup>132</sup> Many of these men possessed little or no personal resources, came from a family low down the social ladder, had no masters to return to for charity, or had been in military service for an extended period of time. Such disabled veterans would have an extremely difficult time re-integrating themselves back into an economy (if they had ever been

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<sup>128</sup> Cruickshank, 177.

<sup>129</sup> Cotton. Mss., Galba DIX, f. 311b cited in Cruickshank, 178.

<sup>130</sup> Cruickshank, 178-183; in Ireland hospitals were constructed in Dublin and Lough Foyle in 1600, Cruickshank, 183.

<sup>131</sup> Cruickshank, 179.

<sup>132</sup> Hale, 121.

in) during a period of rising population, extensive unemployment, and war-time economic dislocations. It was this group which posed the problem for England's governors.

#### IV

As this thesis examines the problem of disabled soldiers largely from the perspective of the Privy Council it is necessary to briefly outline briefly what recent historians have argued about both the constitutional importance, and nature, of the Privy Council as a national political institution, and the Council's political relationship with the local authorities - particularly as it touches upon the enforcement of social policy. Historians' perceptions of the nature of late Tudor and early Stuart English government have changed in the last two decades. Previously emphasis had been placed on discovering the reasons for the civil war, with a concomitant concentration on the supposed rise of Parliament as an institution representing various social, political, religious and/or economic forces which challenged the authority of the crown.<sup>133</sup> G.R. Elton for the late Tudor period, and Conrad Russell for the early Stuart, have been cited as the leading proponents of a new version of English political history.

In 1976 Russell published a paper entitled "Parliamentary History in Perspective" in which he argued that, contrary to received

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<sup>133</sup> For two recent historiographical reviews of this process see J.H. Hexter, "The Early Stuarts and Parliament: Old Hat and the Nouvelle Vague", Parliamentary History I (1983): 181-215 and the first chapter, "The Historiography of the Tudor Parliaments: a critical analysis", of Michael A.R. Graves, The Tudor Parliaments: Crown, Lords and Commons, 1485-1603 (London: Longman, 1985).

historiographical opinion, "before 1640, Parliament was not powerful...." Russell pointed out that Parliament existed at the will of the crown, argued that it did not "use supply as a means of extorting the redress of grievances", that even if Parliament had tried to do so "supply was not a powerful bargaining counter", and that Parliament showed its institutional weakness by not being able to stop the crown from imposing a variety of extra-Parliamentary taxes.<sup>134</sup> Russell further argued that there was no organized opposition in Parliament as had been previously maintained. He declared that a

gulf between 'government' and 'opposition' is impossible to find in Parliament before 1640. There were many disagreements on policy, often profound ones, but these were divisions which split the Council itself. On none of the great questions of the day did Parliamentary leaders hold any opinions not shared by members of the Council.<sup>135</sup>

Russell concluded that "if Parliament was not engaged in the pursuit of supreme power", and there was no opposition to the government in Parliament, "then much of the history of Parliament in this period needs to be re-written."<sup>136</sup> Russell offers as an alternative the notion that Parliament was an institutionally weak meeting place in which "the permanent tension between the centre and localities" exhibited

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<sup>134</sup> Conrad Russell, "Parliamentary History in Perspective, 1604-1629", History, LXI (1976): 1-27, 3, 6, 12.

<sup>135</sup> Russell, 18; for an article highlighting the inner political differences within the Privy Council in the 1620's see Richard Cust, "Charles I, the Privy Council and the Forced Loan", Journal of British Studies 24 (April 1985): 208-235.

<sup>136</sup> Russell, 24.

itself.<sup>137</sup> Russell argued that there was a permanent tension between the centre and the localities in which Parliament was

not the champion of one side: it was a collection of those whose interests did not permit them to let two sides develop. The conflict between the central government and the county communities was one in which almost every member of Parliament had divided loyalties. The conflict between these divided loyalties was one of the most important reasons for their powerlessness.<sup>138</sup>

Similarly, Elton has reassessed the constitutional importance of Parliament for the Elizabethan years. In 1973 he initiated his three paper series on "Tudor Government: the Points of Contact", the first of which dealt with Parliament. In this paper Elton commented that "our historians have traditionally concentrated on conflict and have studied all meetings of Parliament with an eye to dispute and opposition."<sup>139</sup> Elton argued that this approach was incorrect - conflict was "often no more than a proper exchange of views and arguments."<sup>140</sup> Parliament was "an instrument of stability" in which Parliamentarians sought "consensus." He concluded that Parliament:

mediated in the touchy area of taxation; by producing the required general and particular laws it kept necessary change in decent order; it assisted the rich in the arranging of their affairs; and it helped the

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<sup>137</sup> Russell cites Alan Everitt, The Local Community and the Great Rebellion (Historical Association, 1969) as a work which is true to "the Parliamentary evidence" and paints a "picture of a permanent tension between the centre and the localities." (Russell, 25).

<sup>138</sup> Russell, 26-27; see also Conrad Russell, Parliaments and English Politics (Oxford: at the Clarendon Press, 1979).

<sup>139</sup> G.R. Elton, "Tudor Government, The Points of Contact 1. Parliament", Transactions of the Royal Historical Society, 5th Series, XXIV (1973):183-200, 187.

<sup>140</sup> Elton, "1. Parliament", 189.

ambitious to scale the heights of political power. What more could we ask of the image of the body politic? Only that it should satisfy liberal preconceptions by regularly undoing governments. But that was not a function which sixteenth-century theory ascribed to Parliament, and I can see no reason why it should have done so.<sup>141</sup>

More recently Elton in his The Parliament of England, 1559-1581 (1986) went a step further to deemphasize the importance of Tudor Parliaments. In his preface he commented that:

prolonged involvement with Parliament has in the end convinced me that the customary concentration on it as the centre of public affairs, however traditional it may be, is entirely misleading....I now wonder whether the institution...every really mattered all that much in the politics of the nation, except perhaps as a stage sometimes used by the real contenders over government and policy.<sup>142</sup>

For Elton previous historiographical conclusions about the rise of Parliament "into political prominence is balderdash."<sup>143</sup> Instead Parliament, which "formed a convenient and really rather ingeniously devised instrument for raising supply by consent and for making laws binding upon the agencies of enforcement", was "in the main" controlled by the Privy Council.<sup>144</sup>

The historiographical decline of Parliament as the most important political institution in late Tudor and early Stuart England has led to a concomitant emphasis on other political institutions. One

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<sup>141</sup> Elton, "1. Parliament", 200.

<sup>142</sup> G.R. Elton, The Parliament of England, 1559-1581 (Cambridge: at the University Press, 1986), ix.

<sup>143</sup> Elton, Parliament of England, 1559-1581, 378.

<sup>144</sup> Elton, Parliament of England, 1559-1581, 379, 321.

of these is the Privy Council.<sup>145</sup> In his 1974 paper on the Privy Council in his series on "The Points of Contact" Elton commented that the Council is "far less well known than the Houses of Parliament" despite its having been unique in Europe.<sup>146</sup> Unlike other royal councils for France and Spain the English Council

did things, had full executive authority, and by its own instruments (those letters signed by councillors for which there seems to have been no equivalent in the other national monarchies of the west) produced administrative results throughout the realm.<sup>147</sup>

For Elton the 1530's saw the reorganization of the Council from a fairly large (53 in 1526-27), representative institution, to a compact (19 in 1540), governmental body. Elton commented that with the judges, lawyers and civilians removed, "the old knightly element reduced to the top few officeholders, and with the peerage drastically pruned to leave only active politicians and administrators, the new Council was manifestly a working instrument of government and no more." By 1540 almost all the Councillors held the leading offices of State and Household - "positions which, as later developments show, were to become equivalent to Cabinet rank...."<sup>148</sup> Elizabeth used this type of conciliar system, Elton argued, keeping it small - "a precise instrument for royal government" - and an

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<sup>145</sup> Other institutions which have attracted scholarly attention include the court and the House of Lords (as distinct from the Commons).

<sup>146</sup> G.R. Elton, "Tudor Government, The Points of Contact. II. The Council", Transactions of the Royal Historical Society, 5th Series, XXV (1974):195-211, 195.

<sup>147</sup> Elton, "II. The Council", 197.

<sup>148</sup> Elton, "II. The Council", 202.

institution which "governed independently, taking decisions and executive action on its own responsibility."<sup>149</sup>

The importance of the Council for recent revisionist historians as a point of contact between the conflicting authorities of the centre and the localities has been summarized by Kevin Sharpe in "Crown, Parliament and Locality: Government and Communication in Early Stuart England" (1986). Sharpe commented that "communication to the King and from the King was the binding thread of government" and that the Council - "the most important and least-studied organ of early modern government" - was crucial to this process.<sup>150</sup> The Council was both the major source of regular counsel to the crown ("Parliament, in Conrad Russell's now famous phrase, was still more an event"), and the "principal executive body."

It issued proclamations and letters and briefed Lords-Lieutenant and deputies, sheriffs, JPs and constables whose duty it was to execute them. In the absence of a professional civil service, the formidable burden of supervising local government was borne by the Privy

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<sup>149</sup> Elton, "II. The Council", 207; J.A. Guy in "The Privy Council: Revolution or Evolution?" reexamines Elton's history of the Privy Council under the Tudors and raise "questions about the authorship, periodization and causes" of the changes that occurred in the structure of the Council in the 1530's. Guy did, however, contend that the Council did change in a "progressive and pragmatic" manner such that "the characteristic government of the late Tudors was the Privy Council, an elite board of (normally) officers of the state and household, who met nearly every day at the itinerant Court of the sovereign." Chapter in Revolution Reassessed: Revisions in the History of Tudor Government and Administration eds. Christopher Coleman and David Starkey, 59-86 (Oxford: at the Clarendon Press, 1986), 85, 59-60.

<sup>150</sup> Kevin Sharpe, "Crown, Parliament and Locality: Government and Communication in Early Stuart England", The English Historical Review, CI, (April 1986): 321-350.

Council.<sup>151</sup>

As well as a reassessment of the relative constitutional importance of the Privy Council recent research has reexamined the Council's authority in the realm of the creation and particularly the enforcement of social policy. This historical problem has been addressed within the overall framework of what Sharpe has commented "has been demonstrated" by recent historians - "a tendency...in the early modern period" of increased centralization running "parallel with a growing sense of local identity and loyalty, especially to the county."<sup>152</sup>

As has been mentioned above, E.M. Leonard in 1901 maintained that the Privy Council increasingly and gradually more effectively enforced the poor laws after 1601. For her the Council's actions were the reason that England had a superior poor relief system to other European states such as France and Scotland:

the difference was mainly caused by the coexistence in England of a Privy Council active in matters concerning the poor and of a powerful body of county and municipal officers who were willing to obey the Privy Council.<sup>153</sup>

Leonard further argued that the Council's use of the royal prerogative to enforce various social policies was not the source of any significant opposition from the localities. The Book of Orders of 1631, for example, "does not appear to have excited opposition. Men of both sides sent in their report to the Privy Council, and more energetic measures to

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<sup>151</sup> Sharpe, 338.

<sup>152</sup> Sharpe, 335.

<sup>153</sup> Leonard, 294.

execute the poor laws were taken in the Puritan counties of the east then in any other part of England." <sup>154</sup> Leonard's view, recently called "the classic expression" of the old "orthodoxy" on the problem of the relationship between the Privy Council and the localities, has been challenged. <sup>155</sup>

One of the thrusts of recent research has been to critique the effectiveness of the Council's enforcement capabilities. In a detailed examination of the Elizabethan Privy Council in the Fifteen-Seventies (1971), which primarily utilized central Conciliar records, the State papers, and the papers of leading political figures, Michael Pulman commented that:

...the council was almost always reacting to stimuli arising out of conditions it did not create, rather than trying out policies and ideas....Perhaps the overriding - certainly a major - reason for this is to be found in the difficulties the council ran into getting its orders obeyed even when they were not particularly controversial.... The council, in short, found it extremely difficult to get things - anything - done. <sup>156</sup>

Pulman pointed out that the Council had a number of enforcement weapons: "the threat of being summoned to appear before the council in person to answer" for an enforcement failure (costly and time consuming); imprisonment (unpleasant and dangerous even if it was "merely the prelude to a fair trial in an appropriate court"); torture (only

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<sup>154</sup> Leonard, 297.

<sup>155</sup> Anthony Fletcher, Reform in the Provinces: the Government of Stuart England (New Haven: Yale University Press, 1986), 354.

<sup>156</sup> Michael Barraclough Pulman, The Elizabethan Privy Council in the Fifteen-Seventies (Berkeley: University of California Press, 1971), 202.

"reverted to with reluctance"); the taking of bonds to ensure its orders were obeyed.<sup>157</sup> Such enforcement methods were not, and could not, be used systematically however. Pulman argued that, although the Queen and Council "could vary the enforcement and interpretation of the law, they could go clear against it only when doing so was sufficiently uncontroversial as to be unlikely to arouse widespread opposition."<sup>158</sup> Furthermore, in its enforcement of the law, the Council had to resist using harsh measures because of its reliance on local officials, who identified more with their locality's interest than the Council's, to carry out its orders.<sup>159</sup> Thus, the Council "fell back on exhortation to compliance with its and Queen Elizabeth's orders." Pulman also commented that the fact that

often resoundingly sanctimonious exhortations were composed...at the same time as the original decree was sent out, is alone enough to make one suspect that widespread heeding of orders not thus buttressed was not even expected.<sup>160</sup>

Brian Quintrell in an analysis of Lancashire and the Privy Council from 1570 to 1640 published in 1982, in which he used central government records and local records including Quarter Sessions rolls, came to many similar conclusions. He argued that the Privy Council "was always better suited to muddling through than to well ordered administration." Quintrell's comment on the Council's expansion during

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<sup>157</sup> Pulman, 207-210, 212, 213.

<sup>158</sup> Pulman, 227.

<sup>159</sup> Pulman, 205-206.

<sup>160</sup> Pulman, 204.

James's reign was that "its fundamental weaknesses in organization were magnified too." In its day to day affairs "much of its business was self-generated and unsought, arriving at the Council in the shape of petitions from individual and institutions."<sup>161</sup> These circumstances and realities meant that the Council "had little time for contemplation" and

as a result it had developed little or no notion of 'policy' in any modern sense, and had difficulty enough in keeping its various lines of action untangled and not actively working against each other. It took its decisions singly and generally separately; it seldom cross-referenced them, and very rarely tried even to coordinate them.<sup>162</sup>

Reflecting his examination of the relationship between the Privy Council and one northern county Quintrell further comments that the Council's "correspondence with a county on any one subject tended to reveal a lack of continuous attention, as though with each letter the Councillors were coming to the matter for the first time."<sup>163</sup>

Derek Hirst in his examination of "The Privy Council and Problems of Enforcement in the 1620's" (1978), in which he made extensive use of the Council's registers and the State papers, commented that the difficulties of enforcing government policy were further exacerbated in the 1620's because of the lack of Parliamentary subsidies. As the government increasingly "found itself acting outside a

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<sup>161</sup> B.W. Quintrell, "Government in Perspective: Lancashire and the Privy Council, 1570-1640", Transactions of the Historic Society of Lancashire and Cheshire Vol. 131 (1982):35-62, 40.

<sup>162</sup> Quintrell, "Lancashire", 40.

<sup>163</sup> Quintrell, "Lancashire", 40-41.

statutory or customary framework...it also thrust the burden of enforcement, and therefore of punishment squarely onto the shoulders of the Privy Council.<sup>164</sup> Thus loan commissioners, and those involved in the military drive (given the lapse of the militia statute in 1604),<sup>165</sup> relied on the Council for enforcement rather than the common law courts. Despite the enforcement methods at hand (such as bonds for appearance and the others which are mentioned above) the only initiative which the Council was really effective in enforcing was the forced loan in which the Councillors invested "a high degree of energy and attention to detail, with subtle and relentless pressure often being exerted on local agents, and one group being played off against another."<sup>166</sup> Hirst commented that the councillors inherited a "ramshackle administration" with an "absence of bureaucracy" which "was clearly crucial": "it ensured that the Council could be swamped by business, it made inefficiency likely as correspondence and consistency was lost, and it conditioned the ways business was handled."<sup>167</sup> Thus, for example, the Council "was thoroughly pusillanimous in its military drive." While it could sometimes act dynamically, generally:

the hand which wielded the stick over its subordinates was

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<sup>164</sup> Derek Hirst, "The Privy Council and Problems of Enforcement in the 1620's", The Journal of British Studies, XVIII (1978); 46-66, 48.

<sup>165</sup> For more on this see A. Hassell Smith, "Militia Rates and Militia Statutes 1558-1663", Chapter in The English Commonwealth, 1547-1640 (Leicester: of the University Press, 1979) eds. Peter Clark, Alan Smith and Nicholas Tyacke, 93-110 and Lindsay Boynton, The Elizabethan Militia, 1558-1638 (London: Routledge & Kegan Paul, 1967).

<sup>166</sup> Hirst, 52.

<sup>167</sup> Hirst, 58.

very limp. Despite the overwhelming importance of the techniques of coercion, they were unsystematically thought out and applied.... The Council trusted too much, as elsewhere, to the effect of strong words and did not think enough of backing them up.<sup>168</sup>

For Hirst, "this inconsistency on the part of the central government allowed local particularism to develop into the force it was."<sup>169</sup>

As well as the effectiveness of the Council's enforcement capabilities being challenged, recent research has led to a greater appreciation of the relationship between the central and local authorities. Leonard's view of the Privy Council enforcing social measures for the Kingdom, and the localities obeying the directives from the centre, has also been challenged. As already indicated above in the discussions of Russell and Sharpe a number of historians, through their examinations of local areas, have developed the notion of the county community. The county, or "country" as it was often referred to by contemporaries, is postulated as being the focus of the local gentry's political concerns. J.S. Morrill has defined the county community as "a mentality shared by a large number of gentry and others."<sup>170</sup> The central government and its political orientations were both little understood, and of little concern unless they affected the political stability of the county. In this idea of centre-locality interrelationship the two areas of political authority are perceived, in the words of one

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<sup>168</sup> Hirst, 60-61.

<sup>169</sup> Hirst, 64.

<sup>170</sup> J.S. Morrill, The Revolt of the Provinces: Conservatives and Radicals in the English Civil War, 1630-1650 (London: George Allen and Unwin Ltd., 1976), 17.

historian, "as fairly distinct and usually antagonistic spheres...."<sup>171</sup>

Morrill in The Revolt of the Provinces (1976) summarized the relationship between the government and the localities which he believes led to the civil war:

what made the provincial gentry so formidable and united them in their opposition to the Crown in 1640 was their lack of understanding of royal policies. What Charles's ministers were doing was innovative, eroded local traditions and conventions, and produced many social tensions. It deeply troubled the provincial communities and they reacted by using their power to paralyse local government.<sup>172</sup>

In the realm of social policy enforcement Morrill used the Book of Orders of 1631 as an example of the above process. For Morrill, unlike Leonard, the Book of Orders was resisted and resented. This was because the Privy Council was trying to "regulate minutely the enforcement of social legislation in every county (particularly the poor laws)" when the county communities "had established conventions and customs to meet local needs, many of which ignored or went against the provisions of statute."<sup>173</sup>

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<sup>171</sup> Ann Hughes, "The King, the Parliament and the Localities during the English Civil War", The Journal of British Studies, 24 (April 1985): 236-263, 237.

<sup>172</sup> Morrill, 21.

<sup>173</sup> Morrill, 22; see also J.S. Morrill, Cheshire 1630-1660 (Oxford: at the University Press, 1974); for a critique of "The Country Community in Stuart Historiography" see Clive Holmes' article in Journal of British Studies 19 (1980): 54-73. Holmes acknowledges both that: those who have promulgated the county community idea have presented "valid challenges" to previous historiographical tendencies which placed "predominant emphasis upon central institutions"; "the political and administrative framework...allowed local agents to delay the execution of, and even to prevent or neglect, the injunctions of Westminster." For Holmes it is equally clear, however, that the English county gentry were not ignorant of and, indeed, "were well informed and deeply concerned

For other historians, however, Morrill has over-emphasized the conflict between the Privy Council and the localities. The 1631 Book of Orders while being chronologically outside the framework of this thesis nevertheless serves to illustrate the historiographical differences. In "The Making of Charles I's Book of Orders" (1980) Brian Quintrell, examining the history of Conciliar Books of Orders and Council attempts to quicken local administrations' activity, concluded that the 1631 Book of Orders was not a major initiative; was not widely enforced; "reflected fairly accurately a number of the gentry's persistent concerns in local administration".<sup>174</sup> He concluded that "the Book's significance in the crumbling relationship between court and county may thus easily be exaggerated: it was, after all, itself in part a product of co-operation between them."<sup>175</sup> For Quintrell, however, it is crucial that:

the council never managed for long to press the Book with the determination which might have made resistance necessary. The gentry were almost invariably able to make of it what they would, and there was never much prospect of it adding intolerably to their existing administrative load.<sup>176</sup>

Thus, while Quintrell concludes that "the Book was almost certainly less important than it has often been made to seem" he also comments that the

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about national religious and constitutional issues. They participated in a national political culture" Holmes, 55, 73.

<sup>174</sup> B.W. Quintrell, "The Making of Charles I's Book of Orders" English Historical Review, XCV (1980): 553-572, 571-572.

<sup>175</sup> Quintrell, "Book of Orders", 572.

<sup>176</sup> Quintrell, "Book of Orders", 572.

gentry were always "sensitive to encroachments on their local authority by the central government", and that "the council's anxiety to exact a high standard of performance from J.P.s threatened to diminish their standing in the local community by invoking sanctions of demeaning potential...."<sup>177</sup> He is also careful to maintain that the local authorities were wary of the motives of Conciliar attempts to quicken local administration and help solve the Kingdom's social problems. In aid thereof Quintrell quotes Sir Francis Bacon's comment to James in 1620: "the world...commonly is apt to think that the care of the commonwealth is but a pretext in matters of state...."<sup>178</sup>

Paul Slack in his "Book of Orders: The Making of English Social Policy, 1577-1631" also traces the forces which led to the 1631 Book and came to similar conclusions as Quintrell. He also concluded that the Book was not, as Morrill seemed to have suggested, largely an invention of Charles's arbitrary rule. Slack argued that it was, rather, long in development, based on both an established practice of the Crown using the prerogative in areas of social policy and concerns which were shared by the localities.<sup>179</sup> Indeed, in a later article, "Poverty and Social Regulation in Elizabethan England" (1985), Slack commented that "Conciliar action under the royal prerogative was equally innovative [as

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<sup>177</sup> Quintrell, "Book of Orders", 564.

<sup>178</sup> Quintrell, "Book of Orders", 563.

<sup>179</sup> Paul Slack, "Book of Orders: the Making of English Social Policy, 1577-1631", Transactions of the Royal Historical Society, 5th Series, XXX(1979) : 1-22, 3, 7-9.

Parliament] in the field of social welfare...."<sup>180</sup> Unlike Quintrell, however, Slack is adamant that "we need to distinguish between ends and means." While "there was general agreement on objectives, on the obligations of local and central government to preserve social harmony and public health in their widest senses", there was very significant disagreement "over the means used to pursue them."<sup>181</sup> Whereas Quintrell argued that the Books were not problematic because they were not really enforced Slack insists they were politically a problem because "the spectre of ever greater central interference embodied in books of orders...finally separated councilors from their brothers, friends and contacts in the counties."<sup>182</sup> Thus, Slack maintains that the response of local justices to the 1631 Book was ambiguous and understandably so. Whereas they shared the aims of the Council they "found central direction a burdensome and dangerous nuisance. The many certificates from local justices in the State Papers of the 1630s signify reluctant acquiescence" and "not enthusiasm" as Leonard had maintained (nor the

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<sup>180</sup> Paul Slack, "Poverty and Social Regulation in Elizabethan England", Chapter in The Reign of Elizabeth I ed. Christopher Haigh, 221-241 (Athens: the University of Georgia Press, 1985), 223; See also Paul Slack, "Social Policy and the Constraints of Government, 1547-58", Chapter in The Mid-Tudor Polity, c. 1540-1560 eds. Jennifer Loach and Robert Tittler, 94-115 (London: the Macmillan Press, 1980) in which he maintains that "the notion of public responsibility for social welfare came to be widely accepted" at this time largely because "continuous insistence from the centre, as much as continuous experiment in the localities, made social policies part of the intellectual and administrative baggage of every justice of the peace", p. 115.

<sup>181</sup> Slack, "Social Policy, 1577-1631", 15, 18.

<sup>182</sup> Slack, "Social Policy, 1577-1631", 20.

resistance and resentment that Morrill declared was prominent).<sup>183</sup> Slack concluded that "in effect, there could be no acceptable central orchestration of local effort, no imposed order and direction, until the political problem had been solved...."<sup>184</sup>

More recently two historians have written books with extensive consideration of social policy and the relationship between the Privy Council and the localities. Wrightson in English Society, 1580-1680 (1982) argued that it is important to be aware of the "constraints" that the governments of this time period had to operate within, especially the political reality that "the whole structure of order in the English provinces rested ultimately upon the basis of consent by the governed."<sup>185</sup> This constraint became crucial when the Privy Council pressured the localities to enforce the various statutes passed in order to deal with social problems of the day. Wrightson maintains that this increased pressure, the added responsibilities of office, and "the Tudor policy of circumventing aristocratic influence in the provinces", meant that local justices became "more aware not only of the duties required of them, but also of their own role as representatives and spokesmen of their counties." Indeed, Wrightson argued that the administrative initiatives of this period were influential in the growth of a more developed national political consciousness amongst the country gentry: "they debated policy, formulated opinions, corresponded and negotiated

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<sup>183</sup> Slack, "Social Policy, 1577-1631", 21.

<sup>184</sup> Slack, "Social Policy, 1577-1631", 22.

<sup>185</sup> Wrightson, English Society, 1580-1680, 151, 172.

with the privy council and in the process became more aware of their own need to influence national policy."<sup>186</sup> Although local authorities may have resisted Conciliar "initiatives and determination" for many years by 1680, Wrightson argues, "local magistrates...had learned to accept the burdens placed upon them and to share the attitudes and concerns of central authority."<sup>187</sup> What also played a part in this process was the (already mentioned above) increased social polarization which Wrightson argued was occurring in England during these years - with local gentry increasingly identifying with their betters.

In a much larger and more comprehensive examination of the constitutional relationship between the centre and the localities Anthony Fletcher in Reform in the Provinces: the Government of Stuart England (1986) builds on his own research in Sussex<sup>188</sup> and the work of others. The large increase in legislation (particularly social legislation) in the late Tudor and early Stuart period was such that it was not possible for it all to be implemented all the time. For Fletcher the political problem was thus:

where then was the control of Stuart government to lie, with the Council in London or with the JPs in the shires? Who should select priorities? Who should set the tempo of administration? These questions, it may be suggested, were the crux of a struggle for shares of power between provincial rulers and their central overlords, a struggle which was neither dramatic nor as noisy as the more celebrated series of political battles which marked the

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<sup>186</sup> Wrightson, 152-153.

<sup>187</sup> Wrightson, 155.

<sup>188</sup> Anthony Fletcher, A Country Community in Peace and War: Sussex 1600-1660 (London: Longman Group Ltd., 1975), particularly "Part III Government".

seventeenth century but in the long run was just as important as the evolution of the English state.<sup>189</sup>

Privy Conciliar inefficiency (à la Quintrell) and the necessity of relying on the consent of the governed (à la Wrightson) meant "that policy running against the grain of local opinion was a dead letter."<sup>190</sup> Thus, although there was great respect for the rule of law - "its apogee, everyone accepted" being "statute law" - localism was a force which made enforcement of some laws difficult. This was especially the case if more taxation was called for as "at the heart of localism was always men's care for their pockets."<sup>191</sup> Fletcher concedes that an intensification of pressure from the central government did stimulate local action but maintains, that in the final analysis

neither the Council nor the [assize] judges were able to insist that local governors work harder or refine their procedures. Justices could not be forced, in other words, to take the steps that were necessary for an adequate response to the legislation on the statute book.<sup>192</sup>

Indeed, he comments that the expansion of local administrative responsibility "perhaps created more autonomy."<sup>193</sup>

Fletcher's conclusion, unlike that of Wrightson, is that whereas the Privy Council did not and could not force the hand of the local governors - the deputy lieutenants and Justices of the Peace - they,

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<sup>189</sup> Fletcher, Reform, 43-44.

<sup>190</sup> Fletcher, Reform, 61.

<sup>191</sup> Fletcher, Reform, 364.

<sup>192</sup> Fletcher, Reform, 61.

<sup>193</sup> Fletcher, Reform, 60-61.

over time, reformed their own administrative procedures and methods and in doing so "confidently extended their command of the localities."<sup>194</sup> One of "the most central" (and successfully achieved) objectives of reform by the local authorities was "the relief and control of the poor."<sup>195</sup> For Fletcher the process of "the triumph of the gentry", begun late in Elizabeth's reign, and largely completed by the end of the seventeenth century, created a new system of cooperation between "the crown and gentry" which brought peace to the realm with lasting results: "the full measure of the triumph of the Stuart gentry was to be the development of the modern English state without catastrophic political disruption or social upheaval (sic)."<sup>196</sup>

The deemphasis of the importance of Parliament in the political life of late Tudor and early Stuart England in the last twenty years has resulted in an emphasis on the constitutional importance of the Privy Council as an important point of contact between the local governing elites and the crown, and a working instrument of government, arguably unique in western Europe. In the realm of enforcement of central government policy in general, and social policy in particular, recent research both at the central government and local level had made us more aware of the Council's limitations and the complexity of the political relationship between the Privy Council and the periphery. Leonard's

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<sup>194</sup> Fletcher, Reform, 355.

<sup>195</sup> Fletcher, Reform, 354.

<sup>196</sup> Fletcher, Reform, 373.

thesis of the Council effectively enforcing Parliament's social legislation with the willing and often enthusiastic cooperation of the county authorities has thus been seriously challenged. There are, however, important differences between those who have, of late, approached this historiographical problem. These differences concern the extent of the conflict between the Council and the localities and the ability of the Council to both formulate policy, and influence and/or pressure the localities. Historians like Pulman, Quintrell and Fletcher have been more radical in their departure from "the old orthodoxy." They have emphasized the inefficiency of the Council, questioned its ability to emerge with long-term policy objectives, and, in the case of Quintrell and Fletcher, stressed the independence of the local authorities. Others differ in certain aspects. For example, Slack has maintained that the Privy Council had long-term social policy goals, Elton had emphasized the relative bureaucratic strength of the reformed Council, and Wrightson has credited the Council with the ability to pressure the localities (over time) into obedience to its social policies. All of these issues are relevant to the theme of the development and administration of disabled veteran's benefits, 1558-1625.

## Chapter 2

### The Privy Council and Disabled Soldiers, c.1558-1593

The purpose of this chapter is to examine how the Elizabethan Privy Council responded to the problem of poor maimed mariners and soldiers prior to its sponsorship of the 1593 act of parliament. This examination divides naturally into the period prior to the outbreak of hostilities with Spain in 1585, and the years of war up to the enactment of the 1593 legislation.

The years 1558 to 1585 constituted a period of limited military activity, and there is little evidence of Privy Council initiative in order to relieve those affected by war's violence. All known instances relate to specific, short-term, emergencies and individual petitionary reactions. Two royal proclamations in the early 1560's dealt with disabled soldiers. The first of these, proclaimed in 1560 during the Scottish campaign, gave five Thomas Valley hospitals and Oriel College in Oxford permission to solicit voluntary "charitable gifts" in Wales. One of the hospitals was "for lame and impotent people that miscarry in the Queen's wars...."<sup>1</sup> Three years later a royal proclamation was issued to deal with the crisis situation caused by soldiers returning from Le Havre with the plague. As with the 1560 proclamation, relief was to be

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<sup>1</sup>TRP II, 476; the hospitals were Bethlem, St. John Baptist of Holywell, St. Anne and St. Sunday in Woodstock, and St. Anthony of Windsor.

provided through voluntary charity. In a text which in manuscript form has been corrected by Secretary of State Sir William Cecil (later Lord Burghley), local officers were asked to segregate the sick soldiers and provide "relief by common provision and alms to be ministered and given by the richer." The proclamation provides only for divine enforcement

...beside that Christian charity requireth it [relief for segregated poor sick soldiers by the rich], the same is also requisite and expedient to be done by them which be whole and rich for their own preservation, for otherwise they may feel the sharp hand of God over them for their unmercifulness.<sup>2</sup>

There are only a few identified cases of relief being requested for, and received by, individual poor maimed soldiers prior to 1585 which have survived. On the last day of December 1565 the Council sent a letter to the Lord Deputy of Ireland requiring him to appoint a maimed gentlemen soldier "in consideration of his hurtes...ij<sup>5</sup> [shilling] of Englishe money by the daye...." This was to be taken out of money provided for other soldiers serving in Ireland.<sup>3</sup> Two years later a Captain William Reed believed it appropriate to write to the Privy Council requesting a "bedesman's" room at Durham Cathedral for the bearer of the request, "John Palmer [,] who hath ben a souldiour...under me this XVth yeares and hath be hurt" in service.<sup>4</sup>

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<sup>2</sup>TRP II, 510.

<sup>3</sup>APC VII, 311.

<sup>4</sup>PRO, SP 7/13/92. A beadman was originally a pensioner bound to pray for the souls of his benefactors, and later an inmate of an almshouse.

Given the paucity of evidence in the central records for conciliar treatment of poor maimed soldiers, it is necessary to examine briefly the response to related problems in order to better understand how the Council may have dealt with war's casualties. In 1573 the Privy Council indicated a sense of responsibility for old servicemen when it ordered the Lord Deputy of Ireland to place William Burne, an old veteran, "in a bonde (sic) of horsemen, and to be forborne of service at the Deputies discrecion, in respect of his old yeres."<sup>5</sup> Similar concern for soldier's widows is indicated by a conciliar letter sent to the Bishop of London in 1578 requesting that each of his "Curates, churchwardens, & C., in everie Church within his Diocesse" make a "one time onely" collection for the relief of Anne Hubert "wife to Henrie Hubbarte who died not long sithe in her Majesties service in the realme of Irelande...."<sup>6</sup> In another example, on 19 September 1580 the Council wrote to the Lord Deputy of Ireland in order to require that he aid the "widowe of Captain Audleye, latelie slain in her Majesties service...."<sup>7</sup>

The evidence from the central conciliar records prior to 1585 indicates that the Privy Council was responding to incidents and

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<sup>5</sup> APC VIII, 174; For other examples of grants, leases and licences given to retired soldiers prior to 1585 in recognition of their services see the Calendar of the Patent Rolls preserved in the Public Record Office (London: Her Majesty's Stationary Office) V. I (1939), p.27 (26 August 1559); V. III (1960), entry number 2103 (28 June 1566); V. IV (1964), entry number 18 (30 April 1567); V. VI (1973), entry numbers 68 and 2240 (10 July 1576 and 12 August 1577 respectively); V. VIII (1986), entry number 1482 (12 August 1580).

<sup>6</sup> APC X, 441.

<sup>7</sup> APC XII, 203.

requests for relief in an ad hoc manner. It interfered only after particular events and for particular people. Except for opportunities to use funds at its own disposal, like those destined to pay more soldiers, the Council's demands for the relief of maimed or sick soldiers (and other similar victims and veterans of warfare) were usually in the form of requests for voluntary charity. With the advent of English intervention in the Low Countries in 1585 the numbers of poor maimed soldiers increased. The Privy Council, constitutionally responsible for levying, managing, paying, and discharging England's soldiers, had to respond to the problem.

An early indication of the future difficulties with relieving the maimed mariners and soldiers can be gleaned from a minute of a letter written by the Council to the Dean of the Cathedral of Durham on the second of October, 1586. The letter concerned the Queen's granting of an almsroom to a maimed soldier John Coneway (who was also given a grant of five marks from the Queen). Obviously exasperated at Coneway not having had his grant respected, the Council ordered that

not withstandinge others have synthence ben placed in divers almes roomes, her Majesties pleasure is the said Coneway shall by a common contribution amongst the Almsmen there be releaved and allowed so moch as one almes roome amounteth until soch time as he Maie be admitted amongst them accordinge to her Majesties graunte....<sup>8</sup>

In the next month the Council attempted to assist the apparently growing numbers of poor maimed soldiers who were flocking to London. Two letters were sent. One was to the Lord Mayor of London and the Justices

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<sup>8</sup> APC XIV, 237.

of the Peace in Middlesex. The Council requested that they interrogate the various maimed people who were begging in the streets of the City so that "those which hadd receaved those hurtes in her Majesties warres in the Lowe Countryes" may by a general collection made in the City "be releevd and addressed into their own countryes with some recommendacion from them thether." The Councillors also ordered that any beggars holding false or counterfeit passports or licences be "severlie punished." Having written to the civil authorities of the City the Council also wrote to the Bishop of London requesting that he organize a collection for the maimed ex-servicemen and "give order as well to the preachers appointed to preache at Pawles Crosse as in other places of the Cittie to recommend the distressed estate of those poore souldiers."<sup>9</sup> The Council's response to a serious emerging problem was one seemingly based on its previous policy towards disabled ex-servicemen. Responding only when the problem arose the Council requested that civic and ecclesiastical authorities ascertain the extent of the problem, enforce penalties, and relieve the soldiers through voluntary charitable donations.

In January of 1587 the Council had printed the Book of Orders for the "releiff and ease of y<sup>e</sup> present derth of grayne within y<sup>e</sup> realme." In these Orders (the draft of which has many corrections by Lord Burghley) the Council attempted for the first time to provide relief for poor maimed soldiers by an appeal to statutory law rather than Christian charity. After an order that materials be provided

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<sup>9</sup> APC XIV, 253.

"accordinge to the statut for settinge the pore a worke" it was commanded

that the maymed or hurt soldiers and all other impotent persons be carefullye seene unto to be releived within thier seuerall parishers, hundreds or divisions, according to the law therfor provided....

The Orders also make it clear that the Council intended direct enforcement. It was declared that:

yf any shall offend against the trewe meaninge of these instruccions or of any part thereof...the Justices shall at their pleasure bynd to appere before y<sup>e</sup> Queen Majesties privie Counsell by a day certen there to be further death with by sever punishment for the better ensample (sic) of all others....<sup>10</sup>

The law to which the Orders refer when demanding that maimed soldiers be relieved is the 1572 "Acte for the Punishment of Vacabondes, and for Releif of the Poore & Impotent."<sup>11</sup> That Act did deal explicitly with "shipmen and souldiours" in allowing them to beg when journeying home from service or to travel on lawful business on any safe conduct, passport or licence granted by an Officer. Moreover, given that provision for disabled soldiers still existed in a London hospital the proviso that "Governours of the Hospitalls" that harbour "any ympotent" persons be allowed to seek charity affected maimed ex-servicemen. However, the Orders assertion that this Act provided for the relief of

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<sup>10</sup> HL Lansdowne 48, f. 128; The Book of Orders for the relief of dearth was reissued in 1594, 1595, 1608 and 1622. The Council's 1587 requirement concerning the relief of disabled soldiers was included (unaltered) on each occasion. STC 9201 (1594), 9202 (1595), 9217 (1608), 9242-5 (1622).

<sup>11</sup> SR 14 Eliz. C. 5.

poor maimed soldiers within their parish is problematic. The Act provided that relief be given to the impotent poor who had lived three years in a given area or had been born there.<sup>12</sup> A discharged soldier could not claim the residence qualifications and would possibly return to where he had last lived - where he was impressed - not necessarily to where he was born or had lived for three years. The Orders were thoroughly ambiguous and unhelpful on this point. The 1593 Act for the relief of disabled soldiers seems to have acknowledged the reality - it provided for relief where the soldier was impressed.<sup>13</sup>

In attempting to put some statutory teeth into its efforts to relieve wounded veterans in the 1587 Book of Orders the Council seems to have reinterpreted extant legislation that had not been conceived for the purpose the Council now intended. This was not unusual practice for the Council. B.W. Quintrell has commented on two episodes in the early 1580's when the Council "tryed to tailor some unsuitable legislative cloth" to fit new problems and ideas.<sup>14</sup> Significantly, these actions also involved imaginative extentions of social legislation, the 1572 Act and a 1576 Act for setting the poor to work, of dubious legality.<sup>15</sup> In trying to establish religious conformity in the north, the Council made

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<sup>12</sup> SR 14 Eliz. C.5.

<sup>13</sup> SR 35 Eliz. C.4.

<sup>14</sup> B.W. Quintrell, "Government in Perspective: Lancashire and the Privy Council, 1570-1640," Transactions of the Historic Society of Lancashire and Cheshire 13 (1982):35-62, 46.

<sup>15</sup> SR Eliz. C.3.

necessary alliances with various local protestants. One of those was Robert Worsley. Worsley established a prison for convict recusants from Lancashire and Cheshire and persuaded the Council to grant him the proceeds from a rate of up to eight pence a week on parishes for poor prisoners as laid out under the terms of the 1572 Act. Quintrell comments that the terms of the Act:

left no doubt that it was intended solely for the maintenance of vagabonds and their like, expected to flood county gaols as the act was put into effect, until they were discharged after gaol delivery. It was meant for prisons regularly subject to such delivery, unlike Worsley's own. It applied to prisons, prisoners, and parishes within a single county, and took no account of institutions which drew their inmates from across boundaries. Its terms, as they appear in the statute book, were given no religious connotation at all.

Needless to say the County's Justices were not happy with the Council's loose interpretation of the Act.<sup>16</sup>

Later in the same year the Council ordered that one year's parish rate from Cheshire and Lancashire be given to Worsley so that he could set up three houses of correction. This time the 1576 Act was "reinterpreted." The Council when ordering the Justices to transfer the tax also declared that "by Lawe everie shire is bounde to establish suche a House upon a great Penaltie, if the same be not within a Tyme performed."<sup>17</sup> The Council was not correct. Eight pence rates were for gaols not houses of correction and there was no provision for

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<sup>16</sup> Quintrell, 45.

<sup>17</sup> Peck, Desiderata, Book IV, numbers 6,7 cited in Quintrell, 46.

transferring the same. Moreover, the 1576 Act's "salient characteristic was that its terms were permissive" - no houses of correction had to be established whatsoever. Lancashire Justices of the Peace protested, citing the law, and the Council had to back down.<sup>18</sup> The Lancashirians, predictably, were not likely to pay taxes when they (in this case correctly) believed they were not required to do so by law.

Judging by the events of 1589 to 1593 the Council's attempts to apply the statute of 1572 to the problem of maimed ex-servicemen was as unsuccessful as its attempts to use it to imprison recusants in the North. This seems to be the case because while there is apparently no further evidence in the central records that the Council tried to use the 1572 Act to enforce relief of poor maimed soldiers during the years, a variety of alternative methods were attempted in order to provide for the same. It would seem that having been caught out at least twice in reinterpreting the 1572 Act to suit present needs the Council turned to other means. The story of how successful these various extra-parliamentary methods were in achieving their aims is a chronicle of failure. The retroactive nature of the 1593 Act for all "suche as have synce the twentie fyveth Daye of Marche Anno 1588, adventured their Lyves and loste their Lymmes or disabled their Bodies...in the defence and service of her Majestie and the State..." clearly indicates how unsuccessful the Privy Council was in providing for these men.<sup>19</sup> It was not, however, for want of trying.

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<sup>18</sup> Quintrell, 45-47.

<sup>19</sup> SR Eliz. C.4.

Prior to the Council-sponsored Act of 1593 three methods of relieving disabled mariners and soldiers were attempted: the Council ordered various Cathedrals and Colleges to provide almsrooms for them; the civil authorities of different local jurisdictions were asked to give them relief; a licence fee was created based upon the royal prerogative for those butchers allowed to operate during lent, the proceeds of which were assigned to disabled veterans.<sup>20</sup> Thematic coverage of each measure in turn will indicate the nature of the assistance and the inherent limitations.

According to the central records, the Council started its almsroom policy in earnest in the summer of 1589 - and continued it until the 1593 Act was passed. Indeed, until 1591 it appears to be the only method of relief used by the Council. Almost all the records that have survived in the central records are minutes of outgoing letters from the Council to places with almsrooms. Those letters deal with problems that arose when poor maimed soldiers were not granted a room according to "her Majestie's most charitable intent."<sup>21</sup> In all, from the summer of 1589 to the spring of 1593 fifty-five different maimed ex-servicemen who had difficulties getting their grants honoured are

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<sup>20</sup> There is another method of relieving poor maimed soldiers which may have been used by the Council. The existence of places for disabled servicemen in Ireland, mentioned below on page 72, suggests that informal pensions may have been "granted" to disabled soldiers. In such cases a given maimed soldier would be placed on a list of active servicemen but would not be expected to serve. The records consulted, however, provide no further evidence that this was a method of relief that was used by the Council.

<sup>21</sup> APC XIX, 159-160.

mentioned. Unfortunately it is not possible to know how many received grants in total. We do not even know how many received rooms in 1590 despite a list in Lord Burghley's papers from late 1590 which purports to be "A note take of such poore soldiers as shal have been maimed in her Majesty's service" and have been granted "Almsrooms."<sup>22</sup> The list of eighteen names fails to note thirteen poor maimed soldiers mentioned in the Privy Council registers during 1590.

What we apparently do know is most of the places where grants were given. On 2 April 1592 the Council sent letters asking for information concerning all poor maimed soldiers in those Cathedral Churches where they had been granted rooms. The institutions on the list consist of sixteen major Cathedral Churches and other important ecclesiastical foundations such as Windsor chapel.<sup>23</sup> To this list can be added other places where the Council tried to get maimed ex-servicemen rooms: the Cathedral at Exeter, Trinity College, Cambridge, Thorton College, Lincoln, the hospital at Warwick, and a number of places in Ireland for "her Majesty's ympotent souldiers in Ireland."<sup>24</sup> The Council also attempted in 1590 and 1591 to get maimed soldiers positions with limited duties. Examples were "the keeping of the Hospital at Highgate",

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<sup>22</sup> BL Lansdowne, 65, f-21; there is no date on the document except "1590". Soldiers are also on a list of unfulfilled grants in the Council's registers on 15 December 1590 (APC XX, 124-126) except for Robert Webster. It is thus likely that it was compiled at the same time.

<sup>23</sup> The list is as follows in APC XX, 382-383: Bristol, Carlisle, Canterbury, Cambridge, Chester, Durham, Ely, Gloucester, Norwich, Oxford, Peterborough, Rochester, Salisbury, Westminster, Windsor, Worcester, Winchester and Chichester.

<sup>24</sup> APC XIX, 159-160, XX, 124-126, XXIV, 46, XXI, 389, XXI, 224.

Middlesex and "the butlership of the Hospital in Southwarke" which the Council requested on behalf of poor maimed soldiers from the Governor of Highgate Hospital and the Lord Mayor of London respectively.<sup>25</sup> It is possible to determine not only where grants were given but especially what types of difficulties the Council encountered in trying to have the grants honoured, and how the Councillors attempted to solve these problems.

The basic problem was that while the grant of an almsroom could be given to a poor maimed mariner or soldier it was not, for a number of reasons, always respected. In response to a recalcitrant almshouse the Council could merely write in order to reassert that the grant must be respected (as was done at times.)<sup>26</sup> However, in most cases the Councillors attempted to reach a solution that would more likely provide the maimed ex-servicemen with relief.

One problem was that the rooms or positions, despite the Council's assertion that maimed veterans should be given preference,<sup>27</sup> were given to others or were "filled" by people who did not use them. Thus, for example, a John Proby was given a room at Chester Cathedral in 1591 despite a poor maimed soldier having had a previous grant. The Council, in a letter to the Master of the Hospital of the Cathedral, expressed "marvell" over this state of affairs and claimed that "favour

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<sup>25</sup> APC XIX, 250, XXI, 292.

<sup>26</sup> APC XVII, 152.

<sup>27</sup> APC XXI, 292. XXIV, 132, 149-150, 184.

and undue meanes plased" Proby. It further ordered that the Master should investigate the matter and "forthwith...displace Probie..."<sup>28</sup> In other cases an almsman had more than one room in different places.<sup>29</sup> A disabled soldier was not given an almsroom in the Cathedral at Rochester despite the fact that "one Bradley, almsman there [,] is gone away and has a room in Peterborough" in addition to his room at Rochester. At Cambridge it was claimed that almsrooms were occupied by men who no longer needed them. The Master of Trinity College, upon request, produced a list of almsmen to the Council in the spring of 1590 which was deemed to be "fra[ul]dulent and collerable, making mencion of such as are dead...." In response the Council requested an investigation by the Vice-Chancellor of the University, the Master of King's College, and the "studentes" to the end that the disabled ex-servicemen given grants be relieved promptly.<sup>30</sup>

Another problem, according to the Council, was that some maimed people fraudulently claimed veteran's status in order to be given preference for almsrooms. Many of the counterfeit "soldiers" carried forged passports, licences or grants. The Privy Council in April of 1592 sent letters to all the Cathedral Houses which gave rooms to disabled

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<sup>28</sup> APC XXI, 388; for other similar cases see APC XIX, 474, XXI, 292.

<sup>29</sup> APC XXIV, 132; see also APC XX, 28.

<sup>30</sup> APC XIX, 159-160.

ex-servicemen in order to solve the problem of counterfeit maimed soldiers "who have gotten almshouses under collar that they have received those hurtes by service in the warres...." For the Council this was especially unacceptable because it meant that those who were genuine poor maimed soldiers and "broughte good tentymonie that they" had "bin hurte and maymed in suche services, who specialye are to be regarded", instead went without relief and had to "goe up and downe begginge in pittypfull manner." In addition the counterfeit maimed soldiers were reported to have gotten almshouses in "two, three, or more" places "and doe make merchandize and sell their places...." In order to solve this difficulty the Council requested that each almshouse interrogate their almsmen and send the men's responses to the Council. Each House was asked to find out the names of all that had grants, the date on the grant bill, the "consideracions" the grant bill contained, what disabilities they had, where and under whose command they were hurt, where they had served and under whom, their marital status and number of children, what their previous occupations were, and what other incomes they had "beside the benefitte of their almesromes."<sup>31</sup> The results from the survey unfortunately do not appear to have survived. It is quite possible that there were none. Those responsible for the almshouses were generally uncooperative with the Council. There was perhaps at work what one historian has aptly described as "the protective qualities of reticence" which local authorities of all varieties generally seemed to

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<sup>31</sup> APC XXII, 382-383.

have practised in their dealings with the Council.<sup>32</sup> It is rather incredible, for example, that in years of war (from 1590 to 29 February of 1592) the Privy Council did not receive Muster Certificates from twelve English and three Welsh counties.<sup>33</sup>

A widespread difficulty in providing relief to maimed ex-servicemen by granting them almsrooms was that there were clearly not enough rooms for all those given grants. The Council tried two methods of providing relief to those who had been granted a room but had to wait until one became available. One method was to provide begging licences/passports for a set period of time so that the individual could solicit charity while he waited. Thus, for example, Richard Hall was granted a two month licence on 5 October 1590 to travel to "Barwick" and beg while he waited for an almsroom in Cambridge to "fall voyd."<sup>34</sup> At least fifteen similiar passport/licences to beg were granted.<sup>35</sup> John Redmaine, with an almsroom in reversion at Christ Church, Norwich, had the longest lasting licence - a year.<sup>36</sup> Almost all the licences were given out in 1591, with the last awarded on June 15, 1592. By then the Council seems to have taken to heart its own arguments about the "mysery

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<sup>32</sup> See Quintrell, 40-41 for a discussion of this phenomenon.

<sup>33</sup> PRO, SP 3/241/71.

<sup>34</sup> APC XX 10-11.

<sup>35</sup> APC XX, 241, 249, 296, 323-327, XXII, 117-118, 534.

<sup>36</sup> APC XX, 241.

of punishment by the lawes."<sup>37</sup> Indeed, during November 1590 the Council had to write to the Mayor of London and the Justices of the Peace in Middlesex to ask them to order their constables and other officials to stop harrassing poor maimed soldiers with almsrooms.<sup>38</sup>

The other method by which the Council attempted to provide for poor maimed soldiers with rooms in reversion was to request that the almshouses provide for them. On 4 November 1590 the (apparently) first letter requesting such relief was sent to the Dean and Chapter of Gloucester. The letter requires that Cornelius Caniell "have some allowance towards his maintenance out of the revenues which was appointed by the foundation to soche uses or releefe of poore men untill a place shuld fall voide."<sup>39</sup> The Council further felt it necessary to declare that "the same shuld be employed generallie for the Comfort and helpe of poore men that had ben maimed and hurt in service."<sup>40</sup> Again, in a letter to the Dean and Chapter of Peterborough in November 1590, the Council felt obligated to assert that "that revenneue which ys appointed by the foundation...to the releefe of poore men" is "expected" to be "employed generally for the comfort and help of soche poore men

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<sup>37</sup> APC XXI, 351-354.

<sup>38</sup> APC XX, 99.

<sup>39</sup> In a later, similar, order the Council maintains that the allowance provided should either be 4d. a day or sufficient "victuells for their daily sustenance". APC XX, 124-125.

<sup>40</sup> APC XX, 68.

that have been maymed and hurt in her Majesty's service."<sup>41</sup> It is apparent, therefore, that in requiring that the revenues from lands that were to be used for charitable purposes be given to poor maimed soldiers the Council was going against a custom of using the revenues for the more traditional poor.

The Council was also questioning whether the revenues from lands allotted to churches and colleges for charitable uses were indeed being used charitably at all. In letters sent to ten establishments with almshouses requiring that disabled veterans with rooms in reversion be relieved the Council threatened that:

...if you shall for any pretence refuse thus to doe, wee shalbe compelled to take some other course to cause your Church to be visited how your landes are employed, how the poore almesmen are ther maintained and how they be residente as they ought to be, and whither they be such as have wherwith to live otherwise, wherby they ought not to receave that maintenance which is meante for very poore and impotente people.<sup>42</sup>

The Council maintained that "...wee shall not be urged to take any other cause for their relief." However, urged or not, the Privy Council did in fact make other provisions for a number of the poor maimed soldiers who were supposed to be relieved according to these letters of 15 December, 1590.<sup>43</sup>

One example is George Watkins. He was supposed to have been relieved by the Dean and Chapter of Norwich after having been "maymed in

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<sup>41</sup> APC XX, 79.

<sup>42</sup> APC XX, 124-126.

<sup>43</sup> APC XX, 124-126.

the fight at Zutphen" in the Low Countries.<sup>44</sup> Exactly two months after the Council insisted no other provision would be made for him he was given a begging licence/passport for six months valid in Middlesex, Kent and Surrey.<sup>45</sup> Approximately four months after that licence expired he was sent to the town in which he was levied - London - to be relieved by the Mayor and Aldermen of that City.<sup>46</sup> By February 1593 he had been given a room at a different Cathedral - Rochester - and the Council was requesting relief from the Dean and Chapter until a room was available. Although the waiting list for rooms consisted of eight men, the Council urged that Watkins be relieved because of his status as a veteran and his having a wife and child to look after.<sup>47</sup> The Dean and Chapter of Rochester informed the Council that they would not relieve Watkins.<sup>48</sup> 2

The Council demanded from the appropriate authorities from June of 1590 to the spring of 1593 that at least 30 disabled ex-servicemen receive relief pending the availability of almsrooms that they had been granted.<sup>49</sup> Many of these were never relieved. The Dean and Chapter of

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<sup>44</sup> APC XX, 124-126.

<sup>45</sup> APC XX, 196.

<sup>46</sup> APC XXII, 131.

<sup>47</sup> APC XXIV, 88.

<sup>48</sup> APC XXIV, 132. Another example of a poor maimed soldier who the Council tried to make other provisions for was George Willis. He was given the butlership of St. Thomas' Hospital in Southwark in the spring of 1591. APC XX, 65.

<sup>49</sup> See APC XX, 68, 79, 124-126, 232, 236, 323-324, XXI, 65, 79, 92-93.

Durham refused to give relief because they did not believe the order to be legally binding. The minute of the Councillors' response is predictable. The Dean and Chapter

...were required and willed againe, for that they made answere that theire lordships' letters was no sufficient dyscharge for dystybucion of that allowance, and that yt was her Majesty's express pleasure that they shuld releve these three poor soldiers according to the contentes of theire former letters with meate or money till theire roomes shuld fall. And therein these their lordships' letters shuld be theire sufficient warrant and dyscharge.<sup>50</sup>

Those responsible for almshouses not only resisted giving relief to those maimed soldiers with grants in reversion but, in many cases, also refused to honour those grants when rooms became available. Trinity College, Cambridge, for example, was rebuked by the Council in late February of 1593 for not giving rooms "long sithence ...fallen void" to six poor maimed soldiers granted rooms there in 1590 - three years earlier!<sup>51</sup> This must have been particularly galling to a Privy Councillor like the Lord Treasurer, Lord Burghley, who went to Cambridge

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<sup>50</sup> APC XXI, 79.

<sup>51</sup> APC XXIV, 67-69; For 1590 grants see APC XIX, 159-160, XX, 28, 124-126. For other similiar examples see APC XXIII, 207 (Worcester Cathedral), APC XXIV, 46 (Thornton College, Lincoln), APC XXIV, 67 (Christ Church, Norwich). The 8 November 1552 Statutes of Trinity College detailed that twenty-four almsmen were to be maintained. Trinity Municipal Room, Box 34, cited in The Victoria History of the Counties of England: A History of Cambridgeshire and the Isle of Ely, R.B. Pugh ed. (London: University of London Institute of Historical Research, 1959), 463. In comparison Christ Church, Oxford, had a smaller contingent of almsmen. The letters patent issued on 18 July 1532 by Henry VIII College (which became Christ Church on 4 November 1546) detailed that twelve almsmen were to be provided for. SP 1 Henry VIII f. (M) 6 cited in The Victoria History of the Counties of England: Oxfordshire, R.B. Pugh ed. (London: University of London Institute of Historical Research, 1965), 235.

himself and was apparently Trinity's patron.<sup>52</sup>

There is further evidence that the Councillors did not get satisfaction from those responsible for almshouses in either their attempts to get places for maimed ex-servicemen, or their request that those with grants in reversion be relieved until rooms became available. On 7 March 1593 Lord Burghley noted methods of relieving poor maimed soldiers. One of his ideas was for a "commission to view and survey all Colledgs y that have had land for releif of y<sup>e</sup> poore...." He apparently wanted to make good on the Council's threat to investigate the collegiate cathedrals' use of charitable lands. Similarly he sought "a bill to enact y [that] all land y [that] war bewithed [bequethed] to y<sup>e</sup> hospitals, to be assumed agoyn."<sup>53</sup> His intent in doing so is clarified when a document in the state papers dated 8 March 1593 - the next day - is consulted. A section is entitled "Inconveniencences...arising upon dissolution and giving away of Hospital lands and reveeneues." The first two on the list were: "I. Takinge releife from the poore, aged, and impotent"; "Disfurnishinge the Realme of places to retire maymed Souldiers unto." The rest of the document lists the problems "ensuringe upon the passinge of Landes (as Concealed) belonginge to Churches, whether Cathedrall, Collegiate or Parochiall."<sup>54</sup> Concealed lands were

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<sup>52</sup> See Withrop S. Hudson, The Cambridge Connection, (Durham: Duke University Press), 41, 46, 54, 62-63; On 12 March 1601 the College wrote to Sir Robert Cecil requesting that he, like his father before him, "patronize our poor college." Cal. SP Dom. 1601-3, I. cited in The Victoria History of the Counties of England: Cambridgeshire, 466.

<sup>53</sup> BL Lansdowne 103, f. 75.

<sup>54</sup> PRO, SP 31/244/68.

those lands given to ecclesiastical establishments for "superstitious uses" the existence of which were not revealed to the central government because they were subject to confiscation by the state. Hospitals were especially vulnerable because up to the Reformation most land given to hospitals and almshouses included obligatory perpetual prayers to dead grantees - i.e. superstitious uses (belief in Purgatory).<sup>55</sup> Among the problems listed in the document were the breaching of "Founders and Donours wills" as well as "the decay of hospitalitie and reliefe to y<sup>e</sup> [the] poor...."<sup>56</sup>

The Council's registers show that, although the Council attempted to get almsroom grants honoured throughout the period of 1589 to mid 1593, the Councillors were frustrated by their lack of success with almsroom grants as early as mid 1591 and as a result shifted to other potential sources of relief for disabled ex-servicemen. Before embarking upon an examination of these, however, it is useful to offer some tentative suggestions (which can only be verified through the study of local records) for why the almsroom method of relief failed so miserably.

One explanation is that, from the Privy Council's perspective, charitable lands were misused and inappropriately alienated by local authorities who should have done their duty and relieved the poor maimed mariners and soldiers. The nature of the sources examined demands

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<sup>55</sup>See C. Kitching, "The Quest for Concealed Lands in the Reign of Elizabeth I", Transactions of the Royal Society, 5th Series, 24 (1974): 65-78.

<sup>56</sup> PRO, SP 3/244/68.

caution, however. The Central records tell the story from the perspective of the national government. Those who owned and ran the cathedral and hospital almshouses perhaps harboured an understandable local intransigence against the Council's "innovative" insistence that the almshouse pay for the keep of an unknown and likely not local maimed veteran whom they had no part in choosing. With the Privy Council itself admitting that vagrants were attempting to acquire almsrooms with counterfeit documents it is also understandable that those in charge of the Houses would exercise caution. Moreover, there was the fact, as discussed in the last chapter, that soldiers and mariners were often pressed vagrants and convicted felons - not exactly the types of characters those in charge of an almshouse would welcome unreservedly. Indeed, there is evidence that others did not share the Privy Councillors' professed belief in the dignity of military service or its concern for disabled veterans.<sup>57</sup> Walter Raleigh, for example, deemed poor maimed soldiers in 1593 "the most beggarly people of the land" - "not fitt" to be given "honourable provision."<sup>58</sup> The central government was, moreover, attempting to divert local resources for a national problem of unprecedented magnitude and, to add insult to injury, it was insensitive to local needs and desires, acted (albeit in a crisis) with doubtful legality, and when questioned threatened extensive retribution. The poor maimed soldier - probably a stranger and foisted on local authorities from the centre - was perhaps not surprisingly rejected.

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<sup>57</sup> APC XXI, 351-354.

<sup>58</sup> BL Harleian Mss. 1888, f. 187-188 cited in Kent, 37.

In mid 1591 the Privy Council reinitiated attempts to have towns and parishes support disabled veterans. In a minute of a letter sent to the Lord Lieutenants of twenty counties and the Lord Mayor of London in July the Council ordered that all returning servicemen must go back to "the places from whence they were chosen, and there to lyve in that condicion wherein they were with their parent, masters or otherwyse in some particular estate of themselves." The Council also ordered that Masters take back veterans so that they could "continewe in theirre former occupacions to lyve thereby...." For those that "by anie causualty happened to them in service" are "unhable to gett theirre lyvyinge by theirre occupacions or handy workes" the town or parish was to give "some countrybucion for theirre releefe untill they maie be hable to get theirre lyvinge...."<sup>59</sup> These directives were essentially repeated in a royal proclamation covering the home counties of Surrey, Sussex, Essex, Kent and Hertfordshire dated 5 November 1591. The proclamation read in part that ill and wounded soldiers were "to be particularly relieved by the Parishes or hundreds from whence they were levied during the time of their infirmities and sickness...."<sup>60</sup> In attempting to have these orders carried out the Council wrote letters to at least four counties and five towns and hundreds requesting relief of poor maimed

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<sup>59</sup> APC XXI, 351-354; my emphasis.

<sup>60</sup> TRP III, 740.

soldiers.<sup>61</sup>

In at least three cases the privy Council requested that local authorities relieve disabled veterans until an almsroom became available. On 8 December 1591 the Councillors wrote to the Mayor and Aldermen of London requesting relief for three maimed ex-servicemen with almsroom grants in reversion. In the letter the Council chastises the City:

in all other places where other like maymed men have ben leaved they are by the townes and villages fedde and maintayned, and onely [in] that cittie where much land hath been given to those charitable uses no provision is had for the reliefe of such men....<sup>62</sup>

As B.W. Quintrell has commented, it was common policy for the Council to tell local authorities they were the only ones "out of line."<sup>63</sup> Indeed, other areas also resisted providing for disabled soldiers.

The County of Kent is an example. In September of 1591, three months before the above letter was sent to London, the Council wrote to the Justices of the Peace in Kent asking them to put pressure on the inhabitants of the town of Cranbrook who had "hitherto refused to relieve a poore maimed soldiour, William Hanis."<sup>64</sup> Again in February of

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<sup>61</sup> Counties: Kent (APC XXI, 451-452), Suffolk and Lancashire (XXII, 23) and one unidentified county (XXII, 356). Towns and hundreds: Cranbrook, Kent (XXI, 451-452), Bath (XXII, 228), Folsham, Norfolk (XXII, 330), London (XII, 131) and Waringford (XII, 13-14).

<sup>62</sup> APC XXII, 131. The two other towns asked to provide relief for poor maimed soldiers waiting for their almsrooms to become available were Bath (APC XXII, 228) and Folsham (XXII, 330).

<sup>63</sup> Quintrell, 41.

<sup>64</sup> APC XXI, 451-452.

the next year a letter was sent to the Justices of Kent complaining that they had not relieved a disabled ex-serviceman, "William Androwes", despite being asked to so in October of 1591. They were ordered to relieve him at their "first general assemblee."<sup>65</sup> It seems clear, therefore, that the Council also had difficulty getting local authorities, as well as almshouses, to relieve maimed ex-servicemen.

Indeed, by March 1592 the Council's demands were obviously lacking the confidence that only statutory law could provide. A town in Norfolk was told to yield a poor maimed soldier relief "as they are in parte by the lawes required."<sup>66</sup> This was obvious nonsense and local authorities must have known it - either the law required assistance or it did not. Later in the month a letter was sent to a County requesting that a maimed soldier who had "bene a great while at Surgerie", and had only recently been able to return home, be given some "small contribucon" out of the hundred where he was impressed in order to live.<sup>67</sup> A man who was injured enough to be in medical care for a remarkably lengthy period was not likely to be able to work for a long time, if ever. Asking for a small amount of money for his relief did not make sense unless the more logical request for a commitment to relieve the man indefinitely was likely to be rejected outright. In 1590 the relief of poor maimed mariners and soldiers had been listed as a

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<sup>65</sup> APC XXII, 272.

<sup>66</sup> APC XXII, 323-324; my emphasis.

<sup>67</sup> APC XXII, 356; my emphasis.

potential subject for Parliamentary legislation.<sup>68</sup> By early 1592 it must have been obvious to the Council that it was a necessary subject for a statute. Before Councillors managed the enactment of relief for disabled veterans in 1593, however, one other method of relieving them was attempted.

Throughout Elizabeth's reign the Council and Crown attempted to enforce a meat free Lent in order to increase the number of both cattle (creating a safety margin for periods of dearth) and fishermen (who were skilled mariners capable of serving well in the Navy), as well as to improve the condition of the fisheries in general. From 1558 to 1589 eleven proclamations were published requiring abstinence from meat during Lent.<sup>69</sup> As indicated by the large numbers of these proclamations such abstinence was neither popular nor easily enforced. On 20 January 1592 the Council attempted to enforce Lenten abstinence and relieve poor maimed soldiers with the same policy. On that day letters were sent to the Lord Lieutenants of the home counties and the Mayor of London in order to create a uniform licencing system for butchers during Lent. Except for London, in each "chiefie towne" only one butcher was permitted to remain open during Lent and he would be required to pay a £20 licence fee for the privilege. In London six butchers would be permitted to remain open. In all cases the butchers were to sell "fleshe" only "to suche as are syck or weake or have lawfull lycense to

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<sup>68</sup> PRO, SP 3/218/55.

<sup>69</sup> TRP II 453, 466, 477, 489, 592, 604, 670, 674, 689, III 696, 710.

eate fleshe...." The proceeds from the sale of the licences were to be administereed by the local authorities "for the use of suche poore souldiours as are lame and impotente and have bin maymed in theis late warres, whereby they maie have some reliefe."<sup>70</sup>

Two months later the Council issued orders to the Mayor of London that a "John Rodes", a poor maimed ex-serviceman, be given £5 from the £120 collected from butchers in that City.<sup>71</sup> Those in charge of the funds in Middlesex were asked to use the £20 that the Council had been informed remained of the licence fees to provide the money necessary for stranded disabled veterans to return to their homes in other counties. A letter was sent to London to appoint a committee of four to administer the butcher licence fee fund for the relief of the poor maimed soldiers who had been recently rounded up in London by the same men that were now to comprise the committee.<sup>72</sup> So far everything seemed to be going according to the plan. In fact, the plan was being improved.

By later May, however, it was clear that the new scheme was going to face familiar difficulties - the Mayor of London was not cooperating. The Council admonished the Mayor for not using his initiative in order to use the butchers' licence fees for "the poore maimed and impotent souldiers that daily repair from the wars for needful releef...." The Councillors further required the Mayor to send

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<sup>70</sup> APC XXII, 216-218.

<sup>71</sup> APC XXII, 330.

<sup>72</sup> APC XXII, 335.

the remaining fees to a clerk of the Council who would give it to the poor maimed ex-servicemen according to the Council's direction. The Council also required an account of how the licence fee money had been spent.<sup>73</sup> There is no record showing the money was surrendered but judging by the experience of the Lent of 1593 it is not likely.

On 18 February 1593 the Council wrote a lengthy letter to the Mayor of London complaining that during the Lent of 1592: more than six butchers were licenced "through favour"; the Fishmongers who were (logically) asked to report on what happened during the 1592 Lent were "despitefullie used and reviled"; there had been an enormous slaughter of at least 12,000 "calves, sheep and lambes." Amongst the other orders intended to make sure the Lent of 1593 was one of abstinence the Council argued and directed that:

forsomuch as the libertie of selling of flesh...tendeth especiallie to serve such as are of the wealthier sort, it is thought meet that every such butcher that shall so be lycenced by you should, towards the releef of the poore, maymed and impotent souldiers...[pay]the some of ten pounds....

The Council further instructed that the money should be sent directly to a clerk of the Council.<sup>74</sup> Not satisfied with the lack of cooperation from London the Privy Councillors tried to centralize the administration of the licence fees in their own hands - without much success.

On 24 February the Mayor wrote back to notify the Council that he had already given licences to a large number of butchers and that

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<sup>73</sup> APC XXII, 467-468.

<sup>74</sup> APC XXIV, 71-72.

most of the proceeds from his licence fees had been disbursed already.

The Council was furious.

...We do very much merveil at your Lordship's forwardnes herein, considering that formerlie your predecessors have bin accustomed to receive direcction in these and the like matters from hence.

Not only was the Mayor going against tradition but he was also, the Council maintained, acting contrary to the Crown's prerogative. The Councillors declared that past Mayors had taken their direction from them:

especially being strictlie prohibited by the lawes of the realm that no manner person shall utter or eat flesh in times prohibited excepting onelie such as shalbe dispenced with in this behalf, which must proceed (as your lordship well knoweth) from her Majestie's prerogative, which in this case by your Lordship is infringed attributing the same (as yt seemth) unto your aucthority as her Majesty's Lieutenant of that citty.

It was further ordered that the Mayor certify who had been licenced, how much had been collected, and to whom it had been disbursed. He was also forbidden from spending any of the remaining licence fee revenues. The Council in particular was not pleased that "for som reasons you think yt expedient to...for this yeare enlarge...the certain number of butchers" licenced, contrary to "her Majesty's express commandement...."<sup>75</sup> Lord Burghley was clearly disturbed by the Mayor's activities. At the top of his March 7 list of things needed to be done to relieve disabled ex-servicemen was a note "to send to ye Lord Maiour to send...for ye money

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<sup>75</sup> APC XXIV, 84-85.

recieved of buchers." <sup>76</sup>

Two months later, despite having sent the Warden of the Fishmongers to investigate how many butchers were licenced and how much they paid for the privilege (and likely get abused again), the Privy Council had only received £30 from the Mayor. The Councillors demanded that £90 more be paid to a clerk of the Council and backed up their order with an exceedingly weak "threat." They declared that if the remaining money was not promptly sent:

our meaninge is to sende a certaine nomer of the poor maymed souldiours with tickettes unto you to receive that money of you, and to be relieved by you untill they shalbe satisfied of that <sup>77</sup>somme which was intended for their comforte and helpe.

The Lenten butcher fee scheme for relieving poor maimed soldiers failed in the place where it was most needed – London. With "the clamour and trouble" disabled mariners and soldiers were reported to create in the City it is perhaps surprising that the Mayor was not more cooperative.<sup>78</sup> It appears that given the opportunity to practise some customary civic patronage the Lord Mayor did not shirk from tradition. This is more understandable given the fact that in previous years the Privy Council, despite its fierce declarations to the contrary in 1593, had in fact left the appointment of the lenten butchers (and the patronage that went along with it) to the discretion of the Mayors of London. Indeed during the 1591 lenten preparations just two years

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<sup>76</sup> HL Lansdowne 103, f. 75.

<sup>77</sup> APC XXIV, 170-171.

<sup>78</sup> APC XXIV, 170-171.

earlier the Council commented to the Mayor that:

where it hath ben used that five or six butchers and some powlters should be by you appointed to kill and sell flesh for such as by reasson of unfained sicknes or of other needfull causes shal be licenced to beg and eate flesh, we leave the choise of such butchers and poulters to your owne discreacion....<sup>79</sup>

Thus, faced with a Council that wanted him to enforce unpopular and virtually unenforceable lenten abstinence rules the Mayor took the opportunity to favour as many butchers as he wanted with licences. Then he used the proceeds to buy favour for himself elsewhere and/or spent it in ways he believed were of more importance than the relief of poor maimed soldiers.

The Privy Council in its responses to the plight of poor maimed soldiers prior to 1585 clearly appears to have acted in an ad hoc manner. After specific events, and for particular people, the Council requested the Christian charity of others for the soldiers. After 1585 the Council initially continued its practice of soliciting voluntary charity but soon sought other methods. At first an attempt was made to reinterpret the 1572 Act for the relief of the poor to suit the present needs of disabled veterans. When that seemingly failed the Council initially attempted to relieve the soldiers by finding them rooms in Almshouses (and having them relieved while they waited for rooms granted to become available). Later the Councillors asked local authorities to take care of the disabled ex-servicemen, and ordered the licence fees collected from those butchers permitted to remain open during Lent to be

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<sup>79</sup>APC XX, 273-275; see also APC XX, 271.

given towards their relief.

All these piecemeal methods of solving the problem failed. There were certain practical reasons to explain this failure -- a shortage of almsrooms for example. Fundamentally, however, it is apparent that local authorities, both civil and ecclesiastical, resisted conciliar initiatives on the part of poor maimed mariners and soldiers. Those in charge of almshouses and the revenues from charitable lands as well as other local powers questioned the legality of the Council's order and/or did not comply. They appear to have been reluctant to welcome either the ex-servicemen or the Council's requests and orders that the same be relieved. During the spring of 1593, however, while the Lord Mayor of London adopted the butcher fees as an instrument of civic patronage, the Privy Council successfully sponsored an act in Parliament for the relief of disabled soldiers. The Council's sponsorship of this act, and the crucial question of why the Privy Council sought to relieve poor maimed mariners and soldiers, will be dealt with in the next chapter.

### Chapter 3

#### The Privy Council, Parliament of 1593, and Relief of Disabled Soldiers

In early 1593 the Privy Council used Parliament in order to achieve the short and long term methods sought in order to successfully relieve disabled ex-servicemen. The short term method was a collection in Parliament whilst the long term was the enactment of a bill. This chapter will delineate the Council's management of Parliament, describe the act itself, and attempt to answer the question of why the government felt it necessary to provide for maimed veterans.

Although most bills in Parliament (particularly in the Lower House) were private member bills dealing with local or personal interests, the Privy Council managed both Houses in order to enact legislation it wanted. M.A.R. Graves in "The Management of the Elizabethan House of Commons" (1983) commented that "Parliaments were summoned (occasionally) to give advice, (usually) to grant subsidies and (invariably) to enact laws required by the Privy Council."<sup>1</sup> The Council's management of Parliament principally consisted of battling the

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<sup>1</sup> M.A.R. Graves, "The Management of the Elizabethan House of Commons," Parliamentary History 2(1983):11-38, 14; for other recent discussions of the Privy Council's management of Elizabethan Parliament see Wallace T. MacCaffrey, "Parliament: the Elizabethan Experience," Tudor Rule and Revolution, Delloyd J. Guth and John W. McKenna eds. (Cambridge: at the University Press, 1982), 127-147 and G.R. Elton, The Parliament of England 1559-1581, (Cambridge: at the University Press, 1986), VII, IX, 321-330 and 377-379.

pressures created by the shortness of Parliaments (not enough time) as well as the large number of bills introduced by members and length of debate (too much business). In 1593 the Council, in furthering its goals for disabled servicemen, managed quite well.

The Privy Council sought a general collection in Parliament for disabled soldiers so that they might be relieved immediately - since new laws were not expected to be immediately effective. In his March 1593 notes concerning the relief of poor maimed soldiers Lord Burghley planned to: "move both y<sup>e</sup> houses to mak Collections"; "appoynt distributors to distribute to y<sup>e</sup> soldiers resonable stypendes."<sup>2</sup> Six days later a motion was passed in the upper house for such a collection with each Earl to contribute forty shillings, Bishop thirty shillings, and Baron twenty shillings. The collectors appointed were the Queen's Almoner, the Bishop of Worcester, and Lord Norris. Lord Willoughby and the Earl of Essex (a Councillor) were selected to be the distributors.<sup>3</sup>

On 5 April the official order for the collection was agreed upon. The order in draft form was corrected by Lord Burghley with the corrections incorporated into the final order.<sup>4</sup> One of the corrections by Burghley, agreed upon by his fellow Lords, was a proviso that all those absent without license from the House were to pay double the rates established for those present "for the better relief of the said maimed

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<sup>2</sup> BL Lansdowne, 103, f.75.

<sup>3</sup> D'Ewes, 462; see also L.J. II, 177.

<sup>4</sup> PRO, SP 3/244/118; D'Ewes, 463-464.

soldiers...."<sup>5</sup>

On 19 March, three days after a motion was first made in the House of Lords for a Collection, the Vice-Chamberlain of the Queen's Household and Privy Councillor Sir Thomas Heneage moved in the House of Commons "that for some present releif for poor Maimed and sick souldiers a Collection might be made amongst the Members of this House."<sup>6</sup> The rate agreed upon was thirty shillings for Privy Councillors in the House, ten shillings for Knights, and five shillings for all other members. Similar to the Upper House those absent without licence were ordered to pay double the rates established. Virtually all members present contributed according to the rates they established for themselves. This is indicated by the fact that it was deemed remarkable when "a poor Burgess of the House refused to pay his said Contribution of five shillings" and "would only pay two shillings six pence." The Speaker sought to commit him for "disobeying the Order of the House" but as most of the Members were against the Speaker disciplining the burgess he "escaped."<sup>7</sup>

The Privy Council not only succeeded in having a collection made for the disabled ex-servicemen but also acted to ensure that the money would be used effectively. The Councillors appointed individuals to interview those who claimed war disabilities in order to ascertain the veracity of the same and to "cause the names of such maymed persons to

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<sup>5</sup> D'Ewes, 464.

<sup>6</sup> D'Ewes, 464.

<sup>7</sup> D'Ewes, 507.

be registred & enrolled."<sup>8</sup> On 11 April, the day after Parliament's dissolution, the Privy Council sent letters to the thiry counties in England and Wales to which poor maimed soldiers were to be sent with the collection money. The letters instructed the Lord Lieutenants as to the purpose of the collection and how the soldiers named in the letters were to be treated once they arrived. The collection was intended, the Council maintained, for poor maimed soldiers "towards their releife by waie of allowance weeklie for a certane tyme untill an Acte of Parliament made in this session established maie be put in execucion for their further maintenance."<sup>9</sup> In London the Council had given each disabled soldier a travelling passport and "a quantitie of money after the rate of jd." a mile, and for the "moste lame ijd. the mile, for as many miles as the principall townes of the counties are thought to be distant from London." When they arrived they were to be given two shillings a week from the collection money which was to be delivered to the Lord Lieutenants. This was to be distributed by the Deputy Lieutenants to the poor maimed soldiers directly or by others designated in the localities in the case of those too disabled to travel to collect their allowance from the Deputies. Each Lord Lieutenant was to notify the Council of any disabled ex-servicemen who did not arrive.<sup>10</sup>

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<sup>8</sup> HL Lansdowne 104, f. 41.

<sup>9</sup> APC XXIV, 178-180.

<sup>10</sup> APC XXIV, 178-180; see also HMC Salisbury v.4, 300 which is Lord Burghley's letter from the Council. He was given £12 to distribute in Essex and Hertfordshire (the counties for which he was Lord Lieutenant).

The Council made special provisions for the distribution of the collection money in London. On 17 April the Council appointed Sir John Hawkins to administer the collection money for twenty-nine of those disabled mariners not sent to the counties who were to remain in the City. A similar letter was sent to Messrs Gardyner, Yonge and Keale appointing them to be responsible for the other maimed ex-servicemen in London and other areas near the City in Middlesex and Southwark.<sup>11</sup> The minutes of these letters detail that the Council expected that the collection money would be needed for twenty weeks to relieve disabled soldiers and mariners until the provisions of the act became effective. This was despite the fact that the act itself specified that relief should be forthcoming "after the end of two monthes from the last Daye of this present session of Parliament...."<sup>12</sup> The Council also emphasized that the soldiers must be ordered:

to forbear to demaund almes in the streets or els where during the contynenaunce of Th' allowaunce, uppon paine to loose the benefitt thereof and to be whipped as rogues and vagaboundes by th' officers of the places where they shalbe founde begging....<sup>13</sup>

The Council's order that those disabled soldiers who begged were to lose their allowance from the collection corresponded to a similar provision in the act itself.

The Council's sponsorship of the 1593 act is well documented. As early as the preceding Parliament (1589) the Council had considered

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<sup>11</sup> APC XXIV, 192-193.

<sup>12</sup> SR 35 Eliz. C.4, my emphasis.

<sup>13</sup> APC XXIV, 191-192.

introducing a new law in the lower house "for relief of maymed, and impotent soldieers" but had not done so.<sup>14</sup> In 1593 it was to be Lord Burghley's son Sir Robert Cecil who was to introduce a bill to relieve poor maimed soldiers. Cecil became a Privy Councillor on 2 August 1591<sup>15</sup> and was very active in the 1593 House of Commons - being automatically on all the important committees and moving the subsidy in his maiden speech (maiden despite having sat in Parliament in the 1580's).<sup>16</sup> On 12 March Cecil "moved for some course of necessary relief to be had and devised" for the begging poor, particularly maimed ex-servicemen. After Cecil's speech:

it was thereupon moved by Master Sands, for consideration also in that behalf to be had, that the statutes already in force for relieve of the poor and punishment of the Rogues might be perused by a Committee of this House.<sup>17</sup>

Such a Committee was immediately established by the Commons. Mr. Sands has been identified as Miles Sands who had been involved in the 1572 parliamentary discussions concerning the act for the punishment of

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<sup>14</sup> PRO, SP 2/218/55; This document, dated 6 November 1588, has a correction by Lord Burghley concerning a bill about captains and soldiers. The Council did not successfully manage to have that bill passed in 1589 (D'Ewes, 422-423, 439, 441, 447-8, and 452). A bill to relieve disabled soldiers may not have been introduced because the one concerning captains and soldiers was given priority. Since the latter encountered fatal opposition in the commons it may not have been "thoughte meete" (PRO, SP 2/218/55) to introduce another bill dealing with martial matters.

<sup>15</sup> APC XXI, 358.

<sup>16</sup> HPT III, 342; Proc. I, 312.

<sup>17</sup> D'Ewes, 503.

vagabonds and relief of the poor.<sup>18</sup> Sand's motion to discuss such relief within the context of the acts of 1572 and 1576 may well have been unrehearsed and unexpected by Cecil. The latter may have thus had to postpone the introduction of a separate bill, for disabled soldiers already prepared. Regardless of when Cecil had prepared such a bill on 19 March he, after Heneage's movement of a collection for disabled soldiers, "moved further for some future continual contribution of relief for maimed sick souldiers and Mariners, and offered a Plot in Articles for a Bill to be framed for that purpose...."<sup>19</sup> The bill was sent to be considered by the Committee appointed upon Sand's motion a week earlier. Cecil, on the committee, obviously had concluded that the Council's purpose of relieving disabled soldiers by enacting legislation would best be served by a distinct act for that purpose.

The Committee which had the task of examining Cecil's bill (contents unknown) was both very large and divided. As well as all the Privy Councillors in the Commons (Sir John Fortescue, Sir Francis Knollys, Sir John Wolley, Heneage, and Cecil) there were at least sixty-one other members on the Committee.<sup>20</sup> A number of different methods were advocated for statutory relief of disabled soldiers. Edward Hubbard and Thomas Cecil advocated an annual tax of a noble (six shillings, eight pence) on alehouses. The money raised would be used to build five houses

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<sup>18</sup> HPT III, 342; Proc. I, 312.

<sup>19</sup> D'Ewes, 503.

<sup>20</sup> For a listing of the members of the Committee see D'Ewes, 499.

for the soldiers who would in addition receive £10 allowance each year.<sup>21</sup> Another scheme involved a number of taxes to raise revenue for disabled ex-servicemen: four shillings per annum on buyers and sellers of beer and wine; two shillings each year on all alehouse keepers, victualling cooks, badgers, kidders, laders, those transporting butter, corn, cheese and grain, as well as drovers of cattle.<sup>22</sup> A third method was suggested by a Mr. Billiett. He disagreed with all other methods of raising tax monies and argued instead each household should be obliged to fast for two evening meals a week. The head of each household would then be required to pay two pence for each of his dependents and/or servants - the money to be used to provide for maimed soldiers.<sup>23</sup> On 28 March Sir Robert Cecil, in charge of the committee as of 24 March<sup>24</sup>, spoke in the House in order to pressure the committee to come to an agreement which would facilitate the framing of a bill acceptable to the Commons. It was reported that he:

shewed that the committees have met together, but in effect upon sundry reasons shewed amongst them by divers of the said Committees to contrary effects, they could come to no conclusion, but rather to a meer confusion upon the points of the matter; for his own private part said in the end, That as this House had committed the said Bill unto him and the residue of the said committees, so had he thought good to commit the same to Prison rather than return it to this House again in the same or no better

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<sup>21</sup> B.L. Cotton MSS., Titus, F.ii, f. 74v.; BL Harleian MSS. 1888, f. 187-188 cited in Kent, 45-47.

<sup>22</sup> Salisbury MSS., 168/102, M 485/45 cited in Kent, 47-48.

<sup>23</sup> B.L. Lansdowne, 74, f. 186.

<sup>24</sup> D'Ewes, 509.

state than they did before receive it.<sup>25</sup>

The pressure seems to have worked - a new bill was drawn up by the committee and read twice on 2 April. On the same day a new committee was struck to examine the bill which included "all the Privy Council, the Knights and Burgesses of London, the Burgesses of York and others."<sup>26</sup> Although it is difficult to determine how this Committee differed from the Committee appointed after Mile Sands' motion - the description of the former lacking the precision of the latter - the committee appointed on 2 April was certainly more decisive and prompt. It reported its amendments (described below) the next day (3 April) and these met with a favourable response.<sup>27</sup> On 6 April the bill was passed.<sup>28</sup> The Lords passed it two days later with the additional proviso that the act apply to all soldiers disabled since 1588.<sup>29</sup>

Thus the Council sought and achieved a collection to relieve poor maimed soldiers immediately, and sponsored a bill to resolve the problems of providing relief for disabled soldiers on a more permanent

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<sup>25</sup> D'Ewes, 511; Sir Robert Cecil may have been attempting to pressure other members not only to come to an agreement about any bill to relieve disabled soldiers but one incorporating a specific method which he sought. As indicated above, unfortunately, no evidence survives which could elucidate this question - it is not even known what scheme his original bill contained.

<sup>26</sup> D'Ewes, 513.

<sup>27</sup> D'Ewes, 516.

<sup>28</sup> D'Ewes, 518.

<sup>29</sup> D'Ewes 520; BL Cotton MSS. Titus F. ii, f. 90 V.-91 v. cited in Kent, 52.

basis. The act itself (see appendix II) requires closer examination in respect to: the taxation system provided for in the act; the process by which a poor maimed soldier would solicit and receive relief; the penalties for those acting contrary to the provisions of the statute.

Although the bill read on 2 April set parish rates of a weekly minimum of two pence, and maximum of eight pence, pressure from members of the Committee appointed on the same day led to amendments which lowered these rates.<sup>30</sup> The act itself obliged the inhabitants of every parish in England and Wales to pay a minimum of one penny, and a maximum of six pence, per parish per week towards the relief of poor maimed soldiers. The average rate in any county with over fifty parishes was not to exceed two pence per parish.<sup>31</sup> The 2 April bill specified that these rates were to be raised from subsidy men assessed at £2 lands, or £5 goods. However this provision, again under pressure from members of the 2 April Committee, was dropped and the act made no such specification.<sup>32</sup> The rate for any given parish was to be set by the parishoners. If they failed to do so the churchwardens and constables were to establish the rate, and if these officers did not do the same the local Justices of the Peace would set it for the parish. The rate was to be collected by the churchwardens who would give the proceeds to the high constable of the hundred within ten days of the next quarter

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<sup>30</sup> BL Cotton MSS., Titus F. ii, f. 83v.; BL Harleian MSS. 1888, f. 197 cited in Kent, 50-51.

<sup>31</sup> SR Eliz. c.4.

<sup>32</sup> BL Cotton MSS., Titus F. ii, f. 83v.; BL Harleian MSS. 1888, f. 197 cited in Kent, 50-51.

sessions. The high constables would in turn transfer the sums collected to the Justice(s) of the Peace selected by the county commission of the peace to be the county's Treasurer(s) for disabled soldiers. It was the Treasurer's responsibility to receive the taxes from the county, disburse them to the disabled soldiers, and submit an annual account to his fellow Justices. The county Justices were not, however, to interfere with "anye Cittie Boroughe Place or Towne Corporate, where is anye Justice of Peace" for the same. In such a jurisdiction the appropriate justice, Mayor "and other Head Officers" were responsible for carrying out the act. Any taxes raised for poor maimed soldiers which were surplus were to be applied to relieve the poor as per the 1572 and 1576 acts.<sup>33</sup>

An interesting aspect of the taxation system provided for in the 2 April bill authorized any four Privy Councillors to order any county to contribute to the relief of disabled veterans in another county. This provision was based on the argument that "some lesser shyres are pestered with more soldiers than the greater counties are." Probably because of opposition from representatives from localities sitting on the 2 April Committee this obvious conciliar provision of the 2 April bill was eliminated when the bill was presented in its amended form to the House by Francis Bacon on 3 April.<sup>34</sup>

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<sup>33</sup> SR 14 Eliz. C. 5; 18 Eliz. C. 3.

<sup>34</sup> HL. Cotton MSS., Titus F. ii, f. 83 v.; BL Harleian MSS. 1888, f. 197 cited in Kent 50-51; D'Ewes, 516.

A specific poor maimed soldier, in order to receive his pension, would first have to acquire a certificate from his captain, or another appropriate officer, listing the soldier's injuries and service record. The certificate would then have to be countersigned by the General Muster Master (in order to prevent counterfeiting). The disabled soldier would receive money from the General Muster Master sufficient for the soldier to begin his travels. He was to journey from one county to another, receiving relief from each county's Treasurer, until he reached the county in which he had been impressed. If he had not been pressed the maimed soldier could decide either to return to the county he had lived in for three years previous to service or to where he was born. Provision was also made for disabled soldiers not able to travel - they were to be relieved indefinitely in the county in which they landed. When the soldier reached the appropriate county (with his certificate) he was to be given immediate relief by the Treasurer until the next quarter sessions when the soldier would be awarded, and start to receive, his pension. This was to be paid by the Treasurer to the soldier on a quarterly basis. The size of the pension was to be determined by the Treasurer although it was not permitted to exceed ten pounds a year for common soldiers, fifteen pounds for officers below the rank of lieutenant, and twenty pounds for lieutenants.

As well as the above mentioned provision ordering poor maimed soldiers who begged to be stripped of their pensions and prosecuted as vagabonds, there were a variety of penalties provided for parishioners and officers who failed in their statutory duties. Anyone not paying the

established rate could be forced to do so by the local churchwardens, constables or Justices. In such a case the officer or justice would levy the appropriate tax "by Distresse and Sale of the Goodes or Chattells of the Partie soe refusinge or neglectinge" to pay the tax. Churchwardens and high constables who failed to collect and/or transfer the rate money were to be fined ten and forty shillings respectively. Treasurers for poor maimed soldiers who neglected to receive or disburse the money collected, relieve disabled soldiers who were travelling to other counties, and/or give an annual financial account of their activities, were to be fined by the Justices in their county sessions to an amount which the latter deemed fit.<sup>35</sup> In summary, then, the act provided for parochial, nationwide, compulsory rates to provide disabled soldiers with decent life long pensions.

What has not been discussed is the important question of why the Privy Council and Parliament saw fit to initiate actions to relieve poor maimed soldiers. It will be argued that relief was given and enacted because of: a paternalistic concern for the affected mariners and soldiers; the importance of encouraging people to serve if impressed; the need to create and sustain social order.

Two pieces of correspondence from 1588 indicate why the Privy Council felt it important to devote time and energy to attempting to relieve poor maimed soldiers. Both letters were from Lord Admiral Charles, Lord Howard, to Secretary of State Sir Francis Walsingham - from one Privy Councillor to another. In July Lord Howard wrote asking

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<sup>35</sup> SR 35 Eliz. c. 4.

Walsingham to send to a Committee in London "for money for the relief of souldiers and mariners whoe have done their duties hitherto so verie well."<sup>36</sup> By the end of August it is clear from another of Howard's letters that the dutiful English servicemen had not had much relief. Howard, obviously disturbed, commented that "no small trouble...lies in dischargying of the shypes" with the men unpaid "...and not one penny to relyve" them. He further declared it "pytyfull to have men starve after such a sailing...." As well as expressing concern over the plight of his men, however, Howard made an important observation: as "we are to like to have more of theires servyes...y<sup>e</sup> men should be carred for better then to...starve and die...."<sup>37</sup> In their attempts , from 1589 to 1593, to get poor maimed soldiers relieved in almshouses, and by local officials, the Privy Council demonstrated Howard's concern for England's servicemen, and his realization that it was important to treat them well so that others would be willing to serve.

In early 1592, for example, the Council encouraged Justices in Kent to relieve a disabled ex-serviceman "and move others to do the like, as well for the present relief of the poore souldiers as for th' encoragement of others which shall hereafter undertakes the like services and emploiments."<sup>38</sup> Indeed, in at least one instance the Council encouraged a poor maimed soldier's return to military service. In this case an Edward Lea, who was receiving an allowance at Christ

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<sup>36</sup> PRO, SP 2/213/88.

<sup>37</sup> PRO, SP 2/215/66.

<sup>38</sup> APC XXII, 272. For a similiar case see APC XXIV, 88.

Church, Canterbury, pending availability of an almsroom, recovered sufficiently to return to active service in the Low Countries. After well over a year he returned to Canterbury and demanded the arrears of his allowance. The Church refused, arguing that Lea did not need the allowance any more because he was well. The Councillors, however, disagreed. They ordered that Lea receive sixteen months allowance in arrears and the first available almsroom "in respect of his said services and the good encouragement of others to imploy themselves the more willinglie in like sort as becommeth good subjects...."<sup>39</sup> On other occasions the Council commented that maimed soldiers should be able to return home to relief and not have to wander about begging --the Council sought a system in which no one would become destitute because of military service.<sup>40</sup>

The Council also believed that providing for maimed soldiers affected the morale of mariners and soldiers in active service. A document cited above noted "inconveniences" arising from the "dissolution and giving away of Hospitall landes and Revenues."<sup>41</sup> One of them was that it led to the "Enfeebling of their [soldiers'] heartes, when they knowe not how to be provided for, if they be maymed."<sup>42</sup>

Speeches in Parliament, and the act itself, further testify to a desire to relieve poor maimed soldiers based on concern and a need to

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<sup>39</sup> APC XXI, 67-69.

<sup>40</sup> APC XXI, 352, XXIV, 149-150.

<sup>41</sup> See above, Chapter 2, and PRO, SP 3/244/69.

<sup>42</sup> PRO, SP 3/244/69.

encourage men to serve. The latter is clearly illustrated by a speech from an anonymous pro-government member of the House of Commons.<sup>43</sup> In his attempts to urge members to relieve the soldiers he commented that:

it is to be feared; if we give them no better  
encoragement they will hyde themselves, hereafter when  
they shalbe pressed or when they are pressed skyp or run  
away from their Captains and leaders.<sup>44</sup>

As briefly discussed in Chapter one, this fear was sensible, being based on the experience of recent years. Thus, relief for poor maimed soldiers was viewed as a practical preventative measure against desertion.

The preamble of the act of 1593 incorporates the two reasons for relief already discussed. It declares that:

...yt is agreable with Christian Charitie Pollicie and the  
Honour of our Nacyon, that such as...adventured their  
Lyves and lost<sup>e</sup> their Lymmes or disabled their Bodies...in  
the defence and service of her Majestie and State, should  
be at their retorne be relieved and rewarded, to th'end  
that they maye reape the Fruyte of their good deservinge,  
and others<sup>45</sup> may be incowraged to performe the like  
Endevors....

This section of the act helps to illustrate the nature of the concern for poor maimed soldiers. It was a concern for men who have done their duty to Crown and Country and should be rewarded for it. Sir Robert

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<sup>43</sup> The speaker is not only pro-government in that he supports the Council's initiatives to assist poor maimed soldiers. He also comments that Parliament had "already very readily and dutifully" granted "3 subsidies for the mayntence of the Warrs." (BL Lansdowne, 73, f. 38, my emphasis). This comment is very similar in tone and substance to speeches given by three of the four Privy Councillors concerning the subsidy. (D'Ewes, 492). That this speech was found in Lord Burghley's papers may also be of significance.

<sup>44</sup> BL Lansdowne, 73, f. 38.

<sup>45</sup> PRO, SR 35 Eliz. c. 4.

Cecil in the House of Commons declared that there were three types of poor people: "stout, idle Rogues"; "poor Aged and Diseased honest people"; "maimed and lame souldiers." He declared that these should be relieved "sundry degrees" - "the first and best kind of those people...meetest to be relieved" being the disabled ex-serviceman.<sup>46</sup> Apparently, for Cecil, the impotent poor deserved charity because they could not help themselves, but the maimed soldiers merited relief for good service.

The anonymous speech already referred to further indicates why poor maimed soldiers were deemed to be so deserving of relief. The House was asked to:

consider I pray you if we shall not provide for such as lost their lymes...for such as shall venture their lives for their prynce and countrie, for such as shall fare hard, and lye hardly upon the bold or bare groundes whilst we[,] dry[,] ...lye upon bede of downe slepe soundly and safely in whole skynes.

For this speaker "the 2 pillars of a well governed Commonwealth" were "to punish offenders, [and] rewarde well doing." He also linked the subsidy and the relief of poor maimed soldiers together. The relief of disabled veterans, he declared, was second in importance only to the subsidy. He further commented that since three subsidies had been voted "for the mayntence of the warrs I pray and beseach yo<sup>u</sup>" do not forget or neglecte to make some kynd of provision for the poor soldiers that shall retorne maymed out of y<sup>e</sup> warrs."<sup>47</sup>

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<sup>46</sup> D'Ewes, 499.

<sup>47</sup> BL Lansdowne, 73, f.38.

Cecil in a speech to Parliament in 1601 succinctly summarized the arguments for the necessity of government action based on a sense of concern for poor maimed soldiers because they were a particularly deserving group in English society. He commented that:

The law for the Relief of Soldiers, I take to be both just and Honourable, and that Misery which proceeds from Obedience hath shewed it self, even by Sacrificing their Bloods for our Goods; and there is liker (sic) to be a continuance, than a decay of their Miseries.<sup>48</sup>

The Privy Council's and Parliament's decision to relieve poor maimed soldiers was based on more than a sense of concern because such men were perceived as a particularly deserving group in English society, and the importance of encouraging people to serve.<sup>49</sup> There was also a need to create and sustain order. London during the Parliament of 1593 was described by the Council as a place full of poor maimed soldiers who created "clamour and trouble" because of their "goinge up and downe the streetes abegginge."<sup>50</sup> The collections in Parliament in the short term, and the 1593 act in the long, were partially designed to provide the funds and structures necessary to send these beggars packing to their original dwelling places in the counties. Beyond these motivating factors, however, there was also the need to sustain the more complex social order, and the Elizabethan government's place in it.

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<sup>48</sup> Townshend, 316.

<sup>49</sup> Kent and Cruickshank limit their conclusions about what motivated the Privy Council and Parliament to relieve poor maimed soldiers to these two reasons. See Kent, 60 and C.G. Cruickshank, Elizabeth's Army, 2nd ed. (Oxford: at the University Press, 1966), 185-187.

<sup>50</sup> APC XXIV, 170, 171.

The Privy Council and Parliament were not innovative in responding to the disabled ex-servicemen. Indeed this response was typical of the social dynamic in early modern England - a dynamic to which the lower orders contributed. Recent studies have examined the underlying processes by which obedience and subordination were sustained in this society. John Walter and Keith Wrightson in "Dearth and the Social Order in Early Modern England" (1976) comment that the relationship between the different tiers of the hierarchy of wealth and power "derived their binding force from the fact that they served above all to provide protection against the myriad insecurities - economic, social and ritual - of a hostile environment."<sup>51</sup> The Privy Council's 1587 Book of Orders for the "Reliefe and Ease of the Present Dearth of Grain" was an example of this process. It provided strict regulation of grain supplies and prices so that "y<sup>e</sup> poorar sort" would be able to sustain themselves.<sup>52</sup> Middlemen sellers of grain were vilified in the Orders. The Privy Council wanted local authorities to discipline them harshly if necessary in deference to the needs of the poor. Wrightson and Walter comment that:

since government and governed alike subscribed to a common consensus on the proper ordering of the economy in the face of dearth and on the role of the authorities dictated by it, the initial reaction of the poor was not one of riot but of appeal to the local authorities to act. Petitions preceeded riots. Riots when they did occur were invariably successful in stimulating authoritative action

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<sup>51</sup> J. Walter and K. Wrightson, "Dearth and the Social Order in Early Modern England," Past and Present 71 (1976): 22-42, 22-23.

<sup>52</sup> BL Lansdowne, 48, f. 128.

invariably successful in stimulating authoritative action to alleviate grievances.<sup>53</sup>

Grain riots themselves, rather than mindless and violent, were ritualistic, customary, and directed specifically against the export of grain by middlemen from communities in times of dearth.<sup>54</sup>

In the case of soldiers and mariners there are striking parallels. Mutinies and riots normally followed petition and were organized, ritualistic, affairs designed to achieve a limited objective - usually their back pay. Geoffrey Parker in The Army of Flanders and the Spanish Road, 1567-1659 comments that:

once resolved on disobedience, the mutineers organized themselves with considerable sophistication in order to achieve their objectives. They elected leaders to govern them, followed a rational and orderly plan, and concentrated their efforts on limited and attainable goals.<sup>55</sup>

In the late sixteenth century the Spanish government initiated significant military reforms with the goal of restoring order in their armies. After 1607 mutinies virtually disappeared from the Spanish Army in the Low Countries. Parker attributes this development partially to the truce with the Dutch but argues that "far more important were the actual improvements in the conditions of service - the hospital" and reforms to

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<sup>53</sup> Wrightson and Walter, 41.

<sup>54</sup> Wrightson and Walter, 38; See also Peter Clarke, "Popular Protest and Disturbance in Kent, 1558-1640," The Economic History Review 2nd Series, V. XXIX, 3 (1976): 365-382, 380-381.

<sup>55</sup> Geoffrey Parker, The Army of Flanders and the Spanish Road 1567-1659 (Cambridge: at the University Press, 1972), 187.

the pay, victual and apparel system.<sup>56</sup> Indeed, care for the maimed had long been a demand of Spanish mutineers. As early as the two mutinies of 1574 demands were made for a hospital to care for the wounded.<sup>57</sup>

English soldiers, like their Spanish counterparts, knew how to desert, mutiny and riot to express dissatisfaction with their conditions of service, and frequently did so. Two important examples of independent action by English servicemen were the riots of 1589 and 1592 in London. These serve to illustrate the orderly largely peaceful nature of soldiers' riots. In 1589 soldiers and mariners demanding back pay chose leaders amongst themselves, assembled in a number of places in the City - at the Exchange and at Court - "sett up...billes...for the assembly of greater numbers", and demonstrated at the time of St. Bartholomew's Fair.<sup>58</sup> In late 1592 the Privy Council and Lord Mayor of London managed to halt the march of two to three hundred disaffected mariners who had intended to have "assembled themselves together at Paule's with the sound of a dromme and so to have repayred hether to the Courte...." The Council as well as seeking the punishment of the mariners' leaders also sought that "exemplarie punishment" be meted out to "the dromer."<sup>59</sup> The soldiers and mariners in both these incidents were not revolutionary. They sought redress from their betters and used the military skills of discipline and order which they had learnt in service in order to

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<sup>56</sup> Parker, 205; my emphasis.

<sup>57</sup> Parker, 191.

<sup>58</sup> APC XVIII, 54-56.

<sup>59</sup> APC XXIII, 320.

prepared to threaten, and if necessary resort to, violence in order to further pressure their government if no redress was evident.<sup>60</sup> In 1589, for example, someone reporting on events in London for the Spanish maintained that:

the soldiers who came to London from the fleet to ask for their pay, finding they could obtain no satisfaction, attempted to raise a tumult in the town, which they tried to burn and sack. This forced the Queen to come from Richmond to Greenwich, and she issued stringent orders for the arrest of the soldiers. Four of them were captured and hanged. One of them, as he was about to be hanged said to the people that the gallows was the pay they gave them for going to the wars.<sup>61</sup>

The report was exaggerated - the mariners and soldiers only threatened to loot Bartholomew Fair and did not actually do so.<sup>62</sup> It is important, nevertheless, to note that grieving servicemen were prepared to do more than petition.

While they did put down the mariners' and soldiers' protests in 1589 and 1592 the Privy Council reacted quickly to address the concerns of the soldiers. In 1589, during the "occupation" of the city by the soldiers the Council established a Commission which interviewed the mariners individually in order to establish what their arrears were and

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<sup>60</sup> Parker, 204-205.

<sup>61</sup> Calendar of Letters and State Papers relating to English Affairs preserved in, or originally belonging to, The Archives of Simancas, ed. Martin A.S. Hume, IV, Elizabeth 1587-1603 (London: Public Record Office 1899), 558-559.

<sup>62</sup> APC XVII, XVIII, passim cited in A.V. Judges, The Elizabethan Underworld (New York: Octagon Books Inc., 1965), xvii-xviii.

pay them.<sup>63</sup> By March of 1593 the Council had created a new pay system. In a statement of the reasons why the Privy Council initiated a new system the captains - the middlemen - are targeted as the principal culprits because the soldiers had not been receiving proper pay, food and clothing. The document states, for example, that the Captains "seldome gave theire soldiers any apparell." Furthermore when they did give them any it was poor, and they charged the soldiers "treble the rate that they bought yt off the marchante." As in the Spanish system adopted during the same war, the captains were bypassed - clothing was given to the soldiers directly by merchant contractors, and the soldiers were "sure to have ij<sup>s</sup> vi<sup>d</sup> a week" for their food. The captains were also much more closely scrutinized in their handling of the soldiers' pay so that neither the soldiers nor the Crown was defrauded by them.<sup>64</sup> Three days before this document was written the paper concerning problems that had arisen because of the improper use of hospital lands and revenues had been composed. The lack of spaces for maimed soldiers created by this problem is cited as "dishonoure to the Realme, in comparison to other Countries."<sup>65</sup> Spain had the most elaborate system of

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<sup>63</sup> APC XVIII, 46-48; TRP III, 715. Soldiers were ordered to return to the county where they were impressed and approach their local justices about their back pay. The latter were to then approach the Lord Lieutenants who would in turn ask the Privy Council to forward the necessary sums.

<sup>64</sup> Parker, 205; PRO, SP 3/244/71.

<sup>65</sup> PRO, SP 3/244/68.

hospitals for disabled servicemen in Europe<sup>66</sup> - Parliament could eliminate the dishonour through legislation.

There is evidence that the poor maimed soldiers themselves sought redress from members of Parliament. The Council commented after the conclusion of the 1593 Parliament that a "great number" of vagrant peoples, the most prominent type of whom had been the poor maimed soldiers, had "assembled" themselves in London for the "occacion of the late Parlyament." The Councillors estimated that there had been "in this late parliament tyme...to the number of 100 or there aboutes" disabled ex-servicemen in the vicinity of Parliament.<sup>67</sup> Although they may have just come for a chance to beg a one-time pittance there is evidence that: parliamentarians were greatly affected by the sight and numbers of the poor maimed soldiers; the disabled ex-servicemen had expectations of Parliament; "honour and conscience"<sup>68</sup> moved Parliament to restore the proper order and enact legislation to relieve the men.

It is evident that members of the Privy Council and Parliament were affected by the sight of many poor maimed soldiers near Parliament by the references to them in Parliament and the letters sent out after Parliament had concluded asking for money for their relief. When the Lords moved a collection be made it was "towards the Aid and helpe of a

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<sup>66</sup> Parker, 167-169.

<sup>67</sup> APC XXIV, 178-180, 193-196.

<sup>68</sup> See M.E. James, "The Concept of Order and the Northern Rising 1569," Past and Present 60 (1973):49-83, 65 and James, English Politics and the Concept of Honour, 1485-1642 (Oxford, 1978) for discussions of this.

number of Souldiers that are seen in the time of this Parliament maimed and sore hurt....<sup>69</sup> Similarly, in the lower house, it was moved that "some course of necessary relief...be had and devised, for the great number of poor people pressing everywhere in the streets to beg" especially the "maimed and lame souldiers..."<sup>70</sup> In supplicatory letters sent by the Privy Council and Lord Burghley after Parliament asking for sums of money for the disabled ex-servicemen mention was made of the visual impact of them. An example is a letter written by Lord Burghley in which he declared that the members of Parliament were influenced to give relief because they "beheld...a gret number of persons requiryng releff, as they alledged not prvyded for havynge suffered as they alleged lately in the wares", becoming "maymed and not hable to maynteane themselves."<sup>71</sup>

That the poor maimed soldiers assembled for Parliament sought more than small one-time donations can be gleaned from the speech by an unknown member. He argued that:

the poore soldiars yo<sup>u</sup> hear cry uppon us day lie in y<sup>e</sup> stret for releif assure yo<sup>ur</sup> self they will cry out uppon us, you curse us if we do nothing for y<sup>e</sup>m [them] upbryd us y [that] we have charity in our mouths, but none in our

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<sup>69</sup> D'Ewes, 463; PRO, SP 3/244/118; my emphasis; see also BL Lansdowne 104 f. 39 which is a note in Burghley's hand of sums agreed on by the Lords for the relief of disabled soldiers. The Lords, it is explained, "have been moved by ye beholding of a great nombre of soldiers maymed...."

<sup>70</sup> D'Ewes, 499.

<sup>71</sup> BL Lansdowne 104, f.41, or for another example see APC XXIV, 178-180.

hands.<sup>72</sup>

While it is possible that the speaker was exaggerating in order to make his point he nevertheless must have at least been appealing to Parliament's perception that the disabled ex-servicemen expected it to relieve them. This perception would not have been unreasonable given the actions of other soldiers in London as recently as three months previous (mariners' riot of December 1592) who had expected to be alleviated by their betters and demonstrated their expectation of the same.

That maimed soldiers were indeed conscious of the need to influence Parliament can further be indicated by an undated petition submitted by a number of maimed soldiers to the House of Commons, likely during the 1601 session of Parliament. The petition stated that:

there are a great number of lieutenants, ensigns, sergeants, and inferior officers and others that were appointed to be relieved either in the counties where they were born or where they were imprest; which cannot be according to the Statute, but [the relief] is detained from them.<sup>73</sup>

The petitioning disabled soldiers gave two reasons why they believed the statute was not being enforced correctly and suggested two methods of solving the problems (all of which will be discussed in chapter 4 below).

The aforementioned speech also demonstrates that a sense of honour and conscience motivated Parliament's action. It is strongly

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<sup>72</sup> BL Lansdowne 73, f.38.

<sup>73</sup> HMC Salisbury, V.4, 457; The Calendar lists 1593 as a possible date. As the petition refers to the 1598 Statute, it is more likely that the petition was submitted in 1601.

implied that the poor maimed soldiers would be utterly justified in their rebukes - that members of Parliament had a duty to act both in the interest of the lower orders and in response to the legitimate requests for care. The speaker goes on to comment that Parliament should "do something more then to pity them and pray for them[.] Every beggar in y<sup>e</sup> strets can and will do so much."<sup>74</sup> What is honourable for the lower orders, the speaker seems to be implying, is neither enough nor honourable for their betters - not to relieve the disabled soldier would be shameful. Instead, the speaker urged, Parliament must act to relieve them and so set a proper example for the rest of the kingdom. If the Lords and Commons were to act "very well disposed and charitable persons for all sorts in all counties of y<sup>e</sup> realm would in their life...& on their death beds give some portion of landes & goodes" to the maimed ex-servicemen.<sup>75</sup>

With the Book of Orders the Council helped to alleviate poverty in times of dearth and, perhaps more importantly, preserve order by attempting to persuade the poor that the Crown and Council shared both their traditional view of the social order and their perception of who the enemy was - the middlemen. The Council was using social policy as a form of propaganda designed to maintain the existing social order.<sup>76</sup> The Council seems to have been doing the same thing in its successful

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<sup>74</sup> BL Lansdowne 73, f.38.

<sup>75</sup> BL Lansdowne 73, f.38.

<sup>76</sup> Paul Slack, "Poverty and Social Regulation in Elizabethan England," The Reign of Elizabeth I ed. C.Haigh (Athens: University of Georgia Press, 1985), 240-241.

sponsorship of an act which required nationwide compulsory pensions for poor maimed ex-servicemen. Councillors were also using an argument which had appeal for Elizabethans - that such an innovative law was necessary in order to maintain traditional values. Sir Robert Cecil's purpose is crystal clear in his 1601 preamble to suggested amendments to the act for the relief of disabled soldiers:

war is a curse of all people and especially the poor creatures that come from the wars, poor, friendless and unhappy...I have seen soldiers deceived by their captains, I have taxed them for it, and that makes me odious to them. A captain is a man of note and able to keep himself, but a soldier is not.<sup>77</sup>

Just as the Council blamed the captains for pay, victual and apparel difficulties so too the captains - the middlemen - were declared to be at fault for not providing for their maimed men. With the passage of the 1593 act the initiative for paternal response to poor maimed mariners and soldiers was taken away from soldiers' military superiors and other traditional patrons. For the common soldier relief, if he were to be maimed in service, would no longer originate initially from sources of customary local charity but from the law of the realm. A law that, as will be shown in the next chapter, was to be enforced by the Privy Council.

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<sup>77</sup> Townshend, 307-308.

## Chapter 4

### The Privy Council, Parliament, and Disabled Soldiers, c.1593-1604

This chapter will examine the relief of disabled soldiers from the cessation of Parliament in 1593 to the end of the war with Spain (1604). Within this context the following topics will be discussed: the Privy Council's enforcement of statutory relief for disabled soldiers; the 1598 and 1601 amendments to the 1593 act; the Council's continued attempts to relieve maimed ex-servicemen through extra-statutory methods. The Council's enforcement of the 1593 act to relieve disabled soldiers prior to the amendments to the act passed in early 1598 will be examined initially.

Shortly after the 1593 act became law the Privy Council issued instructions on 8 June 1593 to all the Justices of the Peace and Sheriffs in England and Wales informing them of the existence of the act, that they were responsible for "the principall execution of it" and that penalties were provided should they fail in their duties. The Councillors also emphasized that:

we have thought good not onlie to put you in remembrance of that statute, but earnestlie to recommend the same unto you, and doe hereby hartelie praie and requier you that sithe yt hathe pleased the Queene's Majestie and the bodie of the realme in so christian and charitable manner and in pollicie for th'encouragement of her subjects, to appoint and ordaine this course of reliefe for suche as have and

shall deserve well in that kinde of service, that you will have an extraordinary [care] to conferre together and consider of the statute, and so to discharge your duties in the due and orderly executing of this Acte of Parliament....

The letters specified that the act stipulated that at the general Quarter Sessions to be held two months after the end of Parliament the local authorities had to "proceede to th'execution of the said acte...."<sup>1</sup>

Unfortunately, due to the loss of records as a consequence of the Whitehall fire of the early seventeenth century, the Privy Council's enforcement of the act from mid 1593 to 1595 cannot be reconstructed. The period for which records survive reveals that the Council directed letters to local authorities ordering that they certify their overall execution of the act, and requiring that various individual disabled soldiers be given pensions under the terms of the statute.<sup>2</sup> The records also show that the Council faced a variety of enforcement problems to which it had to respond. The main problem was that maimed mariners and soldiers were not always given their statutory relief. The reasons for this varied.

One difficulty was that several counties protested that they did not have enough funds to relieve all the poor maimed soldiers who required pensions. In mid-June 1595 the Council attempted to prevent such

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<sup>1</sup> APC XXIV, 298-301.

<sup>2</sup> See PRO SP 4/264/38, PRO SP 4/251/21, PRO 5/271/7; APC XXV, 12; XXV, 16, XXV, 18, XXVI, 115, 117-118 XXVI, 404, XXVII, 339-40, 364, XXVIII, 173, 181, 199, 205-6.

financial difficulties. Letters were sent requiring that local authorities report to the Council about their collection for maimed ex-servicemen. Surviving is a letter dated 16 July 1595 from Philip Woodhouse, High Sheriff of Norfolk, to the Justices of the Peace and Treasurer for that county concerning the Council's demand. The Calendar of "The Manuscripts of Miss Buxton, at Shadwell Court, Norfolk" records that Woodhouse wrote:

desiring them - in pursuance of letters from the Privy Council, and for the effecting of the statute made in the last session of Parliament for the relief of hurt and maimed soldiers - to certify what moneys have been gathered by virtue of that statute; how much has been taken in every parish, the number of parishes that have contributed, and how and by what warrants the collections have been bestowed. The Magistrates are to meet the High Sheriff at Norwich...on the 29th instant.

In addition the Council suggested or ordered a variety of solutions in order to see the soldiers relieved. Lancashire Justices of the Peace were told in October 1595 to increase their assessment for disabled soldiers from 2d. to 6d. per parish per week. The Council claimed that "other counties of the realm did the lyke."<sup>4</sup> Other counties may or may not have done so, but what is certain is that the Lancashire Justices did not have the statutory authority to order such an increase. Only if both the parishioners and parish officials failed to establish the rates for a given parish could Justices set them. Moreover, while any individual parish could be assessed at up to 6d. large counties with

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<sup>3</sup> HMC, "The Manuscripts of Miss Buxton at Shadwell Court, Norfolk," V.2, 245-246.

<sup>4</sup> APC XXV, 10.

over fifty parishes, like Lancashire, could not establish rates which on average were above 2d. per parish.<sup>5</sup> Lord Burghley's papers, for example, contain a document entitled "A rate towards the Releiffe of maymed Soldiers by vertue of a Statute made in...1593." It detailed annual parish rates for the county of Hertfordshire (for which Burghley was Lord Lieutenant). The total rates were £57.4s. for the 132 parishes of the county - an average of 2d. per parish per week.<sup>6</sup>

It is important to note, however, that although local authorities did not have the legal right to levy rates above levels stipulated in the act some nevertheless did so. An example can be found in the Yorkshire West Riding Quarter Seesions Rolls from 14 January 1598. During the Sessions (held in Leeds on this occasion) the Justices ordered that:

whereas Henry Lange a poore Maymed Souldier hath brought Certificate vnto this Court of his maymes and Service and requireth a pencon as the Lawes in that case doth provide, & for that ther are so many pencons graunted already that ther is not in the Treasurers hands to suffice for his maynteynance & for that he was borne within the Towne of Leeds yt is therefore ordered that an Assessment of xvjd weekly shalbe made within the parishe of Leeds for his releife until the next Sessions ether a pencon to be graunted hym according to the Statute.<sup>7</sup>

Three months after the letter to Lancashire the Council issued different orders elsewhere. In a 30 January 1596 letter to Staffordshire

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<sup>5</sup> SR 35 Eliz., c.4.

<sup>6</sup> BL Lansdowne 74, f.67.

<sup>7</sup> "West Riding Sessions rolls 1597/8 -1602", Yorkshire Archaeological and Topographical Association, 1888, Record Series VI. III, 42.

Justices of the Peace and the Treasurer for the collections for disabled soldiers, the Councillors responded to the county's refusal to relieve a Nicholas Ballard. The County had denied him relief because it claimed that there were too many soldiers already being relieved for Ballard to receive a pension also. The Council commented that although the 1593 Statute set maximum pension levels no minimum was stipulated. The officials in Staffordshire were ordered to reduce maimed soldiers' pensions so that Ballard and any other deserving veteran could receive a pension.<sup>8</sup> Similarly, the Justices and Treasurers in Warwick were told a year later (2 February 1597) that they could not refuse to relieve a John Johnson because the money collected for the relief of disabled soldiers had already been bestowed on others. The money:

ought not to be so bestowed uppon some particular persons onlye without regard of others that have deserved as well, but should be proporcionably distributed (so farr foorth as the same will extend) to everye one who bringeth due certificat of his service and hurtes....

The Council also attempted to solve the problem of a lack of funds being available to relieve disabled soldiers by ordering that maimed soldiers be relieved according to "a former statute for succor of poor people."<sup>10</sup> The counties of Oxfordshire, Monmouth, Denbigh, Radnor,

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<sup>8</sup> APC XXV, 182.

<sup>9</sup> APC XXXVI, 463-4; Cruickshank incorrectly mistakes the maximum pension levels, for mandatory rates and also erroneously maintains that "although from the very outset it was obviously going to be difficult to pay pensions at the statutory rate, the government steadfastly resisted any temptation to reduce them." Cruickshank, 187.

<sup>10</sup> APC XXV, 291.

Worcester and Merioneth were all ordered in 1596 to resort to this method of relieving disabled soldiers.<sup>11</sup> This "solution" to the problem of limited funds for disabled soldiers clearly reveals the Council's desperation. Having successfully sponsored an act to relieve disabled soldiers the Council was now resorting to previously unsuccessful (see Chapter 2 above) attempts to reshape unsuitable legislation to cover a problem the legislation had not been created to address.

Closely connected with the problem of a lack of funds was a significant increase in the number of poor maimed soldiers and mariners requiring relief as war with Spain continued and the Irish rebelled yet again.<sup>12</sup> In its letters of mid June 1595 the Council complained that the counties' failure to execute the act had resulted in maimed soldiers having to wander about and beg-- contrary to the "charitable intent and purpose of her Majesty and the whole Parliament." In its letter to the Justices of Devonshire the Council, as in the case of Norfolk, required minutes of everything that had been done to execute the act, and inquired why relief had not been forthcoming for specified disabled ex-servicemen. The Councillors also stated that many poor maimed soldiers had approached them, complaining of the failure of local authorities to grant them their legal pensions. In their response the Bishop of Exeter and thirteen other Justices declared that the major problem was that the

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<sup>11</sup> APC XXV, 291; XXVI, 343, 348.

<sup>12</sup> For the county origins and destinations of troops levied in Wales and England between 1585 and 1602 see Cruickshank, 290-91; See also PRO, SP 5/268/724 and PRO, SP 5/321/37.

numbers of disabled soldiers requiring relief was increasing "and more likely to follow, having of late impresse of one hundred men made within this countie by order from Sir Frances Drake and Sir John Hawkins."<sup>13</sup>

In a number of instances it is not possible, due to the paucity of the evidence, to discover why a disabled soldier who was initially given a pension, later had it withdrawn or reduced. In these instances what exist are minutes of conciliar letters to the Justices of the Peace and Treasurers for eight counties.<sup>14</sup> These minutes reveal that poor maimed soldiers who were granted pensions, and then had them withdrawn or reduced, would appeal to the Council requesting enforcement. In response the Council wrote to the county authorities and ordered that the pensions be honoured and/or "if there be just cause for restraint to certefie us thereof." In other cases, however, the reason for the withdrawal of the pension can be discerned. A William James, for example, had his pension "taken from him because he went in the late voyage to Cales." The Council ordered that it be restored.<sup>15</sup>

In several cases the Treasurers were accused of being irresponsible or negligent in their duties. In late 1595 the Warwick Justices of the Peace were rebuked for their failure to relieve a

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<sup>13</sup> A.H.A. Hamilton, Quarter Sessions from Queen Elizabeth to Queen Anne, (London: Sampson Cow, Maston, Searle & Rivington, 1878), 19.

<sup>14</sup> APC XXV, 142-3 (Brecon), XXVI, 155 (Berhshire), XXVI, 201 (Leicestershire), XXVI, 265 (Brecon), XXVI, 436 (Kent), XXVII, 147 (Wiltshire), XXVII, 211 (Stropshire), XXVII, 339-40 (York), XXVIII, 150 (Staffordhsire).

<sup>15</sup> APC XXVI, 317.

certified disabled soldier (Benedict Allen) and for the county Treasurers' slackness "in not returning your certificate sithence th'execution of the statute" as required by a conciliar letter of June 1594. The Justices were ordered to have the Treasurers appear before the Privy Council if indeed, as the Councillors suspected, the certificate had not been sent out because the Treasurers had been remiss in carrying out their duties.<sup>16</sup>

Treasurers are singled out as the specific officials who denied pensions previously granted in five instances.<sup>17</sup> However, in only one of these cases is it apparent why the pension was withdrawn after it had been granted. In September 1596 the Council ordered the Treasurers of Leicestershire both to restore a pension granted to a Captain Baynton which had recently been denied, and to give the Captain "satisfaction in this behalfe as well for the tyme paste as to comme."<sup>18</sup> Although the Councillors maintained that Baynton had been given his pension under the terms of the Statute, it is likely the pension was revoked because, according to the act, pensions were only to be granted to maimed soldiers, mariners, those officers under the degree of Lieutenant, or those that had "served in the Office of Lyventen<sup>a</sup>nte...."<sup>19</sup> Captain Baynton was therefore ineligible for a pension under the act. In two of the other five cases a change in Treasurers resulted

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<sup>16</sup> APC XXV, 119-20.

<sup>17</sup> APC XXVI, 155, 201, XVIII, 102, 229-30, XXVIII, 266.

<sup>18</sup> APC XXVI, 201.

<sup>19</sup> SR 35 Eliz. c.4.

in abrupt changes for disabled soldiers who had previously been granted pensions. In Monmouth in 1597 William Jones had his pension cut in half by a Rice Kemish, while in Herefordshire Thomas Proterch was "latelie denied the payment [of his pension]... by the new Treasurour."<sup>20</sup> In both cases the Council ordered the Treasurers to resume the previously granted pensions or certify "just cause" why they should not be resumed.<sup>21</sup>

Yet another enforcement problem the Council encountered was that of differing intra and extra-county interpretations of the act. An example of the intra-county dispute was that between the town and county of Lincoln. As detailed above (Chapter 3) the act stipulated that cities and corporate towns were independent of their county in their responsibilities for executing the act. In early 1597 the Council wrote to the Justices and Treasurers in Lincolnshire concerning a blind veteran, David Duffield, who had been impressed in the county in 1592. The Council commented that:

...you have retourned him unsatisfied by reason of some question betweene the towne of Lincolne and the county at large touching a priveledge pretended by the sayd towne, whereby they hold themselves exempted from contributing with [the] countie in services of this kynde....

Claiming not to interfere in an intra-county dispute, the Council ordered that Duffield, be given "charitable consideration" and relieved to the end that "this controversy or question betweene the towne and the

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<sup>20</sup> APC XXVIII, 102, 229-30.

<sup>21</sup> No "just cause" for the Treasurers' refusals exist in the records.

county may not prejudice the suppliant" from receiving his legal and rightful pension.<sup>22</sup> In effect, however, the Councillors agreed with the town's position - the Council insisted that Duffield, impressed in the county, be relieved solely out of sums collected in the county for the relief of disabled soldiers.

Counties (and urban jurisdictions) at times disagreed with each other and the Council over who was legally responsible for relieving specific poor maimed soldiers. In August 1596 the Council wrote to the Justices in Hertfordshire concerning an Edmond Goldhurst "whose hurtes are so great as his case dothe desearve commisseracion." The Council had recommended him to the County for a pension some time earlier but the county had refused to provide relief. The Council commented that disabled soldiers could choose to be relieved: either in the contry where they were borne, where they have remained for the space of three yeres, or out of which they were pressed. Since Goldhurst had been brought up in Hertfordshire he had the right, the Council argued, to demand a pension from that county. The county was told to give Goldhurst "that yerely allowance which the statute dothe appointe."<sup>23</sup> The Privy Council's "interpretation" of the act was incorrect, however. Goldhurst had been impressed outside of Hertfordshire - in Middlesex<sup>24</sup> - and therefore the county's refusal to relieve him was legal and correct. He had no legal entitlement to a pension in Hertfordshire despite his

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<sup>22</sup> APC XXVI, 513-14.

<sup>23</sup> APC XXVI, 74-75.

<sup>24</sup> APC XXIX, 235.

having been raised there. As has been discussed above, the act stipulated that a maimed soldier had to receive relief from the county where he had been impressed. Only a volunteer recruit could elect to be relieved where he had been born or where he had lived for three years previous to his service.<sup>25</sup>

In another case a Hugh Skurfield, likely impressed in London, was originally given a pension in that city. Later, however, he was sent to the county of his birth (Hertfordshire) in order to receive a pension there.<sup>26</sup> His being sent to that county would financially relieve a City in which many had been impressed, significantly large numbers of whom would likely be eligible for pensions. In March 1596 the Council wrote to London's Lord Mayor to order the City to relieve Skurfield as before, ostensibly because "the contry where he was borne is not hable to give him maintenance."<sup>27</sup>

Another enforcement problem the Council had to deal with was the requirement on the part of some local authorities that disabled soldiers be in attendance at Quarter Sessions in order to collect their pensions. The act was open to interpretation on this point - it directed the Treasurers to make the pension payments on a quarterly basis but did not specifically require attendance at Sessions on the part of the pensioners.<sup>28</sup> Local authorities in Devonshire, for example, refused to

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<sup>25</sup> SR 35 Eliz., c.4.

<sup>26</sup> APC XXV, 12.

<sup>27</sup> APC XXV, 291.

<sup>28</sup> SR 35 Eliz. c. 4.

pay a certified disabled officer, Thomas Stakely, his pension because he had other "impleymementes" and was therefore often unavailable for Quarter Sessions to receive his pension. In February 1597 the Council wrote to the county's Justices of the Peace and Treasurers ordering the Treasurers to pay the pension "unto such assignee as the said Stakely shall appoint and authorize...."<sup>29</sup>

The evidence of the nature of the Privy Council's enforcement of the 1593 act to relieve disabled soldiers reveals that there were three major problems: in several counties and urban jurisdictions there were insufficient funds collected to relieve properly all the disabled soldiers who were entitled to pensions; different interpretations of the act resulted in disabled ex-servicemen not receiving pensions when, or where, they ought to have received them; the Council maintained that some local officials were slack, or remiss, in fulfilling their responsibilities under the act. The 1598 amendments to the 1593 act reflect these enforcement difficulties.

## II

Before the 1598 amendments are discussed the bill's passage through Parliament shall be examined. On 18 January 1598 "the Bill for renewing, continuance and explanation of an Act for the necessary relief of Mariners and Souldiers" was read the first time in the Commons.<sup>30</sup> Two

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<sup>29</sup> APC XXVI, 513.

<sup>30</sup> D'Ewes, 582; This was the second and last session of the 1597-98 Parliament; under the terms of the 1593 act renewal was necessary before the conclusion of the next Parliament (1597-98).

days later (20 January) the bill was referred to a committee formed the previous day (to examine a bill against the excess of apparel).<sup>31</sup> This committee consisted of "all the Privy-Council being Members of this House" - Robert Cecil, John Fortescue I, and William Knollys - as well as at least five other members.<sup>32</sup> This committee met again on 25 January. The next day another committee was formed to examine the bill. This second committee included a number of the same men who sat on the committee previously mentioned.<sup>33</sup> It is not clear if any Privy Councillors were on this new committee. Two days later the bill, as amended by the Committees, was presented to the Commons and on 1 February it was passed by the House.<sup>34</sup> On 3 February it was sent to the House of Lords where on 6 February it was amended, passed, and sent back to the Commons where it was (on the same day) passed as amended by the Lords.<sup>35</sup>

The limited evidence that does exist does not conclusively reveal that the 1598 act was sponsored by the Council. All that can be

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<sup>31</sup> D'Ewes, 584.

<sup>32</sup> "Sir Walter Raleigh, Sir Edward Holby, Sir Thomas Conisby, Sir Oliver Lambert, Mr. Yelverton and others." D'Ewes, 583.

<sup>33</sup> According to D'Ewes, 588, the 26 January Committee consisted of "Mr. Arnold, Sir Henry Norris, Sir Giles Merrick, Sir Oliver Lambert, the Knights and Burgesses for London, Mr. Hext, Mr. Wiseman, Mr. Doctor Sends, Mr. Cole, Sir Thomas Consiby, Mr. Harper, Sir Francis Hastings, Mr. Snagg, Mr. James Harrington, Sir Francis Popham and many others...."

<sup>34</sup> D'Ewes, 590-591.

<sup>35</sup> D'Ewes, 592, 545, 594-5.

concluded is that the 1598 amendments to the 1593 act were initiated in the Commons - as had been the original act - and that the Councillors (including Cecil who has been described by one scholar as "the leading Privy Councillor in the 1597/8 Commons, responsible for the handling of government business...")<sup>36</sup> were on the committee which first examined the bill. The extent of their activity on that committee is unknown however. The fact that the 1598 act addresses directly the Privy Council's enforcement problems from 1593 to 1598 does, however, indicate that the Council may very well have sponsored the amendments.

A major 1598 amendment to the 1593 act<sup>37</sup> was a provision for increases in Parish rates. The 1598 act maintained that:

forasmuche as the Assessement and Rate appointed by the said laste Act,...in regarde the number of Souldiers in some Countye ys greater then in some other, seemeth very smalle, and not sufficient to extend to every such poore Souldyer a competent Pension, but that hee that hath byn appointed to a Pension of Twentye ponde a yere, hath bene constrayned to take fyve ponde...yt shall and maybe be lawfull to and for the Justices of Peace at ther Quarter Sessions...to rate and taxe suche further somes of Money uppon every Paryshe...as they shall thinke fytt and convenyent....

The Justices, however, were allowed to increase the rates, only if they had reason to "thinke that the said former Acte hath not provided sufficientlye for the Reliefe of the Souldiers and Maryners...and...not otherwise...." If the Justices did exercise this newly legislated option

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<sup>36</sup> HPT, I 574.

<sup>37</sup> The 1598 act only amended certain aspects of the 1593 act - those aspects of the original act to relieve disabled soldiers which were not amended were deemed to continue until the end of the next session of Parliament. SR 39 Eliz. c. 21.

of increasing the taxes they were to rate no parish above 8d. nor below 2d. per week. These rates were identical to those originally proposed in 1593. The 1598 act also stipulated that in any county with over fifty parishes the average rate was not to be above 4d. per parish. It was thought necessary to establish provision for especially high rates in London. There the Mayor, Recorder, and Aldermen could raise the rates to 2s. per parish per week as long as the average parish rate was not above 8d.<sup>38</sup>

As well as providing for an increase in rates, the 1598 amendments also provided for change in the place of relief for disabled soldiers. Maimed ex-servicemen were to be provided for where they were impressed:

soe farr forth as the Taxation lymitted by this Acte will extend, and yf the whole Taxation there be alreadye ymployed accordinge to the true meaninge of this Acte, or that they be or shall not be prest men, then [they are to be given pensions] in the place where they were borne, or last inhabited<sup>39</sup> by the space of three yeeres at his or their Eleccion.

This amendment corresponded with the Council's "imaginative" interpretation of the 1593 act in its communication with the Hertfordshire Justices in 1596.

Other changes in the 1598 act dealt with the local officials who were obligated to execute the act. The 1593 act specified that Treasurers of the Collection for poor maimed soldiers had to be elected from amongst Justices of the Peace in the county. Presumably because it

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<sup>38</sup> SR 39 Eliz. c.21.

<sup>39</sup> SR 39 Eliz. c. 21.

was difficult to get Justices to volunteer to perform this additional task, and/or do it effectively, the 1598 act gave Justices the authority "to electe[,] nomynate and appoynte, of themselves or other sufficiente men of the ...county...Treasurers of the said Collection...."<sup>40</sup> Sufficient men were defined as those who were yearly valued in the subsidy book at £10 in lands or £20 in goods.

Another section of the act made parish constables, who were not mentioned in the 1593 act, jointly responsible with the churchwardens for the collection of the rates. The penalty for a churchwarden failing to perform his duty was doubled to 20s. and the constables were also made liable to this fine. Reasons for these amendments were given in the 1598 act:

...yt ys founde by experience that the petty constables and churchwardens of Parishes by remysse and negligent in collectinge of the Summes of Money taxed for the Relief aforesaid, and in making payement thereof, and that the penaltie of Tenne Shillinge, expressed in the said former Acte...was too small a Penaltie to be inflycted for their defaulte....

Justices at their Quarter Sessions were also given the clear authority to "revoke[,] diminysh or alter any portion or porcons of Releife assigned or graunted to...any Souldier or Marryner from tyme to tyme accordinge to their discretion." This authority, however, could not be exercised arbitrarily - there had to be "juste cause" for the Justices' action in this regard.<sup>41</sup> Perhaps as important as what this section of the act stated was what it did not stipulate. Treasurers were

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<sup>40</sup> My emphasis; SR 39 Eliz. c.21.

<sup>41</sup> SR 39 Eliz. c.21.

not mentioned in this section of the 1598 act and therefore did not have the same discrestionary authority as Justices. The Treasurers would have had to apply to the Justices at Quarters Sessions if they wished to have a disabled soldier's pension eliminated or altered and were still subject to the 1593 provision for fines (levied by the Justices at Quarter Sessions) if they "wilfullie" refused to "distribute and give any Relief accordinge to the forme" of the act.<sup>42</sup>

### III

Another enforcement problem - that of counterfeit disabled soldiers - led to the enactment of a distinct statute in the Parliament of 1597-98. As has been discussed above (Chapter 2) the problem of vagrants and rogues who tried to pass themselves off as soldiers, and vagrants and healthy soldiers who used forged documents in order to pretend to be disabled ex-servicemen, existed prior to the 1593 act. A number of proclamations were issued in the early 1590's in response to this problem. On 5 November 1591 a proclamation mentioned above (supra 84) was issued concerning a number of problems connected with demobilization. Vagrants pretending to be disabled soldiers were to be treated as all others who failed to "show sufficient passport from the lord general, or some of the principal officers of the army...." They were to be subject to martial law - "taken and committed to prison and to be indicted as felons, and to suffer for the same as soldiers being in her Majesty's pay that have run away and left the service

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<sup>42</sup> SR 35 Eliz. c.4.

traitorously."<sup>43</sup> Three months later, on 28 February 1592, the Privy Council issued a proclamation ordering the examination of vagrant soldiers "that remain within and about the cities of London and Westminster" some of whom "have neither been maimed nor hurt nor yet served at all in the wars, but take that cloak and color to be the more pitied...." The sheriffs of London and Middlesex were ordered to examine the passports of those claiming to be soldiers. The Council, in this proclamation, did not order that those without sufficient documentation were to be subject to martial law but, rather, required that they be "indicted as rogues and vagrant persons."<sup>44</sup>

Difficulties with counterfeit maimed ex-servicemen continued after the passage of the 1593 act to relieve disabled soldiers. On 21 February 1594 a proclamation was issued ordering the arrest of vagabonds and the deportation of Irishmen. It declared that vagabonds:

are in many parts of the realm manifestly seen wandering in the common highways, to the annoyance of the common people both in their goods and lives, a multitude of able men, neither impotent nor lame, exacting money continually upon pretense of service in the wars without relief, whereas many of them never did so serve, and yet such as have served, if they were maimed or lamed by service, are provided for in the countries by order of a good statute made the last parliament.

In order to solve this problem all Justices of the Peace and other officers were required to appoint "certain days in the week monthly" for watches and searches in order to apprehend and imprison "idle vagabonds, and to send the lame and maimed into their counties according to the

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<sup>43</sup> TRP III, 740.

<sup>44</sup> TRP III, 745.

statute." Justices of Assize were instructed to confer with Justices of the Peace in the counties in order to "charge them...personally" to establish the watches and searches.<sup>45</sup> Events of 1596 however indicate that, at least in the long term, the proclamation of February 1594 did not solve effectively the problem of counterfeit disabled soldiers.

On 8 March 1596 Edward Hext, a Justice of the Peace for Somerset,<sup>46</sup> wrote what proved to be an important letter to the Privy Council concerning the problem of counterfeit disabled soldiers.<sup>47</sup> Hext commented that:

beynge appoynted Thresorer for the mayhemed souldyers of the Countye of Somerset, & fyndinge divers to repayer unto me for relief beinge neither mayhemed, hurte, or in any way disabled in ther bodyes, and beinge very serviceable men, dyd conceave yt to be incredible that any generall or Captayne shold disthardge...men for so slender causes as ther pasporte mencyon....

Hext's suspicions grew "so great" that he jailed a number of soldiers. Two days after he had them jailed Hext sent for one of the prisoners, a man named Floyd. Hext wrote that he did "in thend inforce him [Floyd] to confesse unto me aswell his owne passe to be counterfeited as a great number of others...." Floyd's confession gave Hext the information necessary to jail thirteen soldiers. Hext commented that these soldiers had previously travelled in small companies of two or three men. At least one from each of the companies confessed to Hext that the

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<sup>45</sup> TRP III, 762.

<sup>46</sup> For some biographical information about Hext see HPT II, 306-307.

<sup>47</sup> BL Lansdowne 80, f. 115.

passports of the other members of the company had been counterfeited.

In his letter to the Council Hext also described the appearance of the men and highlighted aspects of their confessions. He commented that they were "well apparrelled after the manner souldyers, & well weaponed with Rapiers & Daggers" such that they "do breade great terror to the meaner sort," and "are able & do deceave all the Threasurers...." Most of them were experienced ex-servicemen - sergeants "and eldest corporalls" - several of whom Hext maintained were "discontented for that they had not the dewe reward of service...." Hext gave as an example the case of Burton Foryth, an eldest corporal, who had not been promoted to the rank of sergeant as he had expected. The soldiers, who had been in the low countries, explained how some of them had managed to purchase or legally obtain their captain's pass, and how others had travelled through the enemy's "country" and so journeyed "into England" where they had all bought counterfeit documents enabling them to pretend to be disabled soldiers. Floyd's confession was such that Hext commented that "the relief that they fynd in England by this statute [35 Eliz. c.4] maketh them so contumous [contumacious] yn all service abroad, as they are hardly satysfied with any thinge, where before they weare glad to have & contented with anye reasonable" maintenance. Thus "some that runie over by Right pasporte & are to retorne agayne in short tyme fynd suche swete by this statute as they become contynuall travellers by counterfeit pasporte...."

Hext argued that counterfeit disabled soldiers posed a threat to order and suggested a number of solutions to the problem. He postulated

that "these great numbers of travellers being many of them men of conduct...may yn this tyme of dearth & threat of warres grow dangerous...." To remedy the situation it would be "prudent" that: "a great number of these counterfectors & counterfeict travelers...be spedely taken up"; it be made more difficult for soldiers to acquire passes "to come out of any service for lawfull cause"; the Council instruct the Chief Justice to make an example of some of the counterfeit disabled soldiers during his visit to the county "att the Sessions after Ester."<sup>48</sup>

The Council took Hext's information and suggestions seriously. On 23 March the Councillors sent a letter to the Lord Treasurer (Burghley) who had earlier forwarded Hext's letter to them. They commented that it was indeed appropriate that the Council should direct the Chief Justice to act while he was in Somerset to: "speedely" punish the counterfeit disabled soldiers; "have anie of them sent up hither to be proceeded withall in the Star Chamber" to punish them further (if necessary); "apprehend the rest of such lewd people that keepe in those partes...."<sup>49</sup> The letter directing the Chief Justice to act thus, along with a copy of Hext's letter, was sent on 28 March.<sup>50</sup>

Burghley was also informed in the Councillors' letter of 23 March that the Attorney General was to be told of Hext's communication to the end that the Attorney General should act to arrest "the other

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<sup>48</sup> BL Lansdowne 80, f.115.

<sup>49</sup> APC XXV, 312.

<sup>50</sup> APC XXV, 314.

sorte of this kinde of persons that are in Norffolke and Suffolk" - the existence of whom was revealed in Hext's "examinacons" of the soldiers in Somerset.<sup>51</sup> In addition, the Council directed letters to the Deputy Lieutenants of Norfolk on 7 April. The Deputy-Lieutenants were ordered to use "all diligent meanes" to arrest and "very strictlie interrogate" any of the counterfeit disabled soldiers found wandering in the county. The Council commented that according to Hext's information many of the soldiers "do keepe for the moste parte in that county of Norfolke," and are "very lewd and dangerous persons...fitt to be partakers in any bad action."<sup>52</sup>

The Council acted on other information supplied in the confessions obtained by Hext. On 28 March a letter was sent to a Richard Skevington ordering him to search out the reported

divers lewd persons about the citty of London that do usually make those counterfaict lycences, and do not onlie counterfaict the names of the Generalles of her Majesty's forces beyonde the seas and other Captaines and officers, but affixe seales of armes to the same....

Skevington was given a list of names and was required to arrest and interrogate those on the list in order to discover "what pasportes and lycences they have made, for what persons and in what sorte, and where the partyes may be founde that have the same, and what other they do knowe that use to make the like...."<sup>53</sup>

Between 28 March and 12 April the Council received another

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<sup>51</sup> APC XXV, 312.

<sup>52</sup> APC XXV, 333-334.

<sup>53</sup> APC XXV, 320.

letter from Hext(which unfortunately does not survive). It contained new information derived from further confessions extracted by Hext. On 12 April the Council wrote to the Chief Justice conveying Hext's latest information, and commenting that the Council had given orders for new arrests resulting from "further matter [that] doth fall out by later examinacions" of counterfeit disabled soldiers. The Chief Justice was also advised to confer with Hext about the latest interrogations "and to procede accordinge to our former dycrection" at the Easter Quarter Sessions in Somerset.<sup>54</sup> On the same day a letter was issued to two individuals - Sir John Brockett and Rowland Litton - instructing them to arrest a man named Witney, living in "Market Street besides St. Albons", on the charge of being a counterfeiter of passports. In addition, they were ordered to have Whitney's house and study searched, and to interrogate him, in order to find out "what pasportes and in what sort" he had issued as well as "what seales he doth affixe unto the same...."<sup>55</sup>

The Privy Council wrote to Edward Hext on 12 April. The Councillors thanked him for his "diligence and discretition", encouraged him to continue in his activities, and requested that he assist the Chief Justice during the Easter Sessions in the County. He was also told that the Councillors had:

caused divers of the cheifest of theis counterfaictors to be apprehended here, and by them also have discovered others and have also given order for the apprehension of others that are dispersed in divers counties of the

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<sup>54</sup> APC XXV, 343-344.

<sup>55</sup> APC XXV, 345.

realm.<sup>56</sup>

Hext's letters also prompted the Council to have a proclamation issued which in part addressed the problem of counterfeit disabled soldiers. The proclamation was written by Burghley and approved by the rest of the Councillors. They commented to Burghley that "we...thincke that the proclamacion which your Lordship hath caused to be drawne will do greate good to remedy theis abuses."<sup>57</sup> The proclamation, "Ordering Punishment of Persons with Forged Credentials", was published on 3 May 1596. It dealt both with those carrying counterfeit warrants and

another sort of vagabond persons that either themselves do make or cause counterfeit passports to be made and licenses to beg and gather alms pretending that they have been hurt and maimed in her Majesty's service...thereby to defraud her Majesty's subjects....

It is commented that there were "a great number" of the counterfeit disabled soldiers and that they were "dispersed in divers counties of the realm, conspiring also and combining themselves together in very tumultuous sort to evil purpose." All "her Majesty's officers" were ordered to bring any such men with suspicious documents before a Justice of the Peace to be "strictly...examined." The Justice was required to imprison any suspect if there was "further cause of suspicion" until he (the Justice) "may be certainly informed from such whose names are subscribed to the said passports or licenses whether the same be true or counterfeit." Since the counterfeit disabled soldiers were deemed a threat to order, having supposedly committed "robberies, spoils, and

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<sup>56</sup> APC XXV, 344-45.

<sup>57</sup> APC XXV, 312.

other outrages...as hath been manifested by the confessions of some of them...lately apprehended", Justices and all other public officials were "further commanded to use all good and possible means for the apprehension of these malefactors that they may receive severe punishment according to the quality of their offenses...."<sup>58</sup>

Hext did not share the Council's faith in the efficacy of proclamations, as is clear by a letter he sent to Lord Burghley dated 25 September 1596. He commented to Burghley that "of wandering souldiers ther are more abroade then ever weare, notwithstanding her Maiesties most gracyous proclamation lately sett forth for the suppressinge of them, which hathe not donne that good yt wold...." The reason that the proclamation had been ineffectual, according to Hext, was the result of the manner in which all proclamations were proclaimed. They were sent to Sheriffs who delivered them to the bailiffs to be proclaimed in the markets. The result was that "a few ignorant persons heares a thinge redd which they have lyttle to do with and lesse regard, And the x<sup>th</sup> Iustyce knoweth not yet that ever ther was any such proclamacion." The proclamation could only have been effective, Hext suggests, if the Justices of the Peace had met "vppon yt", carefully considered it, "aquaynted all inferior officers with yt, and so taken some stryct course for the apprehending of them [the wandering soldiers]."

In his letter of 25 September Hext also reiterated his belief that the wandering soldiers were dangerous. Indeed, he compared them with "that wycked secte of Roages", Gypsies, and commented:

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<sup>58</sup> TRP III, 779.

vppon the perill of my lief I avowe yt they [Gypsies] weare never so daungerous as the wandryng souldiers and other stout roages of England, for they [Gypsies] went visibly in one company and weare not above xxx or xl of them in a shere, but of these sort of wandringe Idell people [soldiers] there ar three or fower hundred in a shere, and thowgh they go by too and three in a Companye, yet all or the most parte yn a shere do meete eyther att feare or markett, or in some Alehowse once a weeke.

Hext illustrated the dangerousness of the soldiers in his letter. During the Easter Quarter Sessions in Somerset the Chief Justice followed one of the Council's suggestions. Orders were given "to the Tythings adioynnyng for the apprehending" of the wandering soldiers. The officials responsible for making the arrests, however, "made aunswere" that the soldiers "weare so strong they durst not adventure of them...."<sup>59</sup>

For Hext the emergence of the problem of wandering soldiers, many of whom were counterfeit disabled soldiers, was partially the result of what he regarded as weaknesses in the criminal justice system. He maintained, for example, there were too many opportunities for mitigation open to Justices, and argued that "happy were yt for England yf [benefit of] Clergy weare taken away in case of felonye."<sup>60</sup> Hext's disapproval of benefit of clergy may well have been reflected in the 1598 act "against lewde and wandering persons pretending themselves to be Soldiers or Marryners."<sup>61</sup> He had an opportunity to influence the creation of that act because during the 1597-98 Parliament Hext was put in charge of the committee dealing with a bill against counterfeit

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<sup>59</sup> HL Lansdowne 81, f. 155.

<sup>60</sup> HL Lansdowne 81, f.155.

<sup>61</sup> SR 39 Eliz. c.17.

soldiers on 7 December 1597, and on 20 December was appointed to another committee on the same subject.<sup>62</sup>

Two bills dealing with the problem of counterfeit soldiers were discussed by the 1597-98 House of Commons. Both bills were controversial. Although the content of debate does not survive we do know that the first bill was debated in the Commons at both the second and third readings and that even after a new bill was written it also occasioned "many speeches and Arguments, some with the Bill and some against" even at the third reading.<sup>63</sup> On 21 January the Commons finally passed the second bill, sending it to the House of Lords where it "was returned with the allowance of an Amendment" to the House of Commons. The Commons passed the bill, with the Lords' amendment, on 27 January.<sup>64</sup>

The controversy with which the bills met was likely the result of disagreements as to the severity with which Parliament should deal with the problem. The final version of the act indicates that this is the case as it was more severe than the provisions of the act "for punishment of Rogues, Vagabonds and Sturdy Beggars" passed earlier in the same Parliament. The central provisions of that act stipulated that convicted vagabonds were to be whipped and returned to their parishes of birth or last residence unless the vagrant did "not knowen where hee or

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<sup>62</sup> D'Ewes, 568-69; Hext. represented the riding of Taunton (Somerset) HRT II, 306.

<sup>63</sup> For passage of the bills in Parliament see D'Ewes 542-3, 568-9, 571, 575, 577, 579-80, 582, 585-6, 589; Townshend, 112.

<sup>64</sup> D'Ewes, 585-86, 543, 589.

she was born or last dwelte by the space of a yeare" in which case the vagrant could be sent to a house of Correction.<sup>65</sup> The act against counterfeit soldiers, however, ordered those pretending to be ex-servicemen to return home and work or be deemed felons without the benefit of clergy. Similarly, ex-servicemen who had returned from overseas service without proper documentation, and soldiers with counterfeit documents, were "declared felons without clergy" who Assize Justices and Justices of the Peace in their General Sessions could execute unless "some honest person", valued at ten pounds in goods or two pounds in lands, came forward to take the individual(s) into service for at least one year. The act also contained provisions: exempting from the statute vagabonds who fell sick and were therefore unable to journey home; permitting two Justices of the Peace to help any returning soldiers to find work "and for want of such worke" to "tax the whole hundred by their discrecyon for the Releife of Such soldyer...til such sufficyent worcke may be had"; enabling lawfully returning soldiers to beg on their journey home. Despite these ameliorating provisions, which indicate the probable nature of the debate in the Commons, the central sections of the act were consistent with the seriousness with which Hext and the Council had regarded the problem of counterfeit soldiers and disabled soldiers in 1596. They believed the problem to be one of a danger to the realm's order and the Parliament of 1597-98 ultimately agreed with them. This is reflected in the preamble to the act:

whereas many haynous Outrage Robberyes and horrible Murders are dayly comitted by theis dissolute

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<sup>65</sup> SR 39 Eliz. c.4.

persons...[it is likely that] unless some speedy remedy be had, many dangers are like...to ensue and growe towards the Comon welth.<sup>66</sup>

Despite the passage of the 1598 act against persons pretending to be soldiers or mariners difficulties continued. These problems were reflected in a proclamation of 9 September 1598 "Placing London Vagabonds under Martial Law." Although this proclamation essentially repeated many of the provisions of the above mentioned proclamation of 21 February 1594 it not only required watches and searches but in addition announced the appointment of a provost-marshal? "with sufficient authoritie to apprehende all such, as shall not be readily reformed, and corrected by the ordinarie officers of Justice, and them without delay to execute uppon the Gallows by order of Martiall Lawe."<sup>67</sup>

#### IV

Between February 1598 and December 1601 (when Parliament passed a revised act to relieve disabled soldiers) the Privy Council was again active in enforcing the act to relieve disabled soldiers. On 5 April 1598 the Council issued letters to the High Sheriffs and Justices of the Peace in the Counties. In the letters the Council commented that the "Justices of the Assisse in their severall cicuyts (sic)" had been commanded:

to admonishe you and other Justices at the last Assisses to have extreordinary care for the due execucion of divers good statts yet in force, and espetially of those lately made this last Parlyament for the good and benifitt of the whole state of the realme concerninge the reliefe of poore people, maymed souldiers, the punishment of

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<sup>66</sup> SR 39 Eliz. c.17.

<sup>67</sup> PRO, SP 12/268/54; also TRP III, 796.

vagabonds and roges and mayntennance of tylladge, the care whereof ys spetially recomended to you by the said statutes.

The Councillors futher ordered that the Justices, at the Easter Quarter Sessions, were to "take spetiall order...for one strict and uniforme cause to be houlden" for the enforcement of the new and/or revised statutes. In addition the Justices were instructed to assemble on a regular basis in the future in order "to take accompt of the Constables and other officers of their proceedings to be informed of thoses abuses that are to be reformed...and to see the due execucion of all theis lawes and stattutes throughly performed...."<sup>68</sup>

As in the 1593 to 1598 period the Council's enforcement of the act included sending letters to local authorities (usually Justices and Treasurers) in various counties and towns directing them to relieve a number of specified poor maimed soldiers "as by the last statute." Surviving in the Council's registers are 19 minutes of letters sent to 11 separate counties and towns concerning 22 disabled ex-servicemen.<sup>69</sup> Despite the 1598 amendments, however, the Council had to pay more attention to serious enforcement difficulties. A continuing problem was that not enough rate money was being collected to give adequate pensions to all the maimed ex-servicemen.

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<sup>68</sup> APC XXVIII, 388-389.

<sup>69</sup> APC XXVIII, 341 (London), 352 (Essex), 352 (Chester), 356-7 (Denbigh), 356-7 (Shropshire), 403 (Devon), 404 (Denbigh), 409 (Surrey), XXIX 264 (Devon), XXX 263 (Shropshire), 348 (Devon), 348 (Brecon), 348 (Surrey), 348 (Anglesey), 403 (Dorsett), XXXI 102 (Surrey), XXXII 389 (London), 389 (Lincoln), 418 (Devon).

During the initial two months after the passage of the 1598 amendments the Council attempted to enforce the new provision giving counties and towns the authority to increase the rates. When the local authorities in Shropshire in March 1598 certified that a Nicholas Hook could not be given a pension because there was "no money left" the Councillors' response was to require the Justices and Treasurer to grant one using the money raised "uppon a further contribucion which by a statute in the last Parlyament made was to be levyed on the county for releefe of maymed souldiers."<sup>70</sup> Similiarly, in the next month, the Council wrote to the Justices and Treasurers for London to direct them to give a Robert Yates a pension as per the last statute "and to require them that he may be one of the first that maie receive payment of the monyes so collected in regard of his poverty and greeifs."<sup>71</sup>

On the local level there is evidence from the Yorkshire West Riding Quarter Seesion Rolls that this provision was familiar to Justices and was implemented as early as 25 April 1598.<sup>72</sup> During the Quarter Sessions held on that day in Pontefract seven disabled ex-servicemen came to the "open Court & brought certificate of their Service and craved pencons accordinge to the Statute in that cases provided." The court ordered that the soldiers be examined regarding

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<sup>70</sup> APC XXVIII, 372.

<sup>71</sup> APC XXVIII, 417.

<sup>72</sup> This may have been the case because they had been informed of the new provision by Anthony Cole who both represented the Yorkshire constituency of Kingston-upon-Hull in the Parliament of 1597-98 and was on the second committee to examine the bill for the relief of disabled soldiers. HPT. I, 627.

their qualifications and that pensions be established for them. In order to provide for the pensions it was also ordered that the appropriate authorities "make a new assessment for Mayhemed Souldiers according to the new Statute therof made."<sup>73</sup> This new assessment very likely made it possible for the Justices in the Quarter Sessions held at Barnsley on 11 July 1598 to restore partially a poor maimed soldier's pension. The Sessions Rolls record that:

Whereas John Sprott a penconed Souldiour did bring vnto this Court a certificate of his good behaviour and good carriadg amongest his neighbours, and for that it [is] thought by this Court that the pencon which he nowe receiveth being abated from x<sup>li</sup> to V<sup>li</sup> is very small for his mayntenance yt is therefore ordered by this Court that his said pencon of V<sup>li</sup> shalbe augmented to Vj<sup>li</sup> Xiii<sup>s</sup> iiij<sup>d</sup> [£6.13s.4d]....<sup>74</sup>

It is apparent from other evidence, however, that in other localities the new provision for increasing rates when necessary was not implemented.

An anonymous and undated document in the state papers entitled a "Memorial of an order to be taken for poor soldiers" (Appendix III) details a number of enforcement problems the Council encountered after the 1598 act was passed.<sup>75</sup> Mentioned first is that whereas:

the late Statute for releefe of maimed souldyers, doth give aucthoryty to increase the contribucon for the maintenaunce of theis maimed men, there hath no order

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<sup>73</sup> "West Riding Sessions Rolls," 79-80.

<sup>74</sup> "West Riding Sessions Rolls," 98-99.

<sup>75</sup> PRO, SP 12/244/125. This document is calendared with the miscellaneous papers for 1593 but must have been written some time after the 1598 act was passed as provisions unique to the 1598 act are referred to in the document. Kent (p. 56) is of the same opinion.

beene taken to performe that clause of the Statute in most of the countyes.<sup>76</sup>

Two sets of documents from the county of Surrey give this complaint some credence.

One of the documents from Surrey is a "boke for the collectyon of the rates of the taxatyon of each Inhabytant & occupyer in [the parish of] Tanrydge..." dated 27 March 1600. The inhabitants were taxed 1d. for each acre, the monies going principally towards: relief of maimed soldiers; the hospitals in Surrey; relief of the prisoners in King's Bench and Marshalsea prisons;<sup>77</sup> the County's prison (the White Lyon); stock to set the poor on work; relief of the poor.<sup>78</sup> In all, 62 parishioners paid 1d. an acre, for their 2391 acres, to create a fund totalling £9.12s.7d. When the fund had "near defrayed and payed for the sayed vses wythin XX<sup>6</sup>" then a new collection was made by the parish constable. The portion of this collection which was designated for poor maimed soldiers was set at a rate of only 2d. a week - 8s.8d. per

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<sup>76</sup> PRO, SP 12/244/125.

<sup>77</sup> In Gloucester the collections for disabled soldiers were also combined with those for relief of the prisoners in these two prisons. This latter tax was authorized by 39 Eliz., c.3. The large parish of Berkeley, Gloucester, paid £3.9s.4d. for the disabled soldiers and prisoners for almost 30 years. Gloucester Public Library MS. 16070, f.9 cited in William Bradford Willcox, Gloucester: A Study in Local Government 1590-1640 (New Haven: Yale University Press, 1940), 106.

<sup>78</sup> This tax was also to be used "for all Caryages of Removes of her Maiestys household[,] And for coles to her Maiesties howses and for all other Carryages for her Maiestie owt of Tanrydg[,] And for Composytyon of her Maiestyes provysyon for her most honorable howseholde[,] And for otes ec. for her Maiestes stable." Bodleian Library MS c.642 cited in Surrey Archeaological Collection, Vol. IX, 228-231.

year.<sup>79</sup> It is not known whether this level of taxation was sufficient to ensure that the poor maimed soldiers in the hundreds of East Surrey were being granted adequate pensions. For West Surrey, however, the evidence permits this important question to be addressed:

As well as the collection book for Tanridge another document from Surrey survives: "the Accompte of Frannces Gavell gent Treasurer appointed for the maymed Souldiors" of the hundreds of West Surrey "made for one whole yere ended at the quarter sessions holden at Guildeforde" in June 1599.<sup>80</sup> It records both the taxes received from the high constables of the hundreds and the pensions paid to twelve maimed soldiers. In total the 10 hundreds (82 parishes) paid £33.7s.8d. in rates towards the relief of disabled soldiers - an average of 2d. per parish per week as in Tanridge. From an examination of the annual pensions of the twelve maimed soldiers, however, it is clear that this assessment was grossly inadequate and that the 1598 provision for increasing the rates should have been executed by the Justices. Of the twelve disabled ex-servicemen seven were granted pensions of £3 per year, three £4 annually, and two a miserable £2. These pensions would not have met the soldier's costs of subsistence.<sup>81</sup> Indeed, not only were the rates too low to provide the maimed soldiers with adequate pensions but they were

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<sup>79</sup> Surrey Archeological Collections, Vol. IX, 228-231.

<sup>80</sup> PRO, SP 5/271/51-53.

<sup>81</sup> Wrightson, English Society, 34, surveys the scholarly work dealing with the question of what monies were needed to purchase the basics of life during this period. (as well as what an average labourer received for his work).

even too low to pay for the inadequate pensions that had been established. Gravell noted that "the pensions to be paide more than the receypt [are] *iiij<sup>li</sup> xij<sup>s</sup> iiij<sup>d</sup>*" (£3.12s.4d.)<sup>82</sup>

The Council also had difficulty enforcing the amendment which permitted impressed disabled soldiers to be relieved either in the County in which they had been born or had lived for three years should the county of impressment be unable to provide for them. Perhaps predictably this new provision seems to have been abused by local authorities. The "Memorial...for poor soldiers" details that:

generally, the poore souldier that is recommended with orderly certyificates is posted over from one county to another and none of the justices will vouchase to certyfy the cause why they refuse him but yf he be addressed to the County where he was imprested they bid him go where he was borne, yf he be directed to the county where he was borne they send him to the county where he was imprested, and will give no subscribcon at all to his certyficat of the reasons why they refuse him but by this meanes they make him a wandering vagabonde....<sup>83</sup>

When the Council tried to use this new provision to order the Justices and Treasurers of Hertfordshire to relieve the above mentioned Edward Goldhurst the county authorities nevertheless continued to refer him to Middlesex where he had been impressed. Obviously frustrated, the Council wrote in late 1598 to the Justices and Treasurers of Hertfordshire to complain that:

...it is not unknown to you that it resteth in the choice of the partie hurt or maymed to be relieved either in the place where he was borne or the county out of which he was imprested, and so many have ben imprested in the countie of Middlesex being so nere unto the city of London, as

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<sup>82</sup> PRO, SP 5/271/51-53.

<sup>83</sup> PRO, SP 12/244/125.

that county is no waie able to releive the paymed  
souldiers that have bin there taken up and imprested.<sup>84</sup>

Other counties tried to avoid relieving disabled soldiers by different methods. The inhabitants of the county of Northumberland, the Council stated, "being Borderers hold themselves free from the contribucions of this sort which other counties do afford...."<sup>85</sup> As a result the Councillors had to ask the Lord Bishop of Durham to grant a Barnaby Danvers, who had lost both his legs in service, a pension. Impressed in Northumberland, Danvers had to be referred by the Council to Durham - the county of his birth.<sup>86</sup> The Justices of the Peace and Treasurers of Norfolk denied a blind soldier, Henry Rysynige, a pension because he had volunteered for service rather than been impressed. The Council wrote to insist that this was not just cause to deny Rysynige his pension and ordered the county to obey the law.<sup>87</sup>

As has already been indicated above, in a number of cases the Council had difficulty getting a reply to its request for certification of the just cause for a given county's having acted to reduce, deny, or withdraw a disabled ex-serviceman's pension. Clearly the Councillors were extremely frustrated when they wrote the Justices and Treasurers of

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<sup>84</sup> APC XXIV, 235; see also APC XXVIII, 412.

<sup>85</sup> APC XXIX, 261-62. Quintrell comments that until 1610 the four northern shires, with frontier responsibilities, were not included in the subsidy and paid much less for purveyance. Quintrell, "Lancashire", 36.

<sup>86</sup> APC XXIX, 261-262.

<sup>87</sup> APC XXVIII, 393.

the county and town of Leceister in July 1601 concerning a disabled mariner, Thomas Yates. They commented that:

whereas wee wrote our letters unto you in the yeare 1598 to see this poore maymed marryer [relieved]...he hath informed us that notwithstandinge our sayde letters you have not taken any order for his releefe, neither have you retourned answere unto us of the reasons of your refusal in that behalf....

The Council ordered the Leicester authorities to either relieve Yates or certify "speedily" just cause why not.<sup>88</sup>

As in the pre-1598 period the Council cited the negligence of Treasurers as a major factor in enforcement. On 6 July 1600 the Council wrote to the Treasurers of Worcestershire on behalf of Robert Gates whose pension arrears were "in the handes of the late Treasorors."<sup>89</sup> A month and a half later the Council wrote in response to an unsatisfactory reply to its letter of 6 July from the county's Justices. The Councillors ordered Gates to be relieved "or otherwyse wee will thincke upon some other course to call the Treasurers for maimed souldyers in whom the defaulte is unto a strict accompt for the same."<sup>90</sup> Similarly, in mid-1600 the Council wrote to the Treasurer in Cardigan on behalf of Rothery Evans who had not received his legal pension despite a previous letter from the Council.<sup>91</sup> In order to improve the execution of the act, and because they were "wearied with their [the disabled

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<sup>88</sup> APC XXXII, 45-46; see also XXVIII, 373, 382, XXX, 267.

<sup>89</sup> APC XXX, 475.

<sup>90</sup> APC XXX, 605-606.

<sup>91</sup> APC XXX, 475.

soldiers'] complaints" of the lack thereof, the Council (probably in early 1599) ordered the Treasurers to report to the Council.<sup>92</sup> The Treasurers were ordered to certify:

the number of souldyers that were provided for in the severall countyes, what the generall collection did amount unto in every county, and what certyificates they had of their service, according as the statute did require, and what stipend was allowed to every of them....

It is reported that the response was dismal - "upon bare suspitions and vaine conceipt, not three countyes, did certyfy the same."<sup>93</sup>

Not all Treasurers were negligent, however. Francis Gravell, who apparently did respond to the Council's order and reported his activities as Treasurer, also responded to six requests written on behalf of disabled soldiers. A H. Sowyar wrote to Gravell in August 1598 on behalf of the wife of Richard Norris, a maimed soldier in prison. Sowyar requested an advance of 20s. on Norris' £4 annual pension as the sum would be sufficient to "sett hir husband at libertie." Gravell endorsed Sowyar's request and Norris was freed, and became a maimed pensioner.<sup>94</sup> Similarly, in February 1599, Gravell agreed to the requests of Sir William Howard and Lord Admiral Nottingham and gave a John Price his £3 pension which had been allowed, but not paid, by preceding Treasurers.<sup>95</sup> In April 1599 Gravell paid another disabled ex-serviceman

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<sup>92</sup> Gavell's accounts of June 1598 are likely in response to this Conciliar demand.

<sup>93</sup> PRO, SP 12/244/125.

<sup>94</sup> PRO, SP 5/271/42,51.

<sup>95</sup> PRO, SP 5/271/48,49.

(William Ramsey) his pension, unpaid for a year, after the Lord Admiral requested that Gravell:

not onelie...paye unto him the arrerages of his pension...but also here after...take notice of him as one recomended from me, and...favour him with the payment of his saed pension....

The Lord Admiral thought it important to comment that "the pore man tellith me that he hath noe other meanes to lyve uppon but onelie that pension...."<sup>96</sup> Gravell also acted to relieve Edward Vernham, William Sora and Ralph Norris after the Council sent letters to the Justices and Treasurers of Surrey in April 1598 requiring relief for these disabled soldiers as per the statute.<sup>97</sup>

Gravell's performance as Treasurer brings into question the accuracy of the Council's perception of widespread maladministration by Treasurers. As illustrated above in the description of the act to relieve disabled soldiers (supra 104 ) Treasurers did not collect the taxes for the relief of the ex-servicemen, and only Justices of the Peace could enforce that collection, increase the rates, and revoke and/or alter a soldier's pension. Treasurers, therefore, were in a difficult and vulnerable position if, as occurred in the case of Gravell and others, not enough tax money was collected to pay the pension and travelling monies that were required (the demands for which could increase rapidly during periods of demobilization). Unless the Justices acted quickly to enforce an adequate collection, or at least alter some

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<sup>96</sup> PRO, SP 5/271/50.

<sup>97</sup> APC XXVIII, 409, 423.

of the soldiers' pensions, the Treasurers were open to potentially unfair charges of having failed to properly administer the collections entrusted to them. This was especially the case as the Council was often reacting to petitions or requests from disabled soldiers who were likely to be understandably impatient with Treasurers (given the ex-servicemens' very immediate material needs).

As Edward Hext's letters illustrate, Treasurers also had to deal with the problem of soldiers and vagrants who carried counterfeit documents identifying them as disabled soldiers. Indeed, Treasurers were the officials who were most likely to encounter counterfeit disabled soldiers. A given Treasurer was required by law to provide monies to disabled soldiers travelling through the Treasurer's county. Treasurers were also obligated to provide immediate relief to newly arrived disabled soldiers until the next quarter session when the ex-servicemen would be officially granted thier pensions. Not only was it probable that the problem of counterfeit disabled soldiers further strained the financial resources of the counties but it also put the Treasurers in another difficult position. They were supposed to scrutinize the soldiers' documents in order to apprehend counterfeit holders yet were also subject to fines if they failed to provide travelling and relief monies. To either provide relief to counterfeit disabled soldiers, or to deny relief to legally certified soldiers because of suspicions about their documents, left Treasurers vulnerable to charges of maladministration which were not necessarily valid.

That Treasurers were perhaps not as negligent as the conciliar records suggest is further indicated by a petition of maimed officers and soldiers to the 1601 House of Commons<sup>98</sup> (first mentioned above in chapter 3, p.119). High Constables rather than Treasurers were singled out as the officials responsible for relief being "detained" from certified disabled soldiers. The petitioners claimed that "the fault only resteth in the High Constables which hath the collection thereof, by which default many of the poor suppliants are forced to live in great want." A solution involving the centralization of funds was offered by the ex-servicemen: they requested that "the treasure so collected may be paid into Exchequer, the men to be paid out of it to bring true certificates of their services and a testimonial of good behaviour from the nearest Justices...." The soldiers sought the requirement of certificates of good behaviour - a requirement not found in the act - because they found unacceptable the behaviour of

...a great number of the said 'stypenters,' [who] contrary to the true meaning of the statute, liveth by continual begging, and taketh away the poor living of many poor and maimed men which are not within the compass of the statute.

In addition the petitioners asked that those pensioners found begging be subject to increased penalties for their contravention of the statute.<sup>99</sup>

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<sup>98</sup> The document is dated "[?1593]" in HMC, "Calendar of the Manuscripts of the Marquis of Salisbury", V.4, 457. Given the petitioners comment that under the statute disabled soldiers are supposed "to be relieved either in the countries where they were born or where they were imprest", however, the petition was likely submitted to the 1601 House of Commons as the 1598 act provided for relief in either the county of birth or impressment while the 1593 act did not.

<sup>99</sup> HMC, "Salisbury", V.4, 457.

Although the petition was accepted by the House the changes to the act which were suggested by the maimed soldiers were not incorporated in the new 1601 act to relieve disabled soldiers.<sup>100</sup>

Despite the willingness of Francis Gravell, the Treasurer for West Surrey, to respond to requests on behalf of maimed veterans by Privy Councillors, the evidence strongly indicates that the act to relieve disabled soldiers was not generally well executed between 1598 and 1601. The three major enforcement problems mentioned above for the period between 1593 and 1598 still existed. Despite provision for increased rates not enough money was being collected to pay adequate pensions. Also the Privy Council was still claiming that local officials were being remiss in their duties, and differing "interpretations" of the act were being used to prevent disabled soldiers from receiving their pensions. Indeed, the 1598 amendment allowing an impressed disabled soldier to receive relief in counties other than the one in which the ex-servicemen had been impressed had exacerbated the latter problem. The result, as described in the "Memorial", was that disabled soldiers were forced to either become vagabonds or journey to court to seek redress. It is commented that because of the Justices' failure to increase rates, and the great reluctance of local authorities to accept their legal responsibilities for the soldiers,

her Majestie (that in her princely disposicon is full of honorable compassion) and the Lordships of the Counsell, are dayly troubled with theis miserable creatures who at all times, when her Majestie goeth abroad to take the aire, do follow her, with pittifull complaintes, and importune the Lordships in all places, and especiallly when

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<sup>100</sup> See below, p.166 .

they assemble together.<sup>101</sup>

In late 1601 Parliament would pass "an Acte for the necessarie Reliefe of Souldiers and Mariners" which addressed the enforcement problems experienced by the Council from 1598 to 1601.

# V

From journal evidence it is apparent that the Privy Council sponsored the 1601 act. Even before the initial bill was introduced into the Commons, Cecil was successful in securing additional relief for maimed ex-servicemen from Parliament. On 3 December 1601 the Commons ordered that persons having private members' bills passed in the House had to pay:

towards the relief of the Poor, for every Bill so passed in this House touching the sale of Lands, ten pound; and likewise for every Bill for confirmations of partiucular (sic) Joyntures the sum of five pound....

Directly after this order was agreed upon Cecil successfully moved that

the Charity and Collection made by the Members of this House for the relief of the Poor...may especially be extended to the comfort of the poor maimed souldiers now remaining in and about the City of London....<sup>102</sup>

He argued that "our ordinary begging Poor are all Provided for" whereas "we see the Streets full of Souldiers, some Maimed, some Poor", and thus the collection should only be "imployed to the Relief of them who have ventured their Lives to defend Us."<sup>103</sup> By 17 December all but 45 members of the Commons had "paid towards the relief of the Poor and Maimed

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<sup>101</sup> PRO, SP 12/244/125; my emphasis.

<sup>102</sup> D'Ewes, 665.

<sup>103</sup> Townshend, 279-80.

Souldiers...."<sup>104</sup> An account of the 1601 collection was read in the 1604 House of Commons. In total 160 disabled soldiers received £92.15s.10d, which had been disbursed "by Order and Privy of [the General Muster Master] Sir William Waad, [and] Sir Walter Cope, appointed to the said House to see the same orderly distributed." The average sum given to a disabled soldier from the collection was 11s.7d, with thirty-six soldiers receiving £1 or more, and fifty-nine 5s. or less.<sup>105</sup>

The bill to relieve soldiers itself was read on 11 December and "committed unto Mr. Secretary Cecill, Sir Francis Hastings and others...." Later the same day an amended bill was read twice in the House, and the bill was ordered to be ingrossed.<sup>106</sup> At this time Cecil, who had earlier argued that "both Religion and Charity willeth us to full Consideration of Amendment" of the act so as to better provide for "the poor creatures that come from the Warrs Poor, Friendless, and Unhappy", spoke in the House on behalf of an amendment to increase the parish rates.<sup>107</sup> Cecil declared that "the Law for the Relief of Souldiers, I take to be both just and Honourable," maintained that "there is never a Souldier Relieved with such a Contribution, as his Misery requireth, and his Service hath deserved," and argued that the act should be amended so as to increase the parish rates to "Six Pence a

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<sup>104</sup> D'Ewes, 688.

<sup>105</sup> C.J. , i, 249-250.

<sup>106</sup> D'Ewes, 680.

<sup>107</sup> Townshend, 307, 316.

Parish, at the least."<sup>108</sup> The House agreed to increased rates (discussed below). Indeed when a member from Shropshire, Roger Owen, spoke "shewing that he was commanded by all the Justices of the Peace for Salop, to Deliver unto the House the poor Estate of the County, and therefore prayed, a Proviso might be added to exempt that County" he was answered that "hee went aboute to decke upp his particuler cabbिन when the shippe was on fyer."<sup>109</sup> The act itself maintained that increased rates were necessary:

forasmuch as it is now founde more needful then it was at the makinge of the saide Acts, to provide Reliefe and Maintenance to Souldiers and Mariners that have loste their Lymmes and disabled their Bodies...in respecte the number of the saide Souldiers is soe muche the greater by how muche her Majesties juste and honourable defensive Warrs are increased: to the end therefore that they the saide Souldiers and Mariners may reape the Fruites of their good deservings....<sup>110</sup>

On December 12 the committee made some further alterations to the bill and it was again twice read and engrossed. On 16 December the bill was passed and was "sent up to the Lords by Mr. Secretary Cecill and others" where it was also passed.<sup>111</sup>

The rates were increased in the act of 1601 "soe as no Parishe be rated above the sume of tenne Pence nor under the sum of Two Pence weeklelie to be paid." In any county with over fifty parishes the average rate of taxation was to be 6d. or less. It was deemed necessary

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<sup>108</sup> Townshend, 316.

<sup>109</sup> Townshend, 317.

<sup>110</sup> SR 43 Eliz.c.3.

<sup>111</sup> D'Ewes, 615-16.

to again give the authorities in London the power to raise their rates. They could do so as long as they did not exceed 3s. per week for any individual parish although it was specified that "in the totall the same shall not exceede or be under Twelve Pence weekelie out of everie Parishe." <sup>112</sup>

Another change from the 1598 act was that the Justices of the Peace at Quarter Sessions no longer had the discretionary authority to raise parishes' rates. As in the 1593 act the parishioners assessed themselves, "or in defaulte thereof" were assessed by the churchwarden and petty constables. If these parish officials did not agree local Justices set the parish rates. This deletion was not likely a Privy Council-initiated change but rather one demanded by members from localities not pleased with having the discretionary power to raise rates lie in the hands of men not directly affected by such increases.

The 1601 act did not alter the place of relief. The 1598 Statute's stipulation that an impressed soldier could be relieved outside of the county in which he had been impressed "if the whole Taxacon there shalbe before employed" was retained. <sup>113</sup> This was despite an attempt by Cecil to have maimed ex-servicemen relieved only where they were born because

this would yield a more certainty and greater Relief. For

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<sup>112</sup> SR 43 Eliz., c.3. My emphasis; On 12 December the committee examining the bill altered the bill in order to strengthen the wording of the proviso for special assessment rates for London. Added to the bill were the words "(do not exceed or be under)" and in other places these words, viz. (and be under)." D'Ewes, 615-616.

<sup>113</sup> SR 43 Eliz. c.3.

in a Mans Country, either Charity, Kindred, or commiseration will breed Pity: But out of the Country, where he was Prest, that cannot be expected.

This was particularly the case, Cecil argued, because London, some of the smaller counties, and counties like Lancashire near Ireland "where the Disease of the War is", had had disproportionately larger levies and therefore were faced with large numbers of disabled soldiers to relieve.<sup>114</sup>

The office of Treasurer was also affected by changes in the 1601 act. While the 1598 act permitted "sufficient" men of the county valued at a minimum of £10 lands or £20 goods to be elected Treasurer, in 1601 the qualifications were loosened and men assessed at only £15 goods were deemed eligible for the position. Perhaps more importantly, the 1601 act also specified that Treasurers guilty of negligence in their duties were no longer to be fined an amount which would be at the sole discretion of the Justices of the Peace at Quarter Sessions. The minimum fine levied by the Justices had to be £5. The duties of the Treasurers were also increased. In addition to keeping the various accounts specified in 1593 it was further stipulated that:

everie Treasurer returning, or not acceptinge the Certificate broughte unto hym from the said Muster Master, shall write and subscribe the cause of his not acceptinge or not allowinge thereof under the saide certificate or on

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<sup>114</sup>Townshend, 308. Kent incorrectly states that Cecil's proposed amendment was incorporated in the act. She also maintains that the fines for negligent churchwardens and petty constables were reduced from 20s. to 10s. In fact, the fines remained at the 1597 level of 20s. Kent, 56-57.

the back thereof.<sup>115</sup>

Thus, the 1601 act made the Treasurers both subject to substantial fines if negligent and increased conciliar scrutiny of their actions. Disatisfied disabled soldiers who had appealed to the Council for enforcement of the act would have carried their certificates with them.

## VI

Due to the Whitehall fire the Council's enforcement of the 1601 act until the end of the war with Spain in 1604 cannot be analysed because of the lack of documentary evidence. Nevertheless, published local records for several counties demonstrate that even after these statutory attempts, and over fifteen years of war, all was not well with the administration of disabled veterans' pensions. The Devonshire Quarter Sessions Rolls in 1602, for example, contain a list of all the pensioners in the county. There were 52 of them, receiving pensions which varied from 26s.8d. to £10 a year. The Devonshire Justices, in their communications with the Council, maintained that the numbers of poor maimed soldiers receiving pensions was so large as to be a peculiarly heavy burden on the county.<sup>116</sup>

Also surviving are accounts of the Staffordshire Treasurers for the period between Easter 1603 and Easter 1604. In total the two Treasurers received £52.5s. from the parishes in the five hundreds of the county. As such the average rate of taxation in the shire was only slightly above 1d. per parish per week. This was, therefore, well below

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<sup>115</sup> SR 43 Eliz. c.3.

<sup>116</sup> Hamilton, 18.

the legal minimum of 2d. The result was predictable. Of the eighteen disabled ex-servicemen given pensions one received £5 annually, five £3 a year, two just over £2, and the rest (half the pensioners) under £2.<sup>117</sup> Similarly inadequate were the pension grants recorded in the Wiltshire Quarter Sessions Rolls for this period. The average pension granted to the eight disabled soldiers mentioned was £3.14s. per annum, with no pensioner being granted more than £5.<sup>118</sup>

Also recorded for Staffordshire are the Treasurers' payments to disabled soldiers travelling through Staffordshire to their counties of relief. In all, 248 disabled mariners and soldiers were given travelling monies, the most common grant being that of a shilling. Given Staffordshire's location it is not surprising that 169 (80 % of those we know about) had served in Ireland, 41 (19%) in the Low Countries, and three had been in the Navy. Altogether £13.15s.6d. was disbursed by the Treasurers to the "passengers".<sup>119</sup>

Further evidence of passenger grants can be found in the Chester "Mayors' Books". As in Staffordshire a shilling was the common grant given to each of three travelling disabled soldiers by the Mayor and Common Council of that city during 1598.<sup>120</sup> There is also

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<sup>117</sup> "Staffordshire Quarter Sessions Rolls 1603-1606", Collections for a History of Staffordshire, 1940, 88-100.

<sup>118</sup> HMC, Various, V.I, "The Records of Quarter Sessions in the County of Wiltshire", 69-71.

<sup>119</sup> "Staffordshire Quarter Sessions Rolls 1603-1606", 88-100.

<sup>120</sup> F.J. Furnival ed., "English Entries from the Mayors' Books, Chester 1558-1600", Early English Text Society, No. 108: 168-171.

evidence, however, that the travelling grant provisions of the act to relieve disabled soldiers were either not well known to some maimed ex-servicemen, or were known by them to be inadequately executed. In July 1600 a certified maimed mariner, with "letters to the Justices of Northumberland for relief according to the last statute provided for maimed soldiers", felt it necessary to petition the Queen for financial assistance so that he could reach that county.<sup>121</sup>

A reference to negligence on the part of High Constables during this period occurs in the Yorkshire West Riding Quarter Sessions Rolls. They record that in January 1599 the Justices of the Peace threatened to fine the High Constables because they had failed to transfer the collection to relieve disabled soldiers to the Treasurer. It was:

therefore ordered that every Highe-Constable within the Westriding shall on this side and before the XXiiij<sup>th</sup> of ffebruary next vpon payne of V<sup>li</sup> [£5] pay vnto the Treasurer of Wakefield all such seuerall somes of money as they are now behynde, or els give notice to the next Justice tenn daies afore of the cause of their hynderance therin, that they may take speedie order for the [sums] collected, so that the Souldiers be not deluded of those pencons which are already graunted.<sup>122</sup>

Although the Justices' action in overseeing the High Constables in the latter's execution of the act would have pleased the Council, the Justices had acted improperly in one respect - threatening to impose fines of £5 when the statute fixed the fine that could be imposed on High Constables who failed to make payment of the collection at 40s.

In addition to documentation of continued negligence on the part

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<sup>121</sup> HMC, "Salisbury", v.10, 221.

<sup>122</sup> "West Riding Sessions Rolls", 140-141.

of some officials responsible for the act to relieve disabled soldiers there is also evidence that local authorities in some cases were still requiring that pensioners attend Quarter Sessions in order to be paid (*supra* 132). The Wiltshire Quarter Sessions Rolls reveal that on 9 July 1601 the Justices of the Peace for the county decided that it was unacceptable that the Treasurers had been paying pensions to a number of maimed ex-servicemen by proxy. It is recorded that the Justices made "a stringent order" revoking eight soldiers' pensions and ordering the Treasurers, "with regard to all the rest[,]...to make payments only to the pensioners themselves, and these are all to be warned to be personally present at the next sessions."<sup>123</sup>

That there were problems with the administration of the pensions of disabled soldiers during the period from 1601 to 1604 is further confirmed by an April 1603 "poore mens petition to their King". Brought to James's attention at the beginning of his reign, the petitioners' third of fourteen requests is for their "Good King" to "lett poore Souldiers be well payed their wages whilst they be imployed and well provided for, when they are maymed."<sup>124</sup>

## VII

As well as attempting to enforce the act to relieve disabled soldiers the Privy Council also used non-statutory means in its efforts to relieve disabled ex-servicemen from 1593 to 1604. The Council used

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<sup>123</sup> "The Records of Quarter Sessions in the County of Wiltshire", 70.

<sup>124</sup> PRO, SP 14/1/28.

four main methods in its efforts: various cathedrals and colleges were ordered to provide poor maimed soldiers with almsrooms or relief (as before 1593); efforts were made to have almshouses for disabled soldiers built and/or funded; investigations of corruption in the management of endowed almshouses and hospitals were ordered; disabled soldiers maimed in Ireland were given pensions and sinecures there.

The state papers and Council registers reveal that the Privy Council granted a number of disabled soldiers almsrooms in various cathedral and collegiate churches. Many of the documents state merely that a given poor maimed soldier has been granted an almsroom in a given institution.<sup>125</sup> What are also documented are the problems the Council experienced in trying to have these grants honoured. Many of the Council's attempted solutions were identical to those tried prior to the passage of the 1593 act. The Council asked the Dean and Chapter of Durham in September of 1596, for example, to give Walter Watkins, a legless soldier with a wife and children, "some smale allowance for his maintenance" until a room became available for him.<sup>126</sup> In another case a Bryan MaGirannel in July 1596 was granted a begging licence for a year so that he could subsist while waiting for an almsroom granted to him in Westminster (where there were "eleven placed before him").<sup>127</sup>

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<sup>125</sup> See APC XXXII, 92; PRO, SP 4/261/2, SP 4/262/5, SP 4/264/38, SP 4/260/104, SP 5/268/54, SP 5/270/118, SP 5/271/7, SP 5/271/15.

<sup>126</sup> APC XXVI, 153-54; see also XXVI, 343 and XXVII, 303.

<sup>127</sup> APC XXVI, 24.

In several instances the Privy Council deemed that almsrooms were being improperly occupied. The Dean and Chapter of Rochester, for example, were told by the Council in May 1597 that they could not fill a room recently "fallen void" with a man who had a grant which had been dated later than one held by a James Davison (who had lost his hands in service).<sup>128</sup> In an incident almost identical to that which occurred a decade earlier (see above p. 74 ) the Council wrote to the Vice-Chancellor of Oxford in March 1600 to complain about a certificate sent by the University. The Council maintained that the University had listed as almsmen a number of individuals who were absent, and others who had means to support themselves and therefore should not have been allowed to continue in their rooms. The Council commented that not only had a William Boothe, who had been granted a room "12 yeares sythence", not had his grant honoured but, also, various other "maymed and impotent menn" had been similarly "disappointed." The University was ordered to give Boothe a room - either one held by an absent almsmen, or one held by an individual who could otherwise support himself. Within the next two months Oxford responded by examining the Council's charge of abuses and offering to give Boothe a £5 pension per year until a room became available. The Councillors declared that they would rather see the "unfit" almsmen lose their places but were nevertheless prepared to accept the University's offer of a pension for Boothe.<sup>129</sup>

In other instances the Council was apprised of vacancies, or the

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<sup>128</sup> APC XXVII, 125-6.

<sup>129</sup> APC XXX, 330.

potential thereof, in almshouses and ordered that they be filled by specified disabled soldiers. Learning that "one Davies...was lately deed," who had been an almsman at Worcester, the Council wrote to the Dean and Chapter in November 1597 to require that the vacant place be filled by a deaf soldier, John Rowland.<sup>130</sup> By August 1600 the Council had become very "troubled" by John Rowland's complaints against the Dean of Worcester. The Dean made unsatisfactory answers to the Council and as a result the Council complained to the Queen about the Dean, and then approached the Archbishop of Canterbury. The Archbishop was asked to investigate the veracity of Rowland's charges and

yf any wrong be done to this Almesman and the rest he may be relieved, and yf he complaine without cause and have no aucthoryty from the rest to followe this cause wee may see him punished for his importunytie and slaunderous reproches and suggestions.<sup>131</sup>

In another case a poor maimed soldier actively sought the Council's assistance in procuring a position which was likely to become available in a hospital. As has been discussed above, Barnaby Danvers had been denied a pension by the authorities of Northumberland in 1598 necessitating the Council's request of the Bishop of Durham for a pension in that county.<sup>132</sup> Obviously unrelieved in Durham as well, Danvers in 1601 approached the Councillors and made:

humble suite unto us for the place of the Guider of the Hospitall Howse of Dunstable, which place is lyke to be shortly voyde (as he dothe informe us) by reason of some heynious and fowle Murther which the said Guider hath

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<sup>130</sup> APC XXVIII, 101.

<sup>131</sup> APC XXX, 607.

<sup>132</sup> APC XXIX, 261-262. See above, p.157 .

committed, for the which he is in the gaole of St. Alboues (sic) and lykely to suffer for the same.

The Council, in a letter to the Lord Lieutenant of Bedfordshire, recommended Danvers be favoured because of his status as a disabled soldier and be given "that place...if the other be convicted and executed for the said fact."<sup>133</sup>

On at least two occasions the Council used the new act to relieve disabled soldiers in attempts to relieve temporarily poor maimed soldiers who had been granted rooms which were not yet available. In March 1597 the Justices of the Peace and Treasurers for Bedfordshire were ordered to give a disabled soldier his legal pension until an almsroom granted to him in Durham fell void.<sup>134</sup> Two months later the Mayor and Aldermen of Hereford were ordered to relieve a different disabled ex-serviceman according to the statute until "an almesrome bestowed on him by her Majesty in Ledbury may fall voyd."<sup>135</sup>

The surviving evidence strongly suggests that the Privy Council's efforts at placing poor maimed soldiers in Cathedral and Collegiate almshouses diminished after the passage of the 1593 act. The failure of the almshouse method of relief had been one factor in the Council's successful sponsorship of the 1593 act. It is not surprising that the evidence shows, therefore, that the Privy Council made much

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<sup>133</sup> APC XXII, 366; see also XXIX, 261-262.

<sup>134</sup> APC XXVI, 556-557.

<sup>135</sup> APC XXVII, 5; the disabled soldier in this case was the John Rowland who is mentioned above.

less effort in this direction. The Council did, however, act to create new and sustain existing almshouses and hospitals which would relieve maimed ex-servicemen.

On 5 October 1595 the Council wrote to the Mayor and Aldermen of Bristol concerning an almshouse erected in the City for the purpose of relieving maimed and old mariners. It had been maintained in the past by a levy which had been collected by the consent of the city's merchants and seamen. The levy had been 1 1/2 d. on every ton of merchant's goods which were landed at the port, and 1d. per pound of mariner's wages. The financial security of the almshouses was in serious jeopardy, however, because of the refusal of a number of merchants and seamen to pay the tax - particularly "such as goo [on] fishing viages to the newfound land." The Council ordered the Mayor and Aldermen, "in her Majesty's name", to step in and assist in the collection of the tax from all those using the port so that the almshouse could continue to operate. The Councillors argued that the almshouse was very necessary as

the greate numbers of mariners that have of late been  
Maymed in her Majesty's service & on those reprisall  
voyages which may have relief there, ought much more now  
to be maynteyned then of former times....<sup>136</sup>

Between July 1594 and January 1598 at least four hospitals were established with permanent places for poor maimed soldiers and mariners. On July 4 1594 Sir John Hawkins, who had been appointed Treasurer of the Navy by Lord Burghley in 1578, received a licence to erect a hospital at Chatham, Kent. The licence stipulated that Hawkins was permitted to

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<sup>136</sup> PRO, SP 4, CCLIV, 6; see also APC XXV, 10.

purchase lands not worth more than 100 marks a year in order to support the hospital which was for at least ten disabled mariners.<sup>137</sup> Lord Burghley himself established a hospital at Stanford Baron in the county of Northampton in August 1597. In the ordinances for the hospital, written by Burghley, priority for the thirteen available places was ordered to go towards those who had been "honest souldiers or workemen...that are by sicknesse, age, or other impediment, unable to get their living by their handy worke or by dayly service...."<sup>138</sup> Five months later, on 28 January 1598, a licence was issued for the erection of a hospital in Buckingham for 36 maimed soldiers. It was stipulated that the soldiers had to be unmarried, and living in the town or the three hundreds of the county. Permission was also granted to buy lands worth a maximum of £200 per year for the hospital's maintenance.<sup>139</sup> A hospital "for the good of poore soldiers" was also founded at Leicester in the 1590's. On May 1599 a poor maimed soldier by the name of James Beverley was granted a room in a hospital in the town. Later, early in James I's reign, Lord Salisbury (formerly Robert Cecil) was approached by a Sir Robert Yaxley. Yaxley sought an appointment to the hospital for poor soldiers in Leicester the existence of which, Yaxley commented, is "well knowne to your honour."<sup>140</sup>

The licence for the hospital at Buckingham was likely the last

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<sup>137</sup> PRO, SP 4/249/23.

<sup>138</sup> STC, 4908.

<sup>139</sup> PRO, SP 5/266/30.

<sup>140</sup> PRO, SP 5/270/118, SP 9/69/19.

ever issued by the Queen, as an act of Parliament in 1598 made such licences legally unnecessary. The "Acte for erecting of Hospitalls or abiding and working Howses for the poore" made it no longer necessary to obtain letters patent in order to found a hospital; instead a hospital could be incorporated by deeds enrolled in Chancery. The act stated that the Queen, realizing the importance of such charitable work "for the Releife and Comforte of Maymed Soldyers Marryners and other pore and ympotent People", wished it to be possible "without often suite unto her Majesty, and with as great Ease and little Charge as may be...." The act was effective for twenty years and there were certain financial stipulations - the hospitals had to be endowed with at least £10 a year but could not include lands which were in total valued at over £200 per annum.<sup>141</sup> There is no evidence surviving to suggest that the Privy Council sponsored the bill. The Committee that examined the bill was headed by a John Boys, a Canterbury lawyer, who himself founded a hospital.<sup>142</sup> There is also, however, no evidence to indicate that the Council opposed the bill or disagreed with the Act. Indeed, the Attorney General, Sir Edward Coke, commented that:

this is a very beneficial law: for the charges of incorporation, and of the licence of Mortmain in these days grow so great by one means or other, as it hath discouraged many men to undertake these pious and charitable works whereas in former times such works of piety and charity for the poor did ever passe in forma

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<sup>141</sup> SR 39 Eliz.c.5.

<sup>142</sup> Kent, 72; For the passage of this bill in Parliament see D'Ewes 530, 532, 558, 560, 565-66.

pauperis and so we hope to see it again.<sup>143</sup>

Soon after the 1593 act to relieve disabled soldiers was passed the Privy Council acted to investigate corruption in hospitals and almshouses with the intention of securing more relief for maimed ex-servicemen. Surviving in the documents is correspondence revealing the conciliar initiation of a special commission to investigate such corruption. In addition there is a letter to the City of London, and a speech of a Justice in charge of the commission in Kent, both of which clearly illustrate the purpose for which the Council created the commission. Subsequently the 1597-98 Parliament passed an act which gave statutory force to the type of commission to investigate corruption initiated by the Council in 1593.

That the Council initiated the commission is clear from correspondence found in Burghley's papers. They contain a letter dating from August 1593 from Thomas Egerton, then Attorney General. He was replying to Burghley's request for "the draught of the comission for the visiting of hospitalls." Egerton explained that the Lord Keeper had also requested that he:

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<sup>143</sup> Edward Coke, The Second Part of the Institutes of the Laws of England (London, 6th edition 1681), 722; There is evidence that this act may indeed have inspired members of parliament themselves to bequest monies and lands to hospitals and almshouses. Joan Kent has examined 191 of the surviving 211 wills of the members of the 1597/8 Parliament. More money (£9,587,34.6%) was donated to almshouses and hospitals than any other object of charity (See Appendix IV); The Privy Council throughout this period encouraged private charity, including traditional hospitality. Privy Council proclamations (TRP 951, 967, 1152, 1177; 1342, 1344, 1388) and Lord Keepers and Lord Chancellors in speeches to Justices of the Peace and Judges (BM Stowe Mss. 362, f.28; SP 12/273/35 cited in Kent, 65) ordered gentlemen to leave London and to instead dispense charity to the poor in their home counties.

drawe a warrant from her Majesty unto him, for the passing of the severall comissions under the greates seale, for that the same was to be addressed severallie into severall counties, And there uppon I framed a draught of a warrant accordinglye, and sent the same together with the draught of the comission...to my lord keeper....<sup>144</sup>

In late November 1593 the Privy Council sent out the commission letters, which particularly singled out poor maimed soldiers as needing relief.<sup>145</sup>

The letter from the Council ordering the commission for the city of London survives in the Remembrancia. The analytical index of the Remembrancia describes enough to make it clear that the Council was consciously attempting to augment the act to relieve disabled soldiers with the commission. The letter was written:

concerning the Commission given under the Great Seal to inquire into the manner in which the lands...belonging to the Hospitals were employed or abused, and to see if any provision could be made for the sustentation and comfort of maimed soldiers who were not sufficiently provided for by the statutes.<sup>146</sup>

Similarly, Justice of the Peace William Lambarde in his 17 January 1594 "charge at the Commission for Almshouses, etc. Uttered at Maidstone [Kent]" made it clear that the Council had created the Commission with the purpose of better providing for disabled soldiers. He declared that the "commission specially speaketh" of the needs of poor soldiers. Moreover Lambarde, using virtually the same arguments and

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<sup>144</sup> BL Lansdowne 74, f.75.

<sup>145</sup> APC XXV, 520.

<sup>146</sup> Analytical Index to the Remembrancia City of London, 1579-1664 (London, 1878), II 44, 169.

phrases utilized by the unknown speaker in the 1593 Commons (see above, pp109-10) who spoke in favour of relief of disabled soldiers, declared that:

...we are by many duties most bounden to help and relieve them, considering that they fight for the truth of God and defense of their country; yea, they fight our own war and do serve in our places, enduring cold and hunger when we live at ease and fare well, lying in the open field when we are lodged in our beds of down, and meeting with broken heads and limbs when we find it good and safe sleeping in a whole skin.<sup>147</sup>

That Lambarde's declarations as to the purpose of the commission were consistent with those of the Council is likely given that he was a close personal friend of Egerton's, was on friendly terms with Burghley, and has been described by one scholar as "a kind of bonne à toute faire for the Crown in Kent" who "in most of his official connections...appears as a spokesman for the Crown."<sup>148</sup> Referring to the Commission written by his friend the Attorney General, Lambarde commented that by exposing almshouse abuses and thereby relieving disabled soldiers they would "satisfy her Majesty's Most godly desire (whose care you may see by her own words in this commission)...."<sup>149</sup>

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<sup>147</sup> William Lambarde, "Charge to the commission for almshouses, etc. Uttered at Maidstone, 17 January 1593", Conyers Read ed., William Lambarde and Local Government (New York: Cornell University Press, 1962), 180.

<sup>148</sup> Conyers Read, "Introduction," William Lambarde and Local Government, 56.

<sup>149</sup> Lambarde, 180.

In 1598 an act was passed "to reforme Deceipte and Breaches of Trust, towching Lande given to charitable Uses."<sup>150</sup> Although it is not known whether the Privy Council sponsored the bill,<sup>151</sup> it is likely as the act essentially gave the force of Parliamentary law to the type of Commission ordered by the Council in 1593. The act declared that it would be lawful:

to and for the Lord Chancellor or Lorde Keper of the Greate Seale of England...from tyme to tyme to award comissions under the Greate Seale of Englande into all or any parte or parts of this Realme...to the Byshop of every severall Dyoces and his Cauncellor, and to other persons of good and sounde behaviour, auctorising them thereby to enquire...by the Oathes of Twelve lawfull men of the country....

The inquiry was to be into the application of revenues of hospitals in order to discover whether there had been any misapplication of the same and, if so, to order that the situation be rectified. The act commented that such commissions were necessary because lands given to charitable uses "have bene and are still like to be most unlawfully and uncharitably converted to the Lucre and Gayne of some fewe greedy and covetous persons" much to the detriment of the "Charitable Releife of pore aged and ympotent People [and] Maymed Soldyers...."<sup>152</sup> The act also

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<sup>150</sup> SR 39 Eliz. c.5.

<sup>151</sup> For passage of this bill in Parliament see D'Ewes 541-2, 560-1, 579-80, 584, 589-90.

<sup>152</sup> SR 39 Eliz. c.6. The act did not extend to Universities and Cathedrals. There was provision in the act for appeal to the Lord Chancellor and Lord Keeper of the order and judgements of the Commission.

complemented the act for erecting of Hospitals or abiding and working houses for the poor as it provided a statutory means by which to enforce the latter act's stipulation that hospitals could not alienate their possessions.<sup>153</sup>

In 1601 the act to reform deceit and breaches of trust touching land given to charitable uses was repealed and replaced with "an Acte to redress the Misemployment of Landes Goodes and Stockes of Money heretofore given to Charitable Uses." Clarifying the 1598 act, the act of 1601 limited the investigations of abuses to those charitable causes mentioned in the preamble of the act (including "maintenance of sicke and maymed Souldiers and Marriners"), and exempted from the act those who had unwittingly obtained or purchased lands which had been appointed to any charitable uses.<sup>154</sup>

Yet another method which the Council used in order to have disabled soldiers relieved was to have some of those maimed in Ireland relieved there instead of in England. In a May 1596 letter to the Lord Deputy and Council of Ireland the Councillors acknowledged that they had received "manie letters from you in favoure of poore and maymed soldiers that have donne service in Ireland, and we thinke such men verie worthe of compassion and releife." The Councillors commented, however, that:

as we fynde manie soldiers doe receave hurt in that countrie soe the most parte of them might likewise have releife and recompence by your Lordship's order there,

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<sup>153</sup> SR 39 Eliz. c.5.

<sup>154</sup> SR 43 Eliz. 4; for passage of this bill in Parliament see D'Ewes 657, 662, 668-70, 681, 685; see Kent 81-84 for a discussion of the debates on this bill.

without travel and expence of journey hither and without  
trwbling (sic) ether her Majestie or us with soe manie  
suites of this qualitie, your Lordship havinge power to  
bestowe pencions there as they fall and some other  
commodities and places of releiffe fitt for such  
person[s].....<sup>155</sup>

Thus the Council, during May 1596, returned at least two disabled ex-servicemen to Ireland for relief by the Lord Deputy. One Patrick Downey was returned with £6 to cover his travelling expenses, and the suggestion that if he "do not utterlie loose his legg he will not be unahble to serve with a peece in garrison."<sup>156</sup> In another case an officer who had been blinded by an arrow, Christopher Wackley, was sent back to Ireland for relief after having been given "XX<sup>tie</sup> Markes here to beare th'expence of his travaile...."<sup>157</sup> Both Wackley and Downey are listed in the state papers (Ireland) as having been granted pensions "by warrant of the ...Lord Deputy." Downey was granted 1s per diem (£18.5s. per year) which he resigned in 1600.<sup>158</sup> Wackley received a pension starting 10 October 1596 worth "2s.8d. per diem, per ann. (£48.13s.4d.)" which he still held over a decade later.<sup>159</sup> A "memorandum of divers persons holding pensions", dated "1609?" in the Calendar, lists as a pensioner "Christopher Wackley, during pleasure, in consideration of

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<sup>155</sup> APC XXV, 386.

<sup>156</sup> APC XXV, 386-387.

<sup>157</sup> APC XXV, 391-392.

<sup>158</sup> PRO, CSPI, 1603-1606, 670.

<sup>159</sup> PRO, CSPI, 1603-1606, 190.

loss of both eyes in service."<sup>160</sup>

Similarly, in August 1596, an Aneneas O'Dalehohan was returned to Ireland, and the Lord Deputy and Council of Ireland were asked to grant O'Dalehohan one of the pensions provided in Ireland for "soch as have ben maimed in service." O'Dalehohan was also given £6.13s.4d, paid by the Treasurer of the Queen's Chamber, as a reward to him, "a gentleman Maymed in her Majesty's late service in Ireland."<sup>161</sup> In the same month another disabled ex-serviceman, Derby O'Fally, obtained a letter from the Council addressed to the Lord Deputy of Ireland recommending that O'Fally "be placed in some standing garrison." He was granted a place in the garrison of Castle Main under Captain Thomas Spring. Despite his grant, however, O'Fally was not actually given a position in the garrison. When questioned, Spring declared that he was £500 behind "for the pay of that garrison." The Council in May 1597 attempted to solve this problem by writing to Sir Thomas Norris and requesting that he investigate Spring's story. Norris was also asked to both forward the money to the Captain if his report proved correct, and secure a place at Castle Main for O'Fally.<sup>162</sup>

There is further evidence of pensions being granted to maimed officers and soldiers in Ireland in the state papers relating to Ireland. A 1603 "list of such Pensioners as are payable out of His

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<sup>160</sup> PRO, CSPI, 1608-1610, 556.

<sup>161</sup> APC XXVI, 74-75; the state papers (Ireland) do not record an Aneneas O'Dalehohan as a pensioner.

<sup>162</sup> APC XXVII, 156.

Highness' Treasure coming out of England" notes fifty-one pensions for officers. Ten of the fifty-one officers can be identified as having been maimed in service. The disabled officers received pensions ranging in size from £9.2s.6d. for a Symon Field to £73. for an Owen Aphugh, the average pension payable being £35.11s.3d.<sup>163</sup> There is also a 1603 list of pensions "granted by virtue of His Majesty's letters and establishment" to eighteen maimed soldiers. The soldiers were each granted 3s per week (£7.16s. per annum).<sup>164</sup>

There are references to two other, relatively minor, methods of relief attempted by the Privy Council which were additional to the act to relieve disabled soldiers. It is evident that the Council attempted to implement the lent butcher-licence system mentioned above (Chapter 2) during the 1594 lent. The Councillors sent a letter to the Lord Mayor of London in December 1593 informing him that:

wee have determined that the money to bee given this yeare by the butchers that shalbe licenced within the citie of London to kill fleshe the next Lent shal be converted to the relief of hurt and maymed soldiers as that of the last yeare was, and therefore have thought good to give you notice thereof thus timely....

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<sup>163</sup> PRO, CSPI, 1603-1606, 190.

<sup>164</sup> PRO, CSPI, 1603-1606, 670; In 1610 the same eighteen maimed soldiers, except for the replacement of Simon Grant by Laughlin Colman, were listed as having received 3s. per week in a document entitled "charge of His Majesty's Army and Garriosns in Pay." CSPI, 1608-1610, 886. Five years later in a 1615 list the pensioned maimed soldiers are again mentioned. The list of eighteen names is identical with that of 1610 except that a William Pippes had replaced Edmund Bowen. CSPI, 1615-1625, 20.

The Council declared that it had given good notice in order to prevent the reoccurrence of the problems of the previous lent (infra 87-92). Specifically, notice had been given well in advance of lent:

to the end [that] you dispose not of the places at the instance of any whatsoever, not doubting but you shall have suite made to you as well by letters as otherwise for the bestowing of them.

The Council also ordered that when the butchers wrote to the Mayor "desiring to have the nomination of butchers to be licenced" the Mayor was to forward the letters to the Council so that it could "acquaint them with our direction hereby signified...."<sup>165</sup> It is not known, due to the lack of documentation, how the lent butcher-licence scheme fared in 1594 (or, indeed, whether the Council followed through on its expressed intention to implement the scheme).

The Council's registers also indicate that on at least one occasion the Council sought to redirect money from recusant fines due the Exchequer to the relief of poor maimed soldiers. In November 1595 the Council wrote to Edward Hooper in Dorset commenting that it had been informed that he had received a £20 fine from a recusant, John Gold, which had not been paid to "her Majesty's Exchequer or otherwise." The Councillors ordered that:

forsomuch as there be many soldiers maimed in her Majesty's service needing present relief, we require and charge you to send the said moneys forthwith up hither by this bearer, one of the Messengers of her Majesty's Chamber to be employed by our direction to such good uses as shalbe thought meet.<sup>166</sup>

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<sup>165</sup> APC XXV, 520.

<sup>166</sup> APC XXV, 88.

## VIII

From 1593 to 1604 the Privy Council was involved in enforcing statutory relief for disabled mariners and soldiers. During this period the Council experienced a number of enforcement difficulties. As war continued the numbers of disabled soldiers increased and the Council had to apply a variety of solutions to the fiscal problems that this created. The last solution was that the maximum assessment rates that could be levied were raised in 1598 and 1601. Despite these increases, however, maimed soldiers in several counties were still receiving inadequate pensions, and many had great difficulties receiving any relief. Some who experienced such difficulties appealed to the Council to enforce the law. These men alleged that various local authorities had been remiss in their duties. In response to this problem the Council sent many letters inquiring about, and requiring, relief for qualified disabled soldiers; constables were made jointly responsible with the churchwardens for collecting the rates; the numbers eligible for the position of Treasurer of the collections for disabled ex-servicemen were increased; minimum fines were stipulated for Treasurers if they were negligent. The low tax rates, and problems of local collection and administration of the same, resulted in the Justices and Treasurers in towns and counties trying to use (or imaginatively create) loopholes in the law so that they could justify sending disabled soldiers to other counties for relief. The 1598 act made it permissible for a county unable to relieve all those impressed within its borders to send maimed soldiers to the counties where they were born. This provision may have

only exacerbated the problem and although Cecil attempted to eliminate the provision in 1601 he was not successful. Another enforcement problem with which the Council had to contend with was that of counterfeit disabled soldiers. In response to this problem the Council acted by ordering the arrest and interrogation of various individuals, and had a number of proclamations issued. It is not known whether the Council sponsored the 1598 act against persons pretending to be soldiers. Given the Council's reaction to Edward Hext's information concerning counterfeit maimed ex-servicemen it is likely it would have agreed that the harsh measures incorporated in the statute were necessary. To augment the act to relieve disabled soldiers, and relieve those maimed ex-servicemen not given their statutory pensions, the Council also continued to send maimed ex-servicemen to Cathedral and Collegiate almshouses, encouraged the funding and building of almshouses and hospitals with places for disabled soldiers, created commissions to investigate corruption in hospitals and almshouses, and encouraged officials in Ireland to grant relief to some men disabled in service on that island.

Chapter 5  
The Privy Council and Enforcement of the  
Act to Relieve Disabled Soldiers, c.1604-1625

The act to relieve disabled soldiers was not altered during James I's reign. Joan Kent in her attempt to explain this examines the speeches of two members of the 1621 Parliament who unsuccessfully sought the repeal of the 1601 act. The central reason for their movement for repeal of the act was that "it was a great charge to the subject, although there was no longer any reason for the statute, 'seeing we shall have no wars'".<sup>1</sup> On the basis of these speeches Kent concludes that "although the act was continued, it seems unlikely that in the mood of these years that it was very widely enforced."<sup>2</sup>

Despite a gap in the Council's registers from 1601 to 1613 (due to the Whitehall fire) it is apparent that the act was widely enforced during the peaceful years of James I's reign. This chapter will examine the enforcement difficulties which existed in this period, and developments in the application of the act which differed from the war-time Elizabethan years. It will also analyse critically the act's enforcement from the perspective of the localities. First to be examined

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<sup>1</sup> C.D. 1621, ii, 403-404; iv, 388 cited in Kent, 59; C.J. i, 630.

<sup>2</sup> Kent, 59-60.

will be the Privy Council's practice of recommending poor maimed soldiers for pensions, and the problem of local authorities' refusal to grant the same.

As in the pre-1604 period, the Council wrote numerous letters to local authorities directing them to grant maimed ex-servicemen pensions under the terms of the statute. In all we have evidence that between 1613 and 1625 the Privy Council approached at least twenty-two counties and three urban jurisdictions to simply recommend pensions for forty-four separate poor maimed soldiers.<sup>3</sup> In addition the Council also had to respond to many instances in which the local authorities refused to grant pensions to disabled soldiers the Council had maintained should be given relief. There are twenty-four cases extant in Council records in which disabled ex-servicemen were not given relief for reasons which are not specified in the documents.<sup>4</sup> As in the Elizabethan period the

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<sup>3</sup> APC XXXIII, 289, 300, 332, XXXIV 101, 134-5, 323, 435, XXXV, 142, 203, 397, 403-4, 406, XXXVI, 95, 393, 393-4, 433, XXXVII 71-2, 45, 281-2, XXXVIII, 60, 118-9, 371, 425, 507, XXXIX, 32, 35, 71-2, 108, 151, 187, 187-8, 190, 194-5, 199, 202, 282, 356-7, 389, 397, 466; PRO, SP 10, CXLVI, 106; PRO SP 11/52/50; "West Riding Sessions Records, V.II", Yorkshire Archaeological Society (1915), 10.

<sup>4</sup> APC XXXIII, 176, 195-6, 396-7, 478, 578-9, 642, 663-4, XXXIV 176-7, 311, 326, XXXVI, 80-1, 420, 433, 477, XXXVII, 184, 340, XXXVIII, 196, 277, XXXIX 177-8, 187; PRO SP 11/178/41. In eight of these cases the documents mention that the maimed soldiers had been certified previously as such by the General Muster Master (and/or by the Lord Admiral), while six had been recommended before by the Council, and four by a Master of Requests (more on the latter below). In one case a soldier who had five letters from the General Muster Master certifying his service and disabilities was "still deferred without any relief" by the East Riding Yorkshire Justices of the Peace. APC XXXIII, 196.

Council was informed of the counties' refusal by the maimed soldiers themselves. In the case of all but four disabled ex-servicemen it is clear that the Council did not know why the disabled soldiers had not been given pensions because the Councillors demanded that the local authorities either relieve the soldiers or certify just cause for their refusal to do so. In several instances it is obvious that the Privy Council was extremely frustrated by the local authorities' refusal to grant relief according to the statute or justify their refusal. The Councillors in November 1614 harangued the Justices of the Peace and Treasurers for Radnor, for example, about their treatment of Price, a disabled soldier:

wee did expect after so many letters writt unto you [to]...have ben any further troubled with his complainte...we can take it no otherwise but as a neglect and want in you of that due respect as you ought to have to the direccions of this Boarde: and doe nowe once again require you, either to give the petitioner such releife as is provided by the statute, togeather with the arerages due unto him, or otherwise to certifie unto us in writing the cause of your refusall, and that without further delay or procrastinacion.<sup>5</sup>

Similarly, in June 1619, the Council commented that the Justices and Treasurer for Cumberland had "little respect" for the Council as they had failed to relieve three maimed soldiers previously recommended. The Cumberland authorities were told that "therefore wee due nowe straitly require you to take present order for the payment of their severall

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<sup>5</sup> APC XXXIII, 642.

pensions" or they had to explain their refusal.<sup>6</sup>

Of the two dozen instances in which disabled soldiers were not relieved for reasons which are not specified in the documents there are four cases in which the Council did not give the county authorities the option of certifying why they refused to pay the men their pensions. All four cases occur near the end of the reign (three in 1624). The evidence reveals that in these instances the Council had been attempting to have the men granted pensions for some time and was convinced there were no possible reasons for them not being granted relief.<sup>7</sup> The Council complained to the Justices of the Peace and Treasurer of Somerset in February 1624, for example, that it was inexcusable that an Edward Harcombe had not been granted his pension. Harcombe had certificates verifying his service record. He had been pressed in the County and had readily "apparent hurts and maymes." The Council ordered that the County authorities were required to relieve Harcombe "without further question or delay."<sup>8</sup> In only one of these four instances did the Council do more than merely repeat its demand that the disabled soldier be granted his pension. The Recorder of Wells was told in December 1624 to order a pension for a disabled soldier in order to "avoyd the troble of being called to accompt for not answeareinge a direccacon" from the Privy

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<sup>6</sup> APC XXXVI, 477.

<sup>7</sup> APC XXXVI, 420; XXXIX 177-178, 187; PRO, SP 11/146/41.

<sup>8</sup> APC XXXIX, 177-178.

Council based upon "soe iust a ground."<sup>9</sup>

In several cases of local authorities refusing to relieve maimed soldiers there is documentation which reveals the reasons for their refusal. Many of these reasons are similar to those of the pre-1604 period. The Justices of the Peace and Treasurer for Warwick told the Council in August 1613 that they refused to give Baldwin Benford relief because, "in respect hee went voluntarily into the warres and was not pressed" in the county, they "were doubtfull whether hee were [sic] to be releived by vertue of the said statute...." The Council correctly declared that this was not just cause for refusal and admonished the Warwick authorities for not being eager to support "a man, testified by so many commanders to have spent the most part of his life in the service of his country, and therein to have received diverse hurts and wounds...." The Council reiterated that Baldwin must be given a pension.<sup>10</sup> In an inter-county dispute a William Dennys was not given a pension in Southampton where he had been born, despite recommendations from the General Muster Master and the Lord Admiral, "because he was impressed out of Middlesex." Informed of the town's refusal, one consistent with the 1601 act since Dennys had not first sought relief in Middlesex, the Council in April 1615 ordered the Middlesex authorities

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<sup>9</sup> PRO, SP 11/177/41.

<sup>10</sup> APC XXXIII, 184-185.

to relieve the ex-serviceman.<sup>11</sup> There were also a number of intra-county disputes reminiscent of the war-time period. In Northamptonshire in 1620 there was a dispute "betwixt the county and the town" over who should relieve James Farmor. The Council ordered that the authorities should "reconcile it [the dispute] amongst yourselves" to the end that Farmour receive his statutory pension.<sup>12</sup>

A number of maimed soldiers were refused relief because the local officials were not satisfied with the evidence produced by the disabled soldiers as to their service record. The Yorkshire West Riding Quarter Session Rolls record that in 1612 a Lawrence Garret, recommended by the Privy Council for a pension, was not granted the same because:

he can not make proffe that ever he went out of this country, either as a preist or voluntarie Souldier, and upon his returne from service [he] did not repaire into these parts....

Garret was given £2 to help him "returne homewards" to Surrey.<sup>13</sup> In another case the Justices of the Peace and Treasurer for the county of Somerset and city of Wells disputed the "sufficienencie" of the certificates of service carried by a James Raise. The Council told the authorities in June 1624 that Raise's certificates were in order and

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<sup>11</sup> APC XXXIV, 134-135.

<sup>12</sup> XXXVII, 171-172. For other examples of intra-county jurisdictional disputes resulting in disabled soldiers not being relieved see PRO, SP 10/109/50 and SP 10/115/75.

<sup>13</sup> "West Riding Sessions Records", 9-10.

that he had to be relieved unless there was just cause for their refusal.<sup>14</sup> While it is not clear what the Somerset authorities found problematic with Raise's certificate the Council's register are more explicit in the case of a disabled soldier (John Huntley) and the Justices for the North Riding of Yorkshire. In this case the ex-servicemen had presented both a reference from the King, and a travelling pass, to the Justices. Instead of being granted a pension, however:

he could obtaine no other answeare then that his passe and reference were both counterfeit though the former was signed by twoe officers of the Greencloth and the latter subscribed by a Master of Requests.

The Council informed the Yorkshire Justices in October 1624 that Huntley's papers were authentic and that they had either to grant him a pension or certify just cause why he should not be relieved.<sup>15</sup> The Wiltshire Quarter Sessions Rolls record an instance in which county officials' suspicions concerning the authenticity of a "poor maimed soldier's" papers were justified. On 2 November 1608 a Roger Francis confessed to travelling on a forged passport with which he had previously obtained a shilling from the Gloucester Treasurer for maimed soldiers.<sup>16</sup>

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<sup>14</sup> APC XXXIX, 229.

<sup>15</sup> APC XXXIX, 341; see also PRO, SP 11/151/33 and SP 11/162/33 for other examples.

<sup>16</sup> HMC Report on Manuscripts in Various Collections, c. 1, "The Recorders of Quarter Sessions in the County of Wilts.", 81.

In other cases of soldiers denied pensions on the grounds of insufficient documentation the contemporary evidence is revealing. It permits us to trace the soldiers' attempts to obtain a pension from the initial petition (to the central authorities) to the denial of relief (by local officials). In August 1619 William Wyatt petitioned the King for a pension. In the petition Wyatt claims to have been a pressed soldier in Elizabeth's time who "retorned home with the losse of some of his joints and feabled lymbes." Wyatt had initially been able to make a living but his health had deteriorated to the point that:

...miseries and callamities doe nowe dalie increase and assault hym and his poore aged wiefe as people forlorne and forsaken having neither harbour nor place to lie in. Left to thonlie comisseracon and common charatie of England which is god helpe thee.

Wyatt asked to "be relieved and comforted by your majesties means...in the countie of Oxford as other maymed souldiers are whoe have for their paye six pounds yerlie during their naturall lieffes." The petition was referred to Oxford authorities with the order that if, indeed, Wyatt had been "severall times pressed out of that county to serve...the late Queen Elizabeth in her warres in the Lowe Countries" he was to be granted a pension.<sup>17</sup> Over a year later - in late September 1620 - Wyatt had still not been relieved. The Council sent a letter to the Justices and Treasurer for Oxford demanding that he either be given a pension, or the county authorities had to certify just cause for their refusal to do

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<sup>17</sup> PRO, SP 10/111/25.

so.<sup>18</sup> Early in the next month the Oxfordshire Justices responded to the Council's letter. They certified that:

William Wyatt recommended unto us...for a pencon to be allowed unto him as a maymed souldier, can make no prooffe of any hurte by him receaved in the late Queenes or his Majesties service, or that any certyficathath bin made by any Muster Master, Captayne or Generall in the warres of any such Maymes or hurte receaved in the warres but both lyved in this Countie by his labour by the space of twentie yeares or thereaboute never demanding any such pencon untill with in the space of two years last past....<sup>19</sup>

It is not known whether the Privy Council accepted the Oxfordshire Justices' refusal. Wyatt's name does not appear again in the surviving documents.

As in the pre-1604 period another reason that local authorities gave for refusing to relieve disabled ex-servicemen was that they did not have enough funds. The Yorkshire Justices gave as an additional reason for their inability to relieve the aforementioned Lawrence Garret "that there are as many penconers here already allowed as y<sup>e</sup> county money will extend to pay...."<sup>20</sup> Essex Justices of the Peace told a maimed officer, John Eggleton, that he could have a pension when one became available thus indicating that the number of pensions in the county were restricted because of a shortage of funds collected for that

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<sup>18</sup> APC XXXVII, 281-282.

<sup>19</sup> PRO, SP 10/117/1. For another example see that of Anthony Lucas discussed below within a different context.

<sup>20</sup> "West Riding Sessions Records," 10.

purpose. The Council wrote to the Essex authorities in July 1616 and commented that "whereupon you made him a promise to allow him" a pension "when any should become voyde...as yet he hath received none." They were ordered to grant him a "competent yerely pencon."<sup>21</sup> A similar case in Radnorshire clarifies what was required for a pension to become available in such cases. On 21 March 1618 the Council wrote to the Justices and Treasurer for Radnorshire concerning a maimed soldier, John Oliver. Oliver had been promised a pension upon the death of one of the poor maimed soldiers who were then currently holding pensions in the county. The promise had not been fulfilled, however, as "many pensions [had] falne voyd, and yet he [was] not admitted in the ...place of any." The county was told to grant him a pension.<sup>22</sup> Similarly the Quarter Sessions Rolls of Manchester reveal that it was their practice in the 1620's to give disabled soldiers the pensions of deceased ex-servicemen who had held pensions. In March 1620 it was ordered "that William Tomson shall have the exhibicon & allowance in the paie of maymed souldiers formrlie allowed to mathew Sweeting who is dead."<sup>23</sup>

There is also evidence that local authorities on occasion diverted monies collected for the relief of the disabled to other

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<sup>21</sup> APC XXIV, 662-663; see also APC XXXIX, 51-52.

<sup>22</sup> APC XXXVI, 80-81; for another example see APC XXXIX, 71-72.

<sup>23</sup> "Manchester Sessions, V.1. 1616-1622-23," The Record Society For the Publication of Original Documents Relating to Lancashire and Cheshire, v.42 (1901), 113.

purposes, contrary to the terms of the statute. The Wiltshire Justices of the Peace, for example, drew a sharp reprimand from the Privy Council in June of 1611 when the Justices refused to relieve a disabled soldier, Thomas Hameling, because "all the money remaining in stock had been assigned to the building of a House of Correction." The Council declared that:

We cannot but lett you know that we doe think it a strange and uncharitable course to put these poore creatures to that labour in goeing up and downe, to consume them and force them to live upon almes; and do think them to deserve just blame and reprehension that make such interpretation of the statute, to the disappointing of those which have spent their tyme in service and received hurts in the warres. But we find it more strange that any of you should goe about to convert that which by lawe is ordained to so charitable a purpose to any other use.

In addition the Council threatened the Justices:

...we requier you hereby either to take present order for the relief of this maymed souldier, or that some of those justices which will not yeeld to this releif, but to have the said moneyes employed to other use, may be by you appointed to repaye to us,<sup>24</sup> to deliver their reasons why they refuse to do the same.

The refusal of local authorities to relieve disabled soldiers was not the only enforcement problem faced by the Privy Council. Local authorities were also actively reducing or withdrawing pensions already granted. Although this problem existed in the pre-1604 period the evidence suggests that this difficulty was more pronounced after the war with Spain ended. Many of the documents (twenty minutes of letters in the Council's registers as well as two references in Wiltshire Quarter

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<sup>24</sup> "Quarter Sessions in the County of Wilts., "83.

Sessions, and Worcester County, records) merely state that the pensions were withdrawn or reduced without reasons being detailed. These conciliar letters and local records dealt with twenty-five disabled soldiers in seventeen counties in an eleven-year period from 1613 to 1624.<sup>25</sup> The Justices of the Peace for Herefordshire, for example, were told in May 1615 not only to continue but also to pay the arrears of the pension of a John Godsall who had been disabled in the low counties. He had been granted a pension of £5 which had been paid for four years until recently when, the Council commented, "parte of the sayd pention hath ben abated or deteyned, to his great hinderance."<sup>26</sup> Another disabled soldier, Alexander Gunham, was granted a £10 annual pension on 1 April 1599 which was paid for two years and then discontinued. In a November 1615 letter to the Justices and Treasurers for Somerset the Council ordered that Gunham's pension be restored, that they "gyve him such a competent allowance as shall be thought fitting," or give just cause for refusing.<sup>27</sup>

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<sup>25</sup> APC XXXIII 43 (Norfolk) 43 (Radnor), 423 (Kent), XXXIV 177 (Glamorgan), 182 (Hereford), 244 (Yorkshire North Riding), 319-20 (Somerset) XXXV, 94 (Buckingham), 207 (Somerset), 266 (Sussex) XXXVI, 82 (Flint), XXVII 198-9 (Norfolk), XXXVIII 253-4 (Devon), XXXIX, 3 (Yorkshire West Riding), 14-15 (Suffolk), 16 (Carnarvon), 125 (Isle of Anglesey), 216-217 (Pembroke), 356 (Pembroke), 357 (Shropshire); "Quarter Sessions in the County of Wilts.," 91; HMC, Various V.i, "The Records of the County of Worcester," 291.

<sup>26</sup> APC XXXIV, 182-183.

<sup>27</sup> APC XXXIV, 319-320.

In one case six disabled ex-servicemen approached the Council together to request intervention on their behalf with the authorities in Buckinghamshire. The Councillors in an 18 December 1616 letter to the Treasurer and Justices for the county commented that the six had sought:

restitution of certain pencions which, as they informe, were allowed unto them in that county in regard of their service in the warrs in her late Majesty's tyme...now...deteyned from them.

The Council further commented that the men had wives and children, and no other means of support. The county was ordered to continue the pensions or certify their refusal to do so.<sup>28</sup> The problem had still not been solved six years later, however. During the intervening years the county officials had attempted to justify their refusal but had not done so to the Council's satisfaction. The latter's dissatisfaction is readily apparent in its 1622 letter to the Justices and Treasurer for the county. The Council wrote that:

it is not unknowe unto you what clamour and complaint hath ben made unto us by the poore maymed souldiers penconners in that countie concerninge their pencons of late withheld from them nor how frivolous and causeles those pretences were found where upon the cause against the poore men was grounded.

Commenting on the economic troubles of the early 1620's the Council ordered that:

because their tymes doe rather requier extraordinarie care and provision for the releefe of the poore, then that they should bee anie way deprived of the benefitt of the Statute wee have thought good hereby to requiere yo<sup>u</sup> to take present order for the due payment and satisfacion of the foresaid pensens that wee are noe futher trobled with

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<sup>28</sup> APC XXXV, 94.

complaints in that kind.<sup>29</sup>

In several other cases the documents mention why various disabled soldiers' pensions were withdrawn or reduced. With one exception<sup>30</sup> the reasons are dissimilar to the reasons why they refused to grant pensions. The discretionary basis upon which the English system of justice operated at this time lay behind many of the reasons given for the withdrawal or reduction of pensions.<sup>31</sup> Decisions by Justices in criminal cases, for example, about whether to execute or mitigate (allow benefit of clergy or seek a pardon) were not only based on the evidence in a case but included discretionary elements. Decisions were often crucially influenced by the defendant's social status, testimony as to his character by neighbours, his demeanor in court, and any personal knowledge of the defendant on the part of the Justices. The state papers contain, for example, a June 1624 letter ordering a pardon for a John Wetherley who had been convicted of highway robbery, and was condemned "to die." He was to be allowed to live because he "had formerly beene a

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<sup>29</sup> PRO, SR 10/132/33; see also APC XXXVIII, 282-283.

<sup>30</sup> A poor maimed soldier had his pension withdrawn because of a dispute between the town and county of Northampton in 1619: APC XXXVII, 95.

<sup>31</sup> See Cynthia Brilliant Herrup, "The Common Peace: Legal Structure and Legal Substance in East Sussex 1594-1640," Ph.D. diss., 1982, Chapters VI and VII; J.A. Sharpe, Crime in Early Modern England 1550-1750 (London: Longman, 1984).

souldier,& [was] also well & able bodie for employment....<sup>32</sup> In the case of an ex-serviceman, Hugh Drayton, who had in October 1620 called the King "a villayne," and had asserted that "the Kinge of Spayne would prove a better Man," his neighbours and a local gentleman came to his aid with a petition and a letter respectively which were submitted to the Justices of Assize. The petition, signed by seventy-eight people, stated that Drayton was not responsible for his treasonable comments because:

he hath a weake braine by reason of manie wounds given him in warres and otherwise on his head; whereby it comes to passe that a littell drinke doth distemper his braine, and makes him speake & doe at those tymes such thinges as he is sorie for afterwards; else at other tymes his carriage is inoffensive to us his neighbours....

The Justices let Drayton off with a lecture and a whipping.<sup>33</sup>

It is to be expected that, given the discretionary basis of the legal system, Justices of the Peace acted in a similar manner in their dealings with ex-servicemen in the context of the act to relieve disabled soldiers. This seems to have been the case, for example, in Wiltshire in 1608 when a Thomas Hill had a pension restored which "had been originally granted to him in 1601, but which had been taken from him some two years ago for abuses and misdemeanors which he hath since reformed."<sup>34</sup> Contrary to the statute's requirements Yorkshire Justices

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<sup>32</sup> PRO, SP 12/168/19.

<sup>33</sup> PRO, SP 10/117/38-40.

<sup>34</sup> "Quarter Sessions in the County of Wilts.," 79.

took certificates of good carriage from neighbours into consideration in their decisions about whether they should grant pensions to poor maimed soldiers. As well as the case cited in the last chapter (supra 153) the 1612 West Riding Quarter Sessions Rolls record that:

...upon a certificate from divers of the inhabitants of Rotherham of the good carriag of Leonard Martine, a maymed souldier, ORDERED that in regard he was pressed oute of this rydeing, and hath beene a man of good service, that he shall have a pencon of xxs. per annum allowed to him....<sup>35</sup>

One reason why certificates of good behaviour may have been required was that the problem mentioned in the petition of maimed soldiers to the 1601 House of Commons (supra 162) - of pensioners illegally begging - still existed in this period. Certificates of good behaviour may have been deemed necessary in order to enforce the act's prohibition on begging. Although the act to relieve disabled soldiers did allow Justices of the Peace to withdraw or alter pensions they had to do so with just cause - in a manner consistent with the act itself. There are many instances, however, when the Justices applied discretionary criteria which did not constitute just statutory cause.

Justices in a number of counties withdrew or reduced pensions already granted if the pensioners had another source of income, or had done additional military service. John Arundell, a disabled soldier in the North Riding of Yorkshire, for example, had his pension reduced from £7 to £3 because he had "besides a rome of an almesman in the Cathedrall church of Durham." The Council, upon request from Arundell, wrote to the

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<sup>35</sup> "West Riding Sessions Records," 10.

Justices in November 1617 and argued that Arundell needed both sources of income in order to support his wife and children. The Justices were ordered to restore the pension or certify just cause for their refusal to do so. The Councillors further warned the Justices that their patience with such local intransigence was wearing thin - the Justices were to make sure that they obeyed the law so that the Council, "being already too much troubled with suites of this kinde from sondry other partes of the Kingdome," did not receive any more petitions from Arundell.<sup>36</sup> Arundell's pension was restored for a year but was then withdrawn altogether by the local authorities for the same reason as they had offered previously. In April 1619 the Council sent another letter to the county authorities ordering that the pension be restored, emphasizing that as it was "held by vertue of the statute" the County had no authority to withdraw it because the disabled soldier had an almsroom.<sup>37</sup>

In a similar case a disabled ex-serviceman, William Waughe, was denied his pension because he, as the Council commented: "endeavoured himselfe, being a shoemaker, to worke sometymes upon his trade, a little to comfort him withall, and to gett something towards his dyett and lodging...." The Councillors in a January 1617 letter to the Lord Bishop and Justices of the Peace for Durham declared that "wee see noe cause

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<sup>36</sup> APC XXXV, 397.

<sup>37</sup> APC XXXVI, 439; for another example see "Quarter Sessions in the County of Wilts." 87-88 discussed below on p.229.

why the poore man should now be deprived" of his pension because he was occasionally engaging in his trade. The Council ordered his statutory pension continued unless there was a different, and just, cause for their having had refused to comply.<sup>38</sup> Other disabled soldiers found their pensions withdrawn upon return from having performed additional military service. A formerly pensioned disabled soldier from Lancashire (Samuel Higginson) returned from service in Denmark to find that his £4 per year pension had been cancelled. He approached the Council and in June 1614 it required the Lancashire authorities to continue the pension or certify just cause for their refusal.<sup>39</sup>

In yet another example of the non-statutory application of the traditional discretionary power of Justices a blind officer, Jeremy Evers, had a pension withdrawn because the Justices of Peace for Bedfordshire did not approve of his behaviour during the Quarter Sessions. Evers had difficulty first acquiring his pension because the Bedfordshire authorities had sought to invoke the special statutory proviso which permitted a given county with little funds to send a maimed soldier impressed in that county to the county where he had been born. After several letters from the Council that ordered that Evers must be relieved in Bedfordshire (presumably because the county had not satisfactorily demonstrated that it lacked the funds to provide a

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<sup>38</sup> APC XXXV, 118.

<sup>39</sup> APC XXXIII, 469; for other examples see APC XXXIII, 244 and PRO, SP 11/173/61.

pension) he was given a pension which was paid for six years and then "denyed him". In July 1616 the County was ordered to continue the pension and pay the arrears.<sup>40</sup> Within six months the Justices agreed to continue the pension at the next Quarter Sessions in January 1617. The Justices failed to do so, however, because they maintained that Evers had been disrespectful towards them. In November 1617 the Council once again wrote to the Justices of Bedfordshire. It declared that Evers must be given his pension "notwithstanding that he had misbehaved himselfe towards some of you then at the Bench...." The Councillors further commented that:

farre be from this Table to countenance a better man then hee against persons of your place and quallity. But on the other side wee pray you to consider that desperate necessity will some tymes constrayne men to transgresse the boundes of duty and civility.

Evers deserved pardon, the Council maintained, and "releife which by the Statute is justly due unto him in such a measure at least as at any time heretofore he hath had the same allowed him."<sup>41</sup>

Another reason that pensions that had been granted were in some instances not paid was that some local authorities, as in the pre-1604 period(supra 132), refused to pay pensions unless the pensioners were in attendance at Quarter Sessions. The "Records of the City of Exeter" record, for example, that the Privy Council in May 1607 required the Mayor and council:

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<sup>40</sup> APC XXXIV, 657.

<sup>41</sup> APC XXXV, 396.

to pay to Margaret Harrys, late wife of John Harrys, deceased, the arrears of three years pension of four markes yearly due at the time of his death to the said Harrys (a maimed soldier) out of the City of Exeter, which had not<sup>42</sup> been claimed by him because he was sick in London.

In April 1612 the Justices of the Peace for the West Riding of Yorkshire reversed past practice after "divers pencon souldiers" did "complain pittifully" to the "court what extraordinairie charges they are put unto in fetching of their pencons quarterly, by reason they dwell in other countyes farr hence." It was:

ORDERED for their ease that if they do appeare att every generall sessions to be holden after the Clause of Easter [the close of Easter - the Sunday of the Octave], and there bring into this Court certificates of their good carriage and behaviors, that then upon lettres of attorney and certificates that they are liveing the treasurers shall pay their pencons to such deputyes, or attorneys, as they shall nominate or appoynt.<sup>43</sup>

The most common reason cited in the surviving documents for the withdrawal or reduction of pensions is the failure of Treasurers of the collection for maimed soldiers, and other officials, to perform properly their statutory duties. An excellent example is the case of John Doilie, Treasurer for Oxfordshire in the mid 1610's. In December 1616 the Council wrote a letter to the Justices of the Peace and Treasurer Doilie which provides a detailed account of what occurred after Doilie was appointed Treasurer in the county. The Privy Council commented that:

pentioners of that county...have from tyme to tyme ben well and duly paid, untill of late John Doilie, esquire, supplinge the place of treasurer for maymed soldiers, hath

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<sup>42</sup> HMC, Various, V.73, "Report on the Records of the City of Exeter", 66.

<sup>43</sup> "West Riding Sessions Records", 9.

detyned their said pencons.

In order to recover their pensions the deprived poor maimed soldiers successfully solicited letters from the General Muster Master, the Privy Council, and finally the King. These letters required that the county authorities reinstate the pensions. All these letters were to no effect, so the soldiers approached the Lord Lieutenant of Oxfordshire who in turn wrote to the Justices on 9 November 1616. Doilie, however, still refused to continue the pensions and told the ex-servicemen that he would respond to the Lord Lieutenant, not to them. The Councillors chastised the Oxfordshire Justices and Doilie - "you have forgott your duties" - and ordered that either the pensions be continued, or the Justices were to have "Mr. Doilie...appeare before us on the first of February next, to shew cause to the contrary."<sup>44</sup>

Doilie was not the only Treasurer to revoke pensions in an manner contrary to the statute. As has been discussed, only Justices had the authority to revoke or alter pensions. Another example is that of the Treasurer responsible for paying a pension to John Jones, a maimed soldier in Shropshire. In June 1622 Jones petitioned the Council. The petition declared:

that whereas in consideration of his service and maymes receaved in the warres in the Raigne of Elizabeth a small stipend was allowed him in the Countie of Salopp where he was prest, and accordinglye hath ever since receaved the same, but soe it is that nowe of late your poore peticoner makinge repayrith thither in hope to have receaved the same, the Treasurer denieth to paye it him contraire to

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<sup>44</sup> APC XXXV, 95.

equitie or haveinge just cause to doe itt.<sup>45</sup>

There is also evidence that Treasurers did not always comply with warrants from Justices ordering them to pay pensions that had been discontinued. The Treasurer of Cumberland in 1617 failed to continue a £4 annual pension granted to a John Gilbanck despite the Justices of the Peace at Quarter Seesions having issued a warrant for the Treasurer to do so. On 29 November 1617 the Council wrote to the Cumberland authorities to order that the pension be continued and arrears paid.<sup>46</sup>

Counties did not always elect or appoint Treasurers as was required by law. In May 1615 the Council sent a letter to the Justices of the Peace in Cumberland. A blind ex-serviceman, Edward Mason, had received a pension in the County until recently "for default of a Treasurer for those collections." The Justices were ordered to "appoint forthwith a Treasurer", continue Mason's pension, and pay the "averages" of the same.<sup>47</sup>

Officials other than Treasurers were also apparently remiss in fulfilling their duties under the act to relieve disabled soldiers. Constables were one such group. The Staffordshire Quarter Session Rolls

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<sup>45</sup> PRO, SP 10/131/97. For other examples of Treasurers being cited as having been remiss in their duties see: SP 10/127/134 and APC XXXVIII, 142.

<sup>46</sup> APC XXXV, 389; see also XXIV, 320-321. For another example of a Treasurer failing to act on a warrant from Justices of the Peace to relieve a disabled soldier see: APC XXXVII, 254-255.

<sup>47</sup> APC XXXIV, 148-149.

record that in 1608 four constables from different parishes were presented to the Justices failing both to transfer the sums collected for disabled ex-servicemen and present the defaults of those parishioners who had failed to pay the tax.<sup>48</sup> In the 1620's twenty-six disabled soldiers in the County of Worcester complained to the Privy Council about the negligence of a number of constables, including a high constable. In February 1622 the Council wrote to the Justices of the Peace in Worcester in response to the complaint of the ex-servicemen. The Councillors commented:

...that one Humphrey Wall, high constable of the hundred of Dodingtree, with some others, are of late become negligent in collecting monies for maimed soldiers or else having collected the same doe detain it in their owne handes and not deliver it to the treasurer [whereby]...divers of the poore pencioners remain unpaid.

The Justices were told to examine the matter and order it rectified. The Council further required that the Justices certify the names of negligent constables "with your proceedinges unto this Board, that such further course may be thereupon taken as shalbe thought fitt."<sup>49</sup>

There is evidence to suggest that clerks were another group of officials who could be found to be derelict in their duties. In December 1609 the Devonshire Justices received a letter from the Privy Council complaining of the corruption that the Council claimed permeated all the

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<sup>48</sup> "The Staffordshire Quarter Sessions Rolls 1608-1609", Collections for a History of Staffordshire, ed. The Staffordshire Record Society (1948 and 1949), 105.

<sup>49</sup> APC XXXVIII, 130-131.

various ranks of officials. Singled out were the clerks and deputy treasurers of the collection for disabled ex-servicemen who cheated the "maimed soldiers" out of all or part of their statutory pensions thereby "dishonouring the country, and injuring a great number of poor men, whose wants were meet to be relieved."<sup>50</sup> An example of the potential corruption of a clerk is that of William Iremonger, clerk of the peace in Staffordshire. In May 1620 the Council ordered the Justices and Treasurer for the county to either tell Iremonger to pay Richard Somner, a deaf and maimed soldier, "an arreare of 10 l. which hee undertooke to pay" Somner, or to certify why the arrears should not be paid.<sup>51</sup>

Another difficulty was that on occasion local areas and individuals refused to pay the tax for the relief of disabled soldiers. Evidence for individuals not paying their taxes can be found in the "Note Book of a Surrey Justice." In April 1608 the Justice, Bostock Fuller, recorded that on

the 4th daye I went to Mr. Evelyns and then we sent a warrant against Edward Dorrant for the peace against Adam Rumnye and another against Wydowe Stenner and her sonne to appeare at the Sessions for finding faulte with the assesment for the maymed soldiers and the hospytalls.<sup>52</sup>

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<sup>50</sup> A.H.A. Hamilton, Quarter Sessions from Queen Elizabeth to Queen Anne (London: Sampson Cow, Maston, Searle & Rivington, 1878), 83.

<sup>51</sup> APC XXXVII, 199.

<sup>52</sup> "Note Book of a Surrey Justice," Surrey Archaeological Collections, IX, 174.

A well documented case of a locality refusing to pay the tax is that of the town of Muchwenlock in Shropshire. The state papers contain a 14 May 1618 report from two Judges of Assize, Warburton and Croke, who had been asked by the Council to investigate the matter of Muchwenlock's refusal after a number of maimed soldiers in the county had complained about it to the Council (Appendix V). The Judges reported that for many years the Justices of the Peace for the county had assessed the town and that the inhabitants had paid the tax willingly. The town, however, had later "rebelled" and was "behinde for divers yeres amounting in the wholle to 90 li. 0s or thereabout." The inhabitants of the town maintained that there were two reasons for their refusal to pay the tax as assessed by the County's Justices. Primarily, they based their refusal on:

the proviso of the Statute of 43 Eliz ca:3 which is that if there by any libertye within any shire having Justice of Peace in it that the Justice of peace of the County shall not intermeddle with the execucion of the Act within the libertye.

Thus, only the town's resident Justice was legally entitled to tax the inhabitants of the town. The Muchwenlock residents also maintained that "they ought to releve no maymed souldiers except such as were prest within their owne libertyes and non els." The Judges ruled that the town had been correct in its first argument but not in the second. In reference to the latter the Judges stated that the act required all monies collected had to "be put in stocke together for the releife of all souldiers prest out of that Countye...." Furthermore, the Judges argued, this made sense as:

if it should happen no souldiers which are to be releived

had ben prest out of the libertye then the liberty being large & great consisting of xxj parishes at least should be free and pay nothing and the shire overcharged.

The Judges recommended, therefore, that the town had to pay its £90 in arrears as assessed by the County's Justices of the Peace but that, in the future, the Justice in the town would be responsible for the tax. The monies collected as assessed by the town's Justice would henceforth be combined with the rest of the County's taxes.<sup>53</sup> Three days later the Council wrote to the county authorities in order to inform them that it agreed with the Assize Judges' recommendations, and to require Muchwenlock to implement them.<sup>54</sup> The town agreed. By mid-1619 the town paid £30 of the arrears. It neglected to pay the remainder. The affected poor maimed soldiers complained again to the Privy Council and in June 1623 it sent a letter to the bailiff and burgesses of Muchwenlock requiring them to pay the remaining arrears.<sup>55</sup>

There are also indications that the problem of inadequate pensions, discussed in the last chapter, continued in this period. An examination of the twenty-nine references to the precise amount of pensions granted and/or paid to poor maimed soldiers in the central records, as well as the West Riding Yorkshire and Manchester Quarter Sessions Rolls, reveal that the disabled soldiers referred to were

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<sup>53</sup> PRO, SP 9/97/77.

<sup>54</sup> APC XXXVI, 142-143.

<sup>55</sup> APC XXXIX, 35-36.

granted and/or received a pension on average of less than £5 per year (£4.16s). While three individuals had £10 pensions twelve had pensions of less than £3.6s.8d. per year, half of these being less than £2.<sup>56</sup> Similarly, the twenty-one references in the Wiltshire Quarter Sessions Rolls to the specific amount of pensions granted to and/or paid to disabled soldiers in the county from 1605 to 1625 also indicate that pensions were inadequate. The average pension was only £3.11s.1d. Moreover, although six pensioners had been granted £5 or more per annum six others had pensions worth £2 or less.<sup>57</sup> There are also indications that Wiltshire disabled soldiers were paid pensions which were worth less than had been granted. Thoms Tatton, for example, was granted a pension of £3.6s.8d in April 1602. In 1611, however, he sought and received "a commutation - sum in lieu of 40/- which was that he had

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<sup>56</sup> Several of the references in the Council's registers were to pensions granted which had first been paid or had been paid for several years and then were discontinued. In other cases where a pension was later reduced the reduced level of relief is cited. APC XXXIII, 143 (£2), 196 (23-6s-8d), 244 (£5), 423 (£6), 468-9 (£10), XXXIV, 177 (£2), 182-3 (£5), 244 (£5), 303 (£2), 312 (£6.13s.4d), XXXIV, 319-20 (£10), XXXV, 266 (£4), 284 (£8), 389 (£4), 397 (£3), XXXVI, 82 (£3. 6s. 8d); XXXVII, 95 (£4), 198-9 (£2), XXXIX, 3 (£6), 14-15 (£10), 16 (£3), 125 (£7.10s). 216-17 (£8); PRO, SP 9/xciv, 117 (£3); SP 10, CX, 25 (£6 cited Oxfordshire standard), SP 10, CXXVII, 134 (£5), SP 10 CXLVI, 106 (£3); "Manchester Quarter Sessions Rolls," 143 (£2); "West Riding Sessions Rolls," 10 (£1).

<sup>57</sup> "Quarter Sessions in the County of Wilts.," 77 (20 nobles), 78 (20s), 79 (£3.6s.8d twice, £5), 80 (£5 twice), 81 (£3.6.8d), 84 (40s), 85 (£5), 87 (£4, £5), 88 (£4), 89 (40s), 90 (£4 twice), 91 (£3.6s.8d), 93 (£3.6), 95 (40s thrice); when pensions have been reduced the reduced amount is cited.

been receiving. Four pounds were granted."<sup>58</sup>

After 1604 a new enforcement problem emerged. As already indicated above, during James's reign local authorities attempted to relieve the financial pressures caused by disabled soldiers seeking pensions by granting soldiers relatively substantial one-time payments in lieu of any future benefits. This clever, but obviously unstatutory method of avoiding paying pensions is documented as having been used in nine different counties as well as two towns beginning in 1612.<sup>59</sup> A 1617 petition to the Council from a disabled soldier, John Oliver, illustrates this practice, and the inevitable problems it caused. In his petition Oliver maintained that he had been granted and paid a pension of £3 a year for five years in Herefordshire but that "through [his] extreame want and poverty [he] was constrained" to accept a grant of £6 in lieu of future payments. Five years later, however, Oliver was "very much decayed in his estate, by reason of his beinge soe longe without his said pencon", and eager to point out that if he had had the pension paid to him during those five years it would "have beene worth ffifteen poundes unto him." Oliver requested that the Council write to

the commissioners of the said county: that he may regaine

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<sup>58</sup> "Quarter Sessions in the County of Wilts.", 84.

<sup>59</sup> APC XXXIV, 314-5 (Devon), XXXV, 284 (Sussex), XXXVII, 199 (Staffordshire), XXXIX, 3 (Yorkshire); PRO, SP 9/94/117 (Hereford), SP 10/113/24 (Sussex), SP 10/109/50 (Norwich), SP 10/115/74 (Gloucester), SP 11/173/95 (Westmorland); "Manchester Quarter Sessions Rolls," 38-40, 111-112; "Quarter Sessions in the County of Wilts.," 84, 90.

his yearely pencon, as formerly he hath had: accordinge to the tenure of a statute for the releefe of maimed Souldiers in that case provided.<sup>60</sup>

It is not known how the Council responded to Oliver's petition. In the case of Arthur Wood, a Sussex disabled soldier who had accepted £7 in lieu of his pension, the Council did require that the Justices and Treasurer continue his pension. The Justices responded by certifying their refusal to do so (Appendix VI). They maintained that:

foras much as there are mane other maymed souldiers which wee have in the like manner agreed withall which by his example would trouble your Lord and overcharge our countie yf we should nowe allowe him anie yerelie mayntenance: wee have therefore forborne to do the same.<sup>61</sup>

There is one documented example of payment in lieu of a pension being granted with provision being made for the pension resuming at a later date. The Manchester Sessions Rolls record that in 1620 a John Leech was granted £3 on condition that he "departe this Countie & have no further exhibicon in the paie of maymed souldiors unlesse upon his returne hee make undelaied payment of XX s...of the same some."<sup>62</sup>

Payments in lieu of pensions were also used by Justices in cases where they did not approve of the character and behaviour of the disabled soldier seeking a pension, but were being pressured by the Council to provide relief. A very well documented case is that of a

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<sup>60</sup> PRO, SP 9/94/117.

<sup>61</sup> PRO, SP 10/108/24.

<sup>62</sup> "Manchester Quarter Sessions Rolls," 111-112.

disabled soldier named Anthony Lucas who was clearly not approved of by the Westmorland Justices from whom he sought his statutory pension. Lucas' case also serves to illustrate further the extensive difficulties some disabled soldiers encountered in their attempts to receive their pensions if the Justices of the Peace in their county had decided to act in a discretionary manner inconsistent with the act.

Lucas petitioned the Council for assistance on his behalf in July 1618. In his petition he maintained that he and five others had been pressed in the county of Westmorland in 1607 for service in Ireland. At that time the Justices had collected a tax which totalled £75 "for the settinge forth and maintenance of these six souldiers" of which Lucas maintained only £15 had been spent for that purpose. Of the remaining sums he had unsuccessfully sought from the Justices "his part of the said money which came to about X <sup>li</sup> " in order to maintain his family (Lucas "beinge maimed in the warres" and unable to labour). The Councillors were asked to order the Justices to "paie to your petitioner soe much of the 60 li as in your honourable judgements you shall thinke meete." Lucas further commented that he had "sufficient witnesses" to verify his story should the Councillors require substantiation.<sup>63</sup>

Lucas' request was not consistent with the terms of the act to relieve disabled soldiers and therefore it is not surprising that he was not given any money by the County authorities. Lucas next journeyed south and personally requested conciliar intervention. On 30 April 1620

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<sup>63</sup> PRO, SP 9/98/59.

the Council sent a letter to the Justices and Treasurers for Westmorland requiring that they provide Lucas with a pension as per the statute or certify just cause for their refusal.<sup>64</sup> In October 1620 the Justices of Westmorland wrote to the Council. They declared that Lucas' claim to be disabled in service:

...we thinke to be fayned, for wee cannot learne that he hath either served under any Captayne or that he at any tyme hath had either certificate, or qualificacon for such his pretended service.

They further commented that:

some of us have knowne him for thiese xx yeares to be an idle wandringe impudent pedler and of a drunken conversation for which causes we have threatened to send him unto the house of correccion at Kendall, thereupon he convayed himselfe forth of the Countye, since which tyme, we did not see him until he returned with your honors letters....<sup>65</sup>

Having been refused technically on the basis of not having proper certification of his service Lucas successfully sought the same from the Lord Deputy of Ireland. In February 1622 the Council wrote another letter to the Westmorland authorities in which it commented that while Lucas had been formerly recommended to be relieved he was "yet...again suitor unto" the Council, despite having been certified as having served by the Lord Deputy. The Councillors once again required that Lucas be relieved.<sup>66</sup> The Westmorland authorities, however, did not

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<sup>64</sup> APC XXXVIII, 184.

<sup>65</sup> PRO, 10/117/23.

<sup>66</sup> APC XXXVIII, 142-143.

comply and Lucas sent another petition to the Council prompting the Councillors to intervene again. In a June 1624 letter to the county authorities the Councillors, clearly frustrated, declared that "...it is not the custome of this Board to passe by such contemptes." It ordered the Westmorland Justices and Treasurers to grant Lucas his statutory pension.<sup>67</sup>

Four months later the Justices responded by declaring that they had acted "in obedience" to the Council and

did proportion a sune of money for him wherewith he was then well satisfied, and did seale a generall Release in full discharge of anie pension or allowance he might or could claim as a maimed or qualified souldier.

The Justices claimed that Lucas had since abrogated his agreement and that his recent claims that they had acted improperly were "an unjust and wrongfull aspersion upon us." They requested that the case be referred to the Assize Judges of the Northern Circuit "before whom if we shall be found either remisse in our office or regardles of your honors letters, we shall justly submit our selves to censure...."<sup>68</sup> The Council, however, decided upon a different course of action. It ordered Lord Scroope, the Lord President of the Council of the North, on 31 October 1624 to investigate Lucas' charges. If his allegations proved to be true Scroope was ordered to "bind some of them [Westmorland Justices]

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<sup>67</sup> APC XXXIX, 528-529. In the meantime Lucas had journeyed to Ireland in order to successfully obtain additional certification of his service record.

<sup>68</sup> PRO, SP 11/172/95.

to answer the same before us" and see that Lucas was relieved under the terms of the statute.<sup>69</sup>

In summary, many aspects of the enforcement of the act to relieve disabled soldiers after 1604 were similar to those of the war-time period. The Council recommended soldiers to the local authorities for relief and had to deal with various enforcement problems. Counties not only refused to relieve many soldiers but also withdrew or reduced pensions previously granted. The problems arose for a variety of reasons: questions were raised about the authenticity of certificates of service; there were insufficient funds for pensioning disabled ex-servicemen in some localities; inter and intra county disputes occurred; the act's requirements were misinterpreted; discretionary justice was applied by Justices of the Peace; Treasurers and other officials were occasionally negligent in their statutory duties. An enforcement problem of this period which had not apparently existed prior to 1604 was the practice by a number of localities granting disabled soldiers lump sums in lieu of future annual pension payments.

The latter enforcement problem was not the only major new development which occurred in the post war period. Differences in the application and administration of the act also emerged. One new development was a change in the nature of the disabilities by which soldiers applied, and were recommended, for pensions. The differences can be illustrated by comparing war-time disabilities with post-war

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<sup>69</sup> APC XXXIX, 353; for another example see PRO SP 10/109/50.

disabilities which were cited as grounds for relief. In the war-time period of 1590 to 1601 there are twenty-five cases mentioned in the Council records in which the type of disability is mentioned. Ten soldiers lost one or more limbs in service, nine had lost the effective use of one or more limbs, four had been blinded, and one was deaf.<sup>70</sup> An exception is the case of Hugh Skurfield, mentioned in the last chapter (supra 132 ), whose disability was different. The Council's registers record that the Council in the mid 1590's recommended him for relief under the terms of the statute because he was "an old souldier" who, because of his "weaknes and age", was "unfitt to doe further service."<sup>71</sup> Skinfield had thus been disabled by his age and no mention was made of his being physically disabled during his military service.

The 1613 to 1625 period - a time of peace - is quite different from that of the 1590's. Of the forty-seven cases in which the nature of the disability is documented in the Council registers only ten are physical disabilities, the nature of which were similar to those of the 1590 to 1601 period. Four of the ten soldiers mentioned were blinded, two lost limbs, two the use of limbs, one was deaf, and the other had been badly burned.<sup>72</sup> The thirty-seven other soldiers and mariners who

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<sup>70</sup> Lost limb(s): APC XXII, 23, 144, 272, 356; XXVI, 153-4, 556-7, XXVII, 125-6, XXVIII, 423, XXIX, 261-2, XXXI, 71-2. Lost effective use of limb(s): XX, 125, XXV, 182, 386-7, XXVI, 24, 115, 526, XXVII, 339-40, XXVIII, 365, XXX, 120. Blind: XX, 125, XXV, 391-2, XXVI, 513-14, XXVIII, 393. Deaf: XXX, 607.

<sup>71</sup> APC XXV, 12, 291.

<sup>72</sup> Blind: APC XXXIII, 176, 201, 148-49, XXXIV, 657. Lost limb(s): XXXIV, 311 XXXV, 403-4. Lost effective use of limb(s): XXXVIII, 277,

were being recommended for relief had disabilities similar to that of Skinfield. A Tobias Hunt, for example, was recommended for a pension in October 1614 by the Council because he had:

served as a marriner in her late Majestie's warres, where hee received diverse hurtes and bruises, so as hee is not able to serve any longer, or otherwise labor for his maintenance.<sup>73</sup>

A similar example is that of Daniell Sudley who had served in the low countries. The Council recommended him for a pension to the Justices of the Peace and Treasurers for Northamptonshire because he was "growne into yeares and utterly disabled any longer to mayntaine himself, [and] is forced to be an humble suitor for such reliefe from that county as by the statute is provided."<sup>74</sup> In some of the cases the contemporary understanding of the nature of physical health is apparent. Stephen Ridgway was recommended for a pension to the Lord Mayor and Aldermen of London in October 1623 because he had both been pressed in the city (during the time of the Earl of Essex) and had "lived many years together in the warres where he received sondry woundes and lost much blood whereby he is become impotent and altogether unable to gett his living by his vocation."<sup>75</sup>

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16. Deaf: XXXVIII, 199. Burned: XXXVIII, 282-3.

<sup>73</sup> APC XXXIII, 578-579.

<sup>74</sup> APC XXXVI, 420.

<sup>75</sup> APC XXXIX, 108.

In several cases no attempt was made to argue that a given soldier was physically disabled in any way except by his old age. The Lincolnshire Justices and Treasurer were sent a letter from the Council in November 1619 in which a Thomas Johnson, who had served in France, Ireland and the low countries, was "recommended" to them for a pension "by way of stipend for his mayntenance and support now in his olde age."<sup>76</sup> Similarly the state papers contain a letter from a Privy Councillor, Secretary Conway, to Sir Charles Cornwallis, Deputy Lieutenant of Norfolk. Conway thanked Cornwallis for obtaining a pension for a Sergeant Pictoe, "an old souldier", whom Conway had "knowne...longe in the warrs."<sup>77</sup>

By the mid 1620's a Council form letter for the relief of a maimed soldier had emerged. This form letter reflects the new circumstances of the Jacobean period. In the 1590's the Council required relief, in all but one documented case, for soldiers recently physically disabled in military service. In the post-war period the Council was recommending pensions for both ex-servicemen who were now old and unable to support themselves and, as illustrated by the letter, old soldiers retiring from service. The form letter begins thus:

After our heartie comendacons. The bearer hereof A.B. being lately returned out of the Low Countries hath presented his humble peticons unto us, And withall divers certificate under the hands of [blank] & others as speciall testimonies of 30 yeares service in the warres wherein he hath receaved divers hurts & maymes, by reason

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<sup>76</sup> APC XXXVII, 71-72.

<sup>77</sup> PRO, SP 11/174/83.

whereof & of his old age is now unable to contynue anie longer in service, but is forced to seeke reliefe for his future maintenance according to the statute in that case provided for hurt & maymed souldiers.<sup>78</sup>

Although the form letter may also have been used to recommend soldiers for pensions after they had retired from service in the Thirty Years War (beginning in 1618) with the Dutch, or possibly other English allies like the forces of the Palatinate, the letter's reference to "old age" and "30 yeares service" indicates that it was expected to be used for a different and more prevalent circumstance - to recommend long serving men no longer able to soldier because of advancing years. The conclusion that old soldiers were pensioned off using the funds collected according to the 1601 act to relieve disabled soldiers seems to be reinforced by the fact that the references to age as a disability increased late in James I's reign: from 1613 to 1618 there are eleven references (to different soldiers) whereas from 1619 to 1625 there are twenty-six.<sup>79</sup>

Another difference between Queen Elizabeth's reign and that of King James is that there are many more references to the monarch directly intervening on the behalf of maimed ex-servicemen. Indeed, during the period in which the act to relieve disabled soldiers was

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<sup>78</sup> PRO, SP 11/180/94.

<sup>79</sup> 1613: APC XXXIII, 184, 195. 1614: XXXIII, 468-69, 578-9, 663-4, "West Riding Sessions Rolls," 15. 1615: XXXIV, 101, 312. 1617: XXXV, 118, 203. 1618: XXXVI, 82. 1619: XXXVI, 393, 393-4, 420, 433; XXXVII, 71-72. 1620: XXXVII, 145, 178-9, 281-2. 1621: XXXVIII, 60. 1622: XXXVIII, 118-19, 196, 371. 1623: XXXIX, 35, 51-52, 108, 151. 1624: XXXIX, 187, 193, 194-5, 199, 202, 229, 265, 282, 357, 397. 1625: XXXIX, 466, 477.

enforced in Elizabeth's reign there were no references in the Council's registers to the Queen in the administration of the act. Only when grants of almsrooms (which had to be officially issued by the Crown) were mentioned was her name cited.<sup>80</sup> The Council registers from 1613 to 1625, however, record several references to royal activity on behalf of disabled soldiers. In December 1614, for example, the Council wrote to the Mayor and Alderman of Norwich concerning a disabled soldier, George Reyne. The Councillors commented that the King had in June ordered that Reyne should be given a pension via one of the Masters of Requests.<sup>81</sup> The King referred poor maimed soldiers' requests to the Court of Requests - a prerogative court traditionally "for poor men's causes"<sup>82</sup> - rather than the Council on a number of occasions<sup>83</sup>, although there is also evidence of royal intervention without reference to the Court of Requests.

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<sup>80</sup> In the 1613-1625 period the almsroom method of relieving disabled soldiers, practiced during Elizabeth's reign, is only mentioned on one occasion in the central records (in the case of John Arundell - see above page 206) thereby suggesting that the Council had apparently ceased to employ this method of relief and had instead concentrated on enforcing the act.

<sup>81</sup> APC XXXIII, 663-664.

<sup>82</sup> G.R. Elton, The Tudor Constitution 2nd Ed. (Cambridge: at the University Press, 1982, 1960), 189.

<sup>83</sup> APC XXXIV, 311, XXXVI, 82, XXXVII, 171-2, XXXIX, 341.

References to James I's having acted to assist disabled soldiers, which do not mention the Court of Requests, include the above mentioned (supra 211 ) incident in which the King apparently intervened in Oxfordshire in the 1620's in an attempt to enforce the statute. He had a letter sent on behalf of the maimed ex-servicemen in the county who were unhappy with John Doillie's performance as Treasurer. In another case the King intervened on behalf of a disabled soldier in 1615 when he directed the Justices of the Peace and Treasurer for Monmouth to increase a Myles Hughes' pension "from 20 nobles to £10."<sup>84</sup> Similarly, the Wiltshire Quarter Sessions Rolls record that the King responded favourably to a John Wilkins' request for intervention on his behalf after the County's Justices, in October 1614, ordered Wilkins' pension stopped, "he having obtained a place in Mr. Sutton's Hospital." The King had a letter sent to the Justices of the Peace ordering "that the pension, or at least one half, be restored."<sup>85</sup> There are also a number of cases in which the King gave various maimed ex-servicemen pension recommendations. In a letter to the Justices of the Peace and Treasurer for Somerset, for example, the Council commented that it was unacceptable that a John Tedder had not been given a pension as he had testimony of his service and maims, and had "ben recomended unto you by his Majesty's gracious reference for such reliefe in that county where

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<sup>84</sup> APC XXXIV, 312.

<sup>85</sup> "Quarter Sessions in the County of Wilts.", 87, 88.

he was both borne and imprested, as by the statute is provided....<sup>86</sup>

Thus James used the Court of Requests and intervened directly on behalf of disabled soldiers in contrast to Elizabeth's consistent use of the Privy Council for the enforcement of the act to relieve disabled soldiers. This difference indicates that the monarchs had varying styles of Kingship in this regard - James being more involved personally in acting upon petitions from the poor. The Court of Requests may have been used by James not only because of its traditional function as a court for the poor but also due to what had become the routine nature of pension recommendations. Indeed, in the latter years of James's reign there are several references to the granting of pensions to disabled soldiers as being not only lawful (as was the constant refrain in earlier years), but also customary.<sup>87</sup>

In addition to the relatively minor fact that James was more active than Elizabeth in the enforcement of the act, the important question of why there were enforcement problems on the local level also needs to be examined. It is possible, given the nature of the central records, to assume either that the local authorities were being deliberately obstructive or merely negligent in their enforcement of the

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<sup>86</sup> See also APC XXXVI, 420, XXXVII, 281-2, 340, XXXIX, 216-7, "Quarter Sessions in the County of Wilts.", 77; in these cases although the Court of Requests is not mentioned it nevertheless may have been involved.

<sup>87</sup> 1623: APC XXXVIII, 507. 1624: XXXIX, 187, 190, 357. 1625: XXXIX, 466, 477.

law, and that such behaviour resulted in widespread hardship for disabled soldiers legally entitled to pensions. These assumptions are consistent with the views of various modern historians concerning the nature of English local government in this period. Scholars have commented that: some early Stuart Justices of the Peace "put their own pockets first, their country second and the interests of the crown third";<sup>88</sup> various local officials sometimes refused to collect taxes even if they were to be used in the county;<sup>89</sup> "constables were often loath to enforce social and economic regulations that affected their neighbours."<sup>90</sup> The result, according to one historian, was that acts of Parliament were "frequently honoured as much in the breach as in the observance."<sup>91</sup> The nature of the central records, upon which this investigation has relied extensively, demands caution however. One difficulty is that they record enforcement problems - the times and places in which the act may have been executed effectively are not described. Thus local records, such as Francis Gravell's Treasurer's

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<sup>88</sup> Anthony Fletcher, A Country Community in Peace and War: Sussex 1600-1660 (London: Longman, 1975), 213.

<sup>89</sup> Peter Clark, English Provincial Society from the Reformation to the Revolution (London: Hassocks, 1977), 352, 360.

<sup>90</sup> A.H. Smith, "Justices at Work in Elizabethan Norfolk", Norfolk Archaeology, XXXIV (1967), 101.

<sup>91</sup> A.G.R. Smith, The Government of Elizabethan England (1967), 83.

accounts for West Surrey (Chaper 4, infra 159), can reveal a different perspective. Gravell's accounts, for example, brought into question the accuracy of the Council's perception of widespread negligence by Treasurers.

The central records, moreover, describe conciliar action in response to requests for intervention from disabled soldiers. The onus for determining the veracity of the disabled soldiers' petitions and requests was placed on the county authorities. The Council in 1613 stated its policy in this regard in a letter to one county's Justices and Treasurers concerning a petition from a disabled ex-serviceman. The Councillors stated that,

as wee are not apt to give credit to informations of this kinde, soe it is not the custome of this Boarde to reject the humble complaintes of the poor and distressed, and especially of those that have undergone so many perills and hurtes in their contrys' service.<sup>92</sup>

Due to the scarcity of county responses to such letters in the central records (which in itself may or may not be the result of local negligence) it is necessary to rely on sources which are heavily influenced by the petitions and the testimony of soldiers who had a material interest in the Council's intervention on their behalf. This objection must be tempered, however, by the observation that (as has been discussed above), in the cases of Anthony Lucas and a number of disabled ex-servicemen concerning whom the responses made by the local authorities are in the records, it is clear that these maimed soldiers

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<sup>92</sup> APC XXXIII, 195-196.

were certified as such and should have been paid their pensions.

A close look at the central records also reveals that the Council itself did not always act properly in its enforcement of the act. As has been discussed, the Council recommended soldiers disabled by old age for pensions when the act was expressly for the purpose of providing relief to those who had "loste their Lymmes and disabled their Bodies in the Defence and Service" of Crown and State.<sup>93</sup> In addition there is evidence that the Council required several counties to relieve disabled soldiers whom it argued had been impressed in the counties when the Council must (or at least should reasonably) have known that they were in fact impressed elsewhere.

An example is the Council's recommendation of a John Clapham to four different counties from 1618 to 1624. Each county was sent a letter in which the Council stated that Clapham had been impressed in that county. In March 1618 it was the Cambridgeshire Justices of the Peace and Treasurer who had Clapham recommended to them as a man who had been impressed there.<sup>94</sup> Next to be assigned as the place of relief was Huntingdon which received a letter from the Council in April 1622.<sup>95</sup> Just eight months later the Suffolk Justices and Treasurer received a similar letter requiring a pension for John Clapham, "prest out of that

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<sup>93</sup> SR 43 Eliz., c.3.

<sup>94</sup> APC XXXVI, 95.

<sup>95</sup> APC XXXVIII, 196.

county.<sup>96</sup> Clapham apparently did not receive a pension in that county either as two years later, in February 1624, a letter was sent to the Justices of the county of Sussex recommending the bearer of the letter, John Clapham, as a disabled soldier impressed in the county who was eligible for a pension under the terms of the statute.<sup>97</sup> The Sussex Justices were not impressed however. In a letter dated 9 April 1624 they certified their refusal to the Council. They commented that:

touchinge some mayntenance or Relief of one John Clapham supposed heer to fore to have longe since been pressed for a souldier out of this county of Sussex, wee have taken care in examing the trueth of the saide Clapham's information and cane finde noe manner of Prooofe that the said Clapham was ever dwellinge in this county, or ever pressed oute of the same, neither cane he produce unto us anyone that ever knew him in the County, or Muster Master certificates or any Manner of prooofe accordinge to lawe whereby wee may charge the countie by the Statute to contribute to his maintenaunce....<sup>98</sup>

In the case of another disabled soldier, Daniell Sudley(mentioned above, p. 225), the Council acted improperly in two respects in its attempts to assist the man in his efforts at acquiring a pension. Initially Sudley attempted to get relief in Northamptonshire where he was born. As well as his certificate of service Sudley acquired letters of recommendation from the General Muster Master, Sir William

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<sup>96</sup> APC XXXVIII, 371.

<sup>97</sup> APC XXXIX, 187.

<sup>98</sup> PRO, SP 11/162/33.

Wade, and the Earl of Exeter.<sup>99</sup> When these failed to achieve the desired result Sudley then sent a petition to the Privy Council. In the petition he declared that he had "served as a gentleman of a Companie in the Lowe Countries," reported that the county's Justices had refused to grant him a pension "but hath driven him off and delaied him for a year and uppwarde", and requested that the Council write on his behalf (see Appendix VII).<sup>100</sup> Despite the fact that the Northamptonshire authorities probably refused to relieve Sudley because the 1601 act clearly stated that certified maimed soldiers were to initially apply for pensions where they were impressed, which it is clear from Sudley's petition that he had not done, the Council nevertheless supported Sudley's claim. In March 1619 the Council wrote a letter requiring that the Northamptonshire authorities grant Sudley, "borne in that county", a pension because "being now growne into yeares and utterly disabled any longer to mayntaine himself, [he] is forced to be an humble suiter for such releife from that county as by the statute is provided."<sup>101</sup>

When Sudley did not receive a pension in Northamptonshire he sought one where he claimed to have been impressed. On 19 December 1623

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<sup>99</sup> PRO, SP 12/43/96.

<sup>100</sup> PRO, SP 12/43/96; although the petition is dated "1624?" in the Calendar of State Papers, Domestic it must precede the Council's letter, written because of the petition's request, to the Northamptonshire authorities (see below) in March 1619.

<sup>101</sup> APC XXXVI, 393-4.

the Council, responding to a request from Sudley, directed a letter to the Justices of the Peace and Treasurer of Suffolk. In that letter the Councillors required that he "be provided for according to the Statute (having beene imprested in that countie)...."<sup>102</sup> A little less than a year later, however, the Council sent a letter to another county on behalf of Sudley. Sudley had again requested conciliar assistance, this time claiming to have been impressed in Lincolnshire instead of Suffolk. The Council responded to his request by sending a letter to the Lincolnshire Justices of the Peace and Treasurer ordering them to provide Sudley who, it was stated was impressed in the county and had "served as a gentleman of a companie in the Lowe Countries", a pension as was required by law.<sup>103</sup>

On another occasion the Council continued to pressure county authorities to relieve a disabled soldier, Thomas Raunson, even though the Privy Council itself admitted that he was ineligible for a pension. Raunson had initially been granted and paid a pension in the county. The pension, however, was later withdrawn, most likely because although he was born in the county he apparently had not been impressed there.<sup>104</sup> In

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<sup>102</sup> APC XXXIX, 151.

<sup>103</sup> APC XXXIX, 397.

<sup>104</sup> The Council's failure, in its letter, to mention whether Raunson was, or was not, impressed in the county is an obvious indication that he was not. Impressment being required by the act the Council would have given prominent mention of Raunson's impressment in the county if he had indeed been conscripted there.

April 1622 the Council sent a letter to the Justices of the Peace and Treasurer for Essex asking that they continue "a pencon formerly allowed unto him there in respect of great maymes he received in the warrs in Denmarke...." The Council, which made the request despite the fact that it knew Raunson was not entitled to a pension, rather disingenuously belittled the impropriety of its request:

though happely in a nyce and strict construccion his particular falleth not within the compasse of the statute for the releefe of maymed soldiers, yet because he was borne in that County and is so miserably maymed as he is altogether disabled to follow any course for his owne mayntenance, wee have ben moved once more to recommend his distressed estate to your favorable consideracion, praying you that he may still enjoye his former pencion....<sup>105</sup>

Given the complicity of the Council in the attempted fraud on the part of Clapham, and its impropriety in other cases, it is not surprising that local authorities were at times wary of both conciliar letters of recommendation and the claims of soldiers seeking pensions.

As well as conciliar impropriety in its enforcement of the act there is evidence of conciliar complicity in the non-statutory enforcement practices of local authorities. An example is the letter sent to the Justices and Treasurer of the West Riding in Yorkshire in June 1623. The Council was responding to the petition of Thomas Speight who requested conciliar intervention on his behalf. Speight, who had been paid a pension of £6 for several years, in his petition asked for "either the continuance of his pention or the payment of the summe of 14 li. in lieu thereof, which was promised him at the open generall

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<sup>105</sup> APC XXXVIII, 193-193.

session, as he informeth.<sup>106</sup> The Council informed the Yorkshire authorities that if Speight's petition was true it agreed that his request was one with which they had to comply.<sup>106</sup> In agreeing and instructing thus the Council gave credence and validity to the practice of paying monies in lieu of future benefits - a non-statutory practice which, over time, was likely to be financially beneficial for the county's ratepayers, and economically hazardous for those disabled soldiers who accepted the lump sum payments.

Another example of the Council complying with improper enforcement practices of the localities occurs in the case of a disabled soldier named Evan Jones. In this instance the Council encouraged the practice of refusing to increase the numbers of pensioners in the county, and the financial costs thereof, until a disabled pensioner died. The Council in June 1623 wrote to the Justices of the Peace for the county. It required that they confer a pension of twenty-nine marks per annum "which, as he [Jones] informs us, is falne voide through the decease of one Richard Evans...." The Councillors commented that the county authorities should relieve Jones "by this present opportunity, the rather in regarde it bringeth no encrease of charge unto the county."<sup>107</sup>

The nature of the act itself must also be taken into consideration in examining enforcement problems in the localities. The

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<sup>106</sup> APC XXXIX, 3.

<sup>107</sup> APC XXXIX, 71-72.

act to relieve disabled soldiers was similar to the act to relieve the poor in that they both ran counter to the traditional ideals of hospitality and charity. Paul Slack succinctly summarizes the problems inherent in such legislation when he comments that it was questionable for many contemporaries if the same were matters "...for government intervention at all. Should it not be left to the old practices of neighbourly, and largely informal, charity?"<sup>108</sup> And, indeed, Crown and Council must have encouraged such ideals by their calls for traditional hospitality and charity in numerous proclamations issued during James's reign.<sup>109</sup> An important element in the traditional form of charity was that it was a privilege extended to the lower orders. The act to relieve disabled soldiers, however, made relief for maimed ex-servicemen a right - the payment of taxes for which was required by law. For Justices and other local authorities this was perhaps an understandably difficult transition, especially since it involved a loss of power. It is not surprising that they continued on occasion to exercise traditional discretion in their execution of the act. It is also important to note that the act to relieve disabled soldiers and the poor laws only added to the extensive workload required of the (unpaid) Justices of the

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<sup>108</sup> Paul Slack, "Poverty and Social Regulation in Elizabethan England", 234.

<sup>109</sup> SRP, Nos. 2, 11, 23, 48, 55, 85, 92, 114, 143, 158, 166, 235, 236, 241.

Peace<sup>110</sup> as well as other local officials. An increased workload inevitably results in inefficiencies and resentments. An understanding, therefore, of the nature of the sources, the traditional practice of discretion and ideals of charity, as well as the probable local resentment of inconsistent and improper conciliar enforcement of the act, combine to alter significantly the image of the local authorities as inept and maliciously obstructive in their enforcement of the act to relieve disabled soldiers.

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<sup>110</sup> For descriptions of the extent of the Justices of the Peace's workload see J.H. Gleason, The Justices of the Peace in England, 1558 to 1640 (Oxford: at the Clarendon Press, 1969), Chapter VII; J.P. Kenyon, The Stuart Constitution 1603-1688 2nd. ed. (Cambridge: at the Cambridge University Press, 1986), 443-4; Anthony Fletcher, Reform in the Provinces: the Government of Stuart England (New Haven: Yale University Press, 1986).

## Conclusion

The relief of disabled soldiers from 1558 to 1625 has been examined within a chronological framework. What remains is to consider that examination within the context of the historiographical themes introduced in the first chapter. Two major themes will be considered: (i) how the relief of disabled soldiers contributes to an enhanced understanding of why the political response to poverty changed during this period, and what that change tells us about the nature of English government and society; (ii) what the relief of maimed veterans tells us about the nature of the Council, including the relationship between the Privy Council and Parliament, and, more importantly, the Council and the local authorities.

## I

Commenting on the political response to the problem of poverty in the sixteenth century Beier declared that "the rule throughout was to relieve the disabled, at first by voluntary means, but later by means of a statutory tax."<sup>1</sup> The Privy Council, in its response to the problem of physically maimed ex-servicemen, acted in a manner consistent with Beier's observation. From 1558 to 1585 there was relatively little military activity and thus the Council reacted in an ad hoc manner to

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<sup>1</sup> A.L. Beier, The Problem of the Poor in Tudor and Early Stuart England (London: Methuen, 1983), 13.

events and petitions for relief. Local authorities were asked to provide traditional charity to maimed soldiers and other casualties of war. After the commencement of war with Spain in 1585 the Council initially responded to the emerging problem of maimed ex-servicemen who had no means of subsistence by requesting voluntary charity from local ecclesiastical and civic authorities. This traditional approach, however, could no longer meet the needs of the new situation.

Long developing changes in both the nature of warfare, and social and political structures, had resulted in the disappearance of the feudal army and the emergence of relatively larger armies controlled by the state. These armies were comprised largely of impressed men, many of whom had no master or patrons to rely on for charity if they were maimed in service.

When the more traditional approach failed to deal with the problem the Council attempted to use the royal prerogative in order to grant almsrooms (and have those grants honoured) in (primarily) ecclesiastical institutions. Later the Council attempted to provide monies for disabled soldiers through a lent butcher-licence scheme in London. These methods of relief also failed, however. The Council had realized early that statutory force was needed in order to provide adequately for disabled veterans. In January 1587 it published the Book of Orders which maintained (problematically) that the law (a 1572 act for the punishment of vagabonds and for the relief of the poor) required that relief be given to the poor maimed soldiers. Two years later the Council considered introducing a bill in the Commons to provide

specifically for the disabled ex-servicemen. During the 1593 Parliament the Council successfully sponsored the act to relieve disabled soldiers. This act required compulsory parochial taxation to provide lifelong pensions for those physically maimed in service.

Historians who have examined the reasons for the creation of this law have tended to emphasize its distinctiveness. Kent and Cruickshank highlighted the fact that disabled soldiers were accorded a separate act because they were different from the rest of the impotent poor. They saw these special measures for the soldiers' relief as necessary because of the martial nature of the problem. The measures were adopted in order to: encourage Englishmen to fight and fight well; reward their services (rather than grant them charity); help relieve the tension created by demobilized soldiers around London in the late 1580's and early 1590's. It is clear that these arguments are sound. The Council in its attempts to relieve disabled soldiers from 1589 to 1593 demonstrated that it agreed with the comments made by the Lord Admiral in 1588 - England's soldiers needed to be treated decently so that others would be willing to serve. In addition, the Council sought relief for maimed ex-servicemen in order to improve the morale of those still in active service. Sir Robert Cecil in Parliament, and Parliament in the preamble to the 1593 act, also stated clearly that they believed that maimed soldiers, as distinct from the impotent poor, merited relief for good service. The Council's swift action after the Parliament of 1593 in sending home poor maimed soldiers who had been begging around London reveals that the Council also sought to restore peace and order in that

city. The reasons for relief measures for disabled soldiers were thus distinct in several ways. The shift of relief from traditional patrons in the localities to the law of the realm was a natural consequence of the change in composition and control of the armed forces. The state no longer relied on local magnates. Instead it created and (tried to) sustain its own armies and thus was forced by events to take responsibility for those mutilated while fighting in its service.

Those reasons for the creation of pensions for maimed ex-servicemen which reflect the martial nature of the problem have been brought within the framework of the historiographical debate about poor relief measures. Most of the historians studying poverty and poor relief have tended to adopt one of two ideological positions on the question of why England's governors altered their method in which they responded to poverty. The change to compulsory relief and regulation of the poor by statute has been explained as both: the introduction of genuinely paternalistic relief measures which were necessary in order to both alleviate the suffering of the poor during a period of economic change, and preserve the political stability which was in the society's interest (Leonard, Elton, Pound, Pearl); the adopting by the English elites of new laws which they could use effectively to control the poor during a period of economic transition and increasing social polarization in order to protect and enhance their own (the elites') supremacy (Tawney, Hill, Beier, Wrightson). Each of these positions has been adopted by historians in their discussions about relief for disabled soldiers. Pound maintained that the 1593 act merely supplemented the government's

harsh use of martial law against vagrant ex-servicemen. Alternatively, Cruickshank described the 1593 act as "noble" and declared that the main motivating force behind its creation was the political authorities' genuine concern for the disabled soldiers' welfare.

The relief of disabled veterans can contribute to a greater understanding about early modern England than whether the government was repressing of, or supporting to, the maimed ex-servicemen. It also tells us about the basic social ordering of that society, including the perceptions on the part of both the government and the soldiers of how that order should function. The Council and Parliament were motivated in their actions by a need to sustain the social order and the government's place in it. In responding to the disabled soldiers' difficulties the Council and Parliament were acting in a manner which was typical of the social dynamic which Wrightson and others have argued existed in England at this time. Subordination and obedience were sustained both by an acknowledged responsibility on the part of England's governors to protect their inferiors from the economic and social insecurities of the times, and an expectation on the part of the lower orders that their betters would do so. Grain riots, mutinies, and soldiers' protests like those of 1589 and 1592 in London were ritualistic affairs rather than mindless outbursts of the mob. Commoners sought the reestablishment of what they perceived as the traditional status quo, not revolutionary change. They were petitioning for limited objectives such as back pay, and the prevention of the export of grain from communities during times of dearth.

That the government subscribed to a traditional ordering of society shared by the lower orders is demonstrated both in the Council's vilification of middlemen sellers of grain, and its regulation of grain supplies and prices, in aid of the poor in the 1587 Book of Orders. It is also illustrated by the Council's attempts to address the concerns of the soldiers both immediately after the protests of 1589 and 1592, and by initiating a new pay and apparel system which targeted the captains as the principal reason that soldiers had not been receiving their due. Kent, for example, maintains that the Council was motivated by social conservatism in many of the bills it sponsored in Parliament concerning social and economic matters. She comments that the:

Council's concern to maintain stability during periods of economic crisis, such as the early 1620's, took the form of attempts to force the merchants to buy goods, despite the depressed condition of the markets, and to persuade the clothiers to keep their workers employed, even though they could not sell their cloth.<sup>2</sup>

In the case of the act to relieve disabled soldiers there is evidence that disabled ex-servicemen expected Parliament to act to relieve them. For their part Parliamentarians were affected by the sight of many maimed veterans around London. They acknowledged that "honour and conscience" made them responsible for the men, and were further reminded by Cecil of the desirability of restoring the traditional social order, albeit by passing an innovative law. Thus the Council successfully sponsored, and Parliament passed, a new law to provide disabled soldiers with pensions because they sought, and were pressured

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<sup>2</sup> Kent, 475.

by the soldiers to seek, a new means to sustain the traditional order of society. And, as in the case of the Book of Orders, the Council also seems to have been using social policy as a form of propaganda in order to maintain that order.

The traditional social dynamic is also apparent in disabled soldiers' petitioning of Parliament, the Privy Council, and their local Justices of the Peace at Quarter Sessions in order to seek redress of various grievances. While the 1601 Parliament did not adopt the changes suggested by the disabled officers and soldiers who petitioned them, the Council and local Justices did act on the soldiers' requests. Indeed, many of those requests were from (sometimes large) groups of pensioners seeking significant changes such as the right to be paid their pension by proxy (West Riding Yorkshire Quarter Sessions), the disciplining of a county Treasurer (Doilie in Oxfordshire), and conciliar resolution of a town's refusal to pay its rates (Muchwenlock).

Examined from the perspective of an attempt to preserve the traditional social order the creation of statutory relief for disabled soldiers appears as a new poor relief measure. This measure involved both relief and control of one type of the poor by a government that believed such a change was in its own and the society's interest. It was anticipated and welcomed by the disabled soldiers who proceeded to become pensioners and, when dissatisfied, petitioners.

That the government acted out of necessity, was socially conservative, and did not seek to replace altogether the more traditional sources of relief for disabled soldiers is clear from its

continuing encouragement of private charity. It did so in: proclamations; its attempts to have almshouses with places for maimed ex-servicemen built and/or funded; its investigation of corruption in endowed hospitals and almshouses. The extent to which traditional patrons, and newly created private charitable institutions supplemented or (à la Jordan) exceeded the relief provided by the statutory pensions for disabled soldiers is a problem which deserves investigation.

Another aspect of the government's response to the problem of maimed veterans which needs more research is its use of martial law and other repressive measures to deal with demobilized soldiers. This thesis has concentrated on the government's relief measures - the carrot - and has not examined in any detail its use of summary martial justice - the stick - in its response to this social problem. Pound's comment about the supplemental nature of relief can only be properly tested if the relief measures are placed within this large context. The reaction of Edward Hext, the Council, and (ultimately) the 1597-98 Parliament to the problem of counterfeit (disabled) soldiers illustrates that the authorities feared disorder and were prepared to use harsh measures to repress it. The question of how real that threat was also needs to be examined. The elites' comments about the great numbers of counterfeit soldiers, their violence, and the danger that they posed to the realm seem suspicious in the light of the careful examinations of the vagrancy problem by Slack and Beier. An examination of indictment, and other relevant records, in Somerset, Norfolk, and Suffolk might reveal, as in the vagrancy problem, that the harsh measures adopted were inappropriate

- the actual violence and threat to order being minimal. Indeed, Hext's comments about the potential danger of the counterfeit disabled soldiers given "this tyme of dearth & threat of warres", and his comparison of them with the "wicked" gypsies, indicate the kind of paranoid fears which Beier and Slack ascribe to officials in the case of the vagrancy problem.

This thesis has concentrated on the examination of the relief of maimed veterans from the perspective of the national government. As such it needs to be complemented by the study of the enforcement of the act to relieve disabled soldiers on the local level, and within the context of the political and social life of individual local communities. The local sources consulted do, indeed, indicate a number of things. The monies collected for the relief of disabled veterans were at (or slightly below) the rate of 2d. per parish per week in a number of counties (Hertfordshire, Surrey, Staffordshire) in the late 1590's and early 1600's. County records also demonstrate that most soldiers were receiving pensions which were likely inadequate to meet their costs of subsistence. The average pension recorded in the Wiltshire Quarter Sessions Rolls from 1605 to 1625 was only £3.11s.1d for example. The treatment given disabled soldiers like Anthony Lucas and Jeremy Evers by Justices of the Peace and Treasurers also indicates that the county officials continued at times to practice traditional discretion. Whether the county officials could act with the same discretion as parochial officials have been reputed to act towards the poor is questionable, however.

Beier and Wrightson in considering poor relief in their studies of local communities have argued that local elites used the poor laws in order to exercise greater control over the poor. There are important differences, however, between the way maimed ex-servicemen and the impotent poor were supposed to be relieved in the localities. The act to relieve disabled soldiers stipulated that the funds collected in the parishes were to be administered on a county (or urban) wide basis by special Treasurers and the Justices. The 1597 act for the relief of the poor, however, provided for parochial administration of the funds collected. The county wide administration of the act to relieve disabled soldiers thus gave parochial minor gentry no real opportunity to exercise the same control over maimed ex-servicemen that historians have argued that group practised over the impotent poor. Also, although the act to relieve disabled soldiers gave the county Justices of the Peace a certain amount of discretion in setting the level of the pension rates (only maximum rates being stipulated) it made the granting of lifelong pensions for maimed veterans a right which could not be legally denied by the Justices (or Treasurers) without sufficient just cause. Parochial churchwardens and overseers administering the sums collected for the statutory relief of the poor had a great deal more discretion as to how and who they would relieve, and were not as subject to the Privy Council's interference. The impotent poor, who historians have indicated were mostly children, women and the elderly, did not petition the Council as did the disabled soldiers and junior officers.

The history of the Privy Council and relief of disabled soldiers from 1558 to 1625 reinforces many of the arguments brought forth by revisionist historians in the last twenty years.

(a) The Privy Council

Leonard's perception that the Council was extremely effective in enforcing social policy is not substantiated by this examination. Hirst's comments about the Council's over-reliance on exhortation, and its failure to follow through with its techniques of coercion, is exemplified in its enforcement of the act to relieve disabled soldiers. From 1604 to 1625, for example, the Council is only documented as having threatened or required the attendance of local officials, who the Council believed had failed to execute the act, on four occasions. It is also apparent that Quintrell's comments about the Council seldom cross-referencing decisions is accurate to a certain extent. The Council recommended a single disabled soldier, John Clapham, to four different counties in four years claiming that he had been impressed in each of them. There is also evidence for Pulman's assertion that the Council tended to react to problems rather than anticipating and planning for them. In the case of disabled soldiers the Council did not plan for this problem but merely reacted to it - trying numerous methods of relief from 1585 to 1593 with little success, including such obviously ad hoc and desperate measures as the lent butcher-licence scheme. Similarly, after the passage of the 1593 act much of the Council's enforcement of the act to relieve disabled soldiers consisted of reaction to petitions from maimed veterans.

Concentration on the administrative inefficiencies of the Council can be misleading, however. It is clear that the Council acted early to attempt to have the disabled veterans relieved, perceiving that it was the responsibility of the government to deal with the problem. That it did not plan for the problem is not surprising given that local patrons and charity had previously proven sufficient. When the Council realized that both its call for local charity and subsequent attempt to use the royal prerogative to force the localities to provide relief were ineffectual it planned for, and successfully sponsored, an act to make it illegal not to provide for the men. Afterwards, it sent letters which both informed the localities of the act and recommended it as something the Queen and Parliament had decided "in so christian and charitable manner and in pollicie for th'encouragement of her subjects...." Subsequently, the Council did more than just react to petitions. From 1593 to 1601 the Council: required detailed reports from the counties about their enforcement of the act; sought amendments to the act in at least one later Parliament in order to address enforcement problems; tried to enforce new provisions which had been passed (such as the 1598 proviso permitting rate increases). Thus the Council, in the later Elizabethan years, consciously sought a strict and uniform execution of a piece of social legislation it had sponsored. Its success in enforcing its will on the localities is more questionable, however (as will be discussed below). It should also be noted that the twelve years during James I reign for which we have the records necessary to reconstruct the Council's enforcement of the act indicate that the Council in those

years was largely reacting to soldiers' petitions (although it did attempt to use the act to relieve old disabled soldiers by age rather than war wounds).

#### (b) The Council and Parliament

The Council clearly recognized what Elton called one of Parliament's most useful qualities - Parliament's ability to make laws binding on "the agencies of enforcement". Having failed in its attempts to use the prerogative to relieve the poor maimed soldiers the Council used Parliament to achieve the same end, thereby acquiring the force that only statutory law could provide. The Council's sponsorship of the act, and later amendments to it, also illustrates the management capabilities of the Council as discussed by Graves and Elton. It is important, however, to note that the Council was not always successful. A conciliar provision of the 1593 bill, for example, which authorized any four Privy Councillors to order any county to contribute to the relief of maimed ex-servicemen in another county was stricken from the bill in committee. Cecil's attempt in 1601 to have the act amended so that disabled soldiers would only receive their pensions in the county where they were born was also defeated.

#### (c) The Council and the Localities

Although the Council sought a strict and uniform execution of the act to relieve disabled soldiers it was not and could not have been successful. The Council's failure to have almshouse grants honoured prior to 1593 indicates why this was the case. In requiring that almshouses provide for the men, the government was attempting to use

local resources to solve a national problem. It was also being innovative in its insistence that the almshouse had to take care of large numbers of maimed veterans whom the almshouse authorities had no part in choosing. Crucially, however, the Council was acting without the consent of the governed - in this case the local (mostly ecclesiastical) authorities who ran the almshouses. Similarly, the Council was totally rebuffed when it demanded that the Mayor of London forward the money he had collected from butchers licensed during lent. The apparent success of those in charge of the almshouses, and the Lord Mayor, in resisting the Council's demands illustrates comments made by Fletcher, Wrightson, and others - any conciliar enforcement of social welfare measures was bound to fail if it did not have the support of the local authorities. It has already been observed that there is no evidence that the Council attempted to use its techniques of coercion to any significant extent in its enforcement of the act to relieve disabled soldiers. The local authorities in widely executing the act, therefore, demonstrated that they respected the statute's basic objectives. The history of the Council's attempts to enforce the act from 1593 to 1625 is that of the conflict between the national and local levels of government over who should control enforcement.

This conflict was exemplified in several different ways, one of which was over interpretations of the act. Several counties believed that they had the right to demand that pensioners had to be in attendance at Quarter Sessions in order to be paid their pensions. The Council disagreed. The Council believed that pensioners who took up

employment, served again in the army, or were granted almsrooms, should not have their pensions withdrawn or reduced. The county authorities, who often possessed limited resources with which to relieve disabled soldiers, disagreed. The Council also exacerbated this problem by being inconsistent in its interpretation of the act - sometimes discouraging and sometimes implicitly encouraging the county practice of offering disabled soldiers lump sum payments in lieu of future benefits. The Council was also inconsistent in its reaction to another County practice - that of setting a limit on the number of pensions available (rather than spreading the taxes amongst all the eligible soldiers in the county).

The Council and local authorities also disagreed on the tempo of the enforcement of the act. After a provision was established in the 1598 act enabling Justices of the Peace to raise the rates if they deemed it necessary the Council ordered a number of counties to increase their rates. It is clear from local records, however, that despite this provision a number of counties did not raise their rates even when the pensions paid to the disabled veterans were low.

Enforcement difficulties also arose when the Council or local authorities made obvious (perhaps deliberate) errors in their interpretation of the act. The Warwickshire authorities were clearly in error when they refused to give a disabled soldier a pension in 1613 because he had volunteered for service. The Council was also quite justified in admonishing the Wiltshire authorities for diverting monies collected for the relief of disabled veterans to the construction of a

House of Correction. The county authorities in Lancashire were similarly justified in refusing the Council's requirement in 1595 that they raise the county's rates above the statutory maximum. The Councillors in 1596 ordered that those in Leicestershire had to restore a pension mistakenly granted previously to a captain. They also insisted, erroneously, in a letter to Hertfordshire in the same year that, according to the 1593 act, impressed maimed soldiers could choose to be relieved where they were impressed or born.

A major complaint on the part of soldiers in their petitions to the Council and, therefore, on the part of the Council to local authorities, was that local officers were negligent in their duties. There is certainly evidence that there was negligence on the part of some Justices of the Peace (not electing a Treasurer in Cumberland in 1615 for example), Treasurers (neglecting in 1617 to obey a warrant from the same county's Justices), and Constables (failing to collect the tax monies in Staffordshire during 1608). As in the example of the Constables' negligence, however, it was not only the Council which attempted to rectify such negligence - there is evidence that the county authorities policed themselves. The records left by Francis Gravelle illustrate that officials like Treasurers were in a difficult position. They had to weed out the counterfeit disabled soldiers, and relieve (at times) large numbers of travelling and resident disabled with the often meagre sums collected in the county for those purposes. Indeed, these were demanding times for county authorities in general. The 1590's saw a dramatic increase in their statutory duties during hard times caused by

the effects of warfare, dearth and economic dislocations. Cecil seems to have recognized this reality in the 1601 House of Commons. There he cited as the major difficulties for those enforcing the act the large and growing number of soldiers needing relief, and the inadequacy of the rates. That the county authorities faced by such difficulties sought control over the use of money collected in the county for the relief of disabled soldiers, and thereby the enforcement of the act, should not be particularly surprising. When all is considered, the record of achievement in this novel and difficult area of social legislation and enforcement was not inconsiderable for a Tudor - early Stuart polity beset with many problems.

## APPENDIX I

LEVIES IN ENGLAND AND WALES FOR  
SERVICE ABROAD, 1585-1602.<sup>1</sup>

Year	Total	Destination
1585	7,500	Netherlands
1586	4,870	Netherlands
1587	4,800	Netherlands
1588	6,000	Portugal
1589	4,850	France
1590	4,250	Ireland
1591	8,425	France and Netherlands
1592	2,490	France
1593	3,025	France
1594	4,800	France and Netherlands
1595	1,806	Ireland
1596	8,940	Cadiz and Ireland
1597	8,835	Ireland and Azores
1598	9,164	Ireland and Netherlands
1599	5,250	Ireland
1600	4,885	Ireland
1601	12,620	Ireland
1602	3,300	Netherlands

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<sup>1</sup> C.G. Cruickshank, Elizabeth's Army (Oxford: at the University Press, 2nd edition, 1966, 1946, 290. Only the principal destination of the troops is shown in this table, but in most years considerable numbers went to reinforce the English armies in the other theatres of war. There are no satisfactory figures for 1603.

## APPENDIX II

AN ACTE FOR RELIEF OF SOULDIOURS.<sup>1</sup>

FOR ASMUCHE as yt is agreable with Christian Charitie Pollicie and the Honor of our Nacyon, that suche as have synce the twentie fyveth Daye of Marche Anno 1588, adventured their Lyves and loste their Lymmes or disabled their Bodies, or shall hereafter adventure their Lyves(') loose their Lymes or dishable their Bodies, in the defence and service of her Majestie and the State, shoulde at their retorne be relieved and rewarded, to thend that they maye reape the Fruyte of their good deservinge, and others maye be incowraged to pforme the like Endevors: Be it enacted by the Awthoritie of this psent Parliament, That everi Parishe within this Realme of Englande and Wales shalbe charged tp paye weekelye suche a Some of Money towarde the Relief of sicke hurte and maymed Souldiours and Marriners that soe have bene as afore is saide, or shall leesse their Lymmes or dishable their Bodies, havinge ben pressed and in paye for her Majesties Service, as by the Justices of Peace or the more parte of them, in their Genall Quarter Sessions to be houlden in the sevall Countyes next after thend of two monethes from the laste Daye of this psent Session of Parliament, and so from tyme to tyme at the like Quarter Sessions to be houlden aboute the Feast of Saincte John Baptiste yerelie, shalbe appointed; so as noe Parishe be rated above the some of Sixe Pence nor under the some of One Penny weekely to be paide, and soe as the totall some of suche Taxacon of the Parishes in anye Countie where there shalbe above Fyftie Parishes amounte not above the Rate of Two Pence for everie Parishe in the same Countie; with somes so taxed shalbe yerelie assessed by the Agreament of the Parisshioners within themselves, or in default thereof by the Churchwardens and the Constables of the same Parishe or the more parte of them, or in defaulte of their Agreament, by the Order of suche Justices of Peace as shall dwell in the same Parishe, or (if none be there dwellinge) in the Partes nexte adjoyninge; And if anye pson shall refuse or neglecte to paye anye (suche) Porcon of Moneye soe taxed, it shalbe lafull for the said Churchwardens and Constables, or in their Defaulte for the saide Justices of Peace, to levye suche some by Distresse and Sale of the Goodes or Chattells of the Partie soe refusinge or neglectinge, rendringe to the partie the Overplus raised upon suche Sale.

AND for the collectinge and Custodie of the somes taxed in forme aforesaide, Be it enacted, That the Churchwardens of everie Parishe shall trulie collect evye suche some, and the same shall paye over unto the Highe Constable in whose Division suche Parishe shabe scituate, within Tenne Dayes before the saide Quarter Sessions to be helde next after twoe Monethes expired from this Session of Parliament in the Countie where the saide Parishe shalbe scituate, and so from tyme to tyme quarterlie within Tenne Dayes before everie Quarter Sessions; And

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<sup>1</sup> SR 35 Eliz. c.4.

that everie suche Highe Constable, at evye such Quarter Sessions in such Countie, shall paye over the same to twoe suche Justice of Peace or to one of them, as shalbe by the more parte of the Justice of Peace of the same Countie elected to be Treasurers of the saide Collection, with Treasurers in everie Countie so chosen, shall contynue but for the space of one whole yere, and then give upp their Chardge withe a due Accompte of their Receipte and Disbursmente at their Meeting in Quarter Sessions to suche others as shall from yere to yere in the Forme aforesaid successivelye be elected. And if anye Churchwarden or High Constable or his Executors or Admynistrators, shall fayle to make payment in forme above specified, then everie Churchwarden his Executors or Admynistrators so offendinge shall forfeite the some of Tenne Shillinge, and everie Highe Constable his Executors or Admynistrators the some of Fourty Shillinges, to be levyed by the Treasurers aforesaide, by Distresse and Sale in Manner before expressed, and to be taken by the saide Treasurers in Augmentacon of thire Stock to the Uses aforesaid: And if anye Treasurer his Executors or Admynistrators shall fayle to give upp his Accompte or shalbe otherwise negligent in the Execucon of his Chardge, then it shalbe lafull for the more parte of the Justices of Peace of the same Countie in their Sessions to assesse such Fyne upon suche Tresourer his Execut or Admynistrators as in their discrecon shall seeme convenient.

AND for the true and just distribucon and ymployment of the somes so receyved accordinge to the true meaninge of the Acte, Be it enacted by the Authoritie aforesaide, That everie Souldior or Marriner, havinge had his or their Lymmes lost or dishabled in their Bodies by Service, beinge in her Majesties paye is above mencioned, or suche as shall hereafter returne into this Realme hurte or maymed or grevouslie sicked, shall repaire if hee bee able to travaile and make his Complaynte to the Treasurers of the Countie out of with he was pressed, or if he were no prest Man to the Treasurers of the Countie where he was abidinge by the more parte of Thre Yeres before his departure to serve, or of the countie where he was borne, as his elecon; and if be not able to travell to the Tresorers of the Countie where he shall lande or arrive, and shall bringe a Certificate unto anye of the Treasurers aforesaide under the Hande and Seale of the Genall of the Campe or Governor of the Towne wherein he served, and of the Captayne of the Bande under whom he served, or his Lyvetennte, or in the absence of the saide Genall or Governour, from the Marshall or Deputie of the Governor, or from any Admyrall of her Majesties Flete, or in his Absence from any other Genall of her Majesties Shippes at the Seas, or in absence of suche Genall from the Captayne of the Shippes wherin the saide Mariner or Souldior did serve the Quenes Majestie, conteyninge the pticulers of his Hurtes and Services; With Certificate shalbe also allowed by the Genall Muster Master for the tyme beinge residinge here within this Realme, or Receyvour Genall of the Muster Rolles, the Treasurer [or] Comptroller of her Majesties Navie, under his Hande, that for the avoydinge of all Fraude and counterfeytinge; upon which Certificate suche Treasurers as are before expressed, shall accordinge to the nature of his Hurte and Comendacon of his Service, assigne unto him such a porcon of Relief as in their discrecon shall seeme convenient for his present Necessitye untill the next Quarter Sessions, at the which yt shalbe lafull for the

more parte of the Justice of Peace under their Handes, to make an Instrument of Graunte of the same or like Relief to endure as longe as this Acte shall stande in force, with shalbe a sufficient Warraunte to all Treasourers of the same Countie to make payment of suche pencon unto suche persons quarterlie, excepte the same shalbe afterwarde by the saide Justices revoked; so that suche Relief as shalbe assigned by suche Treasourers or Justices of Peace to any suche Souldior or Mariner, havinge not borne Office in the saide Warres, exceede not the some in grosse nor yerelie pencon of Tenne Pounds, nor to any that hath borne Office under the Degree of a Lyvetennte, the some of Fyftene Poundes, nor to any that hath served in the Office of Lyvetennte, the some of Twentie Poundes.

AND Whereas it must needes fall out that manye of suche hurte and maymed Souldyours and Marriners doe arrive in parte and places, farre remote from the Counties whence they are by vertue of this Acte receyve their yerelie Annuyties and Pencons, as also they are pscribed by this Acte to obteyne the Allowance of their Certificates from the Muster Master or Receyvor Genall of the Muster Rolles, whose comonlie is like to abyde aboute the Courte or London, soe as theye shall nede at the firste Provision for the bearinge of their Charges to suche places; Be it therefore enacted, That it maye be lafull for the Treasourers of the Countie where they shall arrive, in their discrecon, upon their Certificate thoughte not allowed, to give them anye convenient Relief for their journey, to carrie them to the next Countie, whithe a Testimoniall of their Allowance to passe one towarde suche a place; and in like manner shall it be lafull for the Treasourers of the nexte Countie to doe the like, and so from Countie to Countye till they come to the Place where they are directed to fynde their Mayntennce, accordinge to the Tenor of this Statute.

AND for the better Execucon of this Acte in all the branches therof, Be it enacted, That everie such Treasourers in their their severall Counties shall kepe a true Booke of Computacion of all suche somes as they levye, and also a Register of the Names of evye such pson unto whom they shall have disbursed any Relief, and shall also preserve and enter evy ctificate by Warraunte wherof such Relief hath bene by them disbursed; And also that the Muster Master or Receyvor Generall of the Muster Rolles shall kepe a Booke wherin shalbe entred the Names of all suche whose certificates shalbe by him allowed, whithe an Abstracte of thire Certificates.

AND be it further enacted, That if anye Treasourer shall wilfullie refuse to distribute and give any Relief accordinge to the forme of this Acte, that it shalbe lafull for the Justice of Peace in their Quarter Sessions to fyne suche Treasourer by their discrecons; the same fyne to be levied by Distresse and Sale therof, to be persecuted by any two of them whom they shall authourise.

AND be it also enacted, That everie Souldior and Marriner that shalbe taken begginge in anye place within this Realme after the Feaste of All Saincte next, or any that shall counterfeyte any Certificate in this Acte expressed, shall for ever leese his Annuytie or Pencon, and shalbe

taken deemed & adjudged as a common Rogue or Vagabond person, and shall have and susteyne the same and the like paynes ymprisonment and punyshment as is appoynted and provided for comon Rogues & Vagabonde psons.

PROVIDED alwaies and be it enacted, That all the surplusage of Money with shalbe remayninge in the Stocke of anye Countie shall by discrecon of the more parte of the Justice of Peace in their Quarter Sessions, be ordered distributed and bestowed upon suche good and charitable Uses, and insuche forme as are lymitted and appointed in the Statute made in the xiiij<sup>th</sup> and xvij<sup>th</sup> yeres of her Majesties Raigne, intituled An Acte for the punyshment of Vagabunde, and for the Relief of the Poore and Ympotent; And An Acte for the settinge of the Poore on worke, and for avoydinge of Ydlenes.

PROVIDED alwaies, That the Justices of Peace within anye Countie of this Realme or Wales, shall not intromytt or enter into anye Cittie Boroughe Place or Towne Corporate, where is anye Justice of Peace for anye suche Cittie Boroughe Place or Towne Corporate, for the Execucon of anye Article of this Acte; but that it shalbe lafull to the Justice and Justice of Peace Maiors Bayliffe and other Hed Officers of those Citties Borowghes Places and Townes Corporate where there is anye Justice of Peace, to proceede to the Execucon of this Acte within the precincte and Compasse of their Libertyes, in suche manner as the Justice of Peace in any Countie maye doe by vertue of this Acte; and that everye Justice of Peace within everie such Cittie Boroughe Place or Towne Corporate, for everie Offence by him comytted contrie to the meaninge of this Statute, shalbe fyneable as other Justices of Peace at large in the Counties are by this Acte appoynted to be; and that the Maior and Justice of Peace ineverie suche Cittie Boroughe Place and Towne Corporate, shall have aucthoritie by this Acte to appoynte anye person for receyvinge of the saide Money, and payinge of the same within suche Cittie Boroughe Place or Towne Corporate, with person so appointed shall have aucthoritie to doe all suche Thinge, and be subjecte to all suche Penalties, as Highe Constables by vertue of this Acte sholde have or be.

PROVIDED alwaies, That this Acte shall indure noe longer then to thend of the next Session of Parliament.

## APPENDIX III

MEMORIAL FOR AN ORDER TO BE TAKEN FOR POOR SOLDIERS.<sup>1</sup>

first where the late statute for releefe of maimed souldyers, doth give aucthoryty to increase the contribucon for the maintenance of theis maimed men, there hath no order beene taken to performe that clause of the statute in most of the countyes.

Secondly, where the Statute doth appounte that the maimed souldyer shalbe relieved in the county where he was imprested, and yf he cannott be releved there then to be provided for, in the county where he was borne, and yf the justices shall find cause, why he ought not to be releved, then they are to certyfy the same.

Generally, the poore souldier that is recommended with orderly certyificates is posted over from one county to another and none of the justices will vouchase to certyfy the cause why they refuse him but yf he be addressed to the County where he was imprested they bid him go where he was borne, yf he be directed to the county where he was borne they send him to the County where he was imprested, and will give no subscribcon at all to his certyficat of the reasons why they refuse him but by this meanes they make him a wandring vagabonde, so her Majesty (that in her princely disposicon is full of honorable compassion) and the Lordshippes of the Counsell, are dayly troubled with theis miserable creatures who at all times, when her Majesty goeth abroad to take the aire, do follow her, with pittifull complaintes, and importune the Lordshippes in all places, and especially where they assemble together.

Her Majesty hath beene greatly offended therewithall, and did will that those justices or Treasures that refuse their poore souldyers without just casue, should be sent for.

Besides this when the Lordshippes beeing wearied with their complaintes, did direct their letters to be certyfied the number of Souldyers that were provided for in the severall countyes, what the generall collection did amount unto in every County, and what certyificates they had of their service, according as the statute did require, and what stipend was allowed to every of them, upon bare suspitions and vaine conceipt, not three Countyes, did certyfy the same.

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<sup>1</sup> PRO, SP 12/244/125.

## APPENDIX IV

CHARITABLE BEQUESTS OF THE MEMBERS  
OF THE PARLIAMENT OF 1597<sup>1</sup>

Of the 191 wills examined, out of a total of 211 that survive, 134 wills (72.8 %) contain charitable bequests. Of these 134 wills, 113 (84.4%) date from the period 1601-1630. The following tables, which compare the percentage of donors who contributed to a number of charitable causes with the percentage amounts given to the causes, indicate the charitable aspirations of the donors.

Object of bequest	Total amount	% amount	Object of bequest	Number of donors	% donors
Hospitals, almshouses	£9,587.0.4	34.6	Outright relief	119	88.1
Education	£9,560.0.0	34.5	Hospitals, almshouses	29	21.6
Outright relief,dole	£3,945.16.3	14.2	Church Repairs	23	17.2
Loans to tradesmen	£2,384.0.0	9.0	Education	16	11.9
Outright relief(trust)	£1,665.0.0	6.0	Outright relief(trust)	16	11.9
Church Repairs	£ 326.0.0	1.1	Loans to tradesmen	12	8.9
Prisons	£ 156.6.8	.52	Prisons	10	7.4
Municipal Repairs	£ 24.0.0	.08	Municipal Repairs	4	2.9

<sup>1</sup> Kent, 480.

## APPENDIX V

JUSTICES WARBURTON AND CROKE TO THE  
COUNCIL - MUCHWENLOCK TAX REVOLT(14 MAY 1618).<sup>1</sup>

May it please your Lordships

According to your Lordships letters we have in the presence of the Bayliffe and Burgesses of the Towne and libertye of Much Wenlock in the County of Salope and of divers Justices of peace of the said countye, heard and examined the peticon exhibited to your honour by the Maymed Souldiers prest out of that Countye. The said libertye of Much Wenlock refusing to pay such taxacon toward the releefe of the saide souldiers as have ben taxed and assessed by the Justices of peace of the said Countye upon the said libertye together with the rest of the said Countye of Salop for the purpose which taxacon was done by the consent of the said libertye, and the said libertie agreeing to it did pay it for divers yeres but of later tyme have rebelled and are behinde for divers yeres amounting in the wholle to 90<sup>11</sup> Os or thereabout And the libertye doth alledge no other cause of refusall but the proviso of the Statute of 43 Eliz ca:3 which is that if there be any liberty within any Shire having Justice of peace in it that the Justice of peace of the County shall not intermeddle with the execucion of the Acte with in the liberty. And there upon they thinke that the taxatcon by the Justice of Peace is not warraulted by the statute, but that the Justice of Peace within their libertie ought to taxe their libertye and not the Justice of peace of the Countye.

Wherein we conceyve they take it right. And whereas they are of opinion further that they ought to releve no maymed souldiers except such as were prest within their owne libertyes and non els. We for our part are of opinion that although the statute doth appoint that the Justice of peace of the libertie shall taxe the libertye and the Justice of peace of the County shall taxe the rest of the Countye yet all those taxacons are by the meaneing of the Statute to be put in stocke together for thereleife of all souldiers prest out of that Countye as well within libertyes as without ffor els it should happen that many souldiers were prest out of the libertye, the libertye might be over charged yf they should have no helpe from the shire. And if it should happen no souldiers which are to be releved had ben prest out of the libertye then the liberty being large & great consisting of xxj parishes at least should be free and pay nothing and the shire overcharged. Therefore we thinke it reasonable that the arrearages be paid although the taxacon was by the Justices of peace of the Countye for we do not understand but that it is equall. And hereafter the Justice of peace within the libertye to make the like taxacon and the Shire and libertye soe

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<sup>1</sup> PRO SP 9/97/77.

contribute together for the releefe of all maymed Souldiers which have  
ben prest eyther out of the libertie or out of the rest of the Countye  
indiferently. The consideracon where of we do humbly leave to you  
Lordships further pleasure

xiiiij May 1618

Your Lordships humbly to command  
Justices Warburton & Croke

## APPENDIX VI

JUSTICES OF SUSSEX TO THE COUNCIL -WITH REFERENCE TO  
ARTHUR WOOD, POOR MAIMED SOLDIER (6 APRIL 1619)<sup>1</sup>

Whereas it pleased your good Lordships to direct your honorable letters of the tenth of March last unto the Justices of Peace of the Countie of Sussex and the Treasurer of the Colleyion for the Maymed Souldiers to give unto Arthur Wood a yerelie stipend for his better mayntenance and releif in regard of his maymes and hurte he receaved in the Warrs Unlesse wee knowe some casue to the contrarie, and same such be to certifie your Lordships Wee beenge nowe here assembled at Aromdell for the keepinge of the Quarter Sessions of the peace: The said Arthur Wood delivered unto us by your honours letters: And in obedience thereunto, wee doe certifie your honors that heretofore the said Arthur Wood desired releif of the Justices of peace assembled at the Sessions as a Maymed Souldier And did there agree with the said Justice for the some of seaven pounds then to him paie not to desire anie further or other releife or maynteynance of the said Countie, as a maymed Souldier; And foras much as there are mane other maymed souldiers which wee have in the like manner agreed withall which by his example would trouble your Lordships and overcharge our Countie yf we should nowe allowe him anie yerelie mayntenance: Wee have therefore forborne to do the Same. And so wee humblie we

are at you Lordships commaund

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<sup>1</sup> PRO SP 10/108/24.

## APPENDIX VII

To the right honourable the Lords and others of his  
Majesties most honorable privie Councell  
The humble peticon of Daniell Sudley<sup>1</sup>

Shewing unto your honors that your poore peticoner hath hertofore served as a gentleman of a Companie in the Lowe Countries under the Command of sir horrace Dene in which service hee receaved manie Mayms and hurte which have made him unfitt for anie further service as by the certificate under the hand and seale of the said Sir horrace Dene may appeare.

Your peticoner beinge borne in the Countie of Northampton requested the Letters of Sir William Wade Knight and the right honorable the Earle of Exeter in his behalf which they graunted him unto his Majesties Justices of the said Countie requestinge them that they would speedilie allow unto him some yearlie pention towards his releefe and maintenaunce which hetherto they have not done but hath driven him off and delaied him for a yeare and upwarde which letters your peticoner is readie to them unto your honors

In tender consideracon whereof hee humblie desireth your honors to direct your letters unto his Majesties Justices of the said Countie of Northampton requiringe them to allow him some speedie yearlie pention towards his releefe and maintenance and that he may not bee delaied anie longer for the same. And as Most bound hee will ever pray for the prosperous estate of your honours Kinge to contynew.

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<sup>1</sup> PRO, SP 12/43/96.

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