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THE REACTION TO ENCLOSURE

IN

TUDOR POLICY AND THOUGHT

BY

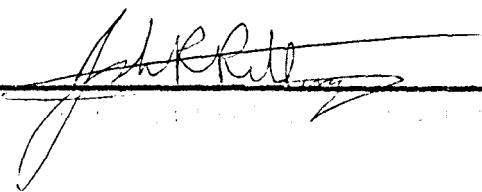
KENNETH MICHAEL KINES

**A THESIS
SUBMITTED TO THE GRADUATE FACULTY
OF THE UNIVERSITY OF RICHMOND
IN CANDIDACY
FOR THE DEGREE OF
MASTER OF ARTS IN HISTORY**

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PREFACE

The original idea for this thesis in British Agrarian History evolved when it was discovered how much attention has been given to interpreting primary source material, and how little attention has been given to the primary sources themselves. The student in Britain must find the task of research somewhat simple, for within the bounds of London can be found most of the necessary records, letters and statutes. The student confined to the United States must rely heavily upon printed sources. This paper is intended to serve as a guide to and study of major enclosure writings, speeches and policies that are contained in the accessible printed works. As meager as the list of written collections appears at first, it expands rapidly, but with no standard against which to check, it may never be known when the compilation is complete. The ensuing secondary source bibliography has been limited in this work to the actual references cited and used.

Most volumes found within this paper can be found in any well-equipped library. For this paper the collections of

the University of Richmond, the Library of Congress, the Virginia State Library and the Virginia Historical Society were used. Special credit must be given to the staff of the Library of Congress for its extremely valuable aid, despite its own limitations in the field of British Agrarian History.

This work is dedicated to my parents, who suffered much anxiety, as did myself, over the possibility that this thesis might never reach any form of completion. For inspiration, I thank Mr. A. L. Laine. For his guidance and many helpful suggestions, I thank my director, Dr. J. R. Rilling. I am especially grateful to Miss Susan Huntley for her help with the many mechanical aspects of this paper.

December, 1971
Richmond, Virginia

K. Michael Kines

INTRODUCTION

It would be difficult to find any sixteenth century term as varied in meaning as was "enclosure." In many cases, "to enclose land was to extinguish common rights over it, thus putting an end to all common grazing."¹ This type of change was detrimental to the peasant, adversely altering his traditional way of life and inciting him to reverse the trends with violence. A definition of the word must not be limited to the one above, however, for enclosure was more. There were two other types, imparking or reclamation and use of the waste for cultivation, and the "gathering together of the scattered selions of open land, and often cancelling the pasturage and other rights upon them."² Also occurring was engrossing, or joining of several farms for the purpose of improving efficiency. This usually entailed re-letting the land at a more profitable rate of rent, or the conversion of the land

¹Joan Thirsk, ed., The Agrarian History of England and Wales 1500-1640 (Cambridge, England, 1967), p. 200.

²William Edward Tate, The Enclosure Movement (New York, 1967), p. 61.

into pasture or a park.³ Both enclosing and engrossing were injurious to the peasant and they were viewed as twin evils.⁴

Within England two systems of farming were prevalent. The primitive open-field system, in which the peasant worked both his own and the lord's land, existed in much of the south and midlands,⁵ yet by the sixteenth century this traditional form of tillage varied greatly. On some farms there were few, if any, scattered strips, while on others a considerable portion was enclosed by the tenants and held in severalty. Another deviation was to re-distribute the common meadow, enclosing the arable land and leaving the waste unenclosed.⁶ A second system of farming was to be found in the northern areas and the southern coastal counties stretching from Suffolk to Devonshire. In these places there prevailed scattered farms specializing in animal production and including small plots of enclosed land for the cultivation of necessary food crops. This type of enclosure was far from being new for its

³J. D. Gould, "The Inquisitions of Depopulation of 1607 in Lincolnshire." English Historical Review, LXVII (1952), p. 394.

⁴Joan Thirsk, Tudor Enclosures, Historical Association Pamphlet, General Series 41 (London, 1959), p. 12.

⁵Edwin F. Gay, "Inclosures in England in the Sixteenth Century," Quarterly Journal of Economics, XVII (1903), p. 593.

⁶R. H. Tawney, The Agrarian Problem in the Sixteenth Century (1912; reprint ed., New York, 1967), p. 153.

origins are known to have dated at least to the early Anglo-Saxon days.⁷

During the Tudor era agrarian ills first reached great proportions and forced the historian to search for the causes. One distinct problem was the land. By the time Tudor rule began, land was no longer a stable basis, but a "commodity to be exchanged and used for gain like any other commodity."⁸ Although the change may have been gradual, over a period of years it took its toll. As land became the principal source of wealth, weaknesses of the past years became obvious and "trouble spread like an infection."⁹ Dissolution of the monasteries in the 1530's was originally intended to eliminate religious corruption, but was followed by the "sale of monastic lands to enterprising and unscrupulous 'new men'--rising courtiers, land-hungry merchants, and the like--who had none of the old feudal idea of the landowner's responsibility." To them, "land was purely an investment."¹⁰

Although the peasant's cause was usually championed, there were also legitimate reasons to justify the actions of

⁷Gay, "Inclosures," p. 593.

⁸John D. Mackie, The Earlier Tudors 1485-1558 (Oxford, 1952), p. 448.

⁹Ibid., p. 504.

¹⁰Allan G. Chester, Hugh Latimer, Apostle to the English (Philadelphia, 1954), p. 170.

the landlords. As a purchaser of manufactured goods from without, he was the first to feel the continental price rise and the "least able to discount it by ordinary economic process, since much of his land was let at fixed rentals, or held by copyholders whose obligation was established by old traditions."¹¹ To benefit from the rising prices, the lord needed to increase production of his most marketable item, wool. Further, as the population increased, it became necessary to ease the demands upon the arable land, and one method was to increase efficiency through enclosure.¹² Although there was no single reason for enclosure by the lord, there was one common factor: the desire to be able to do with his land what was economically wise according to whatever conditions might prevail. This could mean to cultivate, to graze, or simply to leave the land for waste.¹³

From the time of Henry VII, various incentives furthered trade and industry, and as trade grew, particularly internal trade, the size of the most profitable unit of corn rose, much to the disadvantage of the small farmer.¹⁴ To

¹¹Mackie, Earlier Tudors, p. 447.

¹²Thirsk, Tudor Enclosures, pp. 8-9.

¹³Tawney, Agrarian Problem, p. 184.

¹⁴Ibid., p. 215.

earn a respectable profit, each lord had to adopt new methods of farming and cease parceling out his land to tenants. The age of the capitalist farmer was arriving and national life was beginning to reorganize itself along industrial lines. The speed of this reorganization and of the accompanying social adjustment was critical.¹⁵ The new commercial farmer desired to move swiftly, while the tenant, or peasant farmer, wanted a slower change, if any. There was no reason for the peasant to desire change, benefitting as he was from receiving higher prices from his crops while continuing to pay a fixed, low rent to his lord. It was this situation which created the landlord's predicament at the beginning of the sixteenth century. The division of entire manors into small plots with communal cultivation and fixed rents prevented the lords from gaining any of the growing profits his own land was returning. Naturally, the peasant violently resisted any change which might endanger his position, yet to the large farmer and surveyor, the entire system appeared "intolerably dilatory and wasteful."¹⁶ Despite his numbers and custom, fate lay not on the side of the peasant, for Tudor economics made the command of money more important than the command of men, and landholding was to be irrevocably commercialized.

¹⁵Tawney, Agrarian Problem, p. 179.

¹⁶Ibid., p. 168.

Actual seizure of the commons by the lord was carried out in two ways. He overstocked the pasture with his own animals, or he actually enclosed the pasture, displacing peasants' cattle with or without compensation.¹⁷ When faced with the strong legal position of the copyholder and freeholder, the lord resorted to raising fines and attempting to coerce the peasant into exchanging his copy for less secure leases.¹⁸ Outright eviction of copyholders occurred also, the lord trusting or knowing that the tenant's case would fail if it ever reached court.¹⁹ If nothing else, the lord raked the customary rents up to fifty per cent.²⁰ Ironically, it was only by accommodating themselves that the old order of lords could survive, and if they failed, their successors would be even less sympathetic to the old custom.²¹

Enclosure itself was far from being an instrument solely of the large farmer. Sir Anthony Fitzherbert and John Hales, both writers of the sixteenth century, recognized this. By forming compact fields and surrounding them by hedges,

¹⁷Tawney, Agrarian Problem, pp. 242-3.

¹⁸Ibid., pp. 304-5.

¹⁹Isaac S. Leadham, "The Security of the Copyholders in the Fifteenth and Sixteenth Centuries," English Historical Review, VII (1893), p. 687.

²⁰Tate, Enclosure Movement, p. 155.

²¹Mackie, Earlier Tudors, pp. 447-8.

the simple peasant gained a psychological sense of security as well as a very real protection against stray cattle. Often, re-allotment and re-division took place by means of an agreement between the landlord and his tenants which provided for mutual exchange and consolidation of land. Such enclosing resulted not in evictions and depopulation, but in improvement of conditions for all concerned, especially for the peasant who held his land singly or with several other peasants. This was a prime example of how custom allowed improvements that were beneficial to both the great farmers and the small ones.²²

Growing in size and wealth, some members of the merchant class invested in agricultural estates, and often provided the new order of farmers that initiated changes in the landlord-peasant relationship.²³ Regardless of the landlord's aims, it became increasingly evident that the peasant was not emerging successfully. Even if the landlord's goal was to increase the scale of raising crops, then more manure was needed. This called for more animals which, in turn, exerted new pressure on the grazing facility, the commons, and the peasant found himself slowly displaced. At best, a few of the displaced could find work as hired hands

²²Tawney, Agrarian Problem, pp. 151-2.

²³Ibid., pp. 187-8.

on the new farm, but severe displacement still occurred.²⁴ Were the landlord to desire competing in the rising wool market, then raising sheep was desirable. This entailed clearing the land of peasants, and had the direct consequence of providing jobs for only a small fraction of the farmers that were formerly supported on the land.

There were, then, two major problem. The first was conversion of arable land to pasture, forcing the wage earners and younger sons of the peasant to lose their jobs and join the swelling numbers of vagabonds.²⁵ A variation was the monopolization of the commons by the lord, leaving the villagers with no place to feed their beasts. "At its worst . . . enclosure led to the eviction of whole villages, and compelled their inhabitants either to seek employment elsewhere or to join the swelling army of perhaps 20,000 vagrants already roaming the Tudor countryside."²⁶ The second problem was the engrossing of farmlands, providing greater efficiency but fewer jobs. The combined process resulted in the decay against which the population eventually raised arms.

²⁴Thirsk, Agrarian History, pp. 205-7.

²⁵Tawney, Agrarian Problem, pp. 232-3.

²⁶Thirsk, Agrarian History, p. 406.

The crux of the situation lay in the rights over the commons. This land was essential to the tenant to feed his work animals and it was essential to the landlord for increasing his profits. If the landlord secured the commons for his own, the tenant eventually had to give up the rest of his land which was then added to the further enlarged estate of the lord. The peasants were desperate for a guarantee that no one but the holders of the tenements with the specific right could use the commons.²⁷ Without this there was nothing to stop the lord from encroaching bit by bit until he had destroyed an entire village.

The first significant barrier erected against the Tudor gentry was Wolsey's policy involving a Commission to bring offenders of the numerous anti-enclosure statutes into Chancery. However, it was successful only for the few years it was first used, 1517-18 and later, from 1526 to 1529. The latter period was less an attempt to aid the peasants than it was an effort by Wolsey to recover his waning popularity. After both periods of enforcement, agrarian problems became only secondary issues, the religious question and the King's personal life occupying most official thoughts. However, the revolt of 1536 demonstrated that the people of the countryside

²⁷Tawney, Agrarian Problem, pp. 238-9.

placed the two major issues, religion and enclosure, on a nearly equal par. Unfortunately, the demonstration of peasant grievances only aroused the temper of the monarch, and no further attention was given to the farm policy until it reached an explosion point in 1547 under Somerset.

In addition to the continuing religious strife, Somerset's policy had to contend with ever-increasing agrarian unrest. Tudor authors wrote that "the adverse effect upon the poor was that of depopulating the countryside because of the scarcity of employment to which the change (enclosure) gave rise."²⁸ With the development of the large farm grew a collision of interests, a loosening of communal restrictions, a strengthening of some property at the expense of other, and new sorts of social relations,²⁹ based on bitterness, distress and discontent. Those not deprived of their homes were sometimes compensated by the lord for their loss of land. However, the peasant was responsible for securing the compensatory items, such as milk, animals, or food, and was thus tied loosely to the daily whims and wishes of his superior. If the peasant was retained as hired help, his tie to the employer was complete, and the last of his freedom and rights was forfeited.³⁰

²⁸Tate, Enclosure Movement, p. 167.

²⁹Tawney, Agrarian Problem, p. 229.

³⁰Thirsk, Agrarian History, pp. 408-9.

Though Somerset's policy reflected an acute awareness of these problems and the motives behind the Ket Rebellion, the Protector could not overcome the impediments like the gentry, and failed.

The only truly enlightened era of Tudor agrarian policy occurred near the end of Elizabeth's reign. Following a short period of traditional response to some problems in 1563, the Elizabethan prosperity reached the lowly peasant. The resulting thirty years of agrarian peace encouraged the legislators to experiment with a laissez-faire type of policy which allowed each farmer to farm as he deemed most suitable. Unfortunately, this was taken by lords as license to continue the most atrocious actions of the past. The resulting failure of policy brought the old remedies once more. It is ironicle that the remedy at that time was in most respects very much the same policy which had failed in the earliest years of Henry VII's reign.

To find the origins of the sixteenth century legislation it is necessary to look to the thirteenth century. In 1236 the Statute of Merton was enacted, allowing the lord to enclose portions of his land with the condition that enough land was left for the peasants.³¹ Unfortunately, the lord

³¹Great Britain, Parliament, Statutes of the Realm, 20 Henry 9, ch. 4.

quickly became the sole judge of how much the others, his tenants, needed.³² The single security for the peasant was the stipulation that a bare minimum had to be left. A second thirteenth century statute, the Statute of Westminster II, was passed in 1285. In essence, it was merely a restatement of the 1236 act, yet it broadened the scope of the land a lord could enclose, again requiring that sufficient lands be left to his lowly neighbors. Also, towns were held responsible for repairing hedges destroyed by unknown persons.³³ Only in the reign of Henry VII, two hundred years later, was any new action taken in dealing with the problem.

³²Tate, Enclosure Movement, p. 44.

³³Statutes, 13 Edward 1, ch. 46.

EARLY ENCLOSURE POLICY UNDER HENRY VII AND HENRY VIII

The first official notice given to the agrarian problem by the Tudors was in the form of two statutes enacted in 1488-89. The first recognized that

great inconvenyences daily doth encrease by desolation and pulling down and wilfull waste of houses and Townes within this realme, and leyeng to pasture londes whiche custumeably have ben used in tilthe . . .

and that husbandry was "one of the grettest commodities of this realm." The consequences resulting from decay of this "grettest commoditie" were sufficient to warrant action by the "Kyng our Soveraign Lord by thassent and advise of the Lordes-speull and temporell and Comens. . . ." It was decreed that any person owning a house attached to twenty or more acres of land farmed within the previous three years was "to kepe susteine and meynteyn" such houses. Upon default, the king or other lord of the manor was entitled to use one-half of the profits gained by the conversion. These were forfeited until such time as the houses or townes were rebuilt. This applied only to property held by the King.¹

¹Statutes, 4 Henry 7, ch. 19.

A companion statute attacked the same problem of husbandry: the decay of houses and towns. This statute, "For keyping up of houses for husbandrye," prohibited anyone from failing to maintain the houses attached to farms of twenty acres. Again, the penalty for acting to the contrary was the forfeiture of one-half the profits gained by the decay, until such time as the properties were again maintained. As before, this applied only to properties of the King.²

Four years later the problem of the decay of husbandry still existed, as was evidenced by a proclamation "Enforcing Statutes against Murder, Decay of Husbandry, Robberies, Vagabonds, Beggars, Unlawful Games." Although its title equated all six problems, later writings indicated that the second, "Decay of Husbandry," was the cause of the other five. This was borne out in the proclamation itself, for while it dealt with five of the problems, husbandry was conspicuously absent. The only hint given as to its importance was the directive that vagabonds and beggars be returned to their home counties if not already there, and be made to provide again their own living. Industry being meager, the King must have expected that these dregs of society would return to the newly re-built houses and towns which were to be maintained according to

²Statutes, 4 Henry 7, ch. 20.

the statutes.³ What was to have been, in theory, and what actually existed were two entirely different things, for the statutes did not cause any great upsurge in rebuilding, nor did they end the agrarian problem any more than did the proclamation.

That Henry VII failed to reverse the trend is only too clear. His son, grandson and granddaughters were to be plagued with the increasing problems resulting from the uncontrolled, misunderstood and neglected agrarian revolution. In 1497 an Italian visitor, Andreas Francicius, noted the laziness of the farmers and their preference to "let the ground be transformed into pasture for the use of sheep. . . ."⁴ In an Italian "Relation" three years later, it was noticed that "agriculture is not practiced in this island beyond what is required for the consumption of the people." However, it was the opinion of the writer that the number of animals, especially "the enormous number of sheepe," atoned for this lack of grain.⁵

³Tudor Royal Proclamations, ed. Paul L. Hughes and J. Larkin, (New Haven, 1964-9), 8 Henry 7, II, pp. 32-4.

⁴C. H. Williams, ed., English Historical Documents (Oxford, 1967), pp. 187-92, Reprinted is a letter from Andreas Francicius to Jacobus Sansonus dated from London, 17 November 1497.

⁵Ibid., p. 193. Reprinted is a description of England in an early Italian "Relation."

Such were conditions at the accession of Henry VIII. The agrarian revolution was well underway and was beginning to displace the inhabitants, much to the chagrin of the government, officially, yet to the profit of the lords throughout regions of England. The irony of the situation was that the men of the government and the enclosing lords were one and the same. Thus, what might be officially good policy as a member of Parliament, might be a bad policy, personally. Even if a stringent anti-enclosure statute were to have been enacted, it would have very likely remained neglected in the very places where the problem was greatest.

Only five years after Henry VIII became King one of the first enclosure uprisings occurred. The people of London were accustomed to the numerous open fields around their city in which they could exercise and play in their leisure time, and for their own selfish reasons, resented the enclosing hedges. Unlike the government, they decided that action was better than idle words and

assembled themselves on a morning, and went with spades and shouels vnto the same fields, and there (like diligent workemen) so bestirred themselves, that within a short space, all the hedges about those towns were cast downe, and the ditches filled.

An investigation by the King's Council at Grey Friars proved quite unenlightening and, as the damage had been done and the guilty parties had returned to their homes unidentified,

it was decided to let the matter rest. Holinshed did note that after this uprising, the "fields were neuer after hedged."⁶ Insignificant and unique as the incident might have been, it served as a prelude to the more severe rural uprisings of later years.

As one of the problems leading to the decay of husbandry, enclosure had been recognized and officially condemned as early as the Statute of Merton in 1236, but it was only in 1514 with Henry VIII's proclamation "Prohibiting Enclosure and Engrossing of Farms," that the equally damaging problem of engrossing was also recognized. Recounting the varied effects of the lack of tillage, it was commanded in the proclamation that "all and every of his [the King's] subjects" having more than one farm "keep them in his or their own hands." Further, all land tilled at any time since the first year of the reign of Henry VIII was to be tilled again by the Feast of St. Michael and all existing houses were to be occupied.⁷ It could never be hoped that any proclamation calling for wholesale destruction of a new, more profitable order of agriculture could succeed without providing for stiff penalties, lucrative inducements or means of enforcement.

⁶Raphaell Holinshed, Chronicles of England, Scotland and Ireland, ed. Henry Ellis (London, 1808), III, p. 599.

⁷Proclamations, 6 Henry 8, I, pp. 122-3.

The sole importance of this proclamation was its recognition of engrossing as an agrarian ill.

Within a year a new statute was passed, adding support to the government's anti-enclosure stand. This new "Acte concerning pulling downe of townes" is almost an exact replica of the two earlier Tudor laws. Again, all decayed towns and houses were to be re-edified and all lands formerly tilled were to be re-tilled. The penalty was as it had been earlier, yet could be collected by the next higher lord or even the next, if the one holding the land immediately failed to seize his half-value of the unrestored lands. As noble as the effort might have been, there is no indication that it was successful in abating the trends.⁸ One year later, 1515, Parliament again convened and among the first items handled was "Theacte avoidyng pullyng downe of Townes." With only slight change in wording, and in meaning, the act duplicated the earlier 6 Henry 8, ch. 5. Although the earlier statute was to remain in effect only until the feast of the Nativity, however, the latter was "to contynewe and endure for ever."⁹

There could exist no wider gap between the official policies of these years and the pleadings of various writers,

⁸Statutes, 6 Henry 8, ch. 5.

⁹Ibid., 7 Henry 8, ch. 1.

the most prominent being Sir Thomas More. In Utopia he viciously attacked agrarian trends, especially with respect to the sheep which were ". . . so greedy and wild that they devour human beings themselves and devastate and depopulate fields, houses and towns." Condemning the noblemen, gentlemen, abbots and other churchmen for their relentless drive for profit, More tearfully pictured the poor husbandmen as being forced with his family from their ancestral lands into the cold, deadly world of vagrancy and crime.¹⁰

J. D. Mackie ably took More to task, not for total misconception of the problem, but for overstatement and needless dramatization. To Mackie, the whole of More's economic survey was "faulty in several respects." Though More denounced rising rents, he failed to acknowledge the price rise resulting from the influx of German silver. The landlords, saddled with fixed leases, could only be expected to attempt to recover their losses. Secondly, a general increase in wool production was quite desirable. Lastly, in light of other contemporary ideas, some enclosure was justified, and at the time of Utopia, little had been done. It must be emphasized that More was not completely unjustified in his stand, but the case was merely overstated. Indeed, the

¹⁰Sir Thomas More, Utopia, ed. Edward Stutz (New Haven, 1964), pp. 24-7.

laborer, "excluded from his holding in the country and debarred from employment in the town, was truly in evil case and worthy of the championship of More." Whether the husbandman would have been content in Utopia, however, is extremely doubtful.¹¹

The responsibility for all actions of the government during the years 1515 and 1530 belongs to Thomas Wolsey, Henry VIII's trusted Chancellor as well as Cardinal of the Catholic Church. Although his own upbringing was as the son of a grazier who lived from the profits of sheep and cattle,¹² Wolsey adopted the plowman's cause as his own, and fought vigorously for it. Although other Tudor personages who seriously attacked the agrarian problems might be compared to Wolsey, there was one qualification which set him apart: power. He alone could have implemented his ideas with the force necessary to overcome the impediments created by the gentry.

Since the enclosure problem had led to riots, it came to the attention of Wolsey's court. There is some evidence also that Wolsey stimulated the Star Chamber's

¹¹Mackie, Earlier Tudors, pp. 262-3.

¹²Charles W. Ferguson, Naked to Mine Enemies (Boston, 1958), p. 10.

activities in this area.¹³ As it became obvious that the acts of 1515 had accomplished very little of their intended purpose, Wolsey decided to intervene, replacing the power of the Justices of the Peace with his own. 28 May 1517 he established a commission to investigate enclosures made since the beginning of Henry VII's reign, and charged it to report on the amounts of decayed land, tilled land, pasture and enclosed parkland. Those people found guilty of not keeping the past statutes were to be brought before Chancery to be pardoned, if they pulled down their enclosures, or to pay a fine of 100 if they refused.¹⁴ In 1518 the intent was repeated, and Wolsey's "effort at popular justice"¹⁵ was further strengthened. The policy was effective, and impartial, as was demonstrated by the action brought against Wolsey's friend, Bishop Fox.¹⁶ Despite the numerous successful proceedings in 1518, there began a noticeable lull. A. F. Pollard saw the suspension of the effort as unfortunate, for Wolsey alone might have succeeded in ending the decay, had he seriously tried. However, when appointed Papal Legate by

¹³A. F. Pollard, Wolsey (London, 1929), pp. 77-8.

¹⁴Thirsk, Agrarian History, p. 216.

¹⁵Pollard, Wolsey, p. 85.

¹⁶Ferguson, Naked to Mine Enemies, p. 175.

Leo X in 1518, Wolsey's "mind had turned to other things."¹⁷

The realization that his already meager popularity among governmental circles was declining further provided the impetus for Wolsey's 1526 attempt to aid the plowman and hopefully gain popular support. The move was somewhat successful, and the anti-enclosure proceedings continued until the time of Wolsey's departure from Henry's service in 1529.¹⁸ At that time, the former champion of the peasant, Sir Thomas More, emerged as the new Chancellor and promptly committed some of the leading opponents of enclosure to the Fleet.¹⁹ Ironically, it seems that Wolsey's enclosure policy was initially a "direct result of More's appeal" in Utopia.²⁰

Wolsey's handling of enclosure and depopulation was as "impolitic" as the rest of his economic policy.²¹ The Commissions merely showed petty enclosing in some areas and the destruction of hedges was at best spasmodic, and since it failed to correct the ill, relief was not to be seen.²²

¹⁷Pollard, Wolsey, pp. 86-7.

¹⁸Ibid., p. 85.

¹⁹Ibid., p. 86.

²⁰Tate, Enclosure Movement, p. 45.

²¹Geoffrey R. Elton, England under the Tudors (London, 1954), p. 78.

²²Ibid., p. 81.

To what extent Wolsey's own bungling of the situation hurt the peasant remains to be seen. It is known that when Commons refused to provide necessary means to support the 1515 statutes, Wolsey turned to Council. Doing this in a period of Parliament-Council strife over power and predominance was to insure Parliament's continued inaction.²³ Although Wolsey's efforts might have been the strongest shown hitherto, enclosure did not end, as was so amply demonstrated through both literature and events of the forthcoming years.

It was in 1523 that Sir Anthony Fitzherbert, the first Englishman of modern agrarian ideas, emerged with two books, the Book of Husbandry, (STC 10994), and the Book of Surveying and Improvements (STC 11005). The quarrel about whether Sir Anthony, a Justice of the Common Pleas, or his brother John wrote one or both of the works is totally irrelevant.²⁴ The first book, the Book of Husbandry, is little more than a manual for the simple farmer, yet the ideas expounded were as new and radical as any written, for it actually advocated enclosure. Contrary to the policy

²³Pollard, Wolsey, pp. 86-7.

²⁴Although the STC assigns both books to John Fitzherbert, J. M. R. in the DNE, VII, p. 169, assigns both to the pen of Sir Anthony. Ample defense is provided--the limiting aspects of a legal career and the reference in the printer's note to "Master Fitzherbarde" do not indicate another author, necessarily.

of his government, Fitzherbert openly recommended raising sheep, "the mooste profytablest cattell that any man can haue. . . ."25 Further,

If a housbande shall kepe cattell well to his profytte, he muste haue seuerall closes and pastures to put his cattell in, the which wolde be wel quick-setted, diked, & hedged.²⁶

Fitzherbert assumed that no farm was too small or too steeped in tradition to be modernized, and to him, modernization clearly entailed consolidation or engrossing of land and the implementation of a dual agrarian system of both grain and sheep. Taking for granted that every farmer would eventually begin to raise sheep, Sir Anthony experimented and discovered that it was considerably cheaper and more profitable for the small farmer if "euery neyghbour may exchange landes with other," and enclose his consolidated plot with hedges. Not only was the expense of the shepherd eliminated, but "than shall not the ryche man ouer-eate the poore man with his cattell." The "ryche man," or lord of the manor, would consolidate and turn to pasture his own land which was previously tilled by the tenants with their own, and receive the profits from his own cattle, in addition to the growing rents

²⁵Sir Anthony Fitzherbert, The Book of Husbandry, ed. Rev. Walter W. Skeat, English Dialect Society (1534 edn., reprinted London, 1882), p. 42.

²⁶Ibid., pp. 76-7.

which were still being paid by the small farmers on his land.²⁷

The writings of Fitzherbert represented a giant step forward in agrarian thought. Unlike Wolsey or More, he did not simply take a reactionary stand against the advancing trends and call for a wholesale backswing into the fifteenth century. Perhaps, however, it was too much to hope that he would complete the next step in agrarian thought and call for a single, large unified farm. Being more efficient, the farm would more than support the lord, and the farmers would no longer be tenants, but be salaried workers. As it was, the step taken was great, and it might have been a much calmer century had the problematic areas of England adopted Fitzherbert's very moderate system.

In 1526 there occurred one of innumerable examples of official Tudor reaction to problems resulting from enclosure: Wolsey simply sought to repress the evil trends. There was issued from Westminster a proclamation "Ordering Enclosures Destroyed and Tillage Restored." The basic tenets held true to the earlier orders and required that all land enclosed since Henry VII's time be re-opened and the people "make the grounds plain as they were before the enclosures."

²⁷Fitzherbert, Book of Husbandry, p. 77.

Second, all land previously held in tillage was to be tilled again in a manner appropriate to the region.²⁸ Two changes made a degree of difference. First, unlike earlier ones, this proclamation did not exclude freeholders from the requirements. Secondly, each owner could appeal his case to the high court of Chancery and gain exemption if it could be proven that continued standing of their "hedges palls, and other enclosures be not prejudicial, hurtful nor to the annoyance of the King's subjects, nor contrary to the laws and commonwealth of his realm."²⁹ These two exceptions wrongly indicated a tinge of modernity within governmental actions dealing with the agrarian problems. In future years, the same stale solutions were again to be reincarnated each time trouble presented itself. Despite all pleadings, experiments and writings, the reaction in the last years of Elizabeth's reign was essentially identical to that in the very early years of Henry VII's. Compared to the innovations wrought on so many levels, the treatment of enclosure seemed indeed to be paradoxical. From printed sources, it is impossible to follow up enforcement of any proclamation, and there is little way of knowing the outcome of many Chancery Court

²⁸Proclamations, 18 Henry 8, I, pp. 154-6.

²⁹Ibid.

proceedings in connection with this last one. It is only known for certain that those who were subpoenaed to the Chancery were warned of their appointment beforehand,³⁰ and later, those who had failed to appear were given notice that their action would bring the incurrence of expensive fines.³¹

The reasons for any action in 1526 were plainly seen in the following year when a severe grain shortage plagued the island. King's commissioners were sent to search for hidden lots of grain and to see that the lots were sold on the market rather than be withheld for higher prices.³² It is not unreasonable to assume that the early indicators of just such trouble had spurred the government into action the previous year. 1528 saw continued demonstrations of Wolsey's crackdown, for the king's subjects were encouraged to disclose secretly "unto the Lord Legate" the names of all persons keeping more than one farm and all persons enclosing grounds "to the hurt of the commonwealth."³³ This was followed by a general proclamation declaring that all illegal enclosures were to be "cast down," in light of the "extreme impoverish-

³⁰Proclamations, 18 Henry 8, I, p. 163.

³¹Ibid., 18 Henry 8, p. 164.

³²Ibid., 19 Henry 8, I, pp. 172-4, III, pp. 274-5.

³³Ibid., 20 Henry 8, I, pp. 174-5.

ment" caused by the same.³⁴ It would seem that the passing of Wolsey's influence in the late 1520's might have dimmed the peasant's prospects for relief. However, the policy formulated until the revolt in 1536 was not out of character with Wolsey's own policy in the years since his 1517 commission.

Agrarian problems of Wolsey's time continued to build at an accelerated rate with the anti-monastic campaign of Thomas Cromwell. According to R. H. Tawney, it was the dissolution of the monasteries by Cromwell that indirectly upset the entire agrarian situation. The very existence on the market of such large, unified, choice pieces of land was bound to raise prices, and the resulting land speculation pushed prices to an unprecedented level. As sensitive as the minister might have been to the needs of the peasant, neither he, the king, nor Tudor statesmen in general felt the responsibility for the indirect consequences of their actions.³⁵ As demonstrated earlier, this was the most dangerous chain of events that could present itself to the peasant's existence. The general price rise put him in a progressively better position, as long as he remained on the land with the rents based on a fifteenth-century price

³⁴Proclamations, 20 Henry 8, I, p. 186.

³⁵Tawney, Agrarian Problem, p. 360.

scale. The question of which faction would predominate in a clash was answered time and time again throughout history. Many peasants were forced from the land and their fields were enclosed for profitable sheep-raising by the lords.

The combustibility of the situation was seen by none other than the King and, faced with possible uprisings, he secured passage of yet another statute,³⁶ this one concerning "Fermes & Shepe."³⁷ Although this limited any single holding to 2,000 sheep, the consensus among modern historians is that any and all members of the household, whether family or servant, were entitled to count 2,000 sheep as his own. Further, the responsibility for enforcing the stated numbers was given to the Justices of the Peace. In light of the lord's power on the local level, this was a rather fatal decision. Cromwell, whether from duty or from true sympathy for the cause, wrote Henry a letter of congratulations upon learning of the passage of this law.³⁸ Though admirable in its intent, the statute was worth little to the peasant who was facing eviction.

As with all previous enclosure statutes, the new one

³⁶Tawney, Agrarian Problem, pp. 360-1.

³⁷Statutes, 25 Henry 8, ch. 13.

³⁸Tawney, Agrarian Problem, pp. 360-1.

simply failed, and conditions continued to deteriorate. The following year, prior to the Pilgrimage of Grace, there was yet another statute by Parliament which confirmed 4 Henry 7, ch. 19, the first Tudor enclosure statute prohibiting decay of tillage on any land held ultimately by the king. This time, however, the act was specifically applied to all lands within most of the midland counties. and, if the individual lord failed to see that tillage was maintained, the king was entitled to the penalty share of the profits.³⁹ This was only another noble effort, for the act was as toothless as all those previously passed. It omitted any mention of any method of enforcement. It was one thing for the gentry to say what conditions were theoretically best for the country, and quite another for them to cut their own income to achieve stability in the life of the lowly peasant. Some were to pay with destruction of their property and near loss of their lives during the Pilgrimage of Grace and the Ket rebellion as a result of their failure to correct conditions before the point of explosion was reached.

The Lincolnshire uprising of 1536 and the Pilgrimage of Grace are generally regarded as primarily religiously

³⁹Statutes, 27 Henry 8, ch. 22. Counties affected included Lincoln, Nottingham, Leicester, Warwick, Rutland, Northampton, Bedford, Buckingham, Oxford, Berkshire, the Isle of Wight, Worcester, Hereford and Cambridge.

oriented, yet to reduce agrarian problems to the bottom of the list of causes would be total misrepresentation. Had agrarian unrest not been as prevalent as it was, it is doubtful that the revolt would have been nearly as serious. For their various reasons, mainly religious, the gentry and peasants were allied, to an extent, and the religious controversy provided the final impetus for outright violence.⁴⁰ Besides the heresy of the new faith, the dissolution of the monasteries, formerly the sole organs of relief for the evicted and impoverished peasant, could not be accepted.

The agrarian related demands were reiterated many times through the three months of unrest. At the outset, when leader Robert Aske first joined the rebels, the mayor of York was sent a series of five articles dealing with the problems in question. The third article urged the implementation by Parliament of a sheep and cattle tax of

xiid for every beast and xiid for every beast and xiid for every xxtie shepe, the which wold be an importunate charge to them the lords, considering the poverty that they be in all redye and losse which they have sustayned these ii years past."

Pointing out the decay of the realm, Aske addressed himself to the king in both this and the "iiiiith article." Though most likely the most pointed of the five, it is not actually

⁴⁰Elton, England under the Tudors, p. 145.

a request, but a suggestion:

. . . we wor yor true subjects thinke that yor grace takes of yor counsell and being a bouthe you such persons as be of low byrth and small reputation which hath procuryed the proffits most especially for theyr own advantage, the which we suspect to be the lord cromwell and Sir Richard Riche Chanceler of the augmentations.⁴¹

Although some Tudor statesmen may not have been holding themselves responsible for the consequences of their actions, the Yorkshire rebels were. Near the end of the commotion there was issued the Pontefract Articles. One item, number nine, requested that many of the specific areas within the region "may be by tenant right" and restricted rents, as it was under the power of Parliament to do. Item thirteen requested that a "statute for inclosers and intacks to put in execution, and that all intaks inclosers sith Ao iiii h vii to be pulled down. . . ." They also ordered the punishment of Cromwell and Sir Richard Riche "as subverters of the good laws of this realm." This was probably the most proper request, dealing with the agrarian unrest, that could have been made.⁴²

As might have been expected, the grievances were not

⁴¹Anthony Fletcher, Tudor Rebellions (London, 1968), pp. 120-1. The York Articles of 1536 are reprinted from the Letters and Papers of Henry VIII, XI, p. 705.

⁴²Ibid., pp. 128-30. The Pontefract Articles are also reprinted from the Letters and Papers of Henry VIII, XI, p. 1246.

taken seriously and the "pilgrims," with the exception of their leaders, were lucky to escape with full pardon.⁴³ As Anthony Fletcher pointed out, little could have been obtained from the government. Henry VIII was compelled to maintain the "prestige of the Tudor monarchy" and not to concede as he had in 1525, when faced with the passive resistance to taxation.⁴⁴ Doubtless, little would have been achieved had he acted, for only two years earlier when passage of a statute was secured, nothing of consequence was produced. In 1536, after the riot, even less could have been expected, for the restoration of economic stability at the expense of forfeiting the newly acquired wealth of the monastic lands was definitely not to be tolerated, and the idea of stringent taxes to make sheep and cattle raising less profitable was also beyond consideration. The latter's rejection would have been due partly to the fact that it was proposed by the rebels and partly because of its distaste to the gentry. It is unfortunate for midland England of the time that this tax idea was completely shelved, for it was one of the first new solutions which was both sound in theory and even possibly workable. It received cursory treatment, at

⁴³Proclamations, 28 Henry 8, I, pp. 246-7.

⁴⁴Fletcher, Tudor Rebellions, p. 30.

best. While the taxes would not have stopped the growing numbers of sheep, the money collected would have been only a fraction of the increased profits from the lands, and would have provided money for replacing the poor relief formerly supplied by the monasteries.

As with all physical revolts in the sixteenth century, the era following the Pilgrimage of Grace was quiet on political, religious and agrarian grounds. Very likely the 1536-46 decade was peaceful solely because of the King's elimination of the 1536 leaders, however. Writings from the decade suggest that as an issue, the farm problem, as the others, was not forgotten. In 1538, a mere two years after the uprising, two religious figures, Thomas Lupset and Cardinal Reginald Pole debated, among other things, the farm problem. Lupset was the less innovative of the two, dismissing the argument that the decreasing population of England was responsible for the problems.

For yf a cuntrey were neuer so populos and re-
splenyschyd wyth pepul, yet yf they were euer nec-
lygent and idul in the same. . .ther schold be no
les dekey of artys and craftys wyth no les ruyne
of cytes and townys then ther ys now here wyth vs. . . .⁴⁵

He naively saw idleness as the villain of decay, in one

⁴⁵Thomas Starkey, A Dialogue between Cardinal Pole and Thomas Lupset, ed. J. Meadows Cowper, Early English Text Society, Extra Series, No. 32 (London, 1878), part 2, p. 74.

place,⁴⁶ and in another he blamed the lack of tillage upon the enclosure of arable lands:

where as was corne and fruteful tyllage, now no thyng ys but pastuyrs and playnes, by the reson wherof many vyllagys and townys are in few days ruynate and dekeyed.⁴⁷

Optimistically, he felt that agriculture could be "yet agayn brought to some better profyt and vse."⁴⁸

In his replies, Cardinal Pole exhibited considerably more profundity. Envisioning the English state anthropomorphically, Pole equated the plowmen to the feet, the royal family to the heart, and so forth, stressing that each part was in its way, important, and each feature had to be in proportion to the rest.⁴⁹ His reasons for the decay are twofold. Says Pole, "thys dekey . . . declaryth playnly a lake of pepul and sparsenes of men."⁵⁰ Doubtless, this was the argument that had sparked Lupset's rebuttal of the population issue. Pole's second reason was that agriculture and crafts suffered through pure negligence. To combat this, he urged the use of courts to punish such negligence and

⁴⁶Starkey, Dialogue, p. 74.

⁴⁷Ibid., pp. 96-7.

⁴⁸Ibid., p. 71.

⁴⁹Ibid., pp. 48-9.

⁵⁰Ibid., pp. 72-3.

"yf the statute of inclosure were put in executyon, and al such pastur put to the vse of the plowgh as before tyme hath ben so vsed, . . ." many of the agrarian ills would be solved.⁵¹ Pole advocated enforcement of the enclosure statutes, but was not against enclosure itself:

. . . our fode and nuryschyng stondyth not only in corne and frutys of the grounde, but also in bestys and catayl, no les necessary then the other, . . . wherfor I thynke hyt veray necessary to houe thys inclosyng of pasturys for our catayl and bestys and specyally for schepe, by whose profyte the welth and plesure her of thys reame ys much maynteynyd.⁵²

Indeed, Pole even advocated a measure "to constrayn the plowmen and fermerys to be more dylygent in the reryng of al maner of bestys and catyl. . . ."⁵³

This Papal servant, separated from England's shores, provided the soundest agrarian advice up to that time. However, two things precluded the possibility that Pole's ideas would benefit the farming population or be understood by Parliament and the King. First, Pole was a Catholic, and second, he was isolated from the Realm, literally. For all practical purposes, his writings were lost to the sixteenth century agrarian cause.

⁵¹Starkey, Dialogue, pp. 170-1.

⁵²Ibid., p. 97.

⁵³Ibid., pp. 174-5.

At home, various authors were writing of the agrarian problems in the forms of supplications and complaints. One that was rather plausible was Henry Brinklow's Complaynt of Roderick Mors, (STC 3760). Every ill plaguing England at the time was attacked, but two were concerned primarily with the agrarian situation. The raising of rents by the new owners of abbey lands was found to be particularly distasteful. Brinklow saw this as "not only against the comon welth, but also, at lengthe, shalbe the chefest decay of the princypal commodyte of this realme." He urged the King to lower his own rents and to insure that his example was followed.⁵⁴ Further, Brinklow saw the lords as "the only cause of all dearth in the reame," and there was little likelihood of any change unless other than the rich represented the people of the realm.⁵⁵ Perhaps a Parliament that was peasant-oriented, or sympathetic to the peasants' cause might then pass his legislation that

no lord had moo shepe than able to serue his house
and he that doth excede, to forfeit his whole flocke,
half to the kyng and half to the complayner.⁵⁶

⁵⁴Henry Brinklow, Complaynt of Roderyck Mors, ed. J. Meadows Cowper, Early English Text Society, Extra Series no. 8 (c. 1542, reprinted London, 1874), pp. 9-11.

⁵⁵Ibid., pp. 12-3.

⁵⁶Ibid., pp. 37-8.

Another supplication blamed the change of agrarian fortunes on the expensive fashion changes which decreased a household's resources to a point where they barely supported the lord, his family, and very few personal servants, whereas it formerly supported a large household of peasant-servants.⁵⁷

A Supplication of the Poore Commons, (STC 10884), believed to have been written by Simon Fish, was more reasonable. The expressed plight was simple: in the face of lordly oppression, many "which heve before lyued honestly . . . are now constrayned some to begge, some to borowe, and some to robbe & steale, to get food for vs and our poore wiues & chyldren."⁵⁸ The condition was aggravated by the thought of the "wretched estate of their chyldren and posterite."⁵⁹

⁵⁷A Supplicacion to our Moste Soueraigne Lorde, ed. J. Meadows Cowper, Early English Text Society, Extra Series No. 8 (1546, reprinted London, 1871), p. 52.

"Is there not suche excesse and costelynes of apparell/, bycause of dyuersyte and change of fasshyons, that scarce a worshipfull mans landes, which in tymes paste was wonte to fynde and maynteyne twenty or thirty tall yowemen/, a good plentyfull howsholde for the releyfe and counforte of many poore and neadye/; and the same nowe is not suffycyent and able to maynteyne the heyre of the same landes/, his wiffe/, her gentle woman or mayde/, two yowmen/, and one lackey? The pryncypall cause herof is their costly apparell."

⁵⁸Simon Fish (?), A Supplication of the Poore Commons, ed. J. Meadows Cowper, Early English Text Society, Extra Series No. 8 (1546, reprinted London, 1871), p. 79.

⁵⁹Ibid., p. 61.

For those lacking an inheritance, the picture was even more bleak, for they "can nowe get no ferme, tennement, or cottage, at these mens handes, without we paye vnto them more then we are able to make."⁶⁰ While more credible, this, as most of the other supplications, fell upon the seemingly deaf ears of Henry VIII. Besides, when compared to Pole or Fitzherbert, their suggestions appear shallow, repetitious and completely uncoordinated with the situation at hand.

⁶⁰Fish (?), A Supplication, p. 79.

The one major influence during the first part of Edward VI's reign was the Commonwealth Men or the Commonwealth Party. It seems that the group formally emerged as a movement only in 1549, though its roots extended back through an active group of men intent upon improving the lot of the peasant.¹ The Commonwealth Men were largely clerics, such as Robert Crowley, Hugh Latimer and the young Thomas Lever. Laymen like Hogarde and Sir William Forrest were significant, and the most effectual of all was the layman John Hales. In social thought the Party was conservative, but the effect it produced was revolutionary.² Just as idealists of today and throughout history, "they all looked back to an imaginary past, just as they looked forward to an ideal future."³ To develop their thought, an informal platform emerged containing very definite recommendations for the sympathetic ear of the Protector, the

¹Mackie, The Earlier Tudors, p. 504.

²Ibid., p. 416.

³Ibid., p. 417.

duke of Somerset. They urged that enclosures and sheep-farming be taxed, currency be stabilized and a tariff barrier be erected that would allow the development of domestic industry. Finally, they asked for a policy which in general would restore the balance between tillage and grazing.⁴

That "England stood in no danger from sheep in 1550,"⁵ as stated by W. K. Jordan, may be an understatement. The economic distress plaguing England was as any in later centuries. Devaluation, trade problems, unproductive growing seasons and the price of wool all played a role and were recognized as doing so. This makes it difficult to understand why such an enlightened group as the Commonwealth Men kept their "bitter complaints and eloquent condemnations centered on sheep and the enclosure of pastures which they had brought in their train."⁶ Their anti-enclosure stand became "an almost obsessive hatred" as the symbol of a "threatening ruin."⁷

The most significant cleric among the Commonwealth Men was Hugh Latimer, former Bishop of Worcester. Though he continually championed the cause of the peasant, the preacher

⁴Mackie, The Earlier Tudors, p. 417.

⁵W. K. Jordan, Edward VI the Young King, the Protectorship of the Duke of Somerset (Cambridge, Mass., 1968), p. 389.

⁶Ibid.

⁷Mackie, The Earlier Tudors, p. 420.

dealt specifically with enclosure on at least two occasions. In his noted "Sermon of the Plough," delivered in 1548, he depicted the simple plowman as being the underdog of the situation, and yet Latimer viewed even him with a degree of pessimism. Just as the more obvious offenders of his code of life,

...if the ploughmen that now be were made lords, they would clean giue over ploughing; they would leave off their labour, and fall to lording outright, and let the plough stand; and then both ploughs not walking, nothing should be in the commonweal but hunger.⁸

Latimer's "First Sermon preached before King Edward the Sixth" was considerably more pointed:

you landlords, you rent-raisers, I may say you step-lords, you unnatural lords, you have for your possessions yearly too much. . . . Too much, which these rich men have, causeth such dearth, that poor men, which live of their labour, cannot with the sweat of their face have a living, all kind of victuals is so dear.⁹

Further,

these graziers, inclosers and rent-rearers, are hinderers of the King's honour. For where as have been a great many householder and inhabitants there is now but a shepherd and his dog.¹⁰

Adding a personal touch,

⁸Hugh Latimer, Sermons by Hugh Latimer, ed. George Elwes Corrie, Parker Society (Cambridge, England, 1864), XXVII, p. 66.

⁹Ibid., pp. 98-9.

¹⁰Ibid., p. 100.

My father was a yeoman, and had no lands of his own, only he had a farm of three or four pound by year at the uttermost, and hereupon he tilled so much as kept half a dozen men. He had walk for a hundred sheep; and my mother milked thirty kine. . . . He kept me to school, . . . married my sisters with five pound, or twenty nobles apiece . . . kept hospitality for his poor neighbours, and some alms he gave to the poor. And all this he did of the said farm, where he that now hath it payeth sixteen pound by year, or more, and is not able to do anything for his prince, nor for himself, nor for his children, or give a cup of drink to the poor.¹¹

Finally, in characteristic fashion, the preacher depicted the degree of damnation which the trends carried.

We have good statutes made for the commonwealth, as touching commoners and inclosers; many meetings and sessions; but in the end of the matter there cometh nothing forth. Well, well, . . . from whence it cometh I know, even from the devil. I know his intent in it. For if ye bring it to pass that the yeomanry be not able to put their sons to school, . . . and that they be not able to marry their daughters to the avoiding of whoredom; I say, ye pluck salvation from the people, and utterly destroy the realm. For by yeoman's sons the faith of Christ is and hath been maintained chiefly.¹²

Such diatribes may not have been new, but considering the state of affairs in Tudor times, the spoken word was likely to have considerably more effect than anything written. As it was, Latimer's sermons, especially the ones before the young Edward, served only to arouse his audience which consisted

¹¹Latimer, Sermons, p. 101.

¹²Ibid., pp. 101-2.

largely of the very rack renters and enclosers which he was denouncing from the pulpit.¹³

Yet another of the famed Commonwealth Men was Sir William Forrest, who in his Pleasant Poesye of Princelie Practise offered "Howe a kynge specially ought tattende and prouyde for a Common Wealth."¹⁴ In essence, the king should champion the rights of the peasant class.

So manye Beggars sholde not reigne as reigne;
so manye Headys sholde not for conforte crye; . . .
Oh, howe it geauethe a myserable sounde!¹⁵

Somehow, this was to spur the king, lords and gentlemen into action. Forest perceptibly identified part of the inflationary spiral regarding the need of the farmer to raise the price of his goods sold on the market in order to meet rising rents and fines levied by the landlord.¹⁶

Theis raginge Rentis muste be looked vppon,
and brought vnto tholde accustomed Rente,
as they weare let att ffortie yearis agone:

He continued, describing the method by which this was to be accomplished:

¹³Chester, Hugh Latimer, p. 191.

¹⁴Sir William Forrest, Extract from the Pleasant Poesye of Princelie Practise, ed. Sidney J. Herrtage, Early English Text Society, Extra Series, no. 32 (London, 1878), p. lxxxvii.

¹⁵Ibid., p. xciv.

¹⁶Ibid., p. xcv.

In whiche youre highnes this ordre maye take,
 discret men of youre counsell to assigne
 that wilbee corrupted for no mannys sake; . . .
 Growndis and ffermys to peruse and surueye;
 Rentis to reforme that be owte of the weye.¹⁷

This process must have been popular among the Commonwealth Men, for when Somerset finally acted, it was in a method as in the above quote, reminiscent of Wolsey's era, and with the blessing of the outstanding John Hales.

Hales could have earned the nickname "the peasant's watchdog," for as chief advisor to Somerset on enclosure policy, he worked relentlessly to curb the evils of the landlords and to seek out all such offenses as were harming peasant life. Under a more apathetic ruler less sensitive to farm policy needs, as was Henry VIII, Hales would doubtless have achieved little. However, with the possible support of Cranmer and the active backing of sympathetic Somerset,¹⁸ Hales at least accomplished part of his ambition.

Hales felt that the "alteration (i.e. debasement) of the coin to be the first original cause" of the peasant problem, driving prices forever skyward with each successive debasement.¹⁹ In fact, within his first Discourse of the Common Weale of this

¹⁷Forest, Pleasaunt Poesye, p. xcvi.

¹⁸Mackie, Earlier Tudors, pp. 504-5.

¹⁹Jordan, Edward VI, p. 396.

Realm of England, Hales criticized all past governmental positions.²⁰ Defending his own stand, he asked "why should we for lucre of a few, which by their doings a man may judge would that there were fewer people then there be, so that they might have more ground for their sheep, make those few that be, less with penury and famine."²¹ Through his actions, Hales supported this idea and demonstrated that "human error was partly responsible for the evils of the time. . . ."²² An evaluation of his actions, as Somerset's, must be viewed in light of the response they supplied through the crisis of 1549.

If any conclusions are to be drawn from the conduct of the government, then the actions of Somerset, "the Good Duke,"²³ must be examined. Under his guidance statutes and proclamations reflected an increasing understanding of the growing differences and changing agrarian conditions.²⁴ However, expanding population and acute land shortages apparently advanced the problem beyond sixteenth century powers of action.

²⁰Jordan, Edward VI, p. 395.

²¹Ibid., p. 438.

²²Mackie, The Earlier Tudors, p. 503.

²³Russell Montague Garnier, Annals of the British Peasantry (London, 1908), p. 98.

²⁴Thirsk, Tudor Enclosures, p. 11.

The attempts to settle the land question, while doing justice to the peasant, could have succeeded only if statesmen fully understood the many varying aspects of the problem. However, to encourage one type of enclosure and repress other types called for an appreciation of economics enjoyed by very few, especially the reactionaries, as Warwick, who controlled most facets of the government. Their feelings of indifference toward the sufferings of the poorer class represented quite accurately the prevalent sentiment among the gentry classes of the time.²⁵

Somerset laid the sins of the time at the door of the pasture farmer, particularly the sheep master, "the canker that poisoned the economy at its roots."²⁶ His solution lay in curbing the activities of these sheep masters which, according to Sir Thomas Smith, a government figure of the time, was to make "the profit of the plough to be as good, rate for rate, as the profit of the graziers and sheep masters."²⁷ This stood as one of the more cogent ideas of the sixteenth century. Somerset's policy appeared to follow Wolsey's, yet certain circumstances differed. First, Somerset was far

²⁵Tawney, Agrarian Problem, p. 363.

²⁶Thirsk, Agrarian History, p. 221.

²⁷Ibid.

weaker, lacking the iron grip which Wolsey had maintained on the government. Second, enclosure had become more a vested interest to many in the twenty years intervening since Wolsey's efforts had ended.²⁸ Also, spiraling prices since 1530 compounded all economic problems. If the index of 100 is set for 1508, then by 1547 it was at 231, and with debasements of the currency in 1542, 1547 and 1549, coupled with harvest failures in 1545 and 1549, there was no sign of prices leveling off.²⁹ The evil effects of debasement were noted in one chronicle of the time.

For the testorne, which was xiid., was first abated to ixd. and the piece of iiiid. to iid., and in Auguste after from the peny to a halfpenny. With this alteration moste poore men were much greeued, for theyr whole substaunce lay in that kind of money, where as the richer sorte . . . kept in store none but good golde and olde syluer, that woulde not bryng anye losse.³⁰

Somerset set to "deliberately restoring ancient relationships," calling for a return to the policy of Wolsey, and reversing of the trends prevalent in the previous half-century. However, for improvement to occur, the need was not to return to the "'mingle-mangle'" of open-field husbandry,³¹ but to

²⁸Tawney, Agrarian Problem, p. 363.

²⁹Thirsk, Agrarian History, p. 221.

³⁰R. H. Tawney and Eileen Power, eds., Tudor Economic Documents (London, 1924), II, pp. 186-7.

³¹Tawney, Agrarian Problem, p. 363.

convince the South and Midlands to substitute more progressive farming methods as had been established by the peasants themselves in Kent, Essex, Devonshire and Cornwall in the centuries past. This would have involved condoning some forms of enclosures which the government was then condemning, and abandoning the ultra-reactionary position supplied by the Commonwealth Men. Unfortunately, to incorporate the new methods of farming and yet protect the peasant from wholesale poverty "implied an appreciation of the economics of the situation to which comparatively few persons in our period had attained."³² Still, Somerset must not be condemned, for few men even attempted to conquer the inequities of the age when faced with so many "insoluble weaknesses and ills" as was the Protector.³³ Indeed, "his deep sincerity and his compassion for the poor cannot be doubted, though his stubbornness in seeking to force through a policy for which he had almost no support amongst the dominant political and economic classes betrays an almost incredible want of administrative sensitivity."³⁴

Proclamations of the Somerset era must be considered the work of Somerset as advised by the Commonwealth Men, not

³²Tawney, Agrarian Problem, p. 363.

³³Jordan, Edward VI, p. 391.

³⁴Ibid., p. 427.

the Council. Following the rejection by Parliament of three anti-enclosure bills drawn up by Hales,³⁵ the first proclamation, issued 1 June 1548, announced an enclosure inquiry and cited the various problems supposedly caused by enclosure. Three of the four reasons presented are seen for the first time in official actions and are worth noting. The fourth, that "his highness is greatly moved both with a pitiful and tender zeal to his most loving subjects,"³⁶ is a mere formality. The first significant reason is the recognizance "of a most necessary regard to the surety and defense of this realm, which be defended against the enemy with a force of men and the multitude of true subjects." The second reason blames the "great rots and murrains, both of sheep and bullocks" upon the assemblage of the great numbers of cattle, and the hope that it would "soon fall if the same were dispersed into divers men's hands." Lastly, the "cattle also by all likelihood of truth should be more cheap, being in many men's hands than as be now in few, who may hold them dear and carry their advantage in the market."³⁷

There followed the appointment of a Royal Commission

³⁵Mackie, The Earlier Tudors, p. 505.

³⁶Proclamations, 2 Edward 6, I, p. 428.

³⁷Ibid.

to investigate offenses involving acts against conversion and depopulation.³⁸ Among those appointed was John Hales, the chief instigator of agrarian reform and the one who gave the commissioners their charge, demonstrating a better understanding of the enclosure problem than was evidenced in official policy:

First, Ye shall enquire what towns, villages, and hamlets have been decayed and laid down by inclosures into pastures, within the shire contained in your instructions, sith the fourth year of the reign of K. Henry VII. . . .³⁹

But first, to declare unto you what is meant by the word inclosures. It is not taken where a man doth enclose and hedge his own proper ground, where no man hath commons, for such inclosure is very beneficial to the commonwealth; it is a cause of great encrease of wood: but it is meant thereby, when any man hath taken away and enclosed any other mens commons, or hath pulled down houses of husbandry, and converted the lands from tillage to pasture. This is the meaning of this word, and so we pray you to remember it.⁴⁰

Eric Kerridge researched into the process of the inquisition and assembled the general format of its operation. The chief purpose was not to try cases, but was to gather information. If enough information was obtained, then a prima facie case was presented and recorded. The presentment was then engrossed in Latin, and returned to Chancery from which were sent writs

³⁸Tawney, Agrarian Problem, p. 363.

³⁹Tawney and Power, Documents, I, p. 39.

⁴⁰Ibid., p. 41.

of scire facias to the sheriffs. These were returned scire feci, if served, nihil, if not. The accused party then had to appear and prove why distrain, a legal restraining order, should not be served. Failure to do this meant loss of the case by default.⁴¹

The key instruments for implementing the various actions against enclosers were the extra-legal courts. For the copyholder there were only two courts to which he could turn for speedy redress. Generally, the most direct action was received in the Court of Requests, with the Star Chamber held in reserve for use if necessary. The precedent for using the Star Chamber was set in 1487, at which time the court brought "great riots and unlawful assembly" into its jurisdiction. Further redress was, in theory, to be obtained from the Common Law courts, as well as from Chancery and from administrative actions. Within the extra-legal courts, however, was the protectorate's policy of mediating between the peasant and the landlord to avert revolt to be fulfilled. Unfortunately, even these prerogative courts offered, at best, uncertain protection to the copyholder.⁴²

⁴¹Eric Kerridge, "The Returns of the Inquisitions of Depopulation," English Historical Review, LXX (1955), pp. 212-8.

⁴²Isaac S. Leadham, "The Security of Copyholders in the Fifteenth and Sixteenth Centuries," English Historical Review, VIII (1893), p. 685.

Basically, the courts could uphold pleas based on custom. Their final decision depended upon whether the farm was received by inheritance, was leased for a number of years, for life or for a stipulated number of generations. Also considered was whether payments were fixed or alterable, and if alterable, were they subject to the will of the landlord. If the land was inherited, then security was complete. If the farm was let for life with the right to be renewed, then the claim was almost as good. But, if the claim was for a specific time, even a life, then the peasant's position was precarious. If it was for a shorter length of time, then the security was as weak as that of a lease.⁴³ In the eyes of the court, the party breaking the established custom without first obtaining the necessary rights over what was to be changed was guilty and the court tended to rule against him.⁴⁴

In the years of Somerset's rule and those before, the extra-legal courts had attempted to establish equity jurisdiction in copyhold cases, allowing a tenant to complain against his own landlord.⁴⁵ However, the success of this attempt must be doubted. If the peasant did have ample protection against

⁴³Tawney, Agrarian Problem, pp. 297-301.

⁴⁴Ibid., p. 297.

⁴⁵Alexander Savine, "Copyhold Cases in Early Chancery Proceedings," English Historical Review, XVII (1902), p. 303.

encroachments by his lord in the century prior to 1550, as Leadham asserted,⁴⁶ then why was it necessary to resort to such extreme measures as rioting? It is because the defendent could escape the proper penalties by making small promises or by intimidating the peasant-plaintiff, as was the case in several counties.⁴⁷ Again, as in the case of the statutes, it mattered little what the well-intentioned court decreed if the corrupt sheriffs and justices of the peace refused, or were not able to carry out the court's decisions on the local level. As in Wolsey's time, the local officials were often as deeply involved in the problem as were the ones upon whom they were to implement the decisions of the panel. To the local officials, the statutes were almost a dead-letter.⁴⁸

Many of the recorded transactions have disappeared, so it is difficult to draw many conclusions. We do know that the commission's activities were limited to the midland counties,⁴⁹ and it is assured that by 1549 the gentry were upset by the activity of the body, while the peasants were equally upset by its relative inactivity. In the face of continued

⁴⁶Leadham, "Security of the Copyholders," p. 696.

⁴⁷Kerridge, Returns of the Inquisitions," p. 225.

⁴⁸Ferguson, Naked to Mine Enemies, p. 174.

⁴⁹Garnier, Annals, p. 99.

strong opposition by the gentry, the jury's power was gradually reduced to a bare minimum.⁵⁰ Having witnessed the obvious emasculation of his commission, Somerset demonstrated in prime form his stubbornness and complete lack of "administrative sensitivity" in the form of another proclamation issued 11 April 1549. The proclamation itself seems adequate proof that the commission had at least functioned, for it lists the number of ways that had been discovered in which the landlords had side-stepped the statutes and the protector's wishes. Some continued to pull down towns, houses and villages, while some kept no hospitality and failed to "ear" the demesnes. Others retained the farms but kept more sheep than the law permitted. Still others enclosed the commons, not permitting the tenants to breed cattle, and some maintained the farmers and their houses but took the land from them. Flagrant disobeying and ignoring of the statutes occurred as did many instances of men paying the fines or other penalties for their actions, as it was "but a trifle in respect of the gains." To end all the above, Somerset threatened to end any clemency shown in most of the previous cases and to "put in use all the said penal laws heretofore made for the repressing of such offense."⁵¹

⁵⁰Tawney, Agrarian Problem, p. 366.

⁵¹Proclamations, 3 Edward 6, I, pp. 451-3.

Despite the conscious effort of Somerset, Parliament balked. Its attitude is seen in the lack of action prior to the crisis of 1549 and after, when its action was a mere shadow of what it could have been. "An Acte Concerninge the ymprovement of Comons and Waste Groundes" merely restated the thirteenth century statutes of Merton and Westminster and awarded triple damages to anyone so fortunate as to recover damages under any of the enclosure acts.⁵² It must be mentioned that in 1548 Parliament did pass acts giving special security to Somerset's own peasants,⁵³ but demonstrating that the powerful governmental body considered his policy a dangerous folly which should be allowed only to Somerset's own property, at best. In the autumn of 1548, when John Hales presented three bills of a national nature, all were promptly rejected. His first was to have provided for the re-edification of decayed houses, the second was to have forbidden speculation in food-stuffs, and the last was to have encouraged the raising of cattle rather than sheep.⁵⁴ In March, 1549 Hales delivered his Causes of Dearth speech to Parliament in an effort to convince the legislators to end purveyance for three years and to

⁵²Statutes, 3 & 4 Edward 6, ch. 3.

⁵³Tawney, Agrarian Problem, p. 294.

⁵⁴Ibid., p. 367.

substitute a "relief" on sheep and cloth.⁵⁵ Though Parliament did accept his argument that when extracted from the poor the tax "discourageth the people to breade and causeth the prices of all thynges . . . to be increased,"⁵⁶ the legislators amended the proposal, shifting the burden of taxes to the poor, in the long run, thus only making matters worse.⁵⁷

Composed of the same classes as Parliament, Council also proved reluctant to take up the peasant's cause. Led by the impeding Warwick, it attacked Somerset's policy, apparently mindful of the reign of terror created by the peasants in Germany.⁵⁸ Only a single significant achievement can be credited to the body: the Reorganization Scheme of 1549.⁵⁹ Tawney describes it as the "high mark of pro-peasant interference,"⁶⁰ even if it was merely a return to the policy of earlier years. It stated that farms with more than one house were to let all the land not in use, and all parties who had

⁵⁵Thirsk, Agrarian History, p. 222.

⁵⁶Tawney and Power, Documents, II, p. 219.

⁵⁷Thirsk, Agrarian History, p. 222.

⁵⁸Tawney, Agrarian Problem, p. 368.

⁵⁹Great Britain, Public Record Office, Acts of the Privy Council of England, New Series, 1542-1630, ed. John Roche Dasent (London, 1890), II, pp. 294-6.

⁶⁰Tawney, Agrarian Problem, p. 370.

pulled down houses of displaced tenants were to return the houses to the tenants at the customary rent by Michaelmas of that year. Further, all woods converted were to be enclosed for protection and sown with acorns, and all gild lands were to be divided among the inhabitants at a described rate.⁶¹

Outside of Somerset's efforts, there was little originality in official actions. The legislators assumed that a customary, fixed portion of the land should be kept under cultivation and, at best, they would have only insisted upon simple reconversion of land at the owner's expense as it did in 1552.⁶² In other words, the ruling gentry was willing to extend itself only to return to the status quo of earlier, less violent years.⁶³ The less violent years were passing quickly, however, and rumbles of discontent were being felt. One writer assessed the situation quite well:

I have known of late a dozen plowes within lesse compasse than 6 myles aboute me laide downe within theise vii. yeares, and where xl. persons had their lyvinges, nowe one man and his shephard hath all, whych thinge is not the least cause of theise uprors, for by theise inclosures men doe lacke livings and be idle; and therefore for verie necessitie they are desirous of a change, being in hope to come thereby to somewhat, and assured have soever it

⁶¹Tawney, Agrarian Problem, p. 369.

⁶²Statutes, 5 & 6 Edward 6, ch. 5.

⁶³Tawney, Agrarian Problem, pp. 353-4.

befall with them it cannot be no harder with them than it was before.⁶⁴

England's unrest due to the religious changes had peaked in 1536 with the Pilgrimage of Grace, an effort to end the dissolution of the monasteries and the accompanying changes in lordship and landownership.⁶⁵ Once quelled, the unrest remained subdued until the new government under the duke of Somerset presented an understanding ear and offered possible redress. By then the agrarian problem was equal in magnitude to the problem involving religion, with enclosures riding roughshod over the rights of others being at the base of the problem.⁶⁶ The lord, caught in the price spiral, was forced to look for some profit from his sole source of income--his lands. The peasant, on the other hand, was in a position to benefit from the price rise, and wanted a guarantee that his old farming customs would continue unchanged. That is, he demanded the right to sell his excess produce at the market's inflated prices while continuing to pay his low, traditional rent to the lord. As it was, however, the peasant found himself faced with monopolization of common rights by the lord, and eviction. He could attempt to assert his rights through

⁶⁴Garnier, Annals, p. 100.

⁶⁵Thirsk, Agrarian History, p. 219.

⁶⁶Thirsk, Tudor Enclosures, p. 7.

the courts, could throw up his arable holdings or could submit to the landlord's will and, with luck, re-hire his land from the encroacher for a money rent.⁶⁷

The struggle, then, was one of classes. With the antagonistic lordly class controlling all governmental functions on the local level, and most on the national level, the peasant was left with little alternative but to turn to the quick remedies of riot.⁶⁸ Once it became obvious that the lords had choked the power of the enclosure inquiries and the courts, both means by which Somerset had ignited new hope among the peasants, they, "beginning in May (1549) with Hertfordshire, from Norfolk in the east to Hampshire in the South and Worcester in the West, were driven into riot by disappointment with the ineffective Royal Commission. . . ." ⁶⁹ Typical was the imaginary character,

poor John Wilson, so certain he has not been treated fairly, so confident that his lordship cannot have meant him to be wronged, so easily circumvented by his lordship's brisk officials! He and his kind are slow to move; but, once roused, they will not easily be persuaded to go back.⁷⁰

Although he may have been labeled "poor," the peasant was

⁶⁷Tawney, Agrarian Problem, p. 241.

⁶⁸Thirsk, Agrarian History, p. 223.

⁶⁹Tawney, Agrarian Problem, p. 319.

⁷⁰Ibid., p. 304.

wealthy enough to endow his cause with enough money for arms and common funds.⁷¹

The height of the unrest was reached in the Ket Rebellion. Beginning as a private feud over religious matters concerning John Flowerdew and Robert Ket, the movement was fully expanded by July, 1549. Originating in southern Norfolk, the revolt moved to the city of Norwich, gathering followers and prisoners along the way. Confronted with such a force, Norwich capitulated and the mayor, Thomas Cod, aided the rebels as they made their camp outside the city. For six weeks this successfully remained the seat of rebellion until attacked by the government's expedition. The first, led by William Parr, ended in a fiasco. A second force, under the command of Warwick, was successful and the insurgents were dispersed.⁷²

The demands of the rebels are probably the best keys given to the historian today regarding the peasants' expectations. Although well-bred men as Fitzherbert, Pole and Somerset could rely upon observation for their recommendations on the peasant's behalf, they did not live with the problems daily. Some, like Latimer, could rely upon memory or early experience, but even these were removed by years from

⁷¹Tawney, Agrarian Problem, p. 325.

⁷²Stanley T. Bindoff, Ket's Rebellion, Historical Association Pamphlet, General Series 39 (London, 1949), pp. 3-6.

the problem. The "Demands" total twenty-nine enumerated articles, of which only one, dealing with the unimportant saffron lands, mentioned enclosures. Considering the howl raised about enclosure in writings, sermons, and other sources, it might then be questioned whether it was an important problem after all. Actually, the "enclosure problem" was much more than the ills caused by hedging and fencing. As the articles demonstrated, it was everything the peasant felt was an infringement on his state of life. He wanted prices reduced, but only on the lord's land, rents and copyhold fees, not of his own produce, however. He wanted protection of the commons that would again enable him to raise cattle. Protection was also demanded from eviction by landholding priests, from "prests or vicars that be not able to preche," and from the lord's cattle. He asked that any man earning above £40 per year from his land be entitled to hold no more cattle or sheep than necessary for his own household. The demands, then, touched nearly every aspect of farm life that was in any way injurious to the peasant.⁷³

The requests showed a fair degree of sophistication, reflecting many facets of the social and religious problems that the conversion and consolidation of land had caused.

⁷³Fletcher, Tudor Rebellions, pp. 142-4. Reprinted are "Ket's Demands Being in Rebellion," from 1549.

Under the old custom, the peasant's lot was improving and many individual farmers were earning a lucrative living. It was even demanded that parsons and vicars "havyng a benefice of £10 or more by yere" teach the parish children of "pore mens" the catechism and primer. The demands recognized that rivers were the property of all, and, revealing dissatisfaction with local government, urged an improvement in governmental persons handling local affairs and that a greater number of people sensitive to lowly agrarian interests be put on the king's council. Indeed, the religious question, the role of officials and economic security were all burning issues in the revolt. The peasants did not want a unilateral banishment of enclosures, for they stood to lose at least as much as did the landlords, yet it appears that their ability to solve the economic dilemma which involved most Englishmen, was as far removed from their mental grasp as it was from Somerset's. Ironically, as extensive as were the demands, the peasant would have been satisfied to gain secure rights over the commons more than any one other objective.⁷⁴

With the coming of May, 1549, Somerset was beset by problems demanding action drastically different from that of the previous year and a half. The failure of his policy was

⁷⁴Thirsk, Tudor Enclosures, p. 14.

obvious. Either the policy was to be strengthened to resist the tactics of noble resistance, or the riots were to be crushed and domestic tranquility restored. Somerset adopted strategy between these two choices, settling upon a weak solution which benefitted neither peasant nor noble, and did much to undermine his own position in the government. On 23 May 1549 came the first proclamation against those who "presumed to pluck his highness' sword out of his hand." Somerset reiterated his position that the government still had every intention to punish those who had violated the enclosure statutes, "when his highness sees time convenient." The loosely worded reprimand which followed, betrayed the Protector's hesitancy to move decisively against the rioters.⁷⁵ It is likely that he resented having to move against the very people he had attempted to help. Though the peasant may have doubted him, there is little to make the historian believe that Somerset was anything but sincere in his pledge to reform the grievances. One proclamation in July, 1549 strongly admonished the enclosure rioters and promised the institution of martial law if the trouble continued.⁷⁶ Another proclamation, on "Enforcing the Statutes against Enclosures,"⁷⁷ was sent to the men of the

⁷⁵Proclamations, 3 Edward 6, I, pp. 461-2.

⁷⁶Ibid., 3 Edward 6, I, pp. 462-4.

⁷⁷Ibid., 3 Edward 6, I, p. 471.

Enclosure Commission on July 8, with directions that they were to proceed in their work as swiftly as possible.⁷⁸ This, and similar communications of the next five days were Somerset's last attempts to bolster the Enclosure Inquiries. Four days later there came general pardon for those rioters who would submit and repent,⁷⁹ and on July 16 came yet another pardon that warned the peasants of impending martial law, but assuring the people that "his majesty understandeth attempts to assemble, riot and presume to do what ought to be done by the King and law."⁸⁰

The growth of gentry dissatisfaction was evident as early as 1547, at which time Somerset warned the lords of all shires to provide a force of demi-lances and horses.⁸¹ The following year he warned the Norfolk gentry, specifically.⁸² That both orders were ignored demonstrated how the landowners rebuked Somerset's orders from the first year of his reign. With the takeover of Warwick, all hope of organized protest

⁷⁸Great Britain, Public Record Office, Calendar of State Papers, Domestic Series, ed. by Robert Lemon (London, 1865), I, p. 20.

⁷⁹Proclamations, 3 Edward 6, I, p. 474.

⁸⁰Ibid., 3 Edward 6, I, p. 475.

⁸¹Calendar of State Papers, I, p. 3.

⁸²Garnier, Annals, p. 101.

ended, intervention by the Council ceased completely, the Royal Commission was allowed to slumber, and the acts prohibiting the gathering of peasants were strictly enforced.⁸³ For the peasant, the future was indeed bleak.

Robert Crowley continued writing after Somerset's overthrow, still reflecting the feelings of the Commonwealth Party. He attempted to explain why the poor man had entered into revolt:

Great fermares, grasiers, rich buchares, the men of lawe, the merchauntes, the gentlemen, the knightes, the lordes, and I can not tel who; men without conscience. . . . They take our houses ouer our headdes, they bye our growndes out of our handes. . . . No custome, no lawe or statute can kepe them from oppressing vs in such sorte, that we knowe not whyche waye to turne vs to lyue. . . . No remedye therfore, we must nedes fight it out, or else be brought to the lyke slauery that the French men are in.⁸⁴

Considering the attention brought to the problem by various writings and preachings, Crowley felt the people expected redress, but instead their grievances were being passed over.⁸⁵

⁸³Tawney, Agrarian Problem, p. 371.

⁸⁴J. Meadows Cowper, ed., The Select Works of Robert Crowley, Early English Text Society, Extra Series, No. 15 (London, 1872), part 1, pp. 132-3. Reprinted in this volume are Crowley's Epigrammes (1550), The Voyce of the Last Trumpet (1550, STC 6094), Pleasure and Payne (1551, STC 6090), The Way to Wealth (1550, STC 6096), and An Informacion and Peticion against the oppressours of the pore Commons (STC 6086).

⁸⁵Ibid., p. 156.

For those parties which Crowley felt were guilty of causing the conflict, there were strong words. He urged the merchants not to irritate the farmers,

But syth they take fermes
to let them out again,
To such men as must haue them,
though it be to theyr payn.⁸⁶

Compared to the leasemonger, who was "sure to haue hell,"⁸⁷ the merchant's warning was mild. Crowley warned that

. . . you lease mongers, that take groundes by lease
to the entente to lette them out agayne for double
and tryple the rent, your parte is in this plage. . . .
For when you have multiplied your renttes to the
highest, so that ye haue made all your tenantes
your slaues to labour, and toyle . . . then shal
death sodaynly strike you. . . .⁸⁸

For the tenant, there were kind words. He cited the promises made to them during the Insurrection,⁸⁹ and presented the classic plea:

Let the pore man haue and enjoye
The house he had by copyholde, . . .
Cast downe the hedges and stronge mowndes . . .
Restore the tynes, and eke the rent. . . .⁹⁰

As was the case with all of the Commonwealth Men, Crowley did

⁸⁶Cowper, ed. Works of Robert Crowley, p. 156.

⁸⁷Ibid.

⁸⁸Ibid., p. 162.

⁸⁹Ibid., p. 41.

⁹⁰Ibid., pp. 122-3.

not realize the complexity of 1550 economics. To him the entire solution lay in turning back the clock fifty years.

About the same time as Crowley's works were published, there appeared a treatise entitled Certain Causes Gathered Together, a plea "to the Kynges moste honorable Counsell and the Lordes of the Parlayment house" calling again for agrarian regression. According to the author, sheep were the cause of every inconvenience besetting the peasant:

The more shepe, the dearer is the woll.
 The more shepe, the dearer is the motton.
 The more shepe, the dearer is the beffe.
 The more shepe, the dearer is the corne.
 The more shepe, the skanter is the whit meate.
 The more shepe, the fewer egges for a peny.⁹¹

Through some rather fantastic figuring, it is assumed that forty plows in Oxfordshire which were by then decayed, had once supported nearly 540 persons,⁹² and the author estimated that one plow in each of 50,000 towns had decayed since Henry VII's time, causing a loss to the king of 300,000 men.⁹³ The exaggeration is obvious.

Although the writer spent pages listing the problems which had been repeated endless times before, only one sentence was given over to suggesting that a cure might be wrought, that

⁹¹Certain Causes Gathered, J. Meadows Cowper, Early English Text Society, Extra Series, No. 13 (London, 1871), p. 96. Originally published in the years 1550-3.

⁹²Ibid., pp. 98-9.

⁹³Ibid., p. 101.

there might be in euery shyre & hundred, as many plowes vsed, occupied, and maynteyned, as many households kept, as was by king Henry the Seuenth tyme, first commynge.⁹⁴

The tone of the entire work was one of defeatism and desperation. The author recognized that the life of the peasant was hard, at least in some areas of England, and that the hopes held in the 1548-9 era had been dashed. Still, it is impossible to see how such idle rantings, exaggerated at that, of this agrarian conservative could ever hope to achieve any betterment of conditions. His single constructive point was mentioned only in passing:

And because they will not begge, some of them doeth steale, and then they be hanged, and thus the Realm doeth decay, and by none other wayes els, as we do thynke.⁹⁵

Rather than discuss this further, this author, like most of the others, could think of nothing but the good days of fifty years past.

As might be expected, the conservative Earl of Warwick could not simply turn away from the agrarian problem if for no other reason than the fact that Warwick himself had seen at first hand the strength a peasant rebellion could gather. To be sure, the Warwick Protectorship was not one known for its

⁹⁴Certain Causes, p. 100.

⁹⁵Ibid., p. 102.

pro-peasant sympathies, but the major atrocities were not completely neglected. Perhaps it is because Warwick's sympathies tended to fall more with the landlords that a significant improvement did occur in governmental actions. True, action on agrarian problems was not immediately forthcoming, but in 1551 a reform of coinage, engrossing and enclosures was ordered.⁹⁶ Warwick recognized "the malice and naughty nature of a certain kind of people that live only for themselves . . . going about to eat and devour, as well the estate of nobility as the lower sort, being serving men, artificers, handicrafters, poor husbandmen, laborers, and such like. . . ." Warned were "such farmers, graziers, and sheepmasters" who enhanced prices through engrossing, forestalling, growing an excessive amount of sheep, and allowing tillage to decay. Warwick hinted that stronger measures might come. Two months later, there came another proclamation to bring re-enforcement of the laws and penalties against forestalling. In reality, this was another attempt to control the rising prices.⁹⁷ Still later that year there was a statute which was quite revolutionary in wording, if not in action. In essence, the legislation brought again the enclosure commissions of Somerset's

⁹⁶Proclamations, 5 Edward 6, I, pp. 520-2.

⁹⁷Ibid., 5 Edward 6, I pp. 526-7.

era. The Commissioners, numbering at least four in every area, were to investigate all lands that "at anny tyme or tymes syns the saide first yere of the reigne of King Henry theight, bene converted and turned from Tyllage to Pasture." Though the mechanics were to be the same as before, certain exceptions in the situation were also noted. The Commissioners were not to interfere with any covenants made between any persons, despite the fact that the agreement might be contradictory to the statutes. Parks, as well as ancient pastures, were excluded as were new pastures, provided that the conversion involved no net decrease of tilled land per farm.⁹⁸ England was at last given an agrarian statute which began to recognize reality, as well as the peasant's interests. Whereas previous statutes were unilaterally against enclosures, this one allowed enclosure in cases where the landlord had legally agreed with the peasant or paid to the peasant an agreed sum, or where it did not decrease the amount of land in tillage. From evidence available, it seems that little action was taken, and most likely the act only stirred up hopes which, as before, were disappointed. In 1553 ten men of Leicestershire were found guilty of tearing down hedges, and were forced to post bond of good behavior until the "assyses

⁹⁸Statutes, 5 & 6 Edward 6, ch. 5.

be holden there."⁹⁹ Again, it seemed that some felt that it was necessary to act on their own if anything was to be accomplished.

The agrarian problem existed into the reign of Queen Mary, but religious fear overshadowed any agrarian worries. Still, one lone statute was promulgated in an attempt to end the continuing decay of rural life.¹⁰⁰ In short, the law recited 4 Henry 7, ch. 19 and 7 Henry 8, ch. 1, and established the power of the crown to initiate commissions. They were not formed under this lengthy act, but were threatened, and their powers were enumerated. One noticeable feature, which could work as easily against the peasant as for him, was the authority given to the Commissioners to mitigate the statute as they felt it was necessary. Except for the fact that the Commissioners would very likely be of entirely landlordish sympathies, this was a healthy step forward.

Thomas Tusser's Points of Good Husbandry was first published in 1553, and reprinted in an enlarged edition in 1573. In many ways his writings are reminiscent of Fitzherbert's of some thirty years earlier. Tusser, as his predecessor, praised enclosure over the older open-field husbandry:

⁹⁹Calendar of State Papers, I, p. 377.

¹⁰⁰Statutes, 2 & 3 Philip and Mary, ch. 2.

More plentie of motton and biefte
 corne, butter, and cheese of the best,
 More wealth any where (to be briefe),
 more people, more handsome and prest,
 Where find ye? (go search any coast)
 than there where enclosure is most.¹⁰¹

Tusser elaborated upon the subject and then compared many aspects of champion and several lands:

More profit is quieter found
 (where pastures in severall bee:)
 Of one seellie aker of ground,
 than champion maketh of three.
 Againe what a jole is it knowne,
 when men may be bold of their owne.¹⁰²

Tone laieth for turfe and for sedge,
 and hath it with woonderfull suit:
 When totother in everie hedge,
 hath plentie of fewell and fruit.
 Evils twentie times worser than thease,
 enclosure quickly would ease.¹⁰³

Although Tusser did not visualize the entire agrarian situation, he served a vital purpose by reiterating the need for proper enclosure for the advancement not only of sheep and cattle, but for food production. This reiteration, published again in 1573, fit in nicely with the age of Elizabeth, for within her reign there was considerable change for the better that was much along the lines laid down by Tusser and his fore-runners.

Elizabeth's first tillage act, passed in 1563, was by far the most comprehensive act to that time. It reaffirmed 4 Henry 7, ch. 19, 7 Henry 8, ch. 1, 7 Henry 8, ch. 22, and the portions of 27 Henry 8, ch. 28 which were to support farm houses and monastic lands. Recognizing the "partes therof unperfecte," the statute repealed the tillage laws of Edward VI and Philip and Mary. Further, it required that all lands tilled during any four years since 1529 were again to be tilled or a penalty of 10s. per acre was to be collected by the heir in reversion or any other lord above him. Cattle were permitted on converted land only if they were for domestic use and consumption by the household. The raising of cattle and sheep for sale on this land was prohibited. The lengthy exceptions and specifications were obviously designed to prevent "unperfecte" parts as found in the two repealed acts.¹ Two years later, in 1565, a third enclosure commission was sent out by the Council to insure

¹Statutes, 5 Elizabeth 1, ch. 2.

that "inclosures and sheepe shold be sent forth out of hand."² It appears that there were only a few records which were left by this commission, and nothing by which its actions might be evaluated.

There is little evidence of problems evolving after the 1563-5 period. A very general proclamation emerged from Westminster in 1569 that reminded the population that her highness "intended forthwith and with all severity to proceed against such offenders" of the tillage and enclosure statutes as were causing decay.³ The various enclosure complaints were handled by the gentlemen of the Council. Usually a commission of prominent local gentry were commanded to hear the case and to decide upon the guilt, if any, of the accused. In the case against Sir John Conway, for enclosing Oken Heath in the county of Worcester, the Bishop of Worcester, Sir Thomas Lucy, knight, and the Lord President of Wales were to decide the verdict. The resulting discussion in the Privy Council indicated nothing serious, and nothing significant emerged from this or any other case.⁴

²Great Britain, Public Record Office, Acts of the Privy Council of England, New Series, 1542-1630 (London, 1890), VII, pp. 233-4.

³Proclamations, 11 Elizabeth 1, I, pp. 310-1.

⁴PRO, Acts of the Privy Council, VIII, p. 195, 244-6. For others see VIII, p. 313; IX, pp. 167, 323-4, 382; X, p. 374; XI, pp. 128-30; XII, pp. 309-11.

Since the dawning of the Tudor era, English agrarian policy had been one of inaction unless necessitated by famine or by peasant uprisings. The solutions had been repetitive, merely reconfirming ancient statutes against depopulation due to decay of farmhouses, and enacting statutes which required fields to be kept in tillage. These laws continually failed to take into account conditions which could warrant and require partial conversion of tilled land to pasture, and a possible reordering of peasant rights. Once a crisis had passed, the government tended to cease active enforcement even of these solutions, and a policy of agrarian neglect became the rule.

Only in the last years of Elizabeth's reign, beginning with 35 Elizabeth ch. 7, did the government follow a new route of neither conscious neglect nor strict enforcement of traditional ideas from the Middle Ages. This new policy was one of non-interference, or *laissez-faire*, and, according to Sir Walter Raleigh in 1601, was "' . . . to leave every man free, which is the desire of a true Englishman.'"⁵ Such a policy promised success, for in essence it was no different from the lack of policy during the peaceful period since 1563, at which time the last of the acts to forbid the

⁵J. E. Neale, Elizabeth I and Her Parliaments, 1584-1601 (New York, 1957), p. 343.

conversion of arable, or tilled, land to pasture had been passed, and the export of corn encouraged. The act was extended in 1571.⁶ The era had been prosperous, and indicated that perhaps a new age of agrarian stability had arrived. No doubt exists but that it had not, for in 1596, when crops again failed, the reaction of the farmers was exactly as it had been throughout history. They rioted, striking at the material objects which they connected with their plight, those being the fences, hedges and gentry houses. Though this one crop failure might not have ruined the hopes of establishing a laissez-faire policy, the continual failures of the following thirteen years did.

The predicament of the government must also be appreciated. Throughout the fifteenth and sixteenth centuries, both practice and agrarian reformers like Fitzherbert and Hales had demonstrated that the old, medieval fixed-field system gave little incentive for improvement. The sole scheme flexible enough to suit all needs was one of convertible fields which could be used as either pasture or arable land. To them, only this land was worth fencing and improving.⁷ A policy that allowed this form of agri-

⁶Tawney, Agrarian Problem, p. 372.

⁷W. Cunningham, The Growth of English Industry and Commerce in Modern Times (Cambridge, 1903), I, p. 110.

culture had proved unworkable in the past, being strongly disliked by the tenant farmer. His hold on the lord's land was at best weak, and as the lord tended to convert his land to pasture and reap the increased profits of wool, the small farmer found himself forced from the land, permanently.

Therefore, to preserve domestic tranquility, the government felt the need to rely upon its old policies of forcing tillage and prohibiting decay of farms. This solution was not so easily implemented as might be thought, for it

". . . could be carried out only by disregarding the financial interests of the wealthier classes, who could most easily influence Parliament and the Council, and who were locally omnipotent."⁸ Thus, without constant, strong controls maintained on the local level, this policy was also impossible to enforce, and the resulting neglect served only to benefit the lord, again to the dismay of the peasant.

There were many enclosures in Elizabeth's time, and all were "with as little regard for the rights and interests of the peasantry as had been shown in the worst of previous periods."⁹

The solution lay in securing the peasant's legal right to his land, while permitting the lord to progress with crops

⁸Tawney, Agrarian Problem, p. 379.

⁹Tate, Enclosure Movement, p. 72.

or sheep-raising, whichever was most profitable. However, experience under Somerset had shown that the landed class, "the real governing element," could and would use their power to negate all efforts of the government to reform the grievance.¹⁰

With apparent agrarian bliss reigning, the year 1592 was a good time to end the hypocrisy of unenforced, and seemingly unnecessary, statutes. One advocate of the repeal, Sir Francis Bacon, felt that

. . . whereas England was wont to be fed by other countries from the east, it sufficeth now to feed other countries, . . . the good yields of corn which have been together with some toleration of vent, hath of late time invited and enticed men to break up more ground and convert it to tillage than all the penal laws for that purpose made and enacted could ever by compulsion effect. A third proof may be that the price of grain and of victual never were of late years more reasonable.¹¹

Bacon was referring to the exportation of corn which apparently stimulated trade, corn prices, and the peasants' economic status. He saw this exportation as having caused numerous men, meaning the lords of the manors, to reconvert pasturage to arable land, thus relieving the peasant of any apprehensions of eviction. In truth, the validity of this point,

¹⁰Edwin F. Gay, "The Midland Revolt and the Inquisitions of Depopulation of 1607," Transactions of the Royal Historical Society, New Series, XVIII (1904), p. 219.

¹¹Cunningham, Growth of English Industry, p. 101.

one of the key arguments for laissez-faire, is in doubt. Thirsk agrees with Bacon's argument, seeing enclosures as gaining favor throughout the period, but carried out in such a manner as to allow the peasants a share of the benefits.¹² If such a trend was as prevalent as suggested, then it would be relatively unaffected by the abolition of laws which only served to discourage opposing trends anyway. If one adopted this argument, the explanation of later problems was perhaps found in the disastrous weather conditions.¹³ The opposing view, supported by R. H. Tawney, felt that the repeal merely brought "a recrudescence of the movement for converting arable land to pasture,"¹⁴ and this was the problem that plagued England until 1607.

The Elizabethan experiment began in 1593 with the passage of two statutes. The first repealed the 1588 restriction on enclosing commons within three miles of London.¹⁵ The second contained a clause repealing the requirement, dating from 1563, (5 Elizabeth c. 2) that land "eyred or plowed and put in tillage in any one year and so kept in

¹²Thirsk, Agrarian History, p. 228.

¹³Ibid.

¹⁴Tawney, Agrarian Problem, p. 354.

¹⁵Statutes, 35 Elizabeth c. 6.

tillage by the space of four years. . ." since 1529 continue to be used as such.¹⁶ The desire for a farmer free of restrictions was apparently being realized, and, based upon the experience of the previous years, there was some hope it would succeed. The lords were agreeable to the repeal of any measure which might stand between themselves and quick profits, while the peasant, apparently contented with his condition, found little reason to rebel.

One year later, in the autumn of 1594, the first of four highly significant crop failures occurred. Spiraling prices and lack of grain eliminated not only the export markets, but caused a scarcity within England, reducing the subsistence farmer to abject misery.¹⁷ With no improvement in conditions, and with increasing enclosure by the gentry landowners, there were again "murmurs of rebellion,"¹⁸ with the main uprising likely to occur in Oxfordshire in 1596. The planned revolt never reached its peak, for it was discovered by Henry Lord Norris, Lord-lieutenant of the shire, and was promptly revealed to Sir W. Knollys, Comptroller of the Household. Led by Bartholomew Steere and Roger Ibill,

¹⁶Statutes, 35 Elizabeth c. 7.

¹⁷Thirsk, Agrarian History, p. 228.

¹⁸Gay, "Midland Revolt," p. 212.

a carpenter and a miller respectively, 200-300 men were to gather at Enslow Hill and march upon London, spoiling gentlemen's houses along the way. Once in London they were to be joined by the apprentices and present their plea to the government.¹⁹ A significant feature of this "rebellion" was the participants themselves. They were almost exclusively young, unmarried men, and, as evidenced by their leaders, they were not all farmers. Thus, it is extremely doubtful that the movement was one solely against enclosure and depopulation, but rather, was against gentlemen and "'rich men that take in the commons and make corn so dear.'"²⁰

Upon the examination of those involved, it was discovered that the uprising planned for Oxfordshire was only one part of an extensive general uprising throughout England. Lord Norris' own request of Knollys was for "'a commission and some order to be taken about enclosure on the western part of the shire, where this stir began, that the poor may be able to live.'"²¹ Such a request was completely in accord with the policy established by Parliament in 1593. He asked not for a reversal of policy, nor for the reimplementation

¹⁹ Calendar of State Papers, IV, p. 316.

²⁰ Ibid.

²¹ Gay, "Midland Revolt," p. 212.

of old statutes. He was petitioning for the cure of a specific ill which might be eased by applying the proper corrective action in the areas most affected. Whether such an approach would have worked was never known, for the Oxfordshire riot, coupled with increasing evidence of a rapid growth of enclosure, forced a reluctant Parliament into the traditional solution once again.

The condition of dearth, with no relief in the foreseeable future, demanded action if a trend toward complete depopulation was to be halted, especially in the Midland counties. No one could disagree with the importance of maintaining a strong yeoman population for the purpose of defense, and this one patriotic argument easily outranked the numerous economic and moral ones.²² It was in the debating of these three points that the Elizabethan legislators as a group exhibited much insight into the agrarian problem at hand. This time there was strong opposition to the traditional anti-enclosure policies, as reflected in the new ideas and exemptions of the two statutes passed.

The first law, "An Acte against the decaying of towns and houses of Husbandry," (39 Elizabeth c. 1), recognized that the "strength of this realm consisteth in the number

²²Thirsk, Agrarian History, p. 230.

of good and able subjects," and that such decay and depopulations as had occurred only caused the lower classes to "become wanderers, idle and loose." It was ordered that one-half of all houses decayed between the beginning of Elizabeth's reign and 1590 be rebuilt on forty acres of land, and that all houses decayed within the seven years from 1590-1597 be rebuilt on either twenty or forty acres of land, depending upon the amount they had before. These houses were then ordered to be rebuilt at the rate of two per year until all were again inhabitable. Further, no house of husbandry was to be allowed more than sixty acres of land, and the excess was to be distributed among other houses with less. For enforcement, the Justices of the Assize were to determine any offenses, levying fines of 10s. per annum for each house not rebuilt and 10s. per annum for each acre not attached.²³

The new provisions were added which distinguished this from previous depopulation acts. To eliminate any confusion, the statute deliberately defined a "house of husbandry" as a house let as a farm for any three continuous years previously and occupying twenty acres of land, with the manors and houses of noblemen excluded. Secondly,

²³Statutes, 39 Elizabeth 1, Ch. 1, c. 1.

Parliament limited the statute's existence to the period from its passage to the end of the next session. Thus, while trying to cure some of the ills plaguing agrarian England at the time, Parliament solved the matter of possible ambiguity, a major complaint of former laws, and it showed its desire to maintain the policy outlined in 1593.²⁴

The second law, "An Acte for the maintenance of Husbandry and Tillage," contained even more landmarks in the development of agrarian policy. As if to eliminate opposition, the statute began with its most patriotic and logical defenses. The "Maintenance of the Plough and Tillage" was "the occasion of the increase and multiplying of people both for service in the wars and in times of peace," and "the principal mean that people are set on work and thereby withdrawn from . . . lewd practices and conditions of life." Other defensive arguments were also laid down. Tillage and husbandry kept the greater part of the subjects "from extreme poverty," and kept the country's wealth "dispensed and distributed in many hands." They also kept the realm self-sufficient in food production. The final defense threatened defeat of laissez-faire acknowledging that "until the five and thirtieth year of her Majesty's most happy reign, there

²⁴Statutes, 39 Elizabeth 1, Ch. 1, c. 1.

was always in force some law which did ordain a conversion and continuance of a certain quantity and portion of land in tillage not to be altered." Now, due to grain failures, such a policy, only recently disposed of, again seemed necessary. All land converted to pasture was ordered returned to tillage "forever" by the first of May, 1599. Further, all land in use as tilled ground at the time, and for twelve years previous, was not to be converted either to pasture for sheep and cattle or to woodland. There were exceptions made for feeding domestic animals, using fields lying fallow as pasture and restrictions on raising beef and mutton for any purpose other than to feed one's household. Both the Justices of Assize and the Justices of the Peace were to enforce the statute and levy a penalty of 10s. per acre per annum upon offenders. This sum was to be split equally among the Queen, poor relief, and the person bringing the case to any Court of Record in Westminster.²⁵

With the first part of the statute written in traditional form, there followed exceptions along newer lines. A time limit for initiating prosecutions was established, making a person responsible for his offense only for three years following its occurrence. Areas previously untilled, as

²⁵Statutes, 39 Elizabeth 1, ch. 2.

heaths, orchards, deer parks, coal mines and lead, tin or iron deposits, were exempted. The most significant exemption was that of many counties and areas throughout England for reasons which had become apparent in the debates. Finally, as in the statute preceding it, this one, which ordered land returned to tillage "forever," was to remain in force only through the next session of Parliament.²⁶

Although it may be argued that there was little completely new in either statute, there were some marked differences from earlier ones. Those in 1597 attempted to eliminate ambiguities and vagueness by defining their terms and specifically repealing all former acts which were still active. Recognizing that various regions of England differed, Parliament exempted those which were better suited for purposes other than farming. Further, ley farming was officially recognized by the legislators, who exhibited a better knowledge of newer, more practical farm methods.²⁷ Limitation of the time during which the statutes were to remain in force without being reconsidered was a most significant part. Though this had been used in earlier statutes,²⁸ it could

²⁶Statutes, 39 Elizabeth 1, Ch. 2.

²⁷Thirsk, Agrarian History, p. 229.

²⁸See 5 & 6 Edward VI, c. 5, 2 & 3 Philip and Mary, c. 2 and 5 Elizabeth I, c. 2.

then be attributed generally to the influence of the landlords who hoped that once the statutes were voided, the agrarian crisis would have passed and they could again pursue whatever goals they wished with their lands. In 1597, the addition of a time limit was for different reasons. The movement to laissez-faire had been thwarted by either weather, enclosures, or both. If dearth existed due to "the will of God,"²⁹ then the additional land to be tilled would at least add more grain. However, if the problem was one of enclosure, then the offensive land would again be plowed in full, if it had been converted in recent years, and in part, if the conversion had been long-standing. Thus the laws were destined to help the situation in some way.

Though these trends are seen in the statutes themselves, the debates leading up to their passage and communications concerning the acts make the differences more convincing. The session of Parliament had been called in response to agrarian unrest, and was to make the solution of that problem its main goal.³⁰ No doubt the House of Commons was surrounded by a certain fear, for a large majority of the English population was dissatisfied.³¹ On November 5,

²⁹Neale, Elizabeth I, p. 342.

³⁰Ibid., p. 337.

³¹Thirsk, Agrarian History, p. 229.

Sir Francis Bacon, one of the very men previously associated with non-interference, offered the two bills. They included measures against enclosure, depopulation, decay of houses of husbandry, and decay of tillage.³² The bills were

not drawn with a polished pen, but with a polished heart, free from affection and affectation. . . . Considering the increase of people and the benefit of the Commonwealth, I doubt not but every man will deem the revival of former Moth-eaten Laws in this point a praise worthy thing. . . . For Inclosure of grounds brings depopulation, which brings first Idleness, secondly decay of tillage, thirdly subversion of Houses, and charges to the Poor, fourthly impoverishing the state of the realm.³³

The House was to see his bills as "laws tending to God's honor, the renown of her Majesty, the fame of his Parliament, and the everlasting good of this Kingdom."³⁴ Presented with such a grandiose argument, it is surprising anyone would have taken issue with the proposals.

Though Bacon may have been presenting the Crown's position, some doubt exists when the proposals of the second speaker, Sir John Fortescue, Chancellor of the Exchequer, are considered. Rather than back Bacon's proposal, he first

³²Neale, Elizabeth I, p. 337.

³³Sir Simonds D'Ewes, The Journals of All Parliaments During the Reign of Queen Elizabeth, both of House of Lords and House of Commons (London, 1682), p. 551.

³⁴Neale, Elizabeth I, p. 328.

moved that a committee examine the problem. His motion was passed, a large committee was formed, and another phase of the problem, vagrancy, was added to its agenda. Nine days later, November 14, the committee's first report was returned, and within another week the initial form of a statute was completed. It proposed that all land converted since the beginning of Elizabeth's reign, after being tilled for twelve years, be returned to its tilled state and any future conversion be prohibited.³⁵

Prior to the committee's presentation, the House had debated the merits of more depopulation and tillage acts to some length. Endorsing the statutes was a now anonymous speaker who was determined that the "only remedy was the utter suppression of enclosures," though the provisions of the proposed statutes were "'too weak for the disease.'" Specifically, he criticized the fine of only 10s. per acre, feeling "that some enquiring and understanding the truth of the penalty have prepared themselves to adventure 10s. upon the certainty of a gain of 30s. at the least.'" Ending on an Utopian note, the speaker urged a complete redistribution of farm lands in a way that would benefit the poorer elements.³⁶

³⁵Neale, Elizabeth I, p. 338-9.

³⁶Ibid., pp. 339-41.

A rebuttal was heard from Henry Jackman. Being a London cloth merchant, he most likely had the shop interests at heart, for he was determined to prove

first that the statute was utterly weak and incapable of remedying the present disease of dearth, and secondly that in many ways it was mischievous and inconvenient.³⁷

Jackman failed to see that the dearth might be due to the decay of tillage, for he viewed it only as a manifestation of the "will of God: that is, the weather."³⁸ Interjecting economic realism, Jackman saw the measure as likely to cause a general rise in pasture prices and bring about yet a new dearth, only one of sheep and cattle.³⁹ This was most likely the heart of his argument, for were there to be a dearth of sheep, wool prices would begin to rise, slicing his profits and endangering the cloth business in general. Though seemingly selfish, such a motive was entirely justified, for wool trade was a significant part of England's economic composition, and he was completely correct in considering it.

Unwittingly, Jackman then approached the major problem, though neither he nor many others in the Parliament would have noted its significance. According to him, during the

³⁷Neale, Elizabeth I, p. 342.

³⁸Ibid., p. 342.

³⁹Ibid., p. 343.

first year in which depopulation and tillage statutes were enacted, there would be yet another crisis. To buy the amounts of seed required to till his greatly expanded lands, the peasant would be forced to over-extend himself. At the season's end, he would find himself unable to pay even his rents because of the low prices caused by the abundance of grain.⁴⁰ However, the nature of the discussions, the bill presented, and the agenda of the committee suggest differently. It was not planned that the peasant would receive an area of land significantly larger than before. The aim was to reinstate those previously evicted and allow them a new beginning. Modern historians tend to agree that the greatest need was not only to return the peasant to the land, but to secure his rights to it. Since 1236 with the Statute of Merton, this had not been recognized, hence it had not been enacted. Though Jackman was also worried about the decline in prices accompanying increased production, he failed to account for one element that would cushion such an effect. A factor attributed to the success of grain from 1563 to 1593 was England's large export trade, and there was no indication that this trade would not again pick up, were the product itself available in sufficient quantities.

⁴⁰Neale, Elizabeth I, p. 343.

Opposition to the enclosure forces was not only stiff, but showed an awareness of the various facets of the situation and an understanding of the problems involved with over-supply and scarcity.⁴¹ Parliament did not see the legislation as a dead letter, but feared that it would be too effective.⁴² Bacon had previously apologized to the landlords, but could do little to quell their fears, for the tone of Parliament, especially the House of Commons, must have bothered them greatly. Not only was it discussing the law at hand, but some men, as our anonymous speaker, were hinting at more radical legislation involving land redistribution. The landlords loosed their powers to tone down what laws might be passed, and if possible, to gain exemption for their county from the restrictions imposed. Their displeasure with entitling the second statute "An Act for the increase of people for the service and defense of the Realm," succeeded in diluting it to the more traditional and less provocative title of "An Act against the decaying of towns and houses of husbandry."⁴³

A written appeal by one member of Parliament to Lord

⁴¹Thirsk, Agrarian History, pp. 230-1.

⁴²Tawney, Agrarian Problem, p. 387.

⁴³Neale, Elizabeth I, pp. 345-6.

Burghley particularly criticized the weaknesses of the Depopulation Bill. Fearing that the law would only injure the peasants in several ways, he predicted that the land given to the re-established houses would be of the most "barren and fruitless soil . . .," and with no size specified for meadows, there could not be enough plows maintained. Further, the law did not limit the amount of fine or rent collectable by the landlord, and it promised relief only in future years, with no help at the present for those poor already forced from their land. Sensing the opposition from enclosing forces, he urged that the Judges of Assize hold continual progress checks, reporting every six months, and taking proper measures to insure the implementation of whatever was to be passed. He, as Jackman, touched upon the key solution to the problem. Rather than merely restore the land to the peasant, why could there not be arranged some means of purchase, lease or "enfantes tytle?" He pointed out that no mention was made of any such provision either in the proposed statute or in previous ones.⁴⁴

Another argument was adopted by Robert Cecil. He felt that the moderate nature of the proposed statutes made them more universally acceptable. Though the old laws had done

⁴⁴Tawney and Power, Documents, I, pp. 86-8.

nothing beneficial, any hasty response by Parliament would most likely benefit only a few promoters. In answer to the proposal that there be a commission of the Judges of Assize, he cited Her Majesty's contempt of commissions and her lenient nature in general. Rather than punish offenders, it was best to "give time and scope to reform the inconveniences."

Balancing the "misery of the people and the decay of the realm's strength with some trifling abridgement to gentlemen hath no proportion." There were, according to him, certain reasons for both bills, and these alone should be the guides. Besides the well-known reasons as decay of the people, gathering of the greater part of the wealth into few hands, need to set people to work, and danger of famine, there were added some original thoughts. Cecil reasoned that if England's wool production increased and the attempt was made to raise the level of exports, then she merely risked an embargo by foreign countries. He did feel that "some remedy was expected in the country" and urged the implementation of statutes stronger than the earlier ones which were providing the precedent and had accomplished little. Cecil was appealing to those on all sides of the debate and implying that Parliament had an obligation to act on the problem.⁴⁵

⁴⁵Tawney and Power, Documents, I, pp. 88-9.

The problem of deciding where the said laws were to apply did not escape debate. As the readings of the bills progressed there were repeated attempts to strengthen them, and to restrict the area in which they were to apply. Though the motives were often not the best, there was created an awareness that the same problem did not exist in all regions. While much needed to be done in some areas, other areas would not be aided and might suffer if they were harnessed with the proposals. The second law, when passed, affected only twenty-three counties, including the midlands, two southern counties and Pembroke.⁴⁶ Twentieth-century historians, as Joan Thirsk, have felt that the omissions were wisely chosen,⁴⁷ but there was some doubt in Elizabethan minds. It was feared that once the precedent was set of accepting any exceptions, the way was opened for numerous others. Shropshire was exempted following a speech depicting the county's overwhelmingly pastoral nature. So it was with any county who's member in Parliament cared to plead his case.⁴⁸ Official policy, as exhibited by Robert Cecil's speech, was opposed to some of the omissions, at least. Cumberland, Westmoreland, and

⁴⁶Statutes, 39 Elizabeth 1, Ch. 2.

⁴⁷Thirsk, Agrarian History, p. 230.

⁴⁸Ibid.

years, and corn has to be fetched from Newcastle. . . . People can neither pay their landlords nor store their ground. ⁵¹ . . . I beg the setting of these ploughs again.

It is obvious that the laws were not merely drawn up along traditional lines with traditional wording and passed with traditional meaning. Though their institution was occasioned by necessity, it seems it was agreeable in nature to very few men of Parliament. While the landlords were again strapped into the old, unprofitable economic harness of tillage, the liberal members were forced to admit temporary defeat of their lenient, laissez-faire agrarian policy. Despite one's sentiments, he would want the merits of the act re-examined before it was passed again. The feeling, among Parliamentarians, was not that the acts would accomplish nothing, but that they would work, perhaps too well. To all, the progress made in agriculture in past years appeared endangered. ⁵² Those anxious for further discussion, when the new Parliament met in 1601, were not to be disappointed.

The debate of that year was prompted by a good harvest and the move was introduced to repeal the 1597 statutes. While being discussed, both sides

assumed that the law was being administered

⁵¹Calendar of State Papers, pp. 347-8.

⁵²Tawney, Agrarian Problem, p. 387.

in practice, one speaker urging that it had the result of keeping so much land in tillage as to destroy the farmer's profits by causing excessive supplies of grain to be placed on the market in any but the worst years; another that it pressed hardly on the small farmer, who could not easily find the capital needed to sow as much land as he was legally bound to plough.⁵³

It seems extremely doubtful that with no organized commission the mere strength of a parliamentary law could overcome local opposition any more than earlier laws with commissions had done. Nevertheless, assuming that the peasant was no longer in danger of starvation, the laissez-faire movement began anew. Raleigh exclaimed that "the best course . . . is to set corn at liberty 'and leave every man free, which is the desire of every Englishman'"⁵⁴ The government's argument, as expressed by Cecil, said that "'whosoever doth not maintain the plough, destroys the Kingdom."⁵⁵ Obviously against the law's repeal, the government argued that in years of abundance, when prices tended to fall, the excess could be exported, cushioning the price drop and maintaining the peasant.⁵⁶ While favoring repeal, a Mr. Johnson felt that in years of abundance the peasant, "'staple man of the

⁵³Tawney, Agrarian Problem, p. 387.

⁵⁴Thirsk, Agrarian History, p. 231.

⁵⁵Neale, Elizabeth I, p. 343.

⁵⁶Thirsk, Agrarian History, pp. 231-2.

Kingdom," must be provided for.⁵⁷ Though resistance to the laws was present, the strength of Cecil's argument could not be doubted, and the law was not repealed.

Repeal had succeeded in 1593 only after thirty years of prosperity, the feeling of dearth being largely forgotten. Such was not the case in 1601. The years since 1596 had demonstrated the weakness of the entire Tudor policy. After so many years of prosperity, only one bad harvest had upset the agrarian system and evoked riots as in the earlier years of the sixteenth century. R. H. Tawney felt that the policy against enclosures throughout the period since 1235 and the Statute of Merton had been so basically weak that it did not significantly influence England's economic development. Secondly, the policy merely "mitigated the hardships of the movement to enclose to the rural class."⁵⁸ The Statutes had all been stop-gap measures treating the ailment superficially by combating depopulation due to eviction without checking the basis of eviction by turning "customary into legal titles and fixing judicial rents for leaseholders and immovable fines for copyholders." All of these, however, were things which a government dependent upon gentry support

⁵⁷Thirsk, Agrarian History, p. 231.

⁵⁸Tawney, Agrarian Problem, p. 390.

could not give.⁵⁹

⁵⁹Tawney, Agrarian Problem, pp. 377-8.

CONCLUSION

The primary decision to be made about the Tudor farm situation is whether there occurred a revolution. The political and social revolutions are obvious, as is the fact that they were caused largely by actions and policies of the royal house and its government. The changes and their origins in husbandry are less discernible. Tawney recognized a sixteenth century agrarian revolution that was carried out by the great, not the small of earlier years. Rights, not land, had become the medium of exchange, and rather than manor uniting against manor in a dispute, the lords of all manors became united against the peasants as a group.¹ G. R. Elton agreed, observing that there was an agrarian revolution which "laid the foundations of the characteristic structure of the English countryside (landlord, tenant farmer, landless labourer) and destroyed the true landholding peasant."² The opposing view was held by A. H. Dodd. To him

¹Tawney, Agrarian Problem, pp. 180-2.

²Elton, England Under the Tudors, p. 80.

there was no agrarian revolution; how could there be, when biology and chemistry were still in their medieval swaddling-band and when custom, enforced in the court-leet, reigned supreme wherever 'champion farming' and manorial economy prevailed, which meant over most of England.³

This reasoning was unnecessarily naive. The England to which he was referring was one of the fifteenth century, for by Tudor times "most of England" was not as he pictured it. Only the midlands had continued in the fashion he described, to any great extent, and even there the effects wrought by circumstance and policy were significant enough to encourage some change.

Obviously, the choice to be made lies somewhere between these two diverse poles of thought. There was a significant change in the country during these years, but exactly how much of the change can be credited to the Tudor policies is debatable. Tudor writings, to a large degree, and Tudor policy in its entirety, were in no way innovative or helpful to the problems at hand. The historian is led to believe that the Tudor agrarian revolution occurred despite Tudor policy, not as a result of it.

The attitude of the government was best explained by J. D. Mackie. To most of the ruling gentry, it was

³Arthur Herbert Dodd, Life in Elizabethan England (New York, 1961), p. 30.

a serious thing to meddle with the foundation of rural society; certainly it believed that if the country were given over to pasture it would lack its natural defenders. Not only would the peasants be too few in number to protect the soil, but they would be too poor in manhood.⁴

In terms of potential, Wolsey was the only figure who could possibly have reshaped agrarian life along modern lines. Unfortunately, he directed his efforts, spasmodic as they were, toward returning agrarian England to a peaceful past, not a greater future. "Somerset's crusade against enclosures was quixotic and the venomous opposition launched against him by landowners in and out of his own Council was equally irrelevant."⁵ His policies were well-intended, but they merely antagonized all factions and satisfied none. Although the actual body of Warwick's policy was promising, the spirit proved not to be its equal. The reign of Elizabeth apparently began after the pressure from sheep had passed. According to Elton, the peak of pasture farming was in the 1540-55 years, after which there was a decline, as the bottom fell out of the wool market.⁶ When caught off of their guard after thirty years of agrarian calm, the Elizabethans returned to the traditional panacea--anti-decay statutes.

⁴Mackie, Earlier Tudors, p. 450.

⁵Jordan, Edward VI, p. 412.

⁶Elton, England under the Tudors, p. 231.

Except by coincidence, copyholders, freeholders and leaseholders never obtained the security they demanded and needed. The Tudor policy was only to issue nicely worded, but weak statutes and proclamations to appease the dissatisfied peasants and to avoid forever facing the rotten base of the problem. For 118 years the Tudors deferred constructive action on the situation, and passed to the Stuarts the same basic problem they had themselves received from the Lancasters. Tudor policy was anything but revolutionary in terms of the countryside.

Writings of the period fared somewhat better. Outstanding authors included Fitzherbert, Pole and Tusser. These three, more than any others, looked forward to new methods of farming and landholding, not back to a golden era which did not exist. Unfortunately, except for a brief spell in 1596, there was no hint of the enlightened ideas of these men ever affecting official policy. The Parliaments, Councils and monarchs appear to have leaned on traditionalists as More and the Commonwealth Men instead. The efforts of the great writers, however revolutionary, were lost to the peasant of sixteenth century England.

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VITA

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