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# THE ENFORCEMENT OF ENGLISH APPRENTICESHIP.

A STUDY IN APPLIED MERCANTILISM

1563 — 1642

By

Margaret Gay Davies

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## PREFACE

The present study was begun under the guidance of the late Edwin Francis Gay as an inquiry into the operation of the Statute of Artificers in the eighteenth century, with the hope of isolating some factors in the rise of *laissez faire*. The investigation was to be concerned principally with the Act's most important apprenticeship clause, that requiring the seven-year term. But in spite of works of major value and importance on the subject of English mercantilism, the actual means of enforcement of mercantilist regulations in the sixteenth and seventeenth centuries is virtually unexplored territory, and the Act of 1563 is no exception. Separate treatment, therefore, of the apprenticeship law before 1642 appeared to be advisable. The one full-length study heretofore published rests mainly on municipal records; in the present book, the history of regulation in borough and corporate town was disregarded, as being already better documented and more fully known than in the county jurisdictions.

Prosecutions in central and local courts, and inquiries and orders by central and local authorities, have been utilized as basic objective evidence of attempted enforcement of the law. Essential manuscript materials were the court records. Those of two central courts were selected for examination: the Memoranda Rolls of the King's Remembrancer's Department of the Exchequer and the Coram Rege Rolls of the King's Bench, Crown Side. Time was lacking to search those of the Court of Common Pleas, where it is known that apprenticeship prosecutions were brought. Surviving records of the circuit courts were utilized, but a continuous series from 1563 is extant only for Essex out of the fifteen counties to which the study was intentionally limited. These counties were selected, their number and identity varying in the different periods according to the availability of their quarter sessions records, to represent the woolen industry of the southwest, the mixed textile industries of the north, the agricultural

and metalworking midlands, and the industrial and commercial east. London and adjacent shires, Essex excepted, were omitted from consideration as presenting special problems. The fifteen (arranged by regional groups) are: Devonshire, Somersetshire, Wiltshire, Worcestershire, Essex, Norfolk, the West and North Ridings of Yorkshire, Lancashire, Cheshire, Staffordshire, Warwickshire, Nottinghamshire, Northamptonshire, Leicestershire.

In this group, the only county for which manuscript records were not utilized was the North Riding. For the others, examination of the archives was necessary either to supplement published material or because of the lack of it. So far as time permitted, both sessions rolls and sessions minute books (the memoranda of sessions business) were searched, and order books (the record of judicial and administrative orders issued at quarter sessions) were sampled. It was occasionally possible also to examine some of the files of petitions, depositions, and recognizances, but not as fully as would have been desirable. Search was continuous through each reign, except where indicated in the text below or in the Bibliography. The sessions rolls, in which all the original documents for each sessions were usually filed, were found to be the most satisfactory class of record wherever they are reasonably intact, for the purpose of accumulating a total of prosecutions and orders, although minute books may be an indispensable record of the results of prosecution. Because of the long and relatively continuous series of sessions rolls in Essex, preserved from pre-Elizabethan days with fewer serious gaps than in the other selected counties, the Essex quarter sessions supplied most of the evidence of local procedures and practice in apprenticeship enforcement in the sixteenth and earlier seventeenth centuries. But this would not have been possible had publication of the present study not been delayed many years — an undeserved reward for procrastination, since in the interval the policy of the Essex county authorities underwent a complete change. Whereas in former days a fee was charged for the use of the county's archives sufficient to limit research to only a sampling for discontinuous periods, recently the Essex county authorities have put historians greatly in their debt by preparing a full typescript calendar of the sessions rolls down to 1660 and by allowing it to be filmed.

In two other counties of the group, Staffordshire and Wiltshire, publication in full of sessions records of the Elizabethan period has

added, since the days when research in England for this study was completed, to the growing body of valuable printed sources for the history of local government. It has therefore been possible, for these counties and for Essex, to check the writer's notes taken from manuscript with the records now available in print or typescript. While it is not vital to the conclusions of the present work that the number of apprenticeship cases originally tabulated from manuscript should have been found to be exact, it is a satisfaction to be able to state that in the three counties no major discrepancies were seen and only three certain additions discovered to the original count of apprenticeship cases. The comparison suggested, however, the possibility that in other counties an occasional case may have escaped the writer's observation if the sole record of it is among the files of recognizances from defendants: lack of time prevented more than brief sampling of this class of document.

For the sake of brevity, several shortcuts in phrasing have been adopted throughout the following pages. When reference is made to quantity of prosecutions in quarter sessions records, this will be understood to mean, unless otherwise specified, the records of the group of selected counties as listed herein, with the necessary variations from one reign to the next according to the survival of sessions material. These variations, however, did not affect the tabulation of prosecutions in the Westminster courts, which were traced for twelve counties throughout, as shown in the Tables in Appendix II. When reference is made to the Westminster courts, this will mean the two departments in the Exchequer and the King's Bench mentioned above. Violations of the seven-year term of apprenticeship, the Section 24 of the Act of 1563 which is the subject of this work, will usually be referred to as "apprenticeship offenses" or "apprenticeship prosecutions"; when violations of any other of the apprenticeship provisions of the Act are intended, they will be specifically designated.

The lapse of time since I first began to gather the materials for this monograph has made it difficult to acknowledge my obligations in full. Some of those to whom my gratitude is due are no longer alive.

During the initial period of research in England in 1927-1930, and again in the summer of 1933, I received the aid always so freely given to the visiting American scholar by the custodians of central

and local archives. To the officials then at the Public Record Office, at the British Museum, at shire hall and town hall, my obligations are many. I must add a special word of thanks for friendly help in the use of county sessions records in Norfolk, Northamptonshire, Lancashire, and Wiltshire. In the last county in particular, no pains were spared to solve a problem in logistics for my attack on the archives, presented by the fact that the latter were housed at Devizes while a comfortable room in which to work — with a fire, if I remember correctly — was put at my disposal in the county offices at Trowbridge. I have grateful memories also of opportunities to read in various libraries in England: that of the Institute for Historical Research then so conveniently accessible in hours after the Record Office and the British Museum had closed, and in city or town libraries whose staffs were uniformly welcoming.

To several individuals in England I owe my thanks for advice and encouragement. I can mention here only the names of the late Hubert Hall whose kindly assistance benefited so many scholars, both beginners like myself and the experienced; Sir Hilary Jenkinson; Professor R. H. Tawney, who allowed me to attend one of his seminars; the late Walter Rye of Norfolk, for an interview in which his common-sense approach to Tudor local government offered valuable hints; Mr. A. P. Wadsworth and the late James Tait for useful suggestions about local sources and treatment of the subject; and not least, Miss Joan Wake, for helpful references to material and for sympathetic interest.

For continuing work in this country, chiefly in secondary materials, I had the privilege of access in earlier years to the rich collections of local history in Harvard University's Widener Library, and in more recent years to those of the Huntington Library. Here I must especially speak not only of the microfilms obtained by the Huntington Library of manuscript material essential for the study of local government — *Libri Pacis* of the Elizabethan and early Stuart periods and the typescript Calendar of Essex sessions rolls — but of the atmosphere of friendliness created by the library staff and of their unfailing willingness and ability to assist readers.

My list of debts to American teachers and scholars should begin with those of my undergraduate and graduate student days who stimulated my interest in historical studies: the late Wilbur C. Abbott and the late Charles H. Haskins; Professor Charles F. McIlwain; Pro-

fessor Abbott P. Usher in whose course a term paper on English mercantilism initiated me into the difficulties of that topic.

In direct connection with the making of this book, I am grateful to Miss Bertha H. Putnam both for her works as exemplars of scholarship and for the spoken word of encouragement in the early days of my research. I am grateful also to Professor N. S. B. Gras for his encouragement, particularly in giving me an opportunity to contribute a paper on my subject to a *Festschrift* though I was yet untried.

For encouragement and advice in revising my doctoral dissertation, I am deeply grateful to Professor Herbert Heaton. I have endeavored to turn his valuable suggestions to account. I owe thanks also to Professor Helen M. Cam and to Sir George Clark for their stimulating criticism, and to Professor John H. Gleason for helpful comment on the pages dealing with the justices of the peace. My thanks go to Mrs. Jane Carroll for her care and patience in typing the manuscript.

To Radcliffe College I owe not only my training but the financial aid which made possible two of the years in England necessary for this study. Its publication was facilitated by the kind interest of Professor Arthur H. Cole, Chairman of the Committee on Research in Economic History, in submitting the manuscript for approval. I wish to express my gratitude to the Department of Economics of Harvard University for making publication possible.

To my parents, the late Edwin Francis Gay and Louise Randolph Gay, I owe a constant support both material and spiritual and an intellectual debt which spans my life. Those who were students under my father knew what riches of knowledge and wisdom were theirs for the taking. For the many defects of this book his memory bears no blame. The first draft of most of it had been put entirely aside during and immediately after the war years 1941-1945. When I began once more the task of writing, I was without his guidance. Of the manuscript as read and criticized by him, only a little remains — some sections of Chapters II, III, and VII to IX. My attention was originally directed to the problems of business fluctuations in the sixteenth and seventeenth centuries by a collection he was making of business annals of these periods. But the analysis of relationships between apprenticeship enforcement and business fluctuations, in Chapter V of the present book, was undertaken when he could no longer approve or direct. His pioneer use of Exchequer sources for his study of the inclosure movement not only prompted him to set



me at work on them but also provided, later on, supplementary material on the informer from the storehouse of his notes.

To my husband Godfrey Davies my debt is of shorter duration but equally impossible to express. He has underwritten my slow labors with his unflagging support and interest, and few pages of the book have not benefited from his gift for lucid statement.

May 28, 1955

M. G. D.

THE ENFORCEMENT OF ENGLISH  
APPRENTICESHIP

A STUDY IN APPLIED MERCANTILISM

1563-1642

## ABBREVIATIONS USED IN THE NOTES

<i>Acts P.C.</i>	<i>Acts of the Privy Council of England</i>
<i>C.J.</i>	<i>Journals of the House of Commons</i>
Cal. Q.S.	Calendar of Quarter Sessions Rolls (Essex Record Office)
<i>Cal. S.P.D.</i>	<i>Calendar of State Papers Domestic</i>
K.B.C.R.	King's Bench Coram Rege
K.R.M.R.	King's Remembrancer Memoranda Rolls
N.R.R.S.	North Riding Record Society
P.C.R.	Privy Council Register
P.R.O.	Public Record Office
Q.B.C.R.	Queen's Bench Coram Rege
Q.R.M.R.	Queen's Remembrancer Memoranda Rolls
Q.S.R.	Quarter Sessions Records
S.P.D.	State Papers Domestic

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## GENERAL INTRODUCTION

The Statute of Artificers of 1563 declared itself to be, and was, with two very important exceptions, a codification of previous legislation. Its provisions have been too often described for all of them to need review, especially since of the three main parts of the Act — regulation of the contract of service for all hired labor, wage assessment by the justices of the peace, and the regulation of apprenticeship — the present study deals only with the third.<sup>1</sup>

The regulation of apprenticeship was one of the important new departures of the Act, the other being the periodic assessment of wages.<sup>2</sup> The novelty of the apprenticeship clauses attached chiefly to Section 24. The seven-year term of apprenticeship which this required for entry into "every craft, mystery, or occupation" then used in the realm was not a new practice in industrial life. But its removal from the sphere of municipal and craft control and its uniform application without distinction of place were new. Two other features of the apprenticeship policy created by the Act were new in detail if not in principle. One was an elaborate definition of eligibility to take

<sup>1</sup> The fullest outline of the provisions of the Act (*Statutes of the Realm*, IV, Pt. 1, 5 Eliz., c. 4) with emphasis on its character as uniform national legislation will be found in W. Cunningham, *The Growth of English Industry and Commerce*, 6th ed., II, 25ff; discussion of the apprenticeship clauses in O. J. Dunlop and R. D. Denman, *English Apprenticeship and Child Labour*, 64-71, with emphasis on the Act's relation to the problem of vagrancy; the most modern and in some points more illuminating review, in Eli Heckscher, *Mercantilism*, tr. M. Shapiro, I, 224-32. A valuable unpublished study appears to be that of T. K. Derry, "The Enforcement of a Seven Years' Apprenticeship under the Statute of Artificers," known to the present writer only in summary in *Abstracts of Dissertations for the Degree of Doctor of Philosophy*, Oxford University, IV, 9-17.

<sup>2</sup> In practice, this had been anticipated by wage assessments in 1560-61; see B. H. Putnam, "Northamptonshire Wage Assessments of 1560 and 1667," *The Economic History Review*, I, No. 1, 124-134; *Tudor Economic Documents*, ed. R. H. Tawney and E. Power, I, 334-338.

apprentices or be apprenticed, according to residence, income level, and occupation, which, in contrast to Section 24, was selective between town and country. The other was the institution of compulsory apprenticeship up to the age of twenty-one at the discretion of the justices of the peace, a provision which seems to be modeled on the parallel compulsion to enter hired service which was imposed on all meeting certain conditions of age and status.<sup>3</sup> The final item in the Act's series of rules for apprenticeship was a limitation on the proportion of apprentices to journeymen imposed on employers in textile occupations, shoemaking, and tailoring, a replica of a clause in a statute of 1549/50.<sup>4</sup>

The present study will be centered on the requirement for a seven-year term, the most durable of all the provisions. This comprised several objectives, though it cannot be known whether all were consciously intended. For industry, compulsory training in the occupation later to be followed as a livelihood was applied regardless of location.<sup>5</sup> Ostensibly at least, the similar requirement imposed earlier for the woolen industry<sup>6</sup> had been welcomed by mercantile and established craft interests as a means of improving the quality of the product.<sup>7</sup> For the national economy, a standard of occupational immobility was established, which if effective would tend to retard all expansion in industrial output. This restrictionism was probably even more acceptable than the required industrial training to the monopolizing merchants and craftsmen who had urged it eleven years before for the woolen industry. For social policy, the apprenticeship clauses as a whole reveal the intention that the seven-year term must not release the apprentice before the minimum age of twenty-one anywhere, and twenty-four in corporate towns. This was probably directed against a too rapid increase of poor households, and has a parallel in a rule for London seven years before in which increased poverty was ascribed to "over-hasty marriages and over-soon setting

<sup>3</sup> The pertinent clauses of the Act are transcribed in Appendix I, except for Section 18 which merely defines the right of a householder tilling half an acre or more to take apprentices in husbandry.

<sup>4</sup> Sect. 26 of 5 Eliz., c. 4, repeating Sect. 3 of 3 & 4 Ed. VI, c. 22. See App. I.

<sup>5</sup> With two exceptions: the Act expressly left intact the pre-existing "custom of London" permitting entry into *any* occupation by a freeman of the city, i.e. one who had been admitted by apprenticeship, patrimony, or redemption to make his living therein; and the similar "custom of Norwich" (Sect. 33).

<sup>6</sup> By a series of statutes in the 1550's; see below, Chap. V, n. 6.

<sup>7</sup> G. Unwin, *Studies in Economic History*, 148.

up of households by young folk.”<sup>8</sup> The same association reappears forty years later, when a set of orders drawn up in quarter sessions at the request of Wiltshire weavers included, for the same purpose, a prohibition on apprentices coming out of their covenants before twenty-four years of age.<sup>9</sup>

The particular objectives of the Act are dominated by the necessary preoccupation of the period with the dangers of social unrest and disorder. These were at the root of the “pro-agrarian” character of English economic policy,<sup>10</sup> of which the Statute of Artificers is the most comprehensive expression. As a theoretical matter, agrarianism was grounded on belief in stability; as a matter of policy for the realm, on greater independence of foreign markets and food supply. The men who legislated agrarian measures faced the practical problem of a sufficient supply of docile labor in fields and rural crafts as one of daily importance, and recognized in the existence of bands of roving vagabonds a dangerous threat to the security of life and property.

An often quoted expression of the responsibility of industry in sowing the seed of rebellion is that of John Hales early in the reign of Edward VI, in the words of the knight in his dialogue who is thought to represent the views of the country gentry: “all these insurrections do stir by occasion of all these clothiers; for when our clothiers lack vent over sea, there is great multitude . . . idle; and when they be idle, then they assemble in companies and murmur for lack of living. . .”<sup>11</sup> Fifteen years later, Sir William Cecil, already the leading statesman of the age, who had seen since 1549 further alternations of “vent over sea,” favored continued nonintercourse with Antwerp on the ground that “the diminution of clothing in this realm were profitable” since the industry caused the decay of tillage and import of foreign grain, created a class of people “of worse condition to be quietly governed than the husbandmen,” and was the reason for the lack of artificers in corporate towns and of “laborers for all common

<sup>8</sup> Dunlop and Denman, *English Apprenticeship*, 69-70.

<sup>9</sup> Wiltshire MS. Sessions Rolls, Michaelmas Sessions, 1 Jas. I. The contemporary acceptance of the utility of apprenticeship on these grounds is mentioned by R. H. Tawney, *The Agrarian Problem in the Sixteenth Century*, 106n. He cites the London rule, and the Wiltshire weavers’ petition which closely resembled the final order.

<sup>10</sup> The term is applied by Heckscher, in *Mercantilism*, I, 231.

<sup>11</sup> [John Hales], *A Discourse of the Common Weal of This Realm of England* [1549], ed. E. Lamond, 88; see Unwin, *Studies*, 187-188.

works.”<sup>12</sup> The framers of the Act of 1563 would also, like Cecil, have remembered the depressions and discontents of the years since the still recent insurrection in 1549. What they feared from such a decline of cloth exports as had occurred since 1561<sup>13</sup> is illustrated by the muttering of a credulous unemployed weaver of Colchester in 1566. He was accused of inciting to rebellion, with speeches such as “weavers occupation is a dead science nowadays and it will never be better before we make a rising” and with plans to ride through the clothing villages crying “they are up” to Colchester where the church bells would be rung, and all this in midsummer “for at that time began the last commotion.”<sup>14</sup>

Attempts to cure the complex of evils described by Cecil had produced since 1549 a series of legislative proposals to halt the extension of country industry. Their chief outcome was the group of statutes known as the Cloth Acts, which by 1557 had enunciated a policy of restricting entry into textile occupations by requiring apprenticeship and of checking growth of the industry outside the towns by direct prohibition as well as by limitations on the size of the individual craft unit.<sup>15</sup> By 1559 the problem of wages was giving rise to adjustments locally in the statutory rates, and to debate in Elizabeth’s first Parliament.<sup>16</sup> Other proposals submitted at this time included the revival of the harsh act of 1547 condemning vagabonds to slavery, tighter control of the hiring of servants and laborers, property restrictions on the choice of occupations by intending apprentices, as well as suggestions for education, regulation of imports, enforcement of laws for the maintenance of tillage, and various other matters of economic and social policy.<sup>17</sup> Some of the existing legislation on these

<sup>12</sup> *Tudor Economic Documents*, II, 45.

<sup>13</sup> F. J. Fisher, “Commercial Trends and Policy in Sixteenth-Century England,” *The Economic History Review*, X, No. 2, 96-105.

<sup>14</sup> P.R.O., Assizes Records, Southeastern Circuit, Essex, *Indictments Bundles*, No. 8.

<sup>15</sup> For a review of some of the bills brought in the Commons, see Cunningham, *Growth of English Industry*, II, 26n. For the Cloth Acts (those restricting entry and expansion) see below, Chap. V, n. 6.

<sup>16</sup> See above, n. 2; *Journals of the House of Commons* (hereafter to be cited as *C.J.*), I, April 21 and April 25, 1559. The national wage levels set by the well-known Ordinances of Laborers of 1349 and the Statute of Laborers of 1351 had been altered from time to time by successive statutes, the most recent of which prior to 1563 was that of 1514/15 (6 Hen. VIII., c. 3, modified the next year for London building trades).

<sup>17</sup> *Tudor Economic Documents*, I, 325-330.



subjects was embodied in proclamations of 1561 and 1562, and committed to the justices of the peace in the counties to enforce. If this was in any sense a trial balloon to test the reception of new legislation, the results cannot have been encouraging, for a report sent to Cecil from Buckinghamshire in 1561 warned him that men were murmuring abroad against the doings of "master secretary Cecil." The justices were described as indifferent to executing the laws, or themselves offenders, or afraid of the rich and great men involved.<sup>18</sup> This resistance demonstrated the power of passive obstruction possessed by the local authorities to whom enforcement of the Statute of Artificers as of other economic regulation was committed. But local resentment was not apparently directed toward that part of the government's exhortations to better administration which concerned the regulation of service, apprenticeship, or wages. These three matters, and also the enforcement of the statutes of apparel, were dealt with by the Buckinghamshire justices of the peace in 1561. They issued a wage assessment for agricultural labor and rural craftsmen which was accompanied by a series of orders applying in part the legislative "program" of 1559 and thus also in part foreshadowing the Act of 1563. The chief anticipation of the latter's apprenticeship clauses was in the order prohibiting husbandmen of less than a specified minimum estate to apprentice their sons to any craft.<sup>19</sup>

The growth of industry, the uncertainties of the market, unemployment and idleness, discontent and vagabondage, violence and rebellion — this was the fatal sequence which must be prevented. Nearly all the steps in it were attacked by some one or more sections of the compendious statute enacted in 1563. The objective of attaining a stable agricultural society stands out prominently: the preamble to the Act of 1563 is devoted chiefly to the problem of adjusting wages to rising costs of living, and concludes with the aspiration that the Act will "banish idleness, advance husbandry, and yield unto the hired person . . . a convenient proportion of wages."

Characteristically, little attention was devoted to the administrative and police machinery which was to effectuate the huge design.

<sup>18</sup> *A Collection of the Substance of Certain Necessary Statutes* . . . (London, 1561); *Tudor Economic Documents*, I, 330-334.

<sup>19</sup> *Tudor Economic Documents*, I, 334-338. The minimum estate was set in these orders at 20/- a year freehold, a more stringent restriction, especially since it applied to all crafts everywhere, than the restrictions of the Act of 1563 (see App. I below).