

A Decade of Disorder? The Performance of Justice in Cheshire in the 1590s

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Historians of early modern England have long considered the 1590s, which included widespread crop failures, recurrences of plague, inflation, unemployment, and general economic depression, to be a decade of catastrophe in England.¹ However, much of the historiography that studies this phenomenon focuses predominantly on the area near London. The geographic emphasis of the present study is the county of Cheshire in the northwest of England. This paper evaluates whether local law enforcement officials, particularly justices of the peace, witnessed evidence of this economic crisis in their everyday work, record of which is exhibited in the Quarter Sessions files. These records include petitions to the JPs from members of the community concerned about criminal activity in their towns, as well as legal documents recorded by court clerks during the sessions pertaining to vagrancy, larceny, bastardy, assault, public drunkenness, and a variety of other offenses, all of which exhibit how officials performed justice in early modern England. Cheshire may not have seen exactly the same types of evidence for economic fracture and dislocation as other parts of the realm, but the Quarter Sessions from the aforementioned county suggest that the administrators of local law were forced to deal with the consequences of economic distress, particularly in the form of vagrancy, poor relief, and property offenses, such as theft, burglary, and the illegal taking of wildlife from others' property.

Historians have written extensively about other areas of the realm during the 1590s, examining both the struggles faced by those living during this decade and the attempts by national and local government to relieve the pressures of the multiple

forces that combined to result in crisis. J.S. Morrill has studied the tribulations faced by Cheshire residents during Charles I's "personal rule" and the civil wars, but a comprehensive study of Cheshire JPs and their attempts to stabilize an unstable economy in the 1590s has yet to be produced.² Historian Ian Archer argues in his work *The Pursuit of Stability* that the economic crisis of the 1590s, which may not have been as devastating in England as on the continent or as demoralizing as the 1540s, was nonetheless destructive enough to cause a great disturbance in social relations in London. Of particular importance to Archer's research is his evidence of apprentice uprisings and other examples of social unrest, problems which are less apparent in the records examined for this study.³ Peter Clark argues that factors such as war, plague, and dearth that have given the 1590s the label of a decade of crisis were not limited to one group of society but "pervaded all levels of the urban hierarchy."⁴ E. P. Cheney discusses the scarcity of grain in his *History of England*, and notes that in 1596 the Home Counties surrounding London were forced to sell their grain to bakers in the capital while being restricted from selling to distant markets, suggesting that certain counties may have suffered more severely because provisioning London was deemed more important than sustaining resources in the rest of the realm.⁵ Peter Clark suggests that the county of Kent felt the crisis of the 1590s, particularly the drain on the local economy to finance Elizabeth's wars, because of its close proximity to London.⁶

A comparison of the operations of this northwestern county in the reportedly disastrous decade to London and the counties close to the capital city in the same chronological frame allows for a study of the geographic magnitude of the crisis by examining the struggles faced by those residing near the governmental core of England with the experiences of those living further from the center of the realm. Although Cheshire did not closely neighbor London, the Quarter Sessions records suggest that this county witnessed the effects of the economic hardship that the capital faced, and that JPs were forced to actively attempt to regulate these negative consequences of this period of crisis.

One of the most telling results of economic distress in the early modern period was vagrancy, a crime qualified by a beggar illegally wandering from town to town, often in search of work

or charity from community members. Vagrants left their places of residence predominantly because they were unable to support themselves or receive charity from others in their home towns or counties, a circumstance most likely caused by unemployment and, by extension, economic depression. The early modern English courts were diligent in their punishment of vagrants, because unknown rogues wandering about the community threatened the monarch's peace throughout the realm, particularly because they had not established reputations of being law-abiding citizens. Without jobs or homes vagrants were unable to take care of themselves and thought unlikely to be productive members of society. As a result, justices feared that vagrants would do physical and financial harm to the respectable members of the community through the receipt of charity or crimes such as theft, each of which would put a strain on the local economy. Thus, because vagrancy was so closely associated with the economic misfortune of local communities, it is not surprising that vagrancy appears regularly in the Quarter Sessions records from Cheshire in the 1590s. The standard punishment for vagrancy in early modern England, according to statute law, was for the offender to be whipped, branded or burnt through the ear, and sent back to their previous place of residence.⁷ The punishment was an incredibly public demonstration, probably meant to show example to others while also attempting to ensure law-abiding citizens that law enforcement officials were doing all in their power to maintain peace and security in the realm.

The Quarter Sessions, however, did not punish the vagabonds themselves in the 1590s, as that task was left to national statute, enforced by town constables; the JPs instead focused predominantly on those who harbored the wanderers. At the Cheshire Quarter Sessions in November of 1590, Rondull Millner was presented "for lodgyng vacabondes," and John Walley was presented "for keepynge an Inmate of mawde walston."⁸ On July 29, 1595, the JPs heard the case of Robert Maddock, who harbored vagabonds in his house.⁹ At the Quarter Sessions held on May 4, 1596, Isabell Reader, a widow, was found to be a "comen receptor of Rogues & vacabond[es]."¹⁰ Community members and justices viewed harborers of vagrants as accomplices to the criminals who were in want of work or relief, neither of which the county could provide

when its own residents were already struggling and many in need of charity themselves.

One of the greatest threats of vagrancy was not in the crime of wandering itself, but in the other crimes which the early moderns associated with vagrants. Historian Paul Slack notes that in his study of vagrants in Warwick in the 1580s, the majority of those convicted of vagrancy were thought to have committed other offences in addition to the initial crime.¹¹ Further, Slack notes that vagabonds were frequently seen as the cause for all of society's quandaries and disasters.¹² Historian James Sharpe notes, "The vagrant emerged as the criminal stereotype in the late sixteenth century. His importance in the eyes of those bent on keeping English society orderly was demonstrated by a mass of legislation and a substantial body of popular literature, the former aimed at curbing his escapades, the second at horrifying the public with sensational accounts of them."¹³ Vagrants were associated with other crimes in the Chester records as well, particularly those related to ill government and causing other disorders, which further threatened the stability of the county in a clearly unstable decade.

A case from 1591 identified a man who not only harbored vagrants, but was also accused of selling ale illegally, keeping whores, and committing a number of burglaries.¹⁴ A case from October of 1596 identified Richard Barlowe as a receiver of aid and a "notorious malefactor" who was also accused of various felonies and lewd behavior.¹⁵ In another case from 1596 a man was presented because he not only lodged vagabonds, but he also sold ale illegally.¹⁶ On May 16, 1598 the JPs heard the case of John Blundel, who was presented for keeping vagrants as well as running a house of ill repute. In the same sessions Margerye Drane, a widow, was presented for harboring rogues and beggars, and for "for kepinge ill rule in her howse."¹⁷ Each of these people not only brought unknown persons into the county but committed other crimes as well. The harborers provided space for the vagrants to cause even more trouble for a community already struggling to maintain order. Thus by punishing those who were visibly aiding in the undermining of the law, JPs put on a show of justice which may have helped to quell the fears people had about vagrants committing crimes in their communities.

In January of 1598, one of the greatest fears associated with vagrancy was realized when John Wright kept a vagrant woman in his house and the woman “there deliu[er]jed of a child.”¹⁸ This was a particularly egregious offense because the financial burden of caring for a bastard child would fall onto the local parish unless the father could be located, at which point he would be fined for the maintenance of the child.¹⁹ Thus, the parish in which the child was born would face further strain on its poor relief funds. At the same Sessions, seven others were presented for also lodging vagrants, possibly because of fears of the economic strains associated with bastardy. This attention to harboring vagrants serves as evidence of the economic turmoil that justices were attempting to control.

The records indicate that JPs were also responsible for ensuring that the town constables followed statute law and punished vagrants. This suggests that the number of vagrants was high enough during the 1590s to warrant such oversight. In April of 1597, John Cappes, a constable at Calveley, was presented to the JPs for not punishing vagrants according to statute, “but suffered them after he had receyved them to goe at Large.”²⁰ In October of 1597, John Pealle, another constable, was presented to the JPs at the Quarter Sessions “for not pvnishinge Roges & vacabonds accordinge to [th]e statute.”²¹ In July of 1599, Robert Barrett and William Mylles, both constables of the township of Millington, were presented for sending poor travelers away unpunished, which was again in violation of the national statute.²² At the same sessions, Richard Hall and Thomas Fichett, constables, were presented “for suffering the poore weekly to begge and make abode within the said towne contrarie to the forme of the said statute.”²³ Each of these cases, as well as a number of others, came from the later part of the decade, which suggests that vagrancy indictments had increased enough for this to be a problem with which the JPs needed to deal. That these presentments predated the Poor Law of 1598 rules out the possibility that this new-found authority concerning accountability was solely the result of a change in national policy. It further suggests that the JPs understood that the suffering economy required the firm hand of law for regulation and the good of the community, and the performance of justice was absolutely necessary amidst an unstable economy.

Caring for the so-called deserving poor, which included impotent persons, maimed soldiers, widows and orphans, and

those who, for some reason beyond their control could not support themselves, produced an additional economic strain on the community.²⁴ People feared that, when left to survive by their own devices, these impoverished and helpless individuals would survive by criminal means.²⁵ For example, JP William Lambarde, who served in Kent during Elizabeth's reign, wrote that a soldier who returned to England from war would become "either an impudent beggar or an errant thief."²⁶ Thus it was essential for the safety and well-being of the community, as well as to the moral responsibility, to care for those who could not care for themselves. It is interesting to observe that poor relief, somewhat masked as a means of providing aid to those in need, in actuality resulted as much from fear of the possible criminal acts of the impoverished as from the moral obligations of the wealthy.

Historian R. B. Outhwaite cautions scholars against immediately accepting the term "crisis" as applicable for the 1590s in England, but he does acknowledge that there was a great strain on the finances of the English crown and people during this decade, most of which resulted from foreign wars in Ireland, the Low Countries, and on the continent.²⁷ Therefore, it is not particularly surprising that the Cheshire Quarter Sessions records of the 1590s indicate that wounded soldiers who returned from war were among those who most commonly requested poor relief from the JPs. In January of 1594-95, the justices received a petition on behalf of Arthur Buckley, who had served for several years in the Low Countries. Buckley was reported to be "so brused and hurte in [th]e body, as he is vtterly inhable any longer to serue" and was therefore granted relief according to statute.²⁸ At the same sessions came report of John Worrall, another soldier from Cheshire, who fell ill during his service and "hath since bene lame, & impotent, not able to get his living."²⁹ He was not injured in battle and thus was not required to be relieved by statute, but the JPs entertained petition for his relief all the same, perhaps because of their aforementioned fear of the crimes of the impotent.

Internal poor relief not pertaining to maimed soldiers was also a responsibility of JPs on occasion, although it seems to have predominantly been the responsibility of churchwardens and town officials. In May of 1591, the parish of Goseworth petitioned the JPs for the "relief of a childe founde in that p[ar]ishe."³⁰ The

absence of parents' names or a claim of bastardy in the record implies that this child was orphaned for some reason, possibly the death of its parents or their inability to care for the child. This serves as yet another example of the community being faced with relief of the poor in a decade in which poverty appears to have been all too common in Cheshire.

Justices were also responsible for ensuring that the local churchwardens distributed payments for poor relief. On several occasions churchwardens were indicted for not paying the said monies. In May of 1599, Rondell Maynwaringe was presented to the JPs because he would not pay for the relief of the poor or maimed soldiers.³¹ Also in 1599, "the churchwardens and all other the inhabitants w[i]thin crete and Barthomley exceptinge three or ffoure" petitioned to the justices, claiming that they had already paid their dues for the maintenance of maimed soldiers and could not pay any more.³² The community members' unwillingness or inability to pay for poor relief suggests that another force, such as their own suffering from dearth and other financial strain, was preventing them from paying for this charity.

JPs also dealt with other types of poor relief, including answering the Queen's call for relief of victims outside the county of Cheshire. For example, a fire in Devon in 1597 resulted in considerable loss of life and the destruction of "abowt 400 dwelling howses w[i]th the good[es], wryting[es], plate, money & moveables in them," and the cost of rebuilding was far more than the town, the county, or even the crown could afford.³³ The Queen's petition requested Cheshire and other counties to provide funds for "the releif of our afflicted state."³⁴ This type of natural disaster proved too much for an already burdened economy to handle, and demonstrates that Cheshire was not an isolated county, but instead had to face the effects of the crisis of the 1590s from both inside and out of its borders.

Bastardy cases required the JPs to consider multiple means of relief, because the law required that the father of a bastard child be held financially responsible for the child's maintenance, if he could be identified. In 1590 a man petitioned the JPs to secure James Pyckeford "for the getting of on Elizabeth Leghe," the man's daughter, "w[i]th child in fornicac[i]on."³⁵ The man made his plea because his daughter, "not having any thyng to releve

her,” was in need of aid either from the father of her child or, if he could not be located, the community.³⁶ The father of the child was actually a resident of Lancashire in the neighboring county, which could explain the JPs’ involvement in the case. Thus, the JPs were again held responsible for seeing to the care of impoverished individuals.

Another apparent sign of poverty and economic depression contained in the Quarter Sessions records is theft. Cheshire had no shortage of larceny during the 1590s, suggesting that the JPs were responsible for attempting to control damage to and loss of personal property. In 1590 Thomas Morris was presented to the JPs for breaking into another man’s house and stealing wood.³⁷ In 1593 James Chawnar stole a shirt band “and sold it to his Brother in Laww.”³⁸ It is possible that, in the face of financial hardship, stolen goods may have been used or sold for money to make up for the rising costs of basic necessities.

Perhaps even more telling of the necessity of the poor to find alternative means of provisioning themselves and their households is the theft of foodstuffs. In his study of *Famine in Tudor and Stuart England*, historian Andrew Appleby notes that the four successive years of poor harvests from 1594 to 1597 left food prices high and people starving. His study focuses on Newcastle, but he notes that other places in the north, including Cheshire, would have suffered even more because they did not receive shipments of grain from outside their borders.³⁹ One example of this theft for the sake of survival is found in the confession of Ellen Backensell who, in 1592, admitted that she stole a goose “to eate.”⁴⁰ In January of 1597, Agnes Stomor, identified as a “notorious beggar. . . was taken in the night tyme robbinge a garden,” as well as for stealing various other items.⁴¹ The fact that these women stole food items supports a conclusion that Cheshire faced food shortages in the crisis of the 1590s.

People were also presented to the JPs for fishing in waters that belonged to the monarch or to other members of the community who had not granted them permission. Again, although these actions were illegal and the offenders were aware of their crimes, they proceeded in the illegal acts most likely out of necessity. In 1595 Hugh Jackson was examined by the justices and claimed that William Nealar, Henry Jackson, and Richard Farminton

came to him and asked him to go fishing with them at Cropton Pool. Jackson refused to join them, but Farminton admitted that he and the other men did go to the said pool, “and sayth that the said Nealer & Jackson did drawe the said poole w[i]th fishinge sheetes in the night... & sayth he did take ffower carpes.”⁴² Multiple other cases from the Cheshire Quarter Sessions records from the 1590s recount similar instances of men fishing illegally.⁴³ Like the previously discussed cases of theft, these records suggest economic distress that drove people to find means of survival beyond the bounds of legality.

Peter Clark notes that, although English towns faced pressure from multiple forces, urban government remained intact.⁴⁴ As the above records indicate, JPs certainly had a hand in maintaining this semblance of structure through their performance of justice. Vagrancy, poor relief, and theft can all be read as indicators of economic distress, and the Cheshire Quarter Sessions records suggest that the county experienced a substantial number of each of these crimes during the 1590s. Justices of the peace were on the front lines of the attempt at maintaining law and order during the decade that brought economic strain to England. Even though its location in the northwest put it beyond the immediate shadow of the capital, and even though Cheshire residents faced some different obstacles than those of Londoners, they were not free from the crisis that struck England during the decade of the 1590s.

Notes

1. E. P. Cheney, *A History of England from the Defeat of the Armada to the Death of Elizabeth, With an Account of English Institutions During the Later Sixteenth and Early Seventeenth Centuries*, 2 vol. (New York: Longmans, Green, and Company, 1926), 2:3-23.

2. J. S. Morrill, *Cheshire 1630-1660: County Government and Society During the English Revolution* (London: Oxford University Press, 1974). Other works include Joan Beck, *Tudor Cheshire* (Chester, UK: Cheshire Community Council, 1969); C. B. Phillips and J. H. Smith, *Lancashire and Cheshire from AD 1540* (New York: Longman, 1994); Tim Thornton, *Cheshire and the Tudor State, 1480-1560* (Rochester: Boydell and Brewer, Inc., 2000). While the focuses of Thornton’s and Phillips and Smith’s works fall beyond the chronological frame of my study, they serve as reference points within which my research is situated for the purpose of showing development of state-local governmental relations throughout the sixteenth and seventeenth centuries. Steve Hindle’s work examines Cheshire in conjunction with a number of other counties,

as well as London, in a chronology encompassing the 1590s and focuses predominantly on the changing nature of the relationships between the central government and the local officials. Steve Hindle, *The State and Social Change in Early Modern England, c. 1550-1640* (New York: St. Martin's Press, 2000).

3. Ian W. Archer, *The Pursuit of Stability: Social Relations in Elizabethan London* (Cambridge: Cambridge University Press, 1991), 14.

4. Peter Clark, "A Crisis Contained? The Conditions of English Towns in the 1590s," in *The European Crisis of the 1590s*, ed. Peter Clark (London: George Allen & Unwin, Ltd., 1985), 45.

5. Cheney, *A History of England*, 2:11-12.

6. Peter Clark, *English Provincial Society from the Reformation to the Revolution: Religion, Politics and Society in Kent, 1500 to 1640* (Hassocks, Sussex, UK: Harvester Press, Ltd., 1977), 222.

7. John Briggs, Christopher Harrison, Angus McInnes, and David Vincent, *Crime and Punishment in England: An Introductory History* (New York: St. Martin's Press, 1996), 23.

8. Cheshire Record Office (hereafter CRO), Quarter Sessions Files, QJF 20/3/18.

9. CRO, Quarter Sessions Files, QJF 25/2/33.

10. CRO, Quarter Sessions Files, QJF 26/1/5.

11. Paul Slack, *Poverty and Policy in Tudor and Stuart England*, Themes in British Social History (New York: Longman, Inc., 1988), 92.

12. Paul A. Slack "Vagrants and Vagrancy in England, 1598-1664" in *Migration and Society in Early Modern England*, ed. Peter Clark and David Souden (Totowa, New Jersey: Barnes and Noble Books, 1988), 49.

13. J.A. Sharpe, *Crime in Early Modern England 1550-1750*, Themes in British Social History, 2nd ed. (New York: Addison Wesley Longman, 1999), 142. For more on the criminal act of vagrancy, see A. L. Beier and Paul Ocock, eds., *Cast Out: Vagrancy and Homelessness in Global and Historical Perspective*, vol. 8 of Ohio University Research in International Studies Global and Comparative Studies Series (Athens: Ohio University Press, 2008); John Pound, *Poverty and Vagrancy in Tudor England* (London: Longman Group, 1971); J. A. Sharpe, *Judicial Punishment in England* (London: Faber and Faber, 1990), 24.

14. CRO, Quarter Sessions Files, QJF 21/2/39.

15. CRO, Quarter Sessions Files, QJF 26/3/31.

16. CRO, Quarter Sessions Files, QJF 26/3/19.

17. CRO, Quarter Sessions Files, QJF 28/1/18.

18. CRO, Quarter Sessions Files, QJF 27/4/12. At the same Sessions, seven others were presented for also lodging vagrants.

19. J. A. Sharpe, *Crime in Seventeenth-Century England: A County Study* (New York: Cambridge University Press, 1983), 59.

20. CRO, Quarter Sessions Files, QJF 27/1/25.

21. CRO, Quarter Sessions Files, QJF 27/3/9.

22. CRO, Quarter Sessions Files, QJF 29/2/10.
23. CRO, Quarter Sessions Files, QJF 29/2/10.
24. Slack, *Poverty and Policy*, 62-67; Paul Slack, *The English Poor Law, 1531-1782*, New Studies in Economic and Social History (Cambridge: Cambridge University Press, The Economic History Society, 1990), 4.
25. A. L. Rowse, *The England of Elizabeth: The Structure of Society* (New York: The Macmillan Company, 1951), 352.
26. Quoted in Clark, *English Provincial Society From the Reformation to the Revolution*, 22.
27. R. B. Outhwaite, "Dearth, the English Crown and the 'Crisis of the 1590s,'" in *The European Crisis of the 1590s*, ed. Peter Clark (London: George Allen & Unwin, Ltd., 1985). For Elizabeth's wars, see Paul E. J. Hammer, *Elizabeth's Wars: War, Government and Society in Tudor England, 1544-1604* (New York: Palgrave Macmillan, 2003).
28. CRO, Quarter Sessions Files, QJF 24/4/33.
29. CRO, Quarter Sessions Files, QJF 24/4/34.
30. CRO, Quarter Sessions Files, QJF 21/1/23.
31. CRO, Quarter Sessions Files, QJF 29/1/15.
32. CRO, Quarter Sessions Files, QJF 29/3/21.
33. CRO, Quarter Sessions Files, QJF 27/3/1.
34. CRO, Quarter Sessions Files, QJF 27/3/1.
35. CRO, Quarter Sessions Files, QJF 20/4/21.
36. CRO, Quarter Sessions Files, QJF 20/4/21.
37. CRO, Quarter Sessions Files, QJF 20/3/18.
38. CRO, Quarter Sessions Files, QJF 23/1/31.
39. Andrew B. Appleby, *Famine in Tudor and Stuart England* (Stanford: Stanford University Press, 1978), 113.
40. CRO, Quarter Sessions Files, QJF 22/3/9.
41. CRO, Quarter Sessions Files, QJF 26/4/20.
42. CRO, Quarter Sessions Files, QJF 25/2/35.
43. For example, CRO, Quarter Sessions Files, QJF 24/2/64; CRO, Quarter Sessions Files, QJF 27/2/22.
44. Clark, "A Crisis Contained?" 62.