

‘Living at their own hands’: policing poor households and the young in early modern rural England*

by Tim Wales

Abstract

Under the Statute of Artificers, the youthful poor could be prosecuted for living out of service. This article explores the implementation of that law in rural England, especially in Norfolk and Essex, and at the contexts in which the fact of living out of agricultural service – frequently in the family home – became an offence to be prosecuted. It traces change over time and discusses the shifting tensions between the priorities of masters, parish officers, the young and their parents over such issues as economic need, the definition of work, and the policing of behaviour. The significance of the prominence of young women amongst the prosecuted in the seventeenth century is explored. The article suggests that the increased, if still patchy, concern with the offence after 1650 forms part of a contest in the redefinition of standards of living in the changed demographic circumstances of the later seventeenth century.

At some point in the early 1660s the landowner and magistrate Robert Doughty of Hanworth recorded his thoughts on the implementation of the Statute of Artificers, the Elizabethan legislation which regulated labour, in his corner of north-east Norfolk. He gloomily reflected on problems which, he concluded, the existing legislation was inadequate to police: one major concern was the problem of young men and women who chose to live out of service.¹ To his mind, the Statute had failed to control the spread of apprenticeships to village trades, drawing in countrymen’s sons who served for less than the statutory term of seven years. Those tradesmen who had not failed worked only three or four days a week, which he saw as the result of gluttoned trades, although it could plausibly be an example of ‘Saint Monday’, the taking of a further day of leisure to be made up later in the week. They and their journeymen

* The origins of this paper lie long ago in a paper delivered at a conference on child labour at the University of Essex in 1986. Early versions of this paper, explicitly structured around a contrast between pauper apprenticeship and living out of service (‘Work, learning and the fear of God: The English poor law and the young, 1570–1700’ and ‘Child-begging, pauper apprenticeship and service in early modern England’) have been deposited in the library of the Cambridge Group for the History of Population and Social Structure. Versions of this paper have been delivered at the Universities of Reading, London and Cambridge. I am grateful for comments made on these occasions and for the advice and help of Judith Bennett, John Morrill, John Walter and Anne Williams. In quotations, capitalization has been modernized, ampersands converted to ‘and’, and punctuation inserted.

¹ Norfolk Record Office (hereafter NRO), AYL 304/4. The memorandum is one of a number of Doughty’s notes in this file. It is untitled but has in the top left-hand corner ‘5 Eliz c. 4’ (that is, the Statute of Artificers).

chose to ‘Spend the beginning of every weeke, if not the Sundayes and holydayes’, in alehouses, drawing in ‘other mens sons and servants’, their evil example occasioning, ‘the corrupting, depraving and debauching of all youth’. This line of thought reflected on the corruption of the young in alehouses by the idleness and malign example of tradesmen. A second theme reflected more generally on the opportunities afforded day labourers in agriculture by labour shortage: ‘(heretofore we had enough for o[u]r selves and others) now they be very scarce, will have great wages, and scarce do one dayes worke in two’.

These two complaints – one about perceived threats to stable employment structures and the proper socialization of the young, and the other about opportunities for higher wages and general stropiness afforded the labouring poor by changing circumstances – came together in Doughty’s discussion of those young women and men who chose alternative means of employment rather than hiring themselves into farm service by the year. Probably significantly, he noted young women first:

And for houswifry such wenches (or maydes) as are ablest to performe services, because they can by spinning and knitting, gleaning and stealing in harvest, and perhaps by secrett whoredomes all the yeare, make far better earnings then by wages, give over service, and gett into their friends howses and there live at their owne handes. And many that hold their services most part of the yeare, either bargaine att firste to goe away, or els quarrel with their M[istres]s and dames and so breake away in or about harvest, when their service is most needed.

Doughty then turned to young men:

Our servants neare the coastes of best skill and ablest bodyes, give over service and go to sea, where they make good voyages and best earnings though with other marryners they may in the winter play, smoake and slaver away a great part of all, if not all or more than all, than they get in the summer.

His general conclusion for both young men and women was stark:

So as now both for husbandry and huswifry, masters, mistresses and dames are brought to that passe they can scarce gett servants to those they can gett they must give great wages and give them, or permit them to take what libertyes they list, And upon any checkques or discontent, they are gone.

Furthermore, ‘Single persons begin to give over serving by the yeare, to live by day labour’.

At one level, Doughty is merely engaging in the perennial whinge of the employing classes: that you (literally) just cannot get the servants. But peeling away at the significance of both what he is saying and precisely when he is saying it opens up a host of themes in the relationship between authority and the young in early modern rural England – about tension points between the priorities of local officers and employers on the one hand, and poor householders and their children on the other – which were both perennial and recast by processes of demographic and economic change that were in play from the mid-seventeenth century onwards. It points to the changing ways in which parish officers and magistrates engaged with the family lives of the poor; about the ways in which the laws allowed their sometimes brutal intervention, but also about the limits of their authority.

It is important to emphasize here that the agricultural service of which Doughty was writing was not some marginal category but a central experience in the life cycle of many of the youthful poor (and indeed at times not-so-poor). From work on parish listings between the late sixteenth and early nineteenth centuries, Ann Kussmaul estimated that 'servants, most of whom were youths, constituted around 60 per cent of the population aged fifteen to twenty-four'.² It was also a system of labour relations in which the assumed norm was service for a year although contracts – let alone the actions of masters or servants – would often be for somewhat shorter terms. Service involved board and lodging and payment according to age at the end of the year. It was a significant tool for employers trying to negotiate the structure of their workforce against seasonal needs and shifting standards of living, balancing the costs of labour against the need to guarantee its supply. For servants themselves it provided a route for acquiring the skills and savings to set up a household upon marriage. Kussmaul found the most frequent age at entry into service in eighteenth-century settlement examinations to be in the early and mid-teens: she found that 23 per cent of her sample entered service at 13 or 14, and an additional 22 per cent at 15 or 16.³ Service could, then, encompass the lives of the young poor generally from the early and mid-teens to the late twenties and exit into marriage.⁴

When he referred to servants out of service, Doughty was talking about a legal offence under the Statute of Artificers of 1563, an offence which, with its medieval predecessors, can be seen being policed with varying degrees of rigour from the mid-fourteenth to the mid-eighteenth century. It was part of a package of policies concerned with setting wage rates and policing master-servant relations.⁵ It should be emphasized that much of what follows is less about innovations in policy and more about the enforcement of longstanding statutory measures in changing contexts. It should also be emphasized that this paper is about policing rural service. The chronology and meaning of the offence was significantly different in, say, London, Norwich or Southampton, as the offence was used as a weapon in the response to rapid urban growth in the decades around 1600.⁶

The Statute of Artificers of 1563 laid down various conditions for compulsory service. With some oversimplification, these were: all single persons between 12 and 60 (with some property and trade exemptions) could be compelled to serve in agriculture; all single persons under 30 could be compelled to serve in their trades, and all unmarried women between 12 and 40 could be compelled into service.⁷ In the clarifications provided in Nelson's JP's manual of 1718, single persons under 30 could be compelled to serve in husbandry, whilst the broader category of

² A. Kussmaul, *Servants in husbandry in early modern England* (1981), p. 3.

³ *Ibid.*, pp. 70–1.

⁴ *Ibid.*, pp. 70–93.

⁵ For the late medieval enforcement of the Statute of Labourers, see especially L. R. Poos, 'The social context of Statute of Labourers enforcement', *Law and History Rev.*, 1 (1983), pp. 27–52 and J. M. Bennett, 'Compulsory service in late medieval England', *Past and Present*, 209 (2010), pp. 7–51. J. Whittle, *The development of agrarian capitalism: land and labour in Norfolk, 1440–1580* (2000), pp. 224–304, is now the most important work

on the sixteenth-century context. For a wide-ranging survey of labour policy after the Statute of Artificers, D. Hay and P. Craven (eds), *Masters, servants and magistrates in Britain and the Empire, 1562–1955* (2004).

⁶ P. Griffiths, *Lost London: change, crime and control in the capital city, 1550–1660* (2008), pp. 134, 456; A. M. Froide, 'Marital status as a category in early modern England', in J. Bennett and A. M. Froide (eds), *Singlewomen in the European past, 1250–1800* (1999), pp. 239–44; P. Crawford and S. Mendelson, *Women in early modern England* (1998), pp. 96–7.

⁷ 5 Eliz., c. 4, clauses 5, 3, 17.

menial servants encompassed all single persons under 30 and all unmarried women between 12 and 40: as a model warrant Nelson provided put it, 'a person of able body and not having any visible means to maintain herself but at her own hands', the same phrase which Doughty also deployed, and a highly suggestive one.⁸ One of the most powerful ways in which the social order of early modern England could be conceptualized was the language of callings, placing householders in the hierarchy according to the means whereby they secured their livelihood, whether it be by their estates, by their trade or (for the poor) by their 'hand labour'.⁹ To describe the youthful poor as 'living at their own hands' (or more rarely, but even more evocatively, 'living at loose hand') was to describe them as outside this ordered world of householders living according to their vocation.¹⁰ In such a world, the offence was that these poor 'live idley at their own handes, and out of service'.¹¹

A central concern of early modern authority was how to discipline the perceived vices of the young through the authority of a master. Forcing the young to be servants also served to maintain the supply of labour. (The Statute of Artificers was born in the period of labour shortage which followed the influenza epidemics of the 1550s.¹²) Living out of service was in both theory and practice an offence where the youthful poor of both sexes denied their obligation to work in a structured and disciplinary context. The enforcement of the Statute was one of a number of resources available to local officers for policing the households of the poor in place by the early seventeenth century. It needs to be seen alongside a repertoire of policies which dealt with different stages of childhood and youth, from children too young to maintain themselves, through the dangerous teens and the twin problems of inadequate socialization and the burden children placed on their parents, to concern with the moments at which youth gave way to social adulthood. Preventing marriages among the poor, and controlling settlement to prevent or monitor newly-weds setting up home in your parish, were attempts to police the boundaries between youth and adulthood, and head off the creation or settlement of young families which within a few years might themselves become families 'overburdened with children'.¹³ In targeting vagrancy, the authorities were targeting the mobile, masterless, and again largely youthful poor.¹⁴ The deployment of these policies varied over time and place, according to local context and broader economic and demographic trends.

Doughty's complaints called upon some very familiar early modern themes. The economic

⁸ W. Nelson, *The office and authority of a justice of peace* (1718), pp. 44–53 (the warrant quoted is on p. 51).

⁹ For the language of labour, see A. Shepard, 'Poverty, labour and the language of social description in early modern England', *Past and Present* 201 (2008), pp. 51–95, esp. 63–5.

¹⁰ NRO, NAS 1/1/2/60/5, constables' return, Bunwell, for 'loose hand'.

¹¹ This particular variant of the phrase is lifted from a printed Kentish quarter sessions order of 1693, BL, Add. Ms. 45296, fo. 116r.

¹² F. J. Fisher, 'Influenza and inflation in Tudor England' *EcHR* 18 (1965), p. 128; D. Woodward, 'The background to the Statute of Artificers: the genesis of

labour policy, 1558–1563', *EcHR* 33 (1980), pp. 32–44.

¹³ For instance, in 1630 the inhabitants of Hempton protested to the Norfolk quarter sessions: they were already 'a towne of great povertye and much surcharged', yet Francis Randoll was putting up in a chamber, 'onn Fauxe ... a very poore man havinge a wyfe and onn child alredeye, and beinge bothe yonge people are lyke to increase o[u]r charge'. Norfolk RO, C/S 3/28A.

¹⁴ K. Wrightson, *English society, 1580–1680* (1982), pp. 166–7; K. Wrightson and D. Levine, *Poverty and piety in an English village: Terling 1525–1700* (1979), p. 133; W. Hunt, *The Puritan moment: the coming of revolution in an English county* (1983), pp. 64–84.

independence of the young from the discipline of the master is threaded into a vision of youthful immorality. But his account points to the complexities about what independence from the economic and social authority of a master meant. When he speaks of them getting 'into their friends howses', he is almost certainly using the early modern definition of 'friend' as close relation or parent. Though some contemporary complaints were broadly or individually about the young living by themselves or together in lodgings, many seem to have been, both at county (magistrates) and parish (local officers) levels, about youths living with their parents. These were frequently, although far from exclusively, about young women. Doughty's complaint here, then, is about the young *at home*.

Connected with this was Doughty's concern about the types of work they were doing. The choices of the young fitted very well into the makeshift economy of poor households, but not into the priorities of farmers who wanted workers throughout the year and especially a guaranteed labour force at the peak time of harvest. It would be difficult to argue that fishing was some alien intrusion into the economy of north-east Norfolk; similarly if one strips away Doughty's more feverish fear of sexual disorder, women are left spinning and knitting – essential to the booming New Draperies of East Anglia – and gleaning, a longstanding customary harvest right, and its feared twin, stealing in harvest time. The fishing and textile industry which Doughty abhorred were sources of joy to Daniel Defoe 60 years later. He praised the fruitfulness and fertility of the country between Cromer and Norwich, but concluded that 'that this part is so entirely given up to industry, that what with the seafaring men on the one side, and the manufactures on the other, we saw no idle hands here, but every man busie on the main affair of life, that is to say, getting money'.¹⁵ Even in Doughty's day, this was an area able to support strikingly high levels of exempt poor – over 50 per cent of householders – without, apparently, a corresponding heavy level of pauperism.¹⁶

The opportunities provided for the youthful poor in later seventeenth-century Norfolk, part of the increasing diversification and complexity of the early modern economy, provided one point of tension. But the precise timing of Doughty's complaint in the early 1660s is also significant. After more than a century of population growth, England's population of some 5.3 million declined between the mid-1650s and the mid-1680s by almost 8 per cent, and thereafter rose only modestly until the mid-eighteenth century.¹⁷ That decline came after the heavy losses of the Civil War through death and out-migration, and with the pull of towns in the late seventeenth century.¹⁸ As an employer, Doughty had cause to mourn that the once plentiful supply of day labourers in an overstocked labour market had ceased, making employing servants more attractive, both to guarantee a work force and try to keep employment costs down.

¹⁵ D. Defoe, *A Tour thro' the whole Island of Great Britain*, ed. G. D. H. Cole (2 vols, 1927), I, p. 72.

¹⁶ Calculated from TNA, E 179/154/697, Hearth Tax roll, 1672, and E 179/335–7, Norfolk Hearth Tax exemption certificates. For comparison with overseers' accounts, noting the low levels of pauperism in the villages (and significantly higher in the market towns), see T. Wales, 'Poverty, poor relief and the life-cycle: some evidence from seventeenth-century Norfolk', in R. M. Smith (ed.), *Land, kinship and life-cycle* (1984),

pp. 357–8.

¹⁷ E. A. Wrigley and R. S. Schofield, *The population history of England, 1541–1871: A reconstruction* (1981), esp. chs 7 and 10.

¹⁸ For the possible death-toll in England, see I. Gentles, *The English Revolution and the wars in the Three Kingdoms, 1638–1652* (2007), pp. 432–9. M. Brad-dick, *God's fury, England's fire: A new history of the English Civil War* (2008), pp. 397–401, also suggests the opportunities provided for the enlisted.

Doughty's private thoughts were echoed by a number of county benches: for instance, Wiltshire in 1655, Cambridgeshire in 1664, Kent in 1682 and 1693 and the North Riding of Yorkshire in 1681.¹⁹ To the Hertfordshire Bench in 1687, orders to reinforce the Statute of Artificers (which included draconian penalties against workers' combinations) portrayed farmers trapped in a squeeze between diminished agricultural profits and the demands of servants for higher wages and more expensive diet (an intriguing claim as Kussmaul has plausibly argued that in a period of rising real wages, providing food to in-house servants was a way of cutting the cost of labour):

Whereas the licentious humours of some servants have prevailed so far upon the lenity and good nature of their masters, that they have advanced the charge of their wages and the expence of their diet above the rents of their masters' farmes; and to heighten this grievance they have been soe exorbitant in their severall services, that they will not worke but at such times, and in such manner as they please; and when their worke is most necessary, they oftentimes leave the same, if not their services; all which unreasonable and unlawfull doeings are become the generall complaint of the inhabitants of the county, and in all probability will utterly ruine the husbandmen, if some effectuall course be not taken to prevent theis growing mischiefs.²⁰

This late seventeenth-century concern has long been known, since the pioneering works of Tawney and Kelsall on the Statute of Artificers.²¹ It is a trend supported by the, admittedly problematic, evidence of court records in both Norfolk and Essex.

In what follows I shall look at what can be said, very provisionally, about trends over time. I shall then contrast the very patchy campaigns against living out of service with the more concentrated assault on poor families in the campaign driven by Charles I's Book of Orders. Building on this, I shall focus on the ways in which the offence of living out of service illuminates tensions between authority and the priorities of the poor, looking especially at how far young women were targeted. I shall reflect on the apparent anomaly that fears of the young living out of service were at their sharpest when apparently the young were increasingly going into service after 1650. Finally, I shall argue that, when set within the context of other aspects of the Statute of Artificers and changes in poor relief, one can see the post-Restoration concern with living out of service as part of a reshaping of social relations.

¹⁹ E. Bland, P. A. Brown and R. H. Tawney (eds), *English economic history: select documents* (1919), p. 360; Cambridgeshire Archives (hereafter CA), Q/SO1, unfol. (Easter 1664); D. C. Coleman, 'Labour in the English economy in the seventeenth century', *EcHR* 8 (1955–6), p. 290; BL, Add. Ms. 45296, fo. 116r; J. C. Atkinson (ed.), *Quarter sessions records* (North Riding Record Society, 9 vols, 1884–92), VII, pp. 48, 51.

²⁰ W. Le Hardy (ed.), *Hertfordshire county records: calendar to the sessions books, sessions minute books and other sessions records, 1658 to 1700* (1930), p. 405 (part of general order for regulation of wages and employment, pp. 400–8); Kussmaul, *Servants in husbandry*, pp. 101–3.

²¹ R. H. Tawney, 'The assessment of wages in England by the justices of the peace' (first published in 1913 in *Vierteljahrschrift für sozial- und wirtschaftsgeschichte*) and R. K. Kelsall, *Wage regulation under the Statute of Artificers* (1938), both conveniently reprinted in W. E. Minchinton (ed.), *Wage regulation in pre-industrial England* (1972). Both essays briefly deal with the policing of living out of service as a complementary aspect of their concern with wage assessment. See also M. Roberts, "'Words they are women, and deeds they are men': images of work and gender in early modern England", in L. Charles and L. Duffin (eds), *Women and work in pre-industrial England* (1985), pp. 122–81.

I

First, then, to chronological trends. Jane Whittle's work on Norfolk has shown the policing of service remained an important concern at quarter sessions in the mid-sixteenth century, but with a striking falling-off after 1563.²² In the early seventeenth century, the offence was of only slight concern to the local worthies sitting on the county's hundredal juries, who presented regulatory offences at quarter sessions. In Restoration Norfolk the modified system of presentment – by the chief constables of hundreds from the returns made by parish constables – may have produced only a small crop of prosecutions, but it was one of the four main offences (the others were unlicensed alehousekeeping, religious nonconformity and failure of the parish constables themselves to make their returns).²³ In Essex, where the earlier evidence is not unproblematic, the offence declined in significance over the late sixteenth century.²⁴ William Hunt found a peak of 663 people presented at quarter sessions for living out of service in the decade 1571–80, admittedly in part a function of the inclusion of high constables' returns of their statute sessions which later, probably significantly, disappear from sessions rolls in Essex (as they also did in Norfolk), and which may have inflated numbers by conflating the registration of those fit to be employed alongside those to be presented for not living in service. In fact, Emmison, in his survey of high constables' petty sessions, found very few men reported for 'working at their own occupation' or persons 'out of covenant' after 1574. In the 1590s a mere 23 were presented, and though 124 were presented in the first decade of the seventeenth century, between 1620 and 1650 a mere 20 cases were prosecuted. By contrast, Jim Sharpe's work shows little concern with the idle and out of service at quarter sessions and assizes before 1640, but finds them to be much more significant after the Restoration, with some 200 presentments at assizes between 1670 and 1674. Peter King found the offence still coming before the Essex courts in the mid-eighteenth century: there were 32 indictments to force unmarried people into service between 1748 and 1753, but thereafter decline, with only three cases – the last three – between 1754 and 1757. The pattern for the seventeenth century – especially after 1660 – marries well both with the timing of county bench orders and with the broad demographic pattern; the sixteenth-century pattern also does, but rather more problematically. In practice levels of presentment of those living out of service in the countryside seem to have generally moved in line with periods of labour glut and labour shortage, being lower when labour was more plentiful and higher when it was scarcer.

Those trends need, however, to be qualified: these were offences which could be – and almost certainly most often were – dealt with outside these courts. In Kent, Wingham petty sessions

²² Whittle, *Agrarian capitalism*, pp. 275–96, esp. 278–82.

²³ These generalizations are based on the Norfolk quarter sessions rolls, 1601–1701, NRO, C/S 3/boxes 14–58 (excluding boxes too fragile to consult).

²⁴ The overall trends in Essex are derived from Hunt, *Puritan moment*, pp. 64–5; F. G. Emmison, *Elizabethan life: home, work and land* (1976), pp. 147–64; K. Wrightson, 'Two concepts of order: justices, constables and

jurymen in seventeenth-century England', in J. Brewer and J. Styles (eds), *An ungovernable people: the English and their law in the seventeenth and eighteenth centuries* (1980), Tables 2 and 5, pp. 302, 305; J. A. Sharpe, *Crime in seventeenth-century England: a county study* (1984), pp. 45, 197–8 and tables, pp. 183–4. King's figures are reported in K. D. M. Snell, *Annals of the labouring poor: social change and agrarian England, 1660–1900* (1985), p. 100.

ordered ten people to get a service between 1706 and 1709; Malling, 15 between 1749 and 1752.²⁵ A quarter of the 66 committals to the house of correction made by the Suffolk JP Devereux Edgar between 1700 and 1716 were for idleness or refusing to go into service.²⁶

At a local level the offence can appear more significant in the early seventeenth century than would appear from quarter sessions. On 5 January 1624 the town meeting of the hard-pressed weaving centre of Braintree in Essex ordered, 'Notice to be given to suche as keepe their children at home with them out of service, that they put them abroad to service presentlie, or else to attend the justices when they come to town'.²⁷ On top of this order, between 1619 and 1634 at least 17 people were dealt with who were out of service.²⁸ But in Braintree this concern was only part of a broad approach which included binding out pauper apprentices and placing poor children with other families or in the local hospital.

The 1630s also present a varied picture. The evidence of presenting juries at Norfolk quarter sessions virtually ignoring the offence needs to be balanced by evidence of local magistrates in their divisions pursuing those living out of service. The Book of Orders issued by the Privy Council in 1631 embodied a three-pronged approach towards the young: pauper apprenticeship, vagrancy and labour law.²⁹ It was responded to by magistrates in their divisions in the light of local anxieties. One group of Norfolk magistrates in 1631 sent to the house of correction 'divers young women unmarried (that have had bastards) and others liveinge idly out of service, and refusing to attende the petty sessions (where masters are)', opining that, 'by that example caused manie for feare to seeke out services who beinge growne too bigg for apprentizes lived at large, likely to gett an habitt of laziness or to burthen the parishe with bastardie, a disorder now aboundinge'.³⁰

An extreme response came from a Somerset division in April 1634, when the JPs reported their activities over the past six months: 140 'younge people [were] enforced to take Maisters', 16 servants able to take masters were placed; 20 people were committed to the house of correction for not taking masters, 21 covenant servants refusing to live with their masters or who had run away from them were punished. They also reported six parents for refusing to suffer their children to go to service (an ambiguous phrase here that could mean either service or apprenticeship), and one man 'that hath meanes that suffer[s his] children to go abegging'.³¹ Yet this return is striking because it is so exceptional. It hints at what could be achieved by a sharp implementation of the law, but it makes most sense as a particular reaction to the licence perceived to be afforded the young at church ales and wakes by Charles I's Book of Sports, which had been issued a few months earlier and was itself the culmination of disputes within the county.³²

However, living out of service generally came very much third to other priorities in the 1630s. Cambridgeshire magistrates in 1632 frankly admitted that:

²⁵ N. Landau, *The justices of the peace, 1679-1760* (1984), pp. 215-17.

²⁶ J. Innes, 'Prisons for the poor: English bridewells, 1555-1800', in F. Snyder and D. Hay (eds), *Labour, law and crime: an historical perspective* (1987), p. 85.

²⁷ F. G. Emmison (ed.), *Early Essex town meetings: Braintree, 1619-36, Finchingfield, 1626-34* (1970), pp. 23-4.

²⁸ Calculated from *ibid.*, pp. 1-96.

²⁹ B. W. Quintrell, 'The making of Charles I's Book of Orders', *English Hist. Rev.* 95 (1980), p. 569.

³⁰ TNA, SP1 6/197, fo. 22r.

³¹ TNA, SP 16/265, fo. 138 r-v.

³² T. G. Barnes, 'County politics and a puritan cause célèbre: Somerset church ales, 1633', *Trans. Royal Historical Society*, 5th ser., 9 (1959), pp. 103-22.

For the statute of laborers, retayneinge of servants and orderinge of wages, we have taken it into our consideracon, but have perfected nothings, the care of the poore and puttinge forth of apprentices hath imployed soe much of our tyme.³³

Although the constables of Depwade Hundred in south Norfolk, for instance, presented at least 44 people over the course of the early 1630s for living out of service, well over half of these came from three presentments from two villages; a number of constables simply denied that there were any living out of service in their parish. And when Carlton Rode in one return listed ten young men and women fit to go to service, the constables at the same time recorded 31 children fit to be apprenticed, each with their age given. In early 1630 the constables of Bunwell listed 14 women and men who went at their own hands, but 44 poor children fit to be bound apprentice.³⁴ Even more indicative of local priorities is the return of the constable of Fornsett St Peter in January 1633: he carefully listed the eight children who were fit to be apprenticed, but then sweepingly and vaguely reported that, 'We have many single persons live out of service with there poore parentes able of body fitt for service': hardly the presentment of offenders, rather a bland statement of fact.³⁵

II

Living out of service was, by and large, an offence in the 1630s which, so far as it was seen as an issue, was piggy-backed onto other more pressing preoccupations. The authorities' concern in the 1630s with vagrancy – the young out of any place – and pauper apprenticeships, at least initially, met with a responsiveness on the part of JPs and parish officers in a stressed economic and demographic context. Pauper apprenticeships reflected the familiar theme of concern with the socialization and discipline of the young, getting them under a master whilst they were still seen as tractable. It was also a policy which could command local support – at least in its early years – because it spoke to the problem of the poverty of poor households in the straitened circumstances of that decade. In the context of demographic increase driven by fertility, of declining real wages and the problem of households overburdened with children, even children who could perhaps contribute something to their upkeep but by no means all, the option of decanting children from their parents' home into those of their masters was one which could command local support.

Formally pauper apprenticeship covered the age range from seven to 16. In Depwade it was rarely applied to those under ten, with a bunching in the early teens; whatever the precise ages it hinged on a particularly problematic age group, more cost than advantage, because of their limited earning potential. Apprenticing poor children might also serve to reduce the potential commitment of parish relief to households made indigent through the burden of children whilst also providing an alternative form of authority and work. It highlighted the ambiguous place of poor parents: were they honest parents maintaining their children as best they could or were they rather maintaining their children in habits of idleness?

³³ TNA, SP 16/216, fos 76v–77r, quoted in E. M. Leonard, *The early history of English poor relief* (1900), pp. 359–60.

³⁴ NRO, NAS 1/1/2/75, 1/1/2/60/5.

³⁵ NRO, NAS 1/1/2/100.

The ages for pauper apprenticeship and compulsory service overlapped. In practice, such implementation of compulsory service as there was in the 1630s – and indeed later – shared with pauper apprenticeship an attitude to poor parents which veered from the ambiguous to the downright negative. Thus in 1634 JPs in East Norfolk complained about masters who had been making private contracts of service unregistered by petty sessions:

by delusion to take children from their parentes seemingly to be their servantes to shadow idleness, and after such reteinders have permitted them to retourne to their parentes again whereby many inconveniences have ensued, as by junkettinge at their parentes howses in the neight time being poor people and other idle meeteings at unseasonable times, whereby many maid servantes have been gotten with childe and other mischeivous actes committed.³⁶

However, the offence of living out of service but would seem to have been targeted largely at a slightly older age group, as implied by the careful recording of ages for apprentices in Depwade and the total silence about ages for those living at their own hands. They were, as noted above, those grown too big for apprenticeship. The campaign for pauper apprenticeship was sweeping, and cut deeply into the families of the poor. Parental hostility was reported from a number of counties: 'parents ... not willing to leave their children, though they have not meat to feed them at home', according to the Lord Keeper in 1635.³⁷ In the early 1720s, when pauper apprenticeship lacked the intensive drive and attack on poor labouring households of the 1630s, Thomas Hadley of Banham (Norfolk), a husbandman and chimney-sweep who was poor enough to be living in the parish almshouse, chose to go to the house of correction rather than let the overseers bind out his son.³⁸ At stake was the identity of the labouring poor as parents, challenging their ability to maintain their children and to set them forth into the world of employment. It was also about a challenge to a less structured world of work, where spinning, gleaning, gathering food more generally, stone-picking and local begging could be combined with other household tasks. As we shall see, these are also themes to be found in concern with living out of service.

Pauper apprenticeship in the 1630s also needs to be set in the context of the character of poor relief. In Norfolk rate-based parish relief developed very rapidly after the statute of 1598. In many parishes it took on almost immediately or at least by 1620, and had evidently spread across much of southern and eastern England, and well beyond, by the 1630s. But, through

³⁶ TNA, SP 16/281, no. 83 (fo. 22or).

³⁷ The charge of Lord Keeper Coventry to the Assize Judges, 17 June 1635, J. Rushworth (ed.), *Historical collections: the second part containing the principal matters which happened from the dissolution of the Parliament ... until the summoning of another Parliament* (1721), pp. 296–97.

³⁸ NRO, DEP/53: Colby v. Leech, Deposition of Thomas Hadley. There is very little on pauper apprenticeship in the century after the Book of Orders, and nothing which adequately ties together the experience of the 1630s with what came after. P. Sharpe, 'Poor children as apprentices in Colyton, 1598–1830', *Continuity*

and Change, 6 (1991), pp. 253–70, is an important and valuable exception. My own reading of the Norfolk materials is that after 1660 it was a low priority for parish officers, except for when dealing with orphans. What is striking about Doughty's paper, discussed at the beginning of this article, is that, especially when compared with his predecessors a quarter of a century earlier, he is almost wholly uninterested in the question of pauper apprenticeship. He mentions the Poor Law only in passing as another statute which covers apprenticeship but he is only really concerned with the implications of private apprenticeships for trades, service and labourers.

a combination of the continuing vitality of informal relief and the lack of political will to shift more towards the parish, formal relief and neighbourly charity at the house door seem to have co-existed until a decisive shift, probably in the late 1640s and 1650s, but which is to be found to have happened by the later seventeenth century, by which time formal parish relief had taken the dominant place in the relief of the poor. After 1650, with an ageing population structure, poor relief was easier to delimit to the elderly poor and the widowed until the closing years of the century when a further ratcheting up of relief evidently widened it to a broader group of the poor. In the late seventeenth century, the parish was to take over the predominant share of relieving the poor: it monopolized the relief of the pauper, whilst in many areas demographic and economic changes served to lessen the need for relief and charity for young families whilst rendering less problematic questions of defining who (and for how much) was needing relief.

This picture applies most clearly to lowland counties such as Norfolk and Hertfordshire. As yet we know too little about other areas, though the pattern in upland and heavily urbanized areas is likely to be rather different. Before 1650, the same level of commitment would have demanded a closer attention to the problem of another group of the conventionally deserving, male-headed families overburdened with children.³⁹ Tolerated local begging by young children was one response to their poverty; pauper apprenticeship, which simply removed poor children from their parents' households and stigmatized those who objected, was another.

In this context magisterial concern with the vicious potential of these older youths living at home was blunted by the reality of labour glut. 'We have manie young people w[hi]ch live out of service by reason of the multitude of them, there not being services for them, but worke is provided for them in their parishes', noted the justices of West Norfolk in March 1638.⁴⁰ Living out of service, made an issue for magistrates and constables by its place in the Book of Orders, was one leg of the policy for disciplining the young into ordered households. As such, it chimed in to a degree with local anxieties. But it fell between the contradictory pull of two forces: the desire for order and the actual labour requirements of employers. Older youths compelled to seek services in 1630s would have been looking for masters in a labour market that was not only glutted, but also distorted by the compulsory billeting of apprentices.

From the mid-1650s, the constant concern with the social and moral discipline of the household fused with the economic concern of labour shortage. In Kent in 1682, the Bench inveighed against young men and women who avoided a yearly hiring and preferred to go into service for only part of the year, thereby 'getting a habit of idleness, laziness and

³⁹ For the period before 1690, Wales, 'Poverty, poor relief and the life-cycle', pp. 351–404, esp. pp. 355–400; W. Newman Brown, 'The receipt of poor relief and family situation; Aldenham, Hertfordshire, 1630–1690', in Smith (ed.), *Land, kinship and life-cycle*, pp. 405–21; T. Wales, 'The parish and the poor in the English Revolution', in S. Taylor and G. Tapsell (eds), *The nature of the English Revolution revisited* (2013), pp. 53–80. J. Kent and S. King, 'Changing patterns of poor relief in some English rural parishes, c.1650–1750', *Rural Hist.*, 14 (2003), pp. 119–56, presents evidence of a shift in relief

in rural England in the late 1680s and 1690s as it was increasingly targeted at labouring families rather than the widowed and aged, identifying increasing levels of both regular and casual payments. L. A. Botelho, *Old age and the English poor law, 1500–1700* (2004), pp. 59, 137–9, suggests a move away from the aged, and stronger evidence of this is to be found in an unpublished paper by Richard Smith on early eighteenth-century Kent (I am grateful to him for me providing me with a copy of this paper).

⁴⁰ TNA, SP 16/385, fo. 60r.

debauchery'.⁴¹ When the Cambridgeshire Bench ordered all unmarried able-bodied persons who could not maintain themselves but by their labours into service, their argument was framed in terms of such young impoverishing those with whom they lived, competing on the labour market with established households, and picking up habits of idleness.⁴²

III

Broad economic and demographic trends may explain why the offence looms larger after 1650 than before, and here it is significant that some of the best evidence comes from Norfolk and Essex, two counties where a thriving textile industry offered opportunities, especially for young women, to earn money from spinning. The broad trends do not, however, necessarily explain the individual circumstances underlying presentment. Economic and demographic trends go far to explain the greater prominence of prosecutions after 1660. But to explain who was prosecuted – and why some were prosecuted and many not – we need to look at the assumptions about the household and behaviour which created points of conflict. Living out of service had a useful flexibility for local authorities. In August 1665 Robert Doughty granted a warrant against John Welden, who 'live in the town house with women with whom he is suspected to be incontinent being about 21 and fit for service, forthwith to provide himself a service and abiding elsewhere as he would avoid Bridewell, where he will find both'.⁴³ Also in Restoration Norfolk John Hayward, 'a younge lusty fellow fitt to goe to service', found himself evicted from his house for his combination of insubordination and illegally setting up a cottage on the common. An order from the Cambridgeshire Bench ordering five young women of Soham in 1667 into service might well have been a response to a recent riot.⁴⁴ In March 1670 the one man and four of the six women presented for not living in service by the constables of Brentwood, Essex, were also presented for having failed to attend the last three parish communions.⁴⁵

Most of this concern about the young out of service was apparently about those who remained at home; much of it – though by no means all – was about young women. Certainly lodgers – especially young women lodgers – could be the target of complaint or presentment. In Bradford, Yorkshire, in 1687 the court leet wove together social and sexual fears of independent women with the competition for labour between agriculture and the textile industry: 'many young women, healthful and strong combine and agree to cot and live together without government and refuse to work in time of harvest and give great occasion for lewdness'.⁴⁶ In Bunwell, Norfolk, in 1630, one of those living at their own hands was Katheryne Sherwyne, 'who keepeth scandalously at one Jessye Lyncolns'.⁴⁷ In April 1685 the constable of Wanstead, Essex, presented both men and women who were both lodgers and who lived at their own hands.⁴⁸

⁴¹ Coleman, 'Labour', p. 290.

⁴² CA, Q/SO1, unfol. (Easter 1664).

⁴³ J. M. Rosenheim (ed.), *The notebook of Robert Doughty, 1662–1665* (Norfolk Record Soc., 54, 1989), p. 61.

⁴⁴ E. M. Hampson, *The treatment of poverty in Cambridgeshire, 1597–1834* (1934), p. 55.

⁴⁵ TNA, ASSI 35/112/9: constables' presentments.

⁴⁶ J. James, *The history and topography of Bradford* (1841), p. 121.

⁴⁷ NRO, NAS, 1/1/2/60/5.

⁴⁸ Essex RO, Q/SR 447/14, petty constables' presentment, Easter quarter sessions 1685 (from the Essex RO online catalogue, SEAX).

In both the orders and individual presentments from Braintree in the 1620s, Norfolk in the 1630s and Essex in the 1670s, those who lived at home often loom large. (Co-residence with parents is either explicitly stated or implied through shared surnames.) As well as Doughty, one might cite, for instance, the Wiltshire order from 1655: 'young people, both men and maids, fitting for service, will not go abroad to service without they may have excessive wages, but will rather work at home at their own hands'. Unless their parents were 'of ability to keep them', they were instructed to go into service.⁴⁹ In 1681 the North Riding officers explicitly directed their order against the young living at home.⁵⁰ Or one might cite – to take Essex examples – individuals such as the sons of Widow Cranford, in 1621, or the daughters of Howell, Minnom and Stanton, in 1630 (all from Braintree); Mary, Susan and Sarah Holding from Dedham, in 1670, 'living out of service idly and wantonly in their father's house'; Ann Cobb from Ulting, in 1672, out of service and living with her widowed mother Grace.⁵¹ In 1671, at Purleigh, Anthony Franke was presented for not letting three of his daughters go to service, whilst at Chrishall the son and two daughters of Widow Tabitha Gaure had not provided themselves with services despite being warned to do so.⁵² It is suggestive that in the bloated pit village of Bedworth, Warwickshire, in 1674, out of 53 presented as single people, fit to go into service and of evil behaviour and leading an idle life, there were nine clusters of two or three people sharing a common surname, 20 people in all.⁵³ In Carlton Rode, Norfolk, in the 1630s, there were two groups of sisters amongst the nine women and a single man presented as living at loose hand and fit to go to service, the mother of three of them living in the town house.⁵⁴

When individual parish officers were picking off individuals for exemplary punishment, one should be cautious of making too much of a gendered pattern. It is easy, for instance, to find examples of two or three men being prosecuted. However, as one moves into the seventeenth century it does seem likely, especially when there was a sweep of prosecutions, that more women than men were prosecuted. This does not seem to have been the case in the sixteenth century. The figures from a number of Essex hundreds show women in a distinct minority: in the textile hundred of Lexden only 66 of the 295 presented as masterless between 1568 and 1589 were women (22.4 per cent); in 1572, in a group excluded from this total, women formed only 14.7 per cent (eight out of 56) of those ordered to serve or find masters. Returns from Freshford and Uttlesford hundreds in 1602 show constables returning much smaller numbers of offenders – 26 and 29 respectively. In both cases there were 11 women returned: so a larger proportion, though still a minority in each case: 42.3 per cent and 37.9 per cent.⁵⁵ But thereafter women tend to predominate. Table 1 suggests the high proportions of women amongst those presented or prosecuted. In Essex in the early 1670s, men outnumbered women amongst those presented at the assizes on one occasion, Lent 1670, when 50 of the 90 prosecuted (55.6 per cent) were male. But generally women formed the majority: for instance at both the Summer 1670

⁴⁹ Bland, Brown and Tawney (eds), *English economic history*, p. 360.

⁵⁰ Atkinson (ed.), *Quarter sessions records*, VII, pp. 48, 51.

⁵¹ Emmison, *Early Essex town meetings*, pp. 9–10, 69; TNA, ASSI 35/112/10: constables' presentment, Dedham; TNA, ASSI 35/113/2: constables' presentment, Ulting.

⁵² TNA, ASSI 35/112/9: constables' presentment.

⁵³ S. C. Ratcliff and H. C. Johnson (eds), *Warwick county records: Warwickshire quarter sessions of the peace* (9 vols., 1935–64), V, p. 217.

⁵⁴ NRO, NAS 1/1/2/75.

⁵⁵ Emmison, *Elizabethan life*, pp. 152, 161. See also Whittle, *Agrarian capitalism*, pp. 260, 280–2.

TABLE 1. Numbers of those reported or committed for living out of service, and proportions female and male

Location	Years	Total	Male	Female	
				n	%
Lexden Hundred, Essex, petty sessions:					
Masterless men and women	1568–1589 (exc. 1572)	295	229	66	22.4
Orders to serve or find masters	1572	56	48	8	16.7
Freshford Hundred, Essex, petty sessions:					
‘Not retained in service’	1602	26	15	11	42.3
Uttlesford Hundred, Essex, petty sessions:					
‘Masterless’	1602	29	18	11	37.9
Braintree, Essex, town meeting orders:					
	1619–1634	17	6	11	64.7
Depwade Hundred, Norfolk, constables’ presentments:					
	c.1630–c.1635	44 ^a	17	26	61.5
Made up of:					
Bunwell	Feb. 1630	14 ^a	5	8	66.7
Carlton Rode	n.d. [1630s] and Jan. 1634	13	3	10	76.9
Other parishes	c.1630–c.1635	17	9	8	47.1
Eynsford and South Erpingham Hundreds, Norfolk:					
House of correction committals	1634	34 ^a	8	25	73.5
Essex, constables’ presentments:					
Lent Assizes	1670	90	50	40	44.4
Summer Assizes	1670	46	17	29	63.0
Bedworth, Warwicks., Quarter Sessions order:					
	1673	53	11	42	79.2
West Lavington, Wilts., petty sessions order:					
	1744	29 ^a	0	28	96.6

Note: ^a Includes one of unknown gender.

Sources: F. G. Emmison, *Elizabethan life: home, work and land* (1976), pp. 152, 161; F. G. Emmison, *Early Essex town meetings* (1970), pp. 1–96; NRO, NAS 1/1/2 (with individual call numbers for entries within Frere collection of Norfolk manuscripts); Depwade Hundred; TNA, SP16/281, fo. 223r; ASSI 35/111/11, indictment no. 62 (Lent 1670); TNA, ASSI 35/111/12, indictment no. 33 (Summer 1670); S. C. Ratcliff and H. C. Johnson (eds), *Warwick county records: Warwickshire quarter sessions of the peace* (9 vols, 1935–64), V, p. 217; E. Crittall (ed.), *The justicing notebook of William Hunt, 1744–1749* (Wiltshire Record Soc. 37, 1982), p. 73.

and Summer 1672 assizes women formed a little over 60 per cent of those indicted (respectively 29 out of 46 and 25 out of 40).⁵⁶

What needs emphasizing, especially given the scattered sources deployed and the problems with any record of prosecution of early modern petty offences, is not so much the absolute numbers as the general consistency of the proportions, with men generally a minority, albeit usually – as in Restoration Essex – a significant minority. In Depwade hundred in Norfolk in the early 1630s, 26 out of 44 presented (61.5 per cent) were women. When one looks at the 17 presented from all but two of its parishes over several years, there is no great difference: eight women to nine men. But in Bunwell in 1630 eight of the 14 were women and at Carlton Rode women made up ten of the 13 named in two presentments. Later examples can be more extreme.⁵⁷ In Bedworth in Warwickshire in 1673, 42 out of 53 reported (79.2 per cent) were women.⁵⁸ At West Lavington in Wiltshire, all, or all but one, of the 29 presented in 1744 were women.⁵⁹

Young people, and especially young women at home, indicate tensions which need exploring. Parents who kept their children too long at home were much more vulnerable to threats of loss of relief because they could be perceived as encouraging idleness and need not have them there anyway. In 1701, the parish vestry of Aldenham (Hertfordshire) laid down that if Widow Dickenson ‘doth not forthwith put her daughter to service ... she shall be stricken out of the monthly collection and be wholly excluded from any further relief’.⁶⁰ In 1704 the Buckinghamshire Bench – which also threatened the withdrawal of parish relief – explicitly framed their attack on children of poor parents in Brill who were refusing to go into service and living with parents in terms of the poor rate bill: ‘that thereby the Collection is likely to be increased to the greate prejudice of those whoe are the proprietors and farmers of estates in that parish’.⁶¹

An emotional edge can be discerned in some conflicts over service. In 1657 a mother’s concerns clashed with a different ideal of proper work when the Baptist Congregation at Fenstanton, Cambridgeshire supported Thomas Green against his wife in his desire to put their daughter into service:

And further it was declared, that their daughter being kept at home was a great occasion of offence to many; in that she was tolerated to steal wood, etc. Which things the congregation taking into consideration, did resolve that it was unlawful for them to keep a daughter at

⁵⁶ TNA, ASSI 35/111/11, indictment no. 62; ASSI 35/111/12, indictment no. 33; ASSI 35/113/11, indictment no. 170.

⁵⁷ NRO, Depwade hundred Papers (with individual numbers) in series NAS 1/1/2.

⁵⁸ Ratcliff and Johnson (eds), *Warwick county records*, V, p. 217. For Bedworth, see VCH *Warwickshire*, VI, p. 30.

⁵⁹ E. Crittall (ed.), *The justicing notebook of William Hunt, 1744–1749* (Wiltshire Record Soc., 37, 1982), pp. 33, 73.

⁶⁰ Newman Brown, ‘Poor relief’, p. 418.

⁶¹ W. Le Hardy and G.Ll. Reckitt (eds), *County of*

Buckingham: calendar to the sessions records (6 vols., 1933–53), II, p. 399. The order is quoted, and its context discussed, in J. Broad, ‘The smallholder and cottager after disafforestation – a legacy of poverty?’ in J. Broad and R. Hoyle (eds), *Bernwood: The life and afterlife of a forest* (Harris Paper 2, University of Central Lancashire, 1997), pp. 90–107, esp. pp. 102–4. Precisely because of the ambiguities around poor children still at home, arguments portraying poor relief (and its withholding) as a behavioural sanction are somewhat more convincing for them than for other groups of the life-cycle poor, such as the elderly.

home, maintaining her in idleness to their own prejudice, who is able to earn her own living, and to suffer her to do other unlawful things.⁶²

In 1600 the exasperated minister of Banham in Norfolk inveighed against a parishioner who was refusing to put her daughter out to service, apologizing to the local JP:

that yo[u]r wor[ship] is trobled with the complaynts of this perverse woman, who cannot bee any waye intreated nor urged to have hir daughter (a forlorne wretch) brought to any goodnes; but thus, from tyme to tyme molesttethe them who indeavour to fitt hir for summ servise; whearefore I beseach you Sir, lett hir bee sharpelye rebukede, and hir child left to my disposinge, and I will asswere you I will see that she shalbee brought upp to sum state of life whearby to earne hir livelyehood in sum sorte: lest yf she have anye dealings with hir, our towne be forthwith pestered with hir begerye.⁶³

Yet what was idleness to some in authority may have been a looser work structure which could be integrated into the needs of the family: in the East Anglian textile areas spinning and knitting alongside childcare of younger siblings or support of an elderly parent. When Thomas Tusser's early eighteenth-century editor attacked the custom of poor labourers keeping cows on the common, his targets were childminding and looking after the family livestock:

it is but very poor milk that a common cow gives, when she bites near the ground: his wife trudges morning and night, sometimes a mile, and more, and if he has children, the eldest to be sure is kept from going to service, or apprentice, till they are good for nothing, and all for to fetch up this cow, or look after the house and the younger children, when father is gone to work, and mother a milking.⁶⁴

The question of why more young women than men feature in the (admittedly patchy) prosecution of those living out of service particularly highlights these issues. Insofar as most presentments of any offence in the seventeenth century tended to be targeted selectively on the individuals who caused most concern to prosecutors, fear of the social dangers of women outside the authority of a master may be enough to account for the bias in prosecutions, as generalized fears were applied to individual cases or as delinquent women were a particular target. Together with evidence of greater, or at least longer, retention of teenage daughters in rural households, there may not be much to explain: more potential women targets for prosecution and greater anxiety about the woman out of service means more young women than men prosecuted.⁶⁵ Nevertheless, the neatness of that equation is misleading in a society where there was nothing automatic about the prosecution of most offences. At the least, it is worth thinking about this issue in terms why living out of service was, in practice, sometimes a gendered point of conflict between authority and the poor, at other times not.

⁶² E. B. Underhill (ed.), *Records of the Churches of Christ, gathered at Fenstanton, Warboys, and Hexham, 1644–1720* (Hanserd Knollys Society, 1854), p. 210 (and see also p. 207).

⁶³ BL, Egerton Ms. 2714, fo. 90r: Daniel Reve to Sir Bassingbourne Gawdy, 1600.

⁶⁴ T. Tusser, *Five Hundred Points of Good Husbandry* (1984), p. 276.

⁶⁵ R. Wall, 'Leaving home and the process of household formation in pre-industrial England', *Continuity and Change* 2 (1987), pp. 77–101, esp. 90–7; Crawford and Mendelson, *Women*, pp. 94–6, 98–9.

It is unlikely that a purely economic explanation will suffice to explain the greater preoccupation with young women: in Norfolk, they predominated in the years of labour glut in the 1630s as in those of labour shortage in the 1690s, and the evidence is not strong enough across the county to make much of differences in local economies. Nevertheless, in Norfolk and Essex, an economic explanation does have an important place, especially in the light of Craig Muldrew's work on the increasing income to be gained from spinning by 1700.⁶⁶ It is certainly likely that the female predominance reflects the bias in the evidence used here towards areas in East Anglia where spinning provided greater leeway for young women to make a living, or part of a living, out of service (at least when combined with other makeshifts such as gleanings and charring).

An economic explanation can explain why young women might be able to make a living out of service in the late seventeenth century. It may also explain why officers trying to enforce service after 1660 are rounding up more young women when faced with a general labour shortage: there was a relatively greater shortage of them in the countryside of them with the pull of many young women into domestic service in the towns.⁶⁷ However, in trying to specify the selection of those prosecuted, economic arguments must be combined with an awareness of the moral priorities of magistrates and parish officers, and perhaps even more with different attitudes of the poor to the work of their sons and daughters.

IV

One part of the explanation for the greater incidence of girls being prosecuted is the fear of unmarried single women, of bastardy and of the presumed licence linked with their state of independence: 'Idle wenches that live at their own hands, who serve to no purpose but the debauching of the youth and bringing charge to parishes', as the chairman of the Norfolk Bench fulminated in 1709.⁶⁸

Again, this seems to be only a partial explanation: most individual presentments of young women do not overtly focus on matters of sexual behaviour, although it is more than possible that in many cases fears and assumptions were too commonplace to need articulating. In north Norfolk, 60 years earlier than Doughty, daughters at home with their parents provided day labour on the estate of Sir Nathaniel Bacon at Stiffkey.⁶⁹ But in other contexts, negative assumptions could be drawn on: the daughter living with her mother, outside the authority of a paterfamilias, seems to have been particularly vulnerable to such readings. A Suffolk husbandman charged with assault in 1704 can be seen weaving together the negative images around living at home spinning against his accusers:

⁶⁶ C. Muldrew, "'Th' ancient Distaff" and "Whirling Spindle": measuring the contribution of spinning to household earnings and the national economy in England, 1550–1770', *EcHR*, 65 (2012), pp. 498–526, esp. pp. 517–22.

⁶⁷ P. Sharpe, 'Population and society, 1700–1840', in P. Clark (ed.), *The Cambridge urban history of Britain*,

II, 1540–1840 (2000), pp. 495–9.

⁶⁸ G. Lamoigne (ed.), *Charges to the grand jury, 1689–1803* (Camden Society, 4th series, 43, 1992), p. 70.

⁶⁹ A. Hassell Smith, 'Labourers in late sixteenth-century England: a case study from north Norfolk', *Continuity and Change* 4 (1989), p. 370.

[Joanna and Mary Box] are two lusty young wenches, and fare well and plentifully, and will not go to service, but live with their said mother, in a little house, and occupy no land, nor having any visible estate or stock to live upon in an honest way, except spinning which is a miserable trade now since the wars.

Further, he claimed, men of no very good fame sometimes frequented their company.⁷⁰

I would suggest a further explanation for the greater prominence of women amongst the presented. This would emphasize the differential attitude of the poor to male and female work, in which the imperatives to push girls out into the world were weaker than for boys. The nature of the local economy would largely dictate when, and if, girls and boys left home, but the question here is the related but different one of where conflict arose over children still at home. Here the tensions arose more often over daughters. The ways in which male and female work was assessed may often have diminished the perceived need for daughters to go out into service, or at least delayed the moment when it was considered necessary. Service was partly about the acquiring of skills, but the extensive range of work undertaken by women in agriculture may still have been seen as essentially unskilled. The detailed lists of specialized jobs for men in agriculture found in justices' wage assessments were not matched by those for women.⁷¹ The woman married to a farm labourer would be firmly tied to the casual makeshifts that supplemented the seasonal work of the husband. Therefore, one can argue for relative disincentives over service in agriculture for young women. Service was as important for girls as for boys for acquisition of skills and opportunities for savings, but the skills that girls could pick up there were possibly more limited and just as likely to be picked up in the less formal sector in which they worked as children and to which they would return upon marriage. Women's and children's work was often described by contemporaries as the same, and clearly there was a considerable degree of overlap in areas such as spinning and gleaning. If one adopts a distinction between child labour orientated towards the present welfare of the child or youth (makeshift and casual work) and towards its future (apprenticeship or other forms of training), then one element in the higher proportion of girls presented for living out of service may be that boys' labour was (or became sooner) more future-orientated. For the girls of labouring families, their present work and its skills were not significantly different from their future. In Norfolk and Essex the skills of spinning for the New Draperies could help maintain the young unmarried woman just as they underpinned married women's contribution to household incomes.⁷²

These were, of course, decisions based on how they regarded their children's prospects and what they regarded as suitable work for girls and boys. These perceptions of work would, however, colour the emotional bonds between parent and child: potentially impeding the break from home for young women rather than young men. This perhaps made it emotionally more difficult, as the examples of Mary Green or the Banham woman suggests.

Other daughters at home were drawn into fulfilling familial obligations. Lynn Botelho has found suggestive evidence amongst the Suffolk poor just outside the ranks of parish paupers

⁷⁰ E. P. Thompson, *Customs in common* (1993), p. 501 (quoting TNA, KB2/1, Part 1: Affidavits, Miscellaneous, Regina v. William Copsey) [now in Part 2]).

⁷¹ J. C. Tingey (ed.), 'An assessment of wages for the county of Norfolk in 1610, *EHR* 13 (1898), pp. 522–7.

⁷² Muldrew, "Distaff", pp. 520–2.

of several single woman evidently living with aged parents.⁷³ Yet again, the meaning of such arrangements was potentially ambiguous: they could be taken to indicate idleness and indiscipline as much as familial duty and responsibility. Sara Mendelson has drawn attention to a defamation case from the Diocese of Exeter in 1635 to show how a woman who shifted between service and living with her sick mother could be stigmatized as being of little credit and threatened with the bridewell to force her into service.⁷⁴ In 1697 the Buckinghamshire Bench supported two widows who had appealed to them to squash overseers' attempts to slap the parish badge onto the daughters who cared for them. One, Elizabeth Miles, 'above four score yeares of age and is visited with the palsy', was refused parish relief unless her daughter, who 'payes her house rent and administers to her without any relief from the said parish' wear the badge, until the Bench ordered the overseers to pay her 9d. a week without insisting on it.⁷⁵

There is a further possibility which would turn the moral preoccupations of local governors on their heads. They were concerned with the perceived independence of young women living out of service, sometimes lodging together but more often at home, where they were perceived as inadequately disciplined. Local governors' perspectives were obscured by fears of bastardy and visions of the dangers of independence and lax control: but parents whose daughters were still at home might have been exercising the same combination of supervision and tolerated independence that seems to have been so characteristic of the wide band of society below the ranks of the gentry. Similarly – and more certainly – the evidence of parents keeping children at home or supporting or encouraging them to leave their masters before their time was out shows the poor adopting much the same role in setting their children forth into the world as the middling sort. In Cambridgeshire in 1661 John Stonbridge of Grantchester took out a warrant against Robert Fuller for refusing to pay his son his wages. In Kent in 1698, one Jordain also obtained a warrant on behalf of his son for unpaid wages, whilst Sarah Kitchin complained against the master who had turned away her daughter.⁷⁶ Such conflicts suggest that the policing of those living out of service may often have been about the locus of household authority over the young, and the protectiveness of parents.

V

Yet looking at these conflicts, particularly after 1650, one faces a contradictory picture. They present elite fears of the opportunities offered the young, of enhanced bargaining positions and alternative economic opportunities, which could better meet their own and their parents' priorities. These alternatives could undermine the drive for service, and – importantly – may have produced different outcomes in different local economies. But at the same time, as Kussmaul's imaginative work has shown, the young were moving in greater

⁷³ Botelho, *Old age*, pp. 98–100.

⁷⁴ S. H. Mendelson, "'To shift for a cloak': disorderly women in the Church courts", in V. Frith (ed.), *Women and history: voices of early modern England* (1995), pp. 3–17, esp. pp. 7–8, 12–3.

⁷⁵ Hardy and Reckitts (eds), *Buckinghamshire sessions*

records, II, p. 144.

⁷⁶ Bodleian Lib., Ms. Rawlinson C 948 (Thomas Sclater's justice's notebook, 1660–67), p. 14; BL, Add. Ms. 42598 (William Brockman's justice's notebook, 1689–1702, 1713–21), fos 53v, 61v.

numbers into service in the late seventeenth century – or at least the male young.⁷⁷ In the southern and eastern counties of rural England in the late seventeenth century, the lives of labour of the poor were increasingly structured. Alongside the evidence of opportunities to live at one's own hands, service was increasingly prominent in marking out the entry of the poor into the formal labour market for the young: higher proportions were entering service, and the institution seems to have become more stable as labour shortage increased the demand of rural masters for servants over labourers. The economic and social motives encouraging the young into service drew them increasingly into what was relatively a much more stable institution for them than in the late sixteenth and early seventeenth centuries. As servants, their legal rights against abuse and non-payment of wages at the end of their term were guaranteed by law: and a law to which both magistrates concerned with social and political order and employers faced with a more constricted labour force in a stronger bargaining position now had greater reason to pay attention. Here the economic reading of why more women were prosecuted gains force from the opportunities provided by spinning and stocking knitting.⁷⁸ The obverse of Robert Doughty's hostility to the young living out of service was his care in hearing servants' appeals against their employers and his desire that the law to compel the latter to pay up detained wages should be strengthened.⁷⁹ Thus the young entering the labour market were increasingly moving in through service, and the law afforded them a considerable degree of protection.

There was continuity in a vision of family order, combined with a defensive response to the threat posed to agricultural wage bills and the changing balance between employer and employee. This was backed up by the threat of hard labour in the house of correction. Prosecutions after 1650 seem to have been real but patchy. Some of this is no doubt simply that much of early modern presentment *was* patchy and exemplary in intent. But it also reflects tensions in policing the poor by local officers who, as farmers, may have been concerned with those who chose to live out of service, but who as ratepayers were more worried about families staying off poor relief: a practical response which could draw on a more positive set of stereotypes about the poor family maintaining itself. When Nicholas Blunt of Horningsea was brought before the Cambridgeshire JP Thomas Sclater in October 1661 with a warrant ordering him into service, the parish constable spoke up for him: 'hee [is] laborious ... His mother is ancient, hath 3 Acres of land, and will come to the parish if hee bee taken'.⁸⁰ When many constables in Essex in early 1670s simply returned, blandly, 'that there are no young men or maids that are fitting to go forth to service', it may well not simply have been inertia, but that in the balance of local needs, this was indeed the case.⁸¹ Moreover the needs of individual farmers for a workforce may have undercut their desire or ability to hold the

⁷⁷ Kussmaul, *Servants in Husbandry*, pp. 97–119.

⁷⁸ Kussmaul noted that her methodology, exploiting the seasonality of marriages to infer work patterns or employment structures, was poor at capturing the impact of women's work in arable areas, where the timing of marriage would reflect the higher male earnings. A. Kussmaul, *A general view of the rural economy of England, 1538–1840* (1990), pp. 17–8.

⁷⁹ For examples, see Rosenheim (ed.), *Doughty Notebook*, pp. 31, 34, 43, 51, 64.

⁸⁰ Bodleian Lib., Ms. Rawlinson C 948, p. 9.

⁸¹ TNA, ASSI 35/112/9: Henham constables' presentment, one of several using the same phrase, obviously parroting the articles of enquiry to which they were replying.

defensive line. Doughty, in his grand jury charge in 1664, was of course concerned with the faults of labourers and servants, but in a position echoed by the Hertfordshire Bench in 1687, was similarly concerned with a lack of employer solidarity, condemning in one inclusive phrase, 'Servants, masters, mistresses and dames as to undue retaining into, departing or putting out of service, or giving or taking of excessive wages'.⁸² Thus he condemned those employers who undermined the legitimacy of the system of labour authority by not fulfilling their side of the contract, but also those who failed to show sufficient solidarity with their fellow employers.

In this context, the concern with the young living at their own hands was part of an attempt – of questionable success – to counter the spaces for negotiation opening up in the changing circumstances after 1660, to redress some of the implications of what seems to have been the customary conclusion to wage-bargaining in Restoration Norfolk when the new employee, in words which blended social deference and market equality, assured the new employer, that 'they should not then differ for wages'.⁸³ The perceived problem may have been less the recalcitrance of the young to enter into service than the enhanced elements of choice and bargaining in their position. In reinforcing attempts to police the youthful poor in order to regulate living standards and wage rates, prosecutors were drawing on long-standing tensions between authority and poor households, with an (arguably) increasingly gendered dimension, but at a time when – for the poor, for the young, and indeed for many non-farming employers – economic circumstances were strengthening the position of (particularly) daughters who chose to stay at home for part of their youth, whether avoiding or delaying service or moving back and forth between parental home and service. The offence evidently became more significant after 1650, a response to labour shortage in a changing demographic and economic context and as part of a nexus of changes in social policy which served to focus attention on the definition of labour and living standards for the poor. A related story could be told about poor relief. Despite the consolidation and reinforcement in the 1690s of parish power, the nature of relief disbursements, individual petitioning and rising levels over time in the decades around 1700 all suggest a story of negotiations and confrontations. There also the agency of the poor, official ambivalences and overlapping expectations all served to shape and provide some constraint on the decision-making of local officers and employers.⁸⁴ In this context, the directives and prosecution targeted at those living out of service have much to say not only about the dynamics of the relationship of the poor, as youths and as householders, with local officers, but also the limits of the latter's power.

⁸² Rosenheim (ed.), *Doughty notebook*, p. 115. For Hertfordshire, Hardy (ed.), *Hertfordshire county records*, p. 408.

⁸³ Norfolk RO, AYL 347, certificate of Thomas Jackson, July 1664. For a similar example of wage-bargaining before witnesses from the West Country, see Devon RO, Chanter 880, fo. 177r.

⁸⁴ A related story, addressing the shift in power at high constables' petty sessions and hiring fairs (and attempts to counter that shift), is discussed in the important essay by Michael Roberts, "'Waiting upon Chance": English hiring fairs and their meanings from the fourteenth to the twentieth Century', *J. Hist. Sociology*, 1 (1988), pp. 119–158, esp. pp. 131–3, 154.