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ELIZABETHAN HOUSES OF CORRECTION*

AUSTIN VAN DER SLICE†

In 1589 the bench of aldermen of Amsterdam objected to pronouncing the usual death sentence for theft on a sixteen year old boy. They urged the burgomaster to find a better way to deal with juvenile offenders. They suggested that they be compelled to labor, to give up their evil habits and amend their lives. Finally it was ordered that a house should be established for the confinement of vagabonds and criminals. Here they should be imprisoned and put to work for as long a time as the magistrates ordered. An old convent was set aside for the purpose and the Amsterdam house of correction was opened, in 1596, with twelve inmates.¹

We have the regulations for this establishment.² Their probable date is between 1599 and 1602. From the regulations we find that a board of regents consisting of four burghers met regularly each week to supervise the government of the institution. There were to be likewise two towns-women who were responsible for the diet and household economy. There was a resident warden whose wife assisted by two servants performed the housework. There were two spinning-masters, a rasping-master, a school teacher, and a medical man. These regulations laid down by the founders and regents outline a detailed routine of work, education, and worship. The inmates were to do a required amount of work for their maintenance and if they did more than that they were to receive additional remuneration. Punishment for lack of discipline might be extra work, fetters, or a lengthened sentence. If the inmate obstinately continued in his defiance, branding and finally the death penalty were prescribed. The inmates were of two classes: those imprisoned

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¹ This account was taken from an abstract of an article by Dr. Simon van der Aa, University of Groningen, found in the *Report of the Proceedings of the Eighth International Prison Congress*, p. 52 ff. Also see R. von Hippel. *Beiträge zur Geschichte der Freiheitstrafe* in the *Zeitschrift für die gesamte Strafrechtswissenschaften*, 18:419-94, 608-66, 1898.

² These regulations were found by von Hippel in the Danziger Stadtarchiv, quite by chance. He believed them to be the oldest regulations for a house of correction and set their probable date between 1599 and 1602. See R. von Hippel, *loc. cit.*, 472 ff.

on the order of a magistrate, and those admitted at the request of their parents or relatives.³ In the first class able-bodied beggars, vagabonds, idlers, and in addition among the women, prostitutes, predominated and gave its characteristic stamp to the Amsterdam house of correction. However other criminals, especially thieves, were received from the beginning.⁴ The penal reforms introduced by this Amsterdam house of correction had a widespread effect. A more humane treatment of petty offenders, the indeterminate sentence, the corrective influence of work, the industrial rehabilitation of the prisoner, even the idea of reformatory treatment and of imprisonment were not established practices at the time.⁵ Other European institutions were established as a result of Amsterdam's influence. The Hanse towns of Germany led the way. Houses of correction were set up at Lubeck and Bremen in 1613, at Hamburg in 1620, at Wachsenburg in 1660, at Breslau and Vienna in 1670, in 1671 at Leipzig, at Luneburg in 1676, at Brunswick in 1678, at Frankfurt a.M. in 1679, at Munich in 1682, in 1687 at Spandau and Magdeburg, and in 1691 at Konigsberg in Prussia.⁶

This information was first brought to the attention of students of penology by the notable research of Prof. R. von Hippel in 1898.⁷ In 1910 Dr. van der Aa, in a paper before the Eighth International Prison Congress claimed for Holland the distinction of beginning prison reform and of introducing the new penalty of labor.⁸ His claim was almost entirely based on the previous work of von Hippel. But the Dutch in substantiating this position are met with the obstinate fact that forty years before the establishment of the Amsterdam house of correction the English had set up a similar institution. And for the next generation first by local action and then by national legislation they had established this type of penal institution in the frame-work of their system of criminal justice and national economy. Prof. von Hippel was aware of the earlier English institutions but said that with the information available at that time the influence of the English houses of correction on the Amsterdam reformatory could not be established definitely although there was a possibility.⁹ Dr. van der Aa dismisses the English influence some-

³ R. von Hippel, *loc. cit.*, 446.

⁴ *Ibid.*

⁵ See the article by Simon van der Aa, *loc. cit.*

⁶ R. von Hippel, *loc. cit.*, 420 ff.

⁷ *Ibid.*, entire article.

⁸ Simon van der Aa, *loc. cit.*

⁹ R. von Hippel, *loc. cit.*, 419 ff., 472.

what lightly.¹⁰ However, Dr. Franz D. von Dolsperg, a student under von Hippel, in 1928 undertook a more thorough discussion of this question. He devotes the last one-third of an essay on the early history of imprisonment in England to a comparison of the Amsterdam house of correction and two English ones, Bridewell and the establishment at Bury.¹¹ Dr. von Dolsperg while still unable to find definite proof of English influence in the founding of the Dutch institution nevertheless points out the strong probability of such an influence. He demonstrates the similarity of the administration of the houses of correction in each country, the fact that they had similar regulations concerning commitment, that the types of inmates were the same, and that the institutions in both countries gave a predominant place to the corrective influence of labor. He finds identical disciplinary measures were used—corporal punishment, fettering, and restricting the diet. Both nations were facing problems of poverty and vagrancy of a similar nature and early English legislation against vagabonds in 1530 had found ready acceptance in Holland in 1531.

This brings us to a realization of the importance of the English houses of correction as pioneer institutions in the field of criminal treatment. Yet there is almost no literature on these early English establishments. This paper after a careful survey of available printed sources attempts to fill this gap in our knowledge of the historical development of modern penal institutions.

Elizabethan England was caught in the throes of a changing world economy. A new capitalistic organization of trade on a world basis was being born out of a local agricultural economy still encumbered by feudal usages. The changes in land tenure and the enclosures, the dismissal by the lords of their bands of retainers, the dissolution of the monasteries, the return of soldiers from foreign campaigns, the inflationary movement brought about by the increase in the supply of precious metal and by the debasement of coins, all these were contributory factors in the economic distress of this transitional era. Naturally the brunt of these forces fell upon the weakest groups in society and thousands of agricultural laborers found themselves on the English highways, with no home and no employment. These vagrants remained a constant threat to internal order and inevitably acted as a breeding ground for crime.¹²

¹⁰ Simon van der Aa, *loc. cit.*

¹¹ Franz Doleisch v. Dolsperg. *Die Entstehung der Freiheitsstrafe in the Strafrechtliche Abhandlungen*, Heft 244 (Breslau, 1928).

¹² The preambles of the statutes on vagrancy and the poor are among the most interesting contemporary witnesses concerning these conditions.

Nor was the situation entirely novel. Ever since the passage of the Statutes of Laborers as a result of the disrupted labor market in the fourteenth century, vagabondage had become an increasingly harassing problem which must be met by the criminal law of the land. Statute after statute was passed from the reign of Richard II on, referring to the number of persons who wandered about the country, leaving their masters, associating in bands, and overawing the authorities.¹³

The first of these statutes with which we are concerned is the one passed in 1530-31 during the reign of Henry VIII. It was this law which was in force at the time Queen Elizabeth took the throne. Under the act impotent beggars were to be licensed by the Justices of Peace to beg within certain limits. All vagabonds and beggars without such license were to be stripped to the waist and whipped until bloody, or set in the stocks for three days and three nights on a diet of bread and water. They were then to be sent to the place of their birth or last three years residence and set to work. Similarly begging scholars without license, shipmen, proctors, pardoners, fortune tellers, fencers, minstrels, and the like without proper license were to be whipped two days in succession. For the second offense this punishment was repeated and in addition they were to stand in the stocks and have one ear cut off. For the third offense they were to undergo the same punishment and lose the other ear.¹⁴

In this way the able bodied vagrant and beggar were to be suppressed by the machinery of the criminal law.¹⁵ It would be hard to exaggerate the feeling of alarm with which contemporaries, private individuals and public officers, faced this problem.¹⁶ Yet

¹³ Sir J. F. Stephens, *A History of the Criminal Law of England*, III, 267 ff.

¹⁴ *The Statutes of the Realm*, 22 Henry VIII, c. 12.

¹⁵ See W. S. Holdsworth, *A History of English Law* (1924), vol. IV, 392 ff.

¹⁶ Publicists warned of the danger to the nation and exposed the artifices of the vagabond and the thief, magistrates and statesmen were aware of the grave threat to internal security. In the preambles of the various acts passed to cope with the situation we find crystallized the contemporary concern. "Where all parts of this Realme of England and Wales be presently with Roges, Vagabonds and Sturdy Beggars exceedingly pestered, by meanes whereof daylye happeneth in the same Realme horryble Murders Thefts and other great outrages, to the highe displeasure of Almightye God, and to the great annoy of the Comon Weale . . ." read the opening words of the act for the punishment of vagabonds which was passed in 1572. Thomas Harman in his *Caveat or Warning for Common Cursitors, vulgarly called Vagabonds* writing in 1566 introduces his readers to the ranks within the Vagabond society of his day, to their deceits, and to their dialect (peddlar's French). Nor does he speak without warmth when he acquaints them with "the abominable, wicked and detestable behavior of all these rowsey, ragged rablement of rakehells, that—under the pretence of great misery, diseases, and

despite the concern and despite the severity of the laws pauperism and vagrancy remained and even increased.¹⁷ It was out of this

other innumerable calamities which they feign through great hypocrisy do win and gain great alms in all places where they willyly wander." (Harman's *Caveat* is included in the excellent collection of rogue literature in Judges' *The Elizabethan Underworld*—cf. p. 61.) Others feel the same about this "peevish, perverse and pestilent people." Carew in his *Survey of Cornwall* wrote: "those vermin swarm again in every corner. Yet those peevish charitable cannot be ignorant, that herethrough, to the high offence of God and good order, they maintain idleness, drunkenness, theft, litchery, blasphemy, atheism, and in a word all impiety; for a worse kind of people than these vagabonds the realm is not pestered withal: what they consume in a day will suffice to relieve an honest poor parishioner for a week, of whose work you may also make some use. Their starving is not to be feared, for they may be provided for at home, if they list . . .". (See Tonkin, *Carew's Survey of Cornwall*, p. 184—the survey was first published in 1602.) But most revealing of all is this letter written by Sir John Smythe to Lord Burghley 28 January 1589. Smythe is discussing the levying of troops when he says:

"For, as for the rogues and other malefactors, let it be well looked into, and it shall be found that very few of them went either of voluntary or levied by commission, by reason that they, with intent to follow their base occupations, did exempt themselves by hiding out of the way at the time of the levies. Which evil kinds of people have been greatly augmented of late years by two means: the one, by such as were levied by commission and employed beyond seas, where they through the covetousness of their captains lived upon very small or no pay by pilfering and stealing or going 'a la picoria' (as they call it) without any military discipline, the remnant of which that have come home have learned so much idleness and lewdness in those disorderly wars, being honest before going over, that they will not give themselves unto their occupations that before going over they were brought up into, but to roguing and stealing. And the others hath been by some of our judges, who, at the general goal-deliveries, under pretence of pity and mercy or favouring of life (as they miscall it) have allowed all sorts of stealers of cattle and rogues, for petty larcenies in the third degree, that have been burnt twice or thrice in the hand, and therefore, by the law, should die, their clergy, and so to be clerks, when they could read no more than a post. By the saving of which and emboldening others to attempt the like, the number of malefactors are wonderfully increased. And this I have not only by hearsay of gentlemen of other shires of good credit, but of my own certain knowledge in this shire of Essex where I dwell. All which may turn this realm to great danger. I will only make mention of the bellum servile that gave the Romans so much to do in the time they flourished the most, the Jacquerie of France, and the dangerous rebellion of the peasants of Hungary; and last of all the revolt of the disarmed Moors of Spain, very little more than twenty years past, that cost the lives of above 40,000 Spaniards, and continued two years and more. Commonly the beginnings are very small and therefore lightly regarded, but once begun, they suddenly grow great, and then they turn all to fire and blood." (Calendar of Salisbury MSS., Pt. IV, 4, Hist. MSS. Com. vol. 9.) In addition to this widespread feeling that unless prompt measures were taken first to restrain and then to eliminate these growing hordes of vagrants anarchy and rebellion would destroy the state was the belief upon which this was predicated that this unemployment, poverty, organized crime, and unsocial behavior had definite remedial causes. (Judges, opus. cit., pp. xiv-xv.)

¹⁷ The penalty for vagabondage had been increased in severity by I Edward VI, c. 3 passed in 1547. All able bodied persons not working were to be judged vagabonds. They might be seized by their former masters, branded with a V on the breast, and made a slave for two years. If they ran away and were caught they were branded with a letter S on the chest and made slaves for life. This law was too severe and was replaced in 1549 by 22 Henry VIII, c. 12. Froude, in his *History of England from the Fall of Wolsey to the Defeat of the Spanish Armada* (vol. III, 414) says: "The vagrancy laws sounded terribly severe; but

necessity that the idea and actuality of the English houses of correction were born.

The first experimental attempt to reform the vagrant instead of merely to punish him and send him on his way was made in London. Here under the leadership of Richard Dobbes, Sir George Barnes, Richard Grafton, Bishop Ridley, and others a comprehensive scheme of municipal relief had been established between 1551 and 1557.¹⁸ The poor had been divided into three categories and a hospital had been assigned for the care of each group. Christ's Hospital housed and educated the pauper children; St. Thomas and St. Bartholomew hospitals provided for the sick and maimed; and in Bridewell palace "the Vagabond and ydle strumpet" were "chastised and compelled to labour, to the overthrow of the vicious life of ydleness."¹⁹

These four royal London hospitals were in 1557 under joint

in the report of the judges on their assizes of which many remain in the State Paper Office, I have not found any one single account of an execution under them." There were at different times a number of estimates made as to the extent of vagrancy. Thus we learn from Strype (*Annals* 1824, I, ii, 346) that in 1569 13,000 masterless men were apprehended in England and 10,000 more escaped. In 1594 the Lord Mayor of London estimated that there were 12,000 rogues in London alone (Aydelotte, *Elizabethan Rogues*, app. 4). In 1597 Sir Francis Godolphin in a letter to Sir Robert Cecil went so far as to say that there were 200,000 idle loiterers in England, although he admits that this estimate does not agree with the most which were presumably lower. In the one small county of Cornwall he believes there are 10,000. (*Calendar of the Salisbury MSS.*, Part VII, 160, *Hist. MSS. Com.*, 9.)

¹⁸ Richard Dobbes as Lord Mayor had taken active measures to meet the problem of pauperism and further service was rendered by the succeeding Lord Mayor, Sir George Barnes. Bishop Ridley who was in close contact with the King and Richard Grafton, alderman, were also largely instrumental. It was Grafton who was probably the one who pointed out to Ridley the need for Bridewell and thus influenced the latter to intercede with the king (O'Donoghue, *Bridewell*, 137). In Richard Grafton, who often made business trips to the Netherlands, we have a direct link with the Continent whose influence on English ideas concerning relief was a potent one. In 1522 Martin Luther had written two pamphlets on new methods of poor relief which became the basis for numerous experiments in Swiss and German cities. A more direct influence was that of Juan Luis Vives (1492-1540), the humanist and educator, who attached to the court of Henry VIII resided in London from 1522-28. He made frequent trips back and forth to the Netherlands and in 1526, upon the request of a magistrate of Bruges, he wrote an essay on poor relief. The scheme outlined was the one which had been put into effect at Ypres in 1525, and was essentially the same as the one adopted in London twenty-seven years later. A census was to be made of all the poor, in hospitals, almshouses, and in their own homes. Begging should be prohibited and all applicants should be made to labor if fit to work. The children of the poor should be educated and the sick and maimed hospitalized. Vives must have seen this system in action as well as Grafton and other London aldermen on trips to the Netherlands. Some phases of this scheme are paralleled by the English statutes. In 1530-31 begging was prohibited unless licenced by Justices of the Peace. And by 1536 it was recognized that work must be provided for those idle through no fault of their own (27 Henry VIII, c. 25).

¹⁹ R. Grafton, *A Chronicle at Large* (1809), vol. II, 531.

governorship. There were to be sixty-six governors, fourteen of whom were to be aldermen, and fifty-two grave commoners, citizens and freemen of the city. Two of the six "Grave Cloke" aldermen were to be appointed governor generals of all the hospitals. The senior of the two was comptroller, the other was surveyor. The remaining twelve aldermen and fifty-two commoners were divided equally between the four hospitals. One of the aldermen was to be president and one of the commoners to be treasurer of each.²⁰

Our interest of course lies with Bridewell which had been granted to the city of London by Edward VI in 1553 and was established as a house of correction by 1557.²¹ Each day the beadles were to make the round of their respective wards and bring the vagrant and idle people to Bridewell where any two of its governors had the right to take in "lewd and idle" persons. The governors held meetings, once a fortnight, and discussed the various cases that came before them. Nearly all concerned petty offenders, thieves or vagrants. There were a few instances however of persons admitted simply because they had become a charge on the city.²² The chief hope for the reformation of these vagrants and misdemeanants lay in the discipline of work. Work also would make the institution more nearly self-supporting. There was a spinning room, a nail house, a cornmill, and a bakery, each under the supervision of several of the sixteen governors. The dissolute women were set to work in the spinning room, the more skilled persons were employed in the nail house, and the bake house and the mill were reserved for the worst vagrants. Two inmates made the beds and swept the rooms. The prisoners were paid for their labor and in turn the stewards were to charge those employed for their meals. Gradually the range of occupations increased. Women mended, men dredged sand and burned lime to make mortar.²³ In 1563 a system

²⁰ *The Order of the Hospitals of K. Henry the Eighth and K. Edward Sixth, 1557.* The Ridgway branch of the Library Company of Philadelphia has a copy.

²¹ The story of Bishop Ridley's part in obtaining Bridewell for the city of London has been told many times. Grafton in his *Chronicle at Large* claims to have the story of Ridley's interview with the king from the Bishop himself (vol. II, 529). Gloucester Ridley in his *Life of Dr. Nicholas Ridley* gives us a similar account (396-400). Other accounts of Bridewell are found in: Leonard, *Early History of the English Poor Relief*; O'Donoghue, *Bridewell Hospital* (1923); and the chronicles of Holinshed, Stow, and Strype. A. J. Copeland, *Bridewell Royal Hospital Past and Present* (1888) is much quoted but was not available in New York, Philadelphia, or Washington, D. C., libraries. Original records can be found in J. F. Firth, *Memoranda Relating to Royal Hospitals* (1863); and T. Bowen, *Extracts from the Records and Court Books of Bridewell*.

²² Leonard, *op. cit.*, 38.

²³ O'Donoghue, *op. cit.*, 197-8.

of apprenticeship was instituted at Bridewell where the children of poor freemen as well as young rogues could learn a trade. By 1579 twenty-five occupations were practiced in Bridewell including such as the making of pins, silk, lace, gloves, felts, and tennis balls. Besides this discipline of work other punishments were used such as whipping, restriction of diet, and torture.²⁴

We look back upon Bridewell as a unique experiment in the reformatory treatment of the vagabond and the strumpet. Yet it is difficult to determine just how clear a purpose its founders had. There is little contemporary evidence that they considered themselves pioneers in penal reform. There is some evidence however that the corrective or reformatory character of Bridewell was understood. The playwright Thomas Dekkar in the second part of "The Honest Whore," published in 1608 gives us an interesting description of Bridewell. After narrating its origin he continues:

"All here are but one swarm of bees, and strive
To bring with wearied thighs honey to the hive.
The sturdy beggar, and the lazy lown,
Gets here hard hands or laced correction.
The vagabond grows stayd, and learns to 'bey
The drone is beaten well, and sent away;
As other prisons are (some for the thief,
Some by which undone credit gets relief
From bridled debtors; others for the poor),
So this is for the bawd, the rogue, and whore.

Nor is it seen
That the whip draws blood here, to cool the spleen
Of any rugged bench: nor does offence
Feel smart or spiteful, on rash evidence;
But pregnant testimony forth must stand
Ere justice leave them in the beadle's hand;
As iron, on the anvil they are laid
Not to take blows alone, but to be made
And fashioned to some charitable use."²⁵

Bridewell was not long established before other English communities founded similar institutions. Thus Oxford in 1562,²⁶ Salis-

²⁴ Leonard, *op. cit.*, 100; O'Donoghue, *op. cit.*, *passim*.

²⁵ Thomas Dekkar, *The Honest Whore*. The play is contained in Dodsley, *A Select Collection of Old Plays*, Volume III, 407-9.

²⁶ On 19 June 1562 St. Mary's College was granted to the city of Oxford "which it appeareth by another instrument of the feoffes, was given and taken to the intent to maintain 10 poore children to be taught and brought up there, and likewise to maintaine 10 poore persons to be set to worke, upon the costs and charitable reliefe of the Citizens of Oxon." The only other clue we get as to the nature of this institution is this statement made by Anthony Wood: "Soe that

bury in 1564,²⁷ Norwich as early as 1565,²⁸ Gloucester before 1569,²⁹ Ipswich in that year,³⁰ Acle by 1574,³¹ and Chester in 1575 founded or ordered the establishment of houses of correction modelled upon the London one.³² A campaign against vagrants had gotten under way in the meantime due to the initiative of the Privy Council. They had ordered general searches for vagrants to be made throughout all the counties of England between 1569 and 1572.³³ In 1569 13,000 idle masterless men were apprehended, and it was estimated that 10,000 more had escaped.³⁴ In 1571 a bill was introduced into Parliament for the suppression of rogues and vagabonds and in the course of a most interesting debate the Lord Treasurer urged that "he would have a Bridewell in every Town, and every Tipler in the county to yield twelve pence yearly to the maintenance thereof."³⁵ This particular bill did not pass but in 1572 the famous "Acte for the Punishment of Vacabondes, and for Relief of the Poore and Impotent" became law.³⁶

It provided that vagabonds were to be taken into custody and held in the common gaol or some other place designated by three or more Justices of Peace in their General Sessions, until the next

this place then and for some yeares after was knowne by the name of Bridewell." (Clark, *Survey of the Antiquities of the City of Oxford*, vol. II, 236.)

²⁷ From the Muniments of the Corporation of the City of Salisbury under the date of 10 April 1564 we find this item: "At this assembly it is further decreed and established that there shalbe a house, which is already assigned in Winchester Strete to hold and set to worke idell people, so that there shall none, which be hable to worke, that shalbe suffred to go idelly abrode in begginge, nor also any impotent persons shalbe permitted to begge abrode either within ore without the Citie, dwelling within the Citie." (*Muniments of Salisbury, Report on MSS. in Various Collections*, Pt. IV, 224, *Hist. MSS. Com.*, vol. 55.) Whether or not this was a house of correction in the true sense of the word we are not told, but in an order of 14 November 1597 we learn that all obstinate persons who refuse to be reformed are to be sent to "Bridewell" or else otherwise punished according to the statute. (*Ibid.* 233.)

²⁸ Leonard, *op. cit.*, 101, note 2. Bridewell records begin in 1565.

²⁹ *Ibid.*, 129. Miss Leonard says: "Before 1569 the house of the White Friars had been made into a House of Correction."

³⁰ Bacon, *The Annals of Ipswich*, 283. "The late house of Blackfriars, bought of Joh: Southwell, Esq., shall henceforthe an hospitall for the poore people of this Towne, and shall be called Christ's Hospital." Cf. the rules of 1594.

³¹ In 1574 we find the Privy Council praising the Lord Bishops of Norwich and the Justices of Peace of Norfolk for the "erection of a howse, after the manner of Bridewell, at Acle in Norfolk." (*Acts of the Privy Council of England*, New Series, vol. VIII, 328.)

³² From an early Chronology of Chester we find under the year 1575: "(This year there was a collection made in this City, and of some worshipful in the county for a stock to set the poor on work; and a house of correction built under the city wall near unto the Northgate.)" (Ormerod, *The History of the County Palatine and City of Chester*, vol. I, 236.)

³³ See *Victoria History of the Counties of England. Huntingdonshire*, vol. II, 86; *Calendar of State Papers, Domestic. Addenda for 1566-79*. Cf. 1569-72.

³⁴ Strype, *Annals* (1824), I, ii, 346.

³⁵ D'Ewes, *Journals* (1682), 165.

³⁶ *Statutes of the Realm*, 14 Eliz. c. 5.

session of peace or general gaol delivery. At which time the accused, if duly convicted of his or her "Rogishe or Vacabonds Trade of Lyef" either by inquest of office or by the sworn testimony of two honest and credible witnesses, was to receive punishment as a vagabond. For the first offense they were to be grievously whipped and their right ear was to be bored by a hot iron one inch in circumference. This penalty might be averted if a substantial person would bond himself for the rogue's safe keeping and take him into service for one year. If after sixty days a vagabond eighteen years old or more should again fall into his old way of life he should be deemed a felon unless taken into service for two years under a £10 bond. For the third offense the statute read: "suche Roge or Vacabound shalbe adjudged and deemed for a Felon and suffer paynes of Death and loss of Land and Goodes as a Felon without Allowance or Benefyte of clergie or Sanctuary."

To make it perfectly clear who should be considered as rogues, vagabonds, and sturdy beggars and thus be liable to the penalties fixed by this act the legislators included the well known definition of a vagabond. Within its terms came: all who are or claim to be Proctors and Procurators, without sufficient license from the Queen; all other idle wandering persons using subtle crafty and unlawful games or plays, "and some of them feigning themselves to have knowledge in Phisnomye Palmestrye, or other abused Scyences, whereby they beare the people in the Hand they can tell their Destinies, Deaths and Fortunes, and such other lyke fantastickall Imaginacons", all able bodied persons, having neither land nor master, employing no craft and unable to explain how they lawfully obtain their living; all fencers, bearwards, common players in interludes, minstrels, jugglers, peddlers, tinkers, and petty chapmen who do not have a license from two Justices of Peace of the district where they wander; all able bodied common laborers who loiter and refuse to work for the wages fixed and commonly given in their community; all counterfeiterers of licenses and passports, and all wilful users of the same; all scholars of Oxford or Cambridge who beg without a license from the University; all shipmen pretending losses at sea, except for those hereinafter exempted; all persons delivered out of gaols who beg for their fees unless they have a license; and finally all the poor who left settlements established by the second part of this act.³⁷

The Justices of Peace were to register all aged and impotent poor, born or three years resident in their district, settle them in

³⁷ *Ibid.*

convenient habitations and assess the district for their maintenance. If any of these aged and impotent poor were able to work but refused to carry out the task allotted by the Overseer of the Poor they might be whipped and stocked for their first offense and treated as vagabonds in the "said firste degree of Punysishment" for their second offense. Any three Justices of Peace, if some of the money collected to care for the impotent poor remained, might set to work the rogues and vagabonds who were so disposed. These persons must be residents of the district and should be held to work by the supervision of the Overseers of the Poor. They were to be sustained only upon their own labor. This last provision of the act is perhaps the faint beginning of a nationwide system of bride-wells.

At any rate in the next session of Parliament the act of 1576 does provide for the establishment of houses of correction. The act of 1572 is continued in force and the following noteworthy additions are made. Stores of wool, hemp, flax, iron, and the like were to be provided in cities and towns and put under the care of collectors or Governors of the Poor. The poor were to be set to work on these stores and the finished products were to be sold so that the scheme was self-maintaining. Those poor persons who refused to work or who spoiled the materials were committed to the houses of correction provided by this act. These houses of correction were to be established by the Justices of Peace in their General Sessions. Material and equipment was to be provided "for setting on worcke and punishinge not onelye of those wch by the Collectours and Governours of the Poore for causes aforesaid to the said Houses of Correction shalbe brought, but also of suche as bee or shalbe taken as Roges, or once punished as Roges, and by reason of the uncerteynetye of their Birthe or of their Dwelling by the space of Three yeres, or for any other Cause ought to bee abidinge and kepte within the same Countye." These houses of correction were to be erected in every county. Although the act sets one year as the desired time limit for the establishment of these institutions in the last analysis it leaves the matter of the time to the discretion of the Justices of the several counties. The Justices of Peace at their General Sessions were to appoint "Censores or Wardens of the Howses of Correction" who should have the "Rule Government and Order of suche Howses of Correction, accordinge to suche Orders as by the said Justices of Peace, or the more parte of them, in their Generall Sessions in everye Countye shalbe prescribed."³⁸

³⁸ *Statutes of the Realm*, 18 Eliz. c. 3.

This legislation, while not immediately compulsory, undoubtedly stimulated the development of houses of correction throughout England. A house of correction was established at Bodmin in Cornwall shortly after the passage of the act,³⁹ and at Bristol in 1577.⁴⁰ In that year orders were given for the establishment of houses of correction at Worcester⁴¹ and at Exeter.⁴² In 1578 at Winchester⁴³ and at Devizes,⁴⁴ and by 1581 at Plymouth,⁴⁵ houses of correction were

³⁹ From the county of Cornwall we learn that: "Upon the first statute, there was a house of correction erected at Bodmin, to the great charge, but little benefit of the country." (*Carew's Survey of Cornwall*. Edited by Tonkin, 1811, page 184.)

⁴⁰ In 1577 a collection for the erecting of a bridewell at Bristol was taken. And "one called Meg Lowrey, was the first ill person there corrected. She feigned herself mad." (Seyer, *Memoirs of Bristol*, vol. II, 248.)

⁴¹ Also in 1577 a house of correction was ordered to be established at Worcester and poor people to be set to work. "A stranger, expert in setting children and idle people to work" was required. (*Victoria History of the Counties of England*. Worcester, vol. IV, 454.)

⁴² Freeman, *Exeter*, 177. Prof. Harte has published *Illustrations of History from the Act Book of the Chamber of the City of Exeter in the Report and Transactions of the Devonshire Association for the Advancement of Science, Literature, and Art* (vol. XLV, 409-22). Here he gives us excerpts of Chamber orders in regard to the erecting of a house of correction (*ibid.*, 415-17). The first item, dated 20 August 1577, refers the matter of erecting a house of correction to a committee of four. 28 October 1578 a new committee (Mr. Peryam is the only member who was on the 1577 committee) is charged with overseeing the rebuilding the house appointed for the bridewell and fitting it out as a house of correction. To hasten the work one of the committeemen (Mr. Peryam) has consented to advance the sum of XXX or XL pounds. The committee with the Mayor is to supervise the work. Yet in spite of this excerpt we read under the date of 30 December 1579, "Also yt ys agreed That mr maier with Thalderman shall make a generall Colleccon for the setting upp of the house of Correcccon." And on 23 February 1579, "Gouernor or Mrs. of the poore women which shalbe placed in the house of Correcccon" was confirmed in her appointment and two collectors were named to receive the contributions toward the erection of the bridewell. Under the date of 17 June 1579 we find that the two collectors are with the aid of the mayor to supervise the ordering and governing of the house of correction. A Mr. William Weare was under them to have charge of the house. As late as 4 June 1580 we read of orders "to proceade to the buyldinge and full fynishinge of the howse of correction." Perhaps as Freeman says the house of correction was set up in 1578. With the aid of Mr. Peryam's money presumably housed in a building remodelled for the purpose it may well have begun to function. These later references then would seem to deal with the financing and erecting of a new or the remodelling of the old. It may give us a clue in discovering why it was said that the citizens regretted having spent the money they did on the bridewell (Freeman, *Exeter*, 177).

⁴³ *Victoria History of the Counties of England*. Hampshire, vol. V, 424.

⁴⁴ *The Records of Quarter Sessions in the County of Wilts, Hist. MSS. Com., Report on MSS. in Various Collections*. Vol. I, 65-176, cf. page 66. Also see Merriam, *Extracts from the Records of the Wiltshire Quarter Sessions in The Wiltshire Archeological and Natural History Magazine*, vol. XXI, 80-84. Early in 1578 the Quarter Sessions of Wiltshire ordered the collection of money for the erection of a house of correction at Devizes. Each parish was to furnish 2d weekly and all persons assessed at five pounds in goods or forty shillings in land were to pay 4d of every pound toward the provision of a house of correction "for vaccaboundes and idle people within this County." They requested from the Queen a part of the castle of Devizes for this purpose.

⁴⁵ From the accounts of the burough of Plymouth for 1580-81, we get this interesting statement. "Item rec. of Sr. frauncis Drake keneighte employed in the howse appoynted for ye Bridewell . . . l li." How much earlier this house of

built. A second one was established at Norwich in 1583.⁴⁶ By 1584 Leicester⁴⁷ had such an institution and York followed in 1586.⁴⁸ In this year the Justices ordered the erection of the famous Bury house of correction.⁴⁹ In 1590 a bridewell was established at Reading⁵⁰ and in 1595 at Coventry.⁵¹

correction was erected we do not learn. (Worth, *Calendar of the Plymouth Municipal Records*; also see Worth, *Men and Manners in Tudor Plymouth in Report and Transactions of the Devon. Assoc.*, vol. XIV, 622.)

⁴⁶ Hudson and Tingey, *The Records of the City of Norwich*, vol. II, 389.

⁴⁷ When the Earl of Leicester visited the city of Leicester, 18 June 1584, he left twenty nobles to be given to the poor, three shillings of which were to go to "the prisoners of the countye and Brydewell." (Bateson, *Records of the Borough of Leicester*, vol. III, 202.)

⁴⁸ At York in 1586 the order was issued that "a wall shalbe made up at St. Antonys and a howse to be made there for the correction of rooges and three chaynes and a clogge to be made for the punnyshment of such rooges as will not worke." (Sellers, *The City of York in the 16th Century*, in the *English Historical Review*, vol. IX, 283.) In 1587 a set of rules governing the relief of the poor in the city were drawn up. The poor were classified into three sorts. The first division made up of the aged, lame, and impotent were to receive 1½d. a day. The second division consisting of all those able to work were provided with work. Each alderman had to keep four men at work; each of the twenty-four were responsible for two men; and all those who had held the office of chamberlain must employ one or two. Rogues, vagabonds, and such as would not work made up the last division. These were to be sent to the house of correction or banished from the city. In each street there were two or three people appointed to punish this last class, either by sending them to the stocks or to the house of correction. (*Victoria History of the Counties of England. Yorkshire*, vol. III, 467.) In 1600 the house of correction was newly furnished with a mill for grinting malt, a wood mortar, and a mill for "beatinge of hempe." Four manacles and two collars were provided. An officer was appointed to punish the rogues. He was also superintendent of the knitting school and taught the children to spin. He was given free quarters, 40 shillings a year and a bounty on each inmate sent for correction (1d. a person). At this time not only vagrants and vagabonds but "comon blasformers, comon drunkards, comon Raylors or scolds" were committed to the house of correction by the magistrates or ministers. There they were whipped until bloody and set to work. If refractory they were punished again. If they were willing and able to work they received payment. The diet of the idle was bread and water. The unskilled worker received "coarse bread and small aile," but the skilful worker received "pottage made of such offal as may be had at the shambles or of sodne beanes." If inmates threatened to run away they were to be locked to a post by the hand, leg, or neck. The detention at the house of correction must be for at least twenty-one days, unless some one would take them into service for one year. (*Ibid.*, 469.)

⁴⁹ Crofton in his *Early Annals of the Gypsies in England* in the *Journal of the Gypsy Lore Society* (vol. I, 20), tells us that on 22 April 1586 the Justices of Suffolk in Sessions at Bury St. Edmunds directed the building of a house of correction. By the famous Regulations of a House of Correction at Bury, Suffolk, drawn up by the General Sessions on 22 April 1589, the house of correction seems to have been inaugurated. (Eden, *The State of the Poor*, vol. III, Appendix VII.) Leonard also sets the date of establishment as 1589, using these Regulations as her authority.

⁵⁰ From the Reading Records of 1590 we take this entry: "At this daye it is fullye agreed by the whole Company that theire howse, commonlye called the Hospitall, or the most parte thereof, shalbe employed and converted to a house of correction, aswell for the settinge of the poore people to worke, being able to worke for theire relieves, and for the settinge of idle persons to worke therein, as also for the punnishinge and correctinge of idle and vagrant persons, and that there shalbe a stocke provided therefore and officers and overseers necessarye and convenient for that intent, accordinge to the fourme of the statute in that case provided." (Guilding, *Reading Records*, I, 403.)

⁵¹ *The Victoria History of the Counties of England. Warwick*, vol. II, 167.

At this juncture let it be noted that in 1595 the Amsterdam house of correction had not yet been founded. In England however at least twenty-one such institutions were existent and for two decades their establishment had been stimulated by national legislation.

Before entering into a more detailed description of some of these English houses of correction we shall briefly survey the subsequent development of the movement in Elizabeth's reign. In 1593 the penalties against rogues and vagabonds by "gayling boaring throughe the Eare, and Death in the Second Degree" were repealed and the act of 1530-31 was revived.⁵² "An Acte for the punyshment of Rogues Vagabonds and Sturdy Beggars" was passed in 1597.⁵³ It repealed all former legislation on the subject and in its place substituted the following. The Justices of Peace for any county or city of the realm, meeting in Quarter Sessions, could order and cause to be erected one or more houses of correction within the limits of their jurisdiction. They were authorized to raise the taxes, to erect and to stock the same. In their Quarter Sessions they were to draw up the regulations governing the "Correction and Punyshment of Offenders thither to be committed." The act then defined those who should be deemed rogues, vagabonds, or sturdy beggars and thus subject to punishment under the act. It included the list of 1572 but added those who wandered abroad begging pretending losses by fire, and all such persons not being felons wandering and pretending themselves to be Egyptians.⁵⁴ These rogues were to be apprehended by the Justices of the Peace, Constable, Hedborough, or Tythingman assisted by the advice of the minister and one other. The rogue was to be stripped to the waist and whipped until bloody. He was then to be given a testimonial mentioning the day and place of punishment, the place to which he was going and the time he might take. He was registered in the parish book. If he didn't know his birth place, or the last place where he resided for a year, he was to be sent to the town through which he last passed unpunished and there was to be conveyed to the house of correction or the gaol and employed until some person should take him into his service for a year. If any two Justices of Peace (one of quorum) deemed a rogue dangerous

⁵² *Statutes of the Realm*, 35 Eliz. c. 7.

⁵³ *Ibid.*, 39 Eliz. c. 4.

⁵⁴ By this law (39 Eliz. c. 4) "all such psons not being Fellons wandering and ptending themselves to be Egipcyans or wandering in the Habite Forme or Att tyre of counterfayte Egipcyans" shall be adjudged rogues, vagabonds, and sturdy

to the inferior sort of people he might be committed to the house of correction or gaol until next Quarter Sessions and then by majority vote banished from the realm or to the galleys perpetually at the command of six or more of the Privy Council. If the banished rogue returned he was to suffer death as a felon.

This legislation was passed after considerable discussion in Parliament and took its final form only after the due deliberation of a joint committee of the Lords and Commons.⁵⁵ It was drawn up by men actively interested in the problem.⁵⁶ Coming as it did after four years of bad harvests, when conditions of vagrancy were aggravated, it was intended still further to encourage the erection of houses of correction and the suppression of the vagabond. In 1598 at Liverpool the Assembly arranged for a house of correction.⁵⁷ In the same year the Justices of the county of Devon ordered the establishment of four more at Tavistock, Honiton, Chulmleigh, and Newton.⁵⁸ An order of the Quarter Sessions of Wiltshire at Devizes in 1600 called for a house of correction in every hundred of that county. At that time they appointed Correctors

beggars. At first sight this would appear to lessen the penalty against such persons. For an earlier statute (5 Eliz. c. 20) which supplements and continues 1 & 2 P. & M. c. 4 declares "That all and every pson and psons whiche . . . shalbe seen or founde within the Realme of Englande or Wales in any Companye or Fellowship of Vagaboundes comonly called or calling themselves Egiptians, or counterfaiting, transfourming or disguising themselves . . . Egiptians, and so shall or doo continue and remayne in the same, either at one time or at several times by the space of one monethe" shall be deemed a felon and shall suffer the death penalty without the privileges of clergy or sanctuary. We do know that just before the passage of the 1597 law the old statute had been called into force in Yorkshire. At the Quarter Sessions held on 8 May 1596 one hundred and ninety-six persons feigning themselves to be Egyptians were condemned to death. Nine of them (all foreigners) were executed in the presence of the rest of the condemned. These last were reprieved and received the Queen's pardon. (Sampson, *English Gypsies in 1596 in the Journal of the Gypsy Lore Society*. New Series vol. II, 336.) It may have been that the repercussion of this legal massacre led to the addition of the clause concerning Egyptians in the law of 1597. However this clause does not repeal the penalty of the former act (5 Eliz. c. 20) and Coke in his *Institutes* writes at a later date "if any person being fourteene yeares old, which hath been seen or found in fellowship of such Egyptians, or which hath disguised him or herself like to them, shall remaine here or in Wales by the space of one moneth, either one or several times, it is felony." (*The Third Part of the Institutes of the Laws of England* (1809), 102.) So indeed the law of 1597 must have referred to those who remained in the company of Egyptians for less than one moneth. It did however leave a convenient loophole for the Justices who felt that the penalties in 5 Eliz. c. 20 were too severe.

⁵⁵ D'Ewes, *Journals* (1682), 531.

⁵⁶ Edward Hext was one of the most active members of the House of Commons in behalf of the bill. Sir Walter Raleigh was on the committee with Hext. (D'Ewes, *Journals*, 577-79.) Sir John Popham, who had assisted in drafting 18 Eliz. c. 3, likewise helped to draw up this bill. (*Dictionary of National Biography*.)

⁵⁷ Picton, *Selections from the Municipal Archives and Records* (Liverpool, 1883), 114.

⁵⁸ Hamilton, *Quarter Sessions from Queen Elizabeth to Queen Anne*, 17.

for the house which was to serve the hundreds of Pottern and Canninges, for the house at Urchfont, and for the one at Great Bedwyn.⁵⁹ We know that by 1601 there was a house of correction at Nottingham for on 17 July of that year John Cooper was reappointed Keeper.⁶⁰ In all probability too the houses of correction at Ilchester and Taunton were established before 1600.⁶¹ And two houses in Derby as well as one each in Chesterfield and Ashbourne were either then existent or were built shortly afterwards.⁶² A more careful search of the records may well reveal others existing at this time. Many more were built in the early years of James I. In fact in 1609 a law was passed to continue and explain the law of 1597 and this act made the erection of houses of correction mandatory upon the Justices of Peace.⁶³

With some understanding then of the importance and scope of this Elizabethan movement by which the house of correction became an integral part of England's governmental machinery for the suppression of vagrancy and crime, let us turn to a more detailed view of those houses of correction whose records are available to us. The first references to a Bridewell in Norwich date back to 1565.⁶⁴ But with the famous orders for the poor, drawn up 3 May 1571 we have the earliest detailed account of a house of correction outside of London.⁶⁵ In the house called the Normans a working place was to be appointed for men and for women. Querns for grinding malt were to be provided for the men, and the women were to card and spin. "Which workinge place shall contayne to sett twelve parsons or more upon worke, which parsons shall be kepte presonars to work for meate and drinke for the space of twentie and one dayes at the least and longer if cause serve, and they shall not eate but as they can earne (excepte som frende wyll be bownde for them)

⁵⁹ Merriam, *Extracts from the Records of the Wiltshire Quarter Sessions in the Wiltshire Archeological and Natural History Magazine*, vol. XXI, 83-84.

⁶⁰ *Records of the Borough of Nottingham*, vol. IV, 259-60.

⁶¹ At the Sessions of Peace held at Taunton 28 June 1608 an order for levying money for the house of correction located there was passed. The reason for the order was "that the House of Correction in Taunton in the said county is much ruined and in great decay." (Bates, *Quarter Sessions Records for the County of Somerset*, vol. I, 19.) From the Session Records we learn that in 1614-5 there was a gaol and a house of correction under the same roof at Ilchester. (*Ibid.*, xliii and 128.) It is more than likely that both of these houses of correction had been established during the reign of Elizabeth.

⁶² *Victoria History of the Counties of England, Derbyshire*, vol. II, 188. Also see Cox, *Three Centuries of Derbyshire Annals*, 28-29.

⁶³ *Statutes of the Realm*, 7 Jac c. 4.

⁶⁴ Leonard, *op. cit.*, 101.

⁶⁵ "The Orders for the Poor, 1571" of Norwich are found in full in Tingey, *The Records of the City of Norwich*, vol. II, 247 ff. Extensive extracts from the orders are given in Leonard, *op. cit.*, Appendix III.

that the Citie shall nomore be troubled with them, with this proviso, that such parsons as shalbe thether comytted shall be suche as be hable to worke but rather begge, or be withowte master or husbande, or ellis be vacabowndes or loiterers." Everyone sent to Bridewell was to be sent by warrant from the mayor or his deputy or deputies to the balie. The balie must receive them and set them to work, punishing them "by the whipp" if they refuse. The mayor was to be Governor of Bridewell. Each year the Assembly was to appoint four aldermen as commissioners who were to supervise the relief of the poor throughout the city including Bridewell. These commissioners appointed all the officers of Bridewell subject to confirmation by the mayor. Two men were to be wardens of the house of correction. They had charge of the necessary supplies and equipment for the establishment and had the bailie render quarterly accounts. Each year they were to yield to the "comon Auditors" of the city full account of all receipts, payments, and surpluses. Their term was to be for two years and for their services they were to receive forty shillings a year.

Another officer, the "Balie of Bridewell" was to be appointed. The bailie was to be resident at the house of correction with his wife and necessary servants. He was to take charge of the house and render account to the wardens, "And also shall take charge of such vagabowndes, men and women, as to hym shall be committed enforcing them to worke by the powers aforeseide." The bailie was to charge them for their meals and pay them for their work according to a fixed rate. He was "also to provide one offyicer surveyor to go daielye abowght the citie with a staffe in his hand to areste echone that is apte for Brydewell, and brynge them to Master Maior, or to one of the committies to be comaunded thether." The bailie was to be allowed for himself, his wife, the servants, and the surveyor thirty pounds a year for meat, drink, and wages. Furthermore he was himself to pay a minister forty shillings a year to hold services at Bridewell twice weekly. The hours of work for the inmates was set from five to eight in the summer and from six to seven or seven-thirty in the winter, with half an hour for eating and a quarter of an hour for prayer. If the prisoners refused to work or to keep their hours they might be whipped at the discretion of the wardens or bailie.

Before those famous orders were drawn up, however, another well known house of correction had been established at Ipswich. On 26 September 1569, the town of Ipswich ordered the establish-

ment of a hospital for the poor to be known as Christ's Hospital. Our first substantial idea of this institution can be gained from the rules for the Hospital drawn up in 1594.⁶⁶ There were four governors who met every Monday to see that the rules were being enforced. Next in authority were the bailiffs and directly in charge of the Hospital was the Guider. He was to wear the city livery and was to have forty shillings a year in wages besides housing and ground. The Governors were to furnish bedding, firewood, and tools. "Surgery and physick as needs is" were to be at the charge of the governors. The Guider was to receive people only by warrant. Masterless idle persons, hedgebreakers, harlots, drunkards, and the like could be sent to the Hospital, whipped and forced to work. The majority of the bailiffs and the governors were to decide whether the Guider should continue to hold or should release a prisoner. Spinning, candle making, and tailoring were among the occupations.⁶⁷ The Guider was to have twelve pence from every person sent there for correction and he had the benefit of their work for their maintenance. For those who could not work he was to receive eight pence a week. Provision was also made for clothing to be given the children in Christ's Hospital. Each Sunday and in the morning or in the evening on Wednesdays and Fridays common prayer was to be said in the chapel. In 1597 similar rules were drawn up and here one sees provision made for the reception of persons sent by their parents or masters.⁶⁸

Two interesting manuscripts in the British Museum reveal the story of one of the most remarkable of these Elizabethan houses of correction.⁶⁹ It was erected at Winchester in 1578 at the cost of over one thousand pounds.⁷⁰ The Justices drew up a set of articles for the management of the house. The Governor undertook to keep eighty men and women at work. Persons could be sent there by the Justices for pilfering, disorderly conduct, or any other offense that did not rank as a felony. If a person escaped before the end of his term he was on recapture to be committed to the gaol and branded as a rogue. After this he was to be returned to the house of correction to remain until with the permission of the Governor he might sue the Justice for release. Parents or Masters might send their unruly children or lazy servants there for correction

⁶⁶ Bacon, *The Annals of Ipswicke*, 378.

⁶⁷ *Ibid.*, passim.

⁶⁸ *Ibid.*, 392-3.

⁶⁹ *Victoria History of the Counties of England, Hampshire*, vol. II, 424.

⁷⁰ Leonard, *op. cit.*, 108.

upon a Justice's warrant. In this case, however, they must pay for their lodging and food. The equipment of the institution was unusually ample. Men were to spool and quilt yarn, weave kersies and serges, comb wool, dye cloth, and make hats, gloves, wool cards, and nails, besides grinding wheat, filling cloth, drawing water, and other less skilled occupations. The women had their choice of spinning, carding, sorting wool, carding of hatters' spools, knitting of hose, and dressing of flax. They were to be paid at the current wage rates, the Governor reserving one penny a day for their lodging. All unskilled workers committed were to be taught one of the above crafts under competent instructors. They were detained for five years, devoting three years to learning the trade and two to working at it to repay the institution for their board, lodging, and tuition. If the house of correction was not filled to its capacity by the vagrants of Hampshire, able bodied poor men could obtain admittance through the appointment of the Justices. All persons suffering from infectious diseases were to be expelled immediately and sent back to their parish. Women who fell sick while in the house of correction were given a small allowance until they recovered.

Perhaps the best known of all these Elizabethan houses of correction was that ordered in 1586 at Bury, St. Edmonds.⁷¹ The Justices of Peace in their General Sessions on 22 April 1589 worked out an elaborate set of regulations to govern the "punishinge and suppressinge of Roags, Vacabondes, idle, loyteringe, and lewd persons" who wander in eight designated hundreds of Suffolk county.⁷² The Justices of these hundreds were to appoint "one able and honest man" to be Keeper of the house of correction. He was to take charge of the administration, under the supervision of four wardens appointed each year by the Justices. Likewise under the supervision of the Wardens were the four "Forren Officers" of the house of correction who together with the Constables seized suspects and bringing them before a Justice of the Peace had them committed to the bridewell. The Keeper besides his lodging was to receive thirty pounds yearly. He was furnished with all the necessary equipment (a sum of 200 pounds being given him for that purpose) for correcting and setting to work the inmates. In carrying out the provisions of these regulations he was required to keep

⁷¹ Crofton, *Early Annals of Gypsies in England* in the *Journal of the Gypsy Lore Society*, vol. I, 20 (1889).

⁷² Eden, *op. cit.*, vol. III, Appendix VII (cxxxvi-cxlvii).

a careful inventory, keep a record of the inmates, and was under obligation to care for the children of persons kept in the house of correction. The Forren Officers were to receive yearly stipends ranging from 4 li. to 6 li. 13 s. 4d. The Wardens served without salary. Taxation was provided for the maintenance of this house. The range of prisoners received is large, including all the types listed as vagabonds by the law of 1572.⁷³ The Justice of Peace before whom these persons were brought was to decide whether they should be sent to the gaol or the house of correction. When a Justice of Peace committed a person to the latter he must indicate on his warrant what kind of rogue, either sturdy or otherwise, and the length of the sentence. At the end of this time the Keeper must obtain from a Justice a license or testimonial for the rogue's passport to his place of birth or his last place of residence for the space of three years. Upon entrance every strong and sturdy rogue was to receive twelve stripes of the whip on his bare back and "have putt uppon hym, her, or them, some clogge, chaine, collers of irons, ringle, or manacle." Whatever money the individual may have on his person is removed and held in safe-keeping until his release. Besides this corporal punishment there is a corrective routine of prayer, work, and good behavior which must be lived up to on pain of more whippings, heavier shackles, and finally, for the most obstinate, commitment by a Justice to the nearest gaol, there to be punished as a rogue according to the provisions of the statute. The men and women were to have separate living and working quarters. In the summer the inmates must be ready for work at four and continue in their work, with time off for meals, until seven. In winter the morning hour was advanced to five o'clock. Each morning on rising and each evening on ceasing work they must meet in common prayer. The order of worship included the Confession of Faith, the Lord's Prayer, the Articles of Belief, the Ten Commandments, a short prayer of thanksgiving, and the "praier that is instituted for the whole estate of Christ's Church militant here on Yearth." The diet of the inmates is fixed and is reduced to bread and beer alone if an individual refuses to work. Whipping could be administered to any who persisted in swearing,

⁷³ Those who commit any of the following offenses: "(viz.) by breaking or carriage awaie of any man's hedge, or cuttinge downe any wood which he cannot justifie to doe, or by takinge geese, ducks, turkies, capons, hennes, pigges, fruite, or such like, not amounting to the some or valewe of xij d." were to be apprehended and upon warrant of a Justice of the Peace sent to the gaol or house of correction to be whipped and then dismissed. (Eden, *loc. cit.*, cxli.)

making lewd speeches, and the like. The Keeper was required to "kepe a booke by itselfe, wherein shal be wrytten the names of every person shal be sente to the said hous of correction, the daie and yeaere he shall receyve him or them; and the lyke of their delyverie owte of the said howse, together with their age, stature, color of hare and face, there mannor of apparell, there place of abode for the three last years, and by whose warrante they be sent in and delyvered; with such other marks as whereby every person maie be knowne yf they shall come ageyne to the said house."

We have briefly surveyed the administrative set up, the types of individuals committed as well as the manner of their commitment, and the corrective discipline characteristic of the Elizabethan house of correction. It has long been assumed that these institutions were merely part of the machinery of the Elizabethan Poor Law.⁷⁴ And indeed they were intimately connected with it, but it must be clear to the reader by this time that these bridewells were penal institutions as well. The Webbs classify the houses of correction with the local gaols as prisons, but they do not emphasize the importance of this role.⁷⁵ They point out the administrative superiority which the houses of correction introduce, since they are put directly under the authority of the Justice of Peace rather than being left as in the case of the gaol to the greed of the individual gaoler seeking profits.⁷⁶ But they fail to mention the fact that in these houses of correction punishment by imprisonment is given a new importance and that labor is introduced as a corrective discipline. Misdemeanants formerly punished under the criminal law by other methods, are now committed by warrant to the houses of correction, there to be held prisoner under a severe discipline and compelled to work.⁷⁷ Gradually the variety and number of offenses which made one liable to commitment to a bridewell increased and the house of correction had merged with the gaol in all except the name.⁷⁸ This did not happen however until after the

⁷⁴ See Leonard, *op. cit.*, 65-66; also Holdsworth, *op. cit.*, vol. IV, 392.

⁷⁵ Sidney and Beatrice Webb, *English Prisons under Local Government*, 1.

⁷⁶ *Ibid.*, 12.

⁷⁷ We have seen that at Norwich, Ipswich, Winchester, and Bury, at least, prisoners were accepted only by warrant. That the offenses for which they were committed were considered as criminal is illustrated by the instance of vagabondage, which had been considered a criminal offense since the Statutes of Labourers (Holdsworth, *op. cit.*, 394) and has remained so until the present (Stephen, *A Digest of the Criminal Law*, 129-31). Moreover those who committed other crimes might be likewise sent to the house of correction as we have seen from the regulations of Bridewell, Ipswich, Winchester, and York.

⁷⁸ Webb, *op. cit.*, 17. By the Prison Act of 1865 the house of correction and the gaol were made identical and called local prisons.

houses of correction had made their special contribution to English and European penal procedure.

It is easily understood that as long as these English houses of correction were considered merely as adjuncts of the poor law their influence on the founding of the Amsterdam house of correction should have been minimized. Now, however, with the penal character of the English institutions reestablished it is difficult to come to any other conclusion than that they did form the model for the later Dutch house of correction. Some day evidence will be turned up which will definitely and unmistakably establish this influence.

In conclusion let us turn to an appraisal by contemporaries of the effectiveness of these English houses of correction. At Bodmin and at Exeter the results seem to have been disappointing, but in the main they were accepted as necessary and useful institutions. Edward Hext, a Justice of Peace in Somerset, in writing to the Lord Treasurer in 1596 gives us this picture of their usefulness:

"Your lordship may behold 183 most wicked and desperate persons to be enlarged: and of these very few came to any good; for none will receive them into service. And, in truth, work they will not; neither can they, without extreme pains, by reason their senews are so benumbed and stiff through idleness, as their limbs being put to any hard labour, will grieve them above measure: so as they will rather hazard their lives than work. And this I know to be true: for at such time as our houses of correction were up (which are put down in most parts of England, the more pity,) I sent divers wandering suspicious persons to the house of correction; and all in general would beseech me with bitter tears to send them rather to the gaol. And denying it them, some confessed felony unto me, by which they hazarded their lives, to the end that they should not be sent to the house of correction where they should be forced to work."⁷⁹

James I in one of his speeches to Parliament says: "look to the houses of correction, remember that in the time of Ch. J. Popham there was not a wandering beggar to be found in all Somersetshire, being his native county."⁸⁰ In the preamble of the statute passed in 1609 we find England's faith in the effectiveness of houses of correction expressed in this way:

⁷⁹ Strype, *Annals of the Reformation* (1824), vol. V, 405. Quoted in Ribton-Turner, *A History of Vagrants and Vagrancy and Beggars and Begging*, 125.

⁸⁰ Quoted in Barrington, *Observations on the More Ancient Statutes* (1796) from King James' Works, p. 567.

"Whereas heretofore divers good and necessarie lawes and statutes have been made and punishinge of rogues, vagabonds, and other idle vagrant, and disorderly persons, which lawes have not wrought so good effect as was expected, as well for that the said houses of correction have not been built according as was intended, and also for that the said statutes have not been duely and severely put in execution, as by the said statutes were appointed."⁸¹

Edward Coke, eminent jurist of the time, commenting on the first of these reasons says: "For seeing education of youth, and setting of work of idle and disorderly persons are such essential parts of the well being of the commonwealth; and the only means to compell them to worke (as the law now standeth) is by houses of correction, seeing there hath been a default in the justices of peace heretofore, and the mischief so daily increasing, we hope that the justices of peace having yet power, will erect more houses of correction (which are also called work-houses) so as we shall have neither beggar (as the law of God commandeth) nor idle person in the commonwealth."⁸²

Coke believes if the statute against vagabonds were enforced conditions would be better. He goes on: "And this excellent work is without question feasible; for upon the making of the statute of 39 Elis. and a good space after, whilst justices of peace and other officers were diligent and industrious, there was not a rogue to be seen in any part of England, but when justices and other officers became tepidi or trepidi, rogues &c. swarmed againe."⁸³

And finally that these houses of correction had a reformative function which they successfully carried out is attested to also by this famous jurist, our most valuable contemporary witness. Coke continues: "Thus much have we written for the better and more speedy execution of these excellent statutes and the rather, for that few or none are committed to the common gaole amongst so many malefactors, but they come out worse than they went in. And few were committed to the houses of correction, or working house, but they come out better."⁸⁴

⁸¹ *Statutes of the Realm*, 7 Jac. c. 4.

⁸² Coke, *The Second Part of the Institutes of the Laws of England* (1809), vol. II, 728.

⁸³ *Ibid.*, 728.

⁸⁴ *Ibid.*, 734.