

## *The Tudor Sumptuary Laws*

THE first parliament of Henry VIII met in January 1510, and, amongst other measures, passed a lengthy sumptuary law entitled 'An Act agaynst wearing of costly Apparrell'.<sup>1</sup> This statute is evidently modelled on the acts of apparel of 1463 and 1483, and closely resembles them both in its grading of ranks and classes and in the various articles of apparel prohibited to each. It contained, however, three novel features: it prescribed in most cases forfeiture of the obnoxious apparel as well as imposing fines, it enabled any one to sue for the forfeited apparel and for recovery of the penalties, and it empowered the king to grant licences of exemption. Moreover, while the act of 1483 exempted from its operation women, save only the wives and daughters of husbandmen and labourers, the act of 1510 excluded all women, without distinction. This act, after a preamble reciting the evil results occasioned by 'the greate and costly array and apparrell used wythin this Realme contrary to good Statutes thereof made', goes on to prohibit or restrict the use of dress materials in respect of their colour, quality, quantity, price, and make, on a graduated basis according to the condition and means of the wearer. No man under the degree of a lord is to wear any cloth of gold or silver, sables, or woollen cloth made out of England, Wales, Ireland, or Calais. Velvet of crimson or blue is prohibited to any one under the degree of a knight of the garter; no person under a knight (excepting sons of lords, judges, those of the king's council, and the mayor of London) is to wear velvet in his gown and doublet, or satin or damask in his gown or coat; and no person (with certain exceptions) not possessing freeholds to the yearly value of £20 may wear satin or damask in his doublet, or silk or camlet in his gown and coat. Coming to the lowest class, no serving man is to use above 2½ yards in a short gown or 3 in a long one; and servants of husbandry, shepherds, and labourers, not having goods above £10 in value, are forbidden to wear cloth exceeding 2s. the yard, or hose exceeding 10d. the yard, under pain of three days' confinement in the stocks. The clauses prohibiting foreign woollens and furs show that the act had a protective as well as a sumptuary object. Indeed, the whole of it is indirectly

<sup>1</sup> 1 Henry VIII, cap. 14, *Statutes of the Realm*, iii. 8-9.

conceived in the interests of native industry, for all the richer fabrics mentioned came from abroad, and the trading classes would hardly have submitted to the passing of these vexatious restrictions unless they had anticipated some substantial benefit in return for the limitation imposed on their own style of apparel.<sup>2</sup>

The act of 1510 was not renewed in the following parliament, which met in 1512, but a proclamation was put forth in 1511 which, according to the foreign observer who supplies the only information known of it, forbade any but lords and knights to wear silk, and any material but camlet to be worn in doublets. The king and court set an example by attiring themselves 'in long grey cloth gowns in the Hungarian fashion', to the great injury of the Genoese and Tuscan merchants in London, who found themselves left with their stocks of silks on their hands.<sup>3</sup> The next sumptuary act of the reign (6 Henry VIII, cap. 1)<sup>4</sup> was, with slight modifications, a re-enactment of that of 1510. The sons of dukes, marquesses, and earls are allowed to wear the same apparel as barons, and sons of barons the same apparel as knights—a witness to the expanding influence of court sunshine on the plumage of the nobility. It was also made lawful for any one to seize any apparel worn contrary to the statute outside the court, and to keep it for his own use. This act did not meet with the king's entire approval, for we find that Wolsey in the same year sent a copy and summary of the measure to Henry at his request for him 'to examyn reforme and corect such poyntes' as should seem to him 'not mete to passe'.<sup>5</sup> The act of apparel (7 Hen. VIII, cap. 6)<sup>6</sup> passed in November 1515, in the succeeding session of parliament, shows what the king's amendments were. They were principally in the nature of further and fuller exemptions of officials and servants in the households of the king, queen, and the hoped-for prince whom Katherine was never to rear. It is also notable for an exemption of the fellows of the Inns of Court, who were allowed to wear satin, damask, or camlet. The previous act was repealed, most of its provisions being repeated with the alterations referred to.

On Wolsey's elevation to the chancellorship he made what was probably the first serious attempt to set the law in motion, and in so doing brought down on himself a storm of unpopularity. According to Hall he

<sup>2</sup> It was said in 1559, in reference to the political influence of the merchants, 'that since the 1 Henry VIII there could never be won any good law or order which touched their liberty or state, but they stayed it': *Lord Salisbury's MSS. (Hist. MSS. Comm.)*, i. 164, no. 14.

<sup>3</sup> The merchant Lorenzo Pasqualigo to his brother Francesco, *State Papers, Venetian*, ii, no. 138.

<sup>4</sup> *Statutes of the Realm*, iii. 121-3.

<sup>5</sup> Cotton MS. Calig. B. vi. 103, in *Letters and Papers of Henry VIII*, II. i, no. 1223.

<sup>6</sup> *Statutes of the Realm*, iii. 179-82.

directed commissions into al Shires, for to put the statute of apparell & the statute of labourers in execution. And he himsele one day called a gentleman named Symon fyzRichard, & tooke from him an olde Jacket of Crymosyn [crimson] velvet & diverse brooches, whiche extreme doying caused him greatly to be hated, & by his exsample many cruell officers for malice evell intreated dyverse of kynges subiectes, in so muche that one Shynnyng Mayre of Rochester, set a young man on the Pillory for wering of a ryven [slashed] shert.<sup>7</sup>

The king occasionally exercised his dispensing power. There are on record two licences, granted in 1517, to commoners to wear garments and materials prohibited by the act ;<sup>8</sup> and the charter incorporating the Artillery Company of Finsbury in 1537 contains a clause licensing its members to wear silks, velvet, and furs, which affords a striking illustration of the importance and distinction attached to dress.<sup>9</sup> In the year 1517 appeared a proclamation for reducing the excessive fare at feasts. The number of dishes at a meal was fixed according to the person of highest rank present, and was limited to nine for a cardinal, to six for a lord of parliament, lord mayor, or knight of the garter, and to three for persons who could spend £40 per annum or were worth £500. Those who offended were to be summoned before the council.<sup>10</sup>

No further enactment appeared until the Reformation Parliament was half-way through its zealous career, when it passed, early in 1533, 'An Act for Reformacyon of Excesse in Apparayle'.<sup>11</sup> The measure is marked by increased stringency, particularly in the exceptionally minute provisions limiting the use of silk and silk-wrought materials which distinguish, according to the rank or income of the wearer, between those kinds that could be used in different garments of external wear. The use of gold chains and ornaments is also restricted. Other features of the previous statutes reappear in an emphasized form ; while the effect of the rise in prices is noticeable in the enhanced limits of income, and the maximum prices of cloth wearable by servants. There is no general exemption of officials and servants in the royal households, but the king is empowered by written licence to allow them to wear as he may prescribe, and licences were soon afterwards granted.<sup>12</sup> The penalties imposed are forfeiture of the prohibited apparel and a cumulative fine of 3s. 4d. a day for every day on which it was worn. During Henry's reign the act was practically

<sup>7</sup> Hall, *Chronicles* (ed. 1809), p. 583.

<sup>8</sup> *Letters and Papers of Henry VIII*, II. ii, nos. 3239 and 3755.

<sup>9</sup> *Ibid.* XII. ii, no. 617 (10).

<sup>10</sup> R. R. Steele, *Catalogue of Tudor and Stuart Proclamations*, i, no. 75.

<sup>11</sup> 24 Henry VIII, cap. 13, *Statutes of the Realm*, iii, 430-2.

<sup>12</sup> Proclamations concerning apparell of February 1533/4 (Harl. MS. 442, fo. 118 ; City Corporation Records, Jo. 13, fo. 395) and of May 1534 (Harl. MS. 442, fo. 122).

a dead letter ; in a proclamation<sup>13</sup> issued in 1542 complaint is made of the neglect of this and other acts ' which ', it recites, ' have not been observed & kept, but neglected & contemned : to the great discontentation & displeasure of the kynges hyghnes, & to the great hurte of the common weale of this his realme.'

Edward VI shared to the full the prevalent notions of the need for maintaining social equilibrium by keeping each man within the bounds of his degree and calling.<sup>14</sup> On the question of apparel he held views as strong as his father's, for, according to Strype, he prepared a bill ' for the restraining and directing of apparel ', the draft outline of which is reprinted in the *Memorials*.<sup>15</sup> A bill, probably framed on the king's draft, passed the house of commons in 1553 and reached the lords, but never became law.<sup>16</sup> In 1554 was passed the last act of apparel (1 and 2 Philip and Mary, cap. 2)<sup>17</sup> which, with that of 1533, remained the basis of sumptuary policy for the next half-century. This statute—made, as a later proclamation puts it, for ' the meaner sort '—is by way of amendment of the existing law, and does not, like its forerunners, profess to lay down an exhaustive code for all classes. The previous act had allowed a limited use of silk to those whose incomes fell short of £20. This was now in effect reversed by the prohibition of silk of any kind worn in or upon hats, bonnets, nightcaps, girdles, hose, shoes, scabbards, or spur leathers by persons beneath the rank of son and heir-apparent of a knight, or possessing less than the income above stated, under a penalty of three months' imprisonment and a fine of £10 a day for each day's infringement of the act. A novel provision imposed the enormous fine of £100 on masters retaining in their service servants whom they knew to offend—though they were not obliged to put away servants and apprentices, bound for a term, until that term expired. Little appears to have been done during the reign to put the act into force, and I have only discovered one prosecution under it, which occurred at Chester.<sup>18</sup>

The reign of Elizabeth marks an era of unprecedented activity in the history of restraints on apparel. The queen's passion for outward uniformity, and her rigid love of etiquette, found vigorous outlet in a series of attempts to lay down and enforce an artificial code of dress on a population which was expanding

<sup>13</sup> *Tudor Proclamations* (facsimiles in Library of Society of Antiquaries), January 1541/2.

<sup>14</sup> Cf. his *Discourse about the Reformation of many Abuses* (among which he enumerates excess in apparel, diet, and building) printed in Burnet's *History of the Reformation*, v. 96, see pp. 100–1.

<sup>15</sup> II. i. 555.

<sup>16</sup> *Commons' Journals*, i. 20 ; *Lords' Journals*, i. 439.

<sup>17</sup> *Statutes of the Realm*, iv. 239 seq.

<sup>18</sup> R. H. Morris, *Chester during the Plantagenet and Tudor Periods*, p. 376. For complaints of excess in the queen's household, see *State Papers Dom. (Mary)*, vol. iv. no. 7.

its habits of life as rapidly as it was imbibing new intellectual ideas. Politically and constitutionally also, her sumptuary policy is important as marking her dislike of parliamentary interference and her preference for personal rule. For it is worthy of note that, though several bills for the reformation of apparel were introduced in both houses,<sup>19</sup> yet no measure of a sumptuary nature (with the exception of two short acts to foster the native cap manufacture<sup>20</sup>) reached the statute book. Burleigh's domestic policy in relation to trade was, to use his own words, 'by all pollyces to abridg the use of such forrayn commodities as be not necessary for us' in order to prevent the excess of imports over exports, and so preserve the balance of trade in the country's favour. He classes silk as one of the commodities to be dispensed with, 'and, seeing that the statutes of apparel were specially aimed at the use of silk and velvet, it consorted well with this policy to revive and press forward the statutes with all possible zeal. Two of the proclamations on dress, those of 1574 and 1588, touch expressly on the danger created by the influx of foreign unnecessary commodities which could not be answered with native goods, and put it beyond doubt that this protective policy continued to be one of the motives of the sumptuary code.

In less than a year after reaching the throne, Elizabeth gave notice of her determination to have the acts of apparel obeyed. In a proclamation dated 21 October 1559<sup>21</sup> magistrates and men in authority were charged to see that the law is observed, and a schedule was appended summarizing under five heads some of the principal provisions of the acts of 1533 and 1554. At the same time the privy council issued articles for the reformation of their servants and as an example to be followed by other noble masters.<sup>22</sup> Early in the following month a letter was sent by the privy council to the city corporation, which shows that the proclamation was not to be allowed to pass unheeded.<sup>23</sup> It contained the novel suggestion that two watchers should be appointed for every parish, armed with a schedule of all persons assessed to the late subsidy at £20 per annum, or £200 in goods and upwards, in order to see that the prohibition against silk trimmings was being obeyed. This suggested watch gave rise to a system of surveillance which, as we shall see, was soon regularly adopted throughout the city. Yet it appears that the

<sup>19</sup> *Commons' Journals*, i. 73, 74, 109, 114; *Lords' Journals*, i. 646, 659, 729; ii. 148, 153; *D'Ewes*, pp. 134, 594.

<sup>20</sup> 8 Eliz., cap. 11, sec. 2 (no man under degree of a knight or lord's son to wear velvet hat or cap); and 13 Eliz. cap. 19.

<sup>21</sup> Steele, *Catalogue of Tudor and Stuart Proclamations*, i, no. 517; Strype, *Annals*, I. i. 281; II. ii. 563.

<sup>22</sup> Steele, i, no. 515.

<sup>23</sup> City Corporation Records, Journal 17, fo. 168 seq., 8 November 1559, 'Letter of the Privy Council of this date read and considered and commons exhorted to observe the same'; *Repertorium* 14, fo. 245.

corporation felt some repugnance to the proposed enforcement of penal laws which had hitherto been largely a dead letter, and committees were appointed to petition the privy council for a dispensation,<sup>24</sup> an appeal that was renewed at a later date. Persistent pressure from the court was being brought to bear, for a precept was issued by the mayor to the aldermen in April 1560 directing them to 'give a diligent eye' to the apparel of persons within their wards and to examine and arrest all suspected offenders.<sup>25</sup> Shortly before this, prosecutions were entered in the Star Chamber against several gentlemen who had broken the act of 1533, and they were convicted and sentenced for their default.<sup>26</sup>

But though laws might be proclaimed and divines inveigh against the excess and variableness of apparel, it was clear that special and more drastic measures would have to be taken if the observance of the laws was to be carried out. In 1561 Cecil had applied to the magistracy in the south and west for reports on the working of the social laws, including the acts of apparel, and in addition he had sent out one Tyldesley on a private tour of inspection into the state of the country and the administration of the law. The report of Cecil's emissary for the county of Buckingham showed a widespread laxity on the part of the justices, and their resentment at Cecil's attempt to speed them in their duties. 'As for apparell,' he says, 'amongst pore men, ther ware some hoope of good to be done yf yt might be folloed which ys begone.' He appends a list of orders for the county made by the justices at the queen's instance, amongst which are contained directions as to the clothing to be worn by the working classes.<sup>27</sup>

In order to provide more effective police machinery, a well-devised scheme was drawn up for securing conformity, which was embodied in a proclamation dated the 6th of May 1562.<sup>28</sup> It was a period when male attire was as variegated and extravagant as female, and changed with as much rapidity as women's fashions do at the present day; when the commonest person, 'som Smithfield Ruffian' flaunted 'som new disguised garment, or desperate hat, fond in facion, or gaurish in colour,'<sup>29</sup> in vulgar aping of his betters. The proclamation, therefore, starts with a recital of the excess in apparel daily more

<sup>24</sup> Repert. 14, fo. 245, 259 (b).

<sup>25</sup> Precept by the mayor to the aldermen, 9 April 1560: City Corporation Records, Jo. 17, fo. 236 b.

<sup>26</sup> Hudson, *Collectanea Iuridica* (a treatise of the Court of Star Chamber), ii. 114. Offences of apparel became a normal subject of the court's jurisdiction; cf. Lord Eustace Percy, *The Privy Council under the Tudors*, p. 61.

<sup>27</sup> State Papers, Dom., vol. xix, no. 43, 3 September 1561; Froude, *Elizabeth* (Dent's ed.), vi. 323-4.

<sup>28</sup> *Book of Proclamations* (Brit. Mus., G. 6463), fo. 47 seq.

<sup>29</sup> Ascham, *Scholemaster* (ed. Mayor), p. 44; Strype, *Annals*, i. i. 281-2.

apparent among 'suche as be of the meaner sort, and be least hable with their livinges to mayntayne the same'; and justices and officers concerned are enjoined to see to the due execution of the statute of 1554. The proclamation goes on to lay down a scheme of surveillance for the detection of delinquents both at court and throughout the country. Officers were to be appointed at court to watch and apprehend all who should enter apparelled contrary to the statute of Philip and Mary, after examining them to ascertain the names of their masters. The masters were then to be summoned and examined, and if, as the result of such examination, it appeared that the servant had been transgressing with the knowledge of his master, a bond in 200 marks was to be taken from the latter for his connivance at the offence. Similar supervision was to be exercised in the city and liberties of London, and to that end the mayor and court of aldermen were to appoint in every ward

4 substanciall & well meanyng men . . . to examine all offendours in the sort above written, & apprehending them, to bryng them to the Alderman of the warde, he to commit them to prison, & to certifie the examination & confession, & such knowledge of judgement of the truth of the matter, as he can attayne unto, as well touchyng the master, as the man, to the Mayor & Court of Aldermen; and they to certifie the same indelayedly into the Exchequer, to thintent the forfaytures may be aunswered. The saide 4 followyng the execution of the statute to have the moietie of the forfayture.

Similar supervisory measures were also to be adopted in the Inns of Court and Chancery, in Westminster and the suburbs, and generally in all cities, towns, and villages throughout the realm. In order that the government might be apprised as to how the appointed watchers performed their duty, returns were to be made to the lord chancellor at prescribed intervals; while the judges of assize were to inquire into the matter when on circuit. The official watchers at court were to be provided with briefs of the statutes, and they were to send copies to other officials outside the court who required them. These briefs, or 'abbreviats' as they were also called, were lists in tabular form of the apparel allowed to each class by the statutes. They were issued first in 1561 and were appended as schedules to the later proclamations.

The proclamation turns next to deal with a new abuse not mentioned in the statutes, which, it seems, had recently grown to serious proportions. This was 'the use of the monstrous and outrageous greatness of hosen, which,' it is asserted, had

crept a late into the Realme, to the great slaunder thereof, & the undoyng of a number usyng the same, beyng dryven for mayntenaunce thereof, to seeke suche unlawful wayes, as by theyr owne confession have brought them to destruction.

As this was a matter which was to cause much heart-searching among the London tailors, it is desirable to quote the enacting part of the proclamation on the point in full.

It is ordayned . . . that no Taylour, Hosier, or other person whatsoever he shall be, after the day of the publication hereof, shall put any more cloth in any one payre of hosen for the outayde, then one yarde & a halfe, or at the moste, one yarde & three quarters of a yarde of karsey or of any other cloth, lether, or any other kinde of stuffe above that quantitie. And in the same hosen to be put only one kynde of lynng, besides linnen cloth next to the legge, yf any shalbe so disposed, the sayde lynng not to lye loose, nor to be bolstered, but to lye juste unto their legges, as in ancient tyme was accustomed; Sarcenet, Moccado, or any other lyke thing used to be worne, and to be plucked out for the furniture of the hosen, not to be taken in the name of the syde lynng. Neyther any man under the degree of a Baron, to weare within his hosen any velvet, Sattin or any other stuffe above the estimation of Sarcenet, or Taffata.

Hosiers and tailors were to be summoned before the magistrates and required to enter into bonds of £40 each to observe these provisions, and any refusing to do so were to be imprisoned and deprived of their occupation. As a further precaution, search was to be made, once in every eight days, in the house of every hosier. Other fresh offences created were the wearing of shirts with double ruffs at the collars or sleeves, and the use by those under the degree of a knight of gilt spurs or swords; while the length of swords was curtailed. At the court the former etiquette as regards dress was to be revived.

Prompt measures were at once taken to carry the proclamation into effect. The mayor issued his precept to the aldermen on 14 May to appoint four men as watchers in their several wards to see to the execution of the act of Philip and Mary, and the chamberlain was ordered to provide copies of the briefs of the statutes for their use.<sup>30</sup> Bonds were in the same month taken from the tailors and hosiers not to put more cloth in their hose than the specified amount and to line the same in the specified manner.<sup>31</sup> Some difficulty was experienced, however, in getting all the hosiers to carry out the order. In the ward of Blackfriars they proved specially recalcitrant, and warrants had to be issued to apprehend and bring them before the court of aldermen.<sup>32</sup> Servants and apprentices, too, were soon taught to feel that the law was a living force, and that their fondness for immoderate trunk hose could no longer be indulged with impunity. The sting of some of the punishments lay in the ridicule to which they exposed the delinquent. Thus, at the court of aldermen

<sup>30</sup> City Corporation Records, Jo. 18, fo. 40; *ibid.* Report. 15, fo. 76

<sup>31</sup> *Cal. of State Papers, Dom.* 1547-80, p. 200.

<sup>32</sup> City Corporation Records, Report. 15, fo. 74.



held on 24 January 1565 Richard Walweyn, servant of Rowland Bangham, Esquire, who had that day been arrested in the city 'in a very monstereous and outraygous greate payre of hose' was brought up and ordered to be detained by the sheriff's officer

untyll such tyme as he had bought or otherwyse provyded himself of hose of a decent & lawfull facyon & sorte accordynge to the form of the . . . proclamacyon . . . and also shewed himself in the same new hose this afternoone to my lord mayre and broughte in to his lordeshipp his other saide monstereous hose to be treshured for a time in some open place in the nether hall where they maye aptly be seen and consideryd of the people as an example of extreme folye.<sup>33</sup>

In the case of one Thomas Bradshaw, merchant tailor, for showing himself abroad in monstros hose 'contrary to good order', the court ordered

that all the stuffinge & lyninges of one of his said hose shalbe cutt and pulled out presently, and he to be put into his doublett and hose, and so lead home through the strettes into his Mrs. house, and there the lyninge and stuffinge of thother to be likewise cutt and pulled out.<sup>34</sup>

Higher offenders were dealt with more tenderly. In the city repertories are copies of two recognizances in which the parties bound, who are described as gentlemen, engage, under a penalty of £20 each, to discard their monstrous hose and silk and other obnoxious clothing, and to appear at the next court 'in suche decent & semelye apparell' as they may lawfully wear.<sup>35</sup> There is also the case of a Thomas Weaver, master of fence, and his two servants, who had entered into recognizances to reform their hose and who had to be further admonished to that end.<sup>36</sup> To cope with the increased work thus entailed, the fourteen pleaders attached to the city were ordered to attend in rotation on the mayor and aldermen to assist them in dispatching the cases of a sumptuary nature that came before them.<sup>37</sup>

Behind all this energy displayed by the corporation were the prompting voice and directing hand of the queen and her chief minister. The queen herself took the occasion of an interview with the lord mayor to charge him to see to the reformation of the abuses of apparel committed by the citizens, and shortly afterwards he and the aldermen were personally admonished by the council in the Star Chamber to similar effect.<sup>38</sup> In the matter, too, of the feasts of the livery companies, which had increased

<sup>33</sup> Repert. 15, fo. 414 b.

<sup>34</sup> *Ibid.* 17, fo. 78 b, 23 November 1570.

<sup>35</sup> *Ibid.* 15, ff. 415 and 416 b, January 1565.

<sup>36</sup> *Ibid.* 15, 416 b. An attempt to evade the law under colour of wearing livery came to light in the case of James Sherman, arrested for wearing velvet in his dagger sheath, *ibid.* 15, fo. 78.

<sup>37</sup> *Ibid.* 16, fo. 14 b.

<sup>38</sup> Jo. 21, ff. 206 b and 210 b, May 1582.

in extravagance till they vied with the banquets of the nobility, complaints from the court were followed by an act of common council for their suppression.<sup>39</sup> It is clear that in the absence of this pressure the city authorities would have discharged their duties inadequately. They were, indeed, prepared to cope with the sumptuary excesses of their apprentices, as witness the lengthy act of the common council for apprentices' apparel passed in 1572, and repeated ten years later.<sup>40</sup> But when they came to deal with citizens and officials they felt a dignified reluctance to apply the acts in their full rigour, and prayed the government to allow a mitigation to those of their fellow citizens whose incomes fell short of the prescribed limitations. In a letter from the lord mayor (Sir Thomas Pullyson) to Burghley, dated 19 February 1585, reference is made to the partial relief contained in the proclamation of 1577, but the writer points out that the relief so granted is insufficient to enable the less opulent citizens to maintain their style in keeping with their position. The relief prayed for appears on this occasion to have been granted, but a few years later the corporation was appealing again for further latitude.<sup>41</sup> At an earlier date they had intervened to stop proceedings against Thomas Partridge, a cloth-worker, who, it is recorded, was 'molestyd & troblyd by certain promoters in the quenes bench & exchequer for wearinge of apparell' on two days when he attended the lord mayor 'as a wyfler unto the Companye of Clothworkers'.<sup>42</sup>

A doubt arose on the meaning of the directions in the proclamation regarding the lining of hose, which forms the subject of an interesting letter from Richard Onslow, recorder of London, to Sir W. Cecil of February 1565. The city hosiers, mindful of their bonds, had consulted the recorder as to whether it was permissible to line slops or upperstocks—as the breeches into which the trunk hose had then lately evolved were called—with cotton stitched to the slop, in addition to the linen lining and lining against the legs mentioned in the proclamation. He advised against the legality of this additional lining, and his consulters acted on his advice. Later they found to their cost that their customers left them for hosiers outside Temple Bar who were prepared to put in the questionable lining, and who, moreover,

<sup>39</sup> Ellis, *Original Letters* (2nd Series), iii. 37 (1573); Jo. 20 (1) fo. 67, 19 July 1573.

<sup>40</sup> Jo. 20 (1) ff. 13 *seq.* and 21, fo. 206 (h); Letter Book X, fo. 180 (h) *seq.*

<sup>41</sup> Letter of Sir T. Pullyson (Lord Mayor) to Lord Burghley for mitigation of statutes of apparel 19 February 1585, endorsed 'Theis are to allow of a rate made by him & the rest of his brethern for the apparel of Citizens': State Papers, Dom., vol. clxxvi, no. 57. In 1588 a deputation was appointed to wait on the queen 'for tolleracon of Apparell': Repert. 21, fo. 556.

<sup>42</sup> Repert. 18, fo. 294 b. This is the only case I have found of proceedings being instituted by informers.

alleged that Cecil had declared the practice to be lawful and permitted his servants to wear slops so lined. The recorder, on being again consulted by the hosiers, wrote to Cecil for his advice.<sup>43</sup> Even with the bonds hanging over their heads the hose makers were not always prudent enough to obey the law, for in January 1565 orders went out to the aldermen to perambulate their wards and admonish such of the trade as displayed the offending hose to put the same away.<sup>44</sup> It was to clear up this doubt about the lining, probably, and to curb still further the fashion for redundant fullness of hose, which in the grave eye of authority still ran to riotous excess, that a fresh proclamation appeared dated 12 February 1566.<sup>45</sup> By the terms of this, further limitations were put on the size of upperstocks, which were in future not to take more than  $1\frac{1}{4}$  yards of cloth or kersey, nor to exceed in girth  $1\frac{1}{8}$ th yards. Further, they were not to contain more than one lining, other than the lining against the leg, which was to be made of stuff of home manufacture. In token of their own zeal for reform and as an incentive to others the proclamation was, according to Strype,<sup>46</sup> subscribed by several lords and members of the council.

The system of surveillance was now carried a step further; precepts were issued to the city companies to appoint four 'sadde and discrete personages' to be at each of the entrance gates at seven in the morning

ther contynually to remayn and watche untill XI of the clock, and from I of the clock in the afternoone of the same daye until VI of the clock at night, havinge a diligent eye duringe all the said tyme to all and everye such personne & persons as they shall see there to enter into the Cyttye of London, or passe or repasse at or by the same gate usinge or wearinge annye greate and monstrous hosen, silk, velvet or weapons restreyned and prohibited

by the acts or proclamation. All offenders were forthwith to be haled before the magistrates at the Guildhall.<sup>47</sup> These gate watchmen did their work too well for some of the men about court, who objected to having to run the gauntlet of inspection every time they passed the gates, much to the sorrow of Ascham, who speaks of the offence taken by these testy gallants.<sup>48</sup> This supervision continued in practice on and off during the next fifteen years, and probably proved the readiest and most effective

<sup>43</sup> Ellis, *Original Letters* (2nd Series), ii. 306-7.

<sup>44</sup> Repert. 15, fo. 414 b.

<sup>45</sup> City Corporation Records, Jo. 18, fo. 380 seq.; *Book of Proclamations*, fo. 94.

<sup>46</sup> Strype, *Annals*, I. ii. 533.

<sup>47</sup> City Corporation Records, Jo. 18, fo. 283 b (1566); Jo. 20 (2), fo. 348 b (1577); Jo. 21, fo. 19 b (1579); Jo. 21, fo. 35 b (1580); cf. Malcolm, *Londinium Redivivum*, ii. 60.

<sup>48</sup> *Scholemaster* (ed. Mayor), p. 65.

means of all those adopted for detecting the disorders of dress. The system of what may be called internal surveillance was further drawn closer by the appointment by the aldermen of two men to watch in each parish of their respective wards; these apparently superseding the four watchers previously appointed for the whole ward.<sup>49</sup>

Fashion, however, was stronger than law, and apparel continued to overstep its appointed bounds in a manner that alarmed the government into further action. In 1574 another proclamation appeared,<sup>50</sup> which was repeated with some variations in 1577, 1580, 1588, and 1597. Two schedules are appended, the first of which—noticeable for the omission, as a distinct class, of gentlemen as such—gives the gist of the statutory restrictions on men's apparel; while the second imposes analogous restrictions on the apparel of their wives. This extension to women indicates the growing licence of feminine attire—a fact which forcibly struck a foreign observer who visited the country some years later, and provoked Stubbes to exclaim 'a ship is sooner rigged than a woman'.<sup>51</sup> The proclamation of 1577<sup>52</sup> refers to the difficulty that had been experienced of ascertaining the value of a person's estate, in the absence of which it was often impossible to tell whether he was keeping within the law or not. The proclamation deals with this by directing that the value of any person, charged with an offence, is to be ascertained from the rate at which he is assessed in the subsidy books. If the party charged, with a view of clearing himself, offers to prove himself worth as much as the rates fixed by the statutes, he is to be allowed to do so, but at the risk of assessment to the subsidies at the higher rate; and there is a broad hint to the commissioners of the subsidies to assess such a one in future at his own figure. In the schedules to this proclamation the classes of those permitted to wear velvet, satin, and other silk-made cloths were extended by a lowering of the minimum of income and value of the wearers, and by the inclusion of those persons 'as shall continually keepe a great horse furnished for service in warre'—the provision of which was required of all whose wives wore silk gowns, or other rich attire, by the terms of the Statute of 33 Henry VIII, cap. 5; a statute which Elizabeth was diligent to enforce. The second schedule, identical with that in the proclamation of 1574, applies to women's apparel. The proclamation of 1580<sup>53</sup> adds injunctions against the fashion of

<sup>49</sup> Repert. 16, fo. 13 b (1565)

<sup>50</sup> *Book of Proclamations*, fo. 154 seq.

<sup>51</sup> Rye, *England as seen by Foreigners*, pp. 7-8. For a description of women's dress at this period see *Social England*, iii. 385 seq. 'In women also it is most to be lamented, that they doo now farre exceed the lightnesse of our men': Harrison, *Description of England* (ed. Furnivall), i. 170.

<sup>52</sup> *Book of Proclamations*, fo. 168.

<sup>53</sup> *Ibid.* fo. 196 seq.

wearing 'clokes & ruffes of excessive length & depth', and limiting the length of swords and daggers. Ruffs had grown to disproportionate size with the discovery of starch as a means of stiffening their folds, and wire frameworks had been introduced to afford additional support—contrivances which provoked the furious invective of Stubbes, who attributed their invention to the evil one.<sup>54</sup>

The justices of the peace and other officials concerned were exhorted in the Star Chamber to see the law carried out in 1588 and again in 1595, when they were admonished to exercise 'justice with a herculean courage',<sup>55</sup> and again in the year following. It is noteworthy that the decline of Burghley's powers with age and family bereavements is followed by the cessation of entries regarding apparel in the records of the city corporation; and about the same time (1588) his interventions on behalf of discipline at Cambridge University fell off, though he held the post of chancellor till his death in 1598. Little can have been done after his decline to enforce the law, and I have discovered only one subsequent case in which punitive steps were taken—that of an attorney who, being summoned before the privy council to answer for another offence, presented himself, 'with a guilt rapier, extreame greate ruffes & lyke unseemlie apparell', for which misbehaviour he was reported to the Court of Common Pleas with a view to being removed from his profession.<sup>56</sup>

The rapid growth of trade and commerce in the latter half of the reign, and the prosperity that came over agriculture with the rise in prices of corn and meat brought with them an increase of domestic and personal comfort and luxury that made the attempt to keep dress within artificial barriers more and more hopeless. The tide was setting from the country to the city. The sons of capitalists, who had invested their money in land, were in many cases converting it back to money, and were forsaking the hospitable life of country squires to squander their patrimony in the gay round of the capital.<sup>57</sup> Servants were now fed and clothed on a scale that surpassed that of masters a generation before, and ranks became worse confounded than ever.<sup>58</sup> These twin evils—the decay of hospitality and the confusion of degrees—are dwelt upon in the last proclamation of Elizabeth, which came out in July 1597.<sup>59</sup> It opens with the usual recital of the

<sup>54</sup> *The Anatomie of Abuses* (ed. Furnivall), i. 52.

<sup>55</sup> Hawards, *Les Reportes del Cases in Camera Stellata* (1593-1609) (ed. W.P. Baildon), pp. 19 and 21, 56-7.

<sup>56</sup> *Acts of the Privy Council*, xxii. 175 (1591).

<sup>57</sup> Prothero, *English Farming Past and Present* (1912), pp. 82-3; Jonson, *Every Man out of his Humour*, i. 1, and other references cited in notes to Stubbes, i. 245.

<sup>58</sup> *A Briefe Concept of English Pollicy* (ed. Furnivall), pp. 64-5. The laws against retainers were revived by proclamations: see those of 1572 and 1583.

<sup>59</sup> *Book of Proclamations*, fo. 343 seq.

failure of former proclamations to produce any reform, and goes on to state that the queen, finding that the evil is not cured by clemency, thinks fit to remedy the same 'by correction and severitie'. The queen, however, it is added, had commanded the execution of those parts of the law 'that be most agreeable to this time, and easie and necessary to be observed', and the overlooking of past offences. Thus, by an alternate parade of clemency and severity did Elizabeth seek to draw and drive her subjects into the narrow road of outward decorum, while they, rejecting all her precepts, followed her down the broad way of self-indulgent vanity.

Concurrently with the attempts to rectify national disorders in apparel a strenuous campaign of reform was being carried on at both the universities, which we cannot here deal with in any detail. The proclamation of 1562 directed the chancellors to see the statutes of apparel obeyed in their respective universities; and Cecil, who became chancellor of Cambridge in 1559, on the death of Cardinal Pole, needed no urging to so congenial a task. In 1560 minute orders on apparel were made by the university, and in 1578 and 1585 fresh orders were issued at the chancellor's instance.<sup>60</sup> By the Cambridge orders of 1585 heads and officials refusing to enforce the regulations were to be fined by the vice-chancellor. The university was, in fact, proving as intractable as the country at large, and the main difficulty in the one case as in the other was the supineness of the authorities. At Oxford statutes to regulate dress were passed in 1564 and 1576, showing that the passion for finery had broken loose there as ungovernably as at Cambridge. Leicester, the chancellor, writing in 1583 on the state of discipline at that date, contrasts it unfavourably with that which prevailed at the beginning of the reign. The demoralization which Leicester deploras was attributable in part to his own slackness of authority, for which he was roundly rated by the queen. As a consequence of this rating he made representations to the university calling for the reform of abuses, upon which steps were taken to effect an improvement.<sup>61</sup> His successors, Hatton and Buckhurst, displayed some of the energy which he had lacked,<sup>62</sup> but with discouraging results, though according to Wood from about 1594 'discipline became much refined and virtue increased', the only flaw in the picture in his sight being the puritan contumacy over the vestments.<sup>63</sup>

<sup>60</sup> Cooper, *Annals of Cambridge*, ii. 161-2, 360, 410-15. For other occasions on which Burghley intervened see *ibid.* ii. 217 *seq.*, 306, 346 (two fellows committed to the Gatehouse prison), 447-8, 455-6.

<sup>61</sup> Wood, *History and Antiquities of the University of Oxford*, II. i. 219-21.

<sup>62</sup> Strype, *Whitgift*, pp. 610-11; Wood, pp. 236-7, 240, 241-5, 248.

<sup>63</sup> Wood, pp. 258-9.

The Inns of Court and Chancery were another sphere in which special sumptuary regulations were multiplied to little purpose. Nowhere, probably, outside the court were manners looser and foppery more extravagant. It had become the recognized fashion for the sons of the *nouveaux riches* to finish their education with a smattering of law, and to rub shoulders with the sons of the aristocracy, the too common result being that the study of Littleton and attendance at moots were exchanged for the pleasures of the ordinary and the bear garden.<sup>64</sup> The acts of apparel applied with some exemptions to members and students of the Inns; the proclamation of 1562 refers to the great disorders abounding in those institutions and marks them out for reform. In 1546 the Inner Temple ordered a reformation in apparel among its members and forbade long beards; <sup>65</sup> while under Mary and Elizabeth similar orders applicable to the Inns of Court collectively or individually came out in increasing volume.<sup>66</sup> The regulations seem to have been even less regarded than those set at the universities, and their repetition served but to emphasize the growing divergence between rule and conduct.

Outside London and the universities, little activity was shown to enforce the dress régime. Here and there offenders were occasionally presented or prosecuted for infringing the statutes, and a few provincial towns framed by-laws relating to apparel.<sup>67</sup> But with these stray exceptions the utmost supineness appears to have prevailed, in spite of the repeated and urgent exhortations contained in the proclamations, and the baits held out to informers.

If the sumptuary acts and proclamations did not contain so ample a confession of their own failure, yet the contemporary extrinsic evidence would be sufficient to tell of their indifferent success. Latimer, preaching in 1552, after alluding to the prevalent excess in apparel and aping of one class by another, says, 'There be lawes made and certaine statutes, how every one in his estate shall be apparelled but God knoweth the statutes are not put in execution.'<sup>68</sup> We have seen how Ascham in his day deplored the widespread disorder of apparel, and the defiance of

<sup>64</sup> In 1559 it was proposed that no one should be admitted to the law unless descended from a nobleman or gentleman: *Lord Salisbury's MSS. (Hist. MSS. Comm.)*, i. 163, no. 9.

<sup>65</sup> Dugdale, *Origines Iuridicales*, p. 148.

<sup>66</sup> Dugdale, *op. cit.* pp. 310-11, 312; *Middle Temple Records*, i. 111-12, 269; *Calendar of Inner Temple Records*, i. *passim*.

<sup>67</sup> *Southampton Court Leet Records* (ed. Hearnshaw), i. i. 161; presentments (*inter alia*) of 98 offenders against the statute of apparel. For by-laws on apparel, see R. H. Morris, *Chester*, pp. 375-6; Tickell, *History of Kingston-upon-Hull*, pp. 241-2; Poulson, *Beverlac*, p. 324; Welford, *History of Newcastle and Gateshead*, ii. 310; iii. 159 (by-laws for apprentices). School statutes sometimes touch on apparel: Foster Watson, *The English Grammar Schools to 1660*, pp. 127, 130, 131.

<sup>68</sup> Latimer, *Sermons* (ed. 1635), p. 233.

law extending from the court to the meanest ruffian. Later writers emphasize the mischief,<sup>69</sup> and foreign observers who visited the country in the last decades of the century are no less explicit on the finery of native attire, and remark with evident astonishment upon the inconstancy of taste that made England a veritable weather-cock of fashion.<sup>70</sup>

Perhaps the strangest episode in the history of the acts of apparel was their sudden and final disappearance in 1604, a century or more before such laws disappeared in other countries.<sup>71</sup> The act of repeal appears on the statute book as a single section<sup>72</sup> of a lengthy rescinding enactment. The account contained in the parliamentary journals of the events leading up to the repeal is too laconic and fragmentary to enable one to speak with certainty of the precise course of affairs, but so far as can be gathered and conjectured what happened was as follows. On 24 March 1604 a bill, presumably a government measure, was introduced in the commons containing a repeal of all existing statutes touching apparel, including, apparently, those relating to the wearing of woollen caps, and enabling the king to regulate dress by proclamation in the manner customary under Elizabeth. It was almost as unusual at that time as it is to-day for a bill to be challenged on its first reading; but so strong was the opposition excited by the proposal empowering regulations by proclamation that a division was taken on which the bill was rejected by a majority of fifty.<sup>73</sup> On 4 April in the same year another bill, 'restraining the excessive wearing of Cloth of Gold, cloth of Silver, and Gold & Silver Lace, & Embroideries', was introduced in the commons and in due course passed its third reading in both houses, but was not proceeded with.<sup>74</sup> In its place, a new bill with the same title was introduced in the lords on 14 May, passed its third reading, and was sent to the commons on the 19th of that month.<sup>75</sup> There it came on for its third reading on 22 June and led to a protracted debate, which was adjourned till the following day. On that day the bill, after further debate, was allowed to pass 'especially

<sup>69</sup> Cf. T. Nasha, *Christ's Tears over Jerusalem* (1593), Works (ed. McKerrow), ii. 142; T. Lodge, *Wits Miserie* (1596), in Works (ed. Hunterian Club), iv. 14. Lodge in his *Reply to Gosson's Schoole of Abuse*, twitting his opponent on his plagiarisms, says, 'As for the Statute of Apparell & the abuses thereof, I see it manifestly broken': Works, i. 44; Stubbes, *op. cit.* i. 44-5.

<sup>70</sup> Rye, *England as seen by Foreigners*, p. 71; cf. Harrison, *Description of England* (ed. Furnivall), i. 168-9; Stubbes, *op. cit.*, i. 32.

<sup>71</sup> In Spain they continued till the second half of the eighteenth century: Hume, *The Year After the Armada, &c.*, p. 259. Several acts of apparel were passed in Scotland under Charles II, and one appeared as late as 1698: *Acts of Parliament of Scotland*, x. 160.

<sup>72</sup> 1 James I, csp. 25, sect. 7.

<sup>73</sup> *Commons' Journals*, i. 152.

<sup>74</sup> *Ibid.* i. 166, 942, 953; *Lords' Journals*, ii. 284, 291.

<sup>75</sup> *Ibid.* ii. 298, 301.



for this reason, for that it repealeth all former laws touching apparel'.<sup>76</sup> We have here, I think, sufficient data from which to conjecture the course adopted by the government. The bill rejected in the commons was introduced in the lords, with or without the clause which provoked its defeat in the lower house, and passed through all its stages. The government, then or before, decided to yield to the opposition, and introduced a fresh repealing bill from which the obnoxious clause was omitted, but bearing the same title, which in view of the omission had, of course, become a misnomer. This bill passed safely, though not without considerable debate and some opposition in the commons, through all its stages and was incorporated in the Act 1, James I, cap. 25.

The sudden repeal of the sumptuary laws seems attributable, therefore, solely to opposition excited on constitutional grounds and not to any perception of their futility or to any reaction in sumptuary feeling. The resentment of the commons at the king's claims to legislate by proclamation—a resentment which came to a head in their petition for grievances presented in 1610<sup>77</sup>—had already been aroused by his attempt to dictate the qualifications of candidates in the proclamation summoning his first parliament, and nearly led to a collision between the house and the king in Goodwin's case. Naturally, therefore, they viewed with extreme suspicion a bill giving him entire freedom to regulate dress by proclamation, and James, bowing apparently to this feeling, outwardly yielded the point. Several attempts were made in this and subsequent reigns to revive sumptuary legislation, and although the bills embodying these attempts never became law the debates upon them show that the age-long belief that dress was a legitimate topic for state regulation had lost little of its old sway.<sup>78</sup> Sumptuary feeling, indeed, survived and permeated social opinion for generations to come; and Blackstone, writing late in the next century, expresses with graceful lucidity the pyramid view of society and the constitutional importance of the distinctions in ranks and honours.<sup>79</sup>

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<sup>76</sup> *Commons' Journals*, i. 245, 979.

<sup>77</sup> As a result of the petition James withdrew several proclamations already issued: Steele, *Catalogue of Tudor and Stuart Proclamations*, i, pp. xciii and xciv, n. 6. A proclamation 'for the wearing of Woollen Clothes' dated 27 December 1616, was suppressed before publication: *ibid.* no. 1189.

<sup>78</sup> Cf. *Commons' Journals*, i. 463-4, 523, 584; *Lords' Journals*, iii. 712, xii. 228.

<sup>79</sup> *Commentaries* (1776), iv. i.