

For the “Re-edification of Townes”: The Rebuilding Statutes of Henry VIII*

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The several statutes passed between 1534 and 1544 devoted to the rebuilding of decayed urban housing, collectively known as the Rebuilding Statutes, have been drawn upon in at least two scholarly debates about English government and economic life in the sixteenth century. First, in his discussion of Thomas Cromwell and the Henrician government's efforts to respond to economic and social problems, Professor (now Sir) Geoffrey Elton identified these statutes as important examples of central government initiative.¹ Elton traced the inception of these acts to complaints about the state of housing brought by individuals at court and by the M.P.s of several individual towns. He saw the legislation itself as an example of the central government empowering individual towns to attend to the economic reality of decayed houses in their midst, and found it “an interesting precedent for local and private acts procedures (sic) of later days.” For Elton, then, the Rebuilding Statutes offered evidence of central government initiative in setting economic policy, a view intended to support his more general thesis about the primacy of the 1530s as a “revolutionary” point in the development English governing institutions. The same observation may be taken in support of Elton's later concept that Parliament, along with other central institutions, formed a “point of contact” with such particular and local interests as the towns listed in these statutes.²

Fundamental to Elton's discussion was the assumption that the Rebuilding Statutes may be taken as genuine attestation to economic decay in English towns of that time. It did not take long for economic and social historians, concerned more with the state of English towns than with the responsiveness of Tudor government or even the making of policy, to discover the point for themselves.

*I am indebted to Dr. David Dean for his helpful comments on an earlier draft of this paper.

¹G. R. Elton, *Reform and Renewal, Thomas Cromwell and the Common Weal* (Cambridge, 1973), pp. 106–109. Elton's attention may have been drawn to these statutes by Stanford E. Lehmborg, who had noted them, albeit without much extended analysis, in *The Reformation Parliament, 1529–1536* (New York, 1970), pp. 212, 233–34. Lehmborg noted them again in his later work, *The Later Parliaments of Henry VIII* (Cambridge, 1977), pp. 105, 155, 197.

²See especially Elton, *The Tudor Revolution in Government, Administrative Changes in the Reign of Henry VIII* (Cambridge, 1953); *England Under the Tudors* (1955; 2nd ed., 1974); “Tudor Government: the Points of Contact. I. Parliament,” *Transactions of the Royal Historical Society* 5th ser., 24 (1974): 183–200; “Tudor Government: the Points of Contact. II. The Council,” *T.R.H.S.* 5th ser., 25 (1975): 195–211; and “Tudor Government: the Points of Contact. III. The Court,” *T.R.H.S.*, 5th ser., 26 (1976): 211–228.

Thus we have a second interpretive application for this legislation. Charles Phythian-Adams, a leading proponent of the view that English towns underwent a long and profound period of decline between c. 1520 and c. 1570, echoed Elton, Colin Platt, and others in assuming that when just over a hundred towns are cited in a series of statutes devoted to the re-edification of decayed housing, economic life in those communities had reached a low ebb in which such decay was both genuine and widespread.³ Platt also stood with Elton in assuming that these statutes came about through central government initiative.⁴ Not all who have considered the Rebuilding Statutes in their urban context would accept this view. Both A. R. Bridbury and Alan Dyer have insisted that statutes providing for the re-edification of housing were most likely to have been passed when the demand for dwellings, and hence the urban economy itself, had shifted from a state of decay and stagnation to a position of growth. In their view, these statutes signified an upswing both in the urban population levels and in the economic strength of the towns involved.⁵

Oddly enough, none of those who have employed the evidence of the Rebuilding Statutes in support of specific arguments have looked beyond the rationale for their passage to questions of their application and enforcement. To be sure, this is not an easy question to approach. As none of the statutes call for any form of return to the institutions of central government, there is no systematically recorded or centrally located archive to which we might conveniently turn for evidence of application. Any investigation of this question must therefore rely on the chance survival of appropriate records in the specific towns to which the acts applied. In the absence to date of such a search through town records, the impression has emerged that the application of these statutes remained unimportant, slight, or even non-existent. Dyer, for example, has concluded on this basis that the legislation bears little importance save for what it might tell us of its proponents' motives. Bridbury has concluded that the prime reason for the passage of these statutes was to clarify jurisdiction over specific properties, in which case no further enforcement would be necessary. Even such a perceptive historian as Joyce Youngs has concluded that the Rebuilding Statutes of Henry VIII were chiefly intended as encouragement for local initiatives, without pursuing the question of application.⁶

³Charles Phythian-Adams, "Urban Decay in Late Medieval England," in Philip Abrams and E. A. Wrigley, eds., *Towns in Societies, Essays in Economic History and Historical Sociology* (Cambridge, 1978) p. 178; *Desolation of a City, Coventry and the Urban Crisis of the Late Middle Ages* (Cambridge, 1979) pp. 197–98; Colin Platt, *The Late Medieval Town* (1976), p. 182.

⁴Platt, *English Medieval Town*, p. 182.

⁵Alan Dyer, "Growth and Decay in English Towns, 1500–1700," *Urban History Yearbook* (1979), pp. 62–3; A. R. Bridbury, "English Provincial Towns in the Later Middle Ages," *Economic History Review* 2nd ser., 34, 1 (February 1981): 1–24 esp. 23–24.

⁶Dyer, "Growth and Decay," p. 63; Bridbury, "English Provincial Towns," p. 23, and Joyce Youngs, *Sixteenth Century England* (Harmondsworth, 1984), p. 288.

Since, as Dyer himself reminds us, historians in pursuit of a particular argument tend more often than not to find what they are looking for, and since the Rebuilding Statutes have hitherto been examined only in the pursuit of other objectives, it now seems appropriate to examine them on their own. To evaluate the manner in which historians have employed this legislation, we need to know why and through whose efforts such statutes came about, and what may be discovered about their application and enforcement. Unconventional as it may seem to focus primarily on an evidential source rather than on discussions drawn from that source, this approach seems warranted both by the diversity between those discussions—one relating to legislative policy and the other relating to the economic condition of English towns—and the contentious nature of their respective conclusions. Therefore, what follows is, first, an effort to place the Rebuilding Statutes in the context of their lengthy provenance, for they seem not simply to have appeared in the 1530s. Then the five principle acts must be examined in their own right. Finally, we must try to assess their validity in upholding the arguments constructed upon them.

Turning to the question of origins we note that, far from being an Henrician, much less a Cromwellian, innovation, the theme of these acts evolved gradually and over a long period of time, drawing upon both legislative and customary foundations. From a purely legislative point of view, its roots lay not merely with the Act of 1515 identified in Elton's discussion (7 Hen. VIII, c. 1) but with two earlier statutes: "An Acte Concerning the Pulling Downe of Townes" (6 Hen. VIII, c. 5) and the even earlier "Acte Agaynst pullyng doun of Tounes" of 1489.⁷ Despite its title, this earliest act, the apparent ancestor of our statutes, dealt primarily with a concern for the effect on agrarian property of the enclosures which we now suspect to have been particularly rampant in the fifteenth century. It decried the conversion of tillage, a form of agrarian production supportive of greater population, to pasture, which is supportive of less, and the "pulling down of houses" of husbandmen and smallholders. Though the "tounes" of the title clearly refers to habitation in villages, a usage which reminds us that the Tudors used the term "town" much more loosely than we do, the wording, title and concern for housing in the face of expanding population places this act in an ancestral position relative to the Henrician statutes at hand.

This, then, is the legislative provenance of those Henrician statutes: not initially a concern for towns in our sense of the word—that is, as urban areas—but for houses of husbandry and for the deleterious impact of enclosure upon them. The clear implication is that such legislation responded to an agrarian revival and the subsequent need to preserve tillage and houses of husbandry in the countryside. This is certainly supported by recent research on revived population growth in the latter decades of the fifteenth and opening decades of the sixteenth

⁷4 Hen. VII, c. 19.

century.⁸ In its neglect of the urban community *per se*, it may also suggest that such population growth had not yet become problematical for urban areas, but rather that sufficient housing still existed in those areas from the time when many towns were larger in population than they had become by the mid-fifteenth century. With less available housing to begin with and the added impact of enclosure and engrossment, the agrarian communities to which this act had been directed would undoubtedly have been less able to accommodate additional population.

By the time of the Act of 1515 (6 Hen. VIII, c. 5), the emphasis had begun to shift from the agrarian to the urban community. This similarly entitled "Acte Concerning the Pulling Downe of Townes" began with wording which is also very much like that of its legislative predecessors, and there is still a predominant concern for the conversion of tillage to pasture and for houses of husbandry. Yet it also introduced extended reference to "Cytees & Market townes brought to grete ruyn & decaye," and included for the first time boroughs along with towns, villages and hamlets. This act was to endure until the following Christmas, but by 7 Hen. VIII, c. 1 it was made perpetual. With this latter act, well along in the unfolding of the story, we arrive at Professor Elton's starting point.

After a silence of nearly twenty years, to which the inefficiency of the legislative process and its partial eclipse during Wolsey's period of influence may have contributed,⁹ Parliamentary interest in urban communities became yet more pronounced. While anti-enclosure legislation continued for some time through the sixteenth century,¹⁰ there was now the urban leitmotif of 6 Hen. VIII, c. 5 and 7 Hen. VIII, c. 1 fully developed in its own right. The acts which first established this were brought by two specific towns much troubled by an apparent resurgence of population growth and a consequent housing shortage. The first of these three, 26 Hen. VIII, c. 8, "An Acte for the reedifyinge of voyde groundes in the Citie of Norwich," refers to the destruction wrought by the great fire of 1507, in which much of the housing of the inner core of that City had been destroyed, leaving "great decay and voyde grounde."¹¹ Here we have

⁸John Hatcher, *Plague, Population and the English Economy, 1348-1530* (1977), pp. 63-64; Charles Phythian-Adams, *Desolation of a City*, pp. 34-35; Christopher Dyer, *Lords and Peasants in a Changing Society: the Estates of the Bishopric of Worcester, 680-1540* (Cambridge, 1980) pp. 288-305; Majorie K. McIntosh, *Autonomy and Community, the Royal Manor of Havering, 1200-1500* (Cambridge, 1986) chap. 6.

⁹Michael A. R. Graves, *The Tudor Parliaments* (1985), pp. 53-54. I am indebted to Dr. David Dean for this reference.

¹⁰Francis Bacon, sitting for Southampton, introduced such an act as late as the 1597-98 Parliament. Simonds D'Ewes, "Journals of Parliaments During the Reign of Queen Elizabeth," British Library, Harleian MS. 75, fols. 112v-3r, 153r and 160r, as cited in David Dean, "Bills and Acts, 1584-1601" (Ph.D. thesis, Cambridge University, 1984), read with the author's kind permission.

¹¹An interesting problem is raised by the bill's identification of the Great Norwich fire as taking place "twenty-six years ago," which would place it in 1508. The fire is known from a variety of independent sources to have taken place in 1507. Assuming no error either in arithmetic or local

a concern for void grounds as well as buildings, and the new requirement that the owners of such void grounds must rebuild within two years or forfeit them to the City Corporation. If the “Mayor, Sheriffs, Citizens and Commonality” (the titular representation of the City Corporation in law) did not re-edify them within the same space of time, the owners could re-enter their former lands, but if the corporation fulfilled this obligation, it could “hold and retain such lands without interruption... forever.”

It is noteworthy that twenty-seven years elapsed between the fire and the Act. Assuming that it did not require all this time to get a bill through Parliament, we can only account for that duration by assuming that the lost housing capacity was not missed until the mid 1530s, at which time Norwich’s population presumably caught up with its available dwelling space. A clear sign of the urgency with which Norwich officials considered the issue comes in their actions following the act in question: it was proclaimed for emphasis in 1535 and enforced frequently thereafter.¹²

The next act, 26 Hen. VIII, c. 9, “An Acte for re-edifyinge of voyde groundes within the towne of Lynne,” also seems motivated by a calamity: the ravages of the sea over a long period of time had damaged a substantial amount of housing. Having long lain decayed, this housing had now to be repaired and re-edified for habitation. Again we must assume that the sudden need to restore housing which had been uninhabitable for some time can only have resulted from the press of population growth on the housing supply, and not from “the ravages of the sea present *and long time*” [my italics] in Lynn any more than from the impact of the 1507 fire—nearly three decades earlier—in Norwich. These two acts complete the legislative development whereby Parliament addressed the decay of agrarian lands as a principal focus, those of the “Cytees and Market Townes” in a general way, and a few particularly afflicted and major towns in a specific and detailed fashion. The promise of a widely applicable and detailed remedy for decayed housing and void grounds in a great number of towns was an obvious next step, and it came in the form of the five statutes at hand. So much, then, for the legislative provenance of this evolving policy.

When turning from the legislative to the customary foundations, we must recall the pragmatic experience of English urban communities with the decay

memory, this could suggest that the bill had been drawn up a full year before the meeting of Parliament (which met during November and December of 1534) in anxious expectation of relief resulting from such a session: a sure sign of the urgent nature of the required remedy. This impression is confirmed in William Hudson and J. C. Tingey, eds., *The Records of the City of Norwich*, 2 vols. (Norwich, 1906, 1910), 2: 71. The Norwich fire is said to have destroyed 718 dwellings, or housing for at least three thousand people, making it unlikely that local leaders would have forgotten or mistaken its date. See E. L. Jones, S. Porter and M. Turner, “A Gazetteer of English Urban Fire Disasters, 1500–1900,” *Historical Geography Research Series* no. 13 (August, 1984), Table 3.

¹²Hudson and Tingey, *Records of Norwich*, 1:72, *et passim*.

of their built environments and summarize the customary legal devices that they had previously developed to meet such problems. Here we move well back into the medieval period, and come quickly to appreciate that the problems that were represented in the age of Thomas Cromwell were by no means novel, their understanding by no means unsophisticated, and the remedies that might address them by no means untried in earlier times.

Even in the twelfth century, another era of substantial population expansion, it had been recognized that a tenant could be fined for failing to build on his plot within a predetermined duration.¹³ By about 1220 it had come to be accepted that the failure to *rebuild* decayed housing could result in similar penalties.¹⁴ By the fourteenth century it had been recognized that both the sovereign and the community could distrain lands and rents of those who left *burgage* tenements void or unrepaired, keeping the same until repair or rebuilding had been completed.¹⁵ By the early sixteenth century, then, as evidence from, e.g., Dartmouth, Guildford, and Southampton further attests, the obligation to keep houses in good repair as a condition of tenure seems to have been widely understood,¹⁶ and the burden of repairs had often shifted markedly from the landlords to the tenants themselves.¹⁷

In part, the desire of local governing authorities to maintain residential and other premises in good repair had evolved from the traditional obligations of “good neighbourhood”: “all and every person shall make and doe neyburhode” in the descriptive, rather than prescriptive, words of a Liverpool by-law of 1541.¹⁸ This meant, among other things, keeping existing housing in good repair. It had long pertained as a vital local concern in good times and bad, and the authority of borough officials to enforce this and similar expectations of property maintenance were deeply rooted in custom and precedent.

Thus, by the time we reach the main rebuilding statutes of the 1530s and 1540s, two distinct standing traditions served to support and shape statutory

¹³Mary Bateson, ed., *Borough Customs*, 2 vols. (Selden Society, 1904, 1906) 1: 278.

¹⁴*Ibid.*, p. 278.

¹⁵*Ibid.*, p. 279.

¹⁶See also, for example, the deeds of property let in Dartmouth, Devon in these years: Devon Record Office MSS. 61296 (1522–23), 61303 (1533), 61306 (1536), etc. See also examples in Guildford, Surrey, as recorded in E. M. Dance, ed., *Guildford Borough Records* (London, 1958) p. 42; and in Southampton, A. L. Merson, ed., *The Third Book of Remembrance of Southampton, 1514–1602*, vol. 1 (1952), pp. 28–29, item 106; vol. 2, 1540–1573 (London, 1955) items 160, 170, etc.

¹⁷Merson, *The Third Book of Remembrance*, 1: 57–58, item 130 (1542) and 62, item 158 (1539).

¹⁸J. A. Twemlow, ed., *Liverpool Town Books...1550–1802*, 2 vols. (Liverpool, 1918, 1935) 1: 11 n. 1. Twemlow has interpreted this by-law as having been based on the authority of 32 Hen. VIII, cc. 18 and 19.

policy. The legislative foundation consisted of a series of statutes that had emerged over several decades, shifting their focus from agrarian lands to urban properties. The customary foundations for maintaining the fabric of burgage tenures and the buildings thereupon, as well as the more recent tendency to shift the burden of repairs from landlord to tenant, had evolved over a much lengthier period, and were already well established in local communities by Henry's reign.

These factors might still have counted for little were it not for the particularly acute condition of decay that appears to have prevailed in many towns of the early sixteenth century. In addition to more general reasons for such decay there were some specific factors that may have emphasized the disintegration of housing and residential property and contributed to the failure to redevelop void grounds and fallen tenements. One was certainly the falling or stagnant population, which seems to have characterized many towns of the late fourteenth and fifteenth centuries. This, in turn, lowered the rental values of many tenements to the point where their upkeep had no longer been economically attractive to landlords. It is also likely that urban properties held by ecclesiastical landlords suffered worse neglect, on the whole, than those owned by lay landlords, and that such neglect became particularly obvious when lay purchasers of such lands after the monastic dissolutions of the 1530s wished to extract maximum profits from newly acquired urban properties.¹⁹

Though there should have been every economic inducement for landlords to renovate residential property on their own in an era of population increase and presumably rising rents, probably beginning at the start of the sixteenth century, they did not always do so in practice. Several explanations may be proposed for this. Some landlords lacked the capital to carry out necessary rebuilding. Some, as in all ages, remained oblivious to the economic opportunity arising from properties that had long lain financially unproductive, or would not have wanted to disrupt established patterns of management. Some landlords, perhaps an increasing number after the dissolution of the monasteries and the consequent transfer of property ownership, would have been absentee, and thus beyond the powers of jurisdiction exerted by officials of specific communities. Ownership of many of the same sorts of property may well have lain in doubt or dispute in that particularly active period in the history of the English land market. Though there were extensive precedents for town officials and even individual landlords enforcing obligations to maintain and repair tenements and the like, such power could well have been viewed by the 1530s as politically and legally insufficient for the task.

The difficulties in enforcing customary law and policy on landlords who may have been recalcitrant, impoverished, unprogressive, or simply absentee made

¹⁹Colin Platt, *The English Medieval Town*, p. 182; Stanford E. Lehmborg, *The Reformation of Cathedrals, Cathedrals in English Society, 1485-1603* (Princeton, 1988) pp. 172-76.

the principle of fortuitous or effective seizure a particularly desirable penalty for urban officials. This could hardly have been accomplished without statutory authority. The efforts of the City Council of York to secure just such a statutory sanction reflect a concern that may have been widespread, and that seems to have played a crucial role in shaping the actual statutes of 1536 and after. In February, 1531/2 the City Council instructed York's M.P.s to

make labour that it be enacted that all the waists and in the howling down of houses both within the walls of the Citie and suburbs of the same shall frome noweforth be employed and converted to the common use of the same Citie, unless that the owner of the same ground wold beld them ageyn within a certyen space to be lemytid.²⁰

Similar instructions were given again a year later, though in neither case with direct legislative result.²¹ The road to "contact" with Parliament could indeed be long, as clearly the York M.P.s had for several years been working toward the legislation that was eventually forthcoming in 1536. The Mayor and Council of Shrewsbury had a very similar objective in mind when, in 1536, they instructed their M.P.s to seek Parliamentary support for seizing "all void grounds which the Owners will not build upon"²² and this must have been a widespread objective among similarly distressed towns of that period.

A somewhat dramatic and (just) pre-statutory experiment with the policy of seizure especially, and an indication of the gravity of urban decay at that particular time in some towns, comes from Great Yarmouth. Here many houses, tenements, and gardens were described as "in great ruin and decay." In the Borough Assembly meeting of 25 June 1540, it was determined that the town's officials should seize a decayed tenement, formerly belonging to a local hospital and now held by Henry Thrower, and four tenements in the tenure of William Ylberd and his wife, formerly owned by the Guild of the Holy Ghost, as well as "all other tenements in the same decayed conditions..."²³ Could the members of the Assembly have known that at the very time of their meeting the rebuilding statute listing Great Yarmouth, to be counted as 32 Hen. VIII, c. 18, had cleared the House of Commons and awaited almost certain approval in the Lords and by the king?²⁴ No doubt they could, and did. It is equally likely that Yarmouth's M.P.s, probably along with York's, had played some part in bringing the bill

²⁰A. Raine, ed., *York Civic Records*, 3 (Yorkshire Archeological Society Record Series, 106, 1942), p. 139.

²¹*Ibid.*, p. 146.

²²H. W. Adnitt, "The Orders of the Corporation of Shrewsbury, 1511-1735," *Shropshire Archeological and Natural History Society Transactions*, 11 (1888): 157.

²³Paul Rutledge, ed., *Great Yarmouth Assembly Minutes, 1538-1545* (Norfolk Record Society, vol. 39, 1970), p. 31.

²⁴*House of Lords Journal*, vol. 1, pp. 140, 143 (2) and 162.

to the floor of the Commons, and had also worked for some time toward that end.

Yet if the reality of decayed housing itself provided a likely inducement to seek the power of seizure in some towns, the same power could be applied to different ends in other towns. One such end could well have been to increase the permanent resources of revenue-bearing property of the individual town. Indeed, where revenues from sagging trade and manufacture had failed to keep pace with the increased demands for civic expenditure and where those increased demands may even have driven the wealthy to dwell elsewhere,²⁵ a broadened base of revenue-bearing corporate property presented an obvious fiscal strategy, one which was already widely recognized and avidly pursued by many towns of the day. The intense mid-century spate of petitions for the incorporation of boroughs, in which the right to hold lands in mortmain seems a central objective, provides strong support for this view.²⁶

It seems widely understood at this time that the dwindling and inadequate revenue from trade and manufactures characteristic of many towns would have to be replaced by other revenue sources, of which rental income was a likely alternative. It was with this very concern in mind, for example, that the wealthy Hereford citizen and six time Mayor Robert Phelips, as well versed in contemporary urban finance as anyone, sat down to write his will in 1535.²⁷ Phelips noted the continually imperilled state of his City's coffers, and he recounted how the raising of market tolls for revenue had driven many merchants away. To this cause, incidentally, he attributed the "many goodly houses and buydings there for lack of inhabitants be now voyde and ruynouse and povertie more and more encreaseth," so that charges which used to be levied among the many were now of necessity levied among the few. Phelips's remedy, which — happily for the City — he was able to carry through, was to bequeath his substantial lands and tenements to the Mayor and Corporation so that they might add to the City's revenues and thus take the pressure off other sources.

Though apparently Phelips himself never directed his concern for Hereford's civic revenues and rental property toward Parliament, it was precisely men like him and like those councillors of York who, in their mayoral or aldermanic capacities, instructed M.P.s or indeed sat as burgesses themselves. These same people, it should also be said, had personal as well as corporate interests at stake. As is well known, they were usually the wealthier sort who were most

²⁵Noted in Bridbury, "English Provincial Towns," p. 11 for the late Medieval period, and Phythian-Adams, *Desolation of a City*, pp. 47–48, 250–52 and 262, etc.

²⁶Robert Tittler, "The Incorporation of Boroughs, 1540–1558," *History* 62, 204 (February 1977): 24–42.

²⁷F. R. James, ed., "Copy of a Deed by Richard Phelips, dated 1535," *Transactions of the Woolhope Field Naturalist's Club* (1938 for 1935) pp. 100–04.

oppressed by the burdens of civic office and the most likely and able to flee the town if those demands became unupportable.

In addition to the potential for seizure and the many benefits that may have accrued from such a step, at least some towns, whose names we find listed in the Rebuilding Statutes, may even at that early point in the century have been burdened with a growing population of poor newcomers without adequate housing. Such newcomers may literally have been homeless, and thus have constituted a threat to civic pride, decency, and order. They may have been crammed into limited existing shelter, including the very decayed buildings in question, thus posing a threat of fire or disease as well.²⁸

Although the problems caused by surplus population, migration, vagrancy, and the like were more pressing and notorious in the latter decades of the century, they may well have begun to make an imprint in the Henrician era. We can well imagine that the notoriety of such crises as they struck some towns preceded their actual appearance in many others. In addition to the rise in national population levels from the end of the fifteenth century,²⁹ these problems were sufficiently acute to have prompted the first two Tudor Poor Laws, in 1531 and 1536 respectively.³⁰ We must also assume that the normal pattern of population flow from countryside to town, the occurrence of which is now a virtual commonplace, would have placed the first strains of population increase on the towns of the realm.

Even if population pressure is perhaps less likely to have developed at this time in, e.g., Coventry or Southampton, something of this sort seems to have lain behind the statutes devoted specifically to Norwich and King's Lynn and it may well have been felt elsewhere at the same early time. If it was not the only universal motive for the legislation of the Rebuilding Statutes to begin with, such population pressure must certainly have figured prominently in the enforcement of that legislation later in the century.

This brings us at long last to the Rebuilding Statutes themselves, a summary of whose provisions shows the response to the plethora of these concerns. The most mature form of the Henrician Rebuilding Statutes is represented by five specific acts: 27 Hen. VIII, c. 1, "An Act for Re-edifying of Diverse Towns in the Realm," referring to seven specific towns; 32 Hen. VIII, c. 18, "An Act for

²⁸The widely recognized tendency of vagrants and other poor migrants to flock to towns is summarized in A. L. Beier, *Masterless Men, The Vagrancy Problem in England, 1560-1640* (London, 1985), pp. 73-76, and the pressure placed by such newcomers on the housing supply of towns is treated briefly in Paul Slack, *Poverty and Policy in Tudor and Stuart England* (London, 1988), pp. 67-68 and 81-82.

²⁹See note 8 above.

³⁰22 Hen. VIII, c. 12 and 27 Hen. VIII, c. 25. See also G. R. Elton, "An Early Tudor Poor Law," *Economic History Review* second ser., 6 (1953): 55-67; Slack, *Poverty and Policy in Tudor and Stuart England*, pp. 118-19.

the Re-edification of towns," listing thirty-six towns; 32 Hen. VIII, c. 19, "An Act for Re-edifying Towns Westward," listing twenty-one towns; and 33 Hen. VIII, c. 36, "An Act for Repairing Canterburie & etc.," listing nine towns specifically plus the Cinq Ports; and 35 Hen. VIII, c. 4, "An Acte Touchinge the Repayringe and Amendinge of Certain Decayed Houses," listing twenty-five towns in England and Wales.

The first of these acts recited the ruinous nature of tenements in the seven towns to which it applied, citing the "desolate and void groundys, withe pittys sellars and vaultes lying open and uncovered" in what had once been "pryncipalle and chief stretes" with "beautyfull dwellyng Howses." It ordered that if the owners of such decayed houses or vacant grounds did not re-edify or rebuild within three years, then the landlords of such properties could assume possession: in effect, they could seize. They, too, would have three years to re-edify or rebuild, and in their default the mayor and corporation (who might well, of course, be the same parties as the landlords to begin with) could seize the properties. They would also have three years to effect repairs, and in the case of their default the same properties would revert to the original holder where, theoretically, the cycle could begin again. Exceptions were permitted for holders who were under the age of twenty-one, *femmes couvertes*, prisoners, or those who dwelled beyond the seas.

The subsequent acts in this series were similar (though not identical) in provision and actual wording. Landlords would now forfeit to the persons having rent charges and it was they who would default to the mayor and corporation. In addition, the permissible time limits for rebuilding at each stage of the theoretical cycle were somewhat reduced and the age of houses falling under the provisions of the legislation, not specified at all in the first act, was extended from twenty-five years in the second and third acts to forty-five in the fourth and fifth. These changes seem to indicate that motivating conditions had continued to worsen.

Finally, there is the question of how and when the Rebuilding Statutes may have been applied, and what such applications may suggest about the role of this legislation in the sixteenth century. Unfortunately, we will probably never discover all we would want to know about the enforcement of these statutes or about the extent of repair or forfeiture they may have brought about. Nowhere do the texts of these acts require that forfeitures of property to urban authorities be enrolled or registered in any of the central courts. We are thus left with the task of gleaning references from the surviving records of the towns to which the statutes applied. Although this is a great disadvantage, it is not a fatal one. We are able to retrieve enough records of enforcement at least to suggest some of the ways in which towns applied the legislation. These instances seem sufficiently widespread both geographically and chronologically to suggest that

they may be representative of an indeterminable number of others, of which record has not survived.

Based on such references, specific towns seem to have used these acts much as one would have suspected, though we may only assume that their application coincided with the intentions of the original movers. First, they used them to enforce repair or rebuilding of property through the levy of fines or the statutorily supported threat of forfeit. Of this application it is difficult to say more. Simple repair or rebuilding by the property holder in the first instance is less likely to have earned a mention in the borough records. It might well have been carried out following unrecorded verbal reminders by local officials, and it could often be minor in extent. Yet there can be little doubt that such repair and rebuilding did commonly take place in ensuing decades. Much of the "Great Rebuilding" of which W. G. Hoskins wrote in a seminal essay of 1954 has been affirmed by the diligent examination of specific buildings, and that rebuilding took place in the towns as well as in the countryside for the better part of a century following the legislation.³¹

In addition, specific towns do seem to have employed these statutes to justify actual seizure. This is evident in Southampton, a borough which also had a rapidly declining trading economy and which is today blessed with the survival of very extensive archives. Here there are deeds regularly including a requirement of proper maintenance.³² In addition, there are grants of leases with "clauses of distresse and reentre for lak of payement & reparacion," and then a record of an actual re-entry by the town for failure to pay rent and repair. These, of course, resulted in no net gain of property, and so may easily have been accomplished without need of the statutes in question. But in 1570 the Mayor ordered that the owner of a house called (after an earlier owner) "My Ladie Guidiott's House" must repair that property "*according to the statute 32 Hen. VIII, c. 18*" [my italics] or forfeit it:³³ as clear a reference to the authority of the statute as one could hope to find.

³¹W. G. Hoskins, "The Rebuilding of Rural England, 1570–1640," *Past and Present* 4 (November 1953): 44–59, reprinted in idem, *Provincial England...* (London, 1963), pp. 131–48. For affirmation of the general pattern of building, if not the precise chronology, which Hoskins described, see R. Machin, "The Great Rebuilding: a Reassessment," *Past and Present* 77 (November 1977): 33–56. Additional evidence may be found in the volumes edited by Sir Nikolaus Pevsner in the monumental "Buildings of England" series as well as in the labors and published volumes of the Historical Monuments Commission. See also Platt, *English Medieval Town*, p. 183; Alan Dyer, *The City of Worcester in the Sixteenth Century* (Leicester, 1973), pp. 161–64; Vanessa Parker, *The Making of King's Lynn, Secular Buildings from the Eleventh to the Seventeenth Century* (London, 1971), pp. 157–68; Jeremy Boulton, *Neighbourhood and Society, A London Suburb in the Seventeenth Century*, (Cambridge, 1987), pp. 170–71.

³²Merson, *Third Book of Remembrance* 2: 1, item 160.

³³*Ibid.*, p. 110, item 283.

The City of Coventry, so notoriously decayed in these years, wasted little time in applying the threat of seizure for non-repair of tenements within its boundaries when the Mayor, bailiffs, and others proclaimed the intent to seize a total of thirteen tenements in a single day in May of 1541, though unfortunately there is no indication of whether they made good their threat.³⁴ Similar action is recorded in Liskeard, Cornwall, but there the entitlement to seize is recorded, revealing the whole process at work. Citing the act of 32 Hen. VIII, the Mayor and Burgesses of Liskeard seized a building on Market Street formerly belonging to Edward Coryton, gent., and also lands and tenements of Thomas Cockes, all of which had lain unedified for three years. They proceeded to re-edify those holdings within the duration permitted by the act, and then, by 1567, they let them to a local burgess for an annual rent.³⁵

Despite these mid-century examples, the lion's share of evidence so far arises from the latter decades of the century, when population pressure became particularly acute and the need for housing must have become correspondingly severe. There are several examples of enforcement drawn from the troubled last decades of the century which bear this out. The City administration of Worcester moved in 1570 to enforce 32 Hen. VIII, c. 18 in the effort to effect the rebuilding of housing on derelict land.³⁶ The by-laws of Hedon in East Yorkshire employed these statutes as a means of pressuring delinquent landlords, ordering an elaborate process of semi-annual inquests to survey any void grounds or decayed housing, and demanding repair of some of them, on pain or forfeiture, within two years.³⁷ The Mayor of Salisbury proclaimed the enforcement of the same statutes in 1580, identifying some twenty individual properties requiring repair and subject to forfeiture in default of such an obligation.³⁸ The Mayor of York responded similarly in 1587, ordering the rebuilding of twenty-seven decayed houses or sites.³⁹ In 1598, the town's bailiffs of Maldon in Essex entered decayed tenements called "The Rents," consisting of void ground and delapidated buildings, read all four acts (i.e., of 27, 32, 32 and 33 Hen. VIII) and warned the owners to rebuild or forfeit.⁴⁰

³⁴Mary Dormer Harris, ed., *The Coventry Leet Book*, 2 vols. (Early English Text Society, 1907-13), 2: 764-66.

³⁵Liskeard Borough Records, Cornwall Record Office MS. B/Liskeard/ 35.

³⁶Alan D. Dyer, *The City of Worcester in the Sixteenth Century* (Leicester, 1973), p. 163.

³⁷Hedon Borough Records, Humberside Record Office MS. DDHE/26, fols. 131v-132r.

³⁸Salisbury Ledger Book, 1571-1640, Wiltshire Record Office MS. G23/1/3, fol. 62v.

³⁹Cited in D. M. Palliser, "Civic Mentality and the Environment in Tudor York," *Northern History* 18 (1982): 97.

⁴⁰Maldon Borough Records, Essex Record Office MS. D/B3/1/3, fols., 263v and 264r.

What may we conclude from all of this? First, an assessment of Elton's discussion of this legislation against the record of economic and residential developments of English towns in the sixteenth century lends some support to their perceived precedential value for later legal action. On the other hand, although it may appear that the Henrician Rebuilding Statutes were one of a piece with other efforts at social and economic initiative in Thomas Cromwell's era, they prove to have had a much longer and more complex provenance in both legislation and local tradition than Elton realized. This provenance seems more evolutionary than revolutionary in nature, rooted in the long experience of individual towns rather than in the inventiveness of those prominent at court in a particular decade or reign. It does little to substantiate the "revolutionary" model of government initiatives placed before us, much less any particular initiative by Thomas Cromwell. It suggests instead that specific communities could go a long way toward solving their own problems without such government initiative.

The economic and social significance of these statutes reveals an apparent gap of some three decades between their creation in the 1530s and 1540s and most of their known applications in the 1570s and after. This makes it difficult to do more than infer that the motives for the legislation were the same as for its application a generation later. A number of such motives have been raised in passing. The need to clarify legal jurisdiction over lands that may have been caught up in the dissolution and redistribution of ecclesiastical property, the need to keep the virtues of "good neighbourhood," and the need of corporate landlords—the towns themselves—to maximize profits from rental properties all seem applicable. Yet though these factors may clearly have moved specific towns toward enforcement in specific instances, the Rebuilding Statutes appear to have had as their chief objective the re-edification of the housing supply against the real or anticipated experience of renewed population pressure. This was clearly the intent of the acts pertaining to Norwich and King's Lynn, which must be immediate precursors of the contemporary legislative preoccupation with poor laws and related measures, and of the wording of the acts themselves.

The perceived hiatus between the legislation and its enforcement remains somewhat problematical. Because local records are simply much fuller for the later than the middle decades of the century, and because no claim may yet be made for any systematic search of local records toward this end, the gap may well be more apparent than real. On the other hand, several factors might account for such a gap. For one, some or even many of the towns that added their names to the legislation as it came forth may have done so with an eye to the future rather than to the present, and thus may not have needed to enforce the resulting statutes for some time. Secondly, the governing authorities of some towns may simply have lacked the political will or resources in the troubled and even unstable middle decades of the century to enforce such legislation. Finally, though the political strength and economic fortunes of many towns

seem to have revived in the latter decades of the century, the press of population as well as sundry associated evils are widely reckoned to have grown steadily worse at the same time, making the need for enforcement much more acute as the century wore on.

One further point may be made. These Rebuilding Statutes, the rebuilding activities which they encouraged and those which actually resulted, may more than coincidentally be linked to the phenomenon labelled by W. G. Hoskins as "The Great Rebuilding." Although it would be both premature and simplistic to suggest a direct cause and effect relationship between the legislation and the rebuilding itself. Although Hoskins primarily directed his observations to the countryside rather than the towns, it seems likely that both phenomena were reactions to the same need for housing the growing urban population characteristic of those years. The Rebuilding Statutes may well have created the legal context for a "great rebuilding" that, as several historians have now recognized,⁴¹ was urban as well as rural in extent and seems to have been mid-Elizabethan in inception. The cautionary nature of these conclusions should not discourage further investigation. Indeed, had we the thorough study of urban housing in this period which is invited by Hoskins' work of over thirty years ago, perhaps we could now say more.

⁴¹See note 31 above.

