A HISTORY

OF THE

ENGLISH POOR LAW

IN CONNECTION WITH

THE STATE OF THE COUNTRY AND THE CONDITION OF THE PEOPLE

BY

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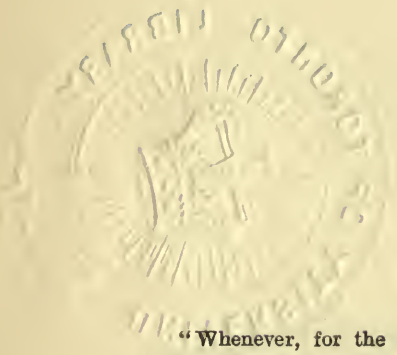

"Whenever, for the purposes of government, we arrive, in any state of society, at a class so miserable as to be in want of the common necessaries of life, a new principle comes into action. The usual restraints which are sufficient for the well-fed, are often useless in checking the demands of hungry stomachs. Other and more powerful means must then be employed; a larger array of military or police force must be maintained. Under such circumstances, it may be considerably cheaper to fill empty stomachs to the point of ready obedience, than to compel starving wretches to respect the roast beef of their more industrious neighbours: and it may be expedient, in a mere economical point of view, to supply gratuitously the wants even of able-bodied persons, if it can be done without creating crowds of additional applicants."

BABBAGE, *On the Principles of Taxation*. London 1851.

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A HISTORY

OF

THE ENGLISH POOR LAW

PART THE THIRD

FROM THE ACCESSION OF GEORGE THE FIRST TO THE END OF THE REIGN OF GEORGE THE THIRD

CHAPTER X

A. D. 1714–1760

Accession of George I.—The Riot and Septennial Acts—Punishment of robbery—Idle youths to serve in the colonies—Desertion of families—Punishments for killing deer and destroying plantations—Piracy—Regulation of trade—South Sea scheme—Amendment of the law—Regulation of relief—Parishes may unite for providing poorhouses—Settlement—New workhouses—Illegal confederacies—Prohibition of trade combinations and "truck"—Accession of George II.—Bastardy—The "Charitable Corporation"—Robberies—Corn-riots—Scarcity of corn; its exportation prohibited—The Foundling Hospital—War against Spain and France—Rebellion of 1745—Protection from theft—Duties of overseers—Liability of incomers to pay rates—Rating of reclaimed lands—The Vagrant Act—Dr. Burn on vagrancy—The north-west passage—Profane swearing—Servants and apprentices—Scale of wages—Prices of wheat—Unemployed soldiers and sailors may exercise trades—Change of style—Executions for murder—Street robberies and defective police—Settlement—Deficient harvest of 1756—Prices of wheat and rates of wages—Death of George II.

On the death of Queen Anne, George the First ascended the throne under the provisions of the Act of Settlement,[1] but the partisans of the exiled family secretly endeavoured to foment jealousies and dis- 1714. George I.

[1] The 12 & 13 William III. cap. 2, *ante*, vol. i. p. 348.

content, and to stir up hostility to the government. Several persons of rank were impeached, others were arrested, and at length the Jacobites in Scotland broke out into open rebellion. There was likewise an insurrection in England, but after proclaiming the Pretender in the North, and being joined by the Scottish malcontents, the insurgents were compelled to surrender at Preston; and about the same time the Highlanders under the Earl of Mar, were defeated at Dumblaine, and the rebellion was so far put down as no longer to excite serious apprehension. At this juncture the Pretender came over in disguise, and joined his discomfited partisans in Scotland; but he was soon compelled to re-embark, and all hopes of success were for the present abandoned, both by him and his followers. The smouldering embers of disaffection still remained, however, and continued to keep alive an uneasy and unsettled feeling in the country, and in some degree to influence the policy of the government throughout the reigns of the first two sovereigns of the House of Hanover.

1714. 1 George I. stat. 2, cap. 5.

The Riot Act.

One of the earliest Acts of the new reign was 1 George I. stat. 2, cap. 5, for preventing tumults and riotous assemblies. After declaring that many rebellious riots and tumults have of late taken place, and are yet continued and fomented by persons disaffected to his Majesty, it enacts that if twelve or more persons tumultuously assemble together to the disturbance of the public peace, and, on being required by proclamation in the king's name to disperse, shall notwithstanding riotously continue together the space of one hour after such proclamation, the offenders shall be adjudged felons, and suffer death as in case of felony. The form of the proclamation is given, and it is directed to be openly read "with a loud voice" by the justice of peace, or other person authorised, as near to the said rioters as he can safely come, first com-

manding silence; and after the proclamation has been so read, the rioters may be forcibly dispersed, in doing which if any of them shall happen to be killed or hurt, the justice and others affecting such dispersion are held harmless. There is likewise a similar provision with respect to tumultuously assembling and demolishing or injuring churches, chapels, dwelling-houses, barns, and other buildings, the offenders therein being declared guilty of felony; in addition to which, the damage done by them is to be repaid by the hundred. This is *The Riot Act*, and it has continued in force to the present day.

1715. 1 George I. stat. 2, cap. 38. The Septennial Act.

Shortly afterwards, the celebrated Septennial Act was passed (1 George I. stat. 2, cap. 38). It begins by by reciting the 6 & 7 William and Mary, cap. 2,[1] by which the continuance of every parliament is limited to three years, and declares it to have been found by experience very grievous and burthensome, occasioning much greater expenses and more violent and lasting heats and animosities than were ever known before. It then enacts, that the present and all future parliaments shall have continuance for seven years. The passing of this Act must have helped to give stability to the government at that time, although it was then, and has ever since continued to be, objected to by many persons, as tending to a dangerous increase of the influence of the Crown. With the view of curtailing such influence, it was subsequently provided by the 1 George I. stat. 2, cap. 56, that no person having a pension from the Crown for any term or number of years, either in his own name, or in the name of any person for his benefit, shall sit or vote as a member, under a penalty of twenty pounds for every day in which he shall so sit or vote. The passing of this Act would seem to negative the assumption as to the undue or dangerous influence of the Crown; but the solicitude

1715. 1 George I. stat 2, cap. 56.

[1] *Ante*, vol. i. p. 334.

evinced by it for the independence of parliament is worthy of all praise.

1717. 4 George I. cap. 11.

The proneness to disorder, and the disregard of law which prevailed at this time, are evidenced by the passing of 4 George I. cap. 11, which declares that the laws in force against robbery, larceny, and other felonies, have not proved effectual to deter persons from being guilty of these crimes. It also declares that there is great want of servants in many of the American colonies, and it enacts, that persons convicted of grand or petit larceny, or felonious stealing, or of any offence within benefit of clergy, and who are liable to be whipped or burnt in the hand, "or have been ordered to any workhouse,"[1] may be sent to some of his Majesty's colonies in America for the space of seven years, and be made over to the use of any person who shall contract for such transportation for that period. And persons convicted of offences for which the penalty of death ought by law to be inflicted, may be transported, and so assigned to serve, for fourteen years. And if any such offenders shall return before the end of the terms respectively assigned to them, he or she so returning are made liable to be executed as a felon.

Persons convicted of larceny to be transported for seven years.

The 5th section of the Act declares that there are many idle persons under the age of one-and-twenty, lurking about in London and elsewhere who want employment, and may be inclined to enter into service in some of the American colonies, but that having no power to contract for themselves, "it is not safe for merchants to transport them or take them into such service." Wherefore it is enacted, that where any person between the ages of fifteen and twenty-one shall be willing to enter into service in the American colonies, it shall be lawful for any merchant to contract with such person to serve for a term not exceeding

[1] Pauperism and crime are thus treated as equal offences.

eight years, provided the person so binding him or herself comes before the lord mayor in London, or before two justices of peace if elsewhere, and acknowledges such consent and signs such contract, his doing which is to be certified to the next general quarter-sessions, and registered without fee and reward. This provision seems well calculated to relieve the metropolis and other large towns, from the number of young persons generally found idling about in such places, where they too often become initiated in vice and depravity. To remove them from the temptations by which they are surrounded, and place them for eight years beyond the reach of such demoralising influences, even although it were under a species of petty slavery, would be giving them a better chance for becoming useful members of society, than if they remained at home. So thought the framers of the present Act; and as the removal of these young persons was to be with their own consent, and guarded against fraudulent coercion by the intervention of the magistrates, there seems no insuperable objection to the mode in which it is here sought to be accomplished.

Youths idling about London and other towns may serve in the colonies.

The 5 George I. cap. 8, is in its import not very dissimilar to the statute just quoted. It commences by reciting, that "divers persons run or go away from their places of abode into other counties or places, and sometimes out of the kingdom, some men leaving their wives, a child, or children, and some mothers run or go away, leaving a child or children upon the charge of the parish or place where such child or children was or were born, or last legally settled, although such persons have some estates which should ease the parish of their charge in whole or in part." And it enacts, that it shall be lawful for the churchwardens and overseers of the poor of the parish or place where such wife, child, or children shall be left, under the warrant of two justices, to seize so much of the goods and chattels,

1718. 5 George I. cap. 8.

Desertion of families.

and receive so much of the annual rents, of such husband, father, or mother, as such justices shall order, towards the discharge of the parish for bringing up and providing for such wife, child, or children. And the justices in quarter-sessions are further empowered to make an order, enabling the churchwardens and overseers to dispose of such goods and chattels by sale or otherwise, or so much of them as shall be deemed necessary for the aforesaid purposes; and the churchwardens and overseers are directed to account to the quarter-sessions for all money so received by them.

This Act brings to light a new incident in poor-law administration. The obligation imposed upon parishes, of providing needful relief for all persons belonging to or settled in them, has, we here see, led to the desertion of families, sometimes even, it would seem, by persons possessed of sufficient means for their support. To guard against this gross abuse of the law, and this abandonment of natural duty, it is now provided that the property of such persons may be seized by the parish officers, and applied to supporting the individuals so abandoned. A man may have deserted his family, and gone away to another county or place, or to another kingdom, but if he has left property of any kind behind him, it will now be made available for the support of the wife or the children whom he has forsaken. This Act is highly instructive, as showing the abuse to which every compulsory system of relief is more or less liable, even to the extent of blunting natural sympathies, and neutralising parental affection. It moreover shows the necessity for keeping a watchful eye upon the administration of all such relief, and for a jealous supervision of the laws by which it is prescribed.

1718. 5 George I. cap. 28.

The 5 George I. cap. 28, is entitled "An Act for the further Punishment of Persons who shall unlawfully destroy Deer," etc. It recites, that "disorderly

and riotous persons, in defiance of the laws, have of late in great numbers, with armed force, entered parks and other closed grounds where deer are kept, whereby bloodshed and murder hath frequently happened, and great mischief may ensue"—for prevention of which it is enacted, that any person who shall, without consent of the owner, enter a park or any enclosed ground where deer are kept, and wilfully wound or kill the same, or be aiding or assisting therein, shall, on conviction, be transported to one of the plantations in America for seven years. In the following year another Act was passed which, like the present, indicates the existence of a spirit of violence and disorder in the rural population at that time. The object of this last Act (6 George I. cap. 16) is declared to be for the better preservation of woods, etc.; and it recites, that "divers lewd, lawless, turbulent, and disorderly persons, sometimes in an open riotous and tumultuous manner, and at other times in a clandestine malicious and private manner, do enter the woods, plantations, parks, etc., of lords of manors and others, and make great havoc and destruction by cutting down, spoiling, plucking up, and carrying away wood, poles, fruit-trees, etc., there growing; and also by breaking open, throwing down, levelling, or destroying the hedges, gates, and fences, etc., to the great injury of such lords of manors and other owners." Doubts are then said to have arisen whether these offences are punishable by 1 George I., passed in 1715, for encouraging the planting of timber, fruit, and other trees, and for better preserving the same; and it is therefore enacted that the lords and other owners shall have remedy and satisfaction from the inhabitants of the parish, town, hamlet, or place adjoining such woods, etc., for the damage done, in the same manner and form as is directed by the Statute of Westminster (13 Edward I. sec. 46), "for dykes and hedges overthrown by persons in the night,

Against destroying deer, etc.

1719. 6 George I. cap. 16.

For better preservation of woods.

or at any other season when they supposed they were not espied." And the offenders are, on conviction, to be committed to the house of correction, with hard labour, for three months.

The above Acts are noticed chiefly on account of the information they afford as to the state of the country at that time. The people were, we see, over-prone to rebel against the restraints of the law, and to disregard the rights of property—a state of things unfavourable to social improvement, and to the progress of honest industry. This, moreover, was not confined to the land; for two years afterwards it was found necessary to pass "An Act for the more effectual Suppressing of Piracy at Sea." This Act (8 George I. cap. 24) declares, that the number of piracies, felonies, and robberies upon the seas, is of late very much increased, and that many idle and profligate persons have turned pirates, "whereby the trade into remote parts will greatly suffer, unless some further provision be speedily made." It is accordingly enacted, that if the commander of any vessel or other persons shall trade with, or furnish any pirate or robber upon the seas with ammunition, provisions, or stores of any kind, or shall confederate or correspond with any pirate, knowing him to be such, they shall be adjudged guilty of felony, and suffer accordingly. "And to the end that a further encouragement may be given to all seamen and mariners to fight and defend their ships from pirates," it is also enacted, that in case any of them shall be maimed or disabled in so doing, they shall be provided for in Greenwich Hospital preferably to mariners disabled by age. And masters and seamen not fighting and defending their vessels when attacked by pirates, as far as they are able, are to forfeit their wages, and be subject to six months' imprisonment.

1721. 8 George I. cap. 24. Against piracy, etc.

In what degree these disorders were attributable to the partisans of the House of Stuart, it is impossible to

say,—there may have been, and probably were other causes, but the political disquiet following upon the change of dynasty was assuredly one, if it were not indeed the chief.

1720. 7 George I. cap. 7.

For encouraging silk and woollen manufactures.

The 7 George I. cap. 7, is entitled "An Act to preserve and encourage the Woollen and Silk Manufactures," and it affords another instance, in addition to the many already cited, of a disposition in the legislature to force trade and manufactures into other channels than those in which they would naturally flow. The recital declares it to be "most evident that the wearing and using of printed, painted, stained, and dyed calicoes in apparel, household stuff, furniture, and otherwise, does manifestly tend to the great detriment of the woollen and silk manufactures, and to the excessive increase of the poor, and if not prevented may be the utter ruin and destruction of the said manufactures, and of many thousands whose livelihoods do entirely depend thereupon." The wearing or use of printed or dyed calico is then prohibited under a penalty of five pounds, and the selling of the same, unless it be for exportation, is likewise prohibited under a penalty of twenty pounds. These prohibitions of the use of calico appear extraordinary to us at the present day, when our ordinary clothing and the furniture of our houses so largely consist of this material, and when, moreover, such vast numbers of our people "whose livelihoods do entirely depend thereupon," are employed in the manufacture of cotton. But this only the more clearly proves the short-sighted policy of such restrictive legislation. Every attempt to force into use articles which are less eligible or less liked, and to prohibit the use of articles which are more liked and deemed more eligible, is sure in the long run to fail, and be the occasion of needless expense and privation to the people for whose benefit it is, as in this instance, professed to be intended. The extent to which our cotton manufactures have since

grown, the amount of employment they afford, and their immense importance to the country, place the above prohibitions in a point of view more markedly objectionable, and even absurd, than would be the case in most other instances; but all such interferences are essentially of the same character, and must be judged by the same standard.

1720. 7 George I. cap. 12. For regulating buttons and button-holes.

The above observations apply with equal force to 7 George I. cap. 12, by which it was attempted to encourage the manufacture of a particular kind of button and button-hole. It commences by reciting two statutes, one passed in the late, the other in the present reign (8 Anne, cap. 11, and 4 George I. cap. 7), in which it was enacted, "that no buttons or button-holes made of cloth, serge, drugget, frize, camblet, or any other stuffs, should be made, set, or bound on any clothes or wearing-garments whatsoever, by any tailor or other person," under a penalty of five pounds for every dozen of buttons and button-holes so set on and made. The present Act declares that these prohibitions have not been effectual, and that buttons and button-holes made of cloth and other stuffs are still usually made, set, and bound on clothes, etc., to the great impoverishment of the manufacturers of buttons and button-holes made of silk, mohair, and thread. Wherefore, in the present Act, the prohibition is repeated, but the penalty is reduced from five pounds to forty shillings for every dozen of such buttons and button-holes so illegally set on or made, the magnitude of the higher penalty probably rendering it ineffective.

1720. 7 George I. cap. 13. For regulating journeymen tailors.

The above Act for regulating buttons and button-holes is immediately followed by 7 George I. cap. 13, "For regulating Journeymen Tailors." This Act declares that "great numbers of journeymen tailors in and about the cities of London and Westminster, and others who have served apprenticeships, or been brought up in the art and mystery of a tailor, have lately

departed from their services without just cause, and have entered into combinations to advance their wages to unreasonable prices and lessen their usual hours of work, which is of evil example, and manifestly tends to the prejudice of trade, to the encouragement of idleness, and to the great increase of the poor"; and it then enacts that all covenants or agreements between such persons for advancing their wages, or for lessening their usual hours of work, are illegal and void, and every person offending therein is, on conviction, subjected to two months' imprisonment with hard labour.

The prohibiting of combinations may then have been necessary, but the Act does not stop there; it goes on to prescribe the hours of work, which are to be from six in the morning until eight at night, with an allowance by the master "of one penny halfpenny a day for breakfast, and one hour for dinner"; and it also prescribes the amount of wages, which between the 25th of March and the 24th of June are not to exceed two shillings a day, and for the rest of the year one shilling and eightpence. It further provides that, if any journeyman tailor shall quit service before the expiration of the term for which he was hired, or before completing the work for which he was retained; or if he, "not being retained or employed, shall refuse to enter into work or employment after request made for that purpose by any master tailor, for the wages and hours limited as aforesaid, unless it be for some reasonable and sufficient cause to be allowed by two justices of the peace," every person so offending is to be committed to hard labour in the house of correction for any time not exceeding two months. And if any master tailor or other person shall pay greater wages than the Act prescribes, he is to forfeit for every offence five pounds, one-half to the informer, the other half to the poor of the parish. To discourage idleness and prevent the increase of the poor, are assigned as

reasons for the passing of this Act; and they are no doubt legitimate objects of legislation, or rather, it may be said, object, for they can hardly be separated, poverty being the usual concomitant of idleness. But it may be questioned whether thus prescribing the hours of work, and the amount of wages, was the way to attain this object,—whether it would not, on the contrary, tend to produce an opposite result, by promoting and perpetuating indolence and poverty in the class of operatives to which the legislation applied? Yet this Act continued in force for nearly half a century, and until modified by 8 George III. cap. 17.[1]

The South Sea scheme.

About this time the public were much occupied with the South Sea scheme. The hopes and the fears, the frauds and the follies connected with this speculation, extended to every class from the highest to the lowest, and intensely agitated the whole community. The Acts 7 George I. caps. 1, 2, and 5, were passed in reference to this matter, and afterwards, in 1721, 7 George I. stat. 2, was passed, under the title of "An Act for making several Provisions to restore the Public Credit, which suffers by the Frauds and Mismanagements of the late Directors of the South Sea Company and others." The publications of the day teemed with dissertations and denouncements on the subject, but notwithstanding the dishonest practices to which it gave rise, and the many evils by which the so-called "South Sea Bubble" was accompanied and disgraced, it may not have been without a certain amount of beneficial influence on the enterprise and industry of the country, by enlarging the views of commercial men, and pointing out new fields of action for the hardy and adventurous, and new channels for the profitable employment of capital.

1721. 7 George I. stat. 2.

1722. 9 George I. cap. 7.

The 9 George I. cap. 7, applies immediately to our main subject, and is entitled "An Act for Amending

[1] See *post*, p. 71.

the Laws relating to the Settlement, Employment, and Relief of the Poor." It recites the clause of 3 William and Mary, cap. 11,[1] which provides that in every parish a book should be kept, wherein the names of all persons receiving relief, and the occasion thereof, should be registered, and that no other person should be allowed relief, except in case of pestilential disease, plague, or smallpox, but by authority of a justice of peace, residing in or near the parish, or by order of the justices in quarter-sessions — under colour of which provision it is declared, "many persons have applied to some justices of peace without the knowledge of any officers of the parish, and thereby, upon untrue suggestions, and sometimes upon false and frivolous pretences, have obtained relief, which hath greatly contributed to the increase of the parish rates"—for remedy whereof it is enacted, that no justice of peace shall order relief to any poor person, until oath be made of some reasonable cause for having relief, and that application had been made for it to the overseers of the poor, or to the vestry of the parish, and was by them refused; nor until the overseers had been summoned to show cause why the relief should not be given. And it is further directed, that any relief which may be ordered by a justice of peace, is to be recorded in the parish book, and is to be continued only so long as the cause for it continues; and also, that any overseer or parish officer who shall give relief not so ordered and recorded, "except upon sudden and emergent occasions," shall forfeit and pay the sum of five pounds to the use of the poor of the parish.[2]

Justices not to order relief without first communicating with the overseers.

The churchwardens and overseers of the poor are

[1] *Ante*, vol. i. p. 323.

[2] For remarks upon this restriction of the justices' powers, and a comparison of English and Scotch Poor Law policy in this respect, see *History of Scotch Poor Law*, p. 88.

moreover empowered, with the consent of the vestry, "to purchase or hire any house or houses, and to contract with any persons for the lodging, keeping, maintaining and employing any or all such poor persons in their respective parishes, etc., as shall desire to receive relief, and there to keep, maintain, and employ all such poor persons, and take the benefit of their work, labour, and service." Where any parish shall be too small to hire or purchase a house for the poor of their own parish only, two or more such parishes may, with the approbation of the vestry and the consent of any justice of peace dwelling in or near the same, unite in purchasing or hiring such house for keeping and maintaining the poor of the parishes so uniting, and there to lodge, keep, and maintain them accordingly, and have the benefit of their labour. It is further enacted, that the churchwardens and overseers of any parish having such house or houses may, with the consent of vestry, "contract with the churchwardens and overseers of any other parish for the lodging, maintaining, or employing any poor persons of such other parish as to them shall seem meet," such persons not thereby to acquire a settlement. And in case any poor persons shall refuse to be lodged and maintained in such house or houses, they are to be "put out of the book in which the names of persons who ought to receive relief are registered, and shall not be entitled to ask or receive relief from the churchwardens and overseers."

Parishes may unite in providing a house for keeping and maintaining their poor.

We here see that the system of relief had reached a head, which the organisation of the smaller parishes was unequal to control, and aid was sought, first by providing a workhouse in the larger parishes, and then by enabling the smaller ones to unite for that purpose, and lastly, by empowering a parish, having a house of sufficient size, to contract for the maintenance and employment of the poor of other parishes, thus extend-

ing its usefulness beyond the limits of the parish to which it belonged.

In these efforts to establish a species of test for the prevention of fraud, and the guidance of parish officers in administering relief, we may trace the germ of what was afterwards accomplished in this respect. The insufficiency of individual judgment for deciding upon the claims and representations of applicants—whether they are actually and unavoidably destitute, or that destitution is simulated and unreal—whether, if existing, it was occasioned by idleness or vice, or was owing to circumstances beyond the applicant's control. On these points, the insufficiency of personal judgment seems in the present Act to be tacitly admitted, and an attempt is made to relieve the parish authorities from a portion of their responsibility, by enabling them to offer lodging and maintenance in the parish houses, which if the applicant should refuse, he will be no longer entitled to relief of any kind. The power now given to contract with persons for maintaining and employing the poor, "and taking the benefit of their labour and service," will obviously be liable to abuse, and is therefore of doubtful policy; but it shows that the evils of pauperism were at this time of such magnitude as to call for extraordinary remedies, and this contract system was resorted to as one. Its results will appear in the provisions of a future Act.[1]

Workhouse Test

The 5th section provides, that no person shall be deemed to acquire a settlement in any parish by purchase of any estate or interest therein, of less value than *thirty pounds*, to be "*bonâ fide* paid"; and such settlement is to continue so long only as the purchaser retains and occupies the property, failing in which, he is liable to be removed to the place where he was last legally settled "before the said purchase and inhabiting therein." It must be presumed that settlement had

The purchase and occupancy of a tenement of not less than £30 value necessary for giving a right of settlement.

[1] See 45 George III. cap. 54, *post*, p. 137.

been, at least in some instances, acquired by means of fraudulent purchase or occupancy, and this not altogether by the poor themselves, but with the aid or by the connivance of other persons, having an interest in procuring such settlements to be made in parishes where they would not be called upon to contribute. To guard against the fraudulent evasion of a legal liability, it is now we see provided that £30 must be "*bonâ fide* paid" by the purchaser and occupant of a tenement, in order to confer a right of settlement, and that such right is only to continue so long as he holds and occupies the premises, which of course are rated to the relief of the poor. It is likewise enacted, that a payment of the scavenger or highway rate shall not confer a right of settlement, "any law to the contrary in anywise notwithstanding." This refers to 3 William and Mary, cap. 11,[1] which provides that any person who pays rates and taxes, or holds a public annual office in a parish, obtains thereby a right of settlement. But this is now found to be productive of inconvenience, as the payment of a trifling scavenger or highway rate, might lead to a parish being burthened with a charge to which it was not justly liable, and from which it would otherwise be legally exempt. We have here another instance of the fraud and injustice to which the law of settlement is apt to give rise.

Shortly after the passing of the present Act, many parishes took advantage of its provisions by hiring or erecting workhouses, or by uniting or contracting with other parishes for the maintenance and employment of their poor; and it was found that in either case the proceeding led to a reduction of the rates. A work was published in 1725, and republished in 1732, giving an account of upwards of a hundred of these establishments in different parts of the country. The substance of this account is abstracted in considerable detail by

[1] *Ante*, vol. i. p. 323.

Sir Frederic Eden,[1] but it is here only necessary to observe respecting it, that although in every instance the use of the workhouse was at first successful in causing a considerable reduction in the cost of relief, yet it was not permanently effective for the purpose, the charge after a time increasing, and continuing to do so, until in most cases it exceeded the amount at which it had previously stood. This result cannot now occasion surprise, for these workhouses were established, and mainly conducted, with a view to deriving profit from the labour of the inmates, and not as being the safest means of affording relief by at the same time testing the reality of their destitution. The workhouse was in truth at that time a kind of manufactory, carried on at the risk and cost of the poor-rate, employing the worst description of the people, and helping to pauperise the best. The ultimate tendency of establishments so founded, and so conducted, was to increase the burthen of relief, to lead the entire labouring population to a dependence upon the rates, and to bring them down to the lowest level individually and socially.

Character and results of the workhouses established under 9 George I. cap. 7.

Notwithstanding the enactments of 5 & 6 of the present reign, caps. 28 and 16,[2] robberies and violence still prevailed, and confederacies were formed in various parts of the country, exciting terror, exacting contributions, and committing various illegal Acts; for preventing which, 9 George I. cap. 22, was now passed. It declares that many ill-designing and disorderly persons have of late, under the name of "*blacks*," confederated to support one another in illegal practices; "and have in great numbers, armed with swords, firearms, and other offensive weapons, several of them disguised and with their faces blackened, unlawfully hunted in forests belonging to his Majesty and in the

1722. 9 George I. cap. 22.

[1] Sir F. Eden's *State of the Poor*, vol. i. pp. 269–288.

[2] *Ante*, p. 7.

parks of divers of his subjects, and destroyed, killed, and carried away the deer, robbed warrens, rivers, and fishponds, and cut down plantations; and have sent letters in fictitious names demanding venison and money, and threatening some great violence if such their unlawful demands should be refused, or if they should be interrupted in, or prosecuted for, their wicked practices; and have actually done great damage to several persons who have either refused to comply with such demands or have endeavoured to bring them to justice"—for remedy of which, it is enacted, that any person who shall commit any of the above offences, or shall maliciously kill or maim any cattle, or shall set fire to any building or to any stack of corn, straw, hay, or wood, or shall maliciously shoot at any person, or forcibly rescue any person in custody for any of the above offences, "shall be adjudged guilty of felony, and shall suffer death without benefit of clergy." It is likewise enacted, that the hundred shall be answerable to an amount not exceeding £200, for the damage any person may have suffered by the commission of any of the above-named offences, the same to be recovered by action against any of the inhabitants of the hundred. For the better discovery of offenders, justices are empowered to issue warrants authorising officers to enter houses, and search for venison stolen or unlawfully taken, etc.; and if any person shall be killed, or lose an eye or the use of a limb, in apprehending offenders under this Act, such person (or his representatives as the case may be) is entitled to receive from the county the sum of fifty pounds.

1725. 12 Geo. I. cap. 30.

The above Act was subsequently continued by 12 George I. cap. 30, and must therefore be presumed to have proved beneficial. The punishments it inflicts seem severe, but the occasion for them appears to have been urgent. Burning houses and cornstacks, killing

and maiming cattle, and destroying plantations, are offences which the community is bound on the principle of self-preservation to spare no efforts for putting them down. The plundering of parks and fishponds may be deemed a more venial offence, but this is very much a question of circumstances and degree; for if associations, armed and banded together, were formed for the purpose of committing these depredations, and resisting or overawing the proprietors or the officers of the law, it became equally essential to the general weal that such practices should be abolished, and that nothing necessary to this end should be omitted.

1725. 13 Geo. I. cap. 34.

We have seen what was done in 1720 for regulating journeymen tailors.[1] The 13 George I. cap. 34, is now passed "to prevent unlawful combinations of workmen employed in the woollen manufactures, and for better payment of wages." The recital declares, that great numbers of weavers and others have lately entered into unlawful combinations to regulate the prices of goods, and to advance wages, and have committed great violences and outrages, "and by force protected themselves and their wicked accomplices against law and justice," so that it is necessary more effectual provision should be made against such unlawful combinations, etc. It is accordingly enacted, that all covenants and bye-laws for regulating the prices of goods, or advancing wages, or lessening the hours of work, are and shall be illegal and void; and that any person knowingly entering into the same in future, or that shall attempt to put any such illegal bye-law or agreement into execution, shall, on being convicted thereof before two or more justices of peace, be committed to hard labour for three months in the house of correction or county jail, as the justices may determine. It is further enacted, that if any weaver or woolcomber etc., shall quit his service before the expiration of the

[1] *Ante*, p. 10.

term for which he is hired, or if he fails to finish his work according to agreement, unless for some reasonable cause, to be judged of and allowed by two justices, he shall be committed to hard labour in the house of correction for any time not exceeding three months. And if any woolcomber, etc., wilfully destroys goods or work wherewith he is intrusted, he is to pay the owner double the value thereof, or be committed to hard labour for not exceeding three months.

Payment by way of truck prohibited.

The Act moreover directs, that clothiers, or persons concerned in making woollen cloths, etc., shall pay the people whom they employ the full wages agreed upon in money; and if any clothier, etc., shall pay the weavers and the people he employs any part of the wages agreed upon "in goods, or by way of truck, or in any other manner than in money, contrary to the true intent and meaning of this Act," he is to forfeit the sum of ten pounds, one-half to the informer, the other half to the party aggrieved. This is an extension of the penalty imposed by 10 Anne, cap. 26,[1] which is only twenty shillings, one-half to the informer, the other half to the poor of the parish; but by increasing the penalty to ten pounds, and dividing it between the informer and the workman, an almost irresistible inducement would be created for giving effect to the Act, and preventing its evasion through fraud and collusion. On the other hand, the masters are protected against violence or dictation on the part of their workmen, the Act providing that, if any person shall assault or abuse a master clothier, etc., for not complying with the rules of any of the fore-mentioned illegal associations, or shall write or send any message or letter to such master threatening to burn or destroy any buildings, or to cut down or destroy any of his trees, or to maim or kill any of his cattle, for not complying with the demands of his workmen,

[1] *Ante*, vol. i. p. 375.

etc., he shall on conviction be declared guilty of felony, and be transported for seven years. As far as protecting the workmen from fraudulent payments, and the masters from violence and dictation, these enactments were doubtless right. But to prohibit the workmen from agreeing together and peaceably combining to obtain an increase of wages, would place them at a disadvantage with regard to their employers, and was carrying legislative interference beyond what either the justice of the case or sound principle warrants.

1727. Death of George I.

We have now reached the close of the reign of George the First. He died suddenly at Osnabruck, on his way to Hanover, on the 11th of June 1727. His character has been variously drawn, but all must admit that, as a sovereign, he exhibited considerable talent and much energy under circumstances of more than ordinary difficulty.

The most material circumstance in connection with the Poor Laws which occurred in his reign, is the increase in the number of workhouses, through the greater facilities afforded by 9 George I. cap. 7,[1] for providing these establishments, and for adapting them to the purposes of relief. Numerous Acts for the formation of roads, and for making rivers navigable, and extending and improving the means of transit and inland communication were likewise passed, all being evidences of increasing wealth and the greater intelligence and industry of the people. Inoculation for the smallpox, which had long been practised in Turkey, was introduced in England by Lady Mary Wortley Montagu, and a palliative was thus furnished for one of the worst scourges by which humanity is assailed.

George II. 1727-1760.

George the Second succeeded to the Crown on the death of his father; and the new parliament, which

[1] *Ante*, pp. 12 and 13.

assembled in the January following, expressed in warm terms their sense of the benefits the country enjoyed under the government then happily established, and promised to support his Majesty in whatever was necessary for its maintenance, and for upholding the national honour.

1733. 6 Geo. II. cap. 31. Regarding bastard children.

The first Act of the present reign requiring notice, is 6 George II. cap. 31, entitled "An Act for the Relief of Parishes from Charges arising from Bastard Children." Its recital declares, that "the laws now in being are not sufficient to provide for the securing and indemnifying parishes and other places, from the great charges frequently arising from children begotten and born out of lawful matrimony"; and it enacts, that if any single woman shall be delivered of a bastard child that is chargeable, or likely to become chargeable, or shall declare herself to be with child, and that such child is likely to be born a bastard and to be chargeable, and shall upon oath before a justice of peace charge any person with having gotten her with child, it shall be lawful for such justice, on application of the overseers of the poor, to cause the immediate apprehension of such person, and to commit him to prison, unless he gives security to indemnify the parish, or to appear at the next general quarter-sessions and abide the orders there made. If however the woman making the charge should happen to die or be married before she is delivered, or if she miscarry, or appear not to have been with child, the person so apprehended is to be discharged from his recognizance; and so likewise, if no order shall be made upon such person (under 18 Elizabeth, cap. 3[1]) within six weeks after the woman's delivery, the man is to be discharged from his imprisonment. It is however specially provided, that no justice of peace "is to send for any woman before she shall be de-

18 Elizabeth, cap. 3.

[1] *Ante*, vol. i. p. 165.

livered, and one month after, in order to her being examined concerning her pregnancy or supposed pregnancy, nor to compel any woman before she shall be delivered to answer to any questions relating to her pregnancy."

The charges arising from bastardy must have been found burthensome to parishes, and this Act was intended to afford a remedy, by enabling the woman to procure the apprehension, and eventually the imprisonment of the man to whom she had improperly submitted, and whom she may perhaps even have tempted to the commission of the crime. But it may well be doubted whether the remedy sought to be applied, did not in this instance, as in so many others, turn out a bane rather than a benefit, and instead of shielding female virtue and relieving parishes from charge, tend to weaken the defences of the one, and increase the burthens of the other.[1]

1732. 5 Geo. II. cap. 31, and 6 George II. cap. 2.

Two Acts closely connected with our subject were passed about this time, and require some notice. The 5 George II. cap. 31, and 6 George II. cap. 2, are both Acts referring to an association entitled "*The charitable corporation for relief of the industrious poor, by assisting them with small sums upon pledges at legal interest.*" This association was established a few years previous, with the avowed purpose of assisting the poor, and most likely many worthy persons aided in its formation; but, like some other associations ostensibly formed for a like purpose, it was worked for the benefit of a few designing men, at the cost of their dupes and followers. This seems to have been early ascertained in the present instance, and the first-named Act provides for the appointment of a commission for taking and determining all claims made by the creditors of this (so-called) "charitable corporation," as well as of persons claiming a share or interest in its stock or

[1] See pp. 240, 258, 278, 306, 317, and 359, *post*.

funds, and also requiring its promoters to appear before the Commissioners of Bankruptcy. The second Act extends the time for effecting these objects, and provides against the fraudulent realising or assigning any debts due from such promoters. The number of sufferers by this scheme must have been considerable, or they would hardly have commanded the early and earnest sympathy of the legislature, as they appear to have done. That the association would have failed of serving the class for whose benefit it professed to be intended, even independently of the frauds which tainted its administration, cannot well be doubted. To hold out inducements to the "industrious poor" to borrow "small sums upon pledges," is surely not the way to promote provident habits among them. On their industry, prudence, and forethought, their condition in life will mainly depend; and anything that tends to divert them from relying upon these qualities, or which draws off their attention to other means, either for meeting a casual want, or for the supply of one that is more permanent and general, can hardly fail of being injurious.

1734. 7 Geo. II. cap. 21.

Against robbery and violence.

The 7 George II. cap. 21, declares "that many of his Majesty's subjects have of late frequently been put in great fear and danger of their lives, by wicked and ill-disposed persons assaulting and attempting to rob them"; and to the end that all persons may be deterred from committing such offences, and for the greater punishment of such offenders, it is enacted, that if any person shall with any offensive weapon assault or menace, or forcibly demand money or goods of any other person with intent to commit robbery, every person so offending shall be adjudged guilty of felony, and be liable to transportation for seven years; and if he breaks jail, or returns before the expiration of the seven years, he is to suffer death. With an extended traffic and increasing wealth, the temptations to acts of

robbery and dishonesty were no doubt increased, and the only preventives would be a larger diffusion of moral and religious instruction, or a greater certainty and severity of punishment. To impart the first, even where a right appreciation of its advantages exists, would require time and preparation. The last is more readily attainable, and we accordingly find it in most cases the one that is adopted; at least adopted in the first instance, and generally persevered in until, like other prompt and powerful appliances, it produces a disease of its own, possibly as bad as that for which it was deemed a specific, and more chronic and intractable.

1738. 11 Geo. II. cap. 22.

The 11 George II. cap. 22, recites, that "many disorderly and evil-minded persons have of late assembled in great numbers and committed great violences, and done many injuries, with intent to hinder the exportation of corn, whereby many have been deterred from buying and following their lawful business therein, to their great loss and damage, as well as the great damage and prejudice of the farmers and landholders, and of the nation in general"—for preventing of which disorderly practices it is enacted, that all persons so offending shall, on conviction, be subjected to imprisonment and hard labour for a period not exceeding three months, nor less than one month, and likewise be once openly whipped in the town or seaport near which the offence was committed. For a second like offence they are declared guilty of felony, and are to be transported for seven years. The damages committed are recoverable from the hundred, to the extent of £100, in like manner as in the case of robbery on the highways. At this time a bounty was allowed on corn exported, and the quantity which this bounty caused to be sent out of the country, seems to have alarmed the people who resided in the neighbourhood of the ports whence the corn was shipped, and

raised a cry and a dread of scarcity and high prices, to guard against which they endeavoured to prevent its exportation.

Of the impolicy, and indeed the injustice of such bounties, that is, of taxing the whole community for the benefit of a part, there can be no doubt; but it does not appear that at the time of passing this Act there was any material increase of price, although in the year following there was a scarcity, which, but for the forced and artificial exportation under the influence of the bounty, would probably have been less felt.

1739-40. Winter extremely severe. The Thames frozen over. High price of corn.

The winter of 1739–40 was exceedingly severe. The frost set in at Christmas, and lasted till the end of February. The Thames was frozen over, and tents and booths were erected on the ice. The cold was so intense that many persons perished, and the people generally suffered great distress through the stoppage of their usual occupations. Mr. Tooke refers to the winter of 1739–40 as "one of extraordinary severity and duration,"[1] followed, he says, by a very deficient harvest, so that the price of wheat, which at Lady-day, 1739, had been 31s. 5d. the quarter in Windsor market, rose at Lady-day, 1740, to 41s. 9d., and at Michaelmas to 56s.; and he further states that the price in the Oxford market at Michaelmas, 1740, was 59s., whilst at Michaelmas, 1738, it had only been 20s. 2d. The scarcity was deemed sufficient to call for legislative interference, and 14 George II. cap. 3, was passed, prohibiting the exportation of corn, etc., for one year. This prohibition and a favourable harvest the following year, had the effect of reducing the price to 32s. at Michaelmas, 1741.[1]

1740. Prices of corn. Exportation prohibited.

1740. 13 Geo. II. cap. 29. Exposed and deserted children.

The 13 George II. cap. 29, recites, that in October of the year preceding, "His Majesty, in compassion to the numbers of poor infants who are liable to be exposed to perish in the streets, or be murdered by their indigent

[1] Tooke's *History of Prices*, vol. i. p. 43.

and inhuman parents," had granted a charter of incorporation "to the governors and guardians of the hospital for the maintenance and education of exposed and deserted young children," enabling them to purchase lands, erect buildings, and do whatever might be necessary for the purpose; but that, "by reason of the laws now in force for the relief of the poor, many difficulties may arise in carrying into execution the good intents of the said charter, and further powers are requisite." Accordingly such further powers are now granted, and the governors are authorised "to receive, maintain, and educate all or as many children as they shall think fit," and it is declared that all persons whatsoever may bring any child or children to such hospital to be received, maintained, and educated therein, and that no churchwarden or overseer shall stop or molest any person bringing such child or children, under a penalty of forty shillings. No parish officer is to have authority in such hospital, and no settlement is to be gained by a residence therein. The governors are authorised to employ the children in any sort of labour or manufacture, or to hire or let out the labour of such children, or to bind them apprentices to any persons willing to take them, or to place them out as mariners or servants, "until the age of twenty-four if a male, and twenty-one if a female," and every such binding or hiring is to be held as effectual "as if such children were of full age, and by indenture or otherwise had bound or hired themselves."

Institutions similar to the above had long existed on the Continent, especially in France and Italy; but this was the first Foundling Hospital established in England. The object of its promoters was to prevent the exposure and the murder of illegitimate children —doubtless a praiseworthy object; but the facility afforded by such institutions, for hiding or averting the

consequences of a vicious indulgence, experience has shown to be an incentive to incontinence. The shame and the burthen consequent upon a departure from female virtue, are probably its most potent safeguards; and if these be removed, by enabling the mother to obtain with secrecy as regards herself, a maintenance for her child, better in all respects than the wife of an ordinary labourer would be able to obtain, an increase of bastardy and the demoralisations which accompany it, must be expected to follow. Such, wherever foundling hospitals have been established, whether in France, in Italy, in England, or in Ireland, has been found to be the result; and they may therefore be held, in no slight degree, to create the evil which they are intended to mitigate or to cure.[1] But it may be further remarked, that wherever a system of poor-law relief prevails, foundling hospitals are especially to be deprecated. The really destitute, whether infant or adult, are alike provided for if the law be rightly administered, and that moreover in a way least calculated to outrage or pervert moral influences; and the establishment of a foundling hospital must, in such cases, not only be uncalled for, but would prove an absolute evil.[2]

1739. War declared against Spain, with which France takes part, and both support the cause of the Pretender.

The serious outrages committed by the Spaniards on our commerce rendered a war with Spain inevitable, which was accordingly proclaimed in October 1739, France shortly after taking part against us, and both declaring in favour of the Pretender. The support thus given to his cause by France and Spain, whilst it greatly encouraged his adherents, excited alarm and

[1] A graphic account of the consequences resulting from such establishments is given in the *Quarterly Review* (No. CVII.) for April 1835, in an article on "English Charity," attributed to Sir Francis Head, in which the reader will find much interesting information on this and other matters either immediately or remotely connected with the relief of the poor and the condition of the people.

[2] The foundation and subsequent history of the Dublin Foundling Hospital are described and commented upon by the author in the *History of Irish Poor Law*, pp. 35, 44, 45, and 248.

distrust in England, and an Act was passed (17 George II. cap. 6), declaring the nation to be "threatened with an invasion by a French power, in concert with disaffected persons at home, to the subversion of the Protestant religion and the laws and liberties of the kingdom," and empowering the king to secure and detain all suspected persons.

1744. 17 Geo. II. cap. 6.

The young Pretender landed in the west of Scotland, assembled the Highland clans, and then marching to Edinburgh caused his father to be proclaimed at the Market Cross. He afterwards defeated the king's troops at Prestonpans, which added to the number of his followers. An army was sent against him under the Duke of Cumberland, but before it could reach the North, the Pretender had quitted Edinburgh, captured Carlisle, and advanced to Manchester. He was there joined by a few English of little note, and then proceeded to Derby, where his father was again proclaimed with the usual formalities. But finding that the English people adhered to the government, he determined, as a last resource, to retreat to Scotland, where, in April 1746, he was entirely defeated at Culloden, and his followers dispersed. In the following year (1747) our navy obtained two victories over the fleets of France, and in 1748 a general peace was established by the treaty of Aix-la-Chapelle.

1745. The Pretender defeats the king's troops at Prestonpans.

1746. The Pretender defeated at Culloden.

1748. Peace of Aix-la-Chapelle.

The legislation of a period generally indicates the nature of the offences at the time most prevalent; and in 1741, 14 George II. cap. 7, was passed "For preventing the Stealing and Destroying Sheep and other Cattle." It recites, that "evil-disposed persons have of late made it their practice, secretly in the night, to drive away and steal great numbers of sheep, and likewise to kill great numbers of sheep and to strip off their skins, and then steal the carcases, leaving the skins behind to prevent discovery; and also to kill and cut open the sheep, and take out and steal their

1741. 14 Geo. II. cap. 6.

Against stealing or destroying sheep or cattle.

inward fat, leaving the carcases behind to prevent being discovered; by which wicked practices many persons have been very greatly injured, and put to very great charges in having their sheep and other cattle watched." In order to prevent such evil practices, it is now enacted, that if any person shall feloniously drive away or steal any sheep or other cattle, or shall wilfully kill any of the same with the felonious intents above specified, all persons convicted of such offence "shall suffer death, as in cases of felony, without benefit of clergy"; and the person apprehending any such offender, will be entitled to a reward of £10, to be paid by the sheriff of the county where the offence was committed. By 15 George II. cap. 34, this Act is to be "deemed and taken to extend to any bull, cow, ox, steer, bullock, heifer, calf, and lamb, as well as sheep, and to no other cattle whatsoever"—leaving deer under the protection of the previous law.[1]

1742. 15 Geo. II. cap. 27. Against stealing cloths, wool, and yarn.

With a like intent of protecting property unavoidably much exposed, 15 George II. cap. 27, was passed for preventing cloths, yarn, or wool, from being stolen. The recital declares, that "clothiers, and others concerned in the woollen manufacture, are under a necessity of letting their cloth and other woollen goods remain upon the rack or tenters, as also of suffering their wool to lie exposed, in the night-time, in order the better to dry and prepare the same, whereby the said goods are liable to be stolen by wicked and evil-designing persons, who are encouraged thereto by the difficulty of proving the identity of the goods stolen." It is therefore enacted, that in case any such goods so left out to dry, etc., shall be taken away or stolen, any justice of peace, on complaint thereof within ten days, may issue a warrant authorising the search of the premises of suspected persons, and if any of the stolen goods be found therein, forthwith to apprehend all the persons having

[1] *Ante*, 5 George I. cap. 28. p. 7.

such goods in their possession; and if they do not give a satisfactory account of how they became possessed of such goods, they are to be adjudged to have stolen them, and for the first offence are to forfeit and pay treble the value to the owner thereof, and in default of payment be committed to gaol for three months. For a second offence the committal is to be for six months, and a third offence entails the penalty of transportation for seven years. The punishment in this case is much less severe than that awarded against sheep-stealers by the preceding Act, but was probably not on that account less effective. In both cases the owners are of necessity compelled to leave their property much exposed, one in the open field, the other in the bleach-ground; and therefore some special attention seems to have been required for guarding it from depredation.

1744. 17 Geo. II. cap. 3.

Overseers to give notice of making a rate, etc.

The 17 George II. cap. 3, is entitled "An Act to oblige Overseers to give Public Notice of Rates made for the Relief of the Poor, and to produce the same." It declares in the recital, that great inconveniences often arise through the unlimited power of church-wardens and overseers of the poor, who often for private ends make rates in a secret and clandestine manner, contrary to the true intent of the statute of Elizabeth. For remedy whereof it is enacted, that notice shall be given publicly in the church, of every rate allowed by the justices for the relief of the poor, the Sunday next after such allowance, without which notice no rate is to be held valid. It is further provided, that every inhabitant shall be permitted to inspect such rate "at all seasonable times, and may obtain a copy of the whole, or any part thereof, "paying at the rate of sixpence for every twenty-four names." And if any churchwarden, overseer, or other authorised person, shall not permit a parishioner to inspect the rates, or shall refuse or neglect to give copies thereof, they are to forfeit and pay to the party aggrieved the sum of twenty pounds. This

is a highly important statute, as regards the making and levying the poor-rate. By securing publicity, it provides the best safeguard against abusive or partial assessments, and the want of such a guard had evidently been felt by the ratepayers. But something more was still necessary, for preventing an improper disbursement of the money raised, and here also we find publicity resorted to as a means of protection.

1744. 17 Geo. II. cap. 38.

Overseers to account.

The 17 George II. cap. 38, recites, that "by reason of some defects in 43 Elizabeth, cap. 2, the money raised for the relief of the poor is liable to be misapplied, and there is often great difficulty and delay in raising of the same." For remedy whereof it is enacted, that the churchwardens and overseers shall yearly, within fourteen days after quitting office, deliver to their successors a true and perfect account, fairly entered in a book to be kept for the purpose, of all sums of money by them received, or rated and assessed and not received; and of all goods, chattels, stock, and materials in their hands, and of all moneys disbursed by them, and of all other things concerning their said office; and they are also to deliver over to their successors the moneys, goods, and other things remaining in their charge. In case the churchwardens and overseers shall refuse or neglect so to make and deliver such account, or shall refuse or neglect to deliver over to their successors the moneys, goods, and other things in their hands, the justices are empowered to commit them to gaol, until they deliver such account, or have paid and delivered the money, goods, and other things as herein is directed. The account is to be signed and attested on oath by the churchwardens and overseers, and the ratepayers are to be permitted at all seasonable times to inspect the same on payment of sixpence, and to obtain copies of the whole, or any part thereof, on paying sixpence for every hundred words, and so on in proportion for any greater or less number. If any one feels aggrieved

Overseers on quitting office, to deliver to their successors a perfect account of the money received and disbursed, etc.

by any rate or assessment, or shall object to any person's being put on or left out of the rate, or to the sum charged on any person therein, or by anything done or omitted to be done by the churchwardens and overseers, or by any justice of peace, such person, on giving reasonable notice, may appeal to the next quarter-sessions, which is empowered to receive and finally determine the same.

Succeeding overseers are empowered to levy arrears of rate, and the goods of persons assessed, and refusing to pay, may be distrained for the amount. Overseers are moreover protected against vexatious actions, on account of want of form, or irregularity of procedure. And as persons frequently remove out of parishes without paying the rates assessed on them, and other persons enter and occupy the premises during part of the year, "by reason whereof great sums are annually lost to such parishes"—it is enacted that the person coming into occupation shall be liable to pay the rate that was due by his predecessor when he quitted the premises. Parish officers refusing or neglecting to obey the Act are, on proof thereof before two justices of the peace, to forfeit not less than twenty shillings, nor more than five pounds, to the poor of the parish.

The person entering on occupation is liable for the rate due.

The amount at which property is rated should obviously be open to revision whenever a change takes place in its actual value, whether arising from improvement, deterioration, or any other cause; and 17 George II. cap. 37, was passed for preventing disputes with regard to the rating, etc., of "improved wastes, and drained and improved marsh-lands." It recites, that "in divers counties great quantities of waste and barren lands, and lands which were formerly fen or marsh ground, or covered with water, have been of late years improved or drained, and are now of very considerable value, and the inhabitants and occupiers thereof ought to pay a proportionable part of the rates

1744. 17 Geo. II. cap. 37.

Rating of reclaimed and improved lands, etc.

for the relief of the poor, in like manner as other inhabitants and occupiers, and likewise to bear and pay a proportionable part of all other parochial rates: but great difficulties frequently arise in determining to what parish such lands belong or ought to be rated,"—wherefore it is enacted, that the occupiers of all such improved lands, etc., shall be rated to the relief of the poor and other parochial charges, within the parish which lies nearest to such lands, etc., and in the same way as any other description of property is rated. And if any dispute or difference should arise therein, it is to be determined on appeal by the persons interested, at the next general quarter-sessions of the peace. We here see evidence that great improvements had been effected, and were in progress, in the drainage and reclamation of waste lands, a sure proof of the growing prosperity of the country.

1744. 17 Geo. II. cap. 5.

The 17 George II. cap. 5, is entitled "An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons." This is the well-known Vagrant Act, which has substantially remained in force to the present day, although not without receiving considerable modifications. The subject had been previously twice legislated upon in the present reign, first by 10 George II. cap. 28, and next by 13 George II. cap. 24, each of these Acts being, however, based upon the statute 13 Anne, cap. 26.[1] The present Act takes a more comprehensive view of the question than was done in any preceding statute, although it begins as usual by reciting that "the number of rogues, vagabonds, beggars, and other idle and disorderly persons daily increases, to the great scandal, loss, and annoyance of the kingdom." It then divides the several offenders into three classes, namely, the *disorderly*, the *rogues*

[1] Vol. i. p. 377. This is 12 Anne, statute 2, cap. 23, in the common octavo edition of the Statutes.

and vagabonds, and the *incorrigible rogues*, and assigns specific punishments to each.

The *first* class comprises—all persons who threaten to run away, and leave their wives or children to the parish; all persons who unlawfully return to a parish, from whence they have been legally removed; all persons who, not having wherewith to maintain themselves, live idle without employment, and refuse to work for the usual wages; all persons going about from door to door, or placing themselves in streets, highways, or passages, to beg or gather alms—persons so offending are to be deemed *idle and disorderly*, and may be committed by a justice of peace to hard labour in the house of correction, for any time not exceeding one month. Any person may apprehend such offenders and carry them before the justice, and thereby be entitled to a reward of 5s.; and if an offender shall resist, or escape from the person so apprehending him, he is to be subjected to the higher punishment of a rogue and vagabond.

The *second* class comprises—all persons who run away, and leave their wives and children chargeable to the parish; all persons going about as patent gatherers, or gatherers of alms, under pretences of loss by fire or other casualty, or as collectors for prisons, gaols, or hospitals; all fencers and bearwards; all minstrels and jugglers; all common players of interludes, and persons who for hire or reward act or perform, or cause to be acted or performed, any interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, not being authorised by law; all persons pretending to be gipsies, or wandering in the habit or form of Egyptians, or pretending to have skill in physiognomy, palmistry, or like crafty science, or pretending to tell fortunes, or using any subtle craft to deceive and impose, or playing or betting at any unlawful games or plays; all petty chapmen

and pedlers, wandering abroad, not being duly licensed; all persons wandering abroad and lodging in alehouses, barns, outhouses, or in the open air, and not giving a good account of themselves; all persons wandering abroad and begging, pretending to be soldiers, mariners, seafaring men, or pretending to go to work in harvest; and all other persons wandering about and begging—persons so offending are to be deemed *rogues and vagabonds.*

The *third* class comprises—all persons apprehended as rogues and vagabonds, and escaped from the persons apprehending them, or refusing to go before a justice, or to be examined on oath, or refusing to be conveyed by a pass as herein directed, or giving a false account of themselves; and all rogues and vagabonds who shall break or escape out of any house of correction; and all persons who, after being punished as rogues and vagabonds and discharged, shall again commit any of the said offences—all such are to be deemed *incorrigible rogues.*

Apprehension of rogues and vagabonds, etc.

Any person apprehending a rogue and vagabond, or an incorrigible rogue, and carrying him before a justice, will thereby be entitled to a reward of 10s., and the justice is required to examine the offender as to his circumstances and place of settlement, and make a written record of such examination, and transmit the same to the next quarter-sessions to be there filed. The justice is likewise empowered to order any such offender to be publicly whipped, or to be sent to the house of correction until the next general quarter-sessions, or for any less time, and, after such whipping or confinement, to pass such offender to his place of settlement in the form prescribed. If the defender be committed until the next general quarter-sessions, and if the justices there assembled adjudge him to be a rogue and vagabond, or an incorrigible rogue, they may order the former to be kept at hard labour for any

further time not exceeding six months, and the latter for any further time not exceeding two years nor less than six months, with such whipping as they in their discretion think fit, and afterwards pass him to his place of settlement. If any incorrigible rogue break prison, or make his escape before the time limited, or if he again commit a like offence, he is to be deemed guilty of felony, and may be transported for seven years.

Privy search for rogues and vagabonds.

The justices are moreover empowered, once a quarter, or as often as need be, to direct a general privy search in one night, throughout their several divisions, for finding and apprehending rogues and vagabonds; and every justice may, on information of rogues and vagabonds being within his jurisdiction, issue his warrant for their apprehension. The justices are likewise empowered to regulate the passing of rogues, vagabonds, and incorrigible rogues, and to direct how they are to be conveyed, whether "by horse, cart, or on foot," and what is to be allowed for the same; and if, on searching a vagrant, it be found that he has money or effects wherewith to pay the whole or any part of the charge for apprehending and passing him to his place of settlement, the justice is to order the same to be so applied accordingly. Justices may also direct masters of ships bound to Ireland, or to the Channel Islands, to take on board and convey thither any vagrants belonging to these places, and the master refusing or neglecting so to do, is liable to a penalty of £5.

Rogues and vagabonds when apprehended to be kept at work.

The 19th section directs that "the parish or place to which any rogue, vagabond, or incorrigible rogue is passed, shall take care to employ in work, or place in some workhouse or almshouse, the persons so conveyed to them, until they betake themselves to some service or other employment. And in case they refuse to work, or shall not betake themselves to some service

or other employment, the overseers may cause such persons to be carried before some justice of the peace, in order to be sent to the house of correction, there to be kept for hard labour. If the place of settlement of any of these offenders cannot be ascertained, so that he may be passed thither, the justices are to order him to be detained and employed in the house of correction until he can provide for himself, or can be placed out in some lawful calling as a servant, apprentice, soldier, mariner, or otherwise, either at home or in the colonies, which the justices in sessions are empowered to do, in such manner as they may think fit. By the 20th section, the justices are empowered to direct constables, churchwardens, and overseers of the poor, to apprehend lunatic and insane persons, and cause them to be locked up in some secure place, and if the justices deem it necessary, to be there chained; and the charges of removing, keeping, maintaining, and curing any such lunatic or insane person during such restraint, are to be defrayed, under an order of two justices, out of any property belonging to such person, and if he has no means or effects, then by the parish to which he belongs.

Lunatic and insane persons to be secured.

"And whereas persons, hereinbefore described to be rogues, vagabonds, or incorrigible rogues, are much encouraged in wandering about by the reception they too often meet with in villages and places where they are permitted to lodge in houses, barns, and other buildings, by means whereof, and their falling sick there, great expenses are sometimes brought upon parishes"—for remedy thereof the 23rd section enacts, that any person who permits such an offender to lodge or take shelter in his house or outbuildings, and does not apprehend and carry him before a justice of peace, or give notice to some constable so to do, shall forfeit a sum not exceeding 40s., nor less than 10s., one-half to the informer, the other half to the poor of the parish.

Harbouring of rogues and vagabonds prohibited.

The 24th section recites, that "it was often found that persons offending against the Act had children with them, whom they bring up in a dissolute course of life, destructive to such children and prejudicial to the kingdom, in which a race of disorderly persons will increase if such children are suffered to remain with such offenders"—and it therefore enacts, that where any such child is above the age of seven years, the justices in quarter-sessions may order such child to be placed out as a servant or apprentice to any person willing to take it, until the child shall arrive at the age of twenty-one, or for any less term, as to the justices may seem meet. "And whereas women wandering and begging are often delivered of children in places to which they do not belong, whereby they become chargeable to the same, the 25th section provides, that in every such case the churchwardens and overseers may detain such woman until they can safely convey her before some justice to be examined and committed to the house of correction, until the next general quarter-sessions, when the justices there assembled "may, if they see convenient, order her to be publicly whipped and detained in the house of correction for any further time not exceeding six months"; and the child, if a bastard, is not to be deemed settled in the place where it was so born, but in the place of the mother's settlement, to which it may be passed under the provisions of the present Act.

Children of rogues and vagabonds to be apprenticed or put to service.

The mother may be whipped or imprisoned.

It is obvious how much the efficient working of this Act must depend upon the existence of a well-managed jail or house of correction, without which the Act would be in great measure nugatory. The justices in quarter-sessions are accordingly empowered by the 30th section, on its being presented by the grand jury that the houses of correction are insufficient either in number or extent of accommodation, to build, provide, or enlarge such houses as may be deemed necessary,

Justices empowered to provide houses of correction.

and to raise the money required for that purpose, and to visit and regulate the same. These provisions, combined with the other powers which the Act confers upon justices to search for, arrest, whip, pass, and convict offenders, give them a large discretion in dealing with the vagrant classes, whom they are empowered to judge and punish according to the several degrees of culpability in each case.

The evil of vagrancy and vagabondism must be presumed to have been extremely burthensome, to call for such repeated enactments for its repression, within the short period of thirty years. The 13 Anne, cap. 26, was passed in 1714, and comprised the substance of all the previous laws on the subject, together with whatever additions were then considered necessary, the whole systematically arranged, and seeming to leave no room for further legislation. Yet the present Act is the third which has since been passed, enlarging and still further methodising the law for the suppression of this social evil, the difficulty of dealing with which is evidenced, not alone by these repeated enactments, but also by the larger discretionary powers confided to the justices. Such powers must have been deemed necessary for mastering the evil, or they would not have been conferred; and although they may in some instances have been injudiciously or oppressively exercised, there is reason to believe that they were on the whole beneficial, and helped to reduce the vagrancy within limits not incompatible with the advance of civilisation, and the growing prosperity of the country.[1]

Dr. Burn, in his *History of the Poor Laws*, published in 1764, gives a striking summary of the series of enactments for punishing vagrancy, from the earliest period down to the passing of the present Act, and which he declares to be worthy of the savages of

[1] For general remarks on vagrancy, see *History of Scotch Poor Law*, pp. 206 and 207.

America—"almost all severities having been practised against vagrants, except scalping"; but none of which, he says, wrought the desired effect. And he subsequently, with great force and truth, adds: "The prevention of poverty, idleness, and a loose and disorderly education, even of poor children, would do more good to this kingdom than all the gibbets, and cauterizations, and whipping-posts, and gaols in the kingdom; and would render these kinds of discipline less necessary and less frequent."

1746. 19 Geo. II. cap. 21. Against profane swearing.

The 19 George II. cap. 21, was passed "for more effectually preventing profane cursing and swearing." It recites that "the horrid, impious, and execrable vices of profane cursing and swearing, so highly displeasing to Almighty God and loathsome and offensive to every Christian," are becoming so common as to justly provoke the divine vengeance. The laws in being having failed to prevent these crimes, are repealed,[1] and it is now enacted, that if any person shall profanely curse and swear, and be thereof convicted before a justice of the peace on the oath of one or more witnesses, the person so offending, if a day-labourer, soldier, or sailor, shall forfeit one shilling; if under the degree of gentleman, two shillings; and if above that degree, five shillings. For a second offence the forfeit is to be double, and for a third and every other offence treble the above sums. Justices are empowered to inflict these fines on persons offending in their presence, or within their hearing; and all constables, tithingmen, and peace officers are required to seize and secure any such offender, if unknown, and carry him before a justice; and if known, to make information before a justice, in order that the offender may be punished. If a justice fails in fulfilling his duty under this Act, he is to forfeit five pounds, and a constable or other officer so failing is to forfeit forty

[1] Namely, 21 James I. cap. 20; and 6 & 7 William III. cap. 11.

shillings, one half to the informer and the other half to the poor of the parish.

This Act goes considerably beyond that of 21 James I. cap 20.[1] Not only are justices and peace officers subjected to penalties if they fail in duly punishing offenders, but in order to secure a strict and impartial execution of the law, the offenders are divided into classes, on each of which a distinctive fine is imposed, an offender in the rank of a gentleman forfeiting five shillings, where a person of inferior position would forfeit two, and a day-labourer or common soldier or sailor, would forfeit one. We may gather from this, as indeed we learn from other sources, that swearing was not confined to the lower orders of the people, but prevailed also among the higher; and the Act is accordingly framed to bear pretty equally upon each. It could hardly fail of checking, in some degree, the prevalent profanation; but the most certain corrective will be found in a better education, and in the spread of sound religion.

1747. 20 Geo. II. cap. 19.

The 20 George II. cap. 19, is an Act "for the better adjusting and more easy recovery of the wages of certain servants; and for the better regulation of such servants, and of certain apprentices." The laws in being are first declared insufficient and defective, and it is then directed that all differences between masters or mistresses, and servants in husbandry hired for one year or longer, or between masters and mistresses and artificers, handicraftsmen, miners, colliers, keelmen, pitmen, glassmen, potters, and other labourers employed for a certain time, shall be heard and determined by one or more justices of the county or place where such masters or mistresses reside. The justice is empowered to take, upon oath, the complaint of a master touching the misconduct of any servant, etc., and to examine into and adjudge the same, and to punish the offender

Justices may decide between masters, servants, and apprentices.

[1] *Ante*, vol. i. p. 237.

by commitment to the house of correction, "or otherwise abating some part of his or her wages." And the justice is likewise empowered to take, upon oath, the complaint of any servant, etc., and to summon the master, inquire into the matter of complaint, and determine accordingly, "although no rate or assessment of wages has been made that year by the justices of the shire where such complaint shall be made."

With respect to apprentices, put out by the parish or otherwise, "upon whose binding out no larger sum than £5 was paid," two or more justices of the county or division are empowered, on complaint by any such apprentice "touching or concerning any misusage, refusal of necessary provision, cruelty, or other ill-treatment," to summon the master or mistress, and examine into the matter of complaint, and upon proof thereof to their satisfaction, to discharge such apprentice by warrant under their hands. The justices are likewise empowered, on complaint made upon oath by any master or mistress, "touching or concerning any misdemeanour, miscarriage, or ill-behaviour" on the part of their apprentice, "to hear, examine, and determine the same, and to punish the offender by commitment to the house of correction, there to remain and be corrected and held to hard labour for a reasonable time, not exceeding one calendar month, or otherwise by discharging such apprentice in manner before-mentioned.

The justices of peace are now, therefore, not only empowered to fix and determine the rate of wages in the several occupations throughout England, but they are also empowered to judge and determine whatever differences may arise between the employers and the employed, either with respect to wages, or any other cause of complaint. The last occasion on which the power of limiting wages appears to have been exercised,

was a little more than twenty years previous to the passing of the present Act, when the justices of the county palatine of Lancaster, "upon conference with discreet and grave men of the said county," on the 22nd of May 1725, established the following as a maximum scale :[1]—

		Without Meat and Drink.			With Meat and Drink.		
		£	s.	d.	£	s.	d.
A bailiff in husbandry or chief hind, by the year, not above			...		6	0	0
The best millers	not above	10	0	0	5	0	0
A chief servant in husbandry that can mow or sow, and do other husbandry well	,,		...		5	0	0
A common servant in husbandry of 24 and upwards	,,		...		4	0	0
A man-servant from 20 to 24 years of age	,,		...		3	10	0
A ditto from 16 to 20 ditto	,,		...		2	10	0
The best woman-servant, being a cook, or able to take charge of a household	,,		...		2	10	0
A chambermaid, dairymaid, and washmaid, or other mean servant	,,		...		2	0	0
A woman-servant under 16 years of age	,,		...		1	10	0
LABOURERS BY THE DAY.							
The best husbandry labourer, from the midst of March to the midst of September		0	1	0	0	0	6
An ordinary sort of husbandry labourer, ditto		0	0	10	0	0	5
The best husbandry labourer, from the midst of September to the midst of March	not above	0	0	10	0	0	5
The ordinary sort of ditto	,,	0	0	9	0	0	4
Man haymaker	,,	0	0	10	0	0	6
Woman haymaker	,,	0	0	7	0	0	3
A mower of hay	,,	0	1	3	0	0	9
Man shearer	,,	0	1	0	0	0	6
Woman shearer	,,	0	0	10	0	0	6
Hedgers, ditchers, palers, and thrashers	,,	0	0	10	0	0	6
Masons, carpenters, joiners, plumbers, tilers, slaters, coopers, and turners, who are not master workmen	,,	0	1	0	0	0	6
The master workman who has others working under him	,,	0	1	2			
Bricklayers, plasterers, white-limers	,,	0	1	0	0	0	6
A master bricklayer, who has others working under his direction	,,	0	1	2			
A pair of sawyers, by the day	,,	0	2	0	0	1	0
A master tailor	,,	0	1	0	0	0	6
A journeyman tailor and apprentice	,,	0	0	10	0	0	5
WORK IN GREAT.							
For an acre of oats, 7 yards to the rood	,,	0	5	0			
For an acre of barley, ditto	,,	0	6	0			
For an acre of wheat, ditto	,,	0	7	0			

[1] See Sir F. Eden's *State of the Poor*, vol. iii. p. 106.

		Without Meat and Drink.			With Meat and Drink.		
		£	s.	d.	£	s.	d.
Thrashing, winnowing, or fanning a quarter of oats	,,	0	1	0			
Ditto barley, beans, and peas	,,	0	1	6			
Ditto wheat and rye	,,	0	2	0			
Wheelwrights.							
Sawing a rood of boards, 22 feet to the rood	,,	0	8	0			
Hewing a gang of fellies	,,	0	1	0			
Making a plough	,,	0	2	0			
Brickmakers.							
For casting the clay, moulding it according to the statute, making the kiln and burning it, having straw and other necessaries laid by, for every thousand of six score to the hundred	,,	0	3	0			
Hedgers and Ditchers.							
For a new ditch out of the whole ground, 4 feet wide, 3 feet deep, 18 inches in the bottom, double set with quicks, and setting a hedge upon it, after the rate of 8 yards to the rood, and gathering sets for the same		0	1	0			
For making a rood of ditch of like breadth and depth, without quicks		0	0	10			
For making a rood of a usual hedge, the stuff laid by		0	0	3			
Colliers.							
Miners in high delfe (a standing delfe), for 24 baskets (a tunn)		0	1	0			
Miners in low delfe (a sitting delfe), for 24 baskets		0	1	3			
Paviours.							
For paving every square yard, having the usual foundation made, and the materials laid by		0	0	1			

The above order shows the minute precision with which the justices exercised the powers conferred upon them for regulating the rates of wages, and the remuneration of labour; and the scale therein prescribed affords a means of comparison with what is usually paid on like occasions on the present day. In 1725 the price of wheat in Windsor market, according to the Eton Tables, was 43s. 1¼d. a quarter, Winchester measure. At the time I now write (1853) the Mark Lane price of wheat is 44s. the quarter, scarcely differing from what it was a century and a quarter ago,

Comparison of 1725 with 1853.

whilst wages have at least doubled since then, and the price of clothing has fallen more than one-half. There can therefore be no doubt that a far greater portion of the comforts and conveniences of life are now attainable by the working classes than could be obtained by them at the previous period, and their general condition must necessarily be so far improved.

1749. 22 Geo. II. cap. 27. Against combinations of workmen.

The penalties against the combination of workmen in certain trades, imposed by several previous statutes, including 13 George I. cap. 34,[1] together with the other provisions of those Acts, are now extended by 22 George II. cap. 27, to all journeymen and other persons employed in hat-making, or in the manufacture of silk, mohair, fur, hemp, flax, cotton, iron, leather, or wool—in short, all combinations of workmen whatever are prohibited. Such a prohibition can only be justified, on the ground of its being necessary for the protection of life and property, or for the preservation of the public peace; but no such cause of justification was adduced on the present or on the previous occasions, and this absolute prohibition of all combinations whatsoever must therefore be held to have gone beyond the limits of justice and sound policy.

1749. 22 Geo. II. cap. 44. Enabling soldiers, etc., to exercise trades.

Shortly after the above, 22 George II. cap. 44, was passed, enabling officers, mariners, and soldiers to exercise trades, "many of whom, the wars being now ended,"[2] would, it is said, willingly employ themselves in trades, but are hindered from so doing by the statute of Elizabeth, "and because of certain bye-laws and customs in certain places." It is therefore enacted, that all officers, mariners, and soldiers who have been employed in his Majesty's service since his accession, and have not since deserted, may set up and exercise such trades as they are apt and able for, in any place within the kingdom, without let or molestation. This

[1] *Ante*, p. 19.

[2] By the peace of Aix-la-Chapelle, see *ante*, p. 29.

Act is nearly a repetition of 12 Charles II. cap. 16,[1] differing only according to the different circumstances of the two periods. In both cases the Acts must have been beneficial, by helping to change the sword into the ploughshare, and enabling individuals, no longer required for the purposes of war, to become associated with the productive classes in the operations of peace. The Acts must have been beneficial also in overruling, although only to this limited extent, the narrow and exclusive bye-laws, customs, and privileges claimed and enforced by the operatives in many trades, impeding improvement, enhancing price, and restricting the free exercise of industrial art—some of which restrictions, it is greatly to be lamented, remain even to the present day (1853).

1751. 24 Geo. II. cap. 23. Change of style.

The year 1751 is chiefly remarkable for the correction of the calendar, by 24 George II. cap. 23. The Act recites, that "the legal supputation, according to which the year beginneth on the 25th of March, differs from the usage of neighbouring nations, and hath been found attended with divers inconveniences"; and it therefore directs that the 1st of January next following shall be the first day of the year 1752, and that each succeeding new year shall commence on the 1st of January next preceding the 25th of March; and that the day immediately following the 2nd of September 1752, shall be accounted the 14th of September, "omitting for that time only the eleven intermediate nominal days of the common calendar." This was a change that had long been desired by all intelligent persons; but it was unpopular at the time, and long continued to be so with a large portion of the community, who regarded the change as a species of sacrilege.

1752. 25 Geo. II. cap. 37.

The 25 George II. cap. 37, recites, "that the horrid crime of murder has of late been more frequently per-

[1] *Ante*, vol. i. p. 275.

petrated than formerly, and particularly in and near the metropolis, contrary to the known humanity and natural genius of the British nation; and that it has therefore become necessary that some further terror and peculiar mark of infamy be added to the punishment of death, now by law inflicted on such as shall be guilty of the said heinous offence." It is accordingly enacted, that persons found guilty of wilful murder shall be executed the day next but one after sentence is passed, and that the body shall then be given for dissection, unless the judge should appoint it to be hung in chains; but in no case whatever is the body of a murderer to be buried without being first dissected or anatomised. The prompt execution of the criminal, followed by hanging in chains or dissection, would seem calculated to strike a wholesome terror into persons so brutalised, as to be insensible to the dread and horror of murder which nature has implanted in the human heart as a protection for human life. But yet the history of crime appears to lead to an opposite conclusion, and to show that punishments of extreme severity tend to harden the evil-disposed, and to render them more daring and more reckless. The true remedy in this, as in all similar cases, is prevention, not punishment.

Street robberies and defective police.

The metropolis appears to have been at this time, and for some years previous, without the protection of an efficient police, and life and property were consequently insecure. In 1728 the audacity of the street robbers got to such a height, that they formed a design to rob the queen in St. Paul's Churchyard, as she returned from supping in the City; and the design would probably have been executed, but that they were engaged in robbing one of the aldermen (Sir Gilbert Heathcote) when the queen's carriage passed. It was not until 1736 that the City was lighted with glass lamps throughout the year; and in 1744 the lord mayor

and aldermen, in an address to the king, represent, "that divers confederacies of great numbers of evil-disposed persons, armed with bludgeons, pistols, cutlasses, and other dangerous weapons, infest not only the private lanes and passages, but likewise the public streets and places of usual concourse, and commit most daring outrages upon persons whose affairs oblige them to pass through the streets, by terrifying, robbing, and wounding them; and these acts are frequently perpetrated at such times as were heretofore deemed hours of security." It is further stated, that some of the officers of justice have been shot at, some wounded, and others murdered, in endeavouring to discover and apprehend the said culprits, by which means they are intimidated from executing their duty. This was certainly a most unsatisfactory state of things, and its existence in the metropolis at that time was alike disgraceful to the government and injurious to the public.

1758. 31 Geo. II. cap. 11.

The law of settlement again required amendment, and 31 George II. cap. 11, was now passed for that purpose. It recites the 7th section of 3 William and Mary, cap. 11,[1] which declares an apprentice, bound by indenture and inhabiting in a parish, to be settled therein. The Act then recites, that in consequence of that law, "great numbers of persons have been unwarily bound apprentices by certain deeds, writings, or contracts, *not indented*, by which binding many of them have suffered great loss and damage, on account of their having been refused a settlement in such parish where they have been so bound and resided forty days, and have been removed to the parish where their last legal settlement was before such apprenticeship, where they have had no encouragement to exercise their trades, or opportunity to gain a livelihood." It is therefore enacted, that no person who has been, or

[1] *Ante*, vol. i. p. 323.

who shall hereafter be, bound an apprentice by any deed, writing, or contract, shall be liable to be removed from the parish where he has been so bound and been resident forty days, on account of such deed not being indented.

We see in this provision another instance of the antagonism introduced by the law of settlement. Each parish seeks to relieve itself by apprenticing out its children, or casting out its superfluous or useless members upon some other parish, which again endeavours to rid itself of the burthen by taking advantage of every loophole afforded by the law. Litigation is thus kept up, augmenting expenditure, and increasing the evils of pauperism; whilst, with respect to the working classes, the recital of the Act furnishes a conclusive argument against settlement as affecting them, by declaring that many of them, when removed back to the place of their legal settlement, had there "no encouragement to exercise their trades, nor opportunity to gain a livelihood"—that they were, in short, by such removal, forced into a state of pauperism and dependence, instead of being permitted to earn their living by their own industry, in the place best suited for such purpose.

1757. 30 Geo. II. caps. 1, 7, and 9.

On the assembling of parliament at the end of 1757, three Acts were passed (30 George II. caps. 1, 7, and 9) prohibiting the exportation of corn and flour, and permitting their importation free of duty. From 1741 to 1756 the seasons had been favourable, and the harvests abundant, and under the stimulus of a bounty, the exportation of corn had been throughout the period very considerable—so that when a deficient harvest occurred in 1756, the scarcity was immediately felt, and tumults broke out in many places, popular clamour being everywhere directed against the engrossers, who, it was asserted, by hoarding up great quantities of grain, had created an artificial scarcity, and deprived their fellow-creatures of bread, with a view to their

1756. A deficient harvest.

own private advantage. The price of bread and of provisions generally rose very high, and there was much suffering among the people. Before the harvest of 1756 had been ascertained to be materially deficient, the price of wheat in Mark Lane rose from 22s. to 26s. a quarter. In January 1757 the price rose to 49s. and 50s.; in February, to 47s. and 51s.; in March, to 46s. and 54s.; in April, to 64s.; the same in May; and in June, to 67s. and 72s.[1] The harvest of 1757, although somewhat deficient, was less so than the one preceding, and the six following years were highly productive. In 1759 all sorts of grain continued to fall in price, and great plenty is described as existing in every part of the kingdom; and in that year, by 32 George II. cap. 8, the exportation of corn is again freely permitted.

Prices of wheat and rates of wages.

The average price of wheat during the seventeenth century is given by Arthur Young at 38s. 2d. a quarter, and for the sixty-six following years at 32s. 1d., being a fall of 16 per cent.; whilst, according to the same authority, the wages of agricultural labourers, which on the average of the seventeenth century had been 10¼d. a day, were for the following sixty-six years a shilling, being a rise of 16 per cent. Within these periods, therefore, a rise in the rate of wages appears to have taken place coincidently with a fall in the price of corn;[2] and the comparison of prices adduced and commented on by Mr. Malthus, in his chapter on the corn wages of labour, seems to warrant the conclusion that a labourer, during the latter half of the seventeenth century, would be able to purchase with his day's earnings three-quarters of a peck of wheat, whilst, during the first half of the eighteenth century, wages having risen and corn fallen, the labourer would be able to purchase a whole peck.[3] These increased earnings

[1] See Tooke on *Prices*, vol i. pp. 48 and 55. [2] *Ibid.*

[3] See Malthus's *Principles of Political Economy*, pp. 240 and 252, 2nd edition.

would be applied to procuring an increase of comforts and conveniences, and in establishing a generally higher standard of living; and with this elevation in the people's physical condition, there would be a corresponding improvement morally and socially. If better clothed, better fed, and better housed, they would also be better conducted, they would have more to lose and less to gain by violence and disorder, and would be therefore less prone to resort to either—they would, in short, be elevated individually as well as socially.

1760. Death of George II.

George the Second died suddenly, and without any previous illness, on the 25th of October 1760, in his seventy-seventh year. His eldest son Frederick, Prince of Wales, had died ten years before, leaving a son, who now, as George the Third, succeeded to the throne.

CHAPTER XI

A.D. 1760–1786

Summary at the close of George II.'s reign—Accession of George III.—Schemes for Poor Law reform—Poor children in London parishes—Sir Jonas Hanway's Act—Fraudulent payments to the poor—The Magdalen Asylum—The Marine Society—Lying-in hospitals—Plan for parochial annuities—Regulation of wages and labour—Scarcity—Import and export of corn—Repeal of laws against "forestallers," etc.—American war—War with France and Spain—General scare—Results of the war—Population—Road, enclosure, and canal bills—Poor-rates—The steam-engine—Debates in parliament first published—Labourers' cottages—Parish apprenticeship—Gilbert's Act—Gipsies—Discharged soldiers and sailors—Poor law revenue and expenditure—Charitable donations.

George III. 1760–1820.

BEFORE entering on the reign of George the Third, it will be well to take a brief survey of the position at which we have arrived. After the Treaty of Aix-la-Chapelle in 1748, peace prevailed until 1756, when war with France was again declared; but although only then openly declared, the colonial possessions of the two countries had in fact been carrying on hostilities for three years previously. The war continued throughout the remainder of George the Second's reign, Austria uniting with France, and Prussia being the ally of England. Quebec was captured and Canada conquered in 1759, and the French power in North America was nearly annihilated; whilst in India, Clive's victory at Plassey on the 23rd of June 1757, was followed by the acquisition of the province of Bengal, and the establishment of English ascendency throughout the East.

Increase of trade.

The extension of our colonies naturally led to an extension of commerce, and the official value of our

exports, which on an average of the three years 1726, 1727, and 1728, amounted to £7,891,739, in 1748 was £11,141,202, and in 1760 was £14,693,270, being thus nearly doubled in the course of the present reign, a proof of the great advance in wealth and industry within that period. There can be no doubt that the increase of population kept pace with the advance of the country in other respects. At the end of Anne's reign in 1714, without pretending to exactitude, we have estimated the population at five millions and three-quarters.[1] In 1801 the first census was taken, by which the population of England and Wales, including the army and navy, was then ascertained to amount to 9,172,980. At the close of the reign of George the Second we may therefore, I think, venture to set it down at seven millions, although, in Mr. Finlaison's table before referred to, the population in 1760 is put at only 6,479,730.

Increase of population.

The amount of expenditure for relief of the poor partakes of the same uncertainty as the amount of the population. In 1715, at the close of the reign of Queen Anne, I have estimated the poor-rates at £950,000,[2] and the complaints of their continual increase were almost incessant throughout the two following reigns. But no definite information on the subject was obtained until 1776, when an Act was passed directing the overseers of every parish to make a return of the amount assessed and disbursed for relief of the poor, and other purposes, by which it appeared that the total amount levied in that year, in England and Wales, was £1,720,317, of which £189,517 went in payment of county-rates, leaving £1,530,800 for the relief of the poor,[3] and "litigations about settlements, removals, appeals, or other disputes," the amount of

1760. Amount of the poor-rates.

[1] *Ante*, vol. i. p. 382.

[2] *Ante*, vol. i. p. 383.

[3] See statement of "Local Taxation," printed by order of the House of Commons in 1839.

this latter item being £35,072, 0s. 8d. It may therefore be assumed that in 1760 the total charge for relief of the poor would fall little short of a million and a quarter.

Various plans for remedying the evil of pauperism, and preventing the growth of the charge for relief of the poor, were propounded about this time, several of which are described by Sir Frederic Eden, the chief of them being by Mr. Hay in 1735, by Mr. Alcock in 1752, by the Earl of Hillsborough and the celebrated Henry Fielding in 1753, and by Mr. Bailey in 1758. It is unnecessary to go into a detail of these various schemes, which were all mainly founded upon an increase in the number of workhouses, and on the employment of the inmates with a view to profit. None of these schemes were carried into effect, and they are chiefly deserving of notice, as showing the alarms and dissatisfaction which then prevailed with respect to the general operation of the law, and especially as regards settlement, the injurious consequences of which to the rate-payers and the working classes, as well as to the poor themselves, are strongly insisted upon by some of the writers. In 1759 a Committee of the House of Commons was appointed to investigate the subject, and a report which it made contains many judicious observations; but nothing further was done, and the question of the Poor Laws remained as before, excepting only that these various movements served to keep public attention more alive to the subject than might otherwise have been the case.

Schemes for reforming the poor law administration.

With the increase of employment consequent upon the increase shown to have taken place in exports, and the larger amount of the necessaries of life shown to be obtainable for the same amount of labour,[1] we are warranted in assuming that the general condition of the people was at this time materially improved. That

Improved condition of the people.

[1] See *ante*, p. 44.

such was the case is moreover evidenced by the increased consumption of tea, of which article only 141,995 lbs. were imported in 1711, whilst in the years 1759 and 1760 the importation amounted to 2,515,875 lbs., and perhaps, in the then state of England, no better test of advance in comfort and refinement could be named than an increasing use of tea. Mr. Charles Smith, author of the *Corn Law Tracts*, estimated[1] in 1765 that, of the six millions of people then supposed to be existing in England and Wales, 3,750,000 were consumers of wheat, 739,000 of barley, 888,000 of rye, and 623,000 of oats. Considerably more than half the population would thus appear to subsist on wheat instead of the inferior grains, a proof this of the improved condition of the people. The cultivation of the potato had also become general, thus making a large and most valuable addition to the means of human subsistence: but, it must be confessed, at the same time coupled with this danger, that the potato, being more easily and cheaply raised and prepared for use than any description of corn-crop, would be liable to become too exclusively the food of the people; whilst, owing to the tendency of the root to decay, and its never enduring beyond a year, any casual failure in the crop might occasion great privation and suffering.

Manufactures, mines, canals, etc.

Some improvements had been made in the steam-engine, but James Watt had not yet arisen to impart almost vitality to that wonderful machine. The woollen manufacture was still our great staple. Cotton was little used, spinning machinery not being yet invented; but Boards were established both in Ireland and in Scotland for the encouragement of the linen trade, and the manufacture of silk was making considerable progress. Iron-works were rapidly extending in the north, although the furnaces of Kent and Sussex were not yet abandoned. The mines of Cornwall

[1] See also Tooke on *Prices*, vol. i.

furnished a large supply of copper annually, and 30,000 persons were estimated to be employed in manufacturing articles of copper and brass. In 1758 the Duke of Bridgewater commenced forming the great water-communication which bears his name, for connecting Manchester with the neighbouring coalfields and with the port of Liverpool, and which reflects so much credit upon his energy and foresight, as well as upon the originality and skill of his engineer, Brindley. The success of that undertaking gave rise to others of a like nature; and navigable canals went on increasing, as the formation of turnpike roads had been increasing —the canals and the roads alike proving the advance of the country in wealth, enterprise, and industry, during the reign of George the Second.

Thus, adopting the sentiments and nearly the words of Mr. Hallam,[1] in the comparatively more peaceful period which followed the reigns of William and Anne, and especially in that portion of it which was under the prudent rule of Walpole, the seeds of our commercial greatness were gradually ripened. It was evidently the most prosperous season that England had ever experienced; and the progression being uniform, the reign of George the Second may not disadvantageously be compared, for the real happiness of the community, with the more brilliant period which has ensued. The labourer's wages had never commanded so large a portion of the means of subsistence. The public debt, though its magnitude excited alarms at which we are now accustomed to smile, did not press very heavily on the nation, as is shown by the low rate of interest, the government three per cent. securities having generally stood at par. The national debt at the Revolution in 1689 amounted to £664,263; at the accession of Queen Anne in 1702 it was £16,394,702; at the accession of George the First in

[1] See Hallam's *Constitutional History*, vol. ii. p. 446.

1714 it was £54,145,363; at the accession of George the Second in 1727 it was £52,092,238; and at the peace of Paris in 1763, three years after the accession of George the Third, it was £138,865,430.[1]

After this brief summary of the circumstances existing at the end of George the Second's reign, we will proceed to consider the legislation and detail the events which took place during the long and eventful reign of his successor.

Geo. III. 1760-1820.

George the Third was in his twenty-second year when he ascended the throne, on the death of his grandfather, the late king. The war in which the country was engaged, and in which Spain shortly afterwards took part against us, continued to be conducted with success, and was terminated at the end of 1762 by the Treaty of Paris; France then restoring Minorca, and ceding the Canadas, Cape Breton, and Louisiana, together with all pretensions to Nova Scotia, and Spain ceding the Floridas. Nova Scotia had been settled, and the town and port of Halifax founded, in the late reign, so that England now possessed the whole North American continent. The war in Germany was brought to a close early in the following year, on terms favourable to our ally the King of Prussia; and at this time, therefore, England may be regarded as standing high, if not the highest, among the powers of Europe.

Legislation was extremely active and multifarious throughout the reign of George the Third, although in the earlier part of it little comparatively was done with regard to the Poor Law; and it is now proposed to notice such portions of this legislation as appears necessary for exhibiting the social condition of the people in connection with the progress of the Poor Law, together with such brief reference to passing events as will keep the general state of the country before the reader.

[1] See M'Culloch's *Statistical Account of the British Empire*, vol. ii. p. 435.

We have just seen, that at the close of the late reign, the rates levied for relief of the poor in England and Wales had risen to a million and a quarter, and that much alarm was felt at the continual increase which year after year was taking place in their amount. This increase, and this alarm, led to the promulgation of various schemes for reducing the burthen of the rates, and for averting the evils which were supposed to be either caused or greatly augmented by their administration. It has not been thought necessary to give a detailed description of all these various schemes, but two were proposed which require to be noticed—namely, that by Dr. Burn, in deference to his high authority and great experience; and that by Mr. Cooper, recommending hundred-houses, many of which had been established, and were still continuing to be established, and generally with a good result. We will begin with the last.

1763. Mr. Cooper's scheme of hundred-houses.

Mr. Cooper's work on Charitable Institutions and the Poor Laws was published in 1763. He recommends that in every large hundred, and, where they are small, in two or three hundreds united, houses should be established, each house to comprise an infirmary for the sick and disabled poor, with means of employment for those who are able to work, and of correction for such as are able and not willing. Mr. Cooper proposes that these houses should be under the management of the gentry and clergy of the hundred, and he cites, as an example of their operation, the two small hundreds of Colnies and Carlford, in Suffolk, which were incorporated for the purpose by 29 George II. cap. 79, and where, he says, above £2000 had been saved in the four years from 1758 to 1762.[1] This, and other examples of a like nature, led to the establishing many such houses, as well in hundreds as in towns and large country parishes; but in every instance the inmates

[1] See Sir F. Eden's *State of the Poor*, vol. i. p. 343.

were employed with a view of obtaining profit by their labour, and in order that the burthen of the rates might thereby be lightened. This was made the chief object in all these houses, whether incorporated or parochial; and this object was, it must be admitted, as in the case of Colnies and Carlford, at first and for a time attained, although an opposite result would eventually be certain to follow. The workhouse in some shape or other continued, however, to be regarded as a fence against excess in the poor-rate, and formed henceforward a chief element in almost every scheme for lessening its amount or preventing its increase.

1764. Dr. Burn's plan of a paid overseer;

Dr. Burn, in his *History of the Poor Laws*, published in 1764, appears chiefly to rely for a corrective upon the activity and intelligence of a superior description of overseer, about the degree of high constable, to be specially selected for the office and paid accordingly, whose duty it should be to overlook and control the ordinary overseers, and to take measures for the relief and employment of the poor; "and particularly to provide work, according to the manufactures of the several places, or to set up some easy manufacture, if there should chance to be none."[1] For he says, "Here is now work for all the poor, if they were ten times as many as they are; here are more poor to be provided for, because we are become much more populous; here is scope to make the poor exceeding useful, and to render their lives comfortable and easy."[2] This information, coming from so high an authority as Dr. Burn, must have been exceedingly welcome to those whom he designates as "the poor"; but their forced and artificial employment in the way he recommends would necessarily cause an excess of production, and bring poverty and want upon others who, but for such interference, might have lived by their labour and maintained an industrious independence.

[1] See Dr. Burn's *History of the Poor Laws*, pp. 214 and 215. [2] *Ibid.*

Another of Dr. Burn's recommendations was to put an end to begging, without which he thinks other efforts will be fruitless, and this it is proposed to effect by punishing *the giver*. He says: "If none were to give, none would beg, and the whole mystery and craft would be at an end in a fortnight. Let the laws continue, if you please, to apprehend and punish the mendicants; but let something be also done effectually against those who encourage them. If the principal is punished, it is not reasonable the accessory should go free. In order to which, let all who relieve a common beggar be subject to a penalty."[1] This is, in fact, nothing more than was enacted by 14 Elizabeth, cap. 5,[2] but such prohibitions are practically of little avail, for as long as the people's sympathies are excited by the appearance of want, so long will the charitably disposed be impelled to give. The best preventive of the unreasoning benevolence which Dr. Burn denounces, will be found in the people's being convinced that the really destitute are relieved and properly provided for at the public charge. When this is done, there will still be room for the exercise of private charity in its best form, by administering to the less obtrusive but not less urgent wants arising from sickness, or other casualties, which are not of rare occurrence among those of the industrious classes whose spirits are too high to allow of their asking for aid, and who suffer in obscurity and silence, whilst the clamorous and less deserving obtain relief. and the prohibition of begging.

The paid overseer recommended by Dr. Burn, and the hundred or associated workhouse recommended by Mr. Cooper, were each excellent as means for improving Poor Law administration, and both continued to be more and more resorted to for that purpose. But the paid overseer was not, as Dr. Burn recommended, made the superior of the ordinary overseers, but their

[1] See Dr. Burn's *History of the Poor Laws*, p. 207.

[2] *Ante*, vol. i. p. 156.

assistant, and, as such, was shortly seen in most large parishes, and was generally selected on account of his qualifications for the office. The workhouses of that day, although faulty in their application and management, were yet, to some considerable extent, effective for economising expenditure, for sifting real from simulated destitution, and for separating the unavoidably destitute from others whose distress was occasioned by idleness or vicious indulgence, and who, if industrious, would not require relief.

1761. 2 Geo. III. cap. 22.

The first Act of the present reign requiring notice is 2 George III. cap. 22. It is limited to the Metropolis, and applies only to parishes within the Bills of Mortality, that is, to the seventeen parishes within the City walls, and the twenty-three without, the liberty of the Tower, and the ten parishes of Westminster. An efficient register in a prescribed form is ordered to be made by the churchwardens and overseers in each parish, of "all infants under the age of four years which on the 1st day of July shall be in the workhouse, hospital, or other place or places provided for the maintenance of the poor, or under the care of the churchwardens and overseers, with the times they were received, their names, age, and whatever relates to them as far as can be traced"; and also, that after the said 1st of July, a like registry shall be kept of "all infants under the age of four years, who shall be brought to any workhouse, hospital, or place provided for the maintenance of the poor, or be under the charge of the churchwardens and overseers in their respective parishes, with the times of their admittance, and all circumstances relating to them." These registries are to be continued annually, and duly authenticated, and carefully preserved with the parish books, under a penalty of 40s. for every omission or neglect.

The information obtained by the registry thus prescribed, led five years afterwards to the passing of

another Act, chiefly through the exertions of *Sir Jonas Hanway*, after whom it is usually named. A Committee of the House of Commons had been appointed to investigate the subject, and although the evidence laid before it was probably exaggerated, the Committee's Report showed that there were grounds for legislative interference on behalf of the poor children, numbers of whom perished annually through neglect, improper treatment, and the want of purer air than was to be found in the crowded streets of the metropolis. The 7 George III. cap. 39, accordingly directs, that all children under the age of six years, in the parishes comprised within the bills of mortality, who on the 1st of July 1767 shall be under the care of vestries, directors, managers of the poor, or parish officers, and all children who shall thereafter be received into the workhouses, etc., of such parishes, if above two and under six years of age, shall within fourteen days be sent into the country, to a distance of not less than three miles from any part of the cities of London and Westminster; and that "all children who after the said date shall be born in or be received into any workhouses, etc., belonging to the said parishes, being under the age of two years and not suckled by the mother, shall within fourteen days after their birth or reception be sent into the country to a distance of not less than five miles." The children so put out, are to be nursed and maintained at the charge of their respective parishes, not less than 2s. 6d. per week being directed to be paid until the child arrives at the age of six—after which, and until the child be bound an apprentice or return to the workhouse, not less than two shillings per week. A gratuity of ten shillings is likewise directed to be given to every nurse who, having taken charge of a child under nine months old, shall nurse and rear it satisfactorily for a whole year afterwards.

1767. 7 Geo. III. cap. 39. Sir Jonas Hanway's Act.

Guardians of the parish poor children.

It is moreover directed that, "in order the more effectually to guard against all dangerous consequences which may arise to the said children from false parsimony, negligence, inadvertency, or the annual change of parish officers, five noblemen and gentlemen, inhabitants of each parish, shall be appointed and chosen, under the title of *guardians of the parish poor children.*" They are to continue in office three years, and to visit and inform themselves fully of the condition of the children; and in case of neglect or improper conduct, whereby the health or the life of a child may appear to be in danger, the guardians are to report the same to the parish authorities, and if a remedy be not forthwith applied, the guardians are then to inform a justice of peace, who is "empowered to give such orders and directions therein as he shall think most proper."

Apprenticing of parish poor children.

The Act likewise contains provisions for the apprenticing of parish poor children, the fee in each case not to be less than £4, 2s., half to be paid within seven weeks, and the remainder at the end of three years. But "whereas it often disturbs the peace of domestic life, checks marriage, and discourages industry, to place out boys to the age of twenty-four years," it is therefore enacted that boys as well as girls may be apprenticed "for the term of seven years, or till they shall attain their respective ages of twenty-one years, and no longer."[1]

These Acts may scarcely appear to require this lengthened notice, not being of general application, and therefore not having a general interest; but they are nevertheless important as evidencing the humane and kindly feeling towards the poor as a class, and towards the helpless and infant poor in particular, which then prevailed. This feeling may be traced in

[1] This was afterwards made general by 18 George III. cap. 47. See *post*, p. 81.

every section of the present Acts, in some cases perhaps carried to an excess, but everywhere contrasting strongly with much of our previous legislation. Infant life is no doubt placed more or less in jeopardy in all great towns, and in the close and densely peopled districts of the metropolis the danger must be proportionally greater. In these districts, or in some confined and ill-managed workhouse, the infants supported by the parish were nurtured, and if they survived, there they were reared, not healthily or intelligently, but with mental faculties undeveloped, and physical powers feeble and attenuated. To remove such infants to the open influence of sun and air, must in itself have been a great good; and if this were accompanied by suitable means of education, the chief wants, natural and social, to which these poor children were exposed, would be supplied. The community would then have performed the duty devolved upon it, by training them up to become instruments of usefulness and strength, instead of leaving them to perish or to become a burthen and a source of weakness. Education was eventually, although imperfectly, provided; but this deficiency was again after a time corrected, each step in advance preparing the way for further improvement.

1769. 9 Geo. III. cap. 37.

The 9 George III. cap. 37, is an Act containing miscellaneous provisions respecting bricks, tiles, lottery tickets, and other matters; but its last clause provides for the protection of the poor from fraudulent payments by parish officers. It enacts, "that if any churchwarden or overseer, or other person authorised or intrusted by them to make payments for the use of the poor, shall knowingly make any such payments in base or counterfeit money, or in other than lawful money of Great Britain," upon complaint thereof being made to a justice of peace, such justice is required to summon the person charged with such offence, "and

Penalty on paying the poor in base money.

upon his non-appearance or confession, or upon proof on oath by a credible witness, in a summary way to adjudge the party so offending to forfeit for each offence a sum not less than ten nor more than twenty shillings, leviable by distress, and to be applied to the use of such poor persons of the parish as the justice shall direct." The silver currency was at this time much worn and deteriorated, and was further depressed in value by the admixture of spurious money fraudulently imported for the purpose of circulation. In every instance of debasement in the coinage, from whatever cause arising, the poorest class are most open to injury, and are the first and greatest sufferers; and the present enactment shows that the interest of this, the most helpless class, was not now neglected.

Another instance of the benevolent attention at this time paid to the condition of the inferior and helpless classes, is afforded by the "Act for establishing and well governing an Hospital for the reception, maintenance, and employment of penitent Prostitutes." This Act (9 George III. cap. 31) recites, "that in the year 1758, a charitable society was entered into by several noblemen and gentlemen and others for establishing a house for the reception, maintenance, and employment of penitent prostitutes, and the same hath been from time to time carried on and supported by voluntary subscriptions, and many persons have received relief from the said charity"; and in order to promote the same good designs, and render them permanent and effectual, the society is now incorporated under the above title, and empowered to erect the requisite buildings on land given for the purpose in St. George's Fields; and thus an "asylum" was provided, and is continued to the present day, for these the most degraded and most unfortunate of our fellow-creatures, who are at once the objects and the victims of man's vicious indulgence.

1769. 9 Geo. III. cap. 31.

Magdalen Asylum.

1772. 12 Geo. III. cap. 67. The Marine Society.

Three years after the above Act, and in a like benevolent spirit, 12 George III. cap. 67, was passed "For Incorporating the Members of the Marine Society, and for the better empowering and enabling them to carry on their charitable and useful Designs." The Act recites, that in 1756 a society was formed for placing out men and boys to the sea-service and other charitable purposes, which society, by the voluntary donations and subscriptions of well-disposed persons, had, in addition to clothing and fitting out 5451 seamen for the navy, and other charities, "also clothed, fitted, and placed out as servants or apprentices to officers in the king's ships, and to the merchant-service, 6306 boys who had no visible means of support, and who voluntarily offered themselves." It is then declared that the society hath been of use and advantage to the nation, and that if it were established upon a permanent foundation, and vested with proper powers, for "fitting out and apprenticing or placing out poor distressed boys to and for the service of the Royal Navy, and other ships and vessels belonging to English subjects, it would be of much more extensive use, as a means of supplying his Majesty's ships in time of war with seamen properly bred up and qualified for that service, and contributing to the commercial interests of the nation in time of peace, and also by assisting the inward police thereof in providing for the idle and consequently most dangerous members of society." Accordingly, it is enacted, that the members shall be and are incorporated by the name of "The Marine Society," and ample powers are given them for effecting these objects.

The Marine Society incorporated.

The hospital for the maintenance and education of exposed and deserted children, founded in 1740,[1] and the Marine Society now established, are each addressed to the common object of protecting infancy and early

[1] See *ante*, p. 26.

youth from perishing through want, or becoming the victims of crime. With respect to the "Foundling Hospital," there were circumstances tending to counteract the good which it seemed calculated to effect; but as regards the Marine Society, there was no such drawback. To take boys out of the streets of the metropolis, from the purlieus of vice and contamination, and place them in a way of becoming useful, would not only be to them a positive good, and add to the productive power and strength of the nation, but would also prevent a positive evil and the cause of national weakness and deterioration. Of the benefits the Marine Society has conferred upon the country, as well as upon the objects of its benevolent exertions, there can be no doubt; and it happily exists and continues to confer like benefits in the present day.

1773. 13 Geo. III. cap. 82.

Lying-in hospitals to be licensed. The children to follow the mother's settlement.

In the year following, 13 George III. cap. 82, was passed "For the better Regulation of Lying-in Hospitals," etc. The Act recites, that "through the humane and benevolent assistance of well-disposed persons, many hospitals and places have been established for the charitable reception of pregnant women, which have afforded great relief in times of the utmost distress, and therefore merit support and encouragement": but inconvenience is said to have arisen from the number of bastard children born in such places, which have brought unreasonable charges upon the parishes wherein such hospitals are situated, "to their great and unjust oppression." It is therefore enacted, that no such hospital or place shall be established, or continue to be used, for the reception of pregnant women, unless a licence be first obtained from the justices assembled in general or quarter-sessions of the county or division, such licence to be stamped and registered. And in order that it may be more generally known, there is to be inscribed over the principal entrance in large letters, "Licensed for the public recep-

tion of pregnant women, pursuant to the Act," etc. And it is then further enacted, that no bastard child born in any such hospital or place, shall be legally settled in or be entitled to relief from the parish wherein it is situated, but shall follow the mother's settlement, any law or usage to the contrary notwithstanding. The owner or person having the charge and management of every such hospital, is also required, before admitting any pregnant woman, to take her before a justice, to be examined upon oath whether she is married or single ; and if she shall not be able at the time of her admission to go and be so examined, then so soon as she shall be sufficiently recovered ; and the particulars of her examination are to be entered in a book kept for that purpose by the owner or manager of the hospital, and signed by the justice. After the woman shall be delivered, she may be kept and detained in such hospital "till she shall be adjudged in a fit condition to be discharged, and been examined with respect to the place of her legal settlement" ; but it is provided, that such detention shall not in any case be longer than six weeks after the woman's delivery, unless it be with her own free consent. A penalty of fifty pounds is imposed on the owner or manager of every such hospital, who wilfully neglects or refuses to comply with the directions of this Act, and churchwardens and overseers are subjected to a penalty of ten pounds for a like offence ; the penalties in each case to be applied, one-half to the poor of the parish, and the other half to the parties suing for the same.

The above Acts, passed in the early part of the reign of George the Third, possess much interest, as exhibiting the spirit by which the public of that day were actuated. They are all expressly designed to aid and give permanent and increased effect to institutions originating in private benevolence, supported by private charity, and carried into operation by the exertion of

private individuals, who thus became, as it were, the pioneers of legislation, enabling it to proceed on assured grounds, tested by time, and proved by experience.

About this time likewise (1772), with similar benevolent views, but also with the further object of lightening the pressure of the poor-rates, a measure for establishing life annuities in parishes for the benefit of the poor was proposed by Baron Maseres, and a Bill for the purpose was introduced, and passed the House of Commons, but was rejected by the Lords. Baron Maseres declared that his design in the proposed measure was "to encourage the lower ranks of people to industry and frugality, by laying before them a safe and easy method of employing some part of the money they could save out of their wages, or daily earnings, in a manner that would be most strikingly for their benefit"—to which end, in every parish in which there were two churchwardens and two or more overseers of the poor, the rateable inhabitants were to be made a body corporate, and empowered to grant deferred annuities not in any circumstance exceeding £20 per annum, and to commence at the age of fifty if a man, and at the age of thirty-five if a woman. The price of the annuities was set forth in a table computed for the purpose, and appended to the Bill, the minimum being £5. The money received in payment for such annuities was to be invested in government securities; and in addition to the security of the capital thus accruing, the purchasers were to have the further security of the poor-rates. This was the substance of the proposed measure; and without going into the many objections to which it is open, it may be sufficient to remark, that the labouring man's being compelled to hoard up his small savings until they amounted to five or ten pounds before he could lay them out in the purchase of an annuity, must go far to endanger his ever doing so, and be certain to render the measure abortive. A ready

1772. Baron Maseres' plan of parochial annuities.

and secure means for the investment of the working man's weekly savings as they arise, and thus to put them out of the way of danger, is what was then wanted, and what has since been to a great extent supplied by the establishment, first, of Friendly Societies, and more recently of Savings Banks, each admirable in their way, and calculated to promote and encourage provident habits in the labouring classes.

Although ill adapted for its immediate object, the scale of annuities proposed by Baron Maseres was framed in accordance with correct principle, and worked out by him in all its details with great mathematical skill. The honesty and benevolence of his intentions are also undoubted, and the way in which his propositions were received and adopted by one section of the legislature is another proof of the readiness with which plans for improving the condition of the people were at that time received, and the earnestness with which they were welcomed. This scheme of Baron Maseres was founded upon the ascertained average duration of life, on which the calculations for government and other annuities were based, and by which the various Life Assurance Societies continue to be in a great measure guided. The question of Life Assurance in its several branches much occupied the attention of mathematicians at that time; and to what was then done by Dr. Price, the Baron Maseres, and other eminent persons in the elucidation of this subject, we are indebted for the many institutions for assuring life which at present exist, and which have conferred, and still confer, important benefits on individuals, on families, and upon the community in general.

1768. 8 Geo. III. cap. 17. Regulating journeymen tailors.

In 1768 the regulation of the wages and the hours of work of the London tailors again occupied the attention of parliament. This class of operatives was very numerous, and their frequent combinations against their employers led, we are told in the preamble, "to

the prejudice of trade, to the encouragement of idleness, and to the great increase of the poor." We have seen that a remedy for these disorders was attempted by 7 George I. cap. 13;[1] but it is now declared that doubts and difficulties had arisen touching prosecutions under that Act, and that many subtle devices were practised in order to evade it, owing to which its due execution had been greatly obstructed. The 8 George III. cap. 17, was accordingly passed, and, after reciting these circumstances, it enacts that throughout the year the hours of work shall be from six in the morning till seven in the evening, "with an interval of one hour only for refreshment," and that the wages of tailors shall not exceed 2s. 7½d. per day, except at a time of general mourning, when for one month they may be raised to 5s. 1½d.; and any master tailor who pays, or any workman who receives, greater wages than these, is subjected to the penalty of imprisonment with hard labour for two months. On application made for that purpose, the mayor, aldermen, and recorder in sessions assembled, may alter the above specified hours of work and rates of wages, and prescribe others, which after due notice are to be equally binding; and in order to guard against evasion by employing workmen who do not reside within the City of London, or five miles thereof, it is enacted, that any master tailor so doing "shall for every such offence forfeit the sum of five hundred pounds, one-half to the king and the other half to the person suing for the same."

The working hours prescribed by this Act, are less than was ordered by 7 George I. cap. 13, and the wages are considerably higher, being 2s. 7½d. per day throughout the whole year, instead of 2s. per day for four months, and 1s. 8d. per day for the remainder. The three-halfpence a day for breakfast is, however, no longer given, but double wages are allowed during

[1] *Ante*, p. 10.

times of general mourning, which would thus become to the tailors a season of rejoicing. On the whole, and without reckoning anything for such general mournings, it appears that circumstances had so changed in the forty-eight years between the statute of George the First and the passing of the present Act, as to call for a rise of fully one-third in the wages of London tailors, the utmost earnings which could be obtained in 313 working days, according to the scale established in 1720 (including the breakfast-money), being £29, 15s. 5d., whilst by the present scale the earnings in 313 days may amount to £41, 1s. 5d., and this notwithstanding the time for work is on each day an hour less.

This is certainly a marked increase in the price of labour in one department of industry within somewhat less than half a century, and it might have shown the legislators of that period the impolicy, if not the positive injustice, of fixing by a permanent scale, that which is in its nature variable, and which ought in a great degree to depend upon the skill of the workman, and the character of his work. It is possible that an increased demand in the tailoring trade may have had some influence in causing a rise in the tailor's wages at this time; but the chief cause of the increase was probably owing to other circumstances, to which we will now briefly advert.

During the first four years of the present reign the harvests had generally been abundant. Not only was the produce sufficient for the home supply, but there was a bounty on exportation of 5s. a quarter, and in the years 1763 and 1764 no less than 820,000 quarters of wheat were exported, the entire annual consumption in England and Wales being then estimated at only four millions of quarters.[1] With the last of these years, however, this period of abundance terminated, and in 1765 two Acts were passed—one, 5 George III. cap.

[1] See Tooke's *History of Prices*, vol. i. p. 64.

31, "to discontinue the duties upon wheat and flour imported, and the bounty on exportation"; and the other, 5 George III. cap. 32, enabling government "to prohibit the exportation of wheat, flour, etc., during the recess of parliament, at such time and in such manner as the necessity of the time may require." On the re-assembling of parliament in November of the following year (1766), they were informed, in the speech from the throne, that, "the urgency of the necessity for the preservation of the public safety against a growing calamity could not admit of delay, and that an embargo had been laid on wheat-flour going out of the kingdom."

1766. Great scarcity. Exportation of wheat and flour prohibited.

This scarcity was not confined to England, but prevailed very generally throughout Europe. In 1767 the harvest was again deficient, and the privation and suffering of the people caused discontent and rioting in various parts of the country. The harvests in the two following years were less unfavourable; but for the five years including 1770 and 1774, they were again markedly deficient, and the dearth thence arising occasioned a renewal of distress and alarm, which prevailed to such an extent in London, that in 1773 the corporation offered a bounty of 4s. a quarter for the importation of 20,000 quarters of wheat. In 1774 it appears that 269,235 quarters of wheat were imported into England, and 544,641 quarters in 1775. A comparison of these imports, with the exports stated above to have taken place eleven years previous, will assist us in judging of the amount of privation and distress which the people must have endured in the intervening period. The price of wheat would necessarily vary with the productiveness of the season, and accordingly we find by the Eton Tables, that the average for the ten years from 1755 to 1764 was 37s. 6d., and from 1765 to 1774 it was 51s.[1]—a difference of 35 per cent., and

[1] These statements are mostly abstracted from Tooke's *History of Prices*, vol. i. pp. 62–74.

corresponding nearly with the increase which the Act just cited makes in the tailor's wages, compared with the scale established in 1720.

1772. 12 Geo. III. cap. 71. Laws against forestallers, etc., repealed.

It was in this period of scarcity, and during the discontents and disturbances which it occasioned, that 12 George III. cap. 71, was passed "For repealing several Laws therein mentioned against Badgers, Engrossers, Forestallers, and Regrators." The Act recites that "it hath been found by experience that the restraints laid by several statutes upon dealing in corn, meal, flour, cattle, and sundry other sorts of victuals, by preventing a free trade in the said commodities, have a tendency to discourage the growth and to enhance the price of the same; which statutes, if put in execution, would bring great distress upon the inhabitants of many parts of this kingdom, and in particular upon those of the cities of London and Westminster"; and it is accordingly enacted that the said several laws, "being detrimental to the supply of the labouring and manufacturing poor of this kingdom, shall be, and the same are hereby declared to be, repealed." The passing of such an Act under the then existing circumstances, manifested considerable advance in economical science, and it may be added in political courage also, within the last few years, for the measure was not only opposed to popular prejudices, but was calculated, as the people then for the most part believed, to raise prices and increase their privations.

The American colonies.

The nation was now entering upon that painful struggle, which ended in the separation of the North American colonies from the parent State, and their consequent assumption of independence. The celebrated Stamp Act was passed in March 1765, and raised a storm in the colonies which its repeal in the following year failed to allay. The right of taxation was asserted on one side, and repudiated on the other; and this difference grew to such a head, and so strongly

excited the passions of men in both countries, that compromise became impossible, and the dread alternative of war was at last resorted to.

In 1768 the merchants and people of Boston entered into an agreement not to import goods of any kind from England, except hooks and lines for fishing, and salt, coals, lead, hemp, and wool-cards, these being articles of prime necessity; and the merchants and people of New York and other States, shortly afterwards did the same. In 1770 great riotings took place in Boston, and the soldiers were compelled to quit the town; and in 1773 some cargoes of tea which arrived from England were seized by the populace and thrown into the sea. Early in September 1774 a congress of delegates from the several States assembled at Philadelphia, and their first act was to frame a Declaration of Rights. They then entered into a non-consumption, non-importation, and non-exportation agreement, to be observed by every American citizen, and the French Canadians were invited to join and take up arms against the English. The first actual collision in this deplorable contest was on the 19th of April 1775, at a place named Concord; and in June of the same year the battle of Bunker's Hill took place. In July congress framed their plan of confederation, and appointed Washington the commander-in-chief of the American armies. In March following, the British forces were compelled to evacuate Boston, and on the 4th of July 1776 the solemn declaration of American independence was promulgated. In March 1778 it was publicly announced that France had recognised the independence of the North American provinces, and made a treaty of amity and commerce with them. The French had indeed all along given encouragement to the colonies, and covertly supplied them with arms and ammunition; but this open and avowed treaty with our revolted provinces excited the greatest

1770. Riots in Boston.

1774. Congress of delegates at Philadelphia.

1775. Battle of Bunker's Hill.

1776. Declaration of independence issued.

1778. France joins the Americans against England.

indignation in England, and led to war between the two countries; and in June 1779, Spain took part with France, and commenced the siege of Gibraltar. In the summer of 1780 an "armed neutrality" was entered into by the northern powers, and the Dutch, acting under French influence, manifested such decided hostility, that in December letters of reprisal were issued against Holland; so that at the end of 1780, England had all the chief powers of Europe, with the exception of Austria, directly or indirectly arrayed against her, and covertly or openly aiding her revolted colonies; and in 1781, Austria also joined the "armed neutrality."

1779. Spain takes part with France.

1780. Armed neutrality of the northern powers against England.

1781. Holland and Austria join the armed neutrality.

The war was carried on with various success, but on the 20th of January 1783 the preliminaries of a general peace were signed at Paris, by which the American provinces were declared to be "free, sovereign, and independent," thus leaving England, as was then believed, shorn of her greatness and crippled in her resources. The result has, however, shown how unfounded was this conclusion, both the parent State and its offspring having acquired strength by the separation, and each having advanced at a rate which neither probably would have attained if they had continued united. In announcing this event to parliament, the king declared that he had sacrificed every consideration of his own to the wishes of his people. He prayed that England might not suffer from so great a dismemberment, and that it might entail no calamitous consequences on America; he expressed a hope that religion, language, interest, and affections would yet prove a bond of union between the two countries, to which end neither attention nor disposition should be wanting on his part. And afterwards, when Mr. Adams arrived as envoy from the United States, the king, addressing him, said, "I was the last man in the kingdom, sir, to consent to the independence of

1783. Preliminaries of a general peace signed at Paris.

America; but, now it is granted, I shall be the last man in the world to sanction a violation of it."

Expenses of the war, and increase of the national debt.

The expenses of the war had necessarily been very great. At the end of the "Seven Years' War," in 1763, the national debt amounted to £128,583,635, and the interest thereon to £4,471,771. At the conclusion of this war, in 1783, the debt had increased to £244,118,635, and the interest to £9,302,328, thus nearly doubling the principal of the debt, and more than doubling the annual charge upon it. It is clear that these vast additions to the national burthens could not have taken place, unless there had been an increase in some degree commensurate in the national resources, despite of the great extent and pressure of the war, and the circumstances which gave rise to it. The population appears to have gone on steadily increasing, and there is reason to believe that little short of a million were added to the number of the people between 1760 and 1780.[1] This would require a corresponding increase in the means of subsistence; and we accordingly find that enclosure bills were passed in great numbers, the average being forty-seven per annum in the first twenty-five years of the present reign, whilst during the last reign the annual average only amounted to seven. There was a similar increase in road and canal bills, and the efforts of the country evidently kept pace with the demands upon it.

Increase of the population.

Increase of road and enclosure bills.

One of these demands, and that not the least important or the least embarassing, was the rate for the relief of the poor. In 1776 the amount levied under this rate in England and Wales, according to the returns furnished by the overseers, in conformity with the provisions of 16 George III. cap. 40, was £1,720,316;

Increase of the poor-rates.

[1] See *ante*, p. 54. See also a Table, by Mr. Finlaison, of the National Debt Office, showing the estimated increase of the population at several periods, as given in the Census Returns of 1831, and also inserted in M'Culloch's *Statistical Account of the British Empire*, vol. i. p. 399.

and like returns, subsequently obtained, for 1783, 1784, and 1785, show that the amount levied in these years was £2,132,486, £2,185,889, and £2,184,904. The money actually expended in relief of the poor in the year ending at Easter 1776, according to these returns, was £1,529,780, 0s. 1d.; and for the average of the three years last named, or say for 1784, it was £2,004,238, 5s. 11d.; showing an increase in eight years of £474,458, 5s. 10d., and far outrunning the ratio of increase in the population, to which it might be expected more nearly to conform. The excess was probably owing to the interruptions of commercial industry consequent on the war, which would throw many persons out of employment, and compel them to resort to the poor-rates for assistance.

1775. The steam-engine.

In 1775 an Act was passed, vesting in *James Watt* "the sole use and property of certain steam-engines, commonly called *fire-engines*, of his invention," the patent for which he had originally taken out in 1769. It was a fortunate coincidence, that the spinning machinery should have been invented by Arkwright about the same time with Watt's steam-engine. The two inventions were calculated to work together, and without the one the other would have been far less effective; whilst in combination they must be held to have added more to the productive power of the country than all other circumstances taken together. Mr. Watt's double-acting engine, equable in its working, and applicable to almost every kind of mechanical operation, was not patented until 1782. The perfecting of the steam-engine gave additional value to our mines of coal and minerals, by enabling them to be worked at greater depths, and more economically. In our iron, cotton, woollen, linen, and other manufactories, it likewise soon became the chief motive power, lessening the cost of production, and thus causing an increase of demand, and an extension of employment. The call for

human labour was therefore not lessened by Mr. Watt's great invention, but was rather increased by it. The labour was also of a higher character, and was chiefly directed to objects requiring skill, consideration, and mental effort, whilst the operations dependent upon mere force were effected by mechanical means.[1]

These circumstances are all more or less connected with the condition of the people, and must not be overlooked in treating of the Poor Laws. For like reason the practice of publishing the debates in parliament calls for notice. This first took place in 1771, and much useful information was in consequence disseminated through the country, as well upon poor law as on other matters; and thenceforward the sentiments of the people grew to be more in unison with those of the legislature, each acting upon and enlightening the other, and eventually bringing about a more general harmony and assimilation of views. The notice of these incidental topics has carried us somewhat beyond the period of poor law legislation at which we had arrived, but it seemed desirable to carry them down to the termination of the American War, and thus to anticipate the occasion for again recurring to such matters, at least for some time.

1771. The debates in parliament are published.

1775. 15 Geo. III. cap. 32.

The Act of Elizabeth against building cottages,[2] is now declared, by 15 George III. cap. 32, to have "laid the industrious poor under great difficulties to

[1] Some idea of the importance of this invention, and the vast addition made by it to the productive powers of the country, may be gathered from a statement made at a public meeting, in 1824, by Mr. Boulton, the son of Mr. Watt's partner, and then also the partner of Mr. Watt's son. He said that there had been furnished from their establishment alone a power equal to about one hundred thousand horses; and that, assuming this power to be exercised three hundred days in the year, the annual saving by the substitution of steam for horse-power would not be less than three millions sterling. It has since been calculated that the united steam power of Great Britain alone "is equivalent to the manual labour of upwards of 400,000,000 men, or more than double the number of males supposed to inhabit the globe."—*Quarterly Review*, vol. civ. 1858.

[2] *Ante*, vol. i. pp. 175 and 176.

procure habitations, and tends to lessen population, and in other respects has been found inconvenient to the labouring part of the nation," and it is accordingly repealed. The restrictions imposed by Elizabeth's Act would no doubt be found inconvenient if not impracticable as the people increased in numbers and civilisation; but the prohibition of more than one family inhabiting the same dwelling was wise and beneficent, and it would have been well if this had been retained when the other restrictions were abolished. The crowding of the labouring population into habitations of insufficient size and defective arrangement, within which the decencies of life cannot be observed, has been, and unhappily still continues to be, a great evil and cause of demoralisation, which cries loudly for redress. People thus circumstanced become deteriorated in every way. They are dwarfed in stature, injured in health, and lowered in their moral feelings and perceptions. They are of less use as operatives, of less value as subjects, and less estimable in all the social relations of life.

Labourers' cottages.

By 43 Elizabeth the churchwardens and overseers were empowered, with the consent of two justices, to bind out the children of such parents as are not able to maintain them, to be apprentices until, if a man-child, he attained the age of twenty-four, and, if a woman-child, the age of twenty-one.[1] The 18 George III. cap. 47, now declares, "that it has been found by experience that the said term respecting men-children is longer than is necessary, and that, if such man-child was bound only till he came to the age of one-and-twenty, all the benefits intended by the said Act would be preserved, and the hardships brought on such parish apprentices by the length of their apprenticeship would be avoided, and the good harmony between master and apprentice would be better maintained." And this is

1778. 18 Geo. III. cap. 47.

Apprenticeship limited to the age of 21.

[1] *Ante*, vol. i. p. 181; also 7 George III. cap. 39, *ante*, p. 63.

enacted accordingly, doubtless to the satisfaction of all parties; for to retain a man beyond the mature age of twenty-one in a state of servitude nearly approximating to slavery, could hardly be advantageous to the master, and must have been irksome and oppressive to the man, and likely, as the Act intimates, to engender ill-feeling and hostility between them.

Many Acts had been passed incorporating certain parishes, hundreds, and districts, and empowering them to borrow money, and provide houses of industry, and frame regulations for managing their poor; but doubts appear to have arisen with respect to their powers for apprenticing poor children; and 20 George III. cap. 36, was passed in order to remove these doubts, and also "for ascertaining the settlement of bastard children born in the house of industry within such districts." It recites that several Acts had been passed for the relief and employment of the poor in particular incorporated hundreds or districts, giving power to bind poor children apprentices under certain restrictions, but there were doubts as to whether persons are compellable to receive and provide for such poor children; and it then enacts that the persons to whom any poor children shall be so bound shall receive and provide for them, in like manner as persons are now obliged by law to receive and provide for children apprenticed by the churchwardens and overseers with the assent of two justices; and any person refusing or neglecting so to do is subjected to a penalty of ten pounds, to be applied to the relief of the poor of the incorporated district. But it is provided that no one who is not an inhabitant and occupier in the parish to which the poor child belongs, shall be compelled to take such child as an apprentice; and it is further provided that every bastard child born in the house of industry shall be deemed to belong to the parish or place where the mother is legally settled. Subsequently, by 42

1780. 20 Geo. III. cap. 36.

George III. cap. 46, overseers and guardians of the poor are required to keep a register, in a prescribed form, of all the children bound out by them as apprentices, under a penalty of £5, and each entry in the same is to be approved and signed by two justices.

1782. 22 Geo. III. cap. 83. Gilbert's Act.

The 22 George III. cap. 83, is entitled "An Act for the better Relief and Employment of the Poor." It is usually quoted and referred to as "Gilbert's Act," having been introduced by that gentleman, who was member for Lichfield, and had for several years applied himself with exemplary perseverance to the amendment of the Poor Laws, and to bettering the condition of the poor. On every account, therefore, this Act requires especial attention. It commences by declaring, that notwithstanding the many laws for the relief and employment of the poor, and the great sums of money raised for those purposes, their sufferings and distresses are nevertheless very grievous, and that by the incapacity, negligence, or misconduct of overseers, the money raised for the relief of the poor is frequently misapplied, and sometimes expended in defraying the charges of litigations about settlements indiscreetly and unadvisedly carried on. It then recites, that "by 9 George I. cap. 7,[1] power is given to churchwardens and overseers to purchase or hire houses, and contract for the lodging, keeping, maintaining, and employing the poor, and taking the benefit of their service for their maintenance, and where any parish, town, or township should be found too small, to unite two or more for those purposes; which provisions, from want of proper regulations and management in the poor-houses or workhouses that have been purchased or hired under the authority of the said Act, and for want of due inspection and control over the persons who have engaged in those contracts, have not had the desired effect, but the poor in many places, instead of

[1] *Ante*, p. 21.

finding protection and relief, have been much oppressed thereby." And then it is enacted, that "so much of the said clause as respects the maintaining or hiring out the labour of the poor by contract within any parish, township, or place which shall adopt the provisions of this Act, shall be repealed, and every contract or agreement made in pursuance thereof shall become null and void."

The causes of failure above described are now attempted to be remedied, first by exonerating churchwardens and overseers from the duty of relieving the poor, and restricting them to the collection of the rates and accounting for the same; and secondly, by appointing visitors and guardians, in whom, with the justices of the district, the entire management and control of the poor is thenceforward to be vested in all parishes which shall, at a public meeting to be held for the purpose, adopt the provisions of this Act. Such adoption must be by not less than two-thirds in number and value of the owners or occupiers assessed at £5 per annum and upwards, signing an agreement in a prescribed form, which form also contains an engagement to provide a proper workhouse. Two or more parishes may, if not more than ten miles distant from the workhouse, unite by an agreement signed in like manner, and subscribed at foot by two justices; and the parishes so united are empowered to borrow money on security of the poor-rates, and are to contribute towards the expense of providing and fitting up the workhouse "in due proportions, according to the amount of money raised by the poor-rates in each, on a medium of three years preceding such agreement." But the expense of the victuals, beer, and firing for the poor, and for the governor and assistants, "with all other small incidental expenses," are to be defrayed monthly by the several parishes, "according to the number of poor which shall be sent from each, and the time they shall

have resided there within such month." Each parish is, moreover, to provide suitable clothing for the poor sent to the house; but any parish may withdraw from this agreement at the end of the first three years, or any succeeding three years, on giving twelve months' notice, if it be so determined at a public meeting of the parishioners duly summoned and qualified as aforesaid.

A guardian for each parish, and the governor of the workhouse, are to be appointed by the justices of the district, out of names submitted by the parishioners who have signed the agreement. The guardian is to attend monthly meetings, and is to receive a salary, and be invested with all the powers and authorities of an overseer of the poor, except with regard to making and collecting rates, which is still to be performed by the churchwardens and overseers, who are "to pay to the guardian such sums as he shall, from time to time, have occasion to employ for discharging the bills and other necessary expenses attending such workhouse, and the poor belonging to such parish." One of the guardians is to be appointed treasurer by the justices of the district, on their own selection, or on recommendation of the other guardians; but the visitor is to fix his salary, which however is not to exceed £10. The visitor is likewise to be appointed by the justices of the district, out of three persons recommended by the guardians as being "respectable in character and fortune, and fit to be put in nomination for the office of visitor." He is empowered to appoint a deputy, and the governor and treasurer are to obey his directions in all things. It is evidently contemplated that the visitor will be selected from among the justices, or at least will be of like social position with them; and as his authority is nearly absolute in all matters connected with the management of the workhouse, and the affairs of the incorporation, it may be said that with him and

with the justices the relief and management of the poor will rest, wherever the provisions of this Act are adopted.

The 29th section provides, "That no person shall be sent to such poorhouse, except such as are become indigent by old age, sickness, or infirmities, and are unable to acquire a maintenance by their labour; except such orphan children as shall be sent thither by order of the guardian or guardians of the poor, with the approbation of the visitor, and except such children as shall necessarily go with their mothers thither for sustenance." With respect to the rest of the poor, it is provided by the 32nd section, "That where there shall be in any parish, township, or place, any poor person or persons, who shall be able and willing to work, but who cannot get employment, the guardian of the poor of such parish, etc., on application made to him by or on behalf of such poor person, is required to agree for the labour of such poor person or persons at any work or employment suited to his or her strength and capacity, in any parish or place near the place of his or her residence, and to maintain, or cause such person or persons to be properly maintained, lodged, and provided for, until such employment shall be procured, and during the time of such work, and to receive the money to be earned by such work or labour, and apply it in such maintenance as far as the same will go, and make up the deficiency, if any"; and if there shall be an excess, it is within a month to be given to the person who has so earned it, "if no further expenses shall be then incurred on his or her account to exhaust the same."

If a guardian shall refuse to find employment, or to afford relief to any poor person applying for the same, on complaint thereof by or on behalf of such poor person to any justice of peace, the justice is empowered (by the 35th section), after inquiry upon oath into the

circumstances of the complaint, "either to order him or her some weekly or other relief, or direct such guardian to send such poor person to the poorhouse, to be kept and provided for there, or else to procure him or her maintenance and employment in the manner before directed"; and for every neglect or refusal to obey such order, the guardian is to forfeit the sum of five pounds. But if it appear that the complainant is an idle or disorderly person, the justice may commit him to the house of correction for any time not exceeding three months, nor less than one. It is likewise provided that if any poor person shall refuse to work, or run away from the work provided for him, the guardian is to make complaint thereof to some justice of peace, who shall inquire into the same upon oath, and on conviction punish the offender by imprisonment with hard labour for any time not exceeding three months, nor less than one.

The 31st section directs that idle and disorderly persons who are able but unwilling to work or maintain themselves and their families, shall be prosecuted by the guardians of the parish in which they reside, and punished in the manner directed by 17 George II.;[1] "and if any guardian shall neglect to make complaint thereof against every such person or persons to some neighbouring justice, within ten days after it shall come to his knowledge, he shall for every such neglect forfeit a sum not exceeding £5, nor less than 20s.," one moiety to the informer, the other to the use of the incorporation.

The 30th section provides, that infants of tender years, "who from accident or misfortune become chargeable to the parish where they belong," may with the approbation of the visitor be sent to the poorhouse, or else be placed with some reputable person in the neighbourhood, at such weekly allowance as shall be

[1] *Ante*, p. 35.

agreed upon, until of age to be put into service, or bound apprentice to husbandry or some trade or occupation; and a list of the children so placed out, and by whom kept, is to be given to the visitor, "who shall see that they are properly treated, or cause them to be removed and placed under the care of some other person, if he finds cause so to do." But no child under the age of seven years is to be separated from its parents without their consent.

Such are the chief provisions of this Act, both as regards the relief of the poor, and the management of the parishes incorporated under it. Mr. Gilbert is said to have intended the present Act as temporary only, until a measure on a more comprehensive scale could be matured; but although certain explanations and amendments were made by 33 George III. cap. 35, by 41 George III. cap. 9, by 42 & 43 George III. caps. 74 and 110, and by 1 & 2 George IV. cap. 56, the Act has continued in force without material alteration to the present day (1853), the explanations and amendments being merely on matters of detail, but leaving the Act untouched in its main provisions. It is elaborately drawn, and the schedules attached to it are framed with extreme minuteness, to which circumstance it may be owing that such repeated explanations and amendments were afterwards found necessary.

With respect to the management of the unions incorporated under Gilbert's Act, it is important to remark that the governing machinery was devised with the view of excluding the ordinary parochial authorities from taking part in it, the whole power being placed in the hand of a higher class. This accords with the views of Dr. Burn, who, in his *History of the Poor Law*, denounced the incapacity and misconduct of overseers, and their oppression of the poor, in much the same terms as are used in the preamble of the present Act. The remedy then proposed by him is

also nearly the same; and this need not excite surprise, for both Dr. Burn and Mr. Gilbert were active magistrates, both taking a prominent part in the affairs of their respective districts, and they would both naturally feel that the more power they and men of their position possessed, the more good would be done, and more evil evaded. Hence we find, in the Gilbert incorporations, the justices of peace and the visitors invested with almost absolute power, the guardians being little more than the instruments for carrying the visitors' directions into effect; and under then existing circumstances this may possibly have been the preferable course. Such, it may also be remarked, continued for the most part to be the view taken by the legislature down to the amendment of the Poor Law in 1834, the tendency of each successive Act, connected with the relief of the poor, being to place more and more power in the hands of the local magistracy; and this was done on precisely the same grounds as were stated by Dr. Burn and Mr. Gilbert, namely, that the overseers were harsh and incompetent, and not sufficiently attentive to the wants of the poor. In 1834 there was a reaction in this respect, and the tide of public opinion ran perhaps overstrongly in the opposite direction, attributing an undue share of blame to the magistracy; but of this we shall have to speak hereafter.

According to the present Act, none are to be relieved in the house except such as are indigent through old age, sickness, or infirmity, and orphan children and infants with their mothers. The house is therefore strictly a poorhouse, and to designate it a workhouse seems a misnomer. With respect to this class of poor, little need be said. If they are to be maintained at the public cost, it may be done under proper regulations in a house of this description better perhaps than in any other way. But there is another class of poor mentioned in the Act, those, namely, who

are able and willing to work, but cannot find employment, and for whom it is directed to be found "near the place of his or her residence." By this provision, the Act appears to assume that there can never be a lack of employment, that is of profitable employment, and it makes the guardian of the parish answerable for finding it near the labourer's own residence, where, if it existed, the labourer might surely by due diligence find it himself. But why, it may be asked, should he use such diligence, when the guardian is bound to find it for him, and take the whole responsibility of bargaining for wages, and making up to him all deficiency? He is certain of employment. He is certain of receiving, either from the parish or the employer, sufficient for the maintenance of himself and his family; and if he earns a surplus, he is certain of its being paid over to him. There may be uncertainty with others, —the farmer, the lawyer, the merchant, the manufacturer, however industrious active and observant, may be subject to uncertainties in their several callings —not so the labourer, he bears as it were a charmed life in this respect, and is made secure, and that too without the exercise of care or forethought. Could a more certain way be devised for lowering character and destroying self-reliance? It is true the labourer is liable to be punished if he refuses to work, or runs away from the work provided for him, but why should he do either? He may work badly, or work little, but he will surely work in some sort or in some way, in order to secure his maintenance, if not to avoid punishment. He will however work as a serf, and not as a man conscious that his character and his earnings will depend upon his own conduct, industry, and skill.

The only limitation the Act interposes in forming the Gilbert incorporations is, that none of the parishes shall be more than ten miles distant from the workhouse. This limitation has been taken to apply to the

nearest part of a united parish, so that the remote parts, if the parish were a large one, might be considerably more distant. But in truth the limit was not always observed, and parishes situated at a greater distance were often included, having non-incorporated parishes interposed between, so that many of the Gilbert unions were found, when examined after the passing of the Poor Law Amendment Act, to consist of a number of parishes disjoined and dotted about without order or natural connection, and seriously obstructing the formation of eligible and compact unions under the new law.

The number of Gilbert incorporations existing in 1834 was sixty-seven, comprising nine hundred and twenty-four parishes. Since then fifty-three have been dissolved, and the parishes have been included in poor-law unions. Fourteen of these incorporations, comprising two hundred and three parishes, still remain (in 1853), causing much inconvenience, and hindering many parishes from being put into union at all, as in some cases it would not be possible to form an efficient union unless the Gilbert incorporation were first dissolved. This ought, indeed, to have been done by the Poor Law Amendment Act at the outset, or at any rate the commissioners should have been empowered to do it, when and as they found the dissolution necessary, for enabling them to carry the Act into execution throughout the country.

1783. 23 Geo. III. cap. 51.

In 1783 The Act of Elizabeth "For the Punishment of Vagabonds calling themselves Egyptians," was repealed by 23 George III. cap. 51, which declares that it "is and ought to be considered as a law of excessive severity." This repeal, and the grounds assigned for it, may be cited in proof of the increasing humanity and civilisation of the age. In the year following[1] an Act was passed with a preamble similar

[1] *Ante*, p. 46.

to what we have seen on like occasions heretofore, for enabling "such officers, mariners, and soldiers as have been in the land or sea-service to exercise trades."[1]

1784. 24 Geo. III. cap. 6.

But the present Act (24 George III. cap. 6) includes the wives and children of such officers, mariners, and soldiers, all of whom, it is declared, "may set up and exercise such trades as they are apt and able for, in any town or place, without let, suit, or molestation of any person whatsoever"; and such officers, mariners, and soldiers, and their wives and children, are not, during the time they exercise such trades, to be removable from such place to their last legal place of settlement, unless they shall become actually chargeable. This exemption from the penalty of removal, must have been a great boon to these men, who had served and deserved well of their country; but who might, without this protection, have been subjected to great hardship on account of their families. The Act would seem to imply, moreover, that the habits and character of our soldiers and sailors were in some degree changed. Having wives and families to be cared for, they must be presumed to have become more orderly, moral, and domestic, than they were at the commencement of the century.

1786. 26 Geo. III. cap. 56.

The 26 George III. cap. 56, is an important Act, for which we are indebted to Mr. Gilbert, who ten years previously had procured the passing of a similar Act, for obtaining returns from the overseers of all moneys raised and expended under the Poor Law. That Act (16 George III. cap. 40) we omitted noticing in its order of date, but a summary of the returns obtained under it is given at page 94. These returns are peculiarly interesting, being the first of the kind which were made; and they afford a means of comparison with the returns obtained under the present Act. It will, therefore, be necessary to notice them

Returns of money raised and expended under the Poor Law ordered to be made.

[1] *Ante*, vol. i. pp. 275 and 344; vol. ii. p. 46.

in connection with these last returns, as well as briefly to describe the Acts in which the returns originated.

Both Acts (16 & 26 George III. caps. 40 and 56) commence by declaring that "the great and increasing expenses of maintaining and providing for the poor, and the continual distresses of the poor notwithstanding, make it highly expedient for the legislature to take that subject into their most serious consideration; and that information of the state of the poor and the nature of those expenses is necessary, in order to enable parliament to judge of proper remedies to redress those grievances"—it is therefore enacted, that a sufficient number of copies of the Act, and of the schedules annexed, shall be sent to the clerks of the peace throughout England and Wales for distribution to the acting justices of peace, and also for delivery by the high constable of one copy of the printed schedules to the overseers of the poor of every parish, who are to fill up and return the same, and afterwards to attend and verify by their oaths such answers and returns, at a meeting to be appointed for that purpose by the justices previous to the 20th of October; and the justices are empowered "to examine such overseers upon oath, touching any matters contained in such questions and answers, and to call for the accounts for the preceding year, if they see fit, in order to explain and verify the said accounts as shall be then made." The returns are then to be transmitted to the Clerk of Parliament, "with all convenient speed, in order that the same may be inspected by members of both Houses," upon pain of forfeiting for every neglect and default on the part of any clerk of the peace, high constable, or overseer, of a sum not exceeding ten, nor less than five pounds; but if any overseer shall knowingly or wilfully make a false or imperfect return, he is, for every such offence, to forfeit the sum of fifty pounds.

There are a few differences in the wording of the two Acts, which it is not material to notice. The present Act requires the returns to be made for three consecutive years, in order to show an average, instead of for one year only, as directed in 1776. Both the Acts are very full and minute in their directions, and the schedules of questions and answers are so framed, as hardly to admit of being misunderstood or evaded by the overseers and other local functionaries; so that the returns, as given below, may be assumed, on both occasions, to be on the whole pretty accurate.[1]

Amount raised by assessment in England and Wales, in the year ending at Easter, 1776		£1,720,316	14 7
Ditto ditto in the year 1783	£2,132,486 12 2		
Ditto ditto in the year 1784	2,185,889 7 8		
Ditto ditto in the year 1785	2,184,904 18 10		
Medium of these years		2,167,760[2]	6 3
Increase of assessment in eight years .		£447,443	11 8
Amount expended in relief of the poor in England and Wales in the year ending at Easter, 1776 . .		£1,529,780	0 1
Ditto ditto on the average of the three years 1783, 1784, and 1785		2,004,238	5 11
Increase of expenditure in eight years .		£474,458	5 10
Amount expended out of the poor-rates for certain purposes not immediately connected with the relief of the poor, in the year ending at Easter, 1776, viz. :—			
For county rates . .	£137,656 10 8		
In litigation	35,072 0 8		
For payment of rents . .	80,296 14 7		
		£253,025	11
Ditto ditto on an average of the three years, 1783, 1784, and 1785, viz. :—			
For county purposes .	£119,280 6 10		
		119,280	6 10
Carried forward		£372,306	12 9

[1] See Sir F. Eden's *State of the Poor*, vol. i. pp. 363–372.

[2] This is given as £2,167,750 in the tabulated statement of "Local Taxation," printed by order of the House of Commons in 1839.

Brought forward . . .		£372,306 12 9
Repairing churches, roads, clocks, pounds, salaries to ministers, etc.	£44,231 0 11	
Overseers' journeys and attendances on magistrates . .	24,493 18 6	
Entertainments at parish and other meetings, etc. . .	11,713 0 9	
Expenses of law, examinations, and other proceedings relative to the poor	55,791 2 6	
Expended in setting the poor to work	15,892 8 10	
		271,401 18 4
Apparent increase on these items in eight years[1]		£18,376 12 5

The increase of Poor Law expenditure in eight years is thus shown to have been considerable, and might well warrant the alarm which seems to have prevailed on account of the rapid augmentation of this burthen. In the items not included in actual or net relief of the poor, we see that litigation and law expenses, entertainments, payment of rents and payment of wages, or, as it is called, setting the poor to work, are separately named. These sources of abuse appear already to have attained considerable head, and we know that very little improvement took place with respect to them until half a century afterwards, when these and other evils, which had grown up and become engrafted into the system, were put an end to by the passing of the Poor Law Amendment Act.

1786. 26 Geo. III. cap. 58. Returns of all charitable donations.

Immediately after requiring the overseers to furnish returns of the moneys raised and expended under the Poor Law, another Act was passed (26 George III. cap. 58), directing the ministers and churchwardens to make like returns, upon oath, "of all charitable donations for the benefit of poor persons in the several parishes and

[1] It should be noticed, however, that the items are given in more detail in the last returns, and are probably therefore more correct. For the items of separate charge in 1776, Sir F. Eden quotes the Annual Register of 1777.

places within that part of Great Britain called England." The Act commences by declaring it to be "proper that the legislature, who are directing inquiries into the state and condition of the poor, should be informed of the several charitable donations for the use and benefit of poor persons"; and it then prescribes forms for making the returns, in the main similar to the poor-rate returns, and with similar penalties for default or neglect. The Act is directed to be read in open court at the ensuing Midsummer quarter-sessions, and "also by the officiating minister in every parish church or chapel in England, the first Sunday on which Divine service shall be performed after the 31st day of July 1786, immediately after such service."

A summary of the returns obtained under this Act is given by Sir Frederic Eden, and amounts (taking the receipts from land and money together) to the sum of £258,710, 19s. 3d. per annum.[1] But the committee appointed to consider the returns remark that they "were in many instances very defective and obscure, and that there was reason to believe very considerable further sums would appear to have been given for similar purposes, whenever proper means could be found for completing their discoveries by extending the inquiry to corporations, companies, and societies, as well as feoffees, trustees, and other persons." This has since been done, and the opinion expressed by the committee has been fully borne out, the entire annual amount of such charities being £1,209,395, 12s. 8d., besides £312,545, 5s. 4d. for educational purposes, making together £1,521,940, 18s., as appears by the summary of the Reports of the Charity Commissioners published in 1842. The present Act was, however, a good beginning, and it was important also as recognising the connection between these "charities," and the administration of relief under the Poor Law.

[1] See Sir F. Eden's *State of the Poor*, vol. i. p. 373.

CHAPTER XII

A.D. 1786–1803

Reign of George III. continued—Proposed universal benefit society—Visitation of poorhouses—Defective management and organisation—Punishment of vagrants—Prohibition of begging—Neglect of families—Parish apprentices—Friendly societies—Restrictions on the removal of the poor—The law of settlement—Out-door relief—"Roundsmen"—Justices may order occasional relief—Speech and Bill of Mr. Pitt on the Poor Laws—Mr. Bentham's *Observations*—Commercial treaty with France—Trial of Warren Hastings—French revolutionary war—Bank Restriction Act—Union with Ireland—Imports and exports—National debt and revenue—Population—Prices of corn and provisions—Rate of wages—Berkshire bread-scale—Increase of poor-rates—State of the country—Collection of poor-rates—Limit to liability of justices.

1786. Mr. Acland's scheme for establishing a universal benefit society.

THE plan proposed by Baron Maseres in 1772, for establishing life annuities in every parish for the benefit of the poor, has already been noticed.[1] In 1786 Mr. Acland, with a like benevolent intention, proposed a scheme for establishing a kind of universal friendly or benefit society, by contributing to which at certain prescribed rates, according to age and other circumstances, all persons might, independently of the Poor Law, assure for themselves adequate support in the time of sickness, infirmity, and old age. Mr. Acland proposed that an association should be established by Act of Parliament for the whole of England, to which every one between the ages of twenty and thirty should be compelled to subscribe, in manner following—a labourer earning 10d. a day, and a man-servant having 1s. 6d. a week or £4 a year wages, or if a female, 1s. 3d. a week or £3 a year wages, to pay to the common stock, the man 2d. weekly, the woman 1½d. Persons

[1] *Ante*, p. 70.

disabled by accident or infirmity, or being married and having one or more children, are not, however, compellable to subscribe, but may do so if they think fit, as may also persons between the ages of thirty and fifty, on payment of one year's subscription by way of entrance-money, and an additional shilling for every year they exceed the age of thirty. The churchwardens and overseers are in virtue of their office to be the treasurers of the association. In case of sickness or accident happening to any subscriber, notice thereof is to be given to the minister, or to a churchwarden or overseer of the parish, who is forthwith to visit the member, and send the parish apothecary to attend him if necessary; and in order that all persons may have proper assistance at such times, every parish is to agree with some neighbouring apothecary for the supply of medicine and attendance, one half of the apothecary's salary to be paid by the parish, the other half by the association. The subscriber of 1½d. a week, if sick or disabled, is to be entitled to receive 4s. a week bed-lying pay, 2s. a week walking pay, and 1s. a week for every child above two. The subscriber of 2d. a week, if sick or disabled, is entitled to 6s. a week bed-lying pay, 3s. a week walking pay, and 1s. 4½d. a week for every child above two. There are other provisions extending the proposed association to persons possessed of property, and superior in condition to labourers or servants; but the above particulars are all that need here be noticed as bearing upon the Poor Law, which this plan was intended in great measure to supersede.

The continually increasing amount of the poor-rates, coupled with the other evils arising out of the law as then administered, caused much alarm at this time, as it long continued to do, and as we have seen it had done previously. The law of settlement was not the least prominent of these evils. By binding the labourer to his parish, it destroyed his energy, and prepared him

for becoming a pauper, at the same time giving rise to litigation and expense, and thus in every way adding to the burthen of the rates. Various remedies were proposed; among the rest this scheme of Mr. Acland's, of which it is only necessary to remark, that however well intended and unobjectionable in principle, it was, like that of Baron Maseres, unsuited to the circumstances of our population, and therefore impracticable. Mr. Gilbert also in the following year (1787), partaking of the prevalent alarm, and dissatisfied apparently with the working of the Act which bears his name, proposed a scheme somewhat similar to that which he had introduced in 1765, but dividing the country into smaller districts of not more than thirteen parishes, with an entirely new local executive in each. He proposed to vest the whole power and control in a Board of County Commissioners, chosen by the justices, who were likewise to appoint committees in the several districts. Workhouses were moreover to be provided in each district, and on these, and the regular attendance of the gentry at the county boards, the chief reliance was placed for securing good management and effecting all that was desired. We are indebted to Mr. Gilbert for organising the returns of Poor Law expenditure, on which account, rather than for his Act of 1782, his present scheme is entitled to notice, although not adopted or favourably received at the time that it was promulgated.[1]

1787. Mr. Gilbert's scheme.

The 30 George III. cap. 49, is entitled "An Act to empower Justices and other persons to visit Parish Workhouses," etc., and after reciting "that the laws now in being for the regulating parish workhouses or poorhouses have been found in certain instances deficient and ineffectual, especially when the poor in such houses

1790. 30 Geo. III. cap. 49.

[1] The above particulars of Mr. Acland's and Mr. Gilbert's schemes are abridged from the detailed accounts of them given in Sir F. Eden's *State of the Poor*, vol. i. pp. 373 and 388.

are afflicted with contagious or infectious diseases, in which cases particular attention to their lodging, diet, clothing, bedding, and medicines is requisite," it goes on to enact that any justice of peace, or any physician, surgeon, or apothecary, or the officiating clergyman of the parish, when authorised by warrant of such justice, may at all times visit any parish workhouse or poorhouse within the county or division where such justice resides or has jurisdiction, and may examine into the state of the poor people therein, and their food, clothing, and bedding, and into the condition of the house, etc.; and if there be found cause of complaint, the same is to be certified to the next quarter-sessions, at which the overseers of the poor and the master of such house are to attend, to answer such complaint. And the justices in quarter-sessions assembled, after hearing the parties, are empowered to make such orders and regulations for removing the cause of complaint as to them shall seem meet. But it is likewise provided, that in case there be occasion for immediate interference, application is to be made to one or more other justices of the county or division, "and thereupon the said justices shall and may make such order for the immediate procuring medical and other assistance, or of sufficient or proper food, or for the separation or removal of such poor as shall be afflicted with any contagious or infectious disease, as they shall think proper to direct, until the next quarter-sessions of the peace be held, to which the said justices are to certify the same; and the justices assembled at such quarter-sessions are required to make such order for the further relief of the poor in such workhouse or poorhouse as to them shall seem meet and proper." Incorporated workhouses are, however, expressly exempted from these provisions.

Parish poor-houses, etc., may be visited, and justices may give such orders as are necessary for removing cause of complaint.

The parish poor-houses.

That the organisation and management of parish poorhouses, miscalled workhouses, should have been

found defective, and requiring inspection and control, can hardly excite surprise, seeing that at a comparatively recent period they were actually little better than receptacles for the idle, the dissolute, and depraved, together with some who were infirm or imbecile, and a few who were simply destitute and dependent,—the whole living promiscuously together, the young and the old, the males and the females, the dissolute and the orderly, without discipline or classification. And when it is added that these buildings were not always constructed for workhouses, but often hired or purchased for the occasion, were generally of insufficient size, and always unsuitable in arrangement, and that their management was subject to negligence, partiality, and fraud,—it would have amounted almost to a miracle if they had not been, as is above indicated, seats and sources of contagion, and a sort of pest-houses where diseases, social, moral, and physical, were generated and nurtured, and whence they spread into and contaminated the surrounding districts.

Such parish houses, attended by such consequences, the author has seen, and it was after seeing them that he entertained first the hope, and then the conviction, that these sources of evil were capable of being converted into instruments of good—that they might be made tests of destitution, as well as an economical and effective means for affording relief. He saw that the old ill-managed workhouse led to an increase of pauperism and depravity, and he also saw reason to believe that a well-managed workhouse would help to check the one and prevent the other—that whilst the former was the worst appendage to a parish, the latter might become the best; and he accordingly endeavoured to bring about the change in the parish where he resided. The results surpassed his expectation, and subsequent experience affords a reasonable assurance,

that if the workhouse principle, on which the modern Poor Law is founded, continues to be judiciously applied, it will avert the dangers and neutralise a great majority of the evils necessarily inherent in all established modes of relieving the poor. The old incorporated workhouses, whether under Gilbert's or any local Act, were not established or conducted in conformity with this principle, and they therefore failed of being permanently beneficial. They were nevertheless better than the earlier parish poorhouses referred to in the above Act, and they at first and for a time were no doubt effective in bringing about a reduction of the rates; but they soon ceased to be useful in this respect, whilst the erroneous principle on which they were established led to evils greater even than those they were intended to correct. This was particularly the case in many of the large incorporations, the managers of which, by endeavouring to make a profit of pauper labour, went a long way towards making all the labouring population paupers.

The question of how rogues and vagabonds should be dealt with has, we have seen, continued at times to occupy the attention of the legislature from an early period; and now 32 George III. cap. 45, was passed to explain and amend 17 George II. cap. 5,[1] which was also an amending Act, and by which it was at the time believed the subject was definitively settled. The preamble of the present Act declares that "great abuses are committed in conveying from one place to another by passes persons who are not rogues and vagabonds, or in conveying persons who are rogues and vagabonds without complying with the directions of 17 George II., which directs that such persons only shall be conveyed by pass under the hand and seal of a justice of peace, who have been first publicly whipped, or confined in the house of correction"; and it is now enacted that

1792. 32 Geo. III. cap. 45.

[1] *Ante*, p. 34.

when a justice shall order a rogue or vagabond to be passed according to the provisions of that statute, such rogue or vagabond shall be first publicly whipped, or be sent to the house of correction for at least seven days, and the justice is to certify the same in the pass. But a female, although convicted as a vagabond or incorrigible rogue, is in no case whatever to be whipped, any law to the contrary notwithstanding. And as the present mode of conveying vagrants in the custody of a constable is frequently found insufficient, "from the misconduct and negligence of constables"—it is enacted that the justices at general or quarter-sessions may order rogues and vagabonds to be conveyed either by the master of the house of correction or his servants, or by a constable, as they shall think proper; and they are also empowered to direct what rates and allowances shall be made for passing or maintaining rogues and vagabonds, and likewise to make rules and orders for the more regular proceeding therein.

Rogues and vagabonds to be punished before they are passed. But female vagabonds not to be subjected to whipping.

The 7th section recites, "And whereas soldiers travelling from one place to another, having a certificate from their officers or the Secretary-at-War are permitted to beg, and that mariners or seafaring men discharged are licensed to beg by some testimonial or writing under the hand and seal of a justice of the peace, and that such permission to beg is highly improper"—it is therefore enacted, that every soldier and mariner wandering abroad and begging, shall be deemed a rogue and vagabond within the meaning of the Act. And because "several persons, by their wilful default and neglect, permit their wives and children to become chargeable to their respective parishes," the 8th section enacts that if any poor person shall not use proper means to obtain employment, or if, being able, he neglects his work, or spends his money in the alehouse or otherwise improperly, or if he does not apply a proper proportion of his earnings towards the mainten-

Soldiers and mariners prohibited from begging, and persons neglecting to support their families subjected to punishment.

ance of his wife and family, by which default or neglect they or any of them become chargeable, he is in either of such cases to be deemed an idle and disorderly person, and subjected to the punishment directed for such persons by the forementioned Act.

All these provisions are not only important in themselves, but remarkable as indicating the state of public opinion on the subject at the time. The exemption of females from the punishment of whipping is a proof of advance in civilisation, as discontinuing the licence to beg theretofore given to discharged soldiers and sailors, is a proof of advance in the right appreciation of public order. The penalty to which men are subjected who fail in duly supporting their families, is also an advance in the recognition and enforcement of a great social duty; whilst making the punishment of rogues and vagabonds more strictly imperative before they are "passed," proves the legislature to have been thoroughly impressed with the evils of vagrancy, and thoroughly earnest in their endeavours to put it down.

1792. 32 Geo. III. cap. 57. Parish apprentices.

Some further regulation of parish apprentices had now become necessary, and 32 George III. cap. 57, after referring to certain provisions on the subject in 43 Elizabeth, 8 & 9 William III. cap. 30, and 18 George III. cap. 47,[1] proceeds: "And whereas, in the event of the death of the master during the term of such apprenticeship, the agreement for service on the part of the apprentice is at an end, but the covenant for maintenance on the part of the master still continues in force, and in consequence thereof such apprentices do frequently, on the death of their master, leave their master's house, and, after living in idleness, return again and become a burthen on their master's effects, which is attended with great inconvenience and hardship to the family and personal representatives of such master, and is at the same time an inducement to

[1] *Ante*, vol. i. pp. 181, 340–42; vol. ii. p. 81.

such apprentices to continue in a disorderly and idle course of life"; it is therefore enacted that on the death of a master or mistress of any parish apprentice, upon whose binding out not more than five pounds has been or shall be paid, the covenant for maintenance is not to continue in force longer than three months, during which time the apprentice must live with and serve the executors of such masters or mistress, or such other persons as the executors may appoint. It is also declared to be "just and reasonable that such apprentice should be obliged, during the term of his apprenticeship, to make some satisfaction by his labour to the family or representatives of his deceased master, for the advantages he has received from his apprenticeship in his childhood, when his services could not be equal to the expenses of his maintenance"; and it is accordingly enacted that within such three months two justices of peace may, on application by the representatives of the deceased master or mistress, order and direct that the apprentice shall, for the residue of the term named in his indenture, serve any one of the persons so making application as the justices shall think fit, provided such person has lived with and formed part of the family of the deceased. But if no such application be made, or if the justices think the apprenticeship should not be continued, it is then to cease in like manner as if the full term had expired. And because no provision has been made for discharging a parish apprentice when a master or mistress has become insolvent, or so reduced as to be unable to maintain or employ him, it is now provided that two justices of the peace, on application by such master or mistress, may inquire into the circumstances, and discharge such apprentice from his apprenticeship, if they shall find cause for so doing.

It appears by the 7th section of the Act, that persons were often compelled "to take a greater number of parish apprentices than it was convenient for them

to maintain or employ in their own families, and are therefore forced to place out or assign over such apprentices to other persons." All such assignments are now directed to be made subject to the consent of two justices, and by endorsement on the indenture of apprenticeship, as is also the consent of the person to whom the apprentice shall be assigned; and forms of such assignment and consent are given in the schedule.

Apprentices not to be assigned to other masters without consent of two justices.

We have seen that upon proof of "any misusage, refusal of necessary provisions, cruelty, or other ill-treatment" of any apprentice by the master or mistress, two justices are empowered to discharge such apprentice from his or her apprenticeship.[1] It is now declared that instances of such ill-treatment frequently occur, and in order "that the expectation of such discharge should not operate as an inducement to such ill-treatment," it is enacted, that where any apprentice shall be so discharged, the justices may also order the master or mistress to deliver up to the apprentice his or her clothes and wearing apparel, and also to pay to the churchwardens and overseers of the parish a sum not exceeding £10 "for again placing out such apprentice for his or her benefit, as to such justices shall seem meet"; and also to pay a sum not exceeding £5, in case such master or mistress shall refuse to deliver up such clothes and wearing apparel. The justices may also, if they think fit, compel the churchwardens and overseers to prosecute the master or mistress for ill-treatment of any apprentice, and order the costs and expenses of such prosecution to be paid, one-half by the parish to which the apprentice belongs, and the other half by the county; and where any master or any mistress shall be convicted of such offence, they are not to have any other apprentice bound upon them, but whenever they would be compellable to take a parish apprentice, any two justices may order and direct such

Masters and mistresses to be prosecuted for ill-treatment of apprentices.

[1] *Ante*, p. 42 (20 George II. cap. 19).

persons to pay to the parish officers a sum not exceeding £10, nor less than £5, for the purpose of binding out the child.

The law likewise extends its protection to masters and mistresses, by empowering two justices to hear and determine complaints against parish apprentices "touching or concerning any misdemeanour, miscarriage, or ill-behaviour," and to punish or otherwise to discharge any such apprentice from his apprenticeship. But "as it is expedient to prevent the expectation of such discharge being an inducement to such ill-behaviour on the part of the apprentice," it is now enacted, that in all cases where any apprentice shall be so discharged, such justices may, if they think proper, punish such offender by commitment to hard labour in the house of correction for any time not exceeding three months.

Apprentices to be punished for ill-behaviour.

We here see both the progress and the results of enforced apprenticeship, collected as it were into a focus. The 43 Elizabeth empowered churchwardens and overseers, with the consent of two justices, to put out poor children to be apprentices "where they shall see convenient"; and at first perhaps there was little difficulty in applying the law, or in judging of the convenience indicated. This state of easy application and contented acquiescence could hardly, however, be of long continuance. The parish officers and the justices would, in the exercise of their discretion, be apt to take a different view of what was "convenient" from that entertained by the party to whom the apprentice was proposed to be bound, and hence would be apt to arise resistance and evasion on one side, and angry pertinacity, or possibly the indulgence of partial or vindictive feelings on the other; and thus the apprenticing of poor children would give rise to feuds, bickerings, and oppression, to the injury of the parish and all persons connected with it.

Progress and results of enforced apprenticeships.

The disinclination to receive parish apprentices

seems at length to have become so strong as to render some kind of compulsion necessary; and accordingly, by 8 & 9 William III. cap. 30,[1] it was enacted that where any poor children are appointed to be bound apprentices, the person or persons to whom they are so appointed shall receive and provide for them under a penalty of £10. But masters were not likely to view with favour, or to treat with kindness, apprentices thus forced upon them; and in order to guard against misusage on the one side and misconduct on the other, it was enacted by 20 George II. cap. 19,[2] that upon complaint by an apprentice of ill-treatment, two justices "may examine into the matter," and upon proof thereof to their satisfaction, may discharge such apprentice from further service; and also, that upon complaint by a master or mistress of the ill-behaviour of an apprentice, two justices may examine into and determine the same, and punish the offender by commitment to hard labour, "or otherwise discharge such apprentice."

The release thus provided for apprentices through misusage by the master, or through their own misconduct, was pretty certain to lead to an increase of both the one and the other; and a chief object of the present Act (32 George III. cap. 57) therefore is, to prevent the expectation of such discharge from operating as an inducement to ill-treatment by the master, or to ill-conduct in the apprentice, by the imposition of fines on the first, and by making imprisonment with hard labour compulsory as regards the latter, instead of its being an alternative as against discharge at the option of the justices. Further legislation on the subject of apprenticeships was, however, still deemed necessary, and in the following year 33 George III. cap. 55, was passed, entitled "An Act to authorise Justices of Peace to impose Fines upon Constables and other Peace or Parish Officers for neglect of Duty, and on

1793. 33 Geo. III. cap. 55. Apprentices.

[1] *Ante*, vol. i. p. 340–42. [2] *Ante*, p. 42.

Masters of Apprentices for ill-usage of such their Apprentices." The Act declares that it shall be lawful for any two or more justices in special or petty sessions assembled, upon complaint on oath of neglect of duty, etc., "by any constable, overseer of the poor, or other peace or parish officer, or by or on behalf of any apprentice to any trade or business, whether bound apprentice by any parish or otherwise, provided that not more than the sum of *ten pounds* be paid upon the binding against his or her master or mistress of any ill-usage of such apprentice by such master or mistress (such constable and such master and mistress having been duly summoned to appear and answer such complaint), to impose on conviction any reasonable fine not exceeding 40s. upon such constable, overseer, or other officer, master or mistress respectively, as a punishment for such neglect of duty or ill-usage; and by warrant to direct such fine or fines, if not paid, to be levied by distress, and applied towards the relief of the poor of the parish, township, or place where the offenders respectively reside, at the discretion of the justices. But persons aggrieved thereby may appeal to the next general quarter-sessions, giving not less than ten days' notice of their intention so to do."

In all matters connected with apprenticeship, where the sum paid on binding does not exceed ten pounds, the justices are now therefore, we see, vested with powers almost absolute. Every step in the various proceedings is subjected to their decision, and every case of treatment, doubt, or difficulty is left to their discretion. This was perhaps unavoidable under the circumstances, but the fact of so large a discretionary power being necessary for the control and supervision of parish apprenticeship, constitutes an argument of no light weight against the system. It must often have been extremely onerous and burthensome to the justices by whom it was to be exercised, and, combined with the

other discretionary powers intrusted to them, led to the passing of an Act (43 George III. cap. 141) for the express purpose of "rendering justices of the peace more safe in the execution of their duty."[1]

The plan proposed by Baron Maseres for establishing life annuities, and Mr. Acland's scheme of benefit societies,[2] although neither were carried into effect, seem, in combination with the alarm on account of the continual increase of the poor-rates, to have led to the passing of 33 George III. cap. 54, "For the Encouragement and Relief of Friendly Societies." The recital declares, that "the protection and encouragement of friendly societies for raising, by voluntary subscription of the members thereof, separate funds for the mutual relief and maintenance of the said members in sickness, old age, and infirmity, is likely to be attended with very beneficial effects, by promoting the happiness of individuals, and at the same time diminishing the public burthens." It is then enacted, that it shall be lawful for any number of persons to form themselves into a society of good fellowship, for the purpose of raising from time to time by subscriptions of the several members, or by donations of other persons, a stock or fund for their mutual relief and maintenance in old age, sickness, and infirmity, or for the relief of the widows and children of deceased members, and to make and ordain rules and regulations for the government thereof, and to impose such reasonable fines and forfeitures as shall be necessary for enforcing the same. The rules and regulations are to be submitted in writing to the justices at their quarter-sessions of the peace, who are empowered, after due examination, to confirm such as are conformable to law, and the intent and meaning of the Act, and to disallow all such as shall be repugnant thereto. When so confirmed, the rules

1793. 33 Geo. III. cap. 54. Regulating friendly societies.

[1] See *post*, p. 124.

[2] See *ante*, pp. 70 and 97.

are to be signed by the clerk of the peace, and a duplicate is to be deposited with and filed by him, after which they are to be binding upon all parties. The society is empowered to appoint officers, and to require the treasurer or the trustees to give security for the just and faithful execution of their several offices. In them all the moneys and effects are vested, and they may sue and be sued "in all cases concerning the property of the society."

It is further enacted, that "no member of such society shall be removable from a parish or place in which he may be resident, but is not legally settled, until such person shall become actually chargeable, or shall be forced to ask relief for himself or herself, or for his or her family, or for some part thereof"; neither is any member to require a right of settlement by such residence, or by paying rates and taxes, or by servitude or apprenticeship in the parish or place where he so resides. The exception from removal thus conferred upon the members of friendly societies, was a highly important privilege, and constituted in fact an exemption from the law of settlement so far as these persons were concerned. Two years afterwards, the provisions of this Act which "relate to the framing of rules and regulations for the better management of the funds and the appointment of treasurers," were, by 35 George III. cap. 111, extended to societies "which have inadvertently omitted to take the benefit of the said Act," and also to "certain benevolent and charitable institutions for relieving by voluntary subscriptions and benefactions, widows, orphans, and families of the clergy, and others in distressed circumstances"—all evincing the same praiseworthy solicitude for the protection and welfare of the poorer portions of the community which formed a prominent characteristic in the legislation of that day.

We have now arrived at the important statute, 35

1795. 35 Geo. III. cap. 101. George III. cap. 101,[1] entitled "An Act to prevent the Removal of Poor Persons until they shall become actually Chargeable." After reciting 14 Charles II. cap. 12,[2] it declares that—"many industrious poor persons, chargeable to the parish or place where they live merely from want of work there, would, in any other place where sufficient employment is to be had, maintain themselves and families without being burthensome; and such poor persons are for the most part compelled to live in their own parishes, and are not permitted to inhabit elsewhere, under pretence that they are likely to become chargeable to the parish or place into which they go for the purpose of getting employment, although the labour of such poor persons might, in many instances, be very beneficial to such parish or place"; and it further declares, that the remedy intended to be applied by granting certificates under 8 & 9 William III. cap. 30,[3] has been found ineffectual, and that other provisions relating thereto are necessary. So much of the Act of Charles the Second as enables justices to remove persons likely to be chargeable to the parish into which they come, is then repealed, and it is enacted that from thenceforth no poor person shall be removed from any parish or place where such person shall be inhabiting, to the place of his or her last legal settlement, until such poor person shall have become actually chargeable to the parish or place where he or she shall then inhabit, "in which case two justices are empowered to remove the person or persons in the same manner, and subject to the same appeal and with the same powers, as might have been done before the passing of the present Act with respect to persons likely to become chargeable." This was doubtless a great protection to the industrious

Poor persons not to be removed until actually chargeable.

[1] See p. 221, *post*. For a comparison of the English and Scotch laws of settlement, see *History of Scotch Poor Law*, pp. 88, 116.

[2] *Ante*, vol. i. p. 279.

[3] *Ante*, vol. i. p. 340–42.

poor, who, in their endeavours to obtain employment, may have quitted the parish of their settlement. They would now no longer be subjected to the interference of parish officers, and to assumptions of their being likely to become chargeable, so long as they were not really so.

But further protection was still necessary, for it is declared in the preamble to the 2nd section, that "poor persons are often removed or passed to the place of their settlement during the time of their sickness, to the great danger of their lives," and it is therefore enacted, that when any poor person shall be brought before a justice for the purpose of being removed, or of being passed as a vagrant, and it shall appear to the justice that such poor person is unable to travel by reason of sickness or other infirmity, or that it would be dangerous to him or her so to do, the justice making such order of removal or granting such vagrant pass, is required to *suspend* the execution of the same until he is satisfied that it may be executed without danger, which suspension and subsequent permission are to be endorsed on the order or pass, and the charges incurred under such suspended order are to be defrayed by the parish to which such poor person is ordered to be removed.

Orders of removal to be "suspended" in cases of sickness.

It is also enacted, that no person coming into a parish shall gain a settlement therein by delivery of a written notice, nor by paying levies or taxes in respect of any tenement of less than £10 yearly value; and likewise, that felons and reputed thieves, and every one who by the existing law shall be deemed a rogue and vagabond, or an idle and disorderly person, or shall not be able to give a satisfactory account of him or herself, is to be considered as actually chargeable, and liable to be removed, as is also every unmarried woman with child.

The wording of the preamble of this Act is identical with that of 8 & 9 William III. cap. 30,[1] except that

[1] *Ante*, vol. i. pp. 340-42.

all reference to the giving of security is omitted; but the grounds stated for the passing of both Acts are substantially the same. In both it is declared that the law of settlement has had the effect of confining poor persons to places in which they become chargeable through want of work, and has prevented their going to places where they would find work and cease to be chargeable; and the chief object of both Acts is to provide a remedy for this evil, the first by means of certificates, the last by prohibiting removal until the person is actually chargeable—a measure advocated by Sir William Young, and which had been embodied in a Bill prepared by him in 1788, but it did not then proceed further.

We thus see that on three several occasions efforts have been made to relax the stringency of the settlement law, and to relieve the working classes from the oppressive consequences of removal. The first movement to this end was in the Act of Settlement itself, the framers of which inserted a proviso to the effect, that where poor persons likely to be chargeable shall come to inhabit, they may be removed "unless they give sufficient security for the discharge of such parish."[1] It is obvious that such security could hardly ever be given, and the proviso would therefore prove nugatory. This it is indeed declared to be by 8 & 9 William III. cap. 30,[2] which is the second attempt at mitigation, and which directs such poor persons to bring with them a certificate from the churchwardens and overseers of the parish whence they came, acknowledging them to be settled therein, in which case they are not removable, unless they shall at any time be forced to ask relief. A certificate of this kind might be of some use, by enabling a man to enter a strange parish in search of employment, freed from the liability of being immediately removed from it; but the church-

[1] *Ante*, vol. i. p. 279. [2] *Ante*, vol. i. pp. 340–42.

wardens and overseers would, we may presume, only grant it to the least deserving. The good workman would be still confined to his parish, or if by any means he escaped to another, he would be constantly liable to be sent back; and it was for preventing this, that the third endeavour at mitigation was made in the present Act, limiting such liability of removal to the persons who were actually chargeable—doubtless a great improvement, but still leaving the law of settlement a burthensome restriction on the working classes, and a serious evil to the community at large.

1796. 36 Geo. III. caps. 10 and 23.

The 36 George III. cap. 10 and cap. 23, are both framed with the same object, that is, of increasing the amount and extending the application of relief. The first Act (cap. 10) enables the guardians of an incorporated district to raise and regulate the assessments in the several parishes included therein, according to the price of wheat in Mark Lane, the assessments previously levied having it is said become, "by reason of the late very great increase of the price of corn, and other necessary articles of life, insufficient for the necessary relief and maintenance of the poor," who, it is likewise said, have of late greatly increased in number. But it is provided that "the sums to be assessed in any parish shall never exceed in any one year the amount of double the sum at present raised."[1] The second Act (cap. 23) was passed to amend 9 George I. cap. 7,[2] by repealing so much of it as prohibited relief being given to poor persons in their own houses, which prohibition is declared to have been "found inconvenient and oppressive, inasmuch as it often prevents an industrious poor person from receiving such occasional relief as is best suited to his peculiar

[1] This limitation was subsequently removed by 52 George III. cap. 73; and no restriction on the amount to be raised "for the necessary relief and maintenance of the poor" afterwards existed.

[2] *Ante*, p. 12.

case, and in certain cases holds out conditions of relief injurious to the comfort and domestic situation and happiness of such poor persons." It is therefore enacted, that in every parish the overseers may, with the approbation of the vestry, or the sanction in writing of a justice of peace acting in the district, give relief to any industrious poor person at his or her own residence, in case of temporary illness or distress, and in respect of his or her family, although such poor person shall refuse to be lodged and maintained in any poorhouse which may have been provided for "lodging, keeping, maintaining, and employing all poor persons desiring to receive relief." Justices are also empowered, at their discretion, to order relief to any industrious poor person, who is thereupon "entitled to ask and receive such relief at his or her own house," and the overseers are bound to obey such order; but the cause for its being made is to be assigned thereon in writing, and it is not to remain in force longer than a month. Two justices may, however, continue the order for another month, "and so on from time to time, as the occasion shall require."[1]

Justices may order relief to poor persons in their own dwellings.

This Act opened wide the door which was intended to be closed by 9 George I. cap. 7; and henceforward out-door relief, in some form or other, became the rule, and a source of great and universal abuse. The practice had prevailed to some extent before; and so far back as 1788, we find Sir William Young, in a bill which he introduced for amending the Poor Laws, proposing, in order to relieve the agricultural labourers who were out of work in winter, that the vestry should be empowered to settle a rate of wages for the winter months, and send the unemployed labourers round to the parishioners in rotation, proportionally as they are

Sir William Young's proposal to send unemployed labourers "on the round."

[1] For remarks upon this extension of the justices' powers, and a comparison of English and Scotch Poor Law policy in this respect, and as to able-bodied relief generally, see *History of Scotch Poor Law*, pp. 88, 112, etc.

rated, two-thirds of the wages to be paid by the employer and one-third out of the rates.[1] We likewise find, in Sir F. Eden's account of the parish of *Winslow* in 1795, that most of the labourers were "*on the rounds*"—that is, going to work from one farmhouse to another *round* the parish, sometimes as many as forty, and unless the householders employ them they are wholly paid by the parish. Children ten years old are, it is said, thus put "*on the rounds.*" So likewise in the account of *Kibworth Beauchamp*, it is stated, that when a man is out of work he applies to the overseer, who sends him from house to house to get employed. The employer is obliged to give him victuals and 6d. a day, and the parish adds 4d.; total, 10d. a day for the support of his family. Persons working in this manner are called "*Roundsmen*," from their going successively round the parish for employment.[2]

If such practices prevailed before the passing of the present Act (36 George III. cap. 23), we may be sure they would become more prevalent after the unlimited sanction given by it to what is called "*occasional*" relief to the industrious poor; for the authority of the vestry or the justices, if appealed to at all, would be practically of little avail in guiding or controlling the administration of such relief, or in checking the evils to which it would be certain to give rise. In rural parishes, the vestry would indeed be likely to favour the application of the poor-rates to the payment of wages, as in the cases of *Winslow* and *Kibworth Beauchamp*, for the majority would be employers of labour, and might expect to get their work done in this way at less direct cost to themselves than in any other. If there were an apparent saving to the farmer, from thus defraying out of rates levied upon others in

[1] Sir F. Eden's *State of the Poor*, vol. i. p. 397; vol. ii. pp. 30 and 384.
[2] *Ibid.*

common with himself, a portion of his labourers' wages, he would be apt to disregard or think lightly of remote or social consequences, seeing that the parson, the shopkeeper, the artisan, and the tradesman, were compelled to contribute for his benefit; and thus payments in aid of wages got to be organised into a system, and with few exceptions became general throughout England. The demoralising effects of such a practice upon the labouring population, especially in the rural districts, will call for comment as we proceed; but certain of these effects were immediately noticeable, as in the case of *Winslow*, where it is said the labourers had already, in 1795, become "very lazy and imperious."

As incidental to this period, and in proof of the solicitude which continued to prevail with respect to the poor, we may cite a speech delivered by *Mr. Pitt* in February 1796, on the occasion of a Bill introduced by Mr. Whitbread for regulating wages. Mr. Pitt argued conclusively against such a measure; and with reference to certain of the older statutes which had been quoted as giving countenance to it, he declared that they were enacted to guard the industry of the country against combinations of the labourers, not to remedy any disproportion which existed between the price of labour and the price of living. "Trade, industry, and barter would," he said, "always find their own level, and be impeded by regulations which violated their natural operation, and deranged their proper effect"; and to give "justices the power to regulate the price of labour, would be endeavouring to establish by authority what would be much better accomplished by the unassisted operation of principle."

1796. Mr. Pitt's speech on the Poor Laws.

Mr. Pitt then adverted to the kindred question of the Poor Laws, which, however wise in their origin, had, he considered, "contributed to fetter the circulation of labour, and to substitute a system of abuses in

room of the evils they were meant to redress." The law of settlement, he said, "prevented the workman from going to the market where he could dispose of his industry to the greatest advantage, and the capitalist from employing the person qualified to procure him the best return for his advances." The settlement law, he declared, "had at once increased the burthens of the poor, and taken from the collective resources of the State to supply wants which its operation had occasioned, and to alleviate a poverty which it tended to perpetuate." He thought the country had not yet experienced the full benefit of what had been done to correct these errors, and he was also disposed to think that we had not yet gone far enough, and that advantage might be derived and much evil removed by an extension of those reformations in the Poor Laws which had been begun. The parish officers, he remarked, could not now remove the workman, unless he should be actually chargeable;[1] but an industrious mechanic might still, "from the pressure of a temporary distress, be transported from the place where his exertions would be useful, to a quarter where he would become a burthen." To remedy so great a grievance, the law of settlement ought, he said, to undergo a radical amendment. He conceived that to promote the free circulation of labour, and remove the obstacles by which industry is prohibited from availing itself of its own resources, would go far to diminish the necessity of relief from the poor-rates; and he wished that an opportunity were given of restoring the law to its original purity, and removing the corruptions by which it had been obscured.

After suggesting that relief should, as far as possible, be given in the way of employment, that friendly societies should be encouraged, that schools of industry should be established, and after making some

[1] See 35 George III. cap. 101, *ante*, p. 112.

other suggestions of minor importance, he recommended that an annual report should be made to parliament, which should take upon itself the duty of tracing the effects of its own system from year to year, till it should be fully matured—that, in short, there should be an annual poor-law budget, by which the legislature would show that they had a watchful eye upon the interest of the poorest and most neglected part of the community. He concluded by declaring the subject to be of the utmost importance, and expressing his readiness to do everything in his power towards improving the present system.[1]

The speech is a favourable specimen of the eloquence and reasoning powers of the great minister, and exhibits the kindly qualities of his mind. His views on the law of settlement are identical with those expressed by almost every man entitled to speak authoritatively on the subject, either before or since, from the passing of the law to the present day; but these views were in advance of the general opinion, and so the law still remains (1853), mitigated it is true in its powers of evil, but still inflicting evils of very considerable magnitude upon the community, and especially upon the labouring classes. Mr. Pitt's recommendation that a report, or what he calls "a poor-law budget," should be annually laid before parliament, is one of the measures established by the Poor Law Amendment Act, and it has doubtless been of much benefit in the opportunity it affords for advocating sound principles and disseminating useful information; and it is creditable to the judgment and sagacity of this eminent statesman, that he should have been the first to advocate the adoption of such a proceeding.

An elaborate Bill of 130 clauses was afterwards

[1] See Hansard for 1796, p. 714. The speech is also given, and the Bill founded upon it, in Appendix No. II. of Sir F. Eden's *State of the Poor*, which was published in the following year.

introduced, comprising all *Mr. Pitt's* views, and also embodying certain of the recommendations which had been put forth by Lord Hale, Mr. Locke, Dr. Burn, Mr. Acland, and other eminent men who had given attention to the subject. But the Bill thus compounded was far too complicated in its nature, and aimed at changes too violent and extensive, to admit of being safely adopted. Some of its provisions were moreover decidedly objectionable, such as making allowances to persons in employment in aid of their earnings, making advances to persons for enabling them to obtain land, maintain a cow, or acquire a competence in trade, and giving relief to persons who possessed small properties; so that it is not to be regretted that the bill failed of obtaining support.

After this failure, there was an interval of five years before legislation was again resorted to on the subject of the poor, at the end of which 41 George III. cap. 23, was passed, providing for the better collection of the rates. It appears that inconvenience had arisen from the power of quashing rates given to justices by 17 George II. cap. 38,[1] and that "in consequence of the rate or assessment being quashed or set aside, or of notice of appeal against the whole rate being given, the overseers have not had any money in hand for the relief and maintenance of the poor,"—for remedy of which, the court of general or quarter-sessions, upon any appeal against a rate, is now empowered to amend the rate, either by the insertion or striking out of names, or by altering the amounts respectively charged therein, "or in any other manner which the said court shall think necessary, without quashing or wholly setting aside such rate or assessment." If however it should be thought necessary for relief of the persons appealing, that the rate should be wholly quashed or set aside, then the court may quash the

1801. 41 Geo. III. cap. 23.

Quarter-sessions empowered to amend the rate.

[1] *Ante*, p. 32.

same; but the amounts charged upon all persons in the said rate are nevertheless to be paid, and may be levied and enforced in the same manner as if no appeal had been made; and the moneys so paid are to "be deemed and taken as on account of the next effective rate which shall be made for the relief of the poor." After a rate has been quashed, the general quarter-sessions are likewise empowered to order the sum therein charged upon any person, not to be paid, and all proceedings for enforcing payment of the same are thereupon to be stopped.

Notice of appeal to be given.

Notice in writing is required to be given of every appeal, whether it be against the poor-rate or against the overseers' accounts, stating moreover the cause of the appeal; and such notice must be delivered "not only to the churchwardens and overseers or any two of them, but also to all other persons interested in the event of such appeal." And if it be made to appear that any person shall have paid money which he ought not to have been charged with, the court may order such money to be returned, "together with all reasonable costs, charges, and expenses, occasioned by such persons having paid or been required to pay the same." It is further enacted (sec. 9), in case any churchwardens and overseers shall not have been able, on account of an appeal or the quashing of the rate, to collect money sufficient for the relief of the poor, and have themselves actually advanced and expended money for that purpose, that the succeeding churchwardens and overseers are to repay the same, and if they fail in so doing within fourteen days after demand being made upon them for that purpose, the court of general or quarter-sessions may, on application of the late overseers, and after due notice to the present, "make such order therein as the said court shall think fit."

The poor-rates had now attained an amount which made each ratepayer desirous of lessening his share of

the burthen as much as possible, and as this could only or most easily be done by casting a larger share on his neighbour, there seems to have been a general struggle for this purpose, each ratepayer in a parish striving to increase the assessments of the others, and to reduce his own. That much unfairness, ill-feeling, and injustice ensued in consequence can hardly be doubted, and it was to correct the evils arising out of this state of parochial antagonism that the above Act was framed.

In this instance, as in most other cases connected with poor-law administration, we find that the removal of any difficulty which has arisen, is sought to be attained by enlarging the powers of the local magistracy. Their discretion seems to be regarded as a certain cure for every shortcoming in the law, and for every evil arising out of it. Perhaps this was the best course at that time, and the discretion so conferred may on the whole have been impartially exercised; but the magistrates must have been occasionally placed in a false position, and been compelled to adjudicate in cases in which they were more or less personally interested. The assessments are subjected almost entirely to the control of the magistrates, who may at their discretion raise or reduce the payments of any occupier, or exempt him altogether, and compel the return of any payment he may have made to the overseers—they are in fact almost absolute, as regards the rating for the relief of the poor. Yet as the local magistrates are generally the chief owners of property in every district, and therefore largely interested in its affairs and liabilities, it seems impossible but that some influence, either indirect or personal, must be brought to bear upon them in almost every rating question that arises. It is not sufficient to say that the magistrates, being high-minded honourable men, their decisions would be independent of any such influence; for admitting this to be the case, as we have every reason

to believe that in the main it was, the seat of justice would still not be regarded as free from the taint of partiality—it would not be, like Cæsar's wife, above suspicion ; and this it is necessary that it should be, in order to secure the universal respect and acquiescence of the people.

1803. 43 Geo. III. cap. 141.

That the decisions of the magistrates did not always command such acquiescence, is apparent from an Act passed two years subsequently, 43 George III. cap. 141, "to render justices of peace more safe in the execution of their duty." By this Act, the penalty recoverable from a justice is limited to 2d., unless it shall appear that he was actuated by improper motives. The true remedy for faulty decisions, from whatever cause arising, is however to make the laws so clear, precise, and complete in their enactments, as to secure their due administration without leaving anything, or at any rate leaving as little as possible, to the discretion of the administrators. This will be for the advantage of all parties—of the magistrate, who will thus be relieved from the suspicion of being unduly influenced ; of the public, who will more contentedly acquiesce in whatever may be decided; and it will also add to the weight and authority of the law, a general confidence in which is so necessary for ensuring the peace and good order of society.

Limit to the liability of magistrates.

We will now notice a few of the chief events which occurred after the termination of the American War in 1783, and briefly advert to the general state of the country at the end of the century, with the view of preparing the reader for the legislation which subsequently took place, and of enabling him to judge of the suitableness of the measures adopted.

1786. Commercial treaty with France.

The first domestic event to be noticed was the commercial treaty with France in 1786, which, departing from the narrow policy of a former period, was based upon the broad principle of reciprocity. Although

strenuously opposed by many of the trading class, it was approved by large majorities in parliament as being "calculated to encourage industry, extend lawful commerce, promote beneficial intercourse between the two countries, and give additional permanence to the blessings of peace."[1] Another incident deserving notice was the impeachment of Warren Hastings, which, after nearly ten years' endurance, terminated in his acquittal by a solemn verdict of the Peers in April 1795. Thus did this great man, who may be said to have laid the foundation of that mighty empire which England has since acquired in the East, suffer persecution instead of meeting reward. The only redeeming circumstance in connection with this event, is the example afforded by it, that under our popular institutions no one, however distant, or however elevated his position, is secure from being called to account, if there be grounds for so doing, either real or suspected.

1786. Impeachment of Warren Hastings.

The war of the French Revolution commenced in February 1793. The Revolution itself may be said to have commenced with the assembling of the States-General in 1789, and to have attained its climax in the execution of the king on the 21st of January 1793. The interval presented a dreary scene of anarchy and violence. The chief cause of the outbreak was the disorder of the French finances, and the exemptions enjoyed by the privileged classes, to which perhaps may be added the general demoralisation that prevailed, especially among the higher orders. The flame of revolution, once kindled, spread rapidly throughout the country, giving rise to the most extravagant doctrines and pretensions. Religion and morality were alike outraged, kingly government was denounced as contrary to the natural rights of man, and a system of propagandism was entered upon, with the avowed object of introducing into other countries the same "liberty and

1793. French war.

[1] See the King's Speech on the 23rd of January 1787.

equality" which had been established in France. The English government at first maintained a perfect neutrality, but on the 2nd of February 1793, the minister (Mr. Pitt) moved an address in parliament to the effect that peace was no longer consistent with our internal tranquillity or external safety, and it afterwards appeared that on the day preceding the National Convention had declared war against England and Holland. At this time France had become as it were one vast camp, and a source of dread and danger to the other nations,[1] who sought security in combining against it. The parties who successively acquired supreme power in Paris, followed and proscribed each other with extraordinary rapidity, but there was no want of energy in these offshoots of the Revolution. Intellect and enterprise of every kind were enlisted in the public service. The command of the armies was given to men who, disregarding previous usages, defeated the old tacticians of Austria and Prussia, and overran Flanders and Holland. The English army which had been sent to their assistance was compelled to return, after suffering great losses and privations; but at sea England continued to maintain her accustomed supremacy, and most of the French colonies fell into our hands. An attempt was made in 1796 to negotiate for peace, but it terminated without effect. The revolutionary armies were everywhere successful, and the Revolution itself, after going through the usual phases, attained its natural consummation in the ascendency of a dictator. Towards the end of 1799, Napoleon Bonaparte, the conqueror of Italy, then just returned from his expedition to Egypt, abolished the Directory, assumed the supreme power as First Consul, and after a few years caused himself to be proclaimed emperor; and the whole of Europe, with the exception

Bonaparte First Consul, and afterwards emperor.

[1] See the speeches of Mr. Pitt and Mr. Burke on the 2nd and 11th of February 1793.

of England, became eventually subject to his influence or control.

In 1800 it was decided that the legislative union with Ireland should take effect with the commencement of the new year, which would be also the commencement of the century; and the British Islands thenceforward bore the designation of "The United Kingdom of Great Britain and Ireland." This was declared, in the speech from the throne, to be an event which the king considered the happiest of his reign, being persuaded that nothing could so effectually contribute to the happiness of his Irish subjects, and to the strength and prosperity of the whole empire.[1] The commercial and manufacturing resources of the country went on increasing, notwithstanding the impediments interposed by war and the frequent occurrence of unproductive seasons. In 1782, the last year of the American War, the official value of the imports was £10,341,628 and the exports £13,009,452, whilst ten years afterwards, at the commencement of the French revolutionary war, the imports amounted to £19,659,358 and the exports to £24,905,200,[2] both the one and the other being thus nearly doubled in the interval of peace. In 1801, after eight years of war, the imports amounted to £31,786,262 and the exports to £35,264,650, showing a far slower rate of increase for the intervening period; but still an increase sufficiently marked to establish the continued advance of the country in wealth, and in the powers of production. The tonnage of shipping increased during the same period in a corresponding ratio.

1801. Union with Ireland.

Imports and exports.

[1] For a brief summary of Irish social legislation down to the Union, and for an interesting account (on the authority of Arthur Young) of the state of the country at that epoch, see *History of Irish Poor Law*, pp. 57–59, 59–66.

[2] These figures must be taken as indicating quantities rather than values, and are chiefly useful as affording the means of comparing one period with another.

National debt and revenue.

We have seen that the national debt, at the end of the American War in 1783, amounted to £244,118,635, the annual charge being £9,302,328.[1] On the 1st of February 1803, after the Peace of Amiens, the debt amounted to £520,207,101, and the annual charge to £18,643,725,[2] exclusive of two loans amounting together to £6,220,000 (with an annual charge of £458,931) raised for the Emperor of Germany, and which the British government had eventually to pay, both principal and interest. This enormous increase in the debt was caused partly by the unavoidable expenses of the war, and partly by subsidies to Austria and the other continental states, to assist them in opposing the armies of France; but every effort which they made ended in disaster, whilst the abstraction of so much capital could not fail to operate injuriously upon the productive resources of this country.[3] Yet the revenue levied by the State continued to increase, having risen from £17,656,418 in 1793, at the commencement of the French War, to £35,415,096 at its brief cessation in 1802.

Population.

The first census was taken in 1801, when the returns for England and Wales exhibited a population of 9,172,980. Twenty years previously we have assumed that it amounted to little short of 8,000,000,[4] and it had gone on steadily increasing from the Revolution in 1688. A continually increasing population would naturally require increased means of subsistence and communication, and we accordingly find that in the thirty years between 1769 and 1799, upwards of two millions and a half acres of land were brought into cultivation, and that between 1785 and 1801 no less than 1874 Acts were passed for making

[1] *Ante*, p. 78.

[2] See *Pictorial History of the Reign of George III.*, book ii. p. 626.

[3] In the nine years including 1794 and 1802 the enormous amount of £200,734,743 was raised by loan. See M'Culloch's *British Empire*, vol. ii. p. 432.

[4] *Ante*, p. 78.

canals, harbours, roads, and bridges, and for draining, paving, and other local improvements.

Prices of corn and provisions.

The variableness of the seasons, and the consequent fluctuations in the price of corn and the other necessaries of life, during the first fifteen years of George the Third's reign, have already been noticed.[1] Similar fluctuations continued down to 1795, in which year the cold was so severe in the month of June, as to kill great numbers of sheep which had been newly shorn, and the price of wheat rose in the spring of 1796 to above 100s. a quarter.[2] Importation was encouraged by large bounties, and neutral vessels laden with corn were seized and compelled to sell their cargoes. The scarcity continued during the four succeeding years, and in 1799 and 1800 the harvest was so very deficient, as to cause wheat to reach the price of 134s. a quarter in June of the latter year, and the almost famine price of 156s. 2d. a quarter in the spring of 1801. Proclamations were issued enjoining strict economy in the use of flour and bread. Large bounties on importation were granted. Distillation from grain was prohibited, and the cultivation of the potato was greatly extended. "The sufferings of the bulk of the community under this severe visitation of dearth were very great. The expression of them broke out in tumultuous meetings and riotous proceedings in different parts of the kingdom in the autumn of 1800, and the peace of the metropolis was with difficulty preserved." Happily, however, the next harvest proved abundant, and by the end of the year the price of wheat fell to 75s. 6d.

The frequent occurrence of bad seasons and deficient crops, caused a general tendency to a rise in price; and we accordingly find the pivot or turning-price below which exporters were entitled to a 5s. bounty, and

[1] *Ante*, p. 74.

[2] See Tooke's *History of Prices*.

above which importation was permitted free of the 6d. a quarter duty, successively raised from 44s. to 48s. and 54s. The average price of the quarter of wheat between 1785 and 1794 was about 49s. 9d., and between the latter year and 1801 it was 87s., or very nearly double. Yet Arthur Young represents the average price of wheat in the seventeenth century to have been 38s. 2d. a quarter, and in the eighteenth century 38s. 7d. a quarter,[1] a very trifling difference between the entire periods; but we nevertheless see that the occasional advances which had taken place, some of which were excessive, gave rise at the beginning of the nineteenth century to a general upward tendency, as is manifested by the successive raising of the price by which the law of import and export was governed.

Rate of wages.

Assuming the price of corn to be an index to the prices of all other articles necessary for human subsistence, it follows that the rise of price which had taken place, and more especially in the latter years of the eighteenth century, must have caused great privation and suffering to the labouring classes, unless it had been met by a corresponding rise in the rate of wages; and even then the rise would not go beyond what the average range of prices might warrant, whilst the extreme elevations would necessarily still bear hard upon the labourers. We have seen that in the case of the London tailors, a considerable advance did take place in 1768, under the sanction of a legislative enactment,[2] and there is reason to believe that there was likewise an advance in all other trades and handicrafts more or less proportionate to the advance in the price of provisions. With respect to agricultural and other day labourers, there must have been also an advance in some shape or other, either as wages, or as an allowance from the parish in aid of wages, since

[1] See Tooke's *History of Prices*, vol. i. p. 83.

[2] *Ante*, p. 71.

without an advance of some kind the people could not have subsisted, and might have been driven by their necessities to break the law and prey upon the community.

1795. Berkshire bread-scale, or Speenhamland Act.

In 1795 a meeting of the Berkshire justices and "other discreet persons," assembled by public advertisement, for the purpose of rating husbandry wages, and declared it to be their unanimous opinion that the state of the poor required further assistance than had been generally given them. They also declared it to be their unanimous opinion that it was not expedient for the magistrates to grant that assistance by regulating wages according to the statutes of Elizabeth and James, but that the magistrates should earnestly recommend to the farmers and others throughout the county to increase the pay of their labourers in proportion to the present price of provisions. The magistrates then present accordingly resolved "that they will in their several divisions make the following calculations and allowances for the relief of all poor and industrious men and their families who, to the satisfaction of the justices of their parish, shall endeavour (as far as they can) for their own support and maintenance, that is to say—

"When the gallon loaf of second flour weighing 8 lb. 11 oz. shall cost 1s., then every poor and industrious man shall have for his own support 3s. weekly, either produced by his own or his family's labour or an allowance from the poor-rates, and for the support of his wife and every other of his family 1s. 6d.

"When the gallon loaf shall cost 1s. 4d., then every poor and industrious man shall have 4s. weekly for his own, and 1s. 10d. for the support of every other of his family.

"And so in proportion as the price of bread rises or falls (that is to say), 3d. to the man and 1d. to every other of the family, on every penny which the loaf rises above a shilling."

At the same meeting the overseers were recommended to cultivate land for potatoes, giving the poor who worked it one-fourth of the crop, and selling the remainder at 1s. per bushel; also to purchase fuel "and retail the same *at a loss*"; and the justices promised that, where this plan was adopted, they would, in making allowances for relief and punishing persons for stealing wood, take these circumstances into consideration, and give them their due weight. A meeting held on the same day at Basingstoke, declared it to be their opinion, that the most eligible method of regulating the rate of wages is by reference to the price of wheat; but that in no case ought an able-bodied labourer to have less than 8s. per week.[1]

The above is the famous Berkshire bread-scale, locally known as the "Speenhamland Act of Parliament," and it was extensively adopted in other counties. The effect of a scale of wages graduated according to the price of bread and the size of families, would be to enable the labouring classes, who necessarily constitute the great bulk of every people, to obtain the same quantity of food in a scarce and dear season, as in an abundant and cheap one. This is contrary to the ruling of providence, would aggravate the evils of dearth, and go far to neutralise the blessings of abundance. That there must, and that there ought to be, a certain proportion between the general wages of labour and the general cost of subsistence, it is impossible to deny; but this must be a proportion admitting of considerable latitude, according to times and circumstances. It would be vain, and as mischievous as vain, to attempt to fix the wages, or in other words to determine the nature and quantity of food, which each individual should be entitled to receive in return for his daily

[1] The above particulars are copied from *The Reading Mercury* of Monday, May 11, 1795. The Speenhamland meeting took place on Wednesday the 6th of May in that year.

labour. Yet this the bread-scale attempts to do, and this Mr. Whitbread likewise attempted to effect, by a Bill which he introduced first in 1795, and again in 1800, for regulating wages according to the price of provisions; but happily both the Bills were rejected on the second reading.

On the whole, it may be assumed, that in the latter part of the eighteenth century, the labourer's wages, or his means of procuring the necessaries of life, were increased in a somewhat corresponding ratio to the increase in the price of food. But as throughout the period this latter increase was generally continuous, and at times excessive, the labourer must have been frequently exposed to great privation, and driven to resort to the poor-rates for aid; and every instance of his so doing would naturally lead to renewed applications, until the wages of labour and relief from the rates would become so blended, that the one could not be separated from the other. This result would no doubt be greatly accelerated by the operation of a bread-scale such as is above described, and we accordingly find that the expenditure for the relief of the poor, which, on the average of the three years 1783, '84, and '85, amounted to £2,004,238,[1] was by returns to parliament shown to amount in the year 1802–3 to no less than £4,267,965,[2] and in 1801 it therefore could hardly have been under £4,100,000, having thus more than doubled in seventeen years. To what extent such a rapid increase of poor law relief may have been occasioned by the war in the latter half of this period, and by the occurrence of scarcity and high prices, or how far it was owing to the application of the poor-rates in aid of

Amount of poor-rates.

[1] *Ante*, p. 94. The money levied under the poor's rate, including county rates, in the year 1802–3 amounted to £5,348,205. For the three years 1783–4–5 we have seen that the average was £2,167,750. There were no intermediate returns. See *ante*, p. 94, *note*.

[2] See Statement of Local Taxation, printed by order of the House of Commons, in 1839.

wages by means of a bread-scale, or the roundsman system, or payment of rents, or allowances in some other way, it is impossible to speak with certainty,—probably all may have operated more or less; but we can hardly doubt that the application of rates in aid of wages, in some form or other, had the largest share in causing the increase. The evil thence arising fell heavily alike on all classes—on the rich, who paid more for worse labour, and on the poor, who were compelled to receive the equivalent for their labour in a form that must have been repulsive to their feelings of independence and self-respect.

On comparing the condition of the country in 1801, as indicated by the foregoing facts and statements, with what it was at the commencement of the present reign, and again at the end of the American War in 1783, we find that the population was continually on the increase, upwards of 2,000,000 having been added between the accession of George the Third and the end of the century. We find also that the trade, wealth, and resources of the country increased in a still greater ratio than the population. But the general condition of the people did not altogether keep pace with these improvements, since the advance which from time to time took place in the cost of subsistence, continually preceded an equivalent advance in the wages of labour; and the deficiency thence arising was for the most part made up out of the poor-rates, which went on rapidly increasing, and became a heavy burthen to the rate-payer, and a fertile source of demoralisation to the labourer.

CHAPTER XIII

A.D. 1803–1820

Reign of George III. continued—Renewal of war with France—Provision for families of militiamen—Increase of poor-rates—Contracts for farming the poor—Revision of bastardy and settlement laws—Audit of overseers' accounts—Extension of Gilbert's Act—Abolition of badges—Apprenticeship indentures—Operation of settlement law—Time of electing overseers—Repeal of restrictions on exercise of trades—Amending settlement law—Punishments in workhouses—Justices may excuse payment of rate—Illegal pawning, etc., of workhouse property—Supply of goods to workhouses—Justices empowered to order out-door relief—Restriction of punishment—Parish apprenticeship—Sketch of events from the Peace of Amiens to the battle of Waterloo—Revenue, expenditure, and national debt—Imports and exports—Prices of wheat—Wages—Poor-rates—Population—Debate in the House of Commons on the appointment of a committee on the Poor Law (1817)—The committee's report and its results—Parish Vestry Act—Select Vestry Act—Amendment of settlement laws—Death of the king.

THE war with France, in which a brief pause had been effected through the Treaty of Amiens at the end of 1801, again raged with greater inveteracy than before. The country was alarmed by threats of invasion, for defence against which it had, in a great measure, to rely upon the militia, and an Act was passed "for consolidating and amending the several laws providing relief for the families of militiamen when called into actual service." The preamble declares it to be expedient that the provisions in previous Acts relating to the subject should be consolidated and amended; and it is then enacted, that when a militiaman shall be called out into actual service, leaving a wife and family unable to support themselves, the overseers of the poor of the parish where they reside shall (subject to an order of a justice of the peace) "pay weekly to the wife, and to

1803. 43 Geo. III. cap. 47.

Families of militiamen to be supported out of the poor-rates.

each of the children of every such non-commissioned officer, drummer, balloted-man, substitute, hired man, or volunteer respectively, out of the poor-rates," an allowance equal to the ordinary price of one day's husbandry labour in the district; but the allowance is never to be less than one shilling, and if there be not money sufficient in the hands of the overseers, a new rate is to be made for the purpose. The families are moreover exempted from removal, neither are they to be sent to the workhouse, and the men are not to lose their legal settlements nor their right of voting. But in any case where a man has a wife and more than three children to be provided for, the overseers are empowered to procure another fit and proper man, having no family, to serve in his stead.

By thus securing a provision for the men's families in their absence, this Act must have offered a great encouragement to men to serve in the militia, the object for which it was no doubt chiefly intended; but whilst effecting this object, it must also have largely tended to increase the poor's rate,—first, by the direct charge cast upon it in the relief now ordered to be given to the families of militiamen; and next, by the habit which thence arose of continually resorting to it. This last was the greater evil of the two, for by accustoming the people to look to the rates, and to see numbers constantly deriving their subsistence from them, the poor-rate got to be regarded as a kind of common fund, of which every one was entitled to claim a share on the occurrence of any want or any difficulty from whatever cause arising. All feeling of repugnance to apply for and receive parish relief thenceforward rapidly subsided. The applicants and receivers became so numerous as to keep each other in countenance, and the parish pay-table was approached without shame or misgiving.

It can hardly be doubted that this change in the

habits and feelings of the people was greatly accelerated, if it was not mainly caused, by the operation of the present Act, under which many families in every part of the country claimed and received their means of living from the poor-rate, not only without any feeling of degradation, but as a right, and an honourable distinction due to the families of men who were meritoriously serving their country. To be backward or niggardly in the distribution of relief to such persons would have been considered unpatriotic, or perhaps illegal; and a laxity, or misnamed liberality in the administration of the Poor Law thenceforward took place, and went on increasing until the rates, originally intended for the relief of the impotent and necessitous, were squandered on the idle and the dissolute, checking industry, destroying self-reliance, and leading to the pauperisation of nearly the entire labouring class. That this was aggravated by the high war-prices which then prevailed cannot be denied, for these drove the labourer to seek relief from the parish in aid of his wages, and disposed the farmer to be forward in dispensing such relief. Having regard to this circumstance, therefore, coupled with the natural, and it may be said necessary operation of the above Act, it cannot excite surprise that the poor-rate should go on rapidly increasing, as we have found, and shall still find, to be the case.

Effects of the Act.

Increase of the poor-rates.

The preamble of 45 George III. cap. 54, declares, "that great inconvenience has arisen from contracts for the lodging, maintenance, and employment of the poor of parishes having been entered into pursuant to 9 George I. cap. 7,[1] with persons not being resident within such parishes respectively, nor of sufficient responsibility to ensure the faithful performance of such contracts." Wherefore it is enacted, that no contract for lodging, maintaining, or employing the poor

1805. 45 Geo. III. cap. 54.

[1] *Ante*, p. 12.

of any parish, and for taking the benefit of their labour and service, shall be valid or binding, unless the persons with whom the same shall be entered into shall, during the continuance of such contract, be resident within the parish so contracting, or within the particular parish in which such poor shall be lodged and maintained; or in case of two or more parishes being united, shall be resident in one of such parishes; and also unless one or more responsible householders, to be approved by the churchwardens and overseers, shall give security for the due and faithful performance of such contract, "nor unless such contract shall be approved and signed by two justices of peace acting for the county in which such parish is situated." Parishes maintaining their poor under the provisions of any special Act are however exempted, as are also the contracts entered into previous to the passing of the present Act. The "inconveniences" here said to arise from farming out the poor, and for which this Act was intended to afford a remedy, might have been readily foreseen at the time of passing 9 George I. cap. 7, and there can be no doubt that the practice ought never to have been sanctioned; but being once adopted, there was a difficulty in putting an end to it altogether, and the present Act, as we see, only aims at preventing its extension, unless under such guards as it was thought would prevent abuse. The system was however radically bad, and so open to jobbery and fraud, that no supervision or conditional arrangements could prevent abuse, or guard against its becoming a source of demoralisation and a stimulant to pauperism.

1809. 49 Geo. III. cap. 68.

The bastardy law was now found to need revision, and 49 George III. cap. 68, was passed to explain and amend it, "so far as related to indemnifying parishes in respect thereof." The Act commences by declaring, "that the provision of 18 Elizabeth concerning bastards begotten and born out of lawful matrimony,

are found to be inadequate for indemnifying parishes against the charges thereby incurred, and that it is expedient such charges should be borne by the adjudged reputed father, "at the discretion of the justices by whom such adjudication shall be made." It is therefore enacted, that if any single woman shall, upon oath before a justice of peace, declare herself to be with child, and that such child is likely to be born a bastard, and shall charge any person with having gotten her with child, the justice, on application by the overseer of the poor, shall issue his warrant for apprehending such person, and shall commit him to gaol, unless he gives security to indemnify the parish, or enters into recognizance to appear at the next general or quarter-sessions, and to abide by such order as shall then be made. And it is further enacted, that any person who shall hereafter be adjudged to be the reputed father of a bastard child, shall be chargeable with all reasonable expenses incident to the birth of such child, and also for the payment of costs for his own apprehension, and for the order of filiation. And as "parishes are often put to great expense in enforcing orders of maintenance made on the filiation of bastard children," it is further enacted, that if any reputed father or any mother of a bastard child, on whom an order of filiation or maintenance has been made, shall neglect or refuse to pay the same, any justice of peace, upon complaint of an overseer of the poor, may issue his warrant to apprehend such reputed father or such mother, and if the money be not then paid, or sufficient cause shown for not so doing, the justice is to commit one or both to hard labour in the common gaol for three months, unless before the expiration of that time the money so ordered shall be paid. All charges, expenses, and costs, are wholly subject to the discretion of the justices, who may order payment of the whole or any part thereof, "provided that the

Order of filiation in cases of bastardy.

costs of apprehending the reputed father and the order of filiation shall not in any case exceed the sum of £10." With the above exceptions, the Act of Elizabeth is in all respects to be observed.

1810. 50 Geo. III. cap. 51.

But in the year following a further amendment of the bastardy law was called for, and 50 George III. cap. 51, repeals so much of 7 James I. cap. 4,[1] as relates to the punishment of women delivered of bastard children. It declares that the punishment of one year's imprisonment at hard labour therein inflicted upon every woman having a bastard child chargeable to the parish, and for a second offence the like imprisonment until she put in good securities not so to offend again, "if rigorously inflicted might be too severe, and might subject the offender to imprisonment for life"; and it is therefore enacted, that when a woman has a bastard child chargeable to the parish, any two justices before whom she shall be brought "may, at their discretion, commit her to the house of correction, there to be set on work for any time not exceeding twelve months, nor less than six weeks"; and the justices are further empowered, "upon their own knowledge," or a certificate from the keeper of the house of correction of her good behaviour, to order such woman to be released at any time after she has been imprisoned not less than six weeks. But it is expressly provided, that no such woman is to be so committed, "until she shall have been delivered for the space of one calendar month."

Both this and the preceding Act were framed with a view to favour the woman, and to punish the man, the penalties being mitigated as respects the former, and increased in the case of the latter. This could hardly in the long run be favourable to female virtue, for the woman would naturally have less dread of the consequences attendant on a breach of it, whilst the severer penalties imposed on the man would place him

[1] *Ante*, vol. i. p. 228.

more under her power. Even in cases where she may herself have been the tempter, she might cause him to be apprehended and imprisoned; and the consciousness of possessing this hold over the man may, it is to be feared, have not unfrequently led her to yield to acts of incontinence which would have been resisted, had woman been left the sole guardian of her own honour. These Acts, however well intended, had not the effect of lessening the crime of bastardy. It may indeed be doubted whether they had not a directly opposite tendency.[1]

1809. 49 Geo. III. cap. 124.

Notwithstanding the recent amendment of the settlement law,[2] further alterations are still found to be necessary, and 49 George III. cap. 124, is accordingly passed for that purpose. It appears that inconvenience had occurred with respect to orders of removal, when suspended in cases of sickness, as authorised by 35 George III. cap. 101,[3] which limits the execution of any such order when amended, to the justices by whom it was originally made; and it is now enacted, that whenever the execution of any order of removal, or of any vagrant pass, shall be suspended by virtue of the said Act, any other justice of the peace may direct the same to be executed, and the charges to be paid. And further, "in order to avoid any pretence for forcibly separating husband or wife, or other persons nearly connected and living together as one family, during the dangerous sickness or other infirmity of any of them on whose account the execution of such order of removal or vagrant pass is suspended," it is directed, that in every such case the execution of the order or pass shall also be suspended with respect to every other person named therein. This was a humane provision, and calculated to prevent the infliction of great hardship, by the separating of families at a time when

[1] See pp. 222, 233, 240, 258, 278, 306, 317, and 359, *post.*
[2] *Ante*, p. 12.
[3] *Ibid.*

mutual assistance would be most needed. The enactment of such a provision must, however, independent of other considerations, constitute an argument against the law of settlement, out of which the necessity for such a provision has arisen.

1810. 50 Geo. III. cap. 49.

Churchwardens and overseers, at the end of their year of office, are by 43 Elizabeth directed to submit their accounts to the inspection of two justices of peace, and 17 George II. cap. 38,[1] directs this to be done to one or more. But it is now, by 50 George III. cap. 49, declared to be "expedient that two or more justices should be empowered to examine and correct, and to allow and approve every such account, before the same shall be signed and attested." And it is accordingly directed that the churchwardens and officers shall submit their accounts to two or more justices at a special session to be held for that purpose, within the fourteen days prescribed by the Act of George the Second for delivering in such account; and the justices are empowered to examine into every such account, and to administer an oath to the churchwardens and overseers of the truth of the same, and to disallow and strike out all charges and payments which they deem unfounded, and to reduce such charges as they deem exorbitant, specifying at foot of the account the items disallowed, and the cause for so doing. And if any churchwardens and overseers refuse or neglect to submit and verify their accounts, or within ten days after the passing of the same, to deliver to their successors any goods, chattels, or other things remaining in their hands, the justices are empowered "to commit him, her, or them to the common gaol, until he, she, or they shall have made and yielded such account, and verified the same, and delivered over such goods and chattels as aforesaid." It is also further provided, that if the outgoing churchwardens and

Overseers' accounts to be examined, corrected, and allowed, by two or more justices, at a session specially held for the purpose.

[1] *Ante*, p. 32.

overseers neglect or refuse to pay to their successors, within fourteen days from signing and attesting their accounts, any money or arrearages due or remaining in their hands, the succeeding churchwardens and overseers may, by warrant from two justices, levy such money by distress, and, in default of such distress, the offenders may be committed to the common gaol until payment is made. But in all cases where parties feel themselves aggrieved, there is a right of appeal to the general quarter-sessions, whose decision is final.

This Act was intended, and on the whole was perhaps well devised, for preventing frauds and securing regularity in parish accounts, so far as circumstances at that time permitted. The justices were then probably the only parties to whom the duty of supervision could be confided, and by requiring it to take place at a sessions specially held for the purpose, the legislature seems not unreasonably to have expected that it would be effectually performed. Ample powers are conferred for the purpose, the justices being authorised to strike out, add to, and alter, in any way they deem right, and to enforce their decisions by committing persons who disobey or resist. Yet the annual examination of these accounts in the manner described, soon became little more than a matter of form. Possibly the habits and position of the justices did not well qualify them for examining and adjusting long, intricate, and sometimes confused accounts; and long, if not intricate and confused, they would necessarily become, as the poor-rates increased and as population extended. Then the hurried inspection of such accounts at a special sessions would afford small opportunity for detecting errors and unravelling complexities. As the accounts were presented, so would they in general be passed, unless objected to or appealed against, which rarely happened. Another cause of the inefficiency of such a mode of checking these accounts was, that the justices them-

Insufficiency of the audit by the justices.

selves were apt to take different views, one deeming a charge right which another considered wrong, so that there was a diversity of practice in different counties, and sometimes even in the same magisterial division. The only real and effective remedy against fraud and irregularity in parish accounts, would be a general system of audit by competent auditors, acting under definite regulations, and amenable to some central authority, to whom they should all report, and by whose directions they should all be guided. This would secure a uniformity of practice, and afford the best means for correcting abuses; but this the country and the legislature were not yet prepared to adopt.

1810. 50 Geo. III. cap. 50.

A further proof of the attention paid to the working of the Poor Law at this time, is shown by the passing of 50 George III. cap. 50, on the same day with the preceding Act. It recites 22 George III. cap. 83[1] (Gilbert's Act), and enacts that two or more justices may at any special sessions direct the rules, orders, and regulations in the schedule of that Act, or any of them, with such additions as the justices may make, to be observed and enforced in the workhouses and poor-houses, or houses set apart for that purpose, of any parish within their respective divisions, and to add to and alter the same; and for carrying into execution such rules, orders, and regulations in the parishes where they shall be established, every justice of the peace is armed with the powers by that Act vested in visitors of the poor, and the churchwardens and overseers are to have the powers, and are required to perform the duties, of governors of the poor. So far as the introduction of these orders and regulations would be a means of establishing order and regularity in parishes where they did not previously exist, it would doubtless be an improvement, as a system, although imperfect, is preferable to no system at all; and therefore it is very

Extending the powers of Gilbert's Act.

[1] *Ante*, p. 83.

possible that this extension of the principal and provisions of Gilbert's Act may at the time have been useful in checking abuse.

1810. 50 Geo. III. cap. 52. Badges abolished.

On the same day with the two preceding Acts, and affording like proof of the attention at this time paid to the subject, 50 George III. cap. 52, was passed, "to amend so much of 8 & 9 William III. cap. 30,[1] as requires persons receiving alms to wear badges." The provisions of that Act on the subject, and the whippings and imprisonments awarded to offenders who remove or omit to wear the badge, and the punishment of overseers who thereafter shall afford them relief, are recited at length, and then, to the credit of the humanity and intelligence of the times, the whole are repealed.

1811. 51 Geo. III. cap. 80.

The 51 George III. cap. 80, is entitled "An Act to render valid certain Indentures for the Binding of Parish Apprentices." It recites 43 Elizabeth, as empowering churchwardens and overseers to bind out as apprentices, the children of poor parents unable to maintain them; and states, that in small parishes the same two persons are often appointed to the offices both of churchwardens and overseer, and that divers indentures of parish apprentices and certificates of settlement have been signed by them, purporting to be the churchwardens and overseers of such parishes; and that in consequence of the said indentures and certificates not being signed by distinct persons as churchwardens, and other distinct persons as overseers, they have been or may be deemed to be void";—to prevent which, it is now enacted, that all indentures and certificates which have been or which shall be so signed by two persons acting as churchwardens and overseers, shall be deemed valid and effectual; but no decision already made in a court of law is to be thereby affected. Three years afterwards another Act (54 George III.

[1] *Ante*, vol. i. pp. 340–42.

cap. 107) was passed in reference to the same subject, another blot in the law having been found; for it appears that "divers parishes contain within themselves several townships, hamlets, or chapelries, each separately maintaining its own poor," and having its own churchwardens and overseers; and that, instead of being signed by the churchwardens and overseers of the parish, the indentures of apprenticeship and certificates of settlement have been signed by such overseers and church or chapel wardens, all of which, when so signed, it is now declared are and hereafter shall be deemed good and effectual. Seven years after this, still another Act was passed (1 & 2 George IV. cap. 32), "For declaring valid certain Indentures of Apprenticeship and Certificates of Settlement," there being, it is said, "in divers parishes, townships, hamlets, and chapelries, only one church or chapel warden, and divers indentures and certificates having been signed by such single church or chapel warden, and much litigation having arisen between parishes owing to the discovery of such defect." Wherefore it is enacted, that all indentures and certificates of settlement so signed shall be deemed valid.

These Acts afford proof of the antagonism which had now grown up between parishes, through the operations of the settlement law. The apprenticing of poor children under Elizabeth's Act appears to have worked beneficially, and with little friction, for a long series of years, and even the certificates of settlement under 8 & 9 William III. cap. 30,[1] seem for a time to have been attended with less difficulty and inconvenience than might have been expected; but as the amount of the rates increased, and the pressure of the settled poor was more felt, each parish endeavoured to relieve its own burthen by casting as much of the pressure as possible upon others. Hence continual

[1] *Ante*, vol. i. pp. 340–42.

litigation arose, each parish having its own attorney, for either attack or defence, whether, as in the above cases, on account of some defect or loophole in the law, or of some neglect or omission on the part of an adverse parish. Everything was deemed fair, in resisting or enforcing a claim of settlement—a question on which the most astute counsel and attorneys exercised their wit and exhausted their learning, much, no doubt, to the advancement of their own professional reputation; but this was often attended with serious cost to the parish, and served to augment the pressure of the poor-rates.

The series of amendments exhibited in the above Acts is rather remarkable, and may serve to illustrate the difficulties of legislation, and the care and extent of information sometimes required, in order that an Act of Parliament may comprehend all the cases to which it is meant to apply. First it was found that the signature of the same person as a churchwarden and as an overseer did not satisfy the requirements of the law, and this defect was cured by 51 George III. cap. 80. Then it was discovered that the signatures of the church or chapel wardens, and the overseers of townships and hamlets maintaining their own poor, were not legally binding in questions of settlement, and this blot was cured by 54 George III. cap. 107. A few years afterwards it came to be known that in divers parishes, etc., there was only one church or chapel warden to sign the indentures and certificates, instead of two, and this difficulty was surmounted by passing 1 & 2 George IV. cap. 32. But these difficulties and successive amendments, as well as the litigation to which they gave rise at the time, and the large expenditure on law proceedings which they helped to perpetuate, were all traceable to the antagonism arising out of the Law of Settlement.

Great inconvenience is said to have arisen, from the

1814. 54 Geo. III. cap. 91. Election of Overseers.

time of appointing overseers of the poor being regulated by the movable feast of Easter, as is directed by 43 Elizabeth; and 54 George III. cap. 91, therefore directs that such appointments shall be made on the 25th of March in every year, or within fourteen days thereafter. This change would doubtless conduce to the convenience of all parties, and it may well excite surprise that any action or event should be still left to depend upon the fluctuating occurrence of a movable feast, instead of being fixed at a time certain and definite. That we should in the present day recognise such movable periods at all is indeed a matter of wonder, but to make other things dependent upon them is still more so.

1814. 54 Geo. III. cap. 96. On exercising trades.

A few days after the above, 54 George III. cap. 96, was passed to amend 5 Elizabeth, cap. 4,[1] respecting artificers, labourers, etc. After reciting the provision in Elizabeth's Act restricting the exercise of "any art, mystery, or manual occupation" to persons who "shall have been brought up therein seven years at the least as an apprentice," all such restrictions are repealed; but there is a proviso specially exempting "the ancient customs, usages, privileges, or franchises of the city of London" from the operation of the Act.

1814. 54 Geo. III. cap. 170.

Again, at the end of a few days, the short but important statute of 54 George III. cap. 170, was enacted, under the title of "An Act to Repeal certain Provisions in Local Acts for the Maintenance and Regulation of the Poor, and to make other Provisions in relation thereto." It recites, "that divers Acts have lately passed containing enactments relative to the maintenance and regulation of the poor, varying the general law with respect of particular districts, parishes, townships, or hamlets; and it is expedient that some of such enactments should be repealed, and others made general." To which end, all enactments made since the

[1] Vol. i. p. 153.

accession of George the First (August 1, 1714), by which any alteration is made in respect of gaining or not gaining a settlement, are repealed; and it is directed that every person shall be deemed to have acquired a settlement by any of the ways or means he, she, or they would or might have so done, in case such enactment had not been made. It is further directed that children born in prisons, or in lying-in hospitals, or in workhouses, shall follow the settlement of their mothers, and are not to be taken as being settled in the parishes in which these institutions may respectively be situated; and it is moreover ordered that prisoners for debt, and gate and toll-keepers, and persons maintained in any charitable institution, shall not thereby gain a settlement.

Further amending the law of settlement.

The 7th section of the Act directs that no master, governor, or other person intrusted with the superintendence of any house for the reception of poor persons, nor the churchwarden, overseer, or other persons appointed under the authority of any Act for the control or management of the poor, shall "punish with any corporal punishment whatsoever any adult person under his, her, or their care, for any offence or misbehaviour whatsoever, nor confine any such person whatsoever for any offence or misbehaviour longer than twenty-four hours, or such further space of time as may be necessary in order to have such person before a justice of peace." It may readily be supposed that a provision of this kind was necessary, now that the houses of industry and workhouses established under 9 George I. cap. 7,[1] or under Gilbert's[2] and local Acts, had become numerous, and were without any adequate supervision. Under such circumstances, undue severity was very likely to be used by the persons in charge of these establishments; and by prohibiting corporal punishment altogether, and limiting confinement to twenty-four hours,

Corporal punishment in workhouses prohibited.

[1] *Ante*, p. 12. [2] *Ante*, p. 83.

a protection was afforded to the inmates, which we can hardly doubt was necessary.

The Act further provides, that overseers of the poor may sue on securities given for indemnifying parishes for the maintenance of bastard children, and that any action so commenced is not to be affected by a change of the overseers, pending the same. The inhabitants of a parish are likewise declared to be competent witnesses in any matter relating to its rates or boundaries, or to the settlement or removal of paupers, or the chargeability of bastards, or the appointment of officers, or the allowance of accounts. Paupers ordered to be removed may be conveyed by any "proper person or persons" employed for that purpose; and the delivery of the pauper by such persons "shall be as good, valid, and effectual as if the same was done by any churchwarden or overseer." Justices assembled in petty sessions are likewise, on the application of any poor person to be discharged from the rate, and on proof of his or her inability to pay the same, empowered, with the consent of the churchwardens and overseers, to strike the name out of the rate, and order that such person shall be excused. And it is further enacted, that the goods and chattels of persons neglecting or refusing to pay the poor-rate, shall be liable to be distrained for the same in any other district, if sufficient be not found within the district in which the charge arose.[1]

Justices empowered to excuse payment of rate.

The provisions of this Act are all clear and practical, and show that its framers were conversant with the subject in all its details. The Act originated in the necessity for some remedy of the confusion which had arisen from conflicting enactments in the divers statutes lately passed, varying the general law with respect to

[1] An instance of the way in which this power of excusal came to be abused will be seen in the case of Southwell, *post*, p. 233. The indulgence, in fact amounted to another form of relief.

the maintenance and regulation of the poor. This was its immediate object; but we see that some of the provisions of those Acts disturbed the law of settlement, and the first care of the framers of the present Act is applied to the reassertion of this complicated and tortuous law, which all persons seemed to view with apprehension, as likely sooner or later to bring a burthen upon them, but which all nevertheless appeared to regard as a certain protection against being burthened; for the same law which enables a parish to remove unsettled poor, compels a parish to receive back its own settled poor whenever they become chargeable elsewhere.

1815. 55 Geo. III. cap. 137.

The preamble of 55 George III. cap. 137, recites, "that persons relieved and maintained in workhouses often pawn and dispose of their clothes, and the goods and chattels belonging to the workhouse, and that poor persons relieved by having clothes and apparel given them frequently pawn and sell the same." For remedy whereof it is enacted, that the property of all goods, chattels, provisions, clothes, and things whatsoever provided for the use of the poor of any parish, shall be vested in the overseers of the poor of such parish, who are empowered to proceed by action or indictment against any person who shall steal, carry away, or buy or receive the same. The articles may be marked in such way as the overseers shall think proper for the purpose of identification, and such mark is in all cases to be taken as sufficient evidence of ownership, but wearing apparel must not be so marked "as to be publicly visible on the exterior of the same," and if any pawnbroker or other person shall knowingly take in, pawn, buy, or receive any such goods, tools, clothes, etc., or any of the provisions or other necessaries provided for the use of the poor, or shall be aiding or assisting therein, or shall cause such mark to be obliterated—every person so offending is, on conviction thereof

by his own confession, or the oath of one or more credible witnesses, for every such offence to forfeit a sum not exceeding five pounds, nor less than one pound, and in default of payment is to be subjected to imprisonment not exceeding two months. Any person maintained in a workhouse who refuses to work, or is guilty of drunkenness or other misbehaviour, on conviction thereof before a justice of peace, is to be committed to hard labour in the house of correction for a term not exceeding twenty-one days.

Churchwardens and overseers, etc., not to furnish articles for the use of the poor.

The 6th section enacts that no churchwarden, overseer of the poor, or other person concerned in the collection and disbursement of the rates, "shall in his own name, or in the name of any other person, provide, furnish, or supply any goods, materials, or provisions for the use of any workhouse, or for the support and maintenance of the poor in any parish for which he shall be appointed, nor shall be concerned directly or indirectly in furnishing the same, under pain of forfeiting one hundred pounds, with full costs of suit, to any person who shall sue for the same." But it is provided that if no other person can be found within a convenient distance willing to supply the said articles, then upon oath of such inability two or more justices may, by certificate under their hands and seals, permit the churchwardens, overseers, or other persons to contract for supplying any such articles as may be required. It is likewise directed that the churchwardens and overseers, or other persons having the management and control of the poor, shall give public notice of all contracts they intend to make, and the security they will require for the due performance thereof, "to the intent that any person or persons willing to undertake the supplying the same may make proposals for that purpose."

The above provisions of this Act, like those of the Act last before quoted, are of a practical nature, and

are well calculated to prevent abuse, and secure good management in the application of the moneys levied for the relief of the necessitous poor. The provisions contained in the 3rd and 4th sections are, however, of a different character, and require separate consideration.

The 3rd section, after reciting 36 George III. cap. 23,[1] which empowers a single justice to order relief to be given to poor persons at their own homes for one month, and two justices to do the same for another month, declares it to be "expedient that justices should be empowered to order relief to poor persons for longer periods than one month," and then enacts that any justice of peace, in the cases and manner mentioned in the said Act, may order relief to any poor persons at their own homes for such time, not exceeding three months, as to such justice may seem proper; and any two justices are empowered to make a further order for like purpose for any further time not exceeding six months; "and so on from time to time as the occasion shall require, such justice or justices first administering an oath as to the need and cause of such relief in each case." The justices may, however, stop the relief at any time, if they deem it to be no longer necessary. The money which justices are thus empowered to order to be paid to any poor person for a longer period than one month, is by the 4th section limited to three shillings a week, "or three-fourths of the average weekly expense for the maintenance of a poor person in any workhouse in which poor persons of or belonging to such parish shall be usually maintained."

The partial opening made by 36 George III. cap. 23,[2] is thus, we see, greatly enlarged by the present Act, and the wholesome restriction upon justices in ordering relief imposed by 9 George I. cap. 7,[3] is practically removed. The justices are now, in fact,

[1] *Ante*, p. 115.
[2] *Ibid.*
[3] *Ante*, p. 12.

made justices of the occasion or necessity for relief in any case, instead of the overseers; and as their social position and habits of life place them at a distance from the poorest class, and prevent their seeing or knowing so much of it as is seen and known by persons in the usual grade of overseers, they are necessarily less qualified for judging of its wants and its means of supplying them. It may also be remarked, that they are more likely to have their sympathies excited and their minds influenced by a tale of distress, real or fictitious; and they have not the same ready means of ascertaining the truth which persons in a less elevated rank of life possess—on all which accounts, it is to be lamented that the justices were given such large discretionary powers in administering the law, a circumstance to which the subsequent rapid increase of the poor-rates has been mainly attributed; and it no doubt tended to this result, although there were other causes arising out of the events of the period, largely operating in the same direction.[1]

1816. 56 Geo. III. cap. 129.

The 56 George III. cap. 129, commences with the same recital as 54 George III. cap. 170,[2] recently noticed, and then proceeds to repeal all enactments made since the accession of George the First, in which any poor persons, except such as apply for and receive parish relief, "are made compellable to go or remain in any house of industry or workhouse, after such persons are capable of maintaining themselves," or until the expenses to which the parish or district may have been put for the maintenance of any such person, or his or her family, shall be reimbursed by the labour of such person, or whereby any poor child is rendered liable to be apprenticed to a master, governor, or director of any house of industry or workhouse, or by which any parish,

[1] For further remarks upon this extension of the justices' power, and for a comparison of English and Scotch Poor Law policy in this respect, see *History of Scotch Poor Law*, p. 88.

[2] *Ante*, p. 148.

situate at a greater distance than ten miles, shall be empowered to contribute to any house of industry or workhouse;[1] or whereby the directors, governors, guardians, or master of any house of industry or workhouse are authorised "to hire out any poor persons of full age, or to contract or agree with any person to have and take the profit of their labour"—all such enactments are by the present Act repealed.

The masters or governors of houses of industry and workhouses were prohibited by 54 George III. cap. 170, from inflicting corporal punishment on any poor persons in these establishments, or confining any of the inmates for drunkenness or misbehaviour longer than twenty-four hours. The 2nd section of the present Act declares that "it shall not be lawful for the governor or master, etc., of any house of industry or workhouse, on any pretence, to chain, or confine by chains or manacles, any poor person of sane mind." It may perhaps seem that such a prohibition could hardly have been necessary; but if there had not been instances of the thing being done, this specific enactment declaring it to be illegal would not have been passed; and that it was so done, may be taken as another proof of the liability to abuse inherent in all power, whatever its nature, however acquired, or by whomsoever exercised; and here it may not be out of place to remark, that the prominent impulse of the period under consideration, was to scrutinise its action, correct its abuses, and limit its range.

1816. 56 Geo. III. cap. 139.

Apprenticeship and settlement naturally commingle, apprenticeship giving a right of settlement, and settlement in a parish often leading to the children's being bound out as apprentices. Each we have seen has given rise to much legislation, and both are fruitful sources of litigation. The law of Elizabeth, as has

[1] This limit of ten miles was again re-established by the Poor Law Amendment Act, 4 & 5 William IV. cap. 76, *post*, p. 270.

been before observed, worked well until it became entangled with that of Charles the Second, the evils and complexities of which it helped to increase. The

1816. 56 Geo. III. cap. 139.

56 George III. cap. 139, to which we now direct attention, is entitled "An Act to regulate the binding of Parish Apprentices." Its preamble recites, "that many grievances have arisen from the binding of poor children as apprentices by parish officers to improper persons, and to persons residing at a distance from the parishes to which such poor children belong, whereby the said parish officers and the parents of such children are deprived of the opportunity of knowing the manner in which such children are treated, and the parents and children have in many instances become estranged from each other." This superseding of the law of nature by the law of apprenticeship, was doubtless an evil of serious magnitude; but it was aggravated by "the permission given to apprentices by the persons to whom they have been bound, to serve others without formal assignment, whereby the discretion to be exercised by magistrates in placing out apprentices to suitable persons, is frequently rendered of no avail."

For remedy of these evils, it is now enacted, that before the overseers bind any child apprentice, they shall carry it before two justices of peace, who are to inquire into the propriety of binding such child to the person proposed, and whether such person resides within a reasonable distance, not exceeding forty miles, from the parish or place to which the child belongs, "and having regard to the means of communication."[1] After such inquiry, and also if they see fit examining the parents, the justices are empowered to make an order for binding such child accordingly, and are to sign the indenture of apprenticeship "before the same shall be executed by any of the other parties thereto."

Justices to inquire as to the apprenticing poor children, and to order accordingly.

[1] There is a special exception from this limit in the case of the city of London.

When it is intended that the child shall be apprenticed into a parish in another county, notice must be given to the overseers, and the indenture is to be signed by two justices of such county, as well as by two justices of the county from which the child is bound. Children are not to be bound until they have attained the age of nine years, and no settlement will be gained by the apprentice unless these directions are complied with, and overseers acting contrary thereto are subject to a penalty of ten pounds. Masters are required to give at least fourteen days' notice of removing their residence, when inquiry is to be made "whether it may be fit and proper that the apprentice should continue in the master's service, or be discharged therefrom, or bound or assigned over to some other person," and the justices are to make an order accordingly. Masters wilfully abandoning their apprentices, or removing and taking their apprentices with them without such order, or omitting to give the required notice, are to forfeit the sum of ten pounds.

The 9th section declares it to be expedient that those to whom parish apprentices are bound or assigned, should be empowered to place out or assign over such apprentices to others, but that this should be done subject to the control of justices of peace. Wherefore the provisions of 32 George III. cap. 57,[1] in this respect, are ordered to be enforced, and masters and mistresses are prohibited under a penalty of ten pounds from putting away or transferring to another any parish apprentice, "without such consent of justices as is directed by the said Act"; and no settlement is to be gained by any service of an apprentice put away or transferred, "unless such service shall have been performed under the sanction of such consent as aforesaid."

All the provisions of this statute are considerately

[1] *Ante*, p. 104.

framed for the protection of a class helpless through youth, and consigned by the vices or misfortunes of their parents to the charge of the parish authorities, who are apt to regard them as burthens to be got rid of, the readiest way to which was by apprenticing them elsewhere, and thus transferring their settlement to some other parish. That the poor children would under these circumstances be often subjected to ill-treatment, it is impossible to doubt; and the legislature appears to have felt that it was incumbent upon it to do its utmost towards mitigating an evil, which had in a great degree arisen out of its own laws of apprenticeship and settlement, of which laws the evil was almost a necessary consequence.

We must now turn for a short time from matters exclusively appertaining to Poor Law, in order to notice the important events which occurred in the earlier part of the century. The Peace of Amiens, so called, can hardly be said to have amounted to a peace. It was signed on the 27th of March 1802, and the war was resumed on the 17th of May 1803. In May of the following year Bonaparte was proclaimed Emperor, and in May 1805 he was crowned King of Italy. Austria had been vanquished in the interim, and shortly afterwards the power of Prussia was annihilated, Holland and Belgium were declared portions of the French empire, Russia after sanguinary conflicts became an ally of France, Portugal was conquered, and Napoleon's brother was seated on the throne of Spain. In short, the whole of Europe may be said to have been subject to the control of the French emperor, who directed the vast power he had thus acquired against England, which was perhaps only saved from the horrors of invasion by the great naval battle of Trafalgar, in which our heroic Nelson fell in the arms of victory.

That the commerce of England should be embarrassed, her industry impeded, and her population subjected to privation, were evils necessarily consequent on a state of war; but these evils were now increased by Napoleon's well-known Berlin and Milan Decrees, which the English government sought to counteract by issuing orders in council to prevent intercourse with the territories subject to French control. These orders eventually led to a rupture with the United States of America, who had throughout leant to the side of France, and in June 1812 declared open war against us, which continued with much inveteracy and great mutual injury, until it was terminated by the Treaty of Ghent at the end of 1814.

In the summer of 1812, the French Emperor with an army of 450,000 men invaded Russia, and entered Moscow, a great part of which, through accident or design, was shortly afterwards destroyed by fire. But on the approach of winter, he was compelled to retreat, during which his army was almost annihilated, partly by the Russians and partly by the inclemency of the season. Napoleon immediately set about repairing his frightful losses, but his power and influence were now so much reduced, that the other powers thought the time had arrived for regaining their independence, and they accordingly united for the purpose. Napoleon struggled hard to maintain his ascendency, but after the battle of Leipzig in October 1813, he was compelled to recede before the banded armies of Europe. England had afforded prompt assistance to Portugal, and as soon as the Spanish people made efforts to relieve themselves from foreign thraldom, like assistance was extended to them; and after a series of brilliant campaigns, the British army under the Duke of Wellington triumphantly advanced from the banks of the Tagus to the gates of Paris, which the allied armies, from the north and from the

south, entered together on the 31st of March 1814. Napoleon's abdication immediately followed; but he was still permitted to retain the imperial title, and had the island of Elba assigned to him in sovereignty. The old French monarchy was restored, and now, the great cause and author of war being removed, it was thought the peace of Europe was secured.

Peace, however, again proved of short duration, for early in the following year (1815), Napoleon suddenly landed on the coast of France, was received with acclamation by the army, and with acquiescence by the nation, and another struggle commenced. The Congress of European powers then assembled at Vienna forthwith declared him an outlaw, a violater of treaties, and a disturber of the peace of the world. A general alliance was formed, armies were assembled, and England was not sparing either of men or money in the cause. Great efforts were on the other hand made in France, and on the 16th of June Napoleon crossed the Belgian frontier with an army of 125,000 men, chiefly veterans trained in his former campaigns, and fell upon the allies under Blucher, who were compelled to retire. But this was only preliminary to the attack on Wellington's army in front of Brussels two days afterwards, when, after a lengthened contest and fearful slaughter, the French were defeated on the field of Waterloo, and the Prussians, coming up at the close of the day, entered upon the pursuit of the discomfited legions and completed their dispersion. Bonaparte fled first to Paris, and then to Rochefort, where he took refuge on board an English ship-of-war (the Bellerophon), and was afterwards conveyed to St. Helena. The allied armies again entered Paris, Louis the Eighteenth quietly resumed the government, and Europe was once more at peace. In this instance the peace has been of unusual duration, and has continued unbroken for a period extending beyond the

1815. 18th June, battle of Waterloo. 8th July, Louis XVIII. resumes the government.

termination of the present work, which will render it unnecessary again to revert to the subject.

Revenue, expenditure, and national debt.

The events which have been thus briefly noticed, could not have occurred without causing a very large expenditure, especially in the three latter years of the war. The amount raised by taxation, which had been £35,415,096[1] at the time of the Peace of Amiens in 1802, was increased to £72,210,512 in 1815, and in addition to the immense amount thus levied, not far short of two hundred and fifty millions was raised on loan and by Exchequer bills between 1802 and 1816. In the last three years of the war, 1813, 1814, and 1815, the amounts altogether raised exceeded a hundred millions annually. With such an expenditure we must be prepared for a large increase in the national debt, which on the 1st of February 1803 was, we have seen, £520,207,101,[2] but on the 1st of February 1817 it was £758,646,654, whilst the annual charge thereon had increased from £18,643,725 at the former period, to £27,652,012 at the latter.[3]

Imports and exports.

So large an absorption of capital as is above shown to have taken place, without any corresponding return, must doubtless have been felt in every branch of industry; yet the productive powers and resources of the country were maintained with wonderful energy throughout the entire period; and although the Berlin and Milan Decrees, followed by our own orders in council, operated injuriously, and imposed decided checks upon commerce in the first few years after their promulgation, we find that these obstructions were gradually overcome, and that the exports, which in 1805 amounted in official value to £31,020,061, had risen to £46,292,632 in 1809, and to £53,573,234 in 1814; the imports at the three periods respectively being £28,561,270, £31,750,557, and £33,755,264.

[1] *Ante*, p. 128. [2] *Ante*, p. 128.

[3] See Mr. Porter's work on the *Progress of the Nation.*

Prices of wheat.

After two seasons of deficiency and dearth, the first year of the century brought abundant crops; and wheat, which in the early part of 1801 was 129s. 8d. a quarter, fell in the latter part of the year to 75s. 6d.[1] The two following years yielded average crops, and the price further fell to 57s. 1d. in 1802, and to 52s. 8d. in 1803, and in the early part of 1804 to 49s. 6d.; but the harvest having proved deficient, the average price at the end of that year rose to 86s. 2d. the quarter. In the two following years the price fluctuated between 98s. 4d. and 74s. 5d., and at the end of 1807, crops having been tolerably abundant, it fell to 66s. The four following seasons were however all more or less unfavourable, and notwithstanding considerable importations from abroad, prices rose to a high level, being 92s. at the end of 1808, 102s. 6d. in December 1809, 116s. in August 1810, 87s. 2d. in July and 106s. 6d. in December 1811. The year 1812 was still more unfavourable, and in August the gazetted average price of wheat for England and Wales was 155s., but by December it had fallen to 121s. In 1813 there was an abundant harvest, and the price fell in December to 74s. 11d. The harvest of 1814 was less productive, but the surplus of the last year and the importations from abroad after the continental ports had been opened by the success of the allies, brought the price down to 70s. 4d. in December, and there was a corresponding fall in most other commodities. The season was favourable and the crops good in 1815, and notwithstanding the short war after Napoleon's return from Elba, prices continued to fall, and in December wheat was only 55s. 7d. a quarter. But in 1816 the harvest proved deficient both in quantity and quality, as well on the continent as in England, and prices rapidly rose till in December wheat averaged 103s. 7d.,

[1] For these and the following quotations of price I am indebted to Mr. Tooke's valuable work on the subject.

and 112s. 8d. at Midsummer of the year following. The harvest in 1817, however, proved to be little short of an average, and there was a considerable importation, so that the price receded to 84s. in December, about which rate it continued throughout the whole of 1818. The seasons were favourable and the crops good in 1819, and wheat fell to 68s. 10d. at Midsummer, and to 66s. 3d. in December of that year. The harvest was very abundant in 1820, and the decline in price continued, till at the end of 1822 it averaged only 38s. But the harvest of 1823 proving deficient, it rose in 1824 to 65s. 10d., between which price and 50s. it continued for the most part to fluctuate until 1835, in December of which year, the crops having been most abundant in that and the year preceding, the average price of wheat was 36s. the imperial, or 34s. 11d. the Winchester quarter.

This notice of the prices of wheat in successive years, need not for our immediate purpose have been brought down to so late a period, but by extending it as above, any further notice on the subject hereafter is rendered unnecessary. The general rise of prices in the early part of the century, and the high range they occasionally attained, have been variously accounted for. Mr. Tooke considers the changes which took place to have been the natural consequences of abundance and scarcity, low prices being caused by one, and high prices by the other, and he adduces cogent reasons in support of his views on this point. Other authorities attribute the rise of price to a depreciation in the currency, and its fluctuations to an excessive or restricted issue of Bank of England paper. But it may be remarked that all these causes were in operation, and perhaps others also arising out of the events of the war, and the impediments to commercial enterprise.

The rise which took place during the period under

Wages.

consideration, in the price of all the articles necessary for sustaining life, must have borne hard upon those who lived by labour, and exposed the working classes generally to much privation; for wages neither rise nor fall in immediate nor in exact proportion to the changes of price. Mechanics and operatives in towns might succeed in obtaining an advance of wages in some degree commensurate with the advance in prices; but such would not be the case with labourers generally, nor with the agricultural labourers in particular —the advance they obtained was too often, if not most commonly, charged upon the poor-rate. In a debate on the presentation by Mr. Calvert, in 1817, of petitions from two parishes in Dorsetshire [1] complaining of the burthen of the poor-rates, which in one amounted to 19s., and in the other to 21s. in the pound, Lord Castlereagh, whose official position afforded him the means of obtaining the best information, expressed his conviction "that in cases where 19s. or 20s. in the pound were paid for poor-rates, 15s. of that would be found to be wages paid in the shape of poor-rates," for that the farmers had been long in the habit, in many parts of the country, of paying a great proportion of the wages of farm-labour out of the poor-rates. We have seen that one mode of effecting this, was regulating the allowance according to the number of children, as in the so-called "Berkshire Bread Scale," [2] which soon got to be the general practice in the southern and midland counties.

Mr. Tooke states that a rise in wages, although far short of the rise in other prices, did take place, "partly permanent and partly temporary and variable, including under the latter description parish allowances," and he adds that this rise reached its maximum about 1812. Down to 1812 we may therefore assume

[1] See Hansard's *Debates* for March 7, 1817.

[2] *Ante*, p. 131.

that the cost of subsistence was in advance of the wages of labour. The same probably continued in a somewhat less degree during the next five or six years, and discontent and disturbance, the invariable concomitants of distress, prevailed at times throughout the whole period. But after 1818, owing to favourable harvests, a downward range of prices continued to prevail. Peace and reduced taxation must have tended greatly to the benefit of the working classes, and enabled them to obtain an unusually large share, not only of the necessaries, but also of what may be called the luxuries or comforts of life; and it probably was not until 1825 that the ordinary relation between wages and subsistence was restored. Even then, however, there was an exception, for the evil practice of a former day was continued in many of the agricultural districts, where wages were habitually eked out or made up by an allowance from the poor-rates.

Poor-rates.

The amount expended for relief of the poor in 1801 we have estimated at £4,100,000.[1] It appears by returns to parliament, that in 1813 the amount had increased to £6,656,106, exclusive of £324,957 expended in law-charges; and that five years afterwards, in 1818, the entire expenditure reached its maximum amount of £7,870,801, from which it receded in 1820 to £7,330,254. The nation might well feel alarmed at the rapid growth and enormous amount of this burthen, no less than at the demoralising influences of the system on the labouring portion of the population, who appeared year after year to be approaching nearer and nearer to a state of universal pauperism. The question was much discussed both in and out of parliament, and in 1817 a committee, presided over by Mr. Sturges Bourne, was appointed to investigate the subject, with a view to devising a palliative if not a remedy for the evil; and the result of its inquiries and

[1] *Ante*, p. 133.

deliberations was given in a report, to which we shall shortly have to refer.

Population.

The population continued steadily to increase, little affected apparently by the waste of war, and by the pressure of distress through bad seasons and high prices in the earlier years of the century. By the census taken decennially, we find that the population of England and Wales was—

In 1801	9,872,980
In 1811	10,150,615
In 1821	11,978,875
In 1831	13,897,187
In 1841	15,906,741
And in 1851	17,927,609

The population, the rate of wages, the price of provisions, and the poor-rates, are all closely connected; and what has just been stated with respect to each will, it is believed, be at present sufficient for enabling the reader to appreciate the circumstances of the period; and we will therefore now proceed with our general narrative.

Speech of Mr. Curwen on moving for a committee to consider the Poor Laws.

The Report on the Poor Laws in 1817, by a select committee of the House of Commons, has just been referred to. This report, and the discussions which took place previous to appointing the committee, are important incidents, and require to be dwelt on at some length. The motion for the committee was made by Mr. Curwen,[1] who stated that he did not attribute the evils which had arisen, to the Act of Elizabeth, the wisdom and humanity of which did honour to its originators; but to those who administered relief under it, in a way evidently foreign from the intention of that Act. That it was never designed to give a right of support to persons who by the practice of frugality, sobriety, and industry might have supported themselves, and who became chargeable through their own misconduct,—that it never was

[1] See Hansard's *Parliamentary Debates*, February 21, 1817.

intended that men should anticipate parish relief as a means of support for themselves and their families, nor that they should be exonerated from all concern about their own well-being,—these were evils which had arisen out of the administration of Elizabeth's Act. That for two hundred and fifty years the attention of legislators had been directed to the consideration of expedients to stop the growing evil, the increase of which, since we have become a manufacturing people, "has been out of all measure and calculation rapid"; and that if the same system were continued, it would swallow up the whole revenue and industry of the country, and extinguish every vestige of respectability and happiness among the poor, as "each successive augmentation to the burthen had been attended with a proportionable increase of misery." "What," he asked, "are the poor-rates in many places but a mode of payment of wages, and that of the very worst sort, as it breaks the spirit and destroys the independence of the labourer"—to remedy which, he considered a complete alteration in the whole system absolutely necessary.

Mr. Curwen proposed that incomes arising from the public funds, personal property, and stock in trade, should pay a poor-rate of 10 per cent., whilst incomes from land should pay 12½ per cent., and that the working classes should likewise be required to make "a small weekly sacrifice of 2½ per cent. on the produce of their labour." By thus combining the earnings of labour with contributions from other sources, and associating the working classes in their distribution, he thought greater economy would be secured, and at the same time the character of these classes would be raised and improved. He was further of opinion that, "where men contributed towards their own maintenance, the laws of settlement might be rendered more simple; there would be less apprehension of men becoming

burthensome by acquiring settlements ; and the endless litigation that then absorbed so large a portion of the rates would be avoided." He admitted that there were difficulties in the way of rating personal property and stock in trade, and likewise that there might be reasons against rating the funds ; but all these objections he thought of little weight compared with the good that would ensue, and he appealed to Lord Castlereagh, then representing the government in the Commons, to support his proposition for a committee "to consider the Poor Laws, and to report their observations thereon to the House."

Lord Castlereagh in support of a committee to consider the Poor Laws, Feb. 21, 1817.

Lord Castlereagh, whose business habits well fitted him for investigating the subject, at once declared his readiness to support inquiry and serve on the committee, although he might entertain doubts whether Mr. Curwen's views could be realised. The subject, he said, was one of the very utmost importance to the safety and prosperity of the country, and to which the mind of government ought to be turned above all others ; for if no means could be found "of inspiring the population with the wish to live rather on their own labour than what they could draw from the labour and property of others, he firmly believed that the English people would not in future ages be what they had been in times past." He contrasted the English practice in regard to the poor, with that of Scotland and Ireland, and gave the preference to the latter.[1] The present system, he said, "not only went to accumulate burthens on the country which it could not continue to bear, but to destroy the true wealth of

[1] In this view he endorsed the opinion of the Irish Committee of 1804, who (unlike that of 1830) expressly reported against the adoption of any poor law on the lines of the English system. The condition of Ireland, nevertheless, was not more satisfactory than that of England, and grew worse rather than better, as is clear from the Reports of the successive Committees of 1819, 1823, and 1830, and of the Commission of 1833. See *History of Irish Poor Law*, pp. 82, 86, 91, 95, 100, etc.

the poor man, the capability of making exertions for his own livelihood; for if pecuniary relief went on with the laxity which now prevailed, and all the cunning of uncultivated minds was to be directed to the means of escaping from labour, and enjoying the fruits of the labour of others, a national calamity might be said to be overtaking us by a double operation—in the increased burthens imposed upon the country, and the diminution of the industry from which its resources were derived." Without innovating on the existing law, "he apprehended that no proposition was more clear, than that when a man possessed bodily ability to work, the performance of work might be made the criterion of the condition entitling him to relief. If that were made the basis of the Poor Laws, there was hardly a parish in England where the industry of those able to work, and applying for relief, might not be turned to advantage." He instanced a parish with which he had some connection, where the administration of the Poor Laws was in the hands of a woman, and where all sorts of tricks were resorted to by idly disposed persons to avoid labour. To counteract these tricks, and prevent the misapplication of the funds, required an officer of experience. "He thought they could not do the parish business well without a permanent officer; and that an officer paid by the parish, who would devote his whole time and attention to the administration of the Poor Laws and the charge of the poor, might execute the business more skilfully and beneficially than it was executed at present."

With reference to Mr. Curwen's proposition for rating personal property, Lord Castlereagh said that he recognised the principle, but he thought it might be collected, from its not having been done "up to the present day, that there was some difficulty hanging about it"; and he cautioned the honourable gentleman against supposing that nothing was wanting but to

determine that it should be done. "The difficulty was the getting at personal property by taxation. On former occasions it had been found difficult to make personal property liable to assessment for the State, and he was persuaded the difficulty would not be diminished in an attempt to render it liable to assessment for the poor." He wished them to go into the committee with the large views and liberal spirit of statesmen determined to remove an acknowledged evil, or to show, that if it was allowed to continue, it was owing to unavoidable circumstances, and not to supineness on the part of the House, or from a reluctance to struggle with the difficulties that presented themselves. They were, he said, about to struggle with one of the greatest difficulties that ever legislation had to struggle with, and a difficulty that the whole legislation of the country had hitherto gone to augment. He declared that he would go into the committee with his mind open to conviction, and with the deepest impression of the immense importance of the subject, but at the same time with the highest sense of its difficulties. No other question, he said, "went so deeply to affect the happiness of the whole community."

Lord Castlereagh's speech, of which the above is merely a sketch, was of extreme importance at that juncture. It made known the views of the government of which he was the ostensible leader, and had a considerable influence on the sentiments and legislation of the period. His conciliatory manners, clear practical judgment, and perfect knowledge of business, gave much weight to whatever he uttered, and generally carried the House with him, although his mode of speaking was often deficient in perspicuity, and not always correct in expression. His support secured the immediate appointment of the committee, which was presided over by Mr. Sturges Bourne; and after devoting four months to deliberation and inquiry,

and examining many persons from all parts of the kingdom, the committee presented its report on the 4th of July. Of this report I will now endeavour to give the substance. It contains the first comprehensive investigation of the subject which had yet taken place, and it claims especial notice on this account, as well as for the great importance of the subject, and the high character and qualifications of the committee from whom it proceeded.

Report of the select committee on the Poor Laws, July 4, 1817.

The report commences by declaring 43 Elizabeth to be the "fundamental and operative law" at the present day. It then points out the evils arising from a compulsory contribution for the indigent, out of the funds originally accumulated from the labour and industry of others; and adverting to the increased number of the poor, and the increased and increasing amount raised for their relief, it expresses a fear that the system is perpetually increasing the amount of misery it was designed to alleviate, and creating at the same time an unlimited demand on funds which it cannot augment. The progress of these evils is thought to have been accelerated "by the circumstances of modern times, by an extension of the law in practice, and by some deviations from its most important provisions"; but how much is attributable to one of these causes, or how much to another, it does not profess to determine.

"Under this impression respecting the effects of a system which, having been in operation upwards of two centuries, has become interwoven with the habits and very existence of a large class of the community," the committee proceeded to consider whether it was practicable, or expedient, to extend the rating for relief of the poor to personal property and the public funds, and with respect to both decided in the negative; but they recommended, that in large towns power should be given to rate the owner of a tenement instead of

the occupier. They are also favourable to limiting the rate to a certain amount, as is done in some local Acts; but they are decidedly adverse to making the rate a national instead of a parochial charge, as "has been suggested to them from various respectable quarters." The committee then declare it to be their opinion, that whether the assessment be confined to land and houses, or that other property be made liable to the charge, unless some check be interposed, the amount will continue to increase till it has absorbed the profits of the property on which the rate is assessed, "to the neglect and ruin of the land, the waste or removal of other property, and the utter subversion of that happy order of society so long upheld in these kingdoms." What number of years would elapse before the utmost limit of assessment would thus be reached, the committee think cannot be ascertained; "but at whatever rate the interest might take place, it could not fail materially to depend on the general state of the country, whether it was in an improving, a stationary, or in a declining state, and it would also be affected by the recurrence of plentiful or deficient harvests." This latter portion of the committee's opinion, may, to some extent, be regarded as corrective of the first, but there is no contradiction, and they were warranted in both: for the poor-rates could not go on increasing in the way they latterly had done, without destroying the source whence they were obtained; and the state of the country and condition of the crops would no doubt accelerate or retard their progress, according as these circumstances were favourable or otherwise.

Prospective increase of the poor-rates.

Mr. Locke's recommendation of industrial schools[1] is strongly advocated by the committee, who are of opinion that "if the large sums now given to parents were bestowed on the maintenance of their children in such schools, it would probably more than defray the

Industrial schools.

[1] *Ante*, vol. i. p. 352.

expense of such an institution"; and also that it would prove a remedy for the practice which has prevailed, especially in the southern counties, of defraying what should be the wages of labour out of the poor-rates, according to the number of the family, the amount of earnings, and the price of bread.[1] Such a practice is declared to be not only at variance with the law, but by placing the idle and industrious upon an equal footing, it destroys every motive to exertion, and has, the committee think, "familiarised the labourer to a dependence upon the parish which he would formerly have considered a degradation, has imposed upon those ratepayers who employ no labourers a most unjust burthen, and swelled the amount of the assessment to a degree which makes it impossible to ascertain how much should be considered as relief, properly speaking, and how much as wages."

Payment of wages out of rates.

Workhouses are briefly noticed in connection with employment. The committee say that they "are aware how very frequently workhouses have been condemned, as little corresponding with the denomination they have received, and being rather in truth in many instances houses of idleness and vice." But still, as far as they can judge from the imperfect materials before them, they believe that great benefit has been derived from such institutions, in every case in which they have been superintended by the principal inhabitants of the district, and that their success and advantage depend almost wholly on that circumstance.

Workhouses.

The impossibility of always providing employment for all who may be in want of it, as 43 Elizabeth was then interpreted to require, is pointed out; and it is shown, that the number who can be employed depends upon the amount of the fund applicable to the maintenance of labour. To hold out to the labouring

Impossibility of always providing employment.

[1] This is the Berkshire bread-scale: see *ante*, p. 131.

classes that all who require it shall be provided with work at adequate wages, is therefore to lead them to form false views of their position, the demand for labour depending on the amount of wealth by which it is supported, and the rate of wages depending on the proportion that demand bears to the supply. On the way in which this demand and supply are adjusted, the condition of the people will mainly depend. If the demand for labour increases faster than the supply, wages will be high; if, on the contrary, the waste or diminution of wealth should reduce the demand for labour, wages will fall, and the comforts of the labouring classes will be reduced. No legislative enactment, nor artificial mode of employment by the Roundsman system or any other, can counteract or materially alter these results; and the only palliative or shield against the pressure of a short demand for labour, will be the exercise of industry and provident forethought whilst it is abundant.

It is not a little singular, that after the above conclusive reasoning, of the force of which the committee appear to be fully sensible, they should speak favourably of establishing parochial farms as a means of affording employment. They were seemingly influenced to do this, by an example or two of apparently successful practice in the county of Kent; but no partial or isolated example of the kind, should have been permitted to overrule a general principle.

Assistant overseers and select vestries.

The committee recommend the appointment of assistant or paid overseers, and also that parishes should be enabled, "either singly or in union with others, to establish select vestries for the purpose of managing the parochial concerns." In such a body, the committee say, might be vested the discretion, so much wanted, of discriminating between the claims of the idle and the industrious; and it is hoped that their decisions may supersede those frequent appeals to the

magistrates, which have precluded proper attention being paid in every case, "and perhaps suggested the adoption of that scale of relief which has been applied indiscriminately to those whose earnings, so measured, were found insufficient for their maintenance. It is considered that one thing in which the discriminating power of a select vestry might be exercised with advantage, would be in advancing relief by way of loan, for the immediate support of the family whose earnings had been improperly squandered, such relief to be paid by instalments; and this might be extended to Greenwich and Chelsea pensioners. But it is well remarked, that the efficacy of the above, or any other expedients which can be suggested, must depend upon "those who are most interested in the welfare of a parish taking an active share in the administration of its concerns. Without this no benefit will be derived from any amendment that can be made in the details of the system, and with it, even under the existing law, much may be effected."

Parochial benefit societies.

With the view of withdrawing the working classes from a dependence upon the parish, and giving them habits of self-reliance and forethought, the committee recommend the establishment of parochial benefit societies, essentially similar to those proposed by Baron Maseres and Mr. Acland.[1] Mr. Morgan, the eminent actuary, was examined on the subject, and tables of contributions and allowances were ordered to be prepared for carrying the scheme into effect; and in order to diminish "the allowances distributed in most parts of England to the labouring poor by reason of the number of their children," it is further recommended, that parishes should be enabled "to pay for the admission in such societies of persons having large families, and receiving relief on that account. But it is considered essential, that whatever may be the

[1] See *ante*, pp. 70 and 97.

contribution in the first instance, the parish should have the power of reducing prospectively its proportion, without affecting the rights of existing contributors, so as gradually to render the people dependent on their own contributions only."

Savings banks.

Savings banks, then just established, are declared to be in successful operation, and to hold out a promise of "very beneficial results, not only in affording to the industrious poor a secure deposit for their savings, but in familiarising them with a practice of which the advantage will be daily more apparent."

The law of settlement.

The question of settlement occupies the latter portion of the report, upon the consideration of which the committee enter, under a persuasion that "if not the most important branch of the subject in other respects, yet, as it affects the comforts, the happiness, and even the liberty of the great mass of our population, it is of the highest interest."

The provision in 13 & 14 Charles II. cap. 12,[1] establishing settlement, is recited at length, and the several statutes[2] modifying the conditions by which it is to be governed, are successively noticed, down to 35 George III. cap. 101,[3] by which removal is prohibited, unless the person has been actually chargeable —a provision which, the committee remark, "deserves more notice and applause than it has received," the liberty of removing from place to place thenceforward no longer depending "upon the will or judgment either of parish officers or magistrates." The result of the various enactments on the subject is stated to be, "that every poor person, when entitled to parochial relief, can claim it only (except in cases of sudden accident or calamity) in that parish in which he has

[1] *Ante*, vol. i. p. 279.

[2] These are 1 James II. cap. 17; 3 William III. cap. 11; 8 & 9 William III. cap. 30; 9 & 10 William III. cap. 11; 12 Anne, cap. 18; and 3 George II. cap. 29.

[3] *Ante*, p. 112.

resided during forty days, either on an estate of his own of the value of £30, or in a rented tenement of the annual value of £10, or under indentures of apprenticeship, or having served a year under a yearly hiring, or as an unmarried man without a child, or by executing a public annual office during the year." "Persons not born within the kingdom, and who have acquired no settlement by either of the above means, are, by the humane interpretation of the law, to be relieved, in case of necessity, in the parish in which they are found."

The settlement laws have, the committee state, "given rise to a course of expensive and embarrassing litigation, of which a very inadequate measure would be formed by reference to the cases, numerous as they are, which have been reported in the superior courts." The money expended in litigation and the removal of paupers in 1815, amounted to £287,000; "and the appeals against orders of removal entered at the last four quarter-sessions, amounted to 4700." But the expense, it is added, is not the worst part of the system, which has led to the practice of fraud and chicanery to an extent "which it is yet more important to correct." The entire abrogation of the law of settlement had been suggested by some persons, generally accompanied by a proposal for a national rate; but "the committee are satisfied that something short of a total repeal of the law of settlement, yet going further than the various suggestions from different parts of the kingdom, would simplify the law so much as to reduce the subject of litigation to a very few questions of fact, place the maintenance of those who want relief upon a far more just and equitable footing, and at the same time consult in the greatest degree the comfort and happiness of the poor themselves."

Appeals and litigations.

With these views, it is recommended, that any person residing three years in a parish without being

Changes proposed in the settlement law.

chargeable, and without being absent more than a certain time in each year, should thereby obtain a settlement; and in order to prevent litigation, that a deposition of the fact should be made, and notice given to the overseers when the settlement was so completed. It is further recommended, that in future no person shall acquire a settlement by renting a tenement, serving an office, hiring and service, apprenticeship, or estate. Poor unsettled persons, not being natives of England, the influx of whom (most probably from Ireland) is said to be great and oppressive, ought, it is considered, on their applying for relief, to be passed to the nearest ports from which they may return to their native country; "but any native of the British empire is to acquire a settlement in any parish in which he may have resided five years without being chargeable." These are the changes recommended by the committee, who remark, that "it is not to be supposed such an abrogation of 13 & 14 Charles II., and all that has been built upon that statute, can be wholly exempt from inconvenience"; but the only serious objection they apprehend, arises from a fear lest the number of cottages should be decreased—"a consequence which would be undoubtedly much to be lamented." But it is hoped the inconvenience which would be occasioned by driving the labourers to a distance from the farms they cultivate, will serve to counteract this evil.

Results of the committee's report.

Such are substantially the statements, reasonings, and recommendations contained in this report, the issuing of which constituted an important era in the history of the Poor Law. It brought together much valuable information, impressed sound principles upon parish officers and the public generally, and laid a foundation on which legislators might hereafter build with greater confidence. The labours of the committee were continued in the two following sessions; and the debates which took place on the introduction of Bills

prepared by it, for amending the law with respect to vestries, settlement, misapplication of the rates, and other matters, served to keep the attention of parliament and the public alive to the subject. The only Acts which can, however, be said to have directly emanated from this report and the other labours of the committee, are the two Vestry Acts, and a short Act making a small alteration in the law of settlement, to each of which attention will immediately be directed.

It may possibly be thought, that fewer benefits resulted from the labours of this committee than might have been expected, considering the position of the men engaged upon it, and the urgency and importance of the subject. But the seed sown by it was not lost, although fructification was slow, and the produce for a time scanty. The writer well remembers reading the report not long after it was issued, and he believes it was the means of first opening his mind to the consequences of the existing system, and awakened in him an earnest desire for remedying the evils it portrayed, of the actual existence of which he saw proofs everywhere around him. To the fulfilment of this desire he subsequently devoted the best years of his life; and in now applying the residue to recording what has been done, and the circumstances connected with the poor law question throughout its progress, he feels that he is discharging a duty imposed upon him by a sense of gratitude for the manner in which his services have been appreciated, and for the amount of success with which his efforts have been attended.

We will now proceed to consider the poor law legislation of the period, the first being the two Vestry Acts introduced by Mr. Sturges Bourne, the chairman of the committee, who declared that he founded his hopes of improvement chiefly on the administration of the law being vested in persons of property and intelligence, and that his object was to

give additional influence to persons in proportion to their contribution to the poor-rates.[1]

1818. 58 Geo. III. cap. 69.

The Parish Vestry Act (58 George III. cap. 69) requires three days' public notice at least to be given of the holding of any vestry; and directs, for the more orderly conduct of vestries, that in case the rector, or vicar, or perpetual curate, shall not be present," the persons assembled "shall forthwith nominate and appoint, by plurality of votes, one of the inhabitants of the parish to be the chairman of and preside in every such vestry"; and he is to have the casting vote, and the proceedings are to be fairly entered in a book provided for that purpose, "and signed by the chairman and such other inhabitants present as think proper to sign the same." The manner of voting in vestries is regulated by the following scale: persons present, and rated at less than £50, are to have one vote, and "no more"; persons present, and rated at £50 and upwards, are to be entitled to one vote for every £25 of assessment, up to the limit of six votes, which no one can exceed, whatever the amount at which he may be rated. But no person having refused or neglected to pay the rate due and demanded of him, is entitled to be present or to vote in any vestry until he shall have paid the same. Parish books, papers, and vouchers are required to be preserved; and any person destroying or injuring, or refusing to produce or deliver the same, is subjected to a penalty of £50, or made liable to other proceedings in the courts of law. This Act was amended in the following year by 59 George III. cap. 85, which enabled persons rated in a parish, and not resident, to attend and vote at vestries therein, according to the value at which they are assessed; and also enabling the clerk or agent of any corporation, body politic, or company, to do the same. This was, in fact, what justice required, and no more

[1] See Hansard's *Debates* for March 12, 1818.

than providing for the due representation of the property which furnished the rate.

1819. 59 Geo. III. cap. 12.

The Select Vestry Act (59 George III. cap. 12) is a more comprehensive measure than the preceding. It is not confined to the regulation of vestries merely, but embraces all the other objects which parliament was at that time prepared to sanction, but which fell far short of what was proposed by the committee for the amendment of the law. The Act commences by empowering the inhabitants of any parish, upon due notice in vestry assembled, "to establish a select vestry for the concerns of the poor," and to nominate and elect such and so many substantial householders or occupiers, not exceeding twenty nor less than five, who, being first thereto appointed by writing under the hand and seal of a justice of the peace, are to be members thereof, and together with the rector, vicar, or other minister of the parish, and the churchwardens and overseers of the poor for the time being, are to "constitute a select vestry for the care and management of the concerns of the poor of such parish, and any three of them (two not being churchwardens and overseers) are to be a quorum." The select vestry is required to meet once a fortnight, or oftener if necessary, in the parish church or other convenient place, and to appoint a chairman, who is to have a casting vote, and they are to determine upon the proper objects of relief, and the nature and amount of the relief to be given; "and in each case shall take into consideration the character and conduct of the poor person to be relieved, and shall be at liberty to distinguish in the relief to be granted between the deserving and the idle, extravagant, or profligate poor." The select vestry is to make orders in writing for the relief it deems to be necessary, and is to superintend the collection and application of all moneys raised for the relief of the poor, and the overseers of the poor are, in the execution of their office,

The Select Vestry Act.

required to obey its directions. At each meeting of the select vestry, minutes are to be fairly entered in a book provided for that purpose, and signed by the chairman, of all their proceedings, resolutions, orders, and transactions, and of all sums received, applied, and expended by their direction, which, together with a summary thereof, are to be laid before the inhabitants in general vestry assembled, in the months of March and October in every year.

In the event of any complaint being made to a justice of peace, of the want of adequate relief by or on behalf of any poor inhabitant of a parish having a select vestry, or being under a local Act, the justice is not to take cognizance thereof, unless it be proved on oath that application has been made to the select vestry and refused, in which case the justice may summon the overseers to appear before two justices to answer the complaint; and if it appear to such justices that the complainant is in need of relief, and that adequate relief has been refused, they may "make an order for such relief as they, in their just and proper discretion, shall think necessary," stating the special cause thereof in such order, which is not, however, to extend beyond the period of one month. In the case of a parish having no select vestry, two justices may order the churchwardens and overseers to afford relief to any poor person for any time not exceeding a month, stating in the order the cause thereof; but a single justice is empowered to order relief in any case of urgent necessity, the order remaining in force until the assembling of the select vestry, where there is one, and for fourteen days, or until the holding of the next petty sessions, in the case of a parish having no select vestry. This is a considerable curtailment of the power in ordering relief which was conferred upon justices in the first instance by 36 George III. cap. 23,[1] and more

Power of justices in ordering relief.

[1] *Ante*, p. 115.

recently by 55 George III. cap. 137.[1] The impolicy of conferring a large discretionary power in cases notoriously open to misrepresentation, and of the real merits of which the justices, from their social position, would almost necessarily be incompetent judges, is noticed by the committee in their late report, and it was at their instance that the restrictions in the present Act were imposed.

Justices in special sessions are, by the 6th section of the Act, empowered, "upon the nomination and at the request of the inhabitants of any parish in vestry assembled," to appoint a person who is rated although not resident therein, to be an overseer of the poor. And, by the 7th section, power is given to parish vestries "to elect any discreet person or persons to be assistant overseer or overseers of the poor," and to specify the duties and fix the salaries of such officers; and any two justices are empowered, by warrant under their hands and seals, to appoint every person so elected to be assistant overseer for such purposes and with such salary; and every person so appointed is "authorized and empowered to execute all such of the duties of the office of overseer, as shall in the warrant for his appointment be expressed, as fully as the same may be executed by any ordinary overseer of the poor." The appointment is to continue until it be resigned or revoked, and security may be taken for the faithful execution of the duties of the office.

Assistant overseers.

The churchwardens and overseers of any parish "not having a workhouse for the poor thereof, or where the workhouse shall be found insufficient or inconvenient," are by the 8th section empowered, with the sanction of the vestry, to build a suitable workhouse, or to alter and enlarge any tenement belonging to such parish for that purpose, and to purchase or take on lease any ground that may be required for these pur-

Workhouses to be provided.

[1] *Ante*, p. 151

poses. And as it may be advisable in some cases for parishes to sell their present workhouses or other tenements, where the same are incapable of being enlarged or used, the 9th section enables this to be done by direction of the vestry, and with consent of two justices, and the produce to be applied towards the purchase or building of a new workhouse, or towards the payment of any money borrowed for that house. Where no sufficient workhouse can be procured within the parish "for the accommodation of the poor thereof," the churchwardens and overseers are by the 10th section empowered, subject to the direction and consent as before, "to purchase or hire any suitable and convenient building or buildings for that purpose in any adjoining parish." But no such building is to be more than three miles from the parish for the use of which it is provided, and in all questions of settlement it is to be "taken to be part of the parish on behalf of which it has been purchased or hired, and by which it shall be used."

Land may be purchased or hired;

The 12th section recites, that by 43 Elizabeth, certain persons therein described are directed to be set to work, but that the laws now in force do not give sufficient powers for that purpose; wherefore it is enacted that it shall be lawful for the churchwardens and overseers, with consent of the vestry, to take any land which belongs to the parish, or to purchase or hire on account of the parish "any suitable portion or portions of land within or near to such parish, not exceeding twenty acres in the whole,[1] and to employ and set to work in the cultivation of such land on account of the parish any such persons as by law they are directed to set to work, and to pay to such of the poor persons so employed as shall not be supported by the parish reasonable wages for their work; and the poor persons

[1] This was afterwards increased to fifty acres by 1 & 2 William IV. cap. 42. See *post*, p. 202.

so employed shall have the like remedies for recovery of their wages, and shall be subject to the like punishment for misbehaviour in their employment, as other labourers in husbandry are by law entitled and subject to." By the following section the churchwardens and overseers, with like consent of vestry, are empowered, "for the promotion of industry among the poor," to let any portion of the land belonging to the parish, or that shall be so hired or purchased for it, "to any poor and industrious inhabitant of the parish, to be by him or her occupied and cultivated on his or her own account, and for his or her own benefit, at such reasonable rent and for such term as shall by the vestry be fixed and determined."

and may be let to industrious inhabitants.

But in order to guard against an undue expenditure for any of the above purposes, the 14th section provides, that no sum exceeding the amount of a shilling rate shall be raised or expended in a parish in any one year, for providing and furnishing such buildings, or purchasing and stocking such land, "unless the major part of the inhabitants and occupiers assessed to the relief of the poor in vestry assembled shall consent thereto, nor until two-third parts in value of all the inhabitants and occupiers so assessed shall also have signed their consent thereto in the vestry or parish book." After a shilling rate has thus been levied and expended for any of the above objects, if a further sum shall be required, it may with like consent be raised by way of annuity, or for a term of years, "so as the whole sum shall not be more than five shillings in the pound of or upon the true annual value of the property assessed to the poor in such parish." Every such annuity or other security is to be charged on the produce of the future rates, but it is provided "that no greater sum in the whole than the amount of a rate of one shilling in the pound shall in any parish be charged upon the future rates, unless two-thirds in value of the proprietors of lands, etc.,

Expenditure in any year limited to the amount of a shilling rate.

If borrowed on annuity, the whole amount not to exceed 5s. in the pound.

therein shall have thereto given their consent in writing." These limitations were probably necessary, and they would draw the proprietor class into a closer connection with parish affairs, on which the framers of the report of 1817 in great measure relied for bringing about improved management.

Relief by way of loan.

The 29th section, which provides for giving relief by way of loan, commences by reciting "that it is expedient to discourage that reliance upon the poor-rates, which frequently induces artizans, labourers, and others to squander away earnings which would, with suitable care, have afforded sufficient means for the support of their families"; and it then enacts, that whenever it shall appear, upon application of any poor person for relief, "that he might but for his extravagance, neglect, or wilful misconduct, have been able to maintain himself or to support his family (as the case may be), it shall be lawful for the overseers, by direction of the justices, or the general or select vestry, to advance money, weekly or otherwise as may be requisite, to the person so applying, by way of loan only, and to take his receipt for, and engagement to repay the same." If he fails to do this, he may be summoned before two justices, "and if it appear to them that he is able by weekly instalments or otherwise to repay the whole or any part of the money so advanced to him," they are to make an order for such repayment, in such proportions and manner as they see fit; and upon every default, to commit such person to the common gaol for any time not exceeding three months, unless the money which is due shall be sooner paid. This permission to afford relief by way of loan, is also extended to pensioners in the army and navy, who are empowered to assign over to the overseers, for the exoneration of the parish, the pensions to which they may be entitled, and on which the relief has been advanced. The wages of seamen in the merchant

service, are in like manner made liable for any relief which may be afforded to their families during their absence. With respect to each of these latter cases, the provision has probably been of some benefit; but as a measure of general application, the power of making loans for the relief of actual distress has been of little avail, and its policy is moreover somewhat doubtful. Facility of borrowing, whether it be of the pawnbroker or parish officer, is not calculated to encourage provident habits in the working classes, on the existence of which their comfort and general well-being so much depend.

The foregoing are the chief provisions of this very important Act, which, with other measures proposed and relinquished, originated with the committee of 1817, and gave rise to much debate and conflict of opinion both in and out of parliament. The establishment of select vestries led to a greater unity of action in administering the law, and was therefore advantageous, as was likewise the appointment of assistant overseers, without whom indeed it would be impossible for the business of large parishes to be properly attended to. With respect to workhouses, although the Act gives power for providing them, little reliance apparently was placed on their being the means of lessening expenditure, and none as to their testing destitution. The purchase of land by parishes in order to afford employment, and the letting out portions of it "for the promotion of industry among the poor," as is provided for in the Act, partake something of the character of a labour-rate; and are attempts to create employment of so forced and artificial a nature, as would be certain of ending in failure, if not in greatly aggravating the evil they were intended to correct. The distress which for some years had prevailed throughout England,[1] consequent upon deficient harvests, together with the change from war to a state of universal peace, must have

[1] *Ante*, p. 150.

caused much additional pressure on the poor-rates, and would render legislation with a view to check the growth or lessen the weight of the burthen, extremely difficult. This was repeatedly stated in parliament, as a reason for doing less than might otherwise have been attempted; and although the alarm caused by the rapid increase of the rates was no doubt great, the dread of making any sudden change or effort at reduction in the then circumstances of the country was equally so; and we ought perhaps to wonder that so much was at that time done, rather than that so little was accomplished as appears in the present Act.

We have seen the views expressed by the committee of 1817 on the subject of settlement.[1] In the following year a Bill embodying those views was introduced by Mr. Sturges Bourne, which gave rise to much discussion at the time, and continued to excite great attention throughout the country. Almost every parish was more or less affected by it, and a good deal of local influence was consequently brought to bear on the question in parliament. The Bill was eventually reduced to a single clause, and passed under the title of "An Act to amend the Laws respecting the Settlement of the Poor, so far as regards renting Tenements." By this Act (59 George III. cap. 50), it is directed that thenceforth no person shall acquire a settlement by residing forty days in a parish in a tenement rented by him, unless such tenement be a separate and distinct dwelling-house or building, or land within such parish, or both, *bonâ fide* hired by him for a whole year, and at a rent of not less than £10, "nor unless such house or building shall be held and such land occupied, and the rent for the same actually paid, for the term of one whole year at the least, by the person hiring the same." This extension of the term of residence from forty days to a whole year, and requiring the rent to be actually

1819. 59 Geo. III. cap. 50.

[1] *Ante*, p. 176 *et seq.*

paid, would increase the difficulty of acquiring a settlement, and might also tend in some degree to check litigation; but it amounted to little as a remedial measure, and left settlement (which Mr. Huskisson designated a "cruel and unfeeling restraint on the poor man's labour") untouched, and it left the power of removal (which Sir Samuel Romilly "viewed as the greatest cruelty")[1] unamended. The Act was, in short, altogether of little moment, and chiefly deserves notice as showing that the public were so entangled in the meshes of the old system as to be afraid of making an effort for extrication. The magnitude of the evil was generally admitted, but all appeared to dread a change, the possible consequences of which were so magnified by their fears, and possibly also by the misrepresentations of interested parties, that nothing effectual could be done in the way of remedy; and settlement, and the power of removal, the two great blots of the English Poor Law, remained as before.

Death of George III. 29th Jan. 1820.

We have now arrived at the termination of the reign of George the Third, who died on the 29th of January 1820, in his eighty-second year. He had long been disabled by mental infirmity from attending to the business of government, which was conducted by his son (now George the Fourth) under the title of Regent; so that there was no other change beyond the change of title in the actual occupant of the throne. Yet the death of the aged sovereign was deeply felt by the people. His personal character, and the sad affliction with which he was visited—his long reign of sixty years, and the extraordinary events which had occurred within the period—all served to awaken tender emotions at his removal, and to surround his memory with affectionate regrets.

[1] See Hansard's *Debates*, May 10, 1819, and April 30, 1818.

END OF PART THE THIRD

PART THE FOURTH

FROM THE ACCESSION OF GEORGE THE FOURTH, TO THE END OF THE YEAR 1852-53

CHAPTER XIV

A.D. 1820–1834

Accession of George IV.—Savings banks—Servants and apprentices—New Vagrant Act—Settlement Law—Pauper lunatics—Accession of William IV.—Poor allotments—Effects of forced employment—The "parish farm"—Hobhouse's Act—Removal of poor natives of Scotland, Ireland, and the Channel Islands—Alarm at the increase of poor-rates—Mr. Scarlett's Bill—Mr. Nolan's Bill—Intended inquiry announced—Employment of agricultural labourers—Chimney-sweepers—General summary, 1834—Commission of Inquiry—The Commissioners' Report—Practice at Southwell.

George IV. 1820–1830.

THE accession of George the Fourth took place at a time when public opinion was much divided on certain questions of domestic policy, especially on the subject of Parliamentary Reform, without which, it was with some reason asserted by a large section of the people, it would be vain to expect other ameliorations. Tumultuous meetings were held in the manufacturing districts, and at Manchester a large assemblage had been dispersed by the military. Conspiracies were said to be secretly concocted, and a general feeling of apprehension prevailed, without any very definite cause, excepting that there were great complaints of distress in all parts of the country. It is not necessary, however, to give a detail of these circumstances, as they are sufficiently recent for remembrance. Indeed it must have been noticed that as we approached modern times,

reference to details not immediately connected with the Poor Law have been less frequent, as they were less necessary for a right understanding of the condition of the people; and hereafter attention will be altogether confined to poor law measures, and to matters more or less immediately connected therewith.

In the Report of the Select Committee on the Poor Laws in 1817, the establishment of Savings Banks is noticed in terms of deserved commendation. These institutions were not altogether unknown, but England is indebted for their legal organisation to Mr. George Rose, who in February 1817 introduced a Bill for the purpose. The measure gave rise to considerable conflict of opinion at the time, and as first framed was certainly open to objection in parts, the most prominent of which was the provision, that a person having £30 deposited in a savings bank, should nevertheless be entitled to relief from the poor-rates; but this proposition was soon abandoned.

1817-18. The Savings Bank Acts.

The two Acts constituting and regulating these receptacles for the small savings of the industrious classes are 57 George III. cap. 130, and 58 George III. cap. 48. These Acts, taken together, empowered trustees and managers "to receive deposits of money for the benefit of the persons depositing the same, and to accumulate the produce in the nature of compound interest, and to return the whole or any part of such deposits and the produce thereof to the depositors, deducting only so much as shall be required for defraying the necessary expenses of management." The trustees and managers are not themselves to receive any profit or advantage from the institution, for which they are required to frame rules, which are to be entered in a book open at all times to the inspection of the depositors. The rules are also to be enrolled at the sessions, and the justices may reject any that are

at variance with the intentions of the Act. The moneys deposited are to be transmitted to the National Debt Office, to be there invested in a separate fund established for the purpose, and for these moneys the trustees are to receive a debenture carrying interest at the rate of 3d. per cent. per diem, equal to £4, 11s. 3d. per cent. per annum, payable half-yearly; and an account of all such debentures is to be laid before parliament annually. Friendly societies, legally constituted, are permitted to invest the whole or any part of their funds in savings banks; but no individual depositor can invest more than £100 the first year, nor more than £50 in any year afterwards.[1] Schedules were appended to the Acts, giving complete forms for every transaction; and with due care on the part of the trustees and managers, to see that the money paid in and withdrawn was in each case entered in the depositor's book, and that the whole of the money deposited was duly transmitted for investment, it would be almost impossible for error or malversation to occur.

So rapid was the growth of these institutions, that on the 20th of November 1833, there were in England and Wales 408 savings banks, holding balances on account of 425,283 depositors, to the amount of £14,334,393; whilst in Ireland (for which in 1817 an Act was passed simultaneously with that for England) there were at the same time 76 savings banks, with 49,872 depositors, and an aggregate of deposits to the amount of £1,380,718. Taking England and Ireland together, the number of banks established at the above date was 484—the depositors 475,155, and the amount of deposits

[1] Six years after this the deposits of individuals were restricted to £50 the first year, and £30 in any year subsequently, and no interest was allowed on any amount of deposits exceeding £200. There were several subsequent reductions in the interest allowed, and individual deposits were limited to £150, and friendly societies to £300.

£15,715,111[1]—an immense accumulation by the industrious classes, and giving them a large interest in the stability of our institutions, as well as affording evidence of a marked improvement in their habits and social position.

1823. 4 Geo. IV. caps. 29 and 34.

Servants and apprentices.

The last Act passed for regulating the binding of parish apprentices[2] was found to be insufficient for the purposes intended, and 4 George IV. caps. 29 and 34, were now enacted—the former to increase the power of magistrates in cases of apprenticeship, the latter to enlarge the powers of justices "in determining complaints between masters and servants," etc. The first of these Acts recites the provisions of 20 George II. cap. 19,[3] and 33 George III. cap. 55,[4] respecting apprentices upon whose "binding out" a larger sum than £5 and £10 respectively shall not have been paid, and then enacts that the said provisions shall extend "to all apprentices upon whose binding out no larger sum than £25 was or shall be paid." The second Act (cap. 34) enables stewards, managers, and agents, as well as masters, to make complaint upon oath of the misconduct of any apprentice, and empowers any justice to

[1] At the end of 1852—

The number of banks was—		
England and Wales	482	
Ireland	51	
Scotland	43	
		576
The depositors—		
England and Wales	1,045,550	
Ireland	52,502	
Scotland	111,297	
		1,209,349
The aggregate deposits—		
England and Wales	£28,649,672	
Ireland	1,460,161	
Scotland	1,645,205	
		£31,755,038

[2] *Ante*, 56 George III. cap. 139, p. 155.

[3] *Ante*, p. 42.

[4] *Ante*, p. 108.

hear and determine the same, and to punish the offender; and the justice is also in like manner empowered to hear the complaint of any apprentice, and to summon the master and do justice in the case. There are other provisions enabling a justice to apprehend and punish with imprisonment any servant in husbandry or artificer who fails to fulfil his engagement, and also to enforce payment of any wages which upon examination appear to be due to any such servant or artificer, but into this question it is not necessary here to enter.

The circumstance most worthy of notice in connection with the above Acts, is the successive increase of the sums paid on the "binding out" of parish or other apprentices. In 1747 we find that £5 was, by 20 George II. cap. 55, assumed to be the maximum of payment with a parish apprentice. Forty-six years afterwards, by 33 George III. cap. 55, the amount was increased to £10; and now in 1816, after only half that interval had elapsed, we find the limit raised to £25. These successive advances must be regarded as indicating a continual increase of wealth and demand for skilled labour, for although £25 may not always or often have been paid with a parish apprentice, it would seem to have been so occasionally; and the parish may in some instances have been aided by individual contributions, whilst individuals again would probably be aided by the parish. All apprentices, however, upon whose binding out no greater sum than £25 has been paid, are now placed under the special protection of the justices, both in the matter of "binding out," and in their course of servitude. In each of these respects, such a supervision may have been necessary; for as apprenticeship gave a right of settlement, the conflicting interests which thence sprang up would be apt to lead to the fraudulent and improper binding out of parish children, who again under such

circumstances would be liable to ill-usage, and would need protection.

Vagrancy, mendicancy, and pauperism are so mingled together, that it is not surprising the earlier statutes should have applied to them indifferently, and that it was not until after a special provision had been made for the relief of the destitute poor, that vagrants were dealt with as a separate class, and that the offences coming under the designation of vagrancy, have been defined and subjected to punishment by a separate law. The number of these offences would be sure to increase with the increase of wealth and population, and a new Vagrant Act, 5 George IV. cap. 83, was passed to arrest the growing evil. The Act very minutely defines what is criminal, and follows the example of the older statutes[1] in arranging the offenders under the heads of *idle and disorderly*, *rogues and vagabonds*, and *incorrigible rogues*. To the first class, one month's imprisonment with hard labour is assigned; to the second, three months; and to the third, twelve months, with whipping at the discretion of the justices in quarter-sessions. It is however only necessary to notice those parts of the Act which apply to the poor as a class, these being the only portions directly connected with the Poor Laws.

1824. Vagrant Act. 5 Geo. IV. cap. 83.

Under the first head or division, it is enacted—That every person being able wholly or in part to maintain himself or herself, or his or her family, by work or by other means, and wilfully refusing or neglecting so to do, by which refusal or neglect he or she, or any of his or her family shall have become chargeable—every person returning to, and becoming chargeable in a parish whence he or she had been removed, unless producing a certificate from some

[1] *Ante*, 17 George II. cap. 5, and 32 George III. cap. 45, pp. 34 and 102.

other parish acknowledging settlement therein—every person wandering abroad, or placing him or herself in any public street or highway, etc., to beg or gather alms, or causing or encouraging any child or children so to do—shall be deemed an *idle and disorderly person.* And every one again committing any of the above offences, after being convicted thereof—and every person wandering abroad and lodging in any barn, outhouse, or unoccupied building, or in the open air, not having any visible means of subsistence, and not giving a good account of himself or herself—every person wandering abroad and endeavouring by the exposure of wounds or deformities to obtain alms—every person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions under any false or fraudulent pretence—every person running away and leaving his wife, or his or her child or children chargeable, or whereby she or they or any of them shall become chargeable—shall be deemed a *rogue and vagabond.* And every person having been so convicted, who shall therein again offend, is to be deemed and dealt with as an *incorrigible rogue.*

Who are to be deemed "idle and disorderly," who "rogues and vagabonds," and who "incorrigible rogues."

The foregoing, are the provisions of this Act which apply to the class of persons usually coming under the superintendence of the parish authorities, in connection with the Poor Law. They are clear, distinct, and sufficiently stringent; and if they were strictly enforced, adequate provision being at the same time made for the relief of all who are actually and unavoidably in need of it, mendicancy (which is a branch of vagabondism) would be abolished, industry would be encouraged, crime would be lessened, and the entire community would be greatly benefited both socially and morally.

The condition on which a right of settlement may be acquired by renting a tenement of £10 annual

value, we have lately seen stated with much precision in 59 George III. cap. 50.[1] Yet six years afterwards, doubts being entertained as to the intention of the Act, and "very expensive litigation" having been incurred, it was found necessary to make further provision on the subject, and 6 George IV. cap. 57, was passed, enacting "that no person shall acquire a settlement in any parish by reason of settling upon, renting, or paying parochial rates for any tenement not being his or her own property, unless it shall consist of a separate and distinct dwelling-house or building, or of land, or both, *bonâ fide* rented by such person at and for the sum of £10 a year at the least, for the term of one whole year; nor unless such house or building, or land, shall be occupied under such yearly hiring, and the rent for the same to the amount of £10 actually paid for the term of one whole year at the least, provided always that it shall not be necessary to prove the actual value of such tenement." This would seem to be sufficiently clear and definite, yet at the end of another six years doubts are again said to "have arisen with respect to the intention of the legislature concerning the occupation of such house, building, or land, by the person hiring the same, and concerning the amount of the rent to be paid, and the person paying the same." Wherefore another Act was then passed (1 William IV. cap. 18), which provided that no person shall acquire a settlement by reason of such yearly hiring, "unless such house, or building, or land shall be actually occupied under such yearly hiring in the same parish, by the person hiring the same, for the term of one whole year at the least, and unless the rent for the same, to the amount of £10 at the least, shall be paid by the person hiring the same." And it is further provided "that where the yearly rent shall exceed £10, payment to the amount of £10 shall

1825. 6 Geo. IV. cap. 57. Settlement.

[1] *Ante*, p. 188.

be deemed sufficient for the purpose of gaining a settlement."

The necessity for passing three successive Acts within twelve years, for determining the mode in which the renting of a tenement in a parish should confer a right of settlement, may be taken as exemplifying the difficulties and intricacies with which the question in all its branches is beset, and also as a proof of the openings which the law of settlement affords for trickery and chicanery of every kind. "Very expensive litigation" is said to have arisen under the first of these three Acts, and although it is not so stated, we may presume it was the same under the second, and possibly even under this last. The acquiring a right of settlement by apprenticeship, by hiring and service, and by renting a tenement, notwithstanding the recommendation for abolishing such right in either case in the report of 1817, continued to be a source of demoralisation and fraud, as well as the occasion of a wasteful expenditure of money which ought rather to have been applied to the relief of destitution.

Pauper lunatics can hardly fail to be regarded as the most wretched of the human family, and as standing most in need of protection: yet they had hitherto been neglected, and were left exposed to much cruelty and oppression. But the country at length awoke to a sense of its duties towards this unfortunate class, and 9 George IV. cap. 40, was passed for the erection of lunatic asylums, and "to provide for the care and maintenance of pauper and criminal lunatics."[1] The justices of peace in each county were empowered to provide a lunatic asylum for their own county, singly or in common with one or more adjacent counties, or to agree with the subscribers to any

1828. 9 Geo. IV. cap. 40.

Pauper lunatics.

[1] An Act for the establishment of Lunatic Asylums in Ireland had been passed eleven years earlier. See *History of Irish Poor Law*, p. 79.

lunatic asylum heretofore built or intended to be built and established by voluntary contributions; and to purchase or rent land, and make rates and borrow money on mortgage thereof, to defray the necessary expenses. And the justices in petty sessions are to require the overseers of the poor within their respective divisions, to make returns annually "of all insane persons chargeable to their respective parishes, specifying the name, sex, and age of each, and whether dangerous or otherwise, and how long disordered, and where confined, or how otherwise disposed of." Such return is to be verified on oath, and together with a medical certificate of the state of each of such insane persons, is to be laid before the justices at their next general quarter-sessions—failing in which, or failing to give notice of any poor insane person in his parish to a justice of peace, the overseer is subjected to a penalty not exceeding £10 nor less than £2.

On its being made known to any justice of peace that a poor person, whether chargeable or otherwise, is deemed to be insane in any parish, he may require the overseer to bring such person before any two justices at such time and place as he shall appoint; and if upon examination the said justices, with the assistance of a medical man, shall be satisfied that the poor person is insane, they may cause him to be placed in a lunatic asylum or public hospital, "or some house duly licensed for the reception of insane persons," and may make an order upon his place of settlement for payment of all reasonable charges consequent thereon. No insane person is to be removed from an asylum, hospital, or licensed house, without an order for that purpose by two justices, "or unless such person shall have been discharged as cured." But the visitors of a county asylum may deliver a pauper lunatic to his friends, upon their undertaking that he shall be no longer chargeable. Provision is made for a medical practi-

tioner, on behalf of any parish, to visit and examine the pauper patients belonging to such parish confined in any asylum, hospital, or licensed house, and to report the result of such examination to the parish authorities. Where the place of legal settlement of the insane person cannot be ascertained, the justices may direct him to be confined in the asylum for the county in which he is found, and if there be none, then in some hospital or licensed house, and they may also direct all reasonable charges thence arising to be defrayed out of the county rates. The justices may nevertheless endeavour to ascertain the place of settlement of any insane person so confined, and if satisfactory evidence can be obtained as to his place of settlement, they may make an order upon the overseers of the parish where such settlement is proved to be, for payment of the reasonable charges incurred for such insane person within the twelve months preceding, and also for his future maintenance. In all these cases, persons who feel aggrieved may appeal to the quarter-sessions, whose determination is to be final and conclusive.

These are the chief provisions which apply to pauper lunatics, and they go far to remedy, by removing from public view and from constant aggravation, one of the most painful and humiliating inflictions to which humanity is subjected. The other sections of the Act occupy considerable space, but although necessary for providing and for efficiently managing the institutions for the reception of insane and lunatic persons, they do not require to be particularly noticed here.

1830. Death of George IV.

After reigning a little more than ten years, George the Fourth died on the 26th of June 1830, and was succeeded by his brother, William the Fourth, at whose death, on the 20th of June 1837, the crown descended to our present sovereign, Queen Victoria; and that she

may long continue to wear it, to the happiness of her subjects, and her own honour, is the unanimous prayer of a loyal people.

The twenty acres of land permitted by 59 George III. cap. 12, to be purchased or hired by a parish, for the purpose of employing "any such persons as by law they are directed to set to work," was afterwards, by
1831. 1 & 2 William IV. cap. 42, increased to fifty acres.[1]
1 & 2 Will. IV. cap. 42. This Act likewise empowered the churchwardens and overseers, with the consent of the lord of the manor and the majority of the other persons interested, to enclose any portions of waste or common land lying in or near such parish not exceeding fifty acres, "and to cultivate and improve the same for the benefit of such parish and the poor persons therein, or to let any part or parts of the same to any poor and industrious inhabitants thereof to be occupied and cultivated on
1831. their own account." About the same time 1 & 2
1 & 2 Will. IV. cap. 59. William IV. cap. 59, was passed, enabling churchwardens and overseers, with the consent of the Treasury, to enclose land belonging to the Crown (not exceeding 50 acres) "for the benefit of poor persons residing in the parish in which such crown-land is
1832. situated." In the year following, 2 William IV. cap.
2 Will. IV. cap. 42. 42, was passed, to authorise "the letting of the poor allotments in small portions to industrious cottagers," —The Act recites, that in many parishes "enclosed under Acts of Parliament, there are allotments made for the benefit of the poor, chiefly with a view to fuel, which are now comparatively useless, and that it would tend much to the welfare of the poor if these allotments could be let at a fair rent and in small portions to industrious cottagers of good character." The present Act accordingly authorises this to be done; and it also enacts that the rent shall be applied "in the purchase of fuel to be distributed in the

[1] *Ante*, p. 181.

winter season, among the poor parishioners legally settled and resident in or near such parish; and, moreover, "that no habitations shall be erected on the portions of land demised under this Act, either at the expense of the parish, or by the individual renting the same," thus providing, as far as it was possible, against these allotments leading to an increase of the population.

All the Acts above named, including that of 59 George III. cap. 12, appear to assume that persons who are unable, or who declare that they are unable, to procure employment in the ordinary way, may be profitably employed on account of the parish, or on land let to them by the parish, the cultivation of which would keep them independent of parish relief. The persuasion, moreover, that churchwardens and overseers are bound by law to find employment for all who need it, as is assumed in 59 George III., and which is likewise the governing principle of Gilbert's Act, seemed to have still existed, notwithstanding that the impossibility of this being always done had been demonstrated in the report of 1817.[1] No person now doubts the pernicious effects of forced or artificial employment, or is blind to the consequences of tampering with the market for labour, whether by the parish or in any other way; but the conviction in this respect was not then so strong nor so general, and a middle course was resorted to, in the hope probably of averting the consequences of such interference, by letting portions of land to the persons whom the parish would otherwise have to relieve, or set to work on its own account. The objection, however, applies with about equal force in either case. Both modes of employment are artificial, and calculated to raise up and retain a larger number of labourers in a district than there is legitimate employment for; and conse-

Effects of forced or artificial employment.

[1] *Ante*, p. 173.

quently, by such excess of supply over demand, to lower the price of labour to an amount incompatible with social or physical well-being.

Of these two modes of giving employment, that of cultivating land on account of the parish was, it is believed, by far the most generally adopted. The "parish farm" was well known in most parts of England, and one of the first efforts made by the author to bring about improvement in Poor Law administration, was by prevailing upon his fellow-overseers to let off the parish land at a fair rental, and then persuading the farmers to distribute their employment as equally as possible throughout the year, instead of turning over their men to the "parish farm" in the winter months, as had been the practice. But whatever may be done by the farmers in this respect, it is certain that in rural districts there will always be a dearth of employment in winter, as in manufacturing districts there will be a similar dearth whenever a stagnation of trade occurs. Both the one and the other are perhaps unavoidable, although each may, to a certain extent, be mitigated by timely arrangement on the part of the employers. The only effectual mitigation however must rest with the labourers themselves, by their making provision against the occurrence of such periods; and when they do occur, by their exercising increased diligence, and seeking out other sources of occupation and means of subsistence, neither of which can they be expected to do so long as the parish farm or the parish purse is readily open to them. Some expedient was therefore wanted, which might operate as a secondary kind of necessity, and have the effect of impelling the labourers to extra exertion on these occasions, whilst such relief as was absolutely necessary should not be altogether withheld—something, in short, which, without destroying self-reliance, or superseding individual effort and resource, would

The "parish farm."

yet afford a protection against absolute want; and this the author found in so altering and organising the workhouse, as to render it a test of destitution as well as a medium of relief—on both which points it will hereafter be necessary to speak at greater length.

The two Vestry Acts that emanated from the committee of 1817 (58 & 59 George III. caps. 69 and 12),[1] had been in operation twelve years, when another Act of a more popular character was passed, at the instance chiefly of certain of the metropolitan parishes, and of some others in the larger towns. This Act (1 & 2 William IV. cap. 60) is declared to be "for the better regulation of vestries, and for the appointment of auditors of accounts." It was introduced by Mr. Hobhouse, and has continued to be known as *Hobhouse's Act.* Its adoption by any parish is left optional. One-fifth of the ratepayers, or any number not less than fifty, may call upon the churchwardens to give public notice to the ratepayers, requiring them to signify by their votes whether or not they are desirous of adopting the Act; and after this has been done in the form and manner prescribed, the churchwardens, "after a full and fair summing up of the said votes," are to declare whether or not two-thirds of the votes given are in favour of the adoption of the Act—in which case, and if a clear majority of the ratepayers shall have voted, the Act is to be adopted, and notice thereof given; and no similar proceeding can again take place, until after the expiration of three years. At the election of vestrymen and auditors, every parishioner who has been rated to the relief of the poor one year, is entitled to vote. The elections are to take place annually in May, and the number of vestrymen is to be in proportion to the extent of the population. Parishes in which the number of rated householders does not exceed a thousand, are to have

1831. "Hobhouse's Act." 1 & 2 Will. IV. cap. 60.

[1] *Ante*, pp. 180 and 181.

twelve; if above a thousand, twenty-four; if above two thousand, thirty-six; and so on, twelve for every additional thousand; provided that in no case is the number of elected vestrymen to exceed one hundred and twenty. The clergyman of the parish is to be a member *ex officio*. One-third are to retire annually, the outgoing members being, however, eligible for re-election. In parishes within the metropolitan police district or the city of London, or where the resident householders exceed three thousand, the qualification for a vestryman is to consist in his being rated to the relief of the poor at a rental of not less than £40. In other cases the qualification is a rating of £10. The same qualifications apply to the five auditors. The vestry is not to hold its meetings in the church. It is to appoint a chairman, and its proceedings are to be entered in proper books, which are to be open to inspection, as are also the accounts, after they have been audited. The audit is to take place twice a year, and an abstract of the accounts is to be prepared, to a copy of which any ratepayer is entitled on the payment of one shilling.

Such are the chief provisions of this Act, by which the affairs of any parish adopting it are placed under the control of the whole body of ratepayers, instead of being lodged in the hands of a select number, as provided by 59 George III. cap. 12.[1] The Act may have been beneficial in some cases, by calling forth a more general and active interest in the ratepayers, and causing them to give greater attention to the business of the parish than prevailed under the former arrangement, which vested the whole power in a few persons, generally selected on account of their property and respectability, and therefore, it was assumed, best fitted for having the management. Most of Mr. Sturges Bourne's anticipations of an improved administration

[1] *Ante*, p. 181.

of the law were, indeed, founded on this assumption, in support of which much may doubtless be said; but on the other hand it may be remarked, that a small and select number of persons acting independently, are apt to become exclusive and inert, unless stimulated by public opinion, and controlled by popular responsibility. On the whole, it may be said, that whether it would be most desirable for the affairs of a parish to be managed under the provisions of the Select Vestry Act, or under those of Hobhouse's Act, must depend on the circumstances of the parish itself. If the present management be good and satisfactory, under whichever form conducted, by all means let it be so continued. If otherwise, the parishioners have an alternative, and may change the system.

1830. 11 Geo. IV. cap. 5.

1833. 3 & 4 Will. IV. cap. 40.

There are two Acts of this period requiring to be noticed—one is 11 George IV. cap. 5, providing for the removal of poor persons, natives of Guernsey and Jersey; the other is 3 & 4 William IV. cap. 40, providing for the removal of poor persons born in Scotland or Ireland. Each of these Acts repeals several previous enactments on the subject, and they provide that upon complaint before two justices, of any person born in the one case in Jersey or Guernsey, in the other in Scotland or Ireland, or the Isle of Man or Scilly, having become chargeable, the justices may cause such person to be brought before them, and after examining into all the circumstances, if it shall appear that such person is a native of any of the above-named places, and has not acquired a settlement in England, and has actually been chargeable to the complaining parish by himself or his family, they are to cause the person or persons so chargeable to be removed to the place of their birth. The first Act leaves the charge of removal to be defrayed by the complaining parish; but in the case of Scotch and Irish poor, and those of Scilly and the Isle of Man, the

Removal of Scotch and Irish poor, etc.

latter Act provides for the repayment of this charge out of the county rate, and it also empowers the justices in quarter-sessions to make regulations for carrying its provisions into effect. The duration of the Act was limited to May 1836, but it was subsequently continued.

There is obviously some distinction between sending back the natives of another country on their becoming chargeable, and removing persons from one parish to another in the same country. If the relief constituting the ground of the chargeability be administered under proper restrictions, it is very doubtful whether such a removal in the first case be necessary; but it is quite certain that it cannot be so in the other; and the sounder view seems to be, that it is alike inexpedient in both.

The conviction that a radical change was necessary, either in the Poor Law as it then existed, or in the mode of its administration, had for some years been growing stronger and stronger. The report of the committee of 1817 served to augment the dissatisfaction and alarm, by pointing out more clearly than had before been done, the evils arising from the operations of the law, and the probability, amounting almost to a certainty, of these evils continuing to increase, unless some decided step were taken to arrest their progress. The apprehension caused by the continually augmenting charge of the poor-rates, is shown not only by the debates in parliament, and the publications of the day, but also by the Bills submitted with a view to check the growing evil. One of these requires particular notice, as well for the importance of the principle involved, as on account of the character and position of the member[1] by whom the Bill was introduced in a speech of great power, and evincing considerable

Mr. Scarlett's Bill, 8th May 1821.

[1] Mr. Scarlett, afterwards Chief Baron of the Exchequer, and created Lord Abinger.

research.[1] The speech was in fact directed against poor-law relief altogether, although the Bill only proposed to establish a *maximum*, beyond which the poor-rate should in no case be carried.

Mr. Scarlett argued that an unlimited provision for the poor must operate as a premium for poverty, indolence, and immorality; that the Poor Laws held out to the labourer a refuge from the consequences of his own improvidence; that the evils thence arising would continue to increase, and would become so great, "that all the industry that could be bestowed on the land would be insufficient to enable it to maintain our augmented pauper population"; that in some parts of the country even now, owing to the heavy pressure of the poor-rates, it was not worth the farmer's while to cultivate the land; and so rapid had been their increase of late, "that unless some attempt were made to stem the torrent, they must at no distant period absorb all the land in the kingdom, and thus consume that on which the poor had altogether to rely." Wherefore, in his judgment, the first step shall be to limit the amount collected under the existing laws, by declaring a *maximum* beyond which there should be no assessment for these rates, and "he thought it most expedient that the last year's rates throughout the kingdom should be fixed as the poor-rate maximum."

Mr. Scarlett next proposed to alter the system of administering relief. He contended that the law of Elizabeth was intended, "not to disseminate a premium for idleness, but to confer a relief for those whom old age or infirmity had rendered incapable of supporting themselves by the effort of their own industry." A practice had however grown up, he said, of not confining relief to the objects for whom alone it was originally intended, but to extend it to persons who represented themselves as unable to obtain work. The

[1] See Hansard Debates, 8th May 1821, vol. v. new series, p. 573.

abuses of this modern practice were incalculable, and the legislature ought to correct either the law or the practice. The latter was perhaps impossible, or if possible would be deemed extremely severe, as every agricultural labourer when he married "reckoned on having the second child supported by the parish, and the overseer had regularly to meet a claim of 2s. or 2s. 6d. per week for that purpose." Without altering the law in other respects, he therefore proposed "to prohibit relief being given to any single or unmarried person, except in cases of actual infirmity, old age, or debility by sickness or accident." The effect of such an enactment would be, he thought, to restore habits of industry, and provident regulation among the poor, and to make them look a little more to their own resources, instead, as was now the case, of compelling the really industrious classes of the community to sacrifice a portion of their earnings to support the idle.

Mr. Scarlett's third proposition was to prohibit removals, which would be equivalent to abolishing the law of settlement. On this, he expressed himself as being prepared to meet with much contrariety of sentiment, but his own opinion was fixed, and was the result of long reflection. As the law now stood, he said, persons might be removed from the place where they sought relief, to any other where they might have a settlement, "the effect of which was to restrict the free circulation of labour, and to expose the labourer who, being unable to obtain employment in his own parish, honestly endeavoured to seek it elsewhere, to the penalty of being seized and sent back to a parish where there existed no demand for his labour, and where he was sure to remain a pauper." A more oppressive and impolitic law, he declared, never existed anywhere—it made poverty a crime, and its penalty banishment—it was at once cruel and unjust, and as

injurious to the community as it was to the individual. The impolicy of the law was, he observed, soon felt after its passing, in the time of Charles the Second, and much pains were taken by subsequent statutes to modify the arrangements for carrying it into execution, the consequence of which was the establishment of an artificial system. "Well might Burn," he said, "when he wrote on the operation of this clause in the Poor Laws, declare 'that it led to a greater quantity of litigation and hostile divisions than any other law on the statute-book, ay, or than all the other laws from the time of Magna Charta put together.' Such was the inevitable result of living under an artificial code of laws—the law was first made absurd, and then, instead of its being repealed to remove the incongruity, an artificial system was created in order to keep it in operation." He proposed therefore, "to abolish the law for removing paupers from one place to another by an order from justices of the peace or otherwise."

These three provisions constituted the whole of Mr. Scarlett's Bill, which gave rise to a good deal of discussion both on its introduction and on the occasion of its second reading, after which the Bill was withdrawn. But in the following session Mr. Scarlett introduced another Bill, less comprehensive than the preceding one; and after restating his former arguments, and declaring that nothing had since occurred to alter his opinion with respect to the three provisions of his former measure, he now proposed to postpone two of them, and simply to abolish the power of removal, reserving to himself the right of afterwards proceeding with the others, as he still considered the whole three essentially necessary for correcting present evils, and for preventing the occurrence of greater hereafter. This last Bill was, however, likewise withdrawn.

A few days after the withdrawal of Mr. Scarlett's

1822. Mr. Nolan's Bill, 10th July 1822.

first Bill, another measure for amending the law was introduced by Mr. Nolan, one of the then Welsh judges, and author of a work on the Poor Laws deservedly held in high estimation. Mr. Nolan took a view of the question different from that advocated by Mr. Scarlett. He considered the Poor Laws, when administered in their original spirit, to be of great advantage to the people. The English peasantry, under the operation of these laws had, he said, outstripped the peasantry of other countries in the race of civil refinement. But he admitted that as now administered the laws operated injuriously, and that if this were not speedily corrected the consequences would be highly prejudicial. He contended, however, that a system under which nearly two millions of the people had been lodged, clothed, and fed, and little less than eight millions of money divided annually among them, must not be suddenly overturned. "To pluck such large means of subsistence as it were from the very mouths of the poor, without affording them ample time for supplying it from other sources, would (he said) be cruel if it were safe, and would be most unwise as it would be most dangerous." He proposed therefore not to destroy the existing system for relieving the poor, but to restore and bring it back, so far as the existing grades and habits of society would admit, to the true spirit of the statute of Elizabeth. His Bill was framed in accordance with this view. It contained some useful provisions, and some that are open to objection. Of the latter class, was the proposal to empower parish officers to hire out the labour of paupers, and to compel them in certain cases to wear badges—of the former, the requiring the concurrence of three magistrates to an order of relief, and the enforcing greater exactitude in parish accounts, and directing that relief-lists should be regularly made out and kept open for the inspection of the parishioners.

Mr. Nolan's Bill received several amendments in that and the following sessions, but it failed in obtaining the support necessary for its becoming law; and like the Bills introduced by Mr. Scarlett, had only the effect of giving rise to discussion, and keeping public attention alive to the subject. The contrast of the measures for amending the law thus proposed by two men eminent as lawyers, and both occupying a prominent position in the legislature, may be regarded as a fair indication of the state of public opinion at the time. All parties saw and all admitted the evils arising out of the existing system, but all were not agreed as to the remedy to be applied. The introduction of these and other Poor-Law measures, however, and the discussions which from time to time took place on the question, prepared the way for the appointment of the Commission of Inquiry in 1832, and greatly facilitated the passing of the Amendment Act in 1834. It would have been improper therefore to have omitted noticing the Bills of Mr. Scarlett and Mr. Nolan in connection with that important measure, to which they may be said to have in some degree contributed. With both these gentlemen the author had been in communication, and some parts of Mr. Nolan's Bill were modified at his suggestion. With Mr. Scarlett he was at issue on the very principle of a Poor Law, that gentleman arguing from the probable abuse, against its use; whilst the author contended for the usefulness if not the necessity of making a legal provision for the relief of the destitute, as well on the score of humanity, as for the protection of property and the general well-being of society; and he cited the example of the parish of Southwell, where he at that time resided, in proof of the facility with which abuses might be remedied, and the administration of the law restored to its original purity.

The author's communications with Mr. Scarlett and Mr. Nolan.

On the 1st of February 1832,[1] Lord Althorp, in

[1] See Hansard's *Debates* of this date, p. 1099.

answer to a question put to him, stated "that the general question of the Poor Laws was a subject of great magnitude, and involved such a variety of important considerations, that any member of the government, or of that House, would not be justified in bringing forward a measure that would apply generally to the whole collective system of the Poor Laws of this country; and that government was of opinion, that the best course to pursue was, by means of investigation and inquiry on the spot, to find out the effects of the different systems as they existed in different parishes; and accordingly, that Commissioners would be appointed for the purpose of ascertaining how the different systems worked throughout the country. When the result of this inquiry was before ministers, they would then be able to determine whether they would propose any measure on the subject.[1]

Intended Commission of Inquiry into the Poor Laws announced.

Meantime however, and pending the inquiries soon afterwards instituted, an Act was passed "For the better Employment of Labourers in Agricultural Parishes until the 25th of March 1834," by which time, it was supposed, the inquiry would be completed, and government have matured its plans. This Act (2 & 3 William IV. cap. 96) commences by reciting "that notwithstanding the many laws in force for the relief and employment of the poor, many able-bodied labourers are frequently entirely destitute of work or unprofitably employed, and in many instances receive insufficient allowance for their support from the poor-rates; and that the mode of providing employment for the poor, which may be expedient in some parishes, may be inexpedient in others, and it may therefore be desirable to extend the powers of parish vestries, in order that such a course may be pursued as may be best adapted to the peculiar circumstances of each

1832. 2 & 3 Will. IV. cap. 96.

Regulating the employment of labourers out of work.

[1] The Commissioners were appointed immediately afterwards.

parish." It then enacts, that in a vestry convened and voting conformably with the provisions of the Parish Vestry Act (58 George III. cap. 69),[1] if a majority of three-fourths of the ratepayers "shall come to any agreement solely for the purpose of employing or relieving the poor of such parish, such agreement shall forthwith be reduced to writing, and be submitted to the justices at their next petty sessions; and in case such agreement shall be approved by a majority of such justices, signified by their signatures thereon," such agreement shall be binding upon the ratepayers, for any period not exceeding six months which may be specified therein. But after noticing, that in many parishes and places "it has been the custom to pay to labourers and others less than the common rate of wages for their labour, and to make up the deficiency from the poor-rates," the 4th section expressly provides, "that nothing herein contained shall extend so as in any way to legalize or sanction any such proceeding." It is also provided that the rates are not to be applied in payment of any labour performed in another parish; and that the Act "shall not extend to any city or town containing more than one parish, nor to any parish where the poor-rates shall not exceed five shillings in the pound on the full or rack rental." This being a temporary measure, and intended only to remain in force until one of a more comprehensive nature should be matured, requires no comment.

But before entering on the larger question, there is one Act chiefly affecting the poorest description of the people, and therefore coming into close connection with the Poor Law, which requires to be noticed; that is, the Act passed for the protection of boys apprenticed to chimney-sweepers. There had been a previous Act for this purpose (28 George III. cap. 48), which is now declared to be insufficient,

[1] *Ante*, p. 180.

1834. 4 & 5 Will. IV cap. 35. Chimney-sweepers.

and is therefore repealed by 4 & 5 William IV. cap. 35, which directs that "no child who shall not have attained the age of ten years shall be bound or put apprentice to any person using the trade or business of a chimney-sweeper; and that no chimney-sweeper or other person who is not a householder and rated to the relief of the poor, or assessed for payment of taxes, shall be capable of taking an apprentice to learn the business of a chimney-sweeper, or of employing in such trade any child under the age of fourteen years." Apprentices under that age are to wear a brass plate in front of their leather cap, with the master's name and that of the apprentice engraved thereon. No master chimney-sweeper is to let out any child for hire, neither is he to hire or employ any child under the age of fourteen other than a bound apprentice, under a penalty of £10. And before any boy shall be bound by indenture to learn the business of a chimney-sweeper, he is to have a previous trial not exceeding two months, and be of the full age of ten years: after such trial, the justices may sanction the binding of the boy; but in case the boy shall be unwilling to be bound, they are required to refuse their sanction thereto. Any master ill-treating an apprentice, is subject to a penalty of £10; and the justices are empowered to inquire into complaints made by the apprentices or their masters, "and to make such orders therein respectively, as they are by law enabled to do in other cases between masters and apprentices." There are other provisions regulating the size and angles of flues, but the above are all that apply to the boys for whose protection the Act was chiefly framed; and who, being generally the children of persons of the very poorest class, were often exposed to great hardships, and stood much in need of such protection.[1]

[1] Since this Act was passed, the sweeping of chimneys by boys has been prohibited, except in certain specified cases, the process being

We have now nearly arrived at the period when the great measure for the amendment of the Poor Law received the royal assent, and became incorporated with the statutes of the realm.[1] Our progress towards this most important portion of our subject has been slow, and may possibly have been deemed tedious; but unless all which had been previously done were stated, and the condition of the people explained, in connection with the changes that were from time to time made in the law, the object of these changes would not be so well understood, neither would the law itself, and its bearing upon national habits and feelings, be so correctly appreciated, nor the remedies at present (1853) required be so clearly seen or so fittingly applied. Such a detail of the preceding enactments as has been given, seemed therefore to be necessary for a thorough understanding of the question, in all its relations socially and morally, as it existed at the time when the Amendment Act was introduced. It appeared moreover desirable, in an historical point of view, that enactments so peculiar in themselves, and so materially affecting the well-being of a large portion of the community, should be distinctly exhibited, conjointly with the motives which gave rise to them, as far as they could be ascertained. On these views the author has hitherto proceeded, and he will continue to be guided by them in recording and commenting on the provisions of the Poor Law Amendment Act, and the circumstances which preceded, accompanied, and followed the passing of that measure, in most of which it was his privilege to bear a part.

Before entering upon this part of the subject, however, it may be expedient, by way of further preparation, to give a brief summary of the state of

now almost invariably effected by machinery, a change greatly to be commended.

[1] This took place on the 18th of August 1834.

the law, and of the effects attending it, anterior to the introduction of the Amendment Act.[1]

The laws for the relief of the poor had continued to be essentially based upon 43 Elizabeth. The parish was responsible for relieving all who were destitute through age or infirmity, and for setting to work all able-bodied persons who declared that they were unable to find it for themselves, or, in the words of the Act, "had no means to maintain them, and used no daily trade of life to get their living by." This responsibility of parishes for providing employment, is affirmed by 59 George III. cap. 12, sec. 12; by 1 & 2 William IV. cap. 42; and again so late as 1832, by 2 & 3 William IV. cap. 96;[2] but in the latter Act, as has just been seen, with a proviso against making up any deficiency of wages out of the poor-rates,—a practice then for the first time specifically prohibited.

From the responsibility thus cast upon parishes of finding employment for all who require it, conjoined with the law of settlement, the chief evils and abuses in the administration of the English Poor Law may be said to have sprung. The settlement law tended to accumulate an excess of labourers in a parish, and the liability of the parish to furnish employment, led to indolence and improvidence on the part of the labourers, and to parochial jobbing on the part of the local authorities, under the guise of labour-rates, roundsmen, bread-scales, making up of wages, and other practices, opposed alike to sound principle, and to the original

[1] In his *History of the Scotch Poor Law*, at p. 170, the author draws an interesting comparison between the circumstances under which the English and the Scotch Inquiry Commissioners were appointed in 1832 and 1843 respectively. "In the one case (England) there had been a profuse and lavish administration of relief; whilst in the other, relief had been insufficiently administered, or altogether withheld; and against these opposite defects of stringency and laxity, of parsimony and profusion, it became in each case the Commissioners' duty to devise a remedy."

[2] *Ante*, p. 181, and pp. 202 and 214.

intention of the law, which empowered no man to claim employment as a right. The natural right to support, coupled with employment as a means, is merged in the laws of civilised life; and the price of labour, like other prices, must depend on the demand for it.

With respect to the relief of the indigent, the old laws of 3 William and Mary, cap. 11,[1] and 9 George I. cap. 7,[2] providing against a lax administration, or improperly placing persons on the list as "fit to receive collection," although still in force, were little attended to, being practically overridden by more recent enactments. A new spirit had in fact sprung up, and instead of checking a recurrence to parish relief, and guarding against its over-free or improper administration, the chief object appeared to be to render it as accessible as possible to all who seemed, from whatever cause, to need it. This was the leading feature of Gilbert's Act (22 George III. cap. 83),[3] and of most of the local Acts. The poor were to be better provided for—the aged and infirm in comfortable buildings misnamed workhouses; and for those who were able suitable employment was to be found. The duty of the labouring classes to provide for themselves was superseded, and the public undertook the responsibility of maintaining the infirm poor in a state of comfort, and of finding work for the able-bodied at wages sufficient for their support.

But as if this were not enough, and in order to secure the full enjoyment of these advantages independently of the parish officers, who might be over careful in dispensing the parish money, 36 George III. cap. 23,[4] enabled a justice of peace, at his discretion, to order relief to any industrious poor person at his own home, instead of its being given in a house

[1] *Ante*, vol. i. p. 323.
[2] *Ante*, p. 12.
[3] *Ante*, p. 83.
[4] *Ante*, p. 115.

hired or purchased "for lodging, keeping, maintaining, and employing poor persons," which is declared to have been found inconvenient, inasmuch as it sometimes prevented such occasional relief as best suited a poor person's peculiar case. Every person, therefore, as the committee of 1817 remark in their report, "who was dissatisfied with the decision of the overseer, of course applied to the justice, to whom his wants and habits must generally be less known; and in default of the attendance of the officers, which, constituted as the office of overseer is, frequently happened, either from the distance of the magistrate, or from the pressure of other business, an order or recommendation was given on the statement of the applicant alone."

The relief thus ordered, was by 55 George III. cap. 137,[1] to continue for three months, if the order were given by a single magistrate, but two justices might continue it indefinitely, by renewing the order. The 59 George III. cap. 12,[2] required the concurrence of two justices to an order of relief, and limited the time for which it might be given to one month; but the restrictions thence arising were in great measure neutralised, by one justice being empowered to make such order in any case of emergency, of which he was constituted sole judge. The overseers of a district were therefore subject to the control of any two magistrates, and to a considerable degree of one. The pauper might select those magistrates whom misdirected benevolence, or desire of popularity, or timidity, led to be profuse in ordering relief, and might bring forward his charges against the overseer almost with a certainty of obtaining a verdict. He appeared in the character of an injured man, dragging his oppressor to justice—if he failed, he lost nothing; if he succeeded, he obtained a triumph and a reward.[3]

[1] *Ante*, p. 151. [2] *Ante*, p. 181.

[3] Report of Poor Law Commission of Inquiry, 8vo edition, p. 133.

Law of settlement.

The law of settlement established by 14 Charles II. cap. 12,[1] together with certain additions made thereto by subsequent Acts, prescribing the conditions on which a right of settlement was to be acquired, remained in force. The first of these Acts is 3 William and Mary, cap. 11, conferring a right of settlement on persons serving an office or paying taxes in a parish. The others are 54 & 59 George III. caps. 170 and 50; 6 George IV. cap. 57; and 1 William IV. cap. 18, in which the several branches of settlement, by birth, hiring and service, apprenticeship, and owning or renting a tenement, are defined. But by far the most important addition to the settlement law was 35 George III. cap. 101,[2] entitled "An Act to prevent the removal of Poor Persons until they shall become actually chargeable." This statute, although it does not put an end to the fraud and litigation which are the natural consequences of the settlement law, nor very materially lessen the expense attending it, yet prevented the infliction of much hardship by prohibiting the removal of persons under the apprehension of their eventually becoming chargeable. The other evils of settlement still remained, alike depressing the labourer and injuring the employer; but the one from long usage had gotten to consider his settlement a privilege, and the other had become callous or blinded to its real effects.

Parish vestries.

Parish vestries, and the ordering of parochial affairs generally, continued to be conducted under the provisions of 17 George II. cap. 38,[3] until the passing of the Parish Vestries Act,[4] in 1818, and the Act for constituting select vestries passed the year following,[5] after which there was no change in the law until 1831, when the option of adopting a more popularly constituted

[1] *Ante*, vol. i. p. 279.
[2] *Ante*, p. 112.
[3] *Ante*, p. 32.
[4] 58 George III. cap. 69, p. 192.
[5] 59 George III. cap. 12, p. 193.

executive than was attainable under the provisions of the Select Vestry Act, was given to parishes by 1 & 2 William IV. cap. 60, introduced by Mr. Hobhouse, and still bearing his name. The collection of the poor-rates, and the proceedings necessary thereto, were provided for by 41 George III. cap. 23; but the assessments on which the rates were founded, continued to be very unequal, and consequently in many instances unfair. The enactment in 59 George III. cap. 12, sec. 19, empowering the parishioners in vestry to rate the owners of tenements of the value of £6, and not exceeding £20 a year, instead of the occupiers, proved of little avail, it being left optional to be adopted or not; but such a practice prevailed with advantage in some places, under the provisions of local Acts.

Apprenticeship.

The numerous Acts regulating apprenticeship, extend from 43 Elizabeth downwards. The principal of them are 2 & 3 Anne, cap. 6,[1] prescribing the manner in which boys are to be apprenticed to the sea-service; 18 George III. cap. 47,[2] reducing the period of apprenticeship from the age of twenty-four to that of twenty-one; 32 & 33 George III. caps. 54 and 55,[3] giving authority to magistrates in regard to binding out, etc.; 42 George III. cap. 46, requiring the parish officers to keep registers of all apprentices bound out by them; 56 George III. cap. 139,[4] and 4 George IV. caps. 29 and 34,[5] by which apprentices are placed under the special charge of the justices, both as regards their binding out and subsequent treatment.

Bastardy.

The laws which apply to bastardy, like those regulating apprenticeship, extend downwards from the time of Elizabeth. By 6 George II. cap. 31,[6] any person charged with being the father of a bastard child may be immediately apprehended.

[1] *Ante*, vol. i. p. 362.
[2] *Ante*, p. 81.
[3] *Ante*, pp. 102, 108.
[4] *Ante*, p. 156.
[5] *Ante*, p. 194.
[6] *Ante*, p. 22.

The 49 George III. cap. 68,[1] provides for indemnifying parishes against the charge of bastardy; and 50 George III. cap. 51,[2] repeals the provision of 7 James I. cap. 4,[3] for the punishment of any woman who has a bastard child.

All these successive Acts bear evidence of a continually increasing amount of humane and kindly feeling in the public and the legislature, and this is especially observable in the Acts which apply to apprentices, for whose protection and well-doing all possible care seems to have been taken. The same may be said with respect to pauper lunatics, whose helplessness differs little from that of childhood, except in its being in the majority of cases permanent and irremediable, and for their protection we have just seen that provision is humanely made by 9 George IV. cap. 40.[4] Pauper lunatics.

In enumerating the statutes by which the administration of relief to the poor was regulated, we must not omit the new Vagrant Act, 5 George IV. cap. 83;[5] for although vagrancy and pauperism are no longer blended, as in the early statutes, the distinction between them is not always readily perceptible; and in a law for repressing the first, provision must be made for cases in which the two may become mingled, if not identical. This is done in the above Act, founded in the main on 17 George II. cap. 5,[6] and 32 George III. cap. 45,[7] but modified and adapted to existing circumstances—that is, to the enormous increase of wealth and population which had taken place in the interim, and to the habits and intelligence of the time, which would not tolerate the harshness and severity of the older statutes. Vagrant Act.

[1] *Ante*, p. 138.
[2] *Ante*, p. 140.
[3] *Ante*, vol. i. p. 228.
[4] *Ante*, p. 199.
[5] *Ante*, p. 223.
[6] *Ante*, p. 34.
[7] *Ante*, p. 102.

The foregoing summary of the enactments connected with the relief of the poor, and brief notice of their general tendency and results, will, it is hoped, be a fitting preparation for entering on a consideration of the proceedings which took place for investigating the subject, immediately after the announcement by Lord Althorp, of its being the intention of government to institute such an inquiry.[1]

Commissioners appointed to inquire into the operation of the Poor Laws, and report thereon, Feb. 1832.

The Commissioners appointed for this purpose in February 1832 were directed "to make a diligent and full inquiry into the practical operation of the laws for the relief of the poor in England and Wales, and into the manner in which those laws are administered; and to report whether any and what alterations, amendments, or improvements may be beneficially made in the said laws, or in the manner of administering them, and how the same may be best carried into effect." They were empowered to appoint Assistant Commissioners to visit the several districts, both urban and rural, and report the practices which they found to prevail, so that the different modes in which relief was administered in different parts of the country, and the effects produced in each case might become known, and serve as guides in framing any measure which the Commissioners might deem it expedient to recommend. The assistants were selected, and instructed in the nature of the duties required from them without delay, and a set of queries was likewise extensively circulated, the returns to which afforded much valuable information. But the subject to be inquired into was so large and complicated that much time was unavoidably occupied in preparation, and in what may be called preliminary matters, producing no immediate result.

1833. A volume of extracts published by the Commissioners.

On the 19th of March, however, in the following year, the Commissioners, in compliance with a request to that effect, presented to government a volume of extracts,

[1] See *ante*, p. 214.

containing generally the substance of the information they had up to that time received, and which, although comprising only a small portion of the evidence in their possession, contained, they say, "more information on the subject to which it relates than had ever yet been afforded to the country." The Commissioners further remark, that "the most important, and certainly the most painful, parts of its contents are—the proof that the maladministration, which was supposed to be principally confined to some of the agricultural districts, appears to have spread over almost every part of the country, and into the manufacturing towns; the proof that actual intimidation, directed against those who are, or are supposed to be, unfavourable to profuse relief, is one of the most extensive sources of maladministration; and the proof that the evil, though checked in some places by extraordinary energy and talent, is on the whole steadily and rapidly progressive."

This volume of extracts was distributed throughout the country, and produced a very decided effect on public opinion, the information it contained being admirably selected for the purpose. It was followed on the 20th of February 1834 by the full and very elaborate report of the Commissioners, with an abridged supplement appended, and also accompanied by an appendix, of which the Commissioners remark, "The evidence contained in our appendix comes from every county, and almost every town, and from a very large proportion of even the villages, in England. It is derived from many thousand witnesses of every rank, and of every profession and employment—members of the two houses of parliament, clergymen, country gentlemen, magistrates, farmers, manufacturers, shopkeepers, artisans, and peasants, differing in every conceivable degree in education, habits, and interests, and agreeing only in their practical experience as to the matters in question, in their general description both of

1834. The Commissioners' Report.

the mode in which the laws for the relief of the poor are administered, and of the consequences which have already resulted from that administration, and in their anticipation of certain further consequences from its continuance." The Commissioners then declare that "the amendment of those laws is perhaps the most urgent and the most important measure now remaining for the consideration of parliament"; and they express a hope that they shall facilitate that amendment "by tendering the most extensive, and at the same time the most consistent, body of evidence that was ever brought to bear on a single subject."

Names of the Commissioners by whom the Report was signed.

The report is signed by the Bishop of London, the Bishop of Chester, Sturges Bourne, Nassau W. Senior, Henry Bishop, Henry Gawler, W. Coulson, James Trail, and Edwin Chadwick,—names deserving to be held in grateful remembrance by all who love their country, and feel an interest in the welfare of its people.

That there were grounds, independently of the evidence now adduced by the Commissioners, for alarm as to the effects arising from the maladministration of the Poor Laws, will be apparent on reference to the continual, and of late years rapid increase of the rates. At the accession of George the First, in 1714, the poor-rates, according to the best estimate we have been able to form, amounted to £950,000 per annum, equal to 3s. 3¾d. per head on the population, which then, on a like estimate, amounted to 5,750,000. At the accession of George the Third, in 1760, the population is estimated to have increased to 7,000,000, and the poor-rates to £1,250,000, showing an average of 3s. 6¾d. per head on the population; whilst in 1834 the population, deduced from the census of 1831, is 14,372,000, and the money actually expended in relief of the poor, independently of county rates and other purposes, amounted to £6,317,255, which is equal to 8s. 9½d. per head on the population. This enormous increase of

Progressive increase of the poor-rates.

the charge for relieving the poor (it having quintupled since 1760, whilst the population had only doubled) could not fail to excite alarm in all who thought on the subject. The charge had, however, been higher than it was in 1834, having in 1818 reached its maximum of £7,870,801, or 13s. 3d. per head on the population. The total amount raised in that year, under the head of poor-rates, was £9,320,440, out of which, however, £1,449,639 was applied in payment of the county rates and other items of local expenditure.

Example of Bingham and Southwell.

The example of Southwell, and the mode of administering relief practised there and at Bingham, had so much influence on the framing of the great measure of 1834, that it becomes necessary to explain the nature of that practice, preliminary to noticing the recommendations of the Commissioners, in order to a better understanding of the grounds on which the Amendment Act itself was framed. The task of doing this is not without its difficulties, the author having taken an active part in the proceedings he is about to describe in the case of Southwell, whilst at Bingham similar results had followed the adoption of a similar practice under the supervision of the Rev. Mr. Lowe. The means used and the effects produced being essentially the same in both cases, it will be sufficient to describe what was done at Southwell, where the system was more thoroughly organised and matured, and respecting which the author is furthermore enabled to speak with greater confidence. He has likewise the advantage of being able to refer to a pamphlet published by him at the time, partly for the purpose of making the system more generally known, and partly with the view of lessening the opposition which, in common with all innovators, he and his colleagues had to encounter in carrying out the needful reforms.[1]

[1] The publication above referred to bears the title of "Eight Letters on the Poor Laws, by an Overseer," that being the office the author then

The practice at Southwell.

The parish of Southwell contained a population of 3051 persons, according to the census of 1821.[1] The annual value of property in the parish assessed to the relief of the poor was £9681.[2] The money actually expended in relieving the poor, independently of county rates, law expenses, and churchwardens' and constables' accounts, amounted for the year ending at Lady Day 1821 to £2006, 7s., equal to 13s. 1¾d. per head on the population, which, considering the number of persons in easy or opulent circumstances residing in the parish, was a high average. The church at Southwell is one of the old collegiate establishments, having then sixteen prebendaries,[3] and a large staff of other officials, besides whom there were many persons of great respectability residing in the parish, which ought to have reduced the average. The charge had been somewhat higher in 1818, but the above is about the amount at which the expenditure had stood for the preceding six years.

A workhouse had been erected at Southwell in 1808, and was maintained at a considerable expense; but it had been of little use to the parish, if indeed it was not rather a positive evil, for it had become the resort of the idle and profligate of both sexes. There was a paid overseer to assist the ordinary overseers in their duties, and a bench of magistrates assembled weekly in petty sessions, by whom in fact the business of the parish may be said to have been conducted. Applicants for relief were pretty certain of a favourable reception by the Bench, and the opposers were almost as certain of rebuke. Matters went on thus, until the circle of pauperism embraced nearly the whole

held at Southwell. The Letters were originally printed in *The Nottingham Journal* in 1821, but in the year following were published as a pamphlet, with a few additions.

[1] At the census of 1831 the population of Southwell amounted to 3384.

[2] The annual value assessed to the property-tax in 1815 was £10,462.

[3] The number has since been reduced.

labouring population. Self-reliance and provident habits were destroyed, the call for these qualities being superseded by a ready access to the parish purse. A stripling married a girl as ignorant and youthful as himself. They immediately apply to the overseers to provide them a house, and for something also towards getting them a bed and a little furniture. The birth of a child approaches, and the overseer is again applied to for a midwife, and for money to help them in the wife's "down-lying." Perhaps the child dies; and the parish then of course has to bury it; and if it lives, the parish must surely help to maintain it. And so it was throughout the whole range of their existence—in youth and in age, in sickness and in health, in seasons favourable and unfavourable, with low prices or with high prices—the parish was still looked to and relied upon as an unfailing resource, to which every one clung, and from which every man considered he had a right to obtain the supply of every want, even although it were caused by his own indolence, vice, or improvidence.[1]

Such were the circumstances of the parish, when the author, at Lady Day 1821, undertook the office of overseer of the poor in Southwell, his colleague and the two churchwardens being respectable tradesmen of the place, with whom, it is right to state, he had the satisfaction of acting throughout with perfect confidence and cordiality. The result of their operations in a moneyed point of view, was the reduction of the actual expenditure for relief of the poor from the amount above stated of £2006, 7s. in 1820–21, to £1425, 18s.[2] in 1821–22, to £589, 7s. in 1822–23, and to £517, 13s.

[1] The latter portion of this paragraph is extracted from a statement of the proceedings at Southwell, which the author drew up in the early part of 1834, at the request of the Inquiry Commissioners, with reference to the Poor Law Amendment Bill then in course of preparation.

[2] This included £256, 2s. 3d. expended in putting the workhouse into an orderly and efficient state.

in 1823–24, about which amount it remained with little variation during the nine following years.

The means by which this reduction of expenditure and pauperism was effected consisted in attending to the interests of the ratepayers, as well as to the relief of the poor—in taking care that whilst the latter had all which the law required, that is all which was really necessary, there should be nothing to tempt people to look to the parish, instead of relying upon their own exertions. But whilst acting on this principle, the overseers were often embarrassed by the interference of the magistrates; and it was this circumstance that first led them to think of the workhouse as a means of securing for themselves greater freedom of action, an offer of relief therein satisfying all that the law required, and in most cases preventing further interference by the Bench. But in its then state, the Southwell workhouse was insufficient for any useful purpose. It was under charge of an elderly female, was at all times open to ingress and egress, and although in its construction provision had been made for the separation of the sexes, the rule had not been observed; in short, the workhouse not only occasioned great expense, but was also a source of demoralisation in the parish.

The Southwell workhouse.

The first step therefore was to put the workhouse into proper order, which was accordingly done. The building and yards were enclosed by walls, sufficiently high to prevent persons entering or leaving the premises without permission. A competent master and matron were appointed, and a set of rules framed for their guidance. The sexes were kept separate, and a certain degree of classification of the inmates was established; so that although the dietary was better than generally fell to the share of labourers' families, the restraints which were imposed made them unwilling to enter the house if they could avoid it; and thus an

offer of admission to the workhouse became, in the hands of the overseers, a test of actual want, and a protection of the parish from improper claimants. With a workhouse thus constituted to fall back upon, the overseers proceeded more boldly in their endeavours for effecting retrenchment, with what success the following statement will show.

Employment by the parish discontinued.

In the year 1820–21 no less than £292, 10s. had been expended in providing employment for able-bodied labourers; this was reduced in 1821–22 to £91, 7s. 6d., and in 1822–23 to £2, 10s. 6d., after which year no employment of any kind was provided by the parish, the workhouse being offered to all who professed not to be able to find work for themselves. Very few of such offers were accepted, not more than three or four at the utmost, and in those cases the parties remained but a short time in the house. Nor did the labourers quit the parish in consequence of its not providing the accustomed employment. Finding that they were cast upon their own resources, they used greater exertions to obtain work; whilst the farmers, finding that the parish would no longer support their labourers in winter or at slack times, were induced to keep them more constantly employed, in order to secure their services in the busier seasons.

Allowances to persons in employment discontinued.

But not only was the practice of finding employment discontinued, the yet more mischievous practice of making allowances to persons in employment was likewise put an end to, the workhouse being still the alternative offered in each case. This pernicious practice of giving relief in aid of wages prevailed extensively at Southwell, as it did in most other places. In the first of the "Eight Letters" above referred to, after pointing out the consequences that must arise from such a practice, the "Overseer" asks—"Are not the mechanics in our towns almost universally paid a portion of what is called their earnings out of the poor-rates? Have

not the very stockings which I now wear been in part paid for by the parish in which they were made? Is there a farmer throughout the kingdom who has not a part of his labour (and in many instances a large part too) performed at the expense of the parish?—Are not great numbers of the labouring classes housed, clothed, and fed, from year's end to year's end, by their respective parishes?" He then proceeds—"So wide indeed has this pestilent system spread, that its influence may be everywhere detected. But this is not all—it is and must continue to be an *increasing* evil; and unless it be rigorously opposed it will, and necessarily must, bring the whole of our working population within its vortex—they cannot of themselves resist its influence, however well disposed they may be to do so—they must *all*, in the end, throw themselves on their parishes or starve." This result, or anything approximating to it, was happily averted at Southwell by the total abandonment of the practice; and although some discontent was at first manifested on the withdrawal of the accustomed allowances, it soon passed away, and the labouring classes, rescued from such a taint of pauperism, evidently improved both socially and morally.

Payment of rents discontinued.

As with employment, so it had been the practice at Southwell to provide dwellings, or to pay the rents of cottages for labourers and others. In 1820–21, the rents so paid amounted to £184, 18s. In the following year they were reduced to £85, 6s. After which no rents whatever were paid out of the poor-rate, the people being left to provide habitations for themselves, as well as the other necessaries and conveniences of life, an offer of the workhouse being still the alternative.

The relief afforded to those who came under the designation of permanent poor was less reduced or altered than any other branch of expenditure. They

were for the most part aged and infirm, and were little interfered with in any way. But the relief to the casual or occasional poor admitted of considerable curtailment, and was reduced from £138, 9s. 4d. in 1820–21 to £68, 7s. in 1822, to £33, 13s. in 1823, and to £19, 10s. 6d. in 1824. The relief of the non-resident poor, that is, those having a settlement in Southwell but residing elsewhere, was also materially reduced. This class of cases was peculiarly open to misrepresentation and abuse. The amount of non-resident relief in 1820–21 was £93, 8s. 6d.; in 1821–22 it was £41, 17s.; in 1822–23 it was £30, 16s.; and in 1823–24 it was brought down to £13, 7s. 6d., the workhouse being offered whenever the relief was discontinued or reduced.

Relief generally reduced.

Bastardy had prevailed much in Southwell, and the expense to the parish thence arising was considerable. In 1820–21 it amounted to £60, 1s. 6d.; in 1821–22 to £79, 13s. 6d.; in 1822–23 to £26, 8s. 6d.; in 1823–24 to £13, 0s. 6d; and in 1824–25 to £20, 1s. 6d., about which amount the charge under the head of bastardy continued during the next ten years. All the changes in dealing with this difficult question, were made with the view of inducing greater restraint on the part of the female. The practice had been lax in this respect; the sympathy for the mother, who was ostensibly the greatest sufferer, operating as a palliative for her lapse from virtue, and causing its consequences to the community to be overlooked or lightly regarded.

Bastardy.

Soon after the workhouse had been brought into effective operation, and when some progress had been made in economising expenditure, it was determined to make the rating for relief of the poor universal in the parish, and that none should be excused.[1] Hitherto

None excused paying the poor-rate.

[1] The power of excusal was given to petty sessions by 54 Geo. III. cap. 170. *Ante*, p. 150.

most of the cottages and dwellings of the working classes had been omitted in the collection, and the poor-rates came to be regarded in the light of a tax payable by one class for the benefit of another; and so viewed, we cannot wonder that the latter should be desirous of obtaining as much of the supposed benefit as possible. No poor man, that is, no labouring man, hesitated to dun the overseers for what he considered his share, nor scrupled to resort to trick or subterfuge for the purpose of obtaining it. If every individual were required to pay the rate, it would serve as a corrective to this evil, and be to some extent a protection to the ratepayers generally, and this was accordingly done. Even those in receipt of an allowance from the parish were required to pay their poor-rates, which thus became a contribution, not from one class only for the benefit of another, but from all of every class for relieving the necessities of the indigent; and the administrators of this relief were enabled to say, that their duty to the poor as well as to the rich, required from them the exercise of a strict economy in dispensing it. The consequences in other respects were also beneficial, for the people took a pride in these payments, and exhibited the printed receipts which they obtained in return, as proofs that they also had contributed for the common benefit.

Workhouse school.

In aid of the other measures for improving parochial administration at Southwell, a school was opened in a building adjoining the workhouse, to which one or more of the children of labourers burdened with large families and applying for relief, were admitted and kept during the day, returning to their parents at night. The "Overseer" states, that "the children were employed in a way suitable to their ages, were wholesomely fed, were taught to read the Bible, and instructed in their duty towards God and man. Those

children who attended on Sunday had their dinners given to them, and were taken regularly to church."[1]

The success attending the new organisation and use of the workhouse at Southwell, led, in the latter end of 1823, to the incorporation of forty-nine neighbouring parishes, under 22 George III. cap. 83, for the purpose of providing a common workhouse, and managing the poor of the associated parishes according to the system adopted in Southwell. In thus acting, it was no doubt overlooked that the principle of this statute (known as Gilbert's Act) in no respect accorded with the Southwell practice, except only as respects the providing of a workhouse; but the Act enabled parishes to unite, and to raise money, and erect the necessary buildings; and this being done, the "Thurgarton Hundred Incorporation" became a useful fence against the spread of pauperism in that district. It did not affect any material reduction of the rates, but it was a means of preventing their increase.[2]

"Thurgarton Hundred Incorporation."

The reforms at Southwell above described, were as complete as the means by which they were accomplished was direct and simple; and in this respect the example was of great importance to the Commissioners of Inquiry, whose object it was to discover some means susceptible of general application, which would be effective for correcting the evils arising out of the Poor Law as then administered. There were other parts of the kingdom where those evils had attained a greater head, but every variety of them existed in a greater or less degree both at Southwell

[1] "Eight Letters on the Poor Laws, by an Overseer," see p. 30.

[2] The author was mostly absent from Southwell after 1823, and in 1827 he altogether ceased to reside there. He, however, visited it occasionally, and never failed to inquire into the state of the parish, and the working of the incorporation. It was on one of these occasional visits that he was greeted in the market-place by a number of labourers with expressions of hearty good-will, and with declarations of his having been their best friend, for that he had compelled them to take care of themselves. How gratifying this must have been will be readily imagined.

and at Bingham, and had there been successfully dealt with and overcome. The examples of Southwell and Bingham were therefore of much value to the Commissioners, on whom had been devolved the duty of devising a remedy for the abuses of the Poor Laws; and they were relied upon accordingly as instances of substantial reforms, growing out of the practical application of a principle simple and effective, and that might be reasonably expected, wherever it was adopted, to be as effective as it had proved in the case of these parishes. This principle consisted in so regulating parish relief, as to ensure its non-acceptance unless under circumstances of actual want, such want being at the same time always certain of finding the relief of which it stood in need. A well-regulated workhouse answers these two conditions. No person in actual want will reject the relief proffered therein, and a person not in actual want will not submit to the restraints by which the relief is accompanied. Workhouse relief will be more repugnant than labour to persons able to work, whilst to those who are disabled as well as indigent the workhouse will be a welcome refuge.

The workhouse principle.

Workhouse relief, or the workhouse principle, as here stated, was the foundation of the reforms which had been effected at Bingham and at Southwell. Other matters of much interest and importance, and requiring to be kept in view as examples to be followed or beacons to be avoided, were elicited in course of the investigations instituted by the Commissioners of Inquiry, whose assistants examined into and reported upon the practices which prevailed in every part of the kingdom; but in no instance was anything discovered so simple and complete, or of equal efficiency as a corrective, or that was so susceptible of universal application, as the workhouse principle developed and established at Southwell.

CHAPTER XV

A.D. 1834

Report and recommendations of the Poor Law Inquiry Commissioners—Speech of Lord Althorp on introducing to the House of Commons a Bill founded on the Commissioners' recommendations—Speeches of Lord Brougham and the Duke of Wellington—Passing of the Poor Law Amendment Act—Summary of the Act—State of the country—Expenditure on relief—Amount of rates, population, and prices of wheat.

THE Inquiry Commissioners give in their report a very full summary of the evidence which had been obtained, and of the conclusions to which they had come, on the several points of chief importance in poor-law administration; and to this report it is now necessary that we should direct our attention, before entering on a consideration of the Amendment Act which was founded upon it.[1]

1834. Report of the Poor Law Inquiry Commissioners.

The Commissioners commence by detailing their course of procedure, and then giving a brief summary of the progress of the Poor Law, after which they describe the nature of the relief which it was the practice to give to able-bodied persons, in kind, in money, without labour, in aid of labour or the allowance system, the roundsmen system, and by parish employment,—in all of which several modes of relief numerous instances of abuse and malpractice are cited, leading to consequences injurious to every class, to the ratepayer and the employer as well as the labourer.

[1] "Report from the Commissioners for Inquiry into the Administration and practical Operation of the Poor Laws," dated February 20th, 1834.

In-door relief is next considered,—that is, the relief "given within the walls of the poorhouse, or, as it is usually, but seldom properly, denominated, the workhouse." This is likewise declared to be subject to great maladministration, many instances of which are cited; whilst it is on the other hand admitted, that "in some few instances, among which Southwell, in Nottinghamshire, is pre-eminent, the workhouse appears to be a place in which the aged and impotent are maintained in comfort, and the able-bodied supported, but under such restrictions as not to induce them to prefer it to a life of independent labour."

The Commissioners consider that the evils consequent on the existing system of administering relief, both in-door and out-door, are, "on the whole, steadily and rapidly progressive." The effects on the owners of property are then stated, including the case of Cholesbury in Buckinghamshire, where, in 1832, it is said, the collection of the poor-rate had "suddenly ceased, in consequence of the impossibility to continue its collection, the landlords having given up their rents, the farmers their tenancies, and the clergyman his glebe and his tithes." It is remarked, however, that the "evidence exhibits no other instance of the abandonment of a parish, but it contains many in which the pressure of the poor-rate has reduced the rent to half, or to less than half, of what it would have been if the land had been situated in an unpauperised district, and some in which it has been impossible for the owner to find a tenant." The effects on the employers of labour, and on the labourers themselves are next shown, and instances of the effects in each case are cited in such detail, as to leave no doubt in the reader's mind of the general accuracy of the description.

After this the several authorities to whom the ordering and administering of relief is confided are

noticed, and the functions of the overseers, of the vestry open and select, and of the magistrates, are pointed out, and their characteristics respectively described. In this description, instances are adduced of great mischief arising from the improper interference of magistrates in ordering relief. After bearing testimony to the merits of the general body, the Commissioners remark, that "the magistrates have exercised the powers delegated to them by the Poor Laws, not wisely indeed, or beneficially, but still with benevolent and honest intentions; and the mischief which they have done was not the result of self-interest or partiality, or timidity, or negligence, but was in part the necessary consequence of their social position, and of the jurisdiction which was confided to them, and in part arose from the errors respecting the nature of pauperism and relief which prevailed among all classes at the time when the allowance system and the scale were first introduced." It is then declared that, "under the influence of such opinions, even good intentions may become mischievous"; and that "a more dangerous instrument cannot be conceived than a public officer, supported and impelled by benevolent sympathies, armed with power from which there is no appeal, and misapprehending the consequences of its exercise."

The magistrates.

Having given an outline of the most striking instances of maladministration, and described the effects, the Commissioners next point out the evils of the law of settlement, and the perjury, fraud, and falsehood of which it is the occasion; but there are, it is added, "other evils, greater and more extensive, which arise from the mere existence of a law of settlement, whatever that law may be, which increase in intensity in proportion as the limits of the district which has to support what are called its own poor are restricted, and could be mitigated only

Law of settlement.

by its extension, and removed only by its entire abolition."

Bastardy.

The next subject adverted to is bastardy, which is said to be "a branch of the Poor Laws, distinguished from the rest both as to the principles on which it is founded, and the evils which it has produced." The several Acts on the subject, from 18 Elizabeth[1] downwards, are noticed, and examples of their operation given. The objects of these Acts are stated to be two —the diminution of crime, and the indemnity of the parish; but whilst the first is unquestionably the most important, the chief efforts are said to have been directed to the second, and with the usual fate of pauper legislation, for the indemnity of the parish has not been effected, although every other object has been sacrificed to it—"The guidance of nature has been neglected; the task of resistance has been thrown upon the man instead of the woman; marriages, in which the least fault is improvidence, have been not only promoted but compelled; every possible inducement has been held out to perjury and profligacy, simply to save parishes from expense; and the direct effect has been, in all probability, to double or quadruple that expense, the indirect effect to augment it still more"; and finally, the Commissioners declare, that "even among the laws which we have had to examine, those which respect bastardy appear to be pre-eminently unwise."

Three other questions are then discussed, namely, making the poor-rate a national charge, the occupation of land by labourers, and a labour-rate, the two latter being treated at much length. These propositions had at that time each its advocates; but the Commissioners declared against all three, as being contrary to sound principle, and calculated to produce injurious results.

[1] *Ante*, vol. i. p. 165.

Remedial measures.

After thus reviewing the defects of the existing system, and pointing out the evils arising from it, the Commissioners proceed to describe the remedial measures which they deem to be necessary, taking for their guide the general principle—"That those modes of administering relief which have been tried wholly or partially, and have produced beneficial effects in some districts, be introduced with modifications according to local circumstances, and carried into complete execution in all."

Relief of the able-bodied.

The Commissioners consider that the most pressing evils of the system are those connected with the relief of the able-bodied, and to these they first apply themselves. If they believed such evils to be necessarily incidental to the relief of the able-bodied, they would not, they say, hesitate to recommend its entire abolition; but they do not believe this to be the case, and, on the contrary, are of opinion, that under proper regulations "such relief may be afforded safely and even beneficially."

Distinction between poverty and indigence.

Attention is then called to the distinction between *indigence* and *poverty*, and it is shown that whilst provision is made in all civilised communities for relieving the former, in England by a compulsory rate, in other parts of Europe by charitable contributions, "it has never been deemed expedient that provision should extend to the relief of poverty, that is, the state of one who, in order to obtain a mere subsistence, is forced to to have recourse to labour." This distinction has, it is said, been disregarded, and poverty and indigence blended, in administering relief under the English Poor Law; and examples of the evils which then ensue are adduced. But the Commissioners nevertheless declare their belief, founded on the evidence they have collected, "that a compulsory provision for the relief of the indigent, can be generally administered on a sound and well-defined principle; and that under the

operation of this principle, the assurance that no one need perish from want may be rendered more complete than at present, and the mendicant and vagrant be repressed by disarming them of their weapon—the plea of impending starvation."

The principle on which relief should be administered.

With respect to the mode of administering relief, it is considered that the public is warranted in establishing such conditions as will conduce to the benefit of the individual, or of the community at whose expense he is relieved; and it is laid down as the most essential of all conditions, "that his situation on the whole shall not be made really or apparently so eligible as the situation of the independent labourer of the lowest class"; and it is said to be shown throughout the evidence, "that in proportion as the condition of any pauper class is elevated above the condition of independent labourers, the condition of the independent class is depressed, their industry is impaired, their employment becomes unsteady, and its remuneration in wages is diminished. The converse is the effect when the pauper class is placed in its proper position below the condition of the independent labourer"; and therefore, "every penny bestowed that tends to render the condition of the pauper more eligible than that of the independent labourer," is declared to be "a bounty on indolence and vice." In all the instances where parishes have been dispauperised, the pauper is stated to have been placed in a position below that of the independent labourer, which is declared to be the main principle of all sound Poor Law administration; and examples of its application, as well in town as in country parishes, and under every variety of circumstances, are adduced.

The Commissioners therefore, in consideration of the benefits to be anticipated from the adoption of measures already tried, recommend that—

"All relief whatever to able-bodied persons or to their families, otherwise than in well-regulated workhouses (*i.e.* places where they may be set to work according to the spirit and intention of 43 Elizabeth), shall be declared unlawful, and shall cease, in manner and at periods hereafter specified,[1] and that all relief afforded in respect of children under the age of 16 shall be considered as afforded to their parents."

1. Out-relief to able-bodied persons to cease.

This is the first of the "remedial measures" recommended by the Commissioners, and the use they thus propose to make of the workhouse, and their reliance upon it as a means for putting an end to relief to the able-bodied, and for repressing pauperism, is chiefly founded on the experience of Bingham and Southwell, where for a series of years it had proved effective for these purposes. A well-regulated workhouse, it is remarked, "meets all cases, and appears to be the only means by which the intention of the statute of Elizabeth, that all the able-bodied shall be set to work, can be carried into execution."

In concluding this part of their subject, the Commissioners observe that they have dwelt at so much length on the necessity for abolishing out-door relief to the able-bodied, because they are convinced that it is the master evil of the present system. And they add, with great force and truth—"The heads of settlement may be reduced and simplified, the expense of litigation may be diminished, the procedure before the magistrates may be improved, uniformity in parochial accounts may be introduced, less vexatious and irregular modes of rating may be established, systematic peculation and jobbing on the part of the parish

[1] The precise time and manner are left to the discretion of the central board, but two years was afterwards proposed as the utmost limit. This limitation was, however, subsequently withdrawn from the Bill.

officers may be prevented; the fraudulent impositions of undue burthens by one class upon another class, the tampering with the labour-market by the employers of labour, the abuse of the public trust for private or factious purposes may be corrected, and all the other collateral and incidental evils may be remedied: but if the vital evil of the system, relief to the able-bodied on terms more eligible than regular industry, be allowed to continue, we are convinced that pauperism with its train of evils must steadily advance, as we find it advancing in parishes where all or most of its collateral and incidental evils are, by incessant vigilance and exertion, avoided or mitigated."[1]

The question next considered was the agency by which a correct administration of relief should be maintained. The instances which had occurred of the defeat of legislation by unforeseen obstacles, or by the laws not being administered in accordance with the expressed will of the legislature, led the Commissioners to distrust the operation of enactments, however clear and precise, unless a special agency were appointed to superintend and control their execution. They say, "We find on the one hand, that there is scarcely one statute connected with the administration of public relief which has produced the effect designed by the legislature, and that the majority of them have created new evils, and aggravated those which they were intended to prevent"; whilst on the other hand, they declare that the obstacles to the due execution of any new legislative measure by the existing functionaries, are greater than heretofore, the interests of individuals in maladministration, stronger, and the interests in checking abuses proportionally weaker; and moreover, that "the dangers to person and property from any attempts to affect the intention of the statute of Elizabeth, are greater than any penal-

[1] See note to p. 392, *post*.

ties by which the law might be attempted to be enforced." "Here and there," it is added, adopting the words of one of the witnesses, "an extraordinary man will come into office and succeed very satisfactorily, but when he goes there is generally an immediate relapse into the old system"; and the conclusion to which the Commissioners come is, "that no uniform system can be carried into execution, however ably it may be devised, nor can any hopes of permanent improvement be held out, unless some central and powerful control is established."

Continuing their investigations with the aid of the extensive information they had obtained on this important point, the Commissioners observe—"We must anticipate that the existing interests, passions, and local habits of the parish officers will, unless some further control be established, continue to sway and to vary the administration of the funds for the relief of the indigent; and that whatever extent of discretion is left to the local officers, will be used in conformity to those existing interests and habits. Wherever the allowance system is now retained, we may be sure that statutory provisions for its abolition will be met by every possible evasion. To permit out-door relief as an exception, would be to permit it as a rule. The construction which has been put on 59 George III.[1] shows that every case would be considered 'a case of emergency'; and under provisions directing that the able-bodied shall be relieved only in the workhouse, but allowing relief in money to be continued to the sick, we must be prepared to find allowances continued to many of the able-bodied, as belonging to the excepted class." In a large proportion of the districts where the allowance system prevails, the labourers who had been examined, asserted that the discretion allowed to parish officers in distributing relief, had been used

[1] *Ante*, p. 186.

prejudicially to them; and however groundless such assertions may be, the fact of their being made is a reason for endeavouring to remove the grounds for them; and the Commissioners express a persuasion, that general regulations made under the immediate control of the executive, would, on account of the disinterestedness of the source whence they emanated, meet with a comparatively more ready obedience.

The Commissioners declare that the condition of the pauperised districts is not such as to admit of uniform and precise legislation on matters of detail; that the differences in the mode of administering the law have produced habits and conditions equally different; and that the best informed witnesses have represented, that the measures which were or might be eligible in other districts, would be unsuitable to their own; so that even if a simultaneous change of system throughout the country were practicable, they say that it ought to be avoided, and they considerately add,—"It must be remembered that the pauperised labourers were not the authors of the abusive system, and ought not to be made responsible for its consequences. We cannot therefore recommend that they should be otherwise than gradually subjected to regulations which, though undoubtedly beneficial to themselves, may by any sudden application inflict unnecessary severity. The abuses have grown up in detail, and it appears from our evidence that the most safe course will be to remove them in detail"—for which purpose, the Commissioners in the second place recommend—

2. A central board to be appointed.

"The appointment of a central board to control the administration of the Poor Laws, with such Assistant Commissioners as may be found requisite; and that the Commissioners be empowered and directed to frame and enforce regulations for the government of workhouses,

as to the nature and amount of the relief to be given, and the labour to be exacted in them; and that such regulations shall, as far as may be practicable, be uniform throughout the country."

The abolition of out-door relief to the able-bodied being included under the first head of recommendation, Commissioners consider—"That this prohibition should come into universal operation *at the end of two years*, and as respects new applicants at an earlier period; and that the central board should have power, after due inquiry and arrangements, to shorten these periods in any district—with such powers the central board might discontinue abusive practices, and introduce improvements gradually, detail after detail, in district after district, and proceed with the aid of accumulating experience." By such gradual procedure, both trouble and expense would be saved to parishes in which abusive practices prevailed, and the central board would assist those parties who willingly exerted themselves to bring about the necessary change, and would lighten the responsibility to those who were timid, or who found the burthen so heavy as to paralyse their efforts. It is further considered, with reference to the contemplated changes, that if the good regulations existing in some parishes were established in all to which they were found applicable, it would secure better results than could be expected from untried enactments, or any other mode of proceeding. Wherefore, the Commissioners recommend—

"That the same powers of making rules and regulations that are now exercised by upwards of 15,000 unskilled and practically irresponsible authorities, liable to be biassed by sinister interests, should be confined to the central

3. The central board empowered to make rules and regulations.

board, on which responsibility is strongly concentrated, and which will have the most extensive information."

The chief evil of the existing practice being the prevalence of pauperism among the able-bodied, and a well-managed workhouse having proved a remedy for this evil, the means by which workhouses could best be provided and proper management of them enforced, was next considered.

Of the 15,535 parishes in England and Wales, 737 have a population not exceeding 50 persons, 1907 in which it does not exceed 100, and 6681 in which it does not exceed 300. Such parishes could not, it is said, support a workhouse, though they may have a poorhouse, "a miserable abode occupied rent-free by three or four dissolute families mutually corrupting each other." In parishes containing a population of from 300 to 800 (of which there are 5353) the building called the workhouse is described as being usually occupied by 60 or 80 paupers—"made up of a dozen or more neglected children, 20 or 30 able-bodied adult paupers of both sexes, and probably an equal number of aged and impotent persons who are proper objects of relief. Amidst these, the mothers of bastard children and prostitutes live without shame, and associate freely with the youth, who have also the example and conversation of the frequent inmates of the county gaol, the poacher, the vagrant, the decayed beggar, and other characters of the worst description. To these may often be added a solitary blind person, one or two idiots, and not unfrequently are heard, from among the rest, the incessant ravings of some neglected lunatic. In such receptacles the sick poor are often immured." Such is the revolting picture drawn by the Commissioners of the old parish workhouse, of which they cite many examples, and the general truth-

fulness of the description must be admitted, as must likewise the fact that a more certain means of demoralisation could hardly have been devised.

The question of this all-important agent is then discussed at considerable length, both as to the means of providing it, and how it should be applied, whether to single parishes or to several combined in a union,—whether as a large building sufficiently capacious to accommodate every class under the same roof, or as separate and smaller buildings for the reception of distinct classes. These and other points in connection with the workhouse, are brought under consideration in the report, although it must be confessed with views somewhat less clearly defined than on most other parts of Poor Law administration. The Commissioners give it however as their opinion, that the inmates of every workhouse should be separated into not less than four classes, namely, (1) the aged and really impotent; (2) the children; (3) the able-bodied females; (4) the able-bodied males—of whom it is observed, "we trust that the two latter will be the least numerous classes."

The Commissioners then enter upon the consideration of how far it will be practicable to make use of the existing buildings, and with respect to this point they remark, "Although we cannot state that there may not be some districts where new workhouses would be found requisite, we have no doubt that where this does occur, the erection of appropriate edifices, though apparently expensive, would ultimately be found economical"; and they conclude by recommending—

"That the central board be empowered to cause any number of parishes which they may think convenient, to be incorporated for the purpose of workhouse management, and for providing new workhouses where necessary, to declare

4. Parishes may be united, and workhouses provided at the common charge.

their workhouses to be the common workhouses of the incorporated districts, and to assign to those workhouses separate classes of poor, though composed of the poor of distinct parishes, each distinct parish paying to the support of the permanent workhouse establishment, in proportion to the average amount of the expense incurred for the relief of its poor for three previous years, and paying separately for the food and clothing of its own paupers."

One of the principal suggestions by writers on the amendment of the Poor Law, was a provision for compelling the adoption of a uniform and well-arranged system of accounts. This was attempted in Mr. Nolan's bill,[1] and appears to have been considered a sufficient check on peculation. On this the Commissioners remark, that arrangements to insure completeness, clearness, uniformity, and publicity of parochial accounts, are as requisite in this as in any other department of public administration, and they recommend—

5. A uniform system of accounts to be established.

"That the central board be empowered and required to take measures for the general adoption of a complete, clear, and as far as may be practicable, uniform system of accounts."

But they add, "It appears to us that new arrangements as to the mode of transacting the business in question, and the establishment of self-acting checks (which are partly independent of accounts), are equally requisite; and it is one advantage of management on a large scale, that it admits of these arrangements and securities, without any increase of expense."

Extended districts, moreover, it is said, afford facilities for providing useful employment, opportunities for which are often wanting in single parishes.

[1] *Ante*, p. 212.

Employment of some kind may indeed be always provided, but the Commissioners conclude that it ought, as far as possible, to be useful employment, whilst in order to save themselves trouble, "parish officers have resorted to the expedient of sending paupers on fictitious errands, with baskets full of stones, or blank paper directed as letters, and other devices of the same nature, obviously intended to torment them." All such contrivances are declared to be pernicious, as they not only generate revengeful feelings in the paupers, but also excite sympathy for them, and create obstacles to the use of legitimate labour and salutary discipline, "wherefore they ought to be carefully prevented," and the Commissioners recommend—

"That the central board be empowered to incorporate parishes for the purpose of appointing and paying permanent officers, and for the execution of works of public labour." 6. Parishes to be incorporated for providing employment.

An apprehension is however at the same time expressed, that the appointment of efficient officers for the purpose will be found difficult, as the persons best qualified would not be likely to be selected in districts where abusive practices most prevailed, and it would therefore seem to follow that the central board ought to be empowered to appoint such officers. But this is not recommended, the Commissioners being doubtful of the capacity of a single board to select a sufficient number of well-qualified persons, "and because the patronage, though really a painful encumbrance to them, would be a source of public jealousy." On the whole, it is considered, that if the central board were to prescribe the qualifications of salaried officers, and were also empowered to remove them, all that is really necessary for securing efficient services would be attained; and the Commissioners accordingly recommend—

7. The board to prescribe qualifications for paid officers, and to remove them if incompetent.

"That the central board be directed to state the general qualifications which shall be necessary to candidates for paid offices connected with the relief of the poor, to recommend to parishes and incorporations proper persons to act as paid officers, and to remove any paid officers whom they shall think unfit for their situations."

The prevalence of jobbing, fraud, and mismanagement in providing supplies of food and other necessaries to the workhouses, the Commissioners observe, "is indicated not only by the direct testimony contained in our appendix, but by the recurrence in the answers to our circular of apprehensions of peculation"; and they add, "private interest, often apparently inconsiderable, has always created the strongest and most successful opposition to improvement." Wherefore, as a corrective for this evil, it is recommended—

8. Supplies to be furnished by open tender and contract.

"That the central board be empowered to direct the parochial consumption to be supplied by tender and contract, and to provide that the competition be perfectly free."

This, it is said, will prevent much indirect fraud; but the prevention of direct embezzlement must also be provided for, as men will not, on public grounds, proceed against their own friends and neighbours, wherefore it is recommended—

9. The central board to act as public prosecutors.

"That the central board be empowered and required to act in such cases as public prosecutors."

The Commissioners state, that complaints were received from nearly every part of the country, of the number of persons who in certain seasons obtain large wages, sufficient to maintain themselves and their families throughout the year and provide against sickness and other casualties; yet who spend their earnings

as fast as they receive them, and when out of work, throw themselves on the parish, which is compelled to support them until the season of high wages returns. It is likewise stated, that the Chelsea pensioners make about 14,000 assignments of their pensions annually to parish officers, and that 1480 more of such pensions are annually claimed on magistrates' orders, in cases where the wives and families of pensioners have become chargeable; and, also, that 1200 pensions, amounting to £12,500, were in the last year attached and recovered from the Greenwich out-pensioners, the whole of which would have been lost to the parishes, and spent in dissipation or thoughtless extravagance, but for the powers given by 59 George III. cap. 12.[1] If power of attaching wages were given to parish officers, or of compelling the reservation of certain instalments for liquidating the debts due to the parish, a proportion of those debts might be recovered, and the Commissioners accordingly recommended—

"That under regulations, to be framed by the central board, parishes be empowered to treat any relief afforded to the able-bodied, or to their families, and any expenditure in the workhouses, or otherwise incurred on their account, as a loan, and recoverable not only by the means given by the 29th section of 59 George III. cap. 12, but also by attachment of their subsequent wages, in a mode resembling that pointed out in the 30th, 31st, and 32nd sections of that Act." 10. Relief may be treated as a loan.

The next subject adverted to is apprenticeship, on which less information is said to have been received than on any other, and even that is found to be contradictory. The Commissioners consider apprenticeship to be a mode of relief expressly pointed out by 43

[1] *Ante*, p. 181.

Elizabeth, and as being closely interwoven with the habits of the people in many districts; but they think it probable that the laws respecting it are capable of improvement, "particularly those portions of them which render the reception of a parish apprentice compulsory," and they therefore recommend—

11. Parish apprentices.

"That the central board be empowered to make such regulations as they shall think fit respecting the relief to be afforded by apprenticing children, and that at a future period, when the effect of the proposed alterations shall have been seen, the central board be required to make a special inquiry into the operation of the laws respecting the apprenticing children at the expense of parishes, and into the operation of the regulations in that respect which the board shall have enforced."

With respect to vagrants, a large mass of evidence is stated to have been obtained, from which it appears "that vagrancy has actually been converted into a trade, and that not an unprofitable one." This fact is announced as if it were a new discovery, but the whole tenour of the present work shows, that the trade of vagrancy has existed from a period so remote as to baffle any attempt to ascertain its origin. The Commissioners are hopeless of finding a remedy for it in "detailed statutory provisions," the tendency of legislation respecting the poor being, they observe, to aggravate the evils which it was intended to cure. But they add—"feeling convinced that vagrancy will cease to be a burthen, if the relief given to vagrants is such as only the really destitute will accept; that this cannot be effected, unless the system is general; and also convinced that no enactments to be executed by parochial officers will, in all parishes, be rigidly adhered to, unless under the influence of strict supervision and control"—

"We recommend that the central board be empowered and directed to frame and enforce regulations as to the relief to be afforded to vagrants and discharged prisoners." 12. Vagrancy.

The Commissioners pause in their recommendations at this stage of their report, and say, "We have now given a brief outline of the functions, for the due performance of which we deem a new agency or central board of control to be requisite, and we have inserted none which the evidence would warrant us in believing attainable by any existing agency." The length of their report, they add, precludes further detail of the powers and duties of the proposed central board, which must be measured by the nature of the existing evils, and by the failure of the attempts hitherto made for their removal. These powers are, it is observed, "in fact the same as are now exercised by 15,000 sets of annual officers, the majority of whom are ignorant of their duties, liable to be influenced by their fears or self-interest, and subject to little real responsibility; whilst the central board would act upon the widest information, under the control of the legislature, and unbiassed by partiality or intimidation."

The Commissioners then declare their conviction that the existing evils cannot all be eradicated by the measures above proposed—"the mischiefs which have arisen during a legislation of more than 300 years, must (they say) require the legislation of more than one session for their correction"; and in order to bring the proceedings of the central board more completely within the supervision of the legislature, and to secure that progressive improvement from which alone an ultimate cure can be expected, they recommend—

"That the board be required to submit a report annually to one of the secretaries of state, con- 13. The board to report annually.

taining—1. An account of their proceedings; 2. Any further amendments which they may think it advisable to suggest; 3. The evidence on which the suggestions are founded; 4. Bills carrying those amendments (if any) into effect, which Bills the board shall be empowered to prepare with professional assistance."

It is considered that three Commissioners might transact the business of the board, and eight assistants would be necessary for examining into the administration of relief in the several districts: and, as the board would be responsible for this and all other duties, it is recommended—

14. The board to appoint their assistants and officers.

"That the central board be empowered to appoint and remove their assistants and all their subordinate officers."

The important and difficult questions of settlement and bastardy are next brought under consideration, with a view to devising some remedy for the evils of which they are the cause, or by which they are attended.[1]

With respect to *settlement*, the Commissioners observe, "We have seen that the liability to a change of settlement by hiring and service, apprenticeship, purchasing or renting a tenement, and estate, are productive of great inconvenience and fraud; and it does not appear that those frauds and inconveniences are compensated by any advantage whatever." It is further remarked, that these heads of settlement were introduced as qualifications of an arbitrary power of removal, as without them parish officers might have confined almost every man to the place of his birth;

[1] The questions of settlement and bastardy are discussed at much length in an earlier part of the Commissioners' report. They have been briefly noticed at pp. 240 and 243, *ante*.

but as no one could now be removed, unless by applying for relief he gave jurisdiction to the magistrates, they were no longer needed; and it is therefore recommended—

"That settlement by hiring and service, apprenticeship, purchasing or renting a tenement, estate, paying rates, or serving an office, be abolished." 15. Settlement by hiring and service, etc., to be abolished.

There would then remain settlement by parentage, birth, and marriage, with respect to which, it is recommended—

"That the settlement of every legitimate child, born after the passing of the intended Act, follow that of the parents or surviving parent, until such child shall attain the age of sixteen years, or the death of its surviving parent; and that at the age of sixteen, or on the death of its surviving parent, such child shall be considered settled in the place in which it was born." 16. A child's settlement to follow that of the parents or surviving parent.

The introduction of settlement by residence is not proposed, although it has advantages as compared with other conditions; but these advantages are said to be overbalanced by objections still more powerful. It is however recommended, that instead of the present mode of first removing a pauper, and then inquiring as to the legality of so doing, the inquiry should precede the removal. And in order to afford facilities for the proof of a birth settlement, the Commissioners recommend—

"That whenever there shall be any question regarding the settlement by birth of a person, whether legitimate or illegitimate, and whether born before or after the passing of the intended Act, 17. Place where first known, to be reckoned the place of birth.

the place where such person shall have been first known to have existed, shall be presumed to have been the place of birth, until the contrary shall be proved."

Bastardy.

With respect to the bastardy laws, it is averred that "they increase the expense which they were intended to compensate, and offer temptations to the crime which they were intended to punish." Their entire abolition is therefore advocated, and it is proposed to restore things as nearly as possible to the state in which they would have been if no such laws had ever existed, trusting "to those checks, and to those checks only, which providence has imposed on licentiousness." A child until emancipated depends on its parents, and their place of settlement is also the settlement of their offspring. This is the law with respect to legitimate children, but as only one of the parents of an illegitimate child can be known, it is recommended—

18. Illegitimate children to follow the mother's settlement, and relief to the child be relief to the parent.

"That every illegitimate child born after the passing of the Act shall, until it attain the age of sixteen, follow its mother's settlement." And as a further step towards restoring the natural state of things, it is recommended—"That the mother of an illegitimate child born after the passing of the Act, be required to support it, and that any relief occasioned by the wants of the child, be considered relief afforded to the parent."

This, it is pointed out, is the law with respect to a widow, and there can be no reason for giving to vice, privileges which are denied to misfortune. In case of the woman's marrying, the same liability to be extended to the husband.

On the other hand, the Commissioners recommend—

"The repeal of that part of 35 George III. cap. 101, sec. 6,[1] which makes an unmarried pregnant woman removable, and 50 George III. cap. 51, sec. 2,[2] which authorises the committal of the mother of a chargeable bastard to the house of correction." 19. Punishment of the mothers of bastards to be abolished.

The first of these enactments will cease to be applicable as soon as the child follows the mother's settlement, and the second is said to produce much more harm than good. As to the father, the Commissioners observe, "in affirming the inefficiency of human legislation to enforce the restraints placed on licentiousness by providence, we have implied our belief that all punishment of the supposed father is useless. We believe that it is worse than useless. We recommend therefore—

"That the second section of 18 Elizabeth, cap. 3, and all other Acts which punish or charge the putative father of a bastard, shall, as to all bastards born after the passing of the intended Act, be repealed." 20. Punishment of the putative fathers of bastards to be abolished.

The Commissioners next enter upon the consideration of how far emigration may be necessary, and whether there exists in any part of England a population materially exceeding the demand for labour—observing at the same time, that "after a system of administration, one of the most unquestionable effects of which is the encouragement and increase of improvident marriages, has prevailed in full vigour for nearly forty years, it is a remarkable proof of the advance of wealth, that a question should arise as to the existence of a surplus population." The Commissioners consider that no expedient should be disregarded by which the reduction of surplus labour can be accel- Emigration.

[1] *Ante*, p. 112. [2] *Ante*, p. 140.

erated, and "that emigration, which has been one of the most innocent palliatives of the evils of the present system, might be advantageously made available to facilitate the application of the remedies which they have suggested." They therefore recommend—

21. The expense of emigration to be defrayed out of the poor-rates.

"That the vestry of each parish be empowered to order the payment out of the rates raised for the relief of the poor, of the expenses of the emigration of any persons having settlements within such parish, who may be willing to emigrate; provided that the expense of such emigration be raised and paid within a period to be mentioned in the Act." [1]

Valuation and rating.

The present method of rating property to the relief of the poor, like many other parts of Poor Law administration, is declared to be "in the highest degree uncertain and capricious." The mode of rating, it is said, ought to be uniform, and founded upon the actual value, but not identical with it, for that would be rack-rent. The value according to which property should be rated, the Commissioners consider, "should be the rent which a tenant, taking upon himself the burthen of repairs, could afford to pay under a twenty-one years' lease." They make no distinct recommendation, however, on this head, lest it should embarrass the progress of the measures which they deem of paramount importance.

Payments to the wives and families of militiamen from the poor-rates objected to.

The payments made to the wives and families of militiamen, under the provisions of 43 George III. cap. 47,[2] are also adverted to, as being open to many objections. They are not made in reward of the father's services, but according to the number and assumed wants of the family; and the Commissioners

[1] This is limited to five years by the 62nd section of the Poor Law Amendment Act.

[2] *Ante*, p. 135.

express their belief that these payments have contributed to familiarise magistrates and parish officers with the "allowance system," and to diminish repugnance to applications for parish relief, by exhibiting as receivers of similar relief numerous families to whom no blame was attributable, and who, it may be added, possessed claims upon the liberality of the country. But in this, as in the case of rating, and for the like reason, the Commissioners refrain from making any distinct recommendation.

Charitable foundations.

The last subject noticed in the report, is "the relief provided by charitable foundations, which is considered to be closely connected with Poor Law relief, being distributed among the classes who are also receivers of the poor-rate. The Commissioners say, the evidence they have obtained "has forced upon them the conviction, that as now administered, such charities are often wasted, and often mischievous";—that they attract the poorer classes, who in the hope of benefiting by them linger on in places unfavourable for industrial occupation; and that "poverty is thus not only collected, but created, in the very neighbourhood whence the benevolent founders have manifestly expected to make it disappear." "These charities may (it is remarked) interfere with the efficacy of the measures recommended in the report, and therefore, the Commissioners think, call for the attention of the legislature, but no express recommendation is made with respect to them."

Conclusion of the report, dated 20th Feb. 1834.

In concluding their report, the Commissioners say—"We have now recommended measures by which we hope that the enormous evils resulting from the present maladministration of the Poor Laws may be gradually remedied." But they add—"We are perfectly aware that for the general diffusion of right principles and habits we are to look, not so much to any economic arrangements and regulations, as to the influence of a

moral and religious education"; and they further add, that "one great advantage of any measure which shall remove or diminish the evils of the present system is, that it will in the same degree remove the obstacles which now impede the progress of instruction, and intercept its results; and will afford a freer scope to the operation of every instrument which may be employed, for elevating the intellectual and moral condition of the poorer classes."

Amendment Bill prepared.

The report was signed on the 20th February 1834, and a Bill for carrying its recommendations into effect was forthwith prepared, and was submitted to the consideration of the Cabinet on the 17th of March, Mr. Sturges Bourne and Mr. Senior, two of the Commissioners of Inquiry, attending at the time to afford whatever explanations might be required. After being again considered by the Cabinet, the Bill was referred to a committee of seven of its members for closer investigation, and with a view to its receiving such amendments as the committee might deem necessary. The several provisions of the Bill, as well as the general scope and tendency of the measure, were very carefully examined, Mr. Senior likewise attending the committee to advise upon any point of doubt or difficulty. After having been thus carefully examined and corrected, the Bill was referred back to the Cabinet for final settlement,[1] and on the 17th of April was read a first time in the House of Commons, being introduced by Lord Althorp, whose speech on the occasion was admitted by all parties to be straightforward, clear, and convincing.

[1] These particulars are extracted from a manuscript account drawn up by Mr. Senior, of all that took place with respect to the Poor Law Amendment Bill, both whilst it was undergoing correction by the government, and during its progress through parliament. The account is exceedingly interesting, and Mr. Senior has kindly given it to me with permission to make use of it in the present work.

Lord Althorp's speech, 17th April 1834.

Lord Althorp commenced by stating, that the question was one of as great importance as had ever been submitted to the consideration of parliament. That the state of the Poor Laws, and the evils arising from them, had long occupied the attention of the ablest men in the country, and that various attempts to devise a remedy had been made, but hitherto without success. The Poor Laws, as then administered, he said, operated injuriously upon every class connected with the land—upon the proprietor, the farmer, and the labourer, but most of all were they injurious to the latter, and the government therefore thought it their duty to endeavour to correct evils so seriously affecting the labouring classes and the country at large. He begged, however, to be understood as not expressing disapprobation of a well-regulated system of Poor Laws, which would be productive of great benefit to the country. He was aware that this was contrary to the strict principles of political economy, which would even prohibit the exercise of private charity, and required that every man should provide his own subsistence by his own labour; that a man best knew the wants of his family, and that he alone should provide for them, and that he ought also to make provision against sickness and misfortune by previous savings. Such was the doctrine of political economy. But, according to the dictates of religion and humanity, the support of those who are helpless and unable to provide for themselves, was a positive duty required from all who have the ability. It was therefore to the abuses of the Poor Laws, not to the system itself —to the bad administration of those laws, not to their principle—that he objected.

For a long period, he observed, the Poor Law was free from the evils which now attended its administration, and which had their origin about the beginning of the present century, in measures intended for the

benefit of the labouring population. The law then passed (36 George III. cap. 23 [1]) gave magistrates the power of ordering relief to be given to the poor in their own dwellings. The magistrates acted largely on this power, which was so consistent with good and kindly feelings, that it was hardly possible to blame them for so doing; and yet it was a great mistake, the consequences of which had gone on from bad to worse, until all sense of independence had been nearly extinguished; and instead of placing the poor in a state of comfort, the labouring population, in many districts, had been reduced to a state of misery and distress. The legislature was, he said, bound to meet the difficulties of the case boldly; but at the same time the greatest caution was necessary in dealing with it. They had however this advantage, that they were not now working in the dark, as in several parishes an improved system had been established which would guide them in the work of reformation.[2] This improved system should be introduced gradually and step by step into other parishes, ascertaining the effects as it proceeded—it could not be done suddenly or simultaneously. The course he was about to recommend went, he admitted, to establish a new power in the country; but the alternative was between this and leaving things as they were.

There must, he observed, be a discretionary power vested somewhere, to introduce sound principles and the fruits of salutary experience; and he proposed constituting a central board of commissioners for that purpose. It was however necessary, he thought, to fix a day in one of the summer months of the next year when the allowance system should entirely cease; for

[1] *Ante*, p. 115.

[2] This applies to the changes effected at Bingham and Southwell, which had been fully explained, and ably commented on, in the Reports of Mr. Cowell, the Assistant Commissioner of Inquiry.

so long as that system existed, it would be impossible to bring the Poor Laws into a better condition.[1] He then mentioned the powers with which he considered the central board should be invested, and noticed a change proposed to be made in the constitution of vestries, by enabling landlords to vote in certain cases. It was also, he said, intended that magistrates should not in future have the power of ordering relief to persons in their own houses, that is, out-door relief, which would restore the law to what it was previous to 1796, since which the abuses had chiefly arisen. With regard to settlement, after describing the evils of litigation and expense caused by it, and the still worse effects arising from its interference with the free circulation of labour, he proposed the several amendments recommended in the report, with a view to lessening its complications and reducing expenditure, but leaving the substance of the law itself untouched. So likewise with respect to bastardy, he adopted the several recommendations of the report, and proposed their being embodied in the Bill.

In conclusion, Lord Althorp declared that he was fully aware of the importance of the measure; but he believed, if it were successful, the benefits to the country would be very great. He confidently anticipated that it would have the effect of raising the British labourer from a condition of pauperism, and restoring him to the independence for which he was once proverbial. At present, no difference was made between the good labourer and the bad, both alike deriving a large portion of their subsistence from an abuse of the law. It had been said that poverty ought not to be visited as a crime—in that sentiment he concurred, but it was impossible that it should not be

[1] This proposition was afterwards abandoned, and the putting an end to the allowance system, in common with the other abuses, was left to the discretion of the central board.

a misfortune; and every attempt which had been made to prevent its being so, instead of confining the misfortune to those who suffered under its pressure, had the effect of extending it to others. It was with these views, and in the hope that the House would give the measure the calm and deliberate attention which its momentous importance demanded, that he moved for leave "to bring in a Bill to alter and amend the law relative to the relief of the poor in England and Wales."

Amendment Bill introduced and passed in the Commons.

The measure thus proposed, was very favourably received by the House; and on the 9th of May the second reading of the Bill was carried by a large majority, the numbers being—ayes 299, noes 20. The objections on that and other occasions were chiefly directed against the constitution and powers of the central board; and for the most part these objections were made by the metropolitan members. The Bill was read a third time on the 1st of July, 187 voting for it and 50 against it; but its duration was limited to five years. Several alterations were made in its progress through the House, mostly with a view to restricting the powers of the central board. It was at first intended to empower the board to dissolve and reconstruct existing incorporations—a power obviously necessary for enabling it to form the country into unions in the manner most convenient and effective for the administration of the law; but this power was subsequently withheld, and much embarrassment and delay in the introduction of the amended law occurred in several instances in consequence.

The Bill introduced in the Lords.

On the 2nd of July the Bill, as agreed to by the Commons, was introduced and read a first time in the Lords, and was to have been read a second time on the 9th; but in the interim Lord Grey's government had been broken up on questions connected with the Irish Coercion Bill, and the second reading did not take

place until the 21st, after a new government had been formed under Lord Melbourne. It was then moved by Lord Brougham (the Lord Chancellor), in an elaborate and able speech, in which he depicted the evils and the consequences of the existing system, and described the principles and course of action in which alone a corrective could be found.

Lord Brougham's speech, 21st July 1834.

He began by expressing his conviction that government would best fulfil its duties to the country by carrying forward the present measure, which he believed the most efficacious and the least objectionable that had ever yet been devised, for terminating evils the possible extent and consequences of which no fancy could adequately picture—evils which bad laws worse executed had entailed upon the country, which threatened the security of property, and had brought about a state of things in which we beheld industry stripped of its rights, and the sons of idleness, vice, and profligacy usurping its lawful place. It had been usual to blame the magistrates for the maladministration of the law, but he thought they were not more blameable than others—they only partook of the common error, and were backed by the concurrence of the legislature, and the decision of the judges. "What marvel is it," he asked, "to find county justices holding that the poor man has a right to be made comfortable in his own dwelling, when Mr. Pitt introduced a Bill for legalising the allowance system, and for sanctioning the principle, that every poor man has such a right, and to be furnished with a cow or a pig or some other animal yielding profit, to be provided in proportion to the number of his children?" He then pointed out, in considerable detail, and illustrated by examples, the distinction between public and private, between established and casual charity; and described the evils which had and which ever must result from confounding the one with the other, or dealing with the forced

contributions to the Poor Law fund as if they were the spontaneous fruits of individual charity, and were levied for the purpose of providing comfort for the many, instead of relieving the destitute few.

Lord Brougham considered that much might be done to amend the present system, as indeed in some few instances much had been done; and if the parish in which an improved administration was established were compared with another, perhaps an adjoining parish, where the usual bad course was pursued, it would hardly be thought that they were parts of the same country. In the one the rates had fallen to a half, afterwards to a third, pauperism had disappeared, and industry had regained its just place;[1] whilst in the other, a swarm of sturdy beggars deprived the honest labourer of his hire, and the rental daily crumbled down into the poor's-box, always filling, always empty. The good example of the neighbouring parish was not found to have any effect upon this; and hence must be inferred the necessity for some central authority, to enforce a sound and uniform system of administration everywhere. For this object the present measure provided. It proposed to leave the law nearly as it stands; but it also provided for assimilating the administration to that which prevailed in those parishes where salutary improvements had been effected—that is, securing such a unity of action in the several parochial authorities, as can be obtained only by the establishment of one central authority armed with ample discretionary power. The bad practices had taken such deep root, he said, and spread so widely, that a strong hand alone could extirpate them; but the hand must not only be strong, it must be ever ready; in other words, all must be left

[1] In this description Lord Brougham evidently referred to the instance of Southwell, with all the circumstances of which he was, in common with the other members of government, fully informed through Mr. Cowell's reports.

to the discretion of the men entrusted with the control. Such large discretionary powers may be designated as unconstitutional. He admitted they were novel as vested in one board, but they were not novel in themselves; for every one of the first fifty local Poor Law Acts, to be found in the index to the statutes, contained more arbitrary, and therefore less constitutional powers, than any that would be given by this Bill. He then adverted to the subjects of settlement and bastardy, affirming generally the recommendations of the report, and concluded by moving that the Bill be read a second time, on which an amendment was moved, and considerable discussion took place.

The Duke of Wellington supported the Bill, and declared that, as a different system of administration, and different and varied abuses, prevailed in almost every parish, it would be impossible for parliament to frame a law applicable in every case; and therefore it was absolutely necessary that a central board of commissioners should be appointed, with powers to control the whole, and secure a right administration of the laws throughout the country. "The present remedy for the evils of the existing laws was," the duke said, "unquestionably the best that had ever been devised; at the same time he must observe, that as the Central Board of Commissioners must necessarily have very extraordinary and full powers, it would be proper that they should keep such a record of their proceedings, as would render them liable to the actual control at all times of the government and parliament." The second reading of the Bill was carried by a large majority, 76 peers voting for, and 13 against it. On the 28th of July the Bill was considered in committee, as it was also on several subsequent days, the chief objections being to the powers of the Commissioners, and to the bastardy clauses. On the 8th of August the Bill was read a third time, and returned to the Commons with the amend-

The Duke of Wellington's speech, 21st July 1834.

ments it had received. On the 13th a conference between the Houses was held, and an agreement come to with respect to these amendments; and on the 14th of August the Bill received the royal assent.

August 14, 1834. Poor Law Amendment Act, 4 & 5 Will. IV. cap. 76.

Few measures have in their origin so fully occupied public attention, or been productive of such important benefits in their results, as "4 & 5 William IV. cap. 76, for the Amendment and better Administration of the Laws relating to the Poor in England and Wales." The Act is avowedly based on the principle, that no one should be suffered to perish through want, and that if supported at the public expense, the support must be given in the way most consistent with the public welfare. In the manuscript narrative drawn up by Mr. Senior, one of the principal framers of the measure, which has been before referred to,[1] the objects of the Poor Law Amendment Act are stated to be two—"*first*, to raise the labouring classes, that is to say the bulk of the community, from the idleness, improvidence, and degradation into which the maladministration of the laws for their relief has thrown them; and, *secondly*, to immediately arrest the progress, and ultimately to diminish the amount, of the pressure on the owners of lands and houses." These two objects, it is observed, are intimately connected; for "even if the whole amount of the poor-rates were raised without expense to the proprietors—if it were, for instance, a tribute from a foreign country—yet, if its effect were to destroy the diligence, skill, and morality of the labouring classes, the proprietors would be as effectually ruined as if themselves contributed to it, since lands and houses are valueless without the aid of a laborious and skilful body of work-people. And, on the other hand, if the expenditure on the poor had no immediate effect on their moral character, yet if it were to go on at the rate at which it has increased for the last thirty years, it would

[1] See *ante*, p. 262.

ultimately throw the land out of cultivation, and destroy by famine or pestilence all who had not the means of emigration."

The Amendment Act was framed on the recommendations of the Commissioners of Poor Law Inquiry, as set forth in their report, and the various alterations or amendments introduced in its progress through parliament, in no way changed the character of the measure. The limiting the duration of the Act to five years was calculated to raise a doubt as to its permanency; but scarcely any one, however much opposed to it, thought that the governing principle of the Act would be abandoned, or that a central board to guide and control the local administrators of the law, would not in some form or other be continued. The chief omission was the not empowering the Commissioners to dissolve the Gilbert and local Act incorporations, the want of which power prevented their forming the most convenient unions in certain districts, or even in some instances forming a union at all, so that many parishes were of necessity left ununited.[1] Another omission was the not arming the Commissioners with sufficient power to compel the providing of workhouses. The consent of a majority of the guardians or ratepayers was made necessary for this purpose, which could not always be obtained; whilst for altering or enlarging workhouses the Commissioners could compel an outlay of no more than £50, or one-tenth of the average annual amount of the rates. The last omission to be noticed was the not empowering the Commissioners to appoint auditors of parish and union accounts, an efficient audit being in fact the only means by which a correct administration of public moneys can be secured. The 46th section of the Act, it is true, empowers the Commissioners to direct guardians and overseers to appoint auditors, in

[1] This, unfortunately, is still the case (1853).

common with other paid officers; but an auditor thus appointed by functionaries whose accounts he was to examine, and whose disbursements he had to check and authenticate, must obviously be inefficient. The audit had hitherto been nominally performed by the justices, but it was, in fact, little more than a matter of form.

The recommendations of the Inquiry Commissioners, on which the Amendment Act is founded, have been inserted at length in the preceding pages, accompanied by such observations as appeared desirable in the way of explanation. To cite and comment upon the different provisions of the Act will therefore be unnecessary, and would involve much repetition. The Act is however of so much importance, that its insertion in some form cannot be dispensed with; and the following summary of the several sections, with the explanations which have been given will it is hoped be sufficient for a full understanding of the measure, both in its principles and its details.

Summary of the Poor Law Amendment Act, 4 & 5 *William IV. cap.* 76.

Sections 1, 2, *and* 3—Provide for the appointment, at the pleasure of the crown, and also for the removal, of *three*[1] Commissioners, to be styled "The Poor Law Commissioners for England and Wales," who may sit as a board, and summon and examine witnesses on oath, and have a common seal, the rules, orders, and regulations sealed with which are to be received as evidence.

Sections 4, 5, *and* 6.—The Commissioners are required to record their proceedings, and once a year make a general report to one of the secretaries of state, to be laid before parliament, and at other times are to give such information as the Secretary of State shall require.

Sections 7, 8, 9, *and* 10.—The Commissioners are empowered to appoint Assistant Commissioners (not exceeding nine without consent of the Treasury), and also a secretary,

[1] The number was increased to four by the 1 & 2 Vict. cap. 56, with reference to the Irish Poor Law.

assistant secretary, and clerks, and to remove any of the same: but no Commissioner or Assistant Commissioner is to be capable of sitting in parliament; and all the appointments are limited to five years.

Section 11.—Before entering on the execution of their office, the Commissioners and Assistant Commissioners are to take an oath in the form prescribed, and their several appointments are to be published in the *London Gazette*, and notified to the clerks of the peace, who are to cause the same to be advertised in some county newspaper.

Sections 12, 13, *and* 14.—The Commissioners may delegate any of their powers to the Assistant Commissioners (except the power of making general rules), and may revoke the same; and the Assistant Commissioners are empowered to summon and examine witnesses on oath, on any question relating to the relief of the poor, but not so that any person shall be required to travel more than ten miles from his place of abode. A witness who gives false evidence, or wilfully refuses to attend and give evidence, is subjected to punishment. The Commissioners may order the reasonable expenses of witnesses to be defrayed by the parishes or unions interested in the case.

Section 15—Directs that "the administration of relief to the poor throughout England and Wales, according to the existing laws, or such laws as shall be in force at the time being, shall be subject to the direction and control of the Commissioners," who are authorised and required to make and issue all such rules, orders, and regulations for the management of the poor, for the government of workhouses, and the education of children therein, and for the apprenticing of poor children, and for the guidance and control of all guardians, vestries, and parish officers, so far as relates to the management of the poor, and the keeping, examining, auditing, and allowing or disallowing of accounts, and making and entering into contracts, or any expenditure for the relief of the poor, and for carrying this Act into execution in all other respects, as they shall think proper, and may suspend, alter, or rescind the same: "provided always, that nothing in this Act contained shall be construed as enabling the said Commissioners, or any of them, to interfere in any individual case for the purpose of ordering relief."

Sections 16, 17, *and* 18.—General rules are not to take effect until forty days after they have been submitted to a secretary of state; and if within that time their disallowance by the sovereign in council be notified to the

Commissioners, they are not to come into operation; and if so disallowed subsequently, they are to cease to operate. All general rules are to be laid before parliament, and a copy of every rule, order, or regulation of the Commissioners is, before the same shall come into effect, to be sent to the overseers of the poor and the guardians of the union affected thereby, and to the clerk to the justices of the division in which such parish or union is situate, all of whom are required to preserve and give publicity to the same.

Section 19—Provides that no inmate of a workhouse shall be obliged to attend any religious service celebrated in a mode contrary to his religious principles, nor any child be educated in a religious creed to which its parents or surviving parent shall object, or in the case of an orphan to which the godfathers or godmothers shall object; and on the request of any inmate, a licensed minister of the same religious persuasion is to be permitted to visit the workhouse, for the purpose of affording religious assistance to such inmate, or instruction to his children.

Section 20.—No order or regulation of an Assistant Commissioner is to have effect, unless it be adopted and sealed by the Commissioners.

Sections 21 *and* 22.—All the powers and authorities of Gilbert's Act, and of all other Acts relating to the providing of workhouses, the borrowing of money, and governing and employing the poor, are to be exercised under the control, and subject to the rules, orders, and regulations of the Poor Law Commissioners, who with their Assistant Commissioners are entitled to attend local boards and vestries, and take part in the discussions, but are not to vote. No additions or alterations are to be made in the existing regulations established under Gilbert's or other Acts, until the same shall have been submitted to and confirmed by the Commissioners.

Sections 23, 24, *and* 25.—The Commissioners are empowered, with the consent of a majority of the guardians of a union, or with the consent of a majority of the ratepayers and owners of property of any parish, to order a workhouse to be built or enlarged, "according to such plan and in such manner as the Commissioners shall deem most proper for carrying the provisions of the Act into execution"; and the overseers and guardians are required to raise the money necessary for the purpose by way of rate, or by borrowing the amount and charging the same on the future rates: but the sum so raised or borrowed is in no

case to exceed the average annual amount of the rates for the three years preceding, and the money borrowed is to be repaid, together with interest, by instalments of not less than one-tenth in any one year. The Commissioners are also empowered, without such consent as aforesaid, to order a workhouse to be altered or enlarged in such manner as they shall deem proper, provided the cost is not above £50, and that it does not in any case exceed one-tenth of the average amount of the rates for the three years preceding.

Section 26—Empowers the Commissioners "to declare so many parishes as they may think fit to be united for the administration of the laws for the relief of the poor," and thereupon the workhouses of such parishes are to be for the common use of the union, and the Commissioners may issue regulations for the classification of the poor of the united parishes maintained therein: "but notwithstanding such union and classification, each of the said parishes shall be separately chargeable with and liable to defray the expense of its own poor, whether relieved in or out of any such workhouse."

Section 27—Enables two justices to order relief to a poor person out of the workhouse, provided one of them certifies of his own knowledge that such poor person is, from old age or infirmity of body, wholly unable to work.

Sections 28 *and* 29.—When a union of parishes is formed, the Commissioners are required to ascertain the average expense incurred by each parish for the relief of its poor, in the three years preceding; and the several parishes are to be assessed to the common fund for providing the workhouse and materials for setting the poor on work therein, and for the salaries of the officers, and any other expense incurred for the common benefit, according to the amount of such averages, which the Commissioners are likewise empowered to vary from time to time, after having in like manner ascertained and recalculated the same; and the Commissioners' powers are likewise extended to unions under Gilberts' and other Acts. Until the averages shall be otherwise ascertained, the returns to parliament are, however, to be taken as evidence of expenditure.

Sections 31 *and* 32—Repeal the provisions of Gilbert's Act, and of 56 George III. cap. 129, which restrict parishes from being united if more than ten miles distant from the union workhouse, and limit the class of persons to be relieved therein. The Commissioners are empowered, with consent of two-thirds of the guardians, to dissolve, take from, or

add to any union, and "to fix the amount to be received or paid by every parish affected by such alteration."

Sections 33, 34, 35, *and* 36.—The guardians of any union may agree, subject to the approbation of the Commissioners, that the united parishes shall become one parish for the purposes of settlement. And likewise, "where the parishes shall be situate within the same county, riding, division, or liberty, under the jurisdiction of the same justices," that they shall become one parish for the purposes of rating; and thereupon the guardians are to assess and levy the rates, and the expenditure for the relief of the poor is to be in common.

Section 37—Prohibits any union or incorporation of parishes from being formed under the provisions of Gilbert's Act without the consent of the Commissioners.

Sections 38, 39, 40, *and* 41—Declare the qualification, and regulate the election of guardians for unions, and for single parishes, "every justice of peace residing in and acting for the county, riding, or division, in which the same may be situated," being in either case constituted a guardian *ex-officio*; but no guardian can act "except as a member and at a meeting of the board." At the election of guardians, the owners of property, as well as the occupiers, are to vote according to a scale prescribed for each, and the votes are to be taken in writing, "in such manner as the Commissioners shall direct." The Commissioners may also direct the election of guardians under Gilbert's and local Acts to be conducted according to the provisions of this Act.

Sections 42, 43, 44, *and* 45—Empower the Commissioners to make rules and regulations to be observed in workhouses, and also empower the justices to enforce the same; and each workhouse, and the premises thereto belonging or occupied therewith, is to be held and deemed to be within the jurisdiction of the place to which it belongs. But no dangerous lunatic, insane person, or idiot, is to be detained in any workhouse longer than fourteen days.

Sections 46, 47, *and* 48.—The Commissioners are empowered to direct the appointment of paid officers, with such qualifications as they shall think necessary, for the administration of relief to the poor, the examining and auditing accounts, and carrying the provisions of the Act into execution; and also to prescribe the duties, regulate the salaries, and determine the continuance in office, and the

security to be given by such officers. The overseers are to pass their accounts quarterly, and if required, are to verify the same on oath, and the balances due may be recovered as penalties under this Act. The masters of workhouses and parish officers are to hold their appointments subject to the orders of the Commissioners, and are removable by them; but "no person shall be eligible to hold any parish office, or have the management of the poor in any way, who shall have been convicted of felony, fraud, or perjury."

Sections 49, 50, *and* 51—Provide that contracts "relating to or connected with the general management of the poor," are not to be deemed valid unless in conformity with the regulations of the Commissioners. The 45 George III. cap. 54 is repealed, but engagements previously contracted under it are not to be thereby affected. The penalties imposed by 55 George III. cap. 137 on persons having the management of the poor, who are concerned in any contract for the supply of goods, etc., for the use of the poor, are extended to persons appointed under this Act.

Section 52,—After reciting that relief to the able-bodied is in many places so administered as to be productive of evil, and "as difficulties may arise in case any immediate and universal remedy is attempted to be applied," empowers the Commissioners, by such rules, orders, and regulations as they may think fit, to regulate the same; and all relief administered contrary to such regulations, unless in cases of emergency, is declared to be unlawful, and is to be disallowed.

Sections 53 *and* 54.—The 36 George III. cap. 23; 55 George III. cap. 137, ss. 3 and 4; and 59 George III. cap. 12, ss. 2 and 5, are repealed, and the ordering of relief to the poor (subject to the powers of the Commissioners) is vested in the boards of guardians, except in cases of sudden and urgent necessity, when relief may be given by the overseers, and may also be ordered by any justice in the form of medical attendance or articles of absolute necessity, but not in money.

Sections 55, 56, *and* 57.—The masters of workhouses and overseers are directed to keep registers of every poor person relieved, with the particulars of their families, and place of settlement; and all relief given to or on account of the wife, or any children under the age of sixteen, "not being blind or deaf or dumb," is to be considered as given to the husband or father. But the father and grandfather, mother

and grandmother of any poor child, are not hereby discharged from their liability for its maintenance, under 43 Elizabeth, cap. 2; and the children of a woman, whether legitimate or illegitimate, born before marriage, are until the age of sixteen to be maintained by her husband, and deemed part of his family.

Sections 58 *and* 59.—Such relief as the Commissioners shall by order direct, is to be considered as given by way of loan; in which case any justice, upon application and proof, may attach wages in the hands of the master or employer for repayment of the same.

Section 60—Repeals so much of 43 George III. cap. 47 as requires relief to be given to the wives and families of militiamen and volunteers, or as prevents such families being removed to their place of settlement, or sent to any workhouse, by reason of their being chargeable.

Section 61—Requires the justices to ascertain that the regulations of the Commissioners have been complied with in apprenticing poor children, and to certify the same at the foot of every contract or indenture; but the jurisdiction of justices between master and apprentice is reserved.

Sections 62 *and* 63.—Owners and ratepayers in vestry assembled may, with the approbation of the Commissioners, borrow money on security of the rates for the emigration of poor persons, the money to be repaid within five years; and the overseers may apply to the Exchequer Bill Commissioners for a loan for the purpose.

Sections 64, 65, 66, 67, *and* 68—Abolish settlement by hiring and service, and by serving an office; and no settlement which may be incomplete at the time of passing of this Act, can afterwards be completed. Settlement is not to be acquired by occupying a tenement, unless the poor-rate thereon has been paid for an entire year; nor by being apprenticed to the sea-service; nor by estate, unless the owner shall inhabit within ten miles thereof.

Sections 69, 70, *and* 71.—The Acts relative to the liability and punishment of the putative father, and punishment of the mother of a bastard child, are repealed; and all securities and recognizances for indemnifying parishes against future bastards are made void, and persons in custody for not giving such indemnity are to be discharged. The mother of an illegitimate child is bound to maintain it until the age of sixteen; but if she marries, the husband becomes liable.

Sections 72, 73, 74, 75, *and* 76.—On application of the overseers, the court of quarter-sessions may make an order on the putative father for the maintenance of a bastard child, if satisfied that he is really the father, and if the child has become chargeable; but no such order is to be made, unless the evidence of the mother shall be corroborated by other testimony, and no part of the money is to be applicable to the mother's support. Fourteen days' notice of such application is to be given, and if it be rejected, the costs are to be paid by the overseers. If the person charged does not appear, the court may nevertheless decide in the case; and if he be suspected of intending to abscond, he may be required to enter into recognizances, failing in which he may be committed; and if the payments ordered by the court of quarter-sessions are not made, but get into arrear, the putative father may be proceeded against by distress, or the attachment of wages.

Section 77—Directs that no person concerned in the administration of the laws for the relief of the poor, is "to furnish or supply, for his own profit or on his own account, any goods, materials, or provisions, ordered to be given in parochial relief, or in respect of the money ordered to be given in parochial relief," under a penalty of £5.

Section 78—Directs that all sums assessed by justices on the father, grandfather, mother, grandmother, child or children, of any poor persons, for their maintenance or relief, under the provisions of 43 Elizabeth, cap. 2, s. 7, and all penalties and forfeitures arising from the same, are to be recoverable as penalties under this Act.

Sections 79, 80, 81, 82, 83, *and* 84.—No person is to be removed until after twenty-one days' notice has been given to the parish to which the order of removal is directed, unless the order be submitted to, nor if notice of appeal shall have been given by such parish. In cases of appeal, the overseers are to have access to the poor person ordered to be removed, for the examining of him touching his settlement, and may, if necessary, take him out of the removing parish for such purpose. The grounds of appeal must be stated in the notice of removal; and the parties losing the appeal, or making frivolous and vexatious statements, are liable to pay the costs; and the parish to which the poor person shall be finally adjudged to belong, is chargeable with the expense of his relief and maintenance.

Section 85—Empowers the Commissioners to call for and publish accounts of trust and charity estates, "or any other

property or funds held in trust for or applicable to the relief of the poor, or which may be applied in diminution of the poor-rates."

Sections 86, 87, *and* 88.—Advertisements, etc., and bonds and securities made pursuant to 22 George III. cap. 83, and assignments thereof, are exempted from stamp-duty; and letters to and from the Board of Commissioners are to be free of postage.

Sections 89 *and* 90.—All payments "charged upon the rates for the relief of the poor, contrary to the provisions of this Act, or at variance with any rule, order, or regulation of the Commissioners," are declared illegal, and must be disallowed; and the service of any summons at the person's usual place of abode is to be deemed sufficient.

Sections 91, 92, 93, *and* 94.—So much of 6 George IV. cap. 80, as relates to the prohibition of spirituous liquors in workhouses, is repealed; and a penalty of £10 is imposed on persons introducing the same, and in default of payment, committal for any time not exceeding two months. The master of a workhouse allowing the use of spirituous liquors, or ill-treating any poor person, "or otherwise misconducting himself towards or with respect to any poor person," is on conviction thereof before two justices to forfeit such sum, not exceeding £20, as the justices may direct, and in default of payment may be imprisoned for six months; or the justices may order any salary or balance due to him, to be applied towards payment of the penalty. Copies of these enactments, "printed or fairly written," are to be hung up publicly in every workhouse, and renewed from time to time, under a penalty of £10 for every default.

Sections 95, 96, *and* 97.—Overseers and other officers disobeying the legal and reasonable orders of the guardians or the justices, are to forfeit not exceeding £5; but "no overseer shall from henceforth be liable to any prosecution or penalty for not carrying into execution any illegal order of such justices or guardians." An overseer or paid officer purloining, wasting, or misapplying moneys or goods of the parish or union, is liable to a penalty of £20, and treble the value of the goods purloined or misapplied, and will thereafter be held incapable of serving any office "in relation to the relief of the poor."

Section 98—Directs that persons wilfully disobeying the rules, orders, and regulations of the Commissioners, or who are "guilty of any contempt of the Commissioners sitting as a

board," shall, on conviction before two justices, forfeit for the first offence, not exceeding £5; for the second offence, not exceeding £20, nor less than £5; and a third and every subsequent offence is to be deemed a misdemeanour, and will subject the offender to a penalty of £20, together with imprisonment.

Sections 99, 100, 101, *and* 102.—Forfeitures, costs, and charges under this Act, are made leviable by distress and sale of the offender's goods, and are to be applied in aid of the poor-rates of the parish or union where the offence was committed. The owners and ratepayers are to be deemed competent witnesses, and the justices may proceed by summons for recovery of penalties from any offender. Distress is not to be deemed unlawful on account of irregularity or want of form, and a plaintiff is not to recover in any action for wrongful proceedings, if tender of amends be made.

Sections 103 *and* 104.—Any appeal to the quarter-sessions against an order of justices, must be made within four months after the cause of complaint shall have arisen, and fourteen days' notice of such appeal must be given, and recognizance entered into to abide the order, and pay such costs as shall be awarded. But no action or suit for anything done in pursuance of this Act, can be brought after the expiration of three months, nor unless twenty-one days' notice thereof has been given. The defendant may plead the general issue, and if the verdict be in his favour, the plaintiff will be liable for the costs.

Sections 105, 106, 107, *and* 108.—The rules and orders of the Commissioners are made removable by *certiorari* to the court of King's Bench, but they are to continue in force until declared to be illegal. Ten days' notice must be given of an application for a writ of *certiorari*, against which the Commissioners may show cause; and the parties applying are required to enter into recognizance in the sum of £50 to prosecute the suit "without any wilful or affected delay." If the orders or rules are quashed, the Commissioners are forthwith to notify the same to all the unions, parishes, and places to which they may have been directed, and from the time of receiving such notice they are to be deemed null and void.

Section 109—Is the interpretation clause; *and sec.* 110 provides "that the Act may be altered, amended, or repealed, in this present session of parliament."

Commissioners appointed.

Immediately after the passing of the Act, the Commissioners for carrying it into execution were appointed, and forthwith assembled to nominate their secretary, and deliberate upon the course it would be expedient for them to pursue. The Commissioners were the Right Hon. Thomas Frankland Lewis, John George Shaw Lefevre, Esq., and the author of this work. Mr. Chadwick, who was one of the Commissioners of Inquiry, and had been actively engaged in framing the reports, was appointed secretary to the board.[1] Before entering into a detail of the Commissioners' proceedings under the Act, it may however be useful to describe very briefly the state of the country, and other circumstances existing at the time, without which the suitableness of those proceedings, and even of the law itself, might not be rightly appreciated.

For three or four years previous to the passing of the Amendment Act, the public mind in England, as well in the rural as in the urban districts, had been in an unsettled state, partly on political and partly on social grounds. The passing of the Reform Bill in 1832, quieted in a great degree the turmoil arising from the former cause; but the latter source of irritation continued to disturb men's minds, weakening confidence, and stimulating to acts of violence and disorder. This was more particularly the case in certain of the agricultural counties; and it is worthy of especial notice, that in the counties where the largest amount of relief was afforded under the Poor Law, the greatest number of riots and rick-burnings occurred in the years 1830 and 1831—thus seeming to establish a relationship between the one and the other, in the

[1] Mr. Lewis was in 1839 succeeded by his son, George Cornewall Lewis, Esq., who had been an Assistant Commissioner under the Poor Law Inquiry Commission; and Mr. Lefevre was in 1841 succeeded by Sir Edmund Head, at that time the Assistant Commissioner in charge of the metropolitan district.

nature of cause and effect. The Commissioners of Inquiry adopt this view, which they support by citing the instances of—

		Having a population of	And expending in relief.		Per head on the population.
15 parishes in	Bedfordshire .	11,630	£11,005	or	18*s.* 11*d.*
28 „	Berkshire . .	40,398	28,561	„	14 2
21 „	Bucks . . .	18,570	15,362	„	16 6
29 „	Cambridgeshire	42,549	26,960	„	12 8
93		113,147	£81,888	„	14 5
And, 13 „	Chester . .	7,888	2,712	„	6 10
25 „	Cornwall . .	55,764	16,436	„	5 10
42 „	Cumberland .	42,076	11,672	„	5 6
80		105,728	£30,820	„	5 9

In the first cluster of 93 rural parishes, it will be observed, the expenditure amounts to 14s. 5d. per head on the population, and in the latter 80 to 5s. 9d. per head; and the Commissioners remark, that "the counties in which the expenditure is large, are those in which the industry and skill of the labourers are passing away, the connection between master and servant has become precarious, the unmarried are defrauded of their fair earnings, and riots and incendiarism have prevailed. The three counties in which the expenditure is comparatively small, are those in which scarcely any instance of fire or tumult appears to have occurred, in which mutual confidence exists between the workman and his employer, in which wages depend not on marriage, but on ability, and the diligence and skill of the labourers are unimpaired or increased." [1]

State of the country in the years 1830 and 1831.

The condition of the southern agricultural counties towards the end of 1830, has been described as most unsatisfactory—"the farmers and their families had no comfort in their lives. All day they looked with unavoidable suspicion upon the most ill-conditioned of their neighbours, and on every stranger who came

[1] See Supplement to the Commissioners' Report, p. 12, 8vo edition.

into the parish. All night they were wakeful, either acting as patrols or looking out towards the stack-yards, or listening for the rumble of the fire-engine. If a man, weary with patrolling for three or four nights, hoped for a night's sleep, and went the last thing to his rick-yard, and explored every corner and visited every shed on his premises, he might find his chamber illuminated by his burning ricks by the time he could get upstairs. This was naturally a time for malicious or encroaching persons to send threatening letters, and for foolish jesters to play off practical jokes, and for timid persons to take needless alarms, and for all the discontented to make the most of their grievances; and a dreary season of apprehension indeed it was. The military were harassed with fruitless marches, their nightly path lighted by fires from behind, whichever way they turned. Large rewards were offered — £500 for a single conviction; and these rewards were believed to have been now and then obtained by the instigators, while the poor tools were given over to destruction." [1]

Such was the state of a large portion of the agricultural districts, a short time before the passing of the Poor Law Amendment Act. There may have been various causes for such a state of things; but it can hardly be doubted that the maladministration of the Poor Laws was one of them. Wherever the allowance system prevailed in any form, or to any extent, a part of the labourers' earnings—greater or less according to the circumstances of the district—would be dealt out to him in the shape of parish relief, and there would be a constant struggle between him and the parish authorities (that is, the farmers and the employers of labour), on their part to give as little as

[1] See *The History of England during Thirty Years of Peace*, vol. ii. p. 13.

possible, and on the labourer's part to obtain as much as possible, out of that fund to which he had been trained up to believe his right was as good as theirs. Can we wonder then, that an ill-feeling should exist between parties so situated—that the roundsman, or the labourer, under the allowance system should look upon his employer as a tyrant and an oppressor, who withheld from him and his family an allowance to which they had a right; and that he and they should regard such employer with feelings of hatred and revenge, for the manifestation of which an opportunity only was required? Now, incendiarism afforded this opportunity, and also the amplest and safest means of gratifying revengeful feelings, from whatever cause arising; and we see the consequences in the extract given above.

The substitution of union for parochial management, as provided by the Amendment Act, would of itself go far to remove this source of evil. The tribunal of a board of guardians, generally consisting of the principal persons in the district (the resident magistrates being members *ex-officio*, and the others elected by the rate-payers), was necessarily more impartial, less open to suspicion, and less likely to excite revengeful feelings in dealing with the labouring poor, than the executive of a single parish. When to this is added the abolition of the allowance system, which it would be the duty of the central board to put an end to as speedily as possible, it will hardly be denied that in the provisions of the new law, a scheme was devised for removing the incentives to rural incendiarism; and that hopes might thenceforward be reasonably entertained (as in fact turned out to be the case), that riots and rickburnings would cease to alarm and disgrace the agricultural districts of England.

The poor-rates had reached their maximum in

1817–1834. Expenditure on relief of the poor.

1817–18, the expenditure on relief in that year amounting to £7,870,801, equal to 13s. 3d. per head on the entire population, which was then 11,876,200, as deduced from the census of 1821. In 1812–13 the expenditure on the poor had been £6,656,106, averaging 12s. 8d. per head on the population.[1] So that, in the short space of five years, the charge had been increased by the enormous sum of £1,214,695, or upwards of one-sixth in excess of what it was in 1813. This rapid increase of the poor-rates was not caused by any increase in the price of provisions, wheat being 108s. 9d. a quarter in 1813, and 84s. 1d. a quarter in 1818. The alarm which was then felt, therefore, and which has been already mentioned,[2] was warranted by the facts; and it led, as has also been shown, to efforts in various quarters and in various ways for correcting the evil, and among the rest to the publication, by the author, of the "Overseer's Letters."[3] These efforts, and these alarms, and the increased attention which was in consequence everywhere paid to the subject, had the effect of almost immediately causing a considerable decrease of expenditure, which, after several fluctuations, stood in 1833–34 at £6,317,255, that is considerably less than it was in 1813 in actual amount, and only 8s. 9½d. per head, instead of 12s. 8d. per head on the population, which had now grown to 14,372,000.

It may be convenient, and serve as a suitable introduction to the proceedings of the Commissioners appointed under the Act, to insert here in a tabulated form the amount of expenditure, the prices of wheat, and the progressive increase of the population, between 1813, the first year these items can be given with certainty, and 1834, the year

[1] The population in 1813 was 10,505,800.

[2] *Ante*, p. 209.

[3] *Ante*, p. 231.

in which the Poor Law Amendment Act was passed :—

Population deduced from Census Returns.	Years ending at Lady-day.	Price of Wheat per quarter.	Amount expended for the Relief and Maintenance of the Poor.	Rate per Head on the Population.	Observations.
		s. d.	£	s. d.	
10,505,800	1813	108 9	6,656,106	12 8	
	1814	73 11	6,294,581		
	1815	64 4	5,418,846		
	1816	75 10	5,724,839		
	1817	94 9	6,910,925		
11,876,200	1818	84 1	7,870,801	13 3	This may be called the 1st maximum.
	1819	73 0	7,516,704		
	1820	65 7	7,330,254		Reforms at Southwell and Bingham; and the "Overseer's Letters."
	1821	54 4	6,959,251	...	
	1822	43 3	6,358,704		
	1823	51 9	5,772,962		
12,517,900	1824	62 0	5,736,900	9 2	And this the 1st minimum.
	1825	67 6	5,786,989		
	1826	58 9	5,928,502		
	1827	56 9	6,441,088		
	1828	60 5	6,298,000		
	1829	66 3	6,332,410		
	1830	62 10	6,829,042		
	1831	67 8	6,798,889		
14,105,600	1832	63 4	7,036,969	10 0	This is the 2nd maximum.
	1833	57 3	6,790,800		
14,372,000	1834	51 11	6,317,255	8 9½	New Poor Law Act.

This table shows that the expenditure decreased from what I have called its first maximum in 1818, until it sank to what I call its first minimum in 1824, the efforts to which allusion has just been made, and the examples of Bingham and Southwell extensively promulgated by means of the "Overseer's Letters," all operating in furtherance of this result. These stimulants to an improved administration seem then, however, to have become weaker, if they did not entirely cease to operate; for from 1824 we find the expendi-

ture again increasing, until in 1832 it attained its second maximum, and again excited alarms as it had done in 1818. This gave rise to the Commission of Inquiry, and prepared the way for the enactment of a measure constituting a central board, with powers to guide and control the local authorities, to correct abuses, and to impart to the general administration of the law an efficiency which, unless such powers were vested somewhere, all experience proved it would be in vain to expect.

In attributing so much importance as is above done, to the examples of Southwell and Bingham, I am, I trust, solely influenced by a sense of the great value of every such instance of improvement, and the duty which thence arises of making the improvement and the means by which it has been effected known to others, in order that it may lead to similar improvement in other places where, but for such an example, the parish authorities ignorant of the existence of a better system, might be content to proceed in the accustomed course. Such improvements certainly did follow the publication of the "Overseer's Letters," and almost every instance of what can be called good management that came under the author's notice, both before and after the passing of the Amendment Act, were traceable more or less to the examples which these letters made known, and the communications arising out of them; and hence the propriety of adverting to them here.

CHAPTER XVI

A.D. 1834–1837

Proceedings of Poor Law Commissioners—Union and workhouse system established—Orders and regulations for the government of boards of guardians — Workhouse regulations — Workhouse plans — Order of accounts—Migration from southern counties to manufacturing districts —Emigration—Bastardy — Commissioners' first Report—Reduction of expenditure—Effect on the labourers—Parish Property Act—Parochial Assessment Act—Commissioners' second Report—Obstructions to the law—Education of the workhouse children—Out-door relief—Workhouse dietaries—Gilbert incorporations—Parish apprentices—Medical relief—Independent sick-clubs—New order of accounts—Auditors—Summary of second year's proceedings—Impediments in the way of the Commission—Commissioners' third Report—Andover and Cuckfield unions—Stoke-upon-Trent and Nottingham unions—The workhouse system universally applicable—Death of William IV.

1834–1835. Proceedings of the Commissioners under the Poor Law Amendment Act.

THE proceedings of the Commissioners for bringing the new law into operation, together with its working and results, now claim our attention. It has already been stated that the Poor Law Amendment Act received the royal assent on the 14th of August, and that immediately afterwards the three Commissioners for carrying it into execution were appointed. On the 23rd of August, after taking the prescribed oaths, the Commissioners formally entered on their office, and took an anxious survey of the extensive range of duties committed to them, and for the due performance of which they were responsible.[1]

The Commission itself, and the measure in which it originated, were very generally approved, although there were, it must be confessed, some marked excep-

[1] For a comparison of this Commission and that issued by Charles I. in 1630, see vol. i. p. 252, *ante*.

tions in this respect. For the most part, however, the Commission had the confidence of the country; and the alarms everywhere excited by the circulation of the report of the Commissioners of Inquiry, which, it may be remarked, were rather increased by the debates which took place during the progress of the Bill through parliament—these alarms as to the future, joined to the hopes of obtaining some present relief from the heavy pressure of the poor-rates, secured at the outset a general acquiescence in the proceedings of the Commissioners, and fostered an impression that their powers were greater than they really were.

Such an impression was no doubt fortunate, as it removed difficulties at the commencement of the board's operations, but it was not enduring; and the reaction was likely to be proportionally strong, as in truth the Commissioners ere long found to be the case. However, they moved steadily onward in fulfilment of their task, first organising an office department, for enabling them to deal with the inquiries and representations continually poured in upon them, and then appointing a staff of Assistant Commissioners, by whose agency the powers of local action vested in the board would for the most part be exercised. These assistants were, in the first instance, limited to nine, but their number was afterwards increased to fifteen, and eventually to twenty-one; and it is right to state that in the selection of these gentlemen the board was most fortunate, their intelligence and earnest devotion to the duties of their office securing for them not only the approbation of their immediate superiors, but also very generally the confidence of the country.

As soon as the board had fully deliberated on its course of procedure, in which it must be remembered it had no precedent to guide it, the Commissioners determined to proceed, without delay, to the formation of unions, and the introduction of the workhouse system.

With respect to the former, it was considered, that by combining a convenient number of parishes into one group, there would be greater facility for effective management, and less liability to malpractice and abuse, than if the parishes were left in the exercise of separate and independent action. And with respect to the latter, the evidence which had been obtained satisfied the Commissioners, that although under favourable circumstances, as in the case of Cookham, it might be possible to obtain a mastery over pauperism by requiring the performance of hard and repulsive labour in return for relief, yet that a rightly constituted workhouse would be more manageable, and was on all accounts to be preferred. The examples of Southwell and Bingham, and subsequently of Uley, and the evidence taken in the case of Cookham itself, fully established the superior efficiency of the workhouse as a test of destitution; and the fifteen years' experience of the two first-named places further established its sufficiency for the administration of relief. The Commissioners therefore determined to proceed at once in combining the union and the workhouse systems, under the conviction that a more efficient machinery for the administration of the law would thereby be obtained, at a less cost, and with greater certainty, than by any other course of proceeding.

The union and workhouse system established.

In acting upon this determination, the earliest attention was given to those districts in which maladministration had most prevailed, where the working classes were most demoralised, and the ratepayers most heavily burthened. From some of these districts, applications were received almost immediately on the establishment of the Commission; and on such occasions, as well as on others where the formation of a union was contemplated, an Assistant Commissioner was sent to examine the state of the district generally, and to investigate the condition of the several parishes

Formation of unions.

proposed to be united, and to report thereon according to a prepared form, having distinct queries for eliciting every essential point of information. It was likewise the practice of the Assistant Commissioners, before definitely reporting on the parishes to be united, to assemble the parish officers and the principal rate-payers, and explain to them what was intended, and to invite any suggestions they might be disposed to make. These, together with his own observations and report, were then forwarded to the board in London for final consideration; and the Assistant Commissioner was sometimes required to attend and give his explanations verbally, on matters involving doubt or difficulty, and which could not be so well settled by correspondence.

Notwithstanding the pains taken on these occasions to explain the objects contemplated, and to secure acquiescence in what was intended, it sometimes happened that people were dissatisfied; a parish which it was proposed to unite preferring to remain single, or objecting to be combined with some other parish, most frequently a neighbouring one, against which some feeling of anger or jealousy existed. On such occasions the board endeavoured to mediate; and in many cases it turned out that the parties most opposed to what was intended, finding after a time the benefits greater and the objections less, became the most satisfied.

Any parish distant more than ten miles from a union workhouse, was, under Gilbert's Act (22 George III. cap. 83),[1] prohibited from being included in the union. There is no such restriction with regard to unions formed under the Poor Law Amendment Act, the 26th section of which empowers the Commissioners "to declare so many parishes as they may think fit to be united for the administration of the laws for the relief of the poor"; but ten miles was considered a

[1] *Ante*, p. 83.

convenient limit, and that distance was rarely exceeded, and never unless under very special circumstances. The rule usually observed was, to take a cluster of parishes, more or less numerous according to size and means of communication, having a market-town, to which the people were accustomed to resort, as a centre, and to constitute them a union. This was the most convenient form of union, and the one which has been found to work best; but this arrangement could not always be observed—the nature of the country, the absence of towns, the existence of incorporations under Gilbert or local Acts, and other circumstances, frequently rendering the adherence to such a rule impracticable, and compelling the Commissioners to adopt a combination not the best in itself perhaps, but the best within their power to accomplish.

In every case however, although some unions were unavoidably less conveniently arranged than others, the putting of parishes into union was advantageous. If the parish be small, the pressure of local interests and jealousies is often so strong, as to render it difficult to adhere to correct principle in administering relief, whilst in a large parish, although the difficulty may be less, it would yet be sufficient to bias, and possibly pervert, the intentions of the law. By a combination of parishes, whether large or small, the danger is in great measure averted, as the union executive will have greater authority, and not be open to a suspicion of local influence. A union is also able, and will always find it economical, to employ a permanent staff of paid officers, to perform with exactitude and punctuality the duties which in parishes are imposed upon persons appointed annually, often unfitted for the task, or prevented from performing it, by needful attention to their own affairs. As respects union and parochial management, the economical results can therefore hardly fail of being greatly in favour of the former,

Distinction between union and parochial management.

whilst in a social point of view, the union administration will be free from those local animosities and demoralising tendencies so common under the latter. Another consideration of primary importance, is, that it is only by combining parishes and spreading the cost over the entire union, that workhouses can be provided at all. It would only be the large parishes that could provide a workhouse—the expense would be too burthensome for any small parish to bear; for, excellent as experience has shown the workhouse to be as a protection against the spread of pauperism, there must be a certain amount of property and population to bear the charge of so large and costly a machine.

On the size of unions.

The size of the unions was a question which at the outset much engaged the Commissioners' attention. They remark in their first report, "that where the districts are small, the dispensers of relief act more closely within the sphere of their own connections; proprietors are more frequently called upon to decide on applications from their smaller tenants, or from the connections of their dependants; occupiers who serve parochial offices are exposed to solicitations from their own labourers; and retail shopkeepers have too frequently to decide upon claims preferred or supported by their own customers." But in larger districts, it is observed, a majority is generally found who are free from the undue influences prevalent in narrow localities. The extension of the area of management is also said to have made it more easy to obtain efficient officers, "inasmuch as it is proportionately easier to find one fitting man than twenty; or to find one fitting officer for a union of twenty parishes, than to find fitting officers for twenty single parishes." Thus the tendency was at first in favour of creating large unions. All theory pointed in that direction, and there seemed scarcely any limit to the area which might be proved

by theoretic reasoning to be the most eligible for a Poor Law union.

But it was found, nevertheless, that a compact union of fifteen or twenty parishes, or perhaps of twenty-five or thirty, according to size and local circumstances, generally worked better, was more handy, more uniform in its action, and more satisfactory in its results, than was the case with the very large unions, in which the board of guardians found it difficult to control the whole of the details, and in which they were apt to break up into sections for administering relief, and were thus prone to fall back more or less into the abuses of the old system. In a large union, the charge on the several parishes for salaries, and for providing and maintaining the workhouse, will no doubt be proportionally less than in a small one; and hence it is desirable that a union should be as large as is consistent with good and effective management; but these it is essential to secure at any cost, and to these therefore the saving in the establishment charges by including a greater number of parishes than can be effectively managed, ought to be subservient. Although combined in union, the parishes were still separately chargeable for the relief of their own poor,[1] of which a distinct account was to be kept; but the common charges of the establishment were to be borne by the parishes generally, according to their respective average expenditure on relief of their poor for the three years previously to their being united.[2]

Providing workhouses.

By the 23rd section of the Amendment Act, the Commissioners are empowered, with the consent of a majority of the guardians, or a majority of the ratepayers and owners of property in any union, to order a workhouse to be provided "according to such plan

[1] See the 26th section of the Poor Law Amendment Act, 4 & 5 William IV. cap. 76.

[2] See the 28th section of the Poor Law Amendment Act.

and in such manner as the Commissioners shall deem most proper"; and the overseers and guardians are thereupon empowered to levy or borrow the money necessary for the purpose, provided that its amount in no case exceed the amount of one year's poor-rate, taken on an average of the three years preceding. The 25th section moreover empowers the Commissioners, without such consent, to order the alteration or enlargement of any workhouse, or building capable of being converted into a workhouse; but in this case the money to be raised is not to exceed a tenth of one year's rates, or £50. It was at first considered that the expense and loss of time in building new workhouses, might in some cases be saved by using the old parish workhouses or poorhouses, and assigning one or two classes of the paupers belonging to the union to each house. This was done in a few instances, but it rarely answered; and in the long run it was found most economical, to provide a well-arranged and sufficient workhouse as speedily as possible after the union had been formed. In most cases an entirely new building was erected, whilst in some an old building was altered and enlarged; but whether so altered or newly built, the Commissioners were always most desirous that the workhouse should be sufficiently capacious, and that there should be ample means of classification provided. These great essentials were not however always secured, the guardians naturally enough wishing to curtail the expenditure as much as possible, and the Commissioners not having power to compel the necessary outlay for more effective buildings.

The order issued under the seal of the Commission for constituting a union, and for the election of a board of guardians, was an important instrument, as were also "The orders and regulations for the guidance and government of the boards of guardians"; and both these documents required the greatest care in their

preparation, involving as they did matters which were likely sooner or later to come under litigation.

The order declaring the union specified the parishes included in it, and the number of guardians to be elected by each, and the qualification for the office of guardian. This was generally a rating or rental of £20, to which however was added a disqualification in case a candidate should have been dismissed from any parochial office within two years preceding. The notice of election, and the place and mode of voting, are prescribed, the latter being by voting-papers, to be left one clear day with each ratepayer, and then collected. The churchwardens and overseers are to add up the votes, and declare the candidate or candidates having the greatest number, to be duly elected. Forms are given for the whole proceeding; and it was considered, that in this way the objects contemplated by the Act in requiring the votes to be taken in writing, would best be fulfilled, and that the confusion and the fraudulent packing of boards of guardians which might else take place (as had often taken place in vestries and local incorporations) would be prevented. The order declaring a union, and election of guardians.

"The orders and regulations for the guidance and government of the boards of guardians," is a long and elaborately-framed instrument. It prescribes the holding of weekly meetings, and the order of proceedings, and directs that the decision of a majority of the board shall in all cases be effectual and binding on the minority, and that no guardian shall have power to act except as a member and at a meeting of the board. It gives directions as to the appointment of the clerk, the treasurer, and the relieving-officers; after which it prescribes the duties to be severally performed by these officers, and also by the churchwardens and overseers of the poor, who are to make and collect the rates in their several parishes as theretofore, notwithstanding the parish being put into union; and they Orders and regulations.

are likewise, in the absence of the relieving-officer, to administer temporary relief in cases of sudden and urgent necessity, forthwith reporting the same. The ordinary administration of relief within the union is confided to the relieving-officers, under the direction of the board of guardians, and subject to the following regulations :—1. Except in cases of sickness or accident, no relief is to be given in money to any able-bodied male pauper who is in employment, nor to any part of his family. 2. If any able-bodied male pauper applies to be set to work by the parish, one-half at least of the relief afforded to him is to be in kind. 3. One-half at least of the relief afforded to widows or single women, not being infirm, is to be in kind. 4. No relief is to be given by payment of house-rent, or by allowance towards the same. 5. Except in cases of accident, sickness, or other urgent necessity, no relief is to be afforded to any pauper between the ages of 16 and 60 belonging to and not residing in any parish of the union, provided such person was not receiving relief at the time the union was formed, in which case due inquiry is to be made as to the propriety of continuing such relief.

Relief of the poor in unions.

Medical relief.

The directions next given are with respect to medical relief, and these empower the guardians to contract with competent persons, duly licensed to practise medicine, to be the medical officer or officers of the union, and to attend all sick paupers within the same, and to furnish the necessary medicines and appliances. Every medical officer is required to give a certificate of the cause, nature, and probable duration of the sickness of any pauper, whenever called upon to do so by the guardians, the relieving-officer, or the pauper himself; and is to make a weekly return in a specified form, and attend the board of guardians whenever required. Directions are then given for affording relief by way of loan, and for the purchase of provisions and other

articles, which, with a view to economical management, is ordered to be done, so far as circumstances permit, upon tender after public advertisement in one county paper at least.

An auditor to be appointed.

The next and last article of the "orders and regulations" applies to the auditing of the accounts. The guardians are directed, within a month of their first weekly meeting, to appoint an auditor, who is quarterly to examine and audit, allow or disallow, the accounts of the union and of the several parishes comprised therein, according to the laws in force for the relief of the poor, and to certify the same in the form prescribed, after which the accounts are to be open to the inspection of the ratepayers. The auditor is removable by the Commissioners, and is to receive such remuneration as the guardians, with the consent of the Commissioners, may determine. This mode of appointing the auditor is obviously open to much objection, the duty prescribed for him being to examine and allow or disallow the accounts of the parties by whom he was appointed. Under the circumstances, this was however unavoidable, it being absolutely necessary that the accounts should be audited, and the law only conferring upon the Commissioners the power of directing boards of guardians to appoint auditors in common with the other officers of the union.

The Commissioners remark that the foregoing "orders and regulations" were in the first instance confined to the gradual substitution of relief in kind for relief in money, and to a few simple rules for the regulation of out-door relief, which had been found useful, and did not involve any violent change from the usual practice; and that to make the transition more easy, a distant day was generally named for the peremptory operation of the rules, leaving an interval for their gradual enforcement. In some cases the guardians requested that this interval might be ex-

tended, in others certain modifications of the rules were found necessary, and the whole are declared to be subject to revision "for the purpose of making the most speedy advance to a sound system that the circumstances of each district will allow." Accordingly in the following year, "amended orders and regulations" were prepared and issued, for the declaration and government both of the rural and the town unions, together with carefully framed explanatory circulars, affording all needful information on the subject. A consolidated order was likewise prepared, adapted to the circumstances of the metropolitan unions and great towns, comprising the entire of the regulations, together with forms and instructions upon every matter of detail, so as to leave no opening for doubt, cavil, or misconception in any quarter.

Notwithstanding every care, and the exercise of great forbearance on the part of the union authorities, the administration of relief in conformity with the above regulations, was in several instances met by riotous proceedings, mostly on account of the rule requiring that one-half of the relief should be given in bread or other necessaries. Yet the bread provided in the new unions was always as good as, and often admitted to be better than was obtainable from the ordinary shopkeepers; and as bread was the article of prime necessity, there could be no reasonable objection to its being given to the necessitous instead of money. For the most part, however, it was only individuals of loose and bad character who were engaged in these riots, which were said in some cases to be encouraged by the small shopkeepers, who lost a portion of their custom by the change; but the boards of guardians were generally firm in the performance of their duties, and order was in every case speedily restored.

The document next prepared and issued by the Commissioners was "The orders and regulations to be

observed in the workhouses" of the several unions. It prescribed the mode of admission to the workhouse, and the precautions to be taken to guard against the introduction of any infectious disease. It then directs the inmates to be separated into the following classes, viz. :— The workhouse regulations.

1. Aged or infirm men.
2. Able-bodied men and youths above 13.
3. Boys above 7 and under 13.
4. Aged and infirm women.
5. Able-bodied women and girls above 16.
6. Girls above 7 and under 16.
7. Children under 7 years of age.

To each class a separate apartment or building is to be assigned, where they are to be employed in any way the board of guardians may direct, but without mixing or communicating with any of another class, except under the circumstances, and subject to the restrictions specified. The discipline to be observed in the workhouse is then set forth in considerable detail, and the diet of the inmates is directed to be so regulated "as in no case to exceed in quantity and quality of food the ordinary diet of the able-bodied labourers living within the same district." The guardians are directed to appoint from among themselves a visiting committee to examine the house weekly, and to record in the visitor's book answers to the queries printed therein, which are to be laid before the board at its next meeting. The guardians, with the sanction of the Commissioners, are empowered to appoint the following officers :—The master and matron of the workhouse, the schoolmaster and schoolmistress, the chaplain, the medical officer, the porter, and the nurses ; all of whose duties are severally prescribed ; and the "orders and regulations" conclude by giving forms of the accounts which the officers are respectively to keep.

The above regulation prescribing the classification of the inmates of the workhouse, necessarily involves the entire separation of the sexes, and this, when

applied to the case of a man and his wife, was by many denounced as cruel, unchristian, and as "separating those whom God had joined." Yet this separation had been for several years practised in many of the metropolitan and other large workhouses, and it is in fact a necessity arising out of the circumstances of the case, as it would be impossible to provide separate rooms for all the married couples, without incurring an amount of expense which would be extremely oppressive to the ratepayers, and at the same time destructive of good order in the house. It would moreover entail consequences the very reverse of what is anticipated from the workhouse system, by inviting pauper residents and perpetuating pauper habits, instead, as was found to be the case at Bingham, Southwell, and other places, of checking pauperism, and leading the labouring classes back to habits of self-reliance. In none of the newly-formed unions had any considerable number of married couples accepted in-door relief, and the Commissioners express their conviction that permanent domiciliation in the workhouse is a result least likely to occur, if the rule of separation be strictly observed. They further remark, that the temporary separation of married persons is an inconvenience which many thousands in every rank of life undergo—not as a condition of escape from a pressing evil, but for the purpose of sustaining or advancing their social condition. To which may be added, that a separation constantly endured by military and seafaring persons cannot justly be regarded as a cruelty, when made the condition of being rescued from destitution and support at the public charge.[1]

Separation of the sexes.

The Commissioners caused several plans of work-

[1] By 10 and 11 Vict. c. 109, s. 23, a married couple, *both* over sixty, shall not be compelled to live separate in the workhouse. And by 39 & 40 Vict. c. 61, s. 10, a married couple of whom *either* is over sixty or infirm, and sick or disabled, *may* be permitted, by the guardians in their discretion, to live together. See p. 387, *post*.

houses to be prepared, of a construction fitted for the classification prescribed by the workhouse regulations, and copies of these plans were furnished to the several boards of guardians for their guidance in providing the requisite buildings, but without requiring them to be adhered to, or shutting out competition and opportunities for improvement. The plans framed under the direction of the Commissioners, were very generally adopted at first, although, as the measure proceeded, they underwent considerable modifications, and were much improved. Plans likewise of a different character, but equalling the former in point of accommodation, although generally more costly, were also in many instances adopted by the guardians; for the Commissioners only so far exercised the control given them by the 23rd section of the Act as to ensure the requisite amount of accommodation, together with means of classifying the inmates, and maintaining good order in the establishment. Workhouse plans.

The "Order for the keeping, examining, and auditing" of the union and parish accounts, followed the one for regulating the proceedings of boards of guardians. The books to be kept by the parish officers are first enumerated, and directions are given with respect to each. The same is done with respect to the general accounts of the union, and the workhouse accounts, and the out-door relief accounts; after which, directions are given with respect to the "settlement and examination of accounts, bills, and demands," as well in the union as in the several parishes comprised in it. In addition to these directions, forms for the keeping of each separate account were attached by way of schedule to the order, together with an instructional letter; and to make the whole more plain, examples were given of the working both of the union and the parish accounts according to the prescribed forms. Order of accounts.

The difficulties which must necessarily attend the

introduction of one uniform system of accounts throughout the country, are very obvious. To be sufficiently comprehensive to embrace every variety of case, the forms must be drawn in great detail, thus giving an appearance of lengthiness and intricacy beyond what might seem necessary, and far beyond what had ever been attempted before. The salaried officers of the unions might indeed be expected, after a time, to make themselves familiar with these forms, and would then probably find advantage in using them, as they would serve to assist the memory. But with respect to the unpaid parish officers the case is different. In many parishes scarcely any written accounts were kept, in still more they were kept in the rudest shape, and in the great majority very imperfectly, without the support of vouchers or any other test of accuracy. In such parishes, the appearance of the Commissioners' "Order of accounts," with the numerous columnar forms and headings, might well give rise to apprehension if they were understood, and if not understood might occasion serious alarm. In almost every instance however they would be received by the parish officers with dislike, and would be acted upon unwillingly. The Commissioners endeavoured to adapt the forms of the various accounts to these circumstances, by making the whole as simple as possible. But it was necessary that there should be a uniformity in the accounts, in order to secure a uniformity in the returns—it was also necessary that there should be an effective audit, in order to prevent malversation and abuse; and these were the two essentials to which all else was deemed subordinate.

"Orders" of the Commissioners.

The "Order" constituting a union, and giving it an executive of a board of guardians, partly *ex officio* and partly elective, with ample powers for administering relief under the law; the "Order" regulating the proceedings of the boards, and prescribing the duties

of the parish officers; the workhouse "Order"; and lastly, the "Order" for keeping the parochial and union accounts—complete the new organisation as far as was immediately dependent upon the Commissioners. By issuing these orders they imparted the necessary powers, and gave the necessary directions for the combined action of the union and parochial authorities, on whom the execution of the law is then devolved, and who would have the occasional presence of an Assistant Poor Law Commissioner, and always the advice of the central board, to aid them in every case of doubt or difficulty. The measure was in itself a very large one, and was so much out of the ordinary course that it would have been impossible, without the extraordinary powers confided to the Commissioners, to have carried it into execution. Those powers, nevertheless, required the greatest care and forbearance in their application, interfering as they sometimes did with what were considered to be the rights of property, and also interfering more or less with habits, feelings, and associations of long standing. It would be going too far to say that the Commissioners always used their powers in the best manner, or that they always secured the best results; but I may, as a member of the board, be permitted to declare, that it was on all occasions their earnest endeavour so to do.

Migration from the southern counties to the manufacturing districts.

Shortly after entering upon their office, the Commissioners' attention was called to an apparent excess of population in some of the rural districts in the south, and to a want of hands in the manufacturing districts of the north. The excess in the first case may have appeared greater than it really was, owing to the discontinuance of the allowance system, which had so long prevailed in the southern counties; but that there was an excess in one part of the country, appeared to admit of as little doubt, as that there was an actual want in the other. The Commissioners

therefore so far interfered, as to put the manufacturers of Lancashire into communication with certain of the most burthened rural parishes, which led to the voluntary removal of many families from places where wages were very low, to others where they were comparatively high, and where moreover there was full employment for women and children. A considerable migration from the most pauperised districts took place in consequence; and the Commissioners state that all these migrants were employed, "and earning collectively as families, three times the amount of wages which they had at any time earned in the districts which they had quitted," whilst the effect upon the parishes was a proportionate reduction of the rates.

Emigration.

With a like view to reducing the excess of population which had grown up in certain districts, through the operations of settlement and the faulty administration of the Poor Law, the Commissioners framed regulations for facilitating emigration, under the provisions of the 62nd section of the Amendment Act. The instances in which parishes took advantage of the powers therein given were, however, few, the total number of such emigrants in the first year amounting to only 320.

Bastardy.

With regard to bastardy, the Commissioners state that "the testimony preponderated strongly in favour of the principle originally approved by the legislature, although it had been weakened and modified in the Act." For some time it was believed that, as recommended by the Commissioners of Inquiry, the mother of a bastard child was considered to be in the same condition as if no father existed, and was only entitled to relief in case of her inability to maintain herself and the child; and the Commissioners observe, that "the evidence as to the effect of this impression, led them to believe that the enactment itself would have produced all the beneficial effects intended by its

promoters." The provisions of the Poor Law Amendment Act, sections 69 to 75 inclusive, by sanctioning proceedings against the putative father, are at variance with this principle, and so far open to objection; but it must be admitted, that the impediments placed in the way of any such procedure are so great, as to ensure its being rarely resorted to. Meantime, the claims for relief on account of bastardy are stated to be diminishing.

Commissioners' first report, 8th August 1835.

The Commissioners sum up their proceedings at the end of their first year of office, by stating, that 112 unions had been formed, comprising 2066 parishes,[1] with a population amounting to one-tenth of the entire population of England and Wales; but that in consequence of the most heavily burthened districts being first selected, "the proportion of the rates affected by the change is one-sixth of the total amount of rates in England and Wales."

Reduction of expenditure.

With respect to pecuniary results, a single year, and that the first of the Commission, was too limited a period to warrant any very definite conclusion. It would not be until returns for the entire parochial year up to Lady-Day 1836 were obtained, that there would be means of judging of this with certainty. But the Commissioners obtained approximate data, which satisfied them that a general reduction of expenditure was going on, chiefly in consequence of the substitution of relief in kind for relief in money, the reduction being considerably more in the larger parishes than in the smaller ones—probably about 20 per cent. in the first, but in the last not more than 9 per cent.

Effect on the labourers.

Anxious attention had been directed to the effect of the change upon the working classes, more especially upon those who had been accustomed to the allowance system. Inquiries were made as to the subsequent condition of those labourers, whose allowances being

[1] Three single parishes were also placed under boards of guardians.

discontinued, yet refused to accept relief in a workhouse; and it was found that they generally obtained independent employment without quitting their parishes. In the Faringdon union all out-door relief was discontinued, and relief in the workhouse was offered to 240 able-bodied labourers, only about 20 of whom entered the house, and not one-half of these remained there more than a few days. Yet the diet in the workhouse was high as compared with the ordinary diet of the independent labourer. The reports from the dispauperised districts represented wages as improving, and as being generally higher than in the adjacent pauperised parishes; and in concluding their report, which is dated August 8, 1835, the Commissioners remark, that they are sustained in their labours by the conviction that the Act which they have to administer "will fulfil the beneficent intentions of the legislature, and will conduce to elevate the moral and social condition of the labouring classes, and promote the welfare of all."

1835. 5 & 6 Will. IV. cap. 69. Parish Property Act.

In the same year an Act was passed for "removing certain legal difficulties" and facilitating the sale and conveyance of parish and other property for poor law purposes, whence it is commonly called "The Parish Property Act." This Act (5 & 6 William IV. cap. 69) gave powers which were much needed, and without which it would indeed have been exceedingly difficult to obtain convenient sites, or to provide the necessary workhouse accommodation. Although prepared in the first, the Act must be considered as belonging to the Commissioners' second official year, in which year also another Act of very considerable importance was passed for regulating parochial assessments.

1836. 6 & 7 Will. IV. cap. 96. Parochial Assessment Act.

"The Parochial Assessment Act" (6 & 7 William IV. cap. 96) directs, that after a time to be fixed by the Commissioners, "no rate for the relief of the poor in England and Wales shall be allowed by any justices, or be of any force, which shall not be made upon an

estimate of the net annual value of the several hereditaments rated thereunto—that is to say, of the rent at which the same might reasonably be expected to let from year to year, free of all usual tenants' rates and taxes, and tithe commutation rent-charge, if any, and deducting therefrom the probable average annual cost of repairs, insurance, and other expenses, if any, necessary to maintain them in a state to command such rent." The form in which the rate is to be made is set forth in the schedule, and every particular required is to be inserted by the officers whose duty it is to make and levy the rate. The Commissioners are empowered to order a new survey and valuation, with or without a map or plan, on such a scale as they think fit; and the justices in every petty sessional division are four times in every year to hold a special sessions for hearing appeals against the rates, and for determining all objections on the ground of inequality, etc., and their decision is to be conclusive, unless within fourteen days notice be given of appealing against it, and of the matter or cause of such appeal. Every person rated to the relief of the poor in any parish is entitled "at all seasonable times" to take copies of the rate "without paying anything for the same," and any person having the custody thereof who does not permit this to be done, is subjected to a penalty of five pounds.

Having noticed these two statutes, which a brief experience had shown to be necessary, we will now turn to the proceedings of the Commissioners for carrying the new law into execution, as the same are detailed in their second report.

1836. Commissioners' second report.

The Commissioners proceeded as before, in forming unions, establishing boards of guardians, providing workhouses, and applying the rules and regulations set forth in their first report; and they state, that every day's experience confirmed them in the opinion that the principles which the legislature sought to bring into

operation, could never be generally and effectively introduced without the aid of boards of guardians and their subordinate officers, and the sanction of well-regulated workhouses. They further observe, that they considered the state of the country favourable for the introduction of the amended system, and that in order to secure its application within the shortest possible period, the number of Assistant Commissioners had been increased to twenty-one, each of whom had charge of a district; so that by Midsummer next they would be able to bring the Act into operation in every part of the country, where they were not impeded by the existence of Gilbert's Act or local incorporations. But they likewise remark, that it could not be expected that a measure which so materially disturbed the annual distribution of the large sum of seven millions, and which was moreover opposed to the interests of some, whilst it affected all, and pressed hardly against the charitable feelings of many, would be carried into effect without encountering difficulty, and perhaps even resistance.

Opposition to the law.

The occurrence of difficulties, and probably of resistance, was no doubt to be expected, and partial riots and outbreaks did in fact occur in several places, which were, however, speedily put down by the aid of small parties of the metropolitan police. In one instance, the attempt to introduce order and classification into a badly managed local Act workhouse in Suffolk, was followed by the inmates setting fire to the premises, a fourth part of which was consumed. Similar attempts were made in other places, but on these occasions the watchfulness and energy of the boards of guardians prevented actual mischief. Resistance was also manifested in some parts of Devonshire, and with the view of exciting the peasantry, reports were circulated that the bread distributed by the relieving-officers was poisoned. Yet despite of these occurrences, it is satisfactory to be able to state, that open and direct resistance was not

permitted in any instance to prevail, and that no loss of life occurred in upholding the authority of the law.

Obstructions to the workhouse system.

It was not, however, by direct resistance alone, that the introduction of the new law was sought to be impeded. "Evasions of every kind, appeals to mistaken compassion, to indirect interests, to ignorant and rooted prejudices, and to the influence of office, were resorted to." The chief reliance for discouraging pauperism was on the workhouse system, the efficacy of which depended mainly on the classification of the inmates, and the maintenance of strict order throughout the establishment; and continual efforts were made to break down these restraints. The separation of men from their wives on their admission to the house, was a never-failing topic of declamation by persons wishing to court popularity, and excite resistance to the law; as was also the restriction which prevented persons from entering and leaving the house at their pleasure. Any one might quit the house at any time on giving notice of a wish to do so, but after leaving it he could not return without going through the forms of admission prescribed by the regulations. This was called imprisonment, and the workhouses were called "Bastiles." There is always much in a name, and this was one of great significance with the multitude. Yet it is impossible to doubt that such a restriction of ingress and egress was necessary, any more than that the separation of the sexes and the classification of the inmates were essential elements of the system. In all other respects the workhouse inmate is better off than the ordinary labourer. He is better fed, better clothed, better lodged, better attended in sickness, better cared for in health, and far more lightly worked; and were it not for the restraints imposed as the condition of his reception, the workhouse would too probably become an incentive to pauperism, instead of being a check or preventive.

Religious service in the workhouse.

One of the most embarrassing attempts to break down the rule which prohibits the inmates from casually quitting the workhouse, was in the form of applications that they should be permitted to go out on Sundays, for the purpose of attending a place of worship. This was particularly the case with respect to some of the town and metropolitan unions: but whether in town or in country, to have yielded to the application would have been destructive of the discipline of the establishment; and it was moreover unnecessary for the purpose named, divine service being regularly performed in the workhouse on Sundays by a clergyman of the Church of England appointed for the occasion, whilst any inmate who was not a member of the Established Church, might, if he wished it, be visited by a minister of his own religious persuasion. The rule was consequently maintained, although not without frequent endeavours being made to break through or evade it.

Education of children in the workhouse.

In connection with the performance of religious service, the education of the children in the workhouse must be noticed. With respect to this important portion of their duties, the Commissioners say that they have been guided by the statute of Elizabeth, which directs that "order shall be taken from time to time for setting to work the children of all such whose parents shall not be able to maintain them," and have endeavoured to stimulate the local officers, after giving to the children a rudimentary education, to procure employment for them out of the workhouse; and they add, that the training already imparted to the children by better appointed schoolmasters, and by a better mode of instruction in the common requirements of reading and writing, have been productive of the effects intended, the children so trained being considered better qualified for service. In one instance the guardians applied to have writing omitted, and were desirous that the schoolmaster should teach

reading only.[1] But the Commissioners declared, that they could not sanction a plan of instruction for the children in a workhouse from which writing would be excluded, and that they considered it of great importance that the workhouse children should be so taught as to give them a good chance of earning an independent maintenance in after-life, which chance the acquisition of writing would greatly improve. One of the duties prescribed for the chaplain by the workhouse regulations, is to examine and catechise the children at least once a month, and after each examination to record the same in a book to be kept for that purpose, stating also the general progress and condition of the children. The proper instruction of the workhouse children was therefore not neglected in the new arrangements, care being taken to teach them their duty to God and man, and to fit them for gaining their living in the station of life in which Providence had placed them.

Prohibition of out-door relief to the able-bodied.

It has already been stated as being originally intended that relief to the able-bodied out of the workhouse should cease on the 1st of July 1835.[2] But this intention was afterwards abandoned, and the Commissioners were charged with the duty of fixing the time when the prohibition should take effect in each union; and now at the end of their second year of office, they express their apprehension that it will be a matter of surprise as well as regret to many persons, that the rule prohibiting out-door relief to the able-bodied has been applied in only sixty-four unions. Some unions adopted the rule of their own accord, and only three raised any objection to it. The rule, it must be observed, applied to males only—females were

[1] See letter dated 7th February 1836, from the Bedford Union, printed in Appendix C, No. 8, of the Commissioners' second report.

[2] See *ante*, p. 298. In the Bill as first introduced, the 1st of July 1835 was named as the day on which out-door relief to the able-bodied should cease.

not included; and in the case of aged persons, the Commissioners wished the rule to be applied without severity.

Magistrates may in certain cases order out-door relief, but its nature is to be determined by the guardians.

It appears however that certain aged persons, to whom the guardians had decided that relief should be afforded in the workhouse, appealed to the magistrates, who are in certain cases empowered to order, that the relief should be administered out of the workhouse. Upon this, questions were raised as to the extent of the magistrate's power in such cases; and the Commissioners, on being referred to, explained to the several parties, "that the order which two magistrates are empowered to make, when one of them can certify of his own knowledge that the aged pauper is wholly unable to work, can go no farther than to direct that the relief to be given shall not be in the workhouse. The amount and the quality of the relief are to be decided upon and awarded solely by the guardians." This explanation of the law was of great use in preventing injudicious interference, and harmonising the action of the union and magisterial authorities. The magistrates in their capacity of guardians *ex officio*, were entitled to attend the meetings of the respective boards, and to vote upon every question in common with the elected guardians. Their opinion as to the nature of the relief to be afforded in any case, would therefore be sure of receiving all proper attention.

The workhouse dietaries.

It is obviously desirable that the dietaries in the several workhouses should be as nearly similar as possible—similar at least as regards their being attractive or otherwise, although they could not be precisely similar, the habits of the people and the mode of living being different in different places. The workhouse dietary ought, no doubt, to be governed by the ordinary mode of living in the district where the workhouse is situated, but it should in no case be

superior to that of the labouring classes in the neighbourhood. Acting on this principle, and being sensible, they say, "of the importance of proceeding under the sanction of actual experience in a matter so open to cavil and objection," the Commissioners instituted inquiries, and procured copies of the dietaries which had been adopted in various parts of the country. From these dietaries six were selected, of a character so varied as to meet almost every variety of circumstance. These were sent to each of the unions, with a letter pointing out the principle which should govern the guardians in determining on the dietary, whether one of the six, or any other. This communication was generally attended to, and led to the establishing of a more uniform, as well as a more economical system of workhouse dietaries than would else in all probability have been established.

The Gilbert incorporations.

The existence of incorporations under Gilbert's Act continued to impede the proceedings of the Commissioners in forming unions; for although seventeen of these Gilbert incorporations had been dissolved, there were yet many "in which the directors are still so imperfectly informed as to the real interests of those for whom they act, as to maintain a pertinacious resistance to the introduction of the amended law." The provisions of Gilbert's Act (22 George III. cap. 83)[1] are directly at variance with the whole tenour of the Poor Law Amendment Act, not only sanctioning, but in distinct terms requiring, the guardians to find employment "near the place of his or her residence" for all poor persons applying for the same; and the embarrassment now occasioned by these incorporations, may be gathered from the fact, that before the new system could be established in one part of Leicestershire, no less than eight of them, comprising

[1] *Ante*, p. 83.

115 parishes, had to be cleared away.[1] The Gilbert incorporations had all been most capriciously put together. "Their respective parishes were intermingled in the greatest confusion; no principle or plan seems to have been observed in their construction; one or two parishes formed the nucleus, and they admitted or rejected others just as they expected advantage or apprehended trouble from a connection with them." The Commissioners express a hope that the remaining Gilbert incorporations may be induced to dissolve, on seeing the saving of £47,113, or 41 per cent. upon their previous expenditure, which had followed the breaking up of seventeen of their number, and reconstituting them with the more complete machinery provided under the Poor Law Amendment Act; but this hope, I regret to say, has not (1853) been fulfilled.

Local Act places.

Next to the Gilbert incorporations, the "local Act places" were the occasion of the greatest embarrassment in carrying out the provisions of the new law. This was particularly the case in the metropolis, which comprises a great number of parishes, each having its own specific governing body, and all the large ones being managed under local Acts. These governing bodies exercised a variety of functions, more or less important, in addition to that of relieving the poor; and the interference of the Commissioners, although limited to this last object alone, could hardly fail of causing some derangement, as well as exciting some jealousy, and perhaps alarm. It was accordingly found, that although in several instances improved management and more economical expenditure followed upon the election of a board of guardians under the new law, there was yet in certain other cases a pertinacious resistance to the authority of the Commissioners, and to the introduction of the new machinery.

[1] See Mr. Hall's report, Appendix B, p. 436, of the second report of the Poor Law Commissioners.

Bastardy.

With respect to bastardy, adherence is again declared to the views of the Commissioners of Inquiry, whose recommendations on the subject are pronounced to be in accordance with sound policy; and the Commissioners express their satisfaction at observing "that the practice which was at one time almost universal, of dealing with the mothers of bastard children differently from other paupers, is rapidly giving way, and the sounder course of giving relief only according to the measure and character of their wants, is more generally adopted." The number of bastards chargeable to the parishes of England and Wales in the year 1835 is stated to be 71,298, whilst the number so chargeable in 1836 was 61,826, thus showing a decrease of 9472, equal to 13 per cent. But the operation of the Act will be more clearly shown by taking the numbers affiliated, which in 1835 were 12,381, and in 1836 were 7686, making a decrease of 4695, which is equal to 38 per cent.

Parish apprentices.

The Commissioners are authorised by the 15th section of the Amendment Act, to make regulations for apprenticing pauper children, and they say, in this their second report, that they are not unmindful of the duty required of them in this respect, but that they have hitherto abstained from issuing any such regulations, because although the evils are obvious, it is difficult to define the precise mode by which they can be remedied; and it is moreover believed, that the number of such apprenticeships will be diminished, as the number of persons maintaining themselves independently of the poor-rates increases. The system of compulsory parish apprenticeship had for a long time prevailed to a great extent in all the western counties, particularly in Devonshire, where its evil effects were very apparent. The binding was considered a degradation both to parents and children, and the inequality of the burthen was felt to be a hardship and injustice

by the ratepayers. There was a different mode of allotting the apprentices in almost every parish. In some cases, all persons rated at £50, or some other fixed amount, are compelled to take an apprentice for every such sum, and all who are rated below it contribute towards the maintenance of the apprentice, by contributing in proportion to their rated value; so that a person might have several apprentices fixed upon him, for whom he was unable to find employment or suitable accommodation. The parish apprentice generally becomes the slave of the whole household. His education is for the most part neglected; he rarely attends a place of worship; and if a girl, she is often sent into the fields to do the work of men and boys, instead of being trained in occupations befitting her sex. The system of parish apprenticeship is no doubt attended with these and other evils, and it is satisfactory to find the Commissioners expressing an expectation that such "compulsory bindings must soon become so limited in point of number, that the difficulty of devising proper regulations will be much diminished."

Emigration and migration.

The investigations which took place in connection with the arrangements for forming the Poor Law unions, led to its being ascertained that there was a redundancy of labourers in many parishes in the southern and eastern counties, and such parishes were, as in the year preceding, enabled by the Commissioners under the provisions of the 62nd and 63rd sections of the Amendment Act, to raise the money necessary for the emigration of a considerable number of these labourers, who proceeded chiefly to Upper Canada. But the Commissioners declare that in this matter they only acted in compliance with the wishes of the parishioners, and have "taken no steps to encourage or promote this most costly method of relief." They say, however, that they have again given encourage-

ment and assistance to the migration of paupers from the rural to the manufacturing districts, which on the whole has been attended with success, although several who so migrated turned out indifferently.[1]

Medical relief.

No part of the proceedings for bringing the new law into operation, called forth more persevering clamour and misrepresentation than the arrangements with respect to medical relief. Yet the Commissioners never sought to disturb the existing arrangements whenever they were found sufficient for the purpose, neither did they wish to displace the resident medical practitioners by encouraging the introduction of new men. It is true this did occur in a few instances, through what the guardians considered extravagant demands by the medical men of the district, who afterwards complained of their practice being thus interfered with. The method sometimes adopted by boards of guardians, of requiring medical men to state, by way of tender, the sum for which they would undertake to attend the sick poor, was also complained of as being derogatory to the profession. As unions were formed, it no doubt became necessary to make some change in the arrangements for medical relief in the separate parishes, and this may have led to a decrease in the practice of some medical men, and to an increase in that of others; but the entire amount of this description of relief was not thereby lessened, neither was the entire amount of remuneration to the medical practitioners thereby reduced—it was, in fact, considerably increased.

Previous to the passing of the Poor Law Amendment Act there was no express authority for medical relief. The statute of Elizabeth makes no mention of it, and the subsequent Acts relating to the poor are silent on the subject. Although in the absence of any express provision, medical relief had in all parts of the

[1] See *ante*, p. 305.

kingdom been more or less furnished to the poor, it must be admitted that the principle of the new law aimed at restricting medical in common with every other established mode of relief, and sought to render the labouring population provident and self-reliant in all the various contingencies of life. The wants of sickness are not, it is true, of the same certain daily occurrence as the want of food, but they may be provided for by the exercise of proper forethought, as in the case of house-rent or clothing. There is however this difference, that sickness destroys a man's capacity for labour; and if he has failed to make timely provision when sickness overtakes him, he is at once prostrated, becomes in himself helpless, and is of necessity compelled to look to others; whereas if a pressing want or urgency assail him whilst in health, he may, by earnest effort meet it and rise above it. Whilst therefore adhering, in their entirety, to the principles of the Poor Law Amendment Act, we may yet admit that medical relief is, in its nature, not only the least objectionable of all modes of relief, but that it is within reasonable limits admissible, and, in the existing state of society, even necessary.

Independent sick-clubs.

It must however at the same time be admitted, that with respect to the labouring population, the casualty of sickness is capable of being provided for in a most unobjectionable manner, by the establishment of "independent sick-clubs"; and in proportion as these prevail, would the call for medical relief under the Poor Law be lessened, while the people would become more provident and self-reliant. It was therefore very early endeavoured through the personal influence and exertions of the Assistant Commissioners, and by means of a circular addressed to the boards of guardians, to procure the establishment of such sick-clubs; and in order that they might be able to furnish the best information on the subject, the Commissioners

got together the regulations of a great number of these clubs, and condensed whatever was found good in them into a set of rules, which appeared to be sound and practical, and which might be safely taken as a standard in the formation of such associations. The circular and the suggested rules are given in Appendix A, No. 3, of the Commissioners' second report; but they were not extensively acted upon, although the principle on which the recommendations were founded was generally approved.

1836. New order of accounts.

It has been already stated, that in the second year a new order of accounts[1] was issued, the forms and details of which were prepared "after extensive inquiry and correspondence, and much careful consideration, and, it may be added, much labour also." The Commissioners express their belief that the new forms will work well, and that no further alterations will be necessary, "provision being made in them for bringing out in a clear and distinct manner all the results of interest or importance connected with Poor Law administration; so that the returns periodically called for, and which have hitherto been made in a very incomplete and unsatisfactory manner, will hereafter be attainable with comparative ease, and in forms more consonant with the present advanced state of statistical science."

Auditors.

The great importance of the office of auditor is fully recognised in the second report, the Commissioners declaring that "it daily becomes more and more evident to them, that when the duty of arranging the unions and introducing the rules and regulations is completed, it will be by the authority and superintendence of the persons executing the duties of auditors, that the new system of Poor Law administration will be mainly upheld." This may have seemed a natural expectation at the time, but its being realised would

[1] See *ante*, p. 304.

very much depend on the character and position of the auditors. To be effective, they must not only be competent to perform the duties of the office, but they must also hold it independently of and uninfluenced by the local authorities, whose expenditure they have to scrutinise and possibly in some instances to disallow. Yet the appointment of the auditors is by the 46th section of the Amendment Act vested in these very local authorities, the Commissioners being, as has been before stated,[1] only empowered to direct guardians and overseers to make the appointment. It is true the Commissioners have the power of dismissal, which may prevent incompetent or improper persons from continuing to hold the office, and the Commissioners can also regulate the salaries and prescribe the duties; but these are little more than palliatives of the vice of the original appointment, which still rests with the parties whose expenditure the appointee is required to check. Instructions were prepared and forwarded to each of the auditors, pointing out in detail what charges could be legally allowed, and what should be disallowed as being illegal; and in like manner detailed instructions were furnished to the overseers and parish officers for their guidance in the application of the rates, the principle in each case being—"that no money should be expended from the poor-rate, excepting such as was directly applied to the relief of the poor, or was otherwise expressly authorised by the statute."

Summary of the second year's proceedings.

The result of the *second year's* proceedings showed that since the date of their former report (8th August 1835) 239 unions had been formed, comprising 5835 parishes, and that boards of guardians had been organised in 11 single parishes, making a total of 5846 parishes, in which the poor-rates amounted to £2,690,695, and the population to 4,836,816. If to this be added what was done in the previous year, it

[1] See *ante*, p. 299.

will give a gross total of 351 unions, and 14 single parishes, comprising in all 7915 parishes, with a population of 6,221,940, and in which the poor-rates amounted to £3,912,238. The proportion of the population thus placed under the new law, amounts to 45 per cent. of the entire population of England and Wales, and the proportion of the rates in the parishes so placed is 65 per cent. of the total expenditure. This difference of proportion between the population and expenditure, is owing to the law having been first applied to the most heavily burthened parishes.

The returns show that the money expended for the relief of the poor amounted in 1835 to £5,526,418, and in 1836 to £4,717,630, thus exhibiting a reduction effected under the amended system, in the first parochial year, of £790,838, and in 1836 a further reduction of £808,788, or a total reduction as compared with 1834, of £1,599,625. This is a large reduction in two years; and as the money thus saved was for the most part left in the hands of the employers of labour, they would be enabled to pay better wages, and to give more employment, the labourers thus receiving, in the shape of honest earnings, compensation for what they used to receive as an allowance from the rates. It is satisfactory also to find by the reports from the rural districts, that the labourers were more orderly and industrious, that they were beginning to look to the master instead of the parish officer, and to feel that a good character is the best security for obtaining regular employment. These results cannot fail to be regarded as highly auspicious, and warrant the confidence expressed by the Commissioners at the end of their report "not only in the permanent character of the improvements described, but that such improvements will be progressive, so long as correct principles of Poor Law administration continue to be enforced."

The proceedings for bringing the new law into

Impediments to the introduction of the law.

operation, may on the whole be said to have been thus far conducted under favourable circumstances, but this was far from being the case in the three succeeding years. The autumn of 1836 was wet and ungenial, and was followed by an extremely severe winter, which greatly impeded, and for a time put an entire stop to, farming operations and out-of-door employments generally. This was succeeded by deficient crops and a high price of all the necessaries of life, to which must be added the outbreak of influenza, which carried off numbers in every class of society, and left still more in a weak and enfeebled state; and finally, to complete the series of evils, a sudden check or revulsion of trade took place, with a consequent reduction of employment in the manufacturing districts. These were all circumstances calculated to impede the organisation and successful working of the new measure, and called for the utmost vigilance on the part of those to whom its introduction was confided. Other circumstances, likewise of a scarcely less embarrassing nature, occurred at this time, the influence of the Commission and confidence in the permanency of the new law being weakened through the inquiries instituted by parliament in 1836, 1837, and 1838, and through the approaching termination of the Commission, which unless renewed would expire in 1839, or "the end of the then next session of parliament."

Such were the difficulties and impediments against which the Commissioners had to struggle throughout the years 1837, 1838, and 1839; for although towards the end of the latter year the Commission was renewed, it was so only for a single year, and on an understanding that the question would be reopened in the next session. In adverting to these circumstances, the Commissioners express regret that the course they had pursued in giving effect to the Act, should have been exposed to a protracted scrutiny whilst it was yet incomplete, and

that so much of their own and their Assistants' attention, which would else have been applied to the correction of defects, should be devoted to furnishing information for refuting statements for the most part unfounded, and to upholding those main principles of the law which although at first cordially adopted, the boards of guardians in some instances became less disposed to maintain, in consequence of the indications manifested by the legislature in directing these inquiries.

1837. Commissioners' third report.

The difficulties arising from cessation of employment, whether caused by the severity of the season or the stagnation of trade, are precisely those which bear hardest upon the machinery created under the new law. In either case the pressure would be sudden, and it would also be general if occasioned by the badness of the season in an agricultural district, or by the stagnation of trade in a manufacturing one. Against such pressure the workhouse will generally be a defence, if rightly constituted and judiciously applied.

But a case may arise, where the number of individuals pressing for relief will be so great, as not only to exceed the capacity of the workhouse for receiving them, but even to prevent the guardians from tendering relief in that form, or from "offering the house," lest it should be "swamped." If this should occur, and the workhouse be thus for a time rendered inoperative as a test, additional premises must be taken and adapted for the purpose; or else out-door employment of a rough and uninviting character must be resorted to, which, although less effective as a test and less manageable than the workhouse, will still be of considerable use if rightly conducted. These are the two alternatives, if a workhouse be not ready, or be in danger of being "swamped," for protecting the union or the parish against an overwhelming demand for relief in sudden emergencies, from whatever cause arising. On these, and indeed on all other occasions

Alternatives if the workhouse be found insufficient.

where relief is given at the cost of the public, it is essential that the relief afforded be in such a form, and coupled with such conditions, as to be less desirable than a subsistence obtained by independent labour. This constitutes the "workhouse test." And whenever an "out-door test" is resorted to, it should be applied on the same principle, as regards the nature and quantity of the work, and also in the relief given in return, which should be chiefly in food.

Instances of the Andover and Cuckfield unions.

An instance or two, by way of illustration, may here be useful. In the Andover union (Hants), in the month of September, 1836, when field-work was put a stop to in consequence of the continued heavy rains, fifteen able-bodied labourers, as had been usual in such cases, applied for relief. The guardians offered to receive them and their families into the workhouse, but none accepted the offer, and in a short time they all succeeded in obtaining employment, and supported themselves without aid from the rates. Thus also in the Cuckfield union (Sussex) in December of the same year, a few days after heavy snow had set in, application was made by a hundred and forty-nine able-bodied labourers for relief, on account of the inclemency of the weather. To a few urgent cases the guardians gave some relief in kind, but to a hundred and eighteen of these men the workhouse was offered, six of whom accepted it. On the following board-day more applications for relief were made, and sixty were offered to be taken into the house, but five only entered, and three of these left on being set to work at the corn-mill. In these, as in many other similar cases, were it not for the option which the guardians possessed of tendering relief in the workhouse, not only the men who applied, but the whole labouring population of the district would have been thrown upon the rates, and thus helped to spread the tide of pauperism. The total number of able-bodied men in the Cuckfield workhouse

during the heavy snowstorm in the winter of 1836-37 was twenty, who all quitted the house on the snow ceasing; and the Commissioners state that "they have not known a single instance of any workhouse, with proper accommodation, in any rural union, having been filled by an influx of able-bodied paupers."

The above were rural unions, and the applications for relief were caused by the severity of the season; but similar, and even more striking results followed the application of the workhouse principle in the manufacturing districts of Nottingham, Derby, Leicester, Stafford, and Warwick—in all of which employment had been more or less curtailed by the stagnation of trade consequent on financial difficulties. The most remarkable instances of the successful application of the principle are however those of Stoke-upon-Trent and Nottingham, each of which is deserving of notice, not only as affording a valuable example in itself, but also for comparison with the rural unions just noticed.

The instance of Stoke-upon-Trent.

Stoke-upon-Trent was the first manufacturing town placed under a board of guardians. The order for that purpose was issued on the 31st of March 1836, soon after which there was an extensive strike of the pottery operatives for an advance of wages, which had the effect of throwing nearly the whole labouring population of the place out of employment. The guardians, without experience, and just entering upon their office, thus found themselves suddenly involved in difficulty, and forthwith applied to the Commissioners for advice. They were told in reply, that so long as there was room in the workhouse, no able-bodied applicant ought to be relieved out of it; and that whenever the workhouse was full, out-relief in kind might be afforded, but that it should be given as far as possible in return for labour. The advice was promptly adopted, and although there was said at one time to be no less

than 30,000 persons out of employment, and the distribution of £10,000 in weekly wages suspended, no breach of the peace or serious disturbance took place; and the board of guardians, elected by and representing the whole body of ratepayers, were enabled to administer the affairs of the parish, in conformity with the law.

Persons who voluntarily throw themselves out of employment, can have no claim for support from the poor-rates; but on such occasions there must always be a great number, possibly sometimes the greater number, whose employment necessarily ceases when the others are on strike, or who may be coerced into idleness by their fellows. From whatever cause arising, however, it is certain that on no occasion is a strict adherence to principle in the administration of relief under the Poor Law more necessary, than on the failure of employment in a manufacturing district. To permit relief from the rates to be made a substitute for the wages of labour, or a means of increasing its amount, would be at once illegal, and a destructive interference with the labour-market, and would tend to sap the foundations of property. These consequences were happily averted by the firm and prudent management of the board of guardians in the case of Stoke-upon-Trent; and although the resources of the operatives were much reduced by their strike of nearly thirteen weeks, and that the stagnation of trade which shortly afterwards took place, threw great numbers out of employment, "the machinery of the new law was found equal to the emergency."

The instance of Nottingham.

The case of Nottingham, although differing in some respects from the above, goes equally to establish the soundness of the workhouse principle. The greater portion of the manufacturing districts of Nottingham and Leicester, were placed in union in the early part of 1837; and the administration of relief by the boards

of guardians had hardly commenced, when "the interruption in the American trade caused a cessation in the demand for labour, more sudden in its approach, and more extensive in its operation, than had been known on any former occasion." The Nottingham union comprised a population of about 50,000 persons, mostly engaged in the stocking trade. The order prohibiting out-door relief was in force in this union; and when the interruption of trade suddenly caused a cessation of employment, it was evident that the guardians would be placed in difficulty, their workhouse being old, ill managed, and insufficient in size. They were however disposed to adhere firmly to the regulations, and as the applications for relief increased, they took steps for increasing the workhouse accommodation, by removing the children and the aged and infirm into premises hired for the purpose, which with certain other arrangements enabled them to make room in the house for nearly 700 persons. A constant communication was kept up with the Commissioners, and as the pressure continued to increase upon them, and the workhouse accommodation again became insufficient, the guardians were authorised to afford out-door relief to such extent as they might find necessary, in return for labour at task-work.

The labour resorted to on this occasion at Nottingham was the making of a public road, and a test was thus established auxiliary to the workhouse, which it was hoped would enable the guardians to meet any pressure the circumstances of the times might subject them to. Distress, however, continued to increase, and as winter approached it was deemed advisable still further to extend the workhouse accommodation, by taking some adjoining premises; but these also after a time were found insufficient, and wooden sheds were then erected, in which food was distributed and consumed on the spot by the persons

applying for relief. This last mode proved inefficient as a test, and very many persons partook of the relief who were not entitled to it. Perhaps this was unavoidable; and having regard to the insufficiency of the workhouse accommodation, the difficulty of applying the out-door labour test in the depth of winter, and the extreme and continued stagnation of employment, we must feel that large allowance should be made for whatever was defective in this matter. The energy of the guardians in endeavouring to maintain the workhouse principle under extraordinary difficulties is, however, shown by the fact of their having doubled the accommodation, no less that 971 persons having received in-door relief at one time in December. In the following summer the hosiery trade resumed its accustomed activity, the workhouse inmates were reduced to about the usual number, and the guardians had the satisfaction of seeing a natural state of things restored, without having been driven to violate principle or yield to clamour.

In administering relief to the distressed artisans of Nottingham, the guardians were somewhat embarrassed by the fact of a large sum (about £4000) having been contributed by benevolent persons in the town and neighbourhood for the same purpose, with a committee appointed to superintend its distribution. The existence of such a fund would naturally bring applicants to partake of it, and with whatever care it might be administered, it would be impossible to prevent abuse. This charitable fund was meant to be applied in aid of the poor-rates, and thus to assist the ratepayers, as well as relieve the unemployed operatives, which as far as was practicable appears to have been done. Yet the blending of funds so differently derived, and the commingling of objects widely differing, if not opposite in their natures, could hardly fail of disturbing the simplicity, and thereby lessening the efficiency of the

workhouse principle in the matter of relief. This seems to be the opinion of the Commissioners, who say that if no such subscription had existed, and if the relief of the necessitous had to be provided out of the poor-rates alone, they are confident that the union authorities would be able to meet any exigencies likely to arise in a manufacturing district; and that by adopting an out-door labour test in addition to the in-door workhouse test, and applying it according to sound rules, it appears that almost any conceivable amount of pressure might be met and adequately provided for. In-door relief, the Commissioners observe, is more certain, simple, and easy in its application; but the out-door labour test is the same in principle. They add, however, that although both tests may thus be employed, "it is yet obvious that the in-door test of the workhouse should, with respect to able-bodied persons, alone be resorted to under ordinary circumstances; and that the out-door labour test should be called into operation only in extreme or emergent cases."[1] The prohibition of out-door relief to the able-bodied was objected to by many well-intentioned persons on the ground of its being a hardship, and as punishing poverty as if it were a crime. But to this it has been well replied, that "to say that forbidding relief to the able-bodied out of the workhouse will make poverty punishable, is the grossest misrepresentation, if by poverty is meant the situation of a man who has to earn his bread. It is the present system which, by confounding poverty with pauperism, and tainting wages by the admixture of relief, punishes poverty with a severity which one would be sorry to see applied to crime."[2] This is meeting the objection on the true ground.

[1] See the Commissioners' third and fourth reports.

[2] Extracted from Mr. Senior's manuscript, before referred to; see *ante*, p. 262.

The workhouse system universally applicable.

The instances just cited of Andover and Cuckfield may be taken as exhibiting the average operation of the law in rural unions, wherever a competent workhouse had been provided, and the guardians acted with firmness and discretion. The pressure to which these two unions were subjected was not perhaps very extreme, but had it not been for the new machinery of a board of guardians acting under definite regulations, and the existence of an effective workhouse, every labourer in these unions would have had his independent feelings outraged and probably perverted by being placed in the condition of a pauper. As it was the labourers doubtless suffered some privation on missing the usual allowance, but the privation would cease on a change of weather, and its occurrence would lead them to make provision for averting it in future. The event might also, and probably would, lead the employers to be more considerate of the welfare of their people, and not permit them to be thrown entirely out of employment on the occurrence of wet weather or a protracted snowstorm. The examples of Andover and Cuckfield are in unison with, and may be regarded as confirming the much earlier example of Southwell, with respect to the sufficiency of the workhouse as a test of destitution, and as establishing its perfect adaptation to the rural districts. The applicability of the workhouse system in the country unions was now indeed very generally admitted, but many persons still asserted that it was unsuited to the manufacturing districts and great towns, and that in such places it must fail. In refutation of such an opinion, it is only necessary to refer to the examples of Nottingham and Stoke-upon-Trent, as they are above described, to which may likewise be added that of the metropolitan district of Spitalfields, the circumstances of which were almost identical with those of Nottingham, including a charitable subscription for the relief of the unemployed silk-

weavers in one case, as for the stocking-weavers in the other. In short, the whole of the experience, both before and after the passing of the Poor Law Amendment Act, goes to establish the universal applicability of the workhouse system, and the certainty of the effects whenever it is judiciously administered.

1837. Death of Will. IV. Accession of Queen Victoria, June 20th.

In closing this chapter, it is necessary to state with a view to preserving the order of dates, that William the Fourth died on the 20th of June 1837, and was succeeded by her present Majesty Queen Victoria. These events, deeply interesting as they no doubt were to the national feelings, caused no change in the proceedings of the legislature in reference to the Poor Laws, and therefore need not be further noticed here.

CHAPTER XVII

A.D. 1837–1847

Parochial Assessment Act in operation—Commissioners' fourth and fifth reports: progress and results—Unpopularity of the Commission—Its uses—Its renewal for one year—Early trials of the law—Savings banks—Friendly Societies—Loan Societies—Education of pauper children—Supplemental report—Irish Poor Relief Act—Amount of relief and numbers relieved—Principle of relief—Commercial difficulty and distress—Causes of increased expenditure—Comparison of expenditure and numbers relieved—Amount of property assessed—Commission renewed for five years—Task-work—Pauper lunatics—Vaccination Acts—General rules—Provisions of Amendment Act, 1844—Medical relief—Failure of potato-crop—Allotment system—High prices—Famine and fever; influx of paupers from Ireland—Labour in the workhouse—Bone-breaking—The Andover committee—Salaries of union officers—Grant towards salaries—Acts of 1845, 46, and 47—Mr. Bodkin's Act—Removal of Nuisances Act—Letter relative to transaction of business of the Commission—Old and new systems contrasted.

1837. Parochial Assessment Act brought into operation.

THE Parochial Assessment Act[1] empowered the Commissioners to fix the time after which all rates for relief of the poor should be made in the manner therein prescribed, and they accordingly named the 29th of September 1837 for that purpose, and issued the necessary order, accompanied by an explanatory letter, pointing out the manner in which the assessments were required to be made, and giving the parish officers all needful information on the subject. A letter was also addressed to the several boards of guardians, furnishing them with instruction upon several points connected with the execution of their duties, or with the duties of their officers. Amended explanations and instructions, with forms of procedure, were likewise issued for regulating the emigration of labourers from over-populous

[1] *Ante*, p. 308.

parishes, and also with regard to the migration of persons from such parishes to the manufacturing districts. The emigration was considerable, chiefly to Canada; but the migration soon ceased, the depression in trade having caused a general stagnation of manufacturing employment.

Emigration and migration.

Notwithstanding the difficulties and impediments attendant on the introduction of so comprehensive a measure, the Commissioners had proceeded uninterruptedly in the task assigned them; and in their fourth report (dated August 1838) they were enabled to state that 584 unions had been formed, comprising 13,560 parishes, having a population of 11,687,456, with an aggregate of rates amounting to £5,515,326. They further stated that 1063 parishes still remained ununited, of which 283 were incorporated in twelve unions, and 5 were single parishes under Gilbert's Act; 364 were incorporated, and 11 were single parishes under local Acts, and 400 parishes were left untouched in any way, chiefly through the impracticability of including them in any union, owing to the intersection of Gilbert and local Act incorporations.

1838. Commissioners' fourth report.

The objections to both the Gilbert Act and the local Act unions are then pointed out, and the management in each is shown to be for the most part at variance with the principles of the amended law. It is the Gilbert incorporations however which present the chief impediments, their straggling and irregular formation preventing the arrangement of compact and well-formed unions, and thus depriving considerable districts of the benefits of the new law, and keeping them un-united in a state of uncertainty and disorder. Wherever Gilbert incorporations have been dissolved, and the parishes they comprised formed into unions under the Amendment Act, the best results have invariably followed; and it is therefore suggested that

Gilbert and local Act incorporations.

the Commissioners should be empowered to effect such dissolution irrespective of the directors and guardians, who could hardly be expected to dissolve voluntarily, their individual interests in some shape or other often interfering to prevent it. The 584 unions formed at the date of the fourth report, had made considerable progress in providing workhouses. In 328 of the number, workhouses were completed, and in operation; and in 141, workhouses were in course of building or alteration; whilst in 42 of the unions the guardians had consented to provide a workhouse, but had not yet commenced building.

Workhouses provided.

1839. Commissioners' fifth report.

At the date of the fifth report (May 1839), 252 new workhouses had been completed, and 175 old ones had been altered and adapted, making together 427 workhouses in operation. There were likewise 67 new workhouses building, 9 old ones altering, and 37 unions had consented to build, but had not commenced. Such was the progress made at the end of the fifth year for providing workhouse accommodation; and if regard be had to the various impediments arising from the cost of the buildings, public clamour, local prejudices, and other obstructions, it will probably be thought that the progress was as great as could reasonably have been expected. In 37 unions, however, a majority of the guardians still resisted the efforts made to induce them to provide a workhouse; but time and further persuasion, and a knowledge of the benefits obtained in other unions, would it was hoped ere long remove this impediment to the full and effective working of the law.

The pecuniary results of the new law exhibit a considerable reduction of expenditure as compared with 1834. The returns show the amount expended

for relief of the poor in each of the six years to have been as follows:[1]—

1834 . . .	£6,317,255	1837 . . .	£4,044,741
1835 . . .	5,526,418	1838 . . .	4,123,604
1836 . . .	4,717,630	1839 . . .	4,406,907

It thus appears that the expenditure in 1837, at the end of the third year, had reached its minimum, and was then £2,272,514, or upwards of one-third, less than it had been in 1834. This was, no doubt, an immense reduction, and must be taken as a proof of the efficiency of the new law, and the success with which it had been applied. The increase which took place in the two following years (1838 and 1839) was caused by the high price of food, and the stagnation and distress which prevailed throughout the country; and were it not for the superior power of the machinery created by the Amendment Act to resist the pressure, it is impossible to doubt that the increase would have been far greater. The cost of relief in these two years must not therefore be taken singly, but should be viewed relatively, that is, with what it would have been but for the intervention of the amended law. In other respects, the results of the new system are described as most promising—the sick and infirm poor were better relieved, industry and moral habits encouraged, education of the pauper children properly attended to, and instances of improvement under each of these heads are adduced.

Reduction of expenditure.

The efforts made in bringing about so great a change in so short a time must obviously have been very considerable, and it is impossible to say that they may not in some cases have been more sudden, or more urgent, than what a due regard to antecedent circumstances might perhaps in strictness warrant. At any

Unpopularity of the Commission.

[1] The results of these returns from 1813 downwards, are given in the Appendix. The expenditure in 1837 proved to be the minimum, and averaged 5s. 4¼d. per head on the population.

rate, such was asserted to be the case, and the Commissioners and the law itself became unpopular in consequence. Instances of hardship, real or apparent, were caught at, and were described and commented on by the public press as never-failing objects of interest and public sympathy. The Commissioners were accused of being heartless tyrants, unfeeling theorists, "concentrated icicles";[1] and were commonly designated as the "three bashaws of Somerset House." Even their efforts to secure competent relief to the really distressed poor, were stigmatised as oppressive and unconstitutional; so that, whether they interfered to check a lax and undue expenditure, or to urge a more liberal one, the result was the same—in either case they were held up to the public as objects of hatred or suspicion, and this not by the ignorant only, but by persons of intelligence and position, who were unfortunately led away by exaggerated statements and morbid sentimentality. It would be invidious to particularise or assign motives, and looking at the persons who were chiefly prominent on these occasions, we cannot doubt that in their hostility to the new law and the Commission they were actuated by a sincere, however mistaken view of the tendency of the one, and the action of the other, and that they believed both to be, as they asserted, oppressive to the poor and adverse to the public interest.

The Commission useful to the local executives.

The benefits conferred by the central board, were however generally recognised by the local executives throughout the country. This was shown by the great number of petitions forwarded to parliament by boards of guardians in 1837, 1838, and 1839, on the occasion of the inquiry into the operation of the law, praying that the Commission might be continued. Its existence may indeed be said to have brought peace to the local

[1] So called by a popular member of parliament in addressing his constituents in the borough of Southwark.

administrators, for whatever had the appearance of being hard or unpopular in their proceedings was attributed to the Commissioners. Hence the ill-feeling which used to be directed towards the old parochial authorities whenever an attempt was made to check the advance of pauperism, and which led to incendiary burnings and other outrages, never occurred with respect to the boards of guardians constituted under the amended law. Whatever angry feelings sprang up in any quarter were concentrated upon the Commissioners; and so the law was executed, and the country remained peaceful and orderly under circumstances which in the former state of things would probably have led to outrage and the destruction of property.

This was no doubt a great benefit, but it must be regarded as incidental rather than designed. The primary object in creating the Commission was, to secure an effective execution of the law, by the combined action of a central control and a strictly local administration. The Commissioners were empowered to issue orders, and to make regulations of a general nature, with respect to all things connected with the relief of the poor; but are prohibited from interfering with the ordering of relief in any individual case, which rested exclusively with the boards of guardians, who are popularly elected, and represent the great body of ratepayers, with whose opinions they sympathise, and for the management of whose contributions they are responsible. If each board were to make its own rules of procedure independently of any external control, there would be as great a diversity of practice under the new system as there was under the old. This diversity is prevented by the exercise of the powers confided to the Commissioners; but the local executives are still left to deal with local matters according to local circumstances, their discretion being only limited so far as is necessary for the general interest. Under

the old system, the administration was entirely local. Under the new law the administration is divided between the central and the local authorities, and its efficiency depends on the harmonious action of these two powers. The Commissioners, in their report on the further amendment of the law in 1839, declare "that they have ever sought to exercise their powers in such a manner as to avoid all unnecessary interference with the boards of guardians and other local authorities, and that they have abstained carefully from doing anything which might extinguish the spirit of local independence and self-government, which, when guided by enlightened discretion, they consider the characteristic excellence of the English people."

Commission renewed. 1839, 2 & 3 Vict. cap. 83. 1840, 3 & 4 Vict. cap. 42. 1841, 5 Vict. cap. 10. 1842, 5 & 6 Vict. cap. 57.

The unpopularity of the Commission did not very materially impede its operations, but had nevertheless sufficient influence to prevent its renewal otherwise than from year to year. The Commission would expire in 1839, or at the end of the then next session of parliament; and to guard against the confusion which such an expiring of the Commission would occasion, it was successively renewed for a single year in 1839, 1840, and 1841, thus keeping open the question of its permanency, and thereby encouraging a disregard of or direct opposition to its authority. In July 1842, however, the Commission was continued for another five years by 5 & 6 Victoria, cap. 57, which for that time, at least, relieved the Commissioners from the probability of a sudden termination of their functions, and gave confidence to their subordinates, and a certain reliance on the part of the union executives and the public.

Early trials of the law.

In reference to the difficulties against which they had to contend, the Commissioners remark at the commencement of their fifth report, that in the third year of their proceedings "the new machinery and principles of relief which had been established in the greater part

of the country, were tried by a winter of peculiar severity which seriously impeded the labour of the country, and by the extensive prevalence of the influenza which afflicted great numbers of the labouring classes. The fourth year was distinguished by extensive reverses in trade, and severe depression in the manufacturing districts, which threw out of employment for a time the greater portion of the labouring population of several manufacturing towns; and this fifth year has been one of scarcity of food, and consequent high prices of provisions." These were trials putting to proof the soundness of the new law, and the sufficiency of its machinery, as well as testing the strength and resources of the country; and happily, both sustained the ordeal. That the law was upheld has been already shown, and that the condition of the labouring classes was not materially depressed or deteriorated by these trying circumstances may, independently of other evidence, be inferred from the fact, that between the 20th of November 1837, and the 20th of November 1838, there had been an increase of more than 50,000 depositors in the savings banks, and an increase of above £1,800,000 in the amount of deposits as compared with the year preceding, the increase being greatest in the rural districts. The number of friendly societies, and loan societies, had also considerably increased, as had likewise the purchase of government annuities of small amounts, expressly designed for the industrious classes.[1]

1838. Increase of deposits in savings banks and friendly and loan societies.

Much attention had from the first been paid to the education of the workhouse children, it being rightly considered that if the lowest class of children were well trained and educated, it would be a sure means of bringing about improvement in the education and training of the classes immediately above them. Many pages of the fifth report are devoted to this subject,

Education of pauper children.

[1] See Fifth Report of the Poor Law Commissioners, p. 12.

and the Commissioners declare their reliance on "an improved industrial training as the chief available means for reducing the existing burthens, by changing the condition of the great numbers of pauper children, the descendants of former generations of paupers"—the test of such education and training being, they consider, "the number of the children so trained who are taken into honest and useful industrial courses, and remain in them as good servants or good workmen." This test was successfully worked out and applied in the case of a large school at Norwood, whither several of the metropolitan parishes and unions sent their poor children, to be kept or "farmed" at so much per head. The great number of children maintained in this establishment (upwards of 1000), afforded facilities for teaching and training them in classes or divisions, according to their age and progress, and the system there matured was afterwards adopted in other places, when the number of children was sufficient to admit of it.

The subject of education is again adverted to in a supplemental report at the end of 1839, where it is stated that there are 42,767 children under the age of sixteen, in 478 workhouses, and that the total number of poor children under sixteen is estimated at 64,570, and between the ages of two and sixteen years 56,835. The importance of securing a good religious, moral, and industrial education for this large number of poor children, is sufficiently obvious, and the Commissioners give a detail of the steps taken by them for the purpose. They arrive at the conclusion however, that as the number of children of both sexes and all ages in a workhouse, rarely exceeds 50 or 60, and sometimes does not amount to more than 20 or 30, so small a number cannot be divided into classes, or instructed in the most advantageous manner; and therefore, that it would be desirable to empower the Commissioners to form a combination of unions, for jointly educating

their pauper children, under a board of management to be elected by the several boards of guardians so combined. This power was afterwards given, but it has been less acted upon than was anticipated, the difficulties in the way of such combinations for educational purposes being very great. Meantime however, the workhouse schools have been much improved, and the instruction imparted in them appears on the whole satisfactory, although it is doubtless more costly than if the children were collected into groups of 500 or 1000, and it is probably also less effective.

Supplemental Report.

At the end of 1839, the Commissioners, by desire of the government, prepared a supplemental report on the continuance of the Commission, and on the state of the law. With respect to the first, the Commissioners refer to the report of the parliamentary Committee, which in the years 1836, 1837, and 1838, made inquiry into the administration of the Amendment Act, and declared the powers of the central board to be indispensable to the execution of the law. They also cite the Committee's declaration, that "when the extent of the change, the number of individuals, and the variety of interests affected by it are considered, it is impossible not to feel that the task imposed on the Poor Law Commissioners was one of the utmost difficulty"—and further, that the arrangements made by them were generally skilful and judicious, and well adapted to local peculiarities; and that in no instance did their powers appear to have been abused.[1] The Committee's favourable opinion "of the clear form in which many of the regulations and public documents are issued by the Commissioners, as well as of the practice hitherto pursued by them of stating fully in

[1] See Report of the Special Committee of the House of Commons on the Administration of the Poor Law Amendment Act, 1838.

their letters of instruction, and answers to inquiries, the facts and reasonings on which their rules or recommendations are founded," is also quoted; as is likewise the resolution finally adopted by the Committee—"That in the important duties committed to them, the Commissioners have evinced zeal, ability, and great discrimination; and the Committee recommend the continuance of their power in preference to any system which, by leaving the administration of the Poor Laws without the control and superintendence of a central board, might cause the recurrence of those abuses which existed in many counties previously to the passing of the Poor Law Amendment Act." Such a testimonial, after a searching and protracted inquiry, and the examination of witnesses from all parts of the country, ought to have secured general acquiescence.

There were however special grounds for the continuance of the Commission, independently of the Committee's recommendation, as 799 parishes, with a population of 2,055,733, had not yet been brought under the new system, but either stood singly or were included in Gilbert or local Act incorporations. Seventy of the Poor Law unions were also still without workhouses, and other unions recently formed required advice and guidance to bring them into a state of efficiency. Moreover, regulations had not been prepared for the apprenticing of pauper children, and the arrangements for their education were yet imperfect. Relief was still laxly administered in many unions, notwithstanding the reduction which had been effected in the general expenditure; and no steps had yet been taken for constituting unions for rating and settlement, under the provisions of the Poor Law Amendment Act,[1] as the legislature doubtless intended should be done. These were the principal reasons adduced by the Commissioners in their supplemental report, for

[1] See 4 & 5 William IV. cap. 76, secs. 33 to 37.

a continuance of their office; but they further observe that the Commission was originally intended to be permanent, and that the limitation was inserted during the progress of the Bill through parliament, for the purpose of subjecting the proceedings under it to a revision at the end of five years, and not with an intention that the Commission should terminate at that time, or that such a limitation should continue.

The supplemental report here describes the nature and extent of the business transacted by the Commission, and among other things, it is stated, that questions on points of law connected with the relief of the poor are continually submitted to the Commissioners, whose opinions and advice were generally acquiesced in, and contributed materially towards the reduction which had taken place in law proceedings since 1834; the amount expended on litigation and removals in that year having been £258,604, whilst in 1839 it was only £64,510. The difference in one year's expenditure therefore on this item alone, more than covered the entire expense of the Commission during the first five years of its existence.[1] And it is further remarked, that under the former state of things, upwards of £7,000,000 were annually raised and expended by local functionaries, subject to little or no control or responsibility, whilst various contrivances for confounding relief with wages were resorted to by the employers to the eventual degradation of the labourer, the consequence of which perversion of natural relations was seen in the agrarian disturbances and burnings of 1830 and 1831. Although the amended law had been in operation only five years, these evils no longer existed. Relief in aid of wages was abolished, except in a few unions having as yet no workhouse. All the

[1] The entire cost of the Commission from the 18th of August 1834 to the 31st of March 1839 (including £3613, 17s. 7d. for Ireland) was £182,679, 11s. 1d.

other old pernicious modes of relief, the allowance system, the roundsman system, the labour-rate system, had ceased. That the Poor Law Commission had thus far executed its task, could not be denied; but the habits which were engendered by such practices could hardly be eradicated in five years, and might revive if the power which put them down were withdrawn. This likewise appeared to be the view taken by the boards of guardians in the addresses they presented, which for the most part declare or imply that the superintending authority of the central board, and the instruction and local aid of the Assistant Commissioners, are essential to the well-working of the law.

1838. The Irish Poor Relief Act. 1 & 2 Vict. cap. 56.

I have somewhat overstepped the order of date in the above citations, and must return to the 31st of July 1838, on which day the 1 & 2 Victoria, cap. 56, "For the more effectual Relief of the destitute Poor in Ireland," received the royal assent. This measure was introduced after long and elaborate inquiry, and was discussed in two successive sessions, and its execution was deliberately confided to the Commissioners, who had thus the administration of the Poor Law in Ireland as well as in England placed under their charge. In England an organisation for administering the law had long existed, but in Ireland the whole machinery had to be created by Commissioners, without whose intervention the Irish Poor Relief Act would be altogether inoperative. That Act was founded on a report by the present author, and its administration was confided to his colleagues and himself for the express purpose of introducing the English amended system of relief into Ireland, and thus to secure a unity of management in both countries. The author proceeded to Ireland for this purpose, taking with him certain of the English Assistant Commissioners, in order that the experience acquired in one country might be made available in

the other. If matters had so continued, it might have been desirable to interweave the proceedings under the Irish Poor Law with the proceedings in England; but as the Irish law was afterwards[1] placed under a separate Commission, and was thenceforward separately administered, it will, I think, be better to omit them altogether from the present narrative, the Irish Poor Law, and the proceedings under it, constituting a subject sufficiently important for a separate description.[2]

1839. Amount of relief, and the number of persons relieved.

The Commissioners, in their supplemental report, give a summary of the expenditure for relief of the poor in the five years previous to the passing of the Amendment Act, and also in the five subsequent years. In the first period, from 1830 to 1834, both years inclusive, the average annual expenditure amounted to £6,754,590; in the latter period, from 1835 to 1839, both years inclusive, it amounted to £4,567,988; showing an average annual saving of £2,186,502; which, for the five years after the passing of the law and the creation of the Commission, amounts to an aggregate saving of £10,932,510. The result of this summary, it will be seen, differs little from the comparative statement which is given at page 337. The number of persons relieved in the workhouses at the end of 1839 is stated to be about 98,000; the number in receipt of out-door relief about 560,000; exhibiting a total receiving relief of 658,000 persons. Both of these numbers are approximations only, the returns not having yet attained exactitude, and both probably fall short of the truth, the latter number especially. The number of persons thus relieved no doubt consisted of the most improvident and helpless in every part of

[1] In 1847, by the 10 & 11 Vict. cap. 90.

[2] See *History of Irish Poor Law*, pp. 153–234. See also the life of the Author, prefixed to the first volume of the present work.

the country, which rendered their enumeration uncertain, unless under a complete system of uniform returns; and this had not yet been fully organised.

That some cases of neglect and hardship should occur under such circumstances, ought not to excite surprise, it being in fact impossible altogether to prevent them; but their occurrence never failed to be made the grounds of charge and accusation against the law and its administrators, and many benevolent and well-intentioned persons were influenced by false statements of cruelty and neglect, to become for a time adverse to the law, and opponents to the renewal of the Commission. This hostile feeling was very strong in 1842, when the Commission was continued for five years; but this was not effected without much opposition, although the numerous complaints which had been investigated by the parliamentary committees, nearly all turned out to be without foundation. But for this, and the large number of persons engaged as guardians in administering the law, it is far from improbable that the whole measure, including both the law and the Commission, might have been so cut down as to destroy its efficiency. Harsh, however, as the law was said by some to be, it was yet seen that it provided and organised the most extensive system of public relief the world had ever known, and this too in a country where, as compared with other countries, wages were high, and the working classes generally in a state of greater respectability and comfort.

The principle on which relief is administered under the amended law.

The principle on which this extensive system of relief was administered under the provisions of the Poor Law Amendment Act amounted to this—that whilst the necessitous are adequately relieved, their condition should be less eligible than that of the independent labourer. If this principle is violated, and the condition of the pauper made equally or more eligible than that of the labourer, the strongest incen-

tive to industry and frugality will be destroyed, and the poor-rates would be applied in rewarding idleness and improvidence, instead of relieving destitution. Now, out-door relief, whether in money or provisions, given to be spent or consumed at the paupers' own option, is inconsistent with this principle, not being accompanied by any condition or restraint; and the principle is fulfilled, when the relief is administered in a well-regulated workhouse, where, although there might be a larger amount of bodily comforts than ordinarily fall to the lot of the labouring man, the discipline to which the inmates must conform would counterbalance this advantage, and render the pauper's position the less eligible of the two. This is the workhouse principle, which as respects the able-bodied had, at the period at which we are now arrived, been very generally acted upon; and the Commissioners declare their intention of carefully watching the effect on the labouring classes, and if they find that the workhouse regulations are so strict as to deter persons really destitute from seeking relief therein, they will make the modifications necessary for preventing such a result; but if on the contrary they find the workhouses becoming over attractive, they will not shrink from the duty of so strengthening the regulations as to preserve the efficiency of the workhouse principle.

From this point the particular annual report of the Commissioners will not be specified, the dates being a sufficient guide to the events as they severally occurred, and the narrative will thus be left unbroken and continuous.

The pressure of commercial difficulties, high price of provisions, and very general and in some cases great distress which prevailed in 1838, continued with more or less severity throughout the five following years, occasioning much hardship and privation to the people,

and much anxiety to the administrators of the Poor Law; for much of the discontent and angry feeling which always accompany seasons of distress was directed against them and against the law. We have seen that the unpopularity to which it was exposed caused the Commission to be intrusted with only a precarious existence from year to year in 1839, 1840, and 1841;[1] and although in 1842 it was continued for a period of five years, this was not accomplished without considerable opposition and difficulty. These indications of hostility, although proceeding from a minority both in parliament and in the country, could hardly fail of weakening the authority of the Commission, and causing a less strict and energetic administration of the law. Partly owing to this circumstance, and partly or rather principally to the circumstances of the times, the expenditure for relief of the poor went on progressively increasing after 1837. The amount expended in the

1838–1842. A period of commercial difficulty and distress.

Year ending at Lady-day, 1837, was . .	£4,044,741 [2]
In 1838 it was	4,123,604
„ 1839 „	4,406,907
„ 1840 „	4,576,965
„ 1841 „	4,760,929
„ 1842 „	4,911,498
„ 1843 „	5,208,027

Increase of expenditure.

These figures exhibit a steadily progressive increase of expenditure, and notwithstanding that it was still a million and a half under what it had been under the old system, the increase might well create some misgiving. The pressure of the times, and the clamour raised against the law and the Commission, are however sufficient to account for the increase, although there

Causes of the increase of expenditure.

[1] *Ante*, p. 340.

[2] This is the parochial year, extending from Lady-day to Lady-day 1836–37, and therefore including three-quarters of the first year and one quarter of the last. It is necessary always to bear this in mind, in connection with the Poor Law expenditure of any year.

were other causes operating in a less degree, upwards of a million having been added to the population between 1837 and 1843, and the loans obtained for building the workhouses being repaid by yearly instalments out of the rates. It is not necessary, however, to dwell on these minor causes—the two first are sufficient to account for the increase of expenditure, as well as for the increase of the numbers relieved, as shown below.[1]

The numbers relieved are stated as probably amounting,

	In-door Poor.	Out-door.	Total.
At the end of 1839, to . . .	98,000	560,000	658,000[2]
At Lady-day, 1840, the numbers were better ascertained, and then amounted to . . .	169,232	1,030,297	1,199,529
Do. 1841	192,106	1,106,942	1,299,048
Do. 1842	222,642	1,204,545	1,427,187
Do. 1843	238,560	1,300,930	1,539,490

The cost of maintaining the in-door poor, and of relieving the out-door poor in these years, was as follows :—

	£	Average amount per head. £ s. d.
1840, in-maintenance . .	808,151	4 15 5¼
1841 „ . .	890,883	4 12 9
1842 „ . .	934,158	4 3 11
1843 „ . .	958,057	4 0 3¾
1840, out-relief	2,931,263	2 16 10
1841 „	2,995,330	2 14 1¼
1842 „	3,090,884	2 11 3¾
1843 „	3,321,508	2 11 0¾

1839–1843. Comparison of expenditure, and the numbers relieved.

The numbers relieved, and the total cost of relief, thus kept pace with each other; and it is worthy of remark, that the average cost per head of the in-door poor decreased as the numbers increased, whilst the average cost per head of the out-door poor remained nearly stationary—the numbers constituting the basis

[1] For a comparison of English with Scotch pauperism about this time, and comments thereupon, see *History of Scotch Poor Law*, p. 108.

[2] *Ante*, p. 347 ; but this was, I believe, much below the real number, as the figures of expenditure indeed seem sufficiently to prove.

of the average in each case, being assumed to be receiving relief throughout the entire year. But the most noticeable circumstance is the small number of persons relieved in the workhouse, compared with the number relieved out of it; clearly showing that it had not been very strenuously applied as a test of destitution. Yet the Commissioners in their ninth report (1843) declare, that their confidence in the workhouse as a means of affording relief, at once least open to abuse and easiest of application, has been increased by the experience of the last winter; and that although they had been compelled to resort on some occasions to an out-door labour test, it was only supplemental and subsidiary to that of the workhouse.

It may be convenient to insert here some information obtained from parliamentary papers as to the proportionate amounts levied on different kinds of property assessed to the poor-rates. The statement is given in the Commissioners' ninth report, for each of the years 1826, 1833, and 1841, and is in substance as follows:—

		Proportion per cent.
1826—Amount levied on land . .	£4,795,482	69
Ditto on houses	1,814,228	26
Ditto on all other property .	356,447	5
	6,966,157	100
1833—Amount levied on land . .	5,434,890	63
Ditto on houses	2,635,258	31
Ditto on all other property .	536,353	6
	8,606,501	100
1841—Amount levied on land . .	3,316,593	52
Ditto on houses	2,375,221	37
Ditto on all other property .	660,014	11
	£6,351,828	100

Amount of property assessed, etc.

It thus appears that the proportion of the rates levied on landed property, which in 1826 was 69 per cent. of the entire amount raised, was in 1841 no more than

52 per cent. of that amount; whilst the rate on buildings, which in 1826 yielded 26 per cent. of the total money raised, in 1841 yielded 37 per cent. of that amount; and the aggregate of levies from other property was in the same period very nearly doubled. We find therefore that the burthens on land decreased, as the wealth and population increased.

In 1826 the population was about thirteen millions, in 1841 the population amounted very nearly to sixteen millions. In 1815 the annual value of real property assessed to the property-tax in England and Wales amounted to £51,898,423, in 1843 it amounted to £85,802,735. The annual value of property assessed to the poor-rates in 1841 was £62,540,030, in 1847 it was £67,320,587, and in 1850 it was £67,700,153. These are all unmistakable indications of progress, and give assurance that, although the public burthens of whatever nature may not be lessened in actual amount, they are lessened relatively, and will continue to be so as improvement advances, and the fund from which they are raised becomes enlarged. If we compare the poor-rate valuations of 1841 and 1847 with the property-tax valuation of 1843, it will be seen how greatly the former are below the mark, the amount (taking the average of the two years) being £20,872,427 under, or nearly one-fourth less than the valuation for the property-tax, which however can hardly be supposed to have been in excess of the real value.

1842, 5 & 6 Vict. cap. 57.

The 5 & 6 Victoria, cap. 57, which continued the Commission for another five years, that is "until the 31st of July 1847, and the end of the then next session of parliament," also limited the Assistant Commissioners to nine, the number originally prescribed by the Amendment Act; but it empowered the Commissioners, with consent of a secretary of state, to appoint one or more in addition to this number for the purpose of conducting any special inquiry. The 5th

Guardians may prescribe a task of work in return for relief.

section of the Act enables guardians (subject to the powers of the Commissioners) "to prescribe a task of work to be done by any person relieved in any workhouse, in return for food and lodging afforded to such person"; but no person is to be detained against his will for the performance of such work, longer than four hours after breakfast on the morning succeeding his admission. And if, while in the workhouse, any such person "refuse or neglect to perform such task of work suited to his age, strength, and capacity, or wilfully destroy or injure his own clothes, or damage any of the property of the board of guardians," he is to be deemed an idle and disorderly person within the meaning of 5 George IV. cap. 83.[1] This very useful provision enabled the guardians to deal with those persons who were in the habit of moving about from one union to another, avowedly in search of work, but really following idle and disorderly courses.

By the 6th section it is enacted, that boards of guardians and their relieving officers "shall have the like powers as overseers with respect to insane persons, under the provisions of 9 George IV. cap. 40."[2] The effect of this enactment was to enable the Commissioners to obtain correct returns, and to institute effective inquiries with respect to pauper lunatics; and as the guardians were now empowered to take the necessary steps for sending a lunatic to an asylum, a circular was addressed to them urging the importance of their suffering no motive of mere economy to deter them from doing so as early as possible, in order that the patient might receive proper treatment, and thereby have the best chance of recovery. In August, 1843, there were 13,615 lunatic paupers chargeable in England, of whom 3489 were in county asylums, and 2257 in licensed houses; of the remainder, 3973 were in the union workhouses, and 3896 with their friends or

1843. Number of pauper lunatics.

[1] *Ante*, p. 196. [2] *Ante*, p. 199.

elsewhere. In Wales the total number chargeable was 1177, of whom only 36 were in county asylums, and 41 in licensed houses, whilst 90 were in union workhouses, and 1010 were supported elsewhere. The Commissioners recommend the providing of one lunatic asylum for North, and another for South Wales, which the justices are by the 9 George IV. cap. 40, empowered to effect.[1]

The 7th section enacts, "that whenever the whole of any parish or parishes is situated at a greater distance than four miles from the place of meeting of the board of guardians of the union of which they form part," the Commissioners may, on application, "form such parish or parishes into a district, and direct the guardians from time to time to appoint a committee of their members to receive applications of poor persons requiring relief in such district, to examine into the cases of such poor persons, and to report to the guardians thereon." This provision was rarely acted upon, and although not open to much objection on point of principle, was, it must be confessed, likely to occasion irregularity, if not actual abuse.

This Act (5 & 6 Vict. cap. 57) contains several other provisions, but only the above require to be here noticed. As originally framed, it was much more extensive, and embraced nearly all the recommendations set forth in the report of the committee on the Poor Law in 1838; but the progress of the Bill had been delayed by various causes until near the close of the session, and it was then found necessary, in order to secure the passing of the first portion, which provides for the continuance of the Commission, to withdraw the remainder, which, however, the government promised should be again brought forward at an early period.

In 1841, seven years after the passing of the Amendment Act, there were still 33 unions unprovided with a

[1] See Tenth Report of the Poor Law Commissioners, p. 31.

Unions without a workhouse, and parishes un-united.

workhouse, 17 of the number being in Wales, and the other 16 chiefly in Cornwall, Yorkshire, and Lancashire. There were likewise 776 parishes still exempt from the provisions of the Amendment Act; 229 of these being placed under local Acts, 288 under Gilbert's Act, and 259 un-united in any way, being for the most part so kept by the intervention of Gilbert incorporations. These obstructions to the universal application of the amended law were a constant source of embarrassment; and their maintenance in despite of the fifth resolution of the select committee of 1838, recommending that the Poor Law Commissioners should be empowered to dissolve such incorporations, has (1853) continued to be a matter of surprise and regret to all, except to the persons who are themselves immediately connected with them.

1840, 3 & 4 Vict. cap. 29; and 1841, 4 & 5 Vict. cap. 32.

Two Acts were about this time passed for extending the practice of vaccination, a notice of which must not be omitted in connection with the Poor Law, the organising and regulation of the measure having been devolved upon the Commissioners, and the carrying it into operation being intrusted to the local Poor Law functionaries. By these Acts (3 & 4 Victoria, cap. 29, and 4 & 5 Victoria, cap. 32) the guardians of unions, and the overseers of parishes not in union, are directed to contract with one or more legally qualified medical practitioners, "for the vaccination of all persons resident in such unions or parishes respectively." But it is to be a condition of every such contract, that the amount of remuneration "shall depend on the number of persons who, not having been previously successfully vaccinated, shall be successfully vaccinated by such medical practitioners respectively." And it is further directed that in making the necessary arrangements for executing this Act, the guardians and overseers, and all others engaged in administering the laws for relief of the poor, "shall conform to the regulations which may from time to time be issued by the

Poor Law Commissioners in that behalf." The first Act provides that any person who shall "produce, or attempt to produce, by inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article, or thing impregnated with variolous matter, or shall wilfully by any other means whatsoever produce, the disease of smallpox in any person in England, Wales, or Ireland, shall be liable to be proceeded against and convicted summarily before any two or more justices in petty sessions, and upon conviction be imprisoned for any term not exceeding one month." The last Act directs that the expenses of vaccination shall be defrayed out of the poor-rates, and that the vaccination, or medical assistance incidental thereto, shall not be considered as relief, nor deprive anyone of any right or privilege, nor subject him to any disability or disqualification whatsoever.

This interference with the discretion of individuals in the matter of vaccination was perfectly justifiable under the circumstances. The smallpox had been making great ravages, and although the remedy of vaccination may be said to have been generally within the people's own reach, they failed, through ignorance or prejudice, to make use of it, and often resorted to inoculation instead; and thus a virulent and most fatal disease was perpetuated, to the serious injury of the community. To prohibit inoculation, and provide for the vaccination of all persons at the public charge, was the only remedy for this evil; but, in order that the remedy might be effective, it was necessary that its application should be placed in proper hands. The Poor Law authorities were selected for this purpose, and it undoubtedly fell within their line of duty, as a means of preventing distress and destitution, the common attendants on the breaking out of smallpox in any locality. The superintendence of the measure in all its details, for which the Commissioners were thus held

responsible, added considerably to their labours, already sufficiently burthensome.[1]

1842. The orders and regulations consolidated and issued as General Rules.

The Commissioners are empowered to issue orders and regulations for the several purposes contemplated by the Poor Law Amendment Act, which "Orders" come into force at the end of fourteen days. They are likewise empowered to issue "General Rules," that is, any rule addressed to more than one union, parish, or place; but in such case the rule does not come into operation until forty days after a copy thereof has been laid before a secretary of state, nor then if the queen in council shall disallow the same. The Commissioners were therefore compelled in the early part of their proceedings, when prompt action was necessary, to issue their orders separately to each union as it was formed, and became ready for the reception of the several "Orders" regulating relief, and other matters of detail. But when the whole country, with the exceptions before noticed, had been brought under the operation of the amended law, it was deemed right to place the whole of what had been done by separate and less formal "Orders," under a comprehensive system of "General Rules," for which purpose, in the course of 1842, the separate orders were repealed, and after being revised and put into a complete, uniform, and more effective state, were reissued as "General Rules."

1843–44. Expenditure reduced.

The distress that prevailed in 1838 continued until 1842, in which year the harvest proved to be good, and in 1843 prices fell, trade became more active, and the people were better employed. In 1844 there was a still further improvement, and the demand for labour both in the manufacturing and agricultural parts of the country continued to increase. The winter had more-

[1] It is estimated that in 1842 the number of children vaccinated was 378,331, and that in 1843 the number was 183,074. The payments for vaccination amounted in—1841 to . . £10,171
1842 to . . 33,104
1843 to. . . 16,019

over been unusually mild, which was favourable for out-door operations; so that the prohibition of relief to the able-bodied out of the workhouse was generally observed, and the increase in the expenditure which, commencing with 1838, had since been steadily progressive, was now arrested, and the Poor Law authorities were again enabled to show a reduction, and thus to prove the elasticity of the system they had to administer.

1844, 7 & 8 Vict. cap. 101.

In conformity with the pledge given by government in 1842, "An Act for the further Amendment of the Laws relating to the Poor in England," was introduced in 1844. This Act (7 & 8 Vict. cap. 101) provides for giving effect to the recommendations of the parliamentary committee of 1838, together with certain other amendments which experience had shown to be necessary. It received the royal assent on the 9th of August 1844.

Bastardy.

The first eleven sections of this Act are devoted to enacting a new law of bastardy, by which the affiliation of bastard children is disconnected from the laws for the relief of the poor, and parish and union officers are prohibited from taking any part in the proceeding.[1] The mother of a bastard is now the party by whom redress is to be sought from the putative father, and to whom indemnity is to be awarded for maintaining the child. The mother is punishable for neglect or desertion of her bastard child, but in case of her death or incapacity the putative father may be proceeded against, if the child becomes chargeable; and by the 8th section it is enacted that if any parish or union officer shall "endeavour to induce any person to contract a marriage by threat or promise respecting

[1] This change in the law with respect to bastardy accords with the recommendations made in the Report of the Special Committee of Parliament in 1838.

any application to be made, or any order to be enforced, with respect to the maintenance of any bastard child, such officer shall be guilty of a misdemeanour."

Apprenticing poor children.

The 12th section of the Act empowers the Poor Law Commissioners, by order under their hands and seal, to prescribe the duties of the masters to whom poor children may be apprenticed, and the terms and conditions to be inserted in the indentures; and every master wilfully refusing or neglecting to fulfil such conditions, is made liable on conviction to forfeit a sum not exceeding £20. The poor children are moreover no longer to be apprenticed by the overseers, but by the respective boards of guardians, and the assent of a justice of peace to the binding is therefore dispensed with. Compulsory apprenticeship in any form is abolished, and none of these provisions are to interfere "directly or indirectly" with apprenticing to the sea-service.

Doubts had existed as to the powers of the Commissioners under the 61st section of the Poor Law Amendment Act with respect to apprentices, and, in consequence, nothing had hitherto been done. But the present Act gives the Commissioners authority to prescribe the duties of the masters, as well as the terms and conditions of the indentures. An elaborate order was accordingly framed, directing, among other things, that no child should be bound apprentice under the age of nine years, or who could not read, and write his own name; nor be bound to any person who was not a housekeeper, or carrying on business on his own account. No premium was to be paid with an apprentice, "unless he be maimed, deformed, or suffering from some permanent infirmity," and then partly in clothes and partly in money. No one above fourteen years of age was to be bound without his own consent, and none for more than eight years. The duty of the master with respect to the health, maintenance, cloth-

ing, and moral and religious instruction of the apprentice is minutely prescribed, and every care is taken for his well-being, present and future, as far as depends on authoritative regulation. The Commissioners declare however that they are not favourable to the apprenticing of parish poor children, which they would not regret to find diminished by the regulations they had imposed, being of opinion that a better education and industrial training of the children, would more than compensate for any advantage arising from the practice of apprenticeship.

Election of guardians.

By the 14th, and ten following sections, certain alterations are made in the mode of voting for guardians, and the qualifications for the office; and the Commissioners are empowered, having regard to population and other circumstances, to alter the number of guardians to be elected by any parish, and also to divide parishes into wards for the election of guardians. The Commissioners are likewise empowered by the 32nd section, to combine unions and parishes "into districts for the audit of accounts, and from time to time to add any parish or union to any such district, or separate any parish or union therefrom"; and the auditors appointed for such districts are to have full powers to examine, audit, allow, and disallow all accounts and items therein, relating to moneys raised for relief of the poor within their respective districts, "and to charge in every account so audited the amount of any deficiency or loss incurred by the negligence or misconduct of any person accounting, or of any sum for which such person is accountable, but not brought by him into account; and to certify on the face of every account audited by him, any money, books, deeds, papers, goods, or chattels, found by him to be due from any person, and report the same to the Commissioners." This was a great improvement upon the former practice of each board appointing its own

Audit districts.

auditor, and it would have been still better if the appointment of auditors had been vested in the Commissioners, instead of being given to the chairmen and vice-chairmen of the combined boards of guardians.

District schools.

The select committee of 1838 recommended "that the Commissioners be empowered, with the consent of the guardians, to combine parishes or unions for the support and management of district schools, and to regulate the distribution of the expenses of such establishments." Accordingly the 40th section of the present Act gives the Commissioners the power to form school districts "for the management of any class or classes of infant poor not above the age of sixteen years, who are orphans or deserted by their parents, or whose parents or surviving parent or guardians are consenting to the placing of such children in the school of such district." No part of the district is however to be distant more than fifteen miles from any other part, and the expense is limited to one-fifth of the annual expenditure for relief of the poor on the average of three years preceding.[1]

The 41st section declares it to be "expedient that more effectual means should be provided for the temporary relief of poor persons found destitute and without lodging" in the metropolis, and the great towns of Liverpool, Manchester, Bristol, Leeds, and Birmingham, and empowers the Commissioners to combine parishes and unions into districts for the purpose. The fourteen following sections are devoted to providing the necessary machinery for managing these districts. This part of the measure was however found beset with many difficulties, and so full of danger of increasing the evil which it was meant to remedy, that it was never brought into operation, and need not therefore be further noticed.

The 56th section enacts that the workhouse and the

[1] These limitations were repealed in 1848 by 11 & 12 Victoria, cap. 82.

district school shall, for purposes of relief, settlement, removal, and burial, be considered as situated in the parish to which each poor person is or has been respectively chargeable. The two following sections provide for the punishment of offenders in workhouses; and the 59th section specifies the costs which any board of guardians may lawfully pay for the apprehension and prosecution of any person who, according to the laws in force at the time, is chargeable with any offence directly affecting the administration thereof; and likewise the reasonable cost of prosecuting any officer for neglect or breach of duty, "or for any maltreatment or abuse of any poor person"; and the costs of all legal proceedings taken by any auditor or other person whom the board of guardians may authorise, for the protection of any parish, union, or district; and to the extent to which any such costs are not repaid by the offending or other parties, the guardians may, "having regard to the circumstances of the case, and with the approval of the Poor Law Commissioners, charge such expenses to the common fund of the union, or to any parish or parishes comprised therein."

Expenses which may be legally defrayed out of the poor-rates.

The 61st section enables collectors to be appointed to perform the duties of overseers; and by the 62nd section the Commissioners are empowered to direct the appointment of a paid collector of the poor-rates, after which all powers of the inhabitants in vestry, or of justices of peace, or persons other than the board of guardians, to make such appointment, and all appointments made under such powers, are to cease. The committee of 1838 recommended that the office of collector of the rates and assistant-overseer should be united; and the Commissioners, in their eleventh report state, that "although this portion of the administration of the Poor Laws is still encumbered with some difficulties, they entertain a confident hope that there will gradually be established a degree of

Paid collectors to be appointed.

regularity and responsibility on the part of those officers such as has not hitherto existed," and such, it may be added, as it was impossible to establish whilst the two offices were held entirely separate and distinct.

Exemption of local Act—parishes containing 20,000 inhabitants.

By the 64th and 65th sections it is provided that parishes under local Acts, and having a population exceeding 20,000, shall not be united with any other parish without the consent of two-thirds of the guardians, and that where such parishes shall have adopted the provisions of Hobhouse's Act (1 & 2 William IV. cap. 60),[1] and likewise when any two or more of the metropolitan parishes, containing together a population exceeding 20,000, are united for the purposes of rating or settlement under a local Act, and are not comprised in any union, such parish or such two or more parishes are not to be included in any district for the auditing of accounts. These exemptions from the operation of the general law were conceded to the representations of the metropolitan members and their constituents, who were naturally adverse to the introduction of a new power into affairs which they had long been accustomed to manage entirely themselves.

The Commissioners may add parishes to, and take parishes from, unions without consent of the guardians.

The select committee of 1838 recommended that the Commissioners should be empowered to dissolve existing incorporations without consent of the guardians, and likewise to add parishes to unions and to take parishes from unions without such consent. The first of these recommendations has hitherto (1853) not been conceded, but the latter is carried into effect by the 66th section of the present Act, which enables the Commissioners to add to any union, or to take parishes from it; and they may further, if they see fit, "cause a board of guardians to be elected for any single parish separated from any union, notwithstanding the provisions of any local Act in force in such parish." This was a useful provision, enabling the Commissioners to

[1] *Ante*, p. 205.

correct errors or imperfect combinations that may have occurred in the formation of the unions. There is a useful provision likewise in the 68th section, enabling any clerk or other officer of a board of guardians, "if duly empowered by such board, to make or resist any application, claim, or complaint, or to take or conduct any proceedings on behalf of such board, before any justices at petty or special sessions, or out of sessions, although such clerk or officer be not an attorney or solicitor." There are several other provisions, but the foregoing are all that require particular notice. The 7 & 8 Victoria, cap. 101 is certainly an important statute, and taken as a whole, may be said to deserve the designation it received of a "Second Amendment Act." It was immediately forwarded to the several boards of guardians, together with a carefully prepared circular, explaining its various provisions, and pointing out the steps to be taken for carrying them into effect.

7 & 8 Vict. cap. 101.

Medical relief.

The medical relief for the sick poor had from the commencement been a source of difficulty.[1] The medical men declared that the power of regulating salaries and prescribing duties conferred upon the Commissioners by the 46th section of the Poor Law Amendment Act were exercised to the prejudice of the profession, by subjecting medical officers to the uncertainties of competition, and thereby depriving them of adequate remuneration. The boards of guardians, by whom the appointments were made, complained, on the contrary, that the Commissioners required them to pay higher salaries than they could get the duty executed for, and likewise of compelling them to appoint a greater number of medical officers than they otherwise would do. Amid these complaints the Commissioners had to pursue a medium course, their objects being to secure an efficient attendance on the sick poor, to prevent all just cause for complaint by the medical profession, and

[1] See p. 319, *ante*.

that the guardians should not be put to any undue charge for medical relief. That the two latter conditions were to a reasonable extent fulfilled, may be inferred from the fact that each of the parties continue (1853) to complain of the other being unduly favoured; whilst it is certain that the sick poor were better attended than they previously had been, and also that more money was paid for this attendance, the cost of medical relief in 1838 being only £136,775, whilst in 1845 it amounted to £174,330, independently of £26,000 paid for vaccination fees in the latter year.

1845–46. Failure of the potato crop.

The progress of our narrative has now come down to 1845, in the autumn of which year commenced a period of considerable pressure in England, and of great privation and suffering in Ireland, through the general failure of the potato crop. The spring of 1845 had been cold and ungenial, and was followed by an unusually wet summer and autumn, owing to which the crops were generally defective, both in quantity and quality; but the chief injury fell on the potatoes, which in many places were destroyed by a disease that has since been known as the "potato rot," and everywhere they were more or less affected by it. This disease had appeared in America a year or two before, and in 1845 and 1846 it spread with the utmost virulence throughout Ireland, bringing famine and fever in its train. In England it prevailed in a less degree, but still to an extent that caused much alarm, its origin and duration being alike involved in mystery, and its existence causing loss and disappointment to many, and to some the calamity of actual want. This was more particularly the case wherever the potato entered largely into the food of the people, and especially where its cultivation by the labourers for their own use became an element in adjusting the rate of wages. In such cases, the failure of his potato crop was equivalent to a

large abstraction from the labourer's earnings, and suddenly reduced him from a position of comparative comfort, to one of positive want and privation. This is not stated as an argument against the system of allotments, when kept within proper limits; neither does it apply to the plot of garden attached to the labourer's cottage, for the purpose of raising vegetables for his family, and affording to them and himself occupation at times which might else be worse employed. The objection involved in the statement, applies only to cases in which the allotments are of such extent as to interfere with the money-rate of wages, or to cause the labourer to rely upon the produce of his allotment, instead of upon the steady application of hired labour, as a means of support.

The allotment system.

In 1846 the potato crop was in England a very general, and in Ireland almost a total failure; and notwithstanding large importations, a great rise in the prices of provisions took place in consequence. Wheat advanced from 54s. to 75s. a quarter, and other grain in proportion. The price of potatoes was more than doubled, and butchers' meat was considerably higher. The winter of 1846–47 was moreover extremely cold, and this, added to the privations of the poorer classes through the increased prices of food, must have greatly augmented their sufferings. In many cases the workhouses were filled, and the out-door labour test was resorted to with the approbation of the Commissioners.

1846-47. High price of provisions, and great distress.

The severity of the distress in Ireland, caused a large influx of persons in a state of extreme destitution from that country. All the towns on the western coast of England were heavily burthened with them, and at Liverpool the number of such immigrants between the 13th of January and the 20th of April, 1847, amounted to 133,069. Such a visitation necessarily brought a great pressure upon the Poor Law officials of Liverpool,

1846-47. Famine and fever, and influx of destitute persons from Ireland.

upwards of 10,000 of these poor Irish being relieved daily for a long period. There was moreover great danger that the fever under which some of them laboured at the time of their arrival, and which also broke out in the crowded dwellings where they congregated, might spread and attack the other inhabitants. The Liverpool authorities however, proved themselves equal to the emergency, and resolutely performed all that the law directed, and all that humanity required. The same may be said with respect to the metropolis, and the other places whither the Irish fled from famine and pestilence in their own country—their distress was urgent, their sufferings great, and to afford all possible relief was throughout England felt to be an imperative duty, and it was nobly fulfilled.[1]

Labour in the workhouse.

The kind of labour on which the inmates of the several workhouses should be employed, rested entirely with the boards of guardians, who best knew the circumstances of their several districts. In some workhouses, stone-breaking or oakum-picking was adopted; in others, particularly in the western and southern counties, the crushing or breaking of bones was resorted to as an eligible means of employing the able-bodied inmates. There was however no order or direction by the Commissioners on the subject, the mode of employment being left to the discretion of the guardians.

Bone-breaking at Andover.

In the Andover union, bone-breaking had for a considerable time been advantageously practised, and without occasioning any complaint; but in 1845 a great sensation was created in consequence of the brutal habits of two of the male inmates, and an appeal was made to parliament on the ground that the diet of the workhouse was insufficient, and that hunger, and

[1] For further particulars as to the famine, see *History of Scotch Poor Law*, p. 240, etc., and *History of Irish Poor Law*, p. 306, etc.

not the depraved appetites of the men,[1] had been the cause of what had occurred. Considerable discussion took place on the subject, and under the excitement of the moment, bone-breaking was denounced as being an improper employment for the inmates of workhouses, and the Commissioners issued an order prohibiting the practice in future. From this order, it is stated in their twelfth report that "one of the Commissioners dissented, and recorded his dissent upon the minutes, according to the provision of the Poor Law Amendment Act." The author has seen no reason to regret his having dissented from his colleagues on that occasion, being satisfied that bone-breaking is an eligible mode of employment for the able-bodied male inmates of a workhouse, and that an order prohibiting it ought not to have been issued, whatever clamour or pressure there might be at the moment. In this view he is confirmed by the remonstrances which were forwarded from nearly all the unions where the practice had prevailed, immediately after the appearance of the order, deprecating its enforcement, and pointing out the advantages of the practice, and the impossibility of substituting any mode of employment equally eligible, or in some cases any other employment whatever. Bone-breaking had been the employment introduced by the author into the Southwell workhouse five-and-twenty years previously, and he saw no ground for changing his opinion with respect to it. He advocated the practice in his examination by the Andover committee, before whom the record of his dissent was produced; but the clamour which had been raised, and the exaggerations which were resorted to, overpowered whatever could be said in its favour, and the prohibition of bone-breaking in workhouses still continues in force.

Bone-breaking prohibited—the author dissents.

Early in the following year (1846), a committee of

[1] One of them declared that he preferred putrid marrow obtained from the bones to anything else.

1846. The Andover committee.

the House of Commons was appointed to inquire into the Andover case, which had grown to be one of more than ordinary interest. Numerous witnesses were examined, primarily with reference to bone-breaking, but eventually extending to every part of Poor Law administration; and whatever could be shown to be wrong in any way, however originating, or whatsoever might be the qualifying circumstances connected with it, was brought in charge against the Commissioners, who under such continual assailment became every day more unpopular, thus preparing the way for the change in the constitution of the Commission which not long afterwards was determined on.

Salaries of union officers.

In the twelfth report of the Poor Law Commissioners, dated May 1846, the number of paid officers of each class employed in the 591 unions[1] existing at that time is stated to have been 8290, and the amount of salaries paid to them was £419,901. In connection with this statement it should be mentioned, that in the session of 1846 a grant of £61,500 was voted for payment of half the salaries of medical officers, and the whole of the salaries of district auditors and the workhouse schoolmasters and schoolmistresses, for the half-year ending at Lady-day 1847. In announcing this grant to the several boards of guardians, the Commissioners informed them that the object of its being made was "to contribute to an improvement in the character of the workhouse schools, and in the supply of medical relief to the poor"; and the Assistant Commissioners were directed to report specially on the state of the unions under their charge with respect to each of these objects. It was afterwards determined to appoint separate inspectors of workhouse schools, who would

Grant towards the salaries of schoolmasters and schoolmistresses, and auditors andmedical officers.

[1] In 1852 the number of unions had increased to 608. This was in consequence of the breaking up of certain Gilbert incorporations, the parishes included in which, together with others entangled with them, were, as soon as they were set free, formed into convenient Poor Law unions.

examine the teachers, and ascertain their qualifications, the inspectors themselves being under the control of the Committee of Council for Education.

Four Acts were passed about this time, which it will be convenient here to notice. The 8 & 9 Victoria, cap. 10, provides for remedying certain defects in the previous statute of 7 & 8 Victoria, cap. 101, in regard to proceedings in cases of bastardy. The 8 & 9 Victoria, cap. 117, provides for the "removal of poor persons born in Scotland, Ireland, the islands of Man, Scilly, Jersey, or Guernsey, and chargeable in England"; and 10 & 11 Victoria, cap. 33, enacts certain amendments of the same. The 8 & 9 Victoria, cap. 126,[1] amends the laws relating to lunatic asylums, and the care of pauper lunatics; and directs that the clerks of boards of guardians shall make annual returns of pauper lunatics, and that medical officers shall give notice to the relieving officer of the union, or the overseer of the parish, as the case may be, of any pauper whom they deem to be lunatic. Within three days after receiving such notice, the relieving officer or the overseer is to make the same known to some justice of peace, before whom the supposed lunatic is to be brought; and if upon examination, with the assistance of a medical man, the justice shall be satisfied that the person is really a lunatic, idiot, or of unsound mind, he is by order under his hand to direct such person to be received into the county or borough asylum, or "into some house duly licensed, or some hospital registered for the reception of lunatics." Wandering lunatics, or lunatics not under proper care, are required to be apprehended and taken before a justice to be dealt with as the Act directs.[2]

1845, 8 & 9 Vict. cap. 10; 8 & 9 Vict. cap. 117; 8 & 9 Vict. cap. 126.[1]
1847, 10 & 11 Vict. cap. 33.

[1] This Act was repealed in 1853, and various amendments and additions made to the law with respect to lunatic, idiotic, and insane paupers, by 16 & 17 Victoria, cap. 97.

[2] See above note.

1846, 9 & 10 Vict. cap. 66.

Non-removal Act.

Another Act requiring to be particularly noticed, was also passed at this time. The evils of settlement, and the great hardships inflicted by removals, were continually becoming more apparent, and the necessity for some remedy was generally admitted. The 9 & 10 Victoria, cap. 66, was accordingly introduced, and after lengthened debates was ultimately passed, bearing the title of "An Act to amend the Laws relating to the Removal of the Poor"; but the conditions of settlement are not altered by it—it merely directs that henceforth "no person shall be removed, nor shall any warrant be granted for the removal of any person, from any parish in which such person shall have resided for five years." The person however must not within the five years have received relief from the parish, or in an hospital, or in a lunatic asylum; it is only an independent residence that confers the privilege of irremovability. The Act moreover provides, that no widow shall be removed for twelve months after the death of her husband; and persons relieved on account of sickness or accident are not to be removed, "unless the justices granting the warrant shall state thereon that they are satisfied that the sickness or accident will produce permanent disability." The passing of this Act brought a new burthen upon many town parishes, in which the poor persons now rendered irremovable had become resident, but were still entitled to receive relief from the parishes of their settlement. This relief, after the passing of the present Act, was refused or withdrawn, and the parish in which they resided was forced, in cases of urgency, to relieve them in addition to its own settled poor. Great complaints were made by the parishes in which these irremovables had congregated, and which were generally the most poor and heavily burthened, a result which ought perhaps to have been foreseen and guarded against. But in the following year, in

order to remedy the hardship thus complained of, a short Act was passed, 10 & 11 Victoria, cap. 110 (usually known as Mr. Bodkin's Act, it having been introduced by him), transferring the charge of relieving the persons so rendered irremovable, from the particular parish to the whole union.

1847, 10 & 11 Vict. cap. 110. Bodkin's Act.

These three Acts, taken together, may be regarded as an important advance towards abolishing the evils of settlement—the first prohibiting removal after five years' residence, the two others directing the cost of relieving persons thus rendered irremovable to be charged to the common fund. All that would afterwards be necessary for finally disposing of the settlement question would be, to extend the principle of these enactments by abolishing removal altogether, and substituting union for parochial rating and chargeability. Circumstances have gradually prepared the way for such a change. Parochial management may be said to have become practically extinct. The whole power and responsibility as regards the administration of the Poor Law, is vested in the board of guardians. The overseers still, it is true, in many instances collect the rates, and individual guardians may sometimes improperly or exclusively attend to or advocate the interests of the parish by which they are returned; but these things are only material so far as they disturb the equable working of the union system, which they would no longer do if union rating and chargeability were established. There would then be no conflicting interests to advocate or reconcile. The interest of one parish would be the interest of all; and the guardians, acting under a sense of common duty and responsibility, would have regard to the interests of the ratepayers of the union generally, in administering relief to the destitute poor within its limits, irrespective of the particular parish where any of them might happen to be resident. Until the union

The law of settlement may now be abolished.

system was organised and matured, there were doubtless formidable difficulties in the way of abolishing settlement; but these difficulties no longer exist, and it might now, I think, be abolished, and union chargeability established, not only with advantage and facility, but without occasioning any disturbance or confusion in the ordinary working of the law.

1846, 9 & 10 Vict. cap. 96.

Removal of nuisances.

The 9 & 10 Victoria, cap. 96 provides, that the guardians of the poor, upon the certificate of two duly qualified medical practitioners, of the unwholesome condition of any dwelling-house, or of the accumulation of offensive or noxious matter, or of the existence of any foul or offensive drain, privy, or cesspool, shall cause the owner or occupier of the premises to be summoned before two justices of peace; and if the justices are satisfied of the existence of the nuisance, they are to make an order for cleansing, whitewashing, or purifying such dwelling-house, or the removal of such nuisance—failing in which the guardians may cause the premises to be cleansed and the nuisances to be abated, the cost of so doing to be recovered from the owner or occupier, unless the same be for special reasons excused; and if not so recovered, the expenses are to be defrayed out of the poor-rates of the parish in which they were incurred. This Act was amended two years afterwards by 11 & 12 Victoria, cap. 123, and again in the following year by 12 & 13 Victoria, cap. 111, the powers for the removal of nuisances being enlarged, and their natures more fully described. The surveyors of highways are moreover directed "to scour, cleanse, and keep clear all open ditches, gutters, drains, and watercourses adjoining thereto"; and any person who suffers the drainage of soil or offensive matter from any new building into an open ditch, is declared to be guilty of a misdemeanour.

The execution of sanitary measures such as the

above, appears to come naturally within the province of Poor Law administration, since disease in any shape tends to create destitution, the relief or prevention of which is the especial object of every Poor Law. These enactments were chiefly owing to the dread of impending cholera, and in some measure also perhaps to a more correct appreciation of the importance of such provisions for protecting the general health; but they were immediately occasioned by the spread of fever in many parts of England, and especially in the north. The great number of Irish poor who came over in a pitiable state of exhaustion and debility, some bearing with them the seeds of fever, and others actually labouring under the disease, necessarily caused fever to break forth and spread wherever they congregated, as was the case in many of the northern unions. Several medical men, and union officers, and other persons engaged in attending upon the sick, fell a sacrifice in consequence; and it may be mentioned to the credit of government, that pecuniary assistance was granted to the families of most of those who thus unhappily perished.

1846. Spread of fever, through the influx of the Irish poor.

We have now reached the period when the change in the constitution of the Commission which has been intimated as approaching, was determined to be carried into effect. But before describing this change, it will be right to place before the reader the Commissioners' account of the administration of the law, as given by them in a letter addressed to the home secretary in December 1846, "relative to the transaction of the business of the Commission."

1846. The Commissioners' letter relative to the transaction of the business of the Commission.

The Commissioners say, "Upon examining the manner in which the powers with respect to the relief of the poor are divided between the central and local authorities, it will be seen that the primary responsibility with respect to the detailed administration rests

with the board of guardians. The board of guardians consists of all the resident magistrates of the union or parish, together with the members elected by the rate-payers, forming altogether an important and highly respectable representative body. The constituency by which the guardians are elected, is the most numerous known to the law, inasmuch as it includes every rate-payer of either sex, and its number for the whole of England probably exceeds 2,000,000. According to the Poor Law Amendment Act, the government of the workhouse, and the administration of relief to the poor in a union, are vested in the board of guardians (secs. 38 and 54). The board of guardians likewise appoint all the paid officers employed in the union, and maintain an inspection of the regular performance of their duties. The weekly reports of the relieving officers, the medical officers, and the master of the workhouse, and the monthly report of the chaplain, are made to them; and it is their duty to see that these reports are sent in at the proper times, and to correct any abuses or breaches of regulation which the reports may disclose. Although the salaries of the officers are fixed by the Commissioners, the amounts are proposed by the guardians, and their proposal is in most cases adopted. The weekly inspection of the workhouse is made by a visiting committee of the guardians, appointed under the regulations of the Commissioners for this special purpose. The guardians expend the money raised for parochial emigration; make contracts for the survey and valuation of parishes, and also for gratuitous vaccination; and they appoint the local registrars of births, deaths, and marriages. The guardians discharge these several functions subject to the general control of the Commissioners, to be exercised by making regulations. The Poor Law Amendment Act expressly declares, that the Commissioners are not empowered 'to interfere in any individual case

for the purpose of ordering relief.' Where formal complaints of local abuses are made to the Commissioners, or where they ascertain in any way the existence of such abuses, they may institute an inquiry, either by addressing a letter to the board of guardians, or by instructing an Assistant Commissioner to investigate the matter. Independently of visits made for special inquiries, the Assistant Commissioners visit each union of their district in regular succession, attend the meeting of the board of guardians, and inspect the workhouse. The number of these visits, however, is not sufficiently great to enable the Assistant Commissioner to detect all the abuses or irregularities which may arise in the daily administration of relief, both in and out of the workhouse. The number of unions and parishes governed by boards of guardians appointed under the Poor Law Amendment Act, is 595; and of unions and parishes governed by boards appointed under local Acts, is 31; there are likewise 17 incorporations under Gilbert's Act, making a total of 643 unions and parishes requiring a separate inspection. These 643 unions and parishes contain 707 workhouses capable of accommodating about 190,000 inmates; each Assistant Commissioner, therefore, has on an average 71 unions and parishes under his superintendence, containing 78 workhouses; and allowing for all circumstances, it will scarcely be possible for an Assistant Commissioner to attend the board of guardians, or even to inspect the workhouse of every union, more than once in each half-year."

"Such being the division of the powers and functions between the Central Commission and the boards of guardians, it is not difficult to determine what are the abuses for the existence of which the Commissioners are properly responsible. In the first place, they are responsible for the issue of such general regulations as are likely either to prevent the occur-

rence of abuses, or to provide an effectual remedy against abuses when they have occurred. In the second place, they are bound, whenever any violation of the law or of the existing regulations, or any abuse or irregularity, is reported to them by an Assistant Commissioner or a board of guardians, or is otherwise brought to their knowledge, to adopt such measures as may be in their power, both for the correction of the actual evil, and the prevention of its recurrence. These responsibilities are sufficiently extensive and weighty, and in the fit discharge of the duties which they imply, is included all the control which can be exercised by the Central Commission. For abuses which could not have been prevented by general regulations, which have not been reported to them, and which their Assistant Commissioners neither knew nor could have been reasonably expected to discover, they cannot be held responsible."

"In considering the nature of the responsibility for local abuses in the administration of the Poor Laws, it is necessary to advert to the peculiar character of the law to be administered, and the numerous difficulties which it presents. There are nearly 600 unions and parishes, each governed by a separate board of guardians. In these unions and parishes are employed 1238 masters and matrons of workhouses, 1257 relieving officers, and 2680 medical officers, besides porters, nurses, etc. Each relieving officer and medical officer is bound to make a weekly report to the guardians, so that the total number of these reports, which require an examination at the time, amounts in a year to 204,724. The master of the workhouse is likewise bound to make to the guardians a weekly report of the number and classes of inmates of the workhouse, as well as of all punishments in the workhouse; and the chaplain makes a monthly report. Each relieving officer and medical officer is bound to visit the paupers under his care; and it may be

assumed, on an average, that each medical officer pays at least 30 visits in a week, and each relieving officer pays at least 50 visits in a week. This would give in the aggregate 143,250 visits in a year for both classes of officers. The number of paupers receiving relief in a quarter is returned at about 1,500,000; and the sum annually expended in out-door relief is nearly three millions sterling. This sum is disbursed by the relieving officers in small payments, varying in general from 5s. or 6s. to 1s. or 1s. 6d., together with small allowances in kind: many of these payments are made to paupers resident out of the union, and by remittances through intermediate parties. The overseers, besides, of whom there are at least two in each of the 14,616 places maintaining their own poor, can give relief of their own authority in cases of urgent necessity."

"It is further to be borne in mind that the government of the workhouse is attended with many difficulties. The number of officers who have to control an establishment, sometimes containing several hundred inmates, is generally small, and their authority is not extensive. The nature of the inmates is also such as to require constant care and inspection. So long as industry and thrift lead to prosperity, and their opposites to poverty, it is natural that the least well-conducted portion of the poorer classes should find their way into the workhouse. The workhouse is likewise a receptacle for the sick, the aged, and bedridden, deserted children, and vagrants, as well as harmless idiots—classes of persons who need constant and careful supervision. It includes a nursery, a school, an infirmary, and a place of temporary confinement. A workhouse is a large household, in which food is provided, the sick are tended, children are nursed, etc. In most respects it resembles a private family on an enlarged scale. There is however this important distinction, that those common incidents, arising out of

neglect, quarrels, or dishonesty, which in a private family are settled by the head of the house on his own responsibility, become in a workhouse matters of public complaint and investigation, involve official duties, are decided in an official form, and not unfrequently come under the review of parliament."

"In such circumstances, and in a system of administration at once so comprehensive and so minute, it is impossible that any code of regulations however well devised, and that any inspection however vigilant, should altogether prevent the occurrence of abuses. With whatever care the Commissioners and their Assistants on the one hand, and the local authorities on the other, may perform their respective duties, some abuses, caused by the inattention, impatience of temper, or other defect of character or judgment in some of the numerous persons employed, must inevitably occur. No system of administration can be expected to be faultless, especially a system of this extent and complexity. For such local abuses as may occur the boards of guardians are in general primarily responsible. They have the chief part of the local power, and must therefore bear the chief part of the local responsibility. The responsibility of the Commissioners in general does not arise until the abuse has been disclosed, when it becomes their duty to take such means as are at their disposal for preventing its recurrence. Nor is there any valid reason for imposing on the Commissioners additional responsibilities, or for doubting the competency of the boards of guardians to carry on the ordinary administration of the law, and to superintend the union paid officers in the regular performance of their duties. The constitution of the board of guardians secures for it a large portion of the intelligence and practical knowledge of the district, and the nature of its proceedings leads to deliberation and discussion upon the business

transacted. The position of the Commissioners, invested with the central control, necessarily causes them to differ from the boards of guardians occasionally, with respect to questions arising in the administration of the law; but they declare their conviction of the generally trustworthy and considerate manner in which the boards of guardians discharge their functions, and of their readiness to devote to the transaction of the business, as much of their time as can be reasonably expected of the unpaid members of a body so constituted."

These extracts from the Commissioners' letter give so clear a description of the union system, that it has been preferred giving them verbatim, as it would be difficult to shorten or condense them, without weakening the effect. The relative duties and responsibilities of the central board, the boards of guardians, and the local officers, are distinctly stated; and it is necessary that the statement should have a place at this stage of our narrative, the Commission as originally constituted being about to be changed. Its members are, therefore, entitled to show how far it has fulfilled its mission, and the nature of the organisation which has been created. The statement is also necessary on another account, for everything that happened at any time to be wrong in the multifarious transactions of the several unions, whether in giving or in withholding relief, whether in the workhouse being over-strictly or under-strictly managed, whether the officers were attentive or negligent, harsh or considerate, in the performance of their duties—all failures, excesses, or shortcomings of every kind, were attributed to the Commissioners, whom the public held responsible for every defect, without allowing them credit for any excellence. Against this assumed concentration of responsibility, and the sweeping imputations grounded upon it, the Commissioners' letter must be regarded as a protest.

Comparison of the old and new systems of administration.

Under the old parochial system of administration, defects and abuses were continually occurring, but they excited no attention beyond the immediate locality; whilst under the amended system, every defect or malversation is made known, is discussed and commented on, is circulated throughout the country by the press, and probably brought forward in parliament. This publicity no doubt ensures a more careful execution of the law; but it at the same time affords extraordinary facilities for attacking the Commissioners, for whatever happens to be unpopular in its administration; and it must be confessed that the means of attack thus provided, were not, during the latter years of the Commission, permitted to lie idle. The change now about being made in the Commission, and to which its unpopularity arising from these attacks no doubt contributed, will be described in the next chapter.

CHAPTER XVIII

A.D. 1847–52–53

The Commission is dissolved—Powers of the new Commissioners—Aged couples not to be separated—Visiting committees directed—Increase of expenditure and of the numbers relieved—Difficulty as regards out-relief—Exemption of stock-in-trade from rating—Resolutions of committee on law of settlement—Consolidated order—New Commission gazetted—Mr. Bodkin's Act—Mr. Buller's speech and Bill—Vagrancy: Mr. Buller's minute—Workhouse schools—Operation of settlement law—Parochial chargeability—Norwood and Tooting "farming" establishments—Cholera—Number of union officers and their salaries—Usefulness of the workhouse—Rating of owners—Protection of poor children—Commissioners empowered to arbitrate—Audit of accounts—Vaccination—Education—Emigration—Improvement of workhouses—Expenditure on relief—Numbers relieved—Number of unions—Commissioners' orders and regulations—Laws now in force—Continuation of the Commission—Mr. Baines's speech on settlement—Its abolition, and the consolidation of the law, anticipated—Conclusion.

The Commissioners appointed under the provisions of the Poor Law Amendment Act were prohibited from sitting in parliament, and had been unconnected with party politics. This separation from political influence would, it was believed, render their action more independent, and less liable to popular or local bias; but the result showed, that although these qualities might abound in a Commission so constituted, there were countervailing circumstances which rendered the policy of such an arrangement doubtful, the Commission being thereby deprived of the means of defending itself in the only place where defence would be effective. Public feeling and public prejudice, local or general, were represented and found supporters in parliament, where there was no Poor Law functionary to explain or to refute; and charges made there,

however exaggerated or groundless, spread through the country, and were received as undoubted facts, raising distrust and jealousy of the Commission, weakening its influence and impeding its action. It was denounced as being anomalous, tyrannical, irresponsible, and as exercising a power not recognised by the English constitution. This feeling prevailed within the House of Commons perhaps even more strongly than it did elsewhere, for every other department had its representative there, who might at once be questioned and called to account for whatever occurred; whereas the Poor Law Commissioners were beyond the reach of such questioning, and could only be called upon circuitously through the medium of the home secretary, or by the more tedious process of moving for papers.

These were the circumstances which at this time chiefly led to making a change in the Commission, and assimilating its constitution to that of the India Board, and other principal departments of government. The time for making the change was well chosen; all the more difficult and heavy work devolved upon the Commissioners by the Poor Law Amendment Act having been gotten through, the unions being formed, a system of relief organised, and the law brought into general operation. The Commission had been in existence sufficiently long, for gathering to itself all the unpopularity attendant upon changes which, under the authority of the new law, it had been the means of effecting throughout the country; so that by dissolving the Commission, both the cause and the object of unpopularity would be removed, and the law and the new executive would be left free from consequences which, as far as the original Commission was concerned, were perhaps unavoidable.

1847, 10 & 11 Vict. cap. 109.

The above observations are offered by way of introduction to 10 & 11 Victoria, cap. 109, which

empowers the crown to appoint from time to time, and during pleasure, such person or persons as her Majesty shall think fit, to be "Commissioners for administering the laws for the relief of the poor in England." The lord president of the council, the lord privy seal, the secretary of state for the home department, and the chancellor of the exchequer for the time being are, by virtue of their respective offices, to be Commissioners jointly with the person or persons so appointed; and they are to enter on their office, and have all the powers vested in them by the Act, on the day after the notice of the issue of the Commission shall be published in the *London Gazette*. This Commission, like the preceding, was only to continue for five years. "The Commissioners" are to submit annually to her Majesty a report of their proceedings, which is to be laid before parliament, and they are empowered to appoint two secretaries, one of whom and the president may sit in parliament.

The 10th section enacts, that on the day on which "the Commissioners" enter on their office, "all the powers and duties of the [existing] Poor Law Commissioners, with respect to the administration or control of the administration of relief to the poor throughout England, and all other powers and duties now vested in them, shall be transferred to and vested in 'the Commissioners,' and shall be thenceforth exercised by them." Ireland is not named in this clause, a separate board having been created by 10 & 11 Victoria, cap. 90, for the administration of the Irish Poor Law, wholly distinct from that of England.[1] "The Commissioners" are empowered, by order under

[1] How far this separation was necessary or politic, may perhaps be questioned; but it was thought to be called for by the circumstances then existing, the "potato rot" having recommenced its ravages in the autumn preceding, and spread want and disease throughout Ireland, which a separate and resident Commission would, it was supposed, be better able to attend to and relieve.

their seal, and with consent of the Treasury, to appoint "Inspectors" to assist in the execution of this and all other Acts now, or which shall be hereafter in force, for the relief of the poor in England, and may assign to them such duties as they think fit; and it is enacted that each of such inspectors "shall be entitled to visit and inspect every workhouse or place wherein any poor person in receipt of relief shall be lodged, and to attend every board of guardians and every parochial and other local meeting held for the relief of the poor, and to take part in the proceedings, but not to vote at such board or meeting." The inspectors may also summon witnesses, administer oaths, examine accounts, and hold inquiries.

These are the only provisions immediately applying to "the Commissioners" which need be noticed; but there are two other clauses of the Act demanding attention, as they make a change both in the law and in the workhouse regulations as at that time established.

The 23rd section provides, "that when any two persons, being husband and wife, both of whom shall be above the age of sixty years, shall be received into any workhouse"—"such two persons shall not be compelled to live separate and apart from each other." And the 24th section enacts, "that in all cases where boards of guardians neglect to appoint a visiting committee," or where three months shall have elapsed without such a committee having visited the workhouse, "the Commissioners shall appoint a visitor, not being one of the guardians, at a salary to be fixed by them, and paid out of the general fund of the union"—but the appointment of such visitor is to cease three months after a visiting committee shall have been appointed by the guardians—"subject nevertheless to his reappointment, in case of any repetition of such neglect of the guardians or visiting committee as aforesaid."

Aged couples not to be separated.

The provisions, prohibiting the separation of aged married couples, so far alters the workhouse regulations as to render that imperative, which was previously in the discretion of the boards of guardians. *Article* 10, of the general workhouse order issued in 1842 directs, that if for any special reason it shall appear to the board of guardians desirable to allow aged and infirm married couples to have a sleeping apartment separate from the other inmates, they are to record a resolution to that effect on their minutes, and transmit a copy thereof to the Poor Law Commissioners for their approval, which, it may be added, was very rarely withheld. The general consolidated order which the existing Poor Law Commissioners issued immediately after the passing of the present Act, makes an addition to the provision it contains against separating aged married couples to the following effect—"that the guardians shall set apart for the exclusive use of every such couple a sleeping apartment separate from that of the other paupers." This was requisite on the score of decency, but it would no doubt tend to increase the amount of out-relief, as the number of separate sleeping apartments in any workhouse must of necessity be limited.

Visiting committees.

The second of the above provisions goes much further with respect to visiting committees, than was contemplated by the general workhouse order, which merely directs boards of guardians to appoint such committees from their own body, prescribes their duties, and frames a series of printed questions to which at every visitation they are required to insert written answers. The present Act provides against the neglect of any board of guardians to appoint such a committee, and also against the neglect of the committee to visit regularly, in either of which cases the Commissioners are empowered to appoint a visitor (not being a guardian), and to assign him a salary for

performing the duty. The existence of such a power may, as in other cases, be likely to prevent the occasion for its exercise; and some such provision had certainly become necessary, the important duty of visitation in conformity with the regulations, having latterly been too much neglected.

The new Commission gazetted, 17th Dec. 1847.

The Act received the royal assent on the 23rd of July 1847. By it the new Commission was to enter upon its duties the day after the appointments were gazetted, which was not done until the 17th of December following; so that there was an interval of nearly five months, during which the administration of the law continued in charge of the old Commission, although its abolition had been decided on, and was universally known to be near at hand. This interval may be occupied with the notice of some matters which properly appertain to the original Commission, whose proceedings I have endeavoured to trace from its commencement in 1834 to the present time. I may deceive myself as to the way in which this has been done, but I have certainly aimed at being impartial, and have wished, as far as possible to guard against the bias that might not unnaturally arise through my own official connection with these proceedings.

1837–1848. Increase of expenditure.

The first point to be noticed is the cost or charge of relief, which, from its minimum of £4,044,741 in 1837, went on year by year increasing (with the exception of 1844), until it attained what I have named its "3rd maximum" of £6,180,765 in 1847–48, thus exhibiting an increase of expenditure amounting to upwards of two millions in the course of eleven years, whilst the rate per head on the population had risen from 5s. 5d. in 1837 to 7s. 1¾d. in 1848.[1] If the expenditure for relief of the poor continued to increase in a like ratio, or to exhibit any considerable and continuous increase at all, it would no doubt

[1] See Table in the Appendix.

negative the economical pretensions of the new law and the workhouse system, which would cease to be regarded as secure fences against the growth of pauperism. The increase which actually did take place at this time, had the effect of shaking the confidence of many friends of the law, and of encouraging its adversaries, to whose efforts both in and out of parliament the increase may in some degree be said to have been owing. The main causes of the increase however, existed in the circumstances of the period, which were of too marked and legible a character not to be generally understood. In their thirteenth report, the Poor Law Commissioners remark, that "the general failure of the potato crop throughout England, the high prices of corn and other articles of food, the length and severity of the winter, the diminution of manufacturing prosperity, and the large immigration of destitute Irish into England, have considerably increased the pressure upon the poor-rates; and that the expenditure for the year ending at Lady-day 1847, will, when ascertained, doubtless prove greater than that for the year preceding"—a prognostication that was fulfilled to the extent of £344,583—and the Commissioners go on to express "their satisfaction at being able to state, that the boards of guardians and other local authorities have found no serious difficulty in overcoming the obstacles against which they have had to contend, and that the system of relief has been efficient and orderly."

1847-1848. Increase of the number of persons relieved.

In the short report of the Poor Law Commissioners for the five months they continued in office, after the passing of 10 & 11 Victoria, cap. 109, the amount expended in the several Poor Law unions only is stated; but in the first report of the Poor Law board, that for 1848, the expenditure for the whole country is given, and shows an increase of £881,978 on the year ending at Lady-day 1848 over that of 1847, which is nearly equal to 17 per cent. on the entire expendi-

ture. The report also contains a tabular statement of the number of *able-bodied persons* relieved in the winter quarters of these years, ending at Lady-day respectively, in the then existing 592 Poor Law unions, from which unions alone could accurate or reliable returns be obtained, viz. :—

	In-door.	Out-door.	Total number of able-bodied relieved.
In 1847 . . .	105,306 . .	375,278 . .	480,584
In 1848 . . .	135,084 . .	442,361 . .	577,445
Increase . . .	29,778	67,083	96,861

There is here a larger increase upon a previously large number, and the maintenance of half a million of able-bodied persons at the public cost is surely a formidable circumstance. Only about one-fourth of the number it appears were relieved in the workhouses, which is a proof that the test was sparingly applied, and that the law was administered with great leniency.

The efficiency of the amended Poor Law depends so much upon the extent to which the workhouse is used as a medium of relief, and a test of destitution, that it may be instructive, and will afford means of comparing the working of the law in different years, to insert an abstract of the numbers relieved in and out of the workhouse, in the quarters ending at Lady-day respectively, commencing with 1840 :[1]—

Year.	In-door.	Out-door.	Total number relieved.	Per cent. on the population.
1840 . .	169,232 . .	1,030,297 . .	1,199,529 . .	7·7
1841 . .	192,106 . .	1,106,942 . .	1,299,048 . .	8·2
1842 . .	222,642 . .	1,204,545 . .	1,427,187 . .	8·9
1843 . .	238,560 . .	1,300,930 . .	1,539,490 . .	9·5
1844 . .	230,818 . .	1,246,743 . .	1,477,561 . .	9·0
1845 . .	215,325 . .	1,255,645 . .	1,470,970 . .	8·8
1846 . .	200,270 . .	1,131,819 . .	1,332,089 . .	7·9
1847 . .	265,037 . .	1,456,313 . .	1,721,350 . .	10·1
1848 . .	305,956 . .	1,570,585 . .	1,876,541 . .	10·8

[1] A proportional estimate is made for the numbers relieved in places not under the Poor Law Amendment Act. For a comparison of English with Scotch pauperism about this time, and comments thereon, see *History of Scotch Poor Law*, p. 108.

It appears by this abstract, that with the exception of 1844–45 and 1845–46, in which years some reaction took place, there had been a continual increase in the numbers relieved both in and out of the workhouse throughout the whole period, and that the largest increase had taken place in the last two years. The in-door poor amount only to about one-sixth of the entire number relieved, a proportion the reverse of what was anticipated at the passing of the Amendment Act, 1834, when the extinction of out-door relief was reckoned upon, or at least was expected to be so far reduced as to form the exception, instead of being, as we now see it, rather the rule. But in fact the affording of out-door relief had been so long practised, and as it were engrafted into the habits of the labouring classes, that to put an end to it, or even to reduce it within the narrow limits many persons anticipated, would have been impossible under any circumstances, however favourable. During a considerable portion of the period, however, circumstances had not been favourable, and the efforts the Poor Law Commissioners made to bring about a reduction of out-door relief, and to establish in-door relief more generally instead, served to increase their unpopularity, and to bring discredit on the law itself. Charges of inhumanity were made against them for their efforts to extend the workhouse principle, inquiries were instituted, opposition was active, and the progress of amendment was necessarily slow and beset with difficulties. On some occasions indeed credit was claimed for the law, and for its executive, on account of the large amount of out-relief afforded under it, which was cited in proof of its humanity; and this was not done obscurely by the ignorant and ill-informed, but openly and before parliament; so that to put an end to out-door relief, or even to reduce it to about an equality with the in-door, became a matter rather to be desired than expected.

Difficulty of reducing out-door relief.

Such were the circumstances with regard to out-door relief in England; but in Ireland it was different, for the Irish Poor Law did not recognise or sanction out-relief in any shape; and although its provisions in this respect were for a time departed from, under the severe inflictions of famine and fever, the principle was there never lost sight of, and the practice was brought into conformity with it when, and as speedily as, the state of the country permitted.[1]

[1] Doubts have been expressed whether the English Commissioners of Poor Law Inquiry of 1832, or the first Poor Law Commissioners of 1834, were or were not in favour of the eventual absolute prohibition of out-door relief, otherwise than in very exceptional cases. And the expressions of the author in the above two paragraphs have been cited on both sides. No apology, therefore, is needed for quoting in full the words used by him in his Second Irish Report, written after three years of practical and responsible experience of the English law, and close intercourse with those by whom, and on whose advice, that law had been introduced. He there says (*History of Irish Poor Law*, p. 203):—

"Much has been said as to the necessity of providing out-door relief in Ireland; but most of the arguments in favour of an extension of relief beyond the workhouse, appear to be founded either upon a misapprehension of the objects of a Poor Law, or upon an exaggerated estimate of the number of destitute persons for whom relief would be required. The object of a Poor Law is to relieve the destitute—that is, to relieve those individuals who from sickness, accident, mental or bodily infirmity, failure of employment, or other cause, may be unable to obtain the necessaries of life by their own exertions. Under such circumstances the destitute individual if not relieved might be driven to beg or to steal; and a Poor Law, by providing for the relief of destitution, prevents the necessity or the excuse for resorting to either. This is the legitimate object of a Poor Law, and to this its operations are limited in the Bill of last session. But if, disregarding this limitation, it be attempted to provide relief for all who are needy, but not destitute—for all who are poor, and whose means of living are inferior to what it may be desirable that they should possess—if property is to be taxed, not for the relief of the destitute only, but for ensuring to everyone such a portion of the comforts and conveniences of life as are assumed to be necessary—the consequence of any such attempt must be in Ireland, as it notoriously was in England, not only to diminish the value of property, but also to emasculate and demoralise the whole labouring population.

"The evidence collected by the Commissioners of Poor Law Inquiry in England, establishes the conclusion, that out-door relief is inevitably open to abuse, and that its administration entails consequences prejudicial to the labouring classes, and to the whole community—in short, that there is no security for the prevention of abuse, nor any mode of ensuring a

Exemption of stock-in-trade from being rated.

The Parochial Assessment Act (6 & 7 William IV. cap. 96), which had been passed in 1836, was at first supposed to repeal the provision of 43 Elizabeth, by which stock-in-trade was held to be rateable to the relief of the poor; but the courts of law having decided otherwise, and confusion having in some places arisen in consequence, 3 & 4 Victoria, cap. 89, was passed in 1840, to exempt for one year the "inhabitants of parishes, townships, and villages from liability to be

right administration of relief, but by restricting it to the workhouse. The facts and reasonings contained in the reports on this subject, have been confirmed by the experience of the present Poor Law Commission, and although out-door relief has not yet been totally prohibited in any of the English unions, there can be no doubt that the intention of the Poor Law Amendment Act points eventually to the workhouse, as the sole medium of relief, and requires that it should be so restricted as early as circumstances permitted. To establish out-door relief in Ireland would therefore be in direct contradiction to English experience and to the spirit of the English law. It would introduce a practice in the one country, under the prejudicial effects of which the other has long been suffering, and from which it has not yet entirely recovered. Some persons have recommended that out-door relief in Ireland should be restricted to the aged, sick, and infirm; but even with this limitation, how is abuse to be prevented, and how is the precise limit to be defined of the age, sickness, or infirmity entitling an individual to be relieved out of the workhouse?—I believe it to be impossible so to define the conditions as to prevent the occurrence of gross abuses, which would not only be a source of demoralisation, but would also serve to engender strife, jealousies, and ill-feeling in every locality. After the best considerations which I have been able to give the subject in all its bearings, I still retain the opinion that in Ireland relief should be restricted to the workhouse, or in other words, that out-door relief in any shape should be prohibited."

It is true that (as mentioned in the note to vol. i. p. 9, *ante*) the Irish Act of 1838 was succeeded in nine years by the Extension Act of 1847 (*History of Irish Poor Law*, p. 330), authorising out-door relief, and that such relief was in fact thereupon given, for a period, on a very large scale, contrary to the anticipations of the author, as stated in his First Irish Report (*ibid.*, pp. 176–177). But this relaxation, which was only temporary, was made with his full concurrence, and was entirely due to the overwhelming calamity of the potato famine, after which the stricter policy was rapidly resumed, the total number of out-door paupers on 29th September 1855 being only 655, all of them exceptional cases (*ibid.*, p. 402). The fact that subsequently there has been a reversion to an out-door relief system may or may not be explainable. But there can scarcely be any doubt as to the opinions held by the author and his colleagues. Nor does

rated as such in respect of stock-in-trade or other property to the relief of the poor"; and the like exemption has been continued annually ever since. The ground for such exemption is the difficulty, or rather the impossibility, of so fixing the locality and ascertaining the value of stock-in-trade or other personal property, which in its very nature is changeable and uncertain, as to render it a fit object for being rated in common with visible stationary and permanent property; and this impossibility, it may be remarked, is not likely to be overcome.

1847. Select committee on the law of settlement.

Early in 1847 a select committee in the Commons, of which Mr. Charles Buller was the chairman, was appointed to inquire into the operation of the law of settlement and of the Poor Removal Act of the last session (9 & 10 Vict. cap. 66),[1] and to report thereon to the House. Numerous witnesses were examined, and extensive inquiries instituted, the substance of which was given in seven separate reports; but no distinct recommendation was made by the committee, who however state, that "although they do not submit any specific plan for the amendment of the law, they feel confident that their labours will not prove useless, inasmuch as they have brought together a large mass of valuable information, and fixed public attention on those points which require especial consideration in any attempt to legislate on a subject of such great importance to the interests of the poor, and the general

the absence of any express recommendation by them, in their periodical reports, that the English system should be further restricted as to out-door relief, afford any basis for a contrary argument, when the extreme opposition is borne in mind which they encountered in bringing into operation merely the partial abolition of out-door relief to the able-bodied in this country. The question of out-door relief will probably remain unsettled for many years to come, but the experience of such unions as Bradfield, Brixworth, Reading, Atcham, St. Neots, Whitechapel, St. Georges in the East, proves that such relief can be reduced to practically infinitesimal proportions without hardship and, indeed, with benefit to the poorer classes.

[1] *Ante*, p. 372.

well-being of the country." On all these "points," in the various forms in which they were raised by different members, the committee had deliberated, discussed, and voted. Many resolutions were proposed and rejected, some by large, others by small majorities; but nine are recorded on the minutes as being carried, which, although not reported to the House (the motion for that purpose having been rejected by a majority of one), are of so much importance in connection with our subject as to require insertion here. The resolutions are as follows:—

1st. "That the law of settlement and removal is generally productive of hardships to the poor, and injurious to the working classes, by impeding the free circulation of labour."

2nd. "That it is injurious to the employers of labour, and impedes the improvement of agriculture."

3rd. "That it is injurious to the ratepayers, by occasioning expense in litigation and removal of paupers."

4th. "That the power of removing destitute poor persons from one parish to another in England and Wales be abolished."

5th. "That as the total abolition of the power of removing paupers within England and Wales, would have the effect of greatly increasing the burthens of particular parishes, it is advisable that some change should at the same time be made in the distribution of the burthen of relieving the poor."

6th. "That the narrowness of the area of chargeability is one great source of the evils above adverted to, as well as of others arising from the interest of landowners and ratepayers in preventing the residence within that area of persons likely to become chargeable."

7th. "That it is therefore desirable to extend the area of rating for the relief of the poor."

8th. "That unions would form the fittest areas for that object."

9th. "That with a view to render the working of a system of union rating more just and equal, it would be advisable to facilitate, in certain cases, the alteration of the limits of existing unions in England and Wales."

That the committee, after passing these resolutions, should not have reported them—and that parliament, knowing such resolutions to have been passed by the committee after five months' laborious investigation, should not have taken steps for altering the law—can hardly fail to excite surprise; but it ought likewise perhaps to be regarded as a proof of the difficulty of effecting any great change in institutions to which a community has been long accustomed, and to which the interests of particular classes have become adapted, even although the proposed change were an undoubted improvement.

1847. Consolidated order.

Immediately after the passing of 10 & 11 Victoria, cap. 109,[1] which made provision for a new central executive, the Poor Law Commissioners issued "a general consolidated order," comprising under one form the contents of the previous general orders for the government of the unions. This consolidated order had been long in preparation, and all the alterations and additions which experience had shown to be necessary or desirable in the former orders were embodied in it. The end of the Commission being so near at hand, the propriety of issuing such an instrument, instead of leaving the matter to be dealt with by their successors, may possibly be questioned; but great pains had for a long time been bestowed on

[1] *Ante*, p. 384.

improving the several parts of the order, and rendering them as perfect and efficient for their several objects as possible, and it was therefore determined to issue the order at once, which would possess the advantage of placing before the public in one connected series the whole of the regulations in their most improved form, and embodying all that experience could suggest for ensuring their efficiency—a not unfitting termination, it was thought, of the Commissioners' labours.[1]

The new Commission, 17th Dec. 1847.

It has been already stated that the Poor Law Commission, as newly constituted under 10 & 11 Victoria, cap. 109, entered upon its duties on the 17th of December 1847.[2] Mr. Charles Buller, M.P. for Liskeard, was appointed president, the other members of the board being the lord president of the council, the lord privy seal, the home secretary, and the chancellor of the exchequer, as directed by the Act. The author of this work, and Viscount Ebrington, M.P. for Plymouth, were appointed joint secretaries; and the nine gentlemen who previously held the office of Assistant Commissioners, were named inspectors under the new Commission. These were, however, deemed "insufficient for the proper fulfilment of the duties required from them," and four others were shortly afterwards added, the several districts being recast and adapted to the increased number.

The subject of the settlement and removal of the poor, very early occupied the attention of the newly constituted Poor Law board. It had been forced upon the notice of the late Commission by the complaints that were made of the operation of 9 & 10 Victoria, cap. 66,[3] which, by rendering persons irremovable after five years' residence, had in some instances caused a

[1] The poorhouse regulations drawn up by the Scotch Poor Law Commissioners in 1849–50, conformed very closely to the English workhouse regulations. *History of Scotch Poor Law*, p. 231.

[2] *Ante*, p. 384.

[3] *Ante*, p. 388.

considerable change in the incidence of chargeability, and the parishes that were losers thereby complained loudly of the increased charge to which they were subjected. By way of remedy, Mr. Bodkin's Act (10 & 11 Vict. cap. 110)[1] was passed in the following year, by which all such charges were directed to be defrayed out of the common fund of the union. This Act was found on the whole to work well, but its duration being limited to one year, it became necessary in 1848 again to deal with the question; and accordingly a Bill was introduced by the president of the Poor Law board, after a clear exposition of all the circumstances, and a luminous commentary on other portions of the existing law. He described the law of irremovability established in 1846 as being founded on sound policy, and with a proper regard to the interests of the poor, although it was undeniable that it had caused a shifting of charge on the ratepayers; and when the legislature made that change, it would, he thought, have been better to have guarded against creating a pressure upon particular localities, by throwing the burthen on a larger area than that of a parish. This was, however, done by Mr. Bodkin's Act of the last session, and he now proposed "that the principle of that Act should be continued, and that the irremovable poor shall henceforth, as they have been during the last year, be a charge not upon the parish, but upon the whole union."

Mr. Buller's speech, July 25, 1848.

Mr. Buller next adverted to the subject of vagrancy, which it was impossible, he said, to leave upon the footing on which it then stood—not that the principle of relieving the vagrant as laid down by the law can be altered for the better, but that it should be administered in a different spirit, and with greater discrimination. The charge of relieving vagrancy is now borne by the parish in which the vagrants apply

[1] *Ante*, p. 373.

for relief, and this in ninety-nine cases out of a hundred is the parish in which the workhouse is situated, or in which the relieving officer resides. This is obviously unjust, and numerous complaints are made in consequence. The remedy he proposed was, that the relief of the vagrant, like the relief of the irremovables under 9 & 10 Victoria, should be charged to the common fund of the union. He then discussed the question of rating, and declared his opinion that all union charges should be defrayed by an equal assessment of property, instead of upon the old system of averages, which, although rightly and of necessity adopted in 1834, when the Amendment Act was passed, was now in a different position. "At the former period, whatever evils and burthens existed, had grown up under parochial management; and it might be fairly said to the several parishes that the burthens which had arisen under their administration should be borne by them, and not be thrown upon the general fund. But the administration of the Poor Law has since then been taken out of the hands of the parish officers, and the parishes can therefore be no longer held responsible." The whole system of averages, he said, is one of trickery and squabbling. In some parishes the whole burthen is sought to be shifted upon others; in other parishes they make private rates, and thus great frauds are perpetrated, and the averages unduly diminished. "These are the grounds," he added, "on which I propose to place the establishment charges, as well as the other charges, on a common footing, and to raise a common union fund by a general union rate, apportioned on the property of the whole union." Any difficulty arising through the inequality of the poor-rate valuations, he proposed to remove by taking the valuation for the county rate.

Mr. Buller then referred to the objections which might be made to the principle of what he proposed.

"It will be observed," he said, "that this measure cannot be discussed without looking to the general question of substituting union rates for parish rates. It will be contended that I have admitted the principle of union rates; and, to quote language that has been used to me in private, that I have let in the small end of the wedge. But, if the reasons I have stated justify the principle of union rating to the extent I propose to carry it, the House should not be deterred from doing what is right, on a practical question, by the fear that the principle might be carried too far. Those gentlemen who resist the application of a good and just principle, fairly admissible in a particular case, because they dread ulterior consequences, are very likely to raise up a feeling in the community which will lead to that very principle being rashly and too hastily applied." After thus arguing in favour of making the union liable for the relief of vagrants and irremovables, and for the establishment charges, Mr. Buller declared himself to be not yet fully satisfied that it would be advisable to substitute union, or any other system of chargeability upon a larger area, for the old system of parochial chargeability; although his opinion on this point had been shaken by what took place in the committee of which he was chairman last year. With respect to settlement, he said that he admitted all the evils so forcibly brought before the House by the evidence taken by that committee. He thought the present law of settlement and power of removal involved great hardships, and he trusted that no long time would elapse before parliament relieved the poor from that great evil. Such were the leading particulars of Mr. Buller's speech, on which the Bill then introduced was founded. It however received considerable modifications in its passage through parliament, and I will now briefly describe the measure in the form it finally assumed.

1848, 11 & 12 Vict. cap. 110.

The 11 & 12 Victoria, cap. 110, may be regarded as a further advance in the direction indicated by 9 & 10 Victoria, cap. 66,[1] and by the resolutions carried in the committee on the law of settlement in 1847.[2] After reciting the provisions of the Amendment Act for the formation of unions, it directs that until the 30th of September 1849, the cost of the relief given to any poor person becoming chargeable in any union formed under the provisions of that Act, "being a destitute wayfarer or wanderer or foundling, as well as the cost of the burial of any such person," shall be chargeable to the common fund of the union. And it is also, by the 3rd section, further directed, that during the like period, all the costs incurred in the relief of any poor person, who, not being settled in the parish where he resides, shall be exempted by 9 & 10 Victoria, cap. 66, from the liability to be removed, shall be charged to the common fund of the union in which such parish is comprised. And the 4th section enacts, that where any question shall arise between the parishes of a union, or between the guardians and any particular parish, with reference to the charging of the cost of his relief, the parties may jointly submit such question to the Commissioners, who may thereupon, if they think proper, entertain such question, and by an order under their seal determine the same. The 7th section enables the guardians, on application of the parish officers or any ratepayer, to cause a valuation to be made of any property alleged to be rateable, and may charge the expenses of such valuation to the parish or such person accordingly. And the 9th section directs that persons hereinbefore made chargeable upon the common fund, on being convicted of any offence, may be committed to the house of correction, and the expenses defrayed out of the county rate. The 10th section enacts, that any poor person professing to be a destitute wanderer

[1] *Ante*, p. 372.

[2] *Ante*, p. 397.

or wayfarer, on applying for admission to a workhouse, may be searched, and any money found upon him applied in aid of the common fund of the union; and any person who so applies for relief, and has at the time in his possession money or other property of which he shall not make disclosure, is to be deemed an idle and disorderly person, and punished and dealt with in all respects as such persons are directed to be dealt with under the provisions of 5 George IV. cap. 83.[1] The foregoing are the only provisions requiring to be noticed, and they are all calculated to facilitate the working of the law. The Act has been successively continued from year to year, and is still in force.

1848, 11 & 12 Vict. cap. 31.

A little previous to the preceding Act, 11 & 12 Victoria, cap. 31, had been passed, which, although it did not directly affect the law of settlement itself, was yet calculated to lessen some of the evils arising out of it. The Poor Law Amendment Act provided,[2] that copies of the examinations on which any order of removal is made by the magistrates, shall be sent to the parish to which the pauper is to be removed, and if not acquiesced in, that the appellants against such order should in like manner forward a statement of the grounds of their appeal. Great technical nicety was necessary in all these proceedings, a slight failure in which, or a trifling omission in matter of form or statement, always occasioning much trouble and delay, and often leading to litigation and expense, as well as impeding the administration of justice. The 11 & 12 Victoria, cap. 31, aims at remedying these evils, by enabling the court in certain cases to amend an order of removal, and also enabling parties to correct any inaccuracy of statement, or to supply defect in matter of form; and the Act has proved of great practical utility in these respects.

[1] *Ante*, p. 196.

[2] 4 & 5 William IV. cap. 76, s. 79 *et seq.*

Increase of vagrancy.

The attention of the new board was early drawn to the increase of the vagrant poor. The late Poor Law Commissioners had adverted to it in their reports, but they were not sufficiently assured of public support to venture upon a repression of the evil. Indeed it may be doubted whether their efforts to secure prompt attention to every applicant for relief, did not rather operate to the promotion of vagrancy, by causing relief to be often given to improper objects. The president of the new Poor Law board devoted much attention to this subject, which he rightly considered to be one of great importance. We have just seen that he referred to it in his speech, and that his Bill provides for the cost of relieving vagrants being defrayed out of the common fund of the union. He also caused the state of vagrancy along the main lines of traffic to be investigated, and a report containing the results of this inquiry was laid before parliament.

The increase of vagrants appearing to be in some measure attributable to a want of due care on the part of the union authorities, Mr. Buller prepared a minute, pointing out the necessity for vigilance and discrimination in administering relief to this class of persons. The minute states, that the board had received representations from all parts of the country respecting the great increase in vagrancy, and also that the system of late years adopted in relieving the casual poor has been a principal cause of such increase. That to supply food and lodging at the public charge unto all who demand them, by diminishing the risks and privations of a vagrant life, must operate as a temptation to resort to it. That the task of work prescribed by the regulations had been found useful, when properly applied; but being only occasionally enforced, it had exercised no general influence as a test. The laws against vagrancy had been alike ineffective, and the board was unable to suggest any additional test or punishment,

for preventing the abuse of relief indiscriminately extended to every stranger representing himself as being destitute; and that a sound and vigilant discrimination in respect of the objects of relief, and the refusal of it to all who are not ascertained to be destitute, are the only effectual remedies against the continued increase of vagrancy and mendicancy. "The power of exercising this discrimination," it is then added, "is vested by law in the boards of guardians and their officers. On them rests the responsibility of exercising it effectually. They must encounter the responsibilities of their position, and intrust the business of administering relief to officers who shall possess sufficient discrimination to distinguish those whose urgent destitution gives them a claim to relief, from those who throw themselves habitually on public charity, because it is extended to all who choose to ask it. It is equally the duty of those officers to relieve the destitute, and to repel the impostor; and it would appear to require no more than ordinary intelligence and care, to avoid erring seriously in either direction. The late Poor Law Commissioners found it necessary at one time, to remind the various unions and their officers of the responsibility which would be incurred by refusing relief where it was required. The present state of things renders it necessary, that this board should now impress on them the grievous mischiefs that must arise, and the responsibilities that may be incurred, by a too ready distribution of relief to tramps and vagrants not entitled to it." The guardians and their officers may, it is observed, be subjected to some obloquy from prejudices that confound poverty with profligacy; but they will be supported by the consciousness of discharging their duty to those whose funds they administer, and of resisting a formidable abuse. Such of them as are responsible to the Poor Law board, are then assured

"that whilst no instance of neglect or harshness to the poor will be tolerated, they may look to the board for a candid construction of their acts and motives, and for a hearty and stedfast support of those who shall exert themselves to guard from the grasp of imposture, that fund which should be sacred to the necessities of the poor."

Results of the minute on vagrancy.

The promulgation of this minute was attended with the best results. The assurance of support it contained gave confidence to the union functionaries, who, in their dread of bringing upon themselves censure for backwardness in affording relief, had certainly become too easy and indiscriminating in its administration. The habitual vagrants were made aware that their condition would be inquired into, their claims scrutinised, and their necessities ascertained, before relief of any kind could be obtained by them. The incentive to vagrant courses which the prospect of finding lodging and sustenance in every union afforded, was thus in great measure removed, and vagrancy was less followed in consequence. The entire minute is inserted in the Appendix to the Report of the Poor Law board for 1848. It was signed by the president of the board, and by the author of this work, who takes this opportunity of stating that he never affixed his signature to any public instrument which he more entirely approved.

The workhouse schools.

Much pains were taken by the newly constituted board to improve the workhouse schools. Regulations were established by which the schoolmasters and schoolmistresses were to undergo an examination, by inspectors appointed by the Committee of Council on Education, and the grant voted by parliament for the repayment of their salaries was to be appropriated according to the efficiency they severally exhibited—"so that larger sums will be granted to the boards of guardians who possess efficient schoolmasters and schoolmistresses,

than to those whose officers possess inferior qualifications";[1] and thus after a time it is expected that a better class of teachers will be established. In many of the unions, the guardians are said to have "applied themselves with much energy to the industrial training of the children in the workhouse schools, and have taken active measures for their instruction in useful occupations, so far as the limited resources of a single union would allow." But the board are of opinion, "that a really effective system of education and industrial training can only be established in unions having a considerable population, or where several unions are combined for the purpose." This combination the board are empowered to effect by establishing district schools, but there are so many difficulties interposed, that it has only been accomplished in a very few instances.

1848. Inquiry into the operation of the law of settlement.

The committee of the House of Commons on the law of settlement, which sat in 1847, and of which the president of the Poor Law board was then the chairman, not having reported conclusively on the subject,[2] he now appointed five gentlemen of competent acquirements to undertake an examination into the working of the law in different parts of the country. They were directed to inquire into the effects of the law upon the labouring classes and the employers of labour, upon pauperism and vagrancy, and upon the burden of taxation, local and general; and they were also directed to ascertain the opinions of persons conversant with or affected by the law of settlement and removal, as to the nature of any change which to them might appear desirable, and the reasons for so thinking. The reports which these gentlemen made, after an extended inquiry into the subject, united in deprecating the evils and the hardships inflicted by the settlement law—evils as respects the community generally, and hardships as

[1] See Report of the Poor Law board for 1848, p. 6.

[2] See *ante*, p. 394.

respects the poor in particular. The most remarkable of these reports, and to which reference has already been made, was that prepared by Mr. Coode,[1] who, with great industry and research, investigated the whole subject of settlement, showing that the law originated in error or misrepresentation, and that its working had throughout been productive of results the reverse of beneficial.

The inquiry on this occasion was not limited to any one class or locality, but was "prosecuted in districts differing widely as regards the size of the parishes, the amount and density of the population, and the nature of their employment"; and in all, the results of the law were found to be similar—the labouring classes were everywhere rendered dependent on their parishes, to which they appeared bound by a kind of invisible chain; and from which if anyone in a moment of daring or desperation ever broke loose, he knew that on the first occurrence of difficulty or misfortune he would be sent back, tainted with the disgrace of failure, and doomed thenceforward to be "settled" in the full sense of the term. The power of removal was everywhere found to be a source of hardship to the working classes, whilst their being settled was found to destroy their enterprise and self-reliance; so that the ratepayers were sufferers, in common with those for whose supposed benefit the rate was raised. The settlement law nevertheless remained in force, owing chiefly, it is believed, to a vague apprehension of possible consequences that might, it was feared, arise from its abolition.

Parochial chargeability.

The same may be said with respect to parochial chargeability (which is a branch of settlement) in large towns. The inequality of the poor-rates in places comprising several parishes, had long been complained of, and the president of the Poor Law

[1] See vol. i. p. 281.

board introduced a Bill for equalising the charge, by requiring each of such parishes to contribute in proportion to the amount of its valuation for rating. Copies of the Bill were forwarded to the several unions, with a circular explaining its object, and inviting observations thereon, preparatory to a consideration of the subject in the following session. The labourers of a town seldom reside in the parish in which they work, so that the latter parish has the benefit of their labour, whilst under the existing law, the former is alone chargeable with the burden of their relief; and the board, therefore, in its circular remarks that—"Whatever might be the validity of the arguments advanced on behalf of parochial chargeability for the general relief of the poor, they appear hardly to hold good in the case of towns comprising several parishes." But the subject was not revived in the following session, and the law still (1853) continues unaltered.

Death of Mr. Buller, 29th Nov. 1848.

The painful duty now arises of recording the premature decease of the president of the Poor Law board. Mr. Buller died on the 29th of November, after only a few days' illness, having held the office of president little over eleven months. The value of his services must not however be measured by their duration. The paragraph in the board's report for 1848, which records his decease, notices his unwearied devotion to the duties of his office, and declares that "the country had sustained a severe loss, in being thus early and unexpectedly deprived of the services of one of so much ability in the administration of the department, and whose estimable qualities conciliated general goodwill and regard."

Mr. Buller was succeeded in the office of president of the Poor Law board by Mr. Baines, M.P. for Hull, who had shown his aptitude for Poor Law administration, by framing and carrying through parliament 11 & 12 Victoria, cap. 31, to enable parties in

removal cases to correct inaccuracy of statement or defect of form.[1] Between February 1852, and the 1st of January 1843, during Lord Derby's short administration, the presidentship of the Poor Law board was held by Sir John Trollope, M.P. for South Lincolnshire. But on the accession of the present ministry, Mr. Baines resumed the office of president, the secretaries being C. L. Grenville Berkeley, Esq., M.P. for Evesham, and Lord Courtenay, who, on the author's being compelled by broken health to resign the office in 1851, was appointed permanent or non-parliamentary secretary to the board.

The metropolitan parishes, although Sir Jonas Hanway's Act[2] was no longer in force, were still in the habit of sending their pauper children into the country for nurture and maintenance, mostly to two establishments formed for the purpose, one at Norwood, the other at Tooting. These were private undertakings, in which the children were "farmed," as it was called, at so much per head. Early in 1849 the cholera suddenly broke out among the poor children at Tooting, carrying off a considerable number, and the public sympathy was much excited on the occasion, it being supposed that the children had been grossly neglected. Little had hitherto been done towards forming district schools for the metropolis, and doubts existed as to the right of the Poor Law board to interfere with these "farming" establishments. From what now occurred at Tooting, however, it became evident that something was necessary for the protection of pauper and deserted children, especially those of the metropolitan parishes; and 12 & 13 Victoria, cap. 13, was accordingly passed, commencing with this recital—"Whereas poor persons are sometimes lodged and maintained, under contracts or agreements for certain payments, in houses and estab-

1849, 12 & 13 Vict. cap. 13.

[1] *Ante*, p. 402.

[2] *Ante*, p. 63.

lishments, not being the workhouses of any union or parish, nor subject to the effective control of any guardians or overseers or other parochial authorities, and no sufficient powers are vested in any authority to regulate the houses and establishments wherein such persons are lodged and maintained, and it is expedient that such powers should be given." The Act then empowers the Poor Law board to make and issue regulations for the government of any house or establishment wherein poor persons shall be lodged or maintained, under contract or agreement with guardians, overseers, or other persons, "or for the education of any poor children therein, in like manner as the said Commissioners are by law empowered to do in the case of any workhouse belonging to any union or parish." The board are also empowered to remove any officer, servant, or assistant in any such establishment, and to regulate contracts, and to prohibit the reception or retention of any poor person or class of poor persons therein. Justices are empowered to visit these establishments, and the Poor Law board and the Board of Health are each empowered to appoint inspectors to visit from time to time "any such house or establishment, and to ascertain the state and condition of the same, and of the poor people therein," and to report thereon respectively.

The powers above indicated were sufficient for securing the proper management of these receptacles of pauper children so long as they were permitted to continue; but they were in a short time superseded by the district school establishments, formed under the orders of the Poor Law board, and having their educational proceedings conducted under the superintendence of the Committee of Council on Education.

1848-49. The cholera.

The cholera made its appearance in the autumn of 1848, but it was for a time comparatively inactive. In the summer of 1849, however, it broke forth with

increased virulence, occasioning great mortality in many places. The poorest of the people were chiefly its victims wherever it appeared, but its ravages were partial, many rural districts being exempt from its visitation. Even in some of the populous manufacturing towns it scarcely showed itself, and very few cases occurred in the union workhouses. The regulations promulgated by the Board of Health, with a view to preventing or mitigating this fearful malady, were sent to the several boards of guardians for their guidance under the visitation, and were in general zealously executed, and in some instances anticipated —the union machinery thus proving its efficiency for other objects, irrespective of the administration of relief under the Poor Law.[1]

Reduction of expenditure, and repression of vagrancy.

Notwithstanding the prevalence of cholera, and the incidental charges for sanitary arrangements in most of the unions, the expenditure was considerably reduced in the two years following 1848, when, as we have seen, it reached its third maximum of £6,180,765;[2] whereas in 1849 the expenditure amounted to £5,792,963; and in 1850 to £5,395,022, being less by £785,743 than it had been three years preceding. The numbers relieved were lessened in proportion, and the evil of vagrancy had likewise remarkably decreased after the promulgation of Mr. Buller's minute at the end of 1848,[3] the number of vagrants relieved in 580 unions being—

On the 1st July	1848	. . .	13,714
„ „	1849	. . .	5,662
„ „	1850	. . .	2,954

or little more than one-fifth of the number to whom relief was administered in 1848, before the minute was circulated—a strong proof of its usefulness, and

[1] For statistics of this cholera outbreak, see *History of Scotch Poor Law*, p. 227.

[2] *Ante*, p. 388.

[3] *Ante*, p. 403.

of the soundness of the principle on which it was founded.

1850. Number of union officers, and amount of their salaries.

The number of paid officers, and the amount of their salaries in 1846, has already been given, the number of unions being then 591.[1] The following is a more complete statement of the several classes of paid officers in 1850, and the number of each class employed at that time in 604 unions and parishes under boards of guardians,[2] and 30 places under local Acts, together with the total and the average amounts of the salaries severally paid to them :—

Description.	Number.	Amount of salaries.	Average salary to each officer.
Clerks	634	£69,941	£110
Chaplains	466	21,695	47
Medical officers	3,156	156,494	50
Relieving officers	1,377	113,110	82
Masters and matrons	1,359	50,778	37
Schoolmasters	383	11,837	31
Schoolmistresses	501	10,473	21
Porters	442	7,971	18
Nurses	248	3,451	14
Superintendents of labour	69	2,723	39
Collectors or assistant overseers	3,042	72,410	24[3]
Treasurers	622	1,464	2[4]
Other officers	505	13,200	26
District auditors	49	13,143	268
	12,853	£548,690	

This statement possesses considerable interest, as showing the magnitude and the cost of what may be called the official staff employed in administering to the necessities of the poor in England. The prescribing of the duties, and fixing the salaries of each and all of these officers, devolves, under the provisions of the Amendment Act, upon the Poor Law board, to whom appeals are made in cases of alleged

[1] In 1852 this number was increased to 608.

[2] *Ante*, p. 370.

[3] Treasurers and collectors are usually paid by a poundage or commission, which is not included in the above.

[4] *Ibid.*

misconduct, and who are empowered to dismiss offenders. This power of dismissal is rarely exercised, and never until after a full and sometimes a lengthened investigation; but its existence secures a degree of order and efficiency which, without such a power, it would be impossible to establish among so numerous and varied a body of functionaries.

The amount of the salaries exhibited in the foregoing statement, is certainly large, and when employment is abundant, and all things moving satisfactorily, the workhouse is apt to be complained of. At such times the number of inmates is usually small, for the most part consisting of aged and infirm persons and young children, all of whom might probably be provided for at a less cost elsewhere; so that the workhouse comes to be regarded as an encumbrance, and a source of unnecessary expense. But even with respect to the aged and infirm poor, the workhouse is always useful; for if on attaining advanced age, or being visited by infirmity, each person was to be unconditionally provided for at his own home, all inducement to industry and forethought in early life would be destroyed; and the union would become, as the parish had been in times past, a resort for the spendthrift, and the nursing mother of idleness and improvidence. It is only by coupling such needful relief as humanity and the law require, with conditions in themselves undesirable, or perhaps in some degree repulsive to the recipient, that these consequences can be averted; and this is accomplished by means of the workhouse, the object of tendering which enables the guardians to protect the ratepayers from being unduly burthened, and at the same time to protect the community from what might otherwise operate as encouragement to improvidence.

Workhouse applicable to the aged and infirm poor.

The foregoing observations chiefly apply to the workhouse in connection with the relief of the aged and infirm poor. But with respect to the able-bodied,

Use of the workhouse with regard to the able-bodied poor.

its usefulness, indeed it may be said the necessity for it, is still more obvious and urgent. In the multifarious occupations existing in this country, some are continually subject to stagnation, at times all are more or less so subject; and on such occasions, if persons temporarily out of employment through any cause—whether by a long-enduring snowstorm, as in the cases of Andover and Cuckfield, or by commercial embarrassment, as in the case of Nottingham[1]—were at once and without condition to be supported at the public charge, it is clear that the burthen might, under certain circumstances, become intolerable, and destructive of all property. The workhouse is a fence against this contingency. If rightly used, it so far repels applicants for relief, as to afford an assurance that nothing short of necessity will lead them to accept it, that all other available means for obtaining support will first have been tried; and if this has been done, and if the necessity be nevertheless urgent, no one will deny that it should be relieved at the public cost, and in the way least likely to occasion its recurrence, or to injure the public interest. Relief in the workhouse fulfils both these conditions, as was shown in the two instances just referred to; and its existence ought therefore to be regarded as a security against a great and possible evil, cheaply purchased at the cost which it occasions, even although the house were to be almost or altogether void of inmates. Indeed it is hardly an exaggeration to say, as a general rule, under ordinary circumstances, that a workhouse may be regarded as being more or less useful, according to the small number of its inmates.

1850, 13 & 14 Vict. cap. 99.

The 13 & 14 Victoria, cap. 99, for the better assessing and collecting the rates on small tenements, is too important an Act to be passed over without notice. Its recital declares that "the collection of

[1] *Ante*, pp. 326 and 327.

poor-rates and highway-rates assessed upon the occupiers of tenements of small annual value, is expensive, difficult, and frequently impracticable"; and it enacts that "it shall be lawful for the vestry of any parish, from time to time and at all times, to declare and order that the owners of tenements the yearly value whereof shall not exceed *six pounds*, shall be rated and assessed in respect of such tenements instead of the occupiers," which order can only be rescinded "by a majority of two-thirds at least of the votes of the persons present at a meeting duly called for that purpose." But the owner is, in respect of every such tenement, to be rated at no more than *three-fourths* of the amount at which it would otherwise have been liable to be rated; and the occupiers are to be entitled to the same municipal privileges as if they had been rated and themselves paid the rate.

Early in the following session an Act was passed for the better protection of poor children put out as apprentices or servants. Several instances of great cruelty had occurred, showing the necessity of further protection in such cases; and accordingly 14 & 15 Victoria, cap. 11, directs "that where the master or mistress of any person shall be legally liable to provide for such person, as an apprentice or as a servant, necessary food, clothing, and lodging, and shall refuse or neglect to provide the same, or shall unlawfully assault such person whereby his life shall be endangered or his health injured," such master or mistress shall be held guilty of a misdemeanour, and on conviction be liable to imprisonment with or without hard labour, for any term not exceeding three years. A register is likewise to be kept of every young person under the age of sixteen, hired or taken as a servant from any workhouse; and every young person so hired, or bound apprentice by the guardians or overseers of any parish or union, is, whilst under sixteen, to be visited at least twice in every year by the relieving officer or some

1851, 14 & 15 Vict. cap. 11.

Protection of poor children put out as servants or apprentices.

other person duly authorised, who is to report in writing whether such young person is in all respects properly treated. The guardians and overseers are moreover required to prosecute for offences committed with respect to such young persons, and the costs of the prosecution are to be defrayed out of the funds of the union or the parish as the case may be.

The expenses of litigation in questions connected with the chargeability of the poor had, as we have seen, long been a subject of complaint. The legislation of late years led to a material diminution of these expenses, and they were now reduced to a comparatively small sum. The 11 & 12 Victoria, cap. 31, provided for the correction of inaccuracies of statement in removal cases. The 11 & 12 Victoria, cap. 110,[1] enabled the Poor Law board to arbitrate, by consent of the parties interested, in cases connected with the irremovable poor; and 14 & 15 Victoria, cap. 105, was now passed enabling any two unions, or any two parishes, or a union and a parish, "between whom any question affecting the settlement, removal, or chargeability of any poor person shall arise, to submit such question to the Poor Law board for their decision; and the said board may, if they see fit, entertain such question, and by an order under their seal conclusively determine the same." The board express their belief "that this cheap and simple mode of determining such controversies will be adopted very extensively, and that it will be productive of important public benefits, not only by effecting a large pecuniary saving to the ratepayers, but by diminishing those animosities and heartburnings which costly litigation so naturally produces and exasperates."

1851. 14 & 15 Vict. cap. 105.

Guardians may agree with other unions for education, etc., of poor children.

The 6th section of the Act also provides, that where in any parish or union there is a workhouse or building having more accommodation than is required for the maintenance and education of their own poor

[1] *Ante*, p. 401.

children, the guardians may, with the consent of the Poor Law board, contract with any other union or parish not being more than 20 miles distant, "for the reception, maintenance, and instruction therein of any poor children under the age of sixteen years, being orphans or deserted by their parents, or whose parents or surviving parent shall consent"; and such children are, in all respects, to be treated as the children of the parish or union to which the workhouse or building belongs. This is a very useful extension of the power given by 7 & 8 Victoria, cap. 101, sec. 51,[1] in the case of district schools. Any union or parish not having sufficient means of educating or accommodating its pauper children, is permitted by the present Act to agree for the reception of these children by any other parish or union not more than 20 miles distant, subject only to the approval of the Poor Law board and the consent of the parents.

Great importance of the audit of accounts.

Much attention continued to be given to the subject of audit by the Poor Law board. In their report for 1851 the board remark, that "its importance may be estimated from the fact that the poor's rates collected in England and Wales (including under that head the sums paid for county-rates, borough-rates, and various other purposes besides the relief of the poor to which the poor-rates are legally applicable) amount to about £7,000,000 annually. The paid officers engaged in collecting this sum exceed three thousand. The paid officers through whose hands the greater part of it passes in its expenditure are nearly as numerous. Every one of these six thousand officers has a distinct account to render at the end of every half-year; and as the money is collected in small payments (rates), and expended in still smaller items (relief), the accounts relate in each case to several hundreds, and frequently thousands, of petty sums." Besides these accounts,

[1] See *ante*, p. 359.

it is added, "the auditors have to examine those of the unions, and of the overseers of parishes without assistant overseers or collectors, of which there are not fewer than ten thousand." This statement sufficiently establishes the necessity for a strict and systematic audit, without which disorder and malversation would be certain to occur; and even with an audit in its most perfect form, it may perhaps be impossible altogether to prevent the occurrence of the one or the other, or occasionally it may be of both. A uniform system of accounts, and a strict and uniform system of audit, are obviously essential elements of effective Poor Law administration. Without them the expenditure will not be kept within legal limits, neither can accurate returns be obtained. The audit is indeed the bridle by which the various local administrators can, with the greatest readiness and certainty, be guided to what is right, and restrained from what is wrong; and its importance therefore can hardly be over-estimated.

Vaccination.

Vaccination has already been noticed as one of the incidents not strictly appertaining to relief under the Poor Law, the cost of which is nevertheless defrayed out of the poor's rate.[1] The Tables of Mortality, published quarterly by the Registrar-General, show that deaths by smallpox continued to take place, notwithstanding the offer of gratuitous vaccination to all classes, and the frequent admonitions of the Poor Law board on the subject. The prejudice of some and the negligence of others appear however to be gradually giving way, the numbers vaccinated in Poor Law unions having gone on increasing—

In 1849	the number vaccinated was		345,315	and the number in which it proved successful was		333,248
„ 1850	„	„	334,364	„	„	322,607
„ 1851	„	„	349,091	„	„	338,947
„ 1852	„	„	411,600	„	„	397,128
„ 1853	„	„	376,218	„	„	366,593

[1] *Ante*, p. 357.

The extension of vaccination must be considered as a boon to the whole community. It not only prevents the continual spread of a loathsome and often fatal disease, but it is also the means of preserving thousands in a state of health and efficiency, who would otherwise become pitiable objects, a burthen to themselves, and a charge upon the public. The various local boards engaged in the administration of the Poor Law have done good service, and entitled themselves to the thanks of the country, by their efforts in extending the practice of vaccination.

1851-52. Education.

The Poor Law board, in their report for 1851, state that the workhouse schools generally continue to increase in efficiency, especially in the industrial training of the children, to which the attention of the guardians is becoming more directed; and a degree of progress, on the whole satisfactory in this respect, had then likewise been made in the metropolitan districts. In the following year, the board state, that "when all the educational arrangements in progress are completed, the children of twenty-seven metropolitan unions and parishes (of which the whole number is forty) will be placed either in district schools or in schools detached from workhouses, where they will enjoy the advantages of country air and industrial training."[1] In the workhouse schools in other parts of the country, improvement is likewise said to be taking place, which the board attribute to the efforts of the guardians and the superintendence of the school inspectors. The average number of children attending the workhouse and district schools, during the half-year ending at Lady-day 1852, was—

Boys, under 10 years of age	8245	
„ above 10 years of age	9569—Total boys	17,814
Girls, under 10 years of age	8729	
„ above 10 years of age	7283—Total girls	16,012
	Total	33,826

[1] See the Poor Law Board's Report for 1852, p. 9.

1852. Grant towards the salaries of workhouse-school teachers.

The amount paid to boards of guardians, out of the grant made by parliament towards the salaries of workhouse school teachers, for the year ending at Lady-day 1852, was £21,848, 7s. 3d.; which is equal to 12s. 11d. per head on the number of children of all ages in the schools, supposing the average as above given for the six months, ending at Lady-day, correctly to represent the number for the entire year. But as the number in the winter half-year would probably be higher than in the summer half-year, the cost per head would then be proportionally decreased.

1849–1852. Emigration.

The number of persons emigrating at the expense of the poor-rates has gone on increasing of late years—

				£	s.	d.
In 1849 the number of such emigrants was	1576	at a cost of		11,973	13	6
„ 1850 „	„	1962	„	9,234	16	11
„ 1851 „	„	1840	„	12,609	12	4
„ 1852 „	„	3271	„	15,453	5	1

This emigration has for the most part been directed to Australia and Canada, especially to the former, whither 2712 persons proceeded in the last of the above four years, out of the entire number of 3271 who emigrated at the cost of the poor-rates. The extent of voluntary and spontaneous emigration during the five or six years ending 1853, had indeed been unprecedentedly large.

In 1850 the number of persons who emigrated to Canada was	32,873
To the United States	244,261
To Australia and New Zealand	87,881
To other places	3,749
Making a total of	368,764 persons.

From Ireland the emigration has been chiefly to the United States, whilst from England and Scotland the tide has taken the direction of Canada and Australia, the mineral treasures recently discovered in the latter colony operating as a counterpoise to the greater length and expensiveness of the passage. The

impetus thus created has, within a very few years, had the effect of advancing the Australian colonies to a greater extent than they would, under ordinary circumstances, have attained in half a century, and has suddenly raised them into most important appendages of the British Empire.[1]

1852. Improvements in the workhouses.

In their report for 1852, the Poor Law board give a detailed statement of the improvements effected in the workhouses generally throughout the country, and of the new ones built or building, or for the providing of which arrangements had been made—all showing that greater attention than heretofore was now paid to the proper accommodation of the poor persons maintained in these establishments, and also showing that the uses of the workhouse, as tested by experience, were becoming better understood and more generally appreciated.

1849–1853. Expenditure on relief of the poor.

The amounts expended in relief, and the numbers relieved, have been severally given down to 1848 inclusive,[2] in which year the expenditure attained what I have called its "third maximum." The following are like statements for the succeeding five years, ending at Lady-day 1853 :—

		£	Per head on the population. s.	d.
In 1848	the expenditure in relief of the poor, as already stated, amounted to . . .	6,180,765 . .	7	1¾
„ 1849	it was	5,792,963 . .	6	6½
„ 1850	„	5,395,022 . .	6	1
„ 1851	„	4,962,704 . .	5	6½
„ 1852	„	4,897,685 . .	5	5½
„ 1853	„	4,939,064 . .	5	6

Although there has been a small increase of expenditure in the last year, probably owing to the increase which took place in the price of provisions in the latter

[1] See Table in the Appendix showing the amount of emigration annually from 1815 downwards.

[2] See *ante*, pp. 388 and 389.

part of it,[1] we see that an important reduction of a million and a quarter has been effected in the course of the above six years. The expenditure is still, it is true, considerably above what it was in 1837, three years after the passing of the Poor Law Amendment Act; but if we take into account the three millions which since that time have been added to the population, the expenditure is not proportionally higher than it was then, the rate per head being, it will be seen, about the same.[2] If the rate of 10s. per head on the population, to which the cost of relieving the poor amounted in 1832, had prevailed in 1852, it would have reached close upon ten millions, an enormous amount to be abstracted from the industrial resources of the country; and that, but for the passing of the Poor Law Amendment Act, it would have reached some such large amount, there is every reason for believing, the tendency down to that time having, with a few intermissions, been to a continual increase.[3] Since the passing of the Amendment Act, the charge is no longer progressive. Its pressure may be at one time more heavy than at another, but it is subject to control; and when the cause of the increased pressure has passed away, whatever ground was lost is again recovered. The poor-rate has ceased to be regarded

[1] The price of wheat in 1853, at Mark Lane, was—

On the 2nd of July	45 to 49	a quarter.
„ 24th September	58 to 64	„
„ 1st October	64 to 72	„
„ 29th October	68 to 78	„
„ 26th November	69 to 78	„
„ 31st December	73 to 82	„

The change in price is here almost as great and sudden as has been shown to have taken place at much earlier periods, when the country possessed comparatively very imperfect means of communication.

[2] See Table in the Appendix. It may be as well to note that the statements of expenditure for relief of the poor include the charge of maintaining lunatic, insane, and idiotic paupers, which in 1852 amounted to £321,961.

[3] For Scotch statistics, see *History of Scotch Poor Law*, p. 269.

as a kind of mysterious malady, irresistible in its progress, and the cause of continual apprehension. It no longer causes alarm to the timid or anxiety to the thoughtful, but is looked upon as a contribution for the general welfare by relieving destitution at the common charge—an object which it is now seen may be fulfilled not only without injury to any class, but with benefit to all.

Number of persons relieved.

Until 1848, it had been the practice to take the number relieved during the quarter ending at Lady-day, as representing the number of persons relieved in each year; and thus a quarter the heaviest in point of destitution, became the standard for estimating the extent of pauperism. In order to obtain better data for the purpose, returns were afterwards made half-yearly of the number of poor persons in receipt of relief, both in-door and out-door, on the 1st of January, when the amount of pauperism may be expected to be about the highest, and on the 1st of July, when it may be expected to be the lowest. These returns, however, could only be obtained from the unions and single parishes acting under the board's regulations; and the numbers for the rest of the kingdom require to be estimated according to the relative amount of population. This is done in the table on the following page, which places the results of these returns and estimations before the reader in one connected view.

We here see a very considerable diminution of the numbers relieved in comparison with the statement given at page 390; but as that statement was founded on returns of the winter quarters only, it is necessarily in excess of what it would have been if a return for the summer quarters also had been included. Thus the number of persons which it represents as being relieved in 1848, falls little short of double the number shown in the above table as relieved in 1849; and there is a similar excess in the entries for the other years, which

are therefore only of use as affording the means of comparing one of those years with another, and not as representing the numbers actually relieved. Indeed, it cannot be said that the latter table accurately represents this number, although it no doubt does so more nearly than the former, being founded on fuller data; but it still only gives the *average* number in daily receipt of relief, whilst the number of persons to whom relief was in some shape administered, might have been greater. For example, it would be possible for 365

Years.	Date of Returns.	Total number of Persons relieved, as returned by Unions and Parishes under the Poor Law Amendment Act.			For places not under the Poor Law Amendment Act, estimated in proportion to the Population on the basis of the preceding Return.	Estimated average total number relieved in each Year.	Ratio per cent. of Paupers relieved, on the estimated population.
		In-door.	Out-door.	Total.			
1849	1 January . .	131,591	855,573	987,164	214,870	1,043,836	6·0
	1 July . . .	102,641	783,096	885,737			
1850	1 January . .	118,952	812,376	931,328	193,637	978,373	5·5
	1 July . . .	93,916	737,864	831,780			
1851	1 January . .	111,974	750,853	862,827	185,949	930,933	5·2
	1 July . . .	93,074	720,015	813,089			
1852	1 January . .	107,335	728,025	835,360	181,031	906,313[1]	5·1
	1 July . . .	93,319	702,915	796,234			
1853	1 January . .	104,976	694,467	799,443	170,988	857,035	4·8
	1 July . . .	87,580	656,059	743,639			

persons to be relieved in the course of the year, and yet for only one person to appear on the books as relieved on any one day. In such case the return of the number relieved would be *one*, that being the daily average, although 365 actually received relief within the year. If the whole country were subject to the regulations of the Poor Law board, in the same manner as the unions formed under the Amendment Act, it might be possible to ascertain the precise number of the persons relieved in the year, as well as the average

[1] On the 1st of January 1852, the number of insane, idiotic, and lunatic paupers was 21,158, viz. 9521 males and 11,637 females. See Fifth Report of the Poor Law Board, p. 7.

number; but this can now only be a matter of estimation, and I am disposed to think, taking one thing with another, and making allowance for the families of persons relieved (all children of whatever age being included in the returns), that the numbers given in the above table constitute a fair exposition of the extent of pauperism in the country, although it certainly is possible that the individuals actually relieved may somewhat exceed those numbers.

But a point of still greater importance than the aggregate number, is the number of able-bodied persons relieved in the year; and this is shown in the following table, founded on actual returns from the unions and parishes under the regulations of the Poor Law board, and on estimation for the Gilbert and Local Act places :—

Years.	Date of Returns.	Number of Adult able-bodied Paupers relieved, as returned by Unions and Parishes under the Poor Law Amendment Act.								
		In-door.			Out-door.			In-door and Out-door.		
		Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.
1852	1 January.	6,682	12,187	18,869	28,779	84,621	113,400	35,461	96,808	132,269
	1 July . .	3,544	9,525	13,069	26,970	83,336	110,306	30,514	92,861	123,375
1853	1 January.	5,379	11,667	17,046	25,392	78,574	103,966	30,771	90,241	121,012
	1 July . .	2,285	8,498	10,783	20,951	74,920	95,871	23,236	83,418	106,654

Years.	Estimated Totals for places not in Union, according to the Population on the basis of the preceding Return.	Estimated average number relieved in each year, Male and Female.	Proportion per cent. of able-bodied relieved, to total number of all classes relieved, including children.	Proportion per cent. of able-bodied Males to able-bodied Females relieved.
1852	37,136	146,390	16·2	34·8
1853	33,184	130,425	15·2	31·1

By this table we see that in the Poor Law unions and parishes, on the 1st of January 1852, there were

132,269 able-bodied persons in receipt of relief, and 123,375 on the 1st of July following; and that by adding a proportionate number for the places not under the new Poor Law, viz. 37,136, there will be an aggregate average of 146,390 able-bodied persons relieved in the year. For 1853 the aggregate is somewhat less, being only 130,425. Of these numbers, about one-third are able-bodied males; and of the other two-thirds, one-half consists of widows, and the remaining half includes the wives of the able-bodied males, women with bastard children and those relieved for any other cause. From the above table, combined with the returns appended to the reports of the Poor Law board, we may venture to assume that, on the average of the years 1852 and 1853, there were in round numbers about 150,000 able-bodied persons relieved, of whom about one-third were males, one-third were widows, and one-third were other females. On the two last I do not think it necessary to offer any remark. They are burthens which must be borne, although they certainly ought to be kept within the narrowest limits consistent with humanity. But the forty or fifty thousand able-bodied males who are on an average receiving relief throughout the year, ought all to be earning their own livelihood, instead of being supported out of the poor-rates. Only a small proportion of them appear to be receiving in-door relief, which may account for the number being so great; since it cannot be doubted that according as the workhouse test is applied will under ordinary circumstances be the amount of able-bodied pauperism.

1852–53. Numbers of able-bodied persons relieved.

In a community such as now exists in this country, so largely occupied in commercial industry, and liable to be affected by the changes continually taking place in trade and manufactures, there must be alternations of prosperity and adversity, of activity and stagnation,

of the demand for labour exceeding the supply, and of the supply exceeding the demand; and such changes will necessarily have the effect of occasionally throwing able-bodied persons out of employment. But this is a contingency against which men may provide by the exercise of care and forethought. They can, however, hardly be expected to do so, if on the occurrence of every reverse they are permitted to fall back upon the poor-rates for unconditional relief; and the condition of the relief being given in the workhouse is therefore as necessary for the protection of the ratepayers, as the relief itself is necessary for those who without it might be subjected to the extremity of want. A right use of the workhouse is the obvious remedy against an excess of able-bodied pauperism on the one hand, and for the relief of unavoidable destitution on the other; and if it were universally so used, instead of being, as we often see it used, very partially, the number of able-bodied men to whom relief is in some shape administered would not be so great as we now find it, and the habits of the working classes would be more self-reliant, and their condition generally better.

Number of unions and work-houses.

At the end of 1852 the number of unions and single parishes under the provisions of the Poor Law Amendment Act was 608. On the 1st of July 1853 the number had increased to 616, two new unions having been formed, and six parishes or places previously under local or Gilbert Acts having in the interim been brought under the operation of the Amendment Act. They were not however all provided with sufficient workhouse accommodation. In some even of the earlier unions the workhouses were still very imperfect, and there were twenty of the unions or parishes, presided over by boards of guardians, in which this indispensable requisite for efficient management was yet altogether wanting.

The laws by which the relief of the poor in England and Wales is governed, are of two kinds—first, those enacted by the imperial legislature, which are absolute and universally binding; and next, the "orders and regulations" of the Poor Law Commissioners, which are only binding on the parties to whom they are addressed, or in the places to which they are issued, under the provisions of the Poor Law Amendment Act.

Orders and regulations issued by the Poor Law Commissioners.

With respect to the "Orders," it may be remarked, that under the amended law, all the details in connection with the administration of relief were left to the direction of the Commissioners, who were empowered to make and issue all such "Orders and Regulations" on the subject as they thought proper. In the exercise of this power, after a union had been declared by an order under the seal of the Commission, a series of orders were addressed to it, regulating the proceedings of the guardians, and prescribing the duties of the several parochial and union officers, etc. The chief of these orders were, as has been stated, subsequently embodied in one "General Consolidated Order," and were so issued in 1847.[1] They consisted of—

1. The order for the election of guardians.
2. For regulating the proceedings of boards of guardians.
3. For apprenticing poor children.
4. Prescribing medical regulations.
5. For regulating non-resident relief.
6. The workhouse regulations.
7. Prescribing the duties of officers.
8. For keeping and auditing accounts.[2]

[1] See *ante*, p. 396.

[2] This was not included in the Consolidated Order, but was issued shortly afterwards.

These were all "General Orders," being addressed to more than one union, which constitutes the distinction between a *general* and a *special* order. There are likewise two other "General Orders" of great importance, which were issued to the unions as they became fitted for carrying them into effect, or as they required their application, namely, the order prohibiting out-door relief to the able-bodied, and the labour-test order. These completed the series of general orders. The "special" orders are addressed to single parishes or unions for a variety of purposes, such as emigration, surveys and valuations, sales of parish property, remission of disallowances, etc.; and to show the frequency of the occasions which arise for such special orders, it may be mentioned that 1076 were issued in the year 1850.

All the "Orders," whether general or special, are full and minute in their directions upon the subject to which they apply. The directions of the law are general, and not susceptible of modification, except where power for the purpose is expressly reserved. The "Orders" of the Commissioners are occasional, and can be readily altered or rescinded if necessary. Thus, in 1852, an order was issued to certain unions, directing that whenever the guardians should allow relief out of the workhouse to a widow, having a child or children incapable of work depending on her, or to an indigent person, helpless from age, sickness, accident, or infirmity, one-third at least of such relief should be given in articles of food or fuel, or in other articles of absolute necessity; and also directing that, in case the relief should be allowed for a longer period than one week, it should be given or administered weekly. These directions were found to be inconvenient; and in consequence of strong remonstrances against them by several boards of guardians, the Commissioners a few months afterwards issued another order rescinding the

Orders may be modified or rescinded.

first of the above directions, and so modifying the last as to leave it to the guardians to administer the relief weekly, "or at such more frequent periods as they may deem expedient."

Advantage of special orders.

The advantage of having a flexible power of this nature lodged with the Commissioners, and ready for use as occasions arise, is sufficiently obvious. Without it the administration of relief, under the continually varying circumstances of the times, would be apt to occasion undue hardship and suffering to the poor, or to become lax, indiscriminating, and burthensome to the ratepayer. The only instance of the legislature's abolishing this flexibility, by interfering with the details of relief, is in the case of 10 & 11 Victoria, cap. 109, sec. 23,[1] which, as we have seen, directs that aged married couples shall not be separated in the workhouse. It would no doubt have been better if this had been left to the Commissioners' discretion, instead of being made imperative. It was previously permitted by them in certain cases, and under certain conditions. But thus to prescribe it universally, and without exception or limitation, could hardly fail of causing difficulties and inconvenience, if not more serious evils, and may be taken as a proof of the impolicy of legislating absolutely on mere matters of detail connected with the relief of the poor.

The General Laws governing the relief of the poor have all been cited in progress of the present work, but it may be useful to give a summary of those now in force, and to which reference is most commonly made in connection with relief, and the administration of parochial affairs. These are as follows:—

[1] *Ante*, p. 384.

43 Elizabeth, cap. 2, passed in 1601, and constituting the foundation of our English Poor Law.

13 & 14 Charles II. cap. 12, passed in 1662, the origin of the law of settlement. It has been more frequently amended than any other statute. The most important of these amendments are—

35 George III. cap. 101, passed in 1795, preventing the removal of poor persons until they shall have become actually chargeable; and

49 George III. cap. 124, enabling orders of removal to be suspended;

9 & 10 Victoria, cap. 66, passed in 1846, prohibiting the removal of any person who shall have resided in a parish five years without being chargeable thereto; and lastly—

11 & 12 Victoria, cap. 110, and 12 & 13 Victoria, cap. 103, directing the cost of relieving persons who have so become irremovable to be charged to the common fund of the union.

41 George III. cap. 23,[1] passed in 1801, for the better collection of the poor-rates.

54 George III. cap. 170, enabling justices to discharge poor persons from payment of the poor-rates on the ground of poverty.

56 George III. cap. 139, regulating the binding of parish apprentices.

59 George III. cap. 12, the Select Vestry Act.

1 & 2 William IV. cap. 60, Hobhouse's Act.

4 & 5 William IV. cap. 76, commonly known as "The Poor Law Amendment Act," passed on the 14th of August 1834.

6 & 7 William IV. cap. 96, the Parochial Assessment Act.

[1] Gilbert's Act (22 George III. cap. 33) has not been included in this list, as the time can hardly be far distant when it will be repealed, and the unions incorporated under it, and professing to be governed by it, be brought under the operation of the general law. (Author's note, 1853.)

7 & 8 Victoria, cap. 101, further "Amendment Act," regulating proceedings in bastardy, and various other matters appertaining to the relief and management of the poor.

8 & 9 Victoria, cap. 117, and 10 & 11 Victoria, cap. 33, concerning the removal of Scotch and Irish poor having no settlements in England.

10 & 11 Victoria, cap. 109, appoints the new Commission, and prescribes its duties. Passed on the 23rd July 1847.

11 & 12 Victoria, cap. 31, amending procedure in orders of removal; 13 & 14 Victoria, cap. 99, enabling vestries to rate the owners of small tenements instead of the occupiers; 14 & 15 Victoria, caps. 11 and 105, the one providing for the better protection of apprentices, the other enabling the Poor Law board to decide on questions of chargeability; and 16 & 17 Victoria, cap. 97, providing for the care and maintenance of pauper lunatics, etc.; may likewise be named as Acts requiring to be attended to by the administrators of the Poor Law.[1]

The above Acts are the most important, and chiefly demand attention; but there are others which have to be referred to occasionally. The number of Acts connected with the relief of the poor is indeed very great, and of late years especially has been much increased, a session rarely passing without adding one or more to the number. This process of continual addition has of course rendered the Poor Laws in their present state not a little intricate, and few things would be more useful than a systematic consolidation of the various Acts into one comprehensive code, where the administrators of the law might readily find the information of

The number of Acts embarrassing.

[1] For some interesting remarks by the author on the course of development of the English and Scotch Poor Laws, see *History of Scotch Poor Law*, pp. 278–280.

which they stand in need, instead of expending their time in poring through various and possibly conflicting statutes, as they are now often compelled to do. The want of such a consolidation is sufficiently obvious; but there is one consideration arising out of the state of the settlement law which seems to make it desirable to delay the task of consolidation until that question shall be finally disposed of, as we may hope it ere long will be; for the law of settlement, in its various bearings, constitutes so large a portion of the laws for the relief of the poor, that if it were repealed, the general law would be left comparatively short and simple, would be relieved from the elements of antagonism by which it is now encumbered, and would only need to be put into such an orderly form as would render it easy of reference, and definite in its directions.

Consolidation of the law necessary.

According to the provisions of 10 & 11 Victoria, cap. 109,[1] the powers of the Poor Law board would cease at the end of the session of Parliament held next after the 23rd of July 1852; and now therefore 15 & 16 Victoria, cap. 59, was passed, continuing those powers "until the 23rd day of July 1854, and thenceforth until the end of the then next session of Parliament." This continuing of the Commission for so short a term as three years may be thought to imply some doubt as to its permanence; but no such doubt is understood to have existed in any quarter, the shortness of the term being adopted solely with the view of keeping the whole question of the Poor Law under the close and frequent supervision of Parliament.

1852. 15 & 16 Vict. cap. 59.

I might here close the history of our English Poor Law, having reached the period which I proposed for the termination of my task. But in February 1854 a Bill was introduced by Mr. Baines, the president of the Poor Law board, "To abolish the compulsory removal

[1] *Ante* p. 384.

of the poor on the ground of settlement, and to make provision for the more equitable distribution of the charge of relief in unions," which I deem it right shortly to advert to. The Bill was not proceeded with, in consequence of its being determined in the first instance to inquire into the removal of the Scotch and Irish poor, for which purpose a Committee was appointed; but the subject of the Bill is so important, and Mr. Baines's official position afforded him such ample means of forming a right judgment upon the question, that I am unwilling to close this part of my work without giving a brief summary of his address to the House on the occasion.

Mr. Baines's speech on introducing a Bill for abolishing settlement. February 1854.

The subject, he said, was of the utmost importance to all the interests of the community, to agriculture and to commerce, to employers and to labourers, and above all to the class of destitute poor, of whom, from the official station he held, he must always consider himself the peculiar advocate. He then adverted to the information which had been obtained on the subject within the last few years through the Select Committee of 1847, and the local inquiries instituted by the late Mr. Charles Buller in 1848, all leading to the conclusion "that the present law was thoroughly bad and indefensible," and that the Government ought to take steps for its amendment. The charge of maintaining their poor was now, he said, separately borne by 14,614 parishes, varying indefinitely in extent and population, there being in Durham, for instance, one parish of 55,000 acres, while in the adjoining county of Northumberland there is a parish of five acres. In upwards of 7000 parishes the population is less than 300, and in nearly 800 parishes the population is less than 50. There were, he observed, about 620 Poor Law unions, and although not all of the same size, there were no such monstrous discrepancies among them as existed in parishes; and they were therefore,

from this circumstance, as well as their smaller number, fitter areas of chargeability.

Mr. Baines then described some of the most prominent hardships arising out of the law of settlement. That law was, by many persons, supposed to confer a title to relief; but such was not the case, for "destitution, not settlement, gives the title to relief." He then pointed out the effects of the law in creating what are called "close parishes," and in driving the labourers to reside in "open parishes" at a distance from their work, and where their dwellings are often so overcrowded "that the greatest evils, social, sanitary, and moral, were found to be the result." The consequences of removal were next forcibly adverted to, and as the number of orders of removal issued in 1849, according to a parliamentary return, amounted to 13,867, it followed, supposing three persons to be comprised in each order, and if all the orders were executed, that in 1849 upwards of 40,000 poor persons were subjected to the hardship of compulsory removal. The Act of 1795,[1] exempting a person from removal until actually chargeable, and the Act of 1846,[2] prohibiting removal after a five years' residence, are noticed in terms of merited approbation; although it is shown how these and all the other Acts passed from time to time in mitigation of the law, had failed and been perverted.

The wasteful litigation engendered by the settlement law is next noticed, and the two Acts introduced by Mr. Baines himself to abate this evil are explained.[3] He then remarked that, from the time of Charles II. downwards, he could not find a single writer or speaker of reputation who defended the principle of settlement, which, on the contrary, had been emphatically con-

[1] The 35 George III. cap. 101. *Ante*, p. 112.

[2] The 9 & 10 Vict. cap. 66. *Ante*, p. 372.

[3] These were 11 & 12 Vict. cap. 31, and 14 & 15 Vict. cap. 105. *Ante*, pp. 402, 416.

demned by authorities deserving the most respectful consideration. Of these authorities he mentioned the Committee of the House of Commons which was appointed to consider the subject in 1735, Adam Smith in 1776, Mr. Pitt in 1796, and, lastly, the Committee of 1847,[1] in whose recommendations, both as regards settlement and the area of chargeability, he expressed his entire concurrence. He concluded by declaring that "he did not believe the House could adopt any legislation upon the subject without prejudice to *some* class of interests, and he was convinced that they could not let the law remain as it was without prejudice to *all*. My anxious wish has been (he said), in devising a remedy, so to frame it that any interference with private interests may be as little as possible in point of amount, and as justifiable as possible in point of principle."

This address produced a very marked effect, both on the House and in the country, and was generally considered to be conclusive against the power of compulsory removal, as well as against separate parochial chargeability; so that we may hope ere long to see the former abolished, and union chargeability substituted for the latter. When this is done, there will be little occasion for further changes in our English Poor Law, which may then be readily consolidated into one comprehensive code, easy of administration, and intelligible to all. In the hope of ere long seeing these necessary and highly important objects effected, I here close the present work, undertaken solely through a sense of duty, and in the preparation of which my time and thoughts have, with little intermission, been I trust not altogether unprofitably occupied, since the day I quitted office.

[1] See *ante*, p. 394.

APPENDIX

No. I.

POPULATION and AMOUNT of the POOR-RATES in ENGLAND and WALES, as the same are given at the several Periods in the present Work.

A.D.	Reigns.	Population.	Amount of Poor-Rate.	Per Head on the Population.
			£	s. d.
1066	At the Conquest	2,150,000		
1381	Richard II.	2,350,000		
1415	Henry V.	3,000,000		
1509	Henry VII.	4,000,000		
1528	Henry VIII.	4,356,000		
1603	Elizabeth	5,000,000		
1625	James I.	5,500,000		
1660	At the Restoration	5,500,000		
1688	At the Revolution, somewhat above	5,500,000	Nearly 700,000	2 6
1701	... ...	...	Nearly 900,000	
1714	At the death of Anne . . .	5,750,000	950,000	3 3¾
1760	At the death of George II. . .	7,000,000	1,250,000	3 6¾
1776	... ...	...	1,529,780	
1780	At end of American War . .	8,000,000		
1784	... ...	...	2,004,238	5 0¼
1801	The first Census	9,172,980		
1803	... ...	9,210,000	4,077,891	8 10¼

No. II.

STATEMENT of the TOTAL MONEY levied as POOR-RATE in ENGLAND and WALES, and the amount expended thereout for the Relief of the Poor, for the Years ending Lady-day 1813 to 1853 inclusive; together with the Population, and the Prices of Wheat.

Years ended at Lady-day.	Price of Wheat per Quarter.	Population deduced from Census Returns.	Total Money levied for Poor-Rates and County Rates.	Expended for the Relief and Maintenance of the Poor.	Rate per Head on the Population.	Remarks.
	s. *d.*		£	£	*s.* *d.*	
1803	64 8	9,210,000	5,348,205	4,077,891	8 10¼	
1813	108 9	10,505,800	8,646,841	6,656,106	12 8	
1814	73 11	...	8,388,974	6,294,581		
1815	64 4	...	7,457,676	5,418,846		
1816	75 10	...	6,937,425	5,724,839		
1817	94 9	...	8,128,418	6,910,925		
1818	84 1	11,876,200	9,320,440	7,870,801	13 3	1st maximum.
1819	73 0	...	8,932,185	7,516,704		
1820	5 7	...	3,719,655	7,330,254		
1821	54 4	11,978,875	8,411,893	6,959,251	...	*Overseer's Letters.*
1822	43 3	...	7,761,441	6,358,704		
1823	51 9	...	6,898,153	5,772,962		
1824	62 0	12,517,900	6,836,505	5,736,900	9 2	1st minimum.
1825	67 6	...	6,972,323	5,786,989		
1826	58 9	...	6,965,051	5,928,502		
1827	56 9	...	7,784,352	6,441,088		
1828	60 5	...	7,715,055	6,298,000		
1829	66 3	...	7,642,171	6,332,410		
1830	62 10	...	8,111,422	6,829,042		
1831	67 8	13,897,187	8,279,218	6,798,889		
1832	63 4	14,105,600	8,622,920	7,036,969	10 0	2nd maximum.
1833	57 3	...	8,606,501	6,790,800		
1834	51 11	14,372,000	8,338,079	6,317,255	8 9½	*New Poor Law.*
1835	44 2	14,564,000	7,373,807	5,526,418	7 7	
1836	39 5	14,758,000	6,354,538	4,717,630	6 4¾	
1837	52 6	14,955,000	5,294,566	4,044,741	5 5	2nd minimum.
1838	55 3	15,155,000	5,186,389	4,123,604	5 5¼	
1839	69 4	15,357,000	5,613,938	4,406,907	5 8¾	
1840	68 6	15,562,000	6,014,605	4,576,965	5 10½	
1841	65 3	15,906,741	6,351,828	4,760,929	6 0¾	
1842	64 0	15,981,000	6,552,890	4,911,498	6 1¾	
1843	54 4	16,194,000	7,085,595	5,208,027	6 5¼	
1844	51 5	16,410,000	6,847,205	4,976,093	6 0¾	
1845	49 2	16,629,000	6,791,006	5,039,703	6 0¾	
1846	53 3	16,851,000	6,800,623	4,954,204	5 10½	
1847	59 0	17,076,000	6,964,825	5,298,787	6 2½	
1848	64 6	17,304,000	7,817,450	6,180,765	7 1¾	3rd maximum.
1849	49 1	17,534,000	7,674,146	5,792,963	6 6½	
1850	42 7	17,765,000	7,270,493	5,395,022	6 1	
1851	39 11	17,922,768	6,778,914	4,962,704	5 6½	
1852	39 4	17,928,000	6,552,298	4,897,685	5 5½	3rd minimum.
1853	42 0	17,929,000	6,522,412	4,939,064	5 6	

No. III.

AMOUNT of EMIGRATION from the UNITED KINGDOM in each of the several Years from 1815 to 1853 inclusive.

Years.	North American Colonies.	United States.	Australian Colonies and New Zealand.	All other Places.	Total.
1815	680	1,209	...	192	2,081
1816	3,370	9,022	...	118	12,510
1817	9,797	10,280	...	557	20,634
1818	15,136	12,429	...	222	27,787
1819	23,534	10,674	...	579	34,787
1820	17,921	6,745	...	1,063	25,729
1821	12,955	4,958	...	384	18,297
1822	16,013	4,137	...	279	20,429
1823	11,355	5,032	...	163	16,550
1824	8,774	5,152	...	99	14,025
1825	8,741	5,551	485	114	14,891
1826	12,818	7,063	903	116	20,900
1827	12,648	14,526	715	114	28,003
1828	12,084	12,817	1,056	135	26,092
1829	13,307	15,678	2,016	197	31,198
1830	30,574	24,887	1,242	204	56,907
1831	58,067	23,418	1,561	114	83,160
1832	66,339	32,872	3,733	196	103,140
1833	28,808	29,109	4,093	517	62,527
1834	40,060	33,074	2,800	288	76,222
1835	15,573	26,720	1,860	325	44,478
1836	34,226	37,774	3,124	293	75,417
1837	29,884	36,770	5,054	326	72,034
1838	4,577	14,332	14,021	292	33,222
1839	12,658	33,536	15,786	227	62,207
1840	32,293	40,642	15,850	1,958	90,743
1841	38,164	45,017	32,625	2,786	118,592
1842	54,123	63,852	8,534	1,835	128,344
1843	23,518	28,335	3,478	1,881	57,212
1844	22,924	43,660	2,229	1,873	70,686
1845	31,803	58,538	830	2,330	93,501
1846	43,439	82,239	2,347	1,826	129,851
1847	109,680	142,154	4,949	1,487	258,270
1848	31,065	188,233	23,904	4,887	248,089
1849	41,367	219,450	32,191	6,490	299,498
1850	32,961	223,078	16,037	8,773	280,849
1851	42,605	267,357	21,532	4,472	335,966
1852	32,873	244,261	87,881	3,749	368,764
1853	34,522	230,885	61,401	3,129	329,937
Total	1,071,236	2,295,466	372,237	54,590	3,793,529

Average Annual Emigration from the United Kingdom . . . . { From 1815 to 1853 . . . 97,269 / For the 5 years ending 1853 . 323,002

No. IV.

List of Statutes in Chronological Order referred to in the present work.

924. Athelstan, i. 13.
1017. Canute, i. 14.
1235. 20 Henry III. c. 7, *The Provisions of Merton*, i. 21.
1259. 43 Henry III. c. 23, i. 21.
1283. 11 Edward I., *Statute of Merchants*, i. 24, 25.
1284. 12 Edward I., *Statutes of Wales*, i. 28.
1285. 13 Edward I. c. 46, *Statute of Westminster*, ii. 7.
1285. 13 Edward I., *Statute of Winchester*, i. 22, 23, 34, 55.
1285. 13 Edward I., *Statute of Merchants*, i. 24, 25.
1328. 2 Edward III. c. 2, *Statute of Northampton*, i. 33.
1331. 5 Edward III. c. 14, i. 33, 55.
1335. 9 Edward III. i. 34, 63.
1340. 14 Edward III. i. 73.
1349. 23 Edward III., *Statute of Labourers*, i. 36, 37, 41, 56.
1350–51. 25 Edward III. i. 35, 39, 41, 56, 63, 66, 67, 81, 82.
1360–61. 34 Edward III. i. 42.
1363. 37 Edward III., *Sumptuary Law*, i. 43.
1377. 1 Richard II. c. 6, i. 48.
1378. 2 Richard II. c. 6, i. 49.
1381. 5 Richard II. i. 54.
1383. 7 Richard II. c. 5, i. 55, 97, 98, 105.
1388. 12 Richard II. i. 55, 66, 67, 69, 75, 80.
1389–90. 13 Richard II. c. 8, i. 59, 75.
1389–90. 13 Richard II. c. 13, i. 60, 175.
1399. 1 Henry IV. c. 17, i. 62.
1400–1. 2 Henry IV. c. 16, i. 65.
1402. 4 Henry IV. c 29, i. 65.
1405–6. 7 Henry IV. c. 17, i. 66, 77, 99.
1414. 2 Henry V. c. 4, i. 71.
1416. 4 Henry V. c. 4, i. 72, 75.
1421. 9 Henry V. c. 5, i. 73.
1427. 2 Henry VI. c. 6, i. 75.
1439. 18 Henry VI. c. 4, i. 77.
1444. 23 Henry VI. c. 12, i. 79, 100, 102.
1450. 27 Henry VI. c. 1, i. 83.
1463. 3 Edward IV. c. 5, i. 84.
1464–65. 4 Edward IV., i. 88.
1482. 22 Edward IV. c. 1, i. 86, 108.
1483–84. 1 Richard III. c. 9, i. 90.
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