ENGLISH LOCAL GOVERNMENT

ENGLISH POOR LAW HISTORY

PART II: THE LAST HUNDRED YEARS

VOL. I

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VOL. I

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PREFACE

In these two volumes we complete our history of the English Poor Law, of which the first instalment, *The Old Poor Law*, was published in 1927. The present work is complete in itself as a philosophic history of the Poor Law of the past hundred years, from the proceedings leading up to the Act of 1834 down to the introduction of Mr. Neville Chamberlain's Bill of 1928–1929. The story told in these two volumes is that of a unique episode in English constitutional history, namely the creation, development and ending of the Board of Guardians of the Poor, as an elected *ad hoc* Local Destitution Authority, working under the direction and control of a Central Department, itself in 1834 a constitutional innovation. Equally characteristic of nineteenth-century social theory and political action is the life-history, from birth to abandonment, of an arresting idea, that of the "Principles of 1834". From 1834 to 1928 all the problems of the Relief of Destitution come under review. And the story ends as it begins with the (as yet unsolved) problem presented by the Unemployed, whom our grandfathers called the Able-bodied.

English Poor Law History summarises, for a period of 600 years, the continuously shifting and perpetually developing legal relations between the rich and the poor, between the "Haves" and the "Have-nots", embodied in a multitude of statutes and administrative devices. The main transformation of this body of law became curiously reflected in a slight alteration of its title. The old legal text-books, even down to the end of the eighteenth century, dealt, not with "The Poor Law", but with "The Laws relating to the Poor", under the latter designation including practically all the statutes regulating the behaviour

of the poor to the rich, and the rich to the poor. The Poor Laws of the fourteenth and fifteenth centuries had little to do with the relief of destitution. These statutes dealt, not with the obligation of the rich to the poor, but with the behaviour of the poor to the rich. Thus the earliest group of Poor Laws, notably the Statute of Labourers (1350), forbade the freedman from wandering out of his own parish, from asking for more than the customary wage, from spending money on fine clothes or on the education of his children, and generally from demeaning himself otherwise than as a poor and dependent person. The Poor Laws of that age were, in fact, methods of thrusting the free labourer back into the serfdom out of which, in one way or another, he had escaped. They constituted a code for slaves or semi-slaves. These penal statutes continued to form the main part of " The Laws relating to the Poor " right up to the 39th of Elizabeth (1597); and for the next two centuries they were continued in a body of repressive law, including the statutes relating to Vagrancy and Settlement and Removal, into which the Elizabethan law for the relief of the poor was fitted. That is why, in our previous volume of *English Poor Law History*, we described " The Old Poor Law " as " The Relief of Destitution within a Framework of Repression ".

From 1834 onward the repression of the badly-behaved property-less man was left, in the main, to the ordinary Criminal Law. The " New Poor Law " of 1834 was a strictly defined and severely limited code of relief, the administration of which, down to the end of the century, we describe in the first of the present volumes. The Framework of Repression was replaced by the gradual building up of a new social structure, designed for the actual prevention of the destitution that the Boards of Guardians had been set to relieve. In this new structure—embodied in the Factory Code, the Education and Public Health Acts and National Insurance—which we describe in the second volume of the present work, the Poor Law found itself more and more embedded. Thus, what we find in 1929 is the Relief of the Poor within a continually extending Framework of Prevention.

In the Epilogue we set forth the constitutional revolution effected by the Poor Law sections of Mr. Neville Chamberlain's adventurous Act of the present year. We end this history of events that are past with an attempt to forecast the consequential changes in law and administration still required to bring the public assistance of the property-less mass of the nation into harmony with the social philosophy implicit in Political Democracy.

With the publication of these two volumes we bring to an end a task on which we have been engaged since 1899, the analytic and historical description of the structure and functions of English Local Government.[1] Like our works on Trade Unionism and the Consumers' Co-operative Movement,[2] though on a larger scale, these ten volumes are studies of the structure and functions, in origin, growth and development, of particular social institutions. Such an analytic history of social institutions seems to us to stand, in relation to Political Science, in much the same position as Applied Mechanics stand to Theoretical Mechanics; or as a treatise on Mines or Bridges stands to Geology, Chemistry and Mechanics. Beside Economic or Political Science, as commonly understood, there is room for a detailed study of the form and life-history of the social institutions in which the theoretic conceptions are actually manifested. There seems at least as good a claim for exact and minute examination and description of the structure and functions, during a chosen period, and in a given country, of such a social institution as Local Government, as there is for the like study

[1] *The Parish and the County*, 1906; *The Manor and the Borough*, two volumes, 1908; and *Statutory Authorities for Special Purposes*, 1922—four volumes on the structure between 1689 and 1835; *The Story of the King's Highway*, 1913; *English Prisons under Local Government*, 1920; *English Poor Law History*, Part I. *The Old Poor Law*, 1927, and Part II. *The Last Hundred Years*, two volumes, 1929—five volumes on the functions during four centuries, together with a smaller work, *The History of Liquor Licensing in England*, 1907. A more detailed account of each of these will be found in the advertisement pages at the end of this volume.

[2] *History of Trade Unionism*, 1894; revised edition, continued to 1920, 1920; *Industrial Democracy*, 1897; *The Story of the Durham Miners*, 1920; *The Co-operative Movement in Great Britain* (by Beatrice Potter), 1891; *The Consumers' Co-operative Movement*, 1922.

of a particular species of the animal world. As the one exemplifies and corrects our Biology, so the other may illustrate and refine our Political Science.

From the standpoint of the historian, such a history of a social institution presents difficulties and dangers of its own. The social institution to be studied must, in practice, be one of modern times, if only for the reason that we know too little of the exact form and the actual working of the social institutions of the ancients to be able to put them under the microscope. For those of modern times the difficulty is, not the paucity but the vastness of the material. It would, indeed, be much more convenient, and perhaps more exciting, to wait until nine-tenths of the Minutes, Accounts, Reports, Autobiographies, Memoirs, and Newspaper Articles of the nineteenth century had been destroyed by Time; and then adventurously to reconstruct the social institutions of that century from the precious fragments accidentally preserved. We have done our best in an almost untilled field; but we realise how much more could have been investigated, and what greater accuracy of analysis may still be attained. And when the history of the institution is pursued down to our times new perils attend the recorder. On the one hand he may justly claim that to have taken part in the proceedings of the Local Authority or the Royal Commission which he is dissecting and describing gives him an insight into its real inwardness that would otherwise be lacking. On the other hand there is the inevitable prepossession, not to say bias, from which no one writing about his own time can be free. We can only say that we have done what we could to become conscious of our bias. We have given exact references to the sources on which we have drawn. We have tried to do full justice to the other person's bias. The best that we can hope for is to be abused for our bias—we hope, not also misquoted—alike by the partisans of a strictly administered Poor Relief, and by those of a lax humanitarianism. But history, to be either interesting or significant, must be written from a point of view; and this is the less likely to be harmful the more plainly it is avowed.

In so considerable a task we have been indebted to many persons for information and facilities for investigation, to all of whom we are grateful, though few can here be mentioned. To Mr. Neville Chamberlain, as Minister of Health, we owe special thanks for the friendly co-operation that led him to grant us permission to read the MS. Minutes down to 1849 (now in the Public Record Office) of the Poor Law Commissioners; to ransack the valuable library of the Ministry of Health; and to obtain information from that Department. We owe to the generous assistance of Mr. H. W. S. Francis, the Assistant Secretary in charge of the Poor Law Division, and of his colleagues in the Department, not only endless details of the past administration, but also the correction of innumerable mistakes of fact that would otherwise have disfigured our pages. Other officers of Government Departments and Local Authorities, and many past and present Poor Law Guardians themselves, have willingly responded to our inquiries and helped us by suggestions and comments. Needless to say, none of these has any responsibility for the facts we have stated, or for the opinions we have expressed. We have throughout insisted on forming our own judgments, and formulating our own criticisms; doing our best to avoid mistakes, but aware that in so extensive a task we cannot hope to have escaped error. To Mr. George Horwill and Mr. A. R. Watson, who have made particular inquiries into Able-bodied Pauperism as it exists to-day, we owe special thanks. And there are many other friends of varied experience in different parts of England who have helped us with information and useful criticism, but who are too numerous to be given anything further than this general but sincerely felt expression of gratitude.

SIDNEY WEBB.
BEATRICE WEBB.

PASSFIELD CORNER, LIPHOOK, HANTS,
March 1929.

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CHAPTER I

THE ROYAL COMMISSION OF 1832–1834

WITH the ending of the long war, in 1814–1815, the English system of Poor Relief came at last to a crisis which, after a couple of decades of puzzled inquiry, produced the drastic Poor Law Amendment Act of 1834. This revolutionary legislation not only gave a dogmatically uniform direction to English Poor Law policy, but also incidentally transformed the system of Local Government which had endured for over three centuries, and established, for the first time (if we leave out of account the forgotten experiment of the Stuart administrative hierarchy), the principle of centralised executive control of local administration. What were the changes in the social environment and in contemporary thought which induced and enabled an aristocratic Whig Government to carry, with insignificant opposition, through both the House of Commons and the House of Lords, a measure which deposed the county magistracy from its position of authority, and inaugurated, in the control of elected local bodies by specialised central Departments, an entirely new relation between the National Government and the Local Authorities ?

The Scandalous Expenditure on the Poor

To the propertied class in the first quarter of the nineteenth century the foremost scandal of the English Poor Law was its steadily rising cost. The annual expenditure by the Local Authorities on the relief of destitution, which had risen from two millions sterling in 1784 to four millions in 1803, gradually mounted in the next ten years to over six and a half millions ;

and in 1818 it reached, exceptionally, nearly eight millions. To a generation unaccustomed to public expenditure, such a sum seemed stupendous. It worked out at 13s. 3d. a year for every inhabitant—man, woman and child—and nearly equalled the entire peace expenditure of the National Government (apart from the burden of debt) in all its civil departments, omitting the army and navy. Moreover, the Poor Rate did not stand alone. Besides the more ancient Church Rate, applicable to all the purposes of the parish as decided by the Vestry, but usually inconsiderable in amount, there had come to be, by the beginning of the nineteenth century, in many parishes, frequent Highway Rates in supplement of the old Team Service and Statute Labour on the roads; in many of the towns, Police, Paving, Lighting, Cleansing and Improvement Rates; and everywhere a regular County Rate, out of which was paid the heavy expenditure incurred by Parish Overseers in passing vagrants up and down England, and to Scotland and Ireland, as well as the maintenance of the prisons and the newly established lunatic asylums.[1] Thus, there were added, by 1803, to the amount spent in the actual relief of the poor, a further million and a quarter pounds in respect of these other imposts; and this additional burden steadily increased until, in 1833, it reached nearly two millions. Though the aggregate sum levied in local rates of all sorts in no year (prior to 1835) quite reached ten million pounds, and, at its highest (in 1818), scarcely exceeded threepence per week per head of the entire population, the financial burden was universally felt to be crushing; largely because of its inequitable and oppressive personal and local incidence. For the rates were exacted, not from those who were receiving the rapidly rising rents, royalties and profits, but, in accordance with the Elizabethan legislation, from "every occupier of lands, houses, tithes impropriate, or appropriations of tithes, coalmines and saleable

[1] We have described the Church Rate and its application to all the expenditure of the Vestry, together with the growth and application of the County Rate, in *The Parish and the County*, 1906, pp. 13, 24, 28, 38, 58, 65, and 292, 308, 407, etc.; and our volume entitled *English Poor Law History: Part I. The Old Poor Law*, 1927, pp. 15, 379-395. For the Highway Rate see *The Story of the King's Highway*, 1913, pp. 19-23, 256; for the town Improvement Rates see our *Statutory Authorities for Special Purposes*, 1922, pp. 235-349; and for the manorial and municipal imposts see *The Manor and the Borough*, 1908, especially vol. i. pp. 71, 124, 183-184, 210, 284-286, 377, and vol. ii. pp. 526, 615, 624, 626.

underwoods"; including, therefore, the farmer with the innkeeper and the village blacksmith or shopkeeper, the rector or vicar in his glebe with the squire in his park, each in proportion to the assessed annual value of his holding. Even more unequal and oppressive was the local incidence of the parochial rates. The fifteen thousand separate parishes and townships, each one having to maintain its own poor, varied in area from a few score acres to thirty or forty square miles; in the number of inhabitants, from a few dozen to tens of thousands of households; in financial resources, from a barren common to the densely congregated residences, shops, banks, warehouses and wharves of the parishes in the City of London. This inequality in status was aggravated by the operation of the Law of Settlement and Removal, which enabled the new industrial areas to attract men and their families from outlying districts in times of good trade, when each labourer was a source of riches, and in times of bad trade to pass them back to the parish of their settlement, which had not enjoyed the profits of their labour, where the infant, the sick and the aged had to be supported by the Overseers, and the able-bodied had to be found either work or maintenance. Hence, whilst the more prosperous manufacturing districts often escaped with a Poor Rate of a few shillings, rates were rising in rural parishes to over twenty shillings, and, in a few instances, to as much as thirty shillings in the pound; thus involving not infrequently a payment to the rate-collector that exceeded the total sum levied by the landlord and the tithe-owner themselves.[1]

[1] It must be remembered that the assessments were lax and lenient, usually far below the annual rental value. Thus at Bury St. Edmunds in Suffolk, in 1800, we read: "The Poor Rates have risen to an unexampled height . . . for the quarter seven shillings in the pound upon assessment of two-thirds of the rental; in short, *as much is paid to the poor as to the landlord*" (*Diary*, etc., of Henry Crabb Robinson, by Thomas Sadler, 3rd edition, 1872, vol. i. p. 44). The rent, indeed (which the landlord levied on the tenant after the latter had paid all the rates), was rapidly rising. The common impression that the rates were "*eating up all the rent*" was entirely unfounded. "Between 1790 and 1820, through a considerable part of the country, the rent of land rose from eight shillings per acre to sixteen shillings per acre" (*Pauperism and Poor Laws*, by R. Pashley, 1852, p. 64; *Report on the Agriculture of Norfolk*, by R. N. Bacon, 1844, pp. 40, 96-97). "Taking advantage of this increased price of the produce of the soil, a knavish race of landvaluers impressed the mind of the landowner with chimerical ideas of the value of real property, and induced him to set the rent of his land far above its intrinsic worth" (*On the Supply of Employment and Subsistence for the Labouring Classes*, by Sir Thomas Bernard, 1817, p. 175). "From 1790 to 1813 rents rose with the

The Inadequacy of the Relief

To the general body of wage-earners, comprising five-sixths of the whole community, the scandal of the Poor Law seemed to be the insufficiency of the relief afforded to those brought down to destitution, even in relation to the insecure and meagre livelihood that in "good times" they enjoyed. For the economic and social condition of the labourers in the rural districts of England, notably those south of a line drawn from the Severn to the Wash, was, in the first three decades of the nineteenth century, in the midst of greatly increasing national wealth, probably at its very lowest level since the Elizabethan Poor Law has been established. Decade by decade, from 1761 down to 1813, the cost of living had been, apart from a few exceptional years, almost continuously rising; whilst money wages had failed altogether to keep pace with soaring prices,[1] and were, indeed, often unchanged,

rise in prices, until over a great part of Great Britain they were probably doubled" (*English Farming Past and Present*, by R. E. Prothero, afterwards Lord Ernle, 1912, p. 210). And the increase in rent continued. Between the two Poor Law inquiries of 1817 and 1834, "the wealth of the nation had increased . . . much faster than the poor-tax. Though pure agricultural rents had fallen in some districts, yet they were generally higher. The rents of lands taken up by houses and gardens had risen greatly, except in little country towns" (*A Guide to Modern English History*, by W. Cory, part. ii., 1882, p. 439). It was thus misleading to say that "rents were in fact swallowed up in rates" (*The Better Administration of the Poor Law*, by Sir W. Chance, 1895, p. 1).

In this connection, too much has been made of the unique case of Cholesbury (Buckinghamshire), four miles from Chesham, where it is said that the whole of the farms were abandoned, and the land left derelict, in consequence of the demands of the labourers for Poor Relief. This tiny parish of 178 acres, with a population in 1801 of 122 of all ages (and in 1911 of 107), with the mansion of the squire, the rectory of the incumbent, the village inn, a couple of farm-houses, and a score of cottages, had a total rateable value in 1803 of £121 only (£462 in 1911). Even if the whole of the score of labourers' families revolted against the wages paid by the farmers, and clamoured for Poor Relief, it is difficult to take seriously the suggestion that it was this that caused the couple of farmers to relinquish their tenancies. We are not told either what tithe they had to pay, or what rents they were resisting. The parish is on heavy clay, and the crops of wheat and barley were fetching unusually low prices.

[1] "In the sixty years from 1700 to 1760 it is computed that 237,845 acres were statutorily 'enclosed'. Between 1760 and 1844 no fewer than 2554 separate Enclosure Acts 'enclosed' 4,039,023 acres" (*The Disappearance of the Small Landowner*, by Arthur Johnson, p. 90; *Life of William Cobbett*, by G. D. H. Cole, 1924, p. 5).

"It would have needed a very large increase of wages to compensate the labourer for the losses under enclosure. But real wages, instead of rising, had fallen, and fallen far. The writer of the *Bedfordshire Report* (p. 67), comparing

even when not, since 1795, actually cut to pieces by the grotesque results of the Allowance System. Moreover, the rural labourer had lost, by the rapidly increasing enclosure of commons and the absorption of small holdings into large farms, not only various subsidiary sources of income—in garden ground; in the keeping of pigs or poultry; in grazing cows, goats or other animals; and in the collection of wood for fuel—but also much of the former opportunity for exceptional families, by thrift and extra labour, to rise out of the position of wage-earners.[1] The Law of Settlement and Removal hampered his migration to parishes where his labour might be in greater demand, whilst the autocratic power of the County Justices, together with the severe enactments against combinations and "seditious" meetings, stood in the way of any attempt at Collective Bargaining. Without opportunity for securing a foothold on any ladder of advancement; without margin for effective saving; virtually bound hand and foot to the few local farmers, who in many parishes suspended his wages whenever frost or rain, or the winter pause in agricultural operations, enabled them for a few days or weeks to dispense with his services, and summarily ejected him from the hovel that was his home as soon as he

the period of 1730–1750 with that of 1802–1806 in respect of prices of wheat and labour, points out that to enable him to purchase equal quantities of bread in the second period and in the first, the pay of the day labourer in the second period should have been 2s. a day, whereas it was 1s. 6d. Nathaniel Kent, writing in 1796 (*Notes on the Agriculture of Norfolk*, p. 165), says that in the last forty or fifty years the price of provisions had gone up by 60 per cent, and wages by 25 per cent, 'but this is not all, for the sources of the market which used to feed him are in a great measure cut off since the system of large farms has been so much encouraged'. Professor Levy (*Large and Small Holdings*, p. 11) estimates that wages rose between 1760 and 1813 by 60 per cent, and the price of wheat by 130 per cent. Thus the labourer, who now lived on wages alone, earned wages of a lower purchasing power than the wages which he had formerly supplemented by his own produce" (*The Village Labourer 1760–1832*, by J. L. and B. Hammond, 1912, p. 111).

The latest and most exact estimate of the changes in the level of prices makes the cost of living in 1813 more than double that in 1780; but the fall that then set in brought the average cost in 1821–1831 down to 25 per cent, above that in 1780 ("British Prices and Business Cycles, 1779–1851", by N. J. Silberling, in *Review of Economic Statistics*, Harvard, 1923, reproduced in *An Economic History of Modern Britain*, by J. H. Clapham, 1926).

[1] Against these losses of the rural labourer may be set, Professor Clapham reminds us, one small and not universal gain, namely, the permission to cultivate a potato strip at a substantial and, sometimes, at a high rent (*An Economic History of Modern Britain*, by J. H. Clapham, 1926, p. 121; *The Village Labourer, 1760–1832*, by J. L. and B. Hammond, 1912, p. 160; Report of Poor Law Inquiry Commission, 1834, p. 181).

showed any sign of independence, it was inevitable, even apart from the Allowance System, that the rural labourer should, for the most part, be driven to Poor Relief whenever sickness or the infirmity of old age, or the mere failure of employment for a week or two, deprived him of his exiguous and always precarious wage.[1] And, if we turn from the agricultural labourers in the South of England to the hosiery workers, the handloom weavers and other operatives in course of supersession by new machinery, or thrown out of employment by the recurring slumps of trade dependent on production for a world market, we see them in a condition of constant indigence, misery and helplessness, all the more striking from its contrast with the affluence characteristic of the growing class of capitalist employers. The "National Dividend" was, indeed, rising by leaps and bounds. In these very decades the number of persons productively employed was steadily increasing; the new machine-industry, especially in textile manufactures and every kind of engineering, was enormously augmenting the output of commodities; the mines of coal, ironstone, copper, lead and tin were annually producing a larger supply of the materials which industry was fashioning for the most varied service; the system of internal transport was reaching, by canals and turnpike roads, an efficiency in speed and regularity never before dreamed of; agricultural improvements were yielding an ever-growing food supply; an extremely profitable exchange of commodities between England and the countries of North and South America, India and the Far East, the Baltic and the Mediterranean was continually enlarging the market of the British manufacturer; whilst the rapidly extending commerce of the whole world was being carried, in the main, by British ships, was being organised principally by the merchants of London and Liverpool, Bristol and Glasgow, and was being financed and insured almost exclusively by British bankers and British underwriters. All this meant, in the first quarter of the nineteenth century, in spite of the losses of the Napoleonic War, an aggregate production of wealth to the nation as a whole which, although comparative statistics are lacking, must have far surpassed, per head of population, anything that the world

[1] This is vividly described, with the citation of convincing contemporary evidence, in *The Village Labourer, 1760–1832*, by J. L. and B. Hammond, 1912; and equally cogently in the observations of Cobbett (see *The Life of William Cobbett*, by G. D. H. Cole, 1924).

had ever before witnessed. What was clear was that it was resulting, to thousands of persons in all parts of the Kingdom, in profits beyond the dreams of avarice. When we remember that the statisticians estimate the nation's annual income in the third decade of the century at somewhere about three or four hundred millions sterling, and that there were, at the time, no public services other than those of the Poor Law available for the five-sixths of the community who were wage-earners, the payment of seven or eight millions annually—being no more than two per cent of the total—will seem but a modest premium against a social revolution.

A New School of Thought

The revolutionary changes in Poor Law policy, and in the structure of Local Government, brought about by the Poor Law Amendment Act of 1834, were, however, not the outcome of mere fear, anger and greed on the part of the propertied classes. This deliberately planned and persistently executed social reform was rooted in theories firmly held by a new school of thought then dominant among the ablest and most enlightened members of the ruling class. The leading tenets of this school of thought, so far as they concerned the treatment of the poor, may be easily summarised.

1. That the public relief of destitution out of funds raised by taxation—as distinguished from the alms of the charitable—devitalised the recipients, degraded their character and induced in them general bad behaviour.

2. That the operation of the Malthusian Law of Population, accentuated by the Theory of a Wage Fund, rendered all such relief not only futile in diminishing the miseries of the poor, but actually harmful in the creation of a wider pool of destitution.

3. That it was imperative for the National Government to direct and control the action of the Local Authorities, so as to impose on them a policy calculated to bring about the "greatest good of the greatest number".

Pauperism a Disease of Society

Let us first consider the change of view with regard to the provision from public funds for the destitute poor. Towards

the end of the eighteenth century we note the emergence of what was essentially a new doctrine about poverty. To the Tudor statesmen who built up the Poor Law, persons who came into a state of destitution were, if not a source of danger to the community, at least a common nuisance. If they were able-bodied they escaped from their parishes, infesting the countryside as vagrants and mendicants, the willing recruits of rebellious factions. If they were sick, crippled, feeble-minded, infirm or aged, they augmented the hordes of importunate beggars, defrauding the pious and spreading disease among the inhabitants, whilst their dependent children died of neglect or were reared in idleness or crime. The "Old Poor Law", as conceived by the Tudor and Stuart statesmen, with which we have dealt in our preceding volume,[1] may fairly be described as providing for the Relief of Destitution within a Framework of Repression.

As the eighteenth century wore on, the position changed. The increasing stability of the Government, the growing demand of the new industries for a free and mobile labour force, and finally, in the couple of decades of continuous war in which the century closed, a sense of the need for endless streams of recruits for the army and navy, caused the poverty of the poor, and even the prevalence of destitution, no longer to be regarded as dangerous to the State, or even objectionable as a common nuisance, but actually as a condition, if not a direct cause, of the vast increase in national wealth that was beginning to be apparent. From the last quarter of the eighteenth century onward this new outlook increasingly colours the current pamphlets and treatises about the Poor Law. Thus the Rev. Joseph Townsend (1739–1816), rector of Pewsey in Wiltshire, and sometime chaplain to the Countess of Huntington and the Duchess of Atholl—a close friend after 1781 of Jeremy Bentham—in his famous *Dissertation on the Poor Laws*, of 1785, declares that "it seems to be a law of nature that the poor should be to a certain degree improvident, that there may always be some to fulfil the most servile, the most sordid, and the most ignoble offices in the community. The stock of human happiness is thereby much increased, whilst the more delicate are not only relieved from drudgery, and freed from those occasional employments which would make them miserable, but are left at liberty,

[1] *English Poor Law History: Part I, The Old Poor Law*, 1927.

without interruption, to pursue those callings which are suited to their various dispositions, and most useful to the State. As for the lowest of the poor, by custom they are reconciled to the meanest occupations, to the most laborious works, and to the most hazardous pursuits; whilst the hope of their reward makes them cheerful in the midst of all their dangers and their toils The fleets and armies of a state would soon be in want of soldiers and of sailors, if sobriety and diligence universally prevailed; for what is it but distress and poverty which can prevail upon the lower classes of the people to encounter all the horrors which await them on the tempestuous ocean, or in the field of battle? Men who are easy in their circumstances are not among the foremost to engage in a seafaring or military life. There must be a degree of pressure, and that which is attended with the least violence will be the best. When hunger is either felt or feared, the desire of obtaining bread will quietly dispose the mind to undergo the greatest hardships, and will sweeten the severest labours. The peasant with a sickle in his hand is happier than the prince upon his throne." [1] Another expression of the same state of mind appears in *A Treatise on Indigence*, by Dr. Patrick Colquhoun, 1806: "Without a large proportion of poverty", we are told by this experienced inventor of the modern system of preventive police, "there could be no riches, since riches are the offspring of labour, while labour can exist only from a state of poverty. Poverty is that state and condition in society where the individual has no surplus labour in store; or, in other words, no property or means of subsistence but what is

[1] *A Dissertation on the Poor Laws*, by a Well-wisher to Mankind [The Reverend Joseph Townsend], 1785, pp. 34-36. This able and eloquent pamphlet, from which we shall repeatedly quote, had a great vogue, and was issued in successive editions in 1786 and as *Observations on the Poor Laws* in 1788 It was reprinted in 1817, and had the distinction of being the only publication quoted in the comprehensive and powerful Report of the House of Commons Committee on the Poor Law in that year In the second edition of the *Essay on the Principle of Population*, 1803, p. v, Malthus mentions Townsend as one of those from whom he had derived his ideas Bentham made Townsend's acquaintance in 1781 (see Bentham to George Wilson, August 25, 1781, *Works*, vol x p 92), and the two became intimate friends, discussing the writings that each had in progress, including, in particular, such subjects as the means of subsistence, population and the burden of the Poor Rate Townsend (1739–1816) also published *A Journey through Spain* in 1791, which was reproduced in 1792, 1795 and 1814 Altogether, between 1765 and 1815, he issued ten separate works, in more than a score of editions, on politics, travel, health and theology (see *Gentleman's Magazine*, 1815 and 1816)

derived from the constant exercise of industry in the various occupations of life. Poverty is therefore a most necessary and indispensable ingredient in society, without which nations and communities could not exist in a state of civilisation. It is the lot of man. It is the source of wealth, since without poverty there could be no labour; there could be no riches, no refinement, no comfort, and no benefit to those who may be possessed of wealth, inasmuch as without a large proportion of poverty surplus labour could never be rendered productive in producing either the conveniences or luxuries of life." [1] Finally, we have the testimony of C. P. Villiers, afterwards so distinguished a legislator and Minister of the Crown, that it was exactly this optimistic view of the poverty of the poor that led to the adoption of the Allowance System in the last decade of the eighteenth century. "I was informed", he reports of his inquiries as an Assistant Poor Law Commissioner in 1832–1834, "that the consequences of the [Allowance] System were not wholly unforeseen at the time [of its adoption in 1795] as affording a probable inducement to early marriages and large families; but at that time there was but little apprehension on that ground. A prevalent opinion, supported by high authority, that population was in itself a source of wealth, precluded all alarm. The demands for the public services were thought to ensure a sufficient draft for any surplus people." [2]

There was, however, one essential condition for the successful working of the divinely designed "natural order of society", whereby the many who were poor were compelled, by the whip of starvation, to work continuously for the few who were rich. The Act of God must not be interfered with by an Act of Parliament. "There is no country in the world", contemptuously remarked that typical American citizen, Benjamin Franklin, when visiting London in 1766, "in which the poor are more idle, dissolute, drunken and insolent. The day you passed that Act [of 43 Elizabeth] you took away from before their eyes the

[1] *A Treatise on Indigence*, by Patrick Colquhoun, 1806, pp. 7-9.
"Poverty", wrote M. T. Sadler in 1828, "is the great weight which keeps the social machine going: remove that, and the gilded hands would not long be seen to move aloft, nor the melodious chimes be heard again" (*Ireland, its Evils and their Remedies*, by M. T. Sadler, 1828).

[2] Report of Poor Law Inquiry Commissioners, 1834, Appendix A, Villiers' Report, p. 14*a*.

greatest of all inducements to industry, frugality and sobriety, by giving them a dependence on somewhat else than a careful accumulation during youth and health for support in age and sickness. . . . I think the best way of doing good to the poor is not making them easy in poverty, but leading or driving them out of poverty. In my youth I travelled much, and I observed in different countries that the more public provisions were made for the poor the less they provided for themselves, and of course became poorer. . . . There is no country in the world where so many provisions are established for them, so many hospitals to receive them when they are sick or lame, founded and maintained by voluntary charities; so many almshouses for the aged of both sexes, together with a solemn general law made by the rich to subject their estates to a heavy tax for the support of the poor. In short, you offered a premium for the encouragement of idleness; and you should not now wonder that it has had its effect in the increase of poverty. Repeal that law, and you will soon see a change in their manners. St. Monday and St. Tuesday will soon cease to be holidays . . . industry will increase, and with it plenty." [1] Twenty years later we find the Rev. Joseph Townsend, in the pamphlet from which we have already quoted, feeling his way towards the progressive limitation of public provision for the poor. "The wisest legislator will never be able to devise a more equitable, a more effectual, or in any respect a more suitable punishment, than hunger is for a disobedient servant. Hunger will tame the fiercest animals; it will teach decency and civility, obedience and subjection, to the most brutish, the most obstinate, and the most perverse. . . . Unless the degree of pressure be increased, the labouring poor will never acquire habits of diligent application, and of severe frugality. To increase this pressure, the poor's tax must be

[1] Franklin's article "On the Price of Corn and Management of the Poor", from which the above passage is taken, appeared in *The London Chronicle* in 1766, whence it was copied in *Ephemerides du Citoyen* (Paris), and reprinted in *Repository of Select Papers for Agriculture, Arts and Manufacturers*, vol. i. p. 352. It is included in vol. ii. p. 355, of Franklin's *Works*, edited by Jared Sparks, 1836. It will be noticed that Franklin in 1766, like De Foe and Mandeville half a century earlier, was impressed with the evil alike of voluntary charity and of compulsory Poor Relief. The new feature in the argument of Townsend and Chalmers, as in that which dominated opinion down to the end of the fifteenth century, was the positive commendation of voluntary provision for the destitute.

gradually reduced in certain proportions annually, the sum to be raised in each parish being fixed and certain, not boundless, and obliged to answer unlimited demands. This enormous tax might easily in the space of nine years be reduced nine-tenths; and the remainder being reserved as a permanent supply, the poor might safely be left to the free bounty of the rich, without the interposition of any other law. But if the whole system of compulsive charity were abolished, it would be still better for the State."[1]

But Townsend's pamphlet was read under the dark shadow of the French terror, when the Justices of the Peace were anxious, so we are told, "to present the Poor Laws to the lower classes as an institution for their advantage, peculiar to this country; and to encourage an opinion among them, so that by this means their own share in the property of the kingdom was recognised".[2] Moreover, the rise of the Poor Rates had not yet become a public scandal, whilst the demand for "hands" in the new industries, and for more men in the army and navy, seemed insatiable. It was not until the general demobilisation on the Peace of 1815, and the extensive unemployment involved in the ensuing slump in trade, that we find any considerable expression of opinion in favour of the abolition of all compulsory provision for the poor in order to allow the fullest possible scope for voluntary charity. The chief propagandist in this movement was the Rev. Thomas Chalmers, the famous Scottish Presbyterian minister, who regarded himself as a political economist, and was much honoured by the Court and the aristocracy. From his voluminous writings we quote the following: "Now, it should be recollected, that it has all along been our main object to show, that the poor-laws of England are the result of a very bungling attempt on the part of the Legislature, to do that which would have been better done had Nature been left to her own free processes, and man to the unconstrained influence of such principles as Nature and Christianity have bestowed upon him. We affirm, that the great and urgent law of self-preservation ought not to have been so tampered with; that the instincts of

[1] *A Dissertation on the Poor Laws*, by a Well-wisher to Mankind, 1785. He cited in support of this opinion both Montesquieu and Henry Fielding.

[2] Report of the Poor Law Inquiry Commission, 1834, Appendix A, Villiers' Report, p. 14.

relationship ought not to have been so impeded in their operation; that the sympathies, and the attentions of neighbourhood, ought not to have been so superseded; that the powerful workings of generous and compassionate feeling ought not to have been so damped and discouraged, as they have in fact been by this artificial and uncalled-for process of interference." [1] But Dr. Chalmers did not stand alone. Many of the most experienced of English administrators of the Poor Law were of the same opinion. Thus Thomas Walker, who was a prominent Poor Law reformer, stigmatised pauperism as a disease of society which must be rooted out in order to save the nation from bankruptcy: "Pauperism, in the legal sense of the word, is a state of dependence upon parochial provision. That provision, so far as it is necessary to supply the demand for labour, is a tax upon wages; beyond that amount, it is a tax upon property, and operates as a bounty to improvidence. Where labourers, with an ordinary degree of prudence, cannot maintain themselves and their families without parochial relief, such relief is part of their own wages, kept back to be doled out to them as emergency requires. . . . With respect to that celebrated statute 43rd Elizabeth, the leading one on the subject, it would have been difficult, *a priori*, to have shown its defects, or even to have withheld that approbation which till latterly has been universally bestowed upon it. But the principle is assuredly erroneous: it is the admission of a MORAL PESTILENCE, to which it is in vain to say—'thus far only shalt thou go'. It never has been—it cannot be—confined to infancy, age, or infirmity; to morbid subjects, or to obscure quarters—it attacks and paralyses the young and the vigorous—it seizes whole families—it becomes hereditary—it pervades the city and the fields—it is found in the most flourishing, as well as in the poorest districts, and, as long as it is permitted to infest the land, it will have its periods of devastating violence. . . . The extent to which deceit and self-debasement enter into the composition of pauperism is quite

[1] *Edinburgh Review*, February 1818, article entitled "Causes and Cure of Pauperism"; reprinted in *Dr. Chalmers and the Poor Laws*, 1911, under the title of "Comparison of Scottish and English Pauperism". In *Memoirs of the Life and Writings of Thomas Chalmers*, by Rev. W. Hanna, 1850, vol. ii. pp. 143-147, is an extract from Chalmers' diary, in which he describes the writing of this article, which led to the pamphlet, *Additional Remarks on an Article in the Edinburgh Review on the Cause and Cure of Pauperism*, 1818.

inconceivable, except to those who have, as it were, anatomized the subject. The whole life of a pauper is a lie—his whole study imposition; he lives by appearing not to be able to live; he will throw himself out of work, aggravate disease, get into debt, live in wretchedness, persevere in the most irksome applications, may bring upon himself the incumbrance of a family, for no other purpose than to get his share from the parish. It is his constant aim to make every thing he has of as little value as possible; and he is consequently often obliged to throw away advantages, and to use those he keeps so as to be of little comfort to him. He necessarily becomes what he feigns to be, and drags after him, without remorse, his family and all within his influence. Such is the operation of the Poor Laws that deceit and self-debasement, in various degrees, may be taken to be of the very essence of pauperism. Pique and spite are frequent causes of it, and are generally the worst cases to deal with; but deceit and debasement are the means necessarily used to succeed." [1]

The Effect on Public Opinion

We have given these extracts from contemporary authors, not only in order to illustrate the new appreciation of pauperism as an artificially induced disease of society, but also to exemplify the mental climate experienced by the Poor Law reformers of the decades immediately preceding the Poor Law Commission of 1832–1834. The decisive element was undoubtedly a recognition of the bad behaviour induced alike among employers and employed by the various devices for maintaining the able-bodied, wholly or partially, out of the Poor Rate. When, under the

[1] *Observations on the Nature, Extent, and Effects of Pauperism; and on the Means of Reducing it*, by Thomas Walker, M.A., 1826, pp. 6, 7, 13, 18 and 19. Walker, subsequently the author of *The Original*, a curious publication in weekly numbers in 1835 (of which a fourth edition was published in 1838, and a fifth, with a memoir by B. Jerrold, in 1874), had attempted to reform the Poor Law administration at Stretford (Manchester) in 1817–22. He was, in 1829, appointed one of the stipendiary magistrates for the Metropolis, where his administration of the Lambeth Police Court, in relation to the constant conflicts between paupers and Overseers, was highly successful; and markedly in contrast with that of his colleague, William Benett, at the Worship Street Police Court. Walker gave valuable information to the Poor Law Inquiry Commission in 1833; and he was one of the persons consulted by Nassau Senior in the preparation of the Poor Law Amendment Bill of 1834.

To similar effect see *A Letter to the Rt. Hon. Charles B. Bathurst, M.P., upon the Subject of the Poor Laws*, by Richard Blakemore, 1819, pp. 7-8.

Allowance System, the farmers and manufacturers became aware that they could reduce wages indefinitely, and the manual workers felt secure of subsistence without the need for exerting themselves to retain any particular employment, the standard of skill and conduct of all concerned rapidly declined. To single out the dull-witted employer and the lazy workman for special grants out of public funds, to the detriment of the keen organiser and the zealous worker, was obviously bad psychology as well as bad economics. When adding to the number of children automatically increased the family income, young persons hastened to get married, as it was, indeed, intended they should do by the Justices of the Peace who adopted the Speenhamland Scale. Even worse in its moral effect was the " parish pay " given for illegitimate children, combined with the hideous blackmail of reputed fathers which inevitably arose from the bastardy provisions of the old Poor Law. Further, it must be noted that the whole of this primitive " endowment of motherhood " was confined to the most immoral or the least effective of the working women, all workers by hand or by brain who earned their subsistence being automatically excluded from any allowance for the children they reared. As we have described in our previous volume, the Elizabethan Poor Law had become, by the beginning of the nineteenth century, a systematic provision, not so much for the unfortunate as for the less competent and the less provident, whom the humanity or carelessness of the Justices and the Overseers had combined specially to endow out of public funds.

The Sphere for Almsgiving

But there were other factors in the current objection to the statutory relief of destitution. No student who to-day turns over the multitude of books and pamphlets between 1785 and 1825, when the objection to any statutory relief of destitution became the dominant feature, can fail to notice what a large proportion of them were written by ministers of religion, or by pious laymen. They were, in fact, an emanation of the powerful evangelical school, then at the height of its influence. They exhibit a remarkable agreement in the view that Christian almsgiving, accompanied by religious education, inculcating submission to God's Will, and respect for their social superiors, was

the proper alternative to the Poor Law; and, indeed, the only "natural" form of social provision for those without the means of subsistence.[1] This view led to an idealisation of individual charity. The rector of Pewsey, whom we have already quoted, forcibly observes that "nothing in nature can be more disgusting than a parish pay-table, attendant upon which, in the same objects of misery, are too often found combined snuff, gin, rags, vermin, insolence and abusive language; nor in nature can any thing be more beautiful than the mild complacency of benevolence, hastening to the humble cottage to relieve the wants of industry and virtue, to feed the hungry, to clothe the naked, and to sooth the sorrows of the widow with her tender orphans; nothing can be more pleasing, unless it be their sparkling eyes, their bursting tears, and their uplifted hands, the artless expressions of unfeigned gratitude for unexpected favours. Such scenes will frequently occur whenever men shall have power to dispose of their own property. When the poor are obliged to cultivate the friendship of the rich, the rich will never want inclination to

[1] There were, of course, experienced Poor Law administrators among the clergy who dissented from this current idealisation of almsgiving. Among these the most notable was the Rev. J. Howlett, Vicar of Dunmow and an active Justice of the Peace, notable for his support of a legal minimum wage. In an *Examination of Mr. Pitt's Speech in the House of Commons on Friday, February 12th, 1796, Relative to the Condition of the Poor* (p. 8), he writes, in 1796: "It has always appeared to me a powerful argument, that our poor-laws are rather a restraint upon idleness than an incitement to it; that, when the distressed have nothing to trust to but voluntary donation, they naturally have recourse to every means of exciting compassion: the humane and benevolent are easily moved by the appearance of misery; they easily listen to the tale of woe, and are soon imposed upon by counterfeited wretchedness. One successful impostor produces many, and hypocritical beggars are multiplied: but, under our poor-laws, such impositions and such deceptions are difficult." Howlett was the author, in 1788, of one of the ablest pamphlets on the Old Poor Law, *The Insufficiency of the Causes to which the increase of our poor, and of the poor's rates have been ascribed . . . and a slight general view of Mr. A's plan for rendering the poor independent.*

Another clerical writer who did not take Townsend's view was the Reverend David Davies, whose pamphlet entitled *The Cause of the Labourers in Husbandry Stated and Considered, with an Appendix shewing Earnings and Expenses of Labourers' Families*, 1795, is a powerful plea for systematic public provision. "I read through", writes Lord Colchester, "an excellent book by David Davies, Rector of Barkham, Berks, upon the case of the labourers in husbandry and their inadequate pay. It contains the proposition upon which Whitbread's Bill was brought into the House of Commons before the holidays, for enabling the Justices not only to set a maximum of wages but also a minimum—their earnings at present not being equal to their necessary expenses" (*Diary and Correspondence of Charles Abbot, Lord Colchester*, edited by Charles, Lord Colchester, 1861, vol. i. p. 21).

relieve the distress of the poor." [1] "Great is the mischief that has arisen from the system of compulsory charity", we are informed in 1819 by an active member of the House of Lords; "it destroys the connecting feelings between the several ranks of society, and their mutual dependence on each other; it has ruined the morals of the people, rendered them odious and insolent, and independent of character; it encourages the worthless and audacious, whilst the poor of real merit often lose the benefit of that charitable assistance, which in this country they would certainly experience, if pity was not suppressed by the feeling of that senseless and extravagant expense incurred by the present system. Whilst, on the contrary, the principle of voluntary contributions (as is well observed by the General Assembly of the Church of Scotland), 'cherishes habits of humanity and benevolence in one class, while it imparts relief to another; and while it is the discharge of a Christian duty, it confers the most valuable good upon society, by binding its different ranks together through reciprocal feelings of kindness and goodwill. It adorns the Church, and adds strength, and virtue, and happiness to the State.'" [2] "The proper remedy, or the remedy of Nature, for the wretchedness of the few, is the kindness of the many" was the oft-repeated maxim of Dr. Chalmers; with its odd transposition of those well-worn categories of "the few" and "the many". "It is right that justice should be enforced by law," he writes in the preface to his work on the Christian and Economic Policy of a Nation, "but compassion ought to have been left free; and the mischief that has practically ensued from the violation of this obvious propriety, strikingly evinces the harmony of the abstract with the concrete in the constitution of our actual world—insomuch that derangement and disorder will inevitably follow, whenever the natural laws of that microcosm which each man carries in his own heart, are thwarted by the dissonancy of those civil or political laws by which it is often so vainly attempted to improve on the designs of the Great Architect, when the

[1] *A Dissertation on the Poor Laws*, by a Well-wisher to Mankind [Rev. Joseph Townsend], 1785, pp. 98-99.

[2] *Remarks on the Bill of the Last Parliament for the Amendment of the Poor Laws; with Observations on their Impolicy, Abuses, and Ruinous Consequences; together with some Suggestions for their Amelioration and for the better Management of the Poor*, by John Holroyd, Earl of Sheffield, 1819, pp. 2-3; see also an earlier version in 1818.

inventions of man are suffered to supersede the great principles of truth and nature in the mechanism of human society."[1] "For our own part", he declared in 1818, "we will confess we have long thought that in the zeal of regulation against the nuisance of public begging, some of the clearest principles, both of Nature and of Christianity, have been violated. As disciples of the New Testament, we cannot but think that, if told by our Saviour to give to him that asketh, there must be something radically wrong in an attempt, on our part, to extinguish that very condition on which He hath made the duty of giving to depend. It appears to us, that to commit an act of direct and formal disobedience against the precept itself, is not more rebellious than to point an act of prohibition against the offering, or the existing of those circumstances under which the performance of the precept is required of us. At all events, we see no alternative between an entire and authoritative suppression of mendicity, and an obligation, on the part of the authors of this suppression, to ascertain the circumstances of those whom they have thus interdicted, and to make provision for all the actual want that is made known to them in the course of their investigations. Those who are destitute, must be relieved somehow—and must have some way of making their wants known: and therefore we see no alternative between the allowance of mendicity under some modification or other, and the establishment of the very system which is now bearing so oppressively down upon the country. And we do confess, that, rather than have such a system, we would sit down under mendicity in its very worst form; we would let it roam unrestricted and at large, as it does in France; we would suffer it to rise, without any control, to the height of unlicensed vagrancy; and are most thoroughly persuaded, that, even under such an economy, the whole poverty of the land would be disposed of at less expense to the higher orders, and with vastly less both of suffering and depravity to the lower orders of society."[2]

[1] Preface in vol. xiv. of the collected *Works* of Thomas Chalmers, 1836–1842, p. 8.

[2] "Cause and Cure of Pauperism", in *Edinburgh Review*, February 1818, pp. 285-286.

The "Natural" and the "Artificial"

There is another strain of doctrine that can be detected among those who wished to abolish the Poor Law, and to rely exclusively on charitable alms for the relief of destitution—the faith in a "natural" order of society. The quaint feature in this idealisation of *laissez-faire* was that the divinely designed natural order of society was always assumed to include the whole body of man-made law on which rested the individual appropriation of the land, the tribute of interest on debt and every other form of private property—not omitting, as we must assume at the period in question, the slaves on their owners' colonial estates—together with the Courts of Justice and police by which this "property" was defended; and yet was, without argument, assumed plainly and unquestionably to exclude one particular Act of Parliament, namely, the Elizabethan Poor Law which ordained the responsibility of the property-owning class for the relief of destitution! This lack of logic was perceived and justified by the dialectician of the movement, Dr. Chalmers. In his attempt to prove that, whilst the statutory relief of destitution was artificial, the laws relating to property (including all the long array of statutes down to the date of his ingenious explanation) were "natural", he writes: "The truth is that we have not been conducted to the present state of our rights, and our arrangements respecting property, by any artificial process of legislation at all. The state of property in which we find ourselves actually landed, is the result of a natural process, under which all that a man earns by his industry is acknowledged to be his own; or, when the original mode of acquisition is lost sight of, all that a man has retained by long and undisturbed possession, is felt and acknowledged to be his own also. Legislation ought to do no more than barely recognise these principles, and defend its subjects against the violation of them. And when she attempts more than this—when she offers to tamper with the great arrangements of Nature, by placing the rights and the securities of property on a footing different from that of Nature—when, as in the case of the English Poor Laws, she does so under the pretence, and doubtless, too, with the honest design, of establishing between the rich and the poor a nearer equality

of enjoyment;—we know not in what way violated Nature could have inflicted on the enterprise a more signal and instructive chastisement, than when the whole territory of this plausible but presumptuous experiment is made to droop and to wither under it, as if struck by a judgment from Heaven, till at length that earth, out of which the rich draw all their wealth, and the poor all their subsistence, refuses to nourish the children who have abandoned her, and both parties are involved in the wreck of one common and overwhelming visitation." [1]

This assumption of there being a natural order of society, which includes the private ownership of land and the system of profit-making capitalist enterprise, but excludes all collective provision for the citizens at large, whether statutory relief of destitution or Factory Acts, Public Health administration or rate-supported schooling, and to which the very idea of a legal minimum of wages is anathema, lay at the root of the popular Individualism of the nineteenth century, and continued to be maintained by otherwise educated persons down to the very end of the century. "To-day it is difficult to understand from whence came this curious fallacy", writes one who was brought up in this faith; "probably it arose, like so many other fallacies, from a muddle-headed use of words. For when we talk about things being natural, on the one hand, and artificial on the other; when we say, for instance, that a waterfall or a lake is natural or that it is artificial, we attach to these two adjectives definite meanings: in the one case the lake or the waterfall happens without the intervention of man; in the other case it is due to human artifice. But there is no such thing as social structure apart from human beings, or independent of their activity. Thus, strictly speaking, every development of social structure and function, from the family to a police force, from the institution of personal property to the provision of public parks and libraries, from the primitive taboo to the most complicated Act of Parliament, is alike 'artificial', that is to say, the product of human intervention, the outcome of human activities. The plain truth is that to apply the antithesis of 'natural' and 'artificial' to social action is sheer nonsense. Anything that exists or happens to human nature in society, whether war or peace, the custom of

[1] "Cause and Cure of Pauperism", in *Edinburgh Review*, February 1818, pp. 285-286.

marriage or the growth of empire, the prevention of disease or the wholesale slaughter of battle, and 'civilisation' itself, is equally 'natural'; its very happening makes it so." [1]

The Principle of Population

We pass to the consideration of the second article of faith contributing to the initiation and general acceptance of the Poor Law legislation of 1834: the famous "Principle of Population", from which was deduced the dogma that any relief of destitution, far from diminishing the miseries of the poor, was actually harmful in the creation of a still wider morass of poverty.

We need not inquire too curiously as to the paternity of this principle, seeing that, in so far as the development of the English Poor Law is concerned, the author was without doubt the Rev. T. R. Malthus.[2] As originally stated, this Principle of Population consisted of two premisses: (1) "that food is necessary to the existence of man; (2) that the passion between the sexes is necessary and will remain in its present state". "These two laws," he continues, "ever since we have had any knowledge of mankind, appear to have been fixed laws of our nature; and, as we have not hitherto seen any alteration in them, we have no right to conclude that they will ever cease to be what they now are, without an immediate act of power in that Being who first arranged the system of the universe; and for the advantage of His creatures, still exercises according to fixed laws, all His various operations." [3] But there was a

[1] *My Apprenticeship*, by Beatrice Webb, 1926, pp. 342-343. "The facts, simultaneous and successive, which societies present, have a genesis no less natural than the genesis of facts of all other classes" (*The Study of Sociology*, by Herbert Spencer, 1873, edition of 1880, ch. xvi. p. 385).

[2] In the second edition of the *Essay on the Principle of Population*, 1803, Malthus modestly admits that the relation of the increase of population to decreasing subsistence had been perceived by the French economists, and among English writers by Benjamin Franklin, Sir James Steuart, Arthur Young and Joseph Townsend; whilst Nassau Senior, in 1831, remarks that the Principle of Population had been adopted by Malthus from the works of Townsend, Wallace and other preceding writers, but that "though not original, these opinions were, however, brought forward by him in so striking and authoritative a manner, with the advantages of a polished style and eloquent language, a tone of philosophical inquiry, and the justificatory evidence of statistical details, as to attract far more attention than they had previously obtained, and irrevocably couple the name of Malthus with the theory they comprehend" (*Two Lectures on Population*, delivered before the University of Oxford by Nassau William Senior, 1831).

[3] *Essay on the Principle of Population*, by T. R. Malthus, 1798, pp. 11-12.

third premiss to the Malthusian theory of population; a premiss derived from a study of the past history of the human race. Whilst there was no practical limit to the multiplication of the human species except the attainable amount of food, there were limits, and limits which would be rapidly reached, to the capacity of the extra men to extract additional food from the earth's surface. Following the topical fashion of political arithmetic, Malthus gave a quantitative expression to this "law"; population increases in a geometrical ratio, whilst subsistence lags behind according to an arithmetical ratio, with the consequence that population presses, and always will press, closely on subsistence. The only checks to this tragic tendency are famine, war and pestilence, or, to state it in a more general way, vice and misery. "The view which he gives of human life", the author writes in the third person in his preface to the first edition, "has a melancholy hue; but he feels conscious that he has drawn these dark tints from a conviction that they are really in the picture, and not from a jaundiced eye or inherent spleen of disposition." [1]

It thus followed logically that any relief of destitution, whether by compulsory or by voluntary charity, in adding to the temporary subsistence of the poor, merely enabled them to multiply their numbers, and therefore failed to diminish their poverty. This pessimistic conclusion was rendered more sinister by the current theory of a "wage fund". According to the Political Economy which the disciples of Adam Smith had, by this time, got accepted by "enlightened" opinion, the fraction of "capital" out of which it was assumed that wages, rates and taxes, and even alms had to be paid was, at any particular moment, a definite sum, incapable of immediate increase, and the whole of this sum was necessarily and inevitably paid to the propertyless class in one form or other. Hence, whatever was levied in Poor Rate, or even given in charity, was merely abstracted from what would otherwise have been paid in wages. It followed that it was, in the long run, and in the aggregate, positively disadvantageous to the poor, to give them either Poor Relief or alms, because there resulted, in return, little or no product in reimbursement of the draft on the Wage Fund, whereas the amount

[1] Preface to the *Essay on the Principle of Population*, by Rev. T. R. Malthus, 1798, p. 4.

spent in wages normally resulted in a product even exceeding in value the wages paid. To cede to the Poor Rate collector, or to dissipate in alms, what would otherwise have been devoted to the employment of labour was, in fact, to rob industrious Peter for the benefit of idle Paul, with a consequent diminution of the national wealth, and incidentally of the Wage Fund of future years.[1]

This gloomy forecast of the inevitable misery, past, present and future, of the workers of all countries and all races, shocked public opinion by throwing doubts on the beneficence of an all-powerful Creator. Hence, in the second edition of the *Essay on the Principle of Population*, published in 1803, Malthus introduced a third check on increase, namely, moral restraint; that is, abstinence from propagation unless means of subsistence for the prospective child are clearly available. "One of the principal reasons", we are told by Malthus in subsequent editions, "which have prevented an assent to the doctrine of the constant tendency of population to increase beyond the means of subsistence, is a great unwillingness to believe that the Deity would by the laws of nature bring beings into existence, which by the laws of nature could not be supported in that existence. . . . If it appear that, by a strict obedience to the duties pointed out to us by the light of nature and reason, and confirmed and sanctioned by revelation, these evils may be avoided, the objection will, I trust, be removed, and all apparent imputation on the goodness of the Deity be done away with."[2] This ray of hope does not seem to have altered the effect of the Principle of Population on the

[1] It is, to-day, almost incredible to what lengths the argument was carried in 1833. Harriet Martineau's *Cousin Marshall* (included in *Illustrations of Political Economy*, 1834) gives us the thoroughgoing propaganda of the time; explaining how every form of assistance is bad as tending to counteract the "preventive check"; and on this ground condemning alike Poor Relief and voluntary charity, the building of cottages for labourers to inhabit, the gift of coals or blankets, the establishment of dispensaries and lying-in hospitals, and the provision of almshouses for the aged. This was replied to in *The Tendency of Charitable Institutions*, by Rev. Charles Lawson, 1833 (a sermon with an appendix).

[2] In later editions of this *Essay on the Principle of Population*, not only is moral restraint added to the checks, but the Principle itself is more logically and clearly defined than in the first edition:

"1. Population is necessarily limited by the means of subsistence.

"2. Population invariably increases where the means of subsistence increase, unless prevented by some very powerful and obvious checks.

"3. These checks, and the checks which repress the superior power of

controversy about the Poor Law. Thus, in the *Letter to Samuel Whitbread, M.P., on his proposed Bill for the Amendment of the Poor Laws*, Malthus objects that " The compulsory provision for the poor in this country has, you will allow, produced effects which follow almost necessarily from the principle of population. The mere pecuniary consideration of the rapid increase of the rates of late years, though a point on which much stress has been laid, is not that which I consider as of the greatest importance ; but the cause of this rapid increase, the increasing proportion of the dependent poor, appears to me to be a subject as truly alarming, as in some degree to threaten the extinction of all honourable feeling and spirit among the lower ranks of society, and to degrade and depress the condition of a very large and most important part of the community. . . . It is your object, and I trust that of the nation, to diminish the proportion of dependent poverty, and not to increase it ; but the specific evil I fear from your Bill, as it stands at present, is an increase of it." [1] And in his speech on the Poor Laws in the House of Commons (February 1807) Samuel Whitbread acknowledges the influence of Malthus in creating a great revolution in public opinion. " Till within a very few years of the period in which I am speaking, the 43rd of Elizabeth was, if I may be allowed the expression, considered as the bible on this subject. Many persons observing the rapid increase of the burthens imposed by that statute, have projected plans of reform, and the legislature has adopted many new Acts : but they have all proceeded upon the same principle. No one

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population, and keep its effects on a level with the means of subsistence, are all resolvable into moral restraint, vice and misery " (*An Essay on the Principle of Population*, by T. R. Malthus, vol. i. of 6th edition, 1826, pp. 23-24).

It is interesting to note that the desirability of " moral restraint ", or as Malthus sometimes preferred to call it, " prudential restraint ", is the only part of the Malthusian Principle of " Population " that has survived to the twentieth century. The confident assumption that every increase in population must, other things being equal, be accompanied by a falling-off in the supply of food per head, has been not merely " postponed " by successive agricultural improvements and successive developments of international transport, but actually discredited as a matter of theory by the discovery that the very density of population is, up to a certain point, a condition, not to say actually a cause, of an increased food production per head. There is, in theory, in any particular area at any given time, an " optimum " density of population, which is, in most places, not yet attained (see *The Law of Population*, by A. M. Carr Saunders, 1922).

[1] *A Letter to Samuel Whitbread, Esq., M.P., on his proposed Bill for the Amendment of the Poor Laws*, by the Rev. T. R. Malthus, 1807, pp. 5 and 31.

ever ventured to surmise that the system itself was radically defective and vicious. . . . *One philosopher in particular has* arisen amongst us, who has gone deeply into the causes of our present situation. I mean Mr. Malthus. His work upon Population has, I believe, been very generally read; and it has completed that change of opinion with regard to the poor laws, which had before been in some measure begun. . . . This philosopher has delivered it as his opinion, that the poor laws have not only failed in their object, but that they have been productive of much more wretchedness than would have existed without them: that 'though they may have alleviated a little the intensity of individual misfortune, they have spread the evil over a larger surface'. Many persons, agreeing in this position, have wished that the whole system was well expunged from our statute book; and perhaps I should not go too far in saying, that such is the prevailing sentiment." [1] "Of all the applications of the doctrine of Malthus", says the most careful student of his work, "their application to pauperism was probably, at the time, of the greatest public interest. . . . These three chapters in the later *Essay on Population* have influenced public opinion and legislation about the destitute poor almost as powerfully as the *Wealth of Nations* has influenced commercial policy. Malthus is the father, not only of the new Poor Law, but of all our latter-day societies for the organisation of charity." [2]

[1] *Substance of a Speech on the Poor Laws delivered in the House of Commons, on Thursday, February 19, 1807*, by Mr. Whitbread.

[2] *Malthus and his Work*, by James Bonar, 1885, pp. 304-305. "Without the discussions raised by the *Essay on Population*", he continues, "it is very *doubtful if public opinion would have been so far advanced in 1834 as to make* a Bill, drawn on such lines, at all likely to pass into law. The abolition of Outdoor Relief to the able-bodied was nothing short of a revolution. It had needed a lifetime of economical doctrine, reproof and correction", which Townsend and Malthus had initiated, "to convince our public men, and to some extent the nation, that the way of rigour was at once the way of justice, of mercy, and of self-interest" (*ibid.* p. 317). "This Act" [of 1834], it was claimed in the Memoir of Malthus prefixed to his *Principles of Political Economy* in 1836, "is founded upon the basis of Mr. Malthus's work. The *Essay on Population* and the Poor Law Amendment Act will stand or fall together. They have the same friends and the same enemies, and the relations they bear to each other of theory and practice are admirably calculated to afford mutual illumination and support." The Memoir was by Otter, Bishop of Chichester (*Dictionary of Political Economy*, p. 676).

The Need for a Central Authority

The recognition that pauperism was an artificially induced "disease of society", and the acceptance of the Malthusian Theory of Population, were changes in public opinion which easily ran into each other, leading, both apart and together, to the same conclusion, namely, the desirability of the ultimate abolition of all relief of the poor from public funds, and, pending that happy consummation, the restriction of such relief to an ever-diminishing number of recipients. But no one acquainted with English Local Government could fail to realise that any uniform and identical Poor Law policy—let alone any such drastic revolution as was hoped for—would not and could not be carried out by the 15,000 separate Poor Law Authorities, in as many different parishes and townships, working under the diversified and perfunctory supervision of thousands of unpaid and uncontrolled county magistrates. If the adoption of the proposed reduction to a minimum, and, as it was hoped, the eventual abolition of public Poor Relief from one end of the kingdom to another, was actually to be brought about, it seemed necessary to establish some more authoritative, ubiquitous and continuous control than merely one more statute laying down prescriptions and limitations, to be enforced only by the spasmodic interpretations of the law-courts. But the English people were firmly wedded to the local customary practices of their several parishes, their practically complete local autonomy in levying their own rates, and their immemorial open democracy in the parish vestries. We have still to explore the influences which made it possible to convert an aristocratic Whig Government to a measure, and to persuade to its enactment a Legislature mainly composed of the county magistracy, under which the authority of that magistracy in Local Government would be effectively side-tracked, and all the 15,000 parish vestries placed under what was subsequently denounced as the autocratic rule of "the three Bashaws of Somerset House".

"Benthamism"

It is to Jeremy Bentham, the prophet of the Philosophic Radicals, that we owe the insidiously potent conception of a series of specialised government departments supervising and

controlling from Whitehall, through salaried officials, the whole public administration of the community, whether police or prisons, schools or hospitals, highways or the relief of destitution. To those who associate the English Utilitarians or Philosophic Radicals with the *laissez-faire* dogma of the economists of the Adam Smith School this may seem surprising. Jeremy Bentham and Adam Smith agreed in basing their social philosophy on the principle of utility. They both argued, in varying phraseology, that the supreme purpose of human beings was to secure pleasure and avoid pain; and that all acts, whether of individuals or of communities, must be judged to be moral or expedient solely according to whether they promoted the greatest happiness of the greatest number. But how was this supreme purpose of human life to be attained? Throughout his classic work on the *Wealth of Nations* Adam Smith implied that there was a natural harmony or identity between the self-seeking impulse of the individual man and the prosperity of the nation: a supposition which was, by his disciples, merged in the larger conception of a divinely designed natural order of society which happened to be coincident with the private ownership of the instruments of production under a system of free contract and free competition —a system which " The Invisible Hand " had left, as if in a fit of absent-mindedness, imperfect and incomplete. Hence the aim of the new school of political economists was non-intervention; or, to be more exact, merely the sweeping away of all existing man-made restrictions on the free use of capital and labour. Bentham, on the other hand, had no faith in " a natural order of society ", divinely designed or otherwise. " External nature ", under which heading he insisted on including all social organisation, had to be controlled and altered in such a way as to maximise human happiness. The very purpose of those communities of men that we call nations or states was, in fact, through government, to play on the wills of men as if these were a keyboard, in order to harmonise the necessarily conflicting interests of individuals among themselves, and also those of individuals and the community. The making of laws involved, in fact, a science, the discovery of the ways and means by which the individual could be led to further the interests both of himself and of the nation: it was a matter, not for *laissez-faire*, but for deliberate adjustment— an adjustment to be attained by " weighting the alternatives "—

by arranging law and public administration in such a way that the individual should find it actually to his own interest to choose the course which would promote the happiness of his fellow-citizens. And the adjustment had to be constantly changing. Hence Jeremy Bentham's rooted objection to tradition and custom and common law, and to the conservative tendencies of that great corporation of lawyers which is always wedded to the existing order of society. Jurisprudence, like mechanics and medicine, was an applied science, necessarily progressive; not only because it rested at all times on the newest discoveries, but also because the circumstances with which law and administration dealt were always changing. Thus he visualised a constantly developing body of statute law and government regulations, based on a quantitative knowledge of social facts. From this conception followed the use of specialised experts for the drafting of laws, and the supervision and control of the Local Authorities (which necessarily depend on the haphazard ideas of ordinary citizens) by expert departments intimately associated with the central Legislature. Not that Jeremy Bentham was wholly against a policy of *laissez-faire*. In industry and commerce—spheres in which pecuniary self-interest was the dominant motive—the adjustment of private interests to public ends might, for the most part, be left to the automatic working of free contract and free competition. On the other hand, criminals, lunatics, the sick and the destitute, were manifestly incapable of managing their own affairs; whilst other national interests, such as public health and public education, might not be adequately attended to if left to the pecuniary self-interest of the individuals of a single generation. Jeremy Bentham was, in fact, in respect to the modern controversy between Individualism and Socialism, a practical eclectic. Whether a particular service should be carried out by the Government or by private enterprise, by contractors or by salaried officials, depended on the circumstances, psychological and economic; and these circumstances had to be ascertained by observation and experiment, directed by the accumulated knowledge and scientific ratiocination of a centralised Government Department.

It is easy to deride the clipped sentences and outlandish wording of the detailed plan of government which Jeremy Bentham, during the first three decades of the nineteenth

century, was elaborating in his *Constitutional Code*, and continuously expounding to his distinguished group of friends and disciples. When all its defects are duly noted, the scheme emerges as a remarkable forecast of the twentieth-century machinery of government in a highly evolved State.[1] We have thirteen specialised Departments, each presided over by its own minister responsible to the Prime Minister and to Parliament. The activities of each of these Departments include, not only research and statistics, and the wide publication of the information collected and recorded, but also the inspection and direction of any subordinate authorities, together with the constant initiation of new improvements in the service. Here, for instance, is Bentham's description of the Department directing the relief of destitution: we may note, in passing, that the exact meaning of Bentham's new terms was carefully explained and exactly defined.

[1] The student of governmental organisation will be interested to compare Jeremy Bentham's proposals of 1820 or thereabouts, not only with the British Government of 1914, but also with the scheme for its reorganisation contained in the Report of the Machinery of Government Committee, Cd. 9230, presided over by Lord Haldane and including among its members, none of them consciously Benthamite, two of the most experienced of British Civil Servants and one of the present writers; and will note the remarkable likeness in outline of the two schemes, with an interval of a hundred years between them. There is the same emphasis on the need for constant inquiry and research in each Department of Government. Jeremy Bentham's Cabinet of fourteen Ministers included the Prime Minister and the Indigence Relief Minister described above, with Foreign Affairs, Army and Navy, and Finance, representing the old conception of government. What is remarkable is that Bentham suggested Cabinet Ministers for the following Departments, then quite unknown and unthought of in government circles, namely, an Education Minister; a Health Minister, whose Department included medical treatment; an Interior Communications Minister; a Trade Minister; a Preventive Services Minister, dealing with police and the prevention of nuisances—for instance, unhealthy occupations, fouling of air and water by manufactories, inundation, conflagration, drainage of lands, suffocation in mines and manufactories, adulteration of food, drugs and poisons, and "against extraordinary scarcity of necessaries—precautionary supplies in so far as freedom of trade is inadequate to the purpose"; an Election Minister to administer the Election Code; a Legislation Minister (drafting of Bills prior to introduction, and the "legislative amendment inspective function", so as to see that every Act was symmetrical and not inconsistent with existing laws, together with collection and publication of necessary information about proposed legislation and current Acts of Parliament) and a "Domains" Minister, administering the national estate in land, minerals, public buildings, etc. (*Constitutional Code*, vol. ix. of *Works*; see also *An Economic History of Modern Britain*, by J. H. Clapham, 1926, pp. 312-313).

SECTION VII

INDIGENCE RELIEF MINISTER

Enactive

Art. 1. To the Indigence Relief Minister, under the Legislature and the Prime Minister, it belongs to give execution and effect to all institutions, ordinances, and arrangements, emanating from the Legislature, in relation to the relief of the Indigent.

Enactive

Art. 2. To this purpose it belongs to him to exercise, under the direction of the Prime Minister,—as to all *persons*, in so far as employed under the direction of Government, in the business of affording such relief, the *locative*, *suppletive*, *directive*, and *dislocative* functions;—as to his own office, the *self-suppletive* function;—as to *things*, in so far as thus employed, the *procurative*, *custoditive*, *applicative*, *reparative*, *transformative*, and *eliminative* functions;—as to *persons* and *things*, the *inspective*;—as to *persons*, *things*, and *occurrences*, the *statistic*, *recordative*, *publicative*, and *officially-informative*;—as to *states of things*, *ordinances*, and *arrangements*, the *melioration-suggestive*.

Enactive

Art. 3. So, to exercise, in relation to all such institutions and establishments as, for this purpose, are or shall be on foot or in progress, at the expense or under the direction of any sublegislatures, individuals, or bodies of individuals, incorporated, or otherwise associated for this purpose,—the *inspective*, *statistic*, and *melioration-suggestive* functions.[1]

And who were Jeremy Bentham's friends and associates during these critical years? Among them—to name only those closely connected with the subject of Poor Relief—were James Mill and his more celebrated son; there was Francis Place; there were T. R. Malthus, E. G. Wakefield, George Grote and Dr. Southwood Smith. Into this innermost circle of the Utilitarians—perhaps the most remarkable group of thinkers, writers and administrators in English political history—came, late in the

[1] *Works of Jeremy Bentham*, by Sir John Bowring, vol. ix. 1843, p. 441. The extent to which Benthamism influenced the Poor Law Amendment Act of 1834 is dwelt upon in *Lectures on the Relation between Law and Public Opinion*, by A. V. Dicey, 1905; see *An Economic History of Modern Britain*, by J. H. Clapham, 1926, pp. 312-313; and compare the article on the Poor Law Commission, then just appointed, in *Quarterly Review*, No. 406, January 1906, pp. 228-247.

eighteen-twenties, a promising young writer on vital statistics, charities and police, Edwin Chadwick, whose remarkable career in connection with the English Poor Law from 1832 onwards we shall presently describe. "Many details of the New Poor Law (1834)", we are told by Chadwick's biographer, "were taken from Bentham's unfinished but amazing Constitutional Code, whilst many of the arguments he [Chadwick] used in the Poor Law Commission Report had already been advanced by other writers. . . . In 1830 Chadwick became literary secretary to Bentham, who at that time was engaged in writing his Constitutional Code."[1] Two years later Chadwick was appointed, on the recommendation of Nassau Senior, an Assistant Commissioner under Lord Grey's Poor Law Inquiry Commission of 1832; in the following year he became one of the Commissioners, and had a hand in preparing the Report of 1834; and in August of the same year he was made the first paid secretary of the Poor Law Commission, the Central Authority set up by the Poor Law Amendment Act—a body which, as we shall presently see, bore a remarkable likeness to Bentham's Ministry of Indigence Relief, except that another fourteen years had to elapse before it was equipped with its own responsible Minister with a seat in Parliament.[2]

[1] *Sir Edwin Chadwick (1800–1890)*, by Maurice Marston, 1925, p. 22.

[2] Of specific suggestions for a National Executive Authority for Poor Law administration, directing and controlling local Poor Relief Authorities, not many have been found, and none earlier than 1796. A Dublin correspondent of Pitt (one Henry Palmer) suggested to him in 1796 the control of Poor Relief "by five National Commissioners supervising the work of inspectors of workhouses, one for each county" (Pitt MSS. 308; see *Pitt and Napoleon*, by J. Holland Rose, 1912, pp. 88-89). In 1799 was published *Observations on the Present State and Influence of the Poor Laws, founded on Experience*, by Robert Saunders. This pamphlet (in library of Minister of Health) suggests a National Board of Commissioners empowered to direct and control all local Poor Relief bodies, analogous to the Board of Control over the East India Company and the affairs of India. In 1802 much the same idea was adopted by Patrick Colquhoun, but combined with Inland Revenue licences and police, as a National Board of Pauper and General Police (see *Diary of Lord Colchester*, 1861, vol. i. pp. 134-135). A more precise forecast of what was done a generation later was given in the same year in *Remarks on the Poor Laws and on the State of the Poor*, by Charles Weston, 1802—a work highly praised by George Coode, who was Assistant Secretary to the Poor Law Commissioners, 1834–1847. "Let there be", said Weston, "one supreme National Board in London, consisting of such a convenient number of Commissioners as may be thought eligible to control and regulate the whole. From the latter Board all the necessary orders, information, instruction, suggestions, etc., would be conveyed to the Local Authorities. All the various accounts would be also collected, examined and passed through

A Generation of Legislative Failure

The ferment of thought described in the foregoing pages, disturbing the common acquiescence in the Elizabethan Poor Law, and leading, as we shall presently relate, to its drastic reform, took forty years to produce its effect.

This legislative inertia is easily explained. In the first twenty years of the period the attention of the British Cabinet was absorbed by the Napoleonic Wars; whilst the rapid multiplication of the poor was actually desired in order to provide both recruits for the army and navy, and a continuous stream of additional hands for the new developments of manufacturing industry. Moreover, during the whole period from 1793 to 1832, a terror of the French Revolution was never absent from the mind of the English governing class. Although, as it now seems, the danger of a popular uprising on any considerable scale, in the England of the first few decades of the nineteenth century, was never very substantial, there was a continual undercurrent of seditious talk, which did not fail to become known to the Government, and which seemed to be illustrated by spasmodic little attempts at rebellion. From the food riots of 1795–1801 and the Luddite outrages of 1811, through the different outbreaks of machine-breaking and rick-burning, and the successive conspiracies, usually revealed, sometimes fomented and always magnified, by Lord Sidmouth's spies, right down to the impulsive wild *jacquerie* of the South Eastern Counties in 1830, and the tension of the struggle over the Reform Bill, there was, it seems clear, what was regarded as a very ugly spirit among the mass of the people. The consciousness of the existence of this spirit not merely prevented the downright proposal by any statesman for the total abolition of legal poor relief, or a definite limitation of its total amount, or its statutory restriction to those then living, which, as we have seen, the most rigorous economists

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the same channels, from the lowest offices upwards; and lastly the result of the whole would be annually reported by the Supreme Board to the King in Council and to each House of Parliament" (p. 143). In 1832 the only idea of drastic reform, apart from the Benthamites, and other than mere abolition, seems to have taken the form of absolutely centralised administration through officials, with nationalised finance (see, for instance, *Parochial Rates and Settlements Considered*, by a Country Justice, 1832; *History of the English Poor Law*, vol. iii., by Thomas Mackay, 1899, pp. 30-31).

were inclined to desire, but also hampered even the more moderate Poor Law reformers. Nothing, it was felt, could safely be projected, however publicly beneficial might be the change, if it was likely to be keenly resented by the mass of the people. Even a committee of the House of Lords felt constrained to declare, in 1817, that "the general system of the Poor Laws, interwoven with the habits of the people, ought, in any measure for their improvement, to be essentially maintained".[1]

This disinclination to take any action that seemed to conflict with the established expectations of the common people was all the more paralysing because there was a long tradition that the Cabinet did not intervene in parochial and municipal affairs. All such matters as roads and bridges, lighting and watching, paving and cleansing, the drainage of low-lying lands and the provision of relief for the indigent, were habitually left to the legislative enterprise of private Members of Parliament, whether through Local Acts or particular amendments of general statutes. For a century and a half the British Government had concerned itself almost exclusively with Foreign Affairs, whether in diplomacy or in war; with the maintenance of civil order and the execution of justice; and with the obtaining, by taxation, year after year, of the funds required for the King's service. Taxation involved customs and excise duties, and therefore some concern about the production of wealth, whether in agriculture, manufactures or commerce; or, at least, about the encouragement or otherwise of particular industries by duties or prohibitions. But there was still no assumption that any alteration was called for in the "Laws of England"; and the promotion of legislation on miscellaneous subjects was habitually left to the zeal of the Knights of the Shires and the burgesses of those boroughs that were represented in the House of Commons.[2] With regard to the Poor Law

[1] Report of House of Lords Committee on the Poor Laws, 1817.

[2] Sir Charles Wood, afterwards Lord Halifax, is recorded as saying to Nassau Senior in 1855, "When I was first in Parliament, twenty-seven years ago, the functions of government were chiefly executive. Changes in our laws were proposed by independent members, and carried, not as party questions, by the combined action of both sides of the House. Now, when an independent member brings forward a subject, *it is not to propose himself a measure*, but to call to it the attention of the Government. All the House joins in declaring that the present state of the law is abominable, and in requiring the Government to provide a remedy. As soon as the Government has obeyed, and proposed one, they all oppose it. Our defects as legislators, which is not our business, damage us as administrators, which is our business, and, of course, they are

there had been, as we have seen, since 1660, innumerable Bills prepared by such members, and literally hundreds of Acts passed; but always without the Government of the day taking any definite responsibility for them. Indeed, if we ignore the forgotten episode of the centralised direction of the Privy Council between 1590 and 1640, and if we put aside the occasional legislation on vagrancy, and in later years a few Acts relating to prisons and lunatic asylums, which came near to the subject of the Poor Law, it is scarcely too much to say that, between the 43rd of Elizabeth (1601) and the Poor Law Amendment Act of 1834, which we have presently to describe, there is, in the statute-book, no manifestation of any government policy with regard to such a domestic affair.

Pitt's Poor Relief Bill

To this long-continued failure of successive Cabinets to grapple with Poor Law problems there was one conspicuous exception. In the extreme stress of 1795–1796 Pitt, as Prime Minister, obtained the summary rejection of Whitbread's Bill for a Legal Minimum Wage that we described in our previous volume,[1] by undertaking himself to bring forward a general reform of the Poor Law. This undertaking was fulfilled in the next Parliament by the introduction, on November 12, 1796, of an elaborate Bill of 130 clauses "to improve the condition [of the poor] and to ensure a more comfortable maintenance and support to them and their families, to encourage habits of industry and good order, and thereby gradually to reduce the excessive amount of the rates", the passage of which into law would have revolutionised the whole system.[2] Pitt's measure, which, though pre-

much more frequent. In administration there are seldom more than one, or at most two, alternatives. . . . But in legislation there may be twenty or thirty alternatives. The chances are against the precise plan on which the Ministry has staked its credit beating the whole field" (*Many Memories of Many People*, by Mrs. M. C. M. Simpson, 1898, pp. 219-220). See to the same effect, Lord John Russell's speech in 1848, Hansard, vol. xcvii. p. 969; *Life of Lord John Russell*, by Spencer Walpole, 1889, vol. ii. p. 95; and further confirmation in *Lectures on the Relation between Law and Public Opinion in England during the Nineteenth Century*, by A. V. Dicey, 1905, p. 85.

[1] *English Poor Law History: Part I. The Old Poor Law*, by S. and B. Webb, pp. 175-176, 423.

[2] House of Commons Journals, vols. 51 and 52, March 1, 1796, to June 15, 1797; Hansard, February 12 and December 22, 1796; *Speeches of . . . Pitt in the House of Commons*, 1806, vol. ii. p. 371; *Annals of Agriculture*, vol. xxvi. pp. 260-359; *An Authentic Copy of the Bill for the Better Support and Main-*

sented in a very incomplete form, evinced, it was said, a "keen interest in the welfare of the poor", was read a second time without discussion, and was printed and referred to a committee, in order that time might be given to the country to consider its proposals. The Bill, which was immediately published in pamphlet form, met with almost universal condemnation as an example of improvident legislation, and was promptly smothered, not, as is often supposed, by Jeremy Bentham's privately circulated criticism of its proposals,[1] but by the storm of objection

tenance of the Poor presented to the House of Commons by the Right Honourable William Pitt, 1797; *Heads of Mr. Pitt's Speech on 12 February 1796 relative to the . . . Poor*, 1797; *The State of the Poor*, by Sir F. M. Eden, 1797, vol. iii. appendix ii.; *History of the English Poor Law*, by Sir G. Nicholls, 1854, vol. ii. pp. 125-129; *ibid.* vol. iii., by T. Mackay, 1899, pp. 105-106; *The Village Labourer, 1760–1832*, by J. L. and B. Hammond, 1912, pp. 149-152; *William Pitt and the Great War*, by J. Holland Rose, 1911, pp. 298, 568; "Pitt and Relief of the Poor", in *Pitt and Napoleon: Essays and Letters*, by the same, 1912, pp. 79-92; *Diary and Correspondence of Lord Colchester*, 1861, vol. i. pp. 30-31, 51, 82-83.

Pitt's proposals led to much comment (see *An Examination of Mr. Pitt's Speech in the House of Commons on Friday, February 12, 1796, relative to the Condition of the Poor*, by Rev. J. Howlett, 1796; and *Considerations on the Subject of Poorhouses and Workhouses, their pernicious tendency*, etc., by Sir William Young, Bart., 1796; the very critical *Essay on the Public Merits of Mr. Pitt*, by Thomas Beddoes, 1796, pp. 139-170; and a pamphlet in support of Pitt's Bill, entitled *An Enquiry into the Causes and Production of Poverty and the State of the Poor*, by John Vancouver, 1796. See also *Heads of Mr. Pitt's Speech on 12 February 1796 relative to the Poor*, 1797; *An Abstract of some Important Points of a Bill . . . for the Better Support and Maintenance of the Poor*, etc., by the Joint Vestry of St. Giles and St. George's, Bloomsbury, 1797; *Some Observations on the Bill*, etc., by the Trustees of the Poor of Kensington, 1797; *A Letter to Sir William Pulteney, Bart., . . . containing some observations on the Bill . . . by the Rt. Hon. William Pitt*, etc., by Isaac Wood (Shrewsbury, 1797); *An Inquiry into the Present Condition of the Labouring Classes . . . including Some Remarks on Mr. Pitt's Bill*, by R. A. Ingram, 1797).

[1] Jeremy Bentham's pamphlet, entitled *Observations on the Poor Law Bill*, February 1797, was not published at the time; but it was printed for private circulation, and may probably have impressed the Prime Minister, with whom Bentham was personally acquainted. It was found by Edwin Chadwick among Bentham's papers after his death in 1832; and was first published in 1838, and included in Sir J. Bowring's edition of his *Works*, 1843. Bentham's lively ridicule and slashing criticisms of Pitt's proposals revolved round the thesis that, under them, "idleness finds itself in as good a plight as industry"; but Bentham's conclusions in this attack were purely negative. More important as a revelation of his philosophy is the *Outline of a Work on Pauper-Management Improved* (*Works*, vol. viii. pp. 369-439), which contains an elaborate plan for a House of Industry for 2000 persons of either sex and of all ages, on the "panopticon" or "Central Inspection Principle". The two leading features of Bentham's proposals for "pauper-management" were (*a*) an elaborate census of all the persons needing public assistance, with a view to the discovery of the causes of their destitution, and the way to assist them; (*b*) the educational and reformatory character of the treatment to be afforded to them,

let loose from every Quarter Sessions, and manifested in the scores of petitions to the House of Commons from Metropolitan and provincial parishes and incorporations that we find recorded in its *Journals*. It must be admitted that the Government, and especially "the pilot who weathered the storm", had, in this critical year, no time to devote to even the most important domestic reform. The Bill was duly reported from committee, with numerous drafting and some substantial amendments; but after a desultory conversation on February 28, 1797, it was never again mentioned in Parliament.

Pitt had long taken an interest in the Poor Law. He may have credit for having supported Gilbert in the renewed Parliamentary inquiry of 1786, which produced the new returns of parochial expenditure (23 George III. c. 56; 26 George III. c. 58), which revealed the widening of the range of Poor Law administration with the increase of population and, with it, the steady growth of the burden.[1] He wished to see this expenditure brought regularly before Parliament and the nation in an annual Poor Law Budget. His friend and colleague, George Rose (1744–1815), in 1793 introduced with his approval a Bill for facilitating the establishment of friendly societies among the wage-earners; and in 1803 the same Minister got passed an Act requiring a return of all Poor Law expenditure. Pitt himself had apparently pondered over a primitive scheme for contributory Old Age Pensions which an unknown projector had submitted to him.[2] The main idea of the Bill of 1796 seems to have been the

which was genuinely designed to rebuild their mental and physical health and character (regular occupation, high standard of nourishment and education, daily baths, music and games, with rewards for keenness in work; it was, for instance, an element in his plan to provide special training for all the deaf and dumb and the mentally deficient.) No relief was to be given outside the House of Industry; but Bentham's "Self-elaboration Principle" differed from the "Workhouse System", the slogan of 1834, in that Bentham, far from wishing to deter, positively desired that all persons who were destitute should enter his House of Industry in order that they might be reinvigorated and re-educated. In fact, all mendicants were to be arrested, and brought compulsorily into the House of Industry.

[1] *History of the English Poor Law*, by Sir George Nicholls, 1854, pp. 99-103; *The State of the Poor*, by Sir F. M. Eden, 1797, vol. i. pp. 363-373; *Pitt and Napoleon: Essays and Letters*, by J. Holland Rose, 1912, pp. 79-92.

[2] This scheme, by John Harriott (for a twopence per week subscription, which was to yield an annuity of a shilling per week at sixty-five), is preserved in the Pitt MSS. ("Pitt and Relief of the Poor", in *Pitt and Napoleon: Essays and Letters*, by J. Holland Rose, 1912, pp. 79-92).

Isaac Wood declared that the outline of the scheme in Pitt's Bill was

organisation of help to set on his feet the man who was being borne down into chronic destitution. The Prime Minister, or those who worked up the plan for him, evidently went diligently through the principal pamphleteers of the preceding hundred and fifty years, taking out of Sir Matthew Hale, John Locke, John Cary, William Hay, Henry Fielding, Richard Burn, and Thomas Gilbert whatever suggestions seemed plausible, and blending these gleanings, higgledy-piggledy, with a few novel proposals. Pitt realised the evil of simply leaving the unemployed able-bodied workman to sink lower and lower into demoralisation; and the scheme was to contrive, by public assistance, to give every man a helping hand so as to enable him to earn his own bread. "The law which prohibits giving relief where any visible property remains should be withdrawn; no temporary occurrence should force a British subject to part with the last shilling of his little capital, and compel him to descend to a state of wretchedness from which he could never recover, merely that he might be entitled to a casual supply." A "School of Industry" was to be set up in every large parish, or group of smaller ones. These institutions—this idea was derived from John Locke and Sir Matthew Hale—were to provide industrial training and productive employment for the children, and to be coupled with the allowances to be made for their maintenance, attendance being compulsory for all such children from the age of five until they could be found private employment at wages. The same institutions were to set to productive work, as intended by the Elizabethan legislators, and as urged by Henry Fielding, any unemployed adults who chose to attend them. No able-bodied man refusing to attend and work was to be allowed Relief. Waste lands were to be reclaimed. On the other hand, money might be advanced on loan to enable a man to purchase a "cow or pig, or some other animal yielding profit", or presumably to

"evidently taken from two excellent institutions for the employment of the poor established on the Continent; the one at Munich under the direction of Count Rumford, the other at Hamburg, of which an admirable account has been published by the worthy M. Voght" (*A Letter to Sir William Pulteney, Bart. . . . containing some Observations on the Bill*, etc., by I. Wood, Shrewsbury, 1797). But, whilst Bentham himself had forwarded to Pitt a copy of John Bellers' *College of Industry*, 1695, it seems to have been Thomas Ruggles (1745–1813), author of a useful *History of the Poor*, 1797, who actually suggested the "Schools of Industry" to Pitt, by whom he had been consulted.

set up otherwise in business for himself, if this appeared to be likely to enable him to become self-supporting. The authorities were not necessarily to wait until destitution had set in, or until all savings had been dissipated; but were expressly empowered to help any persons settled in the parish who had not more than £30 in possessions. Each parish, moreover, or group of parishes, was to have a primitive social insurance scheme "for the securing a competent provision in cases of sickness, infirmities and old age", to be based partly on private donations and partly on a subvention from the Poor Rate. Though the Law of Settlement was not to be abolished, no person was to be liable to removal, even when he became chargeable, if relief was merely for sickness or temporary disability. How all this was to be done is not clear. Pitt had declared himself profoundly ignorant of "county matters"; but he proposed County Guardians of the Poor, great use of salaried officers, an annual Poor Law Budget for the whole kingdom, and systematic reports to the Privy Council. These ideas (in which twentieth-century students find no small degree of enlightenment, and even some prevision of modern proposals) were only vaguely outlined in what did not profess to be more than a rough draft, and the parochial machinery for putting them in operation was wanting.[1] On two points in

[1] Among Pitt's MSS. is a draft of the Bill (No. 307), minutely annotated in his handwriting. He had copies printed with broad margins for comments; and these he submitted to a number of persons whom he thought capable of helping him ("Pitt and Relief of the Poor", *in Pitt and Napoleon: Essays and Letters*, by J. Holland Rose, 1912, pp. 79-92). Thomas Ruggles was one of these, and Charles Abbot, afterwards Lord Colchester, seems to have been another. "In the course of the morning", he records on January 24, 1797, "I met Sylvester Douglas [afterwards Lord Glenbervie], who said he was authorised, and indeed desired by Mr. Pitt to obtain my assistance in improving the form and style of the Poor Law Bill. . . . I told him that I approved of the principles stated in the original opening of the subject by Mr. Pitt in the preceding year and proposed in the present Bill, and that they concurred with all the best opinions that I had found in the writers on the subject; but that the Bill itself seemed to me as bad in the mode as the principles were good in substance; and that I should be perfectly ready to lend any assistance in my power" (*Diary and Correspondence of Lord Colchester*, edited by Lord Colchester, 1861, vol. i. p. 82; *William Pitt and the Great War*, by J. Holland Rose, 1911, pp. 298, 568). Already, on April 6, 1796, he had noted that Pitt had sent him a printed copy of his Bill (p. 51). It may be noted that Charles Abbot, who was of practically the same age as Jeremy Bentham, was his connection by marriage, being the step-son of Bentham's father (the son by a former husband of the widow whom he married after the death of Bentham's mother). Abbot was on friendly terms with Bentham, but was far from sharing his opinions.

particular, Pitt's humanity and his desire to grapple with the whole problem led him to proposals which would have been ruinous in the crude form in which they were stated, and which violently antagonised the economists of the time. He recognised the extent to which even labourers in regular employment at the full current rates of wages were borne down by large families; and he explicitly proposed to make an allowance as a matter of right of not less than one shilling per week for each child in excess of two (or in the case of widows in excess of one).[1] And, worst of all, he incorporated in his scheme the fatal "rate in aid of wages", inaugurated at Speenhamland, by which a labourer unable to obtain from an employer the full current rate of wages might agree with him to work for less, and—without any provision for securing that there should be anything like an assured Standard Rate at all, and without any limitation to cases of patent partial disability, such as the lack of a limb—might have the balance made up from the Poor Rate. It was made plain that there was a growing opposition to any such proposals; and with the abandonment of Pitt's Bill the Government once more washed its hands of the whole subject.

We pass rapidly over Whitbread's attempt, ten years later, to get through Parliament a comprehensive measure humanising Poor Law administration, amending the Law of Settlement and Removal, encouraging thrift, penalising idleness and providing for labourers thrown out of employment. Though attacked by both Malthus and Cobbett, Whitbread got his Bill into committee, even in a House of Commons elected in the Tory reaction of 1807; but the Portland Administration refused all support to the measure, which accordingly failed to pass into law.[2]

[1] "Let us", Pitt said, "make relief in cases where there are a number of children a matter of right and honour, instead of a ground for opprobrium and contempt. This will make a large family a blessing and not a curse; and this will draw a proper distinction between those who are able to provide for themselves by their labour, and those who, after having enriched the country by a number of children, have a claim upon its assistance for their support" (Hansard, xxxiii. p. 710; see *Malthus and His Work*, by J. Bonar, 1885, pp. 29-44; *The State of the Poor*, by Sir F. M. Eden, 1797, vol. iii. appendix ii.).

[2] See *The Substance of a Speech by S. Whitbread on the Poor Law Bill*, 1807, which called forth pamphlets of comment or rejoinder by J. Bone, J. Bowles, and J. B. Monck during the same year; *Letter to Samuel Whitbread, M.P., on his Proposed Bill for the Amendment of the Poor Laws*, by Rev. T. R. Malthus, 1807; *The Village Labourer, 1760–1832*, by J. L. and B. Hammond, 1912, pp. 179-182; *Life of William Cobbett*, by G. D. H. Cole, 1925, pp. 137-139.

The Committee of 1817

The Peace of 1814–1815 brought with it serious dislocation of business, extensive unemployment and a rapidly rising Poor Rate, which gravely alarmed the propertied class, and of which we have the echo in an impressive article by Southey in the *Quarterly Review* for 1816. There ensued a long series of official investigations and inquiries, which, in the absence of any action by the Cabinet, resulted in the very minimum either of common acceptance or of legislative change.[1] The most important of these inquiries was started in 1817, when, on the motion of John Christian Curwen, M.P. for Cumberland, the House of Commons appointed, under the chairmanship of the Right Honourable Sturges Bourne, M.P.,[2] a Select Committee which made an earnest attempt to discover some remedy for the rising rates which threatened, so Curwen feared, to "swallow up the whole revenue and industry of the country, and extinguish every vestige of respectability and happiness among the poor".[3] The

[1] H. C. Robinson thought Southey's article "abounding in excellent ideas" (*Diary, etc., of Henry Crabb Robinson*, by Thomas Sadler, 3rd edition, 1872, p. 280). See also *A Moral and Political Essay on the English Poor Laws*, by Robert Walthew, 1814; *Thoughts on the Management and Relief of the Poor*, by William Clarke, 1815; *An Inquiry into the Cause of the Increase of Pauperism and Poor Rates*, by William Clarkson, 1815; *Collections relative to the Systematic Relief of the Poor at Different Periods and in Different Countries*, by John Duncan, 1815.

[2] William Sturges Bourne (1769–1845), "one of the many thoughtful patriots who, according to their strength, tried to do good before Reform, to whom modern Liberals do scant justice" (*A Guide to Modern English History*, by William Cory, vol. ii. 1882, p. 417), was M.P. 1802–1812, 1815–1831; Joint Secretary to the Treasury, 1804–1806; a Lord of the Treasury, 1807–1809; a Commissioner for Indian Affairs, 1814–1822; a Privy Councillor from 1814; Home Secretary in Canning's brief Government, April to July 1827; First Commissioner of Woods and Forests in Lord Goderich's Cabinet, July 1827 to January 1828; then Lord Warden of the New Forest. He retired from Parliament February 1831, and was appointed a member of the Poor Law Inquiry Commission, 1832–1834. His biography might usefully be written.

[3] See Curwen's republished speeches of 1816 and 1817, and his *Sketch of a Plan . . . for bettering the Condition of the Labouring Classes*, 1817; Annual Register for 1816 and 1817; Hansard, February 21, 1817; Reports of Select Committee on the Poor Laws, 1817, 1818. The House of Lords also had a Select Committee which reported in 1818 (*History of the English Poor Law*, by Sir George Nicholls, 1854, vol. ii. pp. 178-191; *ibid.* vol. iii., by Thomas Mackay, 1899, pp. 22-23, 46-50; *The Parish and the County*, by S. and B. Webb, 1907, pp. 152-157; *Diary and Correspondence of Lord Colchester*, 1861, vol. iii. p. 45; *Letters of David Ricardo to T. R. Malthus*, by James Bonar, 1887, p. 126; and, among a cloud of contemporary pamphlets, *Consideration on the Poor Laws*, by John Davidson, 1817; *An Inquiry into the Nature of*

Committee of twenty-one members, which included Castlereagh, Curwen, Sir Thomas Baring and Thomas Frankland Lewis, took much instructive evidence and made, in July 1817, a long and able report, which lacked nothing but a constructive policy of reform. "The leading members" of this Committee, so John Rickman wrote at the time, "are . . . much dissatisfied to find that, in their own heads, they can only find that they have found nothing effectual!" [1] But although the Committee could find no effective remedy, it embodied in its widely read report much of the new movement of thought in favour of the abolition, or at least the rigid limitation, of Poor Relief; and it was this publication that "first brought the enormity of the abuses before the public". The vast revenues that were being raised and expended on the poor seemed, in fact, to threaten national ruin. "Such a compulsory contribution for the indigent", urged the Committee, "from the funds originally accumulated from the labour and industry of others, could not fail in process of time, with the increase of population which it was calculated to foster, to produce the unfortunate effect of abating those exertions on the part of the labouring classes, on which according to the nature of things, the happiness and welfare of mankind has been made to rest. By diminishing this natural impulse

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Benevolence . . . the Poor Laws, and to show their immoral tendency, by J. E. Bicheno, 1817 (and another in 1824); *Observations on the Circumstances which influence the condition of the Labouring Classes of Society*, by John Barton, 1817; *The Village System, being a Scheme for the Gradual Abolition of Pauperism*, anon., 1817; *Arguments in favour of . . . relieving the Ablebodied Poor by Finding Employment for them*, by Sir Egerton Brydges, 1817; *Thoughts on the Depressed State of the Agricultural Interest . . . and on . . . Mr. Curwen's plan for bettering the condition of the Poor*, by a Magistrate [R. Fellowes], 1817; *Suggestions for the Employment of the Poor*, etc., by H. B. Gascoigne, 1817 (and another in 1818); three in 1818 by Samuel Banfill (with another in 1828); *Considerations on the Impolicy and Pernicious Tendency of the Poor Law*, by Charles Jerram, 1818; *A Summary View of the Report and Evidence relating to the Poor Law*, by S. W. Nicoll, 1818; *A Treatise upon the Poor Laws*, by Thomas Peregrine Courtenay, 1818 (M.P. for Totnes, 1810–1831; Secretary to Board of Control, 1812–1828; Vice-President of Board of Trade, 1828–1830; Privy Councillor, 1828)).

[1] *Life and Letters of John Rickman*, by Orlo Williams, 1912, pp. 191, 204. It was for this Committee that Rickman abstracted the Poor Rate returns of 1813–1814, after which he did the work annually until 1834; and it was he who discovered the returns for 1748–1750, which had lain untouched in the recesses of the House of Commons building. These returns were published in abstract in Supplementary Report of the Committee of the House of Commons on the Poor Law, 1818, and referred to in Chalmers' article in the *Edinburgh Review*, February 1818, on "The Cause and Cure of Pauperism".

by which men are instigated to industry and good conduct, by superseding the necessity of providing in the season of health and vigour for the wants of sickness and old age, and by making poverty and misery the conditions on which relief is to be obtained, your Committee cannot but fear, from a reference to the increased numbers of the poor, and increased and increasing amount of the sums raised for their relief, that this system is perpetually encouraging and increasing the amount of misery it was designed to alleviate, creating at the same time an unlimited demand on funds which it cannot augment; and as every system of relief founded on compulsory enactments must be divested of the character of benevolence, so it is without its beneficial effects; as it proceeds from no impulse of charity, it creates no feelings of gratitude, and not unfrequently engenders dispositions and habits calculated to separate rather than unite the interests of the higher and lower orders of the community; even the obligations of natural affection are no longer left to their own impulse, but the mutual support of the nearest relations has been actually enjoined by a positive law, which the authority of magistrates is continually required to enforce. The progress of these evils, which are inherent in the system itself, appears to have been favoured by the circumstances of modern times, by an extension of the law in practice, and by some deviations from its most important provisions. How much of the complaints which have been referred to your Committee may be attributable to one cause or the other, it is perhaps not easy to ascertain. The result, however, appears to have been highly prejudicial to the moral habits, and consequent happiness, of a great body of the people, who have been reduced to the degradation of a dependence upon parochial support; while the rest of the community, including the most industrious class, has been oppressed by a weight of contribution taken from those very means which would otherwise have been applied more beneficially to the supply of employment. And, as the funds which each person can expend in labour are limited, in proportion as the poor rate diminishes those funds, in the same proportion will the wages of labour be reduced, to the immediate and direct prejudice of the labouring classes; the system thus producing the very necessity which it is created to relieve. For whether the expenditure of individuals be applied directly to labour, or to the purchase

of conveniences or superfluities, it is in each case employed immediately or ultimately in the maintenance of labour." [1]

This Committee, it will be noted, emphatically endorsed the thesis of Townsend and Chalmers that pauperism was an artificially induced disease of society, and unreservedly accepted from Malthus the "Principle of Population" and the Theory of the Wage Fund, which rendered all expenditure on Poor Relief illusory and positively mischievous. What the Committee failed to discover was the lever for reform of the local administration, which Bentham was busily elaborating in the shape of a central specialised Government Department, with the function of supervision, initiation and control, and provided with the machinery of a peripatetic inspectorate and an independent official audit. It is, in fact, one more example of the inability of this generation to grapple effectively with its problems, that all that immediately resulted from this impressive report was legislation providing the more populous parishes with an improved constitution for their Vestries, including a valuable provision for the appointment of a salaried Overseer; and one more trivial amendment of the Law of Settlement, which was so badly framed, and led to such an increase of expensive litigation, as to call for two successive amending Acts within a dozen years.[2]

A Decade of Controversy

There followed in 1821–1822 two Bills of more than usual importance, introduced by two lawyers of distinction, Scarlett and Nolan, which failed to pass, but led to widespread discussion.[3]

[1] Report of House of Commons Committee on the Poor Laws, 1817, pp. 7-8, drafted, it is stated, by T. Frankland Lewis for Sturges Bourne.

[2] The Parish Vestry Act, 58 George III. c. 69, 1818; the Select Vestry Act, 59 George III. c. 12, 1819, both of them frequently called "Sturges Bourne's Act"; and an Act to amend the Laws . . . so far as regards renting tenements, 59 George III. c. 50, 1819; amended by 6 George IV. c. 57, 1825, and 1 William IV. c. 18, 1830 (see *History of the English Poor Law*, by Sir George Nicholls, 1854, vol. ii. pp. 191-201, 210-211; *ibid.* vol. iii. by T. Mackay, 1899, pp. 46-50; *The Village Labourer, 1760–1832*, by J. L. and B. Hammond, 1912, p. 153; *The Parish and the County*, by S. and B. Webb, 1907, pp. 152-170).

[3] James Scarlett (1769–1844), a Whig M.P. in 1819, was Attorney-General in Canning's Administration, 1827; joined the Tories and became, in 1834, Chief Baron of the Exchequer, and in 1835 Lord Abinger (see the pamphlet *An Essay on the Employment of the Poor . . . to which is prefixed a letter by James Scarlett*, 1822; and *A Letter to James Scarlett on his Bill relating to the*

In 1821 there was a select Committee on Agricultural Distress; in 1824 one on the Wages of Labourers in Agriculture, and in 1826–1827 one on Emigration, from none of which could the operation of the Poor Law be excluded. In 1828 a House of Commons Committee definitely concentrated its attention on the Relief of Able-bodied Labourers from the Poor Rate, with which a House of Lords Committee was at the same time dealing in a more general survey. During these years the working of the Game Laws was under investigation by a House of Commons Committee in 1823 and a House of Lords Committee in 1828; and the prevention and punishment of crime generally by successive House of Commons Committees in 1827, 1828, 1831 and 1832; all of which inquiries, so far as the rural districts were concerned, incidentally elicited significant evidence throwing light on the administration and operation of the Poor Law.[1] But successive Tory Cabinets, hampered by their internal differences as to Catholic emancipation, afraid of the growing demand for Parliamentary reform, and depending on a House of Commons conscious of its lack of public support, sullenly refused to entertain any project interfering with the traditional control of the parish by the county magistracy, and the cherished "right to relief" of the rural labourer under the Poor Law.

Poor Laws, by a Surrey Magistrate, 1821; *History of the English Poor Law*, by Sir George Nicholls, 1854, vol. ii. pp. 221-224).

Michael Nolan (*circa* 1763–1827), M.P. for Barnstaple, 1820–1826; appointed in 1824 a Welsh judge, was the author of one of the best legal textbooks, entitled *A Treatise on the Laws for the Relief and Settlement of the Poor*, 1805, 1808, 1814, 1825 (see *The Speech of M.N. . . . on moving for leave to bring in a Bill to alter and amend the Laws for the Relief of the Poor*, 1822; Hansard, July 10, 1822; article entitled "The Management of the Poor", in *Edinburgh Review* for 1823, pp. 327-358; *History of the English Poor Law*, by Sir George Nicholls, 1854, vol. ii. pp. 225-226).

[1] Among the many pamphlets between 1822 and 1830 we can mention only *An Inquiry into the Workhouse System*, etc., by Rev. C. D. Brereton, 1822 (and four others); *Thoughts on the Poor Laws, with a plan for reducing the Poor Rates preparatory to their abolition*, by S. Brookes, 1822; *The Principle of the English Poor Laws illustrated and defended*, by Frederick Page, 1822 and 1829; *The Poor and their Relief*, by George Ensor, 1823; *Letter to . . . Canning on the . . . English Poor Laws*, by a Vestryman of . . . Putney, 1823 (and another in 1831); *Letter to the Directors of the House of Industry at Bulcamp against making any pecuniary allowance to Unemployed Labourers*, by Rev. Richard Whately (afterwards Archbishop of Dublin), 1823; *The Practicable Means of Reducing the Poor's Rate*, etc., by Joseph Bosworth, 1824 (and others in 1825 and 1838); *The Causes and Remedies of Pauperism . . . considered*, by Sir R. J. Wilmot Horton, 1829; four by G. Poulett Scrope, F.R.S., in 1829–1831 (and four more in 1848–1850).

It was in vain that Wilmot Horton, the chairman of the Select Committee on Emigration in 1826–1827, appealed to Sir Robert Peel as Home Secretary to take up a measure of Poor Law reform. Like other statesmen, Peel refused to do when in office what he demanded from his successors when he had been turned out. In 1830, on the debate upon an Emigration Bill, he urged that the question was ripe for legislation by the Government.[1]

The Labourers' Last Revolt

Meanwhile the sudden flash of rural insurrection in South-East England, between August and November 1830,[2] just as Lord Grey was forming his Government, once more put the fear of revolution into the hearts of the English governing class. The effect of this " revolt of the field " was actually to increase the desire for Poor Law reform. There was a general impression among parish officers and county magistrates in the disturbed districts that the riots and rick-burning, the machine-breaking and isolated attempts to set on fire churches, farm-buildings and country mansions, were more frequent and more savage in those parishes in which the Allowance System prevailed most completely, and had most strongly confirmed the labourers in their

[1] MS. letter from Hyde Villiers to Lord Howick, January 19, 1832 (see *History of the English Poor Law*, vol. iii., by Thomas Mackay, 1899, p. 26). There is some indication that Peel even contemplated a Bill of his own, as Leader of the Opposition. As early as 1823 Peel had been in correspondence with Thomas Walker about his Poor Law reforms at Stretford. (Blanchard Jerrold's memoir of Walker in the 1874 edition of *The Original*, vol. i. pp. 134-141.) John Rickman, one of the clerks of the House of Commons, who had long been charged with the preparation of the annual Poor Law statistics, writes in his diary in April 1831 as to " the best movement towards the amendment of the Poor Laws ". " There is likelihood, I think, that Sir Robert Peel would gladly try to effect this during his absence from office, which would give him a great reputation, but which would cost too much attention when in office. I could fit up the apparatus readily, having not only arguments but clauses ready drawn in store. I would propose that he should make a circumstantial speech and print the Bill in the summer session, and I could hear and dispose of all observations (they would not be few) in the autumn " (John Rickman to R. Southey, April 24, 1831, in *Life and Letters of John Rickman*, by Orlo Williams, 1912, pp. 306-307).

[2] Most interesting sources for this, " the last labourers' revolt ", will be found in the MS. volumes of Home Office papers for 1830 in the Public Record Office; others in the reports of the Assistant Commissioners in Report of Poor Law Commission, Appendix A, 1834. The whole episode is minutely and feelingly described in *The Village Labourer, 1760–1832*, by J. L. and B. Hammond, 1912, ch. xi. and xii.; see also *A Shepherd's Life*, by W. H. Hudson, 1910; *Lord Grey of the Reform Bill*, 1920, pp. 252-253, and *History of England*, by G. M. Trevelyan, 1926; *Life of William Cobbett*, by G. D. H. Cole, 1926.

belief that they possessed a "right" to full maintenance. Thus the widespread issue of "parish pay", far from preventing popular discontent, was the cause of constant anger among those who either failed to obtain it, or who received less than they chose to assume to be their due. "The violence of most of the mobs", it was said, "seems to have arisen from an idea that all their privations arose from the cupidity or fraud of those entrusted with the management of the fund provided for the poor. . . . Whatever addition is made to allowances . . . excites the expectation of still further allowances, increases the conception of the extent of the right, and ensures proportionate disappointment and hatred if that expectation is not satisfied."[1] It must, we think, be credited to the Whig Ministers for shrewd statesmanship, if not for humanity, that their stern repression and savage punishment of the rural rioters was not the sole outcome of the rebellion. In due course, after some six hundred prisoners had been tried by two special Commissions, each of three judges; after a couple of hundred men had been sentenced to death, ten of them actually executed, the rest put into the hell of transportation for life to Botany Bay; and after a couple of hundred more had been either transported for various terms or imprisoned with hard labour—when a new House of Commons, more determined in its reforming zeal than any that had preceded it, had been elected for the express purpose of passing the Reform Bill; and a Government was in office pledged to drastic action—the Cabinet resolved on a decisive step. Lord Althorp in the House of Commons, replying in February 1832 to a question, doubtless prearranged, announced that the Government had decided on appointing a Royal Commission charged to conduct an elaborate investigation all over the country into what was the actual working of the Poor Laws, with an indication of the Government's intention to take in hand the reform of the entire system.[2]

[1] Report of the Poor Law Inquiry Commissioners, 1834, p. 50; see also pp. 36 and 289.

[2] Hansard, February 1, 1832. The Poor Law Inquiry Commission and the Poor Law Amendment Act are, of course, elaborately described in *The History of the English Poor Law*, by Sir George Nicholls, 1854, vol. ii. pp. 237-298, and vol. iii., by Thomas Mackay, 1899, pp. 22-156. They are also dealt with in the various histories of the period, not always with complete accuracy and understanding (see *History of England*, 1830–1874, by W. N. Molesworth, 1871–1873, vol. i. pp. 309-319; *History of the Thirty Years' Peace* (1816–1846), by Harriet Martineau, 1877; *History of England from the Conclusion of the*

The Appointment of the Commission

Some credit is accordingly due to Lord Grey's Government for its courage in determining to reform the Poor Law,[1] all the more because the subject had not been mentioned in the King's Speech; whilst the Cabinet had, in 1832, no plan of reform before it; and, in the stress of Foreign Affairs and the struggle for the Reform Bill, no time to prepare one. In this predicament, Lord Grey adopted a suggestion made privately on January 19, 1832, by one junior member of the Government to another, by Thomas Hyde Villiers, Secretary to the Board of Control, to Lord Howick, the Under-Secretary of State for the Home Office, that the best course would be to appoint a non-party Royal Commission to inquire into the whole subject; to prepare a scheme of reform, and to educate public opinion.[2] A fortnight

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Great War, by Spencer Walpole, vol. ii. pp. 184-186; vol. iii., 1880, pp. 231-239; vol. iv. 1886, pp. 29-35; *Political History of England*, vol. xi., by G. C. Brodrick and J. K. Fotheringham, 1906, pp. 340-344; *Social and Political History of England*, by J. F. Rees, 1920, pp. 59-61; *A Student's History of England*, by S. R. Gardiner, 1891, p. 911; *The Cambridge Modern History*, vol. x. pp. 660-662; *History of England*, by G. M. Trevelyan, 1926, pp. 641-642; *British History in the Nineteenth Century*, by the same, 1922, pp. 249-251; and very fully in *A Guide to Modern English History*, by William Cory, vol. ii., 1882, pp. 416-460. The best short account seems to us to be that in *Histoire du peuple anglais au dix-neuvième siècle*, by Élie Halévy, vol. iii., 1923, pp. 115-121; translated as *A History of the English People*, vol. iii., 1927, pp. 121-131).

[1] Cobbett confidently declared that, with or without a Royal Commission, the attempt would inevitably fail (*Life of William Cobbett*, by G. D. H. Cole, 1924, chap. xxv. pp. 407-419). "The Whigs took up the question, not because it was inevitable, nor because they had, when in opposition, studied it, or made it a Party symbol. . . . they took it up because they were intellectual politicians, acquainted with the philosophers who sounded the backwaters of society" (*A Guide to Modern English History*, by William Cory, vol. ii., 1880, p. 417). It may well be that the irrepressible Lord Chancellor forced the hands of the Cabinet. In 1831 Lord Salisbury moved a resolution as to reform of the Poor Law, in answer to which Lord Melbourne was vague and non-committal. Thereupon Lord Brougham broke out, and said he had been studying the subject since 1819 (when he had spoken in the House of Commons upon it), and would bring in a measure of reform before many months. Lord Salisbury withdrew his motion, saying he did so because the Government was going to bring in a Bill. Melbourne disclaimed having given any such undertaking, whereupon Salisbury retorted that Brougham had done so (Hansard, June 23, 1831).

[2] "The merit of having suggested the appointment of a commission for the purposes of investigating the extent and the causes of the existing evils, and of devising remedies (at that time an unusual proceeding) belongs to Mr. Hyde Villiers, a remarkable member of a remarkable family, a statesman whose early death was a public calamity which it is not easy to exaggerate" (*Remarks on the Opposition to the Poor Law Amendment Bill*, by a Guardian [Nassau Senior], 1841, p. 28). Thomas Hyde Villiers (1801–1832), M.P., was a grandson of the first Earl of Clarendon, and brother of the fourth Earl, and

later the Commission was announced. Its members, chosen, "with a total absence of party feeling", it was said, by Lord Brougham, the Lord Chancellor (although Lord Althorp himself issued the invitations), were Dr. C. J. Blomfield (then Bishop of London) as chairman; Dr. J. B. Sumner, then Bishop of Chester (afterwards Archbishop of Canterbury), who had published a well-informed article on the Poor Law in the 1824 Supplement to the *Encyclopædia Britannica*—both these bishops being, in 1832, fifty-two years of age; the Right Honourable Sturges Bourne, then aged sixty-five, who had been chairman of the Select Committee of 1817, and had lately retired from Parliament after more than a quarter of a century of public service; Nassau William Senior, a Chancery barrister, then forty-two, who had just completed his five years' term as Drummond Professor of Political Economy at Oxford;[1] the Rev. Henry Bishop; Walter

of the better-known C. P. Villiers; and a friend of John Stuart Mill. He was a clerk in the Colonial Office, 1822; agent for Berbice and Newfoundland, 1826–1832; elected M.P. for Hedon, 1826–1830; for Wootton Bassett, 1830; for Bletchingly, 1831. In the Whig Government he had been appointed secretary to the Board of Control (1831); and he became during the ensuing year one of the channels through which much Benthamism reached the minds of Ministers (see *History of the English Poor Law*, vol. iii., by T. Mackay, 1899, pp. 26-27; *Memoir of Earl Spencer*, by Sir Denis le Marchant, 1876, vol. ii. p. 467; *Life and Letters of the Fourth Earl of Clarendon*, by Sir Herbert Maxwell, 1913, vol. i. p. 60; *Autobiography* of Sir Henry Taylor, 1885). He went so far as to suggest to Lord Howick five of the persons to be invited to serve on the Commission, two of whom (Bishop Sumner and Nassau Senior) were actually chosen. The other three whom the Whig Government did not invite were James Mill, the historian of British India, Rev. Thomas Whatley and Thomas Law Hodges, M.P. for West Kent.

That it was Lord Althorp (and not Lord Brougham) who issued the invitation was stated by Bishop Blomfield in the House of Lords on August 8, 1834 (see *A Memoir of Charles James Blomfield*, by Alfred Blomfield, 1863, vol. i. pp. 179, 203). Brougham even declared in the House of Lords in 1833 that the appointment of a Commission was not his doing; that he had been against it as involving needless delay, but that he had been converted to its usefulness (Hansard, February 8, 1833). He followed its proceedings with great attention. When Charles Knight was staying at Brougham Hall in the autumn of 1832 the Lord Chancellor was having the internal documents of the Commission sent down to him. "Evening after evening would his despatch box bring down some report of an Assistant Commissioner. He occasionally gave me", says Knight, "the task of looking over these voluminous papers, and marking passages for his more careful perusal" (*Passages of a Working Life*, by Charles Knight, 1864, vol. i. pp. 197-198).

[1] Nassau William Senior (1790–1864) merits a fuller biography than the authoritative but brief notice in the *Dictionary of National Biography* and that in Boase's *Modern English Biography*, vol. iii. He had watched in boyhood the abuses of the Poor Law in the Wiltshire parish (Durnford) of which his father was the incumbent; and late in life he declared that, in 1815, "when I was twenty-five, I resolved to reform the English Poor Laws". He became

Coulson, a journalist and editor who had become a conveyancer, then thirty-eight;[1] and Henry Gawler.[2] To them were added, in

a Chancery barrister, and pupil of Sugden (Lord St. Leonards), succeeding to much of his master's lucrative practice when the latter took silk. He was very intimate with the economists; one of the founders of the Political Economy Club in 1823; and as the holder for the first term (1825–1830) of the newly founded Drummond Professorship of Political Economy at Oxford, he became the outstanding, as well as the fashionable, economist of the time. In 1830 Lord Melbourne called him in to report on the strange new portent of Trade Unionism (see *History of Trade Unionism*, by S. and B. Webb, pp. 139-141 of edition of 1920). For his work on the Poor Law Inquiry Commission, he was offered by the Government the munificent sum of £500 and a knighthood, both of which he refused. An offer of a seat on the executive Poor Law Commission, with a salary for full-time work of two thousand a year, did not tempt him to abandon his highly remunerative profession; nor did he entertain a subsequent offer of the governorship of Canada. What he valued was his intimate intellectual intercourse with all the distinguished men of his generation, in Paris as well as London, especially the Whig governing families, and both British and French economists and statesmen. His house at Kensington became, from its building in 1827 down to his death, as Sydney Smith declared, a " chapel of ease to Lansdowne House ". The prospect of increased leisure, though smaller income, induced him, in 1836, to accept from Lord Melbourne one of the twelve new posts of Master in Chancery; and when that office was abolished in 1855 he retired on a pension equal to his full salary. He was appointed in 1847 for a second term of five years to the Oxford professorship. During his half-century of active life he gave advice to almost every Whig Ministry, contributed many articles to the *Edinburgh Review*, and took part in successive Royal Commissions and Committees of Inquiry: in addition to the Poor Law Inquiry Commission, we may mention those on Factories (1837), Handloom Weavers (1841), Irish Poor Law (1844), and Education (1857). Among his many books the principal were four series of lectures on Political Economy (which have been united into a single treatise, skilfully amplified from the MSS. by S. Leon Levy, entitled *Industrial Efficiency and Social Economy*, by N. S., 1928); three volumes of essays (mostly reprinted articles); and nine volumes of journals and records of conversations with men of distinction (see a brief character sketch in the Greville Memoirs, 1875, vol. iii. p. 138; *Many Memories of Many People*, by his daughter, Mrs. M. C. M. Simpson, 1887; and " Nassau W. Senior, British Economist ", by S. Leon Levy, in *Journal of Political Economy* (Chicago), vol. xxvi. p. 347 and p. 509).

[1] Walter *Coulson (1794–1860)*, after serving Bentham as amanuensis, became a barrister and journalist; edited the London newspaper the *Globe and Traveller* in 1823; a very intimate friend of James Mill, and a constant companion in his Sunday walks; in later life acted as legal draftsman for the Home Office. " When Mr. Coulson was proposed for the Poor Law Inquiry ", Lord Brougham recalled, in old age, " his having been the conductor of a newspaper was stated as a ground for objecting to him; but Althorp said it was rather an argument in his favour, he having raised himself to be a conveyancer " (*Life of Lord Brougham*, by himself, 1871, vol. iii. p. 254; *James Mill*, by Alexander Bain, 1882, p. 183; *Letters of Ricardo to Malthus*, by James Bonar, 1887, p. 168).

[2] Henry Gawler had been one of those who delimited the new Parliamentary constituencies (*Memoir of Thomas Drummond*, by John F. M'Lennan, 1877, p. 161). He was an uncle of the Benthamite law reformer, C. H. Bellenden Ker, and brother of the John Gawler who took the name of Bellenden Ker, and vainly claimed the dukedom of Roxburgh.

1833, James Traill and, not least important, Edwin Chadwick, then only thirty-two, who had been at first given only the position of an Assistant Commissioner. If the three dignitaries on the Commission were Tories, we may perhaps class the four other original members as Whigs; and the two additions made in the following year notably increased this majority. What was more important was that these humbler and younger members of the Commission, who (as this body, unlike subsequent Commissions, had no secretary assigned to it by the Government)[1] seem to have done the work, had all, in varying degrees, imbibed the Benthamite philosophy; two among them, indeed, were notorious Benthamites. Coulson had been in his youth Bentham's amanuensis, whilst Edwin Chadwick (whom John Stuart Mill had introduced to Nassau Senior, and who was at first the Commission's indefatigable and irrepressible assistant, presently its most active member, and finally its most copious draftsman) had been actually living in Bentham's household down to 1832, and was one of his latest favourite disciples.[2] The Poor Law

[1] The name of no secretary appears in the warrant of appointment (as is usual); or on any of the publications of the Commission, or on the questionnaire that it issued. We learn incidentally that George Taylor was secretary at £800 a year from March 17 to July 17, 1832. Valuable memoranda by him on the various statutory provisions relating to different parts of the subject were printed in Appendix C to the Commission's Report. He appears to have been a landowner in Durham (1771–1851), who soon retired to his estate, devoting himself to antiquarianism, and writing articles for the *Quarterly Review*. He contributed the memoir of Surtees prefixed to the fourth volume of the latter's *History of Durham* (see *Gentleman's Magazine*, 1851, p. 317; *Modern English Biography*, by F. Boase, vol. iii. p. 889). He was succeeded by John Revans, who served from July 17, 1832, to the end of the Commission in 1834. He became secretary to the Irish Poor Law Commission in 1835; and an Assistant Poor Law Commissioner in England in 1838. We hear of him again in 1850 as having been appointed to make a report on the operation of the Law of Settlement, in which he mentions that "as the secretary to that Inquiry [of 1832–1834] the whole of the details were so deeply stamped on my memory", etc. (Reports to the Poor Law Board on the Operation of the Law of Settlement, 1850). John Revans wrote for the *Westminster Review* (*e.g.* an article in 1831, which he republished long afterwards under the title *England's Navigation Laws no protection to British Shipping*, 1849); and he also published *Observations on the proposed alteration of the Timber Duties*, 1831; *Evils of the State of Ireland, their Causes and the Remedy—a Poor Law*, 1837; and *A Percentage Tax on Domestic Expenditure to supply the whole of the Public Revenue*, 1847.

[2] Sir Edwin Chadwick, K.C.B. (1800–1890), who may not unfairly be described as the proposer of more of the social reforms of the nineteenth century than any man except his master, Jeremy Bentham, and Robert Owen himself, started as a clerk in a London attorney's office with but an imperfect formal education, took to journalism, and was in 1830 called to the Bar, without

Inquiry Commission of 1832 became, in fact, like the Municipal Corporations Commission of 1833 and the Prisons Commission of 1835, essentially an organ of the " enlightenment " in Political Science that was in these years emanating from Bentham and his immediate followers; a fact which perhaps accounts for the dynamic effect of their respective reports.

The Great Inquiry

The Commissioners (for whom offices were found at first at Whitehall Yard) went promptly to work, meeting, as we incidentally learn, never less frequently than once a week during the whole two years of their inquiry, and often more.[1] But, under the chairmanship of the Bishop of London, they were wise enough to occupy themselves with directing the investigation, to considering its results, and to formulating their own policy.

ever practising. As a friend of James Mill's family his articles on Life Assurance, Charities and a Preventive Police, in the *Westminster Review* and *London Review*, were naturally brought to the notice of Bentham, who took him into his household, 1831–1832, made him a favourite disciple and left him a legacy. Whilst still serving on the Poor Law Inquiry Commission, he was made one of the three commissioners to inquire into the condition of children in factories (1833); and thenceforth co-operated in endless investigations and reports (Constabulary Force, 1839; Sanitation, 1839–1842; Interment, 1843–1844; Health of Towns, 1844; Health of London, 1847). His independence of speech and disregard of official conventions as Secretary to the Poor Law Commissioners, 1834–1847, led to friction; and he was glad to escape to the new Board of Health, 1848–1854 (where his impatient zeal eventually led to the summary Parliamentary abolition of the whole department, and to his own retirement on a pension of £1000 a year at the age of 54). He continued his propagandist activities for several decades at the congresses of the British Association, the Association for the Promotion of Social Science, etc. After the Reform Bill of 1867 he became a candidate for Parliament (after unsuccessfully trying for adoption at London University, where he went so far as to print an election address, which is in the London Library, he actually stood for Kilmarnock); but was unsuccessful at the poll, obtaining only one-fifth of the votes cast. He was made a C.B. in 1848, and a K.C.B. in 1889. No adequate biography of him exists; but the notice in the Supplement of the *D.N.B.* may be supplemented by that in the *Dictionary of Political Economy*; by *English Sanitary Institutions*, by Sir John Simon, 1890; by the less accurate reminiscences largely dictated by Chadwick himself in extreme old age, entitled *The Health of Nations: A Review of the Works of Edwin Chadwick*, by Sir B. W. Richardson, 2 vols., 1887; by a very laudatory article (by Sir David Masson) in *North British Review*, 1850; by a scathing attack upon his Public Health administration in *Engineers and Officials*, 1856, an anonymous volume in the British Museum (796, g, 9); and by the inadequate memoir entitled *Sir Edwin Chadwick, 1800–1890*, by Maurice Marston, 1925.

[1] *A Memoir of Charles James Blomfield*, by Alfred Blomfield, 1863, vol. i. p. 202.

They adopted the plan—said to have been suggested to them by Lord Brougham—of not themselves hearing oral evidence, but (whilst freely inviting written answers to specific questions) of relying mainly on the personal investigations of Assistant Commissioners who spent a few months in travelling from place to place.[1] At that time there was available, it must be remembered, apart from bare statistics of annual expenditure, no body of reports or returns showing what was going on in all the fifteen thousand local areas of Poor Law administration. Neither the Home Office nor any other public Department exercised any oversight over the proceedings of the parochial authorities, or knew anything whatever about the work of the vast majority of them. If the Poor Law Commission was to convince the public that reform was required, it was essential to reveal the evils that existed. Accordingly, the Treasury seems to have found expenses on a liberal scale, though apparently not salaries, for as many as six-and-twenty investigators styled Assistant Commissioners, whom the Commission itself was permitted to appoint; and it is characteristic of the period that, although only a few of them are now identifiable as known Benthamites, they were currently reported to be "without exception of the same particular bias",[2] and certainly nearly all of them appear, from the reports that they eventually contributed, to have been more or less Benthamite in their opinions, if not, indeed, to have been drilled by Chadwick himself.[3] These Assistant Commissioners

[1] "To him [*Lord Brougham*] we owe an administrative invention which has increased tenfold the efficiency of commissions, the dividing the Commissioners into a central board and itinerant assistants; the duty of the latter being to collect facts and opinions, that of the former to direct the enquiry, to digest the information, and to frame remedial measures founded on the evidence collected by their assistants" (*Remarks on the Opposition to the Poor Law Amendment Bill*, by a Guardian [Nassau Senior], 1841, p. 29). A similar plan was adopted by the Factory Children Commission of 1833, and also by the Municipal Corporations Commission of the same year, though in the latter the itinerant investigations were committed to individual members of the Commission, the work of considering and drafting the general report being undertaken almost entirely by the chairman. This preference for individual investigation on the spot, over hearing oral evidence in London from interested parties, was unfortunately seldom shared by the Commissions of the ensuing three-quarters of a century.

[2] *A Letter to Lord Viscount Althorp*, by a Buckinghamshire Magistrate, 1834, p. 6.

[3] These Assistant Commissioners of the Poor Law Inquiry Commission were (if we may judge from the offices they subsequently held, their various publications, or the publicity they obtained), not equal in ability to those of

(together with two of the Commissioners themselves), are stated to have visisted, mostly between August and December 1832, about three thousand parishes and townships, situated in every county in England and Wales. Their mission was to bring back, not later than the end of 1832, under sixty-two comprehensive headings, accounts of what the Poor Law administration actually was, and what were the results that it produced. They were evidently directed to give, in their reports, a large number of detailed examples; and, as the assumption was universal and unquestioned that drastic reforms were required, we may not unfairly infer that more stress was laid upon obtaining materials for a

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the Municipal Corporations Commission of 1833 (as to which see *The Manor and the Borough*, by S. and B. Webb, 1908, vol. ii. pp. 714-715). Out of the whole twenty-six, only one attained distinction, namely, Charles Pelham Villiers (1802–1898), grandson of the first Earl of Clarendon, younger brother of Thomas Hyde Villiers, who has been already mentioned; and, like him, a disciple of Bentham and friend of John Stuart Mill. He unsuccessfully contested Hull in 1826; became secretary to the Master of the Rolls, 1830; an Assistant Poor Law Commissioner, *1832–1834; examiner of witnesses* in Chancery, 1833–1852; Judge-Advocate-General, 1852–1859. He was elected M.P. for Wolverhampton in 1835, retaining his seat in sixteen elections until his death (sixty-three years); leader from 1837 of the Free Trade Party in the House; chairman of Select Committee on Import Duties, 1840; President of Board of Trade, 1859–1866; retired on a Cabinet Minister's pension of £2000 a year, which he held till death (see his *Free Trade Speeches*, 2 vols., 1883; *Charles Pelham Villiers and the Repeal of the Corn Laws*, 1883; and *Life and Letters of the Fourth Earl of Clarendon*, by Sir Herbert Maxwell, 1913, vol. i. p. 85).

Only three others seem to have come into the *Dictionary of National Biography*, namely, J. Wrottesley (1798–1867), afterwards a Baronet and Lord Wrottesley; and R. W. Pilkington (1789–1844) and his brother Henry Pilkington. The ablest seems to have been Edward Carlton Tufnell (1806–1886), author of a critical pamphlet entitled *Character, Objects and Effects of Trades Unions*, published anonymously in 1834, and subsequently of various valuable reports initiating improvements in Poor Law administration (see Boase's *Modern English Biography*, vol. vi., 1921; *The Family of Tufnell*, by E. B. Tufnell, 1924, pp. 33-35). He and two others obtained Civil Service appointments under the Poor Law Commissioners. Another, Charles Hay Cameron (1795–1880), had been a candidate for the chair of philosophy at University College, London, when he was supported by John Stuart Mill (*James Mill*, by Alexander Bain, 1882, p. 263; *Histoire du peuple anglais*, by Élie Halévy, 1923). He had already served on commissions in Ceylon, 1832–1833; and he was appointed a member of the Law Committee of the Governor-General of India, and became Law Member of Council and President of the Council of Education for Bengal, 1833–1848. Returning to England in 1848, he lived in retirement until his death in 1880 (*Dictionary of National Biography*; Boase's *Modern English Biography*, vol. i., 1892; *Autobiography of Sir Henry Taylor*, 1885, vol. ii. pp. 48-55, 184). He wrote and privately printed two essays on The Sublime and Beautiful, and on Duelling (1835), but apparently published nothing, except (in 1853), *An Address to Parliament on the Duties of Great Britain to India* (see Mackenzie's *History of the Camerons*, 1884).

convincing indictment than upon appreciation of what was good in the existing administration, or upon completeness and impartiality in the description of its working. Their voluminous reports, together with the equally voluminous other statements, were printed in full, comprising altogether no fewer than twenty-six folio volumes, containing in the aggregate over thirteen thousand printed pages, all published during 1834–1835, being by far the most extensive sociological survey that had at that date ever been undertaken—as Lord Brougham rightly said, "a mass of evidence the largest, the most comprehensive, the most important and the most interesting that perhaps was ever collected upon any subject".[1] This prodigious mass of material, which poured in during the autumn of 1832, was digested and arranged during 1833 by Nassau Senior, who had from the first taken the lead as the chief worker of the Commission, in conjunction with Edwin Chadwick; and was discussed week by week at the meetings of the Commission. The Cabinet was in a hurry for results; and accordingly the Assistant Commissioners were asked to pick out of their material the most instructive and the most telling examples of malpractices and evil consequences. These selections were published by the Commission as early as March 1833,[2] and steps were taken to

[1] *Speech of the Lord Chancellor . . . on the Second Reading of the Poor Law Amendment Bill*, 1832, p. 22.

[2] *Administration and Operation of the Poor Laws: Extracts from the Information received from His Majesty's Commissioners as to the Administration and Operation of the Poor Laws*, 1833 (March). It seems to have been republished by the Stationery Office in 1837. It provoked Cobbett to an indignant answer, entitled *The Rights of the Poor and the Punishment of Oppressors*, 1833; and elicited other controversial pamphlets, including *A Letter to the Lord Althorp containing some Observations on the Extracts*, etc., by a Buckinghamshire Magistrate, 1834. A judicious review of the *Extracts* is appended to the second edition of John Wade's *History of the Middle and Working Classes*, 1834, pp. 583-587, in which it is pointed out that "the uniform spirit and complexion of the statements are such as clearly indicate that the chief object of the Commissioners was to collect evidence of defects, not of excellences . . . their testimony is decidedly *ex parte*, intended apparently to corroborate a foregone conclusion, previously formed, perhaps, by the originators of the Commission, of the vicious tendency of a compulsory assessment for the relief of indigence".

"Have you seen the book published by the Poor Law Commissioners?" wrote J. S. Mill to Thomas Carlyle, May 18, 1833. "If you have not, let me send it to you. Often you have complained how little of the state of the people is to be learned from books. Much is to be learned of it from that book as to their physical and their spiritual state. The result is altogether appalling to the dilettanti, and the gigmen, and the ignorant and timid in high stations. To me it has been, and will be, I think, to you, rather consoling, because we

secure for this volume during that year a wide circulation among the class then politically influential. During the same year another volume was published in advance (in which Sturges Bourne apparently refused to concur), dealing with the plan of a "Labour Rate", described in our preceding volume.[1] Meanwhile money was found, some of it evidently from the Treasury, for such educational propaganda, by Francis Place and others, as that already mentioned as being carried on in connection with this preliminary volume, of which there are other examples.[2]

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knew the thing to be unspeakably bad; but this, I think, shows that it may be considerably mended with a considerably less amount of intellect, courage and virtue in the higher classes than had hitherto appeared to me to be necessary. Anyway, the book cannot fail to interest you, because any authentic information as to any human being is interesting to you" (*The Letters of John Stuart Mill, edited by Hugh S. R. Elliot, 1910*, vol. i. p. 51).

[1] *Poor Law Inquiry—Labour Rate*, 1833; replied to in *Strictures on the Reply of the Poor Law Commissioners to the Inquiry of . . . Viscount Althorp . . . on the Subject of Labour Rates*, by John M. Payne, 1834; and seriously considered in *Four Lectures on Poor Laws*, by Mountifort Longfield, 1834, pp. 85-92.

[2] The appointment of the Commission, and the rumours as to its investigations, produced in 1832–1834 a crop of pamphlets of no great value. Nearly all the undermentioned are preserved in the British Museum, though a few among them are to be found only in the Bodleian Library, Oxford, or in that of the Ministry of Health. In 1832 there were published: *A Letter to the Farmers of . . . North Hampshire on the Means of Reducing the Poor Rates*, by Lovelace Bigge Witter; *A Plan for relieving the pressure of the Poor Laws*, by a Solicitor [Thomas Archer]; *The Claims of the Poor; An Enquiry into the Poor Laws and Surplus Labour, and their Mutual Reaction*, by William Day [an Assistant Commissioner]; *Substance of the Speech of Henry Drummond*, etc. [against Rate in Aid of Wages]; *An Enquiry into the Principles of Population exhibiting a System of Regulations for the Poor*, etc.; *The Village Poor House*, by Rev. James White; *Observations on Pauperism*, by R. F.; *Observations on the Present Administration of the Poor Laws*, by J. B. Ferrers; *Home Colonies; Sketch of a Plan for the gradual extinction of Pauperism*, etc., by Rowland Hill; *Hints for the Practical Administration of the Poor Laws; Parochial Rates and Assessments considered, being a reply to queries . . . proposed by the Commissioners*, etc., by a County Justice; *A Conversation in Political Economy, being an attempt to explain . . . the true causes of the evil operation of any general system of Poor Laws*, by Philo-Malthus; *The Poor Law Commission: General Remarks on the State of the Poor*, etc. In 1833 there were published: *Reasons why Landlords should pay the Poor Rates for Tenements of £10 Rent and under*, by W. Whymper; *A Letter to the Rev. H. F. Yeatman*, from Henry Walter; *The Present State of the Poor Law Question*, by Charles Weatherall; *A Letter to the Overseers of the Poor of the Parish of Bexley occasioned by a Resolution passed in Vestry 24 January 1833*, by Thomas Strong; *A Letter to the Ratepayers of Great Britain on the Repeal of the Poor Laws*, by James Sedgewick; *Remarks on Suggestions relative to the Management of the Poor in Ipswich*, by Wm. C. Fonnereau; *The Rights of the Poor and the Punishment of Oppressors*, by Wm. Cobbett; *Emigration for the Relief of Parishes practically considered*, by Robert Gouger; *Letters to Lord Althorp . . . on . . . the working of the Poor Laws*, by E[ardley] N[orton]; *The*

The Report of 1834

Thus, when in March 1834 the Commission published its General Report, prudently restrained in length to some three hundred pages octavo, the whole governing class of the period was prepared for its sweeping conclusions. This General Report of the nine Commissioners, dated February 20, 1834, was unanimous. It seems, however, that it was almost entirely the work of two only among them. Edwin Chadwick, we are very authoritatively told, was "the principal framer of the remedial measures", and "the sole author of one of the most important and difficult portions, the union of parishes".[1] But Chadwick was not an impressive writer; and Nassau Senior himself wrote or re-wrote practically the whole volume: his own words are "three-fourths of it was written by me, and all that was not written by me was re-written by me".[2] Chadwick may have been very largely the

Rights of the Poor and the Poor Laws; A Letter to the Proprietors and Occupiers of Land at Bledlow on their System of giving Bread-money in aid of Wages, by George Stephen; *Observations on the Management of the Poor as administered through Workhouses, addressed to the Central Board of Poor Law Commissioners*, by Capel Cure; *The Abolition of the Poor Laws the safety of the State . . . with an Appendix containing an account of the Labourers' Friend Society; A Plan for Diminishing the Poor's Rates in Agricultural Districts; A Letter to Lord Althorp on the Injustice and Other Evils of the Present Poor Laws; Spade Husbandry; or an Attempt to develop the chief causes of Pauperism*, etc., by Rev. Edmund Dawson. Early in 1834 there were published: *Hints of a Plan to Remedy the Evils of the Poor Laws*, by C. B. C.; *Observations on the Morals of the Poor*, by a Friend to Human Nature; *Project for the Formation of a Depot in Upper Canada, with a view to receive the whole pauper population of England*, by James Buchanan, New York; *A Letter relative to the affairs of the Poor of the Parish of Frome Selwood . . . with notes and observations on the extinction of pauperism in Great Britain*, by Thomas Bunn; *A Translation . . . of M. Ducpetiaux's Works on Mendicity; Hints on the Maladministration of the Poor Laws; Hints for the Practical Administration of the Poor Laws* (Society for the Diffusion of Useful Knowledge); *Observations on the Poor Laws as they are generally administered . . . and on some of the systems . . . proposed*, etc., by a County Magistrate; *A Concise Account of the Origin of the House of Industry and the Management of the Poor in the Town and Franchise of Swansea for the years 1818 to 1832 both inclusive*, by H. Sockett; *Extract respecting the Price of Bread as affected by the existing Poor Laws from a pamphlet by W. S. containing a proposal for the Amendment of these laws*, by W. Swaby.

[1] Nassau Senior to the Government in 1834 (see *History of the English Poor Law*, vol. iii., by Thomas Mackay, 1899, p. 55).

[2] Nassau Senior to A. de Tocqueville, March 18, 1835 (in *Correspondence and Conversations of Alexis de Tocqueville with Nassau W. Senior*, 1872). This is confirmed by the solicitor who was employed in preparing the Bill (see his prefatory letter in *Parochial Settlements: an Obstacle to Poor Law Reform*, by John Meadows White, 1835).

Chadwick in old age, fifty years later, claimed that the other Commissioners

originator of ideas and projects; yet Nassau Senior, less "quick at the uptake", but of superior judgment, was the directing head and supplied or revised the literary expression of the whole.

The Recommendations of the Commission

We have described at some length the action of the Whig Government with regard to the Poor Law Inquiry Commission, partly because it affords an interesting example of the practical statesmanship of Lord Grey's administration in its first year, but also because the consequent Report has proved to be the most dynamic of British blue books. For, as we have before observed, this Report not only determined for seventy years the acknowledged policy of the English Parliament and the English Cabinet with regard to the relief of destitution, but also established, for the first time in Great Britain, a new form of government which was destined to spread to other services, namely, the combination of a specialised central Department exercising executive control but not itself administering, with a network of elected Local Authorities covering the whole kingdom, each carrying out, at its own discretion, within the limits of that control, the very large powers entrusted to it by Parliamentary statutes.

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merely charged him to explain and expand for their General Report what he called "my report, with the full exposition of my measure, distinct in plan and principle from every other Commissioner, either in or out of the Commission", which was published with those of the Assistant Commissioners, but as a separate volume (Appendix A, part iii.). His memory at that distance of time only allowed to Nassau Senior "some assistance in minor details" (*The Evils of Disunity in Central and Local Administration*, by Sir E. Chadwick, 1885; see also *The Health of Nations*, by Sir B. W. Richardson, 1887, vol. ii. pp. 321-383). There is some evidence that this was the impression that Chadwick conveyed to his friends. "He displayed so much superior ability", as Assistant Commissioner, wrote J. S. Mill in 1868, "that he was made a member of the Commission itself for the express purpose of assisting in drawing up the new Poor Law. No one, except Mr. Senior, had so great a share as Mr. Chadwick, in originating all that was best in the Poor Law of 1834" (J. S. Mill to James Henderson, August 22, 1868, in *The Letters of John Stuart Mill*, edited by Hugh S. R. Elliot, 1910, vol. ii. pp. 119-120). There was accordingly some justification for the statement, made by the *Times* (Barnes being editor) and others, that the Report was the product of a single brain, meaning that of Chadwick. There seems no reason to doubt that not only the plan of reform but also "the administrative system established by the Act was largely the invention of Mr. Chadwick, derived more or less consciously from the teaching of Bentham, while the literary arrangement of the Report, and the deep impression which its disclosures and verdict made on the public mind, were the work of Mr. Senior" (*History of the English Poor Law*, vol. iii., 1899, by Thomas Mackay, p. 56).

Here are the actual recommendations as to immediate legislation, singled out by capital letters but embedded in a hundred and fifty pages on "Remedial Measures":

"That except as to medical attendance, and subject to the exception respecting apprenticeship herein after stated, 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 the 43d of Elizabeth) shall be declared unlawful, and shall cease, in manner and at periods hereafter specified; and that all relief afforded in respect of children under the age of 16, shall be considered as afforded to their parents" (p. 262).

"We recommend, therefore, 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, and as to the nature and amount of 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" (p. 297).

"To effect these purposes we recommend 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 their workhouses to be the common workhouses of the incorporated district, 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 of the expense incurred for the relief of its poor for the three previous years, and paying separately for the food and clothing of its own paupers" (p. 314).

"We recommend, therefore, 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" (p. 319).

"We recommend, therefore, that the Central Board be empowered to incorporate parishes for the purposes of appointing and paying permanent officers, and for the execution of works of public labour" (p. 326).

"We recommend, therefore, 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" (p. 329).

"We recommend, 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" (pp. 330-331).

"We recommend, that the Central Board be empowered and required to act in such cases as public prosecutors" (p. 331).

"We therefore recommend, 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 the 59th Geo. III. c. 12, but also by attachment of their subsequent wages, in a mode resembling that pointed out in the 30th, 31st, and 32d sections of that Act" (p. 337).

"We recommend, therefore, 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" (p. 338).

"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" (p. 340).

"We recommend, therefore, that the Board be required to submit a Report annually, to one of Your Majesty's Principal Secretaries of State, containing—(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" (p. 341).

"We recommend that the Central Board be empowered to appoint and remove their Assistants and all their subordinate officers" (p. 341).

"We recommend, therefore, that settlement by hiring and service, apprenticeship, purchasing or renting a tenement, estate, paying rates, or serving an office, be abolished" (p. 342).

"We recommend, therefore, that (subject to the obvious exceptions of persons born in prisons, hospitals, and workhouses) the settlement of every legitimate child born after the passing of the intended Act, follow that of the parents or surviving parent of such child, 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" (p. 343).

"We 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, the place where such person shall have been first known by the evidence of such person, by the register of his or her birth or baptism or otherwise, to have existed, shall be presumed to have been the place of his or her birth until the contrary shall be proved" (p. 346).

"We recommend that the general rule shall be followed, as far as it is possible, and that every illegitimate child born after the passing of the Act, shall, until it attain the age of sixteen, follow its mother's settlement" (p. 346).

"As a further step towards the natural state of things, we recommend 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" (p. 347).

"We recommend that the same liability be extended to her husband" (p. 349).

"On the other hand, we recommend the repeal of that part of the 35 Geo. III. c. 101, s. 6, which makes an unmarried pregnant woman removable, and the 50 Geo. III. c. 51, s. 2, which authorizes the committal of the mother of a chargeable bastard to the House of Correction" (p. 349).

"We recommend, therefore, that the second section of the

18 Eliz. 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" (p. 351).

"We recommend, therefore, 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 each emigration be raised and paid within a period to be mentioned in the Act" (p. 357).

The Principle of Less Eligibility

Now it is clear that it is the first of these recommendations that reveals the main purpose of the Commission. The "disease of pauperism" was to be cut off at its roots by limiting all relief (beyond medical attendance), to able-bodied persons and their families, to maintenance in a "well-regulated workhouse". It was by this device of the "Workhouse Test" that the Commission proposed to sweep away the pernicious Allowance System and other forms of the rate in aid of wages.[1] Of unique historical importance was the hypothesis upon which the Commissioners based this recommendation.

"The first and most essential of all conditions," the Commissioners tell us, "a principle which we find universally admitted, even by those whose practice is at variance with it, is, that his [the able-bodied person] situation, on the whole, shall not be made really or apparently so eligible as the situation of the independent labourer of the lowest class. Throughout

[1] It is not easy to discover, among all the voluminous reports of the Assistant Commissioners, to what extent the Allowance System actually prevailed in 1833. In 1824 the returns obtained by the House of Commons Committee on Labourers' Wages, as to the practice of the various parishes and townships, mostly declare that wages are not paid out of the Poor Rate, either wholly or in part; except in the East Riding of Yorkshire, the East Anglian Counties, the Home Counties and the Southern Counties from Kent to Wilts—a distribution largely coincident with the geographical division between pasture and arable farming. But most of the parishes which denied the practice admitted that they did not refuse Poor Relief to men in employment in cases of large families, misfortune or sickness (Report of Select Committee on Labourers' Wages, 1824). An incomplete summary of the returns is given in *An Economic History of Modern Britain*, by J. H. Clapham, 1926, pp. 123-124. The fullest theoretical discussion of the Allowance System is that in *Four Lectures on Poor Laws*, by Mountifort Longfield, 1834, pp. 72-85.

the evidence it is shown, 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. Such persons, therefore, are under the strongest inducements to quit the less eligible class of labourers and enter the more eligible class of paupers. The converse is the effect when the pauper class is placed in its proper position, below the condition of the independent labourer. Every penny bestowed, that tends to render the condition of the pauper more eligible than that of the independent labourer, is a bounty on indolence and vice. We have found, that as the poor's rates are at present administered, they operate as bounties of this description, to the amount of several millions annually" (p. 228). And these bounties, as the Commissioners recognised, operated also as an illegitimate subsidy to the employers of the labourers so assisted, to the disadvantage of employers in the less pauperised districts. "Whole branches of manufacture" (to cite a much-quoted passage) "may thus follow the course, not of coal mines or of streams, but of pauperism; may flourish like the funguses that spring from corruption, in consequence of the abuses which are ruining all the other interests of the places in which they are established, and to cease to exist in the better administered districts, in consequence of that better administration" (p. 76).

On the other hand, so it seemed to the orthodox political economist, where the condition of the able-bodied pauper was made definitely "less eligible" than that of the independent labourer, so great a "reformation of manners" was effected as to constitute a veritable El Dorado of capitalist enterprise. By such a change in the terms of Poor Relief, suggests one Assistant Commissioner, "New life, new energy is infused into the constitution of the pauper; he is aroused like one from sleep, his relation with all his neighbours, high and low, is changed; he surveys his former employers with new eyes. He begs a job—he will not take a denial—he discovers that every one wants something to be done. He desires to make up this man's hedges, to clear out another man's ditches, to grub stumps out of hedgerows for a third; nothing can escape his eye, and he is ready to turn his hand to anything" (pp. 247-248). "If these rigid con-

ditions were invariably enforced [triumphantly explained two other Assistant Commissioners] no inquiry would be necessary into the pecuniary circumstances of the party claiming to be maintained at the public expense, nor into his character and conduct; in truth, this legal right to maintenance ought not to differ from a legal liability to punishment, incurred by living at the public expense."[1] In short, by making the alternative plainly penal, the whip of starvation was to be placed securely in the hands of the employers.

It will be noted that the argument for the adoption of the Principle of Less Eligibility, namely, its effect upon personal willingness to accept, and even to seek employment under any conditions offered by the competitive market, rather than continue to accept the hospitality of the workhouse, relates only to those who could take or seek such employment, that is to say, persons not so far incapacitated by youth or age, sickness or infirmity, as to be worth no employer's while to engage them at the lowest subsistence wage. The labourer's obligations and requirements, however, normally included the maintenance of a wife and young children. Thus the Commissioners felt logically compelled to take the family as the unit, and to exclude from Outdoor Relief the wives and young children of the able-bodied men, even if sick or infirm, whereas they did not recommend the same course with regard to orphans and sick or infirm persons generally, or even to the infirm aged and the widows burdened with offspring. But if we examine the phrasing of the detailed reports of the Assistant Commissioners, or indeed that of many parts of the Commissioners' General Report, we may discern an underlying assumption that the "Principle of Less Eligibility" is applicable to the treatment of the whole pauper host—an assumption that finds definite expression in the wording of one of the paragraphs of the prefatory table of contents.[2] An inference more fair to

[1] Report of Poor Law Inquiry Commissioners, 1834, Appendix A, C. H. Cameron and John Wrottesley's Report, p. 160.

[2] A persistent attempt has been made, from that day to this, to represent the Report of 1834 as laying down the "principle of less eligibility" as the fundamental maxim of all Poor Law Relief, whether for the able-bodied man (or woman), or for the aged and infirm, the sick and the defectives, or the widows and orphans. It is true that one or two of the Inquiry Commissioners may sometimes have meant this. Francis Place, nine months before the Report appeared, declared (possibly after talks with some of the Commissioners) that "the remedy, as far as a remedy can be applied, seems short and clear. No

the Commissioners is that they were so much concerned with their primary duty of stopping the Allowance System, and generally the issue of " parish pay " to the able-bodied workmen, that they very inadequately considered, and threw altogether into the background, the requirements of the large numbers of sick, insane, crippled, blind, infirm, aged persons or orphan children, without resources, whom no employer would engage. With regard to these classes of the destitute the Commissioners made hardly any recommendations; and the continuance of Outdoor Relief to them, as a general system, was, in fact, in other parts of the Report explicitly suggested.

The Workhouse System

The Principle of Less Eligibility being granted, the problem before the Commission was to find a practicable way of applying it.[1] In a former work we have described at length the Workhouse Test, invented by Marryott, and embodied in a clause of the Poor Law Act of 1723 authorising the withholding of relief from any person who refused to come into the workhouse; and explicitly enacting that, under such circumstances, no

assistance either in money, clothes or food should be given by the parish to any one, in any case whatever, out of the workhouse, some cases of sickness alone excepted, and even then sparingly " (Place to Wade, July 9, 1833, in *Life of Francis Place*, by Graham Wallas, p. 332). Many subsequent exponents of " Poor Law orthodoxy " have so expressed themselves. But it is clear to any student of the General Report that (whether or not there was any division of opinion among the Commissioners) the Report itself carefully limits to the able-bodied (meaning usually the able-bodied man) both its assertion of the " principle of less eligibility ", and its condemnation of Outdoor Relief, with its corollary the advocacy of the Workhouse Test for the able-bodied man and his dependants.

What has apparently hitherto escaped comment is that, in the summary of the recommendations of the Report, prefixed to the text under the heading of " Remedial Measures ", immediately after the table of contents—a summary which was perhaps all that many legislators read, but which (prepared by some subordinate, or perhaps by Chadwick) the Commissioners themselves probably never saw before publication—the " principle of administering relief to the indigent " [without limitation to the able-bodied] is in the widest terms given as " That the condition of the paupers shall in no case be so eligible as the condition of persons of the lowest class subsisting on the fruits of their own industry ". This is certainly not an accurate summary of the General Report as signed by the Commissioners.

[1] *An Account of Several Workhouses for employing and maintaining the Poor*, 1732, quoted in our *English Poor Law History: Part I. The Old Poor Law*, p. 245.

Justice of the Peace could order Outdoor Relief to be given. "Very great numbers of lazy people," we are told, "rather than submit to the confinement and labour of the workhouse, are content to throw off the mask and maintain themselves by their own industry"; and this was so remarkable "at Maidstone that, when the workhouse started there in 1720 was finished, and public notice given that all who came to demand their weekly pay should immediately be sent thither, little more than half the poor upon the list came to the Overseers to receive their allowance".[1] During the next fifty years parish after parish repeated the experiment, with the same apparent success. But the terror of those "gaols without guilt" was, in the course of the next few decades, condemned by all humane administrators of the Poor Law; and the offending clause was repealed in Gilbert's Act of 1782, which enabled any Justice of the Peace to order the Overseers to give Outdoor Relief to the able-bodied—legislation which let loose the Allowance System and other forms of the rate in aid of wages. Under the pressure of public opinion in favour of the abolition or severe restriction of Poor Law Relief, the "offer of the House" was revived in 1820, without investigation of the experience of the preceding century, by zealous Poor Law administrators intent on applying the "Test by Regimen". We need not repeat our account of these experiments

[1] The Commissioners declared that the root of the evil of able-bodied pauperism was the perversion of the Elizabethan legislation which contemplated setting the poor to work, not the grant of Outdoor Relief to the able-bodied. As has been well stated, "The Commissioners of 1832, with how much sincerity in each case it would be interesting to ascertain, but with undoubted political wisdom, paid homage to the established dignity of the [1601] Act, and that in capital letters, by arguing that their policies demonstrably carried out THE SPIRIT AND INTENTION of the Elizabethans" (*An Economic History of Modern Britain*, by J. H. Clapham, 1926, p. 351). The Commissioners' want of candour in this respect was promptly pointed out by John Walter, M.P.: "Neither can I agree with the Commissioners that a system of workhouses is according to the spirit and intention of the 43rd Elizabeth. On a careful perusal of that statute I am convinced that the intention of its framers was not to tear from their homes, and imprison within four walls, such able-bodied persons as were willing to perform the work they were set upon by the Overseers" (John Walter, M.P., to Poor Law Inquiry Commissioners, March 13, 1834, in *A Letter to the Electors of Berkshire on the New System for the Management of the Poor proposed by the Government*, by John Walter, M.P., 1834, pp. 39-40). It had been forcibly pointed out in 1802 that the "Elizabethan employment must necessarily have been done at their own habitations; the detailed directions as to the modes of giving employment contained in the original Act, 18 Elizabeth, seem to establish decisively that fact" (*Remarks on the Poor Laws and on the State of the Poor*, by Charles Weston, 1802, p. 93).

inaugurated by Robert Lowe, the incumbent of Bingham, near Nottingham, in 1821, and copied by a dozen other administrators at Southwell and Uley, Cookham and Hatfield, Redruth and Welwyn, and a few other places. What the incumbent of Bingham instituted was (to use his own words in a letter to his friend and neighbour, the Rev. J. T. Becher of Southwell) "the system of forcing able-bodied paupers to provide for themselves through the terror of a well-disciplined workhouse". This effect of a workhouse had, as we have seen, been discovered by Matthew Marriot, or Marryott, a century before. What was new in Lowe's experiment was his reliance, not on bad treatment by underfeeding, overcrowding and squalor, but on hygienic treatment under conditions that were unpleasant.[1]

It was apparently Chadwick who pressed on the Commission the "workhouse system" as a solution for the problem of pauperism.[2] "By the workhouse system", Chadwick tells us,

[1] *The Commissioners of 1834 rested their whole-hearted approval of the* Workhouse Test on its apparent success in a dozen recent, and therefore short-lived, experiments; they did not inquire into the far longer and more ubiquitous eighteenth-century experiments under the 1723 Act. What had been realised by Poor Law administrators by the end of the eighteenth century was that the "offer of the House" deterred the industrious and well-conducted able-bodied man and family from accepting maintenance, whilst the habitual malingerers went in and out of the House, dragging their families with them. Even more serious was the fact that the House of Industry, designed for the able-bodied, and the Parish Poorhouse, meant for aged and infirm, were always reverting to the General Mixed Workhouse with its indiscriminate herding of men, women, able-bodied and sick, infants and aged, in one demoralised mass of misery and vice. It is, however, only fair to point out that the Commissioners in their specific recommendations to Parliament (elaborated and explained in the text of the Report) expressly provided against this latter contingency by suggesting separate buildings for each of four classes—"(1) The aged and really impotent; (2) the children; (3) the able-bodied females; (4) the able-bodied males" (the sick being always considered legitimate recipients of Outdoor Relief); "The principle of separate and appropriate management" (they add) has been carried into imperfect execution, in the cases of lunatics, by means of lunatic asylums; and we have no doubt that, with relation to these objects, the blind and similar cases, it might be carried into more complete execution under extended incorporations acting with the aid of the Central Board" (Report of Poor Law Inquiry Commissioners, 1834, pp. 306-307). Why history repeated itself, and the General Mixed Workhouse continued right up to the Royal Commission of 1905–1909 to be the dominant, though not the only, type, will become apparent in the later chapters of this book.

[2] Chadwick, as Mackay pointed out, "always objected to the expression 'workhouse test'. The idea of the workhouse, he always insisted, was derived from the practice of the working classes themselves with regard to their own Friendly Societies. The rule was 'All or Nothing'. The Friendly Societies prohibit their members from working when in receipt of sick pay, and enforce their rule by a system of inspection. This is not practicable for the

"is meant having all relief through the workhouse, making this workhouse an uninviting place of wholesome restraint, preventing any of its inmates from going out or receiving visitors without a written order to that effect from one of the Overseers: disallowing beer and tobacco, and finding them work according to their ability; thus making the parish fund the last resource of a pauper, and rendering the person who administers the relief the hardest taskmaster and the worst paymaster that the idle and the dissolute can apply to".[1] Or to quote one of the ablest administrators—Baker of Uley—the thing to do was "To provide for those who are able to work, the necessaries of life, but nothing more; to keep them closely to work, and in all respects under such restrictions, that though no man who was really in want would hesitate a moment to comply with them, yet that he would submit to them no longer than he could help; that he would rather do his utmost to find work, by which he could support himself than accept parish pay".[2]

To a convinced Benthamite, regarding the machinery of government as an instrument for harmonising the self-preservation impulse of the individual with the statistically ascertained welfare of the community, the argument in favour of the workhouse system seemed beyond dispute. The alternative (advocated by Townsend and Chalmers) of abolishing all Poor Law Relief to able-bodied persons, either at once or in the near future, was dismissed by the Commissioners for the simple reason that able-

public authority, which is therefore obliged to offer all or nothing in some other form" (*History of the English Poor Law*, vol. iii., by Thomas Mackay, 1899, p. 126). Chadwick persisted in this curious misstatement to the end of his life (*The Health of Nations*, by Sir B. W. Richardson, 1887, vol. ii. p. 344). There is no such principle as "All or Nothing" in Friendly Society administration. It is true that, where a member has presented a medical certificate that he is incapable of work, and thus is entitled to receive Sick Benefit, all Friendly Societies strictly prohibit him from working at his trade, or for wages (in order to prevent both fraud and the danger of subsidising wages below current rates); and by an extension of the same principle, sometimes also from working for himself in his own garden or about his own house (partly to check fraudulent statements of incapacity to work, and partly, as with the rule against being out in the evening, to ensure that the patient does nothing to delay complete recovery). But no Friendly Society has any desire or rule to prevent the supplementing of the Sick Benefit by (*a*) accumulated savings, (*b*) income from investments, or (*c*) allowances or gifts from relations or friends—which is what Chadwick's argument assumes, and on which the refusal of Outdoor Relief by strict Poor Law administrators is based.

[1] Report of Poor Law Inquiry Commissioners, 1834, Appendix A, part iii. p. 29.

[2] *Ibid.* p. 230.

bodied persons left to starve would risk imprisonment, and even the gallows, in order to live; and at best would resort to vagrancy and mendicancy. Further, such a violation of the immemorial right to relief, and such a flat denial of what was felt to be a natural right to live, would rankle in the hearts of whole sections of the workers and prepare the ground for revolution. To quote the words of the most accomplished of the Assistant Commissioners, C. P. Villiers, "To tell even the able-bodied man that he shall not have relief, that he must find work or starve, would be considered by him an act of the most cruel injustice, a flagrant violation of his 'rights', and would be resented accordingly; but if, without denying his right to relief, you assert yours to determine the mode in which relief shall be administered, you take away from him all cause of complaint, and force him to the alternative of accepting meat and work. With the invariable success in discouraging pauperism which has ever attended the refusal of relief except in the workhouse; with the constant confession of Overseers and ratepayers themselves that they have been forced to build new houses, and enlarge old ones, as the only protection against the growing evil, and their acknowledgments of the benefits which have ever resulted from the practice, it is astonishing to find that it has been so little adhered to."[1] To take the middle course between the workhouse and the allowance systems and to permit the Overseer or the Justice of the Peace to give Outdoor Relief in meritorious cases, and "offer the House" to those suspected of malingering, was unhesitatingly condemned by all investigators and witnesses who realised, not merely the occasional cruelty, corruption and incapacity of the innumerable committees and officers concerned, but the lack of any kind of uniformity in determining whether a particular applicant deserved to be the exception to the rule. "If merit is to be the condition on which relief is to be given," argued the Commissioners, "if such a duty as that of rejecting the claims of the undeserving is to be performed, we see no possibility of finding an adequate number of officers whose character and decisions would obtain sufficient popular confidence to remove the impression of the possible rejection of some deserving cases; we believe, indeed, that a closer investigation

[1] Report of Poor Law Inquiry Commissioners, 1834, Appendix A, part ii. pp. 85-86.

of the claims of the able-bodied paupers, and a more extensive rejection of the claims of the undeserving, would, for a considerable time, be accompanied by an increase of the popular opinion to which we have alluded, and consequently by an increase of the disposition to give to mendicants." [1] . . . "And although we admit [explain the Commissioners elsewhere] that able-bodied persons in the receipt of outdoor allowances and partial relief, may be, and in some cases are placed in a condition less eligible than that of the independent labourer of the lowest class; yet to persons so situated, relief in a well-regulated workhouse would not be a hardship; and even if it be, in some rare cases, a hardship, it appears from the evidence that it is a hardship to which the good of society requires the applicant to submit. The express or implied ground of his application is, that he is in danger of perishing from want. Requesting to be rescued from that danger out of the property of others, he must accept assistance on the terms, whatever they may be, which the common welfare requires. The bane of all pauper legislation has been the legislating for extreme cases. Every exception, every violation of the general rule to meet a real case of unusual hardship, lets in a whole class of fraudulent cases, by which that rule must in time be destroyed. Where cases of real hardship occur, the remedy must be applied by individual charity, a virtue for which no system of compulsory relief can be or ought to be a substitute." [2] . . . "When this principle [the Workhouse System] has been introduced", sum up the Royal Commissioners, "the able-bodied claimant should be entitled to immediate relief on the terms prescribed, wherever he might happen to be; and should be received without objection or inquiry; the fact of his compliance with the prescribed discipline constituting his title to a sufficient, though simple diet. The question as to the locality or place of settlement, which should be charged with the expense of his maintenance, might be left for subsequent determination." [3]

Other Suggestions

Such were the arguments adduced by the Commissioners of 1834 for the "New Poor Law" which they recommended to

[1] Report of Poor Law Inquiry Commissioners, 1834, p. 272.
[2] *Ibid.* pp. 262-263. [3] *Ibid.* p. 272.

Parliament. And it must be admitted that the Workhouse System, as the most practicable application of the Principle of Less Eligibility, found abundant support in the voluminous reports of the Assistant Commissioners. The Commissioners, in fact, collected out of these reports every scrap of fact or argument that pointed to the "offer of the House" as the only relief for the able-bodied. But with equal completeness they excluded from their Report—and, with a view to its dynamic effectiveness, perhaps prudently excluded—every suggestion or proposal of the Assistant Commissioners that did not emphasise the importance of the panacea in which they placed their faith. In particular, they had no use at all for suggestions or proposals for preventing—not merely pauperism but—destitution itself. For instance, one of the Assistant Commissioners recommended the provision of allotments for labourers, so as to enable them to obtain for themselves some livelihood during spells of unemployment; and he cited the relative absence of pauperism in Cornwall and other places where small holdings prevailed. Another considered the contemporary multiplication of beershops far more important than maladministration of the Poor Laws in impoverishing and corrupting the labourers; others, again, pointed out that so long as thousands of starving labourers, accustomed to live on potatoes, were permitted to swarm over from Ireland, where there was no Poor Law, it would be vain to hope to raise the earnings of the English agricultural labourers and sweated factory operatives by sweeping away the rate in aid of wages.[1] But the most important of these preventive measures was the demand, by one or two of the abler Assistant Commissioners, for the provision, at the public expense, of a national system of education. Thus C. P. Villiers stated that "It is in this view much to be wished that public charity could be made to include within its objects the prevention of misery and pauperism no less than the provision for them whenever they occur; and for this purpose that all funds raised or bequeathed for the relief of the poor should be rendered available for the arrangements requisite for a national system of instruction".[2]

[1] Report of Poor Law Inquiry Commissioners, 1834, pp. 272-274.

[2] *Ibid.* Villiers Report, Appendix A, part ii, p. 126. This view was emphasised in Knight's article on the Report, entitled "Pauperism and Education" in *Journal of Education*, July 1834; see *Passages of a Working Life*, by Charles Knight, 1864, vol. i. pp. 242-244.

Even more emphatic was the Report of J. W. Cowell who, in addition to acting as Assistant Commissioner, was also one of the inspectors under the new Factory Act: "Innumerable petty circumstances, incapable of description or specification, but constantly occurring, produced on my mind the strongest conviction that those which were the best educated, were likewise the most orderly, the most honest, the most industrious, the most thrifty, the most prosperous; and that education was one of those remedies for the evils produced in the Poor Laws, to which the Poor Law Commission might properly advert. . . . The operatives who work at night [he continues] are generally speaking, the least respectable and the most degraded of the operative class. They are also, as far as my experience goes, the worst educated. Persons who had no connexion with factories, or the factory question, invited me to Bolton to stand on the road, near a night-working factory, and be a witness of the brutal manners, the dirty and disgusting appearance of the night-hands, as they went at half-past seven in the evening to their work. I found, upon examining the certificates of night-hands under 21 admitted to that factory since October 1831, that out of 427 persons admitted, only 61 could sign their names, while 366 affixed their mark; and the examination of many operatives in the factory quite satisfied me that the representation of their conduct and morals had not been overcharged. In a factory, scarce a mile distant from the one which I have been describing, where order, cleanliness, personal respectability were as visible among the inmates as the reverse had been at the night-working factory, I found upon examination that out of 532 people of all ages belonging to it, 525 could read, and 247 could write. In this latter establishment there was not one person who received parochial aid; all who were housekeepers paid their own poor rates, though there were many in that factory who had formerly received parochial aid, and others that had been in debt; and 42 of the spinners made weekly savings, the amounts of which I saw. The harmony between this body of operatives and their employers was complete, and the adult operatives, male and female, had themselves established a school, without any assistance from their employer beyond the loan of a room, at which they instruct the children for half an hour every evening, after the factory stops. I stayed to witness the scene. In thus

gratuitously devoting themselves, after the fatigue of the day, to imparting education to others, they certainly afforded the strongest testimony of the advantages which they were conscious of having derived from it themselves.

"When I see such a strong contrast between the characters and habits of two large sets of persons in similar occupations, in the immediate neighbourhood of each other, and observe that one set has received the advantages of education, and the other had not, can I avoid coming to the conclusion that education among the lower orders is connected with the development of those virtues which we desire to see them possess and exert for the sake of the public weal, as well as of their own happiness, and which the Poor Laws have done so much to destroy? . . . I cannot, therefore, avoid concluding, that some scheme of education should accompany the plan which the Commission now propose for healing the wounds which the Poor Laws have inflicted upon the morals and habits of the labouring classes." [1] But the Commissioners evidently thought any such recommendation inopportune.

The New Model of Government

We pass now from the much-advertised "principles" of the 1834 Report—principles which, as we shall hereafter relate, were, for good or for evil, gradually abandoned in practice in the course of the nineteenth century—to the revolutionary proposal for a fundamental change in the machinery of English Government. Here the Commissioners brought forward a new model, devised, at the outset, only for the one service of the relief of destitution, but destined to be adopted, with modifications, for other nascent services, such as Public Health and Public Education. Down to the Poor Law Amendment Act of 1834 all the twenty thousand local governing authorities of England and Wales, whether Parish Vestries or Manorial Courts, Municipal Corporations or Statutory Authorities for Special Purposes, together with their respective officers, were, as we have described in our previous works, practically free from any supervision or control by the King's Ministers, or by any department of the executive govern-

[1] Report of Poor Law Inquiry Commissioners, 1834, Appendix A, J. W. Cowell's Report, 2nd part, p. 644.

ment. It was not that these thousands of Local Authorities escaped all executive supervision. Parliament had entrusted the Justices of the Peace in the Counties and in the Municipal Corporations with vaguely defined powers of supervision and control over Parish and Borough, Turnpike Trust and Commission of Sewers, and their respective officers, varying according to the subject-matter, and expressed in different terms in the innumerable statutes of the preceding three or four centuries.[1] This supervision and control by widely dispersed thousands of country gentlemen and beneficed clergymen who had been placed in the Commission of the Peace—though nominally exercised by the authority of the King—was throughout the two centuries that followed the Restoration, essentially, not a national but a local supervision and control, exercised by a ubiquitous social caste. With regard to these various public services, the Justices of the Peace received no orders from the King's Ministers; they were given no policy to put in operation; they were unconscious that, in the carrying out of the supervisory functions entrusted to them by successive statutes, they were doing anything more than taking part, according to their own discretion, in the administration of their own local affairs; and, it must be added, as regards their action as individual potentates in their own neighbourhoods, their habitual indolence, and especially their indifference to anything but their powers as a petty magistracy, usually prevented any useful exercise of such powers of administrative supervision and control as they individually possessed.

[1] It is difficult to set forth with any brevity, and in an intelligible form, the complicated position of the Justices of the Peace, whether acting as minor judges, singly or in pairs; or meeting in Quarter Sessions, first as an administrative body for county bridges, gaols and Houses of Correction; secondly, as a Court of Justice having extensive jurisdiction in both civil and criminal cases, either as a Court of First Instance, or by way of appeal from judicial decisions by individual Justices or groups of Justices; and thirdly, as a body having both an initial supervisory authority in various parochial affairs and the duty of hearing appeals from decisions in such administrative matters given by individual Justices, or local groups of Justices. Equally difficult is succinct and intelligible precision with regard to the occasional communications made by one or other of the King's Ministers to the Justices of County or Municipal Corporation, whether through the Lord Lieutenant and Custos Rotulorum, the Mayor, the High Sheriff or the Assize Judges, on such matters as public order, crime, the enforcement of the law, and, latterly, also as to epidemics—communications taking the forms of injunction, request or suggestion, and having only an undefined authoritativeness. See our volumes on *The Parish and the County*, *The Manor and the Borough*, and *Statutory Authorities for Special Purposes*.

The Commissioners found that most of the evils revealed by their inquiry were aggravated, or, as some thought, actually caused, by the practical autonomy of the 15,000 local Poor Law Authorities; and that these evils were seldom lessened (and were in fact usually intensified) by the haphazard and spasmodic intervention of the Justices of the Peace. For a generation the feeling had been slowly growing that some kind of central control was required. What was new was the sudden emergence, in practically all the Assistant Commissioners' reports, of the proposal of a central government executive organ in supersession of some or all of the powers of the Justices and Local Authorities. Some of them, however, notably C. P. Villiers, seem to have favoured the complete assumption by the National Government of the whole administration of Poor Relief, by a department analogous to the General Post Office, at the expense of a national tax or rate. Such a proposal seemed to promise so much that the Commissioners devoted a special section of their Report to giving their reasons for rejecting it. They admitted "that the advantage of making it a national charge would be great and immediate". "There is no change", they continue, "that would have so numerous and so ardent a body of supporters". . . . "It would put an end to settlements. With settlements would go removals, labour-rates, and all the other restrictions and prohibitions by which each agricultural parish is endeavouring to prevent a free trade in labour, and to insulate by itself a conventional cordon as impassable to the unsettled workman as Bishop Berkeley's wall of brass".[1] Above all, the nationalisation of the service would ensure both uniformity of policy throughout the country and far greater routine efficiency in administration. But in spite of these and other arguments, the Commissioners decisively rejected the proposal. "It is probable", they said, "—indeed it is to be expected—that at first it would work well; that there would be a vigilant and uniform administration, a reduction of expenditure, a diminution of pauperism, an improvement of the industry and morality of the labourers, and an increase of agricultural profit and of rent. But in this case, as in many others, what was beneficial as a remedy might become fatal as a regimen. It is to be feared, that in time the vigilance and economy, unstimulated by any private interest, would be

[1] Report of Poor Law Inquiry Commissioners, 1834, p. 179.

relaxed; that the workhouses would be allowed to breed an hereditary workhouse population, and would cease to be objects of terror; that the consequent difficulty of receiving in them all the applicants would occasion a recurrence to relief at home; that candidates for political power would bid for popularity, by promising to be good to the poor; and that we should run through the same cycle as was experienced in the last century, which began by laws prohibiting relief without the sanction of the magistrates, commanding those relieved to wear badges, and denying relief out of the workhouse; and when by these restrictions the immediate pressure on the rates had been relieved, turned round, and by statutes, with preambles reciting the oppressiveness of the former enactments, not only undid all the good that had been done, but opened the flood-gates of the calamities which we are now experiencing. . . . Another objection is the difficulty of providing the necessary funds. . . . A property tax would be called for, for that purpose, in England. But all those who are domiciliated in Ireland and Scotland must be exempted from it as respects their personal property. How should we be able to distinguish between English, Irish and Scotch funded property, even if the claim of fundholders to immunity from direct taxation were abandoned? And if funded property were exempted, how could we assess personal property of any other description? If personal property is exempted, and the assessment confined to lands and houses, how bitter would be the complaints of those whose rates are now below what would then be the general average?"[1] These objections are weighty; but we shall not be unfair to the Commissioners in thinking that they were not oblivious of the fact that the creation (in supersession of 15,000 existing Local Poor Law Authorities, and of the Poor Law jurisdiction of several thousand Justices of the Peace) of a great State Department having tens of thousands of salaried officials would, at that date, have horrified public opinion. It would, indeed, have excited so much jealousy of entrusting any Government with such gigantic patronage that, when laid before Parliament, it must inevitably have shared the fate of Walpole's proposal for an excise, and Fox's India Bill.

[1] *Ibid.* pp. 179-180.

The Case for a Central Authority

In foregoing pages we have given verbatim the specific recommendations to Parliament of the Royal Commission in respect of the constitution and activities of the proposed Central Department. To this, by way of explanation or illustration, we may now add, wherever possible in their own words, the Commissioners' arguments in favour of the particular plan proposed. The main cause of the always-recurring failure to grapple with the "disease of pauperism" emerged, as it seemed, with startling clearness, from all the Reports of the Assistant Commissioners. The existing Poor Law Authorities were inherently unfitted for the business entrusted to them; they had neither the knowledge nor the experience for the difficult task of how and when to relieve destitution, and how best to administer the requisite institutions. "There is no province of administration", the Commissioners tell us, "for which more peculiar knowledge is requisite than the relief to the indigent, there is no province from which such knowledge is more effectually excluded. . . . At present, the experience which guides the administration of relief is limited to the narrow bounds of a parish and to a year of compulsory service. The common administration is founded on blind impulse or on impressions derived from a few individual cases; when the only safe action must be regulated by extensive inductions or general rules derived from large classes of cases, which the annual officer has no means of observing. . . . The influence of the information and skill which any officer may acquire, may be destroyed by other officers with whom his authority is divided; and even though he may prevail, it usually departs with him when he surrenders his office. The improvements which he may have introduced are not appreciated by his successor. In petty and obscure districts, good measures rarely excite imitation, and bad measures seldom yield warning." . . . "The evidence collected under this Commission proves, that whilst the good example of one parish is rarely followed in the surrounding parishes, bad examples are contagious, and possess the elements of indefinite extension. The instances presented to us throughout the present inquiry of the defeat of former legislation by unforeseen obstacles, and often by an administra-

tion directly at variance with the plainly expressed will of the Legislature, have forced us to distrust the operation of the clearest enactments, and even to apprehend unforeseen mischiefs from them, unless an especial agency be appointed and empowered to superintend and control their execution." But it was not only knowledge that was lacking. What was even a greater disqualification was—"the state of their *motives* to either the commencement or the support of improvement equally unpromising"—to quote the quaint phrase of the Commissioners. "Persons engaged in trade [they continue] have represented the management of parochial affairs to be analogous to the management of a bankrupt's estate by creditors, where, although each creditor has an interest in the good management of the estate, yet, as the particular creditors who were appointed assignees had not an interest sufficient to incite them to exertions which necessarily interfered with their other and stronger interests, no estates were ever so extensively mismanaged, or so frequently abandoned to plunder, until a special and responsible agency was appointed for their protection [the Bankruptcy Court established at the suggestion of Lord Brougham]. The common fallacy in which the management by Overseers, that is, by two or three persons, is treated as a management by the people of the 'people's own affairs', and an attention to 'their own interests', meaning the affairs and interests of some hundreds or thousands of other persons, may be exposed by a slight examination of the evidence. It will be found that the private interests of the distributors of the rates are commonly at variance with their public duties, and that the few pounds, often the few shillings, which any parish officer could save to *himself* by the rigid performance of his duty, cannot turn the scale against the severe labour, the certain ill-will, and now, in a large proportion of cases, the danger to person and property, all of which act on the side of profusion. . . . Even if the whole power were left to the Vestry, and the Vestry were composed of the proprietors as well as of the occupiers, it could not be said, except in very small parishes, that the governing body were the managers of their own affairs. Numerous bodies are incapable of managing details. They are always left to a minority, and usually, to a small minority; and the smaller that minority, the greater, of course, is the preponderance of private and interested motives. . . . 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." . . . "We recommend, therefore, 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 Board of Control, on which responsibility is strongly concentrated, and which will have the most extensive information."[1] It was assumed, in short, that the members of the proposed Central Board, having personally nothing to gain and nothing to lose by the adoption, in one locality or another, of particular methods of relief or particular administrative procedure, would be disinterested; whilst, being specially selected for character and intelligence, and centring their whole energy in discovering the right principles of relief, they would be able to devise a policy which would be in the interests of the community as a whole.

The Central Board

The Commissioners, having proved the need for a nationalised Poor Law policy, rejected, for the reasons we have already given, the proposal for the management of the whole Poor Law administration as a branch of the "General Government". The alternative that they proposed was the scarcely less terrifying National Board of Control. Accordingly, we see them prudently opening out their plan in phrases of reassuring modesty. "We trust that immediate measures for the correction of the evils in question may be carried into effect by a comparatively small and cheap agency, which may assist the parochial or district officers, wherever their management is in conformity to the intention of the Legislature; and control them wherever their management is at variance with it. Subject also to this control, we propose that the management, the collection of the rates, and the entire supervision of the expenditure, under increased securities against profusion and malversation, shall continue

[1] Report of Poor Law Inquiry Commissioners, 1834, pp. 280-287, 301.

in the officers appointed immediately by the rate-payers." [1] The constitution of the Central Board was to be simplicity itself. "We consider that three Commissioners might transact the business of the Central Board. The number of the Commissioners should be small, as they should habitually act with promptitude, as responsibility for efficiency should not be weakened by discredit being divided amongst a larger number, and as the Board, whenever the labour pressed too severely, might avail themselves of the aid of their Assistants. The Central Board would probably require eight or ten Assistant Commissioners, to examine the administration of relief in different districts, and aid the preparations for local changes." [2]

When we pass from the constitution of the Board to its powers, we note the hand of Edwin Chadwick, but we listen to the voice of Jeremy Bentham. The activities of the proposed Central Board were to follow, with a curious exactness, the powers of the Minister of Indigence Relief as sketched in Bentham's *Constitutional Code*. The first function of the "Central Agency, instituted by the Legislature for the control of the administration of the Poor-Laws", would be the collection of comprehensive information from all parts of the kingdom. From this mass of data would be evolved "general principles", which could then be laid down for the guidance of Local Authorities, not by Parliament, be it noted, but by this highly expert Commission. "The regulations of any system" [Chadwick had explained in one of his Reports—or rather, had made one of his witnesses explain !] "must be very numerous; and though they may be uniform, it would be necessary to vary them from time to time; and unless Parliament was to do nothing but occupy itself with discussions on details of workhouse management, it would be impossible to effect any great alteration in that way. A great many regulations, however ably devised, must be experimental.

[1] *Ibid.* pp. 296-297.

We are reminded of the essential modernity of the idea of an effective independent professional audit, as required (and not for cash only) for all administration, by the fact that the Poor Law Inquiry Commissioners of 1832–1834, in proposing to set up an entirely new administrative system, never gave it a thought; whilst the contemporary Municipal Corporation Commissioners got no further than the suggestion of an audit by elected or nominated ratepayers.

[2] *Ibid.* p. 341.

Here unforeseen and apparently unimportant details might baffle the best plans, if there were not the means of making immediate alteration. Suppose a general regulation were prescribed by Act of Parliament, and it was found to want alteration; you must wait a whole year or more for an Act of Parliament to amend it, or the law must be broken. A central authority might make the alteration, or supply unforeseen omissions in a day or two. Besides, a central board or authority might get information immediately on the matters of detail. If they had for instance to settle some uniform diet, they could at once avail themselves of the assistance of men of science, physicians or chemists; but you would find that Parliament, if it could really attend to the matter, and would do anything efficient, must have almost as many committees as there are different details. If there was a central board established, and it were really accessible, as it ought to be, persons in local districts would consult them or make suggestions, who would never think of applying to Parliament. Who would think of applying to Parliament to determine whether four or five ounces of butter should be used as a ration in particular cases, and whether the butter should be Irish or Dutch? or, if Irish, whether Cork or Limerick; or to determine whether the old women's under-petticoats should be flannel or baize, and how wide or long? Yet on details of this sort, beneath the dignity of grave legislators, good or bad management would depend." [1]

Finally, the Central Board was to be endowed with a power which, if it had been explained in the way in which it was intended to be used, would have roused opposition from one end of the kingdom to the other. "That the Central Board be empowered to cause any number of parishes which they think convenient to be incorporated for the purpose of workhouse management" seemed harmless enough to those who were accustomed to the procedure, dating from the end of the seventeenth century, of obtaining Local Acts to incorporate groups of rural or urban parishes under one body of Guardians or Directors of the Poor. Throughout the eighteenth century the desire to obtain a larger unit of administration than the parish, and the hope of securing management superior to that of the unpaid Overseer, had, as

[1] Report of Poor Law Inquiry Commissioners, 1834, Appendix A, Chadwick's Report, part iii. p. 206.

we have explained,[1] constituted one of the main problems of Poor Law reformers. The efforts of these reformers had resulted, either through Local Acts, or through the local adoption of Gilbert's Act, in a couple of hundred Incorporated Boards of Trustees, Governors, Directors or Guardians of the Poor dotted about the country. What could be more reasonable than to adopt this well-known practice wherever the Central Board thought that a larger unit than the existing parish was desirable? But those who drafted this harmless-looking clause meant something very different from the procedure and practice suggested by the terms used. Instead of the exceptional "incorporation" of new groups of parishes in those areas in which this was thought the more convenient course, the deliberate intention was to impose the new form on the whole nation, in universal supersession of all the existing Poor Law Authorities.[2] Instead of making the change at the instance and with the consent of the local residents, and with the assent of Parliament, it was to be imposed by a bureaucratic authority, acting by its own volition, without request from, or consent of, any local inhabitants, without even ratification by the House of Commons, without any chance of appeal. In effect, what was meant was the entrusting to three officials, sitting in private, taking only such counsel as they secretly determined, of the task of constructing, for the whole of England and Wales, an entirely new system of Local Government, by novel Local Authorities, with constitutions, functions and powers of which there had been no experience, to which no consent of the localities was to be either sought or required, and for which Parliamentary ratification was to be dispensed with. The result was, as we shall recount in the next chapter, the eventual sweeping away, so far as the administration of the Poor Laws was concerned, of 15,000 Local Authorities, indescribably varied in area and constitution, together with the jurisdiction in Poor Relief of the county and borough magistrates; and the establishment of six hundred

[1] *English Poor Law History: Part I. The Old Poor Law*; see section on the problem of the area of administration, pp. 264-272, also chap. iii. on "The Incorporated Guardians of the Poor", pp. 101-148.

[2] Nassau Senior privately explained to the Cabinet that "it was probable that Unions comprising two or three hundred thousand persons might be found desirable" (MS. diary No. 173 in library of University of London, p. 102).

Boards of identical constitution, with mechanically devised areas and a high rating qualification, to be elected by plural voting according to property, and diluted by the local Justices of the Peace as *ex officio* members.[1]

"The whole evidence proves", the Royal Commission optimistically sums up, "that if a Central Board be appointed, consisting of fit persons, and armed with powers to carry into general effect the measures which have been so successful wherever they have been tried, the expenditure for the relief of the poor will in a very short period be reduced by more than one-third".[2]

The Commission as an Instrument of Inquiry

Can we estimate the value of the famous Royal Commission of 1832–1834, not as a lever for obtaining immediate legislation on preconceived lines—for which purpose, as we shall presently show, it proved of unsurpassed efficiency—but as an instrument

[1] This new model of local government is sketched out in Edwin Chadwick's Reports; and it was he who suggested that the change with regard to the magistracy "should be from the seat of justice to the Boards of Guardians for the administration of the relief of the poor", adding, "they would doubtless act with the same public advantage with which men of their information and rank have been accustomed to act, as members of some of the boards of the incorporated Hundreds; as well as in the Vestries of the parishes which they have dispauperised" (Report of Poor Law Inquiry Commissioners, 1834, Appendix A, part iii. p. 168). Compare Bentham's *Constitutional Code* on which Chadwick had worked; and the anonymous pamphlet entitled *Hints on the Expediency of an Improved Divisional Arrangement of England for Administrative Purposes*, 1834; and also that entitled *The Principles of Delegated Central and Special Authority applied to the Poor Law Amendment Bill*, 1834, which we imagine to have been written by Edwin Chadwick himself. These do not appear to have been Nassau Senior's ideas. "Senior's principal suggestion", we read in October 1832, "is to take away the controlling power of the magistracy, and to vest it, together with the duty of revising and auditing the accounts, in *paid local authorities*, who might also be employed for other purposes" (G. E. Lewis to his father, T. Frankland Lewis, October 9, 1832; in *Letter to the Right Honorable Sir George Cornewall Lewis*, edited by Sir G. F. Lewis, 1870, p. 13).

What Chadwick contributed in the way of Benthamism was, besides the Central Authority, the formation of new districts unfettered by history or tradition, the election of the "Local Legislatures" by the ratepayers, the administration by salaried professionals, and the insistence on reports (*Cambridge Modern History*, vol. x. pp. 660-662); together with (but less effectively) the idea of schools for the children, training for the blind, special provision for idiots, lunatics and youthful criminals, and hospitals for the sick (*The Health of Nations*, by Sir B. W. Richardson, 1887, vol. ii. pp. 351-358, 381-383).

[2] Report of Poor Law Inquiry Commissioners, p. 331.

of investigation into one aspect of the condition of the people? First we must note that the task set to the Commission was not an inquiry into the prevalence and cause of destitution: for the "poverty of the poor" was at that time deemed to be both explained and justified by the current assumptions underlying the Malthusian "Law of Population" and the economists' "Theory of the Wage Fund". Accordingly, neither in the Report, nor in the bulky volumes of evidence, do we find any notice of Able-bodied Destitution, as distinguished from Able-bodied Pauperism. In fact, there might have been in 1834, so far as these proceedings were concerned, no Able-bodied Destitution except such as was being dealt with by the Poor Law. If this had been true, it would have been a remarkable testimony to the efficacy, in one respect, of the Old Poor Law. Unfortunately it was not true. We know from contemporary evidence that, between 1815 and 1834,[1] there were whole sections of the population who—to use modern terminology—were Unemployed or Under-employed, Sweated or Vagrant, existing in a state of chronic destitution, and dragging on some sort of a living on intermittent small earnings of their own, or of other people's, or on the alms of the charitable—handloom-weavers and framework-knitters displaced by machinery; millwrights and shipwrights thrown out by the violent fluctuations in the volume of machine-making and shipbuilding; "frozen out" gardeners and riverside workers rendered idle every winter, and masses of labourers stagnating at the ports or wandering aimlessly up and down the roads in search of work. With all this Able-bodied Destitution, not only spasmodically subsidised by great public subscriptions,[2] but also perpetually importuning both the town Overseer and the rural Constable for assistance

[1] See, for instance, *An Exposition of one Principal Cause of the National Distress, particularly in Manufacturing Districts*, 1817; *Speech of Henry Brougham . . . on the present Distressed State of the Manufacturing and Commercial Interests*, 1817; *An Appeal to the Public on the Subject of the Framework Knitters Fund*, by Rev. Robert Hall, 1819; *A Letter to the Carpet Manufacturers of Kidderminster*, by Rev. H. Price, 1828; *Report of the Committee appointed at a Public Meeting at the City of London Tavern to relieve the Manufacturers*, 1829; *Report of the Select Committee on Fluctuations of Employment*, 1830; *Report of D. Mackay to the Poor Law Commissioners on the Distress of 1825–1837 among Handloom Weavers and other Manufacturers*, 1837; *Report of the Royal Commission on the Handloom Weavers*, etc.

[2] In one organisation, between 1826 and 1829, no less than £232,000 was raised.

from the rates, the Royal Commission of 1832–1834 chose not to concern itself. We find in its voluminous proceedings no statistics of Unemployment, no statement as to fluctuations of trade, no account of the destitution produced by the new machines, no estimate of the swarms of Vagrants who were being "passed" by the Justices, at the expense of the rates, from north to south, from east to west, and back again. The Commissioners concentrated their whole attention on one plague spot—the demoralisation of character and waste of wealth produced in the agricultural districts by a hypertrophied Poor Law. In short, what the Commissioners were told to discover was the extent, distribution, cause and effect of this artificially created burden of pauperism, and the way in which this disease of society could be minimised and eventually abolished. But accepting this unscientific limitation of the inquiry (for how was it possible to discover the cause or cure of pauperism without investigating the destitution out of which pauperism arose?) we can see that, judged by twentieth-century standards, "that brilliant, influential and wildly unhistorical report, which, after provoking something like a rebellion in the North of England, was to be one of the pillars of the social policy of the nineteenth century" [1]—to quote Mr. R. H. Tawney's vivid description—was open to grave criticism. What the Assistant Commissioners brought back from their tours was, in the main, an extraordinarily full collection of particular instances of maladministration relating to the Outdoor Relief of the able-bodied; picturesque details of the action of particular parish officers; and amusing anecdotes of their peculiarities. This rich and copious store afforded what the journalists call "good copy" for the two advance volumes, as well as for the General Report, which were in this way made interesting to the public. The investigation was far from being impartially or judicially directed and carried out. The active members of the Commission (notably Chadwick), and practically all the Assistant Commissioners, started with an overwhelming intellectual prepossession,[2] and

[1] *Religion and the Rise of Capitalism*, 1926, by R. H. Tawney, p. 272.

[2] The leading economist of the day, J. R. M'Culloch, in his *Literature of Political Economy*, 1845, states that the 1834 Report and evidence "contain a curious mixture of authentic, questionable and erroneous statements. The Commissioners, with very few exceptions, appear to have set out with a determination to find nothing but abuses in the Old Poor Law, and to make the most of them; and this was no more than might have been expected, seeing that this was the most likely way to effect its abolition, and to secure

they made only the very smallest effort to free their investigations and reports from bias—a defect in their work which is not to be

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employment for themselves under the system proposed to be adopted in its stead. Hence the exaggeration, one-sidedness and quackery so glaringly evident in most of their reports." A legal critic of the same date remarks that "the instructions to their unpaid assistants, who hastily collected evidence throughout the country, breathed the Malthusian spirit, and spoke the language [of the House of Commons Committee of 1817]. . . . Hence their partial and prejudiced reports detailing local abuses. A volume of such evidence, headed by a grossly partial index [more correctly, table of contents], and the Report of the Commissioners enumerating the abuses and recommending remedies, were published by authority. The public mind was thus infected with Malthusian opinions, and either House of Parliament yielded to the stream. In the last Poor Law panic [1817] the House of Lords appears to have stood in the gap. But the dangerous eloquence of Lord Brougham was now arrayed against the Elizabethan Poor Law, which he denounced as having inevitably led to consequences the most pernicious that had ever flowed from the passing or the construction of all human laws" (*Principles of the Legal Provision for the Relief of the Poor*, by William Palmer, 1844).

Accusations were subsequently made that the Commissioners were guilty of deliberate and purposeful misrepresentation. "The questions", said John Walter, M.P., "have been put with a view to draw out answers corresponding with the preconceived opinions of the Commissioners . . . the facts of one case . . . are so miserably distorted as to leave but little of the substance of truth remaining" (*A Letter to the Electors of Berkshire on the New System for the Management of the Poor proposed by the Government*, by John Walter, M.P., 1834, p. 20). Another pamphlet pointed out "most extraordinary mis-statements" made by one of the Assistant Commissioners (*The Anti-Pauper System*, by Rev. J. T. Becher, 2nd edition, 1834). To this the Assistant Commissioner made a sufficient reply in *A Letter to the Rev. J. T. B. of Southwell in reply to certain charges*, etc., by John W. Cowell, 1834; see, however, the letter from Lowe to Becher of April 4, 1834, in *Life and Letters of . . . Robert Lowe, Viscount Sherbrooke*, by A. Patchett Martin, 1893, vol. i. pp. 46-50. In the House of Commons, in February 1837, Fielden "directly charged the Commissioners, not only with gross mistakes, but with intentional falsification in their published reports similar to those which unquestionably pervaded the Report upon which the Act was founded" (*The Political Life of Sir Robert Peel*, by Thomas Doubleday, 1856, vol. ii. p. 237). Doubleday himself wrote even more specifically. "That the report and evidence upon which the Poor Law Amendment Act was based, were garbled, the author asserts from direct personal knowledge. The evidence collected in the two northern counties of Durham and Northumberland was highly favourable to the old law, which in those districts was honestly and liberally worked, and with which no one worth mentioning was dissatisfied. The whole of the Commissioners' reports with the evidence, save and except a few sentences, was accordingly suppressed; so that these two counties were all but ignored, together with their population, their extensive commerce and vast mining establishments, in the document upon which Parliament proceeded to legislate on this occasion" (*The Political Life of Sir Robert Peel*, by Thomas Doubleday, 1841, vol. ii. p. 184). This statement was quoted with acceptance in *The Courts and Cabinets of William IV. and Victoria*, by the Duke of Buckingham, 1861. "No portion of the Whig machinery of government", the Duke observed, "had become so obnoxious to the censure of honest politicians as their Commissions of Inquiry, for they were made to work in a particular groove to secure a desired result. This was

excused merely because we are to-day inclined to believe, as they were themselves complacently assured, that their prepossession against the Rate in Aid of Wages was substantially right. The then existing practice of Poor Relief, the outcome of a couple of centuries of experience, but to modern eyes calamitously bad, stood condemned in their mind in advance; with the result that such useful and meritorious features as it possessed were almost entirely ignored, and some valuable lessons that might have been drawn from the experiments of the Old Poor Law were left to be painfully discovered, years afterwards, in working out the new system.[1] In particular, the experience and results of the four

so conspicuously the case in the Commission on the existing Poor Law that it excited very indignant comments from persons who had opportunities of observing the progress of the inquiry. . . . A 'General Report' was drawn up, from which it has been confidently stated 'there is good reason to believe that all which told strongly in favour of the old Elizabethan law was omitted, whilst all which militated against its policy was retained' "(vol. ii. pp. 137-138). "These Commissions", wrote the Earl of Aberdeen in 1835, "have of late been sufficiently arbitrary" (*Life of the Earl of Aberdeen*, by Lady Frances Balfour, vol. ii. p. 44). On the other hand, the conduct of the investigation was highly praised by John Stuart Mill. "I regard this enquiry with satisfaction", he wrote in 1833, when the full results were not before him; "it has been more honestly and more ably performed than anything which has been done under the authority of Government since I remember" (J. S. Mill to Thomas Carlyle, May 18, 1833, in *The Letters of John Stuart Mill*, edited by Hugh S. R. Elliot, 1910, vol. i. p. 51). "No Commission ever worked so well and so fast" (*A Guide to Modern English History*, by William Cory, 1882, vol. ii. p. 417).

[1] It must, however, be credited to Nassau Senior that he showed himself sufficiently open-minded to drop the opinion with which he had started, namely, that all public relief of destitution was socially injurious, and that the Poor Law might with advantage be entirely abolished; and to let himself be convinced by the evidence (or by Chadwick's impetuosity) that it was misconception of the law and maladministration that were to blame for the evils that were revealed, and that a cure might be found in the establishment of improved social machinery and the rediscovered device of the Workhouse Test (*Three Lectures on the Rate of Wages, with a Preface on the Causes and Remedies of the Present Discontents*, by Nassau Senior, 1830; and *A Letter to Lord Howick on a Legal Provision for the Irish Poor*, etc., by Nassau W. Senior, 1831—a pamphlet which went through three editions within six months). He had argued that any public provision for able-bodied destitution could not fail to be harmful; and, indeed, that nothing in the nature of a Poor Law was desirable. The only cases in which any public provision was economically permissible (and then only by institutional care) were those of (*a*) infectious disease; (*b*) chronic and patent physical incapacity, such as blindness or loss of limbs, or the complete mental incapacity of idiocy or lunacy; and, very doubtfully, also (*c*) double orphanage. For the other cases (which make up the bulk of modern pauperism), such as (*d*) non-infectious sickness; (*e*) old age, and (*f*) widows or deserted wives, with their children, it was suggested that nothing ought to be done, in order not to weaken the necessary stimulus to the ordinary man to exert himself, and to save—unless (with doubtful public

thousand existing workhouses—several of which had more than five hundred inmates, and of which an elaborate official return was on record—were only very perfunctorily ascertained, and never summarised or considered.[1] The scheme of investigation by

advantage) private charity should choose to interfere with "the punishment inflicted by nature" on "idleness and improvidence", which "it is established . . . can be prevented only by leaving them to this punishment" of "want and degradation". It was afterwards said (see *Remarks on the Irish Poor Law Bill*, by Philo-Hibernus, 1837) by those who clung to the abstract objection to any Poor Law, that Nassau Senior never refuted, either in the Report of 1834 or in his lengthy apologia of 1841, the arguments in his *Letter to Lord Howick on a Legal Provision for the Irish Poor*, etc. Lord Brougham argued in the House of Lords in favour of complete abolition as soon as it was practicable (Hansard, July 21, 1834); and Harriet Martineau expressed the same view in *Poor Laws and Pauperism Illustrated*. Chadwick, on the other hand, merely talked of a reduction of those needing public provision (the orphans, sick and aged) to "a small, well-defined part" of the population, costing "less than one-half of the present Poor Rates" (see the summary of his report, reproduced in *The Health of Nations*, by Sir B. W. Richardson, 1887, vol. ii. p. 338). Chadwick declared that, prior to the Poor Law Inquiry Commission of 1832, "eminent economists and statesmen, and indeed most people of intellectual rank in society, adopted this [the Malthusian theory] as a settled conclusion . . ., prescribed, as the necessary remedy, the absolute repeal and disallowance of any legal provision of relief . . ., and were of opinion that all measures for dealing with the Poor Law in England ought to tend to its discontinuance" (*The Comparative Results of the Chief Principles of the Poor Law Administration in England and Ireland, as compared with that of Scotland*, by Edwin Chadwick, 1864, p. 3).

An able anonymous pamphlet [by John Rickman], which seems to have been printed in 1832 only for private circulation, takes this line, and advocates the contemporary Scottish system of reliance on voluntary contributions and almsgiving (*The Administration of the Poor Laws*, 1832, in Ministry of Health library).

Ricardo, on the basis of the Malthusian and Wage-Fund hypotheses, had declared, in his *Principles of Political Economy*, 1817 (pp. 57-58) that the tendency of the Poor Laws was "not, as the legislature benevolently intended, to amend the condition of the poor, but to deteriorate the condition of both poor and rich alike. Instead of making the poor rich, they are calculated to make the rich poor; and whilst the present laws are in force, it is quite in the natural order of things that the fund for the maintenance of the poor should progressively *increase till it has absorbed all the net revenue of the country*, or at least so much of it as the State shall leave to us after satisfying its own never-failing demands for the public expenditure. The pernicious tendency of these Poor Laws is no longer a mystery since it has been fully developed by the able hand of Mr. Malthus, and every friend to the poor must ardently wish for their abolition." Of Malthus, Southey had said in 1816, "His remedy for the existing evils of society is simply to abolish the Poor Rates, and starve the poor into celibacy" (*Essays Moral and Political*, by R. Southey, vol. i. p. 91).

[1] Reports of Committees not inserted in the journals: Appendix to the Returns of 1776–1777 as to Poor Rates. As to the almost universal neglect of this source, see *An Economic History of Modern Britain*, by J. H. Clapham, 1926, pp. 354-356. Additional particulars could have been obtained from the 1786 returns, and the most recent information from the numerous printed reports, rules and accounts of the populous parishes and incorporations, many of which are still extant.

peripatetic Assistant Commissioners was far superior to the more usual plan of the Commission merely sitting in London to hear oral evidence; but the instructions to the Assistant Commissioners—in contrast with those of the nearly contemporaneous Municipal Corporations Commission—failed to emphasise the importance of bringing back sifted facts rather than mere opinions, supported by documentary verification rather than by picturesque anecdotes. The Commission could not allow itself time for much historical research, but a better appreciation of the origin and course of development of the institutions and practices found at work might have enabled many errors to be avoided. But the most striking deficiency in the whole mass of reports is the absence of any statistical survey, even to the extent of the approximation that was practicable without a complete census, either of the numbers of the pauper host, or of its division into classes by age, sex and condition, or of the causes leading to their pauperism. This ignoring of statistics led, in the diagnosis, to disastrous errors in proportion; and made the suggested remedial measures lopsided and seriously imperfect.[1] For instance, if any such

[1] It was more than a decade after 1834 before any complete statistics were systematically compiled of the numbers relieved. For the first few years the figures are scanty and fragmentary. For the end of 1839 we find it officially estimated that the total number in workhouses was about ninety-eight thousand, and on Outdoor Relief about five hundred and sixty thousand, with an unascertained margin of unenumerated. Taking the total, then, at seven hundred thousand, with an expenditure of four and a half millions, we may infer that the expenditure in 1833 of six and three-quarter millions probably represented the continuous relief of something like an average of not much more than one million persons throughout the year. Of these, the four thousand existing poorhouses and workhouses, large and small, must have accommodated somewhere about one hundred thousand, the remainder being on Outdoor Relief. When estimates are made of the aged, the sick, the widows and the orphans, we find it hard to believe that the able-bodied men relieved in health can have numbered in 1833 as many as one hundred thousand; or with their dependants possibly three hundred thousand. Yet so little was known that Nassau Senior, after two years' investigation, could only give the Cabinet the indication that "supposing the whole number of the able-bodied paupers and their families now to amount to a million", adding, however, "which I believe to be above the mark" (Nassau Senior to Lord Lansdowne, March 2, 1834, in MS. diary No. 173 in library of University of London). It was probably three times the actual number, and this gross exaggeration largely perverted the Commission's conception of the problem. In 1835 the number of illegitimate children relieved was officially given as 71,298.

Much larger figures for the numbers relieved under the Old Poor Law have been given. Thus it was stated by Slaney in the House of Commons in 1828, on the basis of the published returns, that the total number of paupers was, in 1801, 1,040,000; in 1811, 1,340,000; in 1821, 1,500,000; in 1826, 1,700,000; and in 1827, 1,850,000 (Hansard, vol. xviii. p. 1527; *History of England*, by

classified statistics of pauperism had been made, it might have revealed to the Commissioners, what Chadwick discovered a few years later, namely, that the bulk of the paupers were not, as the Commission seems to have imagined, either able-bodied men, or even wives and children of such men, but persons actually incapacitated by old age or laid low by sickness, with the helpless dependants of these "impotent poor". It subsequently appeared that disablement of the breadwinner by sickness was (apart from any maladministration) a direct cause of a large proportion—perhaps as much as one-half—of the Outdoor Relief, and that this part of the burden of the Poor Rates could only be lightened by better urban sanitation and hospital treatment—in short, by the measures of prevention that we shall describe in a later chapter.

Further, the concentration by the Commissioners upon their one panacea of the Workhouse System, in substitution for the Outdoor Relief of the able-bodied and their dependants, together with the absence of statistics as to both vagrants and removals, led directly to their failure to recognise the nature and extent of the evils of Vagrancy, on the one hand, and those of "that all devouring, all destructive monster the doctrine and practice of Settlement and Removal" [1] on the other, to which other contemporary observers attributed a much larger share of the demoralisation and oppression of the Old Poor Law. The Commissioners failed, indeed, even to think out what was involved in their conception of a "well-regulated workhouse". It was not merely that they underestimated the difficulty of providing, within that institution, any ameliorative, or instructive, or even undemoralising employment for the able-bodied. They refused to visualise the regimen that would be provided for the wives and children of the able-bodied who were to be driven into the workhouse; for the orphans; for the sick; for the mentally or physically defectives for whom no other refuge was available;

Spencer Walpole, vol. ii. p. 184). These figures refer, not to the average of those simultaneously in receipt of relief, but to the estimated numbers of different persons relieved in the course of each year.

[1] For impressions of the part played in the evils of the Old Poor Law by the Law of Settlement and Removal, see *Remarks on the Poor Law, and on the State of the Poor*, by Charles Weston, 1802, p. 50; the graphic report by John Revans (who was secretary to the Commission of 1832–1834) in Reports to the Poor Law Board on Settlement and Removal, 1850; and *Pauperism and Poor Laws*, by Robert Pashley, 1852.

and even for the " ins and outs ", or " revolvers ", who have ever since proved the plague of workhouse administration.

One more criticism may be added. The inquiry gave insufficient attention to structure as contrasted with function. Neither in the very elaborate printed Instructions to the Assistant Commissioners,[1] nor in the lengthy *questionnaire* issued to all and sundry; and consequently nowhere in the mass of information accumulated, nor in the General Report, was there any adequate reference to the legal and constitutional position of the diverse Local Authorities by which the Poor Law was actually being administered. It seems to have been taken for granted that the Churchwardens, the Overseers and the Vestries of the several parishes, of whose existence every one was aware, were all that needed to be considered. Thus the Commissioners failed to realise the legal position, not only of the Gilbert Act Unions, but also of the hundred or more bodies of Guardians, Governors or Directors of the Poor that we have elsewhere described as being incorporated under Local Acts; and likewise of a whole series of Statutory Vestries similarly fortified, by which, in a large proportion of the urban parishes both in London and elsewhere, as well as not a few of those in the rural areas, the Poor Laws were, in fact, administered. The result was that, when the Bill came to be drafted, no adequate provision was made for bringing these bodies, which had far greater powers of resistance than the thousands of unincorporated parishes, under the new Central Authority; and the scheme of reform consequently remained for a whole generation uncompleted.[2]

The Poor Law Amendment Act of 1834

As is well known, the success of the Report was prodigious. There can seldom have been a blue-book which so instantly and

[1] The *Instructions from the Central Board of Poor Law Commissioners to Assistant Commissioners*, 1832 (which were printed but not published), are in the British Museum (6425, c, 28). They run to sixty-four pages of searching questions evidently drafted mainly by Chadwick, but without (as it seems to us) any undue or avoidable bias, other than against inefficiency and waste.

[2] In the Municipal Corporations inquiry, which was started in 1833, the Commissioners (perhaps because they were more predominantly of the legal profession) went almost to the other extreme; their investigations going minutely and precisely into constitutional structure, only incompletely into the past malpractices of the Corporations, and not at all into their appropriate areas or functions for the future (*The Manor and the Borough*, by S. and B. Webb, 1907, vol. ii. pp. 712-737).

so completely achieved the immediate object for which it was prepared and published. It convinced nearly every one of its readers, not only that the Poor Law administration must be drastically reformed, but also that the reform had to be carried through by a single statute, applicable to the whole kingdom, which should provide for a national uniformity of system in all parishes. There seemed also no gainsaying the inference cogently drawn by the Commission that it was absolutely necessary to set up an executive Central Authority, empowered to impose such a uniform system on all the Local Authorities, which had to be reduced in number by the combination of parishes into Unions, or at any rate united for the establishment of workhouses and the payment of their staffs; and continuously restrained from departing from the system to which they were required to conform. Finally, though less whole-heartedly, public opinion felt itself driven to accept the new slogan, *for the able-bodied*, of "less eligibility".[1] It seemed plain that it must be ruinous to provide men with as good incomes, by way of Outdoor Relief in idleness, as they might earn by working for an employer. And as less than enough for maintenance could scarcely be justified, there seemed no escape from the Commission's panacea of substituting an offer, to the able-bodied man, of admission to a "well-regulated workhouse", for the demoralising Outdoor Relief, with a view to its definite cessation, so far as the able-bodied labourers were concerned, within a limited time. That the Commissioners practically stopped at this point, in the way of specific recommenda-

[1] It was contended in 1834, by the Poor Law Inquiry Commissioners, and has since been incessantly repeated, that the Act of 1601 never contemplated and never authorised the relief of persons who used any ordinary and daily trade of life to get their living. But (as was pointed out by a conscientious Assistant Commissioner in 1843) there is "no trace in any old writings of this interpretation of the Act"; and there is ample evidence that, already early in the seventeenth century, "parish pay" was frequently given (in lieu of finding employment or "setting to work") to adult able-bodied labourers and artisans, without any one raising a question as to its legality, against which there was no recorded judicial decision (see Twistleton's Report on Local Acts, in Ninth Annual Report of Poor Law Commissioners, 1843, pp. 92-93; and our previous volume, *English Poor Law History: Part I. The Old Poor Law*, 1927). It is interesting to find from Nassau Senior's diary that he privately advised the Cabinet that even the Allowance System (of Outdoor Relief to able-bodied men in private employment) could not be said to be unlawful or *ultra vires*. The House of Lords Committee in 1831 had asked that the question should be submitted to the Judges, but this had not been done, and it must be deemed to be unsettled (MS. diary No. 173 in library of University of London, p. 143).

tions, and that they refrained from prescribing any more detailed, or any more comprehensive scheme of Poor Law administration, was doubtless prudent. The descriptive parts of the Report carried sufficient implications to satisfy the demand for a drastic restriction of relief, whilst the strict limitation of the definite recommendations was shrewdly calculated to facilitate their acceptance. It was clear that even these limited recommendations could be carried out only by legislation brought forward by the Government of the day, with the whole-hearted support of both Houses of Parliament. The immediate result of the Report, as will presently be described, answered to expectation. Regarded merely as an administrative expedient for enabling a necessary measure to be carried, with the very minimum of opposition, successively through the Cabinet, the House of Commons and the House of Lords, the Report that Nassau Senior and Chadwick had drafted was entirely successful.[1]

The Government, which had promised a measure of Poor Law Reform in the King's Speech at the opening of the session of 1834, lost no time in dealing with the Report. In the Cabinet Lord Brougham was a keen supporter of immediate legislation.[2] The interest of Lord Althorp had been excited, and his support secured, by the powerful pleading of Grote, whose judgment he trusted. Nassau Senior was pleading directly with Lord Lansdowne.[3] Even before the publication of the Report, and indeed, before its formal completion, Lord Melbourne, as Home Secretary,

[1] It is doubtful whether any other blue-book has had so long-lived an influence. The volume of 1834 was reprinted by the Stationery Office in 1885 and 1894, and again in 1905, at the instance of influential M.P.'s and others who wished to promote the continued circulation of a document which they thought still needful for the education of the nation.

[2] He had himself sought out Harriet Martineau, who was then engaged with her tales illustrative of Political Economy, in order to press her to devote the next of these stories to the Poor Law; and her series entitled *Poor Laws and Pauperism Illustrated*, appearing in the latter part of 1833 and at the beginning of 1834, was admirably calculated to disseminate the "principles" of the Commissioners' Report, and to secure support for even the universal adoption of its panacea of "the workhouse test" (Harriet Martineau's *Autobiography*, 1877; *Harriet Martineau*, by Theodora Bosanquet, 1928).

[3] Nassau Senior to Lord Lansdowne, March 2, 1834, MS. diary (173) in library of University of London. This volume (which is referred to in *History of the English Poor Law*, both in the second volume by Sir George Nicholls and in the third by Thomas Mackay) includes a day-by-day account of Nassau Senior's proceedings with the Cabinet, notes of the discussions and decisions, some contemporary letters, and a few comments by himself. The account in the text is mainly drawn from this vivid private record.

directed Nassau Senior to prepare, for submission to the Cabinet, the heads of a complete Bill, as to which the latter consulted confidentially a dozen of those whom he thought most capable of helping him.[1] Early in March 1834 his draft was brought by Lord Melbourne before the Cabinet; on the 16th it was in principle agreed to; and on the following day Nassau Senior and Sturges Bourne were summoned to go through the measure, clause by clause, with the full Cabinet of fourteen. During the ensuing four weeks the several proposals were discussed and debated with doubting and dissenting Ministers at a dozen different meetings, either of the Cabinet or of its committee of seven which had been appointed,[2] when Chadwick and the solicitor employed to see to the drafting details were sometimes called in to assist. The Duke of Richmond objected to the proposed

[1] Among these were George (afterwards Sir George) Nicholls, then manager of the Birmingham branch of the Bank of England; Rev. T. Whately, brother of the Archbishop of Dublin, who had carried out the reforms at Cookham; Charles Mott, who had successfully carried on large institutions in which he farmed paupers sent to him by parish authorities, and who was afterwards appointed an Assistant Commissioner; several others who had supplied useful information, such as Brushfield and Tooke; an ingenious London Police Magistrate (T. Walker, who had successfully reduced the pauperism at Stretford (Manchester) and had published, in 1826, a lengthy pamphlet, *Observations on the Nature, Extent, and Effects of Pauperism*; in 1835 the author of *The Original*); and John Tidd Pratt (1797–1870), consulting counsel to the Commissioners for the Reduction of the National Debt, 1828–1870; counsel to certify the rules of savings banks and friendly societies, 1834–1846; Chief Registrar of Friendly Societies, 1846–1870; he wrote or edited a score of legal manuals, including three on Poor Laws, 1833, 1834 and 1835–1864. The drafting solicitor employed was J. M. White (1799–1863), of White and Borrett, who became in 1842 solicitor to the Ecclesiastical Commissioners (see his *Remarks on the Poor Law Amendment Bill*, etc., by John Meadows White, 1834; and Boase's *Modern English Biography*, vol. iii. 1901).

Senior afterwards declared that the Bill adopted by the Cabinet from his draft differed "from the recommendations of the Report chiefly in two respects: the substitution of Unions for parishes in the management of the poor and the distribution of relief [whereas the Report had contemplated the sphere of the Union as merely the management of the workhouse and the payment of the officials therein employed], and the almost total exclusion of the appeal to magistrates" (*Remarks on the Opposition to the Poor Law Amendment Bill*, by a Guardian [Nassau Senior], 1841, p. 37).

[2] The Cabinet Committee did not include Lord Brougham, but consisted of the Duke of Richmond, Lord Ripon, Sir James Graham, Lord Althorp, Lord Melbourne, Lord Lansdowne and Lord John Russell (*Remarks on the Opposition to the Poor Law Amendment Bill*, by a Guardian [Nassau Senior], 1841, p. 37). Current opinion ascribed the detailed consideration of the Bill to "the Keeper of the Great Seal [Brougham] and the Chancellor of the Exchequer [Althorp]; and by the latter it was brought in on the 17th of April in a speech of great length and great lucidity" (*Memoirs of Viscount Melbourne*, by W. T. M. Torrens, 1878, vol. i. p. 441).

power to compel the new Boards of Guardians to build workhouses at the ratepayers' expense. Lord Melbourne demurred to the new Central Authority being allowed to issue mandatory orders without the sanction of a Secretary of State. All the peers objected strongly to the proposed peremptory prohibition of Outdoor Relief to the able-bodied on a specified date, even after two years' warning and preparation, as they feared this would lead to a "rural rebellion", or at least to rick-burning. Nassau Senior met these objections with pertinacity, as being fatal to the scheme of reform; and when the Cabinet insisted, he saved the situation by ingenious compromises giving him the substance of what was indispensable.[1] The successive revises of the Bill, as bound up by Nassau Senior, fill three folio volumes. By the 16th of April he had satisfied Lord Althorp and Lord Lansdowne that, with regard to the prospective abrogation of Outdoor Relief to the able-bodied, they must (to use the words of the latter) do their duty undeterred by fear of popular displeasure; and on the following day Lord Althorp introduced the Bill into the House of Commons.

There can scarcely have been, during the past hundred years, a measure of first-class social importance, gravely affecting the immediate interests of so large a number of people, that aroused, in its passage through both Houses of Parliament, so little effective opposition, and even so little competent discussion, as the Poor Law Amendment Bill. "For the first time in modern Parliamentary history", wrote Nassau Senior seven years afterwards, "faction was silent, and all parties united to give force to the

[1] Thus, whilst agreeing that "General Orders" should be "laid before" a Secretary of State for forty days, to come into force only if no objection was taken, he managed to retain the provision that "Special Orders" (those addressed to one Union) should be immediately mandatory. In practice the Central Authority accordingly issued nearly all its commands in the latter form (see Eighth Annual Report of the Poor Law Commissioners, 1842, p. 2). The constitutional objection against giving the Central Authority power to require rates to be made for workhouse-building was met by making any expenditure in excess of one-tenth of the previous rate dependent on consent by a majority of the ratepayers (MS. diary by Nassau Senior in the library of the University of London, pp. 66, 72). The Commissioners failed, however, to induce the Cabinet to cut down settlements to those by birth only; and the Bill as passed merely abolished such grounds of settlement as hiring and service, holding a parochial office, and apprenticeship to the sea-service; whilst limiting that by occupation of a tenement by requiring that the Poor Rate thereon should have been paid for an entire year, and that by estate by the requirement that the owner must inhabit within ten miles thereof (sections 64, 65, 66, 67, 68).

principle and perfection to the details of a measure which they felt to be essential not merely to the welfare, but to the civilisation of the country." Nassau Senior and Chadwick, with the aid of Francis Place, of the two Mills,[1] of Harriet Martineau and other Benthamites, and apparently drawing freely on the funds which the Treasury could at that time make available, had conducted with remarkable effectiveness their propagandist campaign. Lord Althorp's introductory speech, which was clear in exposition and extremely moderate in doctrine and conciliatory in tone, was received with cordial approval, and the first reading was carried without dissent. The *Times*, indeed, made up its mind to fight the measure tooth and nail, possibly for personal reasons. John Walter (M.P. for Berkshire), the proprietor, was instigated by a genuine though sentimental humanity to resist any rigorous curtailment of Outdoor Relief; and it may also be that Thomas Barnes, the editor, was moved by his resentment of the unfriendly behaviour of Lord Brougham.[2] The *Standard* and the other influential newspapers, which had begun by approving, gradually adopted much the same line. Thus the Bill "was attacked in all its provisions by four-fifths of the Metropolitan journals with unexampled virulence and pertinacity". Support in the press was in fact almost confined to such Radical organs as the *Observer*, the *Examiner* and the *Monthly Repository*. If we may believe Harriet Martineau, who was on such points usually well-informed, a wealthy Whig M.P. was so stirred by the opposition

[1] We are told by Bain in his biography of *James Mill*, 1882, p. 372, that he "strongly sympathised" with the Poor Law Amendment Bill, "while John wrote strongly in its favour". "I was myself at this very time", states John Stuart Mill, "actively engaged in defending important measures, such as the great Poor Law reform of 1834, against an irrational clamour grounded on the anti-centralisation prejudice" (*Autobiography*, p. 193).

[2] The currently believed anecdote on the subject describes how Lord Althorp wrote a note to Lord Brougham saying, "Are we to make war on the *Times*, or come to terms?" Lord Brougham received this when sitting in court, scribbled an immediate answer, and tore Althorp's letter in fragments, which he threw on the floor. Someone pieced the fragments together, and took them to Barnes, the editor of the *Times*, who had that very day applied to the Government for some information, which had been curtly refused. Thereupon the *Times*, on April 18, 1834, opened fire on Brougham in a series of vituperative leading articles (see the story in the Greville Memoirs, 1875, vol. iii. p. 96; in *The Victorian Chancellors*, by J. B. Atlay, 1906, vol. i. pp. 326-328; in *A Guide to Modern English History*, by William Cory, vol. ii. 1882, p. 459; and in "English Party Organisation in the early Nineteenth Century", by A. Aspinall, in *English Historical Review*, July 1926, vol. xli. p. 410).

of the *Times* to the new Bill that he promptly purchased the *Morning Chronicle*, and made it the enthusiastic and pertinacious supporter of what he regarded as the greatest reform of his generation.[1] When the Second Reading came on (May 9) the opposition was voiced by Col. Evans and Sir Francis Burdett, and supported on constitutional grounds by Sir James Scarlett and Sir Samuel Whalley. But the division lobby showed only twenty opponents in a House of 344. The opposition was, however, renewed on the motion to go into committee, and on various clauses in committee, bringing up Poulett Scrope in aid of Cobbett against the inhumanity of the Government's proposals; but also giving Sir Robert Peel an opportunity for showing his friendliness to the Bill. Except for an important amendment accepted by Lord Althorp, which limited the duration of the Act to five years —a limitation on which the Cabinet had itself determined at one stage of the drafting—the only important change made in committee was in the bastardy clauses. The Government had proposed to allow no recourse against the father of an illegitimate child, leaving the burden, as the Commissioners had proposed, where "Providence appears to have ordained that it should be", on the mother! The House of Commons did nothing for the mother, but insisted, with Lord Althorp's acquiescence, in spite of opposition from Grote, on giving the parish a right to get a magistrate's order against the father indemnifying it for any

[1] This was John (afterwards Sir John) Easthope, M.P. for Banbury, who, in April 1834, paid £16,000 for the *Morning Chronicle* to its proprietor Clement, who had himself bought it for £23,000 (see *History of the English Poor Law*, vol. iii. 1899, by T. Mackay, p. 128; *History of the Thirty Years' Peace*, by Harriet Martineau, 1849–1850; *History of England from 1830*, by William Nassau Molesworth, 1871–1873, vol. i. p. 317; *Journals of the Reigns of George IV. and William IV.*, by Charles Greville, 1874, vol. iii.). Sir John Easthope retained the paper for fourteen years, selling it to the Peelite group in 1848. The new owners, who included Lord Lincoln and Sidney Herbert (afterwards Lord Herbert of Lea), sank some £200,000 in it within six years; and then sold out to a group who were believed to be acting in the interest of Napoleon III. (*Life of Sir William Harcourt*, by A. G. Gardiner, 1923, vol. i. pp. 62-63; *Selections from the Correspondence of Abraham Hayward*, by H. E. Carlisle, 1886, vol. i. pp. 124-125; "English Party Organisation in the early Nineteenth Century", by A. Aspinall, in *English Historical Review*, July 1926, vol. xli. p. 409).

"On the Poor Law Bill", wrote Lord Morley in 1836, "an extraordinary combination of hostility on the part of every journal (with two exceptions, *Chronicle and Observer*), both metropolitan and provincial, proved perfectly and completely inoperative" (Lord Morley to George Villiers, July 24, 1836, in *Life and Letters of the Fourth Earl of Clarendon*, by Sir Herbert Maxwell, 1913, vol. i. p. 123).

expense to which it was put. After a Ministerial crisis (unconnected with the Poor Law) had caused the replacement of four members of the Cabinet, the Third Reading was secured on July 1, by 187 to 50. In the House of Lords the several stages of the Bill were extended from July 1 to August 8, partly owing to a further political crisis, in which Lord Grey resigned office, to be succeeded in a week by Lord Melbourne with a reconstructed Ministry. Lord Wynford, Lord Eldon, Lord Teynham and Lord Alvanley, partially supported by Lord Kenyon and the Marquis of Londonderry, opposed the whole measure; but the Duke of Wellington supported it; the two bishops who had sat on the Commission of Inquiry were staunch in their backing; and, with the powerful aid of Lord Brougham, the Second Reading was carried by 76 to 13.[1] The Committee Stage was enlivened by an

[1] Hansard, July and August 1834; *Life of Lord Brougham*, by himself, 1871, vol. iii. pp. 411-412.

Brougham's long and rhetorical oration had a great effect, alike in the House of Lords and in the country, and was reprinted in pamphlet form. To-day it reads almost like a deliberate parody of the contemporary "enlightened" public opinion. "Look to that volume", he said, "and you will find the pauper tormented with the worst ills of wealth—listless and unsettled—wearing away the hours, restless and half-awake, and sleepless all the night that closes his slumbering day—needy, yet pampered—ill-fed, yet irritable and nervous. Oh! monstrous progeny of this unnatural system, which has matured, in the squalid recesses of the workhouse, the worst ills that haunt the palace, and made the pauper the victim of those imaginary maladies which render wealthy idleness less happy than laborious poverty! Industry, the safeguard against impure desires—the true preventive of crimes—but not under the poor-law! Look at that volume, the record of Idleness, and her sister Guilt, which now stalk over the land" (pp. 32-33).

According to Lord Brougham, the Elizabethan Poor Law arose from the absence of any knowledge of political economy, more especially of Malthus's law of population. ". . . those who framed the statute of Elizabeth were not adepts in political science—they were not acquainted with the true principle of population—they could not foresee that a Malthus would arise to enlighten mankind upon that important, but as yet ill-understood, branch of science—they knew not the true principle upon which to frame a preventive check, or favour the prudential check to the unlimited increase of the people. To all that, they were blind; but this I give them credit for—this they had the sagacity to foresee—that they were laying the foundation of a system of wretchedness and vice for the poor—of a system which would entail upon them the habitual breach of the first and most sacred law of nature, while it hardened the heart against the tenderest sympathies, and eradicated every humane feeling from the human bosom" (p. 8).

Brougham had told both Althorp and Melbourne what he intended to say, and these prudent colleagues had begged him "for God's sake, say nothing of the kind". He then sent for Nassau Senior the very afternoon on which he was to speak, and read aloud his notes, whereupon Senior remonstrated with him, saying that it was only maladministration that was complained of, and that the Bill did not propose to do away with Poor Relief. But Brougham

animated controversy between the Bishop of Exeter (Phillpotts) and the Bishop of London (Blomfield) as to the policy of forbidding to the mother of an illegitimate child all recourse against the father. A large number of the peers were inclined to the view of the Commissioners and the Government, harsh and stern though it seemed; and the Bishop of London carried with him most of his colleagues on the episcopal bench; but, in the end, the illogical compromise inserted by the House of Commons (at the instigation, it is said,[1] of "the ill-directed benevolence of a few ladies of quality", who did not see why the father should escape all penalty!) was substantially accepted. The clause adopted by the House of Commons was, however, weakened, on the motion of the Duke of Wellington, by requiring the application of the Overseers against the father to be made to Quarter Sessions instead of to any two magistrates; by making necessary at least some evidence corroborative of the assertion of the mother, and by providing that any sums recovered should be retained by the parish and not paid to the mother herself.[2] The Duke of Wellington, who was keenly interested in getting the Bill into a shape that the House of Lords would accept, secured also a great watering-down of the clause definitely providing for the abolition of Outdoor Relief to the able-bodied at the expiration of two years; leaving the provision merely as one for the "regulation" of relief by orders of the Commissioners as and when they thought fit—implying, it was explained, a policy of eventual prohibition but without expressly naming it, or fixing any date for its adoption.[3] The House of Lords made altogether no fewer than forty-three amendments, thereby endangering the Bill. But half of these changes were merely of a drafting nature, whilst the others, including the new bastardy clauses, were not regarded by Nassau Senior as effecting any important impairment. Lord Althorp accordingly recommended the House of Commons to accept them

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persisted; and Senior finally concluded that his "philosophical disquisition" had done no harm in the House of Lords, although "out of doors it excited a great clamour against Lord Brougham", and "the papers failed in their endeavours to connect the measure with Lord Brougham's views" (MS. Diary, pp. 200-204; *Lord Brougham and the Whig Party*, by A. Aspinall, 1927, pp. 241-243).

[1] *Paupers and Pauperism*, by R. Pashley, 1852, p. 201.

[2] Sections 69-76 of the Poor Law Amendment Act, 1834.

[3] Section 52 of the same.

all.[1] Cobbett, who had fulminated against the Bill in several pamphlets, chose this occasion (August 13, 1834) for one more furious attack on what he called "the Poor Man Robbery Bill"; but the House supported the Government to the end, and on August 14, the very day of the prorogation, the Bill received the Royal Assent. "Never did a great measure pass through Parliament more easily", exultantly declared Nassau Senior, "we might say more triumphantly. A few ultra Radicals, with Cobbett at their head; apostate Reformers anxious to cloak their new Toryism by declamations against the arbitrary powers given to the Commissioners and the patronage to Government; country magistrates, the 'poor man's Justices', benevolent dispensers of other people's property; the heroes of Vestries, owing their seats to a parish clique which the new Bill was to annihilate; one or two lawyers, governed by the instinctive professional horror of change—of such materials, joined with a few sentimentalists who could not perceive that the poor themselves were the greatest sufferers under Poor Law maladministration, was constituted the miserable opposition in the House of Commons."[2] The student of the period gets the impression that public feeling against the Bill outside the Legislature was slow to move; but that the volume of opposition was, during these months, steadily growing, and might very quickly have made itself irresistibly felt. It may well be that the Ministry, the House of Commons and the

[1] It is characteristic that the only amendment made by the House of Lords with which the House of Commons steadfastly refused to agree was that by which the clause authorising the visitation of the workhouse by nonconformist ministers had been deleted as unnecessary. This clause was reinserted, and in spite of a protest by Lord Brougham, the House of Lords had to accept it (Section 19), or lose the Bill.

The complicated legal phraseology of the statute warranted the publication of *An Analytic Index to the Act for the Amending of the Poor Laws*, etc., by William Rodwell, 1834. Legal explanations are to be found in *The Poor Law Amendment Act, with a Commentary*, by William Theobald, 1834; and *Remarks on the Poor Law Amendment Act*, by John Meadows White (the draftsman whom the Home Office employed), 1834. See also *A Practical Explanation of the Duties of Parish Officers . . . and . . . of Guardians*, by Maurice Swabey, 1835.

[2] *Remarks on the Opposition to the Poor Law Amendment Bill*, 1841, pp. 43-45, by a Guardian [Nassau W. Senior].

"In 1834", wrote sixty years later one whose name does not appear as intervening in the debates on the subject, "the Government, and Lord Althorp far beyond all others, did themselves high honour by the new Poor Law Act, which rescued the English peasantry from the total loss of their independence" (Gladstone's diary, 1897; in *Life of W. E. Gladstone*, by John Morley, 1903, vol. i. p. 115).

House of Lords were uneasily conscious of this rising tide; and, as there was general agreement in the Legislature itself that a drastic reform was imperative, there may almost have been, among all but a small minority, something very like a tacit conspiracy to pass the Bill into law before the popular resistance could be made effective. Thus, to use the words of a recent historian, "the victory which the Ministers won when they carried the New Poor Law was a Parliamentary not a popular success. And it may well have contributed to weaken still further the position of the Government, already seriously shaken by a controversy which engrossed men's minds and kindled their passions".[1]

The Poor Law Amendment Act of 1834 (4 and 5 William IV. c. 76) was a bold and drastic measure of reform, couched in terms of English Parliamentary draftsmanship, of which the supreme merit is to minimise the incitement to, and the opportunity for, any Parliamentary opposition. Thus the Act itself, notwithstanding its hundred and ten long and verbose sections, contained nothing that can be called a scheme for the relief of destitution, or even any explicit plan of reform. Moreover, the Act did not abolish any existing Local Authority nor deprive any existing official of his post or salary. Although the Report had stated strongly "the mischief which has arisen from magisterial influence", the Act did not "contain a single direct proposal for depriving the magistrates of their jurisdiction".[2] Thus there seemed

[1] *Histoire du peuple anglais*, by Élie Halévy, vol. iii., 1923, p. 121, translated as *A History of the English People*, vol. iii., 1927, p. 131.

It is worth notice that the Bill was deemed too lenient, not only by *doctrinaire* Radical economists, but by such a Whig magnate as the aged Earl Spencer. He published, under a thin veil of anonymity, a criticism addressed to his own son, complaining of the leniency of the measure, and urging that male vagrants should be whipped, that single men who were able-bodied should be given no relief other than paid employment, that the workhouses should be made severe gaols, to which idle paupers should be judicially committed, and that all Outdoor Relief should be narrowly restricted (*A Letter to . . . Lord Althorp on the Bill for amending the Poor Law*, by a Chairman of Quarter Sessions, 1834).

[2] *Remarks on the Opposition to the Poor Law Amendment Bill*, by a Guardian [Nassau Senior], 1841, pp. 38-39.

It appears that, in the discussions with the Cabinet, before and during the passage of the Bill, Nassau Senior was personally responsible (*a*) for the exclusion of the Commissioners from the House of Commons, even against Lord Althorp's opinion; (*b*) for the introduction of the exception to the prohibition of Outdoor Relief, in "sudden and urgent necessity", which he took from nearly the same phrase in Sturges Bourne's Act; (*c*) for enlarging

little to oppose. The chief operative provision was that for the establishment of a new Government Department under, not a Minister who could answer for it in Parliament, but three salaried Commissioners with a Secretary, none of whom were permitted to sit in Parliament; who were empowered to appoint Assistant Commissioners and a clerical staff, and to issue mandatory rules, orders and regulations to the Local Poor Law Authorities (Sections 1-18). It was implied rather than declared in the Act that the Commissioners were, in these directions and instructions, to proceed, generally, according to the principles laid down in the Report of the Poor Law Inquiry Commission. Indeed, all that was explicitly enacted was that the new Commissioners were (Section 15) not "to interfere in any individual case for the purpose of ordering relief"; they were to protect against proselytism the particular religious principles of the recipients of relief (Section 19); and whilst, by Section 52, the ultimate abolition of Outdoor Relief to the able-bodied was pointed to, the Commissioners were discreetly empowered only to "regulate" such relief at such dates and in such ways as they might deem fit. The Act carefully avoided mentioning any supersession of the existing Poor Law Authorities, and did not even explicitly impose on them any new policy. There were to be mandatory regulations framed by the Commissioners (Sections 15-18, 22, 42-48, etc.); the Commissioners' sanction and approval was to be sought (Sections 23-25, 62-63); the Commissioners might, within limits, direct the erection of a workhouse (Sections 23-25); they might even unite, for all Poor Law purposes, "so many parishes as they may think fit" (Sections 26-29); and for the Unions thus formed the Commissioners might fix the qualification for the newly elected Guardians of the Poor (Sections 38-41). Such a measure presented the very smallest target to critics and opponents; and, as already mentioned, it slipped through both Houses of Parliament, in an exceptionally broken and tempestuous session, notwithstanding the intervention of two severe political crises, a change in the Prime Ministership, and two successive Cabinet reconstructions, within four months

the Commissioners' power to require any existing workhouse to be altered up to one-tenth of the rateable value of the Union, so as to include the building of a new workhouse up to one quarter of the rateable value; (*d*) for giving way as to confining settlement to birth only, about the consequences of which he became alarmed (MS. Diary, in library of University of London).

of its introduction, without adequate discussion of principle, or detailed examination of details. Yet in its bold simplicity it was enough to work a complete revolution in what was, at the time, and measured by expenditure, the largest single branch of civil administration in the nation.

The Government lost no time in putting the Act in operation. Already before it was law, Nassau Senior had been offered the chairmanship of the new Commission—an arduous position, for which he refused to abandon his lucrative profession and his comfortable intimacy with all that was intellectually distinguished in London and Paris. He was then invited to suggest persons for the three commissionerships, whereupon he named, in the first place, Edwin Chadwick, whom he strongly recommended as "the only individual among the candidates, perhaps I may say in the country, who could enter into the office of Commissioner with complete prearranged plans of action". He also recommended the experienced draftsman of the 1817 report, Thomas Frankland Lewis, M.P.;[1] and, for the third place, George Nicholls, whose reforms at Southwell, twelve years ago, had been made the basis of the Commission's workhouse proposals.[2]

[1] Of the three Commissioners "thus impartially chosen", as Nassau Senior reports, "one only belonged to their own party [Shaw Lefevre]; another had held high office under their opponents [Lewis]; and the third [Nicholls] so far as his politics were known, was a Conservative" (*Remarks on the Opposition to the Poor Law Amendment Bill*, by a Guardian [Nassau Senior], 1841, p. 53). There were doubtless many other aspirants to these well-paid posts; but we only happen to know of one. Francis Place, whose propagandist zeal on behalf of the Inquiry Commission we have already noticed, wrote on March 4, 1834, to Harriet Martineau, expressing his desire (on the suggestion of the editor of the *Examiner*, Albany Fonblanque) for a commissionership. "I would go into the business", he wrote, "and help to carry it on with all my heart and soul; would work carefully, promptly and efficiently on the great and good work, would think nothing of obstacles, and be utterly careless of the abuse which will be showered down in all possible forms on the obnoxious Commissioners" (*Life of Francis Place*, by Graham Wallas, p. 332). Mr. Wallas observes that "Chadwick's combination of dogmatism and industry nearly wrecked the new system as it was; and Chadwick and Place together would have gone near to bring about a revolution" (*ibid.* p. 333).

The other persons suggested by Nassau Senior were James Stephen (of the Colonial Office); and the Rev. Thomas Whately (brother of the Archbishop of Dublin), whom Hyde Villiers had, as we have mentioned, vainly recommended for membership of the Inquiry Commission on the ground that he had "reformed" his own parish of Cookham by insisting on a test by taskwork (*History of the English Poor Law*, vol. iii., by Thomas Mackay, 1899, p. 155).

[2] Nicholls was also suggested by J. W. Cowell, who had been one of the Assistant Commissioners (see H. G. Willink's memoir, prefixed to the second edition in 1898 of Nicholls' *History of the English Poor Law*). For his Poor

After the briefest consideration, the Government accepted most of this advice, but substituted, for Chadwick as a Commissioner at £2000 a year, J. G. Shaw-Lefevre, a young man of outstanding brilliance and Whig connections, appointing the former to the humbler office of Secretary at £1200 a year. On the 23rd August 1834, within ten days of the formal enactment of the law, the three Commissioners took the oath of office " before Mr. Baron Alderson at his house in Park Crescent at noon " ; held a Board the same day " at the office of the late Factory Commission in Whitehall Yard ", formally appointed the Secretary whom the Cabinet had chosen for them (Edwin Chadwick), together with an assistant secretary (George Coode) ; notified their appointment to the Clerks of the Peace for all the counties in England and Wales ; ordered a seal to be prepared ; and thus immediately took in hand the colossal task that had been entrusted to them.[1]

Law work as Overseer at Southwell, see our *English Poor Law History : Part I. The Old Poor Law*, 1927.

[1] MS. Minutes of Poor Law Commissioners (vol. i.) August 23, 1834.

CHAPTER II

THE POOR LAW COMMISSIONERS, 1834–1847

THE enterprise committed to the new Poor Law Commissioners was one of difficulty and peril.[1] It had been comparatively easy for Nassau Senior and his colleagues, with a couple of dozen highly educated Assistant Commissioners, unstinted travelling expenses, and ample means of publicity, to produce a report on Poor Law scandals carrying conviction to the small governing class of the period. The Whig Cabinet had then been supplied with an elaborate Bill which looked as if it embodied a scheme of reform of the whole system of Poor Relief, all the more attractive to the members of each House of the Legislature in that it avoided, not only the practical difficulties of the problem, but

[1] For this chapter we have been permitted to draw upon the hitherto unexplored MS. Minutes of the Poor Law Commissioners, 1834–1847, now in the Public Record Office, together with the extracts and documents printed for official use in volumes of *Extracts from the Minutes*, 1839–1841, *Abstracts of the Correspondence*, 1842–1843, and an *Official Circular*, Nos. 1 to 61, 1840–1846, and (N.S.) Nos. 1 to 58, 1847–1859; in addition to the multifarious Special Orders and the more important General Orders, described in the fourteen Annual Reports of the Commissioners 1835–1847, and in the still more valuable special reports published in 1840 and 1847; with the Home Office papers of 1829–1837 in Public Record Office, and the numerous and often voluminous Parliamentary Papers and proceedings in either House during the thirteen years. Supplementing the general histories, there is the greater detail of the Poor Law history of Sir George Nicholls (1854) and Thomas Mackay (1899), with the diaries, articles, pamphlets and reminiscences of Nassau Senior and Sir Edwin Chadwick, and the memoirs, letters or biographies of William Cobbett, M. T. Sadler, Rev. J. Rayner Stephens, Dr. Southwood Smith and most of the leading statesmen of the time—not to mention innumerable controversial pamphlets, of which we have cited only a selection; and our own book, *English Poor Law Policy*, 1910.

also, except in so far as the able-bodied male labourer was concerned, even any precise statement of what reform was intended. In fact, the Poor Law Amendment Act, with all its hundred and ten sections, did little more than create, for a five years' term, a new Central Authority, and empower that Authority to make regulations and orders that would put matters right. The Poor Law Commissioners had now to devise and to get put in operation the orders and regulations that would, if not actually rid the country of the whole pauper host of a million or so actually in receipt of relief, at least so reduce the burden on the ratepayers as to justify a renewal of the Commission's five years' term of office.[1] Meanwhile suspicion and resentment was spreading among the wage-earning class; the hordes of little people who directly or indirectly profited by the lax administration condemned by the Report were up in arms against any change; and politicians, worthy and unworthy, were ready to make party capital out of all the inevitable grievances and mistakes attendant on even the wisest and most beneficial of reforms.

The Three Commissioners

It must be admitted that the three men to whom this task was jointly committed were not badly chosen. The senior, Thomas Frankland Lewis, who acted as chairman, was a man of fifty-four, a Welsh country gentleman who had sat in the House of Commons for twenty-two years as a member of the Tory party, had served on various Commissions and Committees of Inquiry, and had for three years held non-Cabinet office, but with the rank of Privy Councillor, in the successive administrations of Canning, Goderich and Wellington. He had long been interested in the problem of Poor Relief; and he was reputed to have drafted, for Sturges Bourne in 1817, the report of the House of Commons

[1] One of the new Assistant Commissioners thus described the position at the end of the first year: "The public mind . . . is anxiously looking for something to allay its apprehensions; that something *must* be done is an undisputed truth; the remedial measures of the Report gave encouragement that something *could* be done; the Poor Law Amendment Act announced that something *should* be done; it remains to show that something *has been done*" (First Annual Report of Poor Law Commissioners, 1835, Hall's Report, p. 207).

Committee on the Poor Laws, of which he had been a diligent member.[1] He was, we are told, "a careful and accomplished man, but formal, verbose and dull".[2]

The second Commissioner, John George Shaw-Lefevre, was, in nearly every respect, a contrast to both his colleagues. Among the young men of Whig connections, for whom Lord Grey and Lord Melbourne found places, he was, perhaps, the most talented. A Senior Wrangler and promptly made a Fellow of the Royal Society, Shaw-Lefevre had used his Trinity College Fellowship to travel all over Europe—in the course of a long life he came to read and correspond in as many as fourteen languages—and to acquire, by knocking about the world, the wide acquaintance with people that Macaulay had with books. He was one of the founders of the Athenæum Club; a leading member of the Society for the Diffusion of Useful Knowledge, and in 1823 an original member of the Political Economy Club. After starting in practice as a conveyancer, he commended himself to the Whig Government by the tact and discretion with which he carried out the task entrusted to him in 1832 of delimiting many of the new county constituencies. He looked towards a political career; and he was, at the General Election of 1833, by one vote, actually elected M.P. for Petersfield, but lost the seat on petition. He was then secured for the Civil Service; and had been for a short time Under-Secretary at the Colonial Office when he was, in 1834, at the age of thirty-seven, appointed a Poor Law Commissioner, bringing to the work the gifts of the successful administrator. "He was", wrote Lord Blachford, "the most amiable of men; also clear-headed, most industrious, of great

[1] The Right Honourable Sir Thomas Frankland Lewis, Bart. (1780–1855), a landowner at Harpton Court, Radnorshire, was M.P. 1812–1834, and again 1847–1855. Among the various Commissions and Committees on which he had served were those on Poor Law, 1817, Inland Revenue, 1821, English Government Revenue, 1822, and Irish Education, 1825–1828. He was Joint Secretary to the Treasury, 1827; Vice-President of the Board of Trade (and Privy Councillor), 1827–1828; and Treasurer of the Navy in the Duke of Wellington's Administration, 1830. He resigned his seat in Parliament to become chairman of the Poor Law Commissioners, 1834; and relinquished that post in 1839, when his more distinguished son, G. C. Lewis, was appointed. He was a member of the Royal Commission on the Rebecca (Turnpike) Riots, 1843; was created a baronet, 1846; and re-entered the House of Commons in 1847, sitting until his death.

[2] *Memoirs of Viscount Melbourne*, by W. T. M'Cullagh Torrens, 1878, vol. i. p. 327.

literary accomplishments, a man of the world, and a thorough man of business ".[1]

For the third Commissioner, the Government had chosen, at the age of fifty-three, the retired captain in the East India Company's mercantile marine, and subsequently the successful bank manager, George Nicholls, who, twelve years before, had served for two years as Overseer, undertaking the complete administration of the Poor Law in the parish of Southwell (population, in 1821, 3051); where he had successfully applied the panacea of "a well-regulated workhouse", described in his *Eight Letters on the Management of the Poor, by an Overseer* (1822). It was this experiment that had commended itself to the Poor Law Inquiry Commissioners; and Nicholls was thus, in some sense, what C. P. Villiers subsequently called him, " the father of the new system " [2] which the Commissioners were appointed to bring everywhere into operation. Without personal charm, literary distinction or breadth of view, Nicholls was an honest, industrious, plodding official, of sterling integrity and cautious practical judgment, with long and varied experience, not only of maritime command, but also of civil engineering and banking. To the new office at Somerset House he contributed a practical knowledge of the administrative difficulties to be overcome.[3]

[1] *Letters of Frederic Lord Blachford*, edited by G. E. Marindin, 1896, p. 117. Sir John George Shaw-Lefevre, K.C.B. (1797–1879), was senior wrangler, Cambridge University, 1818; Fellow of Trinity, 1819; F.R.S., 1820. After serving seven years as Poor Law Commissioner, he was, in 1841, transferred to the Board of Trade as Joint Assistant Secretary. In 1848 he was appointed Deputy Clerk of the Parliaments, and in 1855 Clerk of the Parliaments, a post from which he did not retire until 1875, at the age of seventy-eight, having in his long official life served on endless committees and commissions. He became K.C.B., 1857; D.C.L. Oxford, 1858. From 1842 to 1862 he was also Vice-Chancellor of the University of London; and from 1855 to 1862 one of the Civil Service Commissioners (unpaid). "Sir John Lefevre", wrote Lord Selborne, "was one of the best linguists in Europe. He served the State well, without ostentation or self-seeking, in many public offices, proving himself in everything a wise and sagacious man, as discreet and modest as he was able" (*Memorials*, by the Earl of Shelborne, part ii. Personal and Political, 1898, vol. i. p. 19). We have found nothing published from his pen except a translation of a Dutch romance, *The Burgomaster's Family*, by E. C. W. van Gobie, afterwards Walrée, 1873. His son George had a long political career, was created in 1906 Baron Eversley, and died at the age of 96 in 1928.

[2] C. P. Villiers to Sir George Nicholls, August 28, 1861 (see *History of English Poor Law*, vol. iii. 1899, by Thomas Mackay, p. 483).

[3] Sir George Nicholls, K.C.B. (1781–1865), after serving at sea from 1796 to 1815, and accumulating a substantial competency, most of which was lost by the destruction of his last ship by fire, settled for seven years on a small

The Secretary to the Commission

The choice of a secretary to the Commission proved less successful. Edwin Chadwick, on whom the post was conferred, had, as we have seen, played a considerable part in the work of the Inquiry Commission; and Nassau Senior's strong recommendation of him to the Government as the best of all possible persons to be a Commissioner had made him feel sure of the post. Instead of a Commissioner, however, at £2000 a year, he found himself only secretary at £1200. He therefore started in a bad temper. Chadwick at the best of times was a "bad mixer", either as a colleague or a subordinate. He had acquired from Bentham the latter's absolute assurance as to what, on any given subject, was the right policy; the rational policy; indeed, the only sensible policy; without imbibing also the old philosopher's wise patience with the stupidities of others. Chadwick, during the thirties and forties, was always ready with a policy; always eager to enforce it peremptorily on all concerned; always in-

property in Nottinghamshire, where he had his Poor Law experience. He was then engaged from 1823 to 1827, with Thomas Telford, in various canal and harbour projects; and, after the crash of 1825, in the liquidation of a Gloucester bank; which led to his appointment in 1826, as manager of the newly opened Birmingham branch of the Bank of England, where his seven years' administration was markedly successful; and where, incidentally, he became acquainted with Sir Robert Peel. It was upon Peel's advice that, when the offer of the Poor Law Commissionership was made to him, he ultimately decided to accept, at the age of fifty-three, what was pressed on him by Lord Melbourne as a patriotic duty; though by so doing he sacrificed present income and favourable prospects. From 1836 to 1842 it fell to him, at Lord John Russell's request, with Cornewall Lewis, to devise, and then practically alone to administer, the new Irish Poor Law. In the embittered controversies that followed, over both Irish and English Poor Law administration, Nicholls fell out of official favour, perhaps unjustly; and though he was made a C.B. in 1848, he was continued in office only as secretary to the new Poor Law Board, at a salary reduced from £2000 to £1500 a year. In 1851, at seventy, increasing ill-health compelled his retirement, when he was made K.C.B. and given a special pension of £1000 a year. He had become a director of the Birmingham Canal Company in 1844, and was elected chairman in 1853, serving as such until 1864. He was also a director of the Rock Life Assurance Company from 1848 until his death in 1865 at the age of eighty-four. Besides his *Letters on the Management of the Poor, 1822*, and his three histories of the English, Irish and Scottish Poor Laws, 1854–1856, he published in 1842 an agricultural manual called *The Farmer's Guide* (and later *The Farmer*), which went through several editions. A biographical memoir by his son-in-law, H. G. Willink, is prefixed to a second edition of his *History of English Poor Law*, 1899 (see also *Dictionary of National Biography* and *Dictionary of Political Economy*, and a discriminating appreciation in Sir William Ashley's *Surveys: Historic and Economic*, 1900, pp. 423-427).

trepid to rashness in trampling down the opposition which could, he imagined, only arise—the phrase occurs perpetually—from "sinister interests". He soon made it plain, inside the office and outside, that he thought very little of the Commissioners whom he served; and who, as he complained, "never comprehended the measure" which they had to administer, "in its largest conception", as "originally conceived" by Nassau Senior and himself.[1] He made it widely known that he regarded the Commissioners as far too cautious and slow; and as temporising to the point of weakness in the way that the old evils were allowed partially to continue, and only gradual and piecemeal reforms were insisted on. But he was too prudent to give any sufficient cause for the dismissal of one who had the ear of Lord John Russell and other Whig statesmen; and after a few years of uneasy secretarial service, during which the Commissioners seem to have kept him at arm's length, he was, as we shall see, allowed to fill up his time by successive investigations, not strictly germane to the immediate work of the Poor Law Commission, but of great social value.

The Procedure of the Commissioners

The proceedings of the Poor Law Commissioners between 1834 and 1847 (until the department which they created was, in the latter year, placed under a Minister styled President of the Poor Law Board) are of lasting interest, not only as an early and a typical example of the outlook and methods of British bureaucracy, but also because the action of the Commissioners during their earlier years of office moulded the English Poor Law system into the form which it still (1928) essentially retains, and endurably stamped upon it some of its most characteristic features. We shall therefore deal with the episode at some length.

The Commissioners, who had to decide their procedure for themselves, seem, from the start, to have made a skilful com-

[1] See the illuminating expression of Chadwick's feelings in the article "Patronage of Commissions" reprinted anonymously under the title of *The Poor Law Commission*, 1846, from *Westminster Review*, No. 90, October 1846. This was evidently written by Chadwick himself. With this may be compared the article, wholly inspired by Chadwick but written by his friend (Sir) David Masson, in *The North British Review*, May 1850, vol. xiii. p. 40.

bination of individual and collegiate activity. The whole country was divided into nine regions, each of them assigned to an Assistant Commissioner, and these regions were grouped into three provinces, each of which was taken under the supervision of one of the Commissioners. The enormous mass of letters that started at once to pour in daily, together with the stream of reports, formal and informal, that soon began to come from the Assistant Commissioners, was first sorted by provinces, and marked A, B, or C. The basketfuls relating to each province were then gone through by the clerks serving personally the several Commissioners, each batch being submitted during the morning to the one concerned, to be by him minuted either for immediate action on his own authority, or for submission to the Board. In the afternoon the three Commissioners assembled as "the Board", it being apparently assumed that two formed a quorum, attended (we are told), "in general", either by the Secretary or by an Assistant Secretary, for discussion of policy and for taking important decisions.[1]

With great practical wisdom the Commissioners started very cautiously to work. Their legal and constitutional position was as unprecedented as the task assigned to them. There had, of course, been many other Boards and Commissions (of which the

[1] This procedure is described in great detail, as instituted in 1834, in *Letters addressed by the Poor Law Commissioners to the Secretary of State respecting the Transaction of the Business of the Commission*, 1847; and the description is confirmed by the brief and formal entries in the MS. Minute Book, vol. i. August to December 1834, and in the subsequent volumes, 1835–1847. It is significant that, from the outset, there is no formal record in the Minutes of the Secretary being ever present at the Commissioners' meetings; and (whilst not even permitted to take the Minutes, which are, from the outset, "by another hand"), Chadwick was apparently excluded from (*a*) giving orders as to how letters were to be answered: (*b*) taking part in the discussion of policy: or (*c*) preparing the drafts of rules or Orders, these being always prepared for the Commissioners, as it is expressly stated, by one or other of the Assistant Secretaries. Chadwick had, therefore, some ground for complaint. It is, we think, clear that he was deliberately prevented from anything more than formal attendance on the Commissioners; and that the friction between them and himself dated from the very beginning of their respective appointments. From the first, "Mr. Chadwick's minutes", we learn authoritatively, "were of a miscellaneous character, relating principally to the reception of deputations by the Commissioners, and the reading of the reports of Assistant Commissioners" (*ibid.*). In 1839 he seems to have discontinued his occasional attendance at the meetings of the Commissioners; and, in 1841, even going to the office.

The Assistant Secretary, first appointed at £500 a year, was an able young barrister, George Coode, afterwards the author of historical and legal reports on the Law of Settlement, etc., of great value.

Board of Control was a well-known example), charged with executive duties, and endowed by royal or Parliamentary authority with extensive coercive powers. It was, therefore, scarcely on this ground that the Commission was denounced as unconstitutional, but rather because of the peculiar nature of its task. Nowadays we take for granted the need for some control over elected local governing bodies, from the lowest to the highest, by one or other Department at Whitehall. But in 1834 there was, as we have already described, no such relation between local and central government; and every step in the control, and even in the guidance or direction, of the Parish Authorities, or of the incorporated "Governors and Directors of the Poor", was resented. The first action of the Commissioners, within a fortnight of their assumption of office, was to send out some sixteen thousand circular letters to Churchwardens and Overseers, vestrymen and rate collectors, clergymen and Justices of the Peace all over England and Wales, assuring them that the new Act of Parliament, which was enclosed for their guidance, had abrogated no part of the Poor Laws, and had relieved no parish and no official of duties or responsibilities.[1] It was essential that the parochial administration should be carried on without interruption. Meanwhile the Commissioners had to furnish the rooms in Somerset House [2] placed at their disposal by the Government; engage a staff and organise their work. In November 1834 the parish officers were instructed, by another Circular, to "carry on" as heretofore, with all due vigilance and economy; but some general advice was also submitted for their consideration. It was suggested that, wherever possible, able-bodied male applicants, who could not be refused help, should be set to tasks of work, in return for which the relief should be given at piece-

[1] MS. Minutes, Poor Law Commission, August 26, 1834 (Circular of September 4, 1834). A corresponding circular was addressed to all the Justices of the Peace on October 6, 1834 (*ibid.* October 6, 1834).

[2] The Commissioners had their offices, at first, temporarily in the rooms in Whitehall Yard that had been occupied by the Royal Commission on Factories, but they immediately asked the Treasury to provide more extensive accommodation (MS. Minutes, August 25, 1834). Within a month they met in rooms at 1 and 2 Somerset Place, Somerset House, "the office assigned to them" (*ibid.* September 24, 1834), which remained their address for a score of years. By the beginning of 1856 the Poor Law Board had removed to Whitehall, which, first at Gwydyr House, and then in the newly erected buildings on the other side of the street, continued to be the address of its successor in 1871, the Local Government Board, and, from 1919, of the Ministry of Health.

work rates, to be always computed so as to be "considerably less than the ordinary wages for similar work". Where such tasks could not be set (and this, we imagine, meant nearly everywhere), at least half of whatever relief was given (and apparently the whole of the allowances for children) should be in bread. The lists of aged and infirm persons to be relieved should be "carefully revised". And wherever a suitable workhouse already existed, relief might be offered in the form of admission to such an institution, an offer which would exonerate any parish officer from the necessity of granting any other relief. It is at least doubtful whether this beneficent advice was, at that stage, often followed.[1] The peremptory orders of the Commissioners were still to come.

The Assistant Commissioners

To form the new Unions, and to get the new workhouses built, involved personal visitations; and had therefore to await the appointment of Assistant Commissioners, which did not get completed until November and December 1834. By an act of abnegation rare in those days of government patronage, the Commissioners were allowed by Lord Melbourne's Cabinet to select for themselves the nine Assistant Commissioners who were first chosen; and presently the others whom the Treasury was moved to sanction.[2] These were sent first to those counties in Southern

[1] Circular of November 4, 1834. One success only was claimed. "The reports . . . show that the recommendation of this substitution of relief in kind has been extensively acted upon" (First Annual Report of the Poor Law Commissioners, 1835, p. 8).

[2] To the Commissioners, it was said, the Government "surrendered the most valuable patronage, if it had been used as patronage, that any modern administration has had, at one instant, at its disposal, seventeen Assistant Commissionerships of £700 a year each, and the whole staff of a large establishment" (*Remarks on the Opposition to the Poor Law Amendment Bill*, by a Guardian [Nassau Senior], 1841, p. 53). These Assistant Commissioners, with seven more who filled vacancies during 1835 and 1836, must be distinguished from those who served under the Poor Law Inquiry Commission, 1832–1834, of whom only three were reappointed to the new task (Power, Pilkington and Tufnell). They included Sir Francis Bond Head, who dealt with Kent (as to whom see p. 125); Dr. James Phillips Kay, afterwards Sir J. P. Kay-Shuttleworth (see p. 261); Edward Carlton Tufnell, who had been one of the Inquiry Assistant Commissioners (see p. 53); Thomas Stevens, an able young Berkshire squire, who energetically applied the Act in his own district, the notorious Bradfield Union (*Reminiscences, chiefly of Towns, Villages and Schools*, by Rev. T. Mozley, 1885, vol. ii. p. 20), and was, in 1836, appointed an Assistant Commissioner; and Charles Mott, the successful administrator of great institutions in which he "farmed" paupers from various parishes, who

England which were most seriously pauperised, where they had, by persuasion, to secure the general assent of the parochial officials and the local Justices to an immediate grouping of parishes into Unions.

The Formation of Unions

Contrary to official expectation, the grouping of parishes into Unions and the election of Boards of Guardians was effected, in these heavily pauperised counties, with little difficulty. Their leading residents were found usually to be in despair about Poor Law administration; the Churchwardens and Overseers were pleased to be relieved of their disagreeable tasks; and most people were glad to adopt anything that promised reform. The Assistant Commissioners, disregarding county and borough boundaries, went on the plan of grouping together two or three dozen parishes within a ten-mile radius, geographically centring round the market town commonly frequented by their farmers and others, so as to facilitate its use as the place for the meetings of the new Board. With the exception of little sputters of anger in one or two villages of Buckinghamshire and Sussex,[1] from mobs

had given valuable information to the Poor Law Inquiry Commission, and had been specially consulted by Nassau Senior. He seems to have been a diligent but not a very tactful or discreet Civil Servant, and he was eventually asked to resign. There is published from his pen only a *Report . . . relative to . . . the Management of the Workhouse at Eye*, 1838.

[1] For descriptions of these little riots at Amersham and Arundel see First Annual Report of Poor Law Commissioners, 1835, pp. 63-64; *History of the English Poor Law*, vol. iii., 1899, by Thomas Mackay, pp. 236-237.

The propaganda in favour of the new measure was plainly more successful in the South of England than in the North. A marked feature was the number of pamphlets by beneficed clergymen, among which we may mention especially those by the Rev. Thomas Spencer (uncle of Herbert Spencer), including *Observations on the State of the Poor and the Practical Tendencies of the New Poor Law*, etc., 1835; *The Outcry against the New Poor Law, or who is the Poor Man's Friend?* 1838; *The New Poor Law: its Evils and their Remedies*, 1843; *Reasons for a Poor Law Considered*, 1843, and *The Want of Fidelity in Ministers of Religion respecting the New Poor Law*, 1844. Also by clergymen were the following: *The Nature and Design of the New Poor Law explained*, by a Norfolk clergyman (Rev. Samuel Hobson), 1834; *Plain Remarks upon the New Poor Law Amendment Act*, etc., by Thomas Garnier, Dean of Lincoln, 1835; *A Word or Two about the New Poor Law*, by S. G. O. [Sidney Godolphin Osborne], 1835; *A Plea for the Aged and Infirm Poor*, etc., by a Country Clergyman, 1836; *Reasons of a Clergyman for acting as a Guardian of the Poor*, by Mordaunt Barnard, 1837; *Pauperism traced to its True Sources*, etc., by Francis Close, Dean of Durham, 1837; *The Past and Present State of the Poor practically considered, and Opposition to the New Poor Law Bill proved indefensible*,

of labourers excited by gross misrepresentations of what was taking place, the Assistant Commissioners met, in these Southern Counties, with no resistance; and the work proceeded at a great rate. Within nine months of incessant activity, the Commissioners and their dozen or more Assistant Commissioners had set up 111 new Boards of Guardians, for as many newly created Unions, in which no fewer than 2311 parishes had been included, with a total population of 1,385,124, being about one-tenth of the whole Kingdom; and raising Poor Rates to the amount of £1,221,543, being (as these were districts more pauperised than the common average), about one-sixth of the total raised by Poor Rates. So far, the new Act seemed amazingly successful. The harvests of the summer and autumn of 1834 were exceptionally good, the year being afterwards noted as one of the most productive of the century. Bread was cheap; trade was brisk, and the weather after July was fine and hot. No more favourable moment for the restriction of relief to the able-bodied labourers could have been chosen.[1] The mere stirring-up of the public opinion of the rate-paying class, and the attention directed to the waste of money that had been taking place, together with the summary transfer of the work from a host of unpaid, unwilling and often terrorised Overseers to a smaller number of salaried officers, working under the direction of the newly elected Boards, was of itself sufficient—even without any pro-

by Rev. Charles Day, 1837; *The Contrast, or the Operations of the Old Poor Laws contrasted with the recent Poor Law Amendment Act*, by Rev. Joseph Bosworth, 1838; *The Poor Man's Advocate, or a few words for and to the Poor*, by Rev. Herbert Smith, 1839; and, by the same, *Correspondence with the Poor Law Commissioners on the Principles and Working of the New Poor Law*, 1841; *A Plea for the Poor, for General Circulation*, by the Hon. and Rev. Baptist Noel, 1841; *Pour et Contre, a few Observations upon the New Poor Law*, by Clericus, 1841; *An Earnest Plea both for the Poor and for the Rich . . . in which it is shewn how the New Poor Law Machinery may be made the instrument of diffusing . . . blessings*, etc., by a Parochial Clergyman, 1842.

[1] "It was fortunate for the villager, and for the Commissioners, that bread was cheap for a couple of years after the Act of 1834" (*An Economic History of Modern Britain*, by J. H. Clapham, 1926, p. 466). "The four years terminating with 1835 were years of extraordinary, it may almost be said, unprecedented, agricultural plenty. The harvests during the whole of this period were so fine that not only was the agricultural produce of the British islands adequate to the maintenance of its inhabitants, but the accumulated surplus produce of each of these years was stored up, in the hopes of better prices, until, in the year 1835, the average price of wheat fell to thirty-nine shillings and eightpence the quarter: considerably lower than it had been for sixty years" (*Principles of Population*, by Sir Archibald Alison, 1840, vol. ii. pp. 440-446).

hibitory orders, and before the new workhouses were built—to effect an immediate reduction in the total sum spent. One country gentleman is reported as saying that "if even the shadow of the Bill can produce for us such an effect, surely what benefit we shall derive from its substance".[1]

In the ensuing four years the formation of Unions was steadily continued, the new organisation thus successively covering the Western and Midland Counties, Wales and finally, not without difficulties and resistance, the "Industrial North". The first obstacle encountered by the Assistant Commissioners was the number of "Gilbert Act Unions", under statutory bodies of Governors and Directors of the Poor, and parishes governed by special Acts of Parliament; for the dissolution or merging of which, without the assent of the Governors and Directors themselves, the Poor Law Amendment Act was found not to have made adequate provision. This was, as we have mentioned, an unfortunate result of the failure of the Poor Law Inquiry Commissioners to obtain any sufficient account of the structure of these local statutory Authorities.[2] The Poor Law Commis-

[1] Nassau Senior, at the end of 1835, was writing triumphantly to George Villiers, "Our domestic revolution is going on in the most peaceful and prosperous way. The Poor Law Act is covering England and Wales with a network of small aristocracies, in which the Guardians chosen by occupiers and ratepayers are succeeding to the power and influence of the magistrates. By this time all Kent has been split into 21 Poor Law Unions, Sussex into certain others; in short, the old parochial authorities have been superseded in half the country already, and will be superseded in the rest by the end of next year. Fifteen Assistant Commissioners, with £1000 a year to invigorate their exertions, are in constant motion to effect these operations, and ten more are to be added to them" (Nassau Senior to George Villiers, December 1, 1835; in *Life and Letters of the Fourth Earl of Clarendon*, by Sir Herbert Maxwell, 1913, vol. i. p. 86). The salary was not £1000 but £700 a year (MS. Minutes Poor Law Commissioners, October 22, 1834); but an additional guinea for subsistence was paid for each day out of London, besides the actual expenses of travelling.

[2] When we came to describe these bodies in *The Parish and the County*, 1907, and especially in *Statutory Authorities for Special Purposes*, 1922 (in the chapter on "Incorporated Guardians of the Poor"), we were surprised to discover (except in a few pages of Captain Chapman's Report of Statutory Poor Law Authorities in Appendix A) hardly anything about their constitutional structure in the voluminous publications of the Poor Law Inquiry Commission. The instructions issued to the new Assistant Commissioners in the autumn of 1834 contained no mention of the incorporated bodies of Governors, Directors or Guardians of the Poor, and only the briefest reference to any parish having a Local Act (*Instructions*, etc., 1834, 64 pp., in MS. Minutes, Poor Law Commission, 1834). The Poor Law Commissioners found themselves driven to make an investigation of their own, of which the results are given in their Second and Fourth, and especially their Ninth and Tenth

sioners discovered, in fact, that they had no power to include any such places in the new Unions without the express consent of two-thirds of the existing Guardians or other members of the statutory authorities.[1] This not only prevented any completeness in "unionising", but what was worse, the continued existence of these unreformed lagoons of independent administration seriously interfered with the convenient grouping into Unions of other parishes interspersed among them. A few of the lagoons were persuaded to agree to being merged, and others slowly followed. But owing to the difficulty of getting amending legislation, not for a whole generation was the last of them absorbed, and the new organisation completed from one end of the Kingdom to the other.[2]

The Opposition of the North

Scarcely less intractable was the continued opposition to the "New Poor Law" manifested in some of the industrial centres of the North of England. We shall describe presently the incessant attacks that were kept up, in Parliament, at public meetings and in the newspapers, on the Commissioners and all their doings, in the face of which it seemed, for years, almost impossible that the new Central Authority could be permanently maintained. The factory towns of Yorkshire and Lancashire, where the evils of excessive pauperisation had not been felt, were stirred up to oppose the intended diminution of local

Annual Reports. References to other sources will be found in our chapter mentioned above (pp. 107-151 of *Statutory Authorities for Special Purposes*, by S. and B. Webb, 1922).

[1] See the answer of the Law Officers as to the Gilbert Act Unions, September 5, 1835, in First Annual Report of the Poor Law Commissioners, 1835, pp. 20-22, 373-375; and that as to Local Act parishes, MS. Minutes, Poor Law Commissioners, March 2, 1837.

[2] The Poor Law Commissioners got the requirement of the consent of a two-thirds majority removed in 1843 by 7 and 8 Victoria c. 101, but only so far as concerned parishes of less than 20,000 population. This enabled the smaller bodies to be successively dissolved, and their areas merged in the new Unions. By 1847 the number of "lagoons" outstanding had fallen to forty-eight (being 17 Gilbert Act incorporations and 31 Unions and parishes under Local Acts). The incorporated bodies in the Metropolis and some of the large towns still stood out, and some of them continued long to do so. Not until 1868, under a further statute, was the "unionising" completed; although there are still eight Poor Law Unions which retain Local Acts, namely, East and West Flegg, Exeter, Forehoe, Kingston-upon-Hull, Norwich, Oswestry, Oxford, and Plymouth.

autonomy, and the threatened substitution of the workhouse, which was universally styled the "Bastille",[1] for Outdoor Relief. At Huddersfield, for instance, where the Union was formed in January 1837, the opposition under the leadership of Richard Oastler was such as forcibly to suspend all proceedings for more than a year.[2] At Todmorden, where John Fielden had his cotton mills, the payment of rates was refused by the firm; a riot was got up to resist the constables who sought to execute a distress warrant; the houses of the newly elected Guardians were wrecked; and order was not restored until both infantry and cavalry had been sent to the town.[3] Similar riots took place elsewhere. "At Bradford", we read, "blood was shed by the military in an attempt to force the measure on an unwilling community".[4] In April 1837 the Poor Law Commissioners gravely reported to the Home Secretary the amount of resistance with which they were meeting; and even asked the Government whether they were to proceed with their task. Lord John Russell suggested that they should go on gently, even at the cost of a year's delay.[5] The Commissioners, accordingly—greatly to the disgust of their militant Secretary—chose a policy of patience, and even of "overcoming by yielding"; contenting themselves with getting Unions established wherever this could be done without actual rioting; in some places setting up the

[1] "Basty, with a long y, was the popular distortion of the word in my native Yorkshire" (*The Vagrancy Problem*, by W. H. Dawson, 1910, p. 93).

[2] *The Poor Law Bill exposed: is it a Whig measure? It cannot be introduced into these districts*, by a Friend to the Manufacturers, 1837; *Mr. Oastler's Speech on the New Poor Law*, 1837; *The Right of the Poor to Liberty and Life*, by Richard Oastler, 1838; Third Annual Report of the Poor Law Commissioners, 1837, pp. 18-31, 120-127; Fourth Annual Report, 1838, p. 47. It was Oastler's denunciation of the New Poor Law that got him dismissed from his employment, and thereby landed him, in 1840, in the Fleet Prison for debt, whence John Walter rescued him in 1844 (*Brougham* v. *Brougham on the New Poor Law*, by Richard Oastler, 1847).

[3] Fourth Annual Report of the Poor Law Commissioners, 1838, pp. 47-48.

[4] *Political Life of Sir Robert Peel*, by Thomas Doubleday, 1856, vol. ii. p. 252. This Bradford tumult (in which no lives were lost) is fully described in the correspondence presented to Parliament (Papers relative to the Bradford Union, 1838); and in Fourth Annual Report of the Poor Law Commissioners, 1838, pp. 47, 187-211. The riots at Todmorden, reported in MS. Minutes, Poor Law Commissioners, November 26 and 28 and December 3, 1838, were subsequently described in *An Account of the Todmorden Poor Law Riots of November 1838*, etc. by T. Edwin Ashworth, 1911. See, for the whole episode, *An Economic History of Modern Britain*, by J. H. Clapham, 1926, p. 581.

[5] MS. Minutes, Poor Law Commissioners, April 12, May 5, June 21 and 29, and July 28, 1837.

new Boards of Guardians merely to carry out the Elizabethan Poor Law, without imposing on them even good advice; and allowing them unlimited freedom in their appointments of officers.[1] It seemed to these prudent administrators better to get the new machinery established, even in form, without aiming at any rigid uniformity of practice, rather than to impose by force on recalcitrant localities a policy which could only be applied successfully when it had gained the assent and approval of those by whom it had necessarily to be worked. And this patient forbearance, which is, we think, characteristic of the ablest British bureaucracy, was helped to success by the skilful use of an accidental coincidence. One of the Benthamite reforms carried out by the Whig Government was the institution, by Act of 1837 (6 and 7 William IV. c. 85) of a systematic registration of births, deaths and marriages. The appointment of the local registrars was—it is said on the suggestion of Edwin Chadwick—placed in the hands of the Boards of Guardians of the new Unions formed under the Poor Law Amendment Act; and the new Act was sent to them in a Circular on August 27, 1836. The natural desire of the leading inhabitants of each locality to exercise this patronage thus became an inducement to them to get the new Board of Guardians into existence; and the Commissioners fell in with this feeling so far as to form 31 Unions in Lancashire and Yorkshire exclusively for registration purposes, and without any Poor Law powers; a piece of "low cunning and deceit", by which (so it was complained in a petition from Bury), the Commissioners, "under the pretence of having no object in view but to carry into effect the Act for the registrations of births, marriages and deaths, have attempted to foist the New Poor Law on those manufacturing districts in which there exists a general conviction that its enforcement will be destructive of the peace of society, and of the security of life and property".[2]

[1] *An Economic History of Modern Britain* by J. H. Clapham, 1926, p. 581. The Commissioners had to explain their patience to puzzled inquirers. "A certain amount of illegality must be expected to be found in the recorded proceedings of Boards of Guardians" was their answer to one legal correspondent (MS. Minutes, June 7, 1839).

[2] MS. Minutes, Poor Law Commissioners, August 1836, and May 6, 1837; Petition to the House of Commons, April 1837; Third Annual Report of the Poor Law Commissioners, 1837, pp. 127-130.

In 1844 a comparison was made between three of these "Registration Unions" without Poor Law powers (Rochdale, Oldham and Ashton-under-Lyne) and 38 Poor Law Unions in the neighbouring manufacturing districts,

At subsequent dates, when the local feeling had quieted down, these 31 Boards of Guardians were gradually authorised to assume the duties of Poor Relief. In the end, without any actual coercion of influential local sentiment; by getting Treasury consent to set as many as twenty-one Assistant Commissioners simultaneously at work; by quiet persistence and continued persuasion, and by the bribe of being enabled to dispense a little local patronage in the new appointments, the Commissioners gradually had their way; and the great majority of the parishes unprotected by Local Acts or by incorporation under Gilbert's Act were at last brought into line. On December 31, 1839, the Poor Law Commissioners were able to report to the Home Secretary that 95 per cent of all the parishes and townships in England and Wales (or 13,691, comprising a population of 11,841,454) had been brought effectively under the Poor Law Amendment Act; leaving outside only 799 parishes, with a population of 2,055,733, these being nearly all parishes protected in their autonomy by statutory authority which the Commissioners could not override, or parishes inconveniently interspersed among such protected parishes.[1]

The Boards of Guardians

It does not seem that any difficulty arose, or that any objection was raised, with regard to the constitution that the Poor Law Commissioners devised for the Boards of Guardians that were to administer the affairs of the new Unions. The Poor Law Amendment Act had laid down that these new "rural municipalities", as they were fondly styled in some quarters, should include in their membership all the Justices of the Peace residing in and acting for their areas, but should otherwise be based on election by what was for the time a wide constituency, without distinction

showing that, in the former, pauperism had increased, in the preceding five years, by 147 per cent, their workhouses being inhabited by "the old and young, the idle, profligate, and sick . . . all mixed up together in one confused mass"; whilst, in the latter, pauperism had increased by only 68½ per cent, and their workhouses enjoyed the rigid classification of the Commissioners' Orders (*Official Circular*, No. 41 of November 30, 1844).

[1] Report of the Poor Law Commissioners . . . on the Continuance of the Poor Law Commission, 1840. By 1847 the Commissioners complained only of 48 Gilbert Act incorporations or Unions or Parishes under Local Acts (*Letter from the Poor Law Commissioners relative to the Transaction of the business of the Commission*, 1847, p. 49).

of sex, namely all the ratepaying occupiers, however small the rental value (as in Hobhouse's Act of 1831, 1 and 2 William IV. c. 60); with the addition of all the owners of land or buildings within the area, whether or not they were ratepayers—a provision never before explicitly known to English Local Government. The total Poor Law electorate for England and Wales was estimated at 2,000,000; or much more than the Parliamentary electorate. But the Poor Law Amendment Act had introduced plural voting (as in Sturges Bourne's Act of 1818, 59 George III. c. 18), both occupiers and owners having to cast votes, according to scales to be prescribed, in proportion to the rental value of the premises concerned. Moreover, by a provision new to English Local Government, it had been ordered that these votes were to be "given or taken" not by show of hands at a meeting, or by oral declaration at a poll, but "in writing collected and returned in such manner as the Commissioners shall direct". The Commissioners directed that voting papers should be left by parochial officers at the house of each ratepayer, to be by him filled up and signed in his own handwriting (or if he could not write, with attestation by the witness to his mark), and given to the officer who was to call for it a day later. Owners who were not resident ratepayers were to obtain their voting papers by individual application on the day of election to one of the Churchwardens or Overseers. The main desire of the Commissioners was, apparently, whilst providing for election on a wide franchise, to avoid the opportunity for excitement and mob pressure afforded by public meetings. Owners qualified to be electors might appoint proxies to vote on their behalf. The Act itself had also provided that the right to vote or to be elected depended on all the parochial rates, due up to six months before the date, having been paid before the day of election. The qualification for a Guardian (which the Act had left to the Commissioners to prescribe, subject to a maximum of £40 rental value) was usually fixed at an occupancy worth £25 per annum. There was, of course, in that generation, no thought of "Labour representation".[1] During the first years (as, indeed, has ever

[1] The Poor Law Commissioners' directions as to the constitution and election of the Boards of Guardians were consolidated in their General Order of January 16, 1845; Eleventh Annual Report of the Poor Law Commissioners, 1845, p. 101; *The English Poor Law and Poor Law Commission*, 1847, pp. 16-18. The ex-officio members (the local magistrates) numbered, on the average,

since proved to be the case, year after year, in a majority of Unions) there was, in most cases, no contest for the election of the Board of Guardians, the office being assumed, without demur, by one of the principal farmers or other middle-class residents in each parish. There were, however, in the urban parishes, from the outset, some contests, in which a surprisingly large percentage of votes was occasionally cast. In short, the arrangement made by the Poor Law Commissioners for the establishment of the new Board of Guardians, in which, to use the Commissioners' own words, "members of the upper and middle classes act together, as a body, in the dispensation of relief"[1]—this setting up of what Nassau Senior described as "a network of small aristocracies . . . succeeding to the power and influence of the magistrates"—was, from the standpoint of the time, wholly successful.

The Provision of Workhouses

The universal provision of the "well-regulated workhouse" recommended in the Report of 1834, on which, at the suggestion of Nicholls, Nassau Senior and Chadwick had based their hopes of a drastic restriction of pauperism, was not found so simple as the formation of the Unions and the election of the Boards of Guardians. Here the Commissioners were driven, within their very first year, to a momentous departure from the "New Poor Law" of the 1834 Report. This reactionary decision, which was never explained to the public, adversely affected the whole subsequent development of English Poor Law administration.[2]

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20 per cent of each Board. In the 595 Unions that had been formed out of 13,898 parishes under the Act in 1847, there were 17,165 elected, and 4339 ex-officio Guardians, making 21,504 in all. When the whole Kingdom was brought under 644 Boards of Guardians the number of elected members reached 24,000.

Where a parish had made no valid election of a Guardian, the Commissioners made an Order directing the Churchwardens and Overseers to proceed to elect (MS. Minutes, Poor Law Commissioners, December 5, 1835).

[1] Report of the Poor Law Commissioners . . . on the Continuance of the Commission, 1840, p. 39. There were, at the outset, no restrictions on the use of proxies; and "one person at the election of Guardians for the parish of Chelsea, in 1838, held 833 proxies" (*ibid.* p. 42).

[2] This departure from the 1834 Report, which saddled English Poor Law administration with the General Mixed Workhouse, has not been dealt with by such Poor Law historians as Nicholls and Mackay, or Fowle and Aschrott.

The General Mixed Workhouse

The "General Mixed Workhouse", which the Poor Law Inquiry Commissioners had found existing, not only in a small way, in several thousands of rural parishes, but also (as is usually forgotten), as a big institution in various populous parishes such as Liverpool and St. Martin's-in-the-Fields, London, had resulted, after a whole century of experience, in the hideous agglomerations that we have described in our previous volume. Though dismissed only in a few sentences in the General Report of 1834, the horror of it had been realised by the Inquiry Commissioners; especially, we gather, as regards its effect on the children, by the chairman, Bishop Blomfield.[1] Accordingly what the Report recommended by way of "well-regulated workhouses" was not a single institution and a single building for each Union, in which should be concentrated all Indoor Relief; but the adaptation, in each Union, of the various existing poorhouses, and, where necessary, the provision of others, in such a way that the indoor paupers might be classified, not in different parts of one building, but in entirely separate institutions, under separate management, with a regimen appropriate to each class. "At least four classes are necessary", declared the Report, "(1) the aged and really impotent, (2) the children, (3) the able-bodied females, and (4) the able-bodied males; of which we trust the two latter will be the least numerous classes. It appears to us that both the requisite classification and the requisite superintendence may be better obtained in separate buildings than under a single roof . . . Each class might thus receive an appropriate treatment; the old might enjoy their indulgences without torment from the boisterous; the children

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Apart from its mention (as hereafter quoted) in *The Health of the Nation*, by Sir B. W. Richardson, 1887, vol. ii. pp. 354-355, it was first described in the Report of the Poor Law Commission, 1909 (Majority Report, vol. i. of 8vo edition, p. 173; and more fully in Minority Report, vol. iii. pp. 19-23); see also *English Poor Law Policy*, by S. and B. Webb, 1910, pp. 54-60.

[1] Bishop Blomfield had taken an active part in the work of the Commission. "During the two years that the Commission was at work", Nassau Senior testified, "he was present at all our meetings, never fewer than once a week, often more numerous. He brought to them great knowledge, both of principles, and of details, unwearied attention, and, what was equally important, undaunted courage" (*A Memoir of Charles James Blomfield*, by Alfred Blomfield, 1863, vol. i. pp. 202-203).

be educated; and the able-bodied subjected to such courses of labour and discipline as will repel the indolent and vicious".[1] The need for separate buildings, under entirely different kinds of officers, with different qualifications, at different rates of payment—*in contradistinction* to one large building under a single officer—is emphasised again and again in different parts of the Report.[2]

It is startling to find that the Poor Law Commissioners between 1834 and 1847, pursued an entirely different policy. The published documents for this period do not afford any explanation of this divergence. They do not show, for instance, whether it meant the deliberate adoption of a new plan, or whether it resulted merely from a discovery that the recommendations of the Report were impracticable in particular Unions. The documents, for the most part, simply assume the advantage of the establishment, in each Union, not of a group of specialised workhouses for the different classes, but of one institution, to be called "The Union Workhouse", for the paupers as a whole. In no Special or General Order, in no Circular or published Minute, can we find any actual instruction (though, as we shall mention, in the first year there were two or three hypothetical suggestions) that a Board of Guardians should carry out the emphatic recommendations of the 1834 Report in favour of classification by institutions, and of the adaptation of the existing buildings into specialised workhouses, "assigning one class of paupers to each of the houses comprehended within each incorporation".[3] Nor was the unity introduced and insisted on by the Poor Law Commissioners one of structure only. That the policy was to have, under the one roof, for all the various kinds of paupers, only one institution and one regimen is revealed not only in the model plan provided. In the elaborate series of Special Orders and General Orders, which culminated in the General Consolidated Order of 1847 (in substance still in force), we find a minutely particular body of rules, referring always to "the" workhouse of the Union, applied with practical identity to all Unions, providing for the reception, under a single roof and subject to a single officer, of every kind of pauper; applying

[1] General Report of Poor Law Inquiry Commissioners, 1834, p. 307.
[2] See *ibid.* pp. 305, 306, 307, 313-314.
[3] P. 313 *ibid.*

to all the inmates a common regimen, and (with quite insignificant variations, to be subsequently noticed, for the aged, the sick and the infants), treating all the kinds of paupers alike.[1]

It was possibly connected with this policy of one general workhouse for each Union that we find the Poor Law Commissioners assuming that the grouping together of a score or more of parishes almost inevitably involved building a new workhouse. At first, indeed, the Assistant Commissioners were directed to examine to what extent existing poorhouses or workhouses could be "made useful for only one class of paupers," [2] "so that they might constitute, as it were, the wards of one common workhouse".[3] In August 1835, the Poor Law Commissioners could still write of their year's experience that "it has also been proved that the expense and loss of time in building new workhouses may, in many cases, be saved by a union of parishes and the combination of their existing workhouses and poorhouses, by assigning one or two classes of the paupers to one of the separate workhouses within the district".[4] But already by that time the contrary policy was being carried out by the most energetic subordinate of the Commissioners, who (as his unpublished

[1] See the first of such "Orders and Regulations", in First Annual Report of the Poor Law Commissioners, 1835, pp. 96-110; the Consolidated Order for the Administration of Relief in Town Unions, in Second Annual Report, 1836, pp. 81-89; the General Order, Workhouse Rules, February 5, 1842, in Eighth Annual Report, 1842, pp. 79-104; and the General Consolidated Order, July 24, 1847. See, for the whole episode, Minority Report of the Poor Law Commission, 1909, Cd. 4499, pp. 7-23 of 8vo edition; and *English Poor Law Policy*, by S. and B. Webb, 1910, pp. 55-59.

[2] First Annual Report of the Poor Law Commissioners, 1835, pp. 16 and 29.

[3] Such a development of separate buildings as "wards of one common workhouse" would, it was said, "offer great facilities in point of classification and discipline, and (having regard to the expense and delay of erecting large workhouses) will effect the objects of the Legislature in an economical and satisfactory manner" (Memorandum on Workhouses, sent with Instructions to Assistant Commissioners, MS. Minute Book, November 4, 1834). We may instance a Union in which the plan was at first followed. "In the Union", writes a clergyman, "we found two Poorhouses, one at Havant and the other at Emsworth, capable of being adapted for the purposes of the Union; and in order to make a distinction between the able-bodied and the infirm, we have agreed to retain the Havant house, and fit it up as a workhouse under strict discipline for such as apply for relief being out of work; and to send the old and helpless to Emsworth, where under a mild discipline they may receive the comfort consistent with their age, their characters and their education" (*A Letter to the Inhabitants of Warblington, Hants, on the New Poor Law*, by Rev. William Norris, 1836, p. 33).

[4] First Annual Report of the Poor Law Commissioners, p. 16.

reports show) had quickly satisfied himself, and was rapidly convincing his superiors, that the policy of utilising as specialised institutions the existing parish workhouses was, with the means of communication, locomotion and government of that time, administratively impossible. Already by August 1835, Sir Francis Head was reporting that "with the exception of Romney Marsh, the whole of the East Kent, comprehending an area of 590 square miles, is now grouped into compact Unions of parishes; these Unions are all very nearly of the same size—all contain very nearly the same population—*all have voluntarily adopted for their workhouse the same low, cheap, homely building—all have agreed in placing it in the centre of their respective Unions*".[1]

It is interesting to see the arguments by which this flagrant departure from the policy of the 1834 Report was attacked and defended. In 1835 we have a magistrate of Kent, belonging to a

[1] *Ibid.* p. 156. The Right Hon. Sir Francis Bond Head, Bart. [1793–1875], whose family was of Jewish extraction, served in the Royal Engineers, 1811–1825; became managing director of a South American mining company, 1825–1827 (see his *Reports of the La Plata Mining Association*, 1827, and *Rough Notes of Journeys in the Pampas and across the Andes*, 1828). He then published a Life of Bruce (the African traveller), 1830; and the clever and vivacious *Bubbles from the Brunnens of Nassau*, 1834. Whilst Assistant Poor Law Commissioner, he wrote a lengthy article in the *Edinburgh Review*, eulogistically describing the working of the New Poor Law, which was immediately published under the title *English Charity* (1835). Appointed Assistant Poor Law Commissioner in 1834, he was, in the following year, made a K.C.H. and appointed Lieut.-Governor of Upper Canada, where, in a situation of difficulty, order was maintained by somewhat drastic energy, and he was created a baronet (1836). "His conduct in other respects, however, was not equally satisfactory; he was reprimanded and came home." In fact, he had "saved a British connection, that was not seriously threatened, by driving a few extremists into a rebellion that tact could have prevented or precaution forestalled" (*Charles Buller and Responsible Government*, by E. M. Wrong, 1926, p. 22).

On going to see the Prime Minister, to ask for continued employment, he was met by Lord Melbourne's remark, "But you are such a damned odd fellow"—"a verdict", it has been said (*Lord Melbourne's Papers*, edited by Lloyd C. Sanders, 1889, p. 423), "fully justified by his indiscreet book", *A Narrative of Recent Events in Canada*, which he promptly published, first as a *Quarterly Review* article (vols. lxiii. and lxiv.) and then as a book (1839). Subsequently he wrote many articles for the *Quarterly Review*; and half a score of bright and interesting, but somewhat superficial, descriptive volumes. In 1867 he was made a Privy Councillor. He has been described as a "clever and versatile, though sometimes inaccurate writer" (*Dictionary of National Biography*); "a better writer of boys' books than a governor". His brother, Sir George Head (1782–1855), also an officer of distinction, was the author of a vivid description of industrial and provincial England (*A Home Tour*, etc., 1835, 1837, 1840).

Union where they had so far adhered to the recommendations of the Report, writing very graphically on the subject to Sir Francis Head. "There is one point", he said, "upon which our practice differs materially from most of our neighbours, and it is one upon which I entertain a strong opinion that ours is the correct system. It is the adaptation of existing workhouses to different classes, instead of building new ones. . . . In the first place, upon our system there is a great saving of expense; our homes altogether hâve cost us under £300. . . . I dislike the appearance of these new houses all over the country. . . . I dislike the outward and visible sign of change that is being operated. I am alarmed at the irritation. I fear the consequences. When we have eight workhouses there is hardly an inducement to pull down one only, and to pull them all down is next to impossible, from the wide surface over which they are spread. Our system, I might almost say, eludes the grasp of insurrection. Besides this, how much more perfect is the classification. How secure are our separate schools from all contamination. How small are the masses of pauperism which we bring together, compared with the congestion of one vast House. With us, our Houses are not like prisons, for we require no high wall to separate the classes; eight or ten miles distance is far more effectual than the highest walls".

To this Sir Francis Head replied to the following effect. He did not at all agree with his correspondent that eight classified workhouses were better than one general establishment. "The very sight", he said, "of a well-built efficient establishment would give confidence to the Board of Guardians; the sight and weekly assemblage of all servants of their Union would make them proud of their office; the appointment of a chaplain would give dignity to the whole arrangement, while the pauper would feel it was utterly impossible to contend against it. In visiting such a series of Unions, the Assistant Commissioner could with great facility perform his duty, whereas if he had eight establishments to search for in each Union, it would be almost impracticable to attend to them. I would, moreover, beg to observe that in one establishment there would always be a proper governor, ready to receive and govern any able-bodied applicants, whereas in separate establishments this most important arrangement (the Able-bodied House) during harvest, etc., would be constantly

empty, and consequently would become inefficient in moments of emergency ".[1]

Sir Francis Head, as we have seen, had his way. In writing a farewell letter to the Kentish Boards of Guardians at the end of 1835, he urged them to stick to the prescribed dietary, and to appoint a chaplain "to your central house, which will shortly be the sole establishment in your Union. . . . As soon as this important object has been gained—as soon as you find that the whole of your indoor poor are concentrated in one respectable establishment—under your own weekly superintendence—when you see yourselves surrounded by a band of resolute, sensible, well-educated men faithfully devoted to your service—you will then, I believe, fully appreciate the advantage which you, as well as your successors, will ever derive from possessing one strong, efficient building, instead of having, from false economy, frittered away your resources among your old existing houses."[2]

After this we hear practically no more of the policy of specialised institutions for particular kinds of paupers, as recommended in the Report of 1834. The policy of the Poor Law Commissioners settles down definitely to that which provided each Union with one general workhouse, in most cases built for the purpose, near the centre of the Union, which was to be, not merely a testing place for the able-bodied man, with his wife and dependent children, but—to use the Commissioners' own words—"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."[3]

[1] MS. Minutes, Poor Law Commissioners, November 3, 1834; also MS. correspondence of Sir Francis Head in Ministry of Health archives. His able correspondent was William Day, a young Sussex squire who was keenly interested in Poor Law administration, and became Vice-Chairman of the Uckfield Union (MS. Minutes, Poor Law Commissioners, November 3, 1834). In 1836 he was offered and he accepted office as an Assistant Commissioner (*ibid.* January 16, 1836); and he is found, for the next few years, putting the Act in operation in the Western Midlands and Wales. He seems to have been an energetic but not always subordinate official; and in 1845, at the time of the Andover Inquiry, he was called upon to resign (see *A Letter to Lord Viscount Courtenay*, etc., by William Day, 1847). He also wrote *An Enquiry into the Poor Laws and Surplus Labour, and their mutual reaction*, 1832.

[2] MS. correspondence of Sir Francis Head, in Ministry of Health archives; see *English Poor Law Policy*, by S. and B. Webb, 1910, p. 58.

[3] *Letters from the Poor Law Commissioners relative to the Transaction of the*

It is clear that this was not the policy of Bishop Blomfield nor of Nassau Senior, nor of any of their colleagues on the Inquiry Commission. It can also be proved that it was not the policy of the only one of them who passed to the new Department at Somerset House, as Secretary to the Commissioners appointed to carry out the Report. It happens that Chadwick's own draft of 1834 on this point, before it had received Nassau Senior's polishing revision, was preserved by him, to be published half a century later by Sir B. W. Richardson. As it is of interest in showing the nature of the revision, as well as in emphasising the feelings of the Inquiry Commissioners, we may give its actual wording in Chadwick's clumsy phraseology. "The towns comprehending several parishes, and the rural districts comprehending several parishes, in each of which there is already a workhouse, admit of a superior management under an incorporation in which several workhouses will be combined under one management. *Thus, when a town, which contains four or five parishes, each* with its respective workhouse, is incorporated, each house may be exclusively appropriated to a particular set of paupers. The old and impotent might be placed in one house by themselves; the whole of the pauper children may be placed in another house; the able-bodied females may be placed in a third of the workhouses, and the able-bodied males may be placed in the fourth house, the best adapted for discipline and regulation. Each class may then receive an appropriate treatment: the old may

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Business of the Commission, 1847, p. 60. The possibility had been once barely mentioned in 1837 of the one "common workhouse establishment" consisting "of a selection of the better workhouses now existing in each Union", instead of concentrating "all the necessary accommodation in one workhouse situated in the centre of the Union" (Third Annual Report, 1837, p. 27). See also the reference to this possibility in the Instructional Letter sent in that year to each new Board of Guardians (*ibid.* p. 82). In June 1837, the Commissioners said that they had always preferred one central workhouse, but had sometimes allowed existing ones to remain. Their two years' experience had now confirmed them in their belief that one central workhouse was better (Poor Law Commissioners to Newcastle Board of Guardians, June 20, 1837).

Two years later, in describing with praise, "the consolidation of workhouse establishments", which had been going on in Lancashire and Yorkshire, the Commissioners observe "that very few will ultimately find it desirable to retain more than one establishment" (Fifth Annual Report, 1839, p. 29). In the Special Report dated December 31, 1839, it is pointed out, as evidence that the Commissioners had not yet had time to put their policy completely into execution, that there were "still about seventy Unions in which a central workhouse" had "not yet been built" (Report of the Poor Law Commissioners . . . on the Continuance of the Poor Law Commission, etc., 1840, p. 7).

enjoy their comforts, the children may be educated properly for service, and discipline and rigour may (not by the Legislature or the Government, but by the Commissioners' regulations) be concentrated, to stop the influx of pauperism from the able-bodied. It is found very difficult in one small workhouse to introduce any system of classification; but by a combination of workhouses under an incorporation, a classification, to the extent of the number of workhouses included, may be made without any additional expense, with all the economy of extended or wholesale management, and with many advantages which are not obtainable when the whole of the various classes of paupers are brought under one roof." [1]

How keenly Nassau Senior felt on the subject may be inferred from the indignant surprise that he expressed in 1862 that the Poor Law Commissioners and the Poor Law Board should have deliberately perpetuated the General Mixed Workhouse which a whole century of experience had shown to be so horrible. "We recommended", in the 1834 Report, he told a House of Commons Committee, "that in every Union there should be a separate school; we said that the children who went to the workhouse were hardened if they were already vicious, and became contaminated if they were innocent. We recommended that in every Union there should be a building for the children and one for the able-bodied males, and another for the able-bodied females; and another for the sick [*i.e.* the aged and infirm]. We supposed the use of the four buildings in every Union—four distinct institutions—except this, that they need not be Workhouses. You might easily hire a house [apiece] for four distinct institutions separate from each other. *We never contemplated having the children under the same roof with the adults.*" [2] "But all this

[1] Extract from "Measures proposed with relation to the Administration of the Poor Laws", a paper of 1834 shown by Chadwick to Richardson about 1886; included in *The Health of Nations*, by Sir B. W. Richardson, 1887, vol. ii. pp. 354-355.

[2] Evidence of Nassau Senior before Select Committee on Poor Relief, 1862 (H. of C. No. 468 of 1862), p. 74; Minority Report of Poor Law Commission, 1909, Cd. 4499, p. 17 of 8vo edition. Whilst Bishop Blomfield and Nassau Senior had been concerned mainly about the children, others had thought of the comfort of the aged. The solicitor who had drafted the Poor Law Amendment Bill pointed out that it might be "well worth the consideration of the Guardians whether . . . a parish should not be recommended to receive their aged and infirm in these receptacles, once made comfortable for them, so as to reserve the united workhouse for such of their paupers as require strict

plan was overborne", Chadwick, in his old age, informed Sir B. W. Richardson, "by one started within the Executive Commission of treating the separate classes in separate wards of the same house, the Union house, under one chief manager. The separate system was the most difficult. It required services of specialists in administration which could not readily be obtained. For the treatment of the pauper children by school teachers of the mixed physical and mental training the teachers had then all to be trained. For the aggregation of cases for the purpose of segregation, and the special treatment of the segregrated cases suggested by Mr. Chadwick, undivided individual power was requisite. But he had none. All the Assistant Commissioners—lawyers and soldiers mostly—went in for the Union house";[1] and the Poor Law Commissioners found themselves convinced that the Assistant Commissioners were right.

The Need for a Single Workhouse

The "lawyers and soldiers" among the Assistant Commissioners, whom Chadwick blamed for landing the Commissioners into a policy of building a General Mixed Workhouse in every Union, had something to say for themselves; and even more than Sir Francis Head revealed to the Kentish Guardians of the Poor. Chadwick and his colleagues on the Inquiry Commission had failed adequately to think out the problem; and what they proposed was promptly found to be, from the very nature of the case, and as George Nicholls doubtless told them, quite impracticable. We may give an instance from a Union in which the proposal was put to the test. The new Board of Guardians of the Westhampnett Union (Sussex), presided over by the Duke of Richmond, who had been a member of the Cabinet Committee with which Nassau Senior discussed the scheme of reform, was

supervision, either with reference to work or discipline" (*Remarks on the Poor Law Amendment Act*, etc., by John Meadows White, 1834, p. 32).

[1] *The Health of Nations*, by Sir B. W. Richardson, 1887, vol. ii. pp. 355-356. Chadwick in 1866 told Gathorne Hardy (afterwards Earl of Cranbrook), who mentioned it in his speech in the House of Commons on the introduction of the Metropolitan Poor Bill, that the Poor Law Commissioners had not originally intended to have large central workhouses, but separate smaller houses, among which the various classes of paupers could be distributed according to their several requirements.

the "model Union" of the time. The Guardians, we are told, originally decided "to retain five of the old parish poor houses, so that, in conformity with the recommendations of the 1834 Report, certain descriptions of paupers should be sent exclusively to each, intending to retain the large Workhouse at Westhampnett for the able-bodied alone. . . . The house at Yapton was at first intended solely for the aged, that at Aldingbourne for the children, and that at Pagham for the aged and infirm; that at Sidlesham to remain unoccupied till the Board should see what claims were made for admission to a workhouse. . . . It was found that four workhouses would be quite unnecessary; and after great consideration it was determined to appropriate the house at Yapton entirely to the children, and to make other additions to that at Westhampnett, where all the other paupers were to be brought. Some inconvenience, however, was found to result even from the existence of two separate establishments. There could not be the same diligent supervision of the management of the House, the same attention to the treatment of the inmates, nor the same regularity of accounts as there might be if the whole establishment were concentrated under one roof." [1] It was, in fact, discovered by experience within a few months that the automatic distribution of each family among four separate institutions, however appropriate it might be for permanent residents, or even for patients undergoing prolonged courses of treatment, was incompatible with the use of the "offer of the House" merely as a "test of destitution", under the rule, on which the Poor Law Commissioners insisted, that the family must enter and leave as a whole; [2]

[1] Minority Report of the Poor Law Commission, 1909, Cd. 4499, pp. 19-20 of 8vo edition, quoting Report of Westhampnett Union, March 14, 1836, in House of Commons Paper No. 108 of 1838.

Nicholls, whose *idée fixe* about the "workhouse test" made him lacking in candour, rests the case for a central workhouse for the whole Union on economy. "It was", he says, "at first considered that the expense and loss of time in building new workhouses might sometimes 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 it was found that, in the long run, it was both more effective and more 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" (*History of the English Poor Law*, by Sir George Nicholls, 1854, vol. ii. p. 313).

[2] "No individual of a family should be admitted unless all its members enter the House. . . .This principle is established very generally in the

and that the head of the family must be free to take himself and his dependants away at any moment, "the sooner the better". When the able-bodied labourer presented himself, with his wife, possibly a grown-up feeble-minded son or daughter, and several young children, it was not easy at once to despatch these several persons to different buildings, scattered, miles away, all over the Union, with the practical certainty that, in a few days, the labourer would elect to leave the hated "Bastille"; when his various dependants would have to be fetched from their several institutions to join him at the workhouse gate, and with him face the world anew. In so far as the applicants for relief were aged folk, without belongings; or doubly orphaned children, for whose upbringing the Guardians had to become responsible until they reached an age at which they could be apprenticed; or sick persons for whom hospital accommodation was requisite, the separate institutions might have been practicable. But the Inquiry Commissioners had not distinguished between the workhouse as an instrument for "testing destitution", which would be successful if it made people keep out of it; and the workhouse as a place of institutional treatment, which could only fulfil its purpose by the patients remaining in it. Nor was any one class sufficiently numerous, in the Unions of ten miles radius that the Commissioners preferred, to permit of that "aggregation for the purpose of segregation" after which Chadwick pedantically hankered. Thus, in the Milton Union of Kent, where there had been 1900 people in receipt of relief, the chairman (Sir John Tylden) reported "we thought that we should want workhouse room for 500 able-bodied, and for 1000 of the other classes; it turns out that we have no able-bodied males, not enough women to do the work of the house, and only 105

English Unions" (Report of George Nicholls . . . on Poor Laws, Ireland, 1837, pp. 38-39).

The MS. Minutes of the Poor Law Commissioners show them, in their first years, to have insisted tenaciously on this rule; repeatedly refusing to allow one or more children of a man burdened with a large family to be received into the workhouse without him (MS. Minutes, May 16 and December 23, 1836, and October 31, 1837). They had to give way in a case in which the husband and all the children came in, but the wife steadfastly stayed outside. It was held that the wife could neither be coerced nor punished (*ibid.* December 7, 1837). On the other hand, from 1840 onward, when there was pressure on the workhouse accommodation, the able-bodied man was occasionally admitted alone, his wife and children being given Outdoor Relief (see p. 133).

inmates altogether".[1] Such a number was not exceptionally small. At the middle of 1839, after three or four years' use of the new workhouses, the total inmates of all the institutions maintained by the 478 Unions then established under the Poor Law Amendment Act, in urban and rural districts alike, was only 97,510,[2] giving an average of about 200 for each institution—nearly all the adults among them being the "impotent poor", aged and infirm persons, sick and defectives, in each case with a few dozen or a few score of children of all ages and conditions. Owing to the Poor Law Commissioners' overwhelming desire to use the workhouse, not merely or even mainly as a residential institution, but as a "test" to induce people to keep out of it; owing to their firm conviction that it would be fatal to depart from the rule that each family must enter and leave as a whole;[3] owing to their very natural failure at that date to realise that what was needed was, not the mere relief of destitution but the provision of hospitals, lunatic asylums, residential schools for orphan children and homes for the aged; and owing to the relatively small population of the great majority of the Unions that were formed, there was, in fact, as Nicholls must have explained, and as the Assistant Commissioners found, no practicable alternative to the perpetuation of the General Mixed Workhouse.

[1] Second Annual Report of the Poor Law Commissioners, 1836, Tufnell's Report, p. 196.

[2] Report of the Poor Law Commissioners . . . on the Continuance of the Poor Law Commission, 1840, p. 56.

[3] We may note an exceptional and temporary resort to the device—known afterwards as the Modified Workhouse Test—which the Whitechapel Board of Guardians obtained the reluctant permission of the Local Government Board to adopt in 1887, and which was later made the basis of the Hollesley Bay experiment for the unemployed. In the acute distress of 1840–1841, "in the Halstead Union, in Essex . . . the workhouse being nearly full, the Guardians admitted able-bodied men into the workhouse, while their wives and families were relieved at their own homes. . . . [In the Taunton Union] upon the representation of the Commissioners, they admitted the head of the family into the workhouse, granting adequate out-relief to the remainder" (Seventh Annual Report of the Poor Law Commissioners, 1841, pp. 2, 220). Similar action was taken, in the distress of 1841, in the Wellington, Dorking, Stroud and other Unions, with the sanction of the Commissioners; but they deprecated this course except in an emergency, when the Workhouse was full, or nearly full (*Extracts from the Minutes of the Poor Law Commissioners*, January and April 1841).

The Scheme of Classification

The Commissioners were the more ready to fall in with this solution in that, with what seems to-day a curious self-complacency, they ascribed the horrors of the General Mixed Workhouse, which Crabbe had described in memorable verse, and which their own Assistant Commissioners had found still existing up and down the country, merely to the lack of the oversight and of the rules of a Central Authority.[1] The Commissioners seem to have been almost childishly complacent about the elaborate scheme of classification which they imposed authoritatively on every Union, great or small, urban or rural, whether provided with an old and ill-adapted building, or with one newly erected according to the approved plans. As enacted for Union after Union, from 1836 onwards, confirmed with only minor modifications by a General Order of February 5, 1842, and stereotyped in that of July 24, 1847 (which the Commission of 1905–1909 found in substance still in force), this classification (which has the force of statute law) required the separate provision for seven distinct classes of paupers, (i.) men infirm through age or any other cause; (ii.) able-bodied males over fifteen; (iii.) boys between seven and fifteen; (iv.) women infirm through age or any other cause; (v.) able-bodied females over fifteen; (vi.) girls between seven and fifteen; and (vii.) children under seven. Explicit rules enjoin that each class is to remain in the separate apartments or buildings assigned to it, without communication with any other class.

Some such general classification is, of course, required in any residential institution. What is remarkable is the rooted belief of the Commissioners (and their successors) that any paper rules of the sort could possibly attain their object. "This separation", emphatically declared the Commissioners in 1834, "must be entire and absolute between the sexes, who are to live, sleep, and take

[1] This was the lesson drawn by Nassau Senior from the strictures of a French critic upon mixed institutions on the Continent (*De la charité légale*, par F. M. L. Naville, 1831; see *Remarks on the Opposition to the Poor Law Amendment Bill*, by a Guardian [Nassau Senior], 1841, p. 34). He also quotes with approval Bishop Copleston as to the eighteenth-century workhouses having become what they were owing merely to the lack of continuous outside supervision (*Second Letter to . . . Sir R. Peel on the Causes of the Increase of Pauperism and on the Poor Laws*, by one of his constituents [E. Copleston], 1819, p. 75; in *ibid.* p. 31).

their meals in totally distinct and separate parts of the building, with an enclosed yard for each ".[1]

We need not stay to criticise the glaring omissions from this classificatory scheme, in the light of modern institutional experiences. As we pointed out in 1910, " there is no class for the sick, whether suffering from infectious or contagious diseases, or from others. There is no class for the lying-in cases. There is no class for the lunatics, idiots, imbeciles or feeble-minded. There is no provision for infants at the breast, who, by the classificatory scheme, were ordered to be separated from their mothers. There is no class for the vagrant intending to stay only one night. Finally, there was no provision made for any segregation by character—not merely none by past character, but not even for any by present character or conduct, which would have effected a separation between quiet and orderly inmates, and the turbulent prostitute or semi-criminal ".[2] The explanation of these omissions is, plainly, that in 1836, 1842 and 1847, the Poor Law Commissioners, who had, of course, not begun to think of the Workhouse as an institution for specialised treatment, refused even to consider it seriously as a place of continuous residence. They still contemplated the sick and infirm, the aged, the defectives and the mothers in childbirth, being normally in their own homes, in receipt of Outdoor Relief. The Workhouse was still thought of only, or mainly, as a " test ".[3]

[1] MS. Memorandum on the Workhouse, sent with the first Instructions to the Assistant Commissioners, in MS. Minutes of Poor Law Commission, November 4, 1834.

[2] *English Poor Law Policy*, by S. and B. Webb, 1910, pp. 61-62. It is to be noted that the classification imposed by the Orders, which had the force of law, is more rigid than had been originally contemplated by the Commissioners. Thus, in the first instructions to the Assistant Commissioners (which were not published), they were told that the "sick must have separate wards or rooms appropriated for them"; and "infants may be kept by the mothers until of age to receive instruction, when they are to be sent to the school"; for "each workhouse must, of course, be provided with a school", to which, in times of unemployment, the children of able-bodied labourers, not otherwise in receipt of relief, might be admitted during school hours, and fed (MS. Minutes, November 4, 1834).

[3] To the end of his life, after nearly twenty years' experience of central Poor Law administration, Nicholls could still so regard it. "It is hardly an exaggeration to say," he wrote in 1854, "as a general rule, that a workhouse may be regarded as being useful in proportion to the small number of its inmates" (*History of the English Poor Law*, by Sir George Nicholls, 1854, *vol. ii.* p. 441). The permanent workhouse population has, in 1928, come to exceed 200,000.

It is only fair to say that some of the classificatory omissions and ineptitudes were (without altering the legal effect of the Orders) silently remedied, as regards particular Unions, by Instructional Letters, ordinary correspondence or verbal permissions of the Assistant Commissioners or Inspectors. But what was never remedied is the futility to which the classificatory scheme itself is reduced by the necessities of the household service.[1] The Poor Law Commissioners themselves, and their successors down to this day, have always suggested or sanctioned a system of institutional organisation dependent on the household work being performed, as far as practicable, by the inmates themselves, all of whom are to be kept incessantly occupied, up to the limits of their ability, in the service of the Workhouse. This may be the right system for a Workhouse; but it is obviously inconsistent with any strict separation of its inmates into classes isolated from each other in the daylight hours. Thus, far from each of the seven prescribed classes being, in a General Mixed Workhouse, kept entirely apart from all the rest, even under the Classificatory Order, "the able-bodied women who formed Class V. might be supervised by the aged and infirm women of Class IV. The children under seven who formed Class VII. might be supervised either by the able-bodied women of Class V., or by the aged and infirm women of Class IV., or by the girls of Class VI. The boys over seven who formed Class III. might be supervised by the aged and infirm men of Class I. The girls over seven who formed Class VI. might be supervised by the aged and infirm women of Class IV. These girls, so far from being confined to the premises assigned to their class, were to be employed in the able-bodied women's wards, in the aged and infirm women's wards, in the wards for children under seven, and in household work generally, provided only they were somehow prevented from communicating with able-bodied men or boys. The sick, whether male or female, had necessarily to be waited on; and no paid nurses were [until a far later period] required to be appointed. Consequently the provision allowing all the sick wards to be attended by able-

[1] It is amazing that it should have been left for a German observer to point out, half a century later, that "the fact that the household work, and the general supervision of the wards devoted to children, are undertaken by other inmates of the Workhouse involves constant association of the children with persons whose moral influence is not at all likely to be beneficial" (*The English Poor Law System*, by Dr. P. F. Aschrott, 1888, p. 220).

bodied women, by the girls between seven and sixteen, by the aged women, or by any combination of these that the master might direct, in itself necessarily destroyed all real segregation ".[1] Finally, we have what it was left for a woman Guardian sixty years later to describe as " the extraordinary omission of any directions concerning dining hall and chapel ": places of common assembly in which the gibbering idiots were in view of the children and the pregnant women, and which enabled assignations to be made by notes passed from men to women.[2] This common dining hall and chapel appeared in the model plan published by the Poor Law Commissioners [3] for the guidance of the new Boards of Guardians simultaneously with the classificatory scheme; and these places of common assembly have ever since continued to be features of the " well-regulated Workhouse " for all ages, all grades of intelligence and both sexes.

Critics of the Workhouse

The General Mixed Workhouse, for which the Poor Law Commissioners gradually got extensive new buildings erected all over England and Wales (and, meanwhile, also from one end of Ireland to the other) has ever since remained—in spite of continuous efforts at improvement by Poor Law Guardians and Central Authority alike—the opprobrium of the English Poor Law system, condemned by a whole series of observers, and approved by none. " During the last ten years ", said a learned lawyer in 1852, " I have visited many prisons and lunatic asylums not only in England, but in France and Germany. A single English Workhouse contains more that justly calls for condemnation in the principle on which it is established than is found in the very worst prisons or public lunatic asylums that I have seen. The Workhouse as now organised is a reproach and disgrace peculiar to England; nothing corresponding to it is to be found throughout the whole Continent of Europe. In France, the medical patients of our Workhouses would be found in ' hôpitaux '; the infirm aged poor would be in ' hospices ';

[1] *English Poor Law Policy*, by S. and B. Webb, 1910, p. 67.
[2] " The Management of Poor Law Children ", by Mrs. W. R. Browne, in *Poor Law Conferences, 1897–1898*, p. 93.
[3] First Annual Report of Poor Law Commissioners, 1835, pp. 97, 111, 407-415.

and the blind, the idiot, the lunatic, the bastard child, and the vagrant would similarly be placed in an appropriate but separate establishment. With us a common *malebolge* is provided for them all; and in some parts of the country, the confusion is worse confounded by the effect of prohibitory orders, which, enforcing the application of the notable Workhouse Test, drive, into the same common sink of so many kinds of vice and misfortune the poor man, whose only crime is his poverty, and whose want of work alone makes him chargeable . . . It is at once equally shocking to every principle of reason and every feeling of humanity that all these varied forms of wretchedness should be thus crowded together into one common abode; that no attempt should be made by law . . . to provide appropriate places for the relief of each."[1] Continental writers of authority, at one time admirers of our Poor Law, became equally condemnatory of the General Mixed Workhouse. "The English Workhouse System", declared Rudolph von Gneist in 1871, "notwithstanding the elaborate Orders, remains undeniably at a stage of development which most Continental administrations have passed. The Workhouse purports at one and the same time to be: (i.) A place where able-bodied adults who cannot and will not find employment are set to work; (ii.) an asylum for the aged, the blind, the deaf and dumb or otherwise incapacitated for labour; (iii.) a hospital for the sick poor; (iv.) a school for orphans, foundlings, and other poor children; (v.) a lying-in home for poor mothers; (vi.) an asylum for those of unsound mind not being actually dangerous; (vii.) a resting-place for such vagabonds as it is not deemed possible or desirable to send to prison. The combination of such mutually inconsistent purposes renders the administration defective as regards each one of them; subjects to shame and indignity whole classes of persons who never ought to be brought into such companionship; and in particular makes the institution as a place for children absolutely ruinous".[2] A quarter of a century later a French critic made much the same complaint. "In the Workhouse as we have described it", wrote Émile Chevallier, "we see many

[1] *Pauperism and Poor Laws*, 1852, p. 364, by Robert Pashley, Q.C., late Fellow of Trinity College, Cambridge, author of *Travels in Crete*, etc.; Minority Report of Poor Law Commission, 1909, p. 17.

[2] *Das Self-Government*, etc., by R. von Gneist; edition of 1871, p. 748; Minority Report of Poor Law Commission, 1909, p. 18.

faults. The requirement of work from inmates, justified if it contributed towards the cost of maintenance, becomes, when it is so ludicrously unproductive, nothing better than an unwarranted punishment. Yet the institution might possibly justify itself, if not to the economist, at any rate to the philanthropist, as capable of affording a temporary refuge for unmerited distress, but for the fact that in these establishments the very notion of relief gives way to that of penal treatment, whilst in the majority of cases they result in complete promiscuity between the idle and the worthy, between vice and misfortune".[1] Nor have these weighty foreign condemnations of the very nature of the General Mixed Workhouse evoked any denial of the facts. The institution, admitted, in 1881, the Rev. T. W. Fowle, "contains those very classes whom one would least of all select to associate with each other; both sexes, extreme ages, different degrees of imbecility and disease, those who are much to be pitied and those who are much to be blamed. All these are under the same roof, and under the government of the same officials, who may be as fit to deal with one class of inmates as they are unfit to deal with another. Hence, there comes from this aggregation of classes something that may be described as the Workhouse essence; it is neither school, infirmary, penitentiary, prison, place of shelter or place of work, but something that comes of all these put together. Nor is it possible by any classification to prevent contact, and, it may be, moral contagion; in the smaller houses classification is at all times difficult, and in no case does it hold good at meals, church, and other occasions. And it may well be that the regular and peaceable (afflicted) inmates endure much preventable suffering from the operation of this cause".[2]

We need not dwell on this regimen, or on the details of administration of the Workhouse, as to which the Poor Law

[1] *La Loi des pauvres*, by Émile Chevallier, 1895, p. 392. See also *Étude sur les Workhouses*, by H. Dispan de Florau, 1912.

[2] *The Poor Law*, by Rev. T. W. Fowle, 1881, p. 142; *Report of the Royal Commission on the Poor Laws and Relief of Distress*, vol. iii., being the Minority Report, 1909, pp. 17-18. The evils of the General Mixed Workhouse are, indeed, officially recognised. "I have", reports an Inspector, "on several occasions in former reports commented on the evils of mixing up different classes of paupers in the same Workhouse; but I feel compelled to refer to the subject again, because of its great importance, of which I am convinced" (Thirty-sixth Annual Report of the Local Government Board, 1907, p. 284, Lockwood's Report).

Commissioners issued innumerable instructions in one form or another, all of them calculated, according to the knowledge of the time, and in some degree, to repair the omissions, remedy the evils and improve the management of the "mixed" institution to which the Commissioners had committed themselves. We must do the Poor Law Commissioners and their successors, together with their Assistant Commissioners and Inspectors, the justice of recognising the skill and assiduity with which they have persistently striven to prevent the grosser scandals by which workhouse administration has, generation after generation, occasionally been marked. We must accord appreciation of the continuous efforts of humane and enlightened members of Boards of Guardians to cope with the manifold difficulties attendant on the conduct of what is essentially the aggregation together of a whole series of residential institutions for the treatment of specialised classes, in intimate combination with each other, and with the fundamentally different object of maintaining, by semi-penal conditions, a deterrent "Workhouse Test". It may be freely admitted that, in the best cases, a large measure of practical efficiency has been attained. But we shall fail to realise the gravity of the step taken by the Poor Law Commissioners, in 1835–1837, in deciding to perpetuate the General Mixed Workhouse—we shall find it difficult to understand the subsequent course of English Poor Law administration—unless we note how largely this has consisted of a perpetual series of efforts to undo what was decided in these years; of attempts to take out of the General Mixed Workhouse, and to transfer to specialised institutions or other forms of treatment, one class of paupers after another; the children, the vagrants, the persons of unsound mind, those suffering from infectious disease, other sick persons, the blind, the deaf and dumb, the crippled, the sane epileptics, the chronically infirm or feeble-minded, the aged, and even the able-bodied unemployed!

There is, however, one explanation of the failure of the Poor Law Commissioners and the Boards of Guardians to carry out the specific recommendations of the Report of 1834 in favour of distinct and specialised institutions, under separate management, for different classes of paupers; an explanation which may be thought to absolve them from blame. It may be said that the fault was "higher up"; that it was in the creation of Local

Authorities responsible, not for providing the best possible treatment, *in the interests of the community as a whole*, for the training of the children, the curing of the sick, the care of the insane, the well-being of the aged, and the setting to work of the able-bodied, but for merely relieving the destitution of the destitute as such, that the error lay; and that this error was committed by the Inquiry Commissioners themselves, in the Report of 1834. Was it practicable for an "Indigence Relief Ministry", working through local Destitution Authorities, to persist in maintaining such separate institutions? If Nassau Senior and Chadwick had been able to study carefully the century-long experience of the Workhouses under the Old Poor Law, they would have realised the unlikelihood of an Authority charged with the relief of all kinds of destitute persons, primarily and ostensibly in their own interests, and merely in respect of their destitution, being able to resist the lure of the General Mixed Workhouse. "There is one fact," we say in our summary of this experience, "that stands out in the analysis of all the different types of Workhouses, whether the institution was started as a House of Correction, as a factory for profitably employing the poor, as a means of deterring applicants for relief, or as an establishment for the education of the young, the treatment of the sick, or the detention of the mentally defective and the lunatic. However it began, the institution was perpetually crumbling back into the General Mixed Workhouse. We have already likened this sociological fact to the analogous biological fact, the 'reversion to type' of artificially bred species of plants or animals; for instance, the reversion of all the varieties of pigeons to the 'Blue Rock' pigeon. The sociological process of reversion seems to be closely associated with one original or dominant purpose of the institution as reflected in the structure and function of the governing Authority. Now the original and dominant obligation, cast upon the parish officers and the Justices of the Peace by Parliament, was not the education of the children, or the treatment of the sick, or the confinement of the lunatic, or the profitable employment of all who were able-bodied, but the mere relief of the necessities of the whole body of the poor within a particular area; in short, the abatement or removal of the public nuisance of destitution. Now and again, owing to the presence of enthusiastic reformers of one kind or

another among the parish officers, Justices of the Peace, or Incorporated Guardians of the Poor, some more recondite purpose would be superimposed on the primary object of the institution. But these exceptional reformers would pass away; and under the direction of the common type of Overseer, Justice of the Peace or apathetic governor or Guardian of the Poor, the secondary purpose would be given up, and the General Mixed Workhouse, with all its horrors of promiscuity, oppression and idleness, would again emerge as the localised dumpheap for all kinds of destitute persons. The undifferentiated Local Authority, formed to deal with the destitute as such, could never permanently avoid the undifferentiated institution." [1]

The Abolition of Outdoor Relief

If with regard to the Workhouse the Poor Law Commissioners departed from the 1834 Report in the direction of greater simplicity and severity, with regard to the equally crucial question of Outdoor Relief they were accused in some quarters of having, from their earliest years, fallen short on the opposite side. There are, however, on this point conflicting versions as to what had been intended. The esoteric doctrine, held at this time by many who thought themselves enlightened—we suspect by George Nicholls and perhaps by Edwin Chadwick, and by some of the Utilitarian economists with whom they were in touch—was that salvation lay in admission to the Workhouse being offered to all applicants for assistance, without exception; and in Outdoor Relief being as soon as practicable, for all classes of recipients, completely withdrawn.[2] This was pictured by Harriet Martineau

[1] *English Poor Law History: Part I. The Old Poor Law*, 1927, pp. 415-416.

[2] This universal adoption of the "Workhouse Test", and complete prohibition of Outdoor Relief was expressly recommended for Ireland by Cornewall Lewis (see *Abstract of the Final Report of the Commissioners of Irish Poor Law Inquiry, etc., also of Letters by N. W. Senior and G. C. Lewis*, 1837); and by George Nicholls (see his Report on Poor Laws, Ireland, 1837, p. 37); and actually put into a statute in 1838, when, with the assistance of the Poor Law Commissioners, an Act (1 and 2 Vic., c. 56) was passed "for the more effectual relief of the destitute poor in Ireland". The administration of the Poor Law thus instituted in Ireland was entrusted to the English Poor Law Commissioners; and Nicholls, as we learn, resided in Ireland for this purpose "from September 1838 up to the end of 1842" (*Letter from the Poor Law Commissioners relative to the Transaction of the Business of the Commission*, 1847, p. 22), rigidly insisting, as the law required, on the universal refusal of Outdoor Relief. We even find the Poor Law Commissioners observing, in

in her tales of *Poor Laws and Pauperism Illustrated* (1833–1834), where the universal application of the "Workhouse Test" was shown as leading infallibly to all classes of paupers promptly preferring to do without relief altogether; and the story closed with the picture of the Workhouse Master and his wife turning the key in the lock of the front door of the completely emptied workhouse, and walking back to the entirely "depauperised" village! There is, accordingly, some justification for the persistent belief, sedulously fostered in after years by those who desired its acceptance, that the "Principles of 1834" included (and, indeed, mainly consisted of) the complete abolition of Outdoor Relief, in favour of the "Workhouse Test," and of an exclusively institutional provision for all the destitute.[1] But whatever may have been loosely phrased in private talk, there is no warrant for the impression that the Commissioners' own Report of 1834 contained even a suggestion of the general

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their special *apologia* of 1840, that "the system of legal relief which actually exists in England, and the system which is about to be introduced into Ireland, *may be considered as substantially identical*; that is to say, both systems rest upon the Workhouse" (Report of the Poor Law Commissioners . . . on the Continuance of the Poor Law Commission, 1840, p. 12). In the same report they slip into language explicitly condemning all Outdoor Relief as such. "The fundamental principle with respect to the legal relief of the poor is that the condition of the pauper ought to be, on the whole, less eligible than that of the independent labourer. . . . *All distribution of relief in money or goods to be spent or consumed by the pauper in his own house, is inconsistent with the principle in question*" (*ibid.* p. 45).

It is significant of the manner in which Nicholls understood the 1834 Report that, in the elaborate summary of it which he gave in his *History of the English Poor Law*, 1854 (vol. ii. pp. 252-277), the provision of Outdoor Relief for the sick and aged, of which the Commissioners clearly contemplated the continuance, is not so much as mentioned. He says elsewhere that "the extinction of Outdoor Relief was reckoned upon, or at least was expected to be so far reduced as to form the exception" (*ibid.* p. 391). It may be inferred that in 1834 he had advanced on his opinions of 1821. At any rate, in his Southwell experiment of the latter year, he had not only continued Outdoor Relief to the aged and infirm, but had even anticipated the modern Day Industrial School, by starting a school for the children of wage-earning labourers with large families, where the pupils were taken off their parents' hands all day, adequately fed, and sent home at night (*ibid.* p. 246). This expedient (as already mentioned) was tentatively suggested to the Assistant Commissioners in their first Instructions (MS. Minutes, Poor Law Commissioners, November 4, 1834); never, we believe, confirmed or repeated by the Poor Law Board, the Local Government Board, the Ministry of Health.

[1] This impression went so deep as to make subsequent writers imagine that the Commissioners actually did stop Outdoor Relief! "A million pensioners", wrote Spencer Walpole, "were suddenly deprived of their pensions, and forced to depend on their own labour for their support" (*History of England*, by Sir Spencer Walpole, vol. iv., 1886, p. 29).

abolition of Outdoor Relief, still less any recommendation to that effect. That Report certainly gave the Legislature and the public to understand that its recommendations contemplated a continuance of the universal practice of relieving by weekly doles the great majority of the destitute aged and infirm, sick and mentally or physically defective, and widows and orphans; and that it was stern only in definitely demanding, at some date no more than two years hence, the absolute refusal of Outdoor Relief to the able-bodied men and their dependants. "There was nothing in Lord Althorp's speech", rightly declared a competent observer, who was possibly Nassau Senior himself, "which shows that the Government contemplated the refusal of Outdoor Relief to the aged and infirm, or to classes other than able-bodied labourers, as a consequence of this measure." [1]

Nassau Senior, in fact, had specifically assured Lord Lansdowne, for the Cabinet, that the proposed workhouse was to be only for the able-bodied and their families; "the aged and impotent," he wrote, "the true poor as they are called in the 18th Elizabeth, are excluded." [2] The Poor Law Amendment Act, as modified in the House of Lords, was actually milder than the Report or the Bill, in that it omitted all mention of a prohibition of Outdoor Relief, even to the able-bodied men; and merely (by Section 52) empowered the Commissioners to make, regarding relief to the able-bodied, such "rules, orders and regulations" as they thought fit; supplementary, we must assume, to their other "rules, orders and regulations" (under Section 15) for the relief and management of the poor generally. The Commissioners themselves explained in 1847 that they had "been placed between two extreme opinions. . . . On the one hand, it is held that the main object of the Poor Law Amendment Act is the extinction or repression of Outdoor Relief generally (and not merely of the Outdoor Relief to the able-bodied), with the consequent diminution of the expenditure from the poor's rate; and that the Commissioners ought to proceed to the accomplishment of this end with little regard to public opinion. On the other hand, it is asserted that the existing law and the regulations made under it have gone much too far in the limitation of the Outdoor Relief

[1] *The English Poor Law and Poor Law Commission in 1847* (Anon.), p. 11.

[2] Nassau Senior to Lord Lansdowne, March 2, 1834; in MS. Diary (No. 173 in library of University of London).

to the able-bodied, have effected too great a reduction in the amount of pauperism and the expenditure for the relief of the poor, and have thereby deprived the poorer classes of a vested right in the property of the rate-paying part of the community."[1]

Accordingly, though we find the Poor Law Commissioners almost at once prohibiting (except in case of sickness) any relief whatsoever to men actually in employment at any wage at all, or to their families; and promptly restricting the kind of Out-relief given to able-bodied men who were unemployed; and, as soon as a Workhouse was available, even prohibiting, in Union after Union, Outdoor Relief to the unemployed able-bodied men and their families; we do not find any such restrictive orders about the Outdoor Relief of the aged and infirm, the sick and the mentally or physically defective, or the widows and orphans. With regard to these classes of paupers (who normally comprise, in the aggregate, more than half of all the applicants for relief) the Poor Law Commissioners left to the Boards of Guardians an unfettered discretion, which was nearly everywhere used to continue the customary practice of Outdoor Relief. In comparison with the Overseers' work in the past, the administration was usually doubtless improved, the cases were more carefully investigated and possibly more regularly watched, whilst manifest fraud or misbehaviour became more certainly a cause of disqualification. But the stream of doles to the non-able-bodied was not interrupted.

Even with regard to the able-bodied and their dependants, the Commissioners thought it prudent to proceed cautiously.[2]

[1] *Letters of the Poor Law Commissioners relative to the Transaction of the Business of the Commission*, 1847, H. of C. No. 148 of 1847, pp. 30-31; *English Poor Law Policy*, by S. and B. Webb, 1910, p. 87.

[2] The Poor Law Commissioners had more prudence than some of their Assistant Commissioners. "It appears to me", wrote Sir Francis Head in 1835, within ten days of his appointment—not for nothing had he been known in South America as "Galloping Head"—"that we have no discretion allowed to us to deliberate whether the Workhouse System is good or bad. Our Poor Law Amendment Act is physic which the Legislature, in the character of physicians, has prescribed to remedy an acknowledged evil. We are called upon to administer it, and it seems to me that the only discretion granted to us is to determine what period is to elapse before *all Outdoor Relief is to be stopped*" (MS. letter, Sir Francis Head to S. L., in Ministry of Health archives; *English Poor Law Policy*, by S. and B. Webb, 1910, p. 86). We may charitably assume that Sir Francis Head did not mean what he said; and that he was thinking only of the able-bodied and their dependants.

Whilst promulgating very definite prohibitions as regards Outdoor Relief to persons actually in employment (and, in England south of the Trent, also to adult men failing to secure employment) provision was expressly made for numerous exceptions. The various Prohibitory Orders provided that Outdoor Relief might be given, even to adult able-bodied men, (1) " where such person shall require relief on account of sudden or urgent necessity " ; [1] or (2) " on account of any sickness, accident or bodily or mental infirmity, affecting such persons, or any of his or her family, or on account of the funeral of any of his or her family " ; and, most far-reaching of all, characteristically added only in the " Instructional Letter " that accompanied the Order, (3) in any other case whatsoever where " the immediate withdrawal or denial of Outdoor Relief may appear likely to produce serious evil to the applicant ", subject to the case being reported within fifteen days to the Poor Law Commissioners " in order that the Commissioners may give their opinion thereupon ". The latter exception, the widest of all loopholes,[2] promoted to the body of the Order, has continued to exist down to the present day (1928) ; without publication of the total number of cases during each year in which the necessary covering sanction is given or refused. In the early years of the Poor Law Commissioners it is clear that local laxity was judiciously winked at. " In the Rye Union, for instance," we learn incidentally in 1845 from a rebellious Assistant Commissioner, " it was the practice of the Commissioners to sanction, as a matter of course, small sums in aid of wages to lists of able-bodied men. In 1842, when the district including that Union was placed under my superintendence, I enquired into the subject, and I was told in the Commissioners' office that I was to overlook the existing compromises of the law in that Union, for the population was too deeply pauperised for the Poor Law system to work beneficially there." [3]

But, at all times from that day to this, we gather that the Central Authority has given its covering sanction to many such

[1] This exception was inserted by the House of Commons during the passage of the Poor Law Amendment Bill, at the instance of Nassau Senior himself (MS. Diary, p. 97).

[2] Report of the Poor Law Commissioners . . . on the Continuance of the Poor Law Commission, 1840, pp. 105-110.

[3] *Letters to . . . Sir James Graham . . . on the Subject of Recent Proceedings connected with the Andover Union*, by H. W. Parker, 1845, p. 3.

cases, reported as a matter of course from many of the Unions; without, we may observe, revealing to Parliament or the public, or to the Poor Law Guardians generally, the extent of this breach in the prohibitory regulations. In 1842 it was confessed that, "in cases where this [the Out-relief Prohibitory] Order has been issued", the Poor Law Commissioners "had been obliged to sanction large exceptions to its provisions".[1]

The Commissioners, in 1847, explained and justified what Chadwick and others had criticised as their weak and temporising policy. They claimed that they had "pursued a middle course almost equally removed from each of these extremes. They have considered the main object of the Legislature in passing the Poor Law Amendment Act to have been the extinction of the Allowance System, or the system of making up the wages of labourers out of the poor's rate. With this view their regulations respecting the limitation of Outdoor Relief have been almost exclusively confined to the able-bodied in health; and these regulations have been issued particularly to the rural Unions, inasmuch as it was in the agricultural counties, and not in the large towns or manufacturing districts, that the Allowance System was most prevalent, and led to the most dangerous consequences."

The Poor Law Commissioners, in short, prudently refrained from even attempting to abolish Outdoor Relief. To use their own words, "In a matter beset with difficulties, arising both from the social condition of the poorer classes, and the divided state of public opinion, the Commissioners have endeavoured to follow a safe and a prudent, and at the same time a consistent course".[2] With regard to the various classes of the "impotent" poor, making up at least one half of the whole, they publicly disclaimed any wish to interfere with the customary method of

[1] Ninth Annual Report of the Poor Law Commissioners, 1842, p. 381. This is borne out by the MS. Minutes of the Commissioners for their earlier years, which mention many such covering approvals, which seem indeed to have been granted almost as a matter of course (see also the printed *Extracts from the Minutes of the Poor Law Commissioners, 1839–1841*). The frequency of this practice was incidentally revealed in 1911, when (apparently for the first time) statistics were compiled of the "departures from the Outdoor Relief Regulations reported to the L.G.B. during 1909", which show that Outdoor Relief was thus sanctioned to 31,890 persons in 235 Unions (Report of Departmental Committee on the Orders as to Outdoor Relief, 1911), without stating in how many cases sanction was withheld.

[2] Report of the Poor Law Commissioners . . . on the Continuance of the Poor Law Commission, 1840, p. 52.

relief in the pauper's own home.[1] It was mainly with regard to persons in employment that they were determined peremptorily to stop Outdoor Relief. From the able-bodied man in health and temporarily unemployed, with his immediate family dependants, the Commissioners also sought to get Outdoor Relief gradually withheld, and admission to the Workhouse offered instead; but this the Commissioners insisted on with so many exceptions and loopholes in the Southern Counties, and so faintly and with so many alternatives in the industrial urban districts of the North, as to leave in every Union a larger or smaller number of cases in which the Guardians were free to take their own line. We need not be surprised, accordingly, to learn that, by the end of 1839, "the number of paupers in the Workhouses is about 98,000", whilst "the number of paupers receiving Outdoor Relief is above 560,000".[2] Nor did the Poor Law Commissioners see their way to make any approach to a solution of the social problem presented by the continued existence of a half a million destitute people—a total that from that day to this has never fallen more than a trifle below the figure of 1839—for whom nothing more satisfactory than weekly doles was provided. With regard to the aged and infirm (who, with the sick and the children not dependent on able-bodied parents, accounted for the bulk of the pauperism), the Commissioners expressly declared "it is not our intention to issue any such rule . . . unless we shall see in any particular Union or Unions frauds or abuses imperatively calling for our interference".[3]

[1] This may not have been the original intention of the Commissioners. It is possible that some at least of the Commissioners had, at the outset, the idea of prohibiting all Outdoor Relief. "In districts", they state at the end of their first year, "where the administration of relief is in advance of the pauperised districts, the rules have been modified to promote a further advance. In the Cookham Union we have ordered that all Outdoor Relief to the able-bodied shall be discontinued. *We have established that in the parish of Sandridge no Outdoor Relief whatsoever should be allowed*" (First Annual Report of the Poor Law Commissioners, 1835, p. 28). It is not stated what actually happened at Sandridge, or how long this universal prohibition was maintained.

In submitting, for confirmation to the Home Secretary, the first General Order prohibiting Outdoor Relief to able-bodied men, the Poor Law Commissioners expressly informed Lord John Russell that (as regards the widows with children and the other classes to whom Outdoor Relief was not prohibited) the Order "established and confirmed the present practice of the Boards of Guardians" (MS. Minutes, November 21, 1839).

[2] Report of the Poor Law Commissioners . . . on the Continuance of the Poor Law Commission, 1840, p. 29.

[3] *Ibid.* p. 61.

The Three Orders on Out-relief

The practice of the Poor Law Commissioners with regard to Outdoor Relief settled down into two distinct streams of regulations: one expressly permitting such relief under conditions to all and sundry of the destitute except "able-bodied male persons" (and sometimes even to them), culminating in the Outdoor Relief Regulation Order of December 14, 1852; and the other prohibiting such relief to the able-bodied, subject to extensive exceptions, culminating in the Outdoor Relief Prohibitory Order of December 21, 1844.[1] In 1842–1843 the Commissioners, perhaps unwittingly, took a new departure. Finding that it was impracticable, in the Unions of the Northern Counties, "to issue the Order prohibiting Outdoor Relief to able-bodied persons", they issued the Outdoor Labour Test Order, allowing such relief in return for a task of work. From 1843 onward the Commissioners took to issuing this Order also to Unions in which the Outdoor Relief Prohibitory Order was actually in force. By 1847 the position had become complicated and anomalous. "In 32 Unions the Labour Test Order of 1842 was alone in force, whilst in 29 others the regulations were essentially similar to this. In this part of the country the discretion of the Local Authorities to give Outdoor Relief to able-bodied independent women (as to other independent women) was unfettered by any regulation, and not directed by any instruction. Outdoor Relief to able-bodied men and their families was within the discretion of the Local Authorities, if it was accompanied by test work by the man, and subject to certain conditions. In other parts of the country, comprising 396 Unions, the Prohibitory Order was alone in force, and Outdoor Relief to the able-bodied, whether men or women, and their families, was, with limited and

[1] See our *English Poor Law Policy*, 1910, pp. 25-31, for the extraordinary difficulty in discovering whether or not able-bodied independent women were intended to be included among "the able-bodied" in either or both of these Orders. As issued in 1841, the General Prohibitory Order was quite exceptionally plain in its reference to "every able-bodied person male or female" (*Official Circular*, No. 12 of October 14, 1841). This new departure had been first made in the General Prohibitory Order issued the previous year. It was then observed that the Order was "upon the whole more restrictive than most of the previous Orders, inasmuch as it extends to single women" (*ibid.*, No. 8 of September 25, 1840; *Remarks on the Prohibitory Order of the Poor Law Commissioners and on the Discretionary Power of Guardians, addressed to the Thirsk Board of Guardians, by a member of that Board*, 1842).

precise exceptions, prohibited; unless, in particular instances, the Local Authority reported it to, and got it sanctioned by the Central Authority. In yet other parts of the country, comprising 81 Unions, the Prohibitory Order and an Outdoor Labour Test Order were jointly in force"; [1] and Outdoor Relief to the able-bodied was both universally forbidden, subject to exceptions, and universally allowed under conditions! This curious complication would scarcely be worth our notice if it had represented merely the cautious prudence with which the Poor Law Commissioners, during the first thirteen years, slowly extended "the Workhouse System" all over England and Wales. What makes it worth analysis to-day is the remarkable way in which the geographical areas subject to one or other imperative General Order were silently altered. "Union after Union was brought under one or other of the three systems that we have described, until, by 1871, with half a dozen exceptions, the whole area was covered. . . . But meanwhile a great change in the policy of the Central Department was taking place. The areas over which the three systems were applied completely shifted in relative importance." In 1847 the Outdoor Relief Prohibitory Order, which may be said to come nearest to the "principles of 1834", and which, so Chadwick strenuously urged, ought to have been imposed on all, had been imposed on 396 Unions; the two other systems standing out only as relatively small exceptions, temporarily applicable to 142 places in all. It is clear that at that period, when Nicholls was still a Commissioner, the Central Authority was of opinion that, "where there is a commodious and efficient Workhouse, it is best that the able-bodied paupers should be received and set to work therein". The historian of Poor Law administration finds that, far from there being any progression to the completion of this total policy of prohibition, the part of England and Wales to which it was applied, has been, during the ensuing sixty years, steadily and continuously diminishing in extent. By the time the Poor Law Board had been transformed into the Local Government Board the 396 Unions had fallen to 307, and when the matter was inquired into by the Poor Law Commission of 1905–9, this number had further sunk to 274, nearly all being Unions of declining population. In more than half the Unions, comprising the

[1] *English Poor Law Policy*, by S. and B. Webb, 1910, pp. 30-31.

Metropolis and its suburbs, and most of the large towns, with probably three-quarters of the whole population, the Central Authority has found itself constrained by its own experience to the opinion that it is "not expedient absolutely to prohibit Out-relief even to the able-bodied";[1] and apparently continued in that conviction right through the century.[2]

No Reports on Outdoor Relief

With regard to the particular cases in which Outdoor Relief was given, the conditions under which the recipients lived, and the effect upon them and their children of this form of relief, we find in the published reports practically no information. It was, in fact, the Poor Law Commissioners who started the practice, which continuously characterised the Poor Law Board and the Local Government Board, of taking no cognisance of the paupers on Outdoor Relief. Except to the able-bodied and their dependants, and to applicants not residing within the Union, the Local Authorities were not forbidden to grant Outdoor Relief; but the Assistant Commissioners (and, after them, the Inspectors) were not required, and were certainly not encouraged, to "inspect" the Out-relief paupers, even incidentally as a part of their continuous survey of the work of the Guardians as a whole. The Poor Law Commissioners preferred to give no directions, and to proffer no advice as to what should be done with these half a million or more persons who were being maintained at the expense of the Poor Rates. The statistics were compiled, year by year and Union by Union; the total number remained practically undiminished; but we find absolutely no reports as to their manner of life, or the environment to which they were subjected, or the results upon their children, or what was the death rate and the sickness rate among them; or upon how this important part of the work of the Boards of Guardians could be improved. Except for occasional statistics, the fourteen successive Annual Reports of the Poor Law Commissioners are

[1] Circular of August 25, 1852, in Fifth Annual Report of Poor Law Board, 1852, pp. 21-22.

[2] *English Poor Law Policy*, by S. and B. Webb, 1910, pp. 90-91. The three Orders were found by the Poor Law Commission of 1905–1909 still in force and not substantially altered.

silent on the way in which a large majority of the whole army of the destitute were in fact being dealt with.[1]

Medical Relief

To this deliberate disregard of the conditions of Out-relief there was, at the outset of the Commissioners' work, one conspicuous exception. They lost no time in tackling the conditions of service of the medical practitioners who were engaged to attend to the sick paupers. This "medical relief", consisting of the advice and attendance of a medical practitioner, and such bottles of medicine as he chose to dispense, which had never been expressly authorised by any statute, had grown up as a form of "relief in kind", by the parishes nearly everywhere entering into an arrangement with a local doctor, usually for a lump sum annually, to attend on any sick pauper notified to him. These varied and unequal parochial arrangements, often scandalously inefficient, and sometimes extravagantly costly, had necessarily to be revised on the formation of Unions; and the new Boards of Guardians were pressed by the Poor Law Commissioners, and seem to have been advised by nearly all the Assistant Commissioners, to resort to the expedient of putting up publicly to tender the "contract" to supply medical aid to the sick poor, in order to give the work to the doctor who would, like the contractor for bread, quote the lowest price. Under this system, which led in some places to most extraordinary offers from doctors eager to secure a footing, there was, it was asserted, in some Unions the most scandalous neglect of the sick poor, and in nearly all of them a marked reduction of the payments to the doctors, among whom a storm of indignation arose. The Poor Law Commissioners, not seeing why medicine, like everything else, should not be supplied by the lowest bidder, at first defended this introduction into the medical profession of the practices of

[1] *It is quite an exception to find in the Eleventh Annual Report of the* Poor Law Commissioners, 1845 (pp. 153-155), a report of a survey, made not by any Assistant Commissioner but by the committee of a Board of Guardians (Honiton Union), of the scandalous housing conditions of the families (1203 persons) on Outdoor Relief. The Commissioners observed that "much advantage would, we think, be produced by a similar inspection of this class of cottages in other Unions" (p. 31). We do not find that anything was done, either in this or in other cases.

the competitive market,[1] but presently bent before the storm. In 1839 they admitted that "the system of tender ought to be abandoned"; and they undertook to issue regulations putting the Poor Law doctors on the footing of public officers, with salaries fixed, without competition, at rates affording a fair remuneration for the work, to cover the whole of the persons "on the pauper list" (meaning the "impotent poor"); together with an additional payment per case (so as to enable the Guardians, if they chose, to make the relief "on loan") when any able-bodied man (and presumably any of his dependants) was exceptionally granted "medical relief". This "General Medical Order" was, however, not issued until March 12, 1842.[2]

The Attacks on the Poor Law Commissioners

The incessant storm of criticism, vituperation and misrepresentation, in the country, in the press and in the House of Commons, under which the Poor Law Commissioners had to work, almost from their appointment, is of interest to-day more because it failed than because it succeeded. "It may be doubted whether any bureaucrats ever had such abuse poured on their heads as the 'three Kings of Somerset House'."[3] Why did so vigorous, so persistent and so popularly influential an attack miscarry in its substantive purpose of destroying the New Poor Law? Why did it, nevertheless, so gravely affect the policy

[1] Poor Law Commissioners to Lord John Russell, July 1, 1836 (MS. Letter-Book). They had specifically advised Boards of Guardians that the invitation of tenders for medical relief was "the most desirable course" (MS. Minutes, November 28, 1835).

[2] MS. Minutes of Poor Law Commissioners, November 20, 1835, March 19, 1836, June 6, 1839, Report of the Poor Law Commissioners . . . on the Continuance of the Poor Law Commission, etc., 1840, pp. 73-81. The controversy may be followed in *The Preliminary Report of the Committee . . . of the Provincial Medical and Surgical Association to watch over . . . the Question of Poor Law Medical Relief*, 1838; *The Second Part* [of the same], 1842; *Medical Relief for the Labouring Classes*, 1837; *The Requirements and Resources of the Sick Poor*, by Edmund Lloyd, 1838; *Parochial Medical Relief*, etc., by E. T. Meredith, 1840; *Documents relating to the Administration of Medical Relief*, etc., 1844; Report and Evidence of the Select Committee on the Administration of Relief to the Poor, 1838; First and Second Annual Reports of the Poor Law Commissioners, 1835 and 1836; Seventh and Eighth Annual Reports of the same, 1841, 1842; Evidence before Select Committee of the House of Commons on Medical Relief, 1844; *The English Poor Law and Poor Law Commission in 1847*, pp. 37-39; *History of the English Poor Law*, by Sir George Nicholls, 1854, vol. ii. p. 391.

[3] *Social and Political History of England*, by J. F. Rees, 1920, p. 61.

and administration of the Poor Law Commissioners? Why, in particular, did it so largely paralyse successive Legislatures and seriously hamper successive Governments to such an extent as to keep the very continuance of the Central Authority for thirty years an open question? Why, with this large measure of effectiveness, did the opponents of the new system fail altogether to detect its real shortcomings, or indicate any of the numerous improvements or modifications that can now be seen to have been required?

The agitation against the New Poor Law, as it is instructive to note, failed in its ostensible object because it was purely negative in character, and proposed no other alternative than a reversion to the previous practice, which had been convicted of such scandalous abuses. The objection popularly taken to the proposals of the 1834 Report, and consequently to the Poor Law Amendment Act and the proceedings of the Commissioners, was in fact based on humanitarian considerations of a short-sighted kind. The Allowance System, or Rate in Aid of Wages, was felt to be, in 1834 as in 1795, the only visible way of enabling the rural labourer in the Southern Counties to subsist upon the only wages that the farmer would pay. To withdraw this support, after a whole generation of acquiescence, seemed not only a cruel, but also a flagrantly unjust robbery of the poor. But it was not only against the Allowance System that the "Workhouse Test" was to be applied. The unguarded language, and perhaps the unexpressed intentions of some of the advocates of the New Poor Law, appeared to threaten the abolition of all the weekly pensions by which, not the able-bodied alone but also the destitute aged and infirm, the sick and the defective, the widows and orphans had been for centuries maintained. To offer to all these poor folk nothing better than incarceration in a "Bastille", with the avowed object of deterring them from accepting even that poor substitute for a means of livelihood, seemed to every kindly disposed person a mockery.[1] It was no wonder that the common

[1] We need scarcely remind the reader of the expression that this feeling found in popular literature, of which the best-known examples during the decade 1834–1845 were *Sketches by Boz* (1833–1836) and *Oliver Twist* (1837–1838) by Charles Dickens, and *Sybil* (1845) by Benjamin Disraeli. In 1843 Mrs. Frances Trollope published in ten monthly numbers a sentimental story as to Poor Law cruelty, entitled *Jessie Phillips*.

We may cite a score out of the numerous pamphlets of 1835–1847 against the New Poor Law: *A Letter to the King in refutation of some of the Charges*

people everywhere revolted against the imposition on their parishes on such a system; that both Cobbett [1] and the Chartist agitators against "the three Bashaws of Somerset House" found a ready response to their efforts; and that for a whole decade no majorities could silence pertinacious objectors either in the House of Commons or in the House of Lords. But no one explained how else the calamitous results of the old system could be avoided. Moreover, it was daily being found, by actual trial, that when Outdoor Relief to the able-bodied men was, in one rural parish after another, gradually stopped, the agricultural labourers' wages were in fact raised, if not very considerably; employment became somewhat more continuous; and, to say the least, little or no increase of human misery was manifest. The initial experiments were, as we have mentioned, greatly helped to success by the fine summers and abundant harvests of 1834, 1835 and 1836, and by the opening of "a source of unexpected employ-

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preferred against the Poor, by John Bowen, 1835; *The Malthusian Boon unmasked, with Remarks on the Poor Law Amendment Bill*, by a Friend to the Poor, 1835; *A Letter on the Probable Increase of Rural Crime in consequence of the . . . New Poor Laws, and the Railway System*, by Sir George Stephen, 1836; *An Exposure of the Cruelty and Inhumanity of the New Poor Law Bill, as exhibited in the treatment of the helpless poor by the Board of Guardians of the Morpeth Union*, by Robert Blakey, 1837; *Cottage Politics, or Letters on the New Poor Law Bill*, by the same, 1837; *Second Letter to His late Majesty, containing a Refutation of some of the Charges preferred against the Poor, with some account of the working of the New Poor Law in the Bridgwater Union*, by John Bowen, 1837; *An Appeal to the Benevolent and Real Christians: the new Poor House Weighed and found wanting*, by John Abingdon Kay, 1837; *An Address to the English Nation against the New Poor Law*, etc., by John Bowen, 1839; *Mary Wilden, a Victim to the New Poor Law, or the Malthusian and Marcupian System exposed*, by Samuel Roberts, 1839; *The Rev. Dr. Pye Smith and the New Poor Law*, by the same, 1839; *A Letter to the Rev. Herbert Smith . . . on the Poor Law . . . and on . . . that unjust . . . law*, by a Layman, 1841; *The Union Workhouse and Board of Guardians System*, etc., by John Bowen, 1842; *The Murder Den . . . some account of . . . the New Poor Law in the Eastbourne Union*, etc., by Charles Brooker, 1842; *On the Tendency of the New Poor Law seriously to impair the Morals and Condition of the Working Classes*, by John Johnson Marshall, 1842; *The Triumvirate at Westminster*, etc., by Philanthropy, 1846; *An Oppressed Poor in an Insolvent Nation*, etc., by Agricola, 1847.

The serious expositions and criticisms of the new system included the following: *Four Lectures on the Poor Laws*, etc., by Mountifort Longfield, 1834; *Four Lectures on the Poor Laws*, by William Foster Lloyd, 1835; *Two Lectures on the Justice of the Poor Laws*, by the same, 1837; *A Collection of Statutes . . . relating to the Relief of the Poor*, etc., by W. G. Lumley, 1843; *Principles of the Legal Provision for the Poor*, by William Palmer, 1844.

[1] A good account of Cobbett's objections will be found in *Life of William Cobbett*, by G. D. H. Cole, 1924, chap. xxv. pp. 407-419.

ment" in railway construction.[1] And when it appeared that the rural labourers were, as a rule, actually better off than in the previous decade, and that Outdoor Relief was not in fact generally refused to those incapacitated for work, and often indeed not even to the able-bodied man in temporary distress, the popular resentment at the new system lost most of its force.[2]

That the criticism of the New Poor Law was nevertheless persisted in, and the attacks on the Commissioners were continued, we ascribe not merely to its humanitarian and emotional groundwork, but also, as we suggest, to a certain weakness in

[1] "Fortunately, for my neighbourhood, as well as for many other parts of the country, the formation of railways furnishes such a source of unexpected employment for the young, the active and the robust, that the reported magical effects of the Workhouse System, so far as able-bodied labourers are concerned, can hardly be experienced amongst us to any great extent for some time to come . . . I doubt the certainty and conclusiveness of the test, because I think the people will submit to long and severe privations, and may be induced to commit crime, rather than accept the offer of the House" (*A Letter to the Poor Law Commissioners . . . on the Working of the New System*, by the chairman of a Board of Guardians, William Lutley Sclater, 1836, p. 10). A Circular was sent to neighbouring Unions as to the employment provided by the new railway construction (MS. Minutes, Poor Law Commissioners, December 16, 1835). It is mentioned as having been specially useful in North Bedfordshire, Buckinghamshire and Warwickshire in the Report of Select Committee on the Poor Law, 1837, questions 509, 4041; and in the Report of the Royal Commission on Agriculture, 1836, questions 297, 1912, 8197 and 8198 (see *History of the English Agricultural Labourer*, by W. Hasbach, 1908, p. 220; *Population Returns of the Age of Malthus*, by G. Talbot Griffith, 1926, p. 127; *Life and Labour in the Nineteenth Century*, by C. R. Fay, 1920, p. 105; *Labour Migration in England under the New Poor Law, 1800–1850*, by Arthur Redford, 1926, pp. 105-106).

[2] Some little assistance was afforded by the migration from the rural parishes in Southern England to the industrial districts of Lancashire that the Poor Law Commissioners were able to effect. The curious student may read of the offers of benevolent millowners of Manchester and Bolton to find employment at wages that looked munificent in the rural parish; of the difficulty found in getting any of the labourers' families to move; of the enthusiastic letters written by some of those who did move to the employment in the cotton-mill. The scheme came to a sudden end in the slump of 1837–1839. The silence that follows seems to indicate that the permanent success of the experiment was not such as to encourage its extension at the cost of the Poor Rate. (See for the whole episode, in the course of which about five or six thousand families were shifted: First and Second Annual Reports of the Poor Law Commissioners, 1835, 1836; H. of C. Return relative to the Removal of Labourers, 1835–1837; No. 254 of 1843; *History of the English Poor Law*, by Sir George Nicholls, 1854, vol. ii. p. 323; vol. iii., by Thomas Mackay, 1899, pp. 214-227; the pamphlet *Migration Explained*, etc., by the Halstead Board of Guardians, 1836; *Life of Sir James Kay-Shuttleworth*, by Frank Smith, 1923, pp. 36-38; and, most informing of all, *Labour Migration in England, 1800–1850*, by Arthur Redford, 1926, especially chap. vi., "Migration under the New Poor Law", pp. 84-101.

the intellectual defence of the new system. It had been easy to demonstrate the economic absurdities, financial extravagance and social demoralisation of the Old Poor Law; and to the whole rate-paying class, as well as to the economists of the time, the mere "offer of the Workhouse", and even, for a minority, the provision of continuous maintenance in a "well-ordered Workhouse", seemed a glorious panacea. But the Poor Law Commissioners, and those who defended the New Poor Law, got entangled in their own "administrative subtlety, the Workhouse Test!"[1] They were never clear in their minds, or at least never candid in their explanations, as to whether they intended the "test" to operate as an automatic excluder of every claimant, and thus be calculated quietly and gradually to save the whole expenditure on Poor Relief (as Harriet Martineau had argued); or, as an automatic sifter, allowing all but the able-bodied to pass through its meshes, in order to be provided for inside. When forced to recognise that the "test" operated, in fact, not as a dam but as a sieve, these Poor Law enthusiasts refused to consider what should be done for those who, by passing through it, had proved the genuineness of their destitution. If the test was really to deter applicants for relief, residence in the Workhouse had to be made, not merely "less eligible" than wage-earning to those who could work, but also to those incapable of that alternative, simply horrible! Yet it was just those who were most helpless, most destitute and, as it seemed, most deserving, who would, in sheer peril of starvation, actually become residents in the "Bastille"; including those who, as children or decent folk, would be most injured by the disagreeable conditions. It passed the wit of man to contrive a General Mixed Workhouse that should appear so uncomfortable as to deter from entrance every person who could possibly earn a bare living wage; and yet be, in fact, so endurable, and withal, so improving, to those who could not possibly maintain themselves by work, as to induce them both to enter and voluntarily to remain for as long as was socially expedient. To this dilemma, the Poor Law Commissioners gave wavering and mutually inconsistent answers. They hastily disclaimed any intention of withholding Outdoor Relief from any but the able-bodied labourers who either were, or ought to be, at work for wages

[1] *History of the English Poor Law*, vol. iii., by Thomas Mackay, 1899, p. 375.

sufficient to maintain them, and who (in the rural counties at least) had, as it seemed, to be deterred by a disagreeable regimen from entering the House, or from remaining in it when employment could possibly be obtained. It was a minor matter that the Commissioners always insisted on the wife and children of the able-bodied man accompanying him into the workhouse, and on subjecting these innocent victims to the sojourn purposely made deterrent for the man. What was more important was that, as experience showed that there was always some helpless individuals who could find no other refuge, these too had perforce to be subjected to the regimen intended to deter the incorrigibly idle, able-bodied male!

The Treatment of the Indoor Paupers

We do not find that any one, whether critic or supporter of the New Poor Law, in these years fairly faced this part of the problem. These half a million "impotent poor" of one kind or another, was there nothing better to be done with them or for them, in the interest of the community as well as their own, than immure them in the "Bastilles", or continue their inadequate and unconditional doles of Outdoor Relief? Within four or five years of the erection of the new institutions nearly a hundred thousand such persons, including, besides younger children, no fewer than 22,302 boys and girls between nine and sixteen, had drifted into these General Mixed Workhouses, either because the more zealous of the new Boards of Guardians had, without rebuke from the Poor Law Commissioners, tried on them the "Workhouse Test" intended to deter the able-bodied, or because the Outdoor Relief afforded to them had proved insufficient to their needs.

The Poor Law Commissioners then found themselves in a difficulty. "With regard to the aged and infirm", they complained in 1840, "there is a strong disposition on the part of a portion of the public so to modify the arrangements of these establishments as to place them on the footing of almshouses. The consequences which would flow from this change have only to be pointed out to show its inexpediency and its danger. If the condition of the inmates of a Workhouse were to be so regulated as to invite the aged and infirm of the labouring classes

to take refuge in it, it would immediately be useless as a test between indigence and indolence or fraud." [1] This, it may be suggested, revealed an incidental drawback of the General Mixed Workhouse, which the Poor Law Commissioners had themselves substituted for the series of separate institutions proposed in the Report of 1834. But it was not a potent argument for depriving the old people of the opportunity of enjoying the "indulgences" which that Report had promised them. Indeed, in securing the acceptance of the Report by the Cabinet, Nassu Senior had explicitly assured Lord Lansdowne that the Commissioners' proposal was to assign "distinct, quiet and comparatively comfortable abodes to the impotent".[2] Some other reason had to be discovered for making the Workhouse unpleasant even to the aged.

The justification was found in an argument which had not occurred either to Sturges Bourne's Committee of 1817 or to the Poor Law Inquiry Commission of 1832–1834, and which appeared, we believe, on this occasion for the first time. To render the Workhouse at all comfortable for the old people, it was said, "would no longer operate as an inducement to the young and healthy to provide support for their latter years, or as a stimulus to them, whilst they have the means, to support their aged parents and relatives. The frugality and forethought of a young labourer would be useless if he foresaw the certainty of a better asylum for his old age than he could possibly provide by his own exertions; and the industrious efforts of a son to provide a maintenance for his parents in his own dwelling would be thrown away, and would cease to be called forth, if the almshouse of the district offered a refuge for their declining years, in which they might obtain comforts and indulgences which even the most successful of the labouring classes cannot always obtain by their own exertions." [3] There is, we think, something repellent in this idea of making uncomfortable the last years of worn-out old men and women, whom sheer destitution had driven to accept the cold hospitality of the "well-regulated

[1] Report of the Poor Law Commissioners . . . on the Continuance of the Poor Law Commission, etc., 1840, p. 47.

[2] Nassau Senior to Lord Lansdowne, March 2, 1834 (MS. Diary No. 173 in library of University of London).

[3] Report of the Poor Law Commissioners . . . on the Continuance of the Poor Law Commission, etc., 1840, p. 47.

Workhouse", professedly in order to stimulate, not them, but a new generation of labourers, to such great and continuous thrift as would provide for themselves and their wives, or their widows, or their parents, annuities sufficient for their maintenance in senility; but, really, as the Commissioners almost confess, because it had been found more convenient or more economical to house these aged people in the same institutions as the able-bodied paupers. It took, as we relate in a subsequent chapter, more than half a century to reverse, and that only imperfectly, the new policy with regard to the institutional provision for the aged poor which the Commissioners thus adopted in 1839.

But the hundred thousand inmates of the Workhouses in 1839 were not all old people. Something like a quarter of the whole were children under sixteen. For the sick and infirm, or the widows and orphans, as for the aged, those who denounced the New Poor Law for the inhuman barbarity of its General Mixed Workhouse seem never to have hit upon what is now the obvious solution. The fundamental defect of the Poor Law policy of the reformers, in 1834–1847 as in 1832–1834, was that they limited their vision strictly to the prevention of *pauperism*, meaning recourse to Poor Law relief, without ever considering what was required in order to prevent the occurrence of *destitution*. Yet already Chadwick was feeling his way, as the means of preventing applications for Poor Relief, to the prevention of sickness (which we now know to be the direct cause of something like half the pauperism); and both he and Bishop Blomfield must be credited with having realised that one important instrument for the prevention of the constant recruiting of the pauper host would be the provision of proper educational training for the hundreds of thousands of children who were, owing to the destitution of their parents, growing up under terrible conditions of neglect. But the Poor Law Commissioners of 1834–1847, like most other people of that epoch, seem to have been unable to apprehend, what the whole nation learned in the ensuing three-quarters of a century, that what was needed as an alternative to Outdoor Relief was a wide series of specialised institutions, as places of remedial treatment, not of paupers as such, but of the several classes of the population who, in larger or smaller numbers, had inevitably to be collectively provided for, irrespective of any Poor Law; schools of different kinds for the children;

training establishments for the feeble-minded and the physically defective; a varied array of hospitals and asylums for those suffering from disease of body or mind; and refuges for the friendless and infirm aged. It is in this inability to think out the problem created by the continual creation, in every community, of new cases of distress and want, and the necessity of taking steps to counteract the specific causes, not of pauperism but of destitution—in short, measures of prevention operating wherever in the whole population destitution was being caused—to seek economy in staying the plague itself rather than in deterring its victims from applying for relief, that we can now discern the greatest failure both of those who devised and of those who denounced the New Poor Law.

False Accusations

Another instructive explanation of the continual crumbling away of the formidable opposition to the work of the Poor Law Commissioners is the extraordinary degree of misrepresentation and mendacious libel in which the agitators indulged, and in which they were always being exposed. Every false accusation against the New Poor Law, as soon as its falsehood was discovered, actually facilitated the acceptance of the Commissioners' directions and orders. Cobbett told the people, among other things, that "two thousand a year Lewis, penny a line Chadwick, and their crew" were enforcing a measure "intended to make the people of the Midland and South of England live upon a coarser sort of food" than that to which they were accustomed.[1] "Among other ridiculous statements," reported one Assistant Commissioner in 1835, "the peasantry fully believed that all the bread was poisoned, and the only cause for giving it instead of money was the facility it afforded for destroying paupers; that all the children beyond three in a family were to be killed; that all young children and women under eighteen were to be spayed; that if they touched the bread they would instantly drop down dead. And I saw one poor person at North Molton look at a loaf with a strong expression of hunger, and when it was offered to her, put her hands behind her, and shrink back in fear lest it should touch her. She acknowledged that she had

[1] *Political Register*, June 10, 1835.

heard of a man who had dropped down dead the moment he touched the bread." [1]

In 1838 Lord Stanhope, in one of his constantly repeated attacks on the Poor Law Commissioners, declared specifically in the House of Lords that a young woman had been flogged by order of some of the officials of the new Unions. When the statement was challenged he was unable to give particulars, and eventually had to admit that he found that the story was without foundation, and that there had been no flogging. In the same year, after four years' experience of the new system, a pamphleteer could accuse Lord Brougham, as its reputed author, of causing, by the action of the Poor Law Commissioners, "hundreds of thousands of unaccused natives of England, on a base and false charge of hired mercenaries", to be "condemned and executed (in a way worse than hanging)", merely in order to lessen the burden of the Poor Rate on his own (and his colleagues') landed estates.[2] In 1841 a volume published at 25s., with the support of a large number of noblemen and members of the House of Commons, declared that "The structure of the Bill is despotism. Three men called Commissioners, selected avowedly on account of their hard hearts, unfeeling dispositions, unyieldingness to the natural emotions of pity, have power given them to treat the poor of England nearly as they please. These three Neros have in every county subordinate tyrants called Assistant Poor Law Commissioners, who are to perform, as far as they can, the cruel orders of these three incarnate fiends in London. In order to take a part of the odium from these tyrants, the Act directed Guardians to be elected by the ratepayers; but these Guardians have no power under the Bill to act for themselves." [3]

[1] Second Annual Report of Poor Law Commissioners, 1836, Gilbert's Report, p. 353 (in which the word "spayed" is misprinted); repeated in Report of the Poor Law Commissioners . . . on the Continuance of the Commission, 1840, p. 29; *History of the English Poor Law*, vol. iii., by Thomas Mackay, 1899, p. 239. "Spaying" is a surgical operation (removal of the ovaries) performed on female animals to prevent offspring. "Does your worship mean to geld and spay all the youth of the city?" asks Pompey of Escalus, in Shakespeare's *Measure for Measure*, act ii. scene 1.

[2] *Lord Brougham and the New Poor Law*, by Samuel Roberts, 1838, p. 36.

[3] *The Book of the Bastilles*, by G. W. Baxter, 1841, p. 206. See *The English Poor Law and Poor Law Commission in 1847*, pp. 54-56. Professor Clapham observes that it "contained many ugly facts not in Nicholls" (*An Economic History of Modern Britain*, by J. H. Clapham, 1926, p. 583).

"*Marcus on Populousness*"

But the most notorious, as it was the most ingenious, of these misrepresentations was the assertion, constantly repeated all over England for several years, that the Poor Law Commissioners, or some one closely connected with them, had written, for private circulation, instructions as to the necessity (with particulars as to the method to be adopted) for a drastic limitation of the population. This was supposed to have been signed "Marcus"; and *Marcus on Populousness* was frequently referred to in speeches and newspaper reports. The principal opponent of the Commissioners in the North of England, the Rev. Joseph Rayner Stephens,[1] publicly attributed, in 1838, the authorship of this work to the Commissioners themselves. To this allegation the Commissioners thought it necessary to give an explicit denial, by a letter to the *Times* signed by their Secretary (Chadwick), declaring that "Mr. Nicholls, Mr. Lewis and Mr. Lefevre were not, collectively or individually, the authors or author of it", and that they were not even aware of its existence. The only result was to produce a letter from Stephens to the *Times*, noting the denial, but observing "there are other [Assistant] Commissioners, a score or two, besides these three, and then there are Mr. Chadwick himself, his patron Lord Brougham, and his bosom friend Mr. Francis Place, and their female assistant Miss Martineau".[2] The Commissioners included a further denial in their Report of 1840. It was, however, impossible to prevent the continued assertion that some such instruction or proposals for a limitation of population (by the prevention of conception, or the extinction of superfluous babies) had been issued by or with the connivance or sanction of the Poor Law Commissioners, as a part of the policy of the New Poor Law. What was alleged to be a copy was included in 1839 in a scurrilous work, with a lengthy preface (which Francis Place declared to have been by one George Mudie), of which several editions and many thousands

[1] For Joseph Rayner Stephens, see his *Life*, by George Jacob Holyoake, 1881.

[2] The *Times*, January 10 and 15, 1839; *History of the English Poor Law*, vol. iii., by Thomas Mackay, 1899, pp. 239-241; Report of the Poor Law Commissioners . . . on the Continuance of the Commission, 1840, p. 29; *Population Returns of the Age of Malthus*, by G. Talbot Griffith, 1926, chap. iii. on the Poor Law.

of copies were sold. It will be sufficient to give the title of this catchpenny production: *The Book of Murder! A Vade Mecum for the Commissioners and Guardians of the New Poor Law . . . Being an exact reprint of the Infamous Essay on the Possibility of Limiting Populousness, by Marcus, one of the three. . . . Now reprinted for the Instruction of the Labourer by William Dugdale, No. 37 Holywell Street, Strand.*[1]

Conversion of the Economists

In this connection there is a certain irony in the definite evidence that it was just in this decade, and as a consequence of the investigations and experiences of the two Poor Law Commissions, that the political economists, who were thus accused

[1] It seems impossible to get to the bottom of this story, which Mackay tried in vain to investigate (*History of English Poor Law*, vol. iii., by Thomas Mackay, 1899, pp. 239-242). There are two pamphlets in the British Museum, somewhat answering to the description, without any evidence connecting them with the Commissioners, the New Poor Law or any known person. One is entitled *On the Possibility of Limiting Populousness*, by Marcus, printed by John Hill, Black Horse Court, Fleet Street, 1838, pp. 46, which is merely a long and elaborate argument in favour of a statutory prohibition of parents having more than a prescribed number of children, without specifying any way in which the prohibited births could be prevented. The other is *An Essay on Populousness*, printed for private circulation—printed for the author, 1838, pp. 27, which is also ascribed to Marcus, and which amounts to no more than a ridiculous suggestion for procuring abortion by inhaling or swallowing a poisonous gas sufficient to kill the embryo without affecting the mother. These may have been serious productions of some unknown persons; or they may have been—like an article styled "A New Scheme for Maintaining the Poor" published in *Blackwood's Magazine* (April 1838) during the very same year, somewhat after the manner of Dean Swift's celebrated paper—merely ribald and extravagant parodies of arguments to be thereby discredited. But that there was a substantial work by Marcus; that it emanated from the camp of the Poor Law Commissioners; and that it seriously expressed their views, was widely believed. Binns, a wool-sorter, was reported by the *Times* (January 28, 1839) as declaring at a public meeting at Huddersfield, "As to Marcus's book, it was impudence to deny its existence. At first it was procurable for a shilling or two; with the demand its price was raised to half-a-guinea; and then a guinea was wanted, to prevent people being convinced of the atrocious nature of its contents by the evidence of their own eyes". In 1841 was published the already-mentioned work, *The Book of the Bastilles, or the History of the Working of the New Poor Law*, by George R. Wythen Baxter, which stated (p. 77) that Marcus's book was published at the end of 1838, and that it was suppressed, and was at that time not procurable under £5. Baxter roundly declared that "if Lord Brougham was not the author of it, he certainly was in the inditing of it. . . . I say, decidedly, Marcus is, directly or indirectly, '*Vaux et Praeterea Nihil*'."

of Malthusian objections to any systematic Poor Relief, were being converted to a contrary view. We have already described the change of opinion to which Nassau Senior and some of his colleagues on the Poor Law Inquiry Commission had been constrained by the investigations of 1832–1834. They carried with them their fellow-members in the Political Economy Club. "The English economists," records John Stuart Mill, "who were mostly much opposed to the Poor Law, have in general become favourable to it since the Inquiry which led to the reform of 1834. They have come to recognise that relief limited to the minimum necessary, and accompanied by conditions less agreeable than wage labour, no longer produces the improvidence and demoralisation that you rightly designate as the result of ill-organised almsgiving. Both public and private charity, as it exists in France, not being susceptible of an equally vigorous organisation, seems to me to produce all the bad effects that resulted from the English Poor Law System at its time of worst administration." [1] That the animated discussions of the years 1835–1837, as to the propriety of establishing in Ireland a general system of public relief of the destitute, parallel to that of England and Wales, completed this conversion, is to be attributed mainly to the efforts of the editor of the *Morning Chronicle* (John Black). According to Mill, who is incidentally confirmed in this by Sir George Cornewall Lewis, it was he who "changed the opinion of some of the leading political economists, particularly my father's, respecting Poor Laws, by the articles he wrote in the *Chronicle* in favour of a Poor Law for Ireland. He met their objections by maintaining that a Poor Law did not necessarily encourage over-population, but might be so worked as to be a considerable check

[1] J. S. Mill to A. E. Cherbuliez, November 6, 1863; in *The Letters of John Stuart Mill*, edited by Hugh S. R. Elliot, 1910, vol. i. p. 307; see *Letters to Various Friends*, by Sir G. C. Lewis, edited by Sir G. F. Lewis, 1870. Mill adds a pregnant political reason for a Poor Law. "I may add that the hatred of the poor for the rich is an evil that is almost inevitable where the law does not guarantee the poor against the extremity of want. The poor man, in France, notwithstanding the charitable relief that he may get, has always before his eyes the possibility of death by starvation; whereas in England he knows that, in the last resort, he has a claim against private property up to the point of bare subsistence; that not even the lowest proletarian is absolutely disinherited from his place in the sun. It is to this that I attribute the fact that, in spite of the aristocratic constitution of wealth and social life in England, the proletarian class is seldom hostile, either to the institution of private property or to the classes who enjoy it."

to it; and he convinced them that he was in the right."[1] It should be added that the cogency and effective literary presentment of the case from the Poor Law Commissioners, as put, not so much in their series of annual reports, as in their special report of 1839 and that of 1847, and in the remarkable *apologia* published anonymously by Cornewall Lewis and Nassau Senior in 1841, entirely convinced both Whig and Tory statesmen, the successive committees of both Houses of Legislature, and the relatively small class of influential people outside, among whom these documents were diligently circulated, not only of the essential wisdom of the Commissioners' administration, but also of the skill and prudence with which they had performed their arduous task.[2]

The "Flinching" of the Commissioners

The most definite effect of the persistent agitation against the New Poor Law was the modification that it imposed on the administrative action of the Poor Law Commissioners. The halcyon times of 1834–1836 were succeeded by years of inclement weather and severe depression of trade, culminating, so far as Unemployment was concerned, in 1841–1842. The Poor Law Commissioners, so it was complained, "flinched" in their work. As we have already mentioned, they felt it necessary, if actual rebellion was not to be provoked, and if their own powers were not to be summarily terminated before they had completed their

[1] J. S. Mill to Robert Harrison, December 12, 1864, in *The Letters of John Stuart Mill*, 1910, vol. ii. p. 14. For John Black (1783–1855), see *Dictionary of National Biography*.

[2] Report of the Poor Law Commissioners . . . regarding the Continuance of the Commission, 1840; *Letters of the Poor Law Commissioners . . . respecting Transaction of the Business of the Commission*, 1847; *Remarks on the Opposition to the Poor Law Amendment Bill*, by a Guardian, 1841. That the last-named pamphlet was written by Nassau Senior is announced in the authoritative notice of his life in the *Dictionary of National Biography* (see also *Industrial Efficiency and Social Economy*, by Nassau Senior, edited by S. Leon Levy, 1928, vol. ii. p. 327). Mackay inquired from the publishers (Murray), who informed him that the transaction was with Sir G. C. Lewis, at that time one of the Poor Law Commissioners, but that "the copies were disposed of in fairly equal portions between Sir George Lewis and Mr. Senior" (*History of the English Poor Law*, vol. iii., by Thomas Mackay, 1899, p. 25)—an instance of the extensive distribution of such literature, as a means of propaganda, characteristic of the period.

We venture to ascribe to the same joint source the anonymous pamphlet, also published by Murray, entitled *The English Poor Law and Poor Law Commission in 1847*, which is similar in object and character to that of 1841.

task, to proceed very cautiously. The one prohibition on which the Commissioners thought they could, from the outset, rigorously insist was that of the grant of relief to able-bodied men actually in wage-earning employment. The only expenditure that they thought themselves strong enough to lay upon the ratepayers was that involved in the provision of the cheapest possible new building for a Union workhouse, which, incidentally, did not permit of the structural separation postulated by their scheme of classification of the inmates. On every other point the rigidity of their rules and regulations was mitigated by exceptions, by generous interpretation and by a judicious ignoring of breaches of what had become the law.

Chadwick's Revolt

Against this weakness and laxity the Commissioners' own secretary, Edwin Chadwick, was in a state of continual protest. Surely, in all the history of the English Civil Service, there has never been another such secretary! Not content with continuously spreading among his friends and associates a discouraging account of the Commissioners' timidity, their incompetence to understand the scheme of the 1834 Report, and their want of faith in the principles that they had been appointed to enforce, we find him in frequent communication with Lord John Russell and other Whig leaders, whether in office or in opposition, behind the backs of his superiors. A glaring instance occurred in 1837. The Commissioners had given much thought and time to the preparation of a General Order to all Unions dealing with Outdoor Relief, which was intended to consolidate the numerous Special Orders of the preceding years, with various amendments tightening up the practice in the direction of complete prohibition. All the Assistant Commissioners were called into council as to what amendments were desirable and practicable. The draft Order on which the Commissioners finally decided, after anxiously weighing all the suggestions, included a provision designed to meet the perennial problem of the hardworking man of good character, earning normal wages, but reduced to distress because of an abnormally large family of young children. Rather than insist on that man abandoning his employment and entering the workhouse with his wife and all his children, the Commissioners

proposed to make a strictly limited concession, only in those Unions to which a Prohibitory Order had not yet been applied, only to men who had married prior to the Act of 1834, and even to them only until the end of 1839, and only subject to the prior approval of the Commissioners in each case. The draft Order was formally submitted for approval to the Home Secretary on October 31, 1837. Will it be believed that the Secretary to the Commissioners ran round to the Home Office, furiously indicting his official superiors for making such a proposal, and begging Lord John Russell to refuse his consent? It is recorded in the MS. Minutes that the Home Secretary orally demurred to the provision to which Chadwick had objected, whereupon the Commissioners withdrew the whole draft Order.[1] Nor did Chadwick confine himself to private interviews with Ministers. He put up the Bishop of London in the House of Lords to ask the Government to get the Poor Law Commissioners to make sanitary investigations. When the Commissioners thought it expedient to withhold from publication a report in which Chadwick had expressed some extremely provocative opinions and recommendations as to the drastic enforcement of the "Workhouse Test" on the towns of Macclesfield and Bolton, he got somebody to incite a Tory peer (Lord Radnor) to ask in the House of Lords for its publication as a Parliamentary Paper. The situation was not eased by the resignation from the Commission, on January 1, 1839, of Frankland Lewis (who did not like the additional responsibility cast on the Commission by the Irish Poor Law Act), in favour of his abler and more forceful son, George Cornewall Lewis; by the almost continual absence from

[1] Chadwick made no secret of his backstairs intervention. He specified this particular instance, among others, to his friend (Sir) David Masson in 1850, for the laudatory article on Chadwick that Masson contributed to *The North British Review*, May 1850 (vol. xiii. p. 40). The genesis of the draft Order, its formal submission, the fact of the Home Secretary's oral rejection of the particular provision, and the withdrawal of the whole Order will be found in MS. Minutes of Poor Law Commissioners, August 16, October 24 and 31, and November 6, 1837. No such General Order was issued for some years; and only (because it was then too late to make the exception to which Chadwick had objected) to three-fifths of the Unions. In 1840, when Lord Normanby was Home Secretary, Chadwick boasted of having got Nassau Senior to accompany him to the Home Office to join with him in protesting against another proposal of the Poor Law Commissioners with which he disagreed (see Masson's article; the evidence taken by the House of Commons Committee on the Andover Case, 1846; also *History of the English Poor Law*, vol. iii., by Thomas Mackay, 1899, p. 269).

London of Chadwick's friend Nicholls from 1838 to 1842 in connection with the Irish Poor Law; and by the replacement in May 1841, as Commissioner, of J. G. Shaw Lefevre by Sir Edmund Head.[1] Cornewall Lewis and Head were close friends, personally intimate with both Sir Robert Peel and Sir James Graham, and Chadwick found them even less sympathetic than their predecessors. As we have already mentioned, he had, in 1839, after five years of uneasy perfunctory service, ceased, it is not clear whether at his own instance, or by the wish of the Commissioners, even to put in an appearance at the Commission's office or meetings; and he thenceforth devoted himself almost entirely to the successive outside investigations in which he was indulged.[2] In 1841 a crisis was reached in Chadwick's

[1] The Right Hon. Sir Edmund Walker Head, Bart., K.C.B., F.R.S. (1805–1868), who was unrelated to Sir Francis Bond Head and Sir George Head, had been Fellow and Tutor of Merton College, Oxford, 1830–1837, and from 1831 the close personal friend of Cornewall Lewis. "He was", said George Ticknor, "one of the most accurate and accomplished scholars I have ever known. . . . He had been a great deal in Spain, and could repeat more poetry, Greek, Latin, German and Spanish, than any person I ever knew." He was made an Assistant Poor Law Commissioner in 1836, and promoted to be Commissioner in 1841. An article on "The Law of Settlement" contributed by him to the *Edinburgh Review* (vol. lxxxvii.) was reprinted by the Government in 1865. He was appointed, in 1847, Governor of New Brunswick; and in 1854 Governor-General of Canada (Privy Councillor, 1857), retiring in 1861, when he became a Civil Service Commissioner. He had succeeded to his father's baronetcy in 1838, and had meanwhile been made a Fellow of the Royal Society, and K.C.B. He died in 1868 (*Life, Letters and Journals of George Ticknor*, 1876; *Greville Memoirs*, Second Series, vol. ii. p. 60; *Dictionary of National Biography*).

[2] These investigations were of great value, in their influence on British statesmanship; and it was doubtless thought that Chadwick could not be better employed. After setting to work Dr. Neil Arnott and Dr. J. P. Kay (who became Sir J. P. Kay-Shuttleworth) to report "on the prevalence of certain physical causes of fever in the Metropolis", and Dr. Southwood Smith on "some of the physical causes of sickness and mortality to which the poor are exposed" (forwarded by the Poor Law Commissioners to the Home Secretary in May 1838, and distributed by Chadwick himself to the extent of 7000 copies), he got Dr. Southwood Smith to report "on the prevalence of fever in twenty Metropolitan Unions or Parishes", which was sent on in April 1839. Chadwick then got the Bishop of London to press Lord John Russell formally to require the Poor Law Commissioners, in August 1839, to investigate the extent to which "the causes of disease stated to prevail amongst the labouring classes of the Metropolis prevail also . . . in other parts of the United Kingdom". As had doubtless been arranged, the Commissioners delegated the whole task to their Secretary, Chadwick, whose monumental "Report on the Sanitary Condition of the Labouring Classes", published in 1843, was entirely his own work. To this the indefatigable Chadwick added, in the same year, a supplementary volume on the practice of interment of the dead in great towns. Meanwhile, in conjunction with Charles Shaw Lefevre and Colonel Charles Rowan, Chadwick had been appointed on a Commission to investigate

official relations, which led to his complete exclusion from the Commissioners' proceedings, by his presentation to his chiefs of a formal memorandum, as dogmatic as it was comprehensive, and as argumentative as it was lengthy, in which he indicted practically the whole procedure and practice of the Commission. It is safe to say that in all its experience Whitehall has known no such official document. Chadwick, who, though called to the Bar, had never practised, and never shown any sign of legal competence, formally accused the Commissioners of having, during their whole period of office, acted illegally and to the detriment of the public interest, in form and in substance, in their failure alike to put in operation the Report of 1834; to adhere strictly to the provisions of the Poor Law Amendment Act, and even to conform to the law in the very procedure of the office that they had set up. In his formal protest, and in his supplementary statements, he denounced as not only improper, but actually as illegal, the practice of any one of the Commissioners individually doing anything, or individually giving any instructions; making the pedantic assertion that the terms of the statute required every act, even of the most routine character, to be formally discussed, voted on and approved by the Commissioners sitting as a Board. He held that the Act required every one of the letters received, of which there were usually more than one hundred every working day, to be read to the Board, and then and there orally discussed by its members; and that nothing could be deemed to have been properly decided unless a resolution of the Board, passed " sitting in each other's presence, and in the presence of the recording officer, whose functions are implied in the name of the office constituted under the authority of the Act of Parliament ", was then and there entered in the official minutes by the said " recording officer "—that is to say, by Chadwick himself! He blamed them for having failed to prevent, for having tolerated, and for having tacitly

the need for a " preventive police " outside the Metropolis and the great towns, presenting, in 1839, their " First Report on a Constabulary Force in the Counties of England and Wales ". After various other inquiries and agitations, Lord Shaftesbury induced Sir Robert Peel in 1842 to appoint a Royal Commission under the Duke of Buccleuch to report on the State of Large Towns and Populous Districts, which worked largely under Chadwick's influence, and took up much of his time and strength during 1842–1844 (*Sir Edwin Chadwick*, by Maurice Marston, 1925; *The Story of Public Health*, by Sir Malcolm Morris, 1919; *English Sanitary Institutions*, by Sir John Simon, 1890.)

allowed, not only the continuance of any Outdoor Relief whatsoever, but also the incidental harshnesses and occasional abuses which, in one or other of 600 or more workhouses, were now and again coming to light, and were always enormously magnified and persistently advertised by the opponents of the New Poor Law. He criticised them for not standing by their Assistant Commissioners, meaning merely that the Commissioners did not always embody, in their rigid and imperative orders and regulations, the suggestions made by this or that Assistant Commissioner in his stream of reports.

Finally, Chadwick complained of the "secrecy" maintained by the Commissioners in that they did not put, in the official minutes of their proceedings, not only their decisions but also the reasons which had led them to particular decisions; that they did not enshrine in these minutes all the letters that reached their office, but only a selection from them; and that they had failed to publish, without exception, every one of the reports made by the Assistant Commissioners.[1] The Poor Law Commissioners seem to

[1] Chadwick's impudent indictment of his official superiors was naturally not published; and it was so carefully concealed from the office staff that it has disappeared, and in 1927 could not be found after exhaustive search. But its existence and its purport were revealed by its author during 1845 in his evidence before the House of Lords Committee on the Irish Poor Law, and the House of Commons Committees on District Asylums and the Andover Case; and a good deal of its contents may be gathered from the elaborate rejoinder that the Commissioners eventually made to the Home Secretary (*Letters . . . by the Poor Law Commissioners . . . respecting the Transaction of the Business of the Commission*, 1847). What appears to be one version of it, in the form of a draft case, prepared by Edwin Chadwick, for submission to the Law Officers, is printed as Appendix 29 to the Report of the House of Commons Committee on the Andover Case, 1846. In the Parliamentary debates on the Andover Case, Chadwick's character and conduct were much discussed; and Disraeli, who had been a member of the Committee, asked why "this monster in human shape" was not dismissed. The considered judgment may be quoted of Frankland Lewis, after his resignation of office as one of the Poor Law Commissioners, and after five years experience of Chadwick. He was, as Lewis told the Andover Committee, "an able man, but I thought him as unscrupulous and as dangerous an officer as I ever saw within the walls of an office" (Report and Evidence of House of Commons Committee on the Andover Case, 1845, Question 22,620). A vicious attack on the Commissioners, universally attributed to Chadwick's authorship, or at least inspiration, appeared in the *Westminster Review* for October 1846, under the title of "Patronage of Commissions"; and was separately published and widely circulated under the title of *The Poor Law Commission*, 1846. In 1847, when the Poor Law Board superseded the Commission, Chadwick was dropped; but in the following year he was appointed one of the members of the new Board of Health, where, wrote Sir G. C. Lewis to Sir Edmund Head, "it is hoped he will keep quiet" (*Letters of Sir George Cornewall Lewis*, p. 327).

have given serious consideration to this outrageous indictment by their own Secretary; and to have tested his view of the law by consulting the Law Officers. In the end, a few minute changes in office procedure were made to satisfy Chadwick's pedantic objections, but there was no change of policy; and we gather that the rebellious Secretary was kept at arm's length still more effectually than before; and practically relegated to the work of independent social investigation into sanitation and the prevention of sickness and crime.

The Parliamentary Attack

The most dangerous part of the attack on the Poor Law Commissioners was that to which they were exposed in Parliament, owing to the acceptance, by Lord Althorp in 1834, of the amendment giving them only a five years' term of office, the renewal of which looked, at times, extremely uncertain. "Though this opposition", said Nassau Senior, "began with the introduction of the Bill, and was carefully nursed by local agitators, it did not appear in force until the General Election of 1837".[1]

[1] *Remarks on the Opposition to the Poor Law Amendment Bill*, by a Guardian [Nassau Senior], 1841, p. 64. At the General Election of 1835 Cobbett, who had been most violent in his opposition to the Bill throughout the session of 1834, was, with Fielden, returned unopposed for Oldham; and their speeches seem to have been wholly taken up with abuse of the New Poor Law. These and other opponents tried in vain to get the subject made the central issue of the election; but though not a few candidates were induced to declare against the Whig Act, the overwhelming interest of the contest lay in the vote for or against Sir Robert Peel's administration. Cobbett died soon after the election (in June 1835).

At the General Election of 1837, when it is recorded that Disraeli fulminated against the New Poor Law in his election campaign at Maidstone (*Life of Beaconsfield*, by W. F. Monypenny, 1911, vol. i. p. 373), the attempt to make this an issue does not seem to have much greater success than in 1835. John Walter complained of the Tory Party leaders for not taking up what he believed to be not only a just, but also a popular cry. "I wish", he wrote to Croker, "you had kept your Duke from any declaration on the Poor Law. Sir Robert Peel, under the feeling of extreme candour, and liberality to his antagonists, has thrown away other chances, as well as that which I afforded him, of beating up their quarters" (John Walter to Croker, July 20, 1837, in *The Croker Papers*, edited by L. J. Jennings, 1884, vol. ii. p. 318). Gladstone, who had served for three months in Sir Robert Peel's administration, on proceeding to Newark in 1837 for his re-election, "found a very strong, angry and general sentiment, not against the principle of the Poor Law as regards the able-bodied, but against the regulations for separating man and wife, and sending the old compulsorily to the workhouse, with others of a like nature. *With the disapprobation on these heads he in great part concurred*" (*Life of W. E. Gladstone*, by John Morley, 1903, vol. i. p. 140).

The winter of 1836–1837 had been one of severity, and many rural labourers were thrown out of work.[1] Owing to a sudden check in trade, employment had begun to fall off, too, in the industrial districts, to which the Poor Law Commissioners were proceeding to apply the Act; and with a rise in the price of food there was widespread distress. When the session opened, John Walter, M.P. for Berkshire,[2] moved for a Committee of Enquiry into the working of the New Poor Law, to which the Government assented. The Committee, of which J. N. Fazakerley, M.P. for Peterborough, was Chairman, and which included among its members Joseph Hume, C. P. Villiers, Sir Thomas Fremantle, Estcourt, Poulett Scrope, John Walter, Thomas Wakley,[3] Sir James Graham and Lord John Russell himself, sat at intervals during two sessions, and listened to the wildest accusations of individual hardship, mainly based on hearsay or anonymous evidence. Presently Walter and his friends withdrew from the Committee, alleging that its membership was not sufficiently representative of the opponents of the Act. The report, when it came in August 1838, with five thick folio volumes of evidence, entirely "disappointed the expectation" of those who had pressed for the Committee. "Instead of denouncing the law, it declared that it had improved the condition of the poor. Instead of blaming the Commissioners, it declared that they had acted with zeal, ability and discrimination."[4] It was, in fact, completely favourable to the principles of reform, and substantially laudatory of the administration of the Commissioners; though suggesting some alterations in procedure as to the issue of Orders, an improvement in the audit of the Boards of Guardians' accounts, and other minor changes.[5] The General Election

[1] In October 1837 we see Lord John Russell anxious about the prevalence of distress and the recrudescence of incendiarism in the rural districts (see his letter to the Poor Law Commissioners of October 21, 1837, in the MS. Minutes, November 2, 1837); and the Assistant Commissioners were asked to report thereon.

[2] Walter derived his Parliamentary importance mainly from his ownership of the *Times*; but his persistent opposition to the Poor Law Amendment Act commanded respect. Among the pamphlets from his pen, we may cite *A Letter . . . on the New System for the Management of the Poor*, 1834; and *Opinions respecting the New Poor Law expressed out of Parliament*, 1841.

[3] Thomas Wakley (1795–1862), another consistent opponent of the Poor Law Commission, was editor and proprietor of *The Lancet*, and Coroner for Middlesex.

[4] *History of England*, by Sir Spencer Walpole, vol. iv., 1886, p. 31.

[5] Report of Select Committee into the Administration of the Relief of the Poor, 1838 (Parliamentary Papers, vol. xviii. p. 27), and H.C. 481 of July 5,

that followed on the accession of Queen Victoria gave occasion for belabouring the Whig Government for having passed the unpopular "New Poor Law"; and the less scrupulous Tory candidates were easily persuaded to make the alleged harshness of the autocratic and tyrannous Poor Law Commissioners a leading feature of the contest.[1] Such of them as were elected did not, however, for the most part maintain their position in the House of Commons. When, in February 1838, John Fielden (M.P. for Oldham) proposed, and Thomas Wakley (M.P. for Finsbury) seconded, a motion that the Poor Law Amendment Act should be repealed, they were supported only by 17 members out of 330; but it is noticeable that among this "minority of Tories and philanthropic Radicals" was Benjamin Disraeli, who had just secured election for Maidstone.[2] This unsatisfactory division did not prevent a constant repetition of attacks on the Act and the Commissioners, by questions and motions, petitions and amendments, in the House of Lords (by Lords Stanhope and Wynford, and occasionally by the Bishop of Exeter), as well as in the House of Commons (by John Walter, Thomas Wakley, John Fielden, Daniel Whittle Harvey, Col. Sibthorp, Liddell, T. S. Duncombe and T. Grimsditch). Such Parliamentary sniping would have been of less importance but for two facts. The opposition in Parliament, ill-informed and factious as it was, corresponded with widespread popular discontent, inflamed by the Unemployment and misery caused by an ever-deepening depression of trade—in 1841–1842 possibly the most acute on record even down to this day (1928)—which found

1837; *Annual Register*, 1837, p. 141. See also *The Parish and the Union . . . analysis of the Evidence . . . of the Select Committee . . . into the Administration of the Relief of the Poor*, 1837; *Abstract of the Evidence before the Committee . . . into the Operation and Effect of the Poor Law Amendment Act*, by William Denison, 1837; *Speech of Lord Brougham in the House of Lords . . . on the New Poor Law*, 1838. *The Northern Star* for December 23, 1837, contains the report of a typical public meeting denouncing the obnoxious law. An Anti-Poor Law Association was at work at Manchester in 1838, urging the bringing of influence to bear on the parochial elections, and the advising of workmen to withdraw their deposits from the local Savings Banks (R. M. Muggeridge to Poor Law Commissioners, *March 14, 1838*; *MS. Minutes*, December 28, 1838).

[1] John Stuart Mill, as Bain notes of his article in the *Westminster Review* for October 1837, "hits the Tories very hard for their disingenuous dealing on the New Poor Law at the election" (*John Stuart Mill*, by Alexander Bain, 1882, p. 50).

[2] *Life of Beaconsfield*, by W. F. Monypenny, 1911, vol. ii. p. 81.

organised expression in the Chartist Movement.[1] What gave the Government even more concern was the necessity of obtaining the positive assent of the House of Commons to a continuance of the Poor Law Commission, which had, by the wording of the Poor Law Amendment Act, come to an end (with the session immediately following the expiry of its five years' term) on August 1839; and had already twice been continued for a further twelve months.[2] In January 1841, when the Whig Government was tottering to its fall, Lord John Russell at last brought in the long-deferred Bill to continue the Commission, not permanently but for ten years. At once a strenuous opposition manifested itself. More than five hundred petitions were presented against the Bill. Disraeli saw his chance of leading all the discontented; and he moved the rejection of the Bill on Second Reading, in a clever speech of picturesque and ingenious argument, playing upon all the prejudices of the country gentlemen, and eulogising the superiority of the immemorial Local Government of England over the interferences and blunderings characteristic of a centralised bureaucracy. The much-vaunted economies of the Poor Law reformers had proved he said, in the long run, delusive; expenditure was rapidly rising,[3] owing, as he alleged, to the wasteful policy of workhouse building and the multiplication of salaried officials. The debates were prolonged and repeatedly adjourned, as many members wanted to denounce

[1] Although the Chartist Movement may have had no logical connection with the objection to the New Poor Law, or with the agitation for Factory Legislation, there was, right down to 1850, a close connection between all three waves of popular feeling. "Rightly or wrongly", records "Alfred" (Samuel Kidd) in his *History of the Factory Movement*, 1857, "the labourers of England believed that the New Poor Law was a law to punish poverty . . . it did more to sour the hearts of the labouring people than did all the privations". "Every educated leader of the Factory Movement opposed" the Poor Law (*An Economic History of Modern Britain*, by J. H. Clapham, 1926, pp. 578-579). Rev. J. Rayner Stephens continually mingled his Chartism with his denunciation of the Poor Law Commissioners (*Life of the Rev. J. Rayner Stephens*, by G. J. Holyoake, 1881; *History of the Chartist Movement, 1847–1854*, by R. G. Gammage, 1894). Lord Panmure, who, as Fox Maule, when Under Secretary at the Home Office, saw the confidential reports of 1849, notes that "much of the so-called Chartist agitation is in reality "anti-Poor Law agitation" (*The Panmure Papers*, by Sir G. Douglas and Sir G. D. Ramsay, 1908, p. 15).

[2] By 2 and 3 Vic. c. 83 (1839) and 3 and 4 Vic. c. 42 (1840).

[3] The amount expended on the relief of the poor in England and Wales had, in fact, been continuously rising from its lowest point in 1837. At that date it had been got down to £4,044,741; but in 1843, by successive yearly increases, it had reached £5,208,027 (*History of the English Poor Law*, by Sir G. Nicholls, 1854, vol. ii. p. 374).

the cruelties of the new Guardians, the autocratic action of the Commissioners and the abuses incidental to workhouse administration. The Order Paper was covered with notices of amendments to nearly all the clauses of the Bill. Whilst no one outside the ranks of the strict party Whigs was anxious to see this Government Bill passed, Sir Robert Peel was too well-informed and too honest to give any countenance to the idea that it was possible to retrace the steps already taken. Yet as leader of the Opposition he could hardly be expected to help a dying Government out of its difficulties. Grote and Villiers, with Lord Howick, ably defended the Poor Law Commissioners, but failed to stem the tide of faction and party; and after a struggle that extended over three months, Lord John Russell, in May 1841, withdrew the Bill.[1]

Sir Robert Peel's Success

At the General Election that ensued in September 1841, in which the Conservative Party gained a substantial majority, not much was made of the Poor Law except as a reproach to the Whigs; and one of the first duties of Sir Robert Peel's Government was necessarily to secure a renewal of the life of the Poor Law Commissioners for one more year; when a motion for the rejection of the Bill by Disraeli rallied some three-score supporters.[2] In the following session the Government got through

[1] Hansard, vols. lvi. and lvii., January to May 1841; *Life of the Earl of Beaconsfield*, by W. F. Monypenny, vol. ii. p. 232; *History of the English Poor Law*, vol. ii., by Sir George Nicholls, 1854, pp. 363, 373; vol. iii., by Thomas Mackay, 1899, pp. 265-268, 311-314; *History of England*, by Sir Spencer Walpole, vol. iv., 1886, p. 35; *Edinburgh Review*, Oct. 1841, by Nassau Senior.

The Whig Cabinet was, naturally, not unanimous or wholehearted in its defence of a law and a Department which had become extremely unpopular. In May 1841 Lord Palmerston was suggesting to Lord Melbourne whether it would not be "possible to hold out a prospect of some modification of the Poor Law, in regard to Outdoor Relief in towns of more than a certain number of inhabitants, which I really believe would be just and proper". By this, he thought, "we should strike the Poor Law cry dead" (Palmerston to Melbourne, May 14, 1841; in *Lord Melbourne's Papers*, 1889, p. 419).

[2] 5 Victoria c. 10 (1841); *Life of the Earl of Beaconsfield*, by W. F. Monypenny, 1911, vol. ii. p. 232. "There is no doubt", observes Disraeli's biographer, "that, in the elections, Peel, though he himself had never given to the agitation the slightest encouragement, owed a good deal of his success to the unpopularity which the Whigs had incurred by their Poor Law, and to the definite pledges that were taken by many of his supporters for its amendment or total abolition" (*ibid.* p. 232). In his election address at Newark, "Mr. Gladstone only touched on the Poor Law and the Corn Law. On the first he would desire liberal treatment for aged, sick and widowed

a Bill for a continuance of the Commission for a further period of five years, not, indeed, without a good deal of denunciation of the New Poor Law and of the policy of the Commissioners by Ferrand (newly elected M.P. for Knaresborough), T. S. Duncombe, Thomas Wakley, and others; but with a marked weakening of the opposition.[1] Two years later, when better weather had prevailed, food prices had fallen and trade had revived, Sir James Graham, as Home Secretary (who was on terms of personal intimacy with Cornewall Lewis and Sir Edmund Head, who now dominated the Commission), got through the House, without much difficulty, a new and lengthy Poor Law Amendment Act, which improved the law in detail on numerous points, largely in consonance with the suggestions of the Commissioners themselves, and with the recommendations of the various Parliamentary Committees of the preceding seven years.[2] The most important of these changes was, perhaps, that relating to bastardy, by which any legal proceedings on this subject were wholly dissociated from the Poor Law. The parish officers were directed to seek no indemnity for the parish and to take no part in any action. The claim of the mother against the father of the child became her own civil right, whether or not she received Poor Law relief, independent of chargeability to the parish of either mother or child; and for the enforcement of this personal right the cheap and summary jurisdiction of Petty Sessions was made available.[3]

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poor, and reasonable discretion to the local administrators of the law" (*Life of W. E. Gladstone*, by John Morley, 1903, vol. i. p. 238).

[1] Hansard, vol. lxiv., 1842; 5 and 6 Vic. c. 57; *History of the English Poor Law*, vol. ii., by Sir G. Nicholls, 1854, p. 363; vol. iii., by Thomas Mackay, 1899, pp. 313-314; *History of England*, by Sir Spencer Walpole, vol. iv. pp. 190-193; *Life and Times of Sir James Graham*, by W. T. M'Cullagh Torrens, 1863, vol. ii. pp. 220-223.

[2] 7 and 8 Vic. c. 101; *Official Circular*, No. 39 of September 30, 1844; Eleventh Annual Report of Poor Law Commissioners, 1845; *History of the English Poor Law*, by Sir George Nicholls, 1854, vol. ii. pp. 383-391; vol. iii., by Thomas Mackay, 1899, pp. 311-318; H. of C. Committee on the Administration of the Poor Law, 1837-1838; H. of L. Committee on the same, 1838; H. of C. Committee on Medical Relief, 1844; Ditto, on the Gilbert Act Unions, 1844-1845.

[3] It will be remembered that the Poor Law Inquiry Commissioners of 1832-1834 had recommended that there should be no recourse against the father of an illegitimate child; that the Bill of 1834 was drafted in this sense; that the House of Commons insisted on a clause for the protection of the ratepayer, giving the parish (not the mother) power to get an order from Petty Sessions making the father pay to the parish for the maintenance of a child which had become chargeable; and that, in the House of Lords, this was

For the new Unions, the Act provided for their division into wards for the election of Guardians, and altered the qualifications and the scale of voting, making equal the two scales of owners' and occupiers' votes. It empowered the Commissioners to combine parishes and Unions into districts for purposes of audit, and (whilst repealing Hanway's Act regarding London infants) likewise for the provision of schools and vagrant wards; and also to include, without the assent of a two-thirds majority, such of the parishes protected by Local Acts as had fewer than 20,000 inhabitants. The opportunity was also taken to effect various other amendments in the law, notably with regard to apprenticeship; and although some of these extensions of legal powers proved to go beyond the practical opportunities of the Commission, they were all calculated to facilitate the working of the new system. Taken as a whole, the general acceptance by the House of Commons of this "second Poor Law Amendment Act", after a whole decade of denunciation and abuse, must be regarded

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weakened by substituting Quarter Sessions for Petty Sessions, requiring corroborative evidence, and preventing the mother herself from benefiting. The law, thus amended, was found difficult and costly of application by the parishes (as Nassau Senior had complacently foreseen); and magistrates, Guardians and parishes alike protested loudly—only to be told by the Poor Law Commissioners that the Legislature must be presumed to have intended to discourage such proceedings! The Select Committee of 1837–1838 recommended a simplification of the procedure; and Lord John Russell conceded, in 1839, by 2 and 3 Vic. c. 85, the substitution of Petty Sessions for Quarter Sessions. The Poor Law Commissioners discussed the matter in their Sixth Annual Report, 1840, on an elaborate report by Sir Edmund Head, containing all the learning on the subject. In January 1844, in a further report to the Home Secretary, they reluctantly fell in with the general desire; and recommended that, "assuming that affiliation is to be further facilitated . . . the best mode of accomplishing this end is to give an independent civil remedy to the mother of a bastard, as such, and not as a pauper; and thus to remove the barrier which the necessity of chargeability now interposes between the mother and her means of legal redress" (Poor Law Commissioners to Sir J. Graham, January 31, 1844, in *Official Circular*, No. 32 of February 29, 1844; Tenth Annual Report of the Poor Law Commissioners, 1844, pp. 17-18, 234-242; *History of the Poor Law*, vol. iii., by Thomas Mackay, 1899, pp. 317-318; *History of England*, by Sir Spencer Walpole, vol. iv. p. 193). This was done by 7 and 8 Victoria, c. 101 (1844); and remained until 1868 the legal position. The protests and complaints of the Boards of Guardians at not being able to have recourse against the father at last prevailed; and by sec. 41 of the Poor Law Amendment Act, 1868 (31 and 32 Victoria, c. 122), as amended by the Bastardy Laws Amendment Acts, 1872 and 1873, power was given to the Board of Guardians having to maintain a bastard child to obtain, from Petty Sessions, an order on the father (see Local Government Board Orders of August 4, 1873, and January 8, 1874; and *The English Poor Law System*, by Dr. P. F. Aschrott, 1888, p. 83).

as a decisive ratification, not only of the Act of 1834, but also of the general policy and administration of the Commissioners.[1]

The Andover Case

Nevertheless, just when the Commissioners had been thus handsomely absolved, and, for a further term at least, "relieved . . . from the doubts and probabilities of a sudden termination of their functions", the storm broke out anew, with a fury that very seriously "rocked the boat"; and produced, in a short time, a fundamental transformation of the position. In 1845, what the Home Secretary (Sir James Graham) imprudently termed "a workhouse squabble in the South of England", led to heated controversy, prolonged inquiry and bitter recriminations, extending far beyond the original incident, known as the Andover Case.

One of the tasks set to the few able-bodied labourers who entered the Southwell Workhouse, when Nicholls was Overseer in 1821–1822, had been the crushing of bones to be used for manure. This task, which the condition of the "green bones" made noisome and repellent, had been widely adopted in the new workhouses after 1835,[2] without any express direction from the Poor Law Commissioners, and even in the teeth of discouragement from some of the Assistants; but also, though objections had been urged against it, without any prohibition. In the yard of the workhouse at Andover, Hampshire, where this task was regularly set to able-bodied labourers who applied for relief, some of them were, during the continuance of a certain dietary,[3] found to be eating the half-putrid gristle and marrow

[1] Hansard, 1844; 7 and 8 Victoria, cap. 101; *History of the English Poor Law*, vol. ii., by Sir George Nicholls, 1854, pp. 383-391; vol. iii., by Thomas Mackay, 1899, pp. 314-318.

[2] Return of Union Workhouses in which bone-crushing, etc., has been carried on (H.C. 41 of February 1845), moved for by Capt. Pechell, M.P. It had been expressly suggested on February 18, 1842, by the Commissioners, at a time when Nicholls was away in Ireland, to the Honiton Board of Guardians, as an alternative to stone-breaking (MS. Minutes, 1842; *Official Circular*, No. 22 of January 25, 1843).

[3] In the light of modern dietetic wisdom it may well be thought that the "hell-broth", as the workhouse oatmeal gruel was termed, was deficient in vitamines; and that this led to a craving for meat. Sir James Graham's manner was such as to lead to statements that "he insisted that the paupers of Andover got on capitally on bone-dust" (*Political Portraits*, by Edward M. Whitty, 1854, p. 98).

to be extracted from the bones they were set to crush; proving, as some said, that these paupers were kept without sufficient food. Out of this unsavoury incident, which came on the top of repeated tales of workhouse cruelty, both in London and in rural Unions,[1] a great scandal arose. The Poor Law Commissioners instructed the Assistant Commissioner to hold an inquiry, which, owing to various mistakes and misunderstandings, ended unsatisfactorily. A demand was made in the House of Commons, at the instance of the member for Andover (Ralph Etwall), for a more searching investigation by a Select Committee, which the Government resisted, but which was forced upon them by the House. The friends of two Assistant Commissioners, who had been called upon to resign, insisted on their cases being also investigated, an enlargement of the scope of the Committee which the Government opposed, with the same untoward result. The proceedings of the Committee, over which Lord Courtenay, M.P., presided, eventually ranged over the whole scope of Poor Law administration throughout the kingdom; and were enlivened by bitter recriminations, in the course of which Chadwick once more publicly revealed his own insubordination to the Commissioners; and what had begun as the trial of a workhouse official ended in something like a trial of the Poor Law Commission itself.

"It appeared"—we adopt Mackay's summary—"that when the complaint was first made the Commissioners sent their Assistant Commissioner, Mr. Parker, to hold an inquiry on the spot. In addition to the bone-crushing complaint, serious allegations were made against Macdougall, the master of the

[1] The case of the workhouse of the Bacton Union, Suffolk, where various officials were charged with gross neglect and cruelty, through which several aged paupers died, is reported at length in the *Times* of February 5, 1844; see, for its effect on opinion, *Thoughts upon the Theory and Practice of the Poor Laws*, etc., by Sir Walter James, Bart., 1847. In 1840, "in the latter part of the year, a great sensation was created by the exposure, at Rochester, of the brutalities of the master of a workhouse named Miles . . . acts of the most disgusting and revolting nature . . . united a profligate indecency to a stupid brutality" (*Political Life of Sir Robert Peel*, by Thomas Doubleday, 1856, vol. ii. p. 292; see, in confirmation, *Annual Register*, December 1840). The *Times* had for years been publishing reports of Coroners' inquests on people who had died of want (see *Times* of February 27, 1841; December 3, 1842; October 6 and November 22, 1843; and January 20, 1844; and *Principles of the Legal Provision for the Relief of the Poor*, by William Palmer, 1844, pp. 19-20; also *A Word for the Poor and against the present Poor Law, both as to its principle and its practice*, by Sir George Crewe, Bart., 1843).

workhouse.[1] The evidence against him rested, for the most part, on the uncorroborated testimony of some worthless women. The charges were denied, but Macdougall thought it prudent to resign; the inquiry therefore, as far as he was concerned, came to an end, and no action seems to have been taken against him in the civil or criminal courts. Mr. Parker had a most difficult part to play. It was a period of Chartism and violent political agitation. Local feeling ran so high that a judicial consideration of the subject was impossible. Mr. Parker did his best to restrain the passion and irrelevancies of the various witnesses; and it is quite possible that he displayed some desire to wind up an inquiry into a disturbance which was entirely of a personal character. Dissatisfaction was expressed by Sir James Graham as to the manner in which the inquiry had been conducted. This feeling was shared by the Commissioners, more especially by Mr. George C. Lewis and Sir Edmund Head, and was acquiesced in by Mr. Nicholls; and Mr. Parker was invited to resign his post of Assistant Commissioner. Mr. Parker may have been lacking in the temper and tact required in his difficult position; but it is impossible to avoid the conclusion that he was made a scapegoat in this unfortunate business. Sir James Graham [the Home Secretary] was called on to answer for a grave miscarriage of administration. He found that an abortive inquiry had been held by a subordinate of the central office. The Commissioners had for themselves a perfect answer to adverse criticism. They had endeavoured to stop the use of the bone-crushing test work,[2]

[1] This was the sad case of Hannah Joyce. "A poor woman of the name of Hannah Joyce was . . . treated . . . with dreadful cruelty. . . . Hunted away from the workhouse like a brute beast—threatened with sleeping in the deadhouse by the side of the corpse of her child—compelled to carry the body of that child, without a coffin, through the High Street of Andover to the grave, Hannah Joyce will long be remembered as the very acme of Poor Law abuse and of Poor Law cruelties" (*Thoughts upon the Theory and Practice of the Poor Laws*, etc., by Sir Walter James, Bart., 1847, p. 10). "Hannah Joyce . . . appears to have been treated by the master and matron with great harshness and cruelty" (*Letters from the Poor Law Commissioners . . . relative to the Transaction of the Business of the Commission*, 1847, p. 58).

[2] Here Mackay went too far. There had been a difference of opinion among the Commissioners as to whether bone-crushing was a suitable task to set; and in letters to various Boards of Guardians the Commissioners had shown reluctance to sanction it (MS. Minutes, Poor Law Commissioners). They did not go further, however, than to caution the Guardians that they should consult the Workhouse Medical Officer as "to the nature of the bones usually obtained, the instrument employed, and the place where the work is carried on". In another case the Commissioners, whilst expressing a doubt "whether

and the local Union was alone responsible for a disregard of this order and for the malfeasance of Macdougall, its own subordinate officer. Mr. Parker did not improve his relations with his official chiefs by reviving Mr. Chadwick's contention that the Commission was not fully constituted for the transaction of business without the presence of the Secretary. To raise such an objection in the height of a controversy with his chiefs had the appearance of an act of insubordination; and it is impossible not to suspect that the whole of this trouble was much fomented by the unfortunate differences which existed between the Secretary and the Commissioners. In the Parliamentary inquiry, to which Sir James Graham was obliged to assent, the Andover scandal soon became of secondary importance. Mr. Chadwick and the Assistant Commissioners, Mr. Parker and Mr. Day (the last for other reasons had also been invited to resign), had their advocates on the Committee. To them were joined, for the purpose of exciting public prejudice against the law and the Commissioners, a large party of irresponsible malcontents. They were not deterred from making capital out of the scandal by the remembrance that Mr. Chadwick's difference with his colleagues arose ostensibly out of the fact that in his opinion the Board [of Poor Law Commissioners] had been remiss in enforcing the law which they, its opponents, denounced as cruel and unchristian. The Committee found that the Andover Board [of Guardians] was in many respects blameworthy, and that Mr. Parker and Mr. Day had not been fairly treated. The important result of the inquiry was, that the Whig Government, which had succeeded the great Ministry of Sir Robert Peel, decided to make a change in the constitution of the Commission." [1]

bone-crushing is the best form of affording employment", stipulated that the Workhouse Medical Officer should satisfy himself that it was not injurious to health. On November 8, 1845, the Commissioners so far yielded to the storm that had been roused by the Andover incident as to issue an Order prohibiting bone-crushing for the future (Twelfth Annual Report of the Poor Law Commissioners, 1846, pp. 6-8, 77, 96-99). Nicholls formally dissented from this, and insisted on his dissent being recorded and published; "being", as he said, "satisfied that bone-breaking is a perfectly eligible mode of employment for the able-bodied male inmates of a workhouse" (*History of the English Poor Law*, by Sir George Nicholls, 1854, vol. ii. p. 395; Copies of Letters and Rules of the Poor Law Commissioners relating to bone-crushing, etc., H.C. 75 of 1846; and Report of the Secretary of the Poor Law Commissioners on Bone-crushing, etc., H.C. 432 of 1846, two returns moved for by Capt. Pechell, M.P.).

[1] *History of the English Poor Law*, vol. iii., by Thomas Mackay, 1899,

The Constitutional Revolution

Whatever may have been thought of the outcome of the Andover Case, it seems to have been generally felt that the position of the Poor Law Commissioners — "exposed", as Cornewall Lewis complained, "to the insults of all the refuse of the House of Commons without the power of defending oneself; and to have one's chief opponent as the Secretary of the Board of which one is a member, without the power of dismissing him" —was not one that could be continued. It was realised, both by Nassau Senior and Lord John Russell, that they had made a mistake in 1834 in persuading Lord Althorp, against his better judgment, to establish the Poor Law Commission as an independent body, uncontrolled by any Minister, and therefore unrepresented in the House of Commons. There had consequently never been any one to answer for it in the House, or specially responsible for its defence against the attacks from which it was hopeless to expect members to abstain. Whatever might be plausibly urged in favour of an absolutely non-party administration, of a branch of the Executive Government which it was hoped to keep entirely divorced from politics, the attempt had, in the conditions of English public life, hopelessly broken down.

The case of the Poor Law Commission between 1834 and 1847 has become a classic example of the absolute necessity of definite ministerial responsibility in Parliament for every executive Department without exception; and it was made by Bagehot a leading case. After describing in vivid detail, in his well-known book on

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pp. 322-324; vol. ii. by Sir George Nicholls, 1854, pp. 394-395; *History of England*, by Sir Spencer Walpole, vol. iv. p. 29; *Life and Times of Sir James Graham*, by W. T. M'Cullagh Torrens, 1863, vol. ii. pp. 457-460, 478-482; see also Hansard, vol. lxxxiv. pp. 625, 676, etc.; Report and Evidence of the Select Committee . . . on the Andover Union, 1845 (H.C. 663), together with half a dozen other Parliamentary Papers; the valuable *Digest of the Evidence before the Select Committee*, etc., by a Barrister, 196 pages (1846); Twelfth Report of the Poor Law Commissioners, 1846; *Letters from the Poor Law Commissioners . . . relative to the Transaction of the Business of the Commission*, 1847; *A Letter to Lord Viscount Courtenay, M.P., Chairman of the Andover Committee*, by William Day, 1847; *Letters . . . on the subject of recent proceedings connected with the Andover Union*, by H. W. Parker, 1845; *Two Letters to . . . Sir George Grey*, etc., by the same, 1847; *The Political Life of Sir Robert Peel*, by Thomas Doubleday, 1856, vol. ii. p. 432.

The English Constitution, the difference between the way in which a Department fares under Parliamentary attack, according to whether it has or has not a Minister to answer for it, he proceeded as follows :

" The experiment of conducting the administration of a public department by an independent unsheltered authority has often been tried, and always failed. Parliament always poked at it, till it made it impossible. The most remarkable is that of the Poor Law. The administration of that law is not now very good ; but it is not too much to say that almost the whole of its goodness has been preserved by its having an official and party protector in the House of Commons. Without that contrivance we should have drifted back into the errors of the Old Poor Law, and superadded to them the present meanness and incompetence in our large towns. All would have been given up to local management. Parliament would have interfered with the Central Board till it made it impotent, and the Local Authorities would have been despotic. The first administration of the New Poor Law was by Commissioners—the three Kings of Somerset House, as they were called. The system was certainly not tried in untrustworthy hands. At the crisis . . . the principal Commissioner was Sir George [Cornewall] Lewis, perhaps the best selective [*sic*—presumably meaning non-elected] administrator of our time. But the House of Commons would not let the Commission alone. For a long time it was defended because the Whigs had made the Commission, and felt bound as a party to protect it. The new law started upon a certain intellectual impetus; and till that was spent its administration was supported in a rickety existence by an abnormal strength. But afterwards the Commissioners were left to their intrinsic weakness. [In the House of Commons] there were members for all the localities, but there were none for them. The rural Guardians would have liked to eke out wages by rates ; the city Guardians hated control and hated to spend money. The Commission had to be dissolved, and a Parliamentary head was added ; the result is not perfect but it is an amazing improvement on what would have happened in the old system. The new system has not worked well because the Central Authority has too little power ; but under the previous system the Central Authority was getting to have, and by this time would have had no power at all. And if Sir

George Lewis and Mr. Chadwick could not maintain an outlying Department in the face of Parliament, how unlikely that an inferior compound of discretion and activity will ever maintain it!" [1]

In May 1847 Sir George Grey, the new Home Secretary, introduced a Bill which became law as the Poor Law Board Act. The appointment of the Poor Law Commissioners was allowed to expire. Their functions were transferred to a new body of Commissioners, always known as "The Poor Law Board", consisting nominally of the Lord President of the Council, the Lord Privy Seal, the Home Secretary and the Chancellor of the Exchequer *ex officio*, together with a President, who was to be eligible to sit in Parliament, to be appointed by the Crown, and in addition two Secretaries, one of whom was, like the President, to be eligible to sit in Parliament. In this drastic reorganisation, the Poor Law Commissioners had themselves concurred. "There is nothing", wrote to George Grote that "most able, most learned, most unselfish and most genial man" [2] Cornewall Lewis (whose place was thereby abolished), "in the change announced by the Government of which I disapprove. On the contrary, they appear to me to have taken the best step, both for the public and the Commissioners, which the circumstances of the case admitted. Lord John completely threw over the report of the Andover Committee, and said that the Government intended to found no measure upon it. But he added that there was a state of feeling in Parliament, and a relation between the Home Office and the Commissioners, which rendered a change in the constitution of the Department expedient, when the question of the renewal of the Commission came before the House. He proposes to retain the present central control unimpaired, transferring the issue of General Orders to the Queen in Council; constituting the Depart-

[1] *The English Constitution*, by Walter Bagehot, 1866 (pp. 189-190 of edition of 1922).

[2] Gladstone's Diary, April 14, 1863, in *Life of W. E. Gladstone*, by John Morley, 1903, vol. i. G. C. Lewis immediately entered Parliament, and was promptly taken into Lord John Russell's Government, holding successively three minor offices, 1847–1852, when he lost his seat and became editor of the *Edinburgh Review*, 1852–1855. Re-entering Parliament in February 1855, he was immediately appointed Chancellor of the Exchequer in Lord Palmerston's Government, 1855–1858; and (after the brief administration of Lord Derby) successively Home Secretary and Secretary of State for War, 1859–1861. After what Bagehot called "the most rapid political rise of our time", he died in 1863.

ment differently, and enabling it to be represented directly in the House of Commons. At the same time, I believe, the Department will be made perpetual, instead of being, as at present, only temporary. It has been my great object to prevent the attacks of the last session from being used as a means of destroying the central office, and subverting the existing administration of the law. Although [name omitted] and his friends had personal objects, the aim of Wakley and the *Times* and their adherents was more extensive. If the Government make a good arrangement of the personnel of the new Department, the amount of public injury done will not be great. For my own part, nothing but a consciousness of the impossibility of resigning would have induced me to hold my office even up to the present time. . . . If it should be found on experience that the direct representation of the Poor Law Commission in Parliament leads to the abandonment of some wholesome regulations which are now in force, and renders the administration less impartial, this change for the worse must be imputed to our Parliamentary constitution, and not to the Poor Law Department or the existing administration. Parliament is supreme; and we cannot be better governed than Parliament is willing to govern us. It is vain for a body of subordinate functionaries to attempt to enforce, on such a subject as Poor Law, opinions which are repudiated by the majority of the sovereign Legislature." [1]

The Act of 1847

The Bill, which contained also two detailed amendments of the law significant of the growing feeling of uneasiness about the humanity of the administration of the General Mixed Workhouses,[2] passed into law during 1847 without difficulty, though

[1] Lewis to Grote, January 26, 1847, in *Letters of the Right Hon. Sir George Cornewall Lewis, Bart.*, edited by Rev. Sir Gilbert Frankland Lewis, Bart., 1870, pp. 150-151.

[2] By section 23 it was peremptorily ordered that a married couple over sixty years of age were to be entitled, on request, to a separate bedroom (this was slightly enlarged thirty years later by 39 and 40 Vic. c. 61, sec. 10, which enabled permission for a separate bedroom to be given when either spouse was over sixty, or infirm and sick or disabled); and section 24 provided that where a Board of Guardians neglects to appoint a Visiting Committee to look after the workhouse, or where such Committee fails to visit the institution every three months, the Poor Law Commissioners shall appoint a salaried

not without debates in both Houses, during which Lord Brougham (who was, as usual, inaccurately informed) delivered an eloquent panegyric on Chadwick, with whom he associated George Nicholls (whose formal "Minute of dissent" from the prohibition of bone-crushing had emphasised publicly his reputed desire for a more rigid policy), whilst rather depreciating the other Commissioners. In the House of Commons, on the other hand, where Disraeli once more attacked the whole system,[1] C. P. Villiers ably defended the action of the Commissioners, and animadverted seriously on the persistent insubordination of Chadwick, to whose conduct he attributed much of the difficulty with which the Commission had had to contend. The Act received the Royal Assent on the 23rd of July 1847, but it was not to come into force until the day after the new appointments were gazetted, which proved to be not until the 17th of December following. During this period of nearly five months, the Commissioners disposed of most of the pending cases; and, in particular, they formally issued the General Consolidated Order which they had long had in preparation, codifying the mass of Special Orders made since 1834 for the election and working of the Boards of Guardians, the duties of their officers, the regulation of the workhouse, the medical service, apprenticeship and non-resident relief.[2]

The Poor Law Board Act of 1847 (10 and 11 Vic. c. 109), though in terms only the substitution of one collegiate authority for another, and still only temporary, being limited to a term of five years, wrought, as the observations of Walter Bagehot will have explained, the constitutional revolution that had been seen to be necessary. The establishment of the Poor Law Board meant in fact (for the *ex officio* members of the Board were never summoned, and the Board itself never met, and was never intended to meet) the establishment of a Ministry for Poor Relief, with a responsible Minister (the President) sitting either in the House of Lords or in the House of Commons, who would be necessarily a member of the Government, whether or not in

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officer, not being one of the Guardians, to make the visitation at the Union's expense.

The "Assistant Commissioners" were replaced by "Inspectors" with explicitly defined and extended powers.

[1] *Life of Beaconsfield*, by W. F. Monypenny, 1911, vol. ii. p. 233.

[2] *Official Circular*, N.S., Nos. 7 and 8, July 26, 1847; *History of the English Poor Law*, by Sir George Nicholls, 1854, vol. ii. pp. 422, 455.

the Cabinet; together with an Assistant Minister (the Parliamentary Secretary), who would presumably usually represent the Department in the other House.[1]

[1] From 1838 to 1847 the Poor Law Commissioners were charged also with the administration of the Irish Poor Law, on which Nicholls was almost wholly engaged from 1836 onwards. As the administration was entirely distinct from that of the English Poor Law, we have not troubled the reader, in this chapter, with any account of the Irish experiment. Some of the points of interest in both the Irish and the Scottish Poor Laws will be found in the Appendix to the second volume of the present work.

We note, in passing, an extraordinary hoax of 1837, which deceived Robert Blakey (*History of Political Literature*, 1855) and therefore, not unnaturally, Karl Marx (*Capital*, vol. ii. p. 745); and was seriously quoted in 1922 by the Minister of Health (Sir Alfred Mond). Longmans published, in 1837, an octavo pamphlet of twenty-six pages purporting to be a copy of a "Case on the 43rd Eliz., for the Relief of the Poor, Gawdy attorney, for the Opinion of Mr. Serjeant Snigge", in 1604. This recited, in archaic language, that a certain parish in Norfolk had the idea, in order to resist the demands of the poor for relief, of erecting a workhouse in which they could be confined so long as they required sustenance. Serjeant Snigge (who was a prominent lawyer of the time and afterwards a judge) was asked to advise whether this would be a legal compliance with the Act. We give the gist of his lengthy opinion, which is, we assume, the statement for which the pamphlet was written. "It is a just suspect of the parish, that such a measure as they allude to, will not be warranted by the Act. And I deem too highly of the wisdom and integrity of the High Court of Parliament to surmise that they will give their sanction to any such doings. Should any person ever be so weak and wicked as to propound, or even to vote for such a law, they will be answerable, in conscience, not only for every poor person who may die; but also, for every instance of suffering or of depravity in consequence of it."

In reply to our inquiry, Mr. Longman kindly informed us that nothing was known about this pamphlet except that fifty copies were printed for William Savage, author of *A Dictionary of the Art of Printing*, whose brother James was an antiquary of some note. It was probably concocted between them. That it was merely a hoax is indicated by the date assigned to the opinion, namely, "ye first of April, 1604"; and confirmed by the fact that Attorney Gawdy's statement of the case, and Serjeant Snigge's opinion, contain several words which, on the authority of the *New English Dictionary*, did not enter into English usage until long after 1604. A copy of the pamphlet is in the library of the London School of Economics.

CHAPTER III

THE ADMINISTRATIVE HIERARCHY OF 1848–1908

THE transformation of the Poor Law Commissioners, unrepresented in Parliament, into the Poor Law Board, presided over by a responsible Minister, was more than a constitutional amendment. The occasion marked also a modification in the character of the administration. The relations between the Central Authority and the Boards of Guardians had been, during the latter years of the Commissioners' reign, gradually changing. The doctrinaire enthusiasm of the famous Report of 1834 had evaporated.[1] The perpetual campaign of education of public opinion had already been abandoned. "The duties of the Commisssioners", it was said in 1847, by a well-informed and friendly critic,[2] after the investigation into the scandals of the

[1] This was subsequently described, with considerable prejudice and exaggeration, as having begun almost with Sir Robert Peel's accession to office in 1841. The Boards of Guardians, wrote Doubleday (in 1856), "everywhere began to be deeply affected by the disclosures made in and out of Parliament of the inhumanities and immoralities transacted under the eyes of the creatures of the trio at Somerset House. . . . They began to set at defiance the ukases of the Central Board, which, knowing their deep unpopularity, dared not resist, nor put in force any of the arbitrary powers with which the Act had armed them . . . and Outdoor Relief which . . . the widely spread distress made more than ever necessary, became again universal" (*Political Life of Sir Robert Peel*, by Thomas Doubleday, 1856, vol. ii. p. 354).

[2] *The English Poor Law and the Poor Law Commission in 1847* (Anon.), 1847, p. 52. This pamphlet, comparable with that of 1841 which we have so frequently cited, was, we think, written by, or in consultation with, Nassau Senior and Cornewall Lewis. The latter expressed a similar view in his correspondence. "In England the Poor Law is no longer heard of. The experiment of direct responsibility to Parliament has been decidedly successful. This is [Sir James] Graham's opinion as well as mine" (Cornewall Lewis to Sir Edmund Head, August 1848). "The Poor Law Board has now become purely administrative, and has no character or policy of its own. Baines [President of the Poor Law Board, 1848–1852 and 1853–1855] . . . has managed the

Andover Workhouse, "have now become, for the most part, of a merely administrative character. They watch over the proceedings of the Boards of Guardians, afford them advice, assistance and information in cases of difficulty and doubt, inquire into and adjudicate upon complaints against paid officers of Unions, and maintain a general inspection over a large and complex machine, formed of infinitely varied parts and liable to perpetual derangement. This alteration in the character of the functions of the Poor Law Commissioners assimilates it more to an ordinary Government Department." The transformation affected the form, and even the substance, of the official publications. Under the influence, as we imagine, first of J. G. Shaw-Lefevre, the most accomplished of the trio, and then of Cornewall Lewis, the whole series of the Poor Law Commissioners' Reports from 1835 to 1847 had been distinguished, not only by vivid descriptions, constituting what the journalists call "good copy", but also by cogent trains of reasoning, put in a way that appealed to the educated reader. On the other hand, the annual volumes presented to Parliament and the public by the Poor Law Board from 1848 onward, were, from the outset, devoid of description of incidents; omitting the Inspectors' reports; confined, in the main, to statistical records; couched (as was once complained by a Board of Guardians) "in the statutory language of the Poor Law . . . not sufficiently definite as regards practical application"; [1] hardly ever illuminated by a pregnant phrase; and, in consequence, almost unspeakably dull.[2] Whether consciously or not, the Department had learned a lesson. One of the secrets of successful Parliamentary administration, says Bagehot, for any but the most brilliant Minister, "is to make the whole discussion uninteresting, to leave an impression that the subject is very dry, that it is very difficult, that the Department had attended to the dreary detail, and that on the whole it was safer to leave it to the Department, and a dangerous responsibility to interfere with the Department.

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business very well in the House of Commons, and has disarmed all opposition and hostility. A great change has, however, taken place since our day" (the same to the same, May 19, 1851; see *Letters of Sir George Cornewall Lewis*, edited by Sir G. F. Lewis, 1870).

[1] Holborn Board of Guardians to the Poor Law Board, in Twenty-second Annual Report of the Poor Law Board, 1870, p. 17.

[2] *The English Poor Law System*, by Dr. P. F. Aschrott, 1888, pp. 59-60.

The faculty of disheartening adversaries by diffusing on occasion an oppressive atmosphere of businesslike dullness is invaluable to a Parliamentary 'statesman'."[1] It was in this atmosphere of "business-like dullness" that was organised the Administrative Hierarchy that we have now to describe.

The "Indigence Relief Ministry"

At the apex of the hierarchy, we find gradually emerging, from 1848 onwards, what became amazingly like the "Indigence Relief Minister"; whom, as we have already mentioned, Bentham had suggested, nearly a generation before, in his Constitutional Code. For the Poor Law Board, unlike its predecessor, the trinity of Poor Law Commissioners of 1834–1847, but like its successor in 1871 (the Local Government Board), was only nominally a collegiate authority. Why this Ministry, following the precedent of the more ancient Board of Trade, should have been made to pretend to the world that it was a corporation of five high dignitaries, members of the Privy Council, who never met and were never intended to meet, and whose functions were carried out, and were always intended to be carried out, by the one among them who was named as their President, has never been explained, and is, perhaps, of no importance.[2]

[1] "Mr. Lowe as Chancellor of the Exchequer", in *Biographical Studies*, by Walter Bagehot, 1881, p. 352.

[2] The Minister was even statutorily endowed with a casting vote in case the fictitious other members should prove to be equally divided in opinion. For current business the signatures of any two Commissioners might replace that of the President; but for General Orders the signatures of two other Commissioners were required in addition to that of the President.

The Act 10 and 11 Victoria, c. 109 (1847) empowered the Crown to appoint one or more persons to be Commissioners for administering the laws for the relief of the poor in England and Wales, one of whom was to be named as president, and he (and also one of the secretaries) was declared eligible to sit in the House of Commons. The other Commissioners were *ex officio* the President of the Council, the Lord Privy Seal, the Home Secretary and the Chancellor of the Exchequer. As already mentioned, the new body was, in order to distinguish it from its predecessors, the Poor Law Commissioners of 1834–1847, from the outset called the Poor Law Board; and this title was legalised by 12 and 13 Victoria, c. 103 (1849). The same model was followed for the Local Government Board, which took over the work in 1871; but in this case the *ex officio* Commissioners included, in addition, all the other Secretaries of State, as well as the Home Secretary (34 and 35 Vic. c. 70; 1871).

The power and responsibility was completely vested in a single Minister (the President) as Bentham would have wished; and if the President was not, from the start, always a member of the Cabinet, this omission, which depended only on the Prime Minister of the day, was corrected after 1871 by the usual practice —unbroken save for two cases—of the next half century. It was the President who made all appointments, gave all instructions, issued all orders, despatched all letters, and made all decisions, important or unimportant. That is to say, all these things were done by his general authority, in his name and upon his responsibility. But the President, like his colleagues in the Ministry, found his time and energy so much taken up by his Parliamentary duties and his membership of the various Ministerial Committees, not to say also by his growing participation in "platform work" in his own and other constituencies, and his necessary attendance at public functions, together with his interviews with deputations and influential personages, that we can see that his opportunities for giving personal attention to the current business of the Department, or even to its problems, can have been but small. This absorption in duties other than departmental administration became greater when he became a member of the Cabinet, and has been ever increasingly augmented as the work of the Government has developed in range. Moreover, in the vicissitudes of British politics, the Minister is, in all Departments, only a transient figure; and, in the history of the Poor Law Board and the Local Government Board, his tenure of office was usually exceptionally short. His appointment, and that of his Parliamentary Secretary, enabled them, as was intended, to represent the Department in Parliament; and this, as has been already explained, was a notable administrative improvement. In practice, however, so far as concerned the detailed consideration of policy and the overcoming of difficulties, it was not the President who, in 1848, took the place of the three Poor Law Commissioners, but the Civil Servants, nominally the mere subordinates of the Minister, who constituted the Department. The three Poor Law Commissioners—men, as we have seen, of outstanding ability—had been, from 1834 to 1847, continuously engaged, day after day, in thinking about the policy, constantly discussing it among themselves on terms of equality, and dealing personally with all the problems of Poor Relief.

For these thirteen years, through all changes in personnel, they acted as a continuing body, with an ever-lengthening corporate experience and tradition. On the other hand, the President of the Poor Law Board (or of the Local Government Board) was necessarily a constantly changing person, who, when he found inclination and time to give his mind to departmental policy at all, was in no sense constrained to do so,[1] had no one with whom he was forced to discuss it on terms of equality, and could do no more than think about one problem at a time, with the inevitable consciousness that his presence in that particular office (averaging only about a couple of years), and even his political reign, would probably be brought to an early, and as he doubtless felt, an entirely premature end.[2]

[1] This was made a matter of criticism in the Majority Report of the Poor Law Commission, 1909. "Thus, the final effect of the reconstitution of the Central Authority since 1834 has been that the ultimate responsibility for Poor Law administration has ceased to rest with a body of experts as were the Poor Law Commissioners appointed solely for the purpose, and has been assigned to a President who enters on office and leaves it with his party, and has many other duties of a very varied nature" (Majority Report of Poor Law Commission, 1909, vol. i. p. 120 of 8vo edition).

[2] The post of President of the Poor Law Board was held in succession by no fewer than twelve Ministers in twenty-four years, of whom only five were admitted to the Cabinet; namely, by Charles Buller (1847–1848); Matthew Talbot Baines (1849–1852); Sir John Trollope (1852); M. T. Baines again (1853–1855); Edward Pleydell Bouverie (1855–1858); Thomas Sotheron Estcourt (1858); The Earl of March (1859); C. P. Villiers (Cabinet) (1859–1860); Gathorne Hardy, afterwards Earl of Cranbrook (Cabinet) (1866–1867); The Earl of Devon (Cabinet) (1867–1868); G. J., afterwards Viscount, Goschen (Cabinet) (1868–1871), and J. J. Stansfeld (Cabinet) (1871).

Of Presidents of the Local Government Board and Ministers of Health there have, down to 1928, been twenty-six in fifty-seven years, and of these all but two were admitted to the Cabinet, namely, J. J. Stansfeld (1871–1874); G. Sclater-Booth, afterwards Lord Basing (1874–1880) (not in the Cabinet); J. G. Dodson, afterwards Lord Monk Bretton (1880–1882); Sir Charles Dilke (1882–1885); Arthur Balfour, afterwards Earl of Balfour (1885–1886) (not in the Cabinet); Joseph Chamberlain (1886); J. J. Stansfeld again (1886); C. T. Ritchie, afterwards Lord Ritchie (Cabinet from 1887) (1886–1892); H. H. Fowler, afterwards Viscount Wolverhampton (1892–1894); G. J. Shaw-Lefevre, afterwards Baron Eversley (1894–1895); Henry Chaplin, afterwards Lord Chaplin (1895–1900); Walter Long, afterwards Viscount Long (1900–1905); Gerald Balfour (1905); John Burns (1905–1914); Herbert Samuel (1914–1915); Walter Long, afterwards Viscount Long (1915–1916); Lord Rhondda (1916–1917); W. Hayes Fisher, afterwards Lord Downham (1917–1918); Sir Auckland Geddes (1918–1919); Christopher Addison (1919–1921); Sir A. M. Mond (1921–1922); Sir Griffith Boscawen (1922–1923); Neville Chamberlain (1923); Sir W. Joynson Hicks (1923–1924); John Wheatley (1924); Neville Chamberlain again (1924–).

The Parliamentary Secretary

We need say little of the subordinate colleague of the Minister, whose sole function was to share with him the representation of the Department in Parliament. The intention of the dual appointment was, we imagine, to provide for such representation simultaneously in both Houses of the Legislature. In the case of the Poor Law Board and Local Government Board, however, only twice in the three-quarters of a century of their joint existence—and then only for a few months each—was either representative a member of the House of Lords.[1] The result of both the President and the Parliamentary Secretary being chosen from the House of Commons was to reduce the latter to a mere parliamentary assistant of the Minister for the time being. He was accordingly habitually selected, latterly from promising juniors in the party ranks, but for the first twenty years from among what have been termed "the industrious, painstaking, eminently respectable and eminently dull persons who are chosen by every Government for the smaller places in the official hierarchy";[2] and who rarely exercise, it must be added, any influence either on policy or on administration. The very names of the holders of the office during these eighty years are only with difficulty recoverable.[3]

[1] Since the transformation of the Local Government Board into the Ministry of Health in 1919, two Secretaries in succession have been members of the House of Lords.

[2] *Sir Henry Campbell-Bannerman*, by T. P. O'Connor, 1908, p. 24.

[3] As we have found no account of them, and it is hardly practicable for the inquisitive reader to discover who they were, we have compiled the following list of thirty-five Parliamentary Secretaries of the Poor Law Board, Local Government Board and Ministry of Health: 1847–1851, Viscount Ebrington (afterwards Earl of Devon); 1851–1852, R. W. Grey; 1852–1853, Sir J. Emerson Tennant; 1853–1856, G. L. G. Grenville Berkeley; 1856–1858, R. W. Grey again; 1858–1859, F. Winn Knight; 1859–1865, Charles Gilpin; 1865–1866, Viscount Enfield (afterwards Viscount Torrington); 1866–1867, Ralph Anstruther Earle; 1867–1868, G. Sclater Booth (afterwards Lord Basing); 1868, Sir Michael Hicks Beach (afterwards Viscount St. Aldwyn); 1868–1871, A. W. Peel (afterwards Viscount Peel); 1871–1874, J. T. Hibbert; 1874–1875, Clare Sewell Read; 1875–1880, Thomas Salt; 1880–1883, J. T. Hibbert; 1883–1885, G. Russell; 1885–1886, Earl Brownlow; 1886, J. Collings; 1886, W. C. Borlase; 1886–1892, Walter Long (afterwards Viscount Long); 1892–1895, Sir W. B. Foster; 1895–1900, T. W. Russell; 1900–1905, Grant Lawson; 1905–1907, W. Runciman; 1907–1908, T. J. Macnamara; 1908–1909, C. F. G. Masterman; 1909–1915, J. H. Lewis; 1915–1917, W. Hayes Fisher (afterwards Lord Downham); 1917–1919, Stephen Walsh; 1919–1921, The Hon. Waldorf Astor (who became Lord Astor); 1921–1923, The Earl of Onslow; 1923–1924, Lord Eustace Percy; 1924, *Arthur Greenwood*; 1924, Sir H. Kingsley Wood.

The "Permanent Head"

The real successor of the Poor Law Commissioners of 1834–1847, whose able and adroit administration we have described in the preceding chapter, was, however, not the Minister but the Department—that is to say, the "Permanent Head", the non-political Secretary, advised by, and in consultation with—to whatever extent he chose in each case—the whole clerical staff of the Department; by the expert legal, medical, financial and architectural technicians whom, after many years, it gradually accreted; and by the peripatetic Inspectors and Auditors, most of whom the Department has always virtually selected.

The first Secretary to the Poor Law Board, and thus the first "Permanent Head", was, as we have mentioned, the veteran George Nicholls, then aged sixty-seven, who, after thirteen years' laborious service as Poor Law Commissioner in England and Ireland, was allowed to remain for three more years at a greatly reduced salary in the subordinate office of Secretary.

Then followed twenty years of appointments to the Permanent Headship of the Department which, to put it mildly, were not made with a "single eye" to official efficiency. Lord Courtenay, the eldest son of the financially embarrassed Earl of Devon, who had been M.P. for South Devon from 1841 to 1849, had been brought into the office as Inspector in 1849, and was made Secretary to the Board in January 1851.[1] Although this appoint-

[1] William Reginald Courtenay, eldest son of tenth Earl of Devon (1807–1888), M.P. for South Devon, 1841–1849; Inspector of the Poor Law Board, 1849–1850; and Secretary to the Board, 1851–1859; succeeded to the earldom in 1859, was made Chancellor of the Duchy of Lancaster and a member of the Cabinet in 1866, and was President of the Poor Law Board, 1867–1868, when he retired from politics to devote himself to the improvement of his estates and to county administration (he was chairman of Devon Quarter Sessions for fifty-two years).

In 1854 the Department narrowly escaped what would have been the grossest of political jobs. Lord Courtenay had the chance of becoming a salaried Commissioner of Woods and Forests, and it was understood that he had accepted it. The Prime Minister (Lord Aberdeen) thereupon actually offered the Secretaryship of the Poor Law Board, at £1000 a year, to Abraham Hayward, the leading political "diner-out" and journalist of "Peelite" sympathies. But a press outcry arose, the Tory ex-President of the Board (Sir John Trollope) asked a question in the House, and meanwhile Lord Courtenay finally decided not to vacate the office, so that Hayward was left lamenting. (See *The Secretaryship of the Poor Law Board; Facts and Proofs against Calumnies and Conjectures*, by A. Hayward, Q.C., 1854; *Selections from the Correspondence of A. Hayward*, by H. E. Carlisle, 1886, vol. i. pp. 226–239).

ment was what would nowadays be deemed a political job, Lord Courtenay, who was then only forty-three, had been fourteen years Chairman of the Devon Quarter Sessions, whilst his eight years' service in the House of Commons had been largely devoted to the subjects of Poor Relief and local rating. But the records indicate that he proved better fitted to be a member of the Legislature and a Minister than a Civil Servant; and under his headship the Poor Law Board made no great advance in either vigour or efficiency. In 1859, when he succeeded to his peerage, the secretaryship was conferred on an undistinguished member of the Civil Service of the old type, one Henry Fleming, who had been an Assistant Secretary since 1848, and held what should have been an important administrative position so long as the Poor Law Board itself endured.

Meanwhile, however, the effective headship of this Department, and the function of supplying the Minister for the time being with information and policy, was for nearly a quarter of a century in the hands of one of the most remarkable of Civil Servants, Hugh Owen, an enthusiastic Welsh patriot who had entered the office of the Poor Law Commissioners as a junior clerk in February 1836, at the age of thirty-two, and who, rising gradually to the most influential position in the Department, continued to serve, without either the title or the salary that his real position would have warranted, with unremitting devotion to his official duties, every detail of which he had at his fingers' ends, until, in November 1872, at the age of sixty-eight, he was at last persuaded to retire on his well-earned pension.[1]

[1] Sir Hugh Owen (1804–1881) received his knighthood only just before his death in 1881, in recognition, not of his official services, but of his devoted work for Welsh secondary and university education. Sprung from a small Welsh farm, he began life in London at twenty-one as a solicitor's clerk, and after fifteen years' work, was recommended by Welsh friends in 1836 to the Poor Law Commissioners. Seeking their office amid the maze of Somerset House, he was accidentally seen and questioned by Chadwick, who instantly gave him a minor clerkship. By 1848 he had risen to be "Clerk to the Board", in authoritative and confidential relations with his political chiefs. From 1853 to his retirement in 1872 he bore the title of "Chief Clerk for Office Management" (never receiving any more dignified appellation); but was, so tradition asserts, almost the entire Department, knowing and controlling every detail; and for twenty years authoritatively representing the Board in all Parliamentary and other inquiries. After retirement, he was elected for Finsbury to the London School Board, but served only for a little over two years (1872–1875). See *Sir Hugh Owen, His Life and Life-Work*, by W. E. Davies, 1888; and *D.N.B.*

The Departmental Crisis of 1871

In 1871 came to the Department the crisis of its fate. The chaotic condition in which the Public Health administration had been left by the House of Commons vote of 1854, which swept away as a separate establishment the General Board of Health; and the urgent recommendations of the Royal Sanitary Commission of 1868–1869 in favour of the creation of a strong Government Department dealing exclusively and exhaustively with Public Health, compelled the Liberal Government in 1870 to take action. The Ministry, having in memory the troubles of their predecessors over the unpopular General Board of Health, and the Parliamentary revolt against such a Central Authority, shrank from the establishment of the urgently recommended Ministry of Health which Bentham had demanded nearly half a century before. A timid and unconvinced Cabinet—the Prime Minister (Gladstone), as we have since learnt, was in this year fully occupied with matters of greater moment—decided, with the consent of Goschen, then President of the Poor Law Board, to merge in a new Ministry, to be entitled the Local Government Board, three scattered Departments, namely the Public Health Branch of the Privy Council, which had continued to carry on what was left of the scientific and medical functions of the General Board of Health; a small branch of the Home Office (the Local Government Act Department) dealing principally with the loans and works of the municipal corporations and urban areas; and the Poor Law Board itself. To the new Ministry thus created, there were appointed, at first, in addition to the President and the Parliamentary Secretary, no fewer than three jointly acting Civil Service secretaries, namely two from the staff of the Poor Law Board (Henry Fleming and John Lambert) and one from the Local Government Act Department of the Home Office (Tom Taylor, who had formerly been Secretary of the General Board of Health). Whether the Government ever intended, as the sanitary enthusiasts were led to believe, to establish a sort of twin Ministry, with separate Departments for Public Health and Poor Relief under a single political chief, cannot now be determined. "The Bill for the constitution of the new authority was originally in the hands of Mr. W. E. Forster, Vice-President of the [Committee of the] Privy Council [for Education]; and if

he had carried it through, it is possible that some mistakes which were made at the outset of the new authority would have been avoided. But education was competing with public health for the attention of the Minister most competent to deal with both "; [1] and Goschen, who might, as an alternative, have carried out the new Act, was promoted to be First Lord of the Admiralty before the elaborate measure could be got through Parliament. In the end, a weaker and less experienced administrator, J. J. Stansfeld, brought in and carried a simpler Bill, and became the first President of the Local Government Board. What then ensued was a struggle between the Civil Servants of the Poor Law Board, who naturally assumed that the efficient control of the Relief of the Poor was the most important of all the civil functions of the National Government; and those interested in Public Health who had been taken over from the Privy Council and the Home Office. In this struggle, in which we fail to trace any influence of the Minister himself, Public Health was promptly worsted. Within a year Tom Taylor (whose literary work gave him other fish to fry) was ousted without his place being filled; John Simon,[2] the eminent sanitarian who might well have expected to become Joint Secretary, was, so to speak, "put in a corner", and the officials of the old Poor Law Board became supreme. It presently appeared that, in spite of the nominal union of three independent Departments—as we think, owing to the strength and obstinacy of John Lambert (who had sat on the Royal Sanitary Commission, but who insisted that there must be a single supreme adviser of the Minister for the time being) and the group of officials around him to whom Poor Law administration seemed the all-important function—the old Department was to

[1] "The Passing of the Local Government Board", in *The Local Government Chronicle*, July 19, 1919.

[2] Sir John Simon (1816–1904), one of the most distinguished of nineteenth-century sanitarians, was appointed in October 1848 Medical Officer of Health to the City of London (the second M.O.H. to be appointed, Liverpool having just preceded London). His able, emphatic and far-sighted reports had great influence; and they were unofficially reprinted in 1854 for wider circulation. He was appointed M.O. to the General Board of Health in October 1855, when it was under the care of the Privy Council; and M.O. to the Privy Council itself in 1858, and as such transferred to the Local Government Board in 1871, whence he retired in 1876, on a special pension of £1333 : 6 : 8, nominally on "abolition of office". In 1887 he published *Public Health Reports*, 2 vols., edited by his successor Dr. E. Seaton; and in 1890 *English Sanitary Institutions* (second edition, 1897). A small volume entitled *Personal Recollections*, privately printed in 1898 and revised in 1903, we have failed to find.

continue, in all essentials, unchanged; whilst the added elements were, from the outset, to be given a subordinate, and even an "outside" place. Simon describes how, on his transfer from the Privy Council, where, as Medical Officer to the Council, he had ruled over his own little branch, to the Local Government Board, as Medical Officer to the Board, he found himself excluded from administrative work, and from any personal discussion of policy; from personal access to the Minister; and even from seeing, as a matter of course, the official documents on which decisions were being taken. The Medical Officer was, in fact, relegated to the position of an occasional consultant on such papers relating to sanitation as the administrative heads chose to submit to him for his opinion.[1]

Simon's minutes of complaint against this enforced subordination were frequent and forcible; and his protests were vigorously renewed in 1874, when Sclater-Booth succeeded Stansfeld as President. But against John Lambert's strong influence all these efforts were in vain; and after five years of friction, in 1876 Simon resigned. His branch, "the Medical Department", far from becoming, as he had expected, and as the Royal Sanitary Commission of 1869 had certainly intended, the supreme national health authority, was broken up and dispersed among the branches of the former Poor Law Board; thus becoming, as one of the officials subsequently asserted, "actually, what it had previously been only in name, an integral part of the Local Government Board".[2]

[1] *English Sanitary Institutions*, by Sir John Simon, 1890. "The very able Medical Officer of the Privy Council", records a well-informed contemporary, "was not received with any great favour by the new hierarchy, and the secretary of that department of the Home Office which had been put into the combination also found that he was not wanted in the new combination. Sir John Simon at the Privy Council had been to all intents and purposes an executive officer. It is true that he submitted his proposals for work to his Parliamentary Chiefs, but those chiefs gave him a free hand for the exercise of his duties. Under the Local Government Board his executive authority was taken away, and he became an advising officer who could do little or nothing without the sanction of the Secretary of the Board. . . . These two very able men could not agree as to their respective functions. The Minister backed the Secretary, and the Medical Adviser went to the wall" ("The Passing of the Local Government Board", in *The Local Government Chronicle*, July 15, 1919).

[2] *The Work and Play of a Government Inspector*, by H. Preston Thomas, 1909, p. 57.

The position is illustrated by the curious fact that the whole of the correspondence and other papers of the Local Government Board continued

Departmental Reorganisation

Lambert, effectively in command from 1871 to 1882,[1] gradually reorganised the whole Department, which had not before emerged from the humble status and very inferior scale of salaries in which it had been started by the Poor Law Commissioners. "The first years of the Local Government Board were somewhat stormy", comments an official of the time, and they needed a strong hand, which was practically unchecked by the successive Presidents of the next few years. He is remembered in the Department chiefly for his elaboration of the Poor Law Dispensary system, started first in the Metropolitan area, and for the Metropolitan Poor Act of 1867, out of which has grown both the Common Poor Fund and the Metropolitan Asylums Board. His successful integration of the Department may be said to have been completed in 1879 by his able reorganisation of the Audit Branch. The Local Government Board now took rank, in all but name, as a Ministry of the first grade, responsible, if not for the whole of English Local Government—for other Ministries jealously maintained their rights over such important branches as police and roads, elementary schooling and tramways, gas and water, rivers and docks—at least for its general inspection and audit.

The Second Sir Hugh Owen

On Sir John Lambert's retirement in 1882,[2] he was succeeded, an occurrence probably unique in the annals of the British Civil

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to be kept and catalogued, as those of the Poor Law Board and Poor Law Commissioners had been, according to Poor Law Unions, which did not coincide with Boroughs or Counties. Thus, the seeker after a letter about the sanitation of the Municipal Borough of St. Helens had to find it under the Poor Law Union of Prescot! This (after being animadverted on in the Minority Report of the Poor Law Commission in 1909) remained the practice until the transformation of the Local Government Board into the Ministry of Health in 1919.

[1] Henry Fleming, on whom the title of Joint Secretary had been conferred in 1871, in anticipation of his early retirement, clung to his post like a limpet, until his death in 1875, when the vacancy was not filled up, and Lambert reigned alone.

[2] The Rt. Hon. Sir John Lambert, P.C., G.C.B. (1815–1892), who had been for more than twenty years a busy solicitor and leading citizen at Salisbury, was a pious Roman Catholic. He had been educated at Downside College, became a member of the Roman Order of St. Cecilia, and was all his life keenly interested in Church music, on which he published various erudite treatises.

Service, by the son and namesake of the man had who been in effect his predecessor. Hugh Owen, Junior (1835–1916), had been brought in at 14 as a boy clerk, rose in the office, became a barrister, publishing various unimportant law books, when he was promoted in 1876, at the age of forty-one, to be an Assistant Secretary in charge of Poor Law work. After thirty-three years' official service, he was chosen in 1882 to be Permanent Head of the Department, which he ruled with marked efficiency. In 1884 its rising status was recognised on an internal reorganisation, by provision being made for the future recruitment of its higher grades from the Class I. Civil Service examination;[1] and the subsequent reorganisation, made by a Committee appointed by

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In 1854 he had been chosen as Mayor of Salisbury, the first Roman Catholic to hold such an office since the Reformation. At the age of forty-two, in 1857, he was offered the place of Poor Law Inspector by E. P. Bouverie, then the President; and thus began the second half of his career, in which he achieved unique distinction, not as Hugh Owen had done, in the mastery of every detail of a vast administration, but as the confidential adviser of successive Cabinets in broad schemes of reform, some of them extending far beyond the range of his nominal office. Within a few years of his appointment as Poor Law Inspector, we find him advising the Cabinet as to the measures to be taken in Lancashire in relief of the "Cotton Famine". In succeeding years he helped in drafting the Parliamentary Reform measures (1865–1867), and in settling the constituency boundaries (1867); he went to Ireland to investigate for the Cabinet in preparation for both Church and Land Bills (1869–1870); he had to make the "New Domesday Book", or census of landowners, in 1872; he wrote the report on the conservancy of rivers for a House of Lords Committee in 1879; and he settled the constituency boundaries for the Redistribution of Seats in 1884. See *Downside Review*, vols. viii. and xi.; *Men of the Time*, 1884, p. 670; *Times*, January 29, 1892; *Dictionary of National Biography*.

[1] "It was during the presidency of Sir Charles Dilke that the staff of the L.G.B. was reorganised, and for the first time placed on a more or less satisfactory footing. . . . A leaven of highly educated men was much wanted in the junior ranks, and this was secured by the reorganisation of 1884, when eight clerkships of the Higher Division were thrown open to public competition. . . . The infusion of new blood acted most beneficially, and the heads of departments were able to delegate to subordinates some of the duties of which the enormous mass had fairly overwhelmed them" (*Work and Play of a Government Inspector*, by H. Preston-Thomas, 1909, p. 195; *The Life of Sir Charles Dilke*, by Stephen Gwynn and Gertrude Tuckwell, 1917, vol. i. p. 505).

The work of the Department, and its ever-growing requirements in the way of staff, had been subjected to close investigation in 1862–1864 by a Departmental Committee over which the President (C. P. Villiers) presided. That of 1884, to which Preston-Thomas and Sir Charles Dilke referred, was made by a Committee under Sir John Lambert, which included Sir J. T. Hibbert and a Treasury representative. Yet another Committee sat upon the subject in 1897–1898, made up of Sir John Hibbert, Sir Francis Mowatt, T. W. Russell and H. W. Primrose (Report of Committee . . . to enquire into the sufficiency of the Clerical Staff of the L.G.B., etc., C-8731 and C-8999 of 1898).

the Treasury in 1897, found little or nothing to revise in Sir Hugh Owen's work, to which it gave high praise.[1]

The Orders

It was, as we have seen, an essential feature of the new system imposed by the Poor Law Amendment Act that the Central Authority established by that statute should define and elaborate, from time to time, by Orders having the force of law, the methods of relief and the administrative procedure to be put in operation in the several Unions by the Boards of Guardians. These Orders were to be either "Special" (at first the term was "particular") —issued only to one Union—or "General"—issued to two or more Unions. The reluctance of Parliament to delegate its legislative authority, and the suspicion with which the Poor Law Commissioners were regarded, had led the Cabinet, as we have described, to make it a statutory requirement that every General Order, which it was assumed would include every Order of other than exclusively local application, should be communicated to the Home Secretary; not come into force until forty days had elapsed; be formally laid before both Houses of Parliament at the opening of the next ensuing session and be subject to disallowance by an Order in Council. We have explained how the Poor Law Commissioners evaded this requirement by not issuing, during their first and most formative septennium, any General Orders at all.[2] Their legislative activity was exercised during these years exclusively by Special Orders, many hundreds in number, nominally

[1] Owen, testified Walter Long, was "a wonderful old man, and a model of all that a Civil Servant should be: if he had a failing it was that he insisted on doing too much himself, the result being that work got delayed" (*Memories*, by Viscount Long, 1923, pp. 94-95). He was born in 1835, the eldest son of Sir Hugh Owen, Kt., and became Assistant Secretary L.G.B., 1876–1882, Secretary, 1882–1898, K.C.B. 1887, G.C.B. 1899, after acting in the London Water Companies arbitration; see *Men and Women of the Time*, 1899 edition.

The subsequent Permanent Heads may conveniently be given here. Owen's place was taken on January 1, 1899, by Samuel Butler Provis (K.C.B. 1901), who had grown up in the Department and who continued to serve until 1910. He was succeeded by Horace Cecil Monro (K.C.B. 1911), who reigned down to the transformation of the Local Government Board into the Ministry of Health on June 30, 1919. The first Secretary to the Ministry of Health was the distinguished administrator, Sir Robert Morant, K.C.B., whose sudden death on March 13, 1920, came before his reorganisation of the Department had been completed. He was succeeded by Sir Arthur Robinson, K.C.B.

[2] Report on the Continuance of the Poor Law Commission, 1840, pp. 32-34; *English Poor Law Policy*, by S. and B. Webb, 1910, p. 22.

addressed only to particular Unions; and therefore not requiring any delay, sanction, submission to Parliament or even effective national publication. The student diligent enough to investigate these Special Orders, of which only a few specimens are published in the Annual Reports of the Central Authority, or in the voluminous legal text-books subsequently compiled, discovers that, in most cases, they were issued to scores, and even to hundreds of Unions, usually without other variation than in the name of the Union and the date of the Order.[1]

We need not repeat our account of the earlier General Orders of the Poor Law Commissioners from 1841 onwards; or of that which, after many years of consideration, they issued in 1847, on the eve of their supersession by the Poor Law Board. This body found on its hands the task of completing the consolidation. To the principal General Orders of 1844 and 1847, dealing respectively with the prohibition of Outdoor Relief to the able-bodied, and with the election and procedure of the Boards of Guardians, the management of the Workhouse, the duties of officials, medical relief, etc.,[2] the Poor Law Board added a third consolidating Order on August 25, 1852, regulating Outdoor Relief in Unions—being those of the Metropolitan area and the larger provincial towns—to which the Outdoor Relief Prohibitory Order of 1844 was not applied. Here the Board met with a significant check. The Order prescribed that no Outdoor Relief should be given to persons classed as able-bodied without a task of work, and that in practically all cases in which Outdoor Relief was permissible at all, one-third at least should be in kind, meaning, in practice, mainly in the form of loaves of bread or tickets exchangeable for foodstuffs; and that it should be granted only from week to week.

[1] No collection of these special Orders has ever been printed, and not even a complete list of them has been published. During the Poor Law Commission of 1905–1909 one of us had the opportunity of examining the whole mass of these Orders, which were supplied in sackfuls! It was found that the thousands of separate Orders were practically duplicates of a few dozen different drafts; and that these had, in nearly every case, been ultimately superseded (though not formally repealed or abrogated) by one or other of the four main General Orders subsequently issued.

The General Orders have been published, with annotations, in successive editions by W. G. Lumley, R. C. Glen and Alexander Macmorran, among others, and also in an edition in 1907 by Herbert Jenner-Fust, from 1884 to 1906 one of the General Inspectors of the Local Government Board.

[2] General Consolidated Workhouse Order, July 24, 1847; Final Report of Poor Law Commissioners, 1847; *History of the English Poor Law*, by Sir George Nicholls, 1854, vol. ii. p. 422.

The Boards of Guardians concerned objected strongly to so severe a restriction of their discretion, especially in dealing with widows, and with the aged, infirm and sick; and they were supported in their protest by so large a section of the House of Commons that the Conservative Government of the moment felt obliged to yield. A new Order was issued in December 1852 (the Outdoor Relief Regulation Order) which omitted the prohibition of Outdoor Relief to the able-bodied without a task of work, and abandoned all restriction of the Guardians' discretion as to whether the Outdoor Relief to any but able-bodied men and their dependants should be in money or in kind; merely requiring the relief to be issued either weekly or at such more frequent periods as might be deemed expedient.[1]

The Areas to which the Orders applied

We have to notice, moreover, that, between 1847 and 1871 a silent transformation was gradually effected by the Poor Law Board, with regard to the areas to which the several General Orders were made to apply. In 1847, the Outdoor Relief Prohibitory Order of 1844, issued alone, which may be said to come nearest to the rigid application of the Workhouse Test, had been imposed on 396 Unions out of 538, the two other systems standing out only as relatively small exceptions. As we have already mentioned, the Poor Law Board made it clear that, at this period, they were decidedly "of opinion that, where there is a commodious and efficient Workhouse, it is best that the able-bodied paupers should be received and set to work therein".[2] For the next couple of decades the part of England and Wales to which the Poor Law Board sought to enforce this policy steadily shrank. In 1871, the Outdoor Relief Prohibitory Order, issued alone, which Chadwick and Nicholls had wished to apply to every Union, applied only to 307 Unions, containing, as proved to be the case, an ever-dwindling proportion of the total population. This Order had, by 1871, become mitigated in no fewer than 217

[1] The Outdoor Relief Regulation Order, December 10, 1852; Fifth Annual Report of Poor Law Board, 1852, pp. 15-31; *History of the English Poor Law*, by Sir George Nicholls, 1854, vol. ii. pp. 456-457; *The English Poor Law System*, by Dr. P. F. Aschrott, 1888, pp. 93, 170, 196-197; *English Poor Law Policy*, by S. and B. Webb, 1910, pp. 90-91.

[2] Circular of August 25, 1852, in Fifth Annual Report of Poor Law Board, 1853, pp. 21-22.

of these Unions, comprising, usually, an increasing population, by being accompanied by the Labour Test Order permitting Outdoor Relief even to able-bodied adult men, if it was accompanied by a task of work. Finally, the Outdoor Relief Regulation Order of 1852, expressly permitting such relief to the able-bodied under conditions, and to the aged and infirm practically without restriction, by that date adopted as a permanent policy, had crept over the Metropolis, Lancashire and Yorkshire, and the majority of large towns elsewhere, to the number of 117—these Unions covering about one-fourth of the whole population of England and Wales. In these 217 and 117 important districts making actually a majority of all the Unions and probably two-thirds of the population, the Poor Law Board became convinced, to use its words, that it was "not expedient in this Order to prohibit Out-relief to any class of paupers."[1] By 1906 the population of the area under the Prohibitory Order had still further shrunk and that of the laxer regulations extended, until not a quarter of the whole community remained under what was at one time assumed to be destined to become universal.

We must add, however, that a minute examination of the relations between the Poor Law Board (afterwards the Local Government Board) and the Boards of Guardians, as recorded in the manuscript minutes, tends to lessen our sense of the importance of these Orders, whether General or Special. They have nominally the force of law; but they do not accurately reveal what, in the administration of the Board of Guardians, has, from time to time, been prescribed or forbidden, sanctioned or tolerated, by the Central Authority. During the whole period from 1834 down to the present day there has been a practice of informally sanctioning deviations from the prescriptions of the Orders, sometimes by official letters from Somerset House or Whitehall, but more frequently by notes or verbal communications from an Inspector to the Clerk to the Guardians concerned; often, indeed, by the mere tolerance by Inspector or District Auditor of what he knows to be, in terms, contrary to what the Orders prescribe, but of which, for one or other reason, he prefers not to disapprove or disallow.[2] We have no desire to criticise or

[1] Circular of August 25, 1852, in Fifth Annual Report of Poor Law Board, 1853, pp. 21-22; *English Poor Law Policy*, by S. and B. Webb, 1910, p. 91.

[2] In the MS. Minutes of such Boards of Guardians as we have studied (see the footnote references in our *English Poor Law Policy*, 1910) there are many

find fault with these variations in administration. What they suggest is the inexpediency of giving Orders the force of law.

The Inspectorate

This use of the Inspectorate as a channel of communication with the Boards of Guardians reminds us of the importance of the valuable instrument of administration which the Poor Law Commissioners of 1834–1847 had created in their staff of peripatetic Assistant Commissioners. This was continued by the Poor Law Board (and by the Local Government Board and Ministry of Health) under the statutory designation of Inspector (afterwards General Inspector). As an administrative device, these " eyes and ears and fingers " of the Ministry amounted to a constitutional innovation, characteristically British, of which it is difficult to exaggerate the importance. The Inspectors became, in fact, as was well said, " a provincial prolongation of the Board's secretariat, a personal agency in aid of written correspondence or in substitution for it, an organ of speech for the Board in its communications with Boards of Guardians." [1]

These ten to twenty well-paid gentlemen — with liberal travelling expenses but without a uniform, and without honorific status of any kind, without any executive duties or any nominal authority, but merely spending their whole time in quietly journeying from one Union to another; annually visiting, sometimes more than once, the ordinary meetings of each Board of Guardians; frequently conferring privately with the Clerk, and occasionally with the Chairman or other influential member; inspecting the Workhouse and the Separate School or other Poor Law institution of each Union; never giving orders but everywhere explaining and advising, discussing problems and smoothing out difficulties—represent an addition to governmental machinery essentially different in character from the Inspectorate which forms part of such a centralised national administration as the

instances. The MS. Minutes of the Poor Law Commissioners, from 1834 to 1847, to which we have been allowed access at the Public Record Office, contain innumerable particular sanctions of legally prohibited practices. Such printed matter as *The Official Circular*, 1840–1859, and the *Selections from the Correspondence of the Local Government Board*; *Decisions of the Local Government Board*, by W. A. Casson (from 1904 to 1913), and *Queries and Answers from the Local Government Chronicle*, 1895–1905, by the same, and the files of *The Local Government Chronicle* and *The Poor Law Officers Journal* supply other instances.

[1] *English Sanitary Institutions*, by Sir John Simon, 1890, p. 387.

Post Office, the Inland Revenue or the Customs and Excise, or that of the modern nation-wide commercial company or Trust; and one of finer function than anything that Jeremy Bentham had conceived, or that Chadwick had contemplated.[1] In the case of the Poor Law Inspectors, the fact that they were, at the outset, with few exceptions, men of superior education and members of a higher social class than that to which nearly all the active Poor Law Guardians and all the Poor Law officials belonged, could not fail to increase their influence. The main value, however, of this Inspectorate, as an administrative device, depended absolutely—it is important not to overlook this fact—on their coming to the Unions, not as executive officers of superior rank—not even as the officers of the same Authority as that to which the Clerk to the Guardians or the Workhouse Master owed their appointments—but merely as consultants and visitors, entitled to advise just as they were authorised to enter, but not empowered to give any order whatsoever, and not even to institute proceedings for breaches of the law. As the Central Authority was expressly debarred (by the Poor Law Amendment Act of

[1] The institution, in 1833, of the Factory Inspectors constituted, in a sense, the beginning of a new era in English administration.

When the first four Factory Inspectors were appointed, under the Act of 1833, there was much discussion as to their position and status. It was at first proposed in the Bill to give them the powers of a Justice of the Peace. On the other hand, various manufacturers, well-disposed to the institution of factory inspection, urged that each inspector should have a small geographical district within which he should be resident—perhaps thinking of the Inspectors and Searchers of Woollen Cloth which Yorkshire had had until 1821, or of the three inspectors who were acting in 1833 for the statutory Woollen Committee for Yorkshire, Lancashire and Cheshire. Either plan would have given a different kind of inspectorate from that which has emerged under the Home Office. "Their regular reports to a Secretary of State, and the type of man chosen for the office, were the real administrative inventions" (*An Economic History of Modern Britain*, by J. H. Clapham, 1926, p. 575). The duties of the Factory Inspectors differ, however, from those of the Poor Law (or as they gradually became after 1871, General Inspectors of the Local Government Board—now Ministry of Health). The Factory Inspectors do a great deal of advising and persuading, with a view to inducing the factory-owners to comply with the law, and even to go beyond it, as the General Inspectors do with the Local Authorities. But in the background there is always the fact that the Factory Inspectors actually institute criminal prosecutions, appear as witnesses, and secure convictions—a thing which the Poor Law Inspectors never do! These latter can therefore cultivate a higher degree of friendly intercourse with those whom they have to inspect.

In 1895 it was officially explained that it was customary for the Inspector to attend one or two meetings annually of each of the Boards of Guardians within his district (*La Loi des Pauvres et la Société Anglaise*, by Emile Chevallier, 1895, p. 114).

1834) from interfering in any individual case for the purpose of ordering relief, the Inspectors have thought it right, as the agents of that Authority, to refrain from outspoken comment or criticism on any decision that they may hear as to the grant or refusal of relief to any particular applicant. All complaints and other letters received by the Ministry relating to the action or inaction of any Board of Guardians are forwarded to the Inspector for his observations; and he is often sent the papers relating to a minor question at issue between the Ministry and the Guardians, with laconic instructions to "settle"; sometimes with the reminder that "sanction will be required"—the formal letter conveying the Minister's approval of what the Inspector has settled! Apart from special inquiries on particular subjects, which were from time to time called for, and constant advice on particular matters referred to them, the Inspectors had, from the first, been expected to make general reports to the Ministry, as the Assistant Commissioners had done to the Poor Law Commissioners; and they were encouraged to make any suggestions for improvement that occurred to them. These reports were thus unlike anything which, before 1832, had been at the command of the National Government in any branch of the public service; and their publication by the Poor Law Commissioners had, as we have seen, between 1834 and 1847, a great effect on the limited public opinion of the time. The Poor Law Board, unlike its predecessor, did not, for its first two decades, make a practice of publishing these general reports; but the publication of extracts from them was gradually resumed from 1869 onward. There grew up a custom of a week's annual gathering of all the Inspectors in London, marked by a general dining together, with meetings for discussion of the problems and difficulties which they had encountered; and informal consultations with the President and Parliamentary Secretary as well as with the headquarters staff.[1] These annual gatherings, however, were later

[1] *The Work and Play of a Government Inspector*, by H. Preston-Thomas, 1909, pp. 241-243. In the Royal Commission on the Aged Poor, 1895, the Prince of Wales asked J. S. Davy, then Inspector, whether there were such conferences of Inspectors; and was told that there had been "a general meeting", but it had been given up.

We learn that the periodical gatherings of Inspectors were resumed about 1911, when Davy had become Chief Inspector. They are now (1928) held half-yearly, the formal sessions being presided over by the Chief Inspector, the Assistant Secretary in charge of the Poor Law Division sitting by his side.

discontinued; a change, we suspect, not altogether unconnected with a certain jealousy between the "secretariat" and the "field workers". All personal touch between the Minister and the Inspectors—along with the consultation and discussion among the Inspectors themselves—seems hereafter to have been, for a quarter of a century, largely lost. One of the most active of them had remarked that, in twelve years, under four Presidents, he had no more than half an hour's conversation with them in the aggregate; whilst two out of the four he did not even come to know by sight.[1] We gather, too, that the evils attendant on unrestrained patronage made themselves felt. Some Presidents promoted their Private Secretary, who sometimes made an excellent Inspector. Others simply "jobbed" the appointments, and vacancies were sometimes filled by men of inferior education, manners and ability, who were put in as a reward for political or other services.[2] Taken as a whole, the Inspectorate at the close of the nineteenth century does not seem to have been equal to that of 1848 or that of 1874. During the past thirty years the Inspectorate has again improved, gaining in breadth and variety. A woman had been added by Sir Charles Dilke[3] in 1885, but she was restricted to the inspection of boarded-

[1] *The Work and Play of a Government Inspector*, by H. Preston-Thomas, 1909, pp. 241-243.

[2] Sir Charles Dilke (President from 1882 to 1885) remarks: "I very soon formed a strong opinion that the patronage of the L.G.B. ought to be used in a different way from that which had prevailed ever since the end of Stansfeld's term of office (1871–1874). Stansfeld had made excellent use of his patronage, but Sclater-Booth (1874–1880) and Dodson (1880–1882), and even Goschen (1868–1871) had used it less well, and had put in men of the kind that colleagues often force upon one—political partisans or supporters, not always the best men. I talked the matter over, and decided to make the service during my term of office a close service, and to promote men already in the service to all vacancies as they occurred, making inspectors of auditors or clerks, and giving the good auditorships to the best men in the inferior ones. As regarded new appointments to auditorships at the lowest scale, I had a list of men who were working with auditors without pay. I brought in several of this kind on good reports from auditors. Bodley, my Private Secretary, managed the whole of my patronage for me, and did it extremely well, and after I had started the system I was able to leave it absolutely in his hands." He notes later on that one of his colleagues was furious with him because he would not do a job for the family solicitor, who was also Parliamentary agent of the colleague's son. A previous President had "jobbed in a Tory agent", and the colleague expected that Sir Charles should follow with the Whig agent. "I refused, as I intended to promote one of our best and worst-paid men" (*The Life of Sir Charles Dilke*, by Stephen Gwynn and Gertrude Tuckwell, 1917, vol. i. p. 504).

[3] *Life of Sir Charles Dilke*, by Stephen Gwynn and Gertrude Tuckwell,

out children. Not until the presidency of Henry Chaplin was any woman appointed an Inspector for the general work of the Department, which had always to look after twice as many female paupers as males; and the inclusion of women in the general inspectorate dates only from 1910.

The Auditors

The important function of Audit had a development differing from that of the Inspectorate. The Poor Law Amendment Act of 1834 had merely empowered the Commissioners to appoint such officers, with such qualifications, at such salaries and under such regulations, as the Commissioners thought necessary, for auditing the accounts of the Overseers, the Workhouse Masters and other Poor Law officials, with power to "disallow as illegal and unfounded all payments" contrary to the Act or to any rule, order or regulation of the said Commissioners."[1] In order to minimise the popular opposition to the formation of Unions, and to afford the utmost encouragement to persons to serve as Guardians, the Commissioners thought it prudent, at the outset, to allow each Board of Guardians, not only to elect its own Auditor, but also to fix and pay his remuneration. The Commissioners contented themselves with a necessarily perfunctory

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1917, vol. i. p. 508. It is said that, in the Poor Law Division, the admission of women to the Inspectorate was objected to, and long successfully resisted.

There are now (1928), besides the Chief Inspector, a dozen General Inspectors and nearly as many Assistant General Inspectors (one of them a woman), working in fourteen Poor Law Districts. It should be said that in what is now (1928) the extensive and highly qualified scientific staff on the Public Health side, women find a place; whilst of the large staff of medical officials in the Health Insurance Department, nearly a dozen are women.

[1] 4 and 5 William IV. c. 76, sections 46, 47, 48.

The accounts of the Overseers were to be "allowed" by two Justices; but this at no time amounted to anything that could be called an audit; although Parliament in 1810 (by 50 George III. c. 49) had authorised the Justices "to strike out such surcharges and payments as they may deem to be unfounded, and to reduce such as they shall deem to be exorbitant". The Parish Vestry might take any steps it chose to audit the accounts, but practically never did so until Hobhouse's Act (1 and 2 William IV. c. 60 of 1831), which was only put in force in the large parishes of the Metropolitan area, made compulsory an audit by five ratepayers elected for this purpose. Gilbert's Act (22 George III. c. 83, of 1782), in the Unions formed under it, had cast the duty of checking the accounts on the "Visitor", whom the Guardians had to nominate and the Justices to appoint, at a modest honorarium fixed and paid by the Union.

approval; issuing, however, to each Union, detailed instructions as to the Auditor's duties.[1] Such an audit, by the nominee of the Boards themselves, for the most part conducted by persons without accounting qualifications or audit training, naturally proved ineffective, except, perhaps, in checking the cash; and the Commissioners presently sought improvement by combining a number of Unions for the purpose of audit, and persuading the various Boards of Guardians within each combination to agree in electing the same Auditor. In other cases the Commissioners allowed their own Assistant Commissioners to be elected by various Unions as Auditors without salary, a course which, by adding seriously to their work, interfered with their fullest efficiency as Inspectors. In pursuance of what was obviously desired by the Commissioners, the House of Commons Committee of 1838 recommended that the Auditors should thenceforth be appointed by the Commissioners, and that they should act, not for single Unions, but for extensive audit districts.[2] Parliament included new provisions in its legislation of 1844 (7 and 8 Vic. c. 101); but so strong was the prejudice against the Commissioners' authoritative powers, and so seductive the idea of patronage, that although they were then empowered to define the new Audit Districts, to continue in office any existing Auditor, and even to extend his district as they thought fit, the appointment of any new Auditors was vested in the Chairmen and Vice-Chairmen of the Unions concerned. The proviso as to extending the district of any existing Auditor was used by the Commissioners to enable them to select (though only from among the existing Auditors) the Auditors for no fewer than sixteen out of the twenty-four new Audit Districts that were at once created —there were altogether about fifty Auditors in all—leaving as immediate patronage to the grouped Chairmen and Vice-Chairmen only eight new appointments at salaries of about £400 per annum, apportioned among the several Unions of each District, with the possibility of a dozen or two other vacancies to be filled in course

[1] Special Order for the Keeping, Examining and Auditing of the Accounts, in First Annual Report of Poor Law Commissioners, 1835, pp. 111-165; see also Order of March 1, 1836, in Second Annual Report, 1836, pp. 100-137; *The English Poor Law System*, by P. F. Aschrott, 1888, section iv. "The Auditors", pp. 175-177.

[2] Special Report of Poor Law Commissioners on the Continuance of the Poor Law Commission, 1840, pp. 81-83.

of time.[1] In 1848, by 11 and 12 Victoria, c. 91, the position of the audit was further regularised, and the authority of the Poor Law Board incidentally greatly strengthened, by providing for appeals against the Auditor's disallowances. Such appeals were to be made, at the option of the persons surcharged, either to the High Court of Justice, or to the Poor Law Board itself, which was empowered to decide "according to the merits of the case", and notwithstanding any law, to remit the disallowance or surcharge if it was deemed that such a course was "fair and equitable". It will be seen that it thenceforward became expedient for a Board of Guardians suffering from a surcharge to appeal to the Poor Law Board (or Local Government Board), rather than engage in expensive litigation; especially as the Board preferred to deal leniently with a first offence. In practice the Auditor's decision was reversed only in about one-sixth of the cases; but in thirteen out of fourteen of the rest the surcharge was remitted on the understanding that the illegal payment would not be repeated. This procedure had the effect of greatly increasing the influence of the Central Authority upon the policy pursued by the Boards of Guardians. It was, indeed, not upon statute law that the Auditors, for the most part, based their disallowances and their surcharges. The General and Special Orders of the Poor Law Board (and of the Local Government Board and Ministry of Health) have equally the force of law. It

[1] Eleventh Annual Report of Poor Law Commissioners, 1845, pp. 19-21, 97-101; Third Annual Report of Poor Law Board, 1851; *History of the English Poor Law*, by Sir G. Nicholls, 1854, pp. 385-386. It was not expected that all these vacancies, when they occurred, would need to be filled. In 1853, the Committee of Inquiry into Public Offices, appointed by the Treasury, recommended the reduction of Poor Law Auditors from fifty to twenty-five, with a corresponding enlargement of districts, and an increase of salary to £500, with £200 for "personal expenses", and £100 to pay a personal clerk (*The Poor Law Amendment Act*, 1868, by Hugh Owen, 1869, p. 24). This was not immediately acted upon, and the House of Commons Select Committee on Poor Law in 1864 found it necessary to recommend that all the Auditors should be required to give their whole time to this duty, at adequate Civil Service salaries, and that the Audit Districts should be increased in size and reduced in number. It was another fifteen years before this change to full-time Auditors was completely made. With the extension of the audit to nearly all branches of Local Government, the Audit Branch has been elaborated, so that it now consists (1928) of a Chief Inspector of Audits, with a Deputy Chief Inspector; six Inspectors of Audits, for as many areas; twenty-three District Auditors for as many districts (£700-£900); twenty-five Senior Assistant District Auditors (£550-£700); and forty Junior Assistant District Auditors (£160-£500). But only a fraction of the time of this large staff is taken up with the audit of the Poor Law Authorities.

was therefore, in theory, always possible for the Board, with regard to an action which it really desired to stop, to issue a new Special Order (to a single Union) or a new General Order (to two or more Unions). Thereupon any repetition of the prohibited act, if it involved any expense, could be, at the Auditor's discretion, made the subject of a disallowance, when the disobedient Guardians or officers could be peremptorily surcharged, and compelled, under penalty of distraint upon their goods and chattels, to repay the payment thus rendered illegal by the Order. "The audit", declared Nicholls, "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 overestimated".[1] So cautiously and so gently had the Government to move, that it took, as we have seen, a whole generation after the Poor Law Amendment Act of 1834, to construct this effective bridle. Even then the system of audit was not yet complete. As further legislative authority could not immediately be obtained, an important step was taken administratively in 1851, when one of the Board's Inspectors was set aside for the special task of supervising all the audits, whether conducted by the nominees of the Department or by those of the combined Boards of Guardians.[2] This gradually resulted in greater systematisation of the audit. Not until 1868 [3] did the Poor Law Board succeed in getting Parliament to transfer to it the appointment of the District Auditors; and to make such appointment universal. Though the Act of 1844 had authorised the whole cost of audit to be paid out of the Poor Rate, it had been deemed prudent, from 1847 onwards, to contribute towards

[1] 11 and 12 Victoria, c. 91 (1848); General Order as to Accounts of January 14, 1867; *History of the English Poor Law*, by Sir George Nicholls, 1854, vol. ii. p. 444, etc.; *The English Poor Law System* by P. F. Aschrott, 1888, pp. 60-61, 140-142.

A disallowance, it was afterwards officially declared, is always remitted when the Guardians, or the officers concerned, had been *bona fide* of opinion that the payment was legal. Full credit is given to their assurances; but no remission is made where the illegality or excess of the payment had been already decided and this decision is shown to have been made known to them (Thirteenth Annual Report of Local Government Board, 1884, pp. lvi., lvii., 28 and 424).

[2] Twelfth Annual Report of the Poor Law Board, 1860, p. 24. This post of Inspector of Audits has been continued and successively enlarged, until there are now a Chief Inspector of Audits, and six Inspectors.

[3] 31 and 32 Victoria, c. 122, section 24 (1868); *The English Poor Law System*, by P. F. Aschrott, 1888, pp. 74, 79.

the expense from national funds. Parliament was accordingly asked annually to vote a lump sum towards the District Auditors' salaries and expenses, which was paid as a Grant in Aid, the remainder of the cost being found by the Unions whose accounts were thus compulsorily audited. Finally, in 1879, by the District Auditors' Act, these officers were made entirely dependent on the Local Government Board for their salaries and expenses, and the whole audit system was reorganised by Sir John Lambert, the several Boards of Guardians being required to purchase Inland Revenue stamps, to be affixed to the Auditor's certificate, to the amount, in each case, of a prescribed percentage on the total audited expenditure.[1] With the gradual systematisation of English Local Government under the Public Health and Local Government Acts of 1875, 1888 and 1894, the functions of the District Auditors were successively expanded beyond Poor Law administration; until they have come to embrace the financial transactions of practically all the Local Government Authorities except those relating to the primary functions of the Municipal Corporations.[2] Along with this enlargement of their duties, and the growth of a professional *expertise*, the District Auditors have gradually come to be regarded as occupying a judicial position, not receiving or accepting any instructions from the Local Government Board (now Ministry of Health) to which they owe their appointment, and from which they receive their salaries.[3] At the same time, their close relations with the Department, their personal intercourse with its officials, and their natural sympathy with its policy, have led them—so, at least, the Guardians consider—in their carefully framed and quasi-judicial decisions, to have regard to the departmental lead. Moreover, with the marked growth in habits of financial accuracy and honesty which

[1] 42 Victoria, c. 6 (1879); General Order as to Accounts of April 25, 1879; *The Poor Law Amendment Act*, 1868, by Hugh Owen, 1869, p. 24; *The English Poor Law System*, by P. F. Aschrott, 1888, p. 85. The revenue from Audit Fee Stamps is now (1928) nearly £200,000 per annum; of which only a small proportion is paid by Boards of Guardians.

[2] Even the Municipal Corporations have to submit to the District Auditor the accounts of any service in respect of which they receive a Grant in Aid; and some of them (incorporated by Local Acts) have been required to accept clauses bringing all their accounts under this audit.

[3] To establish and maintain that position, and to secure a certain uniformity of action, the District Auditors have an informal system of mutual consultation in periodical conferences; and even, so it is said, a sort of code of procedure and practice.

has distinguished all British administration during the past half-century, the District Auditors have given an ever-increasing proportion of their attention, by their development of the doctrine of *ultra vires*, to what is complained of as an "audit of policy", rather than of the accuracy of the accounts and the formal legality of the cash payments—an attempt to restrain any practices of the Guardians, even if long tolerated as lawful, which come, with changing public opinion, to meet with the Audit Department's disapproval.

It remains to be said that, in course of time, owing to the fact that no qualification for District Auditor was prescribed, the privately-made appointment, like that of Inspector, has been, by some of the Presidents, occasionally "jobbed".[1] The persons selected for appointment have been of the most diverse kind, some of the best having been clerks from the Department.

Departmental History

In no field does the historian find a greater paucity of material for his work than with regard to the modern development of an English Government Department. Its internal growth, its successive changes, the varying relations between its several parts, all take place in a privacy, not to say a secrecy, which is comparable only with that of a profit-making private enterprise. It publishes, for the information of Parliament and the public, only what it chooses to reveal. Its archives are closed to the inquirer for any period nearer to our own time than half (or even

[1] In this century it has been laid down (apparently only as an office rule) that the President will not appoint any one to be a District Auditor who has not already served as Assistant Auditor; and no one to the latter office who is not either a barrister, a solicitor or a chartered or incorporated accountant, or as an alternative, has undergone a course of training under a District Auditor as clerk, or as a volunteer (no term being specified), or has served in any capacity in the Local Government Board (now Ministry of Health)—qualification requirements which did not much limit the President's freedom of appointment! See Majority Report of Poor Law Commission, 1905, pp. 123-124; Minority Report, vol. i. pp. 360-364; also evidence of E. P. Burd, Inspector of Audits under the L.G.B., Appendix, vol. i. pp. 244-252, and vol. i. A, pp. 225-229. We gather that at present (1928) about three-fifths of the Inspectors of Audit and District Auditors are qualified as barristers, solicitors or accountants, whilst one-fifth had previous service in the Department and one-fifth had served as volunteers or clerks under District Auditors. Since 1924 appointments have been made either by competitive examination under the Civil Service Commission, or by promotion of persons already in the service of the Department.

three-quarters of) a century. Much of what the historian needs to know is not even privately recorded, but is dealt with by word of mouth among the principal officials. And these officials, even when they retire from the service (and their representatives after their death)—unlike statesmen, and in recent years, even generals and admirals—have hitherto, almost invariably, abstained from publishing memoirs, diaries or reminiscences throwing light upon their official experiences; and even from writing books about their own sections of Public Administration. Far more can be ascertained, though only after a generation or so, of the Cabinet itself — of its hesitations and its decisions, of the arguments and mutual conflicts of its members, and even of their conversations, their tempers, their manners and their habits—than about the inner course, in the second half of the nineteenth century, of the Poor Law Board and the Local Government Board.[1] What can be described is the continuous variations from year to year of the policy of the Department, as revealed in the successive statutes and regulations, the annual and other reports presented to Parliament, the severely discreet evidence tendered by the Department's officers to Select Committees and

[1] We can refer, for this part of our work, apart from the numerous Parliamentary papers, to little more than brief notices in Ministerial biographies, such as *The Life of Sir Charles Dilke*, by Stephen Gwynn and Gertrude Tuckwell, 1917, vol. i.; and *Memories*, by Viscount Long, 1923; and to *Sir Hugh Owen, His Life and Life Work*, by W. E. Davies, 1889; *The Work and Play of a Government Inspector*, by H. Preston-Thomas, 1909; *The Story of English Public Health*, by Sir Malcolm Morris, 1919; *The Ministry of Health*, by Sir Arthur Newsholme, 1925; an illuminating article, evidently by an officer of the Department, entitled "The Passing of the Local Government Board", in *The Local Government Chronicle*, July 19, 1919; *A Nineteenth Century Teacher* (Dr. J. H. Bridges), by Susan Liveing, 1926; *Life of Sir James Kay-Shuttleworth*, by Frank Smith, 1923; and *English Sanitary Institutions*, by Sir John Simon, 1890, second edition, 1897.

The pamphlet literature of the middle of the century was of no great interest. We may cite *National Taxation, a National Poor Rate and their Equitable adjustment*, by Nigel Okeover, 1849; *The Ardley Petition for alteration in the Poor Law, or a plan for every parish managing its own poor . . . by means of Vestry Committees*, by W. W. Malet, 1849; *A Practical Method for the Extinction of Pauperism and Poor Rates, and their necessarily coexistent evils*, by J. H. Hodson, 1849; *A Treatise on the Poor Laws of England*, by James Dunstan, 1850; *A Plan for preventing Destitution and Mendicancy by Means of an adequate number of institutions*, etc. (Anon.), 1850; *The Vision of an Overseer (now in office) revealing the Fatal Errors of the Poor Laws*, etc. (Anon.), 1851; *A Letter to the Poor Law Board on the Residuary Elements of Food and other matters consumed in Workhouses*, by John Billing, 1852; *A Proposal for the Abolition of the Poor Laws, the Extinction of Pauperism, and for providing for the Sick and Infirm without the aid of charity*, by Abraham Toulmin, 1853.

Royal Commissions, the official letters preserved by the various Boards of Guardians, occasionally the advice or instructions contemporaneously noted as given orally by the Inspectors, together with the public agitations to which this policy with regard to particular subjects of common interest spasmodically gave rise. It is this development of governmental policy with regard to each section of Poor Relief that will occupy our attention in the following chapter.

Before plunging into this detailed analysis of policy, however, we may allow ourselves a few words of general estimation of the characteristics of the administration of the Poor Law Board in the progressive adaptation, during its couple of decades of existence, of the machinery which it had inherited from the Poor Law Commissioners; and then of that of the Local Government Board, down to the Poor Law Commission of 1905–1909. It would be unfair not to recognise a continuous, though usually spasmodic, improvement of the work of most of the Boards of Guardians. If the reorganised Department had, as it was complained in its earlier years, "no policy at all", in the sense of abstaining from professions of Poor Law dogma, the quiet administration that specially marked the first two decades of the Poor Law Board had a character of its own, and one presenting not the least admirable feature of English government. The Poor Law Board, it is true, in these years made little profession of principle, and seldom preached to the public; but it never ceased to work empirically towards efficiency, to be manifested in the remedying of individual grievances, the avoidance of scandals and the prevention of waste. It went on imperturbably explaining to particular Boards of Guardians where they fell short in this or that particular detail; and privately advising Chairmen and Clerks how their own local administration could, irrespective of doctrine, be made less flagrantly inefficient, and brought more nearly into line with the best experiences elsewhere. What the Poor Law Board avoided was prohibition and compulsion; and, indeed, we may almost say, any sort of publicity. It might at least claim, in contrast with the contemporary performances of the General Board of Health, to which Chadwick had betaken himself, that its course of quiet persuasion and advice was, in the England of those years, at least as successful in achieving a certain measure of improvement, and probably

as speedy in its results, as would have been a policy of forcibly compelling unwilling Local Authorities to adopt methods against which they were prejudiced, in order to put in operation principles in which they did not believe.

Bureaucratic Formalism

It must nevertheless not be concealed that the student, reading between the lines of the official reports in the light of the often belated public criticism of particular incidents—especially during the first couple of decades after 1847—finds the central Poor Law administration of those years characterised by one of the worst failings of bureaucracy. It was not merely weak in its acquiescence in whatever the Boards of Guardians did. "Its radical defect", observes a professional expert of great administrative experience, was "its extensive acceptance of formal for effective action . . . The office had the habit of working in too mechanical a spirit, and of being far too easily satisfied with mere forms of duty".[1] If the official procedure had been followed; if all the regulations purported to have been complied with, and if there was no public scandal, the Inspectors and the secretaries were easily satisfied to allow the policy of each Board of Guardians, with its particular workhouse routine, to continue unchanged, whatever their effect on the recipients of relief or the community at large. The "Workhouse scandals", with regard to the treatment of the sick, which aroused public indignation in 1864–1866 as much as the Andover Inquiry had done twenty years previously, came as the nemesis of this official defect; and led, as we shall presently describe, to fundamental and far-reaching changes of policy. We are not sure that the transformation of policy was accompanied by an equally far-reaching reform of official procedure. At no time, either after or before the scandals and changes of 1864–1866, does it seem to have occurred to any one at Somerset House (or later, at Gwydyr House, or at the new Government offices at Whitehall) to bring to bear objective tests on the vast administration that the officials were directing and supervising; or even to obtain precise measurements of particular results. We may note this most easily with regard to the sick. The Poor Law Board and

[1] *English Sanitary Institutions*, by Sir John Simon, 1890, pp. 349, 390.

the Local Government Board, like the Poor Law Commissioners, found at all times on their hands a mass of paupers distinctly ill, running up, in the aggregate, to more than a hundred thousand cases definitely under medical treatment in any one week. It seems almost incredible to-day that, whilst issuing various general regulations as to the sick, the Board should never have compiled comparative statistics even of the death-rate among the sufferers for whose treatment it was responsible, let alone of the length of time these sick paupers were severally under treatment, the extent and character of recurrence, and so on.[1] A similar comment may be made upon the remarkable failure of the Poor Law Board, in succession to the Poor Law Commissioners, to realise the fact that there were, in the workhouse, at all times, thousands of babies for whom there was no place in the elaborate scheme of workhouse classification that had been imposed in 1883; and as to whose mortality no one seems to have inquired. "Perfunctoriness", says Sir John Simon of the Poor Law Board, "characterised its work in the matter of medical reponsibility with which it had been charged". But whether with regard to the sick or the infants, with regard to the actual operation upon its inmates of the regimen of the General Mixed Workhouse, or of the life-conditions imposed by Outdoor Relief upon the hundreds of thousands of persons subjected to it, what marked the administration of the Central Poor Law Authority, was not only perfunctoriness but a curious ignoring of the facts, as distinguished from the forms. There

[1] Such medical statistics had been vainly asked for, in 1868, by Sir John Simon. "Certain broad information", he wrote in that year, "ought periodically to be given as to the quantities and kinds of sickness treated by the several Destitution Authorities. . . . At fixed intervals (say quarterly) each Destitution Authority should state in a fixed tabular form, for each of its Medical Relief districts, what numbers of cases of disease generally, and of a few of the more important epidemic diseases individually, had been remaining under treatment at the commencement of the period, and what numbers of new cases had come under treatment during the period; and what number of deaths had occurred among new cases and old cases respectively" (*Public Health Reports*, by Sir John Simon, 1887, vol. ii. p. 379).

In 1904 the Inter-Departmental Committee on Physical Deterioration asked for a National Register of Sickness, which was stated to be "in the highest degree desirable. For this purpose the official returns of Poor Law Medical Officers could, with very little trouble and expense, be modified so as to secure a record of all diseases treated by them" (*Report of Inter-Departmental Committee on Physical Deterioration*, 1904). It is said that "the Local Government Board took no action" in the matter (*Health and the State*, by W. A. Brend, 1917, p. 308).

has been, we venture to suggest, at all times an insufficient appreciation of there being, in administration, any need for investigation as to what was really happening; for comparative statistics of results; or for continuous research in improving alike the knowledge and the *technique*, without which, in a Government Department, even moderate efficiency will always be out of the question.

Secretarial Self-sufficiency

"The root of the fault", rightly observed Sir John Simon, was a departmental inheritance, namely, the neglect of the Poor Law Board (due to "the least laudable tradition of the old machinery"), to make use, in technical fields, of properly equipped technical experts. So far as legal matters were concerned there had, indeed, never been any lack of professional experts in the office. One or two of the Poor Law Commissioners between 1834 and 1847 were always themselves barristers of ability and distinction; and of the Poor Law Board, and, later, the Local Government Board, one or more of the Secretaries or Assistant Secretaries, and several of the Inspectors, had always enjoyed a similar legal training, and usually some legal experience. So far as concerned the problems of educational organisation, the assistance, on the staff, between 1835 and 1839, of Dr. J. Phillips Kay, and the advice which he continued to give after his transfer to the Committee of Council for Education, was as experienced as far-sighted as could at that period have been obtained. Very different was the attitude towards the architect and the doctor. Here nothing more was thought necessary than the occasional consultation of outside professional experts.[1] For some decades after 1834, when the Guardians' proposals for the erection and

[1] An architect (Sampson Kempthorne)—Chadwick said "a young and inexperienced architect"—was employed, in 1835, to prepare a model plan for the workhouses on which the Poor Law Commissioners were insisting; and he gave them "unhappy designs" which "suggested the idea of Bastilles" ("Patronage of Commissions", an article reprinted from the *Westminster Review* for October 1846, evidently by Chadwick). J. Phillips Kay, the educational expert, had qualified as a doctor, but we do not find him used as a medical expert. In 1836 Dr. Arnott advised on the ventilation of Aubin's "child-farm" at Norwood. There were doubtless many consultations on particular matters, much as cases were submitted to the Law Officers on difficult points of law (see the evidence of Sir Arthur Downes before the Poor Law Commission of 1905–1909, Q. 22917).

alteration of hundreds of Poor Law institutions had, almost continuously, to be dealt with, the plans and estimates were approved and the buildings were sanctioned, without there being any architect on the Board's London staff. From 1834 to 1865 the conditions of service of several thousand doctors, the medical treatment of the hosts of pauper sick, the sanitary requirements of innumerable Poor Law institutions, the arrangements for the confinement in the workhouses of thousands of pauper mothers, and the equipment and management of six hundred workhouse nurseries for many thousands of infants, were considered, discussed, criticised and finally sanctioned without the assistance in the office of any medical practitioner, to say nothing of that of the trained nurse, or of any other woman. " The . . . theory ", says Sir John Simon, " seems to have been that, on any extraordinary occasion, extraordinary assistance could be obtained, but that, for the ordinary medical business of the Board, the common sense of secretaries, assistant secretaries and secretarial inspectors did not require to be helped by doctors ". It did not, apparently, occur to the common sense of the Civil Servants of that generation, or to the Ministers who were ultimately responsible for their decisions, that the knowledge and experience of the trained professional expert is just as much needed to discover, from among the daily flood of papers, the cases and the occasions on which technical criticism or suggestion is required, as to formulate the suggestions that are called for. Even when, in 1865, a doctor was brought into the office, " the old secretarial belief as to the best way of dealing with matters of medical interest . . . vigorously survived the fact of his appointment as Medical Officer to the Board . . . he was not expected to advise in any general or initiative sense, but only to answer in particular cases on such particular points as might be referred to him ".[1] Nor was the practice essentially changed when, in 1871, the Poor Law Board became the Local Government Board, responsible, not for Poor Relief alone, but for the whole of the vast field of the preservation and improvement of the Public Health. There was, indeed, at that time a Medical Department, which remained for five years, as we have described, under the experienced and distinguished medical administrator who was brought from the Privy Council Office for that purpose. But,

[1] *English Sanitary Institutions*, by Sir John Simon, 1890, p. 351.

as we have already indicated, he found himself just as much kept at arm's length by the secretariat, and as far divorced from the entirely lay inspectorate, as the less eminent practitioner appointed in 1865 had always been. "The arrangements established under Mr. Stansfeld's presidency", relates Sir John Simon, "were briefly as follows. They did not entrust to the Medical Department any systematic share in the supervision. The essentially supervisional arrangements were to be non-medical; and except as to the superintendence of vaccination (which was let continue much as it had previously been) the Medical Department was only to have unsystematic functions. In cases, or sorts of cases, where the President, or a Secretary or an Assistant Secretary, might think reference to the Department necessary, the individual reference or references would be made; and where the President or a Secretary or Assistant Secretary, on motion from the Medical Department or otherwise, might think medical inspection necessary he would specially order the inspection; but these unsystematic inspections could not extend to more than comparatively few localities in a year, for the medical staff was not allowed the enlargement which had been hoped for. . . . In general, the business of the Public Health seems to have been understood as not requiring any other system of supervision than the non-medical officers of the Board could supply."[1] Further, even the pretence of a general Department dealing with all the various matters with which Public Health is concerned was, after 1876, abandoned by the Local Government Board; and this heterogeneous collection of subjects, including the control which the office "exercised over Public Health, so far from being concentrated in one Department, was dispersed among five distinct divisions, each with its own staff and its own permanent head, who was . . . never an expert sanitarian".[2] The reader

[1] *English Sanitary Institutions*, by Sir John Simon, 1890, pp. 386-387.

[2] *The Story of English Public Health*, by Sir Malcolm Morris, 1919, p. 67. Dr. Seaton, who was appointed when Simon resigned, seems to have been expressly given to understand that he did not succeed to Simon's position, whatever it was, which had, indeed, been formally abolished, but was to be merely a subordinate officer.

It should be added that, with the steadily growing elaboration of the Public Health work of the Local Authorities since 1875, the Local Government Board gradually obtained an extensive and extremely able staff of scientific doctors, whose stream of expert reports on particular diseases, the adulteration of food-stuffs, etc., have been invaluable. Similarly, the Ministry of Health, since 1919, took over a well-organised staff of medical inspectors, consultants

who has the patience to go through, in a subsequent chapter, the analysis of the administrative policy pursued with regard to the principal subjects to be dealt with, will recognise not a few illustrations of the effect of this exclusively "layman's government", which was only very gradually mitigated by professional advice in medicine and architecture, and which remained, right into the twentieth century, a distinguishing characteristic of the Poor Law Division of the Local Government Board. How it worked down to 1876 Sir John Simon has explained with a certain excusable acerbity. "Secretarial common sense had not worked successfully for the health interests of the poor. How it had tended to work in the health-control of establishments for pauper children had been sufficiently shown as long ago as 1849, before the Coroner's courts, on occasion of a memorable outburst of cholera in a large boarding establishment at Tooting; how it had worked in respect of the contracts for public vaccination, I myself had had painful official occasion for many years to observe and occasionally to report; how it had worked in respect of the outdoor sick poor had been severely, but I believe not unjustly, criticised by many skilled witnesses; how it had operated in respect of workhouses and workhouse infirmaries had been revealed during the years 1865–1867 in exposures of scandalous mismanagement." [1]

It is, of course, not to be suggested that the Poor Law Board and the Local Government Board stood alone in these shortcomings. We see no reason to believe that they were, in their generation, worse than the other Government Departments of the time.[2] But without having in mind the characteristics of the

and advisers to deal with the medical side of the Health Insurance scheme. It seems, however, uncertain to what extent these accretions have yet been used to strengthen, otherwise than by spasmodic consultations and occasional special inspections, the administration of the Poor Law Division.

[1] *Ibid.* pp. 349-350.

[2] The quarrel as to the proper relation between the scientific expert and the so-called layman who is a professional administrator is, of course, not confined to any one Department, or even to the Civil Service, but occurs in all administration. We may hazard the suggestion that what was needed by the Poor Law Board of 1847–1871, so far as departmental organisation was concerned, was, not merely the presence on the office staff of professionally trained officers, such as doctors, architects, engineers, and accountants—which has since been obtained—but also, by an administrative device not adopted until long afterwards, their continuous participation in general council; to be secured by some such arrangement for official discussion of departmental policy and administration as that of the Scottish Local Government Board (now the Board

Poor Law Board (and the Poor Law Division of the Local Government Board), from which emanated the policy and the regulations governing all Poor Relief, we cannot justly estimate the achievements and the failures, in one branch of their work after another, of the Boards of Guardians who had to grapple with the difficulties of the task.

The Ad Hoc Destitution Authority

The President of the Poor Law Board (and afterwards of the Local Government Board), in whom, as we have suggested, Bentham would have recognised his " Indigence Relief Minister ", was, however, only the apex of the Administrative Hierarchy contemplated in the Report and by the Act of 1834 ; and the central Department which, in grade after grade, was gradually organised beneath the Minister, was, great as it became, never itself charged with either the award or the distribution of Poor Relief. That task was, as we have seen, entrusted by the Poor Law Amendment Act exclusively to a nation-wide network of over 600 local Destitution Authorities,[1] called Boards of Guardians of the Poor ; each Board having to carry out the detailed administration within its own area, at its own discretion and independently of other Boards, but upon the principles, and in conformity with the rules, emanating from the centralised part

of Health), where the Legal Member and the Medical Member sat, until 1928, on a real Board ; or that of the Army Council at the War Office, composed of most of the principal heads of branches ; or that, among other Departments, of the Board of Trade, which has a non-statutory but formal and regular council of heads of branches which discusses all important points in the presence of the Minister ; with whom, in all these Departments, rests complete freedom to decide for himself, and the whole responsibility for every decision (*The Board of Trade*, by Sir Hubert Llewellyn Smith, 1928). The Council of the Secretary of State for India, which holds, by statute, a more influential position, and is able seriously to delay, and even to obstruct, the Minister's decisions, has not worked so well as John Stuart Mill expected.

[1] The term Guardian of the Poor was taken by the draftsmen of the 1834 Bill, we assume, from the three-score of " Gilbert's Act Incorporations " which had been formed under the Act of 1782 ; whilst the idea of an *ad hoc* Local Destitution Authority acting for more than a single parish, was doubtless also derived from them, but also from the hundred or more " Corporations of the Poor ", or Boards of " Governors and Directors of the Poor " which had been formed for particular areas under successive Local Acts from 1647 down to 1830 (see our previous volume on *The Old Poor Law*, 1926). The term " Destitution Authority ", used in the Minority Report of the Poor Law Commission, 1909, had been applied to the Boards of Guardians as early as 1868 (see *Public Health Reports*, by Sir John Simon, 1887, vol ii. pp. 370-379).

of the hierarchy, and dependent ultimately upon the Minister himself. What was novel in 1834 (and, in fact, without precedent in England since the forgotten episode of 1590–1640), and what was, in 1848, still not cordially accepted, was the idea of the hierarchy itself—the linking together, in a single administrative machine, of a network of elective Local Authorities with a centralised Government Department; and the authoritative direction and control (made effective by legislative orders, inspection and audit) of these elected local representatives by a national Ministry.

We need not repeat our description of the formation, by the Poor Law Commissioners, of the Unions of parishes. The general plan of the Commissioners for this redistribution, into a little over 600 areas of Poor Law administration, of the 15,000 parishes and townships of England and Wales was, on the whole, skilfully framed and reasonably carried out. So great and persistent was the opposition, however, and so defective were the powers given by the Poor Law Amendment Act, that in 1848, after fourteen years of effort, the Poor Law Board found nearly a million and a half of the population still beyond its control. These landlocked, stagnant lagoons of immunity from any external compulsion towards improved administration comprised not only most of the important incorporations under Local Acts, but also a dozen of the more populous Metropolitan parishes, and hundreds of anomalous odds and ends, from the Inns of Court and the colleges of Cambridge University down to isolated "precincts" and "bailiwicks" and small islands off the coast, which had made good their immemorial right to be "extra-parochial".[1] It needed twenty more years of persistent effort by the Poor Law Board, and various ingenious devices and compromises, to bring within the authority of the President and his Orders all

[1] For these extra-parochial areas—often historically connected with monasteries, colleges, cathedrals, bishops' palaces, forests, royal castles, residences and even shire halls, or in rural areas with "inter-commoning"—see *The Parish and the County*, by S. and B. Webb, 1906, p. 10; *Cases of Supposed Exemption from Poor Rate claimed on the Ground of Extra-parochiality*, by Edward Griffith, 1831; *Report of the late Important Trial . . . respecting the Parochial Rates . . . from Richmond Terrace*, 1834; Third Report of the Forest of Dean Commissioners, 1835; and various cases in *Series of Decisions of the Court of King's Bench in Settlement Cases*, by Sir James Burrows, 1768. Peculiar instances are referred to in *The Complete Steward*, by John Mordant, 1761, vol. i. p. 36; and *Victoria County History of Essex*, vol. i. p. 369.

these miscellaneous excepted areas; but the task was completed in 1868.[1]

The Union Areas

Subsequent experience revealed various defects and shortcomings in these deliberately planned Union areas. It was an incidental drawback that some Unions were composed of a large number of small or scantily-peopled parishes, to each of which the plan allowed a separate member of the Board, which accordingly became too large for efficiency—in some fifty cases having more than sixty, and (in the Louth and Lincoln Unions) even over a hundred elected members. In some districts the Commissioners' scheme had been marred by the obstinate refusal to come in of some protected "lagoons of immunity", involving several adjacent Unions in a lack of geographical symmetry and much inconvenience. The subsequent ebb and flow of population, leaving old market towns to decay, and creating new centres, has injuriously affected others of the districts planned nearly a century ago. The census of 1901 showed ten Unions with less than 5000 population (1250 families) each, whilst no fewer than 267 had less than 20,000 (5000 families). But the great element

[1] In 1847 the districts within the Act had a population of 15½ millions (out of 17 millions). The Bristol and Exeter Incorporations were brought in by General Order, 1855, in which these bodies acquiesced in 1856, after long demur (Ninth Annual Report of Poor Law Board, 1856, p. 10). Other protected Unions and single parishes gradually gave way; the Incorporated Guardians of Oswestry and Chester acquiescing in 1861 (Fourteenth Annual Report of Poor Law Board, 1862, pp. 13-16, 27-28); and those of Norwich agreeing, in 1863, to the change by a new Local Act (26 and 27 Vic. c. 93; see Sixteenth Annual Report of Poor Law Board, 1864, pp. 21-22). The Isle of Wight Incorporation was brought in by agreement in 1865 (Eighteenth Annual Report of Poor Law Board, 1866, pp. 18-19). In 1867 the Metropolitan Poor Act (30 Vic. c. 6), establishing for the Metropolis a Common Poor Fund, empowered, by sections 73-74, the issue of an Order bringing the remaining Metropolitan parishes under the Poor Law Amendment Act, notwithstanding their Local Acts; and eleven populous London parishes were accordingly brought into line (Twentieth Annual Report of Poor Law Board, 1868, p. 5). This brought the outstanding population down to about 180,000. Finally, the 31 and 32 Victoria, c. 122, sec. 4, empowered the Poor Law Board to bring all the rest in, irrespective of consent; and this was done in 1868 (Twenty-first Annual Report of Poor Law Board, 1869, pp. 22-24). Meanwhile the large number of extra-parochial places, mostly with small populations and often tiny areas, had been brought into the adjacent Unions: the Cambridge colleges by 19 and 20 Victoria, c. cvii, 1855 (Ninth Annual Report of Poor Law Board, 1856, p. 10); and the whole remaining mass in 1865, under the Union Chargeability Act (Eighteenth Annual Report of Poor Law Board, 1866, pp. 20-21, 25-30, where a list of these places is given).

of disturbance has been, in certain areas, the transformation of the popular lines of conveyance. The Poor Law Commissioners were unfortunate in having to plan out the Unions and locate the Workhouses before the general establishment of railways. There were, in 1908, Unions where the Workhouse was ten miles away from the nearest railway station; and one (in Wales) where it was thirteen miles away. Yet another factor of inconvenience has proved the iconoclastic indifference of Chadwick and his Commissioners (who found it statutorily necessary to adopt the ancient parish as their unit) to the other ancient administrative divisions. The Poor Law Unions, whilst following parish boundaries, habitually ignored those of Borough and County, in some cases, even the historical line of division between England and Wales, so that the "little local republics", as the Boards of Guardians were once optimistically called, found themselves, not only overlapping the jurisdiction of ancient Municipal Corporations, but also associated, in their own administration, with indifferent, and often differing, Petty Sessional Divisions and Courts of Quarter Sessions (and thus with different rating areas); and, in some ways the most inconvenient of all, with different Chief Constables and different local police forces.[1] Half a century ago this "chaos of areas, chaos of authorities and chaos of rates" was the despair of Local Government reformers. It has, in the main, to be put to the credit of the Civil Servants of the Local Government Board that the chaos has now (1928) been reduced to something near symmetrical order. It seems to have been officially accepted, at least as early as the drafting of the Public Health Acts of 1872, that (at any rate outside the larger municipalities) the Poor Law Union, with all its shortcomings and defects, had to be made eventually the basic administrative district for every function of Local Government.[2] Quietly and

[1] On December 31, 1907, the Poor Law Commission found that 197 out of 643 Unions still overlapped the boundaries of County Boroughs or Administrative Counties. The Poor Law Union of Peterborough extended into four Administrative Counties, that of York into three and one County Borough, and that of Stamford actually into five Administrative Counties (Poor Law Commission, 1909, Appendix, vol. x. p. 648).

[2] Exception made of the functions (*a*) Port and Harbour Authorities; (*b*) River Conservancy Boards and Fishery Authorities; (*c*) Water Authorities (Catchment areas); and (*d*) the Commissioners of Sewers (and Land Drainage), in all of which the area of jurisdiction has to be determined, almost exclusively, by the physical geography.

The adoption of the Poor Law Union areas as those of the proposed Local

persistently the influence of successive official generations at Whitehall has been used, under a score of successive Presidents, to bring the boundaries of the Poor Law Unions into coincidence, first with those of the larger Municipal Corporations, notably in the County Boroughs; then with those of the great area placed under the jurisdiction of the London County Council; and, finally, in some, though by no means all cases, with those of the other County Councils throughout England and Wales. With these successive (and very far from complete) corrections, the Poor Law Unions that Chadwick, in the main, devised in 1834, have become by 1927, under one or other name, the geographical units of local administration for the Registration of Births, Marriages and Deaths, and therefore for vital statistics; further, though in various relations to the County Authorities, for Highways, Public Health, Education and Assessment and Rating, and also, very largely, for Police, and the petty Courts of Justice.[1]

The Board of Guardians

The elaborate arrangements for the constitution of the Board of Guardians in each Union—the rate-paying franchise with its plural votes for both owners and occupiers of substance, the rating qualifications for the office, the voting by signed papers officially distributed to and collected from the residences of the

Health Authority, and the identification of "the common Health Authorities with the common Destitution Authorities of the country", was the basis of Lowe's Nuisance Act of 1860; with the approval, in 1868, of Sir John Simon, as superior to the "parochial system . . . of Sir Benjamin Hall's Nuisance Act of 1855 or . . . of Sir George Grey's Sewage Utilisation Act of 1865", on the one hand, or to a system of "county boards", on the other (*Public Health Reports*, by Sir John Simon, 1887, vol. ii. pp. 370-371). Its universal adoption was, in the same year, foreseen and approved by the same clear-sighted Medical Officer of the Privy Council. "Every Union," he wrote, "has its administrative Board, presumably the best sort which the area can be expected to give for any purpose of Local Government; and carefully constituted on the double basis of rate-paying suffrage and *ex-officio* qualification; and moreover so constituted that each parish of the Union is represented in it; and this authority has its fixed meeting-place and meeting-time; it has its permanent clerk, qualified in law; and it has, always acting in detail over the whole Union-area, as visitors of the poor and their dwellings, a staff of other permanent officers, medical and non-medical" (*ibid.*).

[1] The Boards of Guardians, as they appeared (and were described) to an exceptionally well-informed foreign observer about 1900, are fully pictured in *Local Government in England*, by Josef Redlich and F. W. Hirst, 1903, vol. ii. pp. 203-273.

electors and the inclusion in the Board, along with the elected members, of all the Justices of the Peace resident within the Union—which, as we have described, were prescribed by the Poor Law Commissioners, lasted unchanged for over half a century. There seems to have been, however, a prompt and almost universal falling-off in the quality of the Boards. At first, the enthusiasm for reform, or at least for an attempt to lessen the burden of the Poor Rate, led to the acceptance of the new public office by public-spirited or philanthropic peers and squires in the country,[1] and millowners and merchants in the towns, with here and there a zealous clergyman or solicitor. But the peers and squires soon found that the membership of the Boards of Guardians, to which they were entitled as resident Justices, was a dull and irksome business; and it is recorded that, with rare exceptions, they quickly ceased attending the ordinary meetings at which the Poor Relief was granted or refused; and were to be expected only when a salaried appointment had to be made, and when they had been importuned to vote for one or other candidate. The working membership of nearly all the Boards settled down to a farmer from each of the numerous parishes in the rural Unions, and to little groups of retail shopkeepers in the Unions of the Metropolitan area and the large towns. The student of the local Poor Law administration at the middle of the nineteenth century —whether in the conditions provided for the workhouse inmates by the London Boards described by Dr. Joseph Rogers;[2] in the management of the children in most of the provincial towns, where the Inspectors of the Poor Law Board struggled in vain with the Guardians to get established "separate" schools, apart from the Workhouse;[3] or in the treatment of all classes of paupers on

[1] Among the Chairmen of the first Boards were the Dukes of Richmond, Rutland and Sutherland; the Marquises of Bute, Exeter, Northampton, Salisbury and Westminster; Earls Brownlow, Fitzwilliam and Spencer, and the Earls of Hardwicke, Kerry, Liverpool, Radnor, Stamford, and Stradbroke; Viscounts Barrington and Ebrington; Lords Braybrooke, Ellenborough, Redesdale, and Rayleigh; the Right Hon. Sir James Graham, Bart., M.P.; with Sir Baldwin Leighton, Sir T. Fremantle, Sir Culling Eardley Smith, Sir H. Verney, and other baronets (*An Article on the Principles and Policy of the Poor Law Amendment Act . . . reprinted from the Edinburgh Review*, 1837—apparently by Chadwick). Yet, even allowing for many untitled squires, *rentiers* and capitalist employers, with a few clergymen, solicitors and auctioneers, we must infer that the vast proportion of the 25,000 Poor Law Guardians were, at all times, farmers or retail tradesmen.

[2] *Experiences of a Workhouse Medical Officer* (Dr. Joseph Rogers), by J. E. Thorold Rogers, 1889.

[3] See pp. 262-267.

the rural Unions, where the one idea of the farmers was "to keep down the rates"[1]—can hardly avoid the conclusion that the inefficiency, parsimony and petty corruption at the base of the Administrative Hierarchy must inevitably have gone far to nullify any superiority in science and statesmanship that may have been manifested in the guidance and control from the top.

Relief Committees

One development of the working constitution of the Board of Guardians may here be mentioned. At the outset there was no thought of the organisation of the Boards by committees. It was long held by the Central Authority that the whole of the powers and duties of the Guardians must be exercised and fulfilled by the Board as a corporate entity, the individual Guardians not having even the right to visit the Workhouse or other institutions of the Union. Gradually and, as it seems, spontaneously, the Boards divided themselves into committees to which particular functions were assigned, subject always to the Board as a whole, for ratification and approval of their acts. Committees were thus appointed for the visiting and detailed administration of the Workhouse and any separate school or other institution; and any action relating to these institutions for which the decision of the Board was required, came to be taken only upon a report from the committee concerned. But it was for the laborious examination of the applicants for Outdoor Relief, and the decision whether or not it should be granted, and if so, in what sums, that the committee system, in the more populous Unions, found its fullest development. Here the method of formation of the committees became of great importance, and gave rise to a conflict of opinions. Where the Board was small, it frequently sat as a whole for the administration of Outdoor Relief, attended by the salaried Relieving Officers. But where the applications were numerous and incessant, and where the Board consisted of scores of members, we find two, three or four separate Relief Committees simultaneously at work, each attended by its own Relieving Officer, the decisions of all of them being normally ratified, as a matter of course, by the Board as a whole. Usually such Relief Committees

[1] Majority Report of Poor Law Commission, 1909, vol. i. p. 143 of 8vo edition.

would be formed on a geographical basis, by groups of adjoining parishes; and it was long taken for granted that the Guardians representing the particular parishes should constitute the Relief Committee dealing with applicants from any of those parishes. The Guardians, especially in the rural districts, claimed to know even better than the scanty staff of Relieving Officers the circumstances and the history of the applicants from their own parishes; and this personal acquaintance was universally assumed to be of advantage to the administration. This naturally led, as the evidence before the Poor Law Commission of 1905–1909 clearly established, to quite unjustifiable favouritism (whether on account of family relationship, electoral support, or past employment), and even to subsidies being made to the incomes of persons still employed by the individual Guardians themselves, or actually indebted to them as customers or tenants. Not until the latter part of the century did it begin to be commonly realised that it was for the Relieving Officer professionally responsible for the investigation of the case to supply the information on which alone an impartial judgment could be arrived at, and any measure of uniformity maintained. Some Boards sought improvement by placing upon each Relief Committee at least one Guardian unconnected with the district for which the committee acted. Others took the line of making the Guardians serve by rotation on all the Relief Committees, irrespective of the parishes by which they had been elected. Few and far between were those which acted on the principle that the Guardian for a particular parish should be regarded as disqualified for sitting in judgment upon applicants from his own constituency.[1]

Improvement in the membership and practice of the Board of Guardians was slow; but in the last three decades of the century there was undoubtedly an advance.[2] Not until the last decade was there any alteration in the conditions of election.

[1] Something may be inferred about the qualities, temptations and failings of the local representatives from the mainly legal manual, *The Poor Law Guardian: his Powers and Duties in the right Execution of his Office*, by Algernon C. Bauke, 1862.

[2] A characteristically British outgrowth of the Boards of Guardians has been the institution of "Poor Law Conferences", gatherings of Guardians and others interested in Poor Law administration, to listen to papers on Poor Law problems and discuss their difficulties. Started in 1866 by Barwick Baker, of Hardwicke Court, Gloucestershire—thought to be impracticable by Lord Devon, then President of the Poor Law Board in 1867, who said, "It

The Democratisation of the Boards

With the advent to office of the Liberal Ministry of 1892–1895, attempts were made by representatives of "Labour" to get removed both the rating qualification, which excluded from election as Guardian practically the whole wage-earning class; and the rate-paying franchise with plural voting, which seemed to stand in the way of any successful electoral campaign. It was pointed out to H. H. Fowler, who had become President of the Local Government Board, that the rating qualification for eligibility as Guardian, which was often at the statutory maximum of £40, depended entirely upon the Minister's fiat; and he was induced to reduce it by a General Order to the uniform sum of £5.[1] In 1894 the Local Government Act abolished all qualification beyond twelve months' residence within the Union, and at the same time swept away the *ex-officio* membership of the Justices of the Peace and deprived the Local Government Board of its power to nominate additional members in the Metropolitan Unions. In exchange, the Government accepted an amendment pressed upon them by Parliament, allowing any Board of Guardians that chose to do so to co-opt, from outside the elected

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can't answer; did you ever know such a thing done?"—the plan spread to neighbouring counties, and culminated in a central conference in London in 1870, when the scheme took the definite form of a dozen provincial conferences and one national conference annually. For the first eighteen years the expenses were borne privately by a few enthusiasts for the better education of Poor Law Guardians in "Poor Law principles"; but in 1883 a sounder financial basis was found in regular contributions by Boards of Guardians, who were authorised to send representatives, and permitted (by 46 Vic. c. 11) to subscribe from Union funds. From 1876 to 1914 the proceedings of each year's meetings were published annually under the title of *Poor Law Conferences*, the series of admirably produced volumes constituting a valuable record of Poor Law progress and Poor Law opinion. For the past thirty years the papers have been chosen, and the conferences managed, by a national committee, elected by the provincial conferences; but this has always been guided by the zealous prophets of "Poor Law orthodoxy", notably by Sir William Chance, Bart. (whose biography will be found in *Poor Law Conferences, 1910–1911*, pp. ix.-xix.). A historical summary of the conferences from 1870 to 1893 will be found in an appendix to the Report of the Nineteenth Central Poor Law Conference, held in London in 1893 (*Poor Law Conferences, 1892–1893*). A separate "Association of Poor Law Unions", to which also Boards of Guardians are permitted to subscribe from Union funds, was established in 1897.

[1] General Order of 26th November, 1892, Twenty-third Annual Report of Local Government Board, 1893, pp. lxxxv., 39-43.

membership, its Chairman, Vice-Chairman and two other members, making four in all, or any smaller number.[1]

The effect of this " democratisation " of the electoral franchise for the Boards of Guardians, and the removal of the rating qualification, has been the subject of controversy. The amount of popular interest in the elections was, in many places, increased, and contests were multiplied. But it must be confessed that this " improvement " can only be so described relatively to the almost complete deadness that prevailed during the generation preceding the Act of 1894. During the next couple of decades, where there was a contested election at all, the proportion of electors taking the trouble to vote seldom exceeded one-fourth. In many of the Unions of London, the larger provincial towns and the industrial districts of the North, a certain number of Labour representatives gradually secured election; and in a very few cases—the earliest of which was, perhaps, that of Barrow-in-Furness, fifteen years after 1894—formed majorities of their Boards. This brought new life into the administration, though by no means all the innovations were deemed improvements. It remained a matter of controversy whether or not the working-men Guardians were, on the whole, better or worse than the shopkeepers and publicans whom they displaced. " On an impartial consideration of the subject ", wrote one who was certainly not biassed in favour of the wage-earning class, " there does not appear to be much difference in the electorates before and after 1894. Neither the one nor the other is a highly competent body to elect an administration for this difficult public service. . . . The Poor Law electorate, as constituted by the Act of 1894, is not appreciably more ignorant and indifferent as to any settled principles of administration than was the electorate previous to that date." [2]

[1] This power to co-opt was unpopular, and little used. In 1908 it was found that, out of 643 Boards, none had co-opted all four additional members that the law allowed, only 16 had co-opted three, 120 two, and 82 one member only; whilst 425 Boards had refused or neglected to co-opt any one (Majority Report of Poor Law Commission, 1909, vol. i. p. 136 of 8vo edition).

[2] *History of the English Poor Law*, vol. iii., by Thomas Mackay, 1899, pp. 583-584. An able and experienced Poor Law official emphatically declared in 1910 that, " Since the removal of the property qualification for Guardians, there has been a greater advance in Poor Law reforms on the institutional side . . . there has been more progress in classification and in the true principles of administration . . . than in the whole period which preceded, from 1834 up to that time " (R. A. Leach, Clerk to Rochdale Union, in *Poor Law Conferences, 1909–1910*, p. 449, and *Poor Law Conferences, 1910–1911*, p. 774).

Women Guardians

One incidental result of the 1894 Act was universally approved. The removal of any rating qualification for election as Guardian led to a great increase, in the Metropolis, in the provincial Boroughs, and in some of the Urban Districts, of women candidates; and, gradually, to the election of many hundreds of them. This was a great innovation. As long ago as 1850 the Ludlow Board of Guardians had asked the Poor Law Board whether a woman was eligible for election. The Board replied that there had been no decision of the Courts, and that legally it was an open question. But the Board declared that "the objections to the appointment of a female to an office of this nature upon grounds of public policy and convenience are so manifest that the Board cannot readily suppose that the question will become one of practical importance in the administration of the Poor Law".[1] For a quarter of a century the question slept, but in 1875 a woman was elected to the Kensington Board of Guardians without legal or official objection. For the next twenty years the number increased slowly, as comparatively few women, either married or single, were found to have, in their own names, the necessary rating qualification. After 1894 women came on the Boards of Guardians with a rush, so that, whilst in 1885 there were only 50, in 1895 there were 839; in 1907, 1141, and in 1909 the Poor Law Commission found 1289 in 500 Unions, where their work had found unqualified approval.[2]

[1] *The Evolution of Poor Law Administration*, by R. A. Leach, 1924. As early as 1835 the Commissioners had held that "female" owners and occupiers were qualified to vote for Guardians (MS. Minutes, Poor Law Commissioners, November 27, 1835).

[2] "The Work of Women in Connection with Poor Law Administration", by Miss Allen; and "The Work of Women in the Administration of the Poor Law", by Mrs. W. N. Shaw, in *Poor Law Conferences, 1908–1909*, pp. 542-563, 592-608. It is, however, only in urban areas that many women have found seats on Boards of Guardians. The Act of 1894, so far as rural districts were concerned, abolished the separate election of Guardians and made the elected Rural District Councillors *ex officio* the Poor Law Guardians for their parishes. Into the Rural District Councils, as into the Urban District Councils, which have primarily to do with sanitation and road maintenance, relatively few women have yet penetrated; and accordingly few rural parishes are yet represented by women on the Boards of Guardians. In 1907, out of 16,001 members of 656 Rural District Councils, only 146 were women, in 108 Councils (Poor Law Commission, 1910, Appendix, vol. x. p. 651).

The Local Officials

The actual administration of the Poor Law had, by 1834, become far too onerous and incessant to be carried out otherwise than by paid officials; and the virtual supersession of the unpaid and annually chosen Churchwardens and Overseers by the salaried Clerk to the Guardians and a staff of Relieving Officers was an outstanding feature of the Act of 1834. Chadwick apparently wished to create a complete hierarchy of salaried officials, extending in a single national service from the Minister down to the workhouse porter, with the elected Boards of Guardians serving virtually as no more than advisory or supervising committees.[1] He failed, however, to make clear to Nassau Senior and his other colleagues how such a dramatic supersession of Local Government was either compatible with a local Poor Rate, or anyhow politically practicable. But the Poor Law Amendment Act went as far in Chadwick's direction as it could, by requiring the sanction or approval of the new Central Authority for the creation of all posts or offices, for the amount of the salaries assigned to them, and for any removal by the Guardians of persons from their appointments. The Central Authority was to define their duties, and to make rules and issue orders having the force of law for their conduct; and, most startling of all, was even empowered, at its discretion, in substance only for cause assigned, summarily to dismiss any of these servants of the Boards of Guardians. Yet with all these securities for good appointments and efficient service it is notorious that a very large part of the Poor Law staff in nearly all Unions—notably many of the Relieving Officers and Masters and Matrons of Workhouses—proved, for at least half a century after 1834, not scrupulously exact or even honest, and in a multitude of cases far from satisfactory, either in efficiency or administrative skill, in obedience to the orders given to them, or even in common humanity.

[1] For Chadwick's desire for administration by a national bureaucracy, with only supervisory elected bodies, see *The Health of Nations*, by Sir B. W. Richardson, 1890, vol. ii. pp. 351-383 (as regards school teachers, p. 357; care of idiots and lunatics, and the blind, pp. 357-358; young criminals, p. 358; the sick in hospitals, pp. 381-383). Chadwick seems to have told Richardson that his contention in 1832-1834 was that "the executive service of duly qualified and responsible paid officers" *should act* "*under the orders* and supervision of a Central Board" (*ibid.* p. xv.).

It was, of course, difficult to find, in the England of the first half of the nineteenth century, sufficient men and women with anything like training for the extensive Poor Law staff that had to be appointed. Moreover, hardly any of the 25,000 Guardians, whether rich or poor, had, in those years, any idea that there was such a thing as qualification for an appointment; or could imagine any other ground for selection than favouritism arising from relationship or friendship, or pity for a specially unfortunate parishioner among the candidates. But the Central Authority itself, on whom, it may fairly be said, rested a higher responsibility, has been, throughout the whole century, criticised—in our judgment with some reason—for the manner in which it has exercised the powers conferred upon it with regard to these local appointments. We need not dwell on the temporary aberration of the first few years of the Poor Law Commissioners, when, as we have described, following Bentham in one of his unhappiest mistakes, they insisted on the Boards of Guardians putting up to tender the post of District Medical Officer, and appointing the doctor who offered to do the work for the lowest price. This, as the Poor Law Commissioners themselves slowly became convinced, was emphatically not the way to get efficient officers or good service. More serious, because of longer duration, has been the failure of the Central Authority to make any adequate use, in Poor Law appointments, of the Device of the Prescribed Qualification.[1] The Poor Law Commissioners did indeed introduce this device in requiring all Poor Law Medical Officers to possess one of the legal qualifications for medical practice; and this bare minimum of requirement was found, with regard to this one class of appointments, automatically to exclude the most shameful kinds of jobbery. But no sort of qualification was ever

[1] The value of the Device of the Prescribed Qualification consists, we may point out, not wholly or even mainly in its automatically ensuring a certain minimum of intellectual acquaintance with the requirements of the post, for the standard that it is possible to enforce may be extremely low, and even of no great practical value, but in its efficacy in automatically ruling out the candidates who would otherwise be favoured on such illegitimate grounds as their relationship to, or their friendship with, the members of the appointing body, or their past membership of that body, or their long residence in the parish or Union. Whatever may have been prescribed as the qualification, experience shows that, at the moment that a vacancy occurs, it very rarely happens that this qualification is possessed by such favourites! The change that the mere requirement of such a qualification has made in the selection of Sanitary Inspectors is in the highest degree illuminating.

prescribed for Relieving Officers or Workhouse Masters, for Assistant Overseers or Poor Rate Collectors.[1] The result has been, in innumerable cases, the making, by careless or ignorant or unscrupulous Guardians, of the most outrageous appointments to these posts, with which the Poor Law Board or the Local Government Board has usually felt unable to interfere.[2] It is, of course, true that for such "Destitution Officers", unlike medical practitioners, there did not, in the last century, exist any definite qualification which could easily have been prescribed. But if the Poor Law Board or the Local Government Board had been more alive to the value, in preventing jobbery, of the Device of the Prescribed Qualification, it would have been practicable to have formulated, as was, in fact, eventually done in the analogous case of the old Inspector of Nuisances, who was then styled Sanitary Inspector, a list of subjects to be studied and books to be read, for an examination to be passed and a certificate to be gained, which might have ensured to the holder a preference, at any rate over uncertificated candidates having no previous experience of Poor Law work, for appointment as Relieving Officer, if not also as Workhouse Master.[3] Moreover, the

[1] This omission is the more remarkable because it was one of the explicit recommendations of the Report of 1834 (p. 329), "that the Central Board be directed to state the general qualifications which shall be necessary for paid offices connected with the relief of the poor". It may be that the description of the duties of a Relieving Officer, as of other officials of the Board of Guardians, embodied in Article 215 of the General Order of 1847, was regarded as compliance with this recommendation.

[2] When (after the Report of the Poor Law Commission, 1909) the Local Government Board mentioned the matter in a Circular to the Boards of Guardians (March 18, 1910), it was mildly observed that "some Boards of Guardians have in the past made appointments to this and similar offices which suggest that efficiency has not been the primary consideration"; but no suggestion was made of specific qualifications (Fortieth Annual Report of Local Government Board, 1911, pp. 8-9).

[3] Right down to the end of the century there was not even any provision of instruction for Poor Law officials, or for aspirants to the Poor Law service. This was never supplied by the Poor Law Board or Local Government Board, either directly or through any suitable educational agency. In the last decade of the century a beginning was made by the C.O.S., the London School of Economics, and the University of Liverpool, presently taken up elsewhere, in providing both courses of lectures and practice in administration suitable for candidates for the Poor Law service; and diplomas of proficiency can now be gained, to which, however, no official recognition has yet been accorded (see Majority Report of Poor Law Commission, 1909, vol. i. p. 149 of 8vo edition). Not until the twentieth century was there an unofficial Poor Law Examinations Board, from which Assistant Clerks, Relieving Officers and institution officers could obtain certificates of proficiency, which are recognised, if not by the

experiment might have been tried of a national pension system and a graded scale of salaries, so that both Relieving Officers and Workhouse Masters might be encouraged in efficiency, and the most important offices be filled by tried and experienced men, through a more systematic use of promotion by transfer from smaller to larger Unions, which at least the more enlightened Boards could have been induced to adopt. We may note, too, the useful requirement by the Poor Law Commissioners that no district assigned to a District Medical Officer may exceed 15,000 in population or 15,000 acres in superficial area; and we may realise its success in ensuring that at least the necessary minimum of medical care should be everywhere available for the sick.[1] On the other hand, neither the Poor Law Board nor the Local Government Board ever specified any analogous minimum of staffing in the matter of Relieving Officers. Year after year, we find the Inspectors and the readers of papers at Poor Law Conferences vainly complaining that a large proportion of Unions had far too few Relieving Officers to permit of adequate investigation and supervision of the applicants for Outdoor Relief. Yet we do not find any Order commanding, or even any Circular advising, that there should not be, in any Union, a staff below some definite scale—say, for example, fewer than one Relieving Officer for every 300 applicants during the preceding year; or for a district having more than 4000 census population, or, whatever the population, exceeding in area 15,000 acres; or any more suitable figures.[2] The result has been that the Poor Law Board and the Local Government Board have been driven to tolerate, year after year, in many Unions, a staff altogether

Boards of Guardians or the Central Authority, at least by the National Poor Law Officers' Association. A corresponding examination, managed by the Institute of Poor Law Accountants, now awards certificates to accounting officers. When a Poor Law nursing staff was developed, specific qualifications were prescribed by the Department for Ward Sisters and Nurses.

[1] Unfortunately this requirement seems not to have been enforced, or even maintained, by the Poor Law Board and the Local Government Board; and it appears, with the general increase in population, to have sunk into oblivion.

[2] "It has been said that no Relieving Officer ought to have more than 150 (or at most 300) paupers on his list, to enable him to do his work of inquiry and visiting properly" (*The Better Administration of the Poor Law*, by Sir W. Chance, 1895, p. 40). See, on this, the Report of the Conference of Metropolitan Guardians in Second Annual Report of Local Government Board, 1873, p. 7; Third Annual Report, 1874, p. 77; *The English Poor Law System*, by Dr. P. F. Aschrott, 1888, p. 92.

insufficient for any proper administration of the Orders and regulations.[1]

Responsibility of Relieving Officer

It should be added that the Relieving Officer, as the officer entitled to give instant relief in cases of sudden or urgent necessity, is in the peculiar position of being answerable, though only a servant of the Board of Guardians and obeying its orders, to the Criminal Courts for any refusal, or even any negligence, by which a destitute person suffers death, or, presumedly, serious damage to health. Relieving Officers have been fined for the misdemeanour of refusing relief in a case where it ought legally to have been given—cases occurred in 1883 in England, and in 1893 in Scotland—and it is always stated that an indictment for manslaughter would lie if the applicant died by reason of the refusal.[2]

The practical effect of this criminal liability of the Relieving Officer is to strengthen his position as against a parsimonious or unduly strict Board of Guardians (or, even, theoretically, against the Central Authority) which might seek to prevent relief in kind being given in cases of sudden or urgent necessity.

The Extent of the Centralisation of the New Poor Law

With the bringing under the Poor Law Amendment Act in 1868 of the last of the excepted areas, and the consolidation of the authority of the Administrative Hierarchy marked by the

[1] In the effort to increase the efficiency of the investigating staff, a Superintending Relieving Officer was added in some Unions; and, in others, extra Relieving Officers were appointed as "Cross-Visitors". "The Cross Visitor is an officer whose duty it is to check, by independent visits, the inquiries made by the Relieving Officer; to pay surprise visits at irregular intervals to all recipients of Outdoor Relief, and also to make special investigations" (*The Better Administration of the Poor Law*, by Sir W. Chance, 1895, p. 41).

[2] See R. *v.* Joslin, in 15 Cox's *Criminal Cases*, p. 745; R. *v.* Curtis, in 27 *Law Times Reports*, New Series, p. 762; *The Poor Law Orders*, by Alexander Macmorran, 1890, p. 241; Poor Law Commission, 1909, Q. 936-972, 1221, 13911-45, 22723-22728; and Minority Report, p. 49. It is significant of the small importance attached to the criminal liability of the Relieving Officer that in an able and comprehensive manual for their instruction—unofficial, but written by "an Official", and published by Knight & Co., the recognised official publishers—this general liability was, as regards anything but Medical Relief, not even mentioned (*Knight's Relieving Officers' Guide*, 1902, pp. 38, 47.

statutory permanence at last accorded to the Central Authority in 1867, the so-called centralisation of the New Poor Law, of which so many critics had prematurely complained, may be regarded as having been definitely achieved. Yet how little did that centralisation amount to, even when completed! We may cite a letter on this subject which John Stuart Mill addressed to a French constitutional student. "I fully recognise", wrote Mill in 1860, "the tendency in English legislation that you point out towards an increasing centralisation. I not only recognise it; I actually approve of it. But note that this centralising movement is, with us, more useful than harmful, exactly because it is in sharp opposition to the spirit of the nation. For this reason changes which are great in appearance are translated in practice into almost minute proportions. You think, perhaps, that the administration of our Poor Law has been centralised since the law of 1834. Not in the least. The immense abuses that had taken place in the local administration had so terrified the public that the enactment of the law became possible. But it proved impossible to carry it out. Local authority presently regained its predominance over central authority; and the latter has only managed to retain its nominal powers by exercising them with so excessive a reserve that they have remained rather a resource for use in extreme cases than a systematic mainspring of administration."[1] "During the twenty years 1847–1867", notes Sir John Simon, "this reconstituted Board . . . existed only on probation, learning to adjust its behaviour to the varying annual balances of Parliamentary opinion".[2] But even when, in 1867, the Poor Law Board was made a permanent Department of the State,[3] and when, in 1871, it was given a more dignified status as the Local Government Board, it still remained, as the following chapter will indicate, very far removed from the centralised autocracy that had been apprehended. For good or for evil

[1] J. S. Mill to Charles Dupont-White, April 6, 1860, in *The Letters of John Stuart Mill*, edited by Hugh S. R. Elliot, 1910, vol. i. pp. 235-236.

[2] *English Sanitary Institutions*, by Sir John Simon, 1890, p. 348.

[3] It is significant that this permanence was avowedly objected to by the Liverpool Select Vestry and various Boards of Guardians as tending to emphasise their subordination. The "very existence" of a Central Authority, it was said, tended to depress the sense of responsibility of the local Poor Law Authorities (Report of Special Vestry Meeting, Liverpool, in *Liverpool Mercury*, June 27, 1867; *English Poor Law Policy*, by S. and B. Webb, 1910, p. 146).

the English "Indigence Relief Ministry" has always felt obliged, as John Stuart Mill predicted, to exercise its nominally great powers of compulsion and prohibition with what Mill called "so excessive a restraint that they have remained rather a resource for use in extreme cases than a systematic mainspring of administration". It was not that very ample powers were not given, so far as Parliamentary statutes and a centralised bureaucracy could give them, to the Ministry thus created.[1] The authority of the Central Poor Law Department was, in form, overwhelming. "It could, in its administrative capacity, dissolve all the Unions in England and Wales, together with their Boards of Guardians, and reconstitute the Unions into areas many times larger than their present size, thus transforming the whole aspect and character of Poor Law administration. . . . Legally speaking, the Board could transfer to the Metropolitan Asylums Board the whole of the administration of Indoor Relief at present exercised by the London Boards of Guardians; or, again, could make the conditions for granting Out-relief to destitute able-bodied men so stringent as to abolish it almost entirely, or so lax as to allow of abuses similar to those which obtained before 1834."[2] But, as was well said, "In practice these drastic powers are limited by two efficient checks. In the first place, there is the political check of the House of Commons. The President . . . is subject to the control of Parliament, and the estimates . . . are voted . . . often after sharp criticisms and debate; in some cases its Orders become operative only when confirmed by Parliament. . . . The second check . . . is the inherent unwillingness of Local Authorities to accept bureaucratic rule. The Board has, theoretically, unlimited power to prescribe and to prohibit; but the duty of complying . . . falls, not on paid officials of the Central Authority, but on a Local Authority. Moreover, these Local Authorities have, by law, a very large discretion with which even the Board is unable to interfere. This discretion may be exercised in a sense hostile

[1] "Since 1834", we read, "the tendency of legislation has been rather in the direction of increasing than of diminishing the powers of the Central Authority, with the result that the Local Government Board [Ministry of Health] now occupies a position probably unique among Government Departments for the amount of discretionary control it exercises over an administration which is mainly paid for out of local rates" (Majority Report of Poor Law Commission, 1909, vol. i. p. 120 of 8vo edition).

[2] *Ibid.* p. 120.

to the policy of the Board, and yet in such a way as to make it difficult to prove legal contravention of particular regulations." [1]

It may now be seen that what broke the dominance of the Central Authority, which the Poor Law Amendment Act of 1834 endeavoured to establish, was the position of financial independence in which the Board of Guardians were placed, and the modicum of administrative discretion with which these local "sub-legislatures" were entrusted. The broad base of the Administrative Hierarchy could only with the greatest difficulty be moved. The Boards of Guardians, if they chose to be obstinate, remained substantially independent of the Central Authority. "Although it can restrain them from acting, it has no effective machinery . . . through which it can . . . force them to do anything they are determined not to do." [2] In the working out of the various problems of Poor Law policy, which we have to describe in the following chapter, we shall see the Poor Law Board, and then the Local Government Board, turning and twisting

[1] Majority Report of Poor Law Commission, 1909, vol. i. p. 129. How careful were Ministers to respect the autonomy of the Boards of Guardians may be seen in an entry in Sir Charles Dilke's diary. "On August 31, 1883, I inspected Westminster Union Workhouse, in consequence of the serious misconduct of the Master, who had been bitterly attacked in the House of Commons, and with regard to whom I had laid down the principle that it was for the Guardians, and not for me, to dismiss him. This was a test case with regard to centralisation. Feeling in the Press was strong against the Master, and his acts were entirely indefensible, but he had the support of the majority of his Guardians. I made public my opinion, but did nothing else, and ultimately the Guardians who supported him lost their seats, and the Master was removed by the new Board" (*The Life of Sir Charles Dilke*, by Stephen Gwynn and Gertrude Tuckwell, 1917, vol. i. p. 506).

[2] In particular, the Central Authority was, from the first, not empowered to compel any Board of Guardians without the consent of a majority of the Guardians to erect or rebuild any Workhouse (which term legally included school and infirmary), involving a capital expenditure exceeding £50, or one-tenth of the year's rates of the Union concerned; and it remained doubtful whether, even by making "regulations" for Workhouses, the Commissioners could require the Guardians to appoint any definite number of salaried officers.

In another way, also, the power and influence of the Central Authority has proved singularly impotent. At different dates the Poor Law Commissioners, the Poor Law Board and the Local Government Board have tried their utmost to induce Boards of Guardians to form combinations among themselves for particular purposes, such as the maintenance of "Asylums for the Houseless Poor", District Schools, "Sick Asylums", Able-bodied Test Workhouses, and other specialised institutions. In three-quarters of a century this policy of a "union of Unions" has met with very little acceptance. In 1911 it could be said that "there are only a dozen combinations all told, in the country to-day, and they mostly between large urban Unions. . . . The L.G.B. had no power to compel combination" (F. H. Bentham, in *Poor Law Conferences, 1910–1911*, p. 778).

backwards and forwards in their efforts in every practicable way to influence the Boards of Guardians; partly because of the hesitations and doubts of the Central Authority itself, and still more because of the vagueness of its powers of compulsion and of the slow and varying movements of public opinion on which the Central Authority, for all its assumed autocracy, inevitably depended. In short, we have to recognise, as John Stuart Mill had predicted, that a centralised autocratic sovereignty, even where designed and intended by the nominally supreme Parliament, is not, in essence, compatible with discretionary expenditure by a network of elected Local Authorities, each of which has to provide for its own outlay by specific taxation of its own electorate. It is instructive to notice that it is only in the services in which the power is shared with elected Local Authorities that a centralised autocracy has fallen short of success. Where the cost of the service falls, not on the local rates but directly on the National Exchequer, and Local Authorities can be dispensed with, it has proved quite practicable, in the very same generation as the experiment in Poor Law administration, to establish not only one but even a whole series of national official hierarchies, combining a most effective central direction and control, with absolutely uniform obedience in the local administration in every part of the kingdom, and a high degree of technical efficiency. Not only in the manufacturing and other civilian departments of the Army and Navy, but at least equally in the gigantic Post and Telegraph service, together with the Customs and Excise and the Inland Revenue, the whole organisation, both central and local, exhibits no failure in the uniform execution of whatever is prescribed from the top, with results that are anything but inefficient. In the case of the younger Ministry of Labour it has even been found practicable to utilise, along with the official hierarchy, the services of committees of local residents, in the capacity of juries, as well as in that of advisors or unofficial supervisors. But no one in the nineteenth century was prepared to face, for the service of the relief of destitution, the serious dangers that seemed involved in a "Nationalisation of the Poor Rate"; the very smallest use was made, in the sphere of this great service, of the Device of the Grant in Aid; and the consequent retention of local responsibility for all branches of the expenditure has made impracticable

any national uniformity of policy and administration in any part of the Poor Law.[1]

[1] Among the publications of 1860–1869, we may cite *Our Poor Law: its defects and the way to mend them*, by Martyn J. Roberts, 1861; *The Poor Laws as they are, and as they ought to be: Evidence given before the Select Committee*, 1861; *Principia Pauperismatis: considerations regarding Paupers* (Anon.), 1862; *The Irish Poor in English Prisons and Workhouses*, by Hibernia, 1866; *Equalization and Diminution of the Poor Rate by improved legislation*, by Standish Grove O'Grady, 1867; *An Exemplification of the General Order for Accounts*, by D. P. Fry, 1867; *Proposed Universal Poor Rate: a Question for the New Parliament*, by William Briggs, 1868; *Thoughts on Poor Law Administration*, etc., by Thomas Worth, 1869; *Pauperism, Charity and Poor Laws*, by J. H. Stallard, 1869; *A Letter on Pauperism and Crime*, by a Guardian, 1869.

For a full and (on the whole) minutely exact account of the organisation and working of the Local Government Board, as it was about 1900, the reader may refer to the elaborate and painstaking work, *Local Government in England*, by Josef Redlich and F. W. Hirst, 1903, especially vol. ii. part vi., chapters i.-vi.

CHAPTER IV

SIXTY YEARS OF POOR LAW ADMINISTRATION, 1848–1908.

In this survey of Poor Law administration from the establishment of the Poor Law Board in December 1847 to the investigations of the Royal Commission of 1905–1909, we have adopted a classification of the subject-matter which differs from that of the official documents of both the Central and the Local Authorities. Under the Elizabethan Poor Law, even as amended in 1834, the poor were regarded, irrespective of age, sex or condition, simply as destitute persons; whilst the main distinction recognised by the Poor Law Inquiry Commission of 1832–1834 was that between Indoor and Outdoor Relief, and that only in respect of the able-bodied. But in actual practice the Boards of Guardians found themselves, day by day, considering the requirements, not of an undifferentiated mass of destitute persons, but of continuous streams of infants and children, some of them orphans and others not; widows and deserted wives; sick and mentally disordered or defective men and women; worn-out old labourers and equally exhausted wives; wage-earners out of employment and habitual Vagrants. Each of these classes had its peculiar requirements; on each of them particular policies as to treatment had distinct and divergent results. For these reasons we describe successively how Poor Law administrators treated the children and the infants, the sick and the persons of unsound mind, the aged and infirm, the involuntarily Unemployed and the Vagrants, together with the complications introduced by the Law of Settlement and the practice of Removal; and finally the general controversy over Outdoor Relief and private charity.

The Children

To any one who looks with fresh eyes at the problem of how best to treat the perpetually recruited pauper host, it is hard to explain the almost universal failure, decade after decade, to give any comprehensive consideration to what was, after all, numerically one of the largest sections of that host, and the one, as we now imagine, of greatest consequence for the future.[1] At all times, in England and Wales—in 1834 as in 1908—whether we take the number simultaneously relieved on any one day, or the number of separate individuals relieved in the course of a year, we have to face the melancholy fact that about one-third of the whole are children under sixteen years of age. In the course of the year 1907 there were found, by actual count, to be no fewer than 564,314 separate children under sixteen relieved as paupers at one time or another, out of a total of 1,709,436.[2]

[1] It will, of course, be understood that particular sections of children on Poor Relief, and particular aspects of child pauperism, have led to innumerable official reports, and many pamphlets. Apart from the references in the following pages, it must suffice to cite generally the 400-paged volume of Assistant Commissioners' reports, mostly by E. C. Tufnell (1806–1886) and Dr. J. Phillips Kay (afterwards Sir James Kay-Shuttleworth (1807–1877), which the Poor Law Commissioners published in 1841, entitled *Report . . . on the Training of Pauper Children*; the three books by Joseph Kay, Q.C. (1821–1878), brother of the above, entitled *The Education of the Poor in England and Europe*, 1846; *The Social Condition and Education of the People in England and Europe*, 1850, and *The Education and Condition of Poor Children*, 1853; see also *Life of Sir James Kay-Shuttleworth*, by Frank Smith, 1923; also *The Children of the State*, by Florence Davenport Hill, 1868, second edition, 1889; *Pauper Children: their Education and Training*, by R. A. Leach, 1890; *Children under the Poor Law*, by Sir W. Chance, 1897; many papers during the past fifty years preserved in the volumes *Poor Law Conferences*; and, more recently, the successive reports and other publications of the State Children's Association. Unfortunately practically all the writers have confined themselves to the fifty thousand or so of children maintained as Indoor Paupers, and mostly to such among these as are of school age. The case of the infants in Workhouses, and that of the hundreds of thousands of children on Outdoor Relief, were hardly ever mentioned in reports or books, and do not seem to have been comprehensively dealt with until the Poor Law Commission of 1905–1909, when special attention was given to them by the Special Investigators (Appendix, vols. xviii. and xxiii.), by the Majority Report (Cd. 4499), and especially by the Minority Report (*ibid.*).

[2] Excluding lunatics in asylums and casual paupers (Poor Law Commission, 1909, Majority Report, Cd. 4499, vol. i. p. 32). Though the aggregate number remained practically undiminished, the proportion to the population had, of course, greatly fallen. In 1849 the Poor Law Board found 6·3 per cent of the total population simultaneously in receipt of Poor Relief, whilst in 1907 there were only 2·3 per cent—the children under sixteen being from one-fourth to one-third of the whole, and at both dates apparently over 200,000 in number.

Children on Outdoor Relief

We begin with the section which comprises, at all times, by far the largest number of child-paupers, but about which, paradoxically enough, the smallest amount of information is available; namely, the hundreds of thousands of children maintained on Outdoor Relief. The Inquiry Commission of 1832–1834, and its celebrated Report (which, as we have seen, concentrated attention on the relief of the Able-bodied) practically ignored those who were sick, those who were too old or too feeble for wage-earning employment, and those who were below the age for such employment. No statistics exist of the children on Poor Relief at that date; but it must be assumed that, of the million or so of persons then simultaneously in receipt of relief, something like three hundred thousand were under sixteen years of age. With the exception of a few tens of thousands—very largely the orphans and foundlings—in the Poorhouses and Workhouses of the period, and in the infant nurseries maintained by the Metropolitan parishes under Hanway's Acts, these hundreds of thousands of boys and girls appear in the records only as the unseen dependants of their parents or grandparents, to whom were dispensed the scanty doles of Out-relief.

First we note that, throughout the whole period of three-quarters of a century after 1834 the number of children on Outdoor Relief on any one day, varying with the total volume of pauperism, very seldom fell below two hundred thousand,[1] and in some years exceeded three hundred thousand, these totals representing, in each case, at least twice that number (in 1907 it was found to be 2·49 times) of separate children relieved some time in the course of a year. It was not that, with regard to this immense mass of children, the Guardians disobeyed any injunction or admonition of the Central Authority, or acted in violation of any of the General or Special Orders by which they were legally controlled. The continued maintenance of these

[1] Between 1880 and 1908, when the total number of children relieved ranged from 291,188 down to 208,241, the numbers on Outdoor Relief ranged from 233,058 down to 158,113—the proportion between those in institutions and those on Outdoor Relief remaining almost stationary (Poor Law Commission, 1909, Appendix, vol. xxv. p. 43).

children on Outdoor Relief was expressly contemplated by the terms of the Report of 1834. With exceptions too insignificant to be worth notice, it was directly authorised by the wording of the Outdoor Relief Regulation Order of December 14, 1852, as it had been by the wording of the Outdoor Relief Prohibitory Order of December 21, 1844. Throughout this period, right down to the investigations of the Royal Commission of 1905–1909, the children of the poor on Outdoor Relief were regarded, not as a class in themselves, with separate needs, but merely as the "dependants" of this or that destitute person. To the Relieving Officer and his Board of Guardians it seemed irrelevant whether the infants and children were the dependent offspring of widows, or of deserted (or otherwise separated) wives; or of fathers granted Outdoor Relief on account of sickness or accident, or other infirmity of body or mind, or (subject to a task of work) merely by failure to obtain employment; or of parents who are themselves being relieved in institutions (often on account of sickness, accident, infirmity or lunacy); or of parents who get relief in sudden or urgent necessity; or finally (subject to reporting promptly to the Central Authority) in any other cases deemed to be of exceptional character. In all these cases it was within the discretion of the Boards of Guardians, as it had been within that of the Overseers before the Act of 1834, to grant Outdoor Relief (though in certain cases it had to be wholly or partly in kind) in respect of the children, without being assumed to incur any responsibility for the conditions under which these future citizens were being reared.[1]

We attribute this long-continued ignoring of the condition of so great a mass of children for which public expenditure was incurred, principally to the state of mind with regard to Outdoor Relief, with which we shall deal later. But the indifference as to the fate of the children, so long as they could be assumed to be under parental care—an unconcern manifested alike by Boards of Guardians and Inspectors, Poor Law Commissioners, Poor Law Board and Local Government Board—was, it is fair to say, common to all branches of Government and nearly all sections of

[1] "These [Outdoor Relief children] are practically under the care of the Guardians; and we learn little or nothing concerning their mode of life, or the education they receive" (*London Pauperism among Jews and Christians*, by J. H. Stallard, 1867, pp. 40-41).

public opinion. It was in vain that C. P. Villiers, as Assistant Commissioner in 1832–1834, had pleaded for a national system of education as a means of preventing the occurrence of much of the destitution. It was in vain that Dr. J. Phillips Kay, another of the Assistant Commissioners of 1833, had then recently emphasised the evils of the way in which the children of Manchester were being reared, many of them on Poor Relief.[1] Chadwick's own plea in 1834 for a complete system of efficient training establishments for all the children who came into the hands of the Poor Law administrators was set aside as both impracticable and—as conferring positive benefits on a pauper class—actually undesirable. In 1844 the Poor Law Commissioners decided that no Board of Guardians could even be allowed to pay the school fees for children maintained on Outdoor Relief; and must not even add twopence per week per child of school age to the sum granted to the parent, with a view that the child should go to school.[2] In 1847, on the very eve of their supersession, the Poor Law Commissioners issued a Circular to all the Unions laying it down as a principle that the children whom the Guardians elected to maintain on Outdoor Relief were, so far as any expenditure from the Poor Rate was concerned, not to be educated at all![3] So complete was the preoccupation of the Poor Law Commissioners with the suppression of the primary evil of Outdoor Relief to the able-bodied; so deep-rooted was the esoteric hostility, of Poor Law Commissioners and Poor Law Inspectors alike, to the continuance of any class maintained on Outdoor Relief; and so indisposed were Poor Law Guardians to encourage any idea that might lead to increased expense, that, for a whole

[1] *The Moral and Physical Condition of the Working Classes in Manchester*, by J. Phillips Kay, 1832, reproduced in his *Four Periods of Public Education*, by Sir James Kay-Shuttleworth, 1862, pp. 3-84. He was appointed permanently as Assistant Commissioner in 1835, and, as is well known, worked valiantly for an improvement in the treatment of the children on Indoor Relief; but we do not find him asked for any report as to the condition of the much larger number on Outdoor Relief.

[2] *Official Circular*, No. 31, of January 31, 1844, pp. 178-179.

[3] *Ibid.* N.S. No. 9, September 1, 1847, p. 131. For years the Manchester Board of Guardians, under the enlightened leadership of the chairman (Hodgson) had been trying to get to school the Outdoor Relief children; and had actually maintained a primitive day school of their own (as Nicholls had done as Overseer at Southwell in 1821–1822). The Poor Law Board refused to sanction its extension, questioned its lawfulness, and year after year complained of its continuance (MS. Minutes, Manchester Board of Guardians, 1850–1855; *English Poor Law Policy*, by S. and B. Webb, 1910, p. 104).

generation, the annals, with regard to the children on Outdoor Relief, are a blank.

The Schooling of the Pauper Children

It was with regard to education that the first move was made. In 1855 Parliament intervened, at the instance of a private Member, who induced the Legislature to empower Boards of Guardians to pay the school fees for such children of parents on Outdoor Relief as were in attendance at school.[1] But the Guardians were expressly restrained from making such attendance a condition of relief; and as the Act was not obligatory, and was not officially transmitted to the Boards of Guardians until January 1856, and then with a covering letter that, far from welcoming the prospect of schooling for the pauper children, was coldly discouraging in its terms, the new statute was, in most places, not acted on.[2] In fact, the opinion of nearly all the Inspectors of the Poor Law Board seems to have been inimical to any such action. They did not admit that inability to pay the children's school fees was within the definition of the destitution which alone could be relieved from the Poor Rate.

The passing of Denison's Act brought the children of Outdoor paupers to the notice of the Royal Commission that was appointed in 1860 to inquire generally into the state of education in England and Wales; and this led to the reception of a small amount of evidence relating to the education of the children, then numbering nearly 290,000, simultaneously in receipt of Outdoor Relief. The Commission, which condemned the defects of the Workhouse Schools, reported of the outdoor pauper children that, as a class,

[1] "Denison's Act", 18 and 19 Victoria, c. 34; "an enactment involving the important admission that want of education was a form of destitution which ought to be adequately relieved" (*History of the English Poor Law*, vol. iii., 1900, by Thomas Mackay, p. 428). It was promoted by J. E. Denison, afterwards Viscount Ossington.

[2] In 1856 it was incidentally reported that there were in Lancashire 48,412 children on Outdoor Relief, of whom about 30,000 were of school age. Yet down to December 1855 no Board of Guardians had taken any action under the Act (*Eighth Annual Report of Poor Law Board*, 1856, p. 63; Circular of January 9, 1856, in Ninth Annual Report, 1857, pp. 13-15). On the other hand, the Newcastle-on-Tyne Board of Guardians at once put the Act in force (MS. Minutes, Newcastle Union, October 10, 1855). In 1856, throughout the whole country, with over two hundred thousand children simultaneously in receipt of Outdoor Relief, only 3986 were at school (House of Commons, No. 437 of 1856).

they were "in a condition almost as degraded as that of indoor pauper children". They did not, as a rule, attend such elementary day schools as existed, and (particularly as these schools nearly always charged fees) the Guardians made no attempt to secure their attendance. The Commission included, among its definite recommendations, one urging that it should be made "compulsory on the Guardians to insist on the education of the child as a condition of Outdoor Relief to the parent, and to provide such education out of the rates".[1] This was strongly objected to by the Poor Law Board and its Inspectors, who seem to have thought it inconsistent with sound Poor Law principles to pay for such a luxury, which thousands of the children of independent labourers did without. The Poor Law Board accordingly got the question considered afresh by the House of Commons Committee of 1864, which endorsed the Board's view.[2] And when, in 1864–1865, the Roman Catholics and Anglicans in Manchester complained that the Manchester Guardians were contravening the spirit (if not also the letter) of the law by refusing to pay the fees of children desiring to attend other schools, whilst insisting on their attendance at the Guardians' own strictly undenominational school, the Poor Law Board simply abstained from intervention. Not until 1873—but even then several years before school attendance became universally compulsory—did Parliament ordain that Boards of Guardians should in all cases make it a condition of the grant of Outdoor Relief that children between five and thirteen should be required to be in regular attendance at a Public Elementary School, which was to be chosen by the parent.[3] This statute, which was sent out without comment by the Local Government Board, was not very cordially received either by the Poor Law Inspectors or the Poor Law Guardians; and we do not find that much was done to get it enforced. The

[1] Report of Royal Commission on Education, 1861, pp. 380-385.

[2] Report of House of Commons Committee on Poor Relief, 1864; Sixteenth Annual Report of Poor Law Board, 1865, p. 110. It is interesting to find that Nassau Senior was indignant at this decision to restrict education (*Industrial Efficiency and Social Economy*, by Nassau Senior, edited by S. Leon Levy, 1928, vol. ii. p. 329).

[3] 36 and 37 Victoria, c. 86. By 39 and 40 Victoria, c. 79, the Guardians were also required to pay the school fees for the children of non-pauper parents unable to pay, even for illegitimate children, and the parents were thereby not to become paupers! It was held in 1877 that the Guardians might, if they chose, pay the charge for books and stationery (*Selections from the Correspondence of the Local Government Board, vol. i., 1880, p. 49*).

widows were doubtless often told that they had to send their children to school; but it does not appear that, for many years afterwards, the Relieving Officers usually saw to it that any regular attendance was, in fact, made.[1] What the Guardians did, in some cases, was not merely to ignore the Act, but, as late as 1880, to petition the Education Department to relax, with regard to all children, the requirement that they should go to school after twelve, as being hard on the parent, useless to the child, and leading to "much necessary work being left undone", especially "the eradication of pernicious weeds".[2] With regard to the sanitary conditions in which these hundreds of thousands of Out-relief children were being reared; to the housing accommodation towards which the Guardians' weekly doles were being applied; and to the health which the children enjoyed, neither the Guardians nor the Inspectors, neither the Poor Law Commissioners nor the Poor Law Board, nor even, down to 1907, the Local Government Board, seem ever to have inquired.[3]

The Home Conditions of the Children

The Poor Law Authorities, both central and local, turned an equally blind eye to the character of the home and the conduct of the parents, with whom they knowingly left the children who were to be maintained on Outdoor Relief. For a long time even the most neglected or ill-used child could not be compulsorily separated from its parents. For the first fifty years of the New Poor Law the Boards of Guardians were given no power to take, out of the parents' hands, even the most injured or demoralised child. By the Acts of 1889 amd 1899 the Guardians were permitted to exercise this power of "adoption", with regard to the children of parents of certain categories actually in the Workhouse. Unfortunately, no such power of adoption has been given with

[1] In 1907 the Metropolitan Relieving Officers Association urged that even this *minimum of supervision of children on Outdoor Relief* should be dispensed with. "Seeing that school fees are abolished, it is unnecessary that Guardians or their officers should be compelled to obtain evidence of children attending school" (Evidence to Poor Law Commission, see Minority Report, 1909, p. 40).

[2] MS. Minutes, Board of Guardians, Bakewell, August 30, 1880.

[3] The Poor Law Commissioners of 1905–1909 were expressly informed by the Local Government Board that no information existed as to the conditions of home life, housing, sanitation and education of the families on Outdoor Relief.

regard to children of even the worst parents, if the children are on Outdoor Relief, or even if they are found in the Casual Ward; and we do not understand that such an extension of the power of adoption has yet formed part of the legislative policy of the Government.

We do not find it easy to explain this long-continued policy, pursued for three-quarters of a century, alike by the Poor Law Commissioners, the Poor Law Board and the Local Government Board, of turning a blind eye to the results of allowing the Boards of Guardians to maintain on Outdoor Relief, without any kind of inspection or supervision, four-fifths of all the children who were *admitted to be destitute*. Even assuming the importance of maintaining parental responsibility and parental authority, it is hard to justify the relieving Authorities that gave the parents—as was the almost universal practice—only a shilling or eighteenpence per week for the entire maintenance of each child;[1] and yet systematically neglected to inquire what was happening to the health, growth, nurture and educational training of those for whom they chose to provide in this manner.

Confronted by this absence of information about these thousands of children, the Poor Law Commission of 1905–1909 appointed a woman doctor, with two investigating assistants, to *conduct* a systematic inquiry into the condition in urban and rural districts all over England of "children whose parents or guardians are in receipt of Outdoor Relief as widows, widowers,

[1] One shilling and one loaf was the amount per week that an Inspector thought in 1869 should be the maximum for each child (Corbett's Report of August 10, 1871, reprinted by the Local Government Board for general circulation in 1873).

"For them [the Outdoor Relief children] the Guardians seem never to have felt any responsibility; technically the relief is given to the parent: it is very seldom that any care is taken to ensure that the children are adequately cared for; and it is certain that, in a very great number of cases, they are ill-nourished or neglected, or both" (*The Poor Law Report of 1909*, by Helen Bosanquet, 1909, p. 64).

It was not that *the evil results to the children were unknown*. "As a matter of course", avowed the chairman of one Board of Guardians in 1873, "the children of widows in receipt of Out-Relief are brought up as beggars, and pauperised from their infancy, and the pauperism hangs to them. I have no doubt that you may consider that hereditary pauperism" (*From Pauperism to Manliness*, by T. Bland Garland, Bradfield Union, Occasional Paper No. 21 of the Charity Organisation Society). Bland Garland wished to bring to an end all Outdoor Relief; but this was never found to be practicable, and no alternative method of providing for the hundreds of thousands of children thus maintained was ever officially suggested by the Local Government Board.

single unmarried women or deserted women ".[1] In the following chapter we shall summarise the deplorable state of affairs revealed by this elaborate and far-reaching inquiry.

The Workhouse Children

It was not that the problem presented by the pauper children was unheeded by those responsible for the direction of Poor Law administration. On the contrary, it was of all questions the one that put them most continuously in perplexity. But they thought only of the children in the Workhouses.

It was, as we have seen,[2] the inclusion of the children within the same building as the adults that impressed Nassau Senior in 1862 as the most unexpected, as it was the most calamitous, feature of the "well-regulated Workhouse" that had been insisted upon by the Poor Law Commissioners in their application of the Report of 1834. Almost at once, the evil consequences of this departure from the recommendations of the Report began to be realised by the more intelligent of the Assistant Commissioners; and in 1838 the policy of entirely separate residential provision for the children, which had been abandoned in 1835–1837, was definitely re-adopted by the Commissioners. Yet so difficult is it to retrace a false step that there were on March 31, 1906, still 14,000 children under sixteen in the General Mixed Workhouses which the Poor Law Commissioners had, against Chadwick's advice, in 1835–1837 *deliberately* re-established.

We ascribe the prolonged delay, and the very partial success which attended these efforts, first to the uncertainty as to the best substitute for the Workhouse nurture of children, and the long-drawn-out controversy to which this uncertainty gave rise; secondly, to the persistence of the idea that it would be disastrous to make the lot of child paupers more advantageous than that of the children of the lowest paid independent labourers, and that,

[1] Appendix, vols. xviii. and xxiii. (Scotland). When this report was received, the Royal Commission asked the Local Government Board to take the unprecedented step of obtaining reports from the Inspectors upon the subject. These reports, which were read by the Commissioners in *manuscript*, fully confirmed that of the Assistant Commissioners; but the Commission decided to print them only in summary form; and ultimately even the summaries remained unpublished. Some extracts from them are given in the Majority Report, vol. i. pp. 199-200.

[2] See p. 129; evidence of Nassau Senior before House of Commons Committee on Poor Relief, 1862 (H.C. 468 of 1862, p. 74).

for this reason, retention in the Workhouse was essential;[1] and, thirdly, to the almost insuperable reluctance of all concerned to contemplate any considerable increase of public expenditure on a section of the child population that was tacitly deemed of small social value; an argument which might have carried more weight if it could have been coupled with a proposal for ensuring that none of the children so neglected would grow up to burden the community as inefficient producers, or even, in many cases, as lifelong paupers and criminals! These considerations, together with the manifold difficulties of the problem, led, on the one hand, among the majority of the Boards of Guardians, to an almost impregnable inertia with regard to any kind of reform; and, on the other, to an extreme slowness in the Central Authority, which was hampered by wavering of opinion, either to adopt any definite policy, or to decide to bring to bear any effective pressure on ignorant or recalcitrant Local Authorities. We have to recount, first the creation of the Workhouse School, which may be said to have been the accepted policy of 1835–1837. An alternative to this, continued or adopted exclusively by Metropolitan Poor Law Authorities, was the "Farm School", or child farm, an extensive establishment run for the profit of the contractor, who made a business of taking the children off the hands of the Guardians at so much per head. The policy recommended by the Central Authority, for nearly half a century from 1838, was the establishment, for each of the larger Unions and for combinations of Unions, of separate Poor Law Schools, being specialised institutions of considerable, and sometimes of gigantic, size, later to be stigmatised as "Barrack Schools". These aggregations of hundreds of children not only seemed costly in capital outlay, but were also discovered to have many defects; and some of these drawbacks were found to be scarcely mitigated by the still more costly form of this institution known as "Cottage Homes". One alternative was to establish (as at Sheffield) "Isolated" or "Scattered" Homes, in each of which a couple of dozen children lived in an ordinary dwelling-house under the care of a married couple; and were in attendance at the elementary day schools of the locality. Another was found in the steadily increasing

[1] "I can see no way", testified the Rev. Canon Bury, late Chairman of the Brixworth Board of Guardians, "of treating them less eligibly than the independent labourer's child except by bringing them into the Workhouse" (Evidence before Poor Law Commission, 1906, Q. 48,221).

relegation of special classes of children—sometimes on grounds of physical or mental defectiveness, or moral delinquency; sometimes merely because of the religion of their parents—to boarding schools administered by philanthropic committees. Meanwhile, from 1868 onward, the plan of "boarding-out" orphan or deserted children with selected foster-parents of the wage-earning class found increasing approval. Every one of these plans for providing for the children of school age dependent on indoor paupers was found in operation and was reported on by the Poor Law Commission of 1905–1909.

The Workhouse School

In 1834, when the Poor Law Commissioners began the execution of their great task of reform, they seem to have found, in the existing four thousand parish workhouses or poorhouses, something like forty or fifty thousand children in residence, in numbers varying from a dozen or two in the majority of small parishes, up to several hundreds in such larger institutions as that of Liverpool, and those of St. Martin's-in-the-Fields and other considerable parishes in the Metropolitan area. Such descriptions of the provision made for the children as appear in the reports of the Assistant Commissioners in 1833 reveal, not only a shocking neglect of proper nurture, but also an almost total lack of education. In the majority of parish poorhouses or workhouses there was no effective separation of the children from the adult inmates, and no teacher of any sort; in many the children of all ages and of either sex were nominally in charge of an aged pauper man or woman, very often feeble-minded, and occasionally an actual lunatic. Of the death-rate among the children, or of their incessantly recurring ill-health, there was, of course, no record. Where any severe discipline was maintained, "the boys", as we are told as regards the Deptford Workhouse, "were broken-spirited, cringing and deceitful"; where there was less physical correction, "the girls were refractory, obstinate, boisterous and insolent . . . both boys and girls were equally addicted to lying, swearing and petty thieving";[1] and in all cases growing up with the very minimum of instruction or training of any kind.

[1] Letter from the Master of the Deptford Workhouse, included in *Report . . . on the Training of Pauper Children*, published by Poor Law Commissioners, 1841, p. 157.

"Children of this class", as the Poor Law Commissioners subsequently observed, "consisting for the most part of orphans, bastards and deserted children, continued under the former management to remain inmates of the Workhouse long after the period at which they might have earned their subsistence by their own exertions; and those who obtained situations, or were apprenticed by means of the parish funds, turned out as might be expected of children whose education was utterly neglected, or at best confined to the superintendence of a pauper. They rarely remained long with their employer, but returned to the Workhouse—which so far from being to them an object of dislike, they regarded as their home, and which they looked forward to as the ultimate asylum of their old age. In this manner the Workhouse, instead of diminishing, increased pauperism, by keeping up a constant supply of that class of persons who most frequently and for the longest periods became its inmates."[1] In the new or newly organised Workhouses under the Boards of Guardians from 1835 onward, the Poor Law Commissioners strove, from the outset, to insist on the separation of the children from the adults, and that there should be a definitely appointed, salaried, non-pauper teacher, having some minimum of qualification for the post. In a large proportion of the new Workhouses, however, there proved to be, at first, only a dozen or two children, and for these the Boards of Guardians thought it unnecessarily extravagant to appoint any teacher. For many years there was apparently improvement, if at all, only in classification, order and discipline. Even for the large Workhouses, where there were scores, and in a few cases hundreds of children, trained teachers were, at that date, not to be had. Moreover, the Boards of Guardians, even if they consented to make an appointment, often expected nothing beyond reading to be taught;[2] usually

[1] Fourth Annual Report of Poor Law Commissioners, 1838, p. 89.

[2] The Bedford Board of Guardians went so far in 1836 as to protest, formally, against anything more than reading being taught, "as they were desirous of avoiding greater advantages to the inmates of the Workhouse than to the poor children out of it". The Poor Law Commissioners of these years had great difficulty in convincing the Guardians that this was not a correct understanding of the Principle of Less Eligibility. The reluctance of the Guardians to spend money on education was animadverted on by Nassau Senior in 1847 (*The English Poor Laws* and *The Poor Law Commission in 1847*, anonymous, but to be attributed to him, in conjunction with Sir George Cornewall Lewis).

deemed, without rebuke from the Commissioners, £10 or £20 a year sufficient salary; required the man appointed to live inside the Workhouse itself, under the orders of the Workhouse Master; provided hardly any books and practically no other educational equipment; and absorbed more than half the school hours in "housework" and other industrial employment, in the course of which the children could not be entirely separated from the adult inmates of the institution.

The imperfections of this provision for the children did not escape notice by the Assistant Commissioners; and already in 1838 the Poor Law Commissioners so far recognised the mistake into which they had been hurried by Sir Francis Head and the other "lawyers and soldiers" of whom Chadwick subsequently complained, as to pronounce themselves in favour of the establishment of separate residential schools for the children, apart from the Union Workhouses.[1] But the Commissioners found that they had no statutory power to compel the combination, for such a purpose, of the Boards of Guardians of adjacent Unions. At first, indeed, all concerned were, like Harriet Martineau, slow to believe that there would, eventually, be any continuously residing inmates of the "well-regulated" Workhouse! Presently the Commissioners discovered, with some surprise, that the total number of children resident in the Workhouses, "so far as we can conjecture from our existing data, will exceed 45,000"; [2] and then that, apart from those under nine years of age, they had on their hands in these institutions, no fewer than 22,302 boys and girls between 9 and 16, equal to 19 per cent of the total of inmates.[3] The first thought of the Commissioners was, not any educational improvement, but a more determined effort to get these boys and girls into wage-earning employment, a method of provision which the Commissioners themselves blocked by their determined refusal to allow the payment of any premiums for apprenticeship. But, largely owing to the devoted efforts of two of the inspectorate (Edward Carlton Tufnell and Dr. James Phillips Kay, afterwards Sir J. Kay-Shuttleworth), there begins in these years a continuous crusade for educational improvements.

[1] Fourth Annual Report of the Poor Law Commissioners, 1838, p. 90.
[2] *Ibid.*
[3] *Official Circular*, No. 1, January 8, 1840.

The "Farm School"

It must be admitted that the immediately practicable alternative to the Workhouse School was hard to find. The Metropolitan parishes, indeed, under the compulsion of "Hanway's Acts", had a number of boarding establishments in the suburbs of London, to which they relegated the younger children whom they were not legally permitted to retain in the Workhouses.[1] Nearly all these so-called "Infant Establishments", which usually contained children up to ten years of age, were at one or other time merely "farmed" to contractors, who took the entire responsibility for the children, for a payment (in 1830–1833) of about sixpence per head per day. But there were, in the outskirts of the Metropolis, other "Farm Schools"—not primitive agricultural colleges, as might nowadays be supposed, but merely "child farms".[2] For the convenience of parishes having no "Infant Establishments" of their own, there had grown up various commodious establishments in which enterprising contractors relieved the parishes of the cost and trouble of maintaining the child paupers, in return for a payment of a few shillings per head per week. Of these "child farms", the best known were those of Aubin at Norwood and Drouet at Tooting, in the former

[1] Hardly any information is available as to these institutions. St. James's, Westminster, had one at Wimbledon for 160 children under 10; St. Martin's-in-the-Fields one at Norwood; St. Andrew's Holborn one at Barnet; St. Anne's Soho one at Edmonton; St. Botolph Bishopsgate one at Ilford; and St. Giles-in-the-Fields one at Heston (Report of Poor Law Inquiry Commission, Appendix A, Codd's Report, pp. 75, 78, 79, 88, 90, 92). "Hanway's Acts", 2 George III. c. 22 and 7 George III. c. 39, which we have described in our previous volume on *The Old Poor Law*, made it obligatory on some fifty parishes within what was then the Metropolitan area, to maintain at a distance not less than three miles from any part of the Cities of London and Westminster all their children below the age of 6 (*History of the English Poor Law*, by Sir George Nicholls, 1854, vol. ii. pp. 66-69).

[2] For these Farm Schools (chiefly Aubin's and Drouet's) see Dr. Arnott's "Report on the Metropolitan Houses for the Reception of Pauper Children", in Second Annual Report of the Poor Law Commissioners, 1836, pp. 10, 488-494; "Instructional Letter to the Chaplain of Mr. Aubin's Establishment", in Fifth Annual Report, 1839, pp. 76-81, 147-156; the report of the deputation of the Manchester Board of Guardians, see Seventh Annual Report, 1841, pp. 237-241; many references in the collection of reports, chiefly by E. C. Tufnell and Dr. J. Phillips Kay, in the volume entitled *Report . . . on the Training of Pauper Children*, published by the Poor Law Commissioners in 1841; the First and Second Annual Reports of the Poor Law Board, 1849 and 1850; and *Four Periods of Public Education*, by Sir James Kay-Shuttleworth, 1862; also *Life of Sir James Kay-Shuttleworth*, by Frank Smith, 1923.

of which there came eventually to be aggregated, from a score of parishes, more than a thousand boys and girls between six and fourteen years of age. On the passing of the Poor Law Amendment Act of 1834 these Farm Schools were not interfered with, partly because the Commissioners were, for years, fully occupied with their most urgent task of stopping the Allowance System and putting an end to the Outdoor Relief of the able-bodied; and partly because, as we have explained, nearly all the Metropolitan parishes were found to be more or less protected by their Local Acts against executive interference. Moreover, these Farm Schools, in which the stimulus of profit-making was at that period far from being objected to, seemed at least superior to the Workhouse Schools in that they were, at any rate, separate institutions for children; and, moreover, institutions in which, as Chadwick at least desired, there were aggregated the large numbers that made possible not only segregation according to the several requirements of each age, sex or disposition, but also the utmost economy in staffing and management. Hence they were, in spite of intermittent concern at the high rates of sickness and mortality among the children,[1] with occasional suggestions for improvements, allowed to continue in existence during the whole reign of the Poor Law Commissioners; although the new Boards of Guardians outside the Metropolitan area showed no disposition either to make use of the existing contractors' establishments for their own children, or to promote their multiplication; and we do not find that the Poor Law Commissioners were sufficiently certain of their superiority over the Workhouse School to press for the establishment of any more of them.

A Model School

The zeal for education of Tufnell and Phillips Kay led them to go far beyond the Commissioners' general policy. As Aubin had extensive premises for his school, and was both an able

[1] Already in 1836 there were complaints about the ill-health of the children in Aubin's school, which led to a special report by Dr. Arnott on the arrangements for ventilation (MS. Minutes, Poor Law Commissioners, March 17, 1836; Dr. Arnott's report in Second Annual Report of Poor Law Commissioners, 1837, pp. 488-495). In 1837, and again in 1840, Drouet's school was complained of for ill-treatment as well as ill-health (MS. Minutes, Poor Law Commissioners, August 24, 1837, and July 3, 1840).

manager and "an intelligent, honest and active contractor, ready to adopt all reasonable improvements", Dr. Phillips Kay was able, *with the tacit sanction of the Commissioners, very* largely to "reform"[1] the institution into what was, for the time, a relatively efficient school. The sanitary conditions were improved out of recognition by Dr. Arnott, whose discoveries with regard to ventilation were brought to bear upon the building; the classification of the pupils was perfected; a better supply of books and school furniture was obtained, and some addition was made to the teaching staff. In 1839 these enthusiastic Inspectors were able to induce the Home Secretary himself (Lord John Russell) to visit the school, and to impress him with its value as an example for the whole country. Presently we find the Commissioners officially informing the Home Secretary that they thought it "desirable to create a model establishment" for the instruction of Boards of Guardians as to what a Poor Law School ought to be. For that purpose they asked for a Government grant of £500 a year to enable Aubin to execute further structural improvements, and to increase the teaching staff. Under the circumstances, after the Commissioners had applied in vain to the Committee of the Privy Council on Education, Lord John Russell induced the Treasury to allow this grant in aid of the funds of a profit-making private enterprise;

[1] Dr. Kay's action is incidentally so described by his brother, Joseph Kay, Q.C., in his *Social Condition of the People in England and Europe*, 1850, vol. ii. p. 501. The devotion and zeal of these two Assistant Commissioners and their enthusiasm for popular education, led them to establish and maintain without any aid from public funds, the first English training college for teachers. They hired a roomy mansion at Battersea, to which Dr. Phillips Kay brought his mother and sister, and made his home, and in which they received several dozen young men, mostly paid for by wealthy subscribers, for whom "normal schooling" was provided. These became the first "college trained" elementary school teachers in England; and many of them passed into the service of the larger Workhouse Schools. It seems difficult to overrate the value, in the history of English popular education, of this laudable instance of private zeal and self-sacrifice (see *Four Periods of Public Education*, by Sir James Kay-Shuttleworth, 1862, pp. 294-386). This Battersea Training College was taken over by the National Society in 1846. Its most notable pupil was H. J. Hagger (1828-1911), appointed in 1846, at the age of 18, to be headmaster of the Kirkdale Poor Law School of the Liverpool Select Vestry, where there were over 400 boys. He made such a mark in this difficult task that, in 1856, he was appointed Assistant Vestry Clerk, and in 1859 Vestry Clerk, thus becoming the chief executive officer of one of the most important Local Authorities, of which for half a century he largely directed the policy (Memoir of H. J. Hagger, by R. A. Leach, in *Poor Law Conferences, 1907–1908*, pp. ix-xxvi). See *Life of Sir J. Kay-Shuttleworth*, by F. Smith, 1923.

and it continued to be made, out of the vote for the Commissioners' own establishment, until the school was taken over in 1846 by the Central London School District.[1]

The Separate Poor Law School

The child contractor's "Farm School" at Norwood was thus made to supply, to the educational reformers of the period, a model for their national programme. They asked in 1839, for the establishment of a hundred "District Schools", averaging 500 children each, in which "the 50,000 children who are now inmates of Workhouses would be separated from the chance of polluting intercourse with the adult inmates; they would not be daily taught the lesson of dependence of which the whole apparatus of a Workhouse is the symbol; the school management would be unencumbered with the obstruction that it now encounters from the interference of the Workhouse routine; and the whole of the moral relations of the District School would assume a character of hopefulness and enterprise better fitted to prepare the children for conflict with the perils and difficulties of a struggle for independence than anything which their present situation affords. No Workhouse School as yet affords an example of industrial, moral and religious training the success of which can be compared with that which has already attended only six months' exertions in an establishment containing 1000 children, though these efforts have been obstructed by all the imperfections incident to a contractor's establishment."[2] The Poor Law Commissioners had, as we have mentioned, expressed a general concurrence with this policy, as early as 1837,[3] but they were unable, for several years, to obtain power for Boards of Guardians even optionally to combine for the purpose. When in 1844, Parliament accorded this power (by 7 and 8 Vic.

[1] MS. Minutes, Poor Law Commissioners, July 19, August 23, October 19 and December 7, 1839.

[2] Second Report of Dr. James Phillips Kay (afterwards Sir J. Kay-Shuttleworth) on the Training of Pauper Children, in Fifth Annual Report of Poor Law Commissioners, 1839, p. 159; reprinted in the volume published by the Commissioners entitled *Reports on Training of Pauper Children*, 1841, pp. 102-120; see *Four Periods of Public Education*, by Sir James Kay-Shuttleworth, 1862; also *Children under the Poor Law*, by Sir W. Chance, 1897, p. 6.

[3] Third Annual Report of Poor Law Commissioners, 1837, p. 34.

c. 101, sec. 40),[1] nearly all the Guardians were found to be reluctant either to incur the capital expenditure involved, or to part with the children from "their own" Workhouse. Some progress was made by a few of the larger parishes—notably those of Manchester and Sheffield—in deciding in 1842, with the *cordial approval of the Commissioners, on the establishment of* separate residential schools of their own.[2] When Dr. Phillips Kay (Sir J. Kay-Shuttleworth) had become Secretary to the Committee of the Privy Council for Education, he at last induced the Government to establish, not only an annual grant towards the salaries of teachers in Poor Law Schools, which helped to induce parsimonious Boards of Guardians to make better appointments, but also a subsidised pupil-teacher system for increasing the supply of elementary school teachers for the nation as a whole. Within a few years these teachers were beginning to take service in the Poor Law Schools, whether those of School Districts or those of the larger parishes or Unions, with the result of marked educational improvement all round.[3]

The Increase of Poor Law Schools

Such was the position when at the end of 1847 the Poor Law Commissioners were succeeded by the Poor Law Board. In 1849 an outbreak of cholera in Aubin's great school at Norwood,[4] and the general alarm at the spread of the epidemic, brought suddenly to an end the whole system of contractor's "pauper farms"; and incidentally compelled the formation of three School Districts for the Metropolitan parishes and Unions which had hitherto used the "Farm Schools". Drouet's school at Tooting was broken up after his death in 1849, whilst Aubin transferred himself and his establishment—in 1856 removed to

[1] The Act of 1844, which incidentally repealed "Jonas Hanway's Acts" of 1762 and 1767, limited the extreme length of any School District to fifteen miles. This was extended in 1851 (14 and 15 Vic. c. 105, sec. 6) by enabling all parishes to unite whose boundary was within twenty miles of the site of the projected school.

[2] *Ninth Annual Report of the Poor Law Commissioners*, 1844, p. 18. The Select Vestry of Liverpool was reported to have also so decided, but the school then established was on the Workhouse premises.

[3] E. C. Tufnell's report, in Twentieth Annual Report of Poor Law Board, 1868, pp. 128-137.

[4] The *Times*, in January 1849, reported the inquests at Norwood.

and it continued to be made, out of the vote for the Commissioners' own establishment, until the school was taken over in 1846 by the Central London School District.[1]

The Separate Poor Law School

The child contractor's "Farm School" at Norwood was thus made to supply, to the educational reformers of the period, a model for their national programme. They asked in 1839, for the establishment of a hundred "District Schools", averaging 500 children each, in which "the 50,000 children who are now inmates of Workhouses would be separated from the chance of polluting intercourse with the adult inmates; they would not be daily taught the lesson of dependence of which the whole apparatus of a Workhouse is the symbol; the school management would be unencumbered with the obstruction that it now encounters from the interference of the Workhouse routine; and the whole of the moral relations of the District School would assume a character of hopefulness and enterprise better fitted to prepare the children for conflict with the perils and difficulties of a struggle for independence than anything which their present situation affords. No Workhouse School as yet affords an example of industrial, moral and religious training the success of which can be compared with that which has already attended only six months' exertions in an establishment containing 1000 children, though these efforts have been obstructed by all the imperfections incident to a contractor's establishment."[2] The Poor Law Commissioners had, as we have mentioned, expressed a general concurrence with this policy, as early as 1837,[3] but they were unable, for several years, to obtain power for Boards of Guardians even optionally to combine for the purpose. When in 1844, Parliament accorded this power (by 7 and 8 Vic.

[1] MS. Minutes, Poor Law Commissioners, July 19, August 23, October 19 and December 7, 1839.

[2] Second Report of Dr. James Phillips Kay (afterwards Sir J. Kay-Shuttleworth) on the Training of Pauper Children, in Fifth Annual Report of Poor Law Commissioners, 1839, p. 159; reprinted in the volume published by the Commissioners entitled *Reports on Training of Pauper Children*, 1841, pp. 102-120; see *Four Periods of Public Education*, by Sir James Kay-Shuttleworth, 1862; also *Children under the Poor Law*, by Sir W. Chance, 1897, p. 6.

[3] Third Annual Report of Poor Law Commissioners, 1837, p. 34.

c. 101, sec. 40),[1] nearly all the Guardians were found to be reluctant either to incur the capital expenditure involved, or to part with the children from "their own" Workhouse. Some progress was made by a few of the larger parishes—notably those of Manchester and Sheffield—in deciding in 1842, with the cordial approval of the Commissioners, on the establishment of separate residential schools of their own.[2] When Dr. Phillips Kay (Sir J. Kay-Shuttleworth) had become Secretary to the Committee of the Privy Council for Education, he at last induced the Government to establish, not only an annual grant towards the salaries of teachers in Poor Law Schools, which helped to induce parsimonious Boards of Guardians to make better appointments, but also a subsidised pupil-teacher system for increasing the supply of elementary school teachers for the nation as a whole. Within a few years these teachers were beginning to take service in the Poor Law Schools, whether those of School Districts or those of the larger parishes or Unions, with the result of marked educational improvement all round.[3]

The Increase of Poor Law Schools

Such was the position when at the end of 1847 the Poor Law Commissioners were succeeded by the Poor Law Board. In 1849 an outbreak of cholera in Aubin's great school at Norwood,[4] and the general alarm at the spread of the epidemic, brought suddenly to an end the whole system of contractor's "pauper farms"; and incidentally compelled the formation of three School Districts for the Metropolitan parishes and Unions which had hitherto used the "Farm Schools". Drouet's school at Tooting was broken up after his death in 1849, whilst Aubin transferred himself and his establishment—in 1856 removed to

[1] The Act of 1844, which incidentally repealed "Jonas Hanway's Acts" of 1762 and 1767, limited the extreme length of any School District to fifteen miles. This was extended in 1851 (14 and 15 Vic. c. 105, sec. 6) by enabling all parishes to unite whose boundary was within twenty miles of the site of the projected school.

[2] Ninth Annual Report of the Poor Law Commissioners, 1844, p. 18. The Select Vestry of Liverpool was reported to have also so decided, but the school then established was on the Workhouse premises.

[3] E. C. Tufnell's report, in Twentieth Annual Report of Poor Law Board, 1868, pp. 128-137.

[4] The *Times*, in January 1849, reported the inquests at Norwood.

Hanwell—to the Central London School District, where he became salaried manager until his death in 1860. Two other School Districts, the South Metropolitan and the North Surrey, established large schools of their own at Sutton and Anerley. Three similar School Districts were formed among rural Unions.[1] But owing to the practical difficulties of "getting the children out of the General Mixed Workhouse", once this institution had been created, no more School Districts were established until the Poor Law Board had, in 1868, by the device of the Metropolitan Common Poor Fund, equipped itself with the weapon of financial pressure, when two more (West London and Forest Gate) were added in London, having schools at Ashford and Forest Gate respectively.

Meanwhile, in the larger parishes and in the Unions of the principal cities, where all ideas of combination to form a School District were rejected, but where each Board of Guardians found on its hands as many as one to five hundred children of school age, it became increasingly frequent to establish for them, as Birmingham, St. James's, Westminster, and a few other parishes had done before 1834, an administratively and sometimes also geographically distinct residential school; and in this way to secure for the children of each particular Poor Law area that complete separation from the General Mixed Workhouse for which the Poor Law Board was persistently pressing. Notwithstanding the serious capital cost of these separate Poor Law schools, there were, gradually established, in the course of the second half of the nineteenth century, about sixty such institutions—some three dozen of them being of the more expen-

[1] *Farnham and Hartley Wintney (Surrey and Hants), Reading and* Wokingham (Berks and Hants) and South-east Shropshire (*Children under the Poor Law*, by Sir W. Chance, 1897, p. 11).

Three adult pauper "farms", at Peckham, Dartford and Bow respectively, were brought to an end in the same year; and the only remaining "farm" for children, that at Brixton, was given up in 1850. There then remained, of all the contractors' establishments, only two seaside homes at Margate, one for adults and one for children, which were allowed to continue under regulations as a sort of hospital (Second and Fourth Annual Reports of Poor Law Board).

Among the pamphlets of these years may be mentioned *The Duty of the State to its Infant Poor: a Letter to Lord John Russell occasioned by the recent disclosures respecting the Infant Poor at Tooting*, by Henry Burgess, 1849; *The Strand Union Pauper Children at Edmonton, a Statement of Facts*, 1852; *Extracts from the Minute Book of the [Ormskirk] Board of Guardians, with Correspondence relative to the Church Education . . . of the Poor*, by J. Stoner, 1856.

sive "Cottage Homes" type [1]—accommodating in the aggregate some 12,000 children—leaving, in more than five-sixths of the Unions, the children still in the General Mixed Workhouse.[2]

The Fight for the Children

During nearly the whole of the second half of the century the conflict of opinion for and against the Workhouse School, as the most appropriate provision for pauper children, was maintained among the Assistant Commissioners and Inspectors, and the few Guardians and outsiders who interested themselves in the subject. It was argued, on the one hand, notably by E. C. Tufnell,[3] that the very nature of the General Mixed Workhouse made it, however well regulated, not only the most unsuitable location for a school but also an improper home, year in and year out, for the nurture of children; that it was hopelessly

[1] From 1849 to 1877 the Poor Law Schools, whether for individual parishes or Unions or for "School Districts", were all large residential institutions. In 1878, the Neath Guardians, in order to avoid some of the objections made to this type, established their children in "Cottage Homes" at Bryncock, an example followed, and improved upon, by the Birmingham Guardians in 1879 (the Marston Green Cottage Homes); by the Chorlton Guardians in 1898 (at Styal); by the Warrington Guardians in 1883 (at Padgate); and by the Stepney (at Stifford), and other Unions. These institutions, copying the well-known example at Mettray (Belgium), combine central offices, school premises, etc., with a series of separate "villas", each of them under its own "house-father and mother", in which between 15 and 40 children are boarded and lodged. The "Cottage Homes", which are costly, represent the highest point of excellence in "institutional treatment", overcoming many, but not all its disadvantages. Notwithstanding the separate boarding houses of the children and their partially independent housekeeping, the "Cottage Homes" retain many of the disadvantages of "institutionalism" in the massed school, the large-scale laundry, etc.; and (as compared with the Sheffield "Scattered Homes" to be hereafter described) we have to class them with the "Barrack Schools", of which they represent an improved type (see *Children under the Poor Law*, by Sir W. Chance, 1897, chap. v. pp. 135-157; "Cottage Homes for Children", by F. R. Harris, in *Poor Law Conferences, 1905–1906*, pp. 234-255; the Annual Reports of the Marston Green and other Cottage Homes; the Inspectors' reports in the various Annual Reports of the Local Government Board from 1881 onward; the Report (and the Evidence) of the Departmental Committee on Metropolitan Poor Law Schools, 1896, and the other reports and pamphlets cited in the following pages).

[2] The most detailed account of the origin and history of the score of Metropolitan Poor Law Schools—to be read in conjunction with the Departmental Committee's Report of 1897—is the little-known volume entitled *Our London Poor Law Schools*, by Walter Mornington and Frederick J. Lampard, 1898.

[3] See, for instance, his report in Twentieth Annual Report of Poor Law Board, 1868, pp. 128-137.

impossible, in spite of the most elaborate regulations of the Central Authority, to prevent intercourse between the children and the adult inmates of undesirable character and conduct; that the Workhouse Master and Matron were unfitted to control an educational establishment; that under their sway, and that of the average Board of Guardians, competent teachers could not be obtained, nor adequate educational equipment provided, for the tiny group of children of all ages who were to be found in the great majority of the Workhouses; and, what seemed at the time the most cogent argument of all, that by aggregating these tiny groups into large schools, an actual economy could be effected in the cost of teachers, school premises and educational equipment; some such aggregation, moreover, being the only way of securing the indispensable classification of the children into six or more separate forms according to age and attainments.

On the other hand, it was argued by other Poor Law officials, notably the Inspector T. B. Browne,[1] with the support, not only of the majority of all the Poor Law Guardians, but also of such persons of influence as Sir Baldwin Leighton and Sir James Kay-Shuttleworth, that the more serious drawbacks of the Workhouse Schools were due merely to inefficient administration, and that the experience of the best Unions showed that they could be avoided; that, in particular, such Workhouse Schools as those of Atcham near Shrewsbury, and Quatt in Staffordshire, had actually proved superior in all respects to the various forms of aggregation which had been tried; that the various Boards of Guardians should accordingly not be pressed, and would,

[1] See, for instance, Browne's reports in Twenty-first Annual Report of Poor Law Board, 1869, pp. 94-100. It is impossible not to trace the underlying assumption that "book-learning" was unnecessary for pauper children, who had better be made to work. For a decade or so the praise is sung of the Atcham Workhouse School, placed by Sir Baldwin Leighton under an "elderly farm labourer"; and of the Quatt Workhouse which employed the children chiefly on the agricultural work of its farm. A glowing description of the advantages of the latter establishment was officially circulated in 1848 (*Official Circular*, N.S. Nos. 18 and 19, September and October 1848); see also Inspector Doyle's report in Fourth Annual Report of Poor Law Board, 1852. The Quatt *Workhouse School (Bridgnorth Union, Staffordshire)* owes its origin in 1836 to Wolryche Whitmore, the leading member of its Board of Guardians. Gradually boys were sent to it from other Unions: in 1889 there were 163 such cultivators of its small farm. In 1899 more than sixty years of experience had not discouraged its administrators ("The Responsibility of Guardians towards children under the Poor Law", by Mrs. Manners, *Poor Law Conferences, 1903–1904*, pp. 445-446).

indeed, not be induced, to send away among strangers the children for whom they had become responsible; that all the clamour for more highly trained and more expensive teachers was out of place as regards pauper children; that although the Workhouse Schools might not turn out scholars, they had the advantage, by setting the children to work from the earliest years, of giving them the habit of manual labour, and a practical training of the girls for domestic service and of the boys in husbandry or handicraft that would fit them to earn their living in the sphere of life to which they were destined.

The controversy was fated never to receive any decisive settlement. Neither the Poor Law Board, nor its successor the Local Government Board, was ever determined enough, or courageous enough, down to the end of the Royal Commission of 1905–1909, to insist on the removal of all the children to a more suitable home than the Workhouse. What happened was the adoption, one after another, of various alternatives for particular classes of children, by which the total number subjected to the Workhouse atmosphere was gradually, although slowly, reduced.

Certified Schools

Sometime in the late eighteen-fifties it began to be suggested that Boards of Guardians might advantageously make use of various kinds of philanthropic institutions willing to receive for payment boys and girls of particular classes for which individual Unions found it difficult to provide.[1] In this way, during the ensuing fifty years, the Guardians found it possible to disembarrass themselves of practically all their Roman Catholic orphans, for whom a sufficient number of boarding-schools were organised by the Roman Catholic Church. The comparatively few Wesleyan or Jewish children were similarly entrusted to

[1] This course was sanctioned by Parliament in the Certified Schools Act of 1862 (25 and 26 Vic. c. 43), see *The Children of the State*, by Florence Davenport Hill, 1868; *Children under the Poor Law*, by Sir W. Chance, 1907.

We may perhaps trace this movement to a letter to Lord John Russell that Mrs. Anna Jameson published, about 1850 on the evil effect upon girls of Workhouse nurture and training (see "The Poor Law Girl after School Age", by L. D. Ellis, in *Poor Law Conferences, 1902–1903*, pp. 44-45; *Memoir of Mrs. Jameson*, by G. Macpherson, 1878). We may cite also *What Shall we Do with our Pauper Children?* by Mary Carpenter, 1861; and other publications by her (see *Life and Work of Mary Carpenter*, by J. E. Carpenter, 1879, and *Pioneer Women* (*Second Series*), by M. E. Tabor, 1927).

philanthropic schools or orphanages managed by committees of these denominations. In like manner the blind children, the deaf and dumb, those who were crippled, and the idiots, to the number altogether of nearly a thousand, were gradually got out of the Workhouses, to be provided for in a score of specialised institutions, against which parsimonious Guardians had no other objection than the expense. Gradually there were added training ships for boys destined for the Mercantile Marine, schools for epileptics, agricultural colonies, sanatoria, orphanages and various other kinds of "homes"—all willing to take their particular classes of children off the Guardians' hands in return for payment of from three to ten shillings per week. By the end of the nineteenth century there were, in the aggregate, at any one time some ten thousand pauper children thus disposed of, to the great relief of the Boards of Guardians, and with entire complacency in the Central Authority as to the couple of hundred "homes" thus secured for this five or six per cent of the pauper children. "They are", somewhat optimistically observed an Assistant Secretary of the Local Government Board, "perhaps the best illustration of charity working in co-operation with the Poor Law. Good people start these homes; we certify them; the Guardians pay for the children going there; and we inspect them." But it was an evasion, not a solution, of the problem. It was discovered by the Poor Law Commission in 1907 that the official inspection of these ten thousand Poor Law children was far from complete or effective. It turned out that one-fourth of them were being consigned by the Boards of Guardians to institutions which had, for various reasons, not been "certified"; some others escaped inspection altogether; whilst in a large proportion of the whole the arrangements with regard to education lagged behind those secured, in the last quarter of the century, for the rest of the child population. Already in 1903 the leading Inspector had himself officially expressed his dissatisfaction with the position. "These homes", he reported, "vary very greatly in efficiency, and it may be hoped that ultimately they will be put under the management of some central committee who should be able to classify the children in them, and to provide for a more efficient training than is possible at some of the smaller institutions." [1] The Poor Law Commission of 1905–1909 found that

[1] Thirty-third Annual Report of Local Government Board, 1904, p. 156.

no such step had been taken; and it could not learn that the educational or other official inspection had become more searching or even more complete.[1]

Attendance at the Public Elementary School

A partial escape from the Workhouse atmosphere, even for children for whom the Workhouse was a home—and, what was more persuasive to the Boards of Guardians, a method of avoiding the expense of appointing the trained and qualified teachers for which the Poor Law Inspector was always pressing—was found, after 1861, in letting the children of school age attend the public elementary schools[2] that were then becoming slowly more general. This had been at first objected to, even by those who were enthusiastic for education, on the ground that the Workhouse School, with all its disadvantages, and still more, the Separate Poor Law School, provided "industrial training", and moreover "taught the children to work", whereas the elementary day school of the middle of the nineteenth century was deemed, usually, hopelessly inefficient; and, even in 1876, could be described by a Poor Law Inspector as "a mechanical gymnasium where the creation of thinking power is at a discount

[1] Majority Report of Poor Law Commission, 1909, vol. i. pp. 255-256, Minority Report, pp. 121-125; Report upon the Educational Work in Poor Law Schools and in the twenty-three schools certified under the Poor Law (Certified Schools) Act, 1862, which are inspected by the Board of Education, 1908. As a certain proportion of these philanthropic institutions have no assured endowment, or permanent source of income, the list of those that are "certified", or otherwise in existence, is constantly varying, and is not continuously published. We understand that, whereas in 1908 there were 269 certified institutions, and several scores of uncertified ones, there are now (1927) only 214 such "homes" receiving Poor Law children, in numbers ranging from a dozen up to nearly a thousand, sometimes accepting them as young as two years, and sometimes retaining them up to sixteen years of age. The great variety among these institutions may be seen from the list of those for 1907, which was published in *Poor Law Orders*, by H. Jenner-Fust, 1907, pp. 594-615.

[2] This was less of an innovation than is often supposed. Even before 1834 the Workhouse children were occasionally sent to the nearest "national school". Thus at Sunderland, in 1833, it was reported that "the older children go to the national school under the care of the rector" (Report of Poor Law Inquiry Commissioners, Appendix A, Wilson's Report, p. 137). At Darlington, we read that "the education of all the children above four years of age is provided by the national school which is situated close to the Workhouse" (*ibid.* p. 143). Sometimes it was only the Sunday school that they attended, as at Calne (Wilts) (see *ibid.* Okeden's Report, p. 6).

and uninformedness of mind and general somnolence of intellect the rule ".[1] Moreover, the elementary day schools, prior to 1876, almost invariably charged a fee of twopence (occasionally sixpence or even ninepence) per week, which the Guardians were, at first, not disposed to pay. Only very slowly could the majority of the Boards of Guardians (who saw no sufficient reason why the children should ever pass outside the Workhouse walls until they could be placed out in service) be induced to allow them to attend the local day school. Nor was the Local Government Board unhesitating in its approval. In 1886 we find it warning the Guardians of the necessity of making proper provision for the children during the two-thirds of their waking lives which, even if they regularly attended a day school, they spent inside the Workhouse out of school hours, as well as during the whole of Sundays and the school holidays.[2] "It is a serious drawback", observed one Inspector, "that every Saturday and Sunday, to say nothing of summer and winter holidays, have, for the most part, to be spent in the Workhouse, where they either live under rigid discipline and get no freedom, or else, if left to themselves, are likely to come under the evil influence of adult inmates. The Workhouse is at best a dreary place for children to spend their lives in; and I should like to see them quite cut off from it."[3] In fact, the Local Government Board was alive to what the great majority of the Guardians refused to realise, namely, that it was even more as a home than as a school that the General Mixed Workhouse, for all its elaborate nominal classification, was unsuitable for children of any age. After the multiplication, and the rapid improvement, of the public elementary schools, that resulted from the Education Acts of 1870, 1873 and 1876, the habit of entrusting to them the schooling of the Workhouse children between six or seven and twelve or thirteen became general in those Unions in which there was available

[1] Dr. Clutterbuck's Report in Fifth Annual Report of Local Government Board, 1876, p. 160. In 1848 even Sir J. Kay-Shuttleworth, who had become Secretary to the Committee of Council on Education, was privately discouraging the attendance of indoor pauper children at the elementary day schools of the period, as offering markedly fewer advantages than the Separate Poor Law Schools that he advocated (see Browne's Report in Second Annual Report of Local Government Board, 1873, p. 107; *Children under the Poor Law*, by Sir W. Chance, 1897, p. 109).

[2] Fifteenth Annual Report of the Local Government Board, 1886, p. xxxiv.

[3] Twenty-ninth Annual Report of Local Government Board, 1900, p. 115.

no separate Poor Law school; but right down to the end of the century there were eighty Unions that retained a Workhouse School for at any rate some of their children.[1]

Boarding Out

Meanwhile, various Boards of Guardians were spontaneously experimenting in another device for abstracting a small proportion of the children from the Workhouse. At all times since the Act of 1597–1598 a few orphan children had been "boarded out" by being entrusted to an elderly woman, or a selected workman's household, with a weekly payment for maintenance.[2] This common-sense practice, more than two centuries old, but in England adopted only occasionally in particular instances, rescued the child from the Workhouse atmosphere, and gave it a chance of growing up like the independent workman's own children. It had been expressly authorised by Parliament in Gilbert's Act of 1782. It had long been regularly practised in Ireland by philanthropic societies, and in Scotland by the local Poor Law authorities. Why it should have been resisted alike by the English Poor Law Commissioners and the Poor Law Board, who were both convinced that the children should be got out of the Workhouses unable to maintain an adequate school, is hard to understand. So long as the foster-parents were chosen from among residents within the Union area, and were not the parents or grandparents of the children, and not themselves in receipt of Poor Relief, the practice of boarding out orphan or deserted children was not actually contrary to the terms of the Orders by which the Guardians were constrained.

But the practice had received no notice in the 1834 Report; and so strong was the faith in the panacea of a well-regulated Workhouse, and so inveterate the prejudice against any form of Outdoor Relief—we fear it must also be added, so great was the reluctance to see any pauper children given too many advantages—that, even after Tufnell and Phillips Kay had induced the Poor Law Commissioners to proclaim the abandonment of their

[1] Twenty-sixth Annual Report of Local Government Board, 1897.

[2] Thus, at Mayfield (Sussex) the Overseer's accounts for 1615 include "paid to Beatrice Bolt for keeping of Tompkin's girl, one shilling and eightpence" (Report of Poor Law Inquiry Commissioners, Appendix A, Majendie's Report, p. 179).

preference for congregating the paupers of all ages in the Workhouses, neither the Commissioners nor, for its first twenty years, the Poor Law Board gave any approval or sanction to placing out orphans in the homes of foster-parents.

Not until the sixth decade of the century, when the general interest in public education had greatly increased, does the question of boarding out the orphan children seem to have been expressly raised in England and Wales. The Royal Commission on Education in 1861 had, as we have mentioned, gone out of its way to report unfavourably upon the educational provision for pauper children; and this occasioned the Poor Law Board to ask its Inspectors for their views. These proved to be hopelessly divergent as to the relative advantages of Workhouse and "Separate" Schools; and did not even mention the possibility of Boarding Out. A House of Commons Select Committee on Poor Relief in 1864 dealt incidentally with the various ways of educating Poor Law children, but likewise failed to discover this alternative.[1] But the idea spread in philanthropic circles; during 1868 various Boards of Guardians formally asked permission to try the experiment; and the Poor Law Board, which had hitherto persistently discountenanced any such departure from the Workhouse System, graciously allowed a trial to be made.[2] In the following year, as the agitation continued, the Board asked its Inspectors specifically for reports on Boarding Out; when it was found that twenty-one different Unions had already 347 children boarded out; and that the practice had prevailed in some places, unnoticed by the Inspectors, ever since the formation of the Union. The Board then, at last, sent an Inspector (J. J. Henley) to Scotland to discover how the system worked there; and his report was a somewhat grudging and qualified admission of its success.[3] In reply to the Evesham Board of Guardians, it was

[1] Report of House of Commons Committee on Poor Relief, 1864.

[2] Twenty-first Annual Report of the Poor Law Board, 1868, p. 25.

[3] *The Advantages of the Boarding-Out System*, by Col. Charles William Grant, 1869; *Pall Mall Gazette*, April 10, 1869; Hansard, May 10, 1869; Reports on the Boarding Out of Pauper Children in certain Unions of England, and of J. J. Henley on the Boarding Out of Pauper Children in Scotland (H.C. No. 176 of April 12, 1869); The Windermere pamphlets, *Who will Help?* 1871, and *Boarding Out Pauper Children*, 4th edition, 1872; Twenty-second Annual Report of Poor Law Board, 1870, pp. lii-lvi; *Boarding Out and Pauper Schools, especially for Girls*, by Menella Buta Smedley, 1875; and many papers and discussions in the volumes entitled *Poor Law Conferences*, during the past half-century; *A Practical Guide to the Boarding Out System for Pauper Children*,

explained in 1869 that the Poor Law Board had hitherto opposed any system of Boarding Out, "influenced mainly by the consideration that, in view of the responsibility imposed upon Guardians as regards orphan children, the Guardians would be unable to exercise the necessary control and supervision of the children" to be "removed from the Workhouse and placed under the charge of those whose main object in taking the children would be to make a profit out of the sums allowed for their maintenance. Other strong objections occurred to them such as the difficulty of ensuring that some regular education for the children is given, as in the schools attached to the Union. The proposed change appeared to the Board to give insufficient security either for the instruction or the physical wellbeing of orphan children." But the Board, in view of the Scottish experience, would no longer, "where Boards of Guardians pressed for it, actually discourage a trial of the system", under certain stringent conditions.[1] All this related merely to boarding out within the Union area, a practice which the Board did not see its way to prohibit; but which it was practically impossible to adopt in the case of Unions in the Metropolis and other large towns. A further demand was then made on the Board to

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by Col. C. W. Grant, 1870; *The Boarding Out of Pauper Children*, by Danby Palmer Fry, 1870: *The Regulations of the Poor Law Board for boarding out Pauper Children*, by Algernon Cooke Bauke, 1870; *A Reprint of the Memorial of Ladies and subsequent orders as to the boarding out of Pauper Children issued by the Poor Law Board; to which is appended suggestions* by a Lady (Miss A. Preusser), 1871; *Reasons for the Boarding Out of Pauper Children, especially Girls*, by W. Tallack, 1876; *Classification of Girls and Boys in Workhouses, and the legal power of Boards of Guardians for placing them beyond the Workhouse*, by M. H. Mason, 1884; *Boarding Out as a Method of Pauper Education and a check on Hereditary Pauperism*, by Wilhelmina Hall, 1887; *The Best Methods of Boarding Out*, by M. H. Mason, 1897. Fuller details of the Scottish practice are given in *Report on the Boarding Out of Orphan and Deserted Children belonging to the City Parish, Glasgow*, 1872; and *The Boarding Out of Pauper Children in Scotland*, by John Skelton, 1876. The practice in England and Wales is well illustrated by the able *Manual of Boarding Out Inspection*, by Miss M. H. Mason; and by the same lady's successive annual reports from 1886 in the Annual Reports of the Local Government Board.

[1] Twenty-second and Twenty-third Annual Reports of Poor Law Board, 1870 and 1871. No general permission was even then accorded; the Inspectors were left to urge or to deprecate the adoption of the system as they chose; and the General Order specifically sanctioning the form of Outdoor Relief known as Boarding Out within the Union area, and prescribing rigid limitations and detailed conditions for its exercise was not issued until 1877 (Boarding Out of Children in Unions Order; Seventh Annual Report of Local Government Board, 1878).

sanction the reception by a philanthropic lady in Westmorland of orphan children to be sent to her by the Bethnal Green Union. This at first shocked the Board beyond measure; it was unheard of, it was a very long journey, it amounted to that terrible thing, non-resident relief, and so on. The benevolent lady cut the knot by receiving the children without payment, which the Board could not prevent. The pressure of public opinion, not without influential representation in the House of Commons, was now too strong to be resisted; and in 1870 the Board gave way, issuing a General Order to urban Unions allowing boarding out beyond the Union.[1] For the next dozen years the Inspectors' reports for and against Boarding Out were printed in the Annual Reports of the Local Government Board, with all sorts of conflicting arguments. But the practice continued to spread, especially when the public elementary day schools came increasingly into favour, and when even the "Separate" Poor Law residential schools began to be discredited. The conclusions and recommendations of Mrs. Nassau Senior (who, as will presently be mentioned, was appointed by the Local Government Board in 1873 to inquire into the effect upon girls of the gigantic Poor Law Schools) greatly strengthened the Boarding Out movement. It continued to be objected to, as long as he lived, by Professor Henry Fawcett, who declared, voicing the opinion of not a few "enlightened" persons of that generation, that it violated the most fundamental principle of the 1834 Report, by making the lot of this tiny section of pauper orphans more eligible than that of the children of the independent labourer. "How many working men in this country", he indignantly asked, "when they have to support an average sized family, are able to devote five shillings a week to the maintenance of each of their children, besides paying for education and for all requisite medical attendance?"[2] The Local Government Board continued to watch the spread of the system with suspicion, and in 1885 appointed a special lady inspector (Miss M. H. Mason), and presently two

[1] General Order of November 25, 1870, issued only to 134 out of some 600 Unions (Twenty-third Annual Report of the Poor Law Board, 1871, pp. xli-xliii, 11-24), for which, in thirteen different counties, thirty Boarding Out Committees had already been formed of ladies undertaking to visit the homes of the foster-parents to which about a couple of hundred children were entrusted.

[2] *Pauperism*, by Henry Fawcett, 1871, p. 79; *Life of Henry Fawcett*, by Sir Leslie Stephen, 1885.

other lady inspectors, to go round perpetually visiting the foster-parents and undressing the thousand or so of children boarded out beyond the Union areas (but no others), in order to detect signs of neglect or ill-treatment. Not until 1889, indeed, can Boarding Out be said to have become whole-heartedly and permanently adopted as part of the English Poor Law system. In that year, it was definitely regulated by two new General Orders, the one governing boarding out within the Union area, and the other boarding out beyond the Union area. By the end of the century boarding out was practised, with regard to some 8000 orphans and deserted children, by about half the Boards of Guardians, assisted by Boarding Out Committees of ladies voluntarily visiting the homes of the foster-parents in nearly all the counties of England and Wales, and under the watchful supervision, so far only as concerns the 25 per cent of such children as were boarded out beyond the Union areas, of special lady inspectors perpetually travelling round to see that the children are not ill-treated.[1]

The "Ins and Outs"

The preceding account of the shifts and turns of Poor Law policy with regard to the provision for the fifty thousand or so of indoor pauper children will have revealed how varied and considerable were the real difficulties encountered by the administrators, and how complicated and intractable proved to be the apparently simple problem of supplying satisfactory nurture and education to the boys and girls whom the operation of the Poor

[1] The law and practice is described in *The Boarding Out System and Legislation relating to the Protection of Children and Infant Life*, by Henry F. Aveling, 1890 (see also *Boarding Out as a Method of Pauper Education*, by W. L. Hall, 1887; *Pauper Children*, by R. A. Leach, 1890; *Boarding Out*, 1895, and *Some Results of Boarding Out Poor Law Children*, 1903, both by Rev. W. P. Trevelyan; *The Boarding Out of Pauper Children*, by J. Patten MacDougall, in *Transactions of the Fourth International Home Relief Congress*, 1904; *The Boarding Out of Poor Law Children*, by M. B. Leigh, 1906. For its working, see the Inspectors' reports in the successive Annual Reports of the Poor Law Board and Local Government Board from 1870 to 1908; those of the State Children's Association; *Children under the Poor Law*, by Sir W. Chance, 1897, pp. 25-31, 208-236; Majority Report of Poor Law Commission, 1909, vol. i. pp. 238-241; Minority Report, pp. 114-121. Boarding Out, which had always been confined to orphan or deserted children, might, it has been suggested, be applied also to all normal children whom the Boards of Guardians formally adopt ("Boarding Out", by J. Dearman Birchall, in *Poor Law Conferences, 1904–1905*, p. 16); and this was authorised in 1905.

Law Amendment Act had gathered into six hundred Workhouses. But we have still not examined one of the most serious of these difficulties experienced alike in the primitive Workhouse School, in the early form of separate Poor Law School, and in the most elaborate institution of the Cottage Homes type, a difficulty, moreover, which seriously limited the adoption of such alternative devices as Boarding *Out, and the use of the Certified School,* namely that created by the class of paupers known as the "Ins and Outs".

These "Ins and Outs" seemed, to all concerned, an inevitable feature of every Poor Law Institution. They were a necessary consequence of the very principles of administration of the "well-regulated Workhouse", which had been dogmatically insisted on since 1834. From the outset of their reign the Poor Law reformers had thought of the inmates of the Workhouse as being only transient residents. Its doors were to stand always open for the reception of the destitute, whilst the regimen was to be such that its inmates would take their discharge, and leave its shelter whenever they saw a chance of maintaining themselves outside. The rule was that, in these entrances and exits, the whole "family" must be the unit. If the man accepted the shelter of the Workhouse, his wife and dependent children had to come in also. When the head of the family got tired of the institutional regimen, and claimed his discharge, the wife had to be brought from the women's side, and the children from the schoolroom, to join him at the Workhouse gate. This inflexible rule was intended as a safeguard against the parents leaving their offspring to be permanently maintained by the ratepayers. An unforeseen result of these fundamental Poor Law principles was the creation of a class of what the Scottish and the American administrators called "revolvers"—men, women and children who passed periodically in and out of Poor Relief, entering the Workhouse for a few weeks, or sometimes only for a few days; taking advantage of warmer weather, or sometimes merely of the approach of a popular holiday, or of the "hopping", or even of a race-meeting, to pass again out into freedom and adventure; occasionally, indeed, making a practice of coming in and going out ten or a dozen times in a single year.

It is easy to imagine how such a perpetual coming and going of children aggravated all the difficulties of the schools of which the

teachers, and the more zealous of the Guardians, were endeavouring to improve the educational efficiency. It was a common experience for a Poor Law School to admit and discharge in the course of a year nearly as many children as the average number on the roll. A small minority only would remain for several years; many would remain only for a year or a season; whilst there would always be a few merely transient, here to-day, gone next week, possibly to be admitted again a month or two later, for an equally uncertain stay. It was with such a perpetually shifting mass of pupils that the Poor Law teachers had to cope.[1]

Although the evil of the "Ins and Outs" existed from the outset, we do not find its effect on the children mentioned before 1874 in the reports of the Assistant Commissioners or Inspectors, or in any of the publications on Poor Law administration, or even in the enthusiastic writings in which Tufnell and Phillips Kay described the achievements of their educational crusade. It needed the specialised observation of Mrs. Nassau Senior in 1873 to detect the essential incompatibility with any decent nurture or training, and notably with any satisfactory school organisation, of such a fluctuating child population. Her report forcibly described the evil; but only to urge that Parliament should give power to the Guardians to detain these "casuals" compulsorily for instruction, and at the same time to commit their parents to a Labour Colony "till they had repaid their maintenance", including that of their children.[2] No such heroic remedy was approved

[1] In 1888–1889 and 1893–1894 the following statistics were obtained for the six District and the twelve "Separate" Poor Law Schools of the Metropolitan Unions and Parishes. There was in 1888–1889 in these institutions an average school population of 11,190. But there were no fewer than 6966 admissions and 7089 discharges. In 1893–1894, with rather more admissions and discharges, no fewer than 697 children were admitted more than once within the year, and 176 more than twice. Two were admitted more than six times (Nineteenth Annual Report of Local Government Board, 1890, p. 161; Report of Departmental Committee on Metropolitan Poor Law Schools, 1896, vol. iii. pp. 5-12).

[2] See her report in Third Annual Report of Local Government Board, 1874, pp. 335-336.

Art. 115 of the General Consolidated Order provided that any inmates of the Workhouse might leave at any time after "reasonable notice"; and it was held that "generally the notice required would only be such as would allow of the clothes of the pauper being restored to him, and his returning those belonging to the Guardians, and admit of the discharge, at the same time as the pauper, of any member of his family to be discharged with him". Already in 1839 the Poor Law Commissioners were considering the issue of an Order

by the Local Government Board, or adopted by Parliament. Right down to the end of the century the girls and boys continued to be dragged to and fro, to their own detriment and with an incalculable amount of ruin, in and out of the Poor Law Schools, the Cottage Homes, the Scattered Homes and the General Mixed Workhouses. "These are the children", reports an Inspector in 1895, "whose parents are constantly in and out of the Workhouse, bringing their families in with them for a few days or weeks, and then taking them out, perhaps to be dragged about the country from vagrant ward to vagrant ward, perhaps to be placed for a brief period in some dingy lodging; in either case, owing to the parents' migratory habits, attending no school for any length of time, and receiving no training likely to remove them from the ranks of pauperism. For these education has to be provided at the Workhouse during their brief visits. It can be in the nature of things only a broken education, carried on under difficulties. . . . There is slight opportunity for any industrial training, and usually frequent intercourse with adult paupers."[1] To use the vivid phrases of Miss Davenport Hill in the same year, such children "come and go like buckets on a dredging machine", passing in and out of "all sorts of horrible places and scenes of vice", and periodically mixing "with the children in the school . . . and turning their moral filth on them".[2]

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empowering the detention for 24 hours of any inmate of a Workhouse who gave repeated trouble by passing in and out. The Law Officers advised that there was no legal power to make such a rule. The power was given by the Pauper Inmates Discharge and Regulation Act, 1871, which authorised detention of 24, 48, and in extreme cases 72 hours. This power of detention was conceded by Parliament with some misgivings; and one member (Corrance) vainly sought in Committee to make it conditional on obtaining a magistrate's order in each case. The Act did not apply to the inmates of the Casual Ward, but analogous powers were given in the Casual Poor Act, 1882 (*The Pauper Inmates Discharge and Regulation Act, 1871, and the Casual Poor Act, 1882*, by (Sir) Hugh Owen, 1882).

[1] Jenner-Fust's report in Twenty-third Annual Report of Local Government Board, 1895, p. 132.

[2] Evidence before Departmental Committee on Metropolitan Poor Law Schools, 1896, vol. i. p. 72, vol. ii. Q. 3081. "Children of this class", gravely reported the Committee, "give great trouble to the Guardians everywhere. They are sometimes discharged and re-admitted several times in the year; they often bring back disease, dirt and bad habits, and though permanently belonging to the pauper class, are unable to receive the regular instruction and discipline in either the District or the Separate School" (Report of Departmental Committee on Metropolitan Poor Law Schools, 1896, p. 8).

The Intermediate School

Gradually, and without assistance either from Parliament or from the Local Government Board, the most enlightened of the Boards of Guardians devised a method of partially protecting their costly and elaborate District and Separate Schools and Cottage Homes from the physical and mental contamination of the "casual" children; at the expense, perhaps, of making matters even worse for the casuals themselves. What to-day seems the obvious importance, if only on grounds of health, of a probationary ward, in which all newcomers should pass through a period of quarantine before being mingled with hundreds of healthy children, does not appear to have been discerned for many years after 1834.[1] It was strongly recommended to particular Boards of Guardians by the Local Government Board and pressed for by the Inspectors; but was only gradually and imperfectly adopted. In 1883 this probationary ward was elaborated by the Committee of the Kensington and Chelsea School District into a permanent, so-called "intermediate" boarding school to accommodate 135 children, situated at Hammersmith. When any child became chargeable to the parish as an indoor pauper, it was admitted to the Workhouse only for the purpose of being bathed and reclothed; and was then immediately relegated to the Hammersmith school, to be there kept until the fortnightly day for admission to the District Schools at Banstead. If the child was then pronounced to be healthy and in every way up to the high standard of vitality insisted on, and was also believed to be likely to be lastingly chargeable, it was drafted to Banstead. If, on the other hand, the child showed any sign of illness, or even of such a low state of health as to be below the standard exacted from all who could be admitted to these District Schools, or (however physically fit) was deemed unlikely to be long chargeable, whether because its parents were known to belong to the class of "Ins and Outs", or because they had merely entered the Workhouse on account of temporary sickness or transient misfortune, it was retained in the Hammersmith school. This

[1] This was recommended, with special reference to ophthalmia, by the L.G.B. Circular of December 3, 1873; and emphasised in Nettleship's great report of 1874 (Fourth Annual Report of Local Government Board, 1875, pp. 55-168). But the institution of a quarantine ward, and its invariable use, was not made compulsory by Order.

school accordingly contained an an average about 100 boys and girls, of all ages from three to fourteen, at all stages of health, and with all degrees of physical and mental vitality, including, incidentally, about one-third who were remaining there, not on grounds of health, but merely because their parents were expected to be only transient inmates of the Workhouse. Of this one-third, about a quarter were found to be children who were "in and out" more than once within a year, some 30 of them more than three times, and 3 actually from nine to eleven times during the preceding twelve months.[1]

In the last years of the nineteenth, and the opening years of the twentieth century, some three dozen of the larger Poor Law schools, out of the whole of these institutions, with the tacit approval of the Local Government Board, had become protected by the same expedient of an "intermediate" school, to the immense advantage of the children lastingly on the Guardians' hands.[2] It is not equally clear that the expedient has been found satisfactory from the standpoint of the healthy children detained in quarantine to be mingled both with the actually sick and with the demoralised casuals who are found permanently to constitute the majority of the pupils of the intermediate school. Indeed, the aggregation of such essentially different classes can hardly be good for either health or education. Such an "intermediate school" cannot be deemed a solution of the problem presented by the thousands of children of "Ins and Outs", who are at all times on the Guardians' hands, representing, possibly, with those temporarily outside, a total of twice or thrice that number of children whose condition is, from a social standpoint, wholly unsatisfactory. The "Intermediate School", thus designed to meet the case of the "Ins and Outs" in some of the larger aggregates, must, in fact, be regarded as one more instance of the evasion, not the solution, of a Poor Law problem.[3]

[1] The admission books for 1896–1908 revealed that "one child has been admitted 39 times in 11 years; another 23 times in 6 years" (Minority Report of Poor Law Commission, 1909, p. 137). The Unions, parishes or School Districts which had, down to 1908, adopted the expedient of the intermediate school, as a protection against the children of "Ins and Outs", seem to have been, in the Metropolitan area, Kensington and Chelsea, Camberwell, Paddington, St. George's Hanover Square, Marylebone, Shoreditch, Stepney, Wandsworth and Whitechapel; and elsewhere, among others, Liverpool (*ibid.*).

[2] Poor Law Commission, 1909, Q. 13,514; Minority Report, p. 134-135.

[3] The remainder of the Poor Law schools seem to use the Workhouse more or less as a "probationary ward" for the Separate Schools, at least so far as

It is only fair to say that neither the Local Government Board nor its Inspectors pretend that any solution of the problem of the "Ins and Outs", which has troubled every Poor Law institution since 1834, has been found. The oft-repeated suggestion of compulsory detention and the imposition of a task of work, as an appropriate penalty for Poor Law "recidivism", has never commended itself to Ministers or to Parliament; not, as is often wrongfully asserted, wholly or even mainly because of a regard for personal liberty, or a fear of being accused of diminishing it; but because to make a penal offence of the act of asking admission to the Workhouse when destitute, in cases where the applicant has been similarly destitute on previous occasions, would not only be unjust to persons merely unfortunate in their circumstances, but would also have the practical effect of deterring the habitual "Ins and Outs" from applying at all in their periods of destitution, and would thus, in effect, negative the very purpose of the statutory provision established by the Poor Law of nearly four centuries.

The Official Adoption of Children

The only alternative that seems to have been officially suggested to the Boards of Guardians is that of taking the children, by the device of official adoption, completely out of the hands of such parents as are found to be treating their offspring so negligently or so cruelly as the "Ins and Outs" habitually do treat them. This device, intended primarily for the children of persons sentenced to long terms of imprisonment, or demonstrably of vicious life or habits, was authorised by statutes of 1889 and 1899.[1] It has been extensively made use of by a minority of the

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a sanitary quarantine is concerned, and, doubtless also, to some extent as a protective receptacle for children obviously destined to be only very transient inmates. But this involves the residence of such children in the General Mixed Workhouse, now universally condemned; and practically their exclusion from instruction during the sojourn (Poor Law Commission, 1909, Q. 43,341-43,343).

We may add that we have found no statistics as to the total number of these "In and Out" children. In 1897 Sir W. Chance roughly estimated that they might amount, for England and Wales, to as many as 15,000 (*Poor Law Conferences, 1897-1898*, p. 705); of whom, of course, only a proportion would be within the Poor Law institutions at any one time.

[1] 52 and 53 Victoria, c. 56, and 62 and 63 Victoria, c. 37; see *The Poor Law Act of 1889 as affecting deserted children*, by Joanna Margaret Hill; and "The Working of Recent Legislation affecting the Detention of Children", by Herbert A. Powell, in *Poor Law Conferences, 1904-1905*, pp. 544-561.

Boards of Guardians, there having been, in the course of a couple of decades, no fewer than 15,000 children so adopted; but it must be said that, in three-fifths of these cases, the children were orphans, or actually deserted by their parents, whilst only two-fifths were children of parents of immoral life or otherwise unfit to have their care and custody. The Acts do not seem to have been applied to the children of "Ins and Outs". Before the Departmental Committee on Vagrancy of 1906, on which the officials of the Local Government Board were largely represented, regret was expressed that this power of adoption had not been used with regard to the children of Vagrants, however unfit was the life that they were leading.[1] The Chief Inspector himself publicly expressed the opinion that, in the interest of the community, Boards of Guardians "ought to adopt" the children of the "Ins and Outs".[2] And when, on one occasion, the Local Government Board was formally asked for its advice by a Board of Guardians as to what should be done when a woman having illegitimate daughters regularly discharged herself and them from the Workhouse as soon as summer approached, and went with them on tramp with a man of bad character, only to bring them back to the Workhouse when the weather became cold, the Ministry definitely referred the Guardians to the statutory power they possessed of saving the children from manifest ruin by formally adopting them.[3] But so far as the Poor Law Commission of 1905–1909 could ascertain, the Guardians had refrained from adopting the children of "Ins and Outs", and the Local Government Board had not clearly explained to them by Circular or Order under what circumstances or conditions this remedy could be made applicable.

[1] Report of Departmental Committee on Vagrancy, 1906, vol. ii. Q. 5011. Bills were introduced into the House of Commons in 1889, 1903 and 1904, which sought to make it a penal offence to go on tramp with a child, who is thereby deprived of educational facilities; but such an extension of the criminal law has not found favour.

[2] Evidence to Royal Commission on Poor Law, 1906, Q. 3943.

[3] *Decisions of the Local Government Board*, p. 45, par. 3. It appears still to be true in 1928, as the Poor Law Commissioners explained in 1844, that "Under the present state of the law a married woman is not, during the life time of her husband, subject to any legal proceedings for neglecting to maintain her children" (Poor Law Commissioners to St. Ives Union, February 10, 1844; in *Abstract of Correspondence of Poor Law Commission*, February 1844).

The Reaction against the "Barrack School"

Presently, when the Local Government Board was congratulating itself on having got established, either as District Schools for combinations of Unions, or as Separate Schools for single Unions or large parishes willing to embark on them, several scores of these expensive alternatives to the Workhouse School, a strong and persistent opposition manifested itself to what became stigmatised as the "Barrack School".[1] This reaction began on grounds of health. Already in 1872, Tufnell himself had to report unfavourably both of the injurious results of the overcrowding of some of the schools, and on the serious spread of ophthalmia among the children, this having been first mentioned in 1841.[2] In 1873 the Local Government Board drew the attention of the School Authorities to these dangers, making pressing suggestions for precautionary improvements.[3]

All this was, however, only trifling with the evil. It seems to have been a new Medical Inspector, Dr. Bridges, who realised the need for a more intensive and more expert study of the ophthalmic disease known to Poor Law officials as "the blight", which had prevailed for a whole generation and had come to be accepted as a necessary incident of a Poor Law School. Bridges realised that it was playing havoc with the children. "Not only was the disease painful and disabling, but it interfered with the education and discipline of the children, and was most difficult to eradicate, recurring again and again and tormenting

[1] The epithet was first applied to these institutions by Dr. Ernest Hart (see Evidence before Departmental Committee on Metropolitan Poor Law Schools, 1896, question 15).

Those who had worked so hard to get these institutions established were long to realise their imperfections. "Some doubts have been entertained", wrote E. C. Tufnell in 1868, "by persons whose opinions are entitled to respect, whether it is expedient to congregate such large masses of children in one school. My opinion, however, is entirely in favour of these large numbers, more especially as regards the boys, who are thereby enabled to obtain industrial instruction, and an efficiency which is utterly unattainable in small schools. In fact, my experience leads me to the conclusion that, as a general rule (not, however, without exception), the efficiency of pauper education is in proportion to the size of the school, though this result is more marked in the case of boys than of girls. But the main superiority of the District School proceeds from a different cause, the superior management to which they are subjected" (Twentieth Annual Report of Poor Law Board, 1868, p. 131).

[2] First Annual Report of Local Government Board, 1872, p. 85.

[3] Third Annual Report of Local Government Board, 1874, pp. 2-3 and 404.

its victims for many years. In virulent cases the eyesight was permanently damaged; and the child who might otherwise have been lifted out of pauperism, would be dependent on State relief through life. It was, in short, the most serious malady against which the Poor Law schools had to contend. The children themselves helped effectually to spread the complaint. With little or no supervision in the playground, the poor mites would play at ophthalmia, and those with sore eyes rubbed their infected rags well into the eyes of those who had hitherto escaped. Of all the great Poor Law schools, Anerley held the worst record, and it was to Anerley that Bridges' eyes were turned . . . He picked out Edward Nettleship, then beginning to make his mark at the London Hospital, and afterwards the foremost ophthalmic surgeon of his time, as the man who of all others would carry his scheme to success. He and his wife responded nobly. For a year they lived with three hundred Poor Law children suffering from the disease."[1]

Then ensued report after report of Nettleship and other surgeons, resulting gradually in the adoption of innumerable minor changes in organisation; the provision of probationary wards; the more rigid insistence on their use, under careful daily inspection; reduction of the overcrowding; immediate isolation of children beginning to be ill; a more generous allowance of towels, etc., and a stricter supervision of their separate use, thus securing a marked improvement in health. Not at once was success achieved. In 1889 the Local Government Board felt obliged to issue the most stringent regulations with regard to the transfer of children from the Workhouses to these institutions. No child was henceforth to be admitted without an individual certificate from the Workhouse Medical Officer guaranteeing that he or she was free from any infection of the scalp, skin or eyes, and able at once to take part in the ordinary discipline and occupations of the school.[2]

[1] *A Nineteenth-Century Teacher* (Dr. J. H. Bridges), by Susan Liveing, 1926, pp. 198-199 (see also Report on the Health of Metropolitan Pauper Schools for seven years, 1883–1889, by Dr. J. H. Bridges).

[2] General Order of July 23, 1889; Circular of July 24, 1889; Nineteenth Annual Report of Local Government Board, 1890, p. 76; *A Nineteenth-Century Teacher* (Dr. J. H. Bridges), by Susan Liveing, 1926, chap. xiv. "The Poor Law Schools", pp. 204-214.

The Revolt against Institutionalism

The dissatisfaction felt in influential circles with the "Barrack Schools" went, however, far beyond any specific complaint of the prevalence of ophthalmic trouble. It was alleged that the massing together of such large numbers of children (the South Metropolitan District School at Sutton had already over 1500 inmates, a number subsequently increased to more than 2000) prevented the necessary individual care and attention; that the children lacked initiative and independence and acquired no power of self-direction; that, permanently immured within the school walls (for there was usually no provision for absence for holidays), they acquired not even the most elementary knowledge of the world of common life into which they had to plunge; that the girls, in particular, left school without any knowledge of household duties or family cares as experienced in a working-class cottage; and that, in short, the gigantic institutions on which so much money was spent, made the inevitable mistake of "institutionalising" those to whom they were standing *in loco parentis*. To examine these criticisms, J. J. Stansfeld, who had become President of the Local Government Board, in January 1873 appointed Mrs. Nassau Senior[1] to make an inquiry into the working of the Poor Law Schools and to give him "a woman's view" of their success for girls, with special reference to the after-career of the girls who had enjoyed the advantages of residence and education in these institutions. Her report, presented on January 1, 1874, strongly condemned the massing together of girls in large numbers, which had proved to have unsatisfactory effects on their physical and mental development. She advocated the breaking up of the large schools into smaller units of residence, "arranged on the Mettray System"; the separation of the children permanently under the Guardians' care from the "casuals" who were only transient residents; and the more general adoption of "boarding out" for the orphans.[2]

[1] Mrs. Jane Elizabeth Senior, who was very well acquainted with Poor Law administration, was the widow of Edward Nassau Senior, who had served as Inspector under the Poor Law Board and was the son of the member of the Poor Law Inquiry Commission of 1832–1834 (*Modern English Biography*, by F. Boase, vol. iii.).

[2] Report by Mrs. Nassau Senior on the Education of Girls in Pauper

Mrs. Nassau Senior's conclusions and recommendations were hotly contested both by believers in the educational excellence of the Poor Law Schools and by the Boards of Guardians concerned; Stansfeld had by this time gone out of office; and to say the least, the lady's report did not meet with favour among the officials of the Local Government Board; and its condemnation in a leading article of the *Times* followed. The immediate result of the Minister's laudable effort was, perhaps, on the one hand, a slight impetus to the practice of boarding out the orphans; but, on the other, actually some encouragement to the further development of "institutionalism" in the new type of "Cottage Homes" to which we have already referred.

The "Scattered Homes"

One Union, indeed, that of Sheffield, insisted in 1893 on breaking away from this institutionalism in an entirely new departure, which, in spite of what is claimed as complete success, was followed only slowly and incompletely by other Boards of Guardians. This was the use, not of any great institution but of scattered or isolated ordinary dwelling-houses for small groups of children, who, like the children of the independent artisan, attended the public elementary day schools.[1] The credit of this

Schools, in Fourth Annual Report of Local Government Board, 1875. It was fiercely replied to in *Observations on the Report of Mrs. Nassau Senior*, by E. C. Tufnell, "ex-Inspector of the Metropolitan District", 1875, which was published "by authority"; and to this there was an answer in *A Letter by Mrs. Nassau Senior, being a reply to the observations of Mr. Tufnell*, 1875. A spirited rejoinder was also published in book form, entitled *Boarding Out and Pauper Schools, especially for Girls*, by Menella Bute Smedley, "one of Mrs. Senior's staff", 1875, in which the report itself, and various other official documents, were given in full. The expense of these schools was the subject of expert report in 1876 (*Metropolitan Pauper Schools: Report . . . on the Cost of Maintenance of the Children . . . from 1869 to 1873*, by F. J. Mouet, 1876). Further defences of the Poor Law School were *Facts and Fallacies of Pauper Education*, by Walter R. Browne, 1878, and *The Training of Pauper Children*, by E. C. Tufnell, 1880. On the other side was *Social Wreckage: A Review of the Laws of England as they affect the Poor*, by Francis Peek, 1883, chap. ii. "The Orphan's Wrong".

[1] The experiment of the Sheffield Scattered Homes may be best followed in the paper read by J. Wycliffe Wilson at the Yorkshire Poor Law Conference of 1895, and that of criticism by Dr. J. M. Rhodes at the North-Western Poor Law Conference of 1896 (*Poor Law Conferences, 1895–1896*); Report and Evidence of Departmental Committee on Metropolitan Poor Law Schools, 1896; the successive Annual Reports of the Sheffield Scattered Homes Committee from 1894; the "Memorandum of Conditions" imposed by the Local

conception has to be given, not to the Local Government Board, nor to any of its Inspectors, but to the Sheffield Guardians themselves, and especially to their chairman, J. Wycliffe Wilson, whom we must allow to describe its origin: "A great many years ago we went very carefully into the question of the association of the children with the adult paupers. We came to the conclusion that it was most important that they should be removed—that was in 1883—and we made some inquiries into the different systems that existed; we visited the Swinton (Manchester) Barrack Schools, the Marston Green Cottage Homes, and we went to Leeds to see the boarding-out as it was carried out there, and I think we unanimously came to the conclusion that it was desirable that the children should be removed, and our wish was at that time to introduce a double system of boarding-out and a Cottage Homes village. We had not then thought of this plan of isolated homes. Later on we decided to adopt boarding-out *within* the Union and *without*, and we put a number of orphan children out. We came to the conclusion at that time that no system that was in existence was exactly what we wanted, that the boarding-out was not universally applicable—that though it was an excellent system where good homes could be obtained, and where it was applicable, namely, to orphans and deserted, yet that, we thought, it would not be likely to be successful with 'ins and outs', and we began to think whether anything else could be done. Well, then we saw the disadvantages, or some disadvantages, of the Cottage Homes village, and we said to ourselves, 'Can we not obtain a system which would be a combination of the two, which will have a good many of the best features of boarding-out in family life, mixing with the outside population, and yet where we shall be able to select our own mothers and our own localities, and where we shall be able to deal with children of all sorts?' And this idea of isolated homes as a measure of meeting the two difficulties appeared to us the best. But we were in this position, that we had built very good schools; we had no immediate use for them, and when we made application to the Local Government Board to allow us to carry

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Government Board, August 1896, and the scanty references in the Annual Reports; *Children under the Poor Law*, by Sir W. Chance, 1897, pp. 157-167; the paper by the Clerk to the Sheffield Board, Albert E. Booker, included in the volume *Poor Law Conferences, 1903–1904*, pp. 462-474.

out this scheme, they said, 'No; you have got good schools; you must not go on trying new experiments and wasting the money that has been spent on these schools.' Therefore the matter stood over until recently—three years ago—when we were getting so full in the Workhouse that we saw that we might advantageously use the old school buildings. We then made a fresh application. A deputation of us came up and saw Sir Walter Foster, and permission was given to us to carry out our scheme."

The Sheffield Experiment

The Sheffield Guardians, in establishing in 1893 their Scattered Homes, aimed primarily at providing for those children whom it was impossible to board out, whilst avoiding the fundamental defect of the expensive separate Poor Law School of the Cottage Homes type, namely, the congregation together of one class of children, removing them from contact with the world in which they would afterwards have to live and work. The Scattered Homes system is essentially an outgrowth of the Public Elementary School in which the "education is superior to any that could be given to a small number of children, except at a prohibitive cost; and unless Workhouse or Cottage Home children have an equal education to other children, they are placed at a disadvantage when they have to make their way in the world. Isolated homes would not be practicable without Board Schools. We plant a home within easy reach of a Board School, and it is our rule not to send over thirty children to one school. This number is comparatively lost in the large number of other children; owing to the two sexes and the different standards, there are rarely over two of our children in any one class." [1]

"There were in 1896 nine homes (two with fifteen beds, one with sixteen beds, three with seventeen beds, two with twenty-one beds, and one with twenty-eight beds). The home with twenty-eight beds is for boys alone, and in the others the children are mixed. Seven homes are assigned to Protestant children and two to Roman Catholics. The homes are ordinary dwelling-houses rented by the Guardians, but indistinguishable from other

[1] Paper read at Yorkshire Conference, *Poor Law Conferences, 1895–1896*, p. 501.

dwellings of respectable artisans. They are scattered about in different healthy suburbs of Sheffield." [1]

"Each house is presided over by a foster-mother, who washes, irons, cooks, cleans, and mends for the children, with the help of the elder children, and a charwoman one day per week. The cooking is done in ordinary utensils, and by an ordinary fire, and its preparation affords the children some knowledge of cooking, as well as instruction in methods of economy, cleanliness, and domestic management. The same may be said with regard to house cleaning and the mending and washing of clothes. In the day-rooms are pigeon-holes or lockers for the children's possessions and playthings, and in the bedrooms there is a box for each child containing its clothes.[2] . . . Every effort is made to cultivate the children's individuality, and the personal attention given to them renders it possible for their natural characteristics to be studied and guided aright." [3]

In 1897 the Whitechapel Board of Guardians, breaking away from the Forest Gate School District, established its few scores of children over three in nine cottages, not on a single site, but within easy reach of each other and of a public elementary school, but directed from a "Headquarters Home", for a Lady Superintendent (a trained nurse), having offices attached, and a small infirmary. The Bath Union took the same course in 1897, and organised "Scattered Homes" both in the city of Bath and in the village of Walcott.[4] In the course of the next decade a number of other Unions, in rural as well as urban areas, adopted the same expedient for some, at any rate, of the children for whom the Guardians felt themselves responsible. The Sheffield idea increasingly commended itself, in fact, to the more enlightened of the local administrators.

The Departmental Committee of 1894–1896

But for some time few Unions followed the example of Sheffield; either because the Guardians failed to appreciate the

[1] Report of Departmental Committee, p. 123, and Second Annual Report of the Homes.

[2] Report of Departmental Committee, p. 123. [3] *Ibid.*

[4] Described in paper by Austen J. King, entitled "Powers of Poor Law Guardians of dealing with Children", in *Poor Law Conferences, 1897–1898*, pp. 253-254.

advantages of the Scattered Homes, or because of the discouragement of the Local Government Board, which only very reluctantly and under pressure consented to the Sheffield experiment and was slow to come to approval of the idea. Meanwhile the outside criticism of the "Barrack Schools" continued; especially as ophthalmic and other troubles in one or other of them recurred from time to time. Moreover, there were untoward incidents which increased the public discontent. There was a calamitous fire at the Forest Gate School in 1890, when no fewer than twenty-six children lost their lives; and at the same school an accidental ptomaine poisoning in 1893, which cost the lives of two children. In the following year some dreadful cases of cruelty came to light at the Hackney Poor Law School at Brentwood, which led to the conviction of one of the women officials (Nurse Gillespie), who was sentenced to penal servitude.

In 1894 an influential deputation waited on the President of the Local Government Board (H. Fowler, afterwards Lord Wolverhampton), and induced him to appoint a Departmental Committee of inquiry into the Poor Law Schools of the Metropolitan area, which were supposed to be specially open to criticism.[1]

The Committee, which was, perhaps, stronger on the philanthropic than on the administrative side, went strenuously to work, and for over a year investigated the organisation, the working and the results of the score of institutions in which some eleven thousand pauper children from the Metropolitan area were being maintained and educated. As might have been expected from the composition of the Committee, the report, which was published in 1896, found a great deal to criticise. Indeed, the "Barrack Schools" were condemned, practically from top to bottom, not merely in respect of the occasional instances of child oppression, and even cruelty, which have, unfortunately, hitherto been

[1] The Committee consisted of A. J. Mundella, M.P. (ex-President of the Board of Trade), who was chairman; Sir John Gorst, M.P., Hon. Lyulph Stanley, Rev. Brooke Lambert, Dr. Russell Reynolds, W. Vallance and Mrs. H. O. Barnett—to whom Dr. (afterwards Sir) Joshua Fitch and (in place of Dr. Russell Reynolds) E. Nettleship were added. For this committee, see Report and Evidence of the Departmental Committee on Metropolitan Poor Law Schools, 1896; a special Report by Sydney Stevenson, M.B., on . . . the Ophthalmic State of Poor Law Children in the Metropolis. Cd. 8597 of 1897; *Criticism of the Report of the Departmental Committee*, by Walter Monnington and Frederick J. Lampard, 1897; and *Our London Poor Law Schools*, by the same, 1898; Twenty-sixth Annual Report of Local Government Board, 1897; *Children under the Poor Law*, by Sir W. Chance, 1897, pp. 358–401.

incidental to every organisation which places helpless inmates within the power of "the average sensual man", by whom all extensive staffs of officials have to be, in the main, recruited, but —more relevantly and more instructively—also in respect of the very nature of the institutions that formed the subject of investigation. Manifestly, the Committee was profoundly dissatisfied with the Poor Law School even at its best. The members of the Committee were, in fact, confirmed in the opinion with which they started that the Poor Law School failed as not adequately removing the children from contact with pauperism; as injurious to the fullest development, not only of their physical health and mental capacity, but what seemed even more important, of their individuality, their self-reliance, and their power of initiative; and particularly as failing to supply that indispensable factor in the best child-nurture that may be described as parental care and love. This underlying feeling was abundantly shown throughout the Report, even though it was expressed chiefly in a large number of detailed criticisms of the institutions, with specific suggestions for their improvement. The most significant expression of the Committee's discontent was, however, the proposal that there should be established a new Metropolitan Authority, charged with a continuous minute supervision of all the Poor Law institutions for children maintained by the Boards of Guardians of the London Unions or parishes, and empowered in many ways to control the Guardians' administration, whilst the inspection on behalf of the National Government was to be transferred to the Board of Education. The Committee's Report, in short, amounted to a virtual condemnation, not only of the Metropolitan Poor Law Guardians for having failed to provide by organisation anything equivalent to parental care and love, but also of the Local Government Board for having allowed the Metropolitan Poor Law Schools to remain so far short of perfection; and to a recommendation that it should be relieved (but only as regards this particular fragment of Poor Law administration) of its supervisory duties.

The Outcome of the Committee

It is not easy to assess with any confidence the total effect of the Committee's inquiry. Its report naturally aroused the

strongest resentment among the Boards of Guardians and in the Local Government Board itself. Its assertions were impugned; its inferences were denounced as unwarranted; and its proposals for constitutional change were derided.[1] On the other side, an energetic propagandist organisation, the State Children's Association, was started by Mrs. (now Dame) Henrietta Barnett to carry on the campaign for the rescue of the indoor Poor Law children from the Scylla of "*institutionalism*" without falling into the Charybdis of Outdoor Relief. Another member of the Committee —Sir John Gorst, M.P.—who had in the meantime become Parliamentary Secretary of the Board of Education, introduced into the Government Education Bill of 1896 a clause which went even further than the Committee's Report, and proposed to transfer to the new County Education Authorities the entire supervision, care and control of the Poor Law children maintained on Indoor Relief. This Bill met with much opposition on various grounds unconnected with the Poor Law; and had eventually to be abandoned. The Local Government Board then came to the aid of the Schools, and so far met the demands of the Committee as to issue an Order constituting, for the Metropolitan Unions, a new Poor Law Authority, similar in composition to, but distinct from, the Metropolitan Asylums Board, for the care of children of whom the ordinary school authorities ought, in fairness, to be relieved, namely, those (*a*) suffering from contagious disease of the eyes, skin or scalp; or (*b*) requiring special treatment or sea air during convalescence; or (*c*) so mentally or physically defective as to be unfit for the ordinary school; or (*d*) ordered by the magistrates under the Industrial Schools Act of 1866 to be taken to a Workhouse. This Order was received with a storm of opposition from the Metropolitan Guardians, and the creation of any new and independent Local Authority for the Metropolitan area was objected to on all sides. The Order was accordingly withdrawn. Finally, on April 2, 1897, a new Order was issued, remitting the care of these same classes of children to the Metropolitan Asylums Board, by which the duty has since been discharged, practically at the expense of the Common Poor Fund.

[1] See, for instance, the lengthy analysis of the Report in the Appendix to *Children under the Poor Law*, by Sir W. Chance, 1897, pp. 358-401; and *Criticism of the Report of the Departmental Committee*, by Walter Monnington and Frederick J. Lampard, 1897.

Apart from this meagre but entirely useful outcome of the Committee's inquiry, we may trace its results in numerous successive improvements in the Poor Law Schools throughout the country. The vast aggregation of children at the Sutton School, belonging to the South Metropolitan School District, was broken up in 1899, and the numbers in most of the other larger schools have been gradually reduced. In January 1897 the Local Government Board issued an Order stringently regulating the time to be devoted to "industrial work or training" and school education respectively, whether in Separate Poor Law Schools or in Workhouse Schools, in such a way as to secure to the children at least "half time" schooling, not to be encroached upon by industrial occupations.[1] Continuous progress has accordingly been made in the staffing and in the educational work of the schools. Up and down the land the scores of Separate Schools (including those of the Cottage Homes type) have striven persistently to rid themselves of the evils to which the Departmental Committee had called attention, with the result, as appeared in 1906–1908, when these schools were inquired into by the Poor Law Commission, not of any abandonment of their essential features, and perhaps not even of the complete overcoming of their special drawbacks, but at any rate of an extraordinary all-round improvement.[2]

Apprenticeship

How to get placed out in wage-earning occupations the boys and girls of an age at which they were thought fit to earn their own living had been a puzzle to the Poor Law Inquiry Commissioners.[3] The system of compelling every householder in the

[1] Order of January 30, 1897; Twenty-sixth Annual Report of Local Government Board, 1897; *Our Treatment of the Poor*, by Sir W. Chance, 1899.

[2] Report of T. J. Macnamara, M.P. . . . of an Inspection of Poor Law Schools, Cd. 3899 of 1908; Board of Education Report on the Educational Work of Poor Law Schools, 1908; Poor Law Commission, 1909, Majority Report, vol. i. pp. 234-238; Minority Report, pp. 126-134.

[3] For the history of Apprenticeship down to 1832, and, in particular, Apprenticeship under the Poor Law, see the Acts of 1820, 1825 and 1831, and our previous volume, *English Poor Law History: Part I. The Old Poor Law* (1927); *English Apprenticeship and Child Labour*, by J. Dunlop, chap. xvi. 1912; *History of the Factory Acts* by B. L. Hutchins and A. Harrison, 1911; *London Life in the Eighteenth Century*, by M. D. George, 1925, chap. v. "Parish Children and Poor Law Apprentices"; *The English Poor in the Eighteenth Century*, by Dorothy Marshall, 1926; *An Economic History of Modern Britain*, by J. H. Clapham, 1926, pp. 370-378.

parish to take into his service, at complete maintenance, the boy or girl whom the Parish Authorities assigned to him, which we have described as prevailing in 1833, was plainly so oppressive, and was proved to lead to such gross abuse, that it could not be continued. Equally undesirable seemed the alternative practice of bribing an employer, preferably one resident outside the parish concerned, by an immediate payment of £5 or £10, to contract to provide, not only maintenance, but also technical instruction, for seven or ten years, to his "apprentice". Without recommending any plan at all, the Poor Law Inquiry Commissioners agreed that payment connected with apprenticeship should be regarded as outside the rule that Outdoor Relief to the able-bodied should be abolished; but urged that the new Central Authority should be empowered to make regulations on the subject; and that they should in due course "make a special inquiry" into the matter.

For a whole decade the Poor Law Commissioners delayed to regulate or even to inquire into the subject of apprenticeship. In connection with a proposed Poor Law Amendment Bill in 1840, the Commissioners published an adverse comment on any payment in the nature of Apprenticeship Premiums, which they thought were needed only in "occasional" cases of lame or blind children.[1] In 1844, when the Commissioners had got passed the Act (7 and 8 Vic. c. 101), which incidentally abolished the ancient obligation on householders to accept parish apprentices, a General Order permitting apprenticeship by the Boards of Guardians was at last issued, by which, with many conditions, the payment of a premium was allowed with children between nine and fourteen, provided part of the premium was given in the form of clothing, but without any premium at all over fourteen, unless the child was physically deformed or defective. To this restriction the London Guardians vehemently objected, contending that it made apprenticeship almost impossible. The Poor Law Commissioners very reluctantly gave way, and issued another Order in 1845, allowing premiums with boys or girls up to sixteen years of age, and payable wholly in money.[2]

[1] *Official Circular*, No. 5 of June 16, 1840, p. 56.

[2] General Orders of December 31, 1844, and January 29, 1845, in Eleventh Annual Report of Poor Law Commissioners, 1845, pp. 72-96; of August 15 and 22, 1845, in Twelfth Annual Report, 1846, pp. 60-71; and Articles 52-74

But although the Commissioners apparently felt bound formally to legalise what was, in fact, the practice of the Guardians, they made it quite clear that Apprenticeship formed no part of the official policy. *The Order of 1844* was accompanied by a Circular Letter of the most discouraging kind. This pointedly reminded the Guardians that the Commissioners had refrained, for a whole decade, from issuing any regulations as to apprenticeship; that, as Parliament had seen fit not to abolish the system, it would "doubtless continue to be practised in those districts where it has hitherto prevailed", but that "there are not wanting authorities of weight against the system"; and that the Guardians were not to infer that the Commissioners entertained "any desire to promote its introduction".[1]

The Boys' Home

Meanwhile the Norwich Guardians had presented the Commissioners with an interesting experiment. They had found, as other Boards were finding, that the old system of Apprenticeship was dying out; and that employers were no longer willing to provide boys with complete board and lodging, with clothing and pocket money, from the age of thirteen or fourteen onward, even if rewarded by obtaining, on these terms, the produce of the apprentice's labour until he was twenty-one years of age. The Norwich Guardians, in 1846, accordingly started a system of what they called "Outdoor Apprenticeship". Advantageous employment was found for boys at fourteen, whether from the Workhouse or from families on Outdoor Relief, in situations where they picked up trades and received wages, but, for the first few years, not sufficient for complete maintenance. The Guardians enabled such of the boys as had parents in the city to continue to live at home, by supplementing their weekly earnings by small

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of General Consolidated Order of July 24, 1847; see *The General Order . . . for regulating Parish Apprenticeship, with a Treatise of the Law of Parish Apprenticeship*, by W. G. Lumley, 1845.

[1] Circular, January 1, 1845, in Eleventh Annual Report of Poor Law Commission, 1845, pp. 94-96. "We certainly entertain opinions", observed the Commissioners, "unfavourable to that state of servitude which is created by the apprenticeship of parish children, and we should not greatly regret to find that the regulations imposed by us tended gradually to diminish the number of children thus dealt with" (Eleventh Annual Report of Poor Law Commissioners, 1845, p. 16).

money allowances, strictly limited to the earlier years of their service, until the date at which they were to receive the full standard wages of an adult. If the boy had no parents, or otherwise no home available, he was boarded and lodged by the Guardians at their Boys' Home, and required to contribute the wages that he earned.

This Norwich experiment in placing boys out in skilled trades did not receive the Commissioners' approval, but they do not seem to have been able, either effectively to prohibit it, or to find adequate reasons on which to ground their objections. They issued a Special Order against it, and insisted that the legally prescribed Apprenticeship regulations must be adhered to.[1] The practice looked, in fact, as we may now recognise, dangerously like a subsidy to low wages. But the Assistant Commissioners knew about it, and watched its development; actually commending the Boys' Home; and finding, after 87 boys had thus been placed as Outdoor Apprentices, that, with fewer than a dozen exceptions, they seemed to be well launched in industrial employment. In 1854, after eight years' trial, the Poor Law Board decided that the whole expenditure on the Homes was illegal, because it had not been formally authorised; and it was, in fact, solemnly disallowed. The Poor Law Board added that, whilst it was prepared to permit the Homes to be continued as Poor Law Schools with formal authority, it could not allow them to be used as homes for the boys who went out to work, even as Outdoor Apprentices. But the Board failed to explain the ground for its dislike, and for its belief that the experiment was actually illegal. In one place it is stated that the Board "conceive it to be unjust to the children of the independent poor", presumably "unjust" to give pauper boys such advantages. In another place it is stated that the Board had only been induced to permit the Homes temporarily on the understanding that they were self-supporting, a contention inconsistent with that of the illegality of the items of expenditure themselves; whereas the boys who went out to work proved to be costing something to the Guardians, although less than they would have cost in the Workhouse. We may note, as a final hint of the uncertainty that prevailed, that, after three years' correspondence,

[1] Special Order to Norwich Board of Guardians, January 30, 1845, in MS. Minutes of that body, February 1845.

the Poor Law Inspector advised the Guardians to ask the Board for a temporary sanction of the Homes, as "it is quite possible . . . that within the next two years the Legislature may resolve on communicating greater vitality to the provisions for the establishment of District Schools". The Inspector had told the Clerk verbally that it was probable that Parliament would make it compulsory to provide for pauper children apart from the Workhouses, but that he saw "with regret how strongly different views were pressed".[1] We need not pursue the story in detail. In 1904 we find the Local Government Board prepared to acquiesce, subject to the details of the scheme proving satisfactory, in a proposal to establish a home for boys over whom the Guardians had *acquired parental rights, the boys receiving board and* lodging therein for so long in each case as the wages were insufficient to enable them to obtain suitable accommodation elsewhere.[2] Such homes have been established in a few Unions. In many cases the Guardians have simply supplemented the wages of apprentices or improvers.

We cannot here follow in detail the uncertain policy of the Central Authority as to whether or not the Device of Apprenticeship was desirable in Poor Law practice, or how it should be regulated. During the second half of the nineteenth century we find no Orders or general rules promulgated on the subject. The Local Government Board apparently contented itself with *occasional Circulars prescribing, recording or deprecating certain* conditions for the protection or the benefit of the young persons apprenticed; for instance, enabling Guardians to provide outfits for girls sent into domestic service; objecting to the supplementing of wages insufficient for maintenance except under stringent conditions to be ensured by inspection; altering

[1] MS. Minutes, Board of Guardians, Norwich, January 3 and February 7, 1854, April 1, 1856, and January 6, 1857. The Homes were not closed, and the practice of using them for the Outdoor Apprentices was silently continued.

[2] *Decisions of the Local Government Board*, 1903–1904, by W. A. Casson, 1905, p. 118. We gather that, without explicit sanction, various Boards of Guardians have provided lodging and partial board, in one or other Poor Law institution—sometimes maintaining a special "Home" for the purpose—to meet the needs of boys from the Poor Law Schools whom the Guardians have placed out in skilled trades, whether or not under indentures, at rates of wages insufficient for maintenance. In other Unions, use has been made of philanthropic "boys' homes", to which a weekly payment may be made for the apprentice, who is then recorded as having, notwithstanding his employment at wages, been granted Outdoor Relief.

the form of indenture to the sea service in conformity with the Merchant Shipping Acts; and calling attention to a Report on the Fishing Apprenticeship system by two of the Inspectors.[1] There seems to have been a steady falling off in the practice of apprenticeship by Boards of Guardians; due, in part, to changes in industrial organisation, but also, we think, to a lack of readiness of adjustment to modern conditions.[2] So long as the Guardians could place out the pauper children with any employer, even in unskilled occupations, they have usually felt no interest in paying premiums or making other arrangements to secure instruction in a skilled trade.

Exclusion of Out-Relief Children

Throughout the whole period, so far as appears from the published documents, the use of the Device of Apprenticeship has been, in the practice of the Boards of Guardians, without criticism by either the Poor Law Board or the Local Government Board, practically limited to the children maintained in Poor Law institutions (indoor paupers), numbering 50,669 on January 1, 1906, together with those technically outdoor pauper children who are either "boarded out" (in the technical sense), numbering 8781, or maintained in certified schools, etc., numbering 9364, making an aggregate total of 68,814 children to whom the policy of apprenticeship has been assumed to be applicable.[3] We do not find any suggestion that any similar policy is applicable to the other 166,258 children on Outdoor Relief,[4] about the start-

[1] Circular on "Outfits for Children sent to Service", July 14, 1897, in Twenty-seventh Annual Report of Local Government Board, 1897–1898, p. 26; Circular of March 2, 1895, in Twenty-fifth Annual Report, 1895–1896, p. 118; Circular of May 31, 1873, in Third Annual Report, 1873–1874, pp. 3-4; and *Local Government Chronicle*, October 18, 1902, p. 1051; January 31, 1903, p. 102; October 31, 1903, p. 1070.

[2] It is suggested that to the apprenticeship of Poor Law boys, "one of the greatest obstacles is the L.G.B. Order that the Guardians of the parish to which the lad is sent must consent to the binding, and that their Relieving Officer should visit the boy. This is a fatal error. Neither the master nor the boy's present or future colleagues should be able to brand him as a pauper apprentice" ("Education in Poor Law Schools and Industrial Training", by W. H. Hamilton, in *Poor Law Conferences, 1902–1903*, p. 636).

[3] Thirty-fifth Annual Report of Local Government Board, 1905–1906, pp. cxxx, cxxxi.

[4] Omitting children receiving medical relief only, and the casuals and insane (*ibid.* p. cxxxi).

ing in life of whom we can find no documents.[1] "The Guardians of the English poor", it was remarked with some bitterness in 1867, "cannot point to a single instance in which a pauper child in the receipt of Outdoor Relief has been apprenticed to a trade. There is no effort made whatever to give the children of the poor a trade or occupation by which they may hereafter hope to gain an honest living; the Guardians do not in the least care what becomes of the many thousand children who are mainly depending on them for support; and the certain consequence is that they are driven to the very precarious means of subsistence which the Jews combat as one of the greatest evils in our social state." [2]

The Infants

We have so far dealt with the action of the Poor Law Authorities, with regard to children, almost entirely with reference to such of them as are of school age. But the Boards of Guardians, like the parochial authorities that they superseded, found on their hands among the destitute, in 1834, and still find to-day, a population of several thousands of babies under twelve months old, and of tens of thousands of children between the ages of one and five. At all times since 1834 the babies may be taken to have formed roughly about one per cent, and the "toddlers" between one and five roughly about four per

[1] *English Poor Law Policy*, by S. and B. Webb, 1910, pp. 200-203. We pointed out in our previous volume that the Leeds Vestry in 1772 resolved to restrict apprenticeship to children whose parents were in the Workhouse (*The Old Poor Law*, 1927, p. 196).

[2] *London Pauperism among Jews and Christians*, by J. H. Stallard, 1867, p. 101. This is the more remarkable in that, by the old law (43 Eliz. c. 2, and 9 Will. III. c. 30) all children, whether on Indoor or Outdoor Relief, or, apparently, not on Poor Relief at all, might be apprenticed by the Churchwardens and Overseers, "whose parents they judge not able to maintain them". The General Order of December 31, 1844, is stated to relate to the "apprenticeship of poor children"; there is no restriction to the children of paupers; a distinction is made (by Articles 7 and 8) between children "in the Workhouse" and those "not in the Workhouse"; and by Article 10 provision is even made for apprenticing children not residing within the Union (presumably in receipt of non-resident relief). There seems no ground for the common assumption during this period that apprenticeship by the Guardians was not legally applicable for children on Outdoor Relief. The Poor Law Commissioners observed, indeed, that "*apprenticeship* is a *species* of relief," and could be granted only where Poor Relief was permissible (Eleventh Annual Report, 1845, p. 9); but this did not exclude either the children of out-relief paupers, or even poor children not previously paupers.

cent, of the entire pauper host. Of all pauper children under five there seem to have been, at all times, round about one-third in the Workhouses and round about two-thirds on Outdoor Relief.

With regard to these hapless infants the published records reveal the scantiest supervision and no indication of any kind of policy. The Report of 1834 was silent about them. The annual reports of the Poor Law Commissioners, the Poor Law Board, and the Local Government Board, together with such reports of the Inspectors as have been published, are, for the first half century, equally reticent.[1] The infants were, we gather, assumed always to follow the father (or, in his absence, the mother). If the father was able-bodied, and not relieved merely because of the illness of a member of the family, or in urgent necessity, or if the infant was illegitimate, it was to be relieved only by admission, with its parents to the Workhouse, where no special arrangements for infants were prescribed. The legitimate infants of destitute fathers who were not able-bodied, and those of destitute widows, whether able-bodied or not, would, it was assumed, continue to be maintained on Outdoor Relief. The Poor Law Commission of 1905–1909 found that these two methods of provision for infants had, from 1834 onwards, never been authoritatively interfered with by the Central Authority; and they had remained continuously in use without, so far as is on record, any consideration as to which was the best course for the infants, and without any systematic comparison of the results upon their health or nurture.

Infants on Outdoor Relief

We need say nothing further about the infants under school age maintained on Outdoor Relief. These forty thousand or so were always merged, alike in the statistics and in the

[1] We notice a corresponding silence with regard to infants in the various treatises on Poor Law administration, even when they purport to deal with children. Thus, neither the *History of the English Poor Law*, by Sir George Nicholls, 1854, nor the third volume added to it by Thomas Mackay, 1899; nor even *The Children of the State*, by Florence Davenport Hill, 1869, second edition, 1889, nor *Children under the Poor Law*, by Sir W. Chance, 1897, deals with the five per cent of the children below school age. Practically the only examination of the problem is given in chap. iii. pp. 71-109, of the Minority Report of the Poor Law Commission, Cd. 4499 of 1909.

Guardians' practice, among the older "dependants" of the men or women to whom the relief was granted. There was no special provision made for maternity. An expectant mother, if granted Outdoor Relief at all, was seldom given more than 2s. or 3s. per week, no consideration being given to the special needs of her condition. "It is unfortunate", said a Medical Officer of Health, "that in Poor Law administration (so far as I know) no particular instructions are issued to Relieving Officers to grant special food to women who are about to become mothers." In due course the Midwifery Order, if granted, provided the attendance of the District Medical Officer, or (in a few districts) of a salaried midwife; but it was seldom accompanied by any nursing; and the doctor did not by any means always recommend the grant of "medical extras". When the infant was born, the Outdoor Relief granted was usually only 2s. or 3s. per week—often, indeed, only 1s. or 1s. 6d. a week for the child, and nothing for the mother! Only in one or two Unions, such as Bradford, does care seem to have been taken to see that the Domiciliary Treatment, if decided on, was accompanied by really adequate provision for subsistence. Where relief was given in kind the food-tickets did not always include provision for fresh milk for the infants.[1] It may have been assumed that the District Medical Officer would always be asked to order special food for nursing mothers or infants on Outdoor Relief.

[1] It was given in evidence before the Poor Law Commission that, in one case in 1905, where application for relief was made by a man, who was unemployed, for his starving wife and infant twins of seven weeks old, the Relieving Officer gave, as a case of "sudden or urgent necessity", some rice and flour, bread and treacle, but no food for the babies beyond two tins of condensed milk in the course of six weeks, and no money to buy anything else. One of the babies died, and the Coroner elicited the fact that the mother had tried to keep it alive on biscuits dipped in condensed milk. On the facts being reported to the Board of Guardians the action taken by the Relieving Officer was not formally censured (Poor Law Commission, 1909, Q. 25,531-25,542); nor did the case lead to any Circular by the Local Government Board directing that suitable food shall be supplied for infants relieved in kind.

It would be interesting to compare these children under five (in 1906, 40,344 on Outdoor Relief in England and Wales) with those of the population generally; but there have, as yet, been no statistics compiled, either of the infantile death-rate, or that of the toddlers, among the outdoor paupers, or of the physical condition of such among them as survive to be medically examined, on entering the Public Elementary School, by the School Medical Service.

Infants in the Workhouse

Among all the various Orders, circulars and letters of instruction or advice, relating to the organisation and management of the new "Union Workhouses", which the Poor Law Commissioners issued between 1834 and 1847, we find no statement of policy with regard to the thousand or so of babies under one year old, and of the ten thousand other infants under five years of age.[1] They are not provided for in the elaborate classification imposed with the force of law upon all the Workhouse inmates; except, generally, as "children under seven", who were, without exception, to be separated from, and without any communication with, the two classes of women over sixteen, among whom their mothers were to be distributed. But although always forbidden by the wording of the legally authoritative classificatory scheme it was presently allowed by other documents that children under seven might be placed (though only if the Board of Guardians so directed) in any part of the female wards. Once (but only in a covering letter of 1842, never repeated when the Order was reissued) we come near an official recognition that there is such a thing as a baby![2] The Boards of Guardians were informed (in spite of the legally imposed scheme of classification) "that so long as any mother is suckling her child, she ought to have access to it at all times, except when she is at work [!], and that the child ought not, even then, to be completely beyond the mother's reach".[3] In 1847, still without any amendment of the classificatory scheme, the Boards of Guardians were allowed to permit a mother and her infant children to occupy the same

[1] Equally, no provision was originally made for childbirth within the institution. In 1907 the Poor Law Commission found reason to believe that about 11,000 births take place annually in the Workhouses of England and Wales (Minority Report, p. 79 of 8vo edition).

[2] Not until 1842 was it realised that Anglican babies, at least, needed baptism, which ought normally to take place in church; and Boards of Guardians were told that they should provide for this outing (Instructional Letter of February 5, 1842, in Eighth Annual Report of Poor Law Commissioners, 1842, p. 117).

[3] Consolidated Order for the Administration of Relief in Town Unions, March 7, 1836, in Second Annual Report of Poor Law Commissioners, 1836, p. 90; Instructional Letter of February 5, 1842, and General Order of February 5, 1842, article 10, in Eighth Annual Report, 1842, p. 82, repeated in General Consolidated Order of July 24, 1847, article 99, in First Annual Report of the Poor Law Board, 1848.

bed. It is only fair to the Poor Law Commissioners to observe that, during their whole reign, their office contained no woman (*except the office-cleaner*); *and, it seems, not even a medical* practitioner. The published reports and other records of the Poor Law Board and, down to the investigations of the Poor Law Commission of 1905–1909, even those of the Local Government Board, which had at its command the assistance of medical experts, and finally also of women Inspectors, were equally silent as to the conditions provided for, and the necessary requirements of the ten thousand or so Workhouse infants.

We have described how soon the Poor Law Commissioners began (and how persistently their successors have continued) to strive to get out of the "well-regulated" Union Workhouse the children whom they had—we may almost say inadvertently—arranged to bring within its walls. This policy was confined to children of school age, and did not extend to the infants. In fact, the Poor Law Commissioners seem to have favoured the retention of the younger children in these institutions. Hanway's Acts (2 Geo. III. c. 22 and 7 Geo. III. c. 39), which we described in our previous volume, had required the Metropolitan parishes to transfer from their Workhouses within fourteen days all children between two and six; and also to place out to nurse in the country, at not less than half a crown per week, all babies born in the Workhouse or brought in there below the age of two who were not suckled by their mothers. The Poor Law Commissioners, for what reason we do not understand,[1] went back on this clearance of the Metropolitan Workhouse from young children; and *in 1844 actually promoted the repeal of Hanway's Acts*, by 7 and 8 Victoria, c. 101, thus making the Metropolitan parishes and Unions as free as those elsewhere to retain all the infants under six in their General Mixed Workhouses. Where a separate

[1] Little is known as to these separate infant establishments, and still less about the conditions under which the babies were put out to nurse; and we can easily believe that the arrangements for inspection and supervision were hopelessly defective. But *Hanway's Acts only required* provision to be made away from the centre of London; and made no prescriptions as to what form the provision should take. No criticisms upon the provision seem to have been made by the Poor Law Commissioners; and there were no instructions thereon given by them to the Metropolitan parishes on the subject. In transmitting the Act of 1844 to the Boards of Guardians, they merely observed that the provisions of Hanway's Acts "had, for the most part, been disregarded in practice" (Eleventh Annual Report of Poor Law Commissioners, 1845, p. 136).

establishment for children continued to be maintained, the general practice was to transfer all children over two to these separate schools, whether directly administered by the parishes, or "farmed" for the parish by contractors, or, as we have described, established by contractors themselves for the children of various parishes. Later the usual age for transfer was three years; but when, in 1878, the Committee of the North Surrey School District made a rule that no children younger than four should be admitted, the Local Government Board decided not to interfere with the rule, although it involved the retention in the Workhouses of a still further number of young children.[1] By General Order of February 10, 1899, three years was fixed as the age for admission to Poor Law Schools generally. Thus the Workhouse continued to be the officially recognised place for infants up to three years of age at least; in some Unions until four; and in a steadily diminishing number of others (owing, as we have seen, to their failure to provide any separate establishment for children) right down to the end of the nineteenth century, throughout the whole of their school age, and until they were placed out in wage-earning employment.

The Workhouse Nurseries

Not until 1895 do we find recorded any instructions to the Boards of Guardians as to the provision to be made for infants in the General Mixed Workhouse, and then not by Order, or in any mandatory form. In a "Memorandum on the Duties of Visiting Committees of Workhouses", issued by the Local Government Board in that year, it was suggested that "in every Workhouse where there are several children too young to attend school, a separate nursery, dry, spacious, light and well ventilated, should be provided. . . . In no case should the care of young children be entrusted to infirm or weak-minded inmates. . . . Unless young children are placed under responsible supervision they cannot be said to be properly taken care of."[2] Two years

[1] *Extracts from the Correspondence of the Local Government Board*, vol. i. (1878), p. 178.

[2] Memorandum on the Duties of Visiting Committees, June 1895, in Twenty-fifth Annual Report of Local Government Board, 1896. This does not seem to have been embodied in any Order to the Boards of Guardians, who alone could carry its provisions into effect.

later, the Medical Inspector for the rural Unions thus describes the provision actually made by Boards of Guardians in the last decade of the nineteenth century. "It is", says Dr. Fuller, "a not uncommon thing to find suckling mothers acting as ward attendants, which means they rarely, if ever, get into the open air for exercise, and their infants rarely or never go out of the sick wards, except, in the arms of a convalescent, into the airing courts. . . . In sixty-four Workhouses, imbeciles or weak-minded women [1] are entrusted with the care of infants, as helps to the able-bodied or infirm women who are placed in charge by the Matron, without the constant supervision of a responsible officer. In 370 Workhouses the inmates (a very large proportion of whom are aged or infirm women) have the charge of infants without any officer other than the Matron to supervise them. In 113 Workhouses able-bodied or aged and infirm inmates are entrusted with the charge of the infants, with the occasional supervision of either the Assistant Matron, trained nurse, assistant nurse, industrial trainer, portress or labour mistress, in addition to the Matron, who visits twice a day." [2] In succeeding years a few of the lay Inspectors supply confirmation of the Medical Inspector's report. In order, says one in 1898, "to avoid the cost of a competent official, the infants are, too frequently, left practically to the charge of the inmates. I say 'practically', because there is an official nominally in charge, but the other duties attached to her office claim most of her time. The women placed in charge of the nurseries are, at the best, ignorant and often careless. The feeding bottles are not always properly cleaned, and the milk turns sour. The atmosphere of the nurseries is seldom fresh, and the light not always what could be desired. The infants are kept too much in these rooms and are not taken

[1] The Royal Commission on the Care and Control of the Feeble-minded in 1908 came across a Workhouse "episode in connection with one feeble-minded woman who was set to wash a baby; she did so in boiling water, and it died" (Report of the Commission, vol. vi. p. 221, vol. viii. p. 22). The Boards of Guardians were told, in 1895, that "all children in Workhouses should be under the charge of officers, either industrial trainers or caretakers, and should not be left to the charge of adult paupers" (Circular Letter of January 29, 1895, in Twenty-fifth Annual Report of Local Government Board, 1896, p. 110). But the Poor Law Commission of 1905–1909 could find no Order requiring the appointment of any children's nurses, or even caretakers.

[2] Report of Dr. Fuller (Medical Inspector for Poor Law Purposes) on the Feeding of Infants in the Workhouses of England and Wales, 1897; see Minority Report of Poor Law Commission, 1909, Cd. 4499, vol. iii. p. 89.

into the fresh air to the extent they should be. The result of this false economy is that the children so often grow up delicate. This leads me ", he continues, " to consider the infant children of wards-women in infirmaries. There is generally a difficulty in obtaining women for the duties of wards-women, and the most able-bodied are those who enter the Workhouse to be confined; these are mostly young women with illegitimate children. Consequently, when the child is a month old, the woman is transferred to the infirmary, and becomes a wards-woman. I cannot but think that, in some cases, the infants suffer from the effects of this work on the mother; but my special point is that the infant suffers in health from being too much confined in the atmosphere of the infirmary." [1] By 1901 we find definite suggestions made for the transfer of the infants from the Workhouse, as Jonas Hanway had induced Parliament peremptorily to require in 1767. " Nothing has been said ", observes an Inspector in 1901, " about the nursery children, at present retained at the Workhouse till three years old, or even more, though the care of these requires attention as much as that of the older ones. They are almost always largely under the care of inmates, and the conditions are seldom improved even when these inmates are their own mothers. . . . I cannot but think that nursery homes with trained nurses as foster-mothers should form part of the equipment of all Cottage Homes, or if a separate receiving home be established the nursery children might conveniently be placed there, the removal from the Workhouse not being delayed beyond the period when the child is able to walk." [2]

The Commission's Investigations

Such was the position with regard to the infants in the Workhouses when the Poor Law Commissioners began their investigations in 1905. What they saw on their visits may be gathered from the following extracts from both Majority and Minority Reports: " The following are instances of some of the places visited by us. (1) The nursery was bad, very messy, and the children looked miserable; some of the infants were being

[1] Twenty-eighth Annual Report of the Local Government Board, 1899, pp. 143-144.

[2] Thirtieth Annual Report of the Local Government Board, 1901, p. 147.

nursed by old women, some lay in cradles with wet bedding, and were provided with comforters. . . . The three-year-old children were in a bare and desolate room, sitting about on the floor and on wooden benches, and in dismal workhouse dress. . . . The washing arrangements are unsatisfactory; the children have no tooth-brushes, and very few hairbrushes. . . ."

"3. In the nursery we found the babies of one to two years preparing for their afternoon sleep. They were seated in rows on wooden benches in front of a wooden table. On the table was a long narrow cushion, and when the babies were sufficiently exhausted they fell forward on this to sleep. The position seemed most uncomfortable and likely to be injurious. We were told that the system was an invention of the Matron's and had been in use for a long time. . . ."

"4. . . . The babies are under the charge of the laundress, who also looks after the female tramps, and is responsible for the young women. This seemed to me a most unsatisfactory arrangement; the laundress was a much harassed young woman, and the babies [were] inevitably neglected. One was in the steam and heat of the laundry; two tumbling in the yard; two in a small room next door to the laundry in charge of a disagreeable-looking pauper; and two could not be found until we hunted them down in the young women's dormitory. This was very untidy, with the beds not made and in an unsatisfactory condition. Here, as elsewhere, the provision for children is quite bad.

"These are some of the most unsatisfactory cases seen by us, and as a rule the children in the Workhouse are better cared for. But even then the conditions leave much to be desired." [1]

"We regret to report", state the Commissioners who signed the Minority Report, "that these Workhouse nurseries are, in a large number of cases—alike in structural arrangements, equipment, organisation and staffing—wholly unsuited to the healthy rearing of infants. . . . We have visited", these Commissioners say, "many Workhouse nurseries in the different parts of the kingdom; and we have found hardly any that can possibly be regarded as satisfactory places in which children should be reared. The mere fact that the infants are almost universally

[1] Poor Law Commission, 1909, Majority Report, vol. i. pp. 242-243; see also Appendix, vol. xiv. (Dr. M'Vail's Report, pp. 65-66).

handled by pauper inmates, many of them more or less mentally defective, makes it impossible for a Workhouse nursery to be a proper place. 'The infants', deposed one lady Guardian, 'are left to the paupers to look after them', and this has a bad effect, both on the infants and on the mothers. '*I have frequently seen*', declared to us another competent witness, '*a classed imbecile in charge of a baby.*' The whole nursery, says a lady Guardian, has often been found 'under the charge of a person actually certified as of unsound mind, the bottles sour, the babies wet, cold and dirty.' . . . A further evil, to which *practically no attention seems to have been paid, is the extent* to which these Workhouse nurseries are continually being *decimated* by the admission of infants bringing with them incipient measles or whooping-cough; 'and that, just at an age', to quote the words of Dr. Downes, the Senior Medical Officer for Poor Law Purposes, 'when the common infections are most fatal'. We were surprised to find, in Workhouse after Workhouse, *practically no* arrangements for quarantining the new-comers, or otherwise preventing 'the great danger of the introduction of infection among them'. In all but a few quite exceptional Workhouses, the constant stream of entering infants, of all ages between a few weeks and five years, many of them *coming straight from the most* filthy and insanitary homes—some of them, indeed, the dependants of 'ins-and-outs'—passes instantly into the midst of the nursery population. The very least that ought to be provided, to use the words of the Senior Medical Inspector for Poor Law Purposes, is 'a sort of duplication of their nursery, so that the new-comers could be kept *apart from the main body of the children*'. *But, as the Lady* Inspector of the Local Government Board for England and Wales observed to us, the Workhouses of the great towns, '*always more or less crowded, do not admit of probation nurseries.* . . . The present mixture of all the children under three years of age, those who are more or less permanent and the 'ins-and-outs', varying in age from the infant of three weeks old to the children between two and three who can run about, appears, speaking generally, to be an insuperable difficulty.' *What exactly is the result of this extraordinary exposure* to infection, in the prevalence of measles and whooping-cough in the Workhouse nurseries, is unfortunately not recorded.

'In some cases', euphemistically observes the Senior Medical Inspector for Poor Law Purposes, 'epidemics of measles and whooping-cough have been very troublesome.' . . . We can add nothing to the gravity of the authoritative indictment of the Boards of Guardians, as managers of infant nurseries, with which Dr. Fuller and Miss Stansfeld—witnesses whose official position gives weight to their testimony—have thus supplied to us. But we may mention, as illustrative of the total incapacity of the Destitution Authority to provide for even the most elementary requirements of an infants' nursery . . . incidents that we have ourselves witnessed. In one large Workhouse, our Committee noticed that the children from perhaps about eighteen months to perhaps two and a half years of age, had a sickly appearance. These children were having their dinner, which consisted of large platefuls of potatoes and minced beef, a somewhat improper diet for children of that age, and one which may perhaps account for their pasty looks. The attendants did not know the ages of the children; the children were not weighed from time to time and a record kept. . . . Elsewhere we were informed that the infants weaned but unable to feed themselves, are sometimes placed in a row and the whole row fed with one spoon . . . from one plate of rice pudding; the spoon went in and out of the mouths all along the row.

"Finally, in the great palatial establishments of London and other large towns, we were shocked to discover that the infants in the nursery *seldom or never got into the open air*. We found the nursery frequently in the third or fourth storey of a gigantic block, often without balconies, whence the only means of access, even to the Workhouse yard, was a lengthy flight of stone steps, down which it was impossible to wheel a baby carriage of any kind. There was no staff of nurses adequate to carrying fifty or sixty infants out for an airing. In some of these Workhouses it was frankly admitted that the babies never left their own quarters (and the stench that we have described), and never got into the open air, during the whole period of their residence in the Workhouse nursery." [1]

[1] *Poor Law Commission, 1909, Minority Report, pp. 88-91; Evidence,* Q. 23,090, and Nos. 85, par. 26, viii. and B. Part II. (1) in Appendix, vol. ix.; also Appendices Nos. 21 and 26 to vol. i.; and *Reports of Visits by Commissioners, Appendix, vol. xxviii.*

The Mortality among the Babies

The evidence given to the Commission as to the treatment of infants in the General Mixed Workhouse indicated the desirability of inquiry into the infant mortality in this institution. Dr. Fuller, Medical Inspector for the rural Unions, himself drew the attention of the Commission in his evidence to the apparently excessive infantile mortality in Poor Law institutions. He had obtained returns from 546 Workhouses, which had an average total of 3719 infants under two years old always in the lying-in wards and nurseries; and he found that there had been, during five years, an average of 1315 deaths among them annually, or more than a third of the average infant population each year. As this suggestion was not followed up, some of the Commissioners obtained exact statistics from 450 Unions of the 8433 babies born in their institutions during the year 1907, which showed that, although the majority of these infants remained only a few weeks, the deaths of babies in the institutions during the same year were 1050. The numbers per 1000 dying within two weeks of births were 47·2 (legitimate) and 46·1 (illegitimate) in London Workhouses, and 51·2 (legitimate) and 53·6 (illegitimate) in Workhouses outside London—figures which may be fairly compared with those of infants dying within about the same period in four London lying-in hospitals which averaged only 30 per 1000 births, and this appears to correspond closely with the contemporary infantile mortality during the first fortnight (31·1) per 1000 births in the whole population. Comparison of the mortality during the whole of the first year is admittedly rendered difficult by the varying length of time that these infants remained in the Workhouses; but the Minority Commissioners had the authority of distinguished statistical experts in drawing the provisional inference that the death-rate of these Workhouse infants for the first year from birth was, on the incomplete statistics obtained, somewhere between twice and thrice that of the infants in the nation as a whole, the excess being significantly greater for the first six months of life (when environmental influences are relatively more important) than for the first month, when developmental causes are predominant. It seemed equally certain that, disregarding the institutions in which few births occurred, the bigger Workhouse nurseries differed considerably

one from another in salubrity. Out of the whole 493 infants born in ten large Unions, only 14 died within the year, or little more than 3 per cent; whilst out of the whole 333 born in ten other Unions there were as many as 114 deaths, or 33 per cent. The Minority Report emphasised the incompleteness of the statistics, and the difficulties of any exact comparison; but submitted that, as the figures seemed to bear out the very serious statements made to the Commission by the Medical Inspector for Poor Law Purposes, official investigation was required.[1]

It is, we think, only fair to the Guardians to add, as was pointed out by the Minority Report of the Poor Law Commission, that they can scarcely be blamed for a lack of attention in the past to the causes of infantile mortality; an indifference which *was, right down to the end of the century, common throughout the community. It was especially the women members of these* Boards who brought to the notice of the Poor Law Commission the inadequacy and inappropriateness, according to modern ideas, of the Poor Law provision for infants. These ladies sometimes represented that they had been unable to interest their Boards of Guardians in the problems of the nursery. But the Boards of Guardians had never been told to run infant nurseries, any more than Maternity Hospitals or Rescue Homes. What the Poor Law Commissioners and the Poor Law Board, and after these, the Local Government Board, had charged the Guardians to do was merely to "relieve destitution". The very object for which the Workhouse had been re-established in 1834, and rigidly

[1] Dr. Fuller's evidence is given in Appendix xxi. (*c*) to vol. i., Poor Law Commission, 1909; for the statistical calculations, see Minority Report, pp. 82-87.

We should add that the Local Government Board disputed the statistical value of this unofficial inquiry (Memorandum by the L.G.B. on Deaths among Infants in Poor Law *Institutions, H.C. No. 99 of 1909); and published in its* next two annual reports its own statistics, each time relating to about half the number of births described in the Minority Report, first as to the births and *deaths within two weeks of certain Metropolitan* and adjacent Unions, and Lancashire Unions, and then of these with the addition of Unions in Wales and Monmouthshire (Fortieth and Forty-first Annual Reports of *Local Government* Board, 1911 and 1912). These two imperfect sets of figures gave, for the first fortnight, approximately 42 deaths per 1000 births, which was admitted to be "*higher than in the general population*", *though in these selected regions* not so much higher as in the Unions of which the statistics had been used in the Minority Report. No official statistics have been published (*a*) with regard to the *births* and *deaths in all the Unions; or (b) as to the deaths among* infants after the first two weeks.

imposed on every Union, was inconsistent with the development, within the same building and under the same management, of specialised institutions. Very emphatically had the Guardians been warned that "the sole object of the Workhouse is to give relief to the destitute poor in such a manner as shall satisfy their necessary wants without making pauperism attractive, or otherwise injuring the industrious classes. The Workhouse is not intended to serve any penal or remuneratory purpose; and it ought not to be used for punishing the dissolute or rewarding the well conducted pauper. *If it is attempted by means of the Workhouse to attain comparatively unimportant ends for which it is not fitted, there is a danger of not attaining the important end for which it is fitted.*" [1]

The Shortcomings, with regard to Children, of the Destitution Authority

Looking back on the sixty years of Poor Law administration that we have been describing, we are impressed by the inherent difficulty in the way of a Destitution Authority making any satisfactory provision for the nurture and education of infants and children. What the Boards of Guardians believed themselves to be doing—what they were charged to do by Parliament and the Central Authority—was merely to give "relief"; relief which may begin only when destitution has set in, and must suddenly end when destitution ceases. So long as the responsible parent was not destitute, or being destitute, failed to apply for relief, the Guardians had neither cognizance of the children, nor the right to intervene. The most sensational example of this disability was presented by the children of the "Ins and Outs", and those of the Vagrants. For their attitude of unconcern as to the fate of these children, the Guardians could plead that the policy of opening and closing the doors of the Workhouse and the Casual Ward simultaneously upon parent and child alike—irrespective of what might happen to the child—was strictly in accordance with the "Principles of 1834", and, in fact, was constantly enjoined by the Central Authority. But these were not the only cases in which Poor Relief was habitually transient and frequently recurrent. The expectant mother entered the Work-

[1] MS. Minutes, Poor Law Commissioners, March 5, 1839.

house just before her confinement, and took her discharge, however bad this might be for the infant, as soon as she felt well enough. The Board of Guardians, by the very nature of its work, could not maintain the continuous observation before and after childbirth that was plainly required for any intelligent treatment of the case. And with regard to the much larger number of children maintained on Outdoor Relief, so many of whom were found by the Poor Law Commission of 1905–1909 to be "definitely and seriously suffering from the circumstances of their lives",[1] the Guardians might equally plead that these also were "Ins and Outs", in the sense that they passed, with their parents, in and out of Poor Relief, those in receipt of relief on any one day being only one-third or one-half of those who received relief at some time during a single year. The Board of Guardians had neither the obligation nor the staff to investigate the conditions of their households and their lives in the intervals between their recurrent spells of destitution marked by renewed applications for relief. The Guardians had never been told to discover, and could, in practice, never learn, what was happening to this mass of children scattered throughout the whole population.

Passing now to the children who entered the Workhouse—a much smaller number—the Guardians might seem to have been to a greater extent at fault than in respect of those on Outdoor Relief. The Poor Law Commissioners themselves, and still more the Poor Law Board and the Local Government Board, constantly urged that, for this fraction of the pauper children, or at least such of them as were of school age, more suitable nurture and more efficient education should be provided than the General Mixed Workhouse could afford. But no agreement was ever arrived at among the officials as to what particular form this improved "Indoor Relief" for children of school age should take. In fact, neither the Poor Law Inspectors nor the Guardians

[1] Poor Law Commission, 1909, Report on Poor Law Children by Dr. Ethel Williams, Appendix, vol. xviii. p. 116. Dr. Williams thus summarised her experiences as a special investigator: "I found Out-relief households where the mother was drunken or immoral; others where the children were sent out begging, or even pilfering in a small way; many living under appallingly insanitary conditions; others where furniture, food and clothes were most inadequate, sometimes from ignorance, sometimes from lack of means, more often from both. I could give endless examples of Out-relief homes entirely unfit for human habitation, and of children ill-fed, ill-clothed, ill-brought up" ("Children and Out-relief", by Dr. Ethel Williams, in *Poor Law Conferences, 1910–1911*, pp. 220-244).

could be expected to have the specialised knowledge and breadth of experience required for educational administration. Further, whatever kind of specialised institution was established or "certified" for pauper children, these did not escape adverse characteristics inseparable from Poor Relief. The children, whatever their particular capacities or attainments, their peculiar needs, and even their ages, were dealt with as the offspring of paupers, and of paupers chargeable to a particular Union, under the control of a non-educational administration; if, indeed, they did not periodically drift back, on account of their parents' caprices or wanderings, into the Receiving House, the Casual Ward, or the General Mixed Workhouse. It did not occur to any one that what, from the standpoint of the community, is imperatively required for the nurture and education of those infants and children for whom collective provision has necessarily to be made, is some social machinery, of sufficient range and scope to bring automatically to notice, irrespective of the parents' application, or even that of the children themselves, whatever "child destitution", including all conditions gravely prejudicing the child's well-being, actually exists. Such social machinery was, in fact, during the latter part of the sixty years in which the Poor Law Authorities were struggling with their impossible task, slowly being worked out as part of the preventive measures outside the Poor Law to be described in a subsequent chapter.

The Sick

The Report of 1834 recommended no alteration in the current practice of dealing with the destitute sick by Outdoor Relief and domiciliary medical treatment; and did not even provide for any sick persons in the Workhouses.[1] The Poor Law Commissioners, as we have seen, did not, in the whole of their administration from 1834 to 1847, either direct, or indicate the

[1] "It was never intended", explained an Inspector of the Poor Law Board, "that the sick and infirm should be necessarily brought into Workhouses if they could be properly treated in their own homes; and there would stay if sufficient relief were granted them" (*Statement made by Mr. H. B. Farnall, C.B. . . .* [to the] *Society for the Improvement of Infirmaries of London Workhouses*, 1866). "At least two-thirds of the sick poor", approvingly declared the Poor Law Board in 1868, "receive medical attendance and treatment in their own homes" (*Twentieth Annual Report of Poor Law Board*, 1868, p. 28).

desirability of, any change of policy in this respect.[1] What they did was to reorganise and systematise the salaried medical service of the sick among the Outdoor paupers; whilst abstaining from requiring, for such sick persons as might be found in the Workhouses, any other provision than the attendance of the Workhouse Doctor.

For its first dozen years, the Poor Law Board showed no more concern than the Poor Law Commissioners about the treatment of the sick, and felt no more need for a medical inspector or adviser.[2] How many of the paupers were sick, and of what diseases; what was the case-rate or the death-rate; whether they were, in fact, being medically treated or properly nursed, even according to the standards of the time, was not known, and was not inquired into.[3]

[1] The exceptions in favour of sick persons, allowing them Outdoor Relief, were even widened. Thus, in 1848, the Poor Law Board directed that even widows who had illegitimate children must not be refused Outdoor Relief, if the children were ill (*Official Circular*, Nos. 14 and 15, N.S. April and May, 1848, p. 228). The Outdoor Relief Regulation Order of December 1852 definitely provided that Outdoor Relief might be given even to men actually in employment at wages, if members of the family were sick (*English Poor Law Policy*, by S. and B. Webb, 1910, pp. 115-116). There was a corresponding willingness to extend medical relief. The Poor Law Board declared, in 1848, that the parish doctor might attend sick servants in their employers' households, if the servants were unable to pay for medical attendance (*Official Circular*, No. 20, N.S. November and December, 1848, p. 297). It got inserted in the Act of 1851 a clause authorising Boards of Guardians to make annual subscriptions to voluntary hospitals, to which sick paupers might be sent (Fourth Annual Report of Poor Law Board, 1851, p. 15; 14 and 15 Vic. c. 105, sec. 4.)

[2] Dr. J. Phillips Kay (afterwards Sir James Kay Shuttleworth), who was appointed in 1835 and served until 1840, as one of the Assistant Commissioners, was a qualified doctor; but he does not seem to have been called upon specially for advice with regard to the treatment of the sick, or to have been employed on inspection of the Poor Law medical service. His interests, as we have described, were overwhelmingly educational; and in 1840 he was appointed secretary to the newly formed Committee of Council on Education, with an understanding that he was to give part of his time to the problems of the Poor Law Commissioners with regard to the education of child paupers. No medical man was appointed on the staff until 1865.

[3] This deliberate ignoring of the problem of sickness among paupers is the more remarkable in that repeated attention was called to the imperfection of the provision made both within the Workhouses and without. See, for instance, *Observations on the Arrangements connected with the Relief of the Sick Poor*, by John Yelloly, 1837; the vain attempts made to attract the Board's attention between 1850 and 1860 by a few of the Workhouse Medical Officers, described in *Joseph Rogers, M.D.: Reminiscences of a Workhouse Medical Officer*, by J. E. Thorold Rogers, 1889; the very authoritative medical criticism of the Poor Law medical service in *Medical Relief for the Labouring Classes*, 1837, largely embodied in *Essays on State Medicine*, by H. W. Rumsey, 1856; *Letter to . . . Charles Buller on the Position and Remuneration of the Poor Law*

The explanation of this attitude of indifference was simple. The current assumption, whether legally justified or not, was that the expenditure of the Poor Law Guardians ought to be confined to the "relief of destitution", and that this meant only the prevention of death from lack of food or warmth or shelter. But there was another implication of the "*Principles of 1834*" that acted in the same direction. Although the "Principle of Less Eligibility" had, as we have seen, in the 1834 Report been explicitly applied only to the able-bodied, we note a constant tendency to think of it as applicable to all recipients of relief. The "independent labourer" of the lowest grade did not, at that date, usually obtain, for himself or his family, either efficient medical treatment or skilled nursing; and the consciousness of this fact was always standing in the way of any attempt to get the Guardians to provide, for the inmates of the Workhouse or for the still larger number of those maintained on Outdoor Relief, either the one or the other.

Better Treatment of the Sick

With the sixth decade of the century we see the beginning of a change, so far, at least, as the Workhouses were concerned. In 1862 the House of Commons Select Committee on Poor Relief under the chairmanship of C. P. Villiers (President of the Poor Law Board from 1858 to 1867) had forcibly brought before it the extremely defective provision made for the sick in various Metropolitan and other Workhouses.[1] The Committee recom-

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Medical Staff, by Charles F. J. Lord, 1848; *The Requirements and Resources of the Sick Poor*, by Edmund Lloyd, 1858; *The Grievances of the Poor Law Medical Officers*, by Richard Griffin, 1858.

[1] This was mainly due to the courage and persistence of Dr. Joseph Rogers, at that time Workhouse Medical Officer in the Strand Union, the founder and president of the Poor Law Medical Officers' Association. His lifelong efforts were subsequently described in the volume entitled *Joseph Rogers, M.D.: Reminiscences of a Workhouse Medical Officer*, edited by his brother, Professor J. E. Thorold Rogers, 1889, a book which affords a detailed vision alike of the Workhouse horrors of the time and of the actual working of the contemporary administration of the Poor Law Board.

Other publications bearing on the condition of the Workhouses in these years were *Report on the Accommodation in St. Pancras Workhouse*, by Henry Bence Jones, 1856; *West London Union (Report on Complaints)*, by S. J. Burt, 1856; *The Poor Laws unmasked: being a general exposition of our workhouse institutions, by a late Relieving Officer, 1859*; *Destitute Incurables in Workhouses*, by Miss Elliott and Miss Cobbe, 1860; *The Workhouse as Hospital*, by Frances

mended some improvements in the provision for the sick, but could get no further than asking that the "Boards of Guardians should be required to supply expensive medicines, such as cod-liver oil, quinine, opium, etc. Small as the concession was", declares Dr. Rogers, "Mr. H. Fleming [then Assistant Secretary to the Poor Law Board] delayed the issue of the Committee's recommendations for fifteen months . . . and then sent out a letter couched in such official phraseology that a great many Boards contented themselves with ordering the letter to lie on the table." [1]

The years 1862–1865 were marked by growing public alarm as to infectious disease. There was a violent recrudescence of diphtheria, with many deaths. "In 1862–1863 the Cotton Famine was associated with outbreaks of typhus fever. In 1865 there were fears that cerebro-spinal meningitis, in these days popularly called 'spotted fever', might spread from the North of Europe to the British Isles, where it was as yet unknown. Soon afterwards cholera once more showed its horrid front. In 1866 there were some fifteen deaths from yellow fever among the inhabitants of Swansea"; [2] all of which supplied Sir John Simon, then Medical Officer to the Privy Council, with material for his alarming Annual Reports. Meanwhile distress was great among the poor; and many of the Workhouses in London and other large towns became exceptionally overcrowded with sick persons. "The death of a pauper in Holborn Workhouse, and of another in St. Giles's Work-

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Power Cobbe, 1861; and *The Sick in Workhouses and How they are Treated*, by Louisa Twining, 1861—the first of many pamphlets by that persistent advocate of improvements in Poor Relief.

[1] *Joseph Rogers*, by Professor J. E. Thorold Rogers, 1889, p. 35; Sixteenth Annual Report of Poor Law Board, 1864, p. 108; Circular of April 12, 1865, in Eighteenth Annual Report of Poor Law Board, 1866, pp. 23-24; Return, 1867, vol. lx. 33. Dr. Rogers adds, "Subsequently, twenty years after the issue of the letter, my brother, Thorold Rogers, moved for a similar return, only to show that there were still several Boards where nothing whatever was supplied" (p. 35); see Return, 1877, vol. lxxi. 87.

The Manchester Board of Guardians, among others, was unable to understand the change of policy. The Poor Law Board's Circular was referred to a committee, which took eighteen months to recommend compliance; and then its recommendation was rejected (MS. *Minutes, Manchester Guardians*, April 20, 1865, and October 25, 1866; *English Poor Law Policy*, by S. and B. Webb, 1910, p. 118).

[2] *The Story of English Public Health*, by Sir Malcolm Morris, 1919, p. 44; *English Sanitary Institutions*, by Sir John Simon, 1890, pp. 349-350; Annual Reports of the Medical Officer to the Privy Council for 1862, 1863, 1864 and 1865.

house, under conditions which seemed to point to inhumanity and neglect",[1] incited Thomas Wakley, the owner of *The Lancet*, to commission three doctors to visit all the Metropolitan Workhouses and to write reports, for his journal, of the way in which the sick were treated. The revelations thus published in *The Lancet* were followed by others in the provincial press. This newspaper discussion led to an indignant letter from Charles Dickens; the formation of an Association for Improving the Condition of the Sick Poor; an influential deputation to the Poor Law Board, headed by two peers and an archbishop; much public discussion and heated Parliamentary debates.[2] The President of the Board (C. P. Villiers) was friendly to reform. In 1865, after doing without such expert assistance for thirty years, the Poor Law Board got Treasury sanction for the appointment of a Medical Officer; and C. P. Villiers selected for the post Dr. Edward Smith; and promptly sent him, together with one of the Inspectors (*H. B. Farnall*), on a tour of inspection through all the Metropolitan Workhouses and infirmaries for the sick. Once attention had been directed to the conditions of the Workhouse sick wards (which had been under the eyes of the lay Inspectors for a whole

[1] *Reports of the Lancet Sanitary Commission for Investigating the State of the Infirmaries of Workhouses*, 1866; *English Poor Law Policy*, by S. and B. Webb, 1910, p. 119.

[2] See for all this the Seventeenth, Eighteenth, Nineteenth and Twentieth Annual Reports of the Poor Law Board, 1865–1870; Report of Dr. E. Smith on Metropolitan Workhouses and Infirmaries, H.C. 372 of 1866; and Report by him on *Forty-Eight Provincial Workhouses* (*H. of C. Nos. 4 and 216 of* 1866); the further reports of Dr. Smith on Metropolitan Poor Law Infirmaries, of the whole Inspectorate on all the Workhouses, and of special inspections on *Cheltenham, Farnham and Walsall Workhouses which had been specially* denounced in the medical press (House of Commons Papers, Nos. 4, 35 and 445 of 1867–1868); such publications, during 1867, of the Association for *Improving the Condition of the Sick Poor as London Workhouse Infirmaries, Opinions of the Press upon the Conditions of the Sick Poor in London Workhouses*, and *The Management of the Infirmaries of the Strand Union, the Rotherhithe and the Paddington Workhouses*; the writings of Louisa Twining, notably *Our Poor and Our Workhouses*, 1862; *A Letter . . . on Workhouse Infirmaries*, 1866; *A Letter on some Matters of Poor Law Administration*, 1887; and *Poor Law Infirmaries and their Needs*, 1889; *Workhouse Hospitals*, by Joshua Harrison Stallard, 1865; *Remarks on Incurables in Workhouses* (Anon.), 1865; *Workhouse Management and Workhouse Justice*, and *The Assault at Lambeth Workhouse*, both 1869, by Samuel Shaen; *Who's to Blame: the Poor Law Board or the St. Pancras Guardians?* by Jabez Hogg, 1869; *Life of the Earl of Carnarvon*, by Sir A. Hardinge, 1925, vol. i. pp. 216-221; *Life and Times of Thomas Wakley*, by S. Squire Sprigge, 1897; *Joseph Rogers, M.D.: Reminiscences of a Workhouse Medical Officer*, by Prof. J. E. Thorold Rogers, 1889, pp. 48-61; *English Poor Law Policy*, by S. and B. Webb, 1910, pp. 118-121.

generation), it was plain that such a treatment of persons who were actually dying of all sorts of diseases—even though they were paupers—could not be defended. The first proposal of reform went no further than to repeat the old recommendation to the Board of Guardians, of Visiting Committees of themselves to make regular inspections of the sick wards.[1] An official committee of doctors and Inspectors at Whitehall could bring themselves to nothing more drastic than recommendations to the Guardians to provide for their patients additional cubic space and better ventilation. A renewed tour of inspection by Dr. Markham and Uvedale Corbett only confirmed the previous discoveries.[2]

The Official Change of Policy

It was, we think, the revelation of the Workhouse scandals of 1865–1866 with the outburst of public indignation, that "awoke the Poor Law Board from its long sleep".[3] The beginning of the change was a dramatic repudiation of the past action of the Board in the House of Commons by the President (Gathorne Hardy); and a complete reversal of policy with regard to the pauper sick. "There is one thing", he emphatically declared in the House of Commons, "that we must peremptorily insist on, namely, the treatment of the sick in the Workhouses being conducted on an entirely different system; because the evils complained of have mainly arisen from the Workhouse management, which must, to a great extent, be of a deterrent character, having been applied to the sick, *who are not proper objects for such a system*".[4] The policy then adopted by the Board was that of pressing the Guardians to combine with those of neighbouring Unions for the establishment of "Sick Asylum Districts" large enough to justify the erection and maintenance of separate institutions, under medical superintendence, exclusively for the sick, who could thus be got out of the General Mixed Workhouse. As regards the London Unions, express statutory authority was at once obtained in the Metropolitan Poor Act of 1867, under which these separate Poor Law Institutions, to be run as hospitals

[1] Seventeenth Annual Report of Poor Law Board, 1865, pp. 18-19.
[2] Nineteenth Annual Report of the Poor Law Board, 1867, pp. 15-18.
[3] *The Better Administration of the Poor Law*, by Sir W. Chance, 1895, p. vii.
[4] Hansard, 1867, vol. clxxxv. p. 163.

and exclusively reserved for the sick, could be generally established. What was afterwards officially termed "the hospital branch of Poor Law administration", unknown to the "Principles of 1834", was thus definitely inaugurated. Outside the Metropolitan area, the Boards of Guardians of all the larger Unions were continuously pressed to rebuild their Workhouses on improved plans, to improve their nursing staffs, and even to set up separate establishments exclusively for the sick. It was, in fact, realised, though not always avowed, that the Poor Law Commissioners of 1835 had "made a great mistake in clubbing together the sick, the aged and infirm and the able-bodied in one building, and thus confounding in one treatment two classes that deserved to be treated in a different way".[1]

We need not pursue the gradual development of this policy; the elaboration of the hospital buildings, the multiplication of the resident and other medical officers, the gradual use of consultants, or the long struggle to get the pauper women, who had been the only attendants on the sick, replaced by trained and salaried nurses. In Circular after Circular—to the scarcely concealed dismay of some of the officials who failed to understand this departure from "Poor Law principles", and of many of the Boards of Guardians,[2] who saw no need for the additional expenditure—the Poor Law Board, and afterwards the Local Government Board, strove persistently to make the six hundred Boards of Guardians understand that the policy of the preceding thirty years was to be abandoned; and that the one-third of all the inmates of the Poor Law institutions who were found to be sick [3]

[1] Speech in House of Commons of Edward Denison, May 10, 1869; see *Letters and other writings of the late Edward Denison, M.P. for Newark*, by Sir Baldwin Leighton, 1884, p. 172.

[2] See, for instance, the long struggle of the Manchester Guardians against any improvement of conditions for the sick paupers (MS. Minutes, February 1, 1865, February 22 and May 3, 1866, February 20, 1868; *English Poor Law Policy*, by S. and B. Webb, 1910, p. 120).

[3] *Twenty-second Annual Report of the Poor Law Board*, 1870, pp. xxiii-xxix. These separate Poor Law Infirmaries started, in 1871, with those of St. George's-in-the-East and Wandsworth; and the provision for the whole Metropolis was nearly complete by the time the Commission of 1905–1909 looked into the matter. Outside London, they began, in 1871, with Leeds, and went on, in 1884, to West Derby, and, in 1888, to Birmingham. No others were erected until 1896 (Brentford), 1898 (Portsmouth), and 1902 (Halifax and Kingston-on-Thames). By 1910 eight more had been added, making, at that date, only fifteen in all.

were to be treated, without regard to "Less Eligibility", in whatever way was best calculated to restore them to health.

The Metropolitan Asylums Board

This new policy had its greatest application in the Metropolis, where a pecuniary stimulus could be applied by throwing the whole expense of the new "sick asylums" on the Common Poor Fund, and by refusing any subvention from that fund for any sick persons (as for any children of school age) who were retained in the General Mixed Workhouse. In the Metropolis, moreover, there was quickly developed, by the same potent argument, the magnificent hospital system of the Metropolitan Asylums Board, for persons—at first only for paupers—suffering from certain specified infectious diseases,[1] For the still larger number of sick whom the Guardians maintained on Outdoor Relief, the Poor Law Board, far from objecting to this method of relief, got the Metropolitan Unions covered by a system of Poor Law Dispensaries, distinct from the Workhouses, where the Outdoor paupers who were sick could be more efficiently treated, their sores dressed by trained hands, and their medicines made up by qualified dispensers.

The Approach to a Public Medical Service

Unfortunately the great majority of Boards of Guardians outside the Metropolis were slow to turn round; and it was a whole generation before even a dozen Unions in the larger towns got their separate Poor Law hospitals for the sick; and before a dozen or so got established Poor Law Dispensaries, usually in

[1] To get these institutions erected, staffed and equipped, and started upon an efficient system of administration was largely the official duty of Dr. J. H. Bridges, who had been appointed by Goschen a Medical Inspector for the purpose. "It was Bridges' work", writes his biographer, "by unceasing vigilance, by persuasion, by conciliation—if driven to it, by stern insistence—to see that those reforms were carried out. Masterful and insistent though he was, he was hampered throughout his tenure of office, not only by the ignorance and parsimonious apathy of rate-payers and Guardians, but by the necessity of educating his official superiors, by the deadening futilities of red tape, and also, as always in his public career, by the undercurrent of opposition provoked by his religious views. Nevertheless it is to his untiring encouragement, backed by his never-slackening pressure, that London owes the building up of her great system of fever hospitals, of the Poor Law infirmaries, surpassing her voluntary hospitals in building and equipment, her trained Poor Law Matrons and nurses and her first women Guardians" (*A Nineteenth Century Teacher* (*Dr. J. H. Bridges*), by Susan Liveing, 1927, p. 193).

conjunction with the Workhouses, for those who were maintained on Outdoor Relief. Nevertheless, already by 1869, when special statistical inquiries were made, it was found that the number of sick paupers under reasonably efficient treatment had greatly increased.[1] What baffled the Poor Law Board was the obstinate reluctance of nearly all the Boards of Guardians outside the Metropolis to incur further expense, and the indisposition of the Chancellor of the Exchequer to make any Grant in Aid. But Lambert, now the most influential man in the Department, had spent many months of 1869 in Ireland on special confidential missions for the Cabinet on other subjects; and he had been impressed, whilst travelling up and down that country, with the success of the Irish Dispensary system (which was outside the Poor Law), in making medical treatment equally accessible to the whole wage-earning and cottier classes all over Ireland. He had already, in 1867, drawn the attention of the Department to this Irish Government organisation, and reported specially upon it, inducing the Poor Law Board to communicate his report to all the English Boards of Guardians.[2] To him, we think, must be ascribed the significant sentences which the last President of the Poor Law Board (G. J. Goschen) inserted in the Board's Annual Report for 1869–1870, discussing "how far it may be advisable, in a sani-

[1] The total number of Outdoor paupers who were "actually sick", irrespective of "the vast number of old people disabled by old age, but not actually on the sick list", and irrespective also of their families, was found to be about 119,000, or 13 per cent of the whole. To this must be added about 54,000 actually under medical treatment in Poor Law institutions, making 173,000 Poor Law patients. This probably amounted to about one-fourth of all the persons in England and Wales who were simultaneously under medical treatment, either gratuitously in charitable institutions, or at their own expense (the statistical tables will be found summarised in Twenty-second *Annual Report of the Poor Law Board, 1870*; *House of Commons Returns* 312 of 1865, 372 of 1866, 4 of 1867–1868, 445 of 1868; House of Lords 216 of 1866, and *English Poor Law Policy*, by S. and B. Webb, 1910, p. 122). In 1907 the Poor Law Commission, finding no later information available, got the Local Government Board to obtain statistics from 128 Unions, as to the number under medical care on April 13 of that year (see Appendix, vol. xxv. part iii.). In 1911, when another statistical inquiry was made—this time including particulars as to the diseases—there were found to be, "under medical treatment or care", in all England and Wales, 100,469 in institutions and 87,895 on Outdoor Relief, being 29·1 per cent of the total in receipt of relief. Thus, the hospital branch of Poor Law administration had nearly doubled the number of its patients in the half-century (Return of Paupers under Medical *Treatment or care on November 4, 1911, printed 1913, but not published*; see the summary of the statistics in Forty-first Annual Report of Local Government Board, 1912).

[2] Twentieth Annual Report of Poor Law Board, 1868, pp. 77-78.

tary or social point of view, *to extend gratuitous Medical Relief beyond the actual pauper class.* . . . The economical and social advantages", he said, "of free medicine to the poorer classes generally, as distinguished from actual paupers, and perfect accessibility to medical advice at all times under thorough organisation, may be considered as so important in themselves as to render it necessary to weigh with the greatest care all the reasons which may be adduced in their favour." [1]

The pregnant suggestion of a universal public medical service, to which Goschen put his name in 1870, was not followed up. There was, it must be said, practically no slackening of the Department's pressure in favour of the best possible medical treatment of the sick inside the Poor Law institutions, whether in the multiplication of separate Poor Law infirmaries, the rebuilding of the worst of old Workhouses, or the steady elaboration of the Workhouse sick wards. There was (apart from the development of Poor Law Dispensaries, mainly in the Metropolis) no attempt to improve the medical treatment of the sick, at that time more than twice as numerous, whom the Guardians were maintaining on Outdoor Relief.[2] The increasing contrast between these classes of pauper sick was, in fact, in line with the dominant idea of the zealous Inspectorate of these years, who were, as we shall presently relate, conducting a crusade against Outdoor Relief as such, whatever the class or circumstances of the applicants. To make the Poor Law institutions as good as possible for the sick (as for the children of school age), though it might seem to conflict, as regards the inmates themselves, with the fullest application of the "Principle of Less Eligibility", was at any rate calculated to justify an almost universal application of the "Workhouse Test". Meanwhile the substitution of Indoor for Outdoor Relief in the case of the sick [3] was being supported on

[1] Twenty-second Annual Report of Poor Law Board, 1870, pp. xliv-xlv.

[2] We should record, however, the issue, to the various Boards of Guardians, of a Circular of December 13, 1869, as to the procedure of the intervention of the District Medical Officer; which led to reports from many Unions as to how they dealt with their sick poor; but not to any official directions as to this Outdoor Medical Relief (Twenty-second Annual Report of Poor Law Board, 1870, Appendix, pp. 39-103).

[3] "The sick" were held to include not only acute cases, but also cases of "chronic disease requiring regular medical treatment and trained nursing" (and also venereal and skin diseases, including the itch) (Local Government Board to Poplar Union, October 1871; MS. Minutes, Poplar Board of Guardians, October 6, 1871).

grounds, not of Poor Law principle, but of medical efficiency. The transformation of the Workhouses into what the Poor Law Inspectors themselves began to call "State Hospitals" made more striking than ever the contrast between the light, clean, and airy newly built infirmary ward, with trained nurses, a resident doctor, complete equipment, and a scientifically determined dietary, on the one hand, and the insanitary and overcrowded hovel or slum tenement, on the other, in which the sick pauper had no other food than was provided by the pittance of Outdoor Relief, no further nursing than his overtaxed family could supply, and no better medical attendance than the sparingly accorded order on the District Medical Officer could command. Quite irrespective of "Poor Law principles", the case for institutional rather than domiciliary treatment of nearly every sick case became, to the medical experts who now advised the Central Authority, simply overwhelming. "The treatment which in sickness the poor receive in Workhouses", said the Local Government Board in 1878, "constitutes one of the most valuable forms of medical relief. *With a considerable portion of the population, indeed, it is the only mode in which, when overtaken by sickness, their medical needs can be adequately met.*"[1] This policy led not only to an incessant pressure on Boards of Guardians to provide the "State hospitals" which had, from 1865 onwards, been officially expected from the Guardians of all populous Unions,[2]

[1] Local Government Board to Dr. Mortimer Glanville (*Lancet* Memorial on Poor Law Medical Relief Reform), November 12, 1878, in Eighth Annual Report of Local Government Board, 1879, p. 91.

[2] The more old-fashioned Guardians failed to keep pace with the Central Authority in its ignoring of the principle of "less eligibility" with regard to the sick; see, for instance, *The New Pauper Infirmaries and Casual Wards*, by a Lambeth Guardian, 1875, in which the elaborate hospital requirements are objected to as being far too good for paupers. Where the Guardians persisted in refusing to provide the elaborate and expensive new infirmary accommodation considered necessary, the Local Government Board at last issued a peremptory Order requiring them to submit plans within a month, under penalty of having plans "prepared at the expense of the Union", and of being deprived of "the benefit of participation in the Common Poor Fund" (Local Government Board to St. Olave's Union, June 1873; see *Local Government Chronicle*, July 5, 1873, p. 379). The Board was unable to deal so drastically with recalcitrant Guardians outside the Metropolis, where the leverage of the Common Poor Fund was lacking. The meanness and stupidity of the Guardians with regard to Medical Relief was bitterly complained of by an anonymous doctor in *Our Poor Law System: what it is and what it ought to be*, by W. H. P. See, in confirmation, *Decision of the Poor Law Board on the Evidence given at the Official Inquiry held by H. Longley (Poor Law Inspector) . . . relative to the alleged mismanagement of the Workhouse*, etc., edited by J. T. Dexter, 1871;

but also to a positive encouragement of sick persons, whether or not actually destitute in the technical sense of the term, to take advantage of them. We see this first with regard to infectious diseases. The hospitals of the Metropolitan Asylums Board, maintained out of the Poor Rate exclusively for paupers, and technically only Workhouses like any others, soon came to be used, free of charge, by smallpox and fever patients who were not paupers.[1] It became the official policy, well understood in the Local Government Board, to get removed to these Poor Law institutions every patient, whether destitute or not, who could not be adequately isolated at home.[2] Already in 1875 the Local Government Board expressly authorised the Medical Superintendent to admit, without an order, any smallpox or fever patient presenting himself, if refusal to admit might involve danger;[3] and in 1887 it expressly permitted even non-urgent cases to be admitted on the certificate of any medical practitioner.[4] Nevertheless, in 1877 the Local Government Board was still ostensibly taking the line that "the hospitals . . . of . . . the Metropolitan Asylums Board are essentially intended to meet the requirements of the destitute class; and that the admission . . . of persons not in need of Poor Relief is altogether exceptional."[5]

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and *Some Remarks on Workhouse Hospitals, with Illustrative Cases*, by Thomas Michael Dolan, 1879.

[1] For Unions out of London we have to note an extraordinary provision of 1879, proposed by the Central Authority itself. Boards of Guardians in rural districts were empowered to transfer any of their buildings (into which only destitute persons could legally be received) from themselves as Poor Law Authorities to themselves as Public Health Authorities (in which case the buildings became available, without the stigma of pauperism, for all classes of the population) (Poor Law Act, 1879 (42 and 43 Vic. c. 54, sec. 14)). We cannot discover in which cases, if any, this provision was acted upon, and the necessary confirmatory Order issued by the Central Authority; or what difference it made to the buildings!

[2] This was, in effect, to hold that inability to secure isolation, when isolation was required, amounted to destitution, so far as this kind of medical relief was concerned, just as a man requiring an expensive surgical operation was legally within the definition of destitute for the purpose of the operation if he could not pay the market price of it, even if he had ample food, clothing and shelter. We cannot discover, however, that this explanation was actually given in an official document. Under it, not merely "a considerable portion of the population", but practically five-sixths of it, would, in cases of infectious disease, have to be deemed destitute.

[3] *Order of February 10, 1875*, art. 4 (a Public Health measure).

[4] Circular of July 8, 1887, in Seventeenth Annual Report of Local Government Board, 1888, p. 9.

[5] Circular of January 2, 1877, in Sixth Annual Report of Local Government Board, 1877, p. 33.

Two years later, however, by a statute promoted by the Local Government Board itself, the Metropolitan Asylums Board were expressly empowered to receive non-pauper patients, though only under contracts with the local Public Health authorities, by which they were to be paid for.[1] We cannot discover which Vestries and District Boards, if any, entered into such contracts. Not until 1883, when these fever and smallpox hospitals had been a dozen years in use by non-paupers, was the position temporarily legalised by the Diseases Prevention Act of 1883,[2] a measure also promoted by the Local Government Board, which, whilst leaving these hospitals as Poor Law institutions, administered by a Poor Law Authority, and kept up out of the Poor Rate, declared that admission, treatment and maintenance therein should, whether the patients were or were not otherwise paupers, not be deemed parochial relief, or carry with it any disqualification whatever.[3] Since that date we have the remarkable spectacle of the Poor Law Authorities, central and local, annually congratulating themselves on the fact that, year after year, they were managing to attract into these expensive Poor Law institutions, for gratuitous maintenance and treatment, an ever larger percentage of the total number of cases notified —an attitude of mind justified, apparently, because it was deemed to be a matter of Public Health![4]

[1] Poor Law Act, 1879 (42 and 43 Vic. c. 54), sec. 15.

[2] 46 and 47 Victoria, c. 35.

[3] Somebody at the Local Government Board was apparently loth to accept the situation. The statute was deliberately made only a temporary one, expiring in a year. But it was annually renewed, and in 1891 the provision was made permanent in the Public Health (London) Act of that year. Meanwhile the Poor Law Act, 1889 (52 and 53 Vic. c. 56, sec. 3), had expressly authorised the admission of non-paupers, entitling the Guardians to recover the cost from the patients if the Guardians chose; but making their expenses, in default of such recoupment, chargeable (as were the expenses of the pauper patients) on the Common Poor Fund. We cannot discover that any attempt was made to recover the cost from the patients; and in 1891 the very idea was abandoned.

[4] Annual Reports of the Metropolitan Asylums Board, 1889–1906. In 1888, in anticipation of the necessary amendment of the law, the L.G.B. authorised the admission of diphtheria cases (Local Government Board to Metropolitan Asylums Board, October 1888; *Local Government Chronicle*, October 27, 1888, p. 986; Poor Law Act, 1889 (52 and 53 Vic. c. 56, sec. 3); Order of October 21, 1889, in Nineteenth Annual Report, 1889–1890, p. 96). The Boards of Guardians outside the Metropolis failed, we believe everywhere, to respond to the invitations of the L.G.B. to provide similar accommodation for infectious diseases. In 1876 the inspector was doing his utmost, by special Order of the L.G.B., to induce the Manchester, Salford, Chorlton and

A similar enlargement of the sphere of the Poor Law institution took place during the last decades of the nineteenth century in other than infectious cases. "The poorer classes generally," to use Goschen's words, "as distinguished from actual paupers," came more and more to appreciate the practical distinction between the General Mixed Workhouse and the Poor Law Infirmary; and, especially in the Metropolis and the large towns, the latter became more and more freely used as a general hospital.[1] This tendency was facilitated in London by the operation of the Metropolitan Common Poor Fund, established by the Local Government Board itself, which, from 1870 onward, bore a part of the cost of maintenance in the Poor Law Infirmaries, as well as the whole within the hospitals of the Metropolitan Asylums Board.[2] The Local Government Board saw with approval the increasing attractiveness of these institutions, not only in London but throughout the country. In an official memorandum communicated to all Boards of Guardians in 1892, it observed that: "The sick poor can usually be better tended and nursed by skilled nurses in well-equipped sick wards than in their own homes; and the regularity, neatness, and order of the wards *tend to diminish the repugnance to entering the Workhouse*, which is often evinced by the sick poor of the better class when reduced to want by failing health".[3] The Board did not refuse

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Prestwich Boards of Guardians to unite in establishing out of the poor rates a hospital for infectious diseases, which should admit non-paupers on payment (MS. Minutes, Manchester Board of Guardians, February 17, 1876).

[1] In 1889, for instance, the L.G.B. provided that, in cases of sudden or urgent necessity, the medical superintendent or his assistant should admit patients on his own responsibility, without order from the Relieving Officer (Special Order to Mile End Old Town, October 10, 1889; not an exceptional provision).

[2] Under the Metropolitan Poor Amendment Act, 1870, the cost of the maintenance of adult paupers in Workhouses and Sick Asylums, to the extent of 5d. per head per day, was thrown on the Metropolitan Common Poor Fund. To the Metropolitan Unions, especially the poorer ones, this operated as a bribe in favour of indoor (or infirmary) treatment as against domiciliary or dispensary treatment. Henry Longley wished to go much further. In order practically to compel all the Metropolitan Boards of Guardians to provide these elaborate and expensive hospitals, he recommended that the whole cost of indoor maintenance of the sick, when in Infirmaries separated in position and administration from the ordinary Workhouses, should be made a charge on the Metropolitan Common Poor Fund (Longley's Report on Indoor Relief in the Metropolis, in Fourth Annual Report, 1874–1875, p. 54).

[3] Memorandum on Nursing in Workhouse Sick Wards, by Dr. (now Sir) Arthur Downes, April 1892; in Twenty-fifth Annual Report, 1896, p. 114.

to permit them to be made use of by patients who were not destitute, where, as is usually the case in rural districts, no "non-pauper institution" was available. "If", writes the Local Government Board in 1902, there is "a sick person who is in receipt of an allowance from a benefit club or similar society", and who "is unable to obtain in a non-pauper institution such treatment as the illness from which he suffers requires", the Board will "offer no objection to his admission to the Workhouse Infirmary".[1]

To those Boards of Guardians who clung to the policy of "deterring" the sick poor from obtaining medical relief which, as we have shown, Gathorne Hardy had, on behalf of the Poor Law Board, in 1867 *expressly repudiated*,[2] *all this official encouragement* to enter Poor Law institutions seemed revolutionary. The fact that the sick poor came more and more to draw a *distinction* between the Workhouse on the one hand, and the Poor Law Infirmary or isolation hospital on the other, appeared seriously objectionable. When it was noticed that the Local Government Board officially styled the *separate institution* for the sick "an asylum for the sick poor",[3] or "the hospital", or simply the "Infirmary",[4] the Manchester Guardians revolted, and definitely instructed their Medical and Relieving Officers "to avoid using the word 'hospital' or 'Infirmary', and simply to use the word 'Workhouse'".[5] Other Boards insisted, although "the Infirmary" was an entirely distinct institution, that it should be entered only through the Workhouse itself. Against this lingering objection, urged on grounds of Poor Law policy, against getting the sick cured in the most efficient way, we see the Inspectorate in the later years more and more explicitly protesting. "I wish it were possible", said H. Preston-Thomas in 1899, "to get rid of the name of Workhouse (which, by the

[1] Decision of Local Government Board in *Local Government Chronicle*, October 18, 1902, p. 1051.

[2] Hansard, February 8, 1867, vol. clxxxv. p. 163; see *ante*, pp. 120-121.

[3] Metropolitan Poor Act, 1867 (30 and 31 Vic. c. 6); Special Order to Central London Sick Asylum District, May 13, 1873.

[4] Special Order to Lambeth Union, August 25, 1873.

[5] MS. Minutes, Manchester Board of Guardians, August 14, 1879. Some of the Inspectors seem to have shared this objection. As late as 1901 we find one reporting that "the admission into our Workhouse Infirmaries of persons above the pauper class, and not destitute, is, I fear, increasing" (J. W. Preston's Report, in Thirtieth Annual Report of Local Government Board, 1901, p. 97).

way, has become singularly inappropriate), for I believe that it is to the associations of the name rather than to the institution itself that prejudice attaches. The disinclination of the independent poor to enter the hospitals of the Metropolitan Asylums Board, which was considerable at first, has now practically vanished, and I do not see why there should not be the same change of feeling with regard to Poor Law Infirmaries in the country." [1]

The Workhouse Infirmaries

In the same spirit we see the Local Government Board in these three decades persistently pressing Boards of Guardians to build new Workhouse Infirmaries.[2] The report became current in the Poor Law world that Local Government Board officers, in interviews, went so far as to say that a certain Board of Guardians was morally guilty of manslaughter in refusing to embark on extensive new building operations. The official architect's criticisms on the Poor Law Infirmary plans submitted to him were all on the lines of making these into up-to-date general hospitals. The proposals sanctioned by the Local

[1] H. Preston-Thomas's Report, in Twenty-eighth Annual Report of Local Government Board, 1899, p. 135.

Yet when it was found that some paupers objected to being transferred from the General Mixed Workhouse to a Poor Law Infirmary (which was legally only a detached Workhouse), the Local Government Board held that the Relieving Officer could not refuse them an order for readmission to the General Mixed Workhouse which they preferred, even if he offered them an order for the Poor Law Infirmary as a substitute (*Selection from the Correspondence of the Local Government Board*, vol. vii., 1901, pp. 72-73).

[2] "The curtailment of the stage of convalescence", urged the Medical Inspector in 1875, on a hesitating Board of Guardians, "alone rapidly covers any additional outlay that may have been incurred in structural arrangements, whilst the increased chances of recovery to the sick and afflicted are not to be measured by any mere money standard" (Dr. Mouatt, Medical Inspector of Local Government Board, in Report on Infirmary of Newcastle Union; MS. archives, Newcastle Board of Guardians, November 26, 1875). Already by 1891 the Local Government Board was able to inform Parliament that the number of "sick beds" provided in Poor Law institutions throughout the country, irrespective of the mere infirm aged, was no less than 68,420 (House of Commons, No. 365 of 1891; Twenty-first Annual Report of Local Government Board, 1892, p. lxxxvi). In 1896 there were 58,551 persons occupying the Workhouse wards for the sick, of whom 19,287 were merely aged and infirm; whilst there were in attendance 1961 trained nurses, 1384 paid but untrained nurses (probationers), and 3443 pauper helpers, of whom 1374 were convalescents (Twenty-sixth Annual Report of Local Government Board, 1897, p. lxvi; House of Commons, No. 371 of 1896).

Government Board went up to a capital outlay of no less than £350 per bed. Even special hospitals established by the Guardians at the expense of the Poor Rate were sanctioned for particular classes of patients, such as the "West Derby, Liverpool and Toxteth Park Hospital . . . for the reception of persons suffering from tuberculosis", many of whom were so little destitute that they paid the whole cost of their treatment and maintenance;[1] or, as at Croydon, Kingston and Richmond, "for the reception of epileptic and feeble-minded persons", who could not be certified as of unsound mind.[2] Persons in receipt of medical relief only came to be no longer disqualified as paupers from being registered as Parliamentary and Municipal electors; and it was even held that admission to a Poor Law hospital, sick asylum, or Infirmary because of ill-health, and for the purpose of being medically treated, amounted to Medical Relief only, even though it incidentally involved also maintenance at the expense of the Poor Rate.[3] By 1903 we have the Local Government Board laying it down in general terms, "that it is the Guardians' duty to provide for their sick poor; and no sanction . . . is necessary to sending such cases to institutions for curative treatment . . . and . . . paying reasonable expenses

[1] Special Orders to West Derby, Liverpool and Toxteth Park Unions, April 5, 1900, and January 25, 1901. In 1888 two other Boards of Guardians were even urged and authorised to combine in the taking over and maintenance of a specialised hospital for a particular class of diseases; and to conduct it as a Poor Law institution with the aid of a small annual subsidy from national funds, on the understanding that all local cases were taken. There was to be no sort of "deterrent" influence. Patients suffering from these diseases were to be admitted on the authority of the Medical Superintendent of the hospital, without there being necessarily any order from the Relieving Officer, and without any express restriction to the destitute. The well-understood object of this Poor Law institution was, in fact, positively to encourage all persons suffering from the diseases in question to come in and be cured. There was to be no obvious sign that it was a Poor Law institution. It was especially ordered that it should be styled "The Aldershot Lock Hospital" (Special Orders to Farnham and Hartley Wintney Unions, September 19, 1888, and November 16, 1894). This went on for seventeen years; and was given up in 1905 (*ibid.*, December 30, 1905).

[2] Special Order to Croydon, Kingston and Richmond Unions, of December 27, 1904. We gather that this institution has not been established; but a similar one exists at Manchester (Langho), and one in the West Derby Union (Seafield House, Liverpool). In the first decade of the century various Unions established Joint Committees for similar homes; but of these only two now (1927) survive (Prudhoe Colony in Durham, and West Barr (for Walsall and West Bromwich Unions)).

[3] By some Revising Barristers under the Medical Relief Disqualification Removal Act, 1885 (48 and 49 Vic. c. 46).

involved in so doing ".[1] Any reasonable fee might be paid for calling in consultants, whenever the Medical Officer thought it "necessary or desirable", without any special sanction being requisite.[2] The Guardians were reminded that the epileptics were especially to be incessantly accompanied by trained nurses, lest they should be suffocated in their fits.[3] The sick men in the workhouse might be allowed tobacco and snuff, and the sick women tea, in addition to that prescribed in the dietary table.[4] The doctor was expressly reminded that it was his duty to "order such food as he may consider requisite".[5] When a complaint was made that beer was supplied in a Norfolk workhouse, the Local Government Board refused to interfere with a "beer allowance" to sick paupers, given and renewed from week to week by direction of the Medical Officer. The Guardians were even advised that illustrated books and newspapers were good for the sick.

Workhouse Nursing

Meanwhile the standard of equipment, of resident medical attendance, and especially of trained nursing, required by the Local Government Board in the Poor Law institutions is constantly rising, in correspondence with the progress of hospital science. The story of the improvement in workhouse nursing is an epic. What the sick wards were like when Louisa Twining

[1] *Decisions of the Local Government Board, 1902–1903*, by W. A. Casson, 1904, p. 7. The Poor Law Act, 1879, had, in fact, expressly authorised Boards of Guardians to subscribe to charitable institutions to which paupers might have access. It was held, for instance, that Boards of Guardians may, if they choose, send their sane adult epileptics to an epileptic colony, and pay the cost of their maintenance there (*Local Government Chronicle*, October 29, 1904, p. 1123). In 1901 the Local Government Board sanctioned payment of £70 by the Bramley Board of Guardians for a cot in the sanatorium of the Leeds Association for the Cure of Tuberculosis (Local Government Board to Bramley Union, February 1901, in *Local Government Chronicle*, February 23, 1901, p. 184). In 1903 the Board sanctioned the expenditure involved in the setting up of Röntgen Ray apparatus in a Poor Law infirmary (*Decisions of the Local Government Board, 1902–1903*, by W. A. Casson, 1904, p. 10).

[2] *Decisions of the Local Government Board, 1903–1904*, by W. A. Casson, 1905, p. 39.

[3] Local Government Board decision, in *Local Government Chronicle*, November 1, 1902, p. 1102.

[4] General Order of March 8, 1894, in Twenty-fourth Annual Report of Local Government Board, 1895, pp. xcix, 4-5.

[5] Circular of January 29, 1895, in Twenty-fifth Annual Report of Local Government Board, 1896, p. iii.

started visiting in the Strand Workhouse in 1853 may be faintly perceived from Dr. Joseph Rogers' pages. In Liverpool, one of the wisest of philanthropists, William Rathbone, startled the local Poor Law Authority in 1864, when "fever" was rife, by offering to send into the Brownlow Street Workhouse a staff of trained nurses at his own expense, and to maintain them for three years, to take complete charge of the nursing of the male wards. Agnes Jones, a highly qualified superintendent nurse, with twelve other trained nurses and eighteen paid probationers, were thus, with princely munificence, provided for the Liverpool poor; and the fifty-four paupers who had hitherto done the work were promptly sent back to the ordinary wards as confirmed drunkards! The change was so magical that, at the end of the term, the whole staff was continued at the expense of the Poor Rate; Agnes Jones, the "Florence Nightingale of the Poor Law", unhappily dying in 1868 of typhus contracted in the institution that she had transformed.[1]

Unfortunately the example of Liverpool received scant approval; and only very slowly was it followed outside the separate Poor Law Infirmaries that gradually rose up in the Metropolis, with regard to which a Minister could optimistically declare in 1879 that "in the new Infirmaries I have succeeded in abolishing pauper help almost entirely".[2] Although the Scottish Board of Supervision of the Poor issued a Minute in 1885 on Trained Sick Nurses for Poorhouses, not for a whole generation after Rathbone's experiment did the English Local Government Board officially lend a hand. In 1892 the Board issued to all Unions the well-known excellent Memorandum on Workhouse Nursing by (Sir) Arthur Downes, who had become Senior Medical Inspector for Poor Law Purposes; in 1895, after a campaign of publicity by the *British Medical Journal*,[3] the Board ventured to urge the Guardians, in the Circular offering general advice to newly elected Guardians, to discontinue pauper nursing, and to employ trained and salaried nurses; but not

[1] For the little-known life of Agnes Elizabeth Jones, see *Memorials of Agnes E. Jones* (Anon.), 1871, and *Pioneer Women* (*Second Series*), by M. E. Tabor, 1927. For William Rathbone (1819–1902), see *William Rathbone: a Memoir*, by Eleanor F. Rathbone, 1905.

[2] Hansard, July 24, 1879, p. 1173.

[3] *The Sick Poor in Workhouses: Report on the Nursing and Administration of Provincial Workhouses and Infirmaries by a Special Committee of the British Medical Journal*, etc., by Ernest Hart, 1894.

until 1897 was an Order made prohibiting the pauper nursing of the sick. Even then the employment of pauper inmates as attendants in the sick wards, under the supervision of the trained nurses, was still permitted; and twelve years later, in 1909, the Poor Law Commission found between two and three thousand of them at work, to the serious impairment of the nursing service. Yet the highest possible standard was, in words, officially prescribed (though, unfortunately, not enforced) for all Workhouse sick wards. "The Workhouses of a past and bygone age", declared Hervey (Inspector), in 1903,[1] "are no longer refuges for able-bodied; but are becoming every day more of the nature of State hospitals for the aged, sick, and infirm. *As such, they should be furnished with the very best nursing procurable*".[2]

Restriction of Outdoor Medical Relief

The steady development in efficiency of the "Hospital Branch" of the Poor Law stands in remarkable contrast with the policy of the Local Government Board with regard to the sick to whom it sanctioned Outdoor Relief. The suggestion to which the then President of the Poor Law Board (Goschen) had put his name in the Board's Annual Report for 1869–1870, namely, that

[1] See the references to nursing in Circulars of January 29, 1895, and August 7, 1897; and the General Order (Nursing of the Sick in Workhouses), August 6, 1897; *Workhouse Nursing*, by Baldwyn Fleming, 1897; Twenty-fifth Annual Report of Local Government Board, 1896, pp. 109-110; Twenty-seventh ditto, 1898, pp. 27-31; *The Better Administration of the Poor Law*, by Sir W. Chance, 1895, pp. 243-248; the various pamphlets by Louisa Twining already cited; and a memoir of her in *Poor Law Conferences, 1903–1904*, pp. ix-xxi; "The Nursing of the Sick in Workhouses", by Miss Gibson, *Poor Law Conferences, 1897–1898*, pp. 487-505; "The Treatment of the Sick Poor", by F. C. Joseph, *Poor Law Conferences, 1910–1911*, pp. 462-485; Thirty-second Annual Report of Local Government Board, 1903, Hervey's Report, p. 69.

[2] The total cost of Poor Law medical relief in 1905 was £518,994 indoor (to which might be added £640,833 for what are now called the "public health purposes" of the greatest of all Poor Law authorities, the Metropolitan Asylums Board); and £268,537 outdoor (Thirty-fifth Annual Report of Local Government Board, 1906, pp. 251, 589, 590). This aggregate total of £787,531 (excluding the fever hospitals of the Metropolitan Asylums Board) omits the maintenance of the sick themselves, but includes, however, some items not previously included. For comparative purposes we must take the figure for 1903–1904 (£423,554), which includes only doctors' salaries and drugs. This may be compared with the corresponding figure for 1881 of £310,456; for 1871, of £290,249; and for 1840 of £151,781 (Twenty-second Annual Report of the Poor Law Board, 1870, p. 227; Eleventh Annual Report of the Local Government Board, 1882, p. 237).

"the economical and social advantages of free medicine to the poorer classes generally, as distinguished from actual paupers, and perfect accessibility to medical advice at all times under thorough organisation, may be considered as so important in themselves as to render it necessary to weigh with the greatest care all the reasons which may be adduced in their favour", does not seem to have been remembered in the Department that had changed its name.[1] In the general crusade against *Outdoor* Relief, initiated by the Inspectorate in 1871, after Goschen had *gone to the Admiralty*, no distinction was made between medical and other relief, between hygienic advice and money doles. Henry Longley, indeed, went so far as to condemn, expressly because it provided Medical Relief otherwise than in the workhouse, the whole system of Poor Law Dispensaries which, at the instance of Sir John Lambert, the Local Government Board had itself just initiated and practically forced on the Metropolitan Boards of Guardians.[2] Longley's report was honoured by notice

[1] Henry Longley, indeed, in his Report on the Administration of Outdoor *Relief in the* Metropolis, seems to object to the official dictum of the Poor Law Board under Goschen, in favour of "free medicine to the poorer classes generally". He sternly condemns "any gradual drifting into a system of medical State charity", and deprecates the fact that this tendency "has received higher sanction than that of the prevalent belief of the poor, or even of the practice of Boards of Guardians". (Third Annual Report of the Local Government Board, 1874, p. 161).

[2] "The *Dispensary System should be regarded, in* common with every improved form of Out-relief, not as a final object of Poor Law administration, but merely as a means of administering with greater efficiency that legal relief which, as I have attempted to show elsewhere, is most safely and effectually given in the form of Indoor Relief. It would, of course, be idle, and worse than idle, to stifle all attempts to reform the administration of Out-relief, on the ground that it is desirable, and may, at some remote period, be possible to abolish, or at least greatly to curtail it; and no reform of the practice of relief was probably more urgently needed, or has proved more effectual, than that now under consideration. It must not, however, be forgotten that, side by side with Poor Law Dispensaries, has grown up, also under the sanction of the Metropolitan Poor Act, a system . . . which, by encouraging and affording special facilities for the grant of Indoor Relief to sick paupers, must, if the policy of the Act be unflinchingly carried out, eventually tend . . . to the gradual abolition of Out-relief to the sick, other than those incapable of removal from their homes. If this be so, Poor Law Dispensaries . . . must ultimately be found to have had for the most part a merely temporary place in the system of relief in London. . . . The character of *permanence should* not be hastily affixed to the system which they represent" (Longley's Report on Indoor Relief in the Metropolis, in Fourth Annual Report, 1875, pp. 41-42; *see, to like effect, The Better Administration of the Poor Law*, by Sir W. Chance, 1895, pp. 128-130). In spite of this criticism, the Local Government Board continued to sanction Poor Law Dispensaries. Elaborate institutions on the

in the annual volume, and commended by the Local Government Board for "careful consideration".[1] There is, therefore, some warrant for the inference that the Local Government Board, under Stansfeld and Sclater-Booth, not only had put aside the suggestion of providing free medical attendance for the poorer classes generally, but also that it had now become the policy of the Board—so far as we can discover, for the first time since 1834—to restrict, as far as was safe, even such domiciliary medical attendance as was being given under the Poor Law to the sick poor. Such a policy of restriction was, indeed, urged upon the Poor Law Commission of 1905–1909 by witnesses on behalf of the Local Government Board as forming part of the Board's policy—a matter with which we deal in the following chapter.

It is, however, fair to say that this policy of restricting Outdoor Medical Relief was not expressed in any alteration of the General Orders, nor, explicitly, in any published Minute or Circular of the Local Government Board itself. In the 1871 Circular, discouraging Outdoor Relief generally, it was, for instance, merely suggested that all paupers receiving relief on account of temporary sickness (and there were at that date on Outdoor Relief apparently some 119,000 sick persons)[2] should be visited at least fortnightly by the Relieving Officer.[3] The Local Government Board clung to the general disqualification of paupers, even of those in receipt of Medical Relief only; though the Parliamentary Secretary had to admit in the House of Commons that "the Legislature had made an exception in the cases of vaccination and of education; and it might be that the exception should be extended to infectious diseases".[4] But when the

London plan were established in other Unions under the general powers of the Act of 1834; see, for instance, the Special Order of June 9, 1873, to Portsea Island Union; those of March 4 and August 28, 1880, to Birmingham; those of November 30, 1885, and January 5, 1895, to Plymouth.

[1] Fourth Annual Report of Local Government Board, 1875, p. xxi.

[2] See the statistics in Twenty-second Annual Report of the Poor Law Board, 1870, p. xxiv.

[3] Circular of December 2, 1871, in First Annual Report of the Local Government Board, 1872, p. 67.

[4] Thomas Salt, as Parliamentary Secretary of the L.G.B., on the Disqualification by Medical Relief Bill, Hansard, December 11, 1878, vol. ccxliii. p. 630. In 1876 the disqualification had been explicitly re-enacted in the Divided Parishes and Poor Law Amendment Act (39 and 40 Vic. c. 61, sec. 14), promoted by the Local Government Board itself, whose Parliamentary representatives continued for years to resist all proposals for its abolition or attenuation. In 1883 it was incidentally undermined by maintenance and

Board was pressed to impose a limit of one month to each grant of Outdoor Relief, the request was, on the cautious advice of the permanent advisers, definitely refused, lest hardship should be caused in cases of sickness; though it was said that the Guardians themselves might put such a limit, "where such . . . may properly be imposed".[1] And although the Local Government Board was willing to consider any proposal to amend the law, so as to allow of the compulsory removal to the Workhouse of sick persons who had no proper lodging accommodation,[2] any sick person who refused to enter the Workhouse was not to be refused Outdoor Medical Relief;[3] and in no case were the sick to be removed from their homes unless certified by the Medical Officer as physically able to endure the journey.[4] Even between 1871 and 1885, when the crusade against Outdoor Relief was at its height, there was no explicit reversal, on grounds of Poor Law principle, of the old policy of Outdoor Relief to the sick. If a "destitute young husband or wife were sick", Sclater-Booth, speaking as President of the Local Government Board, told the House of Commons in 1876, "they would not be taken into the Workhouse, but would receive Outdoor Relief".[5] Two years later the Board actually declared itself in favour of supplying to the sick poor who were under domiciliary treatment, not only medical attendance and maintenance, but also skilled professional nursing. There was, it said in 1878, in reply to influential medical pressure, "nothing to prevent the Guardians supplying such assistance"; which the Local Government Board professed

treatment in the infectious diseases hospitals of the Metropolitan Asylums Board being declared not to be parochial relief (Diseases Prevention Act, 1883, 46 and 47 Vic. c. 35). Not until 1885 did the Local Government Board consent to its abolition, as regards persons in receipt of Medical Relief only, in the Medical Relief Disqualification Act, 1885 (48 and 49 Vic. c. 46). Even then the "stigma of pauperism" was preserved, by omitting to repeal section 14 of the 1876 Act above cited, so that persons in receipt of Medical Relief only were, till 1918, disqualified from voting at elections of Poor Law Guardians, "or in the election to an office under the provisions of any statute".

[1] Local Government Board to Chairman of Central Poor Law Conference, May 12, 1877; in Seventh Annual Report of Local Government Board, 1878, p. 55.

[2] *Ibid.* p. 54.

[3] Local Government Board decision, in *Local Government Chronicle*, June 11, 1904, p. 635.

[4] Circular of May 23, 1879, in Ninth Annual Report of Local Government Board, 1880, p. 92.

[5] Hansard, June 13, 1876, vol. ccxxix. p. 1780 (in Committee on Poor Law Amendment Bill).

to be "desirous of encouraging as much as possible", though the insufficient supply of qualified nurses was likely to "render impracticable for some time to come any general application of the system of paid nurses in the treatment of the poor at their own homes".[1]

Outdoor Relief Nursing

But although the Local Government Board said that Boards of Guardians might lawfully provide nurses for the sick poor on Outdoor Relief, it does not seem to have been whole-hearted in desiring it. Not for fourteen years did it issue a General Order expressly authorising the Boards of Guardians to appoint such nurses, and then only in permissive terms. In sending the Order to Boards of Guardians, it accompanied it by a Circular, which can scarcely be deemed encouraging. It was of opinion that "it can only be under exceptional circumstances that a sick pauper, whose illness is of such a character as to require that the services of a nurse should be provided by the Guardians, can, with propriety, be relieved at home. At the same time it appears . . . that where circumstances render it desirable the nurses employed in such attendance should be duly appointed officers of the Guardians, having recognised qualifications for the position, and being subject in the performance of their duties to the control of the Guardians, and the Board have consequently decided to empower Boards of Guardians to appoint such officers."[2] As might have been anticipated, after a Circular in such terms, we find an Inspector observing in 1897, "As to Outdoor Nursing, it was quite true that there was an Order of the Local Government Board issued some years ago empowering Boards of Guardians to employ outdoor nurses; but he knew of no case where they had been employed".[3] Another in 1899 had to confess that "this Order has been made but little use of. It might be of great service, and", he added. "I trust that it will be."[4] The Poor

[1] Local Government Board to Dr. Mortimer Glanville (*Lancet* Memorial on Poor Law Medical Relief Reform), November 12, 1878, in Eighth Annual Report of Local Government Board, 1879, pp. 91-92. In spite of this official answer, we may infer a certain internal conflict of policy with regard to these salaried outdoor Poor Law nurses.

[2] Twenty-second Annual Report of Local Government Board, 1893, pp. 12-13.

[3] Murray Browne (Inspector) at West Midland Poor Law Conference, May 1897, in *Poor Law Conferences, 1897–1898*, p. 75.

[4] "The Nursing of the Destitute Poor", by Baldwyn Fleming, *Poor Law Conferences, 1899–1900*, p. 116. What has stood in the way has been, largely,

Law Commission in 1905–1909 could hear of hardly any Union that had appointed even one salaried nurse for its sick on Out-door Relief. In some cases (as at Rochdale) the common-sense arrangement was made of requiring the Workhouse nurses to go, by turns, on "district duty", visiting all the outdoor sick, for two months at a time, to the advantage, it was said, of both indoor and outdoor patients.[1] But, for the most part, we learn that "with regard to the nursing of their outdoor poor, Guardians have shown themselves strangely apathetic. By an Order of 1892 they are empowered to provide nurses for these cases, but to all intents and purposes the Order has remained a dead letter. Medical Out-relief is granted without any attempt to see that the prescribed treatment is carried out, that the home conditions are sanitary, or that the patient is not becoming a focus of infection to those about him."[2]

The Conflicting Ideals

In the evolution of the proper treatment of the sick for whom the Poor Law Guardians have had to assume responsibility, we see the Central Authority torn between two ideals; namely, that of so administering Poor Relief as to deter as many people as possible from applying, and that of treating the sick pauper in such a way as to make him well. The Poor Law Commissioners, during their reign, became aware of the dilemma with regard to the children of school age, but not with regard to the sick or the infants. The explosion of public opinion in 1866 made the Poor Law Board conscious of this problem with regard to the

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a preference for utilising the services of the voluntary District Nurses' Association, which began in 1859. Under the Poor Law Act of 1879 many Unions have been authorised to pay small annual subscriptions—occasionally as much as £300 per annum—to the philanthropic associations maintaining a district nurse for the general service of all the sick ("Nursing of the Outdoor Poor in co-operation with established nursing services", by Margaret K. Lea, *Poor Law Conferences, 1907–1908*, pp. 46-53). But as these associations are on a parochial basis, and often do not exist in all the parishes of a Poor Law Union, objection is frequently taken to a subscription from Union funds. Accordingly, the Poor Law Commission of 1905–1909 found, over a large part of England and Wales, the nursing of the sick still unprovided for; see *Sketch of the History and Progress of District Nursing*, by William Rathbone, 1890; *History and Progress of Poor Law Nursing*, by Eleanor C. Barton.

[1] Dr. J. Milsom Rhodes, *Poor Law Conferences, 1899–1900*, pp. 184-185.

[2] "The Treatment of the Sick Poor", by T. C. Joseph, in *Poor Law Conferences, 1910–1911*, p. 467.

sick (though still not with regard to the infants); and Sir John Lambert in 1868–1870 was coming near to a momentous solution. But the Inspectorate of 1871–1890 in their crusade against Outdoor Relief in any form, to any person, of any age, both resisted any kind of improvement of the treatment of the outdoor paupers, whether sick or well, and (as part of the same policy) witnessed with equanimity the development of the "Hospital Branch" of the Poor Law, because this at any rate encouraged Indoor as against Outdoor Relief. Not until the last decade of the century do we see any appreciable concern for the restoration to health of the outdoor sick. It may well be that it was the successive relaxations, with regard to the one-third of all the paupers who are sick, of the "Principle of Less Eligibility", that led the chief official of the Poor Law Division of the Local Government Board to urge on the Poor Law Commission of 1905–1909 to return to the path of wisdom by a rigid restriction of Medical Relief orders, by deprecating the extravagant expenditure on "Poor Law Hospitals", and above all, by insisting on the reimposition of the electoral disqualification on all who had accepted any form of medical treatment from the Guardians of the Poor.

Persons of Unsound Mind

It is difficult to discover what was the policy of the Poor Law Board with regard to lunatics, idiots and the mentally defective. Lunacy had always been, and remained, a ground of exception from the prohibition to grant Outdoor Relief. The provision of a lodging for a lunatic was, moreover, an exception to the prohibition of the payment of rent for a pauper. As a result of these exceptions, there were on January 1, 1852, 4107 lunatics and idiots on Outdoor Relief,[1] and this number had increased by 1859 to 4892,[2] and by 1870 to 6199.[3] The Poor Law Board took no steps to require or persuade Boards of Guardians not to grant Outdoor Relief to lunatics, nor yet to get any appropriate provision made for them in the General Mixed Workhouses on which it had insisted. Parliament in 1862 (in order to

[1] Fifth Annual Report of Poor Law Board, 1852, pp. 7, 152.
[2] Twelfth Annual Report of Poor Law Board, 1860, p. 17.
[3] Twenty-third Annual Report of Poor Law Board, 1871, p. xxiii.

relieve the pressure on the county lunatic asylums) expressly authorised arrangements to be made for chronic lunatics to be permanently maintained in Workhouses, under elaborate provisions for their proper care.[1] These arrangements would have amounted, in fact, to the creation, within the Workhouse, of wards which were to be in every respect as well equipped, as highly staffed, and as liberally supplied as a regular lunatic asylum.[2] The Poor Law Board transmitted the Act to the Boards of Guardians, observing, with what almost seems like sarcasm, that it was not "aware of any Workhouse in which any such arrangements could conveniently be made";[3] and the provisions of this statute were, we believe, never acted upon. Whilst consistently objecting to the retention in Workhouses of lunatics who were dangerous, or who were deemed curable, we do not find that the Poor Law Board ever insisted on there being a proper lunatic ward for the persons of unsound mind who were necessarily received, for a longer or shorter period, in every Workhouse.[4] Moreover, no steps were taken to get such persons removed to lunatic asylums; and in 1845 it was agreed with the Manchester Guardians (who did not want to make any more use of the expensive county asylum than they could help) that they were justified in retaining in the Workhouse any lunatics whom their own Medical Officer did not consider "proper to be confined" in a lunatic asylum.[5] In 1849 the Poor Law Board decided that a weak-minded pauper, or, as we now say, a mentally defective, must either be a lunatic, and be certified and treated as such, or not a lunatic, in which case no special treatment need be prescribed for him or her in the one General Mixed Workhouse to which the Poor Law Board still adhered.[6] We can find no indication of policy as to whether it was recommended that such mentally defectives should be granted Outdoor Relief; or (as

[1] 25 and 26 Victoria, c. 111, secs. 8, 20, 31 (Lunacy Acts Amendment Act, 1862).

[2] *Sixteenth Annual Report* of Poor Law Board, 1864, pp. 21, 38-39.

[3] Circular of December 15, 1862, in Fifteenth Annual Report of Poor Law Board, 1863, pp. 35-37.

[4] On January 1, 1859, the number of persons of unsound mind in the Workhouses was 7963 (*Twelfth Annual Report*, 1859–1860, p. 17). This had risen by 1870 to 11,243 (Twenty-third Annual Report of Poor Law Board, 1871, p. xxiii).

[5] Poor Law Commissioners to *Manchester Guardians*, December 24, 1845, in MS. Records, Manchester Board of Guardians.

[6] *Official Circular*, No. 25, N.S., May 1849, pp. 70-71.

one can scarcely believe) required to inhabit a Workhouse which made no proper provision for them.[1]

The Lunacy Commissioners

The explanation of this paralysis of the Poor Law Board, as regards the policy to be pursued with persons of unsound mind, is to be found, we believe, in the existence and growth during this period of the rival authority of the Lunacy Commissioners, who had authority all over persons of unsound mind, whether paupers or not. The Lunacy Commissioners had not habitually in their minds the "Principle of Less Eligibility"; and they were already, between 1848 and 1871, making requirements with regard to the accommodation and treatment of pauper lunatics that the Poor Law authorities regarded as preposterously extravagant. The records of the Boards of Guardians show visits of the Inspectors of the Lunacy Commissioners, and their perpetual complaints of the presence of lunatics and idiots in the Workhouses without proper accommodation; mixed up with the sane inmates to the great discomfort of both;[2] living in rooms which the Lunacy Commissioners considered too low and unventilated, with yards too small and depressing, amid too much confusion and disorder, for the section of the paupers for whom they were responsible.[3] Such reports, officially communicated to the Poor Law Board, seem to have been merely forwarded for the consideration of the Board of Guardians concerned. But other action was not altogether wanting. Under pressure from the Lunacy Commissioners, the Poor Law Board asked, in 1857, for more care in the conveyance of lunatics;[4] urged, in 1863, a more liberal dietary for lunatics in Workhouses;[5] in 1867 it reminded the Boards of Guardians that lunatics required much food,

[1] In 1868 Visiting Committees were recommended to see that weak-minded inmates were not entrusted with the care of young children (Circular of July 6, 1868, in Twenty-first Annual Report of Poor Law Board, 1869, p. 53).

[2] MS. Minutes, Plymouth Board of Guardians, January 28, 1846.

[3] *Ibid.*, November 5, 1847. Some of the rooms were only 3½ feet long and 7 feet wide, in fact, mere cupboards, which the Lunacy Commissioners said were unfit for any one. Yet nothing was done, and the "rooms" were still occupied in 1854, when the District Auditor mildly commented on the fact (Letter Book, Plymouth Board of Guardians, August 1854).

[4] Circular of February 27, 1857, in Tenth Annual Report of Poor Law Board, 1857, p. 34.

[5] House of Commons, No. 50, Session I. of 1867, p. 247.

especially milk and meat ;[1] it was thought " very desirable that the insane inmates . . . should have the opportunity of taking exercise " ;[2] it concurred " with the Visiting Commissioner in deeming it desirable that a competent paid nurse should be appointed for the lunatic ward ", in a certain Workhouse ;[3] it suggested the provision of leaning chairs in another Workhouse ;[4] and, in yet another, the desirability of not excluding the persons of unsound mind from religious services.[5] In 1870 it issued a Circular, transmitting the rules made by the Lunacy Commissioners as to the method of bathing lunatics, for the careful consideration of the Boards of Guardians.[6] But we do not find that the Poor Law Board issued any Order amending the General Consolidated Order of 1847, by which the Boards of Guardians continued to be bound, and which, it will be remembered, did not include, among its categories for classification, either lunatics, idiots, or the mentally defective.

Meanwhile the settled policy of the Lunacy Commissioners continued to be the provision in every county, for all the persons of unsound mind, whatever their means, in specially organised lunatic asylums, in which the best possible arrangements should be made for their treatment and cure irrespective of cost, and altogether regardless of making the condition of the pauper lunatic less eligible than that of the poorest independent labourer. Unlike the provision for education, and that for infectious disease, the cost of maintenance of this national (and as we may say communistic) provision for lunatics was thrown upon the local Poor Rate. Under the older statutes, the expense of maintaining the inmates of the county lunatic asylums was charged to the Poor Law authorities of the parishes in which they were respectively settled ; and the Boards of Guardians were entitled to recover it, or part of it, from any relations liable to maintain such paupers, even in cases in which the removal to the asylum was compulsory and insisted on in the public interest.[7] It is plain that the great cost to the Poor

[1] Twentieth Annual Report of Poor Law Board, 1868, p. 60.

[2] House of Commons, No. 50, Session I. of 1867, p. 444.

[3] *Ibid.* p. 426. [4] *Ibid.* p. 407. [5] *Ibid.* p. 114.

[6] Circular of March 21, 1870, in Twenty-third Annual Report of Poor Law Board, 1871, p. 3.

[7] There had apparently been a doubt as to whether a husband was legally bound to contribute towards the maintenance of a wife who had been removed

Rate of lunatics sent to the county lunatic asylums, and the difficulty of recovering the amount from their relatives, prevented the whole-hearted adoption, either by the Boards of Guardians or by the Poor Law Board, of the policy of the removal of persons of unsound mind to the county asylums. For the imbeciles and idiots of the Metropolitan Unions, though not for certified lunatics, provision was made after 1867 in the asylums of the Metropolitan Asylums Board.[1] But no analogous provision was made for such patients of other Unions. The result was that, amid a great increase of pauper lunacy, the proportion of the paupers of unsound mind who were in lunatic asylums did not increase.[2] On the other hand, the indisposition of the Poor Law Board to so amend the General Consolidated Order of 1847 as to put lunatics in a separate category, and to require suitable accommodation and treatment for them—an indisposition perhaps strengthened by the high requirements on which the Lunacy Commissioners would have insisted—stood in the way of any candid recognition of the fact that for thousands of lunatics, idiots and mentally defectives, the Workhouse had, without suitable provision for them, and often to the unspeakable discomfort of the other inmates, become a permanent home.[3]

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under legal authority to a lunatic asylum. In 1850 the Poor Law Board got an Act passed to require him to pay (*13 and 14 Vic. c. 101, sec. 4*), on the ground that "great hardship has been frequently occasioned to parishes, who have been burthened with the heavy expense of such maintenance without the means of recovering from the husband even a partial reimbursement" (Third Annual Report of Poor Law Board, 1850, p. 16).

[1] Special Orders of June 18, 1867, October 6, 1870, December 23, 1870, June 17, 1871, etc. It may be noted that in 1862 the Guardians of St. George's, Southwark, provided a separate establishment at Mitcham for their idiotic and imbecile paupers, which was regulated by Special Order of April 30, 1862.

[2] On January 1, 1852, the number in the county or borough asylums was 9412, and in licensed houses 2584, making a total of 11,996 out of 21,158 paupers of unsound mind (Fifth Annual Report, 1852, p. 152). On January 1, 1870, the number in asylums had risen to 26,634, and that in licensed houses had fallen to 1589, making a total of 28,223 out of 46,548 paupers of unsound mind (Twenty-third Annual Report of Poor Law Board, 1871, p. xxiii).

When a Grant in Aid from the Exchequer (of four shillings per head per week) was given towards the cost of maintaining pauper lunatics in the County Asylums, the objection on the ground of additional expense should have been overcome. But we have to recognise, as another objection, the popular repugnance to certification; the "stigma of lunacy" being far more often objected to by relations than the "stigma of pauperism".

[3] The conditions under which these unhappy people lived in the Workhouses were specifically complained of (see, for instance, *A Plea in favour of the Insane Poor*, by John Millar, 1859; and *Pauper Lunatics and their Treatment*, by Joshua Harrison Stallard, 1870).

The Lunatic in the Workhouse

It is, however, only fair to the Poor Law Board and the Local Government Board to explain to what extent Parliament itself had been responsible for the presence of persons of unsound mind in the General Mixed Workhouse. There have been (and still are) three classes of cases in which a lunatic may lawfully be detained in a Workhouse. Firstly, there is the old provision, under which "the Visitors of any asylum may, with the consent of the Central Authority and the Commissioners, and subject to such regulations as they respectively prescribe, make arrangements with the Guardians of any Union for the reception into the Workhouse of any chronic lunatics, not being dangerous, who are in the asylum, and have been selected and certified by the manager of the asylum as proper to be removed to the Workhouse".[1] Secondly, "where a pauper lunatic is discharged from an institution for lunatics, and the Medical Officer of the institution is of opinion that the lunatic has not recovered, and is a proper person to be kept in a Workhouse as a lunatic, the Medical Officer shall certify such opinion, and the lunatic may thereupon be received and detained against his will in a Workhouse without further order, if the Medical Officer of the Workhouse certifies in writing that the accommodation in the Workhouse is sufficient".[2] Thirdly, if it is necessary for the welfare of a lunatic, or for the public safety, that he should immediately be placed under care and control, pending regular proceedings for his removal, he may be taken to a Workhouse (if there is proper accommodation therein) by a constable, Relieving Officer, or Overseer, and may be detained there for three days, during which time the proceedings are to be taken; and in any case in which a summary reception order has been or might be made, he may be further detained on a Justice's order till he can be removed, provided that the period does not exceed fourteen days.[3] Moreover, any other lunatic may be "allowed to remain in a workhouse as a lunatic" if "the Medical Officer of the

[1] Lunacy Act, 1890 (53 Vic. c. 5, sec. 26).

[2] Lunacy Act, 1890, sec. 25; cf. Lunacy Act, 1889 (52 and 53 Vic. c. 41, sec. 22).

[3] Lunacy Act, 1890, secs. 20, 21; cf. Lunacy Act, 1885 (48 and 49 Vic. c. 52, secs. 2 and 3). This is the procedure so vividly described in the novel by H. G. Wells, entitled *Christina Alberta's Father*.

Workhouse certifies in writing: (*a*) that such a person is a lunatic, with the grounds for the opinion; and (*b*) that he is a proper person to be allowed to remain in a Workhouse as a lunatic; and (*c*) that the accommodation in the Workhouse is sufficient for his proper care and treatment, separate from the inmates of the Workhouse not lunatics, unless the Medical Officer certifies that the lunatic's condition is such that it is not necessary for the convenience of the lunatic or of the other inmates that he should be kept separate". Such a certificate signed by the Medical Officer is sufficient authority for detaining the lunatic in a Workhouse for fourteen days, but no longer, unless within that time a Justice signs an order for his detention. Failing such a certificate, or, after fourteen days, such an order, or if at any time the lunatic ceases to be "a proper person to be allowed to remain in a Workhouse", he becomes "a proper person to be sent to an asylum", and proceedings are to be taken accordingly.[1] Under these provisions the number of persons of unsound mind in the Workhouse continued to increase. It was also permissible to grant Outdoor Relief in cases of lunacy; and about five thousand were always so maintained, without any special conditions.

Regulations for the boarding out of pauper lunatics first appear in the Act of 1889. "Where application is made to the committee of visitors of an asylum by any relative or friend of a pauper lunatic confined therein that he may be delivered over to the custody of such relative or friend, the committee may, upon being satisfied that the application has been approved by the guardians of the Union to which the lunatic is chargeable, and, in case the proposed residence is outside the limits of the said Union, then also by a Justice having jurisdiction in the place where the relative or friend resides, and that the lunatic will be properly taken care of, order the lunatic to be delivered over accordingly." The Authority liable for such a lunatic's maintenance has to pay an allowance for his support to the person who undertakes his care; the Medical Officer of the district has to visit him and report to the visiting committee every quarter, and two visitors may at any time order the lunatic to be removed to the asylum.[2] Any two Commissioners

[1] Lunacy Act, 1890, sec. 24.
[2] Lunacy Act, 1889, sec. 40.

have also the right to visit any pauper lunatic or alleged lunatic not in an institution for lunatics or in a Workhouse, and call in a medical practitioner; if the latter signs a certificate, and they think fit, the Lord Chancellor may direct that the lunatic be received into an institution.[1]

For the paupers of unsound mind in the Metropolis there was even a fourth alternative, namely, the "district asylums" of the Metropolitan Asylums Board. On the opening of the Darenth Asylum, the Local Government Board quoted, without disapproval, the following remarks of the Lunacy Commissioners: "The withdrawal, for proper care, of helpless children of this kind [idiots] from the households of many of the industrious and deserving poor is a frequent means of *warding off pauperism in the parents*".[2] We do not find, however, any more explicit statement on this point. What the Local Government Board continued to press on the Boards of Guardians was, not so much the importance of relieving the struggling poor from the burden of their insane or idiotic dependants, nor yet the freeing of the Workhouses from the presence of persons of unsound mind; but rather of appropriate discrimination. "It is of great importance not merely to exclude from the district asylums those who, by reason of violence or irritability, are proper subjects for the county asylums, but also those who, from old age or disease, are unfit for the journey to the asylum, or who, from the slight *degree to which their mind is affected, might more properly* remain in the Workhouse.[3] The removal of helpless, bedridden persons, whose mental weakness is, in many cases, the result of old age, to asylums situated a considerable distance from the Metropolis, is calculated, on the one hand, to be injurious to the persons thus removed, and, on the other, to occupy the district asylums with a different class of persons from that for which they were constructed."[4] Imbecile children were to be kept in the Workhouse till they are five years old, and might then be sent to the asylum at Darenth.[5] Outside the Metropolis the

[1] Lunacy Act, 1889, sec. 42.

[2] Eighth Annual Report of Local Government Board, 1879, p. xli.

[3] First Annual Report of Local Government Board, 1872, p. xxix.

[4] Circular Letter, "Metropolitan Asylums for Imbeciles", February 12, 1875, in Fifth Annual Report of Local Government Board, 1876, p. 3.

[5] Circular Letter, "Age of Children sent to Imbecile Asylums", July 24, 1882, in Twelfth Annual Report of Local Government Board, 1883, p. 17.

Poor Law Commission of 1905–1909 found no specialised Poor Law provision for idiots, who, if not received into the county asylum, had either to be placed in non-Poor Law institutions at considerable expense, or detained in the Workhouse. In 1885 the Local Government Board had even suggested that harmless and aged lunatics, on grounds of economy, had better be retained in the Workhouse, rather than removed to an asylum.[1] We hear incidentally of a Special Order in 1900 under which certain chronic lunatics were actually transferred from the Suffolk County Asylum to the Workhouse of the Mildenhall Union.[2] As late as 1905 we find the Local Government Board, in concurrence with the Board of Control, which had succeeded the Lunacy Commissioners, even expressing regret that so many cases of senile imbecility were removed from the Workhouses to asylums.[3]

Under this policy the number of paupers of unsound mind receiving Outdoor Relief diminished very slightly, being 4736 on January 1, 1906; those in the asylums of the Metropolitan Asylums Board and in county and borough lunatic asylums rose to no fewer than 92,409; whilst those in Workhouses, nevertheless, did not fall off from the total of thirty-five years previously, being, in fact, on January 1, 1906, 11,484, or an average of nineteen in each of what were, in this respect, essentially General Mixed Workhouses.[4]

The Attempted Clearance of the Workhouse

Towards the latter part of the time we begin to find the Inspectors, somewhat in disaccord with the suggestions of the Local Government Board itself, protesting against the presence in the Workhouses even of the chronic lunatic, the harmless

[1] Local Government Board to West Ham, January 1885; *Local Government Chronicle*, January 24, 1885, p. 77. For a detailed description of the position in one great county, see *The Past and Present Provision for the Insane Poor in Yorkshire*, by Donul Hack Tuke, 1889.

[2] Special Order of March 21, 1900 (apparently not published?); referred to in Thirtieth Annual Report of Local Government Board, 1901, p. ci.

[3] Thirty-fifth Annual Report of Local Government Board, 1906, p. clxxi.

[4] *Ibid.* p. clxx. It seems to have been entirely an exception that the Rochdale Guardians fitted up what was practically a lunatic asylum in their Workhouse, adequately equipped, staffed and isolated; and took in a number of Lancashire chronic lunatics (Special Order of April 13, 1893; Twenty-third Annual Report of L.G.B., 1894, p. 92).

idiot, or the senile imbecile, on the new ground that their presence caused annoyance to the sane inmates; annoyance which had, for seventy years, been apparently either unnoticed or not considered. "I am sorry to say", reported H. Preston-Thomas in 1901, "that in all but six of the Workhouses in my district imbeciles mix freely with the other Workhouse inmates. Many of them are mischievous, noisy, or physically offensive. In some instances, even if their bodily ailment is very slight, they sleep in the sick wards in order that they may come under the supervision of the nurses, and they frequently disturb other patients at night. By day they are a source of much irritation and annoyance, and in a small Workhouse I have known the lives of a number of old men made seriously uncomfortable by a mischievous idiot for whom no place could be found in an asylum. . . . I am much afraid", prophetically continued Preston-Thomas, "that . . . the question will be postponed indefinitely, and six or eight years hence the idiots will still be worrying the sane inmates of Workhouses . . . It is in the country Workhouses, sometimes with only a dozen imbeciles or less, divided among the sexes, that the chief difficulty arises. . . . A good many are often found useful in the laundry and other domestic work of the institution, but I do not think this consideration ought to outweigh what may almost be characterised as the cruelty of requiring sane persons to associate, by day and by night, with gibbering idiots."[1] When the Select Committee on the Bill to establish Cottage Homes for the Aged Poor in 1900 strongly recommended the removal of all imbeciles from Workhouses, the Local Government Board, observing that the advisability of this step had been repeatedly brought to its notice by Guardians and others, declared that the question must be deferred.[2] The Poor Law Commissioners, who visited so many Workhouses in 1906–1908, were shocked at the promis-

[1] H. Preston-Thomas's Report, in Thirtieth Annual Report of Local Government Board, 1901, pp. 122-123.

[2] Circular of August 4, 1900, in *ibid.* p. 18. A decade later the position was unchanged. "In the majority of rural Workhouses which I visited", reported Dr. M'Vail, the Poor Law Commission's Special Investigator, "the practice is to provide no separate accommodation for imbeciles, either as to dormitories or as to day-rooms. They live, and sleep, and eat with other inmates" (Report . . . on the Present Methods of Administering Indoor and Outdoor Medical Relief, by Dr. J. M'Vail, Poor Law Commission, 1909, Appendix, vol. xiv. p. 25).

cuity in which the persons of unsound mind, often of repulsive appearance and habits, lived with the sane inmates; not merely within sight of the children in the common dining hall and chapel, but also, to the general annoyance, in the day-rooms of each sex. The Minority Commissioners observe: "We have ourselves witnessed terrible sights. We have seen feeble-minded boys growing up in the Workhouse year after year, untaught and untrained, alternately neglected and tormented by the other inmates, because it had not occurred to the Board of Guardians to send them to (and to pay for them at) a suitable institution. We have ourselves seen—what one of the Local Government Board Inspectors describes as of common occurrence—idiots who are physically offensive or mischievous, or so noisy as to create a disturbance by day and by night with their howls, living in the ordinary wards, to the perpetual annoyance and disgust of the other inmates. We have seen imbeciles annoying the sane, and the sane tormenting the imbeciles. We have seen half-witted women nursing the sick, feeble-minded women in charge of the babies, and imbecile old men put to look after the boys out of school hours. We have seen expectant mothers, who have come in for their confinements, by day and by night working, eating and sleeping in close companionship with idiots and imbeciles of revolting habits and hideous appearance".[1]

In a subsequent chapter we shall refer to this failure in completeness of the preventive measures with regard to a large section of the steadily increasing number of persons of unsound mind.

The Aged and Infirm

The aged and infirm, with their dependants, constituted, throughout the period with which we are dealing, more than one-third of the entire pauper host; and it is in relation to this class that we can most plainly watch the outspoken and authoritative development of the "Principles of 1834". Here the story of Poor Law policy falls easily into three parts. We have, first, the policy of freely awarded but scanty Outdoor Relief to all the aged who preferred to remain out of the Poor Law institutions. This was followed, a generation later, by a spell of "offering the House", so as to induce the poor to maintain their own aged

[1] Minority Report of Poor Law Commission, 1909, pp. 238-239.

rather than subject them to residence in the General Mixed Workhouse. Finally, in the last decade of the century, we see promulgated from Whitehall the policy of discriminating between the "deserving" and the "undeserving" among the aged: the well-conducted old people being given allowances adequate for maintenance, or if they failed to find friends to look after them, becoming indulgently treated guests in comfortable quarters specially designed for their accommodation. Thus, in the last phase, the conditions of the "deserving" aged were expressly to be made superior to those commonly enjoyed by the lowest grade of independent labourers.

Neither the Report of 1834, nor the Poor Law Amendment Act of that year, nor yet the Orders and Circulars of the Poor Law Commissioners throughout their whole reign from 1834 to 1847, ever raised any objection to the common practice of Outdoor Relief to all aged and infirm persons without resources, who preferred the customary allowance of one or two shillings per week to residence in the Workhouse. For the first couple of decades of its existence the Poor Law Board continued the policy of its predecessors, and assumed that the aged destitute persons would normally be relieved in their own homes. They were not even required, in all cases, to attend to receive their money. In commenting on the provision requiring a weekly payment of relief, the Poor Law Board expressly stated "as to the cases in which the pauper is too infirm to come every week for the relief, it is on many accounts advantageous that the Relieving Officer should, as far as possible, himself visit the pauper, and give the relief at least weekly".[1] And though, as we have already described, the Poor Law Board attempted, in 1852, to require that "at least one-third of such relief" should be given, not in money, but "in articles of food or fuel, or in other articles of absolute necessity", the very inclusion in the General Order of August 25, 1852, of such a provision amounted to an express sanction and authorisation—against which Chadwick and Nicholls had always fought—of the grant of Outdoor Relief to persons "indigent and helpless from age, sickness, accident or bodily or mental infirmity".[2]

[1] Poor Law Board to Barnsley Union, October 26, 1852, in H. of C. No. 111 of 1852–1853, p. 17.

[2] Out Relief Regulation Orders of August 25 and December 14, 1852, and circulars of August 25 and December 14, 1852; Fifth Annual Report of Poor Law Board, 1853; H. of C. No. 111 of 1852–1853; MS. Minutes,

It is to be noted that the Poor Law Board explained that its intention in making this requirement of part-payment in kind was not, as might have been inferred, any discouragement of Outdoor Relief to the aged, but the protection of these aged paupers against the misappropriation of their relief by others.[1] So overwhelming was the objection to any such restriction that the Board, as we have elsewhere described, withdrew the whole Order, and reissued it in a form applying only to the "able-bodied labourers and their families", expressly informing the Boards of Guardians that, apart from these, they were left "full discretion as to the description of relief to be given to the indigent poor of every class"[2] This remained the officially declared policy of the Poor Law Board during the whole of its existence.[3]

In the last section of this chapter we shall describe at some length the rise, about 1870, of a new school of thought, both outside and inside Whitehall, in favour of the strict application, to the aged as to all other applicants for Poor Relief, of the dogma of "Less Eligibility". Here we have to deal with this change of policy so far as it affected the treatment of the aged. For this large class we find, apparently for the first time, the more zealous Inspectors pressing the Boards of Guardians "to apply the Workhouse Test" to the aged, not as a "Test of Destitution", but, as one of them expressly stated, "in order to put a pressure on relatives who are not legally liable".[4] The aged were to be

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Poplar Board of Guardians, October 18, 1852; *ibid.* Norwich Board of Guardians, October 5 and December 7, 1852; Poor Law Board to Ashton under Lyne Union, October 8, 1852; ditto to Barnsley Union, October 26, 1852; *English Poor Law Policy*, by S. and B. Webb, 1910, pp. 128-130.

[1] Circular of August 25, 1852, in Fifth Annual Report of Poor Law Board, 1853.

[2] Circular of December 14, 1852, in Fifth Annual Report of Poor Law Board, 1853.

[3] In 1861, for instance, the Guardians of St. James's, Westminster, were recommended to apply the Workhouse Test to able-bodied males, but as regards the aged and infirm, to "cheerfully supply all that their necessities and infirmities require" (Poor Law Board to St. James's Parish, January 19, 1861, in Thirteenth Annual Report of Poor Law Board, 1861, p. 36).

The condition of the London (as of other) Workhouses at this date was such that it was said to be "painful to consign age and infirmity to their inhospitable shelter", of which a dreadful vision is given (*Experiences of a Workhouse Visitor* (Anon.), 1857). To some the only remedy seemed to be to make their maintenance a national charge, see *The Maintenance of the Aged and Necessitous Poor a national tax and not a local Poor Rate*, by Henry Pownall, 1857.

[4] Culley's Report, in Third Annual Report of Local Government Board, 1874, p. 76.

refused Outdoor Relief, and "offered the House", in which they were to find "deterrent discipline", because, explained Henry Longley, this was "the keystone of an efficient system of Indoor Relief",[1] not merely for the able-bodied but also for the aged and infirm (whom he habitually included in a new term "the disabled").

But although the Local Government Board allowed the Inspectors to continue to press the Boards of Guardians to restrict Outdoor Relief to the utmost, without making any exception of the aged and infirm; and although the Board complacently noticed in its own Annual Reports the result of these efforts in reducing the total numbers on Outdoor Relief, without animadverting on the fact that this meant that thousands of aged persons were, contrary to the official policy from 1834 to 1870, being "offered the House", we cannot discover that the Board gave any explicit approval to the Inspectors' new policy with regard to the aged. From 1871 to 1895, so far as we can find, the published official documents maintain silence on the subject. All that can be said is that the action of the Inspectors was allowed to seem to enjoy the approval of their superiors.

The Revolution in Policy

It was, accordingly, with surprise that the Boards of Guardians, the attenders of Poor Law Conferences, and those earnest philanthropists who constituted the Charity Organisation Society, found, unexpectedly, another turn of policy becoming manifest with regard to the aged, not in the Inspectors' exhortations but, irrespective of the political opinions of the Presidents for the time being, in the official letters and Circulars of the Local Government Board itself. Public opinion with regard to the treatment of the aged had, from 1890 onward, gradually been stirred by the discovery that, not merely the specially improvident or the specially undeserving, but actually something like one-third of all the men and women who reached 70 years of age were driven to accept Poor Relief. The writings of Charles Booth, together with the speeches of Joseph Chamberlain in favour of an Old Age Pension scheme, led to the appointment of a Royal Commission on the Aged Poor, the report of which, in 1895, constitutes a

[1] Longley's Report on Indoor Relief in the Metropolis, in Fourth Annual Report of Local Government Board, 1875, p. 47.

turning-point in the Poor Relief of the aged.[1] In January 1895, when the Liberal H. H. Fowler was President, we see the Board writing, not to object to Outdoor Relief, but actually to bespeak more kindly consideration for the aged who were getting it. The Bradford Board of Guardians had been requiring all their outdoor paupers to come every week to the Workhouse to receive their doles. The Local Government Board spontaneously pointed out that this involved very long walks for many aged and infirm folk, and suggested that the Bradford Guardians should institute four local pay-stations.[2] In July 1896, when the Conservative Henry Chaplin was President, a lengthy Circular was issued to all Boards of Guardians insisting on the importance of "greater discrimination", with regard to even suggesting admission to the Workhouse, "between the respectable aged who became destitute, and those whose destitution is distinctly the consequence of their own misconduct"; and actually recommending the grant of Outdoor Relief in suitable cases of the former class—perhaps the first occasion on which, since 1834, the grant of Outdoor Relief to a whole class had been, by the Central Authorities, not merely tolerated but expressly recommended. Moreover, it formed part of this new policy that the poor should be made aware in advance that, if only they led deserving lives, they might confidently look forward to Outdoor Relief in their old age; the new rules were to "be generally made known to the poor in order that those really in need may not be discouraged from applying".[3] Four years later the Local Government Board took an even more decisive step. In 1900, when Henry Chaplin was still President, it was definitely laid down by Circular to all Boards of Guardians that the proper Poor Law policy was the grant of systematic and adequate Outdoor

[1] Report of Royal Commission on the Aged Poor, Cd. 7684 of 1895; see *The Reform of the Poor Law*, by S. Webb, 1890 (Fabian Tract, No. 17); *Old Age Pensions and Pauperism*, by C. S. Loch, 1892; *Old Age Pensions and the Aged Poor*, by Charles Booth, 1899; *Pauperism, a Picture; and the Endowment of Old Age, an Argument*, by Charles Booth, 1892, and *The Aged Poor in England and Wales*, by the same, 1894; *The Problem of the Aged Poor*, by Geoffrey Drage, 1895.

[2] Local Government Board to Bradford Union, January 8, 1895, in MS. archives, Bradford Board of Guardians; *English Poor Law Policy*, by S. and B. Webb, 1910, pp. 230-231.

[3] Circular of July 11, 1896, in Twenty-sixth Annual Report of Local Government Board, 1897, Appendix, pp. 8-9. We do not know whether to attach any significance to the fact that this important new departure in policy received no mention in the Annual Report, which is habitually drafted in the Department for the President's signature.

Relief to all aged persons who were at once destitute and deserving. Such persons "*should not be urged to enter the Workhouse at all*", unless compelled to do so by disease or the lack of home care. The Guardians were strongly pressed to abandon their exiguous doles to such persons, and to make the relief adequate.[1] And, contrary to the habit of the Department, this momentous Circular was followed up in a few months' time by letters to all the Boards of Guardians asking what action had been taken with regard to the suggested grant of Outdoor Relief to the deserving aged, and, in particular, whether the practice was to award an adequate amount in each case.

"*This is a new Poor Law*"

"Clearly, this instruction is a new Poor Law", bluntly observed the Secretary of the Charity Organisation Society.[2] The effect on the Boards of Guardians was profound. One Inspector reported that it had produced "a good deal of discussion . . . upon the question of the amount of Outdoor Relief granted to aged deserving persons". Those Inspectors who had been pressing for an all-round restriction of Outdoor Relief, and the special employment of the Workhouse Test to the aged, in order to persuade non-liable relatives to support them, did not conceal their dismay. "I rather fear", cautiously reported one of them, "that in some Unions it has rather been regarded as a sort of sanction to increase the system of Out-relief generally. This the Circular did not intend." "In some instances", reported more bluntly another Inspector, "where

[1] Circular of August 4, 1900, in Thirtieth Annual Report of Local Government Board, 1901, Appendix, pp. 18-19. This Circular, too, is not referred to in the Annual Report itself.

It was pointed out by C. S. Loch that the use of the word "adequate" was novel, and that it seemed to point to a new standard. The term used in the Act of 1601 was "necessary relief" ("What is Adequate Relief", by C. S. Loch, *Poor Law Conferences, 1901–1902*, p. 413). The word "adequate" had been used in the Report of the Select Committee on the Cottage Homes Bill, 1899 ("What is Adequate Relief", by Arthur Weekes, *ibid.* pp. 602-614). The expression had never been used in an Order of the Central Authority; but it occurs once in the Poor Law statutes (59 George III. c. 12, sec. 2); see P. L. Commission, vol. i., Adrian, Q. 1110, 1114.

[2] "What is Adequate Relief", by C. S. Loch, *Poor Law Conferences, 1901–1902*, p. 414. "'There was no doubt,' said an experienced Chairman of a County Council '. . . that the Circular issued last year with the best intentions by the Local Government Board meant . . . practically a new Poor Law'" (the Right Hon. Henry Hobhouse, *ibid.* p. 428).

Guardians have been for years endeavouring with patient care to administer the Poor Law strictly . . . the opinion of the [Local Government] Board with reference to Outdoor Relief to certain classes of paupers has been the cause of some change, if not of opinion, at all events of practice, with the result the amount paid weekly as Outdoor Relief has increased largely. . . . This has been notably the case in the Faversham Union. . . . During the last six months the expenditure has increased about 25 per cent. In some other Unions . . . the effect of the Circular has been still more marked, for the recommendation that adequate relief should be given has been made the occasion for increased grants of Outdoor Relief all round, the word 'adequate' being taken to refer to the amount of money only." And this Inspector went on to intimate pretty plainly that, whatever the President might say, the orthodox view was that, normally and typically, "the only adequate form of relief is an order for the Workhouse".[1] The result of the Inspectors' efforts was, in defiance of the Circular,[2] that very few Boards made any substantial increase in the rate of their allowances to the aged. The Bradford Board, adopting the new policy, stated definitely that they gave five shillings per week to each deserving aged person.[3] On the other hand, most other Boards continued to give eighteenpence per week all round, whilst in a few Unions of "strict administration" the President's pronouncement was silently ignored, and the policy of habitually refusing Outdoor Relief, even to the aged, was persisted in. This extreme diversity of policy was not interfered with. The Circular of August 4, 1900, remained the last word. It was not embodied in any Order. There is no trace of the Local Government Board intervening again with regard to Outdoor Relief for the deserving aged; either to insist on the policy of 1834, or on that which the Inspectorate was so diligently pressing between 1871 and 1896, or on that of "systematic and adequate" life pensions from Poor Law funds definitely demanded by Henry Chaplin in 1896–1900, as the policy of the Local Government Board, and never reversed or rescinded.

[1] Thirtieth Annual Report of Local Government Board (Davy's Report), pp. 87-89; see also Bagenal's Report, p. 154, and Wethered's Report, p. 133.

[2] See the abstract of replies to the Local Government Board as to the Guardians' action in 32 Unions, in *Poor Law Conferences, 1901–1902*, pp. 775-803.

[3] L.G.B. to Bradford Union, January 10, 1901; Bradford Union to L.G.B., January 26, 1901, in MS. archives of the Union.

The Deterrent Workhouse

Meanwhile there had accumulated in the Workhouses of the Metropolis (where the effect of the Metropolitan Common Poor Fund had been to offer to the London Unions a premium on Indoor Relief), and in those of the Unions up and down the country in which the policy of the Inspectorate for a couple of decades after 1870 had been more or less carried out, a large number of aged persons, who (contrary to the intention of the 1834 Report) had become permanent residents.[1] But the Inspectorate did not change its policy with regard to the provision for these old people. Longley, in fact, emphatically complained in 1873 that the Metropolitan Workhouses had become so "attractive to paupers" as to furnish no test of destitution. He made no exception in favour of the old people's wards. It was, indeed, the "deterrent discipline" of the Workhouse as a whole that he regarded as "the keystone of an efficient system of indoor relief", as acting not merely "directly on the able-bodied" but also "more remotely upon the disabled class of paupers" (the term he always used for the aged and infirm).[2] Nor had the Local Government Board itself anything to say on the subject. Even the attempt made in 1867–1875 to revert to the policy of the 1834 Report, so far as to have specialised institutions for the aged, the sick and the able-bodied, as well as for the children, was, so far as the aged were concerned, not persisted in, or even

[1] It was not so much that the "offer of the House" greatly increased the aggregate population of the Workhouses. Outside the Metropolis, indeed, this only rose from 131,334 in 1871 to 139,736 in 1891. Within the Metropolis, owing to the development of the Poor Law infirmaries into general hospitals, and the operation of the Common Poor Fund, the increase was more considerable, namely, from 36,739 to 58,482. What happened was that the Workhouse population was changing in character. This was, perhaps somewhat prematurely, commented on (principally with a view to the Metropolis) in 1868. "Able-bodied people are now scarcely at all found in them during the greater part of the year. . . . Those who enjoy the advantages of these institutions are almost solely such as may fittingly receive them; viz. the aged and infirm, the destitute sick and children. Workhouses are now asylums and infirmaries" (Dr. E. Smith, the Medical Officer to the Poor Law Board, in Twentieth Annual Report of Poor Law Board, 1868, p. 43). In the Metropolis, the children and the sick were increasingly removed to separate schools and infirmaries, leaving the General Mixed Workhouse inhabited, so far as permanent residents were concerned, chiefly by the aged and infirm, with a shifting fringe of able-bodied "Ins and Outs" with their dependants, and of children and sick awaiting transfer; together with the infants under 3 or 4.

[2] Fourth Annual Report of Poor Law Board, 1875 (Longley's Report on Indoor Relief in the Metropolis), p. 47.

explained to the Guardians. No other Unions were found (or, so far as is known, even urged) to adopt the joint arrangements of Poplar and Stepney under which the aged and infirm of both Unions had a Workhouse to themselves; and this one was brought to an end in 1892.[1]

The Official Change of Policy

In 1885, and still more after 1892, the note changes. From that date onward we get a distinct reversion, as regards the aged indoor pauper, to the policy indicated in the 1834 Report ("the old might enjoy their indulgences"), from which the Poor Law Commissioners of 1834–1847, the Poor Law Board of 1847–1871, and even the Local Government Board for its first fourteen years, had persistently turned away.[2]

The first sign of this concern for the comfort of the aged Workhouse inmates occurred on the eve of the General Election of 1885, when, as will be recalled, a couple of million additional electors of the wage-earning class had been added to the Parliamentary Registers. Under the presidency of Arthur Balfour the Local Government Board issued a Circular to all the Boards of Guardians specifically reminding them that married couples over sixty had a statutory right to be provided with a separate bedroom for their joint occupation, and that (as had been provided in the Divided Parishes and Poor Law Amendment Act of 1876) where one partner only was over sixty the couple might equally be given this accommodation, at the discretion of the Guardians.[3]

[1] Special Order of April 18, 1892, in Twenty-second Annual Report of *Local Government Board, 1893*, p. lxxix.

[2] Among publications of this period we may cite various by the Fabian Society (*The Reform of the Poor Law*, by S. Webb, No. 17 of 1890; *Questions for Poor Law Guardians*, No. 20 of 1890; *A Plea for Poor Law Reform*, by F. *Whelen*, No. 44 of 1893; and *The Humanizing of the Poor Law*, by J. L. Oakeshott, No. 54 of 1894); *Better Treatment of such Aged Poor as are in the Workhouse*, by J. Theodore Dodd, 1892; *The Poor Law, the Friendly Societies and Old Age Destitution*, by Rev. T. W. Fowle, 1892; *Pauperism and the Endowment of Old Age*, by Charles Booth, 1892; and *The Aged Poor in England and Wales*, by Charles Booth, 1894.

[3] Circular of Twenty-sixth Annual Report of L.G.B., 1886. It will be remembered that this was the concession against which, as inconsistent with the Workhouse regimen, Nicholls had, in his time, vehemently protested. For a whole generation it had been, in nearly all the Workhouses, ignored or evaded, without interference or comment by the Poor Law Board or Local Government Board. In 1895 a foreign inquirer was authoritatively informed that, in all England, the total number of aged couples who had persisted in

In 1891, when C. T. Ritchie was President, a small matter led to a significant alteration in Workhouse administration. The question had been raised in a few Unions whether the Guardians could lawfully provide illustrated and other newspapers for the aged Workhouse inmates to read, and even books for their use. In another Union the District Auditor had demurred to the provision out of public funds of some inexpensive toys for the Workhouse nursery. The President (C. T. Ritchie) issued a Circular to the Inspectors conveying the Board's sanction for the provision both of newspapers and books for the aged and of toys for the children.[1]

Dietetic Indulgences

The change of heart towards aged paupers was, however, most manifested in dietetic indulgences, the initial struggle taking place over tobacco.[2] The *Liverpool Select Vestry* (the Poor Law

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claiming their separate bedrooms was not much over 200 (*La Loi des pauvres et la société anglaise*, by Émile Chevallier, 1895, p. 167).

The oft-repeated excuse for non-compliance with what since 1847 had actually been the statute law—that practically no aged couples asked for or desired a separate apartment—was, we suggest, disingenuous and misleading. In some cases it seems to have been represented to the old people that they would have to live entirely in their bedroom, forfeiting their right to frequent, in the day-time, the general rooms for men and women respectively. In some cases, at least, the acceptance of a separate apartment would have entailed the giving up of smoking, as this was not permitted on the side of the Workhouse in which the proposed apartment was situated.

[1] Circular of January 23, 1891. This was a circular to the "Local Government Inspectors". With regard to the toys, it appears that the Board's action was due, at least in part, to one of the rare public interferences in policy by a Civil Servant. One of the Board's own officials (H. Preston-Thomas), noticing the Auditor's legal objection to the purchase of toys, contributed an anonymous article to the *Morning Post*, expatiating on this absurd pedantry. The article came to Ritchie's notice, and led to his intervention in the case, which, in the ordinary course of office routine, he would not have seen (*Work and Play of a Government Inspector*, by H. Preston-Thomas, 1909, pp. 207-209).

[2] It is not clear from the published documents at what date, or in what Unions, the Local Government Board had first allowed tobacco. In 1880 it decided that it could not legally be given to Workhouse inmates (not being sick), if it had not been specially ordered by the Medical Officer under arts. 107 and 108 of the General Consolidated Order of 1847 (*Selections from the Correspondence of the Local Government Board*, vol. ii. pp. 3, 72). Yet, by 1885, at any rate, the allowance of tobacco or snuff to non-able-bodied paupers, or to such as were "employed upon work of a hazardous or specially disagreeable character", with permission to smoke in such rooms as the Guardians might determine, had been exceptionally granted in particular cases; see, for instance, Special Order to the Carlisle Union of June 22, 1885 (not published in the Annual Report).

Authority in that city) determined to give the well-conducted old men in the Workhouse the indulgence of a weekly screw of tobacco, whether or not they were employed on disagreeable duties. The District Auditor objected. The Vestry insisted. The Local Government Board was obdurate. The local body appealed to its Parliamentary representatives. It was suggested as a compromise that the Medical Officer might be got to include it in the dietary table, when the Local Government Board would not refuse to sanction it.[1] The Vestry declined to compromise, and insisted on allowing tobacco as a non-medical indulgence. Finally, the Inspector was privately instructed to say that official objection was withdrawn. No publicity was given to the concession; but it gradually leaked out. During the year 1892 we see the Local Government Board sanctioning by letter, without any official publication on the subject, such applications as were made by individual Boards of Guardians to be permitted to allow an ounce of tobacco weekly to the men over sixty in the Workhouse.[2] Then on November 3, 1892, when Henry Fowler was President, a General Order was issued permitting it in all Unions, irrespective of sex, and without limit of amount.[3] Little more than a year later, as some compensation to the old women (though they had not been excluded, in terms, from the indulgence of tobacco or snuff), they were allowed "dry tea", with sugar and milk, irrespective of that provided for in the dietary table.[4] Presently, this indulgence was extended to "dry coffee or

[1] "It is the invariable practice", said C. T. Ritchie approvingly, as President of the L.G.B., "to provide for the aged paupers a better diet than that for the other classes" (C. T. Ritchie in House of Commons, May 6, 1892; Hansard, vol. iv. p. 277). It should be added, for perfect accuracy, that to the first authoritative Workhouse dietary table of 1836 there is a footnote stating that "old people of sixty years and upwards may be allowed something extra"—a relaxation which we believe to have been, for half a century, very rarely put in operation, if ever. Moreover, it appears from the MS. Minutes that the Poor Law Commissioners, in 1836, had conceded, to an inquiring Board of Guardians, that sugar might be allowed to the aged and infirm; and that any other Board might apply for like sanction (MS. Minutes, Poor Law Commissioners, January 18, 1836). But the concession was not published; and no alteration was made in the dietaries, which were supposed to be authoritative.

[2] *Local Government Board to Bourne Union, August 1892* (*Local Government Chronicle*, August 13, 1892, p. 678); Local Government Board to Caistor Union, September 1892 (*ibid.*, October 8, 1892, p. 859).

[3] General Order of November 3, 1892; Circular of November 9, 1892; Twenty-second Annual Report of L.G.B., 1893, pp. lxxxv, 35-36.

[4] Special Order of March 8, 1894; Twenty-fourth Annual Report of L.G.B., 1895, pp. xcix, 4-5.

cocoa", if preferred, and the men also were allowed to receive it.[1] At last, the Local Government Board, by two lengthy Circulars in 1895 and 1896,[2] under the presidency of Henry Fowler and Henry Chaplin respectively, systematically laid down principles of Workhouse administration, so far as the aged were concerned, in sharp contrast with those advocated by Longley, or indeed, with those which had been inculcated from 1835 to 1892. It was expressly stated that, as the character of the Workhouse population had so completely changed since 1834, the administration no longer needed to be so deterrent. The old idea of fixed and uniform times of going to bed and rising, and taking meals, was given up, it being expressly left to the Master and Matron to allow any of the aged (as well as the infirm and the young children) to retire to rest, to rise and to have their meals at whatever hours it was thought fit. The Visiting Committees of Workhouses were now specially enjoined to see that the aged were properly attended to, and recommended *to confer* with them as to any grievances without any officials being present.[3] It was suggested that the great sleeping wards should be partitioned into separate cubicles. The Guardians were once more reminded that aged or infirm couples might be provided with separate rooms. The well-behaved aged and infirm were to be allowed, within reasonable limits,[4] to go out for walks, to visit their friends, and on Sunday to attend their own places of worship.

[1] Special Order to Gateshead Union, February 15, 1896; see also the "Specimen Order" given in Macmorran and Lushington's *Poor Law Orders*, second edition, 1905, p. 1061.

[2] Circular on Workhouse Administration of January 29, 1895; Memorandum on Visiting Committees of June 1895; Circular on Classification in Workhouses of July 31, 1896; Twenty-fifth Annual Report of L.G.B., 1895–1896, pp. lxxxv, 107-112, 121-123; Twenty-sixth Annual Report of L.G.B., 1896–1897, pp. lxxxviii-lxxxix, 9-10. It should be noted, too, that in the very next year the important Workhouse Nursing Order, 1897, which gradually revolutionised the nursing of the sick by providing for the employment (in substitution for the pauper attendants) of qualified and salaried nurses, also ameliorated the condition of many of the aged, who were *chronically infirm* and needed daily attendance. The whole policy is commented on in *Special Report from the Select Committee . . . on the Cottage Homes Bill, together with Notes, etc.*, by the Editors of the *Poor Law Officers' Journal*, 1899.

[3] Memorandum on the duties of Visiting Committees, June 1895, in Twenty-fifth Annual Report of L.G.B., 1896, p. 122.

[4] Sunday morning, and one day a month, was held to be not sufficient outing. "In the case of aged inmates of respectable character," said Henry Chaplin, "leave of absence might well be allowed on weekdays more frequently *than is now the case*" [at Old Gravel Lane Workhouse] (Hansard, May 23, 1898, vol. lviii. p. 326).

The rules were to be relaxed to allow them to receive visits in the Workhouse from their friends. There was to be no distinctive dress.[1] Those of them who were of good conduct, and who had "previously led moral and respectable lives", were to be separated from the rest, who "are likely to cause them discomfort", and were to have the enjoyment of a separate day-room.[2] The whole note of the administration of the old people's wards of

[1] In nothing had the change been more remarkable than in the Workhouse inmates' clothing. In 1865 a rural Board of Guardians is described, "whose idea of adequate relief to an aged deserving man or woman was 1s. 6d., or to be extra liberal, 2s. 6d. a week; *who clothed all the inmates of the Workhouse in a pronounced livery for their Sunday best, the men in white fustian and the women in blue serge, and expected them to go to church or chapel in procession like convicts.* The Workhouse itself was not furnished much more comfortably than a farmer's barn with a load of straw in it" (Sam Adams, Clerk, Bp. Auckland, in *Poor Law Conferences, 1908–1909*, p. 265). "As long ago as the year 1842 the Poor Law Commissioners called attention to the fact that [for Workhouse inmates] *the clothing need not be uniform* either in colour or material; and yet for the long period of nearly sixty years the inmates of nearly every Workhouse in the country were similarly attired in hideous and distinctive clothing" ("Poor Law Questions as affecting Women Guardians", by Mrs. E. G. Fuller, in *Poor Law Conferences, 1901–1902*, p. 397). The abandonment of a distinctive pauper dress was, to say the least, not welcomed by "strict" administrators. "It is said", wrote Sir William Chance in 1895, "to be inhumane to clothe the Workhouse inmates in a special dress. The objection is one more founded on sentiment than on reality. It must not be forgotten that the application of the Workhouse Test is intended to act as a deterrent" (*The Better Administration of the Poor Law*, by Sir W. Chance, 1895, p. 78).

[2] *This segregation of the well-behaved from the badly behaved was seldom* found practicable in the old buildings that were everywhere used as Workhouses. Such "a proper separation would involve the rebuilding of at least half the Workhouses in London" ("Are Workhouses unduly attractive?" by W. A. Bailward, *Poor Law Conferences, 1898–1899*, p. 511). It had, in fact, been attempted only in an infinitesimal number of cases, either in large Workhouses or in small ones. In every Union, say two competent observers, "the inmates of Workhouses are classified according to the provisions of Article 98 of the General Order of 1847, but we think it correct to say that in a large number of Workhouses the provisions of the succeeding Article 99, whatever may be the reason, are not complied with" (that is to say, classification by "usual character or previous habits") ("The Poor Law in relation to the Aged Poor", by C. N. Nicholson and Sir W. Chance, *Poor Law Conferences, 1899–1900*, p. 522). In some of the more populous Unions a change was, in these years, spontaneously being made. "Of late years", we read, "many Boards of Guardians have given special attention to" some such segregation of the well-conducted deserving aged, notably at "Sheffield, Liverpool, Portsea Island, Grimsby, Hull, Southampton, West Derby . . . Fulham and Kensington" (*ibid.* p. 522). For a modern view of structural requirements, see *Hints and Suggestions as to the Planning of Poor Law Buildings*, by Percival Gordon Smith, 1901. Smith was appointed assistant architect in 1868 to the Poor Law Board, and in 1878 architect to the Local Government Board, retiring in 1901.

the Workhouses was, in fact, to be changed, so far as the Local Government Board could change it. In the hitherto-disregarded words of the 1834 Report, the old were to "enjoy their indulgences". Four years later another Circular was issued in stronger terms, reiterating the suggestions of privileges that the Guardians ought to allow to the deserving inmates over sixty-five —freedom to rise and go to bed and have their meals when they liked, to have their own locked cupboards for their little treasures, in all cases to have their tobacco and dry tea, to be free to go out when they chose, and to be allowed to receive the visits of their friends. They were to be given separate cubicles to sleep in, and special day-rooms, "which might, if thought desirable, be available for members of both sexes . . . and in which their meals, other than dinner, might be served at hours fixed by the Guardians".[1] "It is hoped that, where there is room, the Guardians will not hesitate to take steps to bring about improvements of the kind indicated in the arrangements for the aged deserving poor".[2] Four or five months later the Guardians were stirred up by letter, and asked what they had done towards creating the specially privileged class of deserving aged inmates that had been so strongly pressed on them.[3] During these years the dietaries for the aged and infirm were being altered in the direction of liberality, variety and freedom of choice. Not only were hot meat or fish dinners provided ("with sauce"), but also tea, cocoa, milk, sugar, butter, seed-cake, onions, lettuce, rhubarb or stewed fruit, sago, semolina and rice pudding. In 1900

[1] Circular of August 4, 1900, in Thirtieth Annual Report of Local Government Board, 1901, p. 19; *commented on in Poor Law Administration: the Aged Deserving Poor*, by the Editors of the *Poor Law Officers' Journal*, 1900.

[2] Nor was this merely a formal expression. We see, in the next few years, the Local Government Board cordially sanctioning the provision, at no small extra expense in capital and annual maintenance, of new old people's wards in some Unions, of specialised old men's and old women's homes in others; even to the extent of permitting (as at Woolwich) the location of the most respectable and best conducted of the aged in a comfortable private mansion conducted with the minimum of rules, and without outward sign of pauperism.

[3] See, for instance, Local Government Board to Bradford Union, January 10, 1901, in MS. archives, Bradford Board of Guardians: "There were then, in the Bradford Workhouse, twenty aged paupers of the first class, and seventeen of the second class. Both these day wards had cushioned armchairs, lockers with keys for each inmate, carpets on the floor, curtains to the windows, and were made comfortable with cushions, coloured table-cloths, pictures and ornaments. The inmates had special dormitories (Bradford Union to Local Government Board, January 26, 1901). The General Consolidated Order of 1847 was still nominally in force.

"provision is also made for . . . the inmates on special infirm diet . . . to receive daily, before bedtime, or at such time as the guardians may fix, a small allowance of milk pudding or similar food to break the interval between the usual meals".[1] The same Circular announced the Board's capitulation to the insistent demand of the Chorlton Board of Guardians for permission to depart so far from the peremptory Orders as to abandon the serving to each inmate of a uniform ration of bread at every meal. The Guardians had defiantly substituted a service of bread in trays common to each table, which resulted in a considerable reduction in the daily quantity consigned to the pig-trough. It took some time to induce the Local Government Board to agree to this departure from strict institutional practice; but, as the Guardians persisted, the new Dietaries Order communicated in the Circular of October 11, 1900, definitely sanctioned the improvement. Nor was harmless recreation to be withheld from the Workhouse inmates. The Board in 1904 made no objection to a Board of Guardians subscribing to a lending library, in order to obtain a constant supply of books for the deserving aged Workhouse inmates; and even held that no special sanction was required.[2] Finally, "it is open to Guardians, if they think fit, to incur reasonable expenses in providing a piano, for use at divine service [and therefore, presumably, also at other times, once it was installed] held in a Workhouse Infirmary for old and infirm inmates";[3] or to provide a harmonium at the cost of the Poor Rate for the use of the inmates of the Workhouse.[4] In all

[1] Circular of October 11, 1900; Workhouse Regulations (Dietaries and Accounts) Order, 1900, in Thirtieth Annual Report of L.G.B., 1901, pp. 65-66. But the Local Government Board struck at afternoon tea! The St. George's, Hanover Square, Guardians were informed that it was "not prepared to assent to the proposal of the Guardians for the infirm men, and all men over the age of sixty-five years to have half a pint of tea daily at 3.30 P.M., between the midday and evening meals" (Local Government Board to St. George's, Hanover Square, November 1900; see *Local Government Chronicle*, November 17, 1900, p. 1147).

[2] *Local Government Chronicle*, August 27, 1904, p. 898; *Decisions of the Local Government Board, 1903–1904*, by W. A. Casson, 1905, p. 97.

[3] The decision was published in *Local Government Chronicle*, November 1, 1902, p. 1102; *Decisions of the Local Government Board, 1902–1903*, by W. A. Casson, 1904, p. 72.

[4] Local Government Board to St. German's Union, December 1898; *Local Government Chronicle*, December 24, 1898, p. 1192; see, for all this progressive relaxation of Workhouse "discipline", *English Poor Law Policy*, by S. and B. Webb, 1910, pp. 336-240; and, for its result in increasing the volume of "Old Age Pauperism", Majority Report of Poor Law Commission, 1909, vol. i. p. 232 of 8vo edition.

this alteration of policy with regard to the aged, from 1885 onwards, we become aware of the increasing influence of the change of public opinion, which was manifesting itself in the movement for Old Age Pensions, leading, with the Commissions or Committees of 1893–1895, 1896–1898, 1899–1900 and 1903, up to the Act of 1908, by which—though it failed immediately to empty the Workhouses of the bulk of their aged inmates, who had long been cut off from their relations—the stream of aged applicants for Poor Relief, either indoor or outdoor, was greatly diminished.

The Able-bodied

The Poor Law Board found on its hands in 1848 a considerable mass of able-bodied pauperism which the thirteen years of strenuous work of the Poor Law Commissioners had failed to eliminate. Their policy had, indeed, achieved one great success. Within a few years, in the rural parishes of Southern England, the resolute offer of the Workhouse had brought to an end—so far as able-bodied men were concerned—the demoralising chronic Poor Law relief of the Underpaid and the Under-employed. Speaking broadly, all the able-bodied farm labourers who had remained in the villages, and who were in employment at all, were now maintained, so long as they and their dependants were in good health, without the aid of the rates, with the result that their wages had somewhat risen, and their wage-earning had become somewhat less intermittent. How far this policy had succeeded at the cost of driving some surplus labourers into the towns, and thereby increasing the mass of able-bodied destitution there, remains uncertain.

In London, and in the manufacturing towns, and in the seaports, where quite a different kind of able-bodied destitution existed, the new policy had proved less practicable. The Poor Law Board had to recognise, as the Poor Law Commissioners had been constrained to admit, that, even where the Local Authorities offered no objection, it was undesirable to apply the Prohibitory Order in places where fluctuations in the volume of employment were violent and periodic, and manifestly beyond the control of either employers or wage-earners. An Outdoor Relief Prohibitory Order, it was observed, would in such places necessarily have to

be suspended in times of depression of trade; "and", to quote the words of the Local Government Board's letter of May 12, 1877, "there is nothing more calculated to weaken the force of the regulations of the Board than to be obliged to abrogate them whenever a period of pressure arises". In the large centres of population, accordingly, the attempt to prohibit Outdoor Relief to the able-bodied was, by 1852, avowedly abandoned.[1]

The Labour Test

The alternative device for carrying out the "Principles" of the 1834 Report, of which the Poor Law Board urged the adoption upon the Boards of Guardians of the Metropolis and the manufacturing districts, was that of the Labour Yard, or Outdoor Relief in return for a task of work by the able-bodied man. Either under the Labour Test Order or under the Outdoor Relief Regulation Order, the opening of a Labour Yard, and the refusal of any Outdoor Relief to able-bodied men except through the Labour Yard, was, by the Poor Law Inspectors and by official Circulars, persistently pressed on the Boards of Guardians of London and the great towns as the proper way of treating the destitute able-bodied men who applied for relief—irrespective of whether they were Unemployed, Under-employed, Sweated, or Unemployable. The number of men thus given relief in return for a task of work rose, in times of bad trade, to a great height. Thus in the Lady-day Quarter, 1843, nearly 40,000 healthy able-bodied men, representing a population of some 150,000, were being employed in the Poor Law Labour Yards, including large numbers of factory operatives thrown out of employment in Lancashire and the West Riding by depression of trade.[2] A

[1] *An able plea for the relief of the able-bodied by the provision of employment in useful work* was made by G. Poulett Scrope in *The Rights of Industry: Part III. On the Best Form of Relief to the Ablebodied Poor*, 1848. See also *Outdoor Relief to Ablebodied Paupers: a Letter addressed to . . . Sir J. Grey*, by Rev. D. L. Cousins, 1850; also, by the same, *Extracts from the Diary of a Workhouse Chaplain*, 1847; *Should Boards of Guardians endeavour to make Pauper Labour self-supporting; or should they investigate the Causes of Pauperism*, by W. Neilson Hancock, 1851; *The Principles of Pauper Labour*, by E. W. Holland, 1870; *Some Articles on London Pauperism and its Relations with the Labour Market*, by Sir C. E. Trevelyan, Bart., 1870; *Poor Relief during Depression of Trade*, by George Macdonald, 1879; (see, for a previous experience, *Observations on the Administration of the Poor Law in Nottingham*, by W. Roworth, 1840).

[2] Tenth Annual Report of Poor Law Commissioners, 1844, pp. 467-470.

member of the Bradford Board of Guardians in 1842 estimated that "nearly two-thirds of the relief is given to able-bodied paupers".[1] At the East End of London, the number of men unemployed in 1848 was so great that the Poplar Guardians seriously complained of the strain imposed upon them. The Guardians, viewing the pressure of "applications by able-bodied men for relief, and which the Board truly believes arises from various causes of temporary cessation of work in the docks and large manufactories, are of opinion that it is expedient that such relief should be administered more extensively than is usually considered admissible by the late Poor Law Commissioners or the Poor Law Board to that class of person; the Guardians at the same time ordering the employment of stone-breaking to the fullest extent to be continued".[2] In 1847, even in many rural Unions, "the Workhouses . . . became full during the winter", and special permission had to be given for Outdoor Relief to the able-bodied. "In Caxton and Arrington, and Newmarket, the necessity for Out-relief recurs every winter. In Hinckley the difficulty was only partial, owing to a dispute between the stocking-weavers and masters about wages. In Clifton and Chipping Sodbury the Workhouse was crowded through the want of employment of the hatters";[3] and these unemployed men had to be given Outdoor Relief. Nor were these merely isolated and exceptional cases. Throughout its whole existence the Poor Law Board, and down to 1886 the Local Government Board, found no better suggestion to make to Boards of Guardians, with regard to the able-bodied men thrown out of work by depression of trade or seasonal cessation of employment—failing appropriate Workhouse accommodation—than the grant of Outdoor Relief in return for labour.[4] The "opening of the Labour Yard" became a regular occurrence at every period of stress.

[1] MS. Minutes, Bradford Union, October 31, 1842.

[2] MS. Minutes, Poplar Union, November 16, 1848.

[3] *Official Circular*, No. 5, N.S., May 1847, p. 67.

[4] "The Poor Law . . . Board is most unwilling to let the usual regulations be overstepped. They allow Outdoor Relief only on sufferance, and with the abhorred Labour Test. . . . Old Stephens of Stalybridge . . . has preached about it till the Oldham Guardians have openly defied the London Board, and give relief without oakum. The office sends them several letters every week, which they throw under the table" (Dr. J. H. Bridges, writing in 1862; *A Nineteenth Century Teacher*, by Susan Liveing, 1926, p. 102).

We make no attempt at a chronological description of the opening and closing of Labour Yards in one or other of the Poor Law Unions during the second half of the nineteenth century; though this occupies a large part of local Poor Law annals. What is noteworthy, amid the essential sameness of the experience, is the great diversity in the conditions that was allowed, without objection or comment, by the Poor Law Board and the Local Government Board. In the kind of work offered, and in the amount of relief given, Boards of Guardians have constantly differed from one another between the two extremes of a mere pretence at work, with a good meal, a bed in a common lodging-house and a few halfpence in money, on the one hand, and, on the other, painful penal labour upon relief physiologically insufficient even to make good the wear and tear involved. With strict administrators of the old-fashioned type, the work provided took three or four forms only, such as oakum-picking, wood-chopping, corn-grinding and, most of all, the breaking of granite, flint, or sandstone by the hammer for use on the roads. Such work was usually performed in a shed within the curtilage of the Workhouse—called the "Labour Yard", or the "Stone Yard"—often differentiated into stalls in which the men worked apart from each other, and could be closely supervised by the Workhouse Master, or by a "Labour Master" serving under him. Such a Labour Yard lent itself to the exaction of a definite task of work from every man certified by the Medical Officer to be capable of performing it.

The Provision of Useful Work

In 1886 we note a change of policy, in the year in which Joseph Chamberlain, as President of the Local Government Board, issued his famous Circular to the Town Councils asking them to start Relief Works for the unemployed. Up and down the country Boards of Guardians in the larger cities began to prescribe, for able-bodied male applicants for Poor Relief, tasks of work less repulsive than oakum-picking and stone-breaking; it might be digging, quarrying and road-making, or even, in some cases, merely odd jobs of cleaning, painting and decorating inside the various Poor Law institutions. Thus, the Manchester Board of Guardians in 1886–1887, and again during 1895–1906, put men to excavate the land attached to its Workhouse at

Crumpsall; the Chorlton Board of Guardians long had men on Outdoor Relief working on its farm in all seasons of the year, the number rising in winter to several scores; the Leicester Board of Guardians for many years put hundreds of men to dig on its farm; the York Board of Guardians, after 1886, set the able-bodied unemployed to bring into cultivation by spade labour the garden land adjoining the Workhouse; and the Bradford Board of Guardians employed the able-bodied men on Outdoor Relief in levelling and preparing for building the land adjacent to its institutions two miles from the centre of the town. Some Boards of Guardians, despite the legally authoritative Orders of the Local Government Board, were actually providing, during the last quarter of the century, for men rendered destitute by lack of employment, the very "work at wages" which was so much deprecated in 1834. The Guardians of the Ecclesall Bierlow Union, comprising a part of the Borough of Sheffield, carried on a regular system of offering to every able-bodied man who applied for relief, not residence in the Workhouse, but paid employment at piecework rates. The task was always hard and badly remunerated, and the amount of work limited, a single man being able to earn only 5s. 9d. in a week, the whole six days' attendance being exacted from him; whilst a man with a family was permitted to earn as much as 15s. 4d. in a week, though all were paid at the same piecework rate for what they were allowed to do. No food was supplied to the men. They went out, like other workmen, at midday, to get their own meals, and at 5 P.M. they were paid their earnings for the day. These earnings were not regarded as relief, but as wages to "journeymen woodcutters" or "journeymen stonecutters". The men were not entered as paupers nor subject to disfranchisement. This system of "setting the poor to work", witnessed by the Inspectors at every visit, went on from 1879 to 1907 without official objection; but was, in the latter year, peremptorily stopped by the Local Government Board.[1]

The Variety in the Task

All through the second half of the century the amount of effort demanded from each individual put on task-work differed

[1] MS. Minutes, Ecclesall Bierlow Union, February and March 1908.

from Union to Union even more widely than the character of the work. Where the work was most repulsive in character and the relief given was smallest, the task exacted was usually the most severe. Thus the Leicester Board of Guardians, who eventually ended by setting the able-bodied men to work on the land, and gave as much as 14s. a week in relief for a family, found themselves unable to exact any definite task or real effort from these relatively fortunate paupers. The men, said one of the Guardians, do practically what they like; and "in frosty, very wet or snowy weather . . . they sit in the shed around the fire smoking and talking, and further confirming the habits of laziness which many of them have already acquired".[1] On the other hand, the visitor to the severely managed Sheffield Labour Yard, any time during the last generation, might have watched each man at work at stone-breaking, strictly confined in a separate cell, receiving no money whatsoever, but merely his bare meals and a ticket for a common lodging-house, actually performing the specified task of making 10 cwt. of stone pass through a 2-inch mesh. In the neighbouring Unions of Holbeck and Hunslet the task for each man in the Labour Yard was as much as 20 cwt. of stone per day; at Cleobury Mortimer in 1890 it was 16 cwt.; at Dudley in 1904 and at Bradford in 1907 it was 15 cwt.; at King's Norton in 1894 it was 12 cwt., but in 1903 only 8 cwt.; at Wolstanton and Burslem in 1886 and 1893, and at Paddington in 1905, it was 10 cwt.; at Lewisham in 1888, at Wandsworth in 1892, and at Salford in 1907, it was 8 cwt.; at Ipswich it was only 7 cwt., which was the amount at Brentford, 1886–1906, and at Stoke-upon-Trent in 1895; whilst at Hackney in 1895 it was only 5 cwt. These extreme variations are only very partially explained by differences in the hardness of the stone. The task sanctioned by the Poor Law Board or the Local Government Board for oakum-picking shows equal variations. Thus at West Bromwich in 1886, and at Stoke-upon-Trent in 1895, it was 2 lb. per man; at West Bromwich it was in 1887 increased to 3 lb., which was the amount sanctioned at Bradford since 1882, at Lewisham since 1888, and at Hackney in 1906. On the other hand, the task sanctioned at Huddersfield in 1888 was 4 lb., which was that at Leeds in 1907; whilst at the Wolstanton and Burslem Labour Yard no less than 6 lb.

[1] Evidence to Poor Law Commission, 1907, Q. 47,005.

had to be picked in the day. During the winter of 1878–1879, when pauperism in the Northern counties suddenly increased by 31 per cent, and Labour Yards were opened in all directions, it was noted that the daily tasks prescribed for the 7000 men at work (and approved, practically simultaneously, by the Local Government Board) varied from 5 to 28 cwt. of stone-breaking and from 1 to 4 lb. of oakum-picking.[1]

It must, however, be added that, with the exception of a few strictly superintended Labour Yards in Lancashire and Yorkshire, the variations between the different tasks exacted were always more nominal than real. We can find no evidence that the authorities at Whitehall or the Board of Guardians ever ascertained whether the task so solemnly prescribed was actually performed. As a matter of fact, the amount of work done was usually trivial. It was in vain that Boards of Guardians insisted, as did that of Poplar in 1868, that the task of work should be "at least as arduous as that required of a labourer in ordinary employment".[2] It was in vain that the regulations specified, as did those of Edmonton Union, that each man was to break 10 cwt. of granite sufficiently small to pass through a 1½-inch grid or mesh; or to make up and tie 200 bundles of firewood; or to grind 120 lb. of maize or 8 pecks of wheat or barley.[3] The curious investigator into Labour Yards who insists on examining the Labour Master's private memoranda of the amount of work done by each man, invariably finds that nothing like the specified task is accomplished. Unfortunately the actual amount of stone broken, or of the other work done, has been seldom officially ascertained in this way, and still less frequently reported or recorded. At Poplar in 1895 it was found that only 1345 tons were broken in 13,428 days' labour;[4] that is to say, not the 10 cwt. expected at Edmonton, but just over 2 cwt. per man per day. The average in the Wandsworth Labour Yard in 1896 never exceeded from 2 cwt. to 3 cwt. per man per day.[5] The only practicable remedy of the Guardians

[1] "Poor Relief during the Depression of Trade in the Winter of 1878–1879", by J. Macdonald, in *Poor Law Conferences, 1879–1880*, p. 131.

[2] MS. Minutes, Poplar Union, September 22, 1868.

[3] Annual Report of Edmonton Union, 1904–1905.

[4] Report of Outdoor Labour Yards Committee to Poplar Board of Guardians, June 5, 1895.

[5] Report of House of Commons Committee on Distress from Want of Employment, 1896, p. 6.

was to prosecute a man for refusing to work; but this extreme step was resorted to only in cases of flagrant disobedience or recalcitrance. Under these circumstances, no amount of supervision could ensure continuous work. "Recently", said the Superintendent of the Leeds Labour Yard, "I have had to attend to the stone-carts coming into the Yard, and some of the men . . . are ever ready to take advantage of my temporary absence. I have noticed that, when I am called away, nearly every man ceases work until my return, and time after time I have looked from the Test Yard door and seen them gossiping in groups of four or five, some smoking pipes or cigarettes, others sitting on the barrows; one acts as a 'crow' to warn the Yard when I return." [1] The magistrates would not convict a man who docilely continued to raise his hammer whenever the Labour Master's eye was upon him, however slow and ineffective the stroke. The so-called test work in the Labour Yard on which the Poor Law Board and the Local Government Board insisted, fostered a habit of dull, lethargic loafing. It required "no mental effort, and no sense of responsibility; it is a mechanical process". The men so employed seemed, said the Clerk to a Metropolitan Board of Guardians, "to suffer from overwhelming inertia".

Even in the hours of labour required, or perhaps we should say the hours of attendance, which had equally to be sanctioned by the Poor Law Board or Local Government Board, we find a similar variation from Labour Yard to Labour Yard; though the length of the prescribed working day was so small that the range of possible variations was less than in the case of the amount of task. The working week was usually only from thirty-six to forty-two hours, as compared with the sixty, seventy or even eighty hours of work per week required of the contemporary labourer in such typical occupations as agriculture, transport by road and rail, and iron and steel works.[2] And with the short hours of attendance

[1] MS. Report of Superintendent of Labour Yard to Leeds Board of Guardians, April 21, 1906.

[2] It was pointed out by the *Times* in 1888 that "in respect of the length of time worked, the outdoor pauper has a distinct advantage over the ordinary workman. In no trade in London does a week's work consist of less than fifty-two and a half hours' work. In no Stoneyard does it imply more than forty-five; in the majority only forty-two; in several it is thirty-six; in one Union last winter it was actually thirty-two. Moreover, carpenters or engineers have to be at work by seven o'clock even in the coldest weather;

went a low rate of pay; a single man without children might get as little as sevenpence (half in bread) in return for his day. Elsewhere, as at Poplar in 1895, he got for his day four times that amount. For a man and wife the Bedwellty Board of Guardians, in the Labour Yard in which, on the shutting down of the Tredegar Steel Works, from 300 to 600 men worked during the whole winter of 1892–1893, allowed 1s. per day (half in kind), whilst at Poplar in 1870 a childless couple got only 5d. in money and 4 lb. of bread. The corresponding amount allowed to a man with wife and three or four children varied from nine shillings to a maximum of fourteen. On the other hand, at the Salford Labour Yard in February 1907, a man could get only 6s. per week for himself and wife, and 1s. for each child, making no more than 10s. per week for a family of six, and that amount only provided that he worked for the full thirty-eight and a half hours in the week, and actually accomplished the task of breaking 8 cwt. of stone per day, a proportionate deduction being made for any deficiency in the quantity broken. This arrangement came very near to ordinary employment at piecework rates of wages, differing according to the size of the family.

It was a further element of variety that the men were sometimes allowed (and even required) to come regularly to the Labour Yard continuously day by day; whilst elsewhere they were only permitted to work (and to draw the relief) for three, or even for two, days in the week. At Poplar in 1895, where relatively high rates per day were allowed, each ticket was available only for two days, and 1939 separate men got, on an average, only seven days' work each in the Labour Yards in the whole six weeks that they were open. At Edmonton in 1904 the plan was adopted of allowing to every man in the Labour Yard the same daily amount of Outdoor Relief, viz. 2s. 6d. (three-fifths in kind), but permitting him to come to work, and to receive the relief, only two, three or four days a week, according to the size of his family and to whether

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the Stoneyard never opens its gates till 8 A.M., and 8.30 A.M. or 9 A.M. is a still commoner hour; one Union last winter only commenced operations at 10 A.M. The theory is excellent, namely, that the men would have time to go round and seek employment before coming in; in practice, however, it was found a considerable convenience by the class of applicants who preferred to lie in bed till their wives got their breakfast ready" (*Times*, 1888; quoted in Evidence before House of Lords Committee on Poor Law Relief, 1888, Q. 5327).

he was over or under sixty years of age. Presumably the assumption was that, on the days on which the man was excluded from the Labour Yard, he would be able to get casual employment elsewhere. The zealous Inspectors desired, but the Local Government Board never required, that men receiving Outdoor Relief should be kept continuously at work for a specified period of one week, or several weeks, and should thus be, for that period, entirely removed from the labour market. "In certain well-known cases", said Crowder, "men have been allowed to come in and out very much as they like, to get a day's work, then the next day come to the Labour Yard, then go out again, and so forth".

The Labour Yard was exclusively for men.[1] Usually, as at Leeds, admission was restricted to married men, and sometimes married men with families, all Outdoor Relief being refused to single men—unless, said the Edmonton Board of Guardians, they are over sixty —and sometimes to married men without children, or even with one child. On the other hand, in the Sheffield Union no order for the Labour Yard was given to any but single men. Usually the order for the Labour Yard was regarded as a privilege, which was refused (as at Manchester) to "men of improvident, drunken or immoral habits", or to "Able-bodied men with families residing in furnished lodgings"; or (as at Dudley)[2] to "persons living in common lodging houses", or who have not "resided in the Union for at least six months"; or (as at Edmonton)[3] to those who cannot prove residence for a twelve-month. The actual character of the men found in a Labour Yard varied considerably, according to the strictness of the regulations and to the state of trade. When the Labour Yard was open in the winter, it was resorted to (as at Leeds) by building-trade labourers and others thrown out of employment by seasonal

[1] The Orders required a task of work only for men; and it was rare that Boards of Guardians put women on Outdoor Labour Test work. A few Boards, like that of the Manchester Union, sometimes coupled their grant of Outdoor Relief to single or widowed able-bodied women with the requirement of attendance at the Workhouse for so many hours' cleaning or washing. In 1870 there were "needle-rooms" for such women in a few Metropolitan Unions; and the Shoreditch Guardians set some women to work at bristle-sorting (Wodehouse's Report, in Twenty-third Annual Report of Poor Law Board, 1871, pp. 33-34). In 1888 the Huddersfield Guardians required such women either to wash clothes for six and a half hours per day, or to pick 3 lb. of oakum.

[2] Regulations as to Out-relief, Dudley, November 1894.

[3] Annual Report of Edmonton Board of Guardians, 1904-1905.

depression of trade. There is, however, a consensus of opinion that the men at work in a Labour Yard were, for the most part, of an undeserving class; to a large extent habitual dependants on the Labour Yard, recurring whenever it was open, sometimes (as at West Ham) for as many as ten years in succession; and extending from father to son, and even to grandson, often of the lowest or semi-criminal class.[1] "Fifty per cent of the men admitted" to a Labour Yard, said one Clerk to a Board of Guardians, "are street corner men, who rarely ever work beyond doing odd jobs for a few coppers".

Closing the Stoneyard

With the rise to power of the New School of Poor Law Orthodoxy between 1871 and 1886, there was a sustained, but apparently unsuccessful, effort on the part of the Inspectorate to check the extension of the Outdoor Labour Test. What seems most to have struck Henry Longley, who was then perhaps the most active and for some years the most influential of the inspectorate, was not so much that the conditions of the Labour Yards were so diverse, and that their influence was so demoralising, but the fact that the test of work failed, in many cases, to deter able-bodied applicants from coming for relief. There was much less reluctance for the man to go to work in the Labour Yard than for the whole

[1] "Of 1200 men relieved in the Labour Yard at West Ham during the first three months of 1895, 244 had resorted to the Stoneyard for a consecutive number of years as follows: for ten years 4, for nine years 53, for eight years 21, for seven years 25. . . . In more than one instance, three generations, father, son and grandson, were simultaneously receiving relief in that form" (Twenty-fifth Annual Report of Local Government Board, 1896, Lockwood's Report, p. 166).

At St. Olave's, Southwark, "a new Board of Guardians had been elected in December 1894, and the majority of its members had pledged themselves to dispense with the 'Workhouse Test'. It held its first meeting on the 3rd of January 1895, and on the 7th January proceeded to open a stoneyard, where the able-bodied applicants for relief could be employed at Trade Union daily rate of wages, of which 1s. 8d. was to be paid in money and 1s 10d. in kind, consisting of bread, tea and meat or coals. The result was an expenditure of £17,000 over a period of three months only, the stone broken costing £7 per ton, the ordinary price being 5s. or less. During the week ending March 30 the number of men thus relieved was 2814. Then the yard was closed, and the Workhouse offered, with the result that during the following week only 74 men were relieved" ("Principles and Practice of the English Poor Law", by Sir W. Chance, in *Poor Law Conferences, 1902–1903*, pp. 160-161; see also Lockwood's Report in Twenty-fifth Annual Report of Local Government Board, 1896, p. 162).

family to enter the Workhouse.[1] A great many of the unemployed applicants for relief were, in fact, in no way scared off by a test of work, even when that work was stone-breaking, and the reward only a certain number of pounds of bread, with ninepence or a shilling a day in money. Certain men resorted to the Labour Yard every winter; and even, if it was open throughout the year, worked there continuously, as if the Board of Guardians were a capitalist employer. At St. Pancras it was found that "there were men willing enough to work in the Labour Yard for the merest existence, rather than to take the trouble and responsibility of looking after themselves, and finding a home and the rest of it". The Superintendent of the Leeds Labour Yard reported that "these men would be on test labour the whole year round if allowed to do so". What was even more invariable was the recurrence to the Labour Yard at each successive period of Unemployment or Under-employment. "It is", said J. S. Davy in 1888, "an inseparable accident of the system of Labour Yards that it attracts a certain number of men back to them; for my experience is that a certain proportion of mankind would rather have an assured subsistence, though it is a very small one, than have to work in the open market for their living. . . . My experience is that those men will come back to any particular town when Outdoor Relief is given in the form of a Labour Test; and that has a tendency to make the Labour Yard chronic instead of exceptional, and a sort of caste of men out of employment is created. I have seen it frequently. I have known men stay fourteen or fifteen years, working for a bare subsistence in a Labour Yard, when they ought to have gone away and earned their living."[2]

The Able-bodied Test Workhouse

Meanwhile, from 1860 onward, the "offer of the House" was failing as a test in a way that the authors of the Report of 1834 could not have foreseen, and for which they were certainly not responsible. What they recommended was, as we have seen, a series of separate institutions, for the several classes of paupers,

[1] First Annual Report of Local Government Board, 1872, Wodehouse's Report, p. 91.

[2] House of Lords Committee on Poor Law, 1888, J. S. Davy's Evidence, Q. 854.

under entirely separate management. What the Poor Law Commissioners of 1835–1847 insisted on establishing, and what the Poor Law Board persisted in maintaining for its first couple of decades, was, under an elaborate, but never rigidly enforced, scheme of classification, the General Mixed Workhouse. In due course the General Mixed Workhouse, including, under one roof and one management, the young and the old, the sick and the healthy, the able-bodied and the non-able-bodied, was found, by its companionable promiscuity and its lax regimen, to prove actually attractive to certain types of able-bodied paupers. It may, indeed, be said that this was an inevitable result of placing all the different classes under one Authority. To a Board of Guardians burdened with having to provide for the sick, the orphans, and the aged (of whom there were always hundreds in chronic pauperism), the very ideal of the 1834 Report as regards the able-bodied—an institution standing always ready, swept and garnished, but normally empty: a form of relief to be always on offer but seldom accepted and never long retained—seemed a fantastic extravagance. It appeared obviously more reasonable to admit the one or two able-bodied paupers to the General Mixed Workhouse, as exceptions; with the inevitable result that they found themselves in conditions that were certainly more agreeable, if not more "eligible", to the apathetic loafer than working continuously for long hours at the low wages of the unskilled labourer. And to him, as to the professional vagrant, it was an additional attraction that the Poor Law was strictly limited to relieving him *at the crisis of his destitution*; leaving him free to come and go as he chose, and to live as he pleased, without even the curb of official cognisance and observation of his doings, whenever he was not actually in receipt of relief.

This unexpected outcome of the "Workhouse Test" began to be officially commented upon in 1868. The pressure on the accommodation of the Metropolitan Workhouses, and the mixing together of so many different classes of inmates, made it impossible, as Corbett, the London Inspector, pointed out, "to apply the Workhouse as a test of destitution to single able-bodied men". "In urging upon Boards of Guardians in the Metropolis," repeated his successor, Henry Longley, "as I have lately had occasion to do almost daily, the application of the Workhouse Test, I have not infrequently been met by the startling

admission that the Workhouse is attractive to paupers; that there are many persons to whom the Workhouse furnishes no test of destitution. All arguments in support of the Workhouse Test which assume the existence of a well-regulated Workhouse (to use the language of the Poor Law Commissioners of Inquiry, 1833) must fail at once when addressed to Guardians whose Workhouse offers attractions to the indolent. And I have reason to think that the aversion to the proper and free use of the Workhouse which distinguishes many Metropolitan Boards of Guardians is in some measure due to the failure of the Workhouses, as at present administered, to satisfy the essential conditions of their establishment." Henry Longley definitely ascribed the inconvenient laxity which had come over Workhouse administration, less to the shortcomings of the Boards of Guardians than to the Orders of the Poor Law Board itself. "The presence in a Workhouse", he said, "of the sick, or of any class in whose favour the ordinary discipline must be relaxed, and who receive special indulgences, has an almost inevitable tendency to impair the general discipline of the establishment." "*The Orders*", he expressly added, "are in some way responsible." The General Consolidated Order of 1847, which had, in 1871, already remained for twenty-four years without revision, had been framed with "primary reference . . . to the . . . smaller Mixed Workhouses which are, *at present at least*, a necessity in rural districts; and they fail in many particulars to satisfy the special conditions of Indoor Relief in London." The very improvement in the Poor Law institutions which, under the Poor Law Board's own pressure, was taking place, more especially from 1866 onwards, had, in fact, brought home to the Inspectorate the inherent drawbacks of the General Mixed Workhouse.

For this unexpected form of able-bodied pauperism it was left to the Local Government Board to find a remedy in the Able-bodied Test Workhouse. The Inspectorate of 1871 wished, in fact, to reverse the policy of the preceding quarter of a century, and to carry out the proposal of the 1834 Report, by establishing separate institutions for the Able-bodied, expressly devised, not for their relief, but for deterring them from applying for or accepting relief at all. Thus, we find, from 1871 onwards, the idea of the "Test Workhouse," an institution set apart exclusively for the Able-bodied, where they could be subjected (to use Henry

Longley's words) to "such a system of labour, discipline and restraint as shall be sufficient to outweigh", in the estimation of the inmates, "the advantages" which they enjoy. Longley declared that the main object of the Metropolitan Poor Act of 1867 had been, not exclusively, or even principally, the better accommodation of the sick, but the introduction of *classification by institutions*, with the double object of, on the one hand, an improved treatment of the sick, and, on the other, "the establishment of a stricter and more deterrent discipline in Workhouses". Circumstances, he said, had delayed the accomplishment of the latter purpose; but it was now time to "urge upon the Guardians the establishment in Workhouses of a more distinctly deterrent system of discipline and diet than has hitherto been secured, involving a reconsideration of the conditions of pauper labour and service in the Workhouses". Such "Able-bodied Test Workhouses" were accordingly established.[1]

The Poplar Test Workhouse

The first experiment of an Able-bodied Test Workhouse was tried in 1871 by the Poplar Board of Guardians, at that time apparently the sternest Poor Law administrators in the Metropolis. At the instance of the Inspectors, and with the approval of the Local Government Board itself, arrangements were made in combination with the Stepney Union under which the sick were placed in a separate Infirmary, the children in a separate Poor Law School, and all the aged and infirm in the Stepney Workhouse at Bromley; leaving the Poplar Workhouse to "be used for the receipt of such poor persons only as are able-bodied". Here, at last, was the series of distinct institutions, and the complete segregation of the able-bodied in a workhouse by themselves, which had been advocated in the 1834 Report. Presently the arrangement was extended so as to enable other Metropolitan Unions to send their able-bodied paupers to

[1] The experiment of the Able-bodied Test Workhouse, as tried between 1871 and 1908, was not, so far as we are aware, made the subject of any exact and detailed description until it was investigated by the Royal Commission of 1905–1909. The following pages are abbreviated from the fuller account, with additional references and statistics, given in the Minority Report of that Commission, pp. 469-497. See also *English Poor Law Policy*, by S. and B. Webb, 1910, pp. 159-163.

the Poplar Workhouse, which thus became the specialised able-bodied institution for nearly the whole of London.[1]

Here the regimen was of the sternest. "It was", said Corbett, the Local Government Board Inspector, "essentially a *House of Industry*".[2] "*The women*", *reported a St. Pancras* Relieving Officer to his own Board, "were all put to work at oakum-picking. The task was very severe, and they were all compelled to perform the task of work allotted to each daily, or in default taken before the magistrate the following day. . . . Several had been sent to prison by the Poplar Guardians."[3] The severity of the task may be seen from the fact that the amount of oakum to be picked in the day was, for men, no less than 10 lb. of beaten or 5 lb. of unbeaten, and for women, 6 lb. of beaten or 3 lb. of unbeaten; whilst the amount of granite to be broken was, at the Master's discretion, at first, 5 to 7 bushels, and latterly 7 to 10 bushels.[4] Accordingly, Poplar quickly became a word of terror to the Metropolitan pauper. The unfortunate man or woman, whom the Relieving Officer at the other end of London deemed to be able-bodied, was, in many cases, refused even admission to the local Workhouse, and given merely "an Order for Poplar", to which place of rigour, sometimes four miles away, he or she, whatever the hour or the weather, was, without even a meal, directed to walk. That this procedure was effective in staving off applications for relief became evident; and the Local Government Board was delighted. "The appropriation of one Workhouse", it reported, "solely to the relief of able-bodied paupers, where they are placed under strict management and discipline, and set to suitable tasks of work of various kinds, has enabled the Workhouse Test to be systematically applied, not only in the Poplar Union, but in all the Unions which have contracted for the reception of able-bodied paupers into that Workhouse; and the result appears to have been satisfactory. The Guardians . . .

[1] Special Order, Poplar and Stepney Unions, October 19, 1871; Special Order to Poplar, March 6, 1872; First Annual Report of Local Government Board, 1872, p. xxiv; Second ditto, 1873, p. xxvi; MS. Minutes, Poplar Board of Guardians, September 15 and October 20, 1871.

[2] Report of Conference of Guardians, 1872; Second Annual Report of Local Government Board, 1873, p. 9.

[3] *Charity Organisation Reporter*, July 15, 1874, p. 289.

[4] MS. Minutes, Poplar Board of Guardians, December 20, 1872, and June 5, 1874.

have been enabled, instead of orders for the Labour Yards, to give to the able-bodied applicants for relief, orders of admission to the Poplar Workhouse; and, notwithstanding the considerable number of Unions which have availed themselves of this privilege, the number . . . who have accepted the relief, or having accepted it, have remained in the Workhouse, has been so small that, although the Workhouse will contain 788 persons, there were in it, at the close of last year, only 166 inmates. Great credit appears to be due to the Guardians of the Poplar Union for the firm and judicious manner in which they have conducted this, the first experiment of the kind; and we shall watch the progress of this endeavour to apply the Workhouse Test to the able-bodied poor of the Metropolis with great care and interest." [1] For the next few years we see thousands of "Orders for Poplar" given by the twenty-five Unions in the combination; and from six to thirty persons nightly made the long tramp, presented themselves, and were duly admitted. That even these few, who presumably could think of no other means of subsistence, found Poplar unendurable, is shown by the statistics. Though the total number present at any one time seldom exceeded 200, more than that number were often received and discharged each week.[2] The total number of admissions during 1877 was 3745, but as the number present at any one time did not exceed 200, the average stay of them all was under three weeks; most of them, indeed, as the Local Government Board triumphantly remarked, "have almost immediately taken their discharge".[3]

It is, however, to be noted that even the rigours of Poplar did nothing to prevent the recurrence of cases or of what is known as "ins-and-outs". An analysis of all the admissions for the years 1877 and 1880 reveals that in each of these years no fewer than one-third of the persons admitted had been previously admitted—many cases repeatedly, 145 over five times, and some even thirty or forty times, within a single year.[4] It is clear, in fact, that, much as Poplar was disliked, a large proportion of those who came to it could not possibly find any way of living outside, and, when they tried, were quickly driven in again.

[1] Second Annual Report of Local Government Board, 1873, p. xxvii.
[2] MS. Minutes, Poplar Board of Guardians, January 16, 1874.
[3] First Annual Report of Local Government Board, 1872, p. 24.
[4] The figures are given in *Minority Report of the Poor Law Commission*, 1909, p. 471.

The inmates, however, do not appear to have given the Master an easy time. From an analysis of the punishment book for nine years it appears that, every three weeks or so, one or more of the inmates would be charged before the Police Magistrate and sentenced to from seven days to twelve months' imprisonment; whilst practically every other day some one was punished by solitary confinement in the "Refractory Ward", or by short diet: the numbers so treated during the year exceed, between 1877 and 1880, the average number of inmates.[1] These frequent prosecutions of merely destitute, unconvicted persons, for passive resistance to penal tasks, at length attracted the attention of the Police Magistrate. In 1877 he refused to convict a man who had rebelled against his task of stone-breaking, because, although the Poor Law Medical Officer had certified him to be able-bodied, the Magistrate, on the advice of the Police Medical Officer, was not satisfied that he was fit for such work. In the following year the Magistrate discharged a woman who had refused to perform her task of picking oakum, and stated publicly as his reason that "it was not fit work for women". In 1879 a woman who had three times refused to do her oakum-picking was brought up for punishment, but the magistrate refused to convict, "and the consequence of her being discharged", notes the Master, "is that it has a very bad effect on the other inmates, as she persuades them not to work either". In this dilemma the Master apparently fell back on his own arbitrary powers of confining the paupers in the Refractory Ward on bread and water only, for the numbers so punished rose from 44 in 1875, and 105 in 1876, to 244 in 1877, and to an average of nearly 200 per annum for the four years 1877–1880.[2]

Meanwhile the Poplar Board of Guardians appealed for help to the Local Government Board. "The Master of the Workhouse", it was plaintively remarked, "has a very considerable amount of trouble in getting any work done now by the inmates; and when Mr. Saunders' [the Police Magistrate's] sentiments become known, the Guardians think that the trouble and difficulty will be much increased. If oakum-picking is not to form a part of the task work, the Guardians are at a loss to know what substitute to provide for it without interfering with the

[1] *Ibid.* (from *MS. Punishment Book, Poplar Union, 1877–1880*).
[2] *Ibid.* (from the Master's MS. Journal, Poplar Union, 1879).

labour market".[1] But, after thinking over the problem for six weeks, the Local Government Board had *no help to give*. The Poplar Guardians were informed in reply that the Board fully recognised the difficulty in which the Guardians would be placed if the Magistrates "refrain from assisting the Guardians in their efforts to deal with that particular class for whom the Poplar Workhouse is *specially set apart*, viz., the able-bodied paupers of a large number of Metropolitan Unions, who, as a rule, can only be managed by the exercise of strict discipline and by being kept employed. The Board cannot but suppose that when Mr. Saunders becomes fully acquainted with the obligations *imposed upon* the Guardians, and the necessity and difficulty of finding work for the able-bodied inmates of the Workhouse, he will be prepared to deal with future *cases in such a* manner as will enable the Guardians to maintain the requisite discipline in that establishment."

The difficulties of the Poplar Board of Guardians were increased by the fact that the Metropolitan Unions found the offer of an "Order *for Poplar*" *so* efficacious in staving off applications for relief that they often adopted this device for "testing", as they called it, any pauper whom they wished to get rid of. To these "mixed" authorities there presented themselves, not the able-bodied only, but also the aged and the *physically* defective. Some of these, it was argued, if offered nothing but an "Order for Poplar", might get supported by their relations or by charity. *Accordingly*, we see these Orders given to all to whom the Guardians deemed it desirable (to use the phrase of the Hampstead Board)[2] "to apply the test of destitution", even to men and women of advanced age, some of whom had no alternative but acceptance. Already in 1873 we find the Medical Officer complaining of the numbers who were found to be not able-bodied. In 1880, out of 1284 separate men admitted to this so-called Able-bodied Test Workhouse, no fewer than 235 were over sixty years of age; and even of the 810 separate women, 75 were over sixty. The practice of sending physically defective persons was so frequent that the Poplar

[1] Poplar Board of Guardians to Local Government Board, November 4, 1878; Local Government Board to Poplar Board of Guardians, December 19, 1878.

[2] Hampstead Board of Guardians to Poplar Board of Guardians, January 23, 1873.

Board of Guardians had to insist, in 1876, upon receiving a definite medical certificate with each case.[1]

These various difficulties and inconveniences failed to shake the confidence of the Local Government Board and its zealous Inspectorate in the Able-bodied Test Workhouse. Down to the last, the Poplar Workhouse had their approval, and was upheld as a model. What brought it to an end was—significantly enough—the fact that it was not administered by an authority dealing only with the able-bodied, but by one having to accommodate all classes of paupers. Gradually the numbers of the sick and infirm to be provided for in Poplar forced the Guardians to the alternative of either building new institutions, or utilising the partly vacant space at the Poplar Workhouse. They naturally chose the latter course. In 1881 the Local Government Board noted that it may be necessary, owing to "the need of accommodation of other classes", to let in other than the able-bodied.[2] In February 1882 the Poplar Guardians insisted that, as the wards for the old and infirm were full to overflowing, with every sign of increasing numbers, they could not enter into fresh agreements with other Unions. Upon this, the Local Government Board reluctantly agreed that, having regard to the increased number of indoor poor to be accommodated, the Poplar Workhouse must cease to receive able-bodied paupers from other Unions;[3] whereupon it reverted once more to being a General Mixed Workhouse of the ordinary type.

The experience of Poplar did not convert the Inspectorate from their belief in the Able-bodied Test Workhouse; perhaps because no alternative device could be imagined. It was tried again, under the best possible auspices, at Kensington, and maintained for twenty years, with results and ending almost identical with those of Poplar.[4] But space must be found for provincial experiments of the same kind.

[1] MS. *Minutes, Poplar Board of Guardians, April 25, 1873, January 14, 1876, July 22, 1881.*

[2] Tenth Annual Report of Local Government Board, 1881, p. 32.

[3] Local Government Board to Poplar Board of Guardians, February 21, 1882.

[4] The Kensington experiment, from 1882 to 1906, is described in detail in the Minority Report of Royal Commission on Poor Law, 1909, pp. 475-482. It may be observed that, whilst the closing was due, as at Poplar, to the need of the Kensington Guardians for additional accommodation for the aged and infirm, the L.G.B. may have felt the more free to agree to the request in that the number of able-bodied paupers in the Metropolis had, in this year, fallen to a minimum.

The Birmingham Test Workhouse

In Birmingham a stoneyard had been opened in the winters of 1878–1879 and 1879–1880 to serve as a Labour Test to men on Outdoor Relief.[1] But, as we read, the "test proved a delusion. There were a few honest, industrious men who scrupulously performed their tasks. But in the majority of cases the *quasi* stone-breakers stood round large fires during the greater part of the day, and in the evening received their relief for the mere shadow of labour. . . . The able-bodied poor of the neighbouring districts were attracted to Birmingham, and the ratepayers of the parish soon found themselves supporting large numbers of men who were justly chargeable to neighbouring Unions. Outdoor Relief men were daily increasing. . . . Many of the latter were mere youths who never really worked, and who earned nothing, even when set to work by the Guardians. . . . These were of a type that required careful and patient dealing, that their apparent insubordination might not break out into something worse."

At the suggestion of J. J. Henley, the Local Government Board Inspector, the Birmingham Guardians "borrowed from the Corporation a large disused factory, and fitted it up rapidly as a branch Workhouse, and offered the test to all the single able-bodied men. It was so very successful that they determined next summer to build this Test House. They do things rapidly in Birmingham. They built a three-storied building of brick and slate in six weeks, and it was then opened." Great was the initial success! "During the ten days the Test House had been in operation", we read, "the number discharged from the Workhouse to go to the Test House was 70; of these only 53 went. The number of orders given by Relieving Officers was 32; 28 of these went. Of these 81 who went to the Test House, 8 were sent back to the Workhouse by the Medical Officer, 15 discharged themselves, 3 were sent to prison for refusing to do their tasks, 1 absconded and was afterwards sent to prison." Henley reports a return by the Clerk to the Guardians for three months, showing the "number of orders given by Relieving

[1] Further details and exact references will be found in Minority Report of Poor Law Commission, 1909, pp. 482-485; see also *The Better Administration of the Poor Law*, by Sir W. Chance, 1895, pp. 166-168.

Officers, 276; number of such orders used, 274; sent direct from Birmingham Workhouse or West Bromwich Workhouse, 110. Total admitted, 384; discharged, 340; remaining on February 26, 1881, 44; average length of stay in the test house, about one week. Strict discipline has been maintained, all refractory paupers being taken before the magistrates and summarily dealt with. The Test House has had an immensely deterrent effect upon idle, dissolute and worthless fellows. Its success is far beyond the most sanguine expectations of the Guardians. During the week ended January 1st, 1881, no persons were set to work in the stoneyard under the provisions of the Outdoor Labour Test Order, whereas in the corresponding week of 1880 the number of cases so relieved was 706." A year later a local newspaper states that "the Test House had had the effect of relieving persons who were really destitute, and of preventing persons who had other means of living from coming on the Guardians. It was also a relief to the Workhouse of a class that interfered to a great extent with the due discipline of the workhouse." For some years the Guardians remained fully satisfied with this easy system of reducing able-bodied pauperism. There continued to be, as we read, "a strong dislike amongst the inmates to going to Floodgate Street, some of them preferring to leave the house. . . . Out of ten inmates sent to Floodgate Street, only one had arrived." Those who unwarily entered its portals frequently preferred to get sent to prison. In 1886 "a return recently presented to the Board of Guardians states that forty-one prosecutions took place last year for neglect to perform tasks at the Test House, and that in each case convictions took place". Sometimes, however, neither the zeal of the Master nor the acquiescence of the men served to induce the magistrates to let them go to prison. The Guardians found themselves driven to resolve that "no prosecutions should be instituted against any inmate of the Test House or Workhouse until the complaint or charge against such inmate shall have been investigated by at least one member of the Revision Committee". It was found that there had been prosecutions for non-fulfilment of tasks in which convictions had not been secured.

So far as we can ascertain, the regimen at the Birmingham Test House was as severe as, perhaps even more severe than, that at Poplar or Kensington. Instead of any kind of bed, the men

had to lie together on a continuous sloping shelf, similar to that which used to be provided in the worst of the "Associated Wards" set aside for vagrants. The task of oakum-picking at the time for prisoners sentenced to hard labour was 3½ lb. for a man, and 2 lb. for a woman; but the unconvicted destitute men and women at the Test House had to do 4 lb. and 3 lb. respectively.

The selection of persons to whom to "apply the test" seems to have been lacking in consistency. "When a single able-bodied man applies for relief", we read, "he is at once given an order for the Test House. . . . In a week or two the case comes up for revision. But in the majority of cases the pauper has taken his or her discharge. . . . If the pauper's conduct and further investigation show that the case is one of genuine poverty, . . . after a term of probation in the Test House" he is transferred to the General Mixed Workhouse. On the other hand, the married man had the privilege of beginning his career as a pauper in the General Mixed Workhouse. We read that: "a married man gets an order for himself and family to enter the Workhouse. The same course is pursued with regard to women. Every Tuesday a small committee—the *Revision Committee*—sits at the Workhouse and reviews the list of inmates. . . . If the pauper prove to be a man or woman of bad character, or a gaol bird, or a confirmed loafer, an order for the Test House is given." This association of all the single men (and therefore the younger men), even of the best character, with those married men of notoriously bad character, was obviously objectionable. It was said that "the majority of them [the inmates of the Test House], by all accounts, are not the sort of people with whom respectable working people, driven to the Workhouse by stress of poverty, old age, or weakness, ought to be compelled to mix". Presently, when a time of stress came, we find it noted that "the Guardians . . . have for some time steadily refused to open their Stoneyard to able-bodied men applying for relief, but have dealt with all such cases by giving an order for the Workhouse, with the result of a steady diminution of pauperism".

The end of the story was the same at Birmingham as it was at Poplar and Kensington. At the very time that J. J. Henley was explaining to the Select Committee of the House of Lords how Birmingham had solved the problem of able-bodied

pauperism, the Guardians were beginning to abandon the experiment. Just as at Poplar and Kensington, it proved impossible at Birmingham for a "mixed" Authority, having under its care, not the able-bodied alone, but also the children and the sick, the infirm and the aged, supervised by a single Government Department which was itself responsible for all these varied classes, to keep its institutions really separate and distinct. Already in 1885 we notice the letter from the Local Government Board, exactly the same letter that we found at Poplar and Kensington, assenting to the transfer from the General Mixed Workhouse, which had become overcrowded, to the Test House, which was (as it was intended to be) nearly empty, of some of the men over sixty years of age. Within a few months, just as at Kensington, we see the regimen at the Test House becoming less severe. In September 1886 "arrangements were being made to introduce wood-chopping as a Labour Test at the Test House. . . . The intention of the Committee was to put oakum-picking only on those people who came to the Guardians because they would not work outside." Presently the Guardians made up their minds to build a new Infirmary, which relieved the pressure on the accommodation; and it seemed to be unnecessary to maintain what had (as at Kensington) become only a branch Workhouse. "At a meeting of the Workhouse Management Committee", we read in 1889, "the Test House Sub-committee reported that, owing to the very small number of inmates of the Test House, and owing to the fact that many inmates of the Workhouse are being transferred to the Infirmary (recently opened), they were of opinion that the Test House should be closed, and that the paupers there should be sent to the Workhouse." [1]

The difficulty of discovering any practicable method of granting Poor Relief to able-bodied men, without attracting others away from wage-earning employment, or demoralising those

[1] *Much light on the Birmingham experiment is thrown by the contemporary issues of the Birmingham Daily Post and the Birmingham Daily Gazette*, which contained, in those years, many complete reports of the Board of Guardians and its committees.

Undeterred by the experience of the other Unions, those of Liverpool, Toxteth and West Derby agreed, in 1887, to combine to maintain an Able-bodied Test Workhouse, which the Inspectors had pressed on them (Seventeenth Annual Report of Local Government Board, 1888, pp. 72, 75).

who are relieved, doubtless accounts for the favour that the Local Government Board, right down to the last, continued to show to the device of the Able-bodied Test Workhouse. Thus, undeterred by the experience of Poplar and Kensington and Birmingham, the Manchester and Chorlton Board of Guardians were encouraged to unite in 1897 in establishing another Able-bodied Test Workhouse; and the Sheffield Board, a few years later, yet another, both of which continued for more than a decade, with results that seem to have been essentially similar to those of the previous experiments.[1]

The Plausibility of the Test Workhouse

Surveying the whole experience of Able-bodied Test Workhouses down to the Poor Law Commission of 1905–1909, it is not surprising that neither the Majority nor the Minority Report recommended the continuance of this institution. As a device for diminishing the "Disease of Pauperism", it has indeed an enormous plausibility, for wherever it has been tried, and for as long as its principles have been strictly carried out, it has been strikingly and almost instantly successful in its primary object of ridding, not the community, but *the Poor Law Authority*, of the able-bodied pauper. What, then, have been the causes of the recurring failure of the Able-bodied Test Workhouse to survive?

The first is the repeated experience that the policy of the Able-bodied Test Workhouse will not, as a matter of fact, be carried out for any length of time by any Poor Law Authority dealing with all classes of destitute persons. The investigations into every case in which such an establishment has been started prove, we think, conclusively that the Able-bodied Test Workhouse, when it is managed by a Board of Guardians, or combination of such Boards, sooner or later crumbles back into the General Mixed Workhouse. The reason for this is obvious. An Authority charged with the maintenance of all classes of destitute persons finds it difficult enough, in its laudable desire to economise in officials, in sites, and in bricks and mortar, to keep entirely separate and distinct institutions even for children, for sick persons, for the mentally

[1] See Minority Report of Poor Law Commission, 1909, pp. 486-490.

defective, and for the aged and infirm. In fact, as we have already described, the Boards of Guardians have, in spite of constant pressure from the Local Government Board, failed to provide such separate and distinct institutions for the bulk of the non-able-bodied classes. What is difficult in the case of the non-able-bodied is impracticable in the case of the able-bodied. A Board of Guardians has permanently on its hands a certain number —generally an increasing number—of sick persons, of children, of mentally defectives, and of the aged and infirm. Once an infirmary or a school, an asylum or an almshouse, is built and placed under separate management it is highly improbable that it will ever stand empty. But the whole object of an Able-bodied Test Workhouse is to "test out" able-bodied persons who have settled down to the comforts of the General Mixed establishment. In other words, the ideal Able-bodied Test Workhouse would, in normal times, stand empty. If such an institution were run by an Authority exclusively concerned with the suppression of able-bodied pauperism, the emptiness of its establishment would be a standing proof of its efficiency. But when the Authority managing such an institution is under perpetual pressure to provide additional accommodation for other classes, the sight of an empty building with unoccupied officials, at a heavy ground rent, or annual interest charge, seems, both to the administrator and his constituents, a proof of incompetence. Hence the success of the establishment as a "test", its very deterrence of able-bodied pauperism, eventually leads to its disestablishment.

The crumbling back of the Able-bodied Test Workhouse into the General Mixed Workhouse is accelerated by the indefiniteness of the class for whom it is provided. It is easy to pick out from a crowd the infants and children, the extremely aged and the completely infirm persons, and even those who are definitely sick; but to discriminate the able-bodied from the semi-able-bodied is a task which can never be perfectly performed, and about which there will be perpetual difference of opinion. When an Authority, having to maintain semi-able-bodied persons, has free access to an institution intended to "test out" able-bodied persons, it will, as is, we think, proved by the history of every Able-bodied Test Workhouse, be perpetually attempting to make use of the "test" as—to use the candid words to us of the Clerk of a Metropolitan

Union—"an easy and ready method of getting rid of very troublesome cases". Now, "as every Workhouse Master and every Guardian knows, it is by no means the actual able-bodied man who is most troublesome; it is the man who has just enough amiss with him to prevent the doctor certifying that he is able to do hard work". At first the Medical Officer of the Test House, assuming he is a conscientious official, will send back to the mixed establishment the dirty or dissolute man, or the refractory and disorderly inmate, who happens to be suffering from incipient phthisis, from chronic rheumatism, or from bad varicose veins, or disabling rupture. But if he is the servant of the very Authority that *wants* these cases "tested out" of their establishments, he will, sooner or later, either relax his standard of able-bodiedness, or a more accommodating medical official will be put in charge. To put it paradoxically, the only chance of separating the able-bodied from those who are so deficient in physical health or mental capacity as to be non-able-bodied is to have—considering only the adults—three separate and distinct Authorities—an Authority dealing with the healthy able-bodied persons, an Authority dealing with physically sick persons, and an Authority dealing with mentally-defective persons. These separate Authorities will each of them quickly discover if an inmate belongs by right to either of the others, and will see that he is transferred to the proper institution. If, on the other hand, all the classes are under one and the same Authority, there is no inducement to eliminate cases from the particular institution into which they have been improperly admitted; it is, in fact, easier to keep them all together under one roof in a "mixed" institution, where the classification avowedly permits of each grade "shading off" by imperceptible degrees into the other grades. Any such "mixed" establishment is inevitably, so far as its regimen is concerned, first influenced in favour of uniformity, and then dominated by the "marginal case". Any effectively specialised treatment, such as would be really appropriate to the able-bodied, the mentally defective and the physically infirm respectively, becomes impracticable. In short, as the authors of the 1834 Report themselves foresaw, the very indefiniteness of the line of cleavage between those who are able-bodied and those who are slightly sick or slightly defective, inevitably tends in practice, under a "mixed" Authority, to reinstate and to maintain the lax and unspecialised treatment,

unsuited to any class whatsoever, that is characteristic of the General Mixed Workhouse.

The Injustice of Penalising the Unconvicted

These administrative obstacles to the continued maintenance of an Able-bodied Test Workhouse by a Poor Law Authority are, however, of no account compared with the radical objection to the maintenance, at any time, of a penal establishment by such an Authority. A Board of Guardians may, or may not, have the machinery for discovering whether a person is destitute. It certainly has no machinery for discovering whether or not a person ought to be subject to penal tasks or penal discipline. It seems to us an extraordinary perversion of the law—it is curious that neither Stansfeld nor Dilke, as Ministers nominally responsible for this use of the Able-bodied Test Workhouse, friends of liberty though they were, seem ever to have realised the point—that a Relief Committee, a Relieving Officer, the Master of a General Mixed Workhouse, or the Superintendent of a Test Department, should presume, without legal training, without hearing evidence in open court, without any proper defence of the person arraigned, to impose on a destitute person what is admittedly much worse than a sentence of hard labour in prison, merely *as a way of relieving his destitution*. Equally unsatisfactory is the provision made inside the Able-bodied Test Workhouse for the wise treatment of such persons, even assuming that they are in some way or other deserving of punishment. No one acquainted with the administration of prisons, or reformatories, or foreign Penal Colonies, will underrate the difficulty of securing, for such institutions, officers with the requisite characteristics for making discipline curative and reformatory. The whole technique of dealing with adults who are criminal, disorderly or merely "work-shy" is yet in the making. Boards of Guardians and their officials are not only deficient in this technique; they have not the remotest idea that any such special qualification or training is necessary. Any man or woman, if a disciplinarian, is good enough as Labour Master or Labour Mistress. Any Superintendent who "tests men out" is considered a success. Hence the note of brutality and arbitrariness which has always been so noticeable in these institutions. It is not that the Superintendent or Labour Master is by

nature brutal or even unkind; but the constant association with disorderly and defective characters, with no kind of training either in the science or art of dealing with them, forces him to rely exclusively on a rigorous and unbending discipline.

The tragedy of the whole business is that some of the inmates of an Able-bodied Test Workhouse are neither criminal nor even "work-shy". The "won't-works" may habitually come in and out of a General Mixed Workhouse; but from the Test House they discharge themselves at once and seldom turn up again. The residuum that passes through this process of "testing" consists (as in fact it should do according to the very idea of the institution) of those whose destitution and whose lack of any possible alternative are real, absolute and extreme. This is admitted by Poor Law administrators who are constantly advocating the Able-bodied Test Workhouse as a method of testing, not a man's criminality, nor yet his disinclination to work, but his destitution. To discover destitution is in fact the only business of a Poor Law Authority. Having discovered that a man is really destitute, what right has the Poor Law Authority deliberately to punish him?

We come here to the root of the matter. There is a fatal ambiguity about the axiom that the condition of the pauper is to be less eligible than the condition of the lowest class of independent labourers. Are the conditions of the existence in the Workhouse to be less eligible than those of a man who is in employment, or less eligible than those of a man who is out of work and cannot get into employment? If they are merely to be less eligible than the condition of a man who is in full work at sufficient wages, they will do very little to check able-bodied pauperism. The great mass of men who, in London and the other great cities of the United Kingdom, come in and out of the Workhouse, according to whether the discipline is lax or stern, are not men who have the alternative of holding any situation at sufficient wages or any wages at all. This may be due either to their own fault or to circumstances over which they have no control. But that does not alter the fact. What makes impossible, as a method of dealing with able-bodied destitution, the policy of offering admission to an Able-bodied Test Workhouse, with conditions of existence less eligible than those of the lowest grade of independent labourers, is the existence

in all large urban centres, not only of men and women who are "sweated" by incredibly low wages and long hours,[1] but also of a numerous class of men who never do hold situations at wages, but who are chronically "under-employed", as casual labourers, or not employed at all. Owing to the social and economic circumstances that we have chosen to create in our great cities, such of these men as are of a definitely parasitic type make shift, on a very low level of existence, by sponging on other people's earnings, by stray jobs, by charity, and by what may accurately be described as "pickings". What an Able-bodied Test Workhouse does is to keep these wastrels and "cadgers" off the rates—at the cost of leaving them to roam about at large and indulge in their expensive and demoralising parasitism, a danger to property and the public, and a perpetual trouble to the police.

Failure of the Able-bodied Test Workhouse

During the whole generation of experiment from 1871 onwards, the advocates of the Able-bodied Test Workhouse failed to see that to rid the Guardians of a nuisance is not to rid society of it. If the Test Workhouse had been found to abolish the able-bodied loafer there would have been a better case for it. But if it is merely keeping him out of the Workhouse, it may be as mischievous as a plan for emptying our prisons by simultaneously increasing their rigour and opening their doors. Whilst an able-bodied man remains a loafer and a

[1] A more theoretical argument against the enforcement of the "Principle of Less Eligibility" by such a severely penal establishment as the Able-bodied Test Workhouse is that, by offering as the only alternative an absolutely unbearable severity, it unduly protects and, so to speak, standardises capitalist employments of a grade so low that they ought, in the public interest, to be made impossible. The economist now realises (and has largely convinced the Legislature of the fact) that it is neither desirable morally, nor economical financially, to drive men and women to accept "the least eligible" outside employment, if the conditions of that employment are lower than the National Minimum of Civilised Life which the community is prescribing by its Factory and Trade Boards Acts. It is these very "least eligible" employments, which have so far escaped regulation by such Acts, that have created, and are still creating, a residuum of feeble-bodied people who cannot work, and of able-bodied people who have been taught to regard such work as the worst of evils. So long as we leave whole ranges of the workers outside the Framework of Prevention, described in Chapter VI. of this work, it will be impossible to maintain, in our public institutions, a regimen actually "less eligible" than the worst-treated of the independent labourers.

wastrel, it is desirable that he should be in hand and under observation rather than lost in the crowd. The able-bodied men who, between 1871 and 1900 in the Metropolis, between 1880 and 1889 at Birmingham, and between 1897 and 1907 at Manchester and Sheffield, shunned the Test Workhouse, were presumably supposed to be face to face with the alternatives of either working or starving. As a matter of fact our social organisation is still far too loose to narrow their choice to any such extent. They can beg; they can steal; they can sponge; they can practice or exploit prostitution; they can combine the predatory life with the parasitic by shifts of all sorts; and the tax-payer has to pay for policemen and prisons what he has saved on Workhouses and Relieving Officers, besides supporting the loafer, directly or indirectly, just as much as he did before. A room cannot be cleaned by simply sweeping the dirt under the sofa; and the burden of destitution cannot be lightened by simply sweeping the pauper out of the Workhouse into the street. That process does not reduce his weight by a single ounce; and where in fact he does not immediately become a productive worker society has still to bear it, though the Poor Rate may have been lessened.

The lesson of experience is that the rigour of the Able-bodied Test Workhouse, designed to fit the wastrel and the loafer, is not in fact applied to them. The persons who are actually subjected to the stern regimen are not these men at all, for they seldom stay and never re-enter; but the broken-down and debilitated weakling, the man absolutely without an alternative, the genuinely destitute man, who is forced in by starvation, finds the conditions unendurable and takes his discharge, only to be again and again driven in by dire necessity. To put it shortly, the whole experience of these institutions, whether at Poplar or Kensington, at Birmingham or Manchester or Sheffield, has demonstrated that, whilst the "ins-and-outs" of the General Mixed Workhouse are nearly always disreputable, the "ins-and-outs" of the Able-bodied Test Workhouse, who alone are subject to penal discipline, are a depressed and feeble, but on the whole a docile and decent set of men, who need, if they are to be kept off the rates, not worse than prison tasks and harder than penal servitude, with the sternest discipline on an insufficiently nourishing diet, but a course of strict but restora-

tive physical and mental training, with regular work on adequate food, combined with that patient appeal to their courage and their better instincts which the Salvation Army in England, and reformatory settlements on the Continent have—in some, though not by any means in all, of these experiments—found not so entirely unsuccessful as is often cynically asserted. No such institution for this class of weaklings has yet been proposed by any Ministry in this country.

Humanitarian Laxness

It would be unfair to the benevolent intentions of successive Conservative and Liberal Presidents of the Poor Law Board and Local Government Board, and the popular sympathies and democratic affiliation of some Boards of Guardians, to end our survey of sixty years of Poor Law Administration with regard to the Able-bodied with the episode of the Able-bodied Test Workhouse. In another chapter we shall describe the provision of work for the Unemployed outside the Poor Law, arising out of Joseph Chamberlain's Circular of 1886, and regularised by the Unemployed Workmen Act of 1905. But, over and beyond this relief work at wages by Municipal Authorities, we watch, from 1894 onward, in one Union after another, an increasing adoption of the policy of granting Outdoor Relief to able-bodied men destitute through unemployment, and to able-bodied women with insufficient earnings. The most notable of these experimental variations of Poor Law policy was the case of the Poplar Board of Guardians, which became, in 1905, the occasion for an official inquiry.

This Board of Guardians had, as we have already described, become notorious among Metropolitan Unions by establishing, in 1871, a Workhouse used exclusively for the reception of able-bodied persons, which was made, in fact, a " test house " for the able-bodied applicants for relief from all parts of the Metropolis. It came to an end in 1882. From that date to 1893 the Poplar Guardians seem to have had no distinctive policy. They " did pretty much what the officers told them to do ", reported the Secretary of the Local Branch of the Charity Organisation Society ; " and their guiding principles seemed to be the saving of the rates, and the avoidance of trouble to themselves. Those

were the days which followed on the Great Strike [of 1889], and there was severe economic distress in the Borough, but no serious attempt was made by the Guardians at any time to think out or apply remedies. There was then . . . much suffering among honest poor people; many were thrown out of work by causes over which they had no control; preventible sickness and preventible accidents reduced many from comfort to want; but of these things the Guardians took no account. . . . They were quite as unsuccessful as administrators. The state of the Workhouse was bad, and the supervision of the Board's officers was poor." "The condition of things in the [Work]house", deposed William Crooks in the Official Inquiry, "was almost revolting; dirt, empty stoves, inmates without sufficient clothing, many without boots to their feet, food of the worst possible description, washtubs overflowing with waste, which the poor people could not eat, . . . the more able-bodied women were especially ill-clad, and so disgusting were the conditions under which they were compelled to work, and the food which was given them for the work, that they were frequently in open revolt. Discipline was unknown."[1]

The Advent of the Reformers

Administration of this sort led, in 1892, to electoral revolt, which brought to the Board of Guardians a few members of "Labour" opinions, two of them men of powerful personality, both subsequently elected to the House of Commons—the late William Crooks, L.C.C., and Mr. George Lansbury—who in 1895 found themselves at the head of an active minority of ten "Labour Members" on a Board of 24. Under their influence the whole tone and purpose of the administration was, in the next few years, changed. In accordance with the policy which the Local Government Board was, as we have seen, in these years, itself pressing on all the Boards of Guardians, the aged inmates of the Workhouse were made comfortable; the medical *treatment of*

[1] Evidence at Official Inquiry, p. 6; Report . . . by J. S. Davy, Cd. 3240, 1906, pp. 4-10; Poor Law Commission, 1905–1909, "The History of Poor Law Administration in Poplar, 1837–1906", in Appendix, vol. xii. p. 334. An interesting account of the policy and activities of the Poplar Guardians from 1892 to 1906 will be found in *My Life*, by George Lansbury, 1928.

the sick was improved, continuous day and night nursing by trained nurses being provided on a forty-eight hours' week; whilst for the children of school age an up-to-date Separate School was established at Shenfield, upon plans which the Local Government Board's architect finally sanctioned, after some demur to their costly excellence (which was not more expensive per school place than had been sanctioned for other Unions); whilst the staffing of the establishment was put on a footing of educational efficiency. Crooks had himself been a Workhouse boy, his widowed mother having been compelled to enter the Poplar Workhouse with her children; and he gloried in taking literally the new policy which the Local Government Board was inculcating for the children, the sick and the aged; and in persuading the majority of the Poplar Guardians of 1893–1905 to remedy the prolonged neglect of their predecessors. Unfortunately, as the facts reveal, this spirit of administrative reform was less manifest in the relations of a few of the older Guardians with the Workhouse officials, where petty corruption and convivial drinking continued. Nor was any reform effected in the difficult business of contracting for the Workhouse supplies, in which the ancient habit of favouring the local tradesmen, and the common practice of asking for composite tenders for all sorts of articles, needed or not needed, became the more wasteful as the tendency developed of insisting that the quality should always be of the best. It is only fair to say that the Poplar Guardians, who complained that they had not been supplied with comparative figures of the prices paid and the cost incurred by other Metropolitan Unions, felt themselves, like others in the Metropolis, unable to cope with the contractors; and they had already formally requested the Local Government Board to establish a Central Contract Board for all the Poor Law institutions of the Metropolitan Unions; a proposal which gained the approval of the Inspector holding the Official Inquiry, but which has not been carried out. There was, as the Inspector remarked, no uniform dietary prescribed for all the Metropolitan Unions, and not even a comparative table of costs of maintenance, or of prices of the principal articles of clothing and food, which might serve as a guide to the several Boards of Guardians.

The Rise in Unemployment

It was, however, none of these things that caused the Official Inquiry of 1905, but the increase in the Outdoor Relief to the able-bodied that occurred in the winter of 1904–1905. The magnitude of this increase was attributed, doubtless correctly, to the policy deliberately adopted by the Poplar Board. Unemployment, which had been steadily increasing, was foreseen to be about to rise by leaps and bounds when winter came. In October a conference of Metropolitan Guardians had been held, at the invitation of the President of the Local Government Board, at which the Poplar representatives, as the Inspector reports, repeated the suggestion that they had made as long ago as 1894–1895, by formally proposing that the burden of dealing with Unemployment should be taken off the shoulders of particular Unions, and transferred to "a central body on the lines of the Metropolitan Asylums Board to deal with the unemployed and unemployable of London as a whole".[1]

As no action was, or indeed could be, immediately taken by the Government to meet the needs of the winter of 1904–1905, when no fewer than 24 per cent of all the wage-earning population of the Union were returned on a census of the Unemployed, the Poplar Guardians found themselves, as the Inspector reports, in a "position . . . of great difficulty". Living, as they did, in the midst of the people in distress; thrown back on the powers which they possessed under the Poor Law as the only source from which the suffering could be abated, they were pressed by a deputation of the unemployed workmen not to withhold the only available succour.

Opening the Floodgates

"The Guardians", reported the Inspector, "subsequently discussed the proposals, and it is noticeable that Mr. Lansbury objected to giving out-relief without a Labour Test as being demoralising. It was resolved, on the 19th November, that relief should be given under Article 10 of the Outdoor Relief Regula-

[1] Report . . . by J. S. Davy, Cd. 3240, 1906, p. 20. This Poplar suggestion of 1894–1895 (as to which see MS. Minutes and correspondence with the L.G.B. January 1895), thus repeated in October 1904, was in fact substantially carried out within a year in the establishment of the Central Unemployed Body under the Unemployed Workmen Act, 1905.

tion Order of 1852 to all applicants except those whom the Committee thought fit to exclude as habituals; that separate books be kept; that cases be reported fortnightly to the Local Government Board; that Relieving Officers give interim relief in every case, and that the power of offering the Workhouse be taken from them and reserved to the Committee." [1] . . . "As might have been expected, as soon as the decision of the Guardians to grant Outdoor Relief to able-bodied men was known, the Relieving Officers were flooded by applications, and the weekly value of relief in kind rose, in a few weeks, from £88 at the beginning of the Christmas quarter, to over £300. It may be mentioned here that the Guardians gave no relief in money to able-bodied applicants, the Outdoor Relief in these cases being wholly in kind. . . . *The Guardians made no attempt to check* the rush of relief when once started. Throughout the whole year the relief continued high, and in the winter of 1905–1906 the figures were nearly up to the maximum of the former year, but from the third week of February, 1906, about which time it was known that an Inquiry would be held, the figures fell rapidly, and at the beginning of the public Inquiry they showed a decrease of nearly 50 per cent." [2]

The expedient adopted by the Poplar Guardians was, of course, contrary to the spirit of the Outdoor Relief Regulation Order, but that it was just within the letter of the law may be inferred from the fact that the relief was not disallowed by the District Auditor. The Inspector remarked in his Report that "Reliance on the provision as to sudden or urgent cases as a means of evading the obvious intentions of the Relief Order is by no means unknown in Poor Law administration, but this method of relief has never been applied on the scale and in the systematic manner adopted by the Poplar Guardians. It is

[1] Report . . . of J. S. Davy, Cd. 3240, 1906, p. 21.

[2] *Ibid.* p. 23.

It may be observed that it was not to all able-bodied applicants that food tickets were given. It is true that the adult males relieved on account of other causes than sickness, infirmity, etc., rose from 101 on July 1, 1904, to 772 on January 1, 1905, so that 672 were so relieved, and that it sank only to 473 on July 1, 1905, to rise again to 528 on January 1, 1916. But on these dates the able-bodied male adults in the Workhouse were 254, 367, 375 and 442 respectively, indicating that several hundreds were "Offered the House". This was not the case with the able-bodied women, whose numbers on Outdoor Relief rose at once from 930 to 2809, and fell only to 2470, whilst those in the Workhouse remained practically stationary (*ibid.* pp. 51-52).

to be observed that the discretion which was given to the Relieving Officer by the provision in the Order of 1847 was arbitrarily limited by the Guardians, who practically required that relief to able-bodied men should only be in the form of Out-relief in kind. The precise procedure was that the applicant for relief was relieved in kind up to the next meeting of the Committee; the Committee confirmed the order of the Relieving Officer; and a fresh application was made by the pauper, to be followed by a fresh order by the Relieving Officer. The Relieving Officers were instructed to give Outdoor Relief to every applicant until the next meeting of the Committee; they apparently had misgivings with regard to the expediency of relieving some of these cases, and in several instances they were compelled to do so by the action of the Guardians. In one case an order which entitled the applicant to admission to the Workhouse was brought back to the Relieving Officer by the applicant with a peremptory direction written on it by a Guardian that he should give Outdoor Relief in kind; and one Relieving Officer was formally censured for offering the Workhouse in one case where, in his opinion, this was the proper method of dealing with the applicant." [1]

"The interference of individual Guardians with the discretion of the Relieving Officers evidently gave rise to considerable feeling. It is a practice open to very grave abuse, but some excuse for the policy of the Guardians may be found in the fact that many of them actually live among the applicants for relief, and know, or think they know, the individual circumstances of each case. The Relieving Officers, in point of fact, felt that they had no option but to give Outdoor Relief practically to all applicants, and some of them stated at the Inquiry that they had given relief indiscriminately and against their better judgment. They evidently had doubts as to the legality of the proceedings. They appear to have approached Mr. Crooks in the matter, and were told that he would put things right with the Local Government Board, while the Clerk to the Guardians, to whom they also appealed, was stated to have told them 'You cannot stem the tide'." [2]

[1] Report . . . of J. S. Davy, Cd. 3240, 1906, p. 22.
[2] *Ibid.* See *My Life*, by George Lansbury, 1928.

A Revolt on Principle

Poplar was not the only Union in which, in the opening years of the twentieth century, both the "offer of the House" and admission to the Stoneyard were, in the spirit of Joseph Chamberlain's Circular of 1886, rejected as inappropriate for the treatment of workmen rendered destitute by Unemployment. The Poor Law Commission of 1905–1909 was informed of other Unions in which the provision for relief in exceptional cases, to be reported, was made use of to relieve unemployed men.[1] But the Poplar Guardians were conspicuous in adopting the expedient of supplying food under Article 10 of the Outdoor Relief Regulation Order to those whom they regarded as *bona fide* unemployed, not out of any laxity of administration, but, having failed to induce the Government immediately to set up a Metropolitan Authority, deliberately out of policy. They were smarting, moreover, from a sense of the injustice of making Poplar, which had become a "city of the poor", maintain the Unemployed whose destitution seemed to arise from the action of those who had settled in "cities of the rich". As the Poplar Guardians had done with regard to the children, the sick and the aged, so they proceeded in the more difficult case of the able-bodied. They had set themselves to use the powers entrusted to them for the relief of destitution, even stretching for this purpose the law, in such a way as not further to depress the condition of those whom they found in that state; to use these powers, on the contrary, in such a way as promised, in their judgment, to raise the Standard of Life of those of whom they had been constituted the Guardians. With regard to the Unemployed, they had sought for other expedients than the grant of food tickets; they had extracted from the Local Government Board a grudging sanction for an experimental Farm Colony at Laindon, for which the Modified

[1] Poor Law Commission, 1909; see, for instance, Q. 4547, 5201-5202, 5209. The aggregate number of cases in each year in which men were relieved and reported under this exception was never published by the Local Government Board, until it was incidently revealed in 1911 in the Report of the Departmental Committee on the draft Out-relief Order of that year, when the *total for the* year 1909–1910 was given as 31,363, in 30,818 of which a task of work was imposed. This total of cases greatly exceeds the number of separate men thus relieved, as *many were on the books for several weeks. The aggregate number* of cases in which Relieving Officers give food to persons in "sudden or urgent necessity" has never been ascertained.

Workhouse Test Order was, by a stretch, made applicable; they had paid for selected men to be received in the Salvation Army Settlement at Hadleigh; but when the rush came in November 1904, they could find no other way of meeting it than to make use of the exception to the Outdoor Relief Regulation Order of 1852. How the action of the Poplar Union, together with the merely "lax" administration of other Unions, was regarded by the Local Government Board, and the new policy to which it led in the establishment of the Central Unemployed Body for London, we shall see in the following chapters.

VAGRANCY

Among all the perplexing problems with which the Poor Law Board was confronted in 1848, was that of the persistence, and what appeared to be the increase, of vagrancy.[1] The *thirteen* years' administration of the Poor Law Amendment Act, like the drastic reform of the Vagrancy Acts in 1824—indeed, like the innumerable alternations of various kinds of severity in the preceding five hundred years—had evidently failed to affect the ebb

[1] For vagrancy from 1848 onward, the principal sources, apart from the Annual Reports, Orders and Circulars of the Poor Law Board and Local Government Board, are the voluminous Parliamentary Papers of 1848 (Reports and Communications on Vagrancy); 1866 (Reports on Vagrancy, c. 3698); and especially that of 1906 (Report, Evidence and Appendices of the Departmental Committee on Vagrancy, Cd. 2852, 2891, 2892); the particular decisions recorded in *The Official Circular*, in the various volumes of *Decisions of the Local Government Board*, and in *The Local Government Chronicle*, as well as in the MS. Minutes of the Boards of Guardians; half a hundred papers read at Poor Law Conferences, and other societies, between 1875 and 1927; many pamphlets, among which may be named *On Vagrants and Vagrancy*, by T. Barwick L. Baker, Manchester, 1869; *Report on Vagrancy*, by the Howard Association, 1882; *Vagrancy—Report of a Conference at Lancaster*, 1905; *On the Suppression of Vagrancy and Indiscriminate Almsgiving*, by Amyatt Brown, 1872; *Casual Paupers and How we Treat Them*, by J. Theodore Dodd, 1890; *The Vagrant and the Unemployable*, by W. Booth, 1904; *Vagrancy* (a review of the Report of 1906), by Sir William Chance, 1906; *The Flogging of Vagrants*, by J. Collinson, 1909; *The Vagrant—What to do with him*, by R. M. Ferguson, 1911; and such volumes as *History of Vagrants and Vagrancy*, by C. J. Ribton-Turner, 1887; *The Vagrancy Problem*, by W. H. Dawson, 1910; and *The Continental Outcast*, by W. and V. W. Carlile, 1906; *The Work and Play of a Government Inspector*, by H. Preston-Thomas, 1909, chaps. xxx.-xxxii. pp. 321-350. There is a lively French account in *Les Va-nu-pieds de Londres*, by Hector France, 1883; see also *L'Angleterre vagabonde*, by R. Paulucci di Calboli, 1896. The problem of Vagrancy is dealt with in Reports of the Poor Law Commission, 1909, Majority Report, pp. 155-169 of vol. i.; Minority Report, pp. 497-510; see also *English Poor Law Policy*, by S. and B. Webb, 1910.

and flow of tens of thousands of wanderers, a large proportion of them leading irregular lives of social parasitism. It was an outstanding feature of this problem in 1848, as it had always been, that there was not even an approximate statistical survey of the extent or character of the wandering horde. Inside the workhouses, or the Casual Wards, there were, on any one night, not more than a few thousands. Outside, in the twopenny or fourpenny "dosshouses" of the Metropolis and all the principal towns; or staying temporarily in barns and outhouses, and cheap lodgings; or, here and there, in various kinds of philanthropic shelters; or, especially in warm weather, merely "sleeping out", under hedges or hayricks, there may always have been five or ten times as many. The most careful estimate of the aggregate of these "persons with no settled home and no visible means of subsistence" makes the number vary from thirty or forty thousand, in years of industrial activity and relative prosperity, up to as many as seventy or eighty thousand in times of trade depression; the totals, national and local, being affected also by the changing seasons, the state of the weather, and various social phenomena, such as popular holidays, race meetings and other gatherings, and the execution of extensive public works. Of these vagrants, by no means all are professional tramps. "No definite figures of this permanent class can be obtained, but"—reported the Departmental Committee on Vagrancy—we are "inclined to think that the total number would not exceed 20,000 to 30,000."[1] It follows, from a comparison of this total with the estimate just given of the aggregate number of vagrants, that at least one-third of all the vagrants in good times, and nearly two-thirds in bad times, are not *professional tramps, but merely men without employment*, wandering from job to job.

[1] Report of Departmental Committee on Vagrancy, 1906, p. 22. We do not ourselves feel assured that there has ever been any accuracy in the statements, confidently made all down the centuries, that vagrancy was, at this or that date, increasing or diminishing. These statements have reflected only impressions derived from a survey of a small part of the field. In the nineteenth century they usually referred only to the numbers resorting to the Casual Ward, which never amounted to more than a small (and a widely varying) fraction of the vagrant host. In 1867–1868 the police enumeration of all known vagrants gave a total fivefold or sixfold that of the vagrants in the Casual Wards (Twenty-second Annual Report of Poor Law Board, 1870, pp. xxx-xxxii).

The "Queen's Mansions"

The Poor Law Commissioners took a long while, indeed, half a dozen years, to realise the fact that the policy of the Report of 1834—that vagrants applying for relief *should* be treated like any other able-bodied paupers, and merely offered "the House" —had been a conspicuous failure. The new "Union Workhouses", rising up all over the country, afforded to the habitual tramp a national system of "Queen's Mansions", or well-ordered, suitably situated, gratuitous common lodging-houses, of which he took increasing advantage,[1] whilst he was not seriously deterred by such experimental "Casual Wards" as were started, from 1837 onwards, at Hatfield, Spalding and elsewhere. Confronted by this "growth of vagrancy", as it was called, the Poor Law Commissioners, in the latter part of their term, urged on Boards of Guardians a new vagrancy policy: that of making the night's lodging specially disagreeable to the wayfarer. By statute (5 and 6 Vic. c. 57) and Order of 1842 the Poor Law Commissioners for the first time authorised the compulsory detention of vagrants for four hours, and the exaction of a task of work. This policy had, in 1848, not been generally adopted, nor was it particularly successful where tried. Another statute, in 1844,[2] had vainly sought to create, in the Metropolis and five other large towns, special "asylums" for the houseless poor. In the bad years of 1847-1849 the number of wandering applicants for a night's lodging was still increasing at a dangerous rate, and it seemed to be one of the first duties of the new Poor Law Board to deal with the subject.

[1] See Report on the Subject of the Casual Poor admitted by Relief Tickets into the Workhouse of St. Martin's-in-the-Fields, 1839. When the Guardians complained, the Poor Law Commissioners could find no remedy (*Official Circular, Nos. 12 and 13 of 1841*), and stated (to Stamford Union, June 23, 1843, and to Colchester Union, July 20, 1843) that "really urgent cases must be admitted at all times, even if they disturb by applying in the night" (*Abstract of Correspondence*, 1843). At Newcastle-under-Lyme a casual was admitted, but given no food; and he died in the night. The Poor Law Commissioners declared by Minute the practice of "providing lodging only for travelling paupers and mendicants without any sustenance whatever" to be "most objectionable"; and it was discontinued (*Extracts from Correspondence*, April 1841).

[2] 7 and 8 Victoria, c. 101, sec. 41; Report of H. of C. Select Committee on Houseless Poor, 1846; *History of Vagrants and Vagrancy*, by C. J. Ribton-Turner, 1887, pp. 250-259.

The instructions given by the "witty and vivacious"[1] Charles Buller, the first President of the Poor Law Board, which seemed at first successful, the number of vagrants relieved falling off by 38 per cent in the first year, adumbrated, in the guise of a policy, what were really two distinct and inherently incompatible lines of action. The Poor Law Board, on the one hand, pressed on Boards of Guardians the advisability of discriminating between the honest unemployed in search of work and the professional tramp—"the thief, the mendicant and the prostitute, who crowd the vagrant wards"—even to the extent of refusing all relief whatsoever to such able-bodied men of the latter class as were not in immediate danger of starvation. It seems as if the Poor Law Board was, at this point, almost inclined to press on Boards of Guardians the Scottish Poor Law policy—quite contrary to that of the 1834 Report—of regarding the able-bodied healthy male adult as entirely ineligible for any form of Poor Relief. "As a general rule", it was laid down, the Relieving Officer "would be right in refusing relief to able-bodied and healthy men; though, in inclement weather, he might afford them shelter if really destitute of the means of procuring it for themselves".[2] Acting on this suggestion some Boards of Guardians completely closed their Vagrant Wards;[3] and the Bradford Guardians decided to "altogether dispense with" the meals heretofore given "at the Vagrant Office".[4] But—also contrary to the "Principles of 1834"—

[1] So styled in *Life of Beaconsfield*, by F. W. Monypenny, vol. ii., 1911, p. 4. The premature death, on November 29, 1848, of this first Minister, was a great loss to Poor Law administration. He "was a surpassingly brilliant man. . . . Such a perfect Parliamentary man had not turned up since Charles Townsend: he was created for the House of Commons" (*Political Portraits*, by Edward M. Whitty, 1854, p. 150). See also *Charles Buller and Responsible Government*, by E. M. Wrong, 1906.

[2] Minute of Poor Law Board, August 4, 1848, in *Official Circular*, 1848, No. 17, N.S., p. 271.

[3] *On Vagrants and Tramps*, by T. Barwick L. Baker (Manchester Statistical Society, 1868-1869, p. 62).

[4] MS. Minutes, Bradford Board of Guardians, November 23, 1849. On this, the Poor Law Board evidently felt that it had gone too far. It informed the Bradford Guardians that the resolution must be rescinded; that "in affording relief to vagrants the Guardians should be governed by the same rule that applies to relief in other cases, namely, the nature of the destitution and the amount of the necessity of the applicant. If the Guardians or their officers are satisfied that there is no actual necessity, no danger to health or life, they will be justified in refusing to give more than shelter [Buller's circular had suggested refusing even shelter in weather not inclement]; but if the applicant

Charles Buller suggested that the honest wayfarer in temporary distress might be given a certificate showing his circumstances, destination, object of journey, etc., upon production of which he was to be readily admitted to the Workhouses, and provided with food and comfortable accommodation.[1] To aid in this discrimination, it was suggested that a police constable, who had knowledge of habitual vagrants and was feared by them, would be useful as an Assistant Relieving Officer.[2] Nevertheless, the other policy, that of the Casual Ward, admitting, to its disagreeable and deterrent shelter, every applicant who chose to apply for it, was not abandoned by the Poor Law Board. The Orders and instructions about Casual Wards still remained in force, and continued to be issued or confirmed. These involved, not the refusal of relief to the able-bodied healthy male adult, but systematic provision for his relief without discrimination as to character, coupled with detention and a task of work.

An Attempt at Deterrence

By 1860 we find the Poor Law Board driven to abandon, so far as the Metropolis was concerned, both Charles Buller's suggestion of discrimination among wayfarers, and that of refusing, at any rate in weather not inclement, relief to the healthy able-bodied male vagrant. The London Workhouses had become congested "by the flocking into them of the lowest and most difficult to manage classes of poor".[3] They were now to be entirely relieved of the annoyance and disorganisation caused by the nightly influx of casual inmates. All persons applying for a night's lodging were to be subjected, whatever their antecedents, character or circumstances, to a uniform

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appears to be really in want of food, it must be supplied" (Poor Law Board to Bradford Union, November 29, 1849; MS. Minutes, Bradford Board of Guardians, November 30, 1849).

[1] *Official Circular*, No. 17, N.S., *July and August 1848*, p. 270; Second Annual Report of Poor Law Board, 1850, p. 6.

[2] *Official Circular*, No. 17, N.S., July and August 1848, p. 271.

[3] Sotheron Estcourt (President of Poor Law Board), July 15, 1858 (Hansard, vol. cli. p. 1500). "The nightly occupants of the *Vagrant Ward* interfere with the regular inmates, harass the officers, and at some seasons and in some Workhouses render it impossible to preserve the order or to carry out the ordinary regulations of the establishment" (Circular of November 30, 1857, in Eleventh Annual Report of Poor Law Board, 1858, p. 29).

"test of destitution", by being received only in "asylums for the houseless poor", six of which, conducted on a uniform system of employment, discipline and deterrent treatment, were to be established in London apart from the Workhouses.[1] This was admittedly a revival of the project of 1844,[2] which had failed from the "want of co-operation on the part of several of the Boards of Guardians".[3] The revived policy proved equally unsuccessful, and for the same reason. The six "asylums for the houseless poor" did not get built; and vagrants continued to be dealt with haphazard in the forty Metropolitan Workhouses. In 1864 the Poor Law Board took what proved to be a decisive step. The Metropolitan Houseless Poor Acts, 1864 and 1865, made it obligatory on Metropolitan Boards of Guardians to provide Casual Wards for "destitute wayfarers, wanderers, and foundlings".[4] At the same time the Poor Law Board bribed the Guardians to adopt that policy for all wayfarers by making (in accordance with a recommendation of the House of Commons Select Committee on Poor Relief of 1864) the cost of relief given in the Casual Wards a common charge upon the whole of London.[5] The Casual Wards thus made a common charge had to be conducted under rules to be framed by the Poor Law Board; and these we have in the Circular of October 26, 1864, recommending that the new Casual Wards should consist of two large "parallelograms", each to accommodate, in common promiscuity, as many of one sex as were ever expected; to be furnished with a common "sleeping platform" down each side, on which the reclining occupants were to be separated from each other only by planks on edge; without separate accommodation for dressing or undressing; and with coarse "straw or cocoa fibre in a loose tick", and a rug "sufficient for warmth".[6] To

[1] Circular of November 30, 1857, in Eleventh Annual Report of Poor Law Board, pp. 30-31.

[2] Sotheron Estcourt, July 15, 1858 (Hansard, vol. cli. p. 1500).

[3] Minute of December 23, 1863, in Sixteenth Annual Report of Poor Law Board, 1864, p. 31.

[4] 27 and 28 Victoria, c. 116 (1864); 28 and 29 Victoria, c. 34 (1865); Circular of October 26, 1864, in Seventeenth Annual Report of Poor Law Board, 1865, p. 77.

[5] The first expedient was to cause the sums so expended to be refunded by the Metropolitan Board of Works. In 1867 this was replaced by the Common Poor Fund.

[6] Circular of October 26, 1864, in Seventeenth Annual Report of Poor Law Board, 1864–1865, p. 78. It may be added that from 1863 onward, the police

this was added, by the General Order of March 3, 1866, a uniform dietary, "for wayfarers" in these wards, of bread and gruel only;[1] thus definitely marking the abandonment, so far as London was concerned, of all attempt, either at refusing a night's lodging to able-bodied healthy males, or at doing anything more, or anything different, for the honest unemployed wayfarer than for the professional tramp.

Discrimination Once More

Notwithstanding the apparent decisiveness of policy as to vagrants embodied in the Metropolitan Houseless Poor Act of 1864, we find the Poor Law Board, disturbed by the steady growth of vagrancy throughout the country,[2] still continuing to talk about discrimination. In 1868 Sir M. Hicks-Beach, in announcing that the Poor Law Board contemplated extending to the whole country the Metropolitan system of dealing with vagrants, added with an inconsistency which we do not understand, that "it would be required . . . that Guardians should take the responsibility of a sound and vigilant discrimination between deserving travellers in search of work and professional vagrants not really destitute, by the appointment of officers capable of exercising such discrimination; and that, where practicable, the police should be appointed Assistant Relieving Officers. The forthcoming Order would likewise suggest, in cases where it might be practicable, that the accommodation

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acted as Assistant Relieving Officers for vagrants in the Metropolis. The police complained of the filth and vermin brought to the police stations by applicants for relief, and they were relieved of the duty in 1872 (Report of Departmental Committee on Vagrancy, 1906, Cd. 2852, vol. i. p. 12). The police also acted for some rural Boards of Guardians, the police stations serving as "vagrant relief stations", *e.g.* at Bakewell, where they were discontinued in 1869 (MS. Minutes, Bakewell Board of Guardians, March 15, 1869).

[1] General Order of March 3, 1866, in Nineteenth Annual Report of Poor Law Board, 1867, p. 37.

[2] Reports on Vagrancy made to the President of the Poor Law Board by Poor Law Inspectors, Cd. 4678 of 1866. These voluminous reports, made at different dates between 1848 and 1866, not only give a graphic picture of vagrancy as seen from the Poor Law standpoint, but also show the Inspectors to be hopelessly baffled by the problem, and to be suggesting half a dozen inconsistent policies. Other publications include *On the Means of eradicating or suppressing Mendicancy*, by Philip Danvers, 1842; *On Vagrancy*, by Edward Vivian, 1868; and (important as being by the future Secretary of the Local Government Board) *Vagrancy Laws and Vagrants*, by John Lambert, 1868.

for deserving travellers should be different from that given to professional vagrants." [1] Yet even for the professional vagrant the promiscuous Casual Ward of 1864 was not to be extended to the provinces. "*It was*", said the President of the Poor Law Board in 1868, "very desirable that . . . each person should have a separate or divided bed place." [2] The new policy, which the President seems to have thought was the London policy of 1864, but which was really a revival of Charles Buller's policy of 1848, was embodied in a circular, which admittedly reproduced, in all essentials, the Minute of 1848: the necessity of discrimination, the employment of the police, the issue of tickets to genuine honest wayfarers, their comfortable accommodation in Workhouses without task of work, and the desirability of uniformity of treatment in the different Unions.[3]

A Reversion to Severity

It must be added that, before the end of its tenure of office, the Poor Law Board had become convinced that it had as completely failed to solve the problem of vagrancy as had the Poor Law Commissioners. In the Metropolis it was forced on its attention that "the great increase in the pauper population may be traced to the operation of the Houseless Poor Act, which has practically legalised vagrancy and professional vagabondism".[4] Throughout the whole country the number of vagrants nightly relieved in the Workhouse, which had, between 1858 and 1862, always been under 2000, rose, between 1862 and 1870, to between five and six thousand, and to a maximum of 7946 on July 1, 1868, though falling from that high point in the exceptionally good trade of 1870–1871.[5] The fact is that the Boards of Guardians felt themselves on the horns of a dilemma, against which the inconsistent

[1] Sir M. Hicks-Beach, July 28, 1868 (Hansard, vol. cxciii. p. 1910).

[2] *Ibid.*

[3] Circular of November 28, 1868, in Twenty-first Annual Report of Poor Law Board, 1869, pp. 74-76. It is curious that the dietary suggested in this Circular allowed (without explanation) the Guardians to give male adults eight ounces of bread and a pint of gruel, whereas the General Order to the Metropolitan Unions of the preceding year had definitely limited adult males to six ounces of bread and a pint of gruel.

[4] St. George's, Hanover Square, to Poor Law Board. The numbers of "casual and houseless poor" relieved in the Metropolis went up from 1086, on July 1, 1866, to 2085 on July 1, 1868, and 1760 on July 1, 1870 (Twenty-third Annual Report of Poor Law Board, 1871, p. xxiv).

[5] *Ibid.* pp. 394-395.

see-saw policy of the Poor Law Board was no protection. If they refused relief to those whom their Relieving Officers deemed worthless loafers, these bad characters became "masterful beggars", pertinacious tramps, and sources of danger to the *countryside*, whilst, in the bad times of 1866, some of those who had been refused relief suffered hardship and even death.[1] Hence the general reversion to a policy of relief. The Poor Law Board, under Goschen's presidency, was at this point considering yet another new policy, that of penal detention after relief. Goschen explained to the House of Commons that this would amount, practically, to "a kind of imprisonment", and be "a stronger measure than the administration by the police of the law as at present existing", which had also been proposed; but "if Parliament were inclined to concede power to detain paupers for a longer period than they were now detained, and to keep them at work, he believed that would be a very effectual means of diminishing vagrancy and pauperism".[2] But Goschen did not explain how the Vagrant, if thus threatened with "a kind of imprisonment" without conviction, or even trial, was to be induced to put his head into the trap.

The adoption by the Local Government Board, between 1886 and 1907, of a policy of prevention, involving discrimination between some able-bodied applicants and others who were resident within the Union, according to their character and circumstances, with a view (whether by a Poor Law Farm Colony, or by the relief works and Labour Exchanges of the Distress Committees) to the rehabilitation of the man really seeking work —part of the Framework of Prevention which we describe in a subsequent chapter—makes all the more remarkable the retention, during the whole period, by the same Government Department, of a contrary policy with regard to wayfarers or vagrants. We find the Local Government Board, from 1871 onwards, consistently maintaining for this class a policy of indiscriminate relief on demand, under deterrent conditions, distinctly "less eligible" than the poorest accommodation of the independent labourer; yet without any serious detention; free from any trace of, or wish

[1] *On Vagrants and Tramps*, by T. Barwick L. Baker (Manchester Statistical Society, 1868–1869, p. 62).

[2] G. J. Goschen (President of Poor Law Board), May 13, 1870 (Hansard, vol. cci. pp. 660-662).

for, or attempt at, reform or cure; and intended to be uniform throughout the kingdom. There was, for instance, after 1871, no reversion to the policy so frequently adumbrated between 1848 and 1871, of discriminating between the professional tramp and the *bona fide* workman in search of employment, reserving the deterrent Casual Ward for the one, and granting a comfortable night's lodging without conditions to the other. On the contrary, the basis of the new policy of 1871 was the universal establishment of the deterrent Casual Ward for all wayfarers; and the exclusion from the Workhouse of even the worthiest among them. This uniformity was to be secured by the Pauper Inmates Discharge and Regulation Act, 1871,[1] which provided that a casual pauper should not be entitled to discharge himself before 11 A.M. on the day following his admission; nor, if found a second time in one Casual Ward within a month, till 9 A.M. on the third day; nor in any case until he had performed a prescribed task. The Act also sought to secure a geographical uniformity by requiring the Guardians to provide such Casual Wards as the Local Government Board thought necessary, and by subjecting the conditions of admission, diet and task to its authoritative Orders. From this time forth, therefore, the Local Government Board assumed complete responsibility for the method of treatment. Its Circular of 1871 began by condemning the work of its predecessors. "The result of the system hitherto adopted in the relief of this class of paupers cannot be regarded as successful; for while there has been no uniformity of treatment as to diet and work there has been neglect in many Unions to provide proper and sufficient wards."[2] The Local Government Board enunciated once more the need for national uniformity, pointing out that stringent regulations in one Union caused vagrants to vary their route and resort to another place; and expressed the intention of requiring that suitable accommodation should be provided at every workhouse. But no uniformity was actually prescribed. The examples of the Bath and Corwen Unions were quoted for the guidance of others. At Bath vagrants had to apply for relief at the police station, whence able-bodied men were sent to the Workhouse, where they were relieved, and required to perform a three-

[1] 34 and 35 Victoria, c. 108, secs. 5, 6, 9.

[2] Circular Letter on Vagrancy of November 18, 1871, in First Annual Report of Local Government Board, 1872, p. 55.

hours' task of stone-breaking; while women, children and old and infirm men were relieved at a refuge without any task. The Local Government Board cited this system with apparent approval; and remarked that it had diminished the vagrancy of Bath—meaning the applications to the Relieving Officer—by over 58 per cent. At Corwen a proposal was approved to place the Vagrant Wards in the yard of the police station, and to appoint a police officer as Assistant Relieving Officer.[1]

The Way Ticket System

At this point we may note the beginning of another experiment spontaneously adopted in a few counties, without specific encouragement by the Local Government Board, namely the "Way Ticket System". The treatment of vagrants favoured by the Government involved their being without food during their long tramp from one Casual Ward to another; and this led to importunate mendicancy and thoughtless almsgiving. In Berkshire in 1870 and 1879, in Hampshire in 1870, unsuccessful attempts: and in Dorset in 1870, in Kent in 1871 and in Gloucestershire and Wiltshire in 1882, successful attempts were made to set on foot, by voluntary subscriptions, county schemes by which each vagrant on leaving the Casual Ward was given a way-bill showing the route by which he had declared he intended to travel, and a ticket which could be exchanged at specified places on the route for a

[1] This Circular was issued after the passing of the Pauper Inmates Discharge and Regulation Act, and a few days before the General Order, of which the provisions will shortly be described. In the next year the Board reported a diminution in the number of vagrants; and allowed some of the less stringent of the Metropolitan Casual Wards to be closed, an action which caused difficulties in later years. In the Unions where there were no Casual Wards, ordinary vagrants were referred to that of a neighbouring Union, but the Workhouse officials were bound to admit any applicants who, from sickness or other cause, were unable to proceed farther; and generally any case of urgent necessity (Second Annual Report of Local Government Board, 1873, pp. xxii-xxiii). In 1872 also, the Board advised Guardians to dispense with the services of police constables as Assistant Relieving Officers, and appoint the superintendents of the casual wards instead (Circular on Vagrancy in the Metropolis, of May 30, 1872; in *ibid.* p. 17). No reason was given for this change; and thirty years later the co-operation of the police in this manner was still assumed, for the Board sanctioned a subscription by the Guardians towards the cost of providing a midday meal for vagrants when proceeding from one Workhouse to another, "where the superintendent of police is appointed Assistant Relieving Officer for vagrants" (*Local Government Chronicle*, November 29, 1902, p. 1203).

loaf of bread. These schemes, which aimed, not at diminishing vagrancy, but only at lessening its accompanying evil of mendicancy, did not meet with universal approval, and were slow to spread.[1]

In fact, the stream of vagrants, after a merely temporary abatement, continued to grow. In 1882 the Local Government Board got passed another statute, and issued another Order, increasing the period of detention in the Casual Ward, and otherwise making the conditions more deterrent;[2] still without laying down any policy of discrimination between wayfarers of one sort and wayfarers of another. A few more years' experience showed that the detention really operated not against the professional tramp, who did not much mind how late in the morning he started, but against the virtuous wayfarer, who found himself discharged too late to get the job after which he was tramping. The remedy of the Local Government Board was virtually to abandon the detention, and explicitly the uniformity, by issuing Circulars suggesting that the Guardians should give orders that casual paupers who had done their task on the preceding day should be allowed to leave early in the morning.[3] Some Boards of Guardians acted on this, others did not—thus destroying the complete assimilation of regimen at which the Local Government Board had aimed. Finally, in 1892, in tardy response to a recommendation of the House of Lords Committee of 1888, a Circular and an Order were issued, "with a view to facilitating the search for work by casual paupers who are desirous of obtaining employment",

[1] For the Way Ticket System see *The Repression of Vagrancy*, by Amyatt Amyatt, 1878; *Life of the Earl of Carnarvon*, by Sir A. Hardinge, 1925, vol. i. pp. 209-210; "Vagrancy and the Way-Ticket System", by Rev. Thomas Bridge, *Poor Law Conferences, 1898–1899*, pp. 261-276; "The Way-Ticket System for Vagrants", by H. E. Barnard, *ibid.* 1910–1911, pp. 680-689; "The Way-Ticket System in Sussex", by E. J. Waugh, *ibid.* pp. 152-161.

[2] 45 and 46 Victoria, c. 36 (Casual Poor Act, 1882); General Order of December 18, 1882, in Twelfth Annual Report of Local Government Board, 1883, pp. 64-71; *The Pauper Inmates Discharge and Regulation Act*, etc., by Hugh Owen, 1882, pp. 4-7, 31, 35-39. The Metropolis was now deemed to be one town for the purpose of punishing resort to the Casual Ward more than once a month.

[3] Circulars of April 16, 1885, November 7, 1887, and January 18, 1888; see Fifteenth, Seventeenth and Eighteenth Annual Reports of Local Government Board, 1886, 1888 and 1889. When, in 1888, proposals were made to the House of Lords Committee on Poor Relief *for the abolition of the Casual* Wards, with a view to a drastic repression of vagrancy, the Committee decided that some such special and separate provision as the Casual Ward must always be made (Report of H. of L. Committee on Poor Relief, 1888).

which gave to every inmate of the Casual Ward, who had performed his task to the best of his ability, an absolute right to claim his discharge at 5.30 A.M. in summer, or 6 A.M. in winter, on the second day after admission, on his merely representing "that he is desirous of seeking work".[1] Whether from this or other causes, the stream of wanderers applying for a night's lodging continued unabated, though with the usual fluctuations in the varying seasons of the year, and the years of good and bad trade.

A New Tolerance of Vagrancy

By the end of the nineteenth century, when the number of vagrants resorting to the Casual Wards was nearly twice as great as in 1885, experience seems to have converted the most ardent Poor Law enthusiasts to a new tolerance for Vagrancy. Every possible device for its elimination had been tried without lasting success. The endless alternations of policy of the Poor Law Board and the Local Government Board not only made Ministers hesitate actually to enforce, on all the Boards of Guardians, any policy whatsoever, but also indisposed the Guardians even to accept advice from Whitehall on so controversial a subject. Vagrancy, it began to be said, was inevitable and unconquerable: why not let it alone? "There is in every rank", said Thomas Mackay, "a certain *minority who dislike* the conventions of ordinary life . . . and the Bohemian character is very indulgently regarded. In moderation this spirit is

[1] Circular of June 13, 1892; Order of June 11, 1892; Twenty-second Annual Report of Local Government Board, 1893, pp. 14-15. In 1897 express provision was made for children accompanying vagrants, who were to have an improved dietary, including milk.

It could be said in 1899 that "It is generally realised that the Casual Ward Detention Order of 1882 is ignored in about half the Unions of the country" ("Labour Homes in Connection with the Poor Law", by Noel Buxton, in *Poor Law Conferences, 1899–1900*, p. 480).

The Casual Ward has been the special subject of amateur observation for more than half a century: see *A Night in a Workhouse*, 1866, and other studies, by James Greenwood ("The Amateur Casual"); *A Night in the Workhouse*, by C. W. Craven, 1887; *Casual Paupers and How we Treat them*, by J. Theodore Dodd, 1890; *The Failure of the Casual Ward*, by Jesse Hawkes, 1899; "Tramping as a Tramp", by R. C. K. Ensor, in *Contemporary Review*, October 1904; the various works of Mrs. Mary Higgs (*The Tramp Ward*, 1904; *Five Days and Five Nights as a Tramp among Tramps*, by a Lady, 1904; *Glimpses into the Abyss*, 1906); *The Spike, an Account of the Workhouse Casual Ward*, by E. Wyrell, 1909; *A Vicar as Vagrant*, by G. Z. Edwards, 1910.

an agreeable variation from the dull prosaic virtues which are specially appropriate to the industrial life; but it is not a character or course of life entitled to a liberal endowment from the State." [1] Sir William Chance, an equally rigid upholder of the "Principles of 1834", came to admit that "the increase or decrease of . . . vagrants has little if anything to do with Poor Law administration. Vagrancy has flourished in this country from the earliest times, and will probably continue to flourish to the end of all time. The life has many attractions, and is suited to our islanders' love of travel and adventure. There is nothing alarming in the number of our vagrants. They do not increase faster than the population increases. Their cost is infinitesimal, and their numbers would be so if charitable people, and especially the poor . . . would cease to give them alms." [2] It could even be confessed that "Vagrancy may prove to be a form of pauperism not to be exorcised by the Workhouse Test".[3]

[1] *History of the English Poor Law*, vol. iii., by Thomas Mackay, 1899, p. 371.

[2] *The Better Administration of the Poor Law*, by Sir W. Chance, 1895, p. 2.

[3] *History of the English Poor Law*, vol. iii., by Thomas Mackay, 1899, p. 386. A return to the scheme of the Report of 1834, with the abolition of all distinction between the vagrant and the ordinary pauper, had, as we have mentioned, actually been recommended to the House of Lords Committee on Poor Law Relief in 1888; but its advocates failed to convince the Committee (see *Poor Law Conferences, 1906–1907*, p. 559).

It may be added that the women and children among the vagrants present a specially difficult problem. As seen from the Poor Law standpoint, their numbers are small, varying from 9 to 15 per cent (women) and 2 to 5 per cent (children). But this is misleading, as often the men only go to the Casual Ward, the women and children resorting to a common lodging-house (see *Can Juvenile Vagrancy be prevented?* by William Watson, 1850; *Juvenile Vagrancy*, by Ralph Ricardo, 1859; and *The Female Casual and her Lodging*, by J. H. Stallard, 1866). The women used to be given oakum-picking, which was definitely prohibited in 1896 as a task for women convicts in prison (Report of Prison Commissioners, 1897). The Local Government Board took no action for two years, and only by a Memorandum urging Boards of Guardians to discontinue such a task (Twenty-seventh Annual Report of Local Government Board, 1899, p. lxxxiv). "It is much to be wished that there had been more backbone in the Central Poor Law Board on this question. . . . If we are to judge from the reports this mild oakum-picking Memorandum has not made much impression on the Inspectors. . . . Although forbidden four years ago as too degrading for Her Majesty's prisons, this cruel task is still given to casual poor women who seek refuge in Her Majesty's Workhouses in many a country district. Out of forty replies from country Masters actually seventeen still expect some of the female tramps to pick 2 lbs. of unbeaten oakum, and keep them prisoners till it is done. In six houses it is the only task for women" ("Tasks and Employments in Workhouses", by F. Askew, *Poor Law Conferences, 1899–1900*, p. 526). Oakum-picking was not finally prohibited until 1925. The numbers of women and children applying for admission to the Casual Wards have become steadily smaller.

The Official Committee of 1904

This complacent tolerance of vagrancy did not, however, content the zealots of Whitehall. When, in the opening of the twentieth century, the numbers resorting to the Casual Wards again increased, surpassing, indeed, in 1904, all previous records, what weighed on the officials of the Local Government Board was that the whole policy of the Board had, in this branch of its work, proved a failure. They successfully urged the President (Walter Long) to have yet another investigation; and in 1904 he appointed a Departmental Committee to inquire into the whole subject. That Committee, under J. L. Wharton, composed largely of officials, and entirely of persons having an intimate knowledge of the problem, sat for two years; gathered together all possible evidence; and considered every suggested reform, only to come out in the end with no definite or consistent policy whatever! Although it was admitted, in effect, that from one-third to two-thirds of the wandering horde of vagrants were not permanent or professional tramps, the Committee neither proposed any prohibition of this wandering, nor any substitute for it; nor yet any policy of provision for the four different kinds of wanderers among whom they distinguished.[1] The Committee, indeed, although the report included half-hearted suggestions for the licensing and official control of free shelters, and any other institutions making a gratuitous distribution of food, together with a criminal prosecution of the new offence of "sleeping out" to the public danger or common nuisance, never got effectively beyond the consideration of those vagrants, a small fraction of the whole, who voluntarily applied for their night's lodging to the Poor Law Authorities or some philanthropic institution. Yet it is admitted that "the casual pauper is but an incident of vagrancy; and vagrancy, at one time swelling, at another shrinking in volume, merges into a shifting and shiftless fringe of the population in such a way as to elude definition".[2] From this problem of the population at large, the Vagrancy Committee shrank back alarmed. Instead of measures to deal with vagrancy as such, the Committee proposed merely a change in the Authority for doling out the night's lodging to those vagrants, a small

[1] See its Report in three volumes, Cd. 2852, 2891, 2892, of 1906.
[2] Majority Report of Poor Law Commission, 1909, vol. ii. p. 162.

proportion of the whole, who chose to apply for it to a public Authority. It was recommended that the importunate vagrant should be kept out, not merely of the workhouse, but of the Poor Law altogether; and that he should be received, warded and fed, under the authority of the Standing Joint Committees and Watch Committees of the County or County Borough Councils, which are Local Authorities with greater autonomy than the Boards of Guardians. At the same time, in conformity with the century-long "see-saw" of policy, the Committee reverted once more to the idea of discrimination, suggesting a penal "Labour Colony" for the worthless; and the issue by the police of "way tickets" to the virtuous workman seeking a job, entitling him, for a period of a month, to lodging, supper and breakfast at the Casual Wards, with freedom to depart after no more than two hours' work. Yet, with a curious inconsistency, the Committee hoped that the recommendations would lead to national uniformity of treatment, merely because the work would be carried out by the couple of hundred local police forces of the several Counties or County Boroughs instead of by the six hundred Boards of Guardians.[1] Needless to say, this proposal (against which the representative of the Home Office on the Committee vainly protested so far as the Metropolitan Police was concerned) was never adopted by the Government or brought before Parliament; and the position remained as before.[2]

[1] Report, Evidence and Appendices of the Departmental Committee on Vagrancy, 1906 (Cmd. 2852, 2891, 2892); *Vagrancy* (a review of the Report), by Sir W. Chance, 1906; reviews of the Report in papers at *Poor Law Conferences, 1906–1907 and 1907–1908, by E. J. Mott, E. A. Rigby, A. F. Vulliamy*, H. G. Willink, J. L. Wharton and C. W. Dean; Majority Report of Poor Law Commission, 1909, pp. 159-169 of vol. ii.; Minority Report of the same, pp. 497-510.

The Report was not favourably received. Both Poor Law Guardians and Inspectors pointed out the impracticability of the Committee's proposals (see, for instance, the remarks of H. Jenner-Fust, in *Poor Law Conferences, 1906–1907*, pp. 184-186). Experienced witnesses had warned the Committee that it was impracticable to secure, over the whole country, anything like *uniformity of Casual Wards; and that uniformity was*, from any national standpoint, not even desirable (*ibid.* pp. 514-515).

[2] The Poor Law Commission of 1905–1909 made little investigation of the problem; and the Majority Report (pp. 155-169 of vol. ii.) contented itself with summarising the report and proposals of the Vagrancy Committee, without endorsing these recommendations. The Minority Report (pp. 497-510) drew attention, not only to fresh evidence as to the industrial character of the vagrant tide, but also to the replacement, in some populous Unions, of the old style of Casual Ward by great and costly cellular "prisons", so "deterrent" to the vagrant that he remained "unwarded", and made himself a common

An Unsolved Problem

Thus the story ends in 1906 as it began in 1834, with no assured remedy for the evils of Vagrancy, and no accepted policy for dealing with it. Yet no one could propose, in the light of century-long history, that vagrancy should be abolished by penal measures. Looking back on the experience since 1834, two reasons for this long-continued failure in statesmanship stand out. What is needed for the vagrant, irrespective of whether or not he applies for public assistance, and whether he is merely a man without employment seeking a job, or a wastrel simply bent on a free-and-easy life without regular work, or, what is perhaps common, something between the two, is some kind of treatment more lasting and more effectual than a night's lodging and a couple of meals, whatever may be the conditions accompanying this exiguous "relief". Yet a Poor Law Authority, charged and permitted to do no more than relieve destitution, can deal only with the tiny fraction of the vagrants who apply to it, only when they voluntarily present themselves as destitute, and only so long as they consider themselves destitute. Hence the wisest and most considerate application of the Poor Law to the problem of vagrancy was foredoomed to failure. In the second place, whatever may be the remedial treatment for vagrancy that we devise, this is, by the very nature of the case, bound to be one that cannot be satisfactorily undertaken by any Local Authority, however constituted, and whatever the policy determined upon. Those vagrants who are, with more or less definite objectives, seeking for employment, as all of them claim to be, cannot be steered to the places where labour is relatively in demand, or dissuaded from flocking in crowds towards any place where rumour has declared that works of magnitude are being started, by any Local Authority whatsoever, which could not possibly be aware of the labour conditions in other parts of the country. Nor could a Local Authority, necessarily ignorant of the vagrant's previous life or present opportunities, successfully prosecute the wastrels who desired to escape work, or maintain the necessary

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nuisance by "sleeping out". What was required was a national organisation that would find jobs for all willing to work, and (once this was provided) another national organisation, with a reformatory Labour Colony, to which wastrels, on conviction, could be committed for a term.

reformatory but semi-penal Farm Colony, to which such convicted parasites would have to be judicially committed for sufficiently long terms of detention. The whole of the nineteenth century passed, as we have seen, without the Government or Parliament even thinking of establishing such an Authority as the conditions required.

The failure of the Boards of Guardians to cope with the problem of vagrancy, when they had been given only power to relieve destitution, was therefore excusable. They regarded themselves as responsible, essentially, for "their own" destitute persons; and the vagrants plainly did not "belong" to the Union in which they applied for a night's lodging. It was inevitable that each Board of Guardians should seek to restrict to a minimum the expense that it was compelled to incur; that it should take no interest either in the comfort or in the improvement of such transients; that it should avoid rather than promote their settling in the Union, even by getting employment; and that it should obstinately and persistently refuse to incur expense in carrying out any of the changing policies from time to time adopted by a Ministry at Whitehall, which does not seem ever to have proposed—what public opinion might, indeed, in the past never have permitted—the taking upon the National Exchequer of a burden that is absolutely non-local in character; or even the contributing to the expense by a Grant in Aid.

Settlement and Removal

From the very beginning of its work the Poor Law Board was perplexed by the problems presented by Settlement and Removal. The complications of the Law of Settlement, with the vexatious and costly litigation between parishes to which they gave rise, had remained practically unaffected by the trivial and ill-considered alterations of the law in 1819, 1825 and 1831,[1] to which allusion has been made in our previous volume. Although

[1] 59 George III. c. 50 6 George IV. c. 57; and 1 William IV. c. 18. The Overseer's perplexities were noticed by Crabbe:

> There is a doubtful pauper and we think
> 'Tis not with us to give him meat and drink;
> A child is born, and 'tis not mighty clear
> Whether the mother lived with us a year.

since 1795 persons found away from their parishes of settlement were no longer liable to removal unless and until they actually became chargeable, they continued to be arbitrarily removed by zealous Overseers immediately they were driven to apply for relief, even in some transient emergency; and "the indefensible injustice" continued, as we are told, "of removing a man by warrant from his place of residence to some distant part of the Kingdom, and then trying the question whether he ought to have been removed or not".[1] The attention of the Poor Law Inquiry Commissioners had been forcibly called by reputable witnesses, both to the evil effects of the whole system of settlement and to the particular injustice to which each year thousands of indigent persons were in this way subjected.[2] The great Report of 1834, though it emphasised the baleful effects of the whole system of settlements, aimed only at a simplification of the law by making the settlement of every legitimate child up to sixteen depend upon the place of birth of the surviving parent or parents; and when the child had attained the age of sixteen (or earlier if both its parents were dead), upon the place of the child's birth. But the Poor Law Amendment Act of 1834 failed to carry out even this modest desire of the Commissioners, and, in the opinion of a competent authority, in effecting its trifling changes, left the "Law of Settlement . . . substantially as bad . . . as it was" in 1795, and "still deserving all the reprobation which was justly bestowed on it by those who, in the eighteenth century, pointed out its impolicy and injustice".[3]

[1] *Pauperism and Poor Laws*, by R. Pashley, 1852, p. 261.

[2] The 1834 Report included the following paragraph:

"We further recommend that instead of the present mode of first removing the pauper, and then enquiring whether the removal was lawful, the enquiry should precede the removal. We find this measure in a Bill brought into the House of Commons in 1819. . . . The expediency of this measure is so obvious that it is difficult to account for its rejection in 1819, unless we are to believe a tradition that it was defeated by a combination of persons interested in creating litigation and expense."

The Poor Law Amendment Act of 1834 failed to remedy this absurdity. Not until 1848 was even this obvious mitigation of the injustice to the poor secured and this expensive litigation at the cost of the ratepayers avoided, by a mere limitation of the time within which notice of appeal against the notice of chargeability had to be lodged (11 and 12 Vic. c. 31, sec. 9).

[3] *Pauperism and Poor Laws*, R. Pashley, 1852, p. 271. "The changes introduced into the Law of Settlements by the Poor Law Amendment Act were . . . quite trifling, excepting that it prospectively repealed, but retrospectively preserved, settlements by hiring and service for a year" (*ibid.* p. 268).

Sir James Graham's Bill

Not until 1844 did the Government take the matter in hand, when Sir James Graham, as Home Secretary, printed a Bill, which was in the following session pressed on the House of Commons, aiming at remedying many of the injustices. Settlements were henceforth to be reduced to three only, namely, Birth, Father's Settlement and Mother's Settlement. The pauper was to be chargeable to the parish in which he was found to be destitute until he was lawfully removed. Large classes of paupers were not to be removed: such as married women, who were not to be parted from their husbands; legitimate children, who were not to be removed from their father's parish; and no children, whether legitimate or not, from their mother's parish; widows, not from the parish of their husband's settlement at his death, and not at all in the first year of widowhood; persons chargeable through sickness, not for forty days; and, most important of all, no one who had maintained himself in one place for five consecutive years. Forty days' notice of proposed removal was always to be given. On the other hand, unsettled Scottish, Irish and natives of the Isle of Man, the Scilly Isles and the Channel Islands might be removed to their places of birth. This remarkable measure, drafted by the Poor Law Commissioners, was too much for the House of Commons. So widespread was the opposition, voicing the almost universal apprehension of the effects of any change, that the Bill had presently to be withdrawn.[1]

In the following session, on the occasion of the Repeal of the Corn Laws, Sir Robert Peel was advised to include among the reforms by which he wished to balance his proposals a measure "not only to relieve the land, but to do an act of justice to the labouring man", by freeing him of the shackles on his

[1] The Bills of 1844 and 1845 were printed in the *Official Circular*, No. 38 of August 31, 1844, and No. 45, March 1, 1845 (see Hansard, 1845; and *Life and Times of Sir James Graham*, by W. T. McCullagh Torrens, 1863, vol ii. pp. 349-358).

Among the contemporary pamphlets we may cite *Correspondence with the Poor Law Commissioners . . . with observations . . . on Sir J. Graham's proposed alteration in the Law of Settlement*, by William Day, 1844, pp. 13-19; *Report of the Committee of the Union Clerks Society of London* [on Bill of 1844], 1845; *A Letter to Sir James Graham on the Poor Laws*, etc., by James Roscoe, 1845; and *Suggestions for Reducing the Poor's Rate and Abolishing Poor Law Settlements*, etc., by William Foote, 1845.

freedom imposed by the liability to compulsory removal. But again the thorny subject of Settlement was avoided. In the exciting session of 1846 it was found impossible to do more than limit the class of persons liable to be removed. The new status of "irremovability", proposed in Sir James Graham's abortive measure, was at last given, under certain conditions, to the whole population.[1] This was done by a statute (9 and 10 Vic. c. 66), so technical in its phraseology that Lord Brougham complained "that persons perfectly acquainted with their mother-tongue were quite unable to understand the stepmother-tongue in which the Act was written"; and so imperfectly expressed that the lawyers themselves failed to agree about its meaning. This Act gave what must be deemed the privilege of irremovability to all persons who had been resident for five years in a parish; that of temporary but complete irremovability on widows, resident at the death of their husbands, during the first twelve months of their widowhood; and that of conditional irremovability on persons who had become chargeable only on account of temporary sickness or accident, and who were now made removable only if and when satisfactory proof was given that their disablement was of a permanent character. At the same time it was provided that paupers living outside their parish of settlement and actually in receipt of non-resident relief from that parish,[2] and also persons committed to prison

[1] The origin of the peculiar status of Irremovability must be sought far back, even in the "Certificate Men" of the Law of Settlement and Removal of 1662 itself. In 1784 the privilege of Irremovability had been granted to discharged soldiers, sailors and their families, and the Act of 1795 had extended this to all migrants, unless and until they became chargeable. Even then, by 49 George III. c. 124 (1809), they could not be removed whilst they were too ill to travel; and by 11 and 12 Victoria, c. 111 (1848), if any dependant living with them was too ill to travel (see our volume on *The Old Poor Law*, 1927). Vagrants, moreover, because they were not persons "coming to settle themselves" or "coming to inhabit" (13 and 14 Charles II. c. 12), had never been removable, even if they had become chargeable; unless they deliberately and voluntarily (and not merely because they were taken ill whilst on tramp) stayed in any one place (*Official Circular*, No. 41 of November 30, 1844).

[2] The magnitude of this class will be seen from the fact that there were, at Lady Day 1846, no fewer than 82,249 persons in receipt of non-resident relief. This fact is characteristic of the way in which, at nearly all points, the desire and intention to effect a sweeping reform had been, between 1834 and 1847, found to be impracticable of execution. The persistent desire of the Poor Law Commissioners to stop non-resident relief, as of all forms of Outdoor Relief the most liable to abuse, and the most widely opening the door to fraud and embezzlement, was always held in check by the consideration that any absolute prohibition of non-resident relief might have resulted in thirty or

away from such parish, should not, by the mere fact of their residence, acquire irremovability in the parish which they were thus inhabiting.[1] Unfortunately the Act of 1846 did not make it clear whether this provision as to prisoners, and as to paupers in receipt of non-resident relief, was or was not retrospective in its operation. The Law Officers held that it was not retrospective; and the Poor Law Board felt obliged so to advise the Boards of Guardians. The result was that, up and down the country, non-resident relief began to be stopped; and at the same time the Relieving Officers found themselves faced by many new applicants for relief in their parishes of residence. Exactly which Unions stood to gain on balance, and which to lose, could not be definitely ascertained; but, as was usual in all discussions on settlement, nearly all Unions, whether urban or rural in character, cherished an invincible conviction that they, at least, would lose. Moreover, many persons who had hitherto refrained from applying for relief out of fear that they would thereupon be removed, now became aware that they were, and sometimes had long been, legally irremovable; and a certain proportion of these at once applied for relief; whilst panic-stricken Boards of Guardians feared that a whole flood of applications would follow. In the following session a private Member, W. H. Bodkin[2] (M.P. for Rochester) succeeded in

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forty thousand more families being summarily removed to their parishes of settlement, to the great hardship of these families, expense to the parishes, and (what the Poor Law Commissioners always had to keep in mind) public scandal.

[1] 9 and 10 Victoria, c. 66. The Act was printed in the *Official Circular*, N.S. No. 1, January 1, 1847 (see *Parish Settlements and the Practice of Appeals*, by J. C. Symons, 1846; *Observations on the Law of Settlement*, by Arthur Morse, 1846; *The Settlement and Removal of the Poor Considered* (anon., but probably by George Coode), 1847; *The Practice of Poor Removals as regulated by the recent Statutes*, by Edward W. Cox, 1847; and *Labour Migration in England, 1800–1850*, by Arthur Redford, 1926, p. 110.

[2] Sir William Henry Bodkin (1791–1874), who received his knighthood in 1867, sat only in the Parliament of 1841–1847. Apart from his successful career as a barrister, he was for many years Secretary to the Society for the Suppression of Mendicity, and a lifelong student of Poor Law administration. In 1821 he published a pamphlet entitled *Brief Observations on Bill now pending in Parliament to amend the laws relating to the Relief of the Poor in England.*

The "equalisation" of the burden of Poor Relief, along the lines of casting the charge upon a wider area than the parish, continued to be urged as a necessary condition of the abolition of settlement. This sometimes took the form of proposing for the purpose (reviving the suggestion of Lord Kames in 1774, noticed in our previous volume on *The Old Poor Law*, p. 269) a national

passing a Bill universally called by his name, which dealt, ingeniously but illogically, with this new grievance. "Mr. Bodkin's Act" (10 and 11 Vic. c. 110) made the maintenance of these "irremovable poor", notably those whose place of settlement was in some other parish, a charge, not upon the parish in which they were actually residing, but (like the cost of the Workhouse, and the salaries of the officers of the Board of Guardians) upon the Union as a whole. This mitigated the financial burden, such as it was; and also allayed the fear of the parochial authorities; which were meanwhile dissipated by the Judges deciding, on a case brought into court, that the Law Officers had been wrong in their interpretation of the Act of 1846, the provisions in question being in fact of retrospective operation.[1]

Six Years' Further Inquiry

The evil of the incessant litigation and expense involved in the Law of Settlement and Removal, together with its adverse influence on the economic prosperity of the nation, still remained to be dealt with; and in the attempt to convert public opinion the Poor Law Board published report after report. A Select Committee of the House of Commons, which had been appointed in 1847 to inquire into the whole operation of the law, obtained, under the chairmanship of Charles Buller himself, a mass of evidence, but contented itself with passing four abstract resolutions of condemnation of both settlement and removal, which did not even get reported to the House or the public.[2] The Poor Law Board then set some of its ablest Inspectors to investigate and report—consuming three more years of time, but producing an impressive volume, in which the waste and destruction resulting from the law as it was then in operation were—perhaps with the effect of exaggeration—vividly described.[3]

rate or tax of eighteenpence in the pound (see *A Plan for the Equalisation of the Poor Rates throughout the United Kingdom by abolishing the Law of Settlement*, etc., by G. L. Hutchinson, which went through three editions between 1846 and 1849).

[1] R. *v.* Christchurch (1848), 18 L.J.M.C. 28; "Bodkin's Act", limited in duration to one year, was subsequently continued from year to year, and eventually made permanent; but was superseded in 1865 by the Union Chargeability Act.

[2] *Pauperism and Poor Laws*, by R. Pashley, 1852, pp. 307-308.

[3] Reports to the Poor Law Board on the Laws of Settlement and Removal of the Poor, 1850.

"In rural parishes belonging solely to one proprietor", wrote John Revans, who had been, sixteen years before, the Secretary of the Poor Law Inquiry Commission, and then, in 1835, Secretary to the Irish Poor Law Commission, "the effect is most complete. In these the population may be said to be the property of the proprietor, and to be sold with the land. The labourer has but one chance of emancipation; to quit the country. But this chance is very small, as it is almost impossible for him to obtain the means. . . . Excepting during short and very busy periods in agriculture, as at harvest, a working man will be refused employment, save in his own parish: for at all other times the ratepayers postpone the execution of work till those periods when employment is likely to be scarce, and when the labourers who have settlements would constantly fall upon the rates. It is nearly useless therefore for a working man, with the existing Laws of Settlement, to attempt to obtain work beyond the bounds of his parish. He will be answered with 'We have enough to do to find employment for our own people'. Should one, however, by the force of accident obtain employment away from settlement, the first occasion on which there shall be the slightest deficiency of employment for the labourers who belong to the parish will cause him to be removed to his settlement; though he may have passed half his life in the parish from which he removed, have there gained fresh acquaintance and friendship; and his children shall have been born and educated there.

"And now comes his reward for having gone forth in search of employment. When arrived at his settlement he will find that the cottage, which had been occupied by himself and his family, has been given to another, or perhaps pulled down, and that the only residence open to him is the Union House. Possibly he will find a lodging in the market town of the district, or in some other open parish belonging to several proprietors, and therefore better provided with labourers' dwellings. But then he must be content to walk three or perhaps five miles morning and evening, winter and summer, during good weather and during bad weather, to and from the parish of his settlement, the only one in the district which will provide him with employment, and where nominal work will be given him on the roads, and at wages just sufficient to keep body and soul together; an employment rendered yet

more painful by the avowal that it is only found for the purpose of keeping the unwelcome applicant and his family from becoming a more severe burden to the ratepayers, by entering the Union House. Returned to his settlement, he has bitterly to lament the energy and the industry which urged him to go forth from his parish, in order to earn by skill and assiduity a better and more independent provision for his family; and as he trudges to and from his distant and oft degrading work, he moves a daily warning to every labourer in the surrounding district of the folly of endeavouring to improve his condition, by leaving the parish to which the law has awarded him." The case against the law was completed by one of the ablest historical reports ever laid before Parliament, in which George Coode, who had been since 1834 an Assistant Secretary of the Poor Law Commissioners, gave, to the new Poor Law Board, the results of many months of investigation of the circumstances in which the Act of 1662 was passed, together with every scrap of information that he could find in the innumerable books and pamphlets of the preceding couple of centuries, as to the operation and effects of the law and its successive minor amendments.[1]

The Practical Remedy

The practical remedy for the financial difficulties that were always presented as a ground for resisting any change in the Law of Settlement and Removal now began to emerge in the policy of Union Settlement and Union rating. The Report of 1834 had not ventured on any further assault upon the financial separateness of each of the 15,000 parishes and townships than to propose to place, as a charge upon the Union as a whole, the cost of erecting the Union Workhouse and the salaries of the Union officials. The Bill which became the Poor Law Amendment Act went a step

[1] Report to the Poor Law Board on the Law of Settlement and Removal of the Poor, by George Coode, 1852.

In 1853 the House of Commons deputed a Select Committee to discover some way of dealing with the problems and scandals arising out of the natives of Scotland, Ireland, the Isle of Man and the Scilly Islands, who became chargeable to the Poor Rate in England and Wales, which Sir James Graham had sought to provide for in 1844–1845, but which the Act of 1846 had not grappled with. The Committee did nothing but report the evidence it had received (Report of Select Committee on Scotch and Irish Vagrants; Seventh Annual Report of the Poor Law Board, 1854, p. 11).

farther than the Report in vesting in the new Boards of Guardians the management of the whole of the Union pauperism ; whilst the cost of maintenance of all the persons in receipt of relief, whether indoor or outdoor, was left to be debited to the several parishes in which they had their settlements. It seemed an obvious improvement to go yet farther and make the whole expenditure of each Union a charge upon the Union as a whole, thus so far equalising the financial burden on the constituent parishes.[1] Incidentally, such a reform would reduce the number of areas warring with each other about Settlement and Removal from about 16,000 to a little over 600 ; and it thus promised to go far towards a solution of the problem. But just as each of the 15,000 parishes was panic-stricken at the idea of abolishing its defence against being flooded with pauper immigrants from the other end of the kingdom, so it was alarmed at the prospect of having to share the cost of the relief given to the inhabitants of the neighbouring parishes, with which it had been compulsorily joined to form the Poor Law Union. The farmers and country gentlemen feared the population of the market-towns or growing industrial areas. These, in their turn, feared the pulling down of cottages in the rural parishes, by which the labourers were driven to the town slums.[2] Other people feared any departure whatsoever from the parochial basis of settlement, even to the extent of Union Settlement, lest it should tend towards a nationalisation of the burden of the Poor Rate ; which seemed to some dangerous as encouraging a reckless increase of population, and to others calamitous as leading to

[1] It was recalled that an Act of 1572 had made the County Division the unit of rating for Poor Relief—a measure repealed before the end of that century (*Observations on the Government Bill for abolishing the Removal of the Poor*, by R. Pashley, 1854).

[2] Disraeli makes the hard-hearted landlord say, " I build no cottages, and I destroy all I can ; and I am not ashamed or afraid to say so " (*Sybil*, book ii. chap. xii.). A forcible exposition of the evils, the alternation throughout the country of " open " and " close parishes " which were apparently about equal in number, was given in the course of the debate on the Bill of 1846 by J. E. Denison (1800–1873), then M.P. for Malton, when he actually induced the House to pass an instruction to the Committee to introduce a clause for Union chargeability—perhaps the most triumphant achievement in the long Parliamentary career as a private member (extending from 1823 to 1857) of the modest and refined country gentleman who was destined to become Speaker of the House (1857–1872) and Viscount Ossington. But in 1846–1847 it was so difficult to overcome the opposition to any alteration in the Law of Settlement that neither the Tory Government, nor the Whig Government that succeeded it and passed the Act of 1847, would do anything except inquire further into the matter.

"prodigality of public expense".[1] But notwithstanding this opposition, the movement (which the Poor Law Board persistently but quietly encouraged)[2] for the substitution of the Union for the parish as the financial unit continued to grow. By the Poor Law Amendment Act of 1848 (11 and 12 Vic. c. 110), other items were made Union charges. At the same time a further blow was struck at the gains of the "sessions lawyers" by authorising Boards of Guardians to submit questions in dispute between them to the arbitration of the Poor Law Board—a provision of which use was at first only occasionally made, but which gradually became recognised as of practical utility.

Baines's Bill

Not until 1854 was further action taken, when M. T. Baines, who had become for the second time President of the Poor Law

[1] See *Remarks on the Laws of Settlement and Removal*, by a Metropolitan Poor Law Officer, 1854. The latter objection was strongly felt by Croker, who represented in this respect the country landowners. "I fancy", he wrote on February 3, 1847, to Col. Wood, M.P. for Middlesex, on what seemed to him an approach towards a national Poor Rate, "that I see the not distant ruin of the landed interest in the scheme which you propose. . . . Why should your estate at Littleton be burdened with the old age of a runaway boy who left it fifty years ago, and has spent all that time in helping to raise a gigantic fortune for some cotton lord at Manchester. 'In the place where the tree falleth, there shall it be' (Ecclesiastes xi. 3). . . . Any system which shall make the Poor Law a branch of national finance would, I am satisfied, combine the two grand contradictory mischiefs of severity to the poor and prodigality of public expense" (*The Croker Papers*, vol. iii. p. 102).

The apprehension of the substitution of national for local responsibility for meeting the cost of Poor Relief continued for many years. Disraeli's proposal, in the House of Commons on February 19, 1850, for the transfer to the Exchequer of the whole cost of the Poor Law establishment charges and of the relief of the "casual poor", which Gladstone himself supported against the Whig Government, seriously alarmed Nassau Senior and Frankland Lewis, who were only partly comforted by Sir G. Cornewall Lewis assuring them that Disraeli would find it impossible to fulfil his pledges to the rural interests! (see *Many Memories of Many People*, by Mrs. Simpson, 1898, p. 140).

[2] It was to aid this movement that Sir Edmund Head, who had been from 1841 to 1847 a Poor Law Commissioner, contributed an able article to the *Edinburgh Review* for April 1848, which the Poor Law Board reprinted in 1865 in support of the Bill of that year. He recommended the complete adoption of Union chargeability, along with the retention of settlement, but substituting the Union for the Parish. In order to mitigate the disturbance of the level of the Poor Rate in the several parishes within each Union, Sir E. Head proposed a scheme for graduating the consequent alteration in the rates over a series of years.

Board, introduced a Bill proposing complete Union chargeability; and with it the complete abolition of the power of removal of the unsettled poor, coupling with these provisions a proposal for the gradual introduction of Union rating; that is to say, the change from each parish contributing to the Union expenditure (apart from what had already been made a Union charge) according to its average expenditure on Poor Relief during the preceding three years, to each parish contributing to the completely amalgamated Union expenditure in proportion to its rateable value (equalisation of the rate in the pound within each Union).[1] But in order to avoid complications, Baines omitted the case of the Irish poor, who were in these years crossing over to England in large numbers; and to whom the Bill was not to apply. The Irish Members resented this exclusion of their compatriots, and went in a body to Lord Palmerston, who was then Home Secretary, and who, without consulting the Poor Law Board, promised what they wanted. This naturally upset Baines, the President of the Board, who tendered his resignation. The Ministerial crisis was smoothed over; but, in the weakened state of the Government, it proved fatal to the Bill. For another seven years nothing was done, except to appoint committee after committee, the principal outcome of which was the substitution, in 1861, of three years for five as the period of residence conferring the status of irremovability, and the definite adoption of

[1] The scheme of "gradualness" in the change was as follows. In the first year each parish was to pay one-tenth upon its rateable value and nine-tenths upon its average of pauperism. Each succeeding year was to see one-tenth of the burden shifted, so that at the expiration of ten years the whole payment would be in proportion to rateable value. This was thought by many an inadequate protection against the dreaded rise in rates; and a Government Grant equal to two-thirds of the average Poor Rate was proposed (*Observations on the Government Bill for abolishing the Removal of the Poor*, by R. Pashley, 1854).

Among other contemporary pamphlets we may cite *Considerations on the Law of Settlement and Rating, and the Relief of the Poor*, by [Thomas de Grey] Lord Walsingham, 1851; *The Acts relating to the Settlement and Removal of the Poor*, by Richard Assheton Cross, 1853; *Remarks on the Law of Settlement and Removal*, by a Metropolitan Poor Law Officer, 1854; *On the Whig Project for abolishing the Removal of the Poor, and the Vicious System of Centralisation*, by a Clerk to one of the Metropolitan Unions, 1854; *Removal of Irish Poor from England and Scotland, showing the nature of the Law of Removal and the Necessity for it*, by J. F. Maguire, 1854; *A Letter to . . . M. T. Baines . . . on the Bill for the alteration of the Law of Settlement and Removal*, by a County Magistrate, 1854; *The Poor Removal Law, an Aliens Act against the Irish*, by John Trevor, 1855; *Observations on the Laws of Settlement, Poor Removals and the Equalization of the Poor Rates*, by Robert E. Warwick, 1855.

Union rating for whatever was cast upon the common fund of the Union.[1]

Villiers's Bill

At last, in 1865, C. P. Villiers, who had become President of the Poor Law Board in 1858, and who, unlike any of his predecessors, enjoyed a reign of nearly seven years, took the whole question in hand. In a speech of great persuasiveness, on moving the Second Reading of his Union Chargeability Bill, he described how the experience of the past thirty years, and the numerous inquiries, the various minor reforms and the series of abortive Bills, had effected a silent revolution in public opinion.[2] There were, as the various debates on the Bill were to show, still advocates of parochial separateness and parochial autonomy, largely, as J. W. Henley (M.P. for Oxfordshire) confessed, in fear of a transformation into a national Poor Rate. But the weight of argument for the complete adoption of the Union as a unit, alike for finance and for the Law of Settlement, together with the reduction of the period of residence conferring irremovability from three years to one, was overwhelming; and after much discussion but little effective opposition, Villiers had the satisfaction of seeing his Bill pass into law (28 and 29 Vic. c. 79). Without detracting from the merits of the Minister, we may recognise in the solution the achievement of the Civil Servants. After half a century of confusion, the officials of the Poor Law Board had succeeded in

[1] 24 and 25 Victoria, c. 55 (Irremovable Poor Act). This had been recommended by the Select Committee of 1858 (see Thirteenth Annual Report of Poor Law Board, 1861, pp. 29-30, 44 and Appendix, p. 44). It was a further step in the same direction that, in 1864, the Metropolitan Houseless Poor Act spread certain charges on Metropolitan Unions over all the Unions in the Metropolitan area, in proportion to their several rateable values (27 and 28 Vic. c. 116). From this sprang the Metropolitan Poor Act of 1867 (30 Vic. c. 6) establishing the Common Poor Fund, which has since been so enormously extended in scope.

[2] The change in public opinion was partly manifested in the recognition, in some great centres of population, that it was not economical to incur the expense of removal of the unsettled paupers. As early as 1817 some of the London parishes were not troubling about removals (*The Old Poor Law*, by S. and B. Webb, 1927, p. 339). In 1862 it could be said that "it has been customary in Manchester to relieve the indigent Irish from the Poor Rate, though they have obtained no settlement . . . the number . . . thus relieved amounts to two-thirds of the settled paupers" (*Four Periods of Public Education*, by Sir J. Kay-Shuttleworth, 1862, p. 176). On April 8, 1866, the Poor Law Board seriously warned the Boards of Guardians that any general exercise of the power of removal might "cause suffering, expense and other inconvenience without ensuring any corresponding benefit".

getting the problems of Settlement and Removal, which had taxed the brains of successive generations of statesmen, practically though indirectly, and, so to speak, illegitimately, solved by certain administrative expedients, mainly, the widest possible application of the new status of irremovability, the substitution of Union for parochial chargeability and rating, and the administrative device of optional official arbitration in substitution for costly litigation. The indirect approach to the problem, suggested by the official mind, along the lines found to be immediately practicable, had proved at last successful; instead of the more logical direct assault of a position which passion and prejudice had made impregnable.[1]

The Persistence of Settlement Law

For during the sixty years which have elapsed since C. P. Villiers's Act—itself the latest measure substantially changing the Poor Law—comparatively little has been heard of the Law of Settlement and Removal.[2] Down to 1927 it still nominally

[1] One of the few Parliamentary "insiders" who has revealed anything about the office affairs mentions that when he was appointed to the Poor Law Board in 1852 the "question of the office" then was, "how Mr. Chadwick's plan for the abolition of the parochial Poor Law and the introduction of an entirely new system, throwing the burden of maintaining the poor on large districts, could most readily be carried out". The office wished to destroy parochial chargeability. He came to the conclusion that it was wrong; and against Baines's Bill of 1853 he published pamphlets on Close Parishes and on Settlement and Areas of Rating. When that Bill was defeated, "the office decided on adopting, as its next Parliamentary venture, the plan proposed by Mr. Villiers in the present Bill" (Pamphlet of 1865, of which only a torn fragment is preserved in the British Museum).

For this "Union Chargeability Act" see *The Laws of Settlement and Removal: their Evils and their Remedy*, by Granville Pigott, 1862; *Villiers' Union Chargeability Act*, by W. C. Glen, 1865; *On the Poor Laws: with the results of Union Rating in Devon*, by Edward Vivian, 1866; *English Sanitary Institutions*, by Sir John Simon, 1890, p. 300; *History of Modern England*, by Herbert Paul, vol. ii., 1904, p. 373.

[2] The final step in this process was to submerge most of the remaining complications of the Law of Settlement itself (by the Divided Parishes Act of 1876, 39 and 40 Vict. c. 61), by a new method of acquiring (and therefore of changing) a settlement, namely, any continuous residence of three years in any Union of such a character as to give irremovability; whilst the same Act also greatly limited the troublesome inquiries into "derivative settlements" (see *The Divided Parishes and Poor Law Amendment Act*, 1876, by W. C. and Alexander Glen, 1876).

In 1879 a Select Committee of the House of Commons reported strongly in favour of the complete abolition of compulsory removal, with the proviso that persons landing in seaport towns in a destitute condition, and immediately

existed, even in its root of the Act of 1662, with the complicated differences (as regards "derivative settlements") between ancestors born before and after 1834; (as regards additional ways of gaining a settlement) between persons acquiring settlements by apprenticeship or by payment of rates, by owning real property or by renting a tenement value ten pounds a year, before and after 1722, 1757, 1819, 1822, 1825, 1831 and 1834 respectively; or by five, three or one year's residence before and after various dates; or (as regards change of settlement) on the marriage of a woman (and that according to whether the husband is English, Scottish, Irish, a native of the Channel Isles or an alien), with possible further variations if the wife has been subsequently deserted; or on the attainment, by a child, of the age of sixteen, with a further difference as between legitimate and illegitimate children born before or after 1834 or 1876—the whole series of complications and variations being further dependent on innumerable decisions of the courts dealing with the finest subtleties of interpretation.[1] Nominally it is still the law of England that a person not a freeholder, nor renting a tenement of £10 a year, found outside the

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applying for Poor Relief, might nevertheless continue to be chargeable to their places of settlement for non-resident relief (Report of H. of C. Committee on Poor Removal, H.C. 282 of 1879). No action was taken on this Report.

In 1900 it was provided that a person who had completed five years' continuous residence in England and Wales should not be removable to Ireland (63 and 64 Vic. c. 23, sec. 1).

[1] See, for instance, the lengthy sections devoted to the subject in the latest editions of *Archbold's Poor Law*, or *The Poor Law Statutes . . . in Force, etc.*, by J. Brooke Little, 1901; or *The Law of Settlement and Removal*, by A. F. Vulliamy, 1906; or *Poor Law Settlement and Removal*, by Herbert Davey, 1910—3rd edition, 1925; or, perhaps most clearly stated of all, *The Law of Settlement*, by J. F. Symonds, in its 4th edition by J. Scholefield and G. R. Hill, 1903; or (tersely codified) the Poor Law (Consolidation) Act, 1927, which—going beyond mere consolidation—repealed a number of statutes deemed to be obsolete and abrogated all the provisions discriminating between the retrospective and the prospective effect of previous Acts; and thus abolished all settlements other than those arising, in the past as well as in future, in one or other of the eight ways continued in force, namely, birth, derivation from a parent or husband, residence, estate, renting a tenement, or payment of rates or taxes. The abolition of the last four, together with the reduction of the *period of residence from three* years to one, had been suggested by the Majority of the Poor Law Commission, 1909 (Majority Report, vol. ii. p. 130).

Other publications between 1865 and 1895 were *The Law of Poor Removals and Chargeability in England, Scotland and Ireland*, by W. Neilson Hancock, 1871; *A Report on the Laws of Settlement and Removal*, by H. W. Higgins, 1876; *Observations . . . on the Law of Settlement and Removal*, by William Foster, 1879; *Memorandum on the Law of Settlement and Removal*, by G. F. G., 1879; *Poor Removal within the Metropolis* (anon.), 1882 (?).

area in which he has a settlement, without being furnished with a certificate from his parish authorities, is *prima facie* liable to be summarily removed to the place in which he has his settlement. But he cannot now be lawfully removed (not being a convicted person or an unmarried woman with a child) until he or she has actually become chargeable; nor even then if he has resided continuously a full year without receiving relief; nor yet if he is being relieved merely as a "casual" or on account of accident or temporary sickness; nor yet if he is too ill to travel; nor can he be removed to Ireland if he has resided continuously five years in England and Wales; nor (if a widow resident with her husband at his death) during the first year of her widowhood; nor a wife deserted by a husband belonging to Scotland, Ireland, the Channel Isles or the Isle of Man; nor any child under sixteen living with parent or step-parent, if that person is not also removable; nor an orphan resident with the parent at death, if that parent was not then removable; nor removed at all, if the Union to which it is sought to remove him gives timely notice of appeal, until after a decision has been given by the Court or the Central Authority. Moreover, as between parishes in the same Union, there is no financial interest in either Settlement or Removal. Within the wide area of the Metropolis, with its extensive Common Fund, the question of Settlement need scarcely be raised, and certainly not that of Removal. Even between Union and Union in different parts of the country the effect of three years' continuous residence for settlement and one year for irremovability has been found sufficient to quiet most of the possible disputes. In some areas, such as that of which Manchester is the centre, Boards of Guardians have been induced voluntarily to agree not to raise the question of Settlement as among the Unions entering into the agreement. With the elimination of persons of over a year's residence, together with "the casual poor"; those relieved merely on account of temporary sickness or accident; and those physically unfit to travel, actual removals have become less frequent. Moreover, the abandonment by the Local Government Board and Minister of Health of any attempt to abolish non-resident relief[1]—the repayments of which by the Unions

[1] The Majority Report of the Royal Commission in 1909 deprecated the practice of some "strict" Unions in refusing to pay or to refund non-resident relief, in cases where age or physical or mental disability would make removal a hardship (Majority Report, p. 125 of vol. ii.).

debited amounted in 1905–1906 to no less than £270,728—has made removal in such cases unnecessary. Where disputes arise as to settlement, the arbitration of the Ministry—of which there has gradually grown an inclination to make use—enables the cases to be disposed of without litigation, and practically without expense.[1]

The Continuance of Removal

Nevertheless, the Royal Commission found that "during the year *1907* upwards *of 12,000* persons . . . were *removed from* one Union to another in England and Wales. . . . The expenses of removal and litigation amounted in 1905–1906 to £21,530, and this did not include the salaries of the officers engaged partially or wholly in settlement business. . . . In every Union such questions employ a large part of an officer's time; in many Unions an officer is employed solely for the purpose, and in large urban Unions more than one officer may be so employed.

[1] Statistics as to the number of Orders for Removal, and of persons removed, are only occasionally recorded. In 1841 there were 8412 Orders for Removal (Ninth Annual Report of Poor Law Commissioners, 1843, p. 45). In 1849 there were 13,867 Orders, relating to about 40,000 persons (*La Loi des pauvres et la société anglaise*, by Émile Chevallier, 1895). In 1851 there were *30,000* cases of actual removal annually, being an average of two per parish; and some 800 appeals to Quarter Sessions or the superior Courts (Report of George Coode . . . on the Law of Settlement and Removal of the Poor, H.C. No. 675 of 1851, p. 3). By 1882 the number of Orders for Removal had fallen to 4211, relating to 6233 persons, with 2692 more removed without formal Orders; whilst in 1895 it could be said that about 6000 persons were removed annually (*La Loi des pauvres et la société anglaise*, by Émile Chevallier, 1895). But in 1907 the Poor Law Commission found that "upwards of 12,000" persons were removed, more from London and the large cities than from rural Unions (Majority Report, vol. ii. p. 124).

Certain minor reforms still remain to be adopted. It has been suggested (with the approval of the Majority of the Poor Law Commission, *1909*) that in order completely to eliminate the cost of litigation, the resort to official arbitration should be made compulsory. It has been urged that a large proportion of the remaining cases would be eliminated if it were enacted that no question of settlement should be raised until a pauper had been chargeable for six months. An extension to the whole kingdom of the principle of the Common Poor Fund of the Metropolitan Unions has also been suggested, as a means of "pooling" (perhaps with the help of a Grant) certain specified burdens now falling heavily on particular Unions. Legislation might secure complete reciprocity of removal between England, Scotland and Ireland. See for the views of Poor Law Officials on these points, the interesting reports in *Poor Law Conferences, 1876–1886*; *History of the English Poor Law*, vol. iii., by Thomas Mackay, 1899, p. 365; and *Shortcomings of the Machinery for Pauper Litigation*, by J. J. S., 1891. The irremovability of paupers over sixty years of age has also been suggested.

. . . In the three [adjacent] Unions of Birmingham, Aston and King's Norton five officers are *entirely engaged* in removal work." Yet it is difficult not to agree with the Chairman of the Birmingham Board that " it is absurd to keep an expensive army of officials to move people from place to place throughout the Kingdom ".[1]

The Controversy Over Outdoor Relief

Those who have had the patience to read, with any care, our analysis of the evolution of Poor Law policy with regard to the children, the sick, the aged and the able-bodied, will have perceived, as a background to the arguments for and against the particular experiments in the treatment of these classes, the persistence of the general issue of whether or not it was desirable to give any Poor Law relief whatsoever, otherwise than in the " well-regulated Workhouse " contemplated by the reformers of 1834. Whatever may have been the esoteric doctrine, the advocates of a strict Poor Law, for a whole generation after 1834, limited themselves in their proposals, whether from prudence or from experience, so far as the refusal of Outdoor Relief was concerned, to the case of the able-bodied; substantially, indeed, to that of the able-bodied man whether in or out of employment, together with the persons legally dependent upon him, neither suffering from the temporary sickness or infirmity of any member of the family, nor oppressed by any stroke of misfortune resulting in " sudden or urgent necessity ". In all other cases, as we have seen, the Report of 1834 and the Poor Law Amendment Act; the General and Special Orders of the Poor Law Commissioners and the Poor Law Board; and even the instructions and advice of the Assistant Commissioners and the Inspectors, continued over a whole generation, contemplated, after due inquiry had established the fact of destitution, the indefinite continuance of the practice of relief in money or in

[1] Majority Report of the Poor Law Commission, 1909, pp. 125, 127, of vol. i. *It was, however, thought by the majority of the Commission that* the adoption of the County and County Borough areas, instead of the Union area, together with the continuance of non-resident relief, would render unnecessary the abolition (or, but for a reduction of the grounds of Settlement from eight *to four*, and the assimilation of the term of residence to that for irremovability, even any further alteration) of the Law of Settlement (*ibid.* p. 129).

necessaries in the applicants' own homes, practically unconditionally.

In the seventh decade of the century we note a fresh development. The commercial depression of 1866–1867 caused exceptionally widespread unemployment and destitution, especially in the East End of London. New studies of the problem, notably by J. Edward Denison, M.P., leading presently to the formation of the Charity Organisation Society, brought a powerful influence to bear on public opinion. Concurrently, some of the ablest and most energetic of the Inspectors of the Poor Law Board, with the implicit support of the Department, and occasionally of some of the Ministers responsible to Parliament, launched a persistent crusade against Outdoor Relief as such, to any class or section of the pauper host. The resultant controversy for and against the policy of a universal refusal of Outdoor Relief dominated Poor Law history for the first quarter of a century of the Local Government Board.[1]

[1] The materials for the student of this controversy are endless in their extent and diversity. Apart from the publications and records of the Charity Organisation Society (for which see p. 455) and the biographies of such protagonists as Albert Pell, William Rathbone, Rev. Canon Bury, Octavia Hill and A. C. Crowder, we may refer generally to the innumerable papers and discussions published annually as *Poor Law Conferences* from 1876 down to the World War; the summary by Professor W. Smart entitled "The First Six Years of the Local Government Board: the Crusade against Outdoor Relief", published in Appendix, vol. xii. of Poor Law Commission, 1909; the reports of the Inspectors included in the Annual Reports of the Local Government Board for its first couple of decades, especially those by Sir Henry Longley. See, in particular, the reports by Farnall, Hawley, Longley and Wodehouse in the Twenty-third (and last) Annual Report of the Poor Law Board, 1871; those by Corbett, Longley and Wodehouse in the First Annual Report of the Local Government Board, 1872; that by Longley on Poor Law Administration in London, with those by Culley and Sendall on country districts, in the Third Annual Report, 1874. The series of reports on the Effects of Out-relief by Mr. Thomas Jones and Miss Constance Williams, as Special Investigators for the Royal Commission of 1905–1909 (Appendix, vol. xvii.) and those of Miss Harlock (Appendix, vol. xxi.) throw new light on the problem.

In published treatises the opponents of Outdoor Relief have it all their own way—see (in continuation of the arguments of Nassau Senior, Sir Edwin Chadwick and Sir George Nicholls) *Pauperism: its Causes and Remedies*, by Professor H. Fawcett, 1871; *Letters of Edward Denison*, by Sir Baldwin Leighton, 1872; *Handbook for Visitors of the Poor in London*, by C. B. P. Bosanquet, 1874; *Dispauperisation*, by J. R. Pretyman, 1876; *The Better Administration of the Poor Law*, by Sir William Chance, 1895; *Our Treatment of the Poor*, by the same, 1899; *The English Poor Laws*, by Sophia Lonsdale, 1897; *History of the English Poor Law*, vol. iii., by Thomas Mackay, 1899.

Among pamphlets may be cited *The Administration of the English Poor Law*, by Frederick Hill, 1865; *Clerical and Lay Action in the Relief of the Poor*,

The Influence of the Inspectors

Who was the author of the new policy? In 1869, when "pauperism in London was at its height", and "the cruelly deterrent measures of earlier years had been replaced by indiscriminate relief . . . which acted as a magnet to the idle",[1] Uvedale Corbett, the experienced Poor Law Inspector for the Metropolitan area, called successive conferences of Poor Law Guardians of the Unions at the East End of London, and urged them to adopt, as a policy for staving off the mass of applicants for relief, the approved device of "offering the House", instead of granting the usual scanty dole. But the urgent problem was then that presented by the number of able-bodied men rendered destitute by Unemployment; and it is not clear that Corbett at that date suggested the complete refusal of Outdoor Relief to any other class.[2] The Poor Law Board itself, even in Goschen's celebrated Minute and Circular of 1869, had not recommended any general substitution of "the Workhouse System" for the customary policy of Outdoor Relief[3], largely because the Work-

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by A. R. Godson, 1870; *Outdoor Relief as a Cause of Pauperism*, by Charles H. Fox, 1872; *The Poor Law in its Effect on Thrift with suggestions for an improved Outdoor Relief*, 1873, and *The Seven Ages of a Village Pauper*, 1874, both by G. C. T. Bartley; and *Out-Relief*, by Mary Clifford, 1898.

The one-sidedness of the controversy, so far as publications were concerned, may be inferred from the rival extracts cited in *Some Poor Relief Questions*, by Gertrude Lubbock, 1895.

Almost the only volume putting seriously and in detail the case for Outdoor Relief is the anonymous *Plain Words on Outrelief*, 1894, apparently emanating from one or more Poor Law officials. We may cite also a paper read at the Central Poor Law Conference of 1891 by R. S. Mitchison, on "The Advantages of Outdoor Relief" (*Poor Law Conferences, 1890–1891*); an article, "London Pauperism and Out-Relief", by W. A. Hunter in *Contemporary Review* for March 1894; and *London Pauperism Among Jews and Christians*, by Dr. J. H. Stallard, 1867.

[1] *A Nineteenth Century Teacher* (Dr. J. H. Bridges), by Susan Liveing, 1926, p. 194.

[2] He was, however, also urging that the customary six months' Outdoor Relief allowed to widows should be cut down to three months; and that to deserted wives to two or three weeks only. He also said that he would "encourage Boards of Guardians to abstain, *far more than at present*, from giving Outrelief to able-bodied men on account of their own sickness or infirmity" (Corbett's Report of August 10, 1871, in First Annual Report of Local Government Board, 1872).

[3] Goschen's Minute (November 20, 1869) and Circular dealing with Outrelief in the Metropolis, to which we shall recur, were printed in Twenty-third Annual Report of the Poor Law Board, 1870 (also in *The Better Administration of the Poor Law*, by Sir W. Chance, 1895, pp. 232-235). The last previous

house accommodation in the Metropolis was already seriously overtaxed.[1]

In the following year, at the suggestion of the more zealous Inspectors, the Poor Law Board formally directed them to inquire into the manner in which Outdoor Relief was administered in their districts. These reports, whilst paying no heed to the effect of Outdoor Relief upon the homes or conduct of the recipients, or the condition of their children, called attention to a widespread laxity in its administration. In nearly every Union there was quite inadequate inquiry into the circumstances of the applicants, and an infrequent use of the "Workhouse Test". But the Inspectors did not then think of suggesting any general refusal of Outdoor Relief. What they urged was more searching investigation of the applicant's means, and of the relations who could be required to contribute.[2] The farthest that they got in 1871 was to suggest that the Workhouse "should be offered more frequently".[3] The newly appointed Local Government Board, however, took a further step. Its Circular

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Circular of the Board, dealing specifically with Outdoor Relief (December 9, 1868) had been concerned, not with its refusal at all, but almost entirely with such "a lax practice" as allowing the Relieving Officers to fix their own times and places for distributing the Out-relief; their issue of tickets on shopkeepers for relief in kind; their failure to equip themselves with weights and scales, and so on. The Circular contained no hint that it was undesirable or improper to give Out-relief in the cases in which it was expressly allowed by the Out-relief Order; unless by the phrase "a steady adherence to the principle of In-relief in all proper cases" (Twenty-first Annual Report of Poor Law Board, 1869, pp. 77-78).

[1] "I find not a single Workhouse", wrote Dr. Bridges in his first report to the Poor Law Board, "in which every part of the building, able-bodied wards, chronic wards, sick wards, children's wards, were not filled to the utmost limit" (*A Nineteenth Century Teacher* (Dr. J. H. Bridges), by Susan Liveing, 1926, p. 194).

[2] We cannot deal in this volume with the question of Chargeability in the Poor Law, that is to say, the power to recover, from some relation of the pauper, the cost of the Poor Relief enjoyed. The Act of 1601 had made parents and grandparents liable for their children and grandchildren, and also children for their parents; but not, as has since been demanded, grandchildren for their grandparents, and in every case only if the persons who had become chargeable were "not able to work", and only if the relations were "of a sufficient ability" [to pay]. No mention was made of the liability of husband for wife, or wife for husband; but these omissions were made good by subsequent statutes. See "Contributions by Relatives towards persons in receipt of parochial relief", by W. B. Harris, in *Poor Law Conferences, 1904–1905*, pp. 489-499. The whole question was exhaustively examined in the Minority Report of the Poor Law Commission, 1909, chap. viii. pp. 286-319.

[3] Wodehouse's Report in Twenty-third Annual Report of Poor Law Board, 1871, p. 36.

of December 2, 1871, addressed to the Inspectors, enjoined them to recommend their Boards of Guardians to adopt a much stricter policy, including the absolute refusal of Outdoor Relief, not, indeed to all applicants, but to certain restricted classes—not only to single able-bodied men, but also to single able-bodied women, whether with or without illegitimate children; to deserted wives during the first twelve months of desertion; to able-bodied widows having no more than one child; and to any person whatsoever unless the Relieving Officer had actually visited the home since the application, and duly recorded his visit.

Henry Longley

Thus, in 1872, there had been for three or four years an increasing tendency towards a general tightening up of the administration of Outdoor Relief, without any definite formulation of a new policy of actually "completing the adoption of the Workhouse System", by a general refusal of Outdoor Relief, and the systematic "offer of the House" to all classes of applicants. This new note we find in the elaborate reports of 1873 and 1874 on Outdoor and Indoor Relief by Henry (afterwards Sir Henry) Longley,[1] which were officially circulated to the Unions, and commended as laying down "sound lines of policy". But Longley went about his drastic proposal with significant circumlocution. "The aim of the English Poor Law", he said, "is to combine the maximum of efficiency in the relief of destitute applicants with the minimum of incentive to improvidence. . . . The end thus proposed to Poor Law administrators can be fully reached only by that system of administration which is commonly known as the *Workhouse* System. . . . It is unnecessary to insist here upon the inherent inferiority of Outdoor to Indoor Relief, whether regarded as a test of destitution, as a means of adequately relieving destitution, or as an incentive to thrift. . . . The Workhouse System, as recognised by the founders of the existing system of Poor Law administration, is the direct and logical result of practical experience of its working in various parts of England, *e.g.* Bingham, Southwell, Cookham, etc. . . . The

[1] Longley, who succeeded Corbett in the Metropolitan Area in March 1872, had been a Poor Law Inspector since 1868. He became a Charity Commissioner in 1875, and later Chief Charity Commissioner, and was knighted in 1889. He survived until 1899.

Workhouse System, where fairly and fully tried, has not failed in a single instance. . . . It is one of the inherent vices of Outrelief that the knowledge necessary (as to other resources) cannot, in practice, be secured, and exclusive relief seems, therefore, to be the only mode of satisfying the required condition. That exclusive relief is, practically, Indoor Relief, will not be denied." Consequently, Longley urged *that* Outdoor Relief should be discontinued, even to the widows with young children, to the sick and to the aged (whom he always referred to as "the disabled"), except in cases that might be found to fall *outside* categories so extensive as practically to include all *applicants* whatsoever.[1] Indeed, in his view, it was to be "regarded as the next step in the advance towards improved administration that applicants for Outrelief shall be called upon to show special cause why they should not receive Indoor Relief". It seems clear that Longley revived, and publicly announced as a new *policy*, the private intention and desire of Chadwick and Nicholls *between 1834 and 1847*, for the virtual prohibition of Outdoor Relief, *which* the Poor Law Commissioners in those years prudently disclaimed, and which the Poor Law Board had never encouraged.

The Inspectors' Crusade against Out-Relief

The revolutionary idea that Indoor Relief should be made the rule, and Outdoor Relief allowed only in a relatively small number of quite exceptional cases—startling in face of the fact that there were, in 1871 only 156,430 persons in the Workhouses, with no fewer than 880,930 on Outdoor Relief—and that there was, whatever the nature of the case, an inherent inferiority in Outdoor Relief as such, was quickly taken up by the whole Inspectorate, evidently without any discouragement from their superiors.

For the next couple of decades we watch the Inspectors,

[1] In particular, Longley made it clear that, in his view, "the Workhouse System" should be adopted not only for all single women, but also for all *widows, because it* "*would encourage* him (the husband) to make the necessary sacrifice" to provide for his wife in the event of her surviving him; and also for all deserted wives, because Outdoor Relief "is very generally believed to *encourage and facilitate* the desertion of their wives and families by husbands". Such a refusal of Outdoor Relief had, a generation previously, been the reputed aspiration of the *strictest reformers*; see *On a Proposal to withhold Outdoor Relief from widows with families . . . contained in the last Annual Report of the Poor Law Commissioners*, 1840.

by precept and circular, exhortation and criticism, constantly admonishing the Boards of Guardians that the grant of Outdoor Relief was dangerous, pernicious and blameworthy, irrespective of the class to which the pauper belonged, of the efficiency of the investigation to which his case had been subjected, of the conduct of his family or of the character of the home; irrespective, too, of the nature of the alternative which the Guardians could offer to the genuinely destitute family, the state of the workhouse in the particular Union, the character of its accommodation for the sick, or the provision made for the nurture and instruction of the children. For the ensuing twenty years the Unions were habitually compared and classed as efficiently administered, according to the relative percentage of their paupers (and especially of their Outdoor paupers) to their populations, irrespective of the widely differing proportions among the Union populations of persons over sixty or seventy years of age, or of the relative numbers of fatal or disabling accidents among the husbands according to the industries prevalent in the locality, or of the average age at death.[1] It is to be noted that, although the new policy was always supported by reference to the Poor Law Commissioners' inquiry of 1832–1834, and the Report of 1834, it was seldom, if ever, asserted that the proposal to refuse Outdoor Relief to the widows, the sick and the aged (and these comprised the vast majority of the applicants for Poor Relief) was actually the policy of that celebrated Report, or of the Poor Law Commissioners of 1834–1847. What was recalled was that "the administrative success of the Act of 1834" lay in the fact that the "offer of the Workhouse", an offer in fact *usually* refused, was found to compel "the ablebodied [man] to assume

[1] Only in one case have we noted that an Inspector was aware that some districts contain "a much higher proportion of the weak and old" than others, and that some have a much higher rate of mortality *among wage-earning* husbands than others, facts which vitiate any simple comparison of their Outdoor Relief totals (Culley's Report in Third Annual Report of Local Government Board, 1874, pp. 66, 72-73). This pregnant observation was not taken up; and the Inspectors continued to circulate their comparative tables as affording ground for praise or blame.

The Poor Law Commission noted, in 1909, that, in London and in Unions wholly or mainly urban, there were, in 1901, about 67 persons of 60 and upwards to every thousand of the population; whereas in the Unions wholly or mainly rural, the number was 102, or half as many again. This, in itself, explained and, as it might well be argued, justified the greater number of Outdoor Relief cases in the country Unions (Majority Report, 1909, vol. i. p. 229).

responsibility for the ablebodied period of life"; and that it could now be argued that "an application of the same principle to the other responsibilities of life would produce equally satisfactory results".[1] The making of adequate provision for sickness and infirmity, accident and old age, as well as for widowhood and orphanage, was thus implicitly assumed, not only to be a definite "responsibility" of the individual wage-earner, but also to be, generally if not invariably, within his capacity, provided only that the utmost incentive were applied.

Its Results

The crusade against Outdoor Relief as such, which we may consider to have been launched in 1873–1874, had prompt and substantial results. On the one hand, as we shall presently describe, a few Boards of Guardians put in force a policy of practically complete abandonment of Outdoor Relief. On the other hand, nearly all the Boards of Guardians gradually tightened up their administration, deciding to refuse Outdoor Relief to this or that class or classes. Investigation was made more searching; in many Unions additional Relieving Officers were appointed; the visits of these officers to the pauper's home became more frequent; payment in kind was more often resorted to; and greater pressure was put on relations to contribute. A more invidious result of the Inspectors' pressure, taken in conjunction with the perennial parsimony of the ratepayers' representatives, was the continuance of the almost universal paring-down of the doles in those cases in which Outdoor Relief was allowed at all.

The new departure in policy, initiated, as we think, by Longley and his fellow Inspectors, though generally approved by the Local Government Board, was never embodied in any alteration of the General Orders of 1844 and 1852 regulating Outdoor Relief; and no attempt was made to coerce any Board that persisted, as nearly all of them did, in a large number of cases, in granting the Outdoor Relief which the Inspectors deprecated, but which the Orders expressly permitted. The Local Government Board, without investigating the possible evils of the "completion of the Workhouse System", on the one hand, or

[1] *History of the English Poor Law*, vol. iii., by Thomas Mackay, 1899, p. 154.

of the "starvation Out-relief" on the other, regarded the statistical results of the Inspectors' crusade with entire complacency. In 1877 it could "advert with satisfaction to the continued decrease in the total expenditure for relief, particularly in the cost of Outdoor Relief, which has taken place since the year 1871. In pursuance of instructions contained in our Circular letter of 2 December 1871 the subject of the administration of Out-relief, and the importance of effecting a reduction in the expenditure on account of such relief was brought by our Inspectors before the Guardians of the several Unions in their districts, at meetings which they attended for the purpose." As a result, the total expenditure on Outdoor Relief had been reduced from £3,663,970 in 1871 to £2,760,804 in 1876, or by nearly 25 per cent; whilst that on Indoor Relief had risen in the same five years from £1,524,695 to £1,534,224, or by less than 1 per cent.[1]

But the Local Government Board, recalling, it may be, the cautious policy of Sir John Shaw-Lefevre and Sir George Cornewall Lewis, refused to make itself responsible for any more decisive step. Albert Pell M.P.,[2] then the leading unofficial protagonist in the campaign against Outdoor Relief, moved in the House of Commons on July 19, 1876, a resolution of root-and-branch condemnation. The Government was known to be

[1] Sixth Annual Report of Local Government Board, 1877, pp. xvi-xvii.

The bare statistical result of this campaign for the restriction of Outdoor Relief may be summarised as under. The mean numbers on Outdoor Relief in England and Wales (excluding lunatics and vagrants) fell steadily from 791,448 in 1872 to 527,390 in 1878. They then rose a little and continued to oscillate about 550,000 for the next twenty years, with exceptional low records for such years of prosperity as 1891–1892 and 1901–1902, when the totals fell slightly below half a million. Of this host, between one-eighth and one-fifth were, in all years, classed as "ordinarily able-bodied" adults; their numbers falling from 128,994 in 1872 to 72,952 in 1877. For the next twenty years this figure oscillated about 77,000, sinking exceptionally to little more than 66,000 in 1891 and 1892, and even slightly below 60,000 in 1901 and 1902 (Poor Law Commission, 1909, Appendix, vol. xxv. p. 24); and, of these so-called able-bodied, a large proportion were over 65, and others were only constructively paupers, for relief given in respect of a sick wife or child.

[2] Of Albert Pell, and his lifelong devotion to philanthropic work, especially in connection with Poor Law administration, an incomplete memoir will be found in *Poor Law Conferences, 1899–1900*, pp. ix-xx. In this connection he is mostly remembered for his co-operation with Canon Bury in practically abrogating Outdoor Relief in the Brixworth Union, 1873–1895; and for long-continued service as a Guardian for St. George's-in-the-East, where he owned property, 1876–1889. His pamphlet, *Out-Relief*, 1890, states the case for complete abolition. See *Reminiscences of Albert Pell*, 1908.

adverse to its adoption, and the House was counted out.[1] Six months later Albert Pell headed an influential deputation of zealous opponents of Outdoor Relief; which urged, in substance, that its prohibition should be made universal, at least as regards all new cases; suggesting that "ultimately no Out-relief whatever" *should be given*, "*the rule being established that rates are* not levied for such a purpose".[2] The Government's answer was a cautious negative. In a formal reply to Albert Pell, dated May 12, 1877, Sclater-Booth, then the President, whilst expressing "his great satisfaction at observing the concurrence of opinion now prevailing in favour of a more rigid and discriminating system of Outdoor Relief, and the great improvement which has taken place during the last few years in the general administration of the law", definitely refused to make any alteration in the General Orders, or to give any legal authority to the Bye-laws made by the various Unions, along the line that the deputation had pressed upon him.[3]

The Adoption of Bye-laws

The voluntary adoption, in more than a third of all the Unions in England and Wales, of Bye-laws, Standing Orders or Rules as to Outdoor Relief, made binding on the several Relief Committees, was perhaps the most general, as it certainly was the most enduring, outcome of the Inspectors' crusade against Outdoor Relief as such. When we recall the almost passionate plea of the Commission of 1832–1834 in favour of national uniformity in the administration of relief—the argument upon which was based the demand for a Central Authority—we are struck by the amazing diversity, in every particular, of these rules of conduct, with which the Local Government Board did not interfere. It is, in fact, an example of the inherent difficulty of combining administration by a large number of local Democracies with the maintenance of any uniform and consistent national policy. As this multiplicity of local systems of Outdoor Relief affords a vision of at least the aspirations and intentions of the

[1] Hansard, July 19, 1876.

[2] Sixth Annual Report of Local Government Board, 1877, pp. xxv-xxvi.

[3] Seventh Annual Report of Local Government Board, 1878, pp. 51-53; *The Better Administration of the Poor Law*, by Sir W. Chance, 1895, pp. 101-103, 203-214; *History of the English Poor Law*, vol. iii., by Thomas Mackay, 1899, pp. 574-576.

25,000 Poor Law administrators during the last three decades of the century, we do not hesitate to summarise the detailed analysis that was made for the Poor Law Commission of 1905–1909.[1]

The adoption of Bye-laws was pressed by the Inspectors on a conference of London Guardians in 1872; and similar codes were adopted in 1873 for the Guildford and Reigate Unions. They obtained a greater vogue, in a stricter form, when the Manchester Board of Guardians adopted their code on April 15, 1875, to which the Local Government Board gave express approval, and which it got its Inspectors to press on other Boards during the ensuing couple of decades.[2]

Character and Conduct

The most frequent clause in the couple of hundred such codes that we have seen is one which made the grant of Outdoor Relief dependent on the character and conduct of the applicant. This was expressed sometimes as excluding those who were actually of "immoral habits",[3] or "habitual drunkards and bad characters", or "of indolent habits" or merely "known to be in the habit of frequenting public-houses". Some Boards excluded "common beggars" or "persons known to be addicted to begging"; others disqualified any one, whatever his present conduct, who "has wasted his substance in drinking or gambling, or has led an idle or disorderly life"; or those who could not satisfy the Relief Committee that their destitution had not been caused by "their own vicious habits" or their own improvidence

[1] Fuller particulars, with exact references, will be found in the Minority Report, 1909, pp. 26-35. After the Commission the subject was considered by a Committee appointed by the President, and their report contains statistical particulars of the Bye-laws in force (Out-relief Committee of 1910-11).

[2] Second Annual Report of Local Government Board, 1873, p. 5; Third ditto, 1874, pp. 99, 108; Fifth ditto, 1876, p. xvii; *The Better Administration of the Poor Law*, by Sir W. Chance, 1895, p. 95. Between two and three hundred of these Bye-laws, of various dates, will be found in the British Library of Economic and Political Science, at the London School of Economics.

A useful paper describing the Bradford Rules, and explaining the usefulness of such codes, is "Out-Relief: advantages of a Definite Policy", by F. H. Bentham, in *Poor Law Conferences, 1902–1903*, pp. 518-544.

[3] This was, perhaps, the most frequent phrase; it was used in the rules of the Chorlton, Salford, Prestwich, Bolton, Rochdale and Ashton-under-Lyne Unions, and in those of many others.

or intemperance in the past. Occasionally a particular form of extravagance was specially penalised by the refusal of Outdoor Relief. In a large number of Unions we find a rule prohibiting the grant of Outdoor Relief to the widows of men who had been provident enough to insure for their funeral expenses, if, in the opinion of the Board of Guardians, such funeral money had been "lavishly or improperly expended".[1] The professed aim of these Boards of Guardians was to make the grant of Outdoor Relief not merely necessary relief, dependent exclusively upon the economic circumstances of the case, but (as some of them frankly avowed) an indulgence "to persons of past and present good conduct, who require relief by reason of unmerited misfortune"; who "can show a thrifty past", or that "whilst in work they did all they could to make provision against time of sickness or want of employment"; or "whose destitution has arisen from no fault of their own". This conception granting Outdoor Relief according to the past conduct of the applicant was most fully carried out by the Sheffield Board of Guardians, which deliberately aimed in its Bye-laws at a "classification of the recipients of relief with a view to the better treatment of those of good character". Thus, those whose past life (which had to be combined, by the way, with twenty years' residence within the Sheffield Union) entitled them to the utmost indulgence (Class A) got 5s. per week per adult; those who, *though equally destitute* and presumably costing as much to keep, fell short of this high standard by one or two or three degrees (Classes B, C and D)[2] received, to live upon, respectively, 4s., 3s., or only 2s. 6d. per week per adult.[2] This determination to discriminate, in the actual amount of Outdoor Relief allowed, between the deserving and the undeserving, which in these decades we find everywhere influencing the stricter type of Guardian, and which one of the most strictly administered Unions thus explicitly avowed, was, it need hardly be recalled, significantly at variance with the recommendations of the 1834 Report.

[1] So in the Standing Orders of the Bradford Board of Guardians; and similar provisions were found in Anglesey, Shepton Mallet, Norwich and other Unions.

[2] Rules of the Sheffield Board of Guardians; Poor Law Commission, 1909, Q. 40,854-40,868; 40,113-40,118.

Widows and Separated Wives

It is perhaps with regard to wives apart from their husbands, and widows, that the Bye-laws relating to Outdoor Relief displayed the most extraordinary of their diversities. The Langport Board of Guardians professed to refuse all Outdoor Relief to healthy able-bodied widows under any circumstances, however large might be their dependent families. Most Unions which had rules prohibited Outdoor Relief to widows, whatever their legitimate family, who had had an illegitimate child; indeed, "any person who may have given birth to an illegitimate child" was commonly excluded. Widows who had only a "small family", or, if an able-bodied widow, "of the working class", not more than two children, were made ineligible in some Unions. Far more usual was it to require the widow with only one child to keep herself and child without relief at all, after the first six months—some said after the first three months, after the first two months, or even after the first month—of her widowhood; at least, said some Boards, if the child is a year old, eighteen months old, two years old, or of school age. Many Unions expressed the same idea by providing that children in excess of one or two should, in preference to any grant of Outdoor Relief, and, in face of the strong objection of the Local Government Board to the presence of children in this institution, be taken into the Workhouse. On the other hand, some Unions expressly provided for Outdoor Relief to a widow with only one child, or without any dependent child at all, and even, subject to being considered by the whole Board, to widows with illegitimate children born since their widowhood. No less diverse were the fates, in different Unions, of wives deserted by their husbands. Most Boards of Guardians professed to refuse Outdoor Relief to all such cases, owing to the difficulty of preventing collusive desertions. Others withheld it only for six months, or for a year, or for three years, or even for five. On the other hand, some Unions explicitly provided that deserted wives shall be treated as if they were widows. One island Union (Anglesey) did the same if the husband was "beyond the seas"; whilst others gave relief, notwithstanding their fear of collusive desertions, if there were several children dependent. There were several Unions which, apparently without consideration

of the effect on the children or on the home, made the Outdoor Relief to deserted wives conditional on the woman and children first going into the Workhouse for such time as the Guardians thought fit. If there is any validity in the assumptions of the Report of 1834, that an absence of uniformity in Poor Law administration produces discontent amongst paupers and a perpetual shifting from place to place in order to take advantage of the Guardians' laxity, such divergencies in policy in the cases of widows with children, or widows who had an illegitimate child, or deserted wives, or unmarried mothers, would appear to be just those in which these assumptions would be most likely to apply.

Some Boards pushed their test of conduct beyond the applicant himself; and denied Outdoor Relief to applicants "residing with relatives of immoral, intemperate or improvident character, or of uncleanly habits". There were even Bye-laws in many Unions, in spite of an express statutory provision that such women should be treated as widows, forbidding the grant of Outdoor Relief to "married women (with or without families), whose husbands, having been convicted of crime, are undergoing a term of imprisonment"; a common rule sometimes loosely expressed so as to apply to the dependants of all persons detained in prison, even if merely awaiting trial.

Previous Residence in the Union

But Boards of Guardians frequently had further Bye-laws or Standing Orders as to Outdoor Relief, which were based on other considerations than the character or conduct of the applicant. More than a dozen South-country Unions, of which we have seen the rules, chose arbitrarily to limit the grant of Outdoor Relief, without reference to the character or conduct of the applicant, to such persons as had completed two years' residence within the Union. In Worksop the deserted wife having one or more children, if of good character, and if, in the judgment of the Guardians, her desertion was through no fault of her own, might, if she had resided within the Union for ten years, be granted 4s. a week, and 1s. 6d. for each child, If, however, she had resided there for any shorter period than ten years, she would only get 3s. a week, and 1s. 6d. for each child. Many other Boards of

Guardians professed the enlightened policy of insisting on a sanitary home; refusing Outdoor Relief to any one, whatever his or her character or conduct, who was living in a cottage or a room "kept in a dirty or slovenly condition"; or "in premises reported by the Medical Officer of Health to be unfit for occupation, either from overcrowding or from being kept in a filthy condition"; or "reported by the Sanitary Relief Committee detrimental to the moral or physical welfare of the inmates"; or merely "premises in which it is undesirable, on account of its sanitation, condition or locality, that they should reside". This restriction on the home was sometimes widened in scope and sometimes particularised. Thus, Outdoor Relief might be refused to an applicant, however deserving, who had the misfortune to live, as so many of the poor do live, "amid insanitary or immoral surroundings". Applicants must not live in common lodging-houses, nor lodge on premises licensed for the sale of drink; nor even live in "furnished lodgings", nor rent "furnished rooms"; at any rate, if these were such as the Guardians deemed "unsuitable". On the other hand, too good a home was as fatal a disqualification in some Unions as too bad a home in others. Outdoor Relief was in some places refused to persons, whatever their character and conduct, who lived "in cottages rented above the average rent of the neighbourhood"; or in a dwelling of "a higher rent than £3 (per annum ?) in a town, or £2 in a rural district"; or "£5 rent rural and £6 urban"; or "£6 rent rural and £7 urban"; or "at the gross estimated rental of £10 or upwards"; or who occupied "a cottage and land [small holding]" of any kind; or more than half an acre of land; or any tenement "the rent of which is in the opinion of the Board unreasonably high".

Joint Households

The applicant for Outdoor Relief would, according to the particular part of England in which he or she lived, have also to fulfil other requirements. He or she must not be "living alone in a house"; or, as it was more usually specified, must be "competent to take care of himself or herself", or be "residing with some person competent and willing to take charge of him or her", or have "friends or relatives to attend to them". But such relative or friend must not be a daughter, for Outdoor Relief would

be refused to "any parent having a girl at home over thirteen years of age capable of earning her living"; or "over fourteen years", or "above fifteen years". At the same time, applicants for Outdoor Relief must not live together, or share houses with each other, for Outdoor Relief "shall not be granted to more than one family in the same house"; nor must they even let off part of a house in lodgings without great discrimination, as "no Outdoor Relief" will be given "to persons who let lodgings or rooms to more than a married couple with children or to more than one lodger"; whilst "no woman on Outdoor Relief" was "allowed to take in a male lodger except by permission of the Relief Committee"; nor might she have resident with her "any woman with an illegitimate child or children". We may add that in some Unions no Outdoor Relief was allowed to any person having a dog in his possession, or "keeping a dog or gun, or holding a licence for either"; or ("except by way of loan") having an allotment; or, in one case, "keeping dogs, horses, donkeys, cows or poultry".

Thrift

The question of thrift seems to have been a puzzling one to Boards of Guardians. As we have mentioned, many Unions required the applicant for Outdoor Relief to "have shown signs of thrift". Yet, as we have seen, the occupation of a small holding, the holding of an allotment, the keeping of a cow or a donkey, or the possession of poultry, was, in some Unions, actually a cause of disqualification. So was the possession of a cottage, a Post Office Savings Bank annuity or a tiny investment of any sort, for "no Outdoor Relief, except as a loan, will be given to persons in receipt of money derived from property"; or except "to the actually destitute". The only form of saving which Boards of Guardians seem to have been willing to recognise, and to encourage in the concrete, and not merely by abstract advice, was that of subscription to a friendly society. In one Union, according to its Rules, "no Outdoor Relief" would be given "to any applicant under forty-five" unless he was "actually drawing sick pay from a friendly society". Apart from the subsequent statutory direction[1] that allowances from such a society not exceeding 5s. a week

[1] One of the controversies of the closing years of the nineteenth century concerned the action of the more strict Boards of Guardians in taking fully into

are to be altogether excluded from the Guardians' consideration, various Unions arranged for subscribers to "Benefit Societies to receive special consideration". "A person who had been a member of a friendly society for at least ten years and had ceased to be a member through no fault of his own"—or the widow of such person—might even receive 6d. a week above the ordinary scale of Outdoor Relief. But even in this matter many Boards of Guardians limited their encouragement in various ways. Only one was willing to exclude all "club pay . . . in fixing the amount of relief". Others would only take into account "any sum exceeding 10s. per week received from a Benefit Society", or only anything in excess of the bare statutory sum of 5s. a week; or only half of any such excessive savings. Various other Unions so far limited their Outdoor Relief to those who had provided themselves with sick pay as to insist that the sick pay, together with the Outdoor Relief, must never exceed "the usual rate of wages". There were even Unions which professed by their Bye-laws to ignore the statute of 1904; thus one would only leave wholly out of consideration such pay not exceeding 2s. 6d. a week, and would treat any greater provident insurance up to 5s. a week as if it were 2s. 6d., unless the applicant had a wife and family dependent on him. Some other Unions had Bye-laws providing merely for the supplementing of the sick pay by such Outdoor

account, when estimating the *income* of an applicant for Poor Relief, both any charitable allowances that he received and any Friendly Society benefits to which he was entitled—thus discouraging alike charitable allowances and the exercise of thrift by membership of a Friendly Society. This was the policy that the Central Authority had always enjoined as being, indeed, required by law (see, as to Friendly Benefits, Poor Law Board to R. H. Paget, M.P., in Twenty-second Annual Report, 1870, pp. xxxiv, 108-111; and as to charitable gifts, Local Government Board to Bangor and Beaumaris Union in 1879, in *The Better Administration of the Poor Law*, by Sir W. Chance, 1895, p. 254). By an Act of 1894 (57 and 58 Victoria, c. 25) which the House of Commons insisted on passing, against the desire of the Local Government Board, it was made optional to the Guardians to disregard Friendly Benefits up to 5s. per week. Under the influence of the "strict school", many Boards simply ignored this statute. Bills making this concession obligatory were repeatedly passed by the House of Commons, one of them rejected by the House of Lords in 1901. In 1904 the issue was fought to a finish. The President of the Local Government Board (Walter Long) supported the Bill, with several of the Inspectors. But Davy, who became in 1905 Chief Inspector, with several more, were opposed to it, along with Sir William Chance, who organised a national campaign in which no fewer than 276 Boards of Guardians petitioned the House of Lords again to reject the Bill, which, however, passed as 4 Edward VII. c. 32 (see "The Outdoor Relief (Friendly Societies) Bill", by J. C. Moor, in *Poor Law Conferences, 1904–1905*, pp. 130-142).

Relief as might be needed for support. And the Runcorn Board of Guardians defiantly printed in their Annual Year-books, down to 1907 at least, the old-fashioned rule that "sick money received from a club by an applicant for relief shall be taken at the full value".

Wage-earning

Even more inconsistent one with another were the local Bye-laws relating to the earning of wages. Some Boards of Guardians professed to prohibit it altogether, ordaining that "no person in receipt of permanent Outdoor Relief shall be permitted to work for wages"; except, said some Boards of Guardians, widows to whom Outdoor Relief has been granted, who were expressly permitted to "work for wages". The prohibition was put in another form by Boards of Guardians which forbade Outdoor Relief "in aid of wages or other earnings". Sometimes it was only earning more than a specified maximum that was made a disqualification for Outdoor Relief—more than 2s. per head per week at Barton-upon-Irwell; more than 4s. per head per week at York and Halifax; or more than half a crown per head per week, after paying the rent, at King's Norton and Bolton. The Worksop Board of Guardians made an express exception for widows and deserted wives, who were thus permitted to earn money. On the other hand, not only was any woman allowed to earn money to supplement her Outdoor Relief, as at Hitchin and Worksop; but various Boards of Guardians so far recognised the earning capacity of their recipients of Outdoor Relief as to lay down regular scales of relief diminishing in proportion to earnings. Thus the Prestwich Board of Guardians explicitly provided that "in case of relief given in aid of earnings . . . where the earnings amount to at least one-third of the sum named in the scale . . . the maximum amount of relief, including such earnings, shall not exceed the amount named in the following scale, viz., two persons, 6s. . . . six persons, 14s. per week". Another way of effecting the same result was to say that "the relief granted shall be on such a scale that, with the income coming into the house from other sources, the amount shall not exceed 3s. per head". On the other hand, the Leigh Board of Guardians ignored any income or other resources not exceeding one-third of the scale of Outdoor Relief. The earnings from letting lodgings

were sometimes systematically computed and deducted from the amount of Outdoor Relief according to the scale in force; thus at Cheltenham, a male lodger boarding in the house was reckoned as equivalent to 2s. a week profit, and a female lodger at 1s. 6d. a week; whilst in the neighbouring town of Warwick a male lodger was regarded as worth 3s. per week. Where the applicant lived with relations, it was provided in the Bye-laws of some Boards of Guardians that the aggregate earnings and income from all sources of the whole family group should be taken into account, *whether or not the members were legally liable to maintain the* applicant. Sometimes this was put in the form that Outdoor Relief would be refused to a widow, "able to do all the usual household duties", who had an unmarried son at home "earning full weekly wages". The climax was perhaps reached in those Unions in which Outdoor Relief, far from being restricted to the destitute, was explicitly confined, in the case of widows with children, to those who could prove that they were earning not less than three shillings a week!

Destitution

This analysis of the local Bye-laws of 1872–1907 reveals a hopeless confusion of policy on the crucial questions of how far Outdoor Relief should or should not be restricted to those who have been thrifty in the past, or who are still exerting themselves to earn a partial livelihood. Some Boards of Guardians professed to abide by an entirely contrary interpretation of the Poor Law, and to confine Outdoor Relief to the actually destitute. "It is the duty of a Board of Guardians", stated the Kensington Board, "to relieve actual destitution, that is to say to relieve the poor who are unable, without support from the rates, to provide themselves with the absolute necessities of life, and who have no relations who can be required by law to maintain them; but not to administer charity in the sense of alleviating the lot of those who are poor, but not actually destitute." "Under the Poor Law," stated the Bedford and ten other Boards, "destitution, not poverty, gives the only claim to relief from the Poor Rates." "Society", summed up the Preston Board, "owes relief to those only who, by force of circumstances, are rendered unable to provide for the necessaries of life; to distribute relief in any other

case is to create mendicity, to encourage idleness and to produce vice. The function of the Guardians is to relieve destitution actually existing, and not to expend the money of the ratepayers in preventing a person from becoming destitute. Public relief is designed to meet destitution irrespective of the particular person, or of his good or bad character."

But whatever might be otherwise prescribed, an examination of the scales of Outdoor Relief embodied in these Bye-laws makes it clear that these doles and allowances were practically always professedly fixed on the understanding that the applicants had earnings, or other sources of income, without which they must inevitably starve. Indeed, there were only two or three Unions in England in which the case of persons having absolutely no means was expressly differentiated in the Bye-laws from that of persons working for wages or having other sources of income. The lowest scale in the collection analysed was that of Hertford, which granted for each adult only 1s. a week and 5 lb. of flour, or its equivalent in bread. More usual was it to find the scale allowing 2s. 6d. per week for an adult (as at Bedminster, Prestwich, Nantwich, Epping, etc.); or 3s. (as at Cheltenham, North Bierley, Hardingstone, etc.); or 3s. 6d. (as at Warwick); though in a very few Unions it was put at as much as 4s. (as at Newport), and even 5s. (as at Loughborough and Bradford). For each child residing at home one Union gave only 6d. and 5 lb. of flour, others 1s. and a loaf, occasionally 1s. and two loaves, and in some cases 1s. 6d. or 2s.—in most Unions, we understand, without anything additional being allowed for the mother, if an able-bodied widow —as compared with the 2s. per week for each child which the Board of Guardians of Bradford and Sheffield thought necessary, in addition to a sum for the mother herself. The scale was put in more complicated form at Derby, beginning with man, wife and one child at 5s., and rising to man, wife and ten children at 12s. 6d., or widow and two children 13s. 8d., being about half what would be allowed at Bradford. One Union had "a summer scale" and "a winter scale", both very low, allowing a married couple with one child 5s. a week in summer and 7s. a week in winter; with 1s. additional for each further child. It will be evident that, even allowing for differences in cost of living, the lowest of these widely divergent scales of relief can be described only—to quote the words of the Clerk of one of the most important

Unions—as "starvation Out-relief". Neither the inadequacy nor the inequality, neither the "causeless diversity" [1] nor the arbitrariness of the almost universal practice with regard to Outdoor Relief can have been what the zealous Inspectorate of 1871–1874 had intended. Yet it continued to be no part of the acknowledged duty of the Inspectorate to investigate what was happening to the recipients of Outdoor Relief. "It always is a mystery to me," said one of the strictest of administrators in 1889, "why Poor Law Inspectors have apparently no instructions to take cognizance of Outdoor Relief administration. . . . They never concern themselves, as far as I can learn, about the far more important work of the Relieving Officer, and the numbers, character and condition of those relieved at their own homes." [2]

The Charity Organisation Society

In the meantime, whilst the Inspectors were at work on the Boards of Guardians, a new school of Poor Law orthodoxy was growing up—as we think, independently of the Government Inspectors—and gaining an increasingly powerful influence on "enlightened" public opinion. The earlier Society for the Relief of Distress, with which Edward Denison, Lord Lichfield and Sir Lynedoch Gardiner were associated, gradually developed into the Charity Organisation Society (established in 1869), prominent members of which were Sir Charles Trevelyan, Octavia Hill, the Rev. S. A. and Mrs. Henrietta Barnett, the Rev. W. H. Fremantle, John Hollond, M.P., A. C. Crowder, Albert Pell, M.P., W. A. Bailward, Edward Bond, M.P., and above all C. S. (afterwards Sir Charles) Loch, who was to give practically his whole life to able and zealous service of the Society as its secretary.[3]

[1] "The administration of the Poor Laws", prior to 1834 was characterised by "its causeless diversity: different systems of management were offered and followed in parishes whose circumstances were perfectly similar, and which were even in the same neighbourhood" (Eighth Annual Report of the Poor Law Commissioners, 1842, p. 22).

[2] "The Poor Law: Progress and Reform exemplified in a Rural Union," by the Rev. W. Bury, in *Poor Law Conferences, 1889–1890.*

[3] For a statement of the case for the C.O.S. the student will consult its voluminous publications, including the fifty years' issues of the *Charity Organisation Review* (formerly *C. O. Reporter*); *The Organisation of Charity: history and mode of operation of the C.O.S.*, by C. B. P. Bosanquet, 1874; *Charity Organisation*, by (Sir) C. S. Loch, 1890; *Methods of Social Advance*, 1902, and *Charity and*

It is not easy to realise to-day how great was the work done in its generation by the "C.O.S.", as it was commonly called, in educating English public opinion in the conditions of effective philanthropy. In contradistinction from the conception not only of the Christian Church, but also of Eastern religions, which, as we have described in our previous volume, emphasised the virtue of almsgiving, as a religious rite, necessary to the salvation of the soul of the giver, the C.O.S. made the English-speaking world, in the last three decades of the nineteenth century, aware of the social obligation of regarding primarily the effect of philanthropy upon the recipient, and particularly upon his character, and that of his neighbours and acquaintances. There was, in fact, no gainsaying the worth of the three principles upon which this much-praised and much-abused organisation was avowedly based; patient and persistent personal service on the part of the well-to-do; an acceptance of personal responsibility for the ulterior consequences, alike to the individual recipient and to all the others who might be indirectly affected through giving way to the charitable impulse; and the insistence, as the only way of carrying out this service and fulfilling this responsibility, on the application of the scientific method to each individual case of a damaged body or lost soul. What was wrong about the C.O.S., as may now be seen, was its deep-rooted censoriousness; its strange assumption that the rich were, as such, intellectually and morally the "superiors" of the poor, entitled to couple pecuniary assistance with a virtual dictatorship over their lives. The original purpose of the Society was the organising of all the forms of charitable assistance in each locality so as to prevent overlapping and competition between the innumerable and heterogeneous agencies; an aim which was not, in fact, attained. Instead of serving as a co-ordinating body to all the other charities, the C.O.S. became itself a charitable agency, and developed into the most exclusive of sects, making a merit of disapproving and denouncing much

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Social Life, 1910, by the same; *Life of Octavia Hill*, by her brother-in-law, C. E. Maurice, 1913; *Social Work in London, 1869–1912*, by Helen Bosanquet, 1913. More critical appreciation will be found in *Canon Barnett, His Life, Work and Friends*, by his wife, Dame Henrietta Barnett, 1918; *My Apprenticeship*, by Beatrice Webb, 1926, pp. 188-208. An opposite view is stated in *The Case against the C.O.S.*, by Mrs. Townshend, 1911 (Fabian Tract, No. 158); and *Charity Organisation and Jesus Christ*, by Rev. C. Marson, 1897.

of the practice of other charitable agencies (for instance, the social activities of the Salvation Army); and, at the same time, failing to enlist in its own service anything like the number of personal friends of the poor, or anything approaching the great amount of money, that would have enabled it to deal, on its own principles, with the vast morass of poverty that required succour or treatment.

Its Policy in Poor Law Administration

So far as Poor Law policy was concerned, on which the C.O.S. claimed to exercise great influence, the Society, from the first, threw its whole weight against the "indiscriminate, unconditional and inadequate" Outdoor Relief to which most Poor Law Guardians were prone; and, indeed, in favour of the successive restrictions on, and the eventual abolition of, Outdoor Relief as such, for which most of the Inspectors of the Local Government Board, from 1873 onwards, were persistently pressing.[1] The special feature of the C.O.S. policy in connection with the Poor Law, herein differing, as we think, from that of Malthus, Nassau Senior, Nicholls and Chadwick, and perhaps also from that of Longley and his following in the Poor Law Inspectorate, was that, in the C.O.S. view, the vast outpouring of Outdoor Relief to a couple of millions of separate persons in the course of each year could never be brought simply to an end, or wholly superseded by the "Workhouse System"; but had to be replaced, as Dr. Chalmers, at the very beginning of the century, had vainly urged, in an indefinitely large number of cases of genuine destitution, by the private assistance of the charitable, skilfully organised and wisely directed, which would thus, in a special sense, be "preventive" of pauperism. Only those who, whatever their character or deserts, were (within the limits of the means and resources of the wisely charitable) in fact, not "helpable", were to be relegated to the necessarily deterrent institutions of the Poor Law. Thus, Poor Law orthodoxy, to the C.O.S., came to mean, not the mere substitution, for Outdoor Relief, of the "Offer of the House"; but,

[1] Thus, in 1879, we read that the Poplar C.O.S. Committee "express the opinion that *in all cases* except those of persons too ill to be removed to the Sick Asylums, Outdoor Relief should be abolished" (*C. O. Reporter*, February 20, 1879, p. 53).

along with the full application of this method of deterrence, and a contemporaneous suppression of the spontaneous and wholly mischievous almsgiving of the thoughtless, the rescuing from the Poor Law, by private benevolence and personal help, of *all* those destitute persons whom *it* was found practicable, with characters strengthened and will-power braced, effectually to set upon their feet as independent self-supporting citizens.[1] Some such policy had been adumbrated in a much-praised Minute and Circular issued by Goschen in 1869, in his last year as President of the Poor Law Board,[2] in which he advocated the complete separation of the spheres of private charity and Poor Law relief, and yet, at the same time, their closest co-operation; never simultaneously relieving the same persons in the same way, but each confining itself exclusively to its own patients, and, equally exclusively, to its own forms of assistance, which were, for the most part, not available to the other. Goschen's Minute, which has continued to be uncritically be-lauded, exhibited, as various Boards of Guardians did not fail to point out in reply, both inadequate knowledge of the problem and confusion of thought; and it had, we think, next to no

[1] One of the features of these years was the favour shown by English Poor Law reformers to what became known as the Elberfeld Relief System (see *Observations upon the Systematised Relief of the Poor at Elberfeld in contrast with that of England*, by Richard Hibbs, 1876). This was the system adopted in various German cities for the domiciliary supervision and relief of poor persons by a large number of publicly appointed unpaid citizens, to each of whom four or six families were assigned. These volunteer almoners dispensed at their discretion, but under strict general rules diametrically opposed to the "Principles of 1834", not private charity (as Dr. Chalmers had suggested in 1820) but municipal funds. Thus, it was unkindly said that the C.O.S. saw in a dream its members employed to distribute the Poor Rates, in substitution for the elected Boards of Guardians! One of the officials of the Local Government Board, in 1872, described the working of the scheme at Elberfeld in a series of anonymous articles in the *Morning Post* (*The Work and Play of a Government Inspector*, by H. Preston-Thomas, 1909, ch. xiii. pp. 119-127). The system was expounded at length in the reports published by the Local Government Board under the title of *The Poor Law in Foreign Countries*, 1875; but the most authoritative account remains that given in *Das Armenwesen und die Armengesetzgebung in europaischen Staaten*, by A. Emminghaus, 1870, of which an abbreviated translation entitled *Poor Law in different parts of Europe* was published by E. B. Eastwick in 1873. See also *Modern Methods of Charity*, by C. R. Henderson, 1904, pp. 5-15.

[2] Goschen's Minute and Circular, together with some of the criticisms of the Boards of Guardians, will be found in Twenty-second Annual Report of Poor Law Board, 1870, p. 9; also in *The Better Administration of the Poor Law*, by Sir W. Chance, 1895; see also *The Poor Law and Charity*, by W. A. Bailward, 1902; and *English Poor Law Policy*, by S. and B. Webb, 1910.

direct effect, either on Poor Law administration or on the practice of voluntary philanthropy. The C.O.S., on the other hand, more zealously supported, achieved temporarily some measure of success in a few Unions; and it made, in the philanthropic and Poor Law world of 1870–1900, a great noise, which demands the historian's notice.

The Policy of Refusal of Out-Relief

One of the first manifestations of the C.O.S. spirit was a willingness, among devoted adherents of the Society's policy, to undertake personal service as members of Boards of Guardians. In London, men of means like A. C. Crowder[1] (St. George's-in-the-East), and W. A. Bailward (Bethnal Green), became Guardians in poor Unions, to which they gave years of toilsome service in Poor Law administration. Outside the Metropolis, both rural and urban Unions once more obtained the assistance, as they had done in the first decade after the Poor Law Amendment Act, as Poor Law Guardians, not merely of local clergymen, but also of landowners and retired business men, whose presence on the Boards of Guardians sometimes greatly influenced their administration. Thus, in January 1873 the Rector of Hazlebeach, in Northamptonshire, Rev. Canon Bury, who had been elected a member of the Brixworth Board of Guardians, in co-operation with Albert Pell, M.P., induced his Board to adopt a policy of refusing Outdoor Relief to all applicants whatsoever. Within twelve months 241 persons were struck off relief, reducing the proportion of paupers to population from 1 in 14 to 1 in 22, without, as it was claimed, the infliction of hardship. The Local Government Board described this experience in 1874 in its Third Annual Report; and the example of the Brixworth Union was warmly commended to Guardians everywhere.[2]

[1] A. C. Crowder, a lifelong philanthropist of means, devoted himself for many years to service as Poor Law Guardian at St. George's-in-the-East. A pamphlet by him in 1888, "The Administration of the Poor Law" justifies the strictest possible policy in Poor Relief. His testimony to its success is given in *Social Wreckage*, by Francis Peek, 3rd edition, 1888, pp. xxxii-xxxix.

[2] For the Brixworth experiment, see Canon Bury's special report in 1874 to the Local Government Board, in Second and Third Annual Reports of the Local Government Board, 1873 and 1874. Brixworth was not the first experiment in the abolition of Outdoor Relief to the non-able-bodied as well as to the able-bodied. The Atcham Union (Shropshire), under the influence of Sir

Within a few years, in several other Unions, the Guardians came to a like decision. The local rules or bye-laws voluntarily adopted in these Unions, such as Bradfield in Berkshire; and Whitechapel, St. George's-in-the-East and Stepney in the Metropolis, did not, in terms, make the grant of Outdoor Relief absolutely impossible, but they imposed such drastic restrictions and limitations as practically to attain that end. In nearly a dozen other Unions, including the cities of Manchester and Birmingham; the towns of Reading and Wallingford in Berkshire, and St. Neots in Huntingdonshire; the populous areas of St. George's, Hanover Square and Paddington in the Metropolis, the local rules were so strictly administered as to produce nearly the same result.[1]

For a couple of decades these bright and shining examples of "orthodox Poor Law policy" were made the subjects of perpetual laudation; they were advertised in the publications of the Local Government Board, and quoted endlessly by Poor Law Inspectors; they were studied at C.O.S. meetings and discussed at Poor Law Conferences, without, in the result, finding imitators among the 600 other Boards of Guardians; or doing more than assist the efforts of the Inspectors in getting somewhat tightened up the haphazard practice of the average Relief Committee.[2]

Baldwin Leighton, Bart., had, ever since 1836, maintained an equally rigid policy, to the success of which official attention had frequently been drawn. Its success had led, in fact, in 1871, to the practically enforced amalgamation, with the small rural Union of Atcham, of six parishes within the borough of Shrewsbury, after which the same policy was continued in the greatly enlarged Union, with scarcely diminished success in restricting actual pauperism to the barest minimum. In 1836, with a population (1831) of 17,855, the paupers numbered 1395, and in 1837, 880. In 1849, with a population (1851) of 19,088, the paupers numbered 433; in 1871, with a population (1871) of 18,313, they numbered 293. In 1872, after amalgamation with part of the Borough of Shrewsbury, with a population (1871) of 45,466, the paupers numbered 584, and in 1892, with a population (1891) of 48,332, they numbered 354 (*The Better Administration of the Poor Law*, 1895, and *Our Treatment of the Poor*, by Sir W. Chance, 1899). Farringdon Union (Berkshire) for long adopted a policy similar to that of Atcham, but did not become so widely known.

[1] Some other Boards of Guardians, such as those of Ipswich, Kensington and Oxford, made their administration almost as rigorous as that of the Unions mentioned in the text.

[2] The experience of these "strict" Unions was repeatedly if somewhat uncritically alluded to or described by propagandists of their example; for instance, in many papers included in the annual volumes entitled *Poor Law Conferences*; in the monthly *C. O. Reporter* and *C. O. Review*; in considerable detail in *The Better Administration of the Poor Law*, by Sir W. Chance, 1895. See, for the general tone of opinion in this decade, *Population and Pauperism*, by W. T. Greene, 1891; *On the Development of the English Poor Law*, by Hamilton H. N. Hoare, 1893; *Rich and Poor*, by Helen Bosanquet, 1896; *The Standard of*

There can be no doubt that, regarded from the standpoint of those who aimed primarily at a drastic reduction in the number of applicants for Poor Relief, and in the expenditure from the Poor Rate, these experiments in the almost universal refusal of Outdoor Relief, where resolutely and persistently carried out, achieved a conspicuous success. Taking together the thirteen Unions (with an aggregate population of about one million) ranging in character from Birmingham to Bradfield, in which this policy was adopted, it was possible to show, in 1894, that the total number of paupers (excluding vagrants and lunatics) had fallen in the preceding twenty years in every one of them: and, in the aggregate, from 36,382 to 16,202; bringing down the percentage of paupers to population to no more than 1·6; whilst the recipients of Outdoor Relief had been reduced by 88 per cent, or from 24,896 to no more than 3065, all these being special cases of infirmity of one or other kind; whilst the Workhouse inmates had risen only from 11,486 to 13,137.[1] This was a notable achievement. What was there to be said on the other side?

Effect on the Recipients

The obvious objection that so drastic a refusal of relief (in the large number of cases in which the sufferers either could not or would not accept maintenance in the Workhouse) must have caused great hardship may, in these experiments, not be well founded. Unfortunately there was no investigation of the contemporary sickness or mortality statistics, and, in particular, none of infantile death-rates, in these experimental areas, in comparison with those of adjacent or economically similar districts in which Outdoor Relief had not been restricted, and official pauperism not exceptionally diminished. We cannot find that the Local Government Board caused any inquiry to be made as to what was actually happening to the population. In all these

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Life, by the same, 1898; *Die Entwickelung des Armenwesens in England seit dem Jahre 1885*, by Dr. P. F. Aschrott, 1898; *Our Treatment of the Poor*, by Sir W. Chance, 1899; *The English Country Labourer and the Poor in the Reign of Queen Victoria*, by John Martineau, 1901.

[1] The figures are given in detail in *The Better Administration of the Poor Law*, by Sir W. Chance, 1895, pp. 80-81. During the same period the aggregate numbers on Outdoor Relief in England and Wales were reduced only from (in round figures) 800,000 to 500,000, or by 38 per cent.

Unions, however, the experiment was tried under local administrators of exceptional character, who were specially careful themselves to watch the condition of the families to whom relief was refused; and who had at their command adequate private funds, from which (as it is admitted) whatever assistance proved to be necessary was promptly and continuously given. It may well be that this substitution of private charity for Poor Relief was, in such exceptional hands, successful, probably in preventing hardship, and possibly in enabling many of the recipients to struggle out of destitution. As to the superiority of the personal relationships created by the private almsgiving of social superiors over those arising from the acceptance of public treatment or assistance, opinions will differ. But, leaving aside this consideration, the evidence indicates that the practical abrogation in these Unions, for all but exceptional cases, of the Poor Law provision for the destitute, had other and more invidious results. In the rural Unions, at any rate, a certain proportion of the persons to whom relief was refused left the village, driven out by inability to exist there, and were lost sight of; some, at least, we fear, moving towards hardship, mendicancy, sickness, crime and premature death. In the urban Unions an immediate reaction was a great development of unorganised and indiscriminate charity of one sort or another, of which the C.O.S. and its adherents entirely disapproved, but which they were unable to check. Thus, in St. George's-in-the-East, where, under the influence of A. C. Crowder—than whom no one can well have been more benevolent, more assiduous in devotion, or better equipped for private charity—the Board of Guardians maintained for years the most rigid refusal of Outdoor Relief. Crowder continued to be fully satisfied with the success of this policy. "In St. George's", he told the Poor Law Commission in 1906, "the people have been systematically taught for many years . . . not to look to the parish, but to provide for themselves; hence, in ordinary times, applications for Outdoor Relief are rarely made. . . . We can point to the fact that all these very poor people in St. George's are getting their own living without Out-relief. We conclude," he added with strange optimism, "that their energy and industry have increased, and their thrift, and so forth." But there is no evidence of such a general improvement of character or increase of self-support, and little warrant for any

such complacent conclusion. When the case was examined by the Poor Law Commissioners of 1905–1909, by Commissioners who, unlike their predecessors of 1832–1834, took cognisance of the extensive philanthropic activities by which the Poor Law was, in fact, everywhere more or less supplemented, it was found that the effect of strict administration by the Board of Guardians was repeatedly, if not invariably, counteracted, to a greater or lesser extent, by the free and indiscriminate provision by voluntary agencies of at least an equivalent of the Outdoor Relief that had been officially refused; an equivalent which there was no reason to suppose to be any less demoralising. What Crowder did not tell the Poor Law Commission, and what, in fact, he never recognised, was that, during the very years in which his policy had been in operation, the Salvation Army and the Church Army, and various less reputable religious and charitable agencies, had been freely and indiscriminately giving the relief that his own Board of Guardians, and his own Local Committee of the Charity Organisation Society, had been refusing; and that, accordingly, the inference that he so readily drew from the diminution in the number of paupers and of Charity Organisation cases was unwarranted. Here is an extract from a public appeal for funds that was continually being issued and reissued by one of the rival religious agencies, in the very parish in which it was inferred that, by a refusal of Outdoor Relief, the people had been schooled into "getting their own living"; and that, by this policy, as they no longer applied for Poor Relief, it might be concluded that "their energy and industry have increased", so that they now "provide for themselves"! "This Soup Kitchen", we read, "is carried on for the benefit of the Dock Labourers out of work, and poor women and children, who abound in this squalid and impoverished district. . . . The hundreds one sees starving in the East End of London . . . make one's heart bleed. 'Death through starvation' is the verdict of the Coroner's Jury every other day. I therefore most earnestly and urgently appeal to those who can afford it to come to our assistance. 2s. 6d. provides 15 meals, 5s. feeds 30 hungry people, £1 feeds 120 hungry people, £5 gives food to 600 persons. What has been done with our funds in one year:

"24,000 Meals to the starving, at the time of their necessity.
5,880 Breakfasts, Sunday Teas, Christmas Dinners.

4,000 Garments, Boots, Blankets, etc., given away.
5,400 Children maintained in the Day Nursery.
4,530 Surgical and Hospital Letters given away.
18,000 Bibles, Tracts, etc., distributed.

"We have many letters of thanks from men who have been receiving help and employment through this Institution." [1]

Thus what Crowder's influence had effected in St. George's-in-the-East might be described, not, as he fondly imagined, as driving people to increased industry and thrift, but as merely substituting one form of "indiscriminate, unconditional and inadequate" relief for another; with effects upon the character and conduct of the recipients, as well as upon the aggregate number of these persons, about which no inference whatever could be confidently made.[2]

In two other of the Unions in which the strictest possible administration had been maintained, Manchester and Stepney, conditions similar to those of St. George's-in-the-East were found to prevail. It was of little use, in the former city, for the Guardians to "offer the House" to the able-bodied man, or to "deter" the

[1] *The Prevention of Destitution*, by S. and B. Webb, 1910, pp. 237-238.

[2] The case of Whitechapel, where the Poor Law was administered by an exceptionally able Clerk to the Guardians (W. F. Vallance (1827–1904; see his biography in *Poor Law Conferences*), largely under the influence of a unique personality of moral genius (Rev. Samuel Barnett; see *Canon Barnett; His Life, Work and Friends*, by his wife, Dame Henrietta Barnett, 1918; and *My Apprenticeship*, by Beatrice Webb, 1926, pp. 188-208), is specially interesting. Here a policy of refusing Outdoor Relief was combined not only with watchful private charity, including the provision of annuities for deserving old people, but also with an exceptionally enlightened and daringly experimental administration of the Workhouse (note, for instance, the Guardians' organisation of employment for the inmates, the extraction from the L.G.B. of permission to appoint, for their education and stimulus, a salaried "Mental Instructor", and the adoption of the "Modified Workhouse Test", under which in suitable cases, only the man was required to enter the Workhouse, his wife and children being allowed to keep going his home on Outdoor Relief). No small measure of success was justifiably claimed for this comprehensive Poor Law policy, so far as concerned many of the persons actually brought under its influence. *Yet no marked improvement in the industry or thrift of the Whitechapel* population, taken as a whole, could even be claimed. The flood of indiscriminate charity remained unabated. A large part of the reduction in the official pauperism could even be ascribed directly to the continuous replacement in the parish of Christian by Jewish families, the relief of destitution among the latter being undertaken by the voluntary Jewish Board of Guardians, on lines directly opposite to those laid down by the Report of 1834 and the Poor Law Amendment Act, and followed by the C.O.S. school of "strict" administration (see *London Pauperism among Jews and Christians*, by Dr. J. H. Stallard, 1867; and the annual and other reports of the Jewish Board of Guardians).

vagrant from resorting to the notoriously uncomfortable Tame Street Casual Ward, when, in addition to many other charities, the closely adjoining Wesleyan Central Mission was maintaining a "Free Shelter" at Wood Street, where a night's lodging and food was provided for necessitous men who claimed to be homeless, without inquiry or discrimination, and without the exaction of any work. The situation was doubtless worst of all in the Metropolis, where the Guardians of Whitechapel, Stepney and Paddington vied with those of St. George's-in-the-East in their policy of *refusing* Outdoor Relief. Here, as the Local Government Board Inspector was constrained to report,[1] "there is now a large class . . . to be numbered by thousands . . . which consists almost entirely of single men, often in the prime of life, but men to whom nobody could think of giving regular employment. They are devoid of energy and ambition; content to live for each day as it passes with the aid of odd jobs, cheap or free shelters, and cheap or free meals. I believe this class exists in all large towns; but it can, I think, luxuriate nowhere as it does in London; for nowhere else, to the extent prevalent in London, is such a class catered for and encouraged by religious associations and charitable persons, who might almost be supposed to hold it a pious duty to ensure, by creating a constant supply of destitution, *that the poor shall be always with us.*"

When the Stepney Guardians sought to grapple with their problem by refusing Outdoor Relief, and "offering the House", they found their efforts very largely nullified. Immediately opposite the Stepney Casual Ward and Workhouse, which the Guardians had been trying to administer on strict lines, stands Medland Hall, which was nightly open to the destitute as a Free Shelter, with food provided, for all claiming to be destitute.[2] The Stepney Guardians complained despairingly in 1906, after a whole generation of experiment in "strict" administration, that "London, with its many attractions for the ne'er-do-well, its many ways of helping a man *down* by its thoughtless almsgiving, its spasmodic outbreaks of eleemosynary charity of the soup and blanket order, its dangerous sentimentalism that cannot dis-

[1] Lockwood's Report, in Thirty-fifth Annual Report of Local Government Board, 1906, p. 444; Minority Report of Poor Law Commission, 1909, p. 525 of 8vo edition.

[2] *Ibid.*, p. 525.

tinguish the whine of the beggar from the cry of honest poverty, proves irresistible to the born-tireds, who are ever ready to receive something for nothing. The village rough, the provincial blackguard, discredited in his own village or town, turns his face Londonwards. . . . It may be that many of these 'degenerates' set forth honest in their intention to seek work; and have become demoralised and unemployable by repeated failures and disappointment, and by subsequent privation." [1]

Abandonment of the Policy

The experience of a whole generation of the systematic refusal of Outdoor Relief went, in fact, to justify the prudence of the secretariat of the Local Government Board in not altering the Orders in such a way as to enforce on all Boards of Guardians the policy of Brixworth and Bradfield, Whitechapel and St. George's-in-the-East. Looked at from the standpoint of the C.O.S it must be said that, even if its Poor Law policy could have been justified by success in effective "dispauperisation", it is plain to-day that, in the actual conditions of industrial organisation and voluntary charity in great cities, and especially in the Metropolis, no mere abrogation of Poor Law relief in an acceptable form, though this might diminish what was spent by the Guardians, could possibly be relied upon to drive to industry or thrift those whom the Guardians repelled.

Whatever may have been the reason, we find, in fact, that, with slight exceptions, the dozen or so of Unions in which the policy of refusing Outdoor Relief was systematically pursued had, by 1905, one by one reverted to a less rigid policy.[2] In some of these Unions the gradual abandonment of a specially vigorous administration may be ascribed merely to the passing away of its

[1] Annual Report of the Guardians of the Stepney Union, 1906, pp. 22-23; Minority Report of Poor Law Commission, 1909, p. 525 of 8vo edition.

[2] For the change in the Bradfield Union see "The Relation of Legal Relief to Voluntary Charity", by H. G. Willink, in *Poor Law Conferences, 1907–1908*, pp. 484-496. For the revolution in the Brixworth Union in 1896, see the paper, "Outdoor Relief, with special reference to Brixworth, Atcham and Whitechapel", by Rev. J. C. Cox, *Poor Law Conferences, 1899–1900*, pp. 193-215. (Cox had come on the Brixworth Board, of which he became chairman, expressly in order to overthrow the rigid system introduced by Canon Bury.) A sad account of the later history of this Union will be found in a paper, "The Causes of Pauperism", by W. A. Bailward, in *Poor Law Conferences, 1907–1908*, pp. 605-624.

authors without leaving any like-minded successors. Occasionally the change was due to a revolt of the electors, who rejected at the poll some Guardians whose policy they disliked, and replaced them by others. In other Unions there had been no definite abandonment of the experiment, but, under the influence of changing public opinion, the policy had been gradually so modified as to amount to no more than adequate investigation of cases and due discrimination in their treatment. All these transformations had undoubtedly been facilitated by the widening of the Poor Law electorate, the abolition of the rating qualification, and the exclusion of *ex-officio* or nominated[1] Guardians, resulting from the Local Government Act of 1894; as well as by the Local Government Board's own Circular of 1900, positively recommending the grant of Outdoor Relief to the deserving aged.

Decline of the C.O.S.

In the last decade of the nineteenth century the C.O.S. rapidly declined in influence, so far as concerned the administration of the Poor Law. No additional Unions joined the dozen or so which had adopted the "strict" policy in all its rigour; the advocates of the "offer of the House" gradually lost their influence on the other Boards of Guardians; there was some relaxation of the pressure of the Inspectors against Outdoor Relief; and the aggregate numbers of its recipients increased with every slackening of commercial prosperity. The C.O.S. had, in fact, lost its vogue even among the "enlightened", and it fell increasingly out of favour with public opinion. This we attribute mainly to the purely negative attitude which the Society took up in relation to nearly all projects of active reform, and especially to every extension of collective action, whether by National or Local Government. Thus, the C.O.S. did its utmost to resist the proposals of the Salvation Army for a remedial campaign of highly organised philanthropy against not pauperism only but destitution

[1] By 30 Victoria, c. 6, sec. 79 (the Metropolitan Poor Act, 1867), the Local Government Board had been empowered, for the Metropolitan Unions, to nominate, in each case, qualified persons as additional Guardians, but so that the number of Guardians so nominated should not, together with the resident Justices, who were *ex-officio* Guardians, ever exceed one-third of the full number of Guardians.

itself.[1] But the most strenuous opposition of the C.O.S. was concentrated against any public action by the community as a whole. Thus, the Society opposed alike the establishment of National Pensions for the aged and the provision by the Local Education Authorities of meals for children found hungry at school; the legislative prevention of excessive hours of labour, and of the evils of "sweating", as well as the setting to work by the municipalities of men for whom profit-making industry could find no employment. In short, the failure of the C.O.S. policy of Poor Law administration was linked, not necessarily logically but in actual fact, with a refusal to co-operate with, and indeed even to recognise the contemporary development of those alternative measures for the prevention, not directly of pauperism but of destitution itself, that we describe in a subsequent chapter.

[1] The student may study with advantage the controversy that arose on the publication of General W. Booth's *In Darkest England*, 1890, with its carefully thought-out plan of a campaign for the "elevation" and "reclamation" of "the Submerged Tenth"; see the various issues of the *C. O. Review* for 1890–1891; *Examination of General Booth's Scheme*, by C. S. Loch, 1890; *In Darkest England on the Wrong Track*, by Bernard Bosanquet, 1891; *The Salvation Army and its Social Scheme*, by W. T. Stead, 1891; *General Booth's "Submerged Tenth"*, by P. Dwyer, 1891; and *Social Diseases and Worse Remedies*, by T. H. Huxley, 1891.

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