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ENGLISH POOR LAW ADMINISTRATION

1834-1847

by

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## CHAPTER I

### BACKGROUND OF THE NEW ACT

Great Britain during the decade following the Napoleonic Wars seemed to be on the verge of revolution. Her social and political institutions had failed to catch up to the Industrial Revolution and the widespread discontent and unrest often threatened to break into open violence. Outdated institutions had become corrupt with the passing years, and vested interests controlled much of the government of England and Wales. Discontent was expressed in many ways--riots, agitation for the reform of Parliament, the League for the repeal of the Corn Laws, and the Chartist petition for constitutional change.

Discontent, however, instead of erupting into revolution as many expected and feared it would, brought a spirit of reform. This spirit came from two sources--the realization of the Evangelicals that many abuses were contrary to the teachings of Christianity, and the desire of the apostles of Jeremy Bentham to achieve the "greatest happiness for the greatest number" through scientific legislation.

Out of the combined efforts of these two groups came a series of reforms: the reform of Parliament in 1832; the

Factory Acts of 1833, 1844, and 1847; the abolition of slavery in 1833; and the Poor Law of 1834.

In many ways the Poor Law Amendment Act<sup>1</sup> has all the characteristics of the other reforms passed in this period. Like them, it attempted to correct an ancient law that had become inadequate in the industrial age; it combined the Benthamite principles of scientific legislation with a humanitarian concern for the welfare of the people; and it embodied a greater measure of government control for the sake of reform.

The Act passed in 1834, survived almost without change until 1909. However, in 1847 the original governing body, a Commission of three men, was replaced by a Poor Law Board, which was much more closely tied to Parliament. During the first fourteen years of operations, the three Commissioners formed the specific policies and instituted the changes required under the new law. This paper is a study of their successes and their failures, and of the reasons why the Commissioners were replaced. More particularly, attention is directed to those areas of reform which the Commissioners felt were most vital to the success of their efforts--combination of parishes into Unions, provision for a uniform system of relief for England and Wales, and prohibition of relief to able-bodied paupers in the workhouse.

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<sup>1</sup>Great Britain, Statutes at Large, 4 & 5 William IV, c. 76 (1834), "An Act for the Amendment and Better Administration of the Laws Relating to the Poor in England and Wales."

## CONDITIONS BEFORE 1834

The system of English poor relief had first been introduced during the reign of the Tudors and had survived virtually without change until 1834. Although minor changes had been introduced from time to time, no change had been made in the basic structure of the Laws of Elizabeth.<sup>2</sup>

One major fault of the Elizabethan Poor Laws was that the basic unit of relief was the parish. In 1834, there were 15,535 parishes in England and Wales, 737 of which had a population of less than fifty people, and 6,681, less than 300 people. It was impossible for such small units to deal effectively with the poor relief.<sup>3</sup> There was no uniform system of poor relief and practices varied from parish to parish. Also, local vested interests had often gained control of the relief funds to use for their own purposes.<sup>4</sup>

Furthermore, the Laws of Settlement, which provided that each parish must care for its own poor regardless of where they lived, allowed manufacturers to take men from their villages when trade was prosperous, and to send them

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<sup>2</sup>H. B. Court, A Concise Economic History of Britain (Cambridge, 1954), 136-137.

<sup>3</sup>George Nicholls, A History of the English Poor Law (London, 1898), II, 248.

<sup>4</sup>E. L. Woodward, The Age of Reform 1815-1870 (Oxford, 1949), 79.

back in times of depression. Moreover, there was a tendency for one parish to get rid of any person who was likely to become a burden to them by shifting the responsibility to some other parish.<sup>5</sup>

In the centuries that had passed since the death of Elizabeth, enclosures had driven many off their land, while the development of improved machinery had thrown many more, especially in the spinning and weaving industries, out of work. And, although in the nineteenth century there was often work in the manufacturing north, a laborer attempting to migrate to that area was in danger of being arrested and prosecuted as a vagrant.<sup>6</sup>

In an attempt to cope with distress arising out of the French Wars, in 1795 the Justices of Berkshire in Speenhamland introduced a method of relief which, although necessary to meet a temporary emergency, was to aggravate the problem of poor relief. The Speenhamland system provided that when necessary a pauper, in accordance with the number in his family and the price of bread, would have his wages supplemented out of the poor rates. This system spread widely and greatly increased the cost of poor relief.<sup>7</sup>

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<sup>5</sup>Ibid., 431.

<sup>6</sup>G. D. H. Cole and Raymond Postgate, The British People, 1746-1946 (New York, 1947), 104-109

<sup>7</sup>G. M. Young and W. D. Handcock, eds., English Historical Documents, 1833-1874 (Vol XII of English Historical Documents, David C. Douglas, ed., New York, 1956), 683.

The Speenhamland system of giving outdoor relief to able-bodied workmen had enabled farmers, particularly in the south of England, to discharge better workmen and to employ men who were "on the rates," paying them a below-subsistence wage. Farmers also felt free to discharge all employees during slack seasons, knowing that the parish would support them. Since the allowance was paid in proportion to the number of children in the family, many people who had read the Malthusian doctrine that population tends to increase beyond the subsistence level, were alarmed by a system that they felt encouraged early and improvident marriages, and did not discourage the bearing of many children.

This system tended not only to demoralize both workmen and employers, but also helped to increase poverty. Whole generations of paupers were growing up, as callous of their own degradation as the employers were indifferent to it. Many paupers had even begun to feel that parish support was their legal right. At the same time this system tended to destroy the value of independent labor, since it was cheaper to hire men who were supported by the poor rates. Many people feared that the unfair competition of independent and subsidized labor would soon pauperize the entire labor force.<sup>8</sup> Thus, the Speenhamland system tended to

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<sup>8</sup>Thomas MacKay, A History of the English Poor Law (London, 1899), III, 67-73.



weaken the self-respect and independence of the workers; the competition of subsidized and independent labor tended to lower wages; and good employers and independent laborers were at a grave disadvantage.

More alarming to many was the progressive increase in tax rates levied on the property holders for support of the poor. In 1783, when the population of England and Wales was eight million, the amount of money spent on poor relief was £ 2,132,487; in 1833 the cost of poor relief had increased to £ 8,606,501 while the population had increased to fourteen million people. Thus in fifty years the population had increased 75%, while the amount of money spent on poor relief had increased 300%.<sup>9</sup>

By 1833-1844 the average cost of poor relief was 8 s. 9½ d. per person in England and Wales. The pressure of the poor tax was an increasing burden, and often farmers had to reduce rents, or even found that it was impossible to find tenants. In one extreme case, Buckinghamshire, farms were abandoned by tenants due to the intollerable burden of the poor rates.<sup>10</sup>

Several attempts were made to improve what was rapidly becoming a grave situation. In several parishes

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<sup>9</sup>Charles Knight, The Popular History of England (New York, 1880), 1209.

<sup>10</sup>Nicholls, A History of the English Poor Law, 248.

improvements in administration were made, and proved successful in reducing the poor taxes. In 1817 a Select Committee of the House of Commons examined the state of poor relief, but although it recognized the need for wide reform, no definite recommendations were made and nothing was done.<sup>11</sup>

In 1830, the economic and social tension had erupted into open violence in the agricultural districts of southern England. There over a wide area an outbreak of incendiaryism by paupers who wished to revenge themselves on oppressive employers caused great alarm. While there were many reasons for this outbreak, the corrupt, inadequate method of poor relief at that time was a contributing cause. The reform of Parliament in 1832 had done much to quiet political unrest, but many other tensions remained. There were many political leaders who sincerely believed that a crying need was reform of the poor laws.<sup>12</sup>

#### THE COMMISSION OF INQUIRY

The Whig government under Lord Grey pledged itself to reform the poor laws. However, any reform was bound to be unpopular, both because many vested interests would be

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<sup>11</sup>Woodward, Age of Reform, 503.

<sup>12</sup>Nicholls, History of the English Poor Law, 282-285.

harmd by any change in the existing system and because many paupers felt that relief in aid of wages was their natural right. Therefore Lord Grey's government had to devise some plan to institute such reform without arousing intense opposition. The method eventually adopted was a plan to appoint a commission to study the state of the poor laws and to prepare public opinion for whatever measures the government should adopt.<sup>13</sup>

Accordingly, in February 1832, a Commission of Inquiry was appointed, to "make a diligent and full inquiry into the practical operation of the laws for the relief of the poor in England and Wales...and to report any and what alterations, amendments or improvements may be beneficially made in the said laws..."<sup>14</sup> The men appointed to this commission were Charles James Blomfield, Bishop of London, Chairman; John Bird Sumner, Bishop of Chester; Sturges Bourne; Nassau W. Senior; Henry Bishop; Henry Gawler; and W. Coulson. In 1833, Henry Traill and Edwin Chadwick were added to the Commission.<sup>15</sup>

Nassau Senior and Edwin Chadwick quickly took leading positions among the members of the Commission of Inquiry. Senior, a former professor of political economy at Oxford,

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<sup>13</sup>MacKay, History of the English Poor Laws, 25-27.

<sup>14</sup>Nicholls, History of the English Poor Law, 224.

<sup>15</sup>Knight, Popular History of England, 1209.

had been greatly influenced by the writings of Malthus and Ricardo. He had long been aware of the maladministration of the poor laws, but was uncertain as to the best way to correct them, although he had originally favored their complete abolition.<sup>16</sup>

Chadwick had been a frequent visitor to the home of James Mill, who had introduced him to Jeremy Bentham, and he (Chadwick) had, during the last years of Bentham's life, lived with Bentham and had been his private secretary. John Stuart Mill introduced Chadwick to Nassau Senior, who appointed him an assistant-commissioner on the Commission of Inquiry. In 1833 Chadwick became a full commissioner. Although he claimed his ideas were original, Bentham's influence was apparent in Chadwick's own views, especially in the latter's belief in the necessity of applying scientific knowledge to government, and the desire for central control over parochial inefficiency.<sup>17</sup>

Between 1832 and 1834, the Commission of Inquiry met at least once a week to direct the investigation and to formulate policy. The bulk of the evidence was gathered by the assistant commissioners, who made personal investigations throughout England. The Commissioners also sent questionnaires regarding poor law operations to the various

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<sup>16</sup>Nicholls, History of the English Poor Law, 32-34.

<sup>17</sup>MacKay, History of the English Poor Law, 37-40.

parishes. Because the main concern of the Commission was to prove the urgent necessity for change, there was a tendency to overlook any good features of poor relief in an effort to find abuses.<sup>18</sup>

In March 1833, the Commission published extracts of its findings to that date, in an effort to prepare public opinion for the full report and for its own recommendations. This report brought forcibly to public attention the extent of maladministration and consequent expense of poor relief.<sup>19</sup>

The full report of the Commission of Inquiry, containing evidence gathered and recommendations for change, was published in February 1834. This massive report, containing over 13,000 pages of evidence and recommendations was written almost entirely by Chadwick and Senior.<sup>20</sup> The recommendations contained in this report were to constitute, for the most part, the policies followed in the administration of poor relief for the rest of the nineteenth century.

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<sup>18</sup>R. K. Webb, The British Working Class Reader, 1790-1848 (London, 1925), 51-54.

<sup>19</sup>Nicholls, History of the English Poor Law, 224-225.

<sup>20</sup>Sidney Webb and Beatrice Webb, English Poor Law History (London, 1929), VII, 56-57.

## THE REPORT OF THE COMMISSION OF INQUIRY

The findings of the Commission of Inquiry served to reenforce the belief of many people that not only were the existing poor laws outdated, but that if they were not soon revised, there was a danger of pauperizing the entire laboring population. Abuses existed almost everywhere. In some places tradesmen would bribe parish officials to buy provisions for the workhouse from them, and would then overcharge on these goods. In other places, farmers would dismiss their laborers rather than pay full wages, only to rehire them at a below-subsistence level after they were paid relief in aid of wages by the parish. Often a pauper was better fed in a workhouse than he would be working independently, and there were even instances where a man and his wife would go to the workhouse, have children there, and the children would remain in the workhouse, until whole generations of paupers knew the workhouse as their only home. And often men would spend their wages as rapidly as possible on drink so that they could say that they had no money and would thus be entitled to parish relief.<sup>21</sup>

The Commissioners reported that this system had adverse effects on property owners, on employers and on laborers.

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<sup>21</sup>Justin McCarthy, The Epoch of Reform, 1830-1850 (New York, n.d.), 125-126.

In the case of the property owners, the expense of poor relief had become so great as to reduce the value of their lands; for employers, the workers they employed lacked skill and intelligence; for the workers themselves, as there was no reward for diligence, the lot of the independent laborer was often less desirable than that of the man on relief, while the man who received poor relief became callous of his own degradation.<sup>22</sup>

Because the Commission of Inquiry felt that the greatest source of abuse was outdoor relief to the able-bodied, they concentrated a great deal of attention on the various modes of outdoor relief. They found that outdoor relief to the able-bodied usually consisted of money, food or clothing, or payment of rents. They described several different methods of giving relief in money. Sometimes an inadequate sum of money for a pauper's support was given to the pauper, without any responsibility on his part, for him to supplement in any way he chose. More often, he was requested to give a portion of his time to the parish in such "occupations" as sitting in a gravel pit or attending a roll-call, ostensibly to prevent his working while receiving relief. A second method of giving relief in money was the

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<sup>22</sup>Great Britain, House of Commons, Sessional Papers, "Report from His Majesty's Commissioners Inquiring into the Administration and Practical Operation of the Poor Laws," 1834, XXVII, 36-49 (Readex Microprint Edition).

Speenhamland system, whereby money was given usually in proportion to the number of children in the family and the price of bread. A third method was the Houndsman system, which consisted of a contract between the overseers and employers, the parish agreeing to sell the services of the pauper for a certain price, and the difference between the wages paid the pauper and the set scale to be made up by the parish. Another method was for the parish to employ the pauper, theoretically, at long, hard tasks, although usually this work was not only easy, but also was poorly supervised. The last method, was the labor rate system, where the rate-payers of the parish agreed to employ a certain number of paupers in accordance with a set scale, irrespective of their individual needs for employees.<sup>23</sup>

Despite the extent of the abuses, the Commission of Inquiry believed that the evils could be corrected under strict regulation. They drew a careful distinction between indigence and poverty, saying that only the former should be relieved, in the hope that no one would perish from want, while poverty itself would not be encouraged.

In proposing remedies for the situation as it was in 1834, the Commissioners gave careful attention to those regions where improved methods of relief had been introduced and had proven successful. While there were several such

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<sup>23</sup>Ibid., 8-24.



areas only one, Southwell, need be noted here, both because many of the methods used in this parish were embodied in the recommendations of the Commission of Inquiry, and because the overseer at Southwell, George Nicholls, was a member of the Poor Law Commission during its fourteen years of operation.

Nicholls himself, in his History of the English Poor Law, reported on his work in Southwell. In 1821 Southwell, which then had a population of 3,051, spent £ 2,006 or 13 s. 11 3/4 d. per person on poor relief. The workhouse, which was built in 1808 and maintained at great expense, was of little use. On Lady Day, 1821, Nicholls became overseer, and by 1824 he had managed to reduce the annual rate for poor relief to £ 517 13 s.. He made the restraints of the workhouse so rigid that workers became anxious to avoid it. Thus it became a test of actual want. He stopped all allowances in aid of wages and all payments of rents. In 1823 Southwell incorporated with forty-nine neighboring parishes in the Thurgarton Hundred Incorporation to provide a common workhouse. The example of this parish and various other parishes was of great value to the Commission of Inquiry when it considered the best means to improve poor relief throughout England and Wales.<sup>24</sup>

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<sup>24</sup>Nicholls, History of the English Poor Law, 228-236.

Before listing their recommendations, the Commissioners stated as a general guiding principle:

The first and most essential of all conditions...is that his [the able-bodied pauper's] situation on the whole shall not be made really or apparently so eligible as the situation of the independent labourer of the lowest class.<sup>25</sup>

Their first recommendation dealt with the treatment of the able-bodied:

That except as to medical attendance...all relief whatever to the able-bodied persons or to their families...shall be declared unlawful, and shall cease, in manner and at period hereafter specified; and that all relief afforded in respect of children under the age of 16 shall be considered as afforded to their parents.<sup>26</sup>

The Commissioners believed that a well-regulated workhouse would provide relief to those who needed it, yet would be of such a nature that relief would not be accepted save in cases of actual want. Therefore, a workhouse should be made so repugnant that it would be rejected by everyone who was not in actual need. They proposed that paupers in the workhouse should be separated into at least four classes: the aged and infirm, children, able-bodied females, and able-bodied men. Whenever possible each class would be sheltered in a separate building. However, although great

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<sup>25</sup>House of Commons, Sessional Papers, 1834, XXVII, 127.

<sup>26</sup>Ibid., 146. Sidney and Beatrice Webb have pointed out that no definition was given in this report of "able-bodied." Therefore, especially in the treatment of women, the intention of the Commission was unclear, with the result that under the Poor Law Commissioners the position of women was often ambiguous. English Poor Law Policy (London, 1910), 3-4.

strictness was to be maintained in the relief of the able-bodied, other classes were to be treated with greater kindness, and outdoor relief should continue to be given to the aged and infirm. In the event aged persons had to resort to the workhouse, the rules for them should be less strict, and they should be allowed to "enjoy their indulgence," while children also were to be given milder treatment and were to be educated by qualified schoolmasters. Furthermore, although the able-bodied were to be set to work within the workhouse, their work was to be useful and not repellent. The Commissioners believed that all outdoor relief to the able-bodied should be prohibited within two years, but until this could be effected there was to be a gradual substitution of articles of necessity, such as food and clothing, for relief in money.<sup>27</sup>

However, the Commissioners realized that often the parish would be too small a unit of government to effectively support a workhouse. Accordingly, the third recommendation of the Commission of Inquiry was:

To effect these purposes we recommend 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, ...to declare their workhouse to be the common workhouse of the incorporated district and to assign to those workhouses separate classes of poor, ...each district parish paying to the support of the permanent workhouse establishment, in proportion to the average amount of expense.<sup>28</sup>

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<sup>27</sup> Nicholls, History of the English Poor Law, 236-248.

<sup>28</sup> House of Commons, Sessional Papers, 1834, XXVII, 176.

One of the most revolutionary principles introduced in the report was the principle of national uniformity. The Commission recommended national uniformity to reduce the perpetual shifting from parish to parish, to prevent discontent, and to bring management under effective control. However, they knew that instances had occurred where laws had not been administered in accordance with the intentions of the legislators, and that no uniform system could be devised without some sort of central control, which would be less likely to succumb to local pressures and prejudices. Also, the actual state of pauperism would not permit detailed legislation, and central control would be needed to gradually introduce the change, while giving due consideration to local conditions. Therefore, the Commission's second recommendation stated:

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 the relief to be given, and the labour to be exacted in them, and that such regulations shall as far as may be practicable be uniform throughout the country.<sup>29</sup>

Other recommendations discussed such problems as uniform accounts, payment of officers, treatment of other classes, settlement, bastardy, recommendations for annual reports, and other suggestions later incorporated into law.<sup>30</sup>

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<sup>29</sup>Ibid., 167.

<sup>30</sup>Ibid., 180-202.

## PROVISIONS OF THE NEW ACT

On February 20, 1834, the Commission of Inquiry submitted their report, and on March 17, 1834, a bill was prepared to carry their recommendations into effect. Nassau Senior and Sturges Bourne did much to guide the Act in its passage through committee. In spite of much opposition, particularly from those who felt the Act was contrary to the precept of Christian Charity, the bill was passed by both the House of Commons and the House of Lords and on August 14, 1834, it was approved by the king and became law.<sup>31</sup>

The Act was based almost entirely upon the recommendations of the Commission of Inquiry, save that the term of the Commissioners was limited to five years, whereas the recommendations had made no such limitations, and that the Commissioners were not given the power to dissolve incorporations of parishes for poor relief made under the provisions of the Gilbert Act or some other local Act.<sup>32</sup>

The Act provided that three persons, to be known as the Poor Law Commissioners, were to be appointed by the king, and the administration of relief to the poor was to be under the control of these Commissioners. They could make and

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<sup>31</sup>Nicholls, History of the English Poor Law, 262-270. For the progress of the bill in Committee see Hansard, Parliamentary Debates, 1834, passim.

<sup>32</sup>Ibid., 270-271.

issue rules, orders and regulations for the management of the poor and government of the workhouse, make inspections of the workhouses, and guide and control parish officers as far as related to the relief of the poor. They were to issue an annual report to Parliament upon their operations.<sup>33</sup>

The Act stated:

It shall be lawful for the said Commissioners...to declare so many Parishes as they think fit to be united for the Administration of the Laws for the Relief of the Poor and such Parishes shall thereupon be deemed a Union...<sup>34</sup>

The Act provided that when parishes were united, Boards of Guardians were to be chosen to administer the workhouses and relief of the poor. These Guardians were to be elected by the rate payers, each rate payer having a number of votes scaled to the amount of rates he paid, and all Justices of the Peace were to act as ex officio Guardians.<sup>35</sup>

Only one article dealt specifically with the able-bodied poor. It stated:

And whereas a practice has obtained of giving Relief to persons or their Families, who, at the Time of applying for or receiving such relief were wholly or partially in the Employment of Individuals...it shall be lawful for the said Commissioners...to declare to what Extent and for what Period the Relief to be given to the able-bodied persons or to their Families ...may be administered out of the workhouse...Except in cases of emergency...<sup>36</sup>

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<sup>33</sup>"An Act for the Amendment and Better Administration of the Laws Relating to the Poor in England and Wales," Sec I-XV.

<sup>34</sup>Ibid., XXVI.

<sup>35</sup>Ibid., XXXVIII-XLI.

<sup>36</sup>Ibid., LII.

Relief was to be given only by the Board of Guardians. Any relief to the children or wife of a man was to be counted as relief to him. The rest of the Act dealt with various other phases of relief, including the action to be taken in the relief of bastards, treatment of the aged and infirm, provisions for uniform accounts, payment of parish officials, the posting of rules, punishment for those who did not obey the law, and definitions of the various terms used in the Act.

Many people believed that the Commission had nearly complete control over Poor Law administration, but, in fact, its powers were definitely limited and the administration of poor relief was divided between the central Commission and the local Boards of Guardians. The Commissioners were limited to making general orders and regulations, while Boards of Guardians were left to deal with local matters, limited only by the general rules that would be issued by the Poor Law Commissioners.<sup>37</sup>

The Act made few specific recommendations. It was tacitly understood that the Commissioners were to follow the course of action suggested in the report of the Commission of Inquiry, but a great deal of discretion was left to them as to the time and mode of applying these suggestions.

However, the Commission of Inquiry itself had

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<sup>37</sup>Nicholls, History of the English Poor Law, 339-340.

suggested that the condition of poor relief in England was so complex that uniform legislation on details would be impossible. Therefore a Commission should have wide discretionary powers to introduce uniform reforms, only so far as would be permitted by local circumstances.

Thus the Act was passed, vague in detail as to the administration of relief, but allowing the Commissioners wide discretion, within specified limits, to determine the nature and amount of relief to be given.



## CHAPTER II

### THE EARLY YEARS

In accordance with the provisions of the Poor Law Amendment Act, three Commissioners were appointed in 1834. Nassau Senior, who had taken such an active part on the Commission of Inquiry, refused an appointment to the Commission but suggested several men. He particularly urged that Edwin Chadwick be appointed chairman of the Commission since Chadwick had worked with the Commission of Inquiry and was the only man with a pre-arranged plan of action. In spite of this recommendation, however, Chadwick was not even made a Commissioner. Instead he was appointed Secretary to the Poor Law Commission.<sup>1</sup>

The Commissioners appointed were Thomas Frankland Lewis, Chairman; John George Shaw-Lefevre and George Nicholls. Lewis was a wealthy Welsh Tory who had long been interested in poor relief; Shaw-Lefevre, a talented, industrious young man of the world; Nicholls, an honest, industrious official who was perhaps overcautious, but who had served as overseer at Southwell and had gained the favorable approval of the

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<sup>1</sup>MacKay, History of the English Poor Law, 155.

Commission of Inquiry.<sup>2</sup> On August 23, 1834, the three Commissioners took their oaths of office and formally entered into their duties.

A deep hostility between Chadwick and Lewis soon developed. Chadwick was bitter at his appointment to the inferior position of secretary which he felt was inadequate recognition of his services. In his passion for administrative efficiency and his ability to work at high pressure, he was in every way the complete opposite of the more prosaic Lewis. Furthermore, he was often tactless in his words and actions, and so convinced he was right that he had little regard for the opinions of others. Chadwick's status with the Commission was ambiguous. Although placed in a subordinate position, he was expected to act like a Commissioner. Since he was not one, he could exercise no veto over the mistakes he felt sure the Commission was making. The only Commissioner with whom Chadwick could agree was Nicholls, who became his life-long friend.

Lewis soon became so angry at Chadwick's attempted interventions that he requested Chadwick to leave a meeting of the board. Chadwick was forced to obey, but when Lewis tried to have the latter dismissed as Secretary of the Commission, the Home Secretary overruled Lewis. Later, the Commissioners themselves did not wish to dismiss Chadwick

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<sup>2</sup>webb, English Poor Law History, 105-107. See above page 14.

for fear that such action would leave him free to criticize their actions in public. These quarrels were to continue as long as the Commissioners held office. Although not a major factor in the failings of the Poor Law Commissioners, internal dissension did reduce their efficiency. The quarrels became even more bitter when Lewis was replaced by his son, George Cornwall Lewis, in 1839, and Lefevre was replaced by Sir Edmund Head.<sup>3</sup>

With no precedents by which to guide their course of action, the Commissioners first turned their attention to the problem of how to produce uniformity out of the maze of practices in the 15,535 parishes in England and Wales. Because the report of the Commission of Inquiry had been inadequate for their purposes, they decided to make a new inquiry to determine the extent of abuses and what course of action they should pursue.<sup>4</sup> Nine assistant-commissioners were appointed to investigate the operation of the poor laws in each district. These assistant-commissioners visited each district, examined the nature of existing evils, the means at the disposal of the parish for remedying these evils, and the means available for union with other parishes.<sup>5</sup>

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<sup>3</sup>S. E. Finer, The Life and Times of Sir Edwin Chadwick (London, 1952), 113-122.

<sup>4</sup>House of Commons, Sessional Papers, "First Annual Report of the Poor Law Commissioners," 1835, XXXV, 5.

<sup>5</sup>Ibid., 8-9.

One of the problems facing the Commission was the misunderstanding of the Act by various local overseers who believed that once the Commission was sworn into office, they no longer had any power or duty. This not only led to great confusion, but also created a danger of interruption of relief before the Commission could make its own arrangements. Accordingly, letters were issued to parish officials informing them that they were still to administer relief under existing laws until the Commission was able to take specific measures for the introduction of the new Act.<sup>6</sup>

On November 9, 1834, the Commission issued a circular setting forth general recommendations for the overseers to follow until the Commission could take definite action. The overseers should attempt to give relief to the able-bodied in exchange for labor only. Any money given should be less than normal wages, and at least one-half of all relief to the able-bodied should be in kind (e.g., food, clothing or other articles of necessity). If a workhouse was available, all relief to the able-bodied should be given there.<sup>7</sup>

During the first years of operation the Commissioners were aided by good harvests, low food prices and an increase in employment due to the building of railroads. Until 1837 the operations of the Commissioners were so successful that

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<sup>6</sup>Ibid., 3-4.

<sup>7</sup>Ibid., 44-45.

they believed nothing could hinder the eventual accomplishment of their aims.

The first year was spent mainly in organization and determination of policy, as can be seen from a study of the "First Annual Report of the Poor Law Commissioners." This first report, dated August 8, 1835, contained much of the philosophy of the Commissioners. It dealt mainly with three major topics: formation of unions, outdoor relief to the able-bodied, and introduction of the workhouse system.<sup>8</sup>

The Commissioners felt that the combination of parishes into unions would be conducive to more efficient and more economical operation and control. According to the provisions of the Act, the Commissioners had the option of leaving each parish under the control of the overseers that had been in charge before the Act was passed, of placing it in charge of Guardians elected in accordance with the Poor Law Amendment Act, or of combining as many parishes as they wished into a union for the purpose of poor relief. In most instances, the Commissioners preferred combination into unions because they believed that smaller parishes were more impractical and expensive than unions and that even larger parishes would find it more economical to belong to a union. Since at that time the workhouse system was to include separate workhouses for each class of paupers, the Commissioners

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<sup>8</sup>Ibid., 8.

thought money could be saved by using the already existing workhouses in the parishes united for the different classes of paupers. The Commissioners also believed that extending the area of administration would not only facilitate obtaining the services of more qualified men, but would also eliminate the need for so many officials. Finally, they believed that one major benefit of the union would be to place the Boards of Guardians beyond the effects of local pressure and would thus lessen the danger of lax administration due to intimidation or favoritism.<sup>9</sup> Although there was no limit to the size of the unions, in practice, the Commissioners found that ten miles was a convenient limit. At first they had favored large unions, but they soon discovered that a compact union of twenty to twenty-five parishes using the same market town was the most practical size for effective management.<sup>10</sup>

The Boards of Guardians were to have direction and control of all relief to the poor; building, alteration and improvement of the workhouse; contracts on all matters relating to relief and expenditure of all money for the relief of the poor.<sup>11</sup>

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<sup>9</sup>House of Commons, Sessional Papers, 1835, XXV, 10-12.

<sup>10</sup>Nicholls, History of the English Poor Law, 291-305.

<sup>11</sup>House of Commons, Sessional Papers, "Second Annual Report of the Poor Law Commissioners," 1836, XXIX, 76.

The Commissioners provided in their recommendation of November, 1834, that at least half of the outdoor relief granted to the able-bodied paupers be given in kind. By "able-bodied pauper" the Commissioners meant any man between the ages of sixteen and sixty who was able to work to support himself and his family. Because the Commissioners realized that this rule could not be enforced too quickly or rigidly, they suggested a gradual substitution of the new system for the old, leaving a sufficient interval so that the change could be effected without hardship. They hoped that within two years the Act could be rigidly enforced throughout all of England and Wales, although in practice this proved impossible to attain.<sup>12</sup>

The chief concern of the Commission was to introduce the workhouse system, but they found that in many places outdoor relief was necessary due to lack of adequate workhouses. Still they tried to limit outdoor relief as much as possible. They felt that relief in money was injurious because the money provided often never reached the destitute wives and children but was wasted in gin shops. And while outdoor relief in exchange for labor was a necessary temporary expedient, it was not an adequate test of actual destitution. Because it was difficult to supervise such tasks as labor in gravel pits or building roads for the parish, this mode of

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<sup>12</sup>House of Commons, Sessional Papers, 1835, XXV, 16-17.

relief often failed in its object--to prove the true need of the person seeking relief. Furthermore, the Commissioners thought that outdoor relief did not sufficiently distinguish the paupers from the independent laborer.<sup>13</sup> In view of these considerations, the Commissioners decided that the best test of destitution was a "well-regulated workhouse," and they were determined to introduce this principle with all possible speed. Where the existing workhouses proved adequate, they were to be used. Where they were insufficient, new ones were to be built.<sup>14</sup>

The Commissioners attempted to make the workhouses so unpleasant that they would not become a refuge for those seeking to avoid work. Workhouses might become attractive to the weak and lazy by their pleasant food, sufficient clothing, clean rooms, and medical attendance. So it was in the separation of families, the routine of monotony, and the restraints imposed on the inmates that were to constitute the real "workhouse test."<sup>15</sup>

The paupers in the workhouse were to be divided into seven classes: aged and infirm men, able-bodied men, boys seven to thirteen, aged and infirm women, able-bodied women, girls and children seven to sixteen, and children under seven.

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<sup>13</sup>Ibid., 6-7.

<sup>14</sup>Ibid., 17.

<sup>15</sup>Ibid., 6.



All were to work, but children and the aged and infirm were to have lighter occupations. Children were also to receive some education. The assistant-commissioners were to visit the workhouses to ascertain that the rules were being enforced.<sup>16</sup>

The rule which received the most criticism, but one which the Commissioners felt was essential, was the separation of the sexes inside the workhouse. Many people felt that married paupers should be allowed to live together, yet the Commissioners ruled that they should be separated, not only because it was not feasible to provide separate quarters within the workhouse, but also because this was to become another test of destitution.<sup>17</sup>

While in practice actual conditions in the workhouse depended a great deal on the temperament and methods of the master and matron, most of the rules were made by the Commissioners. No pauper was allowed to go outside the workhouse at any time, save for good and urgent reasons, although he was always free to quit the workhouse provided he took his family with him. Meals were to be eaten in silence, no books were provided, smoking was usually forbidden and visitors could be received only at the discretion of the master or matron. Work was to be difficult but not repellent.<sup>18</sup>

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<sup>16</sup>Ibid., 59-61.

<sup>17</sup>Ibid., 18-19.

<sup>18</sup>Woodward, Age of Reform, 436-437.

The Commissioners were encouraged by the results of their operations during the first year. They had formed 112 unions, comprising 2,066 parishes. Although this included only one tenth of the population of England and Wales, these unions had been formed in the most heavily burdened districts of the country. In the parishes that had come under the operation of the new Act both the poor rates and the number of paupers had declined.<sup>19</sup>

An example of the effects of the Act can be seen in Northhamptonshire, where Richard Earle, an assistant commissioner, reported that the operation of the Act had so far proven beneficial. In the parish of Hardingstone, for example, expenses had been reduced from £ 803 in 1833 to £ 483 in 1835. The workhouse, which was to hold sixty to seventy people at that time housed only twenty-four inmates, mainly children, and there were no able-bodied men out of work.<sup>20</sup>

It was the conviction of the Commissioners at the end of the first year that the most valuable effect of the new Act was upon the laborers themselves. Many had refused relief offered in the workhouse and had obtained independent employment. Because an able-bodied man did not wish to enter a workhouse he took greater pains to please his employer,

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<sup>19</sup>House of Commons, Sessional Papers, 1835, XXV, 24-25.

<sup>20</sup>Ibid., 181-182.

while at the same time there was less drinking, less poaching and less pilfering. Perhaps the best proof of the beneficial effects of the Act upon the paupers was the savings deposits made by laborers who were formerly paupers.<sup>21</sup> The reduction of rates had lessened the burden on the ratepayer and had increased the value of landed property, as was affirmed in testimonial letters from prominent men in the parishes praising the effects of the Act.

However, despite the apparent success of the new Law, its introduction often met with opposition. Too many vested interests and established customs were affected to permit a completely peaceful introduction of the new Act. In several parishes there were riots against the operations of the Commissioners, which were usually the result of the rule that half the relief be given in necessities. Not only did the laborers themselves complain, but many small shopkeepers also felt that the new Act would have an adverse effect upon their business. This opposition came chiefly from keepers of beer houses, since many of their clients were paupers subsidized by the poor rates.<sup>22</sup>

In east Kent due to the agitation of small shopkeepers and beer shop owners there was a riot. The paupers attacked the relieving officers with clubs, forced independent labor-

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<sup>21</sup>Ibid., 26-31.

<sup>22</sup>Ibid., 14-31.

ers to join them and insulted those who took the bread offered by the Guardians.<sup>23</sup>

Often the rioters themselves were confused as to the object to be gained by their protests. For example, when the Guardians at Chesham in May 1835 decided to move the few paupers in the Chesham workhouse to the Amersham workhouse, a crowd gathered in an attempt to prevent this removal. Although the paupers had voluntarily agreed to the removal, the crowd attacked a cart carrying the paupers to the new workhouse in an attempt to "rescue" them. Police had to be called in to quell the riot. Several days later the paupers were removed to Amersham without violence.<sup>24</sup>

Various other attempts to oppose the Act proved equally unsuccessful. Therefore, in spite of the opposition and riots the Commissioners believed that, on the whole, their first year in operation had proven successful. They saw nothing in the existing situation to cause them to deviate from their previous plans and they believed that the future would be as successful as the past had proven to be. In support of their efforts they stated:

Our labours are sustained by an entire conviction that the Act in every main provision will fulfill the beneficent intentions of the Legislature, and will conduce to elevate the moral and social condition of the labouring classes and promote the welfare of all.<sup>25</sup>

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<sup>23</sup>Ibid., 104.

<sup>24</sup>Ibid., 164-165.

<sup>25</sup>Ibid., 37-38.

In the second year of their operations the Commissioners continued forming unions, establishing Boards of Guardians and making arrangements for adequate workhouses. As their first concern was to bring the new law into operation throughout England and Wales at the earliest possible date, they divided the country into twenty one districts, each with its own assistant commissioner. They planned to extend the operation of the Act throughout the entire country by the summer of 1837.<sup>26</sup>

At the same time, they were forced to make an important modification of their original plans. Although it was originally hoped that outdoor relief to the able-bodied would cease by July 1, 1835, the Commissioners found that this was impossible to achieve. Therefore, they decided to set the time in each individual union when this prohibition should take effect, such time to be determined by local circumstances. By the end of the second year this prohibition was applied in only sixty-four unions.<sup>27</sup>

Outdoor employment for the parish could be given in exchange for relief when there was no workhouse, or when it was not deemed expedient to restrict relief to the workhouse during the early stages of a union's operation. Such work was to be so hard and undesirable and the wages so low

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<sup>26</sup>House of Commons, Sessional Papers, 1836, XXIX, 3-4.

<sup>27</sup>Ibid., 6.

that it would discourage applications from all but the really needy. In fact, the parish should be the "hardest taskmaster and the worst paymaster" a laborer could find. The question of whether the work was profitable or not should be a secondary consideration to the main question, "whether as a condition of relief it operates to discourage pauperism."<sup>28</sup> If a pauper receiving relief had claim to any property, the Guardians could consider such relief as a loan and could recover the amount expended by attachment of wages or any other legal means--always provided that the relief given was not the result of sickness or accident on the part of the pauper or his family.<sup>29</sup>

The Commissioners preferred that the various classes of paupers be placed in separate workhouses rather than in different wards in the same building, both because it would reduce the danger that classification would become too lax, and because it would be easier to maintain separate systems of discipline. Furthermore, the aged would be free from the turbulence of the able-bodied, while the children would be removed from the example of adult pauperism. Finally, perhaps a little ironically, the Commissioners stated that the "public eye" would not be offended by the congestion of one unwieldy institution.<sup>30</sup>

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<sup>28</sup>Ibid., 41-43.

<sup>29</sup>Ibid., 86.

<sup>30</sup>Ibid., 363-364.

The Commissioners felt that their second year in operation had been as successful as the first. The rates had been reduced even in parishes where the Act had not been introduced, and in the unions under the Act, rates were even lower. During the parochial year 1835-1836, 5,835 parishes had been formed into 239 unions, and eleven single parishes had been placed under separate Boards of Guardians, bringing the total number of parishes under the Act to 7,915, which included 43 per cent of the population of England and Wales, and involved 65 per cent of the rates.<sup>31</sup> A total of 180,102 paupers had been relieved in the period from Christmas to March 25, 1836. Of these 158,914 received outdoor relief and 21, 188 were relieved in the workhouse.

It is easy to see by these statistics that the number of paupers receiving outdoor relief greatly exceeded those receiving indoor relief. Although it should be remembered that the rule prohibiting outdoor relief applied only to the able-bodied, the record here was, if anything, even more unpromising. Out of a total of 79,215 able-bodied paupers receiving relief, 7,640 were relieved in the workhouse, 59,153 were relieved out of the workhouse, and 12,422 were relieved "other places." The Commissioners maintained that this poor record was due to the fact that the workhouse test had not been fully applied as there was a lack of workhouses.

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<sup>31</sup>Ibid., 4.

They hoped that once it was enforced the statistics would be reversed.<sup>32</sup> The rates had been reduced from £ 5,526,418 in 1835 to £ 4,717,630 in 1836, a reduction of £ 808,788 and a total reduction from the beginning of the Act of £ 1,599,625.<sup>33</sup>

Although cases of individual suffering may have occurred under the new law, it was the conviction of the Commissioners that such cases were more frequent under the old laws. The powers of the magistrates and overseers remained the same as under the old law in cases of sudden emergency, thus reducing the danger of suffering. And under the new Act the aged and infirm received better care, the laborers were more anxious to please their employers, there was less unemployment, wages were rising, workhouse conditions were improving, and the rates were diminished. Although there were still not enough workhouses in most unions, steps were being taken to provide adequate workhouse accommodations.<sup>34</sup>

The majority of the upper classes in the parishes approved the introduction of the Act, although in many instances this approval was gradual. An example of this upper-class approval is given in a letter from a gentleman named J. M. Cramp to E. G. Tufnell, an assistant commissioner.

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<sup>32</sup>Ibid., 32-33.

<sup>33</sup>Nicholls, History of the English Poor Law, 323.

<sup>34</sup>House of Commons, Sessional Papers, 1836, XXIX, 24-27.



Cramp stated that he had been opposed to the Act although he had not taken the trouble to examine it and had willingly given credit to any rumor. However, when the time had come to elect guardians no one had been willing to undertake the job, so he had agreed to serve and was chosen chairman of the Board of Guardians. As he became better acquainted with the policies and actions of the Poor Law Commissioners, he was slowly but completely converted to a belief that the new law was "the kindest and best measure for the relief of the poor ever passed by the British Legislature."<sup>35</sup>

Assistant-Commissioner E. C. Tufnell made an investigation to determine what had happened to former paupers. He discovered that most had found work within the parish and were supporting themselves, a few were given partial relief from some friendly societies and some had entered the navy or emigrated. On the whole, the supposedly surplus population had found work in their own parishes. Although some paupers had resorted to poaching and stealing, many prominent men said that robbery had actually become less prevalent. The employers had discovered that when the poor rates were diminished, they were better able to expand their businesses and to hire more men.<sup>36</sup>

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<sup>35</sup>Ibid., 204-205.

<sup>36</sup>Ibid., 191-196.

It was discovered that the principle of national uniformity was impossible to attain due not only to the wide diversification of trades in the various parishes, but also to the divergent views taken by the different parishes. These along with "various other reasons" prevented the system of poor relief within each union from being uniform.<sup>37</sup>

During the second year of operation, the Commissioners extended the Act into two new areas of England and Wales. The first of these was Western England and Wales. The Commissioners discovered that although the labor rate and roundsman system were not prevalent in this area, a compulsory binding of parish apprentices and payment of cottage rents was widely practiced.<sup>38</sup>

The second area where the Commissioners extended their operations was the area around London. Here they found problems of a different nature which were in many ways more complex and difficult to solve. There were in the Metropolitan area about 170 parishes, each with its own separate governing body and each with its own method of election. Since these boards handled the funds for almost every operation of the parish, the Commissioners feared that taking poor relief out of their control would cause great resent-

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<sup>37</sup> Ibid., 272.

<sup>38</sup> This method required rate-payers to apprentice a certain number of pauper children in proportion to the amount of rates paid. For the views of the Commissioners on this matter see House of Commons, Sessional Papers, 1836, XXIX, 16-17. ibid.

ment.<sup>39</sup>

G. Mott, one of the assistant commissioners, investigated the Metropolitan area and reported that 114 parishes in London should be united into one union. However, in spite of the advantages, this was impractical since, under the provisions of the Act, every parish in a union must have at least one Guardian on the board.<sup>40</sup> In view of this obstacle, the Commissioners placed only the larger parishes on the west side of London under separate Boards of Guardians and formed a few unions on the east side of London. They postponed any action with regard to the 114 parishes in the City of London in the hope that Parliament would grant them permission to consolidate some of the smaller parishes for the purpose of electing only one Guardian.<sup>41</sup>

Again in the second year, despite the general success, there was some opposition. The Commissioners were not unduly alarmed by this as they realized that this was only natural considering the many paupers that derived their subsistence from the former misapplication of the poor rates. In several counties there were riots against the introduction of the Act and occasionally police or the military were called in to suppress these riots. In Suffolk the workhouse was set

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<sup>39</sup>Ibid., 12.

<sup>40</sup>Ibid., 306.

<sup>41</sup>Ibid., 13.

on fire, in Devonshire police had to put down disorders and in some places the rumor was spread that the bread given by the Poor Law Officers was mixed with poisonous ingredients.<sup>42</sup>

In some instances the Boards of Guardians were unwilling to act "within the spirit of the regulations" either from mistaken humanity or care for their own interests. One assistant commissioner reported that "the regulations refusing relief to non-resident able-bodied male paupers...has perhaps been more evaded than any other."<sup>43</sup>

The Commissioners had found one major obstacle to their hope for uniformity in the Gilbert's and Local Act Unions which were scattered throughout the country. They stated: "there is nothing which at present opposes any very material obstruction to our course but the existance of Gilbert's Act Unions."<sup>44</sup> These unions were put together without any plan or arrangement, mingling various parishes with great confusion. An example of the problems created by Gilbert's Unions can be seen in Leicestershire, where eight of them comprising 115 parishes had to be dissolved before unions could be formed. Furthermore, the provisions of Gilbert's Act were contrary to the whole tenor of the Poor Law Amendment Act since it required Guardians to find

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<sup>42</sup>Ibid., 16.

<sup>43</sup>Ibid., 203.

<sup>44</sup>Nicholls, History of the English Poor Law, 315-316.

work out of the workhouse for all able-bodied paupers.

Next to the Gilbert's Unions, Local Act Unions formed the greatest obstacle to national uniformity, especially in London. As the Commissioners had no power to dissolve these unions without the consent of the majority of the Guardians, they were often powerless to cope with them.

However, in spite of these obstructions, the few objections to the law and the unexpected slowness in "complete" prohibition of outdoor relief to the able-bodied, the Commissioners were largely gratified with the success of their operations during the period from 1834-1836. The Act had been introduced throughout southern England with marked success and the Commissioners saw no reason to doubt that this success would continue when they introduced the Act into northern England.

The Commissioners believed that relief in aid of wages had kept down wages and increased misery and that once a laborer was forced to rely upon his own resources wages would rise. This proved to be correct in agricultural southern England. However, in the manufacturing north, conditions were different. Wages and unemployment fluctuated with the conditions of trade, and from 1837-1848, the Commission not only was unable to cope with the situation, but also increased opposition from the public led them to gradually abandon the strict principles of the law which they had originally felt

were essential to the correct administration of poor relief. The good harvests and prosperity of the railroad boom had greatly aided the operations of the Commission from 1834-1836. However, at the time when they turned their attentions to northern England a trade depression set in which was to remain more or less consistent until 1842. The efforts of the Commissioners to enforce the law in the face of unemployment and resentment provoked agitation against the Act, which was eventually caught up in the Chartist movement.<sup>45</sup>

Although the distress was somewhat alleviated after 1843, no sooner was this crisis past when the potato crop failed in 1845, again posing problems which the Commissioners could not solve.<sup>46</sup> None of these difficulties were foreseen by the Commissioners in 1836. They were greatly pleased with their success, the local officials had highly praised the benefits of the Act, and in spite of a few sporadic attempts at opposition, the country generally remained peaceful and orderly. Therefore, the Commissioners made plans to extend the operation of the Act into northern England, fully confident that the Act would continue to be as great a success in the future as it had been in the past.

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<sup>45</sup>Court, Economic History of Britain, 243.

<sup>46</sup>Nicholls, History of the English Poor Law, 358-368.

## CHAPTER III

### EFFECTS OF THE TRADE DEPRESSION

#### Operations in the North, 1836-1839

In March, 1836, the Commissioners began to introduce the Act into the populous manufacturing districts of central and northern England. The conditions in northern England were different from those in the south. There had been almost no form of subsidization of wages out of the poor rates in the northern areas. Instead, the Poor Law had acted as a form of unemployment relief during slack periods.<sup>1</sup> There was less dependence on continued maintenance by the Poor Law. Wages were higher and a greater spirit of independence prevailed. While in the south almost all the working class was pauperized, in the north only certain classes--mainly hand loom weavers, stockings, and Irish workers--were paupers.<sup>2</sup> Perhaps the reception of the Act would have been more successful and peaceful had it been introduced during a period of good trade, but its introduction coincided with a severe

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<sup>1</sup>G. D. H. Cole and Raymond Postgate, The British People, 1746-1946 (New York, 1947), 234-236.

<sup>2</sup>Mark Hovell, The Chartist Movement (Manchester, 1918), 80.

trade depression and as a result, intense opposition was aroused.

The autumn of 1836 had been very wet and the following winter was severe. This put a stop to farming in the south and caused a rise in food prices, while an outbreak of influenza took a severe toll among the laboring classes. Then came a cessation in American trade, followed by a severe depression which was to last until 1842. The new system had so recently been extended to the north that it had no time to become established before the depression hit.<sup>3</sup>

In spite of the distress, the Commissioners attempted to adhere to their previous policy of prohibiting outdoor relief. But they realized that in cases of acute distress there was a danger of a workhouse becoming overwhelmed with applications for relief, so that it would then cease to operate as a test of destitution. In such an event the Guardians were empowered to offer relief out of the workhouse in exchange for labor. This work should be less desirable than the work of the independent laborer and relief should be chiefly in food.<sup>4</sup>

This often proved to be necessary. In the most extreme case, Nottingham Union, during the winter of 1837-1838, such relaxation was granted. Distress became so acute that

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<sup>3</sup>House of Commons, Sessional Papers, "Third Annual Report of the Poor Law Commissioners," 1837, XXXI, 6.

<sup>4</sup>Nicholls, History of the English Poor Law, 325-326.



the Guardians were forced to convert all buildings around the workhouse for use in giving relief. When this did not prove sufficient, a large wooden building was erected on the premises of the workhouse and food was distributed to be eaten on the spot. The residents of the town also raised a subscription to supplement relief given by the Union. It was not until June, 1838, that the pressure had been reduced sufficiently for the Guardians to resume the prohibition of outdoor relief.

Faversham Union presents a different aspect of the denial of prohibition of outdoor relief. There, most of the people were engaged in oyster fishing or some other seafaring occupation. When the heavy frost halted work, applications for relief increased. The Guardians ordered all applicants into the workhouse, but when many refused, the Guardians, believing that the reason for this non-acceptance might be the rigidity of the test, offered outdoor relief in return for work. The heads of 257 families were given outdoor relief. Of these 139 were able-bodied, who with their wives and families consisted of a total of 549 persons.

In Bridge Union, the Guardians passed a resolution that while the act should be "strictly enforced," the relieving officer would have the discretionary power to supplement the pay of any laborer whom he deemed needed increased comforts during the bad winter. This was given mainly to aged

paupers.<sup>5</sup>

Thus, the trade depression resulted in a gradual shift from the former principle of strict application of outdoor relief. One reason for this less stringent interpretation of the Act was the lack of adequate workhouses. By 1838 only 328 unions had workhouses completed and in operation, while 221 were either in the process of building or altering their workhouses, or had not yet begun to provide one.<sup>6</sup>

One new problem which faced the Commissioners in the north was the policy to pursue in regard to strikes. This was first faced in Stoke-upon-Trent, where a strike for an increase in wages threw many laborers out of work. It was the opinion of the Commissioners that persons who voluntarily threw themselves out of work had no lawful claim to support from the poor rates, although they realized that some were involuntarily prevented from working due to the cessation of work and the violence of the strikers. Therefore, they provided that relief should take place in the workhouse as long as there was room, and in the event that was inadequate, at least  $\frac{3}{4}$  of the outdoor relief should be in kind. During the first ten weeks of the strike 30,000 persons were

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<sup>5</sup>House of Commons, Sessional Papers, "Fourth Annual Report of the Poor Law Commissioners," 1837-38, XXIX, 17-21.

<sup>6</sup>Ibid., 34.

out of work, while 7,000 were out of work for twenty weeks. Of these, only 5,000 had their own funds, the rest being forced to resort to the poor rates.<sup>7</sup>

The Commissioners renewed their complaint against the Gilbert's and Local Act incorporations. They could not be dissolved without the consent of the Guardians and it was a long, slow process to obtain this consent, as many local overseers were prejudiced against the Act or moved by private interests. Since many could not even write, the Commissioners found that the usual arguments for the Act were unintelligible to them. Yet because these incorporations were often poorly managed and formed impediments to the complete introduction of the Poor Law Amendment Act, the Commissioners were anxious to have them dissolved.<sup>8</sup>

The Commissioners reported in 1839 that outdoor relief had been reduced, although not completely discontinued, but this would be impossible until adequate workhouse arrangements had been made and until the discretionary powers of the Guardians had been removed. The wide margin of local discretion allowed many abuses still to remain and relief was being granted to many who were not actually destitute or who were employed for wages.<sup>9</sup> In actuality, outdoor relief was

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<sup>7</sup>House of Commons, Sessional Papers, 1837, XXXI, 4-6.

<sup>8</sup>Ibid., 40-43.

<sup>9</sup>House of Commons, Sessional Papers, "Fifth Annual Report of the Poor Law Commissioners," 1839, XX, 1.

not greatly reduced. Of the 778,543 paupers relieved in 1839, only 13 per cent received relief in the workhouse, while 87 per cent were still receiving outdoor relief.<sup>10</sup>

Thus the trade depression forced the Commissioners to depart, sometimes quite widely, from the principles which they had originally expressed. They were frequently forced to grant outdoor relief sometimes without requiring labor in return, and in one case mentioned above, Bridge Union, they had even allowed the Guardians to supplement wages from the poor rates.

#### Opposition to the Act

The efforts to bring about so great a change in so short a time was bound to cause unpopularity and both the Commissioners and the law itself became objects of great hostility. Cases of hardship, whether real or not, were caught up by the press and spread widely, and the Commissioners were held up to the public as worthy only of hatred and suspicion. This hostility to the Act was taken up not only by the ignorant laborers, but by the well-educated gentlemen, who believed that the Act was really oppressive to the poor and adverse to the public interest.<sup>11</sup>

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<sup>10</sup>House of Commons, Sessional Papers, "Eleventh Annual Report of the Poor Law Commissioners," 1845, XVII, 102.

<sup>11</sup>Nicholls, History of the English Poor Law, 337-338.

The working classes during the late 1830's and early 1840's were infected with a vague but widespread discontent. The trade boom of the early part of the century was over and unemployment was increasing. The rigor of the Poor Law had gone unnoticed during the years of good harvests, but with the increase of misery and discontent resentment against the operation of the new Act increased. Many laborers during that period felt that sooner or later they would be forced to go to the dreaded workhouse. Wages were so low that it was impossible to save enough money to live during hard times or in old age.<sup>12</sup> Perhaps the law was the only means to restore the working man to dignity and independence, but since it offered no alternative except starvation or the workhouse it was bitterly resented.

The Act was especially galling to the handloom weavers. Formerly they had been the most respected and influential members of the industrial society and they resented the loss of relief in bad times, in spite of the fact that the main effect of the old poor law was to perpetuate a class that would have been more useful employed in other industries.

One of the greatest sources of opposition was the centralization of relief in the three Commissioners. Under the old system, it had been easier to bring pressure upon local officials, but under the new Act no such pressure was possible save as a widespread organized movement. And there were

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<sup>12</sup>Hovell, Chartist Movement, 71-80.

many, especially among the older people, who resented the replacement of the ancient unit of local government, haphazard and inefficient as it had been, for the more efficient unions.

Apart from the popular movement, there were several other reasons for opposition, especially among the upper classes. Humanitarian sentiment and Christian feeling were shocked by the harsh economic philosophy of the new Act, and Chadwick, never too tactful, often aroused resentment by his harsh methods. Many so feared the degree of centralization and independence of the Commission, that they likened it to the Star Chamber.

Agitation against the Act took two forms. One was the popular agitation that was eventually absorbed into the Chartist movement, and the other was an organized attempt to prevent the introduction of the law.<sup>13</sup>

An example of this latter opposition can be seen clearly in Todmorden Union. On January 28, 1837, the parishes around Todmorden were united into Todmorden Union, and the following month a meeting was held to elect members to the Board of Guardians. However, Todmorden refused to send a representative and would not pay the poor rates demanded by the Commission. John Fielden, a wealthy Tory, who owned

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<sup>13</sup>Ibid., 79-85.

extensive spinning and weaving factories at Todmorden, violently opposed the introduction of the Act. He had been one of the leaders of the opposition to the Act in Parliament.

In Todmorden, Fielden determined to pursue a course of passive resistance. He dismissed all his workmen and published a placard stating that he would not rehire them until the Guardians would resign. There were several violent riots against the poor law officials. In spite of the best efforts of the Commission, opposition to the Act at Todmorden proved so effective that no workhouse was built for that Union until 1877.<sup>14</sup>

An example of more violent popular agitation can be seen in Kent. There an ex-brewer named Tom or Thom of Canterbury went mad and proclaimed himself Sir William Courtenay, Knight of Malta, King of Jerusalem, and the Messiah. He preached destruction of the Poor Law, and with a band of Kentish laborers made a march on Canterbury. He and many of his followers were killed, thus demonstrating the willingness of some of the working class to risk their lives in an attempt to get rid of the poor law.<sup>15</sup>

Writers of popular books, pamphlets and newspapers agitated against the Act, often without scrupulous regard for the truth. One such pamphlet, which was widely circulated

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<sup>14</sup>Joshua Holden, A Short History of Todmorden (Manchester, 1912), 189-192.

<sup>15</sup>Julius West, A History of the Chartist Movement (Boston, 1920), 100.

was entitled Marcus on Populousness. It argued for the painless killing of babies, and was reputed to be the work of the Commissioners. A book, entitled Book of Bastiles, by George Baxter, compared the workhouses to the French Bastille.<sup>16</sup> In 1838, Charles Dickens, published Oliver Twist, in order to expose the manner in which the "scientific Poor Law" was administered in "all its naked equalor and inhumanity."<sup>17</sup>

Another bitter opponent of the Act was Thomas Barnes, editor of The Times. He had opposed the Act almost from its beginning and had always given a careful write-up to cases of abuse. Part of his opposition was for personal reasons because a note from one member of the government to another, severely criticizing Barnes, fell into his hands.<sup>18</sup>

The rank and file opponents of the Act, brutalized by their surroundings, and lacking education, had no program save redress of grievances and no philosophy except the belief in the government's duty to protect the poor. For many the main source of inspiration was the Bible. As there was no definite organization, the movement centered around the personality of its leaders, largely mob orators, whourged

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<sup>16</sup> MacKay, History of the English Poor Law, 238-241.

<sup>17</sup> Esme Wingfield-Stratford, The History of British Civilization (New York, 1932), 973.

<sup>18</sup> Harriet Martineau, The History of England (Philadelphia, 1865), 229-231.



resistance even to the extreme of armed rebellion. The most prominent leaders were William Cobbett, Richard Oastler, Joseph R. Stephens, Augustus H. Beaumont, and Feargus O'Connor.

Cobbett, who died in 1835, had strongly opposed the passage of the Act in Parliament for he believed that its effect would be to force the laborers to accept any wage rather than enter a workhouse. His pamphlet against the Poor Law was circulated widely and used unsparingly by his followers.

Richard Oastler and Joseph R. Stephens brought an element of religion into the agitation against the Act. Stephens, the son of a Wesleyan minister, was himself a minister until he was dismissed from the church. Through these two men Methodism came to have a great influence upon both the drive to repeal the poor laws, and the subsequent Chartist Movement. Both men used the Bible to turn the campaign into a kind of religious revival. Oastler, who was especially good at playing on the emotions of his audience, compared the Commissioners to the Egyptian Pharaoh, and called the Act itself a "law of devils."<sup>19</sup> He urged that the new law be "resisted to the death, even if the first man who may be slaughtered in opposing it should be Lord John Russell himself."<sup>20</sup>

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<sup>19</sup>Hovell, Chartist Movement, 85-91.

<sup>20</sup>Wingfield-Stratford, History of British Civilization, 973.

Agitation spread rapidly throughout Northern England. Riots followed attempts to introduce the Act, and soon the excitement attracted the attention of radicals and revolutionaries in London. Two such men from London, Augustus Harding Beaumont and Feargus O'Connor, came north to assist in the agitation. Beaumont, a young aristocrat with a wild disposition and "unbalanced intellect," founded a newspaper, the Northern Liberator, at Newcastle-on-Tyne in 1837, to deal with radical issues.

O'Connor was a fairly wealthy Irishman who had been educated as a lawyer, but had seldom practiced law. He served in Parliament until 1835 as a representative of Cork, and after his defeat, moved north where he met Stephens and Oastler. In 1837 in Leeds, he began the publication of The Northern Star, which soon became a leading radical newspaper. O'Connor was later to take a leading part in the Chartist movement.

In June, 1836, an association was formed in London entitled "The London Workingmen's Association for Benefitting Politically, Socially and Morally the Useful Classes." This was the beginning of the Chartist movement. Radical agitators had stirred northern England into a frenzy with the movement to repeal the Poor Laws. Yet, because this agitation was soon engulfed by the Chartist movement, the threats of violence never actually materialized, and much of the force

of the opposition was turned to other matters.<sup>21</sup>

More serious opposition, from the standpoint of the Commission, came from the members of Parliament. Opponents such as Lord Stanhope or John Fielden, continually brought petitions against the Act before Parliament, and even introduced measures to repeal it. Therefore, in 1837, a Select Committee was appointed by the House of Commons to investigate the operation of the Poor Laws, and a second Committee was appointed by the Lords the following year.<sup>22</sup>

As the Select Committee was packed by those favoring the Act, its report was highly favorable to the Poor Law. It stated that the duties of the Commissioners were done with "zeal, ability, and great discrimination." The practice of refusing outdoor relief to the able-bodied had been established in many districts and had proven to be of great benefit, while the special treatment given to the other classes was not only beneficial, but the allowances to the aged and infirm had actually increased. Therefore, they recommended that the Commission be continued.<sup>23</sup>

The Poor Law Commission was to expire in 1839, and there was much opposition in Parliament to its renewal.

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<sup>21</sup>Hovell, Chartist Movement, 91-98.

<sup>22</sup>Young, English Historical Documents, XII, 688-689.

<sup>23</sup>Ibid., 720.

Therefore, the Commissioners wrote a report to Parliament, stating the effects of the Poor Law to that date and giving reasons why they believed the Act should be renewed. They realized there was much opposition to the Act, but were convinced that such opposition was not really against the law itself, but against the misconceptions of its intentions. Some people believed that the bread given by the Commissioners was poisoned in an attempt to kill as many paupers as possible, that all children under three were to be killed, and that all women and children under eighteen were to be spayed. There were some who would starve rather than touch the bread offered by union officers because they had heard either that they would die instantly, or that the Guardians would use that as an excuse to imprison them and kill their children. However, opposition to the law appeared to be greater than it really was due to the noise of the agitators.

The Commissioners did not deny that occasionally there had been cases where the Act had caused great hardship, but this was bound to happen when so many people were involved in its administration. There were about 98,000 paupers in workhouses and 560,000 receiving outdoor relief in 1837. These paupers were scattered throughout the entire country, and their needs had to be met as they casually arose. It was only natural, therefore, that cases of hardship or neglect should arise, although these cases had not been so frequent

as to justify condemnation of the entire system. Yet the press was anxious to attribute any death, from whatever cause, to the operation of the new Poor Law, although such cases had been more prevalent under the old poor law. And, although the intention of the Act had been to benefit the poor, its nature was such that it could easily be misrepresented as being hostile to their interests.<sup>24</sup>

The Commissioners gave three reasons for renewing their office: their functions were not yet discharged; the Act was originally intended to be permanent, and if it were now abandoned the old abuses would return; and the continued operation was necessitated by the new Irish Relief Act.

The most important reason was the first. There were still 799 parishes with a population of 2,055,833 people who had not been brought under the Act. In about seventy unions the required central workhouse had not been built, and in many unions, especially in the North, the Act had been so recently introduced that there was a need of frequent guidance. In almost every union outdoor relief in aid of wages was given to all paupers except able-bodied males, and in some unions where the workhouses were not complete it was given to this class.<sup>25</sup>

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<sup>24</sup>House of Commons, Sessional Papers, "Report of the Poor Law Commissioners on the Continuance of the Poor Law Commission," 1840, XVII, 17-19.

<sup>25</sup>Ibid., 4-7.

In spite of the opposition to the Act, it was renewed. No one could defend the state of affairs before it was passed and no one could suggest an effective substitute for it. However, the unpopularity did prevent its being renewed for more than a year at a time. It was renewed annually in 1839, 1840 and 1841. Finally, in July, 1842, it was renewed for five years until July, 1847.<sup>26</sup>

### The Last Years

The severe depression continued until the winter of 1843. The number of paupers requesting relief and the amount of money spent on poor relief increased steadily. In some instances, the Commissioners found it impossible to collect taxes from the poorer rate-payers due to increased expenses.<sup>27</sup>

Investigations by assistant commissioners revealed that in many unions workhouses were becoming too crowded for efficient management, and the Commissioners provided that a quota for workhouses should be set by the union medical officer, which should not be exceeded by the Guardians.<sup>28</sup> However, it was virtually impossible to determine if this and

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<sup>26</sup> Nicholls, History of the English Poor Laws, 340.

<sup>27</sup> House of Commons, Sessional Papers, "Eighth Annual Report of the Poor Law Commissioners," 1842, XIX, 4.

<sup>28</sup> Ibid., 8.

other rules provided for the workhouse were observed, as the number of assistant commissioners had been reduced to ten by 1842. Since each assistant commissioner had under his jurisdiction an average of sixty-four unions, visits of inspection became less frequent and less thorough than formerly, when there had been more assistant commissioners and fewer unions.<sup>29</sup>

The greatly increased number of paupers, the crowded conditions of the workhouses, and the intense opposition to the Act had its effect upon the Commissioners so that in 1842 prohibition of outdoor relief was virtually abandoned. Until 1842 outdoor relief was still regarded as a temporary expedient to be used only until a sufficient number of workhouses had been built. Once there were adequate workhouses outdoor relief to the able-bodied was to be prohibited.<sup>30</sup> On April 13, 1842, an Out-door Labour Test Order [sic.] was issued. This order allowed Guardians to give outdoor relief to able-bodied male paupers without previous permission from the Commissioners. This relief was to be given only in exchange for labor, and with the stipulation that the recipient not be employed for any remuneration. At least half of the relief should be in articles of necessity, while any money

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<sup>29</sup> Ibid., 27.

<sup>30</sup> Gilbert Slater and James T. Shotwell, The Making of Modern England (Boston, n.d.), 24-28.

given should be granted only in relation to need, not as a wage.<sup>31</sup>

By the end of 1843, much of the distress had been alleviated. Trade improved, and the cost of food had diminished. As a result, the number of paupers decreased and the expense of poor relief declined accordingly.<sup>32</sup>

This more favorable condition continued until 1845. Then the potato blight destroyed much of the crop for 1845 and all of the crop in 1846. This brought renewed distress. As a result of the loss of potatoes, which were used as a food supplement by many of the poorer families, the price for other provisions increased, renewing the hardships suffered during the depression two years previously. Most particularly, from the standpoint of the Commissioners, there was severe distress around Liverpool. There large numbers of Irish who had migrated to England to escape the effects of the famine greatly increased the number of applicants for relief.<sup>33</sup>

The Commissioners were able to meet this emergency with less active criticism from others, especially in Parliament. After the renewal of the Act in 1842, opposition had

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<sup>31</sup>House of Commons, Sessional Papers, 1842, XIX, 104-105

<sup>32</sup>House of Commons, Sessional Papers, "Tenth Annual Report of the Poor Law Commissioners," 1844, XIX, 1-5.

<sup>33</sup>House of Commons, Sessional Papers, "Thirteenth Annual Report of the Poor Law Commissioners," 1847, XXIII, 4.



become less active. The Act was to expire in July, 1847, and there seemed little reason not to extend it for another period. However, early in 1847, a scandal broke that was to spell the end of the Poor Law Commission and its replacement by the Poor Law Board.

It had regularly been the practice of the Commissioners to prohibit the crushing of bones to be used for fertilizer in the workhouse, although this had not been rigidly enforced. In Andover Union, for example, the Commissioners had permitted the paupers in the workhouse to crush bones, provided they were dry and not green. The incompetent master of the workhouse, MacDougall, had not obeyed this injunction against green bones, while the assistant commissioner had supervision over too wide an area to adequately supervise the operations of that Union.<sup>34</sup> It was discovered that the Andover paupers employed in bone-crushing, had fought with each other over the gristle clinging to the bones.<sup>35</sup>

The report of this incident caused a great sensation. The Commissioners immediately sent an assistant commissioner, Parker, to Andover to investigate the charges, but this investigation degenerated into personal abuse and mudslinging. Both MacDougall and Parker were dismissed, but this

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<sup>34</sup>Young, English Historical Documents, 690.

<sup>35</sup>Nicholls said that this was not due to the hunger of the paupers involved, but to the "brutal habits of two of the inmates." History of the English Poor Law, 368.

did not quiet public opposition.<sup>36</sup> Therefore, Parliament, dissatisfied with the results of the Commissioner's investigation, appointed its own committee to investigate the charges at Andover. Conditions at Andover soon became secondary as the committee used the opportunity to investigate the whole operation of the Poor Laws.<sup>37</sup>

For the first time, the disagreements between Chadwick and the Commissioners were made public. When Chadwick was called to give evidence before the Investigating Committee, he stated that the Act was not being properly administered because the Commissioners had neglected their duty. He said that many times he had given proof to the Commissioners that there were irregularities or illegal practices, but such proof had been ignored.<sup>38</sup> After Sir Edmund Head had joined the Commission, Chadwick had been totally excluded from Commission meetings, and when Nicholls had attempted to support Chadwick, he also was relegated to an inferior position.<sup>39</sup>

The findings of the Committee of Inquiry were that there had indeed been lax administration of the law, and that

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<sup>36</sup> Martineau, History of England, 62-64

<sup>37</sup> Webb, English Poor Law History, 179-183.

<sup>38</sup> Maurice Marston, Sir Edwin Chadwick (London, 1925), 64-68.

<sup>39</sup> Finer, Life and Times of Edwin Chadwick, 242-249.

many frauds had been perpetrated in the operation of the Andover workhouse. But the assistant commissioner had been unaware of these abuses, not because he was remiss in his duties, but because he had too large a territory to supervise adequately. Moreover, the Committee acknowledged that assistant commissioners had been discouraged from reporting lax administration of the law, and that the Commission itself had not been interested in strict enforcement.<sup>40</sup>

The internal dissention of the Commission, the neglect of duty as charged by Chadwick, and the Andover scandal marked the end of the Poor Law Commission. On May 3, 1847, a bill was introduced to replace the three man Commission with a Poor Law Board. This board was to consist of the Lord President of the Council, the Lord of the Privy Seal, The Secretary of State for the Home Office, the Chancellor of the Exchequer, and any other "persons" appointed. They were to continue to hold all the powers and duties which had formerly been held by the Poor Law Commissioners.

The new administrators were to be much more closely tied to Parliament than the Commissioners had been. The Commissioners had been specifically prohibited from sitting in Parliament, and thus had no chance to explain or defend their policy, save through written reports, while members of the Board were also to be members of Parliament.

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<sup>40</sup>House of Commons, Sessional Papers, "Report of the Select Committee on the Andover Union. Minutes of Evidence," 1846, V, pp. iii-x.

The Board did much to appease public opinion. Most of the unpopular features of the law had already been introduced by the Commissioners. As a result, they had become the object of much hostility. Thus, by replacing the Commission without repealing the law, the object of public distrust was removed without rejection of the entire Act. This Board was able to continue the work of the Commissioners without their taint of unpopularity.<sup>41</sup>

After 1847, conditions gradually improved. Prosperity was increasing with a consequent decline of public discontent. Most of the evils of the allowance system had been abrogated and there was less reason to fear outdoor relief. Gradually the stringent provisions of the Act were relaxed, although they were still harsh enough to cause much discomfort. But with the object of hatred being removed, and the most unpopular feature of the Act already introduced, the Poor Law Board generally excited less hatred and discontent than had the Poor Law Commissioners.<sup>42</sup>

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<sup>41</sup>Nicholls, English Poor Law History, 383-385.

<sup>42</sup>Woodward, Age of Reform, 437-438.

## CHAPTER IV

### RECORD OF THE COMMISSION

A comparison of the principles set forth in the report of the Commission of Inquiry of 1834 with the actual conditions of 1847 will show the extent of the success and failure of the Poor Law. The report had recommended national uniformity. This had proven impossible to attain, due to the great variety of local conditions. Nor had the Commissioners been able to abolish outdoor relief to the able-bodied as was recommended. In 1842 this principle was virtually abandoned. The workhouse had failed to be a test of actual destitution, as there were always too many able-bodied poor to limit relief to the workhouse. The recommendation for kindly treatment of other classes was not always followed, especially in mixed workhouses. Moreover, the Commission had discovered that it was impossible to make the condition of the pauper "less eligible" than that of the independent laborer due to the low living standards of the independent laborer.<sup>1</sup>

In part these failures happened because the Commission

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<sup>1</sup>Webb, English Poor Law Policy, 83.

of Inquiry did not realize the administrative difficulties involved in their plans. Local inertia, constant political and popular pressure, and the quarrels of the Commissioners and Chadwick had succeeded in reducing the adequacy of the Commission to deal effectively with the problems which they faced. Local authorities still had too much power and relief was being administered either too harshly or not strictly enough, depending upon the temperament of these local officers. A letter from the Poor Law Commissioners to the Home Secretary in December, 1846, set forth this difficulty.

In such circumstances and in a system of administration at once so comprehensive and so minute, it is impossible that any code of regulations however well devised, and that any inspection however vigilant, should altogether prevent the occurrence of abuses. With whatever care the Commissioners and their assistants on the one hand, and the local authorities on the other, may perform their respective duties, some abuses, caused by the inattention, impatience of temper, or other defect of character or judgement in some of the numerous persons employed must inevitably occur. No system of administration can expect to be faultless, especially a system of this extent and complexity.<sup>2</sup>

However, the Act also succeeded in many ways. It did reduce the cost of poor relief. The amount of money spent on poor relief in 1834, before the Act was introduced was £ 6,317,255. Even in the midst of the depression, the most money spent on poor relief in a single year, was £ 5,576,963

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<sup>2</sup>Nicholls, History of the English Poor Law, 380.

in 1840, and in 1837 it had gone as low as £ 4,044,741.<sup>3</sup>

Perhaps the greatest success of the Commission was in establishing unions. This did away with much overlapping of parochial authority and provided more efficient administrative units. The value of this was recognized as is shown by the fact that many duties other than poor relief were given to the Poor Law Commissioners. For example, the Commissioners were placed in charge of the registration of births, deaths and marriages, and of vaccination for smallpox. Concern for education of pauper children, public health and sanitation, uniform systems of auditing, and the need for paid public officials was for the first time brought to public attention. Although the benefits accruing from this were often slow, a beginning was made.

Contemporary opinion on the Poor Law ranges from bitter criticism to great enthusiasm. One particularly bitter critic, Esme Wingfield-Stratford, said that the law at least had the effect of reducing the number of paupers "when it was no worse to die outright than to be kept alive by charity" such as that offered in the "Bastiles." He further states that these workhouses were nothing but houses of slow torture and that "what went on inside those ugly walls might not be wise to think about..." He called the Guardians

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<sup>3</sup>House of Commons, Sessional Papers, "Fourteenth Annual Report of the Poor Law Commissioners," 1847-1848, XXXIII, 84.

"mouthpieces" of the Commissioners who sat in their offices in "comfortable aloofness from all sympathetic bias," letting no element of humanity "mar the exquisit perfection of this system."<sup>4</sup>

However, the majority of the critics of the Act have more balanced views. Sidney and Beatrice Webb state that the greatest cause of weakness was the failure of the Commissioners to recognize the complexity of the problem. The fact that they refused to deal with a pauper until he was destitute ruled out any attempt to deal with the causes of destitution. And although the central control was necessary, such detailed control often caused the more superior men to avoid serving as members of the Boards of Guardians.<sup>5</sup>

Mrs. H. A. L. Fisher thought that, although the Act was sound, it was often administered too harshly and tried to change conditions too fast. There was no allowance made for the man who was willing and able to work but unable to find a job. Perhaps the greatest need was for a rise in wages. However, hatred of the plan did produce the good result of forcing men to find jobs rather than resort to the workhouse.<sup>6</sup>

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<sup>4</sup>Wingfield-Stratford, History of British Civilization, 971-972.

<sup>5</sup>Webb, English Poor Law Policy, 108.

<sup>6</sup>Mrs. H. A. L. Fisher, Life and Work in England (London, 1935), 165.



There are others who praise the effects of the Poor Law highly. For example, Thomas MacKay points out that this was the first instance in the history of modern democracy in which a government dared to benefit its people by depriving them of a public fund.<sup>7</sup> A. V. Dicey said that, although on face value it seemed to deprive men of their freedom, in actuality it was the only means to save the working man from destitution by putting an end to the system whereby lazy men could live at the expense of their industrious neighbors.<sup>8</sup>

Feeling is also divided as to the administrative principles introduced by the Poor Law Amendment Act. For example, W. H. B. Court felt that it was one of the most notable social and administrative measures in the 19th century,<sup>9</sup> while E. L. Woodward thought that this Act was no different from any other measure of the nineteenth century, with its fear of state action, respect for political economy, hesitation before the size and complexity of the problem and lack of clearness in its aim.<sup>10</sup>

For the most part the opinion on the Poor Law Amendment Act of 1834 seems to be at least partially favorable to

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<sup>7</sup>MacKay, History of the English Poor Law, 151.

<sup>8</sup>Dicey, Albert V., Lectures on the Relation Between Law and Public Opinion in England During the Nineteenth Century (London, 1952), 203.

<sup>9</sup>Court, Concise Economic History of Britain, 241-242.

<sup>10</sup>Woodward, Age of Reform, 430.

the Act. If there are criticisms they are often justified. It is true that the Commissioners did not realize the complexity of the task facing them, and it is true many of their original principles proved to be impossible to enforce or were gradually abandoned.

But too often critics of an historical event are apt to judge past actions too harshly in the light of present developments. In some instances, this has seemed to be the case with critics of the Poor Law Amendment Act. That there were weaknesses and deficiencies will not be denied. The Act was sometimes administered too harshly, the Commissioners were often short-sighted, the Boards of Guardians had too much power, and the principles stated in the Report of the Commission of Inquiry often proved to be inadequately maintained by the Commissioners.

Yet in many ways, in spite of its weaknesses, the Poor Law Amendment Act had much value. It recognized a great abuse and courageously attempted to correct this abuse. The Commissioners were not the inhuman monsters pictured by opponents of the Act. They were merely short-sighted men, attempting to complete the task set for them by Parliament. If their ideas were inadequate, one should not attempt to apply present "enlightenment" to past ideas. Ideas such as social insurance or old age pensions never occurred to them, but then such ideas had occurred to no one at that early date.

The fact that the Act survived virtually unchanged until 1909 would, in itself, be adequate proof that the system introduced in 1834 was the best system that could be conceived at that time.

Another mistake which historical writers that deal with the Poor Law seem to make is to stress the rigid system of English Poor Relief. If one examines the Law or the report of the Commission of Inquiry, this conclusion is natural. The law was indeed harsh. An able-bodied man and his family, according to the law, had no choice but to go to the workhouse. In order to discourage this, the workhouses were to be the unpleasant "bastiles" so bitterly denounced by critics. Even those who have made a more careful study of the Act and have read the reports of the Commissioners seem to fall into the same error. In many ways, this too is to be expected. Perhaps over-anxious to prove their worth, the Commissioners would proudly state in each report that outdoor relief to the able-bodied had been "reduced."

It is only when one examines the actual statistics of the Poor Law Commission that one can draw a more accurate conclusion as to how rigidly the Law was actually applied. There were never even as many as fifteen per cent of the total number of paupers receiving relief in the workhouse at any time during the fourteen years of the Poor Law Commission nor was the percentage of able-bodied receiving relief

in the workhouse any higher. Workhouses were not available to extend the workhouse test further. And even when there was an adequate workhouse the Guardians did not always force the able-bodied to enter it. Many times the Commissioners permitted unions to give outdoor relief, and indeed in 1842, permitted the Guardians to use their own discretion in granting outdoor relief without previous permission from the Commissioners.

Nor were the workhouses always the harsh institutions so often depicted. The Commissioners took great care to secure the physical well-being of the inmates. Much attention was given to wholesome diet, clean, warm rooms, warm clothing, and adequate medical attention. When investigations revealed that overcrowding in the workhouses as a result of the depression led to bad sanitation and bad health, the Commissioners attempted to limit the number of paupers each workhouse could legally hold. Perhaps the place where the Commissioners were most remiss was in not securing the mental well-being of workhouse inmates. Yet even here, they tried to provide education for the children and gave much attention to religious instruction for the adults. When abuses crept in, as they did, this should not be blamed so much on the intentions of the Commissioners as on the master or matron of the workhouse. Such abuses were virtually impossible to detect, because the assistant comm-

missioners were too overburdened with work to make adequate inspections.

That there was suffering will not be denied. The point is that the extent of this suffering is often over-emphasized. The Act was never fully enforced and its most rigid application never touched more than a small minority of the paupers. Thus, although the nature of the Act was harsh, often bitterly cruel, its application was often so lax that much of its cruelty was abrogated.

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