

TIE POOR LAW OF 1601
with some consideration of
MODERN DEVELOPMENTS
of the
POOR LAW PROBLEM.

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Chapter 1.
.Introductory..

In an age of stress and upheaval, institutions and systems which we have come to take for granted are subjected to a searching test, which, though more violent, can scarcely fail to be more valuable than the criticism of more normal times. A reconstruction of our educational system seems inevitable after the present struggle; in fact new schemes have already been set forth by accredited organisations such as the National Union of Teachers and the Workers' Educational Association. With the other subjects in the curriculum of the schools, History will have to stand on its defence. History will never lose its romance and its fascination for the antiquary: can we plead for it that it has a special value in the educational curriculum which can be supplied by no other subject? Can we learn from it anything that will guide us in dealing with questions of present moment? A study of Poor Law History certainly leads us to answer these questions in the affirmative.

The Poor Law deals with a peculiarly 'human' problem, and if it does nothing else, the history of our efforts to tackle this problem should teach us a great deal of Psychology, which cannot fail to be helpful for future experience. Poor Law History illustrates the fact that owing to changing circumstances 'the stepping-stone of one age becomes the stumbling-block of another.' Yet just as clearly it seems to illustrate the complementary truth that though circumstances

change, certain principles remain true. Putting this in logical form, we may say that the major premises remain constant, and our problem is to fit our minor premise, the circumstances, into its appropriate major.

An old proverb tells us that a chain is only as strong as its weakest link, and we have come to realise that the individuals and elements which go to make a nation are so closely bound together that the proverb may apply in this case. All is not well with a nation, however rich and powerful it may appear, if a canker is eating at its root. The nation has always to guard against a danger lest the lowest stratum of its members, those who are destitute of the means of subsistence, become a canker of this kind. Perhaps no branch of our history more clearly illustrates the gradual growth of our English institutions and the difference in the attitude of statesmen of different periods to problems of government, than that which deals with the evolution of the Poor Law, our attempt to meet this danger.

Who are the 'poor' to whom this Law has reference? In this connection, we must guard against an ambiguity in the use of the word 'poor.' The Report of 1834 pointed out that it is applied not only to 'those unable to labour or unable to obtain for labour the means of subsistence,' but also to "those who in order to obtain a mere subsistence are forced to have recourse to labour." ¹. The relief of the destitute poor is the legitimate object of the 'Poor Law,' but the 'poor' in the second sense of the word are outside its scope. We shall see what evils and confusion arose when misguided

public sentiment led the Poor Law authorities to extend their relief measures to the able-bodied labouring poor.

T.W.Fowle,² in his Manual on "The Poor Law", remarks that "legal provision for the relief of the destitute establishes a system whereby persons are not obliged unless they choose, to provide themselves with the means of subsistence, while those who work for their own living are compelled to maintain those who will not or cannot support themselves." How are we to explain this apparent anomaly? Putting aside the question of "the rights of every peaceful and obedient member of society to the means of subsistence" as a matter which the community of which he is a member must decide, we find that nations which do not acknowledge this right have made legal provision for the relief of the destitute and presumably they have reasons for so doing. In England, as in other countries, the State first framed Poor Laws in the interests of decency and public order, for "when we come to a class of society wanting the common necessities of life and so not subject to the ordinary restraints, it may be expedient to supply gratuitously the wants of even able-bodied persons if it can be done without creating crowds of additional applicants." ³ Whatever may be the opinion as to the equity of a claim to a 'natural right' to the means of subsistence, it is an "admitted maxim of social policy that the first charge on land must be the maintenance of the people reared on it." ⁴ Poor Law legislation was devised to remedy certain plain and growing evils which endangered the existence of society. It would,

however, by creating a false impression, did we not add that the framers of those statutes which can legitimately lay claim to the name of "Poor Laws," were influenced by humanitarian motives as well as by considerations of State policy. We can trace the growth of a feeling that it is wrong to punish with frightful penalties vagrancy and begging and even crime, unless the authority which imposes the penalties makes an effort to provide the necessities, lack of which was largely a cause of the evils. The Government also grew conscious of the fact that the ignorance and neglect of the nation in the past had been responsible for the growth of conditions in which the seeds of pauperism and crime found a fruitful soil.

When the state had admitted its duty to provide maintenance for the indigent and had acted upon that admission, a new difficulty arose, because it was found that, though the assistance itself was a real boon to the recipient, the results of relying on that assistance were usually evil. The evil results of relying on State aid are fairly apparent. It is a great temptation to the idle and shiftless to get "something for nothing". The really destitute who receive State aid tend to fall back on that aid again. There is less inducement to honest labour if gratuitous aid is given, at the expense of the worker, to those who will not or cannot work. A spirit of selfishness and inhumanity tends to be engendered when the care of destitute relatives and friends can be turned over to the State. There are also grave dangers in interference with the normal course of trade and employment and we shall see that these dangers became acute when sentimentality, instead of

a knowledge of the true principles of political economy, became for a time the basis of Poor Law Administration.

We have said that the legitimate object of a 'Poor Law,' which would be better named a 'Destitution' or 'Public Assistance' Law, is the relief of the destitute. This is its first object. A second must be to prevent the evils and abuses arising out of a State provision for the destitute, and it has been laid down as a cardinal principle of this prevention that "the condition of the pauper ought to be less eligible than that of the independent labourer."⁵ A third object has of late become increasingly important. The most hopeful part of the Poor Law Authorities' work is that which deals with pauper children. These children have to be taught and trained to support themselves and to become useful and independent citizens.

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Nicholls states that Poor Law Legislation, reflecting the circumstances of the periods when it arose, exhibits four phases. "First, the suppression of vagabondage and violence was aimed at - next, this suppression conjointly with some relief for the destitute by means of charitable or enforced contributions - then, the relief of poverty and want as well as destitution, from whatever cause the one or the other may have arisen - and lastly, the relief of destitution and want in such a manner that, whilst effective for that object, it shall not weaken the incentive to independent exertion on the part of individuals, or of the labouring classes and the public generally." Writing about half a century later than the author whom we have just quoted, we may add that of late years we have recognised the complication of the Poor Law problem and its close connection

with questions of Public Health, Sanitation and Housing and Unemployment, and that an attempt has been made to deal with the problem on broader lines.

A brief résumé of the course of Poor Law legislation will illustrate these phases and will co-ordinate to some degree the contents of the chapters which follow. Destitution is not likely to constitute a serious problem in an infant community where each family supplies its own needs. Where need arises through sickness or other casualty of life, primitive communities either solve the problem by leaving the sick or needy member to chance, as some savage tribes do at the present day, or else we find that charitable individuals act on their natural impulse to aid the distressed. During the early period of our history, the slavery or semi-slavery of the lower class of inhabitants, which involved the establishment of the servant's claim to maintenance by his lord, obviated the need for a "Poor Law." With the growth of freedom, however, went the rise of the class which we call poor. Men who had gained their freedom wandered about the country, the honest and industrious in search of work, the violent and idle in search of some other means of getting subsistence. The evils of vagrancy began to be apparent and it became necessary to pass laws for the protection of life and property from the assaults of the vagrants. The first statutes which concern the poor are the harsh "laws against labour" which attempted to confine men to their own localities and imposed severe penalties on any who were found wandering or begging.

The distinction between the able-bodied and the

impotent poor was first recognised in a Statute of 1388, but beyond directing that the poor should be relieved in their own localities, the Act did nothing to provide funds or officials for administering relief. The men of the Middle Ages did not consider a State provision of funds necessary because the Church of Rome had constituted itself "the general receiver and dispenser of alms in all countries subject to its influence." We shall see, however, that "the natural impulse of charity aided by the higher influences of religion and organised into a system through the agency of the most powerful priesthood the world has ever known, failed in effectually relieving poverty, whilst such institutions and mis-called charities directly operated to the encouragement of idleness and vice, by leading people to rely on alms and casual contributions for support, instead of on their own exertions." ⁷. The laws against sturdy beggars continued to be so severe that they defeated their own ends, for the magistrates had not the heart to enforce them.

In the 16th century, at a time when men were beginning to think for themselves, the alarming increase of vagrancy led people to turn their attention afresh to this problem. Statesmen, preachers and writers were puzzled by the mixture of desert and undesert amongst the beggars and they began to see that the problem was not so simple as would appear from the earlier efforts of the legislature. It was apparent to any intelligent observer that the country was passing through a period of swift transition and that the changes which were taking place were largely responsible for the increase of

pauperism.

A new departure was made by a statute of 1536 which prohibited begging entirely. It laid down the principle that the impotent ought in future to be provided for by other means, and for the first time distinctly laid on the parishes the obligation to support the destitute, and "this once understood it was a natural corollary to introduce a compulsory assessment if voluntary contributions failed." This was a great step forward from the medieval idea that all relief of the destitute should depend on the charity of individual givers. In this Act there was also a dim perception of the fact that the able-bodied were not always able to find work, and the parish authorities had the duty of finding employment. The transition from medieval conditions took place very gradually, and in an Act of 1555 there was a reversion to the earlier plan of licensing deserving beggars.

The year 1536 was also notable for the Dissolution of the Monasteries and the seizure of the endowments of the religious houses and other institutions, such as the hospitals, which had administered relief. In many cases the hospitals were refounded by the civic authorities, and London led the way in this good work. A 'Citizens' Committee' under the leadership of Bishop Ridley drew up a classification of the poor in 1550 and many experiments in dealing with the poor were made in the Metropolis. These experiments were very useful in suggesting measures to the Government, but they were attended by two great inconveniences. In the first place, the springs of private charity began to dry up when people felt

that the city had taken the matter in hand. Secondly, people flocked into the Metropolis from other parts of the country. It was seen that the remedy for the latter inconvenience was nationalisation, but as a result of the Church's tradition of almsgiving, people were less ready to admit that compulsory assessment would meet the former evil. Despite the power and paternality of the State, compulsion was only approached gradually and with extreme caution. A direct assessment was first made in 1572.

The "Great Poor Law" which was passed in 1598 and amended into its final form in 1601 did not introduce new principles but was essentially a consolidating act, in which previous measures which had been tried and found successful were collected together into one comprehensive statute. This Act remained as the basis of our Poor Law administration for nearly two and a half centuries, and the Commissioners of 1832 said that the abuses they found so prevalent were due to the non-observance of the letter and the spirit of the Statute of 1601, not to any inherent defects in the law as such. The legislature of the day showed its wisdom in its recognition of the only two classes which legitimately come within the scope of a 'Poor Law,' the first class being those who will not work and the second the impotent who cannot work. In every parish certain householders were to be nominated by the Justices as overseers of the poor, and their duty was to raise sums of money for setting to work children whose parents could not maintain them and persons who had no trade, for raising 'stuff' for work, and for the relief of

the lame, impotent and old. The money was to be raised by compulsory assessment of the inhabitants of the parish. The Justices were to commit to a 'House of Correction' or the common gaol such as would not apply themselves to work.

The frequent re-enactments of the earlier laws against vagrants and of the poor laws in the fuller sense of the term shows that there was considerable difficulty in enforcing them and that many of them became dead letters. By the end of Elizabeth's reign, the Privy Council had become keenly interested in the Poor Law problem and this interest continued and made itself strongly felt between 1601 and 1644. Numerous proclamations and orders were issued to urge the Justices to carry out the law, and owing to the vigorous efforts of the Council it became an integral part of our social fabric. Why did this machinery fail ? and what were the causes of the evils which were so apparent to the Commissioners who were appointed in 1832 to enquire into the administration of the Poor Law ?

The latter half of the 18th century was a period of great industrial upheaval and consequent distress amongst the working classes, and also certain changes had been introduced into the administration of the law between 1601 and 1832. The authority of the Justices was gradually substituted for that of the overseers, workhouses were introduced and the Authorities had power to refuse relief to anyone who would not enter, while on the other hand a view gradually began to be held that it was the State's duty to relieve the labouring poor as well as those unable to support themselves. In 1795, the Speenhamland

Magistrates decided that they would bring up the weekly receipts of all labouring families in their area to a fixed level, and in 1796 the so-called "Speenhamland Act of Parliament" admitted the industrious poor to relief, by providing that persons could receive relief in their own houses in cases of sickness or distress.

The Commission appointed in 1832 reported two years later and its conclusions as to the result of these changes may be summarised thus:-

1. There was a vast increase in the numbers of paupers, so that in some cases they formed a majority and even a large majority of the peasantry.
2. Indiscriminate giving of relief by the Parish had enabled employers to reduce wages. By this means ordinary householders were penalised for the benefit of the farmer.
3. The honest poor paid for the lazy, because since parishes were obliged to find work for paupers, honest men found difficulty in getting work.
4. Thriftlessness was encouraged, honesty and dishonesty, industry and idleness were equalised. Too early marriages were encouraged: in some parishes a man was given relief for every child after the third.
5. The administration of the Law was an enormous expense to the country. In 1817, the expenditure had risen to £8,000,000 for a population of 11,000,000.

The Commissioners laid down two main theses:-

1. The Act of 1601 had not been carried out. Owing to confusion of ideas over the word 'poor' the labouring poor

as well as the indigent had been helped out of the public purse.

2. The machinery of administration was condemned. Its areas were too small. The Justices were not the right body to administer Poor Relief, and many officers who had charge of arrangements in connection with it were corrupt.

The Poor Law Amending Act of 1834 embodied the following recommendations of the Commissioners:-

1. The abolition of all relief to the able-bodied, except in the workhouse, or in certain exceptional cases.

2. The reform of the area and the authority for Poor Law administration.

(a) The new area was to be the 'Union', i.e., a union of parishes. The enlargement of the area was based on the principle of what is tritely called 'aggregation for the sake of segregation,' for it was thought that if units joined to form bigger institutions, the classes could be better separated.

(b) A new local authority, the Board of Guardians, was created. The Guardians were to be a body locally elected to represent the ratepayers, but they were still to include the Justices ex officio. ■

(c) Paid officials, known as Relieving Officers, were to be appointed to do the work of relief.

(d) A new Central Department, consisting of 3 Poor Law Commissioners and called the Board of Control, was constituted to co-ordinate the work of the local authorities.

Within a few years of the passing of the Act, in spite of the increase in population, the Poor Rate had been consider-

■ The J.P's were removed in 1894.

ably reduced, and there was a great decrease in the proportion of pauperism to population. The workers' position was bettered, ~~for~~ more harm had been done to the labouring classes generally by misguided sentimentality than had ever been accomplished by the harsh "laws against labour."

In spite of these reforms, we have before us the Reports of the last great Commission on the Poor Law, 1909, which plainly state that the aspect of the problem had again changed and that the methods of 1834 were out of date. The Reference of the Commission of 1909 is significant. It was empowered not only to inquire "into the working of the laws relating to the relief of poor persons in the United Kingdom," but also "into the various means which have been adopted outside of the Poor Laws for meeting distress arising from want of employment, particularly during periods of severe industrial despression."⁹

We shall find that the following changes had taken place. The problem in 1834 was chiefly a rural one, but in our day it is chiefly urban. The Commissioners of 1834 were concerned almost entirely with able-bodied beggars, whereas the Poor Law of today relates almost exclusively to the non-able-bodied. In 1834, no principles were laid down save for the able-bodied. There was no provision for sickness, and none for the children, except that it was stated that they were not to be included in the same mixed workhouse with the older people. In 1834, the crying need was to prevent pauperism, in our day an attempt is being made not only to prevent pauperism but also to cure poverty.

The results of the investigations of the Commission appointed in 1905 were issued 4 years later in 2 large volumes, running together to 1,250 pages. ^{They} ~~It~~ consists of two reports,

a Majority and a Minority. We shall briefly summarise the main points of agreement and the main points of difference in the two reports. Both agree in:-

1. A condemnation of the "general mixed workhouse", where all classes are mixed together.
2. A demand for a larger area. With grave differences between them, both recommend the County and the County Borough.
3. A condemnation of the present methods of giving out-relief, though neither urge the entire stoppage of this form of relief.
4. A demand for a new authority. The Guardians are both administrators of relief and a Public Health Authority and they do not adequately fulfil either duty.

The main points of difference are:-

1. The Majority proposes that a new special committee of the County Council, to be called a 'Public Assistance Authority,' and to work through local 'Public Assistance Committees,' should be constituted to deal with Relief. The Local Government Board is to be retained as the Central Authority. The Minority considers that destitution, as such, had better be disregarded in future, and that the work of the Guardians should be split up amongst the existing Committees of the County Council, e.g, the Education and Asylums Committees. A Ministry of Labour should be created to deal with unemployment.

The Majority wants to organise Medical Relief to which people shall contribute in advance.

The Minority would have all doctors organised into a State Medical Service to be at every-one's call, though the State shall have power to recover if possible. Both agree that Voluntary

Charity should be organised, but the Minority further recommends that voluntary helpers should be allowed to visit the poor but not to give away money, which must be administered by institutions.

No comprehensive Statute based on these recommendations followed the Reports, but since 1909, many changes in the directions indicated have been gradually introduced. Since the War began, we have had urgent need to organise our Labour Resources and in December, 1916, a Minister of Labour was at last appointed. We hope that this spirit of organisation will remain to guide us through the difficult time which is bound to ensue at the close of the War. Despite the phenomenal increase in prices, the last two-and-a-half years have brought better times, in the financial sense, to the working classes as a whole. The absorption of men into the Army and Navy and the increased demand for labour has resulted in a general rise in wages. In August 1914, there was a sudden increase of pauperism, owing to the disturbing influence of the Declaration of War on trade. The figures reached their maximum on August 22nd, but since that date have shown a steady and substantial decrease. With demobilisation will come new and vital problems. Many businesses and even whole trades have been ruined or partially ruined during the war, and those who were engaged in them have been absorbed into the Forces or into more immediately essential industries. Our problem will be to find employment for the men who return. This will need both organisation and money. The stress of the last years has shown us that we can no longer trust to our ancient policy of "trusting to luck when

the time comes." Though we cannot boast that we have succeeded in organising our labour resources to perfection, we have at least seen that organisation and thought are urgently necessary. As to the financial side of the problem:- we have been spending incredible sums of money on waging a great war, and we continue to spend that money in the hope that we shall save future generations from a like burden. Shall we not be equally foreseeing in guarding future generations from the burden of pauperism which they would inevitably have to bear, if we do not make adequate provision for those men for whom the cessation of the War and of war industries will mean unemployment?

Notes to Chapter 1.

1. Poor Law Report 1834. Page 277.
2. T.W.Fowle. The Poor Law. Citizen Series.
3. Ibid. Chap.1.
4. Nicholls. History of the English Poor Law.
5. Poor Law Report, 1839. p.16.
6. Nicholls. History of the English Poor Law.
7. Hallam. Constitutional History. Vol.1. p.7.
8. In 1837, the name of the Central Authority was changed to "The Poor Law Board," and in 1871 the department was merged in the Local Government Board.
9. Royal Warrant issued to the Poor Law Commissioners in 1905. Printed in the Introduction to the Majority Report, 1909, p.XII.

Chapter 2.

Poor Relief before the Tudor Period.

The Tudor Poor Law grew out of the long series of Statutes of Labourers which began to be enacted after the Black Death of 1348. Before considering this legislation, a survey of the agencies which dealt with medieval destitution will give some insight into the nature of that destitution and of the difficulties with which the legislature attempted to deal.

The first, and for some time the sole purpose of the collections taken by the officers of the early Christian Church, was the relief of poor members. Though from Aelfric's story of King Oswald, ^I we gather that the distribution of alms and a special servant who acted as almoner were part of the ordinary regime of the royal household, it is unquestionable that the greater part of the relief of the time was not only collected but administered by ecclesiastics. Tithe was the largest and most regular part of the church income, and custom, together with the explicit teaching of many of the Church Fathers, led to the relief of the poor being regarded as a special charge on this portion of revenue. The earliest instance of State interference with poor relief was probably an attempt to enforce the existing custom with regard to tithe. The law of Ethelred runs thus:-
"The King and his Witan have chosen and said ---- that one third part of the tithe which belongs to the Church shall go ---- to God's poor and needy men in thraldom."

ocial
Relief.

In the earlier period of the dominance of the Roman Church, the bishops were the administrators of all Church

revenues, but later the parish priests administered the tithes of their several parishes. With this control over the revenue² came the responsibility of giving relief to the poor, and it is an interesting commentary on the continuity of Poor Law History that from that time down to the middle of the 19th century, the parish has been the unit of Poor Law administration. But ⁱⁿ England, as on the Continent, this early parochial system soon broke down. Many benefices and tithes fell into the hands of non-residents, foreign prelates or collegiate bodies, who could not exercise that personal care in the distribution of alms which was the basis of the parochial theory. The law stepped in to try and enforce the giving up of part of the collections to poor parishioners, but apparently without much success. Wyclif complains of "weiward curates" that "sclaundren here parisshenys many weies by ensauple of pride, envye, coveitise and unresonable vengeance, so cruelly cursynge for tithes" and Chaucer's "povre persoun of a town" who, "wolde -- yeven, out of doute,

Unto his povre parisshens aboute of his offring, and eek of his substance" is evidently pictured as notable for being unlike the rest of his class. In fairness it must be said that though some of the clergy were "Mercenaries and no shepherdes," we have also Langland's authority that many were so impoverished since the Black Death that they had nothing to give:-

"Persones and parisch prestes playneth to heore Bisschops
That heore parische hath ben pore sethe the pestilence tyme."

In the later Middle Ages, such Parochial Poor Relief as still remained was usually obtained from sources other than the tithes. In Norwich, which has always been to the fore in Poor Law experiments, and in other towns, the proceeds of investment of a Church Stock or Store were devoted to the use of poor parishioners. These "Stores" which gradually accumulated during the 15th century often consisted of live stock, and "the poore cotingers, which could make any provision for fodder, had the milk for a very small hyre; and then, the number of the stocke reserved, all maner of vailles besydes - both the hyre of the mylke, and the prices of the yonge veales, and olde fat wares - was disposed to the reliefe of the poore." 3.

"Church Ales" at Whitsuntide and festive gatherings at New Year and Xmas also helped to supplement relief granted from the regular parochial revenue. In some towns there was a "church" tavern, to which the parishioners repaired at these festival seasons to drink and pay for the ale brewed from gifts of corn.

steries. Many writers have declared that the suppression of the monasteries which took place in 1536 and 1539 created the problem of the poor. The duty of relieving the poor was one of the rules of all the monastic orders, and in each monastery was an almoner who distributed alms to those who applied for help.. It cannot be doubted that the suppression of the monasteries meant destitution for many who had hitherto been dependent on their aid. But we must pause before concluding that the suppression itself was responsible for creating the problem with which the legislature was faced. Hear

4.

Fuller's verdict on the relief administered by monastic houses:- "Yea, these abbeys did but maintain the poor which they made. For some vagrants, counting the abbey alms their own inheritance served an apprenticeship ---- to no other trade than begging; all whose children were, by their father's copie, made free of the same company. Yea, we may observe that generally such places wherein the great abbeys were seated swarm most with poor people at this day as if beggary were entailed on them" ----. Ratzinger points to the same phenomena on the Continent. "The monasteries, hospitals, etc., were without what is the first requisite for an orderly relief of the poor, -unity, concentration, organisation. Each hospital, each convent, gave alms not only to the people of the district, but also to all strangers who chose to apply, without having any power of control over them" and in consequence "professional beggary, even with the harshest laws, could not be overcome." 5. Evidence furnished by both opponents and eulogists of the old monastic system goes to prove that the charity distributed by the religious houses in the later middle ages was of the most indiscriminate kind. The Roman Catholic Church, preaching its doctrine of "justification by works," laid stress on the good which would accrue to the soul of the giver, and though it recognised, did not sufficiently insist upon the duty of investigation. Even Crowley, who had considerable insight, ends his epigram "Of Beggars" thus:-

"Yet cesse not to gyve to all
wythoute anye regarde.
Though the beggers be wicked
thou shalte have thy reward."

At the present day when we know full well that indiscriminate charity actually creates pauperism, it is difficult to root out the evil, because investigation is so difficult, whereas giving is comparatively easy, so that we can conceive some idea of the attitude of the ordinary man of the 16th century, when such views of almsgiving as we have quoted were inculcated by the preachers. We cannot then assign the sole blame for the creation of English Pauperism to the Dissolution of the monasteries. But, having made this reservation, we must allow that the Dissolution made its existence more apparent and threw on to the State the onus of providing for the poor who were left destitute. Also, the transference of the monastery lands to private owners meant an increase in the distress resulting from those agrarian changes^x which troubled the 16th century. For the easy-going conservatism of the monastic rule was substituted an enterprising commercialism so that "those who rented farms found, instead of the certainty of tenure and low rents of abbey lands, a merciless demand to know by what right, or by what lease, the farms were held, and their rents increased to such an extent that few could pay them, and then they were left to choose between a vagabond's life and a felon's death if they threw up their lands, and want and oppression if they retained them." ⁶. Brinklow, ardent Reformer, as he was, bitterly confessed that it was better for the poor when the Abbeys held the lands.

^x These changes are again touched on in Chapter III

hospitals.

In a will dated 1418 and printed amongst the "50 Earliest English Wills," we find a bequest of 20/- each to "the six London hospitals" and there are further records of gifts to these institutions, which were a characteristic form of medieval charity. These hospitals were founded not only for the care of the sick, as the modern associations of the name might lead us to infer, but also for the relief of destitute and impotent aged people. The income of the hospital was usually drawn from lands bequeathed by pious founders and in each institution officers, both clerical and secular, were appointed to look after the inmates. At first these foundations did good work and fresh endowments were continually made, but by the beginning of the 15th century, serious abuses were apparent in their administration. The Statute of 1414, which established an inquiry into these abuses, states that many hospitals "are now in most part decayed, and the goods and profits of the same by divers persons, both spiritual and temporal, withdrawn and spent in other uses, whereby many men and women have died in great misery, for default of aid, living and succour." Apparently the abuses continued, for Simon Fish in his scurrilous but vigorous "Supplication for the Beggars," published about 1529, says that it is useless to build many hospitals for the relief of the poor for "ever the fatte of the hole foundation hangeth on the prestes berdes." But though the administration of the hospitals was subject to these abuses, and the "out-relief" - to borrow a modern term - was vitiated by the same lack of investigation as in the case of the monasteries,

"yet had the poor impotent creatures some relief of their scraps!" Many of the institutions which were doing good work were spared at the Dissolution and handed over to the civic authorities, but the suppression of others added a quota to the sum of prevalent distress.

Guilds. Religious fraternities and craft guilds were features very characteristic of the later Middle Ages, and are of interest in connection with this subject because of the relief which they administered to poor members. The subscriptions to the religious guilds were originally intended to defray the cost of prayers and masses for the dead, or the services of priests, and those to the crafts to raise the ferm due to the king or to pay for pageants and plays, so that the relief granted to poor members was not regarded as a right like "the modern 'sick benefit' of a friendly society" and often a special levy was made to meet the cost of the individual case. In the course of time, bequests to be used for charitable purposes were made to the guilds, but the monies were usually distributed immediately, and there was rarely any permanent endowment. But with the increase of population in the towns, it became more and more necessary to provide for members left destitute on account of ill-health or the chances of trade, so that the associations began to erect almshouses which were run on much the same lines as the hospitals. Many of these institutions were saved from destruction at the Reformation, and the civic authorities often secured any endowments in land which they may have possessed, but where the religious change led to the break-up of the fraternities there was an inevitable cessation of this

particular form of relief.

ivate
arity.

An account of the institutions which administered relief to the poor does not exhaust the sources of medieval charity, as a glance at the earliest extant wills shows. Bequests to institutions are less frequent than those which are to be given direct to the poor by the executors. There are bequests to tenants, to the sick and impotent, for the marriage of dowerless girls, one for the education of a poor boy, one for poor" hat han ben Men before of god conversacion." 7 For the most part, however, the doles were given without conditions, and apparently the main idea of the legacies was to benefit the soul of the testator. There was also much customary almsgiving at the households of the great prelates and nobles with whom it was a point of honour to keep open hospitality. This promiscuous charity had all the evil features of that administered by the monasteries. In his dedicatory epistle to Elizabeth, Countess of Shrewsbury, who was Lady Bountiful to "all such as cometh for reliefe unto her gates" Harman states that one of his reasons for writing the "Caveat for Cursetors" is to warn his patroness and others against the "abominable, wycked and detestable behavior" of "counterfet" beggars.

This survey of the various agencies to relieve distress shows that the Reformation "did not first create a race of beggars in England," but the dissolution of the religious establishments and the seizure of endowments laid the State under an obligation to provide some organisation for those who were left destitute. During this period, there was no

attempt systematically to organise relief, and most of the assistance given was in the form of indiscriminate charity which inevitably has a pauperising effect and makes it easy for those who are merely lazy to live without labour. On the other hand, while sturdy idlers could easily wander to the districts where almsgiving was most lavish, the deserving poor often suffered much misery because there was no relief near at hand, for without an authority to ensure that institutions shall be erected in the poorer districts where they are most needed, they are much more likely to exist in the wealthier districts when they depend on voluntary charity. This survey will also throw some light on the legislation of the period. The earlier statutes which we shall have to consider are not poor laws in our sense of the term, but as they concern the labouring classes they have a vital connection with our subject. And though the 16th century poor law introduced new principles, there was no abrupt breaking away from the language of the Labour Statutes, and the new laws were administered by the same officers, the justices of the peace.

isolation.

During the Anglo-Saxon period, it is of interest to note a law of King Athelstan which runs thus:- "Lordless men, of whom no law can be got, the kindred be commanded they domicile him to folk-right, and find him a lord in the folk-note." Evidently the intention of the lawmaker was to prevent vagabondage, and this was to be effected by the establishment of reciprocal relations

between the landowner and the landless man. Slavery was the normal condition of the lowest class of inhabitants, who were given an assurance of the necessities of existence in return for the freedom taken from them. Civilisation advanced under the Norman kings, and order was enforced by the stronger of them, but the country suffered through the dispossession of native inhabitants to reward Norman adventurers, and the fetters of bondage were tightened into a grinding tyranny. The Feudal system, though not entirely an innovation of the Normans, was by them extended and strengthened so that the social system was on a military basis and armed retainers abounded everywhere. We have been accustomed to consider Magna Carta as the foundation of our English liberties, but it was a Charter of freedom for the upper classes alone, and only one clause referred to the villains:- "A vill~~e~~in or rustic was not, by the imposition of any fine, to be deprived of his carts, ploughs and instruments of husbandry." It was obviously a matter of policy to ensure to the vill~~e~~in his means of livelihood, if only that he might be called upon to fight in the event of war. On the other hand, as in the nomadic period of the world's history, "the poor, the aged, the impotent were encumbrances undeserving of care or consideration, so that if they could not beg or steal they were left to starve".

From the language of the Statute of Winchester, 13 Edward 1, we know that vagrancy with its accompanying evils was rife in the later 13th century. It would appear that the ranks of the professed mendicants, "partly beggars and

partly thieves," were swelled by numbers of the armed retainers who traversed the country between the wars, and used their training in violence to prey on their fellows in times of peace. The statute of 1285 recites the increase of "robberies, murders, burnings and thefts" and orders that town gates shall be closed from sunset to sunrise, that parks and forests on either side the highways shall be cleared, and that every man shall have in his house "harness" according to his station to keep the peace. Vagabondage is to be repressed with a stern hand and the necessity for dealing with the impotent poor as distinguished from the vagabonds does not seem to have presented itself. In fact the condition of slavery or semi-slavery with its customary obligation on the master to maintain his dependents still bound the mass of the lowest class of people.

In this reign we note the germs of future progress in the encouragement given to trade and commerce and the consequent growth of towns. The growth of towns, which became much more rapid in the reign of Edward III owing to the immigration of skilled Flemish weavers and the expansion of English manufacture, had a far-reaching effect on our economic development, and is closely connected with a great change in agricultural organisation which was slowly but surely gaining ground.

During the middle ages the agricultural system was one of "land wages or labour rents." The villain or serf, who, though bound to the soil, differed from the slave,

in that the enjoyment of family life was guaranteed to him by custom and that he possessed property in the shape of cattle and farm utensils and furniture, cultivated a holding of land in return for the customary services which he owed to his lord. The holdings usually consisted of *virgates* normally 30 acres, half-*virgates* or lesser portions, and Seebohm⁸ has shown that they were not compact but were scattered in strips in the "open fields" which were the characteristic feature of medieval agriculture. These open fields were the common arable land of a village community or a township under a manorial lord; usually a tripartite division of the land was adopted, and a rotation of crops was followed, one portion commonly growing^a bread corn, another barley, and the remaining one lying fallow and frequently being used for the pasture of sheep. The poorer pasture land behind and round the ploughed fields was usually left entirely open and used in common, but the meadow land was commonly divided amongst the holders in proportion to their holdings of arable land. The customary services which the villein owed to his lord consisted of "week-work" such as ploughing and reaping, "precariae or boon-days" which consisted in extra services at harvest-times, and payments in kind or money at fixed times. The cottars, tenants who held half-*virgates* or less, worked for the lord of the manor, but as they had no plough or oxen, their services did not include ploughing. Owing to the influence of Roman law which recognised no intermediate class between the freeman and the slave, it was difficult for the serf to get a legal status, but in practice he had security of tenure based on custom, so

long as he performed the customary services.

By the time of the Black Death, which, sweeping across from Europe, ravaged England in 1348, a great change was taking place in the agricultural system. We find that commutation of services for money was becoming general and that wages, in the sense of money payments for services, and rent, or money payment for land, had made their appearance. Money payments had been used from very early times, though usually only for exceptional holdings, but the extension of trade and the growth of towns and markets familiarised manorial landlords and tenants with the idea of payment in coin, and the various new issues under Edward I and Edward III ensured the existence of a sufficient and suitable metal currency. Other conditions, however, were necessary before commutation could take place. The customary tenant must have had something to sell before he could pay his lord rent instead of service; his production must have improved so that he had a surplus after supplying the wants of himself and his family. The market for these surplus products was supplied by the towns.

Commutation was a voluntary process and its growth shows that it must have suited the interests of both parties. Serf labour is always grudging and for the money given in commutation of service the lords could hire labour which would be more useful than that commuted. On the other hand, the tenants could give the whole time to their own land. With the growth of population, there would probably be more people anxious to earn money by labour, especially amongst the cottar class and the sons of the yardlings. We shall find that the effect of the Statute of Labourers which followed the "Black Death" was primarily

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an effect on "hired labour."

The great pestilence which scourged this country in 1348, and returned, though without less virulence, in 1361 and 1369, swept away half the population and half the labour, and the survivors began to demand higher wages. Bailiffs and stewards who had been accustomed to hire labour found that money rents would not bring the same amount of labour as before the Plague. The landowners therefore appealed to the Government to issue statutes prohibiting the demand for higher wages than had been customary. We are accustomed to think of wages as a matter of supply and demand, a theory which is amply illustrated by the rise of wages during the present war, but the idea of a "just price" for commodities and service was deeply rooted in the medieval mind. The answer of the Government to the demand for legislation was the Statute of Labourers,¹⁰ passed in 1349, and amended two years later. All persons able to labour, and without other means of support, were required to work for those who needed them at the customary rates and in their own townships. In order to prevent vagrancy, imprisonment was the penalty for giving alms to sturdy beggars. The amending Act fixed the actual rates of wages, and thus was initiated the policy of fixing wages, which are essentially variable;+ a policy which was eventually proved to be as economically unsound as the policy of fixing maximum prices for agricultural products is proving to-day. In 1360, it was enacted that absentees who had run away from their employers could be branded with the letter F ■ at the discretion of the justices.

■ Probably this stood for Fugitivus.

In 1363 several Acts were passed to regulate the diet and apparel of servants and others. The complaints of the Commons in 1376 against sturdy beggars and their petition that the Statutes of Labourers should be enforced were answered in 1377 by ¹ Richard II c.6 which fixed imprisonment as the penalty for villeins who withdrew their services.

All these Statutes "aimed at securing an adequate supply of agricultural labour whenever it was needed, and this at the wages current before the Great Mortality." The idea underlying this legislation was that every able-bodied man could find work at customary wages in his own town or village. It would seem that this idea was justified at the time. In the towns the only fear was lest the rapid growth of trade and industry should drain the country of its labour; in the country, though the demand for service varied with the seasons, there was always sufficient employment for a man to maintain himself. Obviously the governing classes wanted, in their own interest, to keep the customary rates of wages, and to keep some affinity between the new labouring class and the old villeins, but we must admit that it was against the vagabond and vagrant class taken as a whole that the coercive legislation of the period was directed. It seems that the Black Death had had an ill effect on the morality of the people; they saw that higher wages could be obtained if they refused to work at the old rates, because of the scarcity of labour, and the promiscuous charity of the time tempted them to live without labour at all. Langland was undoubtedly a man of strong sympathy with the

labouring classes, and he does not hesitate to rebuke the manorial lords when they tend to tyrannise over their servants. But he is not blind to the faults of the labourers, as the following passage from the Vision of Piers the Plowman["] testifies:-

Bidders and Beggars faste about eoden
Til heor Bagges and heore Balies weren (bratful)

I crommet;

Feyneden hem for heore foode fouzten atte alle;
In Glotonye, God wot gon heo to Bedde
And ryseth up with riboudye this Roberdes knaves.

Again, in Passus VII, he tells us that in times of plenty labourers become dainty, want delicate food and grumble about wages.

So far we have considered the effect of the Black Death on hired labour, but in the case of the tenants, as such, we have to deal with a different though connected situation. Although, in 1348, it is probable that the great body of tenants still rendered labour service, the process of commutation was rapidly gaining ground. The Black Death would certainly check this process, for, with labour rising rapidly in price, the lords would not be willing to forego their claims for money. On the other hand, tenants would be made more restive, feeling that their labour services were worth more, because labourers in their parish were getting higher wages. This discontent was fostered by the ideas of personal independence which were in the air and which were inculcated to some extent by the early friars, and to a much greater

extent by Wyclif and his "poor preachers". John Ball's simple doctrine of equality was expressed in the couplet:-

"When Adam dälfe and Eve span

Who was than the gentleman?"

but Wyclif's doctrine of "dominion founded on Grace" went deeper than this. He held that temporal wealth and power are ^a stewardship, given by God to reward those who are in a state of Grace. From this it was not a far cry to the inference that if the condition is not fulfilled, not only would the Giver be justified in withdrawing the wealth or power, but also the men subject to the "dominion" would be justified in withdrawing their obedience.

Applying this to the relations between master and tenant, it meant that the tenants should consider how far those in authority were in a state of grace, and we can conceive that it was not very difficult for a tenant to convince himself that his lord was not fulfilling the conditions of his trust. Wyclif himself, a cautious Schoolman, held that "In this very imperfect world, a God must obey the Devil," but his followers were by no means so guarded.

In the 60's and 70's, complaints about the tenants withdrawing their customary services became more and more rife, and the severe measures to stop this withdrawal brought about a conflagration. Wat Tyler's rising, ostensibly caused by hatred of the poll-tax levied in 1381, was a rebellion, not primarily of the labourers, as such, but of the tenants who wished to be free to commute their labour services on easy terms. The struggle appears fruitless at the time, for the

Statute 5 Richard II, passed shortly afterwards, revoked "all manumissions and privileges extorted under menace," but it at least showed the upper classes that the masses when roused had a force not to be despised. Also, although the tenants were more submissive for a time, the process of commutation was gradually resumed, until by the middle of the 15th century, labour services had practically disappeared

The next important Labour Statute, passed 7 years after the upheaval, is noteworthy because it recognises that the problem of the "impotent poor" was one requiring special consideration. The provisions of the earlier Statutes relating to labourers were again affirmed and it was enacted that "no servant or labourer .. depart out of his hundred, rape or wapentake, to serve or dwell elsewhere, or by colour to go in pilgrimage, unless he bring a letter patent ... to be given at the discretion of the justices." If found wandering without such a letter, which apparently was only to be given after a definite engagement had been secured, an able-bodied beggar was to be put in the stocks until he found someone to act as surety that he would return to his service. Rates of wages were again fixed and penalties were assigned for those who gave or accepted more. Children who were brought up to agricultural labour until they were 12 years of age were to remain peasants and not be put to any mystery or handicraft. The responsibility for their own "impotent poor" was put on the localities, for those who were unable to work were to abide in the cities or towns where they were dwelling at the proclamation of the Statute and, if they would not "suffice to find them", to go to others

within the hundred, rape, or wapentake or to the town where they were born. It was a step forward openly to have recognised the distinction between the able-bodied and the impotent, but no machinery was provided for carrying out the provisions of the Statute, the legislators apparently hoping that voluntary charity would provide for those who were really unable to labour.

Similar statutes continued to be enacted, sometimes with modifications and additions, throughout the succeeding reigns. The fact that there was necessity for these re-enactments shows that there was considerable difficulty in enforcing the Statutes. The numbers of beggars and vagrants grew during and because of the social struggles of the fourteenth century, and the gradual emancipation from vassalage, of which we have spoken, in itself led to the increase of vagrancy. While serfdom existed, the villeins had a claim to maintenance by their lords, but with freedom, and the consequent exposure to the casualties of life, came the necessity for special provision for the relief of distress.

The whole country suffered from the "want of governance" which distinguished the 15th century, and vagrancy again increased, for there was little inducement to honest industry. On the other hand we notice that there was a general rise in wages, for whereas in 1388 a bailiff was paid $13/4$ per annum, a Statute of 1444 fixed a bailiff's wages at $23/4$ together with clothing to the value of 5/-. As, despite intervening fluctuation, the price of wheat was the same in 1444 as in 1350, the causes of the increase must be looked for in "the increased demand for labour, the spread of freedom and

intelligence and the improvement in the mode of living of the great mass of the people."

With the accession of Henry VII, the executive which had been gradually regaining strength under the Yorkist kings, again became powerful, the nation was again welded by the central power into one corporate whole, and the transition to the "modern period" was effected. The Tudor rule was a practical despotism, working through Parliament which collected information and carried through legislation, but had no independent initiative, while the Council, which dictated legislation & enforced it when passed by means of orders to the justices, was the real pivot of government. The two following chapters will show that a vital necessity for the re-organisation of poor relief grew in the 16th century and will deal with the methods adopted by the Tudor government to cope with the new problems.

Notes to Chapter II

1. Aelfric's Life of King Oswald.
"It happened one day that they brought the king royal courses on a silver dish, and at the same time one of the king's thegns, who had charge of his almsgiving, came in and said that many poor men were sitting along the street waiting for the king's almsgiving. Then the king immediately sent the silver dish with the food altogether to the poor men, and gave orders for the dish to be cut up and a share given to each of the poor men."
2. This transference of the control of the revenues was effected on the Continent by the re-organisation of the Church under Charles the Great who was crowned Emperor in 800 A.D. In England, vide an ordinance ascribed to Egbert, Archbishop of York in the 8th century, and the Canons of Aelfric in 960.
3. Lever. "Sermon before the King" 1550.
4. Fuller. "Church History", printed 1656.
5. Ratzinger. "Armenpflege," quoted by Ashley, Economic History, Vol.1.
6. Introduction to Henry Brinklow's "Complaynt of Roderick Mors," 1542.
7. Will of Jn. Pyncheon in "50 Earliest English Wills."
8. Seebohm. "The English Village Community."
9. A yardling was the holder of a virgate" or "yardland."
10. The first "Statute" was probably an Ordinance of the King, the second one being the real "Act of Parliament."

Chapter III.

The need for re-organisation of poor relief in the 16th century.

We are accustomed to look upon the 16th century as a glorious era, when the activities of men in all spheres were quickened into new and vigorous life, but no-one could read through a series of contemporary writings without realising that it was "a period when this country, with its men of indomitable will, struggled, fought and suffered, with the determination to come out of it all with the strength,¹ independence and freedom which we hold so dear." Though we are forced to abandon the idea that the era of Elizabeth was a halcyon time when the gifts of great artistic achievements and material prosperity were showered upon the land without the storms and stress which usually accompany such attainments, the period gains in vital interest when we realise the problems which had to be faced. These problems are the more interesting in that they are closely connected with many burning questions of to-day. The number of contemporary writings dealing with economic and social questions witnesses to the growth of a "social conscience" and we notice the remarkable agreement as to the prevalent evils amongst men of such different calibre as Pole and Brinklow, More and Crowley. From the writings, we gather that though the political economy of the age was faulty enough, yet the thinkers of the time had realised the truth of a great principle, - that political economy must have an ethical basis

in the idea of disinterested service for the common good. Letting the contemporaries first speak for themselves, we shall then summarise the circumstances they present to us and amplify their facts from other sources.

Regarding the social problem from a moral standpoint, the evils complained of are three-fold. Lever, in the first of his "Sermons before the King," delivered in 1550, says that "Pore men have been rebels and ryche men have not done their duetie," and "A Supplication of the Poore Commons," published in 1546 which is directed against the "able-bodied beggars," i.e., the clergy, who impropriate all the tithes which should be given to the poor, supplies the third complaint.

The
increase
in
vagrancy.

We have seen that in earlier centuries many attempts had been made to repress vagrancy, but without conspicuous success. In the early 16th century, there was a notable increase in the numbers of vagrants and this increase was noted with alarm by intelligent observers. About 1561, Awdeley published his "Fraternitie of Vacabondes," an account of the different varieties of beggars known to him. This was followed in 1566 by Thomas Harman's "Caueat or Warening for common Cursetors, vulgarely called "Vagabones," which was based on long personal experience of the tricks of beggars, and gives an account of twenty-three kinds of vagabonds whom he had discovered. In the dedicatory epistle to Elizabeth, Countess of Shrewsbury, Harman says that he wishes to disclose the mal-practices of the malingerers, "for the sake of the security of life and property, for the

driving away of sin and wickedness and for the sake of the flourishing of the realm." He illustrates the long continuance of the evil by a tale told by a man of 80, who when young had waited on a man of much worship in Kent, who died soon after the execution of the Duke of Buckingham in 1521.

"At his buryall (was) such a number of beggers --- that unneth they mighte lye or stande aboute the House - then was there prepared for them a great and large barne and a great fat oxe sod out in Furmenty for them with bread and drink abundantly --- and every person had 2 pence. When night approached --- the wayfaring bold beggers remained alnight in the barne, and the same barne being searched -- in the night, they told seven score persons, men -- and women. Thus --- the buriall was turned to bousing, mourning to myrth, fasting to feasting, --- and lamenting to lechery." Harrison in his "Description of England" tells us that these vagabonds continued to increase, "for they are now ^x supposed, of one sex and another, to amount unto above 10,000 persons."

The vagabonds had devised a language which none but they could understand and which was known as "peddelars French or Canting" and Harman prints a dictionary of the terms used by them. After suggesting that the numerous "typlinge Houses" encourage the vagrants, he proceeds to describe the different classes in their order of precedence. A few examples will illustrate their nature and the kinds of fraud which they practised.

A 'Ruffler,' mentioned in the Statute of 1536, was one who, having fought in the wars or having been a serving man,

took to an idle life, demanding or filching where he thought fit, and begging where he thought he could move to pity. A "Hoker or Angglear" carried a pole with an iron hook. By day, he would observe where he could steal from by night, putting his pole through the window and "hooking" booty. Apparently their knavery sometimes took a humorous turn, illustrated by the story of the "hoker" who 'hooked' the bed-clothes off three men as they lay sleeping in a room. The 'Roge' always had some excuse, as that he was ill or sought a relative. Two 'roges,' having discovered that a certain priest lived in a very lonely house, went to it at night, and, as he was offering them alms through the window, clapped a horse-lock on his hands and forced him to give up all his money.

Harman once rebuked a "Wylde Roge" or one who is born a rogue, for wandering idly about, and the man replied that he was a beggar by inheritance,- "his Grandfather was a begger, his father was one, and he must nedes be one by good reason."

"Fryggers of Fraunces" were horse stealers, the ships of "Freshe Water Mariners" were drowned "in a plain of Salisbury," Dommerars pretend to be unable to speak, and "Counterfet crankes" to have the "falling sickness."

Of the women-kind, the "bawdy-baskets" remind us of a phenomenon which has not entirely disappeared from modern life. They went out with baskets of laces, pins, needles and other oddments, and got much more than they were worth from maids when their mistresses were out of the way.

Not only were these vagrants a danger because of the way in which they preyed upon their fellows, but their shameless immorality was a plague spot in the life of the community.

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Yet we must hesitate before condemning the whole race of beggars, even, as More warns us, of thieves. In the first book of Utopia, Raphael Hythloday tells Cardinal Morton that he considers the punishment of thieves by death is too rigorous, for "ther is (no) punishment so horrible that it can kepe them from stealyng, which have no other craft, wherby to get their living." He goes on to speak of the large number of retainers who are kept, and tend to swell the ranks of the beggars, because often the dead Lord's heir "is not hable to mainteine so great a house," so that the serving men "either starve for hunger or manfullye playe the theves." Land is used to pasture sheep instead of for tillage, - "noblemen and gentlemen: yea and certeyn Abbottes --- leave no groundes for tillage, thei inclose al into pastures; thei throw downe houses: they plucke downe townes, and leave nothing standyng, but only the church to be made a shepe-howse." As for the "poore, selye, wretched soules" who are turned out of their houses and robbed of their occupations, "when they have wandered abroad tyll that (i.e. the proceeds of the sale of their household goods) be spent, what can they then els doo but steale, and then justly pardy be hanged, or els go about a beggyng. And yet then also they be caste in prison as vagabondes, because they --- worke not: whom no man wyl set a worke, though thei never so willyngly profre themselves therto. For one Shepheard or Heardman is ynoughe to eate up that groundes with cattel, to the occupieng wherof aboute husbandrye manye handes were requisite."

Crowley, in "The Way to Wealth" tells us that though the landlords ascribe the causes of sedition to the misdemeanours of the peasants who "are too wealthy, - regard no laws, - would have all things in common, would fix our rents, cast down our parks and lay our pastures open," the peasants have a very different point of view. They reply, "The Cormerantⁿites, gredye gullies; (i.e. the great farmers, graziers, merchants and gentlemen) yea men that woulde eate up menne, women and chylðren -- take our houses over our heads, buy our lands, raise our rents, and enclose our commons: no law can keep them from oppression. They devour all we get in our youth, and when we are old we have to beg."

We have thus been led to consider the second of the complaints, "that ryche men have not done their duetie."

The phrase itself shows that the social ideal, which was becoming articulate in the group of the thinkers who devoted their attention to economic questions, was based on an idea of public duty, opposed to the spirit of commercialism which had spread from the towns and was invading agricultural England. Not only were the landlords enclosing lands because they found sheep-rearing more profitable than tillage, but there was also an outcry against them for "rent-raising, fine-enhancing, engrossing, forestalling and regrating." Noblemen and gentlemen raised their rents and the fines which it was customary for an heir to pay on coming into his property, so that they might get rid of their tenants, and Crowley says of the merchants who began to take up farming as a speculation:-

"But syth they take fermes
to let them out agayne,
To such men as must have them,
though it be to theyr payn;
And to leavye greate fines,
or to over the rent,
And do purchasye great landes
for the same intent:
We muste nedes cal them
membres unprofitable ---
As men that woulde make
all the Realme miserable."

In a Statute of 1551, 5 Edward VI, c.14, entitled
"An Act against Regrators, Forestallers and Engrossers" we
find the following definitions. A 'Forestaller' is a person
who buys goods or victuals on their way to a market or port,
or who tries to enhance the price or prevent the supply.
A "Regrator" is one who buys corn, victuals, etc, and re-sells
them in the same market or within four miles. 'Engrossers'
buy corn growing, or buy corn and victuals to sell again.
The writers inveigh against these practices, again showing
their dread of that commercial spirit, which saw in agriculture
a new and profitable sphere for its activities. There had been
a great change from the time when England had been a wholly
agricultural country, and each man's land had sufficed for his
own requirements, and to onlookers who had sympathy for the
poor, the change seemed all for the worse. More begs that the
Government "Suffer not these riche men to biy up al, to ingrosse."

and forstalle, and with their monopolie to kepe the market alone as please them."

am
perty.'

Crowley brings forward against the landlord class another complaint which is curiously reminiscent of a present-day problem. One of his Epigrams, "Of allays" is directed against the owners of slum property who keep the hovels which they own in a disgusting state of neglect, and yet charge exorbitant rents, because they know that there is a dearth of houses in which the poor can live.

ay of
arity &
pitality.

The writers also tell of the decay of Charity and Hospitality. Latimer, in his "Sermon of the Ploughers" delivered in 1549, speaks particularly of the Metropolis - "London was never so yll as it is now. In tymes past men were full of pytie and compassion, but nowe there is no pitie, for in London their brother shall die in the streetes for colde, he shall lye sycke at theyr doore betwene stocke and stocke ----- In tymes paste when any ryche man dyed, they woulde bequete greate summes of money towarde the releve of the pore. When I was a scholer in Cambridge my selfe, I harde verye good reporte of London and knew manie that had releve of the ryche men of London, but nowe ----- Charitie is waxed cold, none helpeth the scholer nor yet the pore." Again, we hear Lever praising a tradition of hospitality which was evidently passing away. "I do not prayfe thofe men which brybe & polle all the yeare to kepe riot in their houfes for a fortnyght, a moneth, or a quarter of a yeare, But thofe I se be loved, trufted and obeyed, that accordynge to their habilities, keepe good houfes continually." 2.

call to
penance.

What then is to be the remedy for these moral evils? The divines, such as Crowley and Lever, who write on the subject, though they make some suggestions for more immediately practical remedies, say that the prime need is that of a change in the hearts of men. Lever³ thus states his ideal:-

"Everye man by doyng of hys dutye muste dyspoſe unto other that commodytie and benefyte, which is committed of god unto theym to be dyspoſed unto other, by the faythful and diligent doyng of theyr duties." Crowley calls on both the "peasant knaves" and the "gredye gulles" to repent. Let the peasants look into their own hearts and see if they have not deserved the plagues which have come upon them as a punishment for idleness and disobedience. As for the rich, though Crowley hates the sins of the poor as much as he hates theirs, yet if the offences of the two were weighed as in the balance, the rich would be ashamed. They were first disobedient in enclosing the commons contrary to law and the proclamations. They have no love of their country or they would have prevented the ensuing destruction.

degeneracy
the
clergy.

If these evils are rife, what then has become of the influence of the clergy who should be the natural teachers of the people? The tracts and sermons are again unanimous in speaking of their degeneracy. Latimer⁴ says of the "Ploughers" - the clergy who should prepare hearts to receive the good seed - "Suche then as loyter and live idelly are not good prelates or ministers. And of suche as do not preache and teache nor do not theyr dueties: God

sayth by hys Prophet Hieremie: Maledictus qui facit opus
dei fraudilenter ----- Howe manye such prelates, howe many⁵
such bishops ----- are there now in England"? Brinklow ,
in 1545, declared in vehement language that no one could be
worse than the Bishop of London save Lucifer himself.

We also hear many complaints of Pluralities and
non-resident clergy. In "A Supplication of the Poore
Commons"⁶ is told a story of a Chaplain who had so many
livings that he did not know them when he saw them.
Crowley⁷ suggests to the King an ingenious punishment for
a priest who refused to give up any of his numerous benefices:
"God wylllynge thy body
Shalbe divided, and sent,
To ech benefice a piece
To make the resident."

Though we should agree with the preachers as to the
good which can be done even under an imperfect system by
people animated by a spirit of altruism and public service,
and as to the evil wrought by selfishness and greed, we
cannot look upon the distresses of the time as due solely
to the moral turpitude of the people. England, in the 16th
century, was in the throes of a great change in economic
and social organisation,- a change which brought with it
much suffering, yet had in it the elements of future progress.
We may summarise the changes under 5 headings:-

1. The 'Agrarian Revolution', i.e. the conversion of land from
tillage to pasturage, involving a decreased demand for
agricultural labour.

2. The introduction of manufactures on a large scale which were less stable than the old industries.
3. The total break-up of the feudal system and the consequent dismissal of those who had been armed retainers and serving men.
4. The religious changes of the Reformation, which involved the dissolution of the religious establishments which had administered relief to the poor, and which were accompanied by the growth of a spirit of individualism.
5. The rise in prices, which were affected by a series of bad harvests, by the debasement of the coinage and later by the influx of silver from the New World.

These changes are closely intertwined with each other and illustrate how inextricable is the connection between the different sides of a nation's development.

ie
agrarian
revolution.

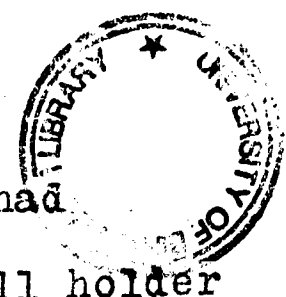
The latter half of the 15th century saw a profound change in rural life and the prominence of the term "Enclosures" shows how the minds of contemporaries were affected by the change in the external aspect of the country. In order to facilitate the keeping of sheep, land was enclosed and laid to pasture instead of being tilled on the old "intermixed or open-field system." The growth of the woollen industry naturally led to a demand for raw material, so that landowners found it very profitable to keep sheep. Far less labour was required to tend sheep than to till the soil, so that many labourers were deprived of their former means of livelihood, and in many cases customary tenants were evicted from their holdings. To the imagination

of More, the sheep appeared as Gargantuan beasts, eager to devour the inhabitants of the countryside. "Your shepe that were wont to be so meke and tame, and so smal eaters, now --- be become so great devowerers and so wylde, that they eate up, and swallow downe the very men them selves". Of the evils resulting from enclosures, he continues:- "Therefore that on covetous and unsatiabie cormeraunte and very plage of his native countrey maye compasse aboute and inclose many thousand akers of grounde together within one pale or hedge, the husbandmen be thrust owte of their owne, or els either by coveyne and fraude, or by violent oppression they be put besydes it, or by wrongs and injuries thei be so weried that they be compelled to sell all :----- they muste needes departe awaye, poore selye wretched soules, men, women, --- fatherlesse children, widowes, wofull mothers with their yonge babes, and their whole houshold smal in substance, and muche in numbre, as husbandrye requireth manye handes."

Making all allowances for exaggerations, enclosures must have been fairly general by the beginning of the 16th century, as a Statute of 1515,⁸ entitled "An Act to avoid the pulling down of towns"[¶] witnesses, lands formerly tilled had been converted to pasture, "whereby the husbandry which is the greatest commodity of this realm for the sustenance of man is greatly decayed, necessaries for man's sustenance made scarce and dear, the people sore ^{min} ~~per~~ished in the realm."

The change was effected mostly by the landlords, who hedged in the desmesne lands, substituting sheep for crops and thus

¶ Town in this sense means our 'village.'



throwing out of employment the labourers whom they had employed on the domain lands and very often the small holder who added to his livelihood by work on the desmesne. But the mere conversion of part of the desmesne was not sufficient to account for the outcry; the change also affected the peasant holdings. The customary tenants held their land "at the will of the lord according to the custom of the manor" and though perhaps there was no considerable eviction of actual sitting tenants, the lords would often refuse to admit the son of a former tenant. We are led to assume that enclosures began before the customary tenant had acquired a legal status, for the language of the Proclamations against enclosures does not accuse the landlords of 'illegal' acts, but of practices which are against the national interest, in that they lead to discontent and rebellion and diminish the fighting powers of the country. Landlords also enclosed the common pasture lands, for John Hales, defining enclosures for the Commission of 1548, says "It is meant thereby, when any man hath taken away and enclosed other men's commons, or hath pulled down houses of husbandry, and converted the lands from tillage to pasture."

The danger of enclosures was first noted in an Act of Parliament, in the Statute of 1488 which refers to the Isle of Wight. The Government was seriously alarmed at the conversion of arable land into pasture and the consequent decrease of population in an island which was a "protection against our ancient enemies of France." The Statute was also

directed against the consolidation of farms, for it ordered that no man should take a farm in the Isle of Wight rented at more than 10 marks, and owners of land let for farms were to keep up the houses and buildings necessary for tillage and husbandry. A second statute in the same year, 4 Henry VII, c.19, refers to the whole country and orders the restoration of houses decayed "within three yeres past." Professor Ashley⁹ notes that the changes would probably have been in progress some years before they attracted the attention of Parliament, and he assigns to the date 1470 the beginning of enclosures on any considerable scale. From that time until about 1530, the process went on with amazing rapidity, then slackened somewhat until it began again on a large scale in the 18th century. The object of the later enclosures was somewhat different from that of the earlier; in the 18th century the idea was "to introduce a better system of arable cultivation," whereas in the 16th the object was "to substitute for arable the more profitable pasture." Both movements synchronised with the growth of interest in land amongst townspeople; money made in commerce was largely used for the purchase of land, but whereas the commercial magnates of the 18th century desired to 'acquire gentility' and 'found a family', the merchants of the 16th century saw in the acquirement of land a profitable speculation. By the beginning of the 16th century, Englishmen had become familiarised with the use of 'capital' in industry, and now we see the introduction of 'capital'

into farming. [★] Town business men competed with country-men for farms and the landlords took the opportunity to raise rents. A new spirit of individual enterprise, resulting in improved production, was introduced into agriculture, but there was also more obvious selfishness and greed.

The policy of enclosing land was not bad in itself and was a progressive step, because it was impossible to introduce new and better methods of production under the old open-field system which was essentially uneconomical and in which each man was at the mercy of his neighbour.^{10.} The evil lay in the manner of carrying out the enclosures and the shameless 'land-grabbing' which went on. Fewer labourers are needed to tend sheep than to till the soil, so it was a natural consequence of the increase of sheep-farming that many were thrown out of work, and the agricultural population, which had always been considered the reservoir of the fighting strength of the nation, tended to decrease. The Government, seeing these evils, had no thought but to try and stop the enclosures, and from 1488 onwards we get a series of statutes against, and commissions to enquire into the conversion of arable land to pasture, and the decay of 'houses of husbandry.' Men had not then learnt - indeed it is doubtful if we are much wiser in this respect, after three more centuries of experience - the political unwisdom of trying to stem the tide of a change which arises out of the circumstances of the time and to which profit distinctly points the way. The wiser course would have been to accept

the practice had also grown up of letting part of the desmesne lands to farmers, who gradually accumulated their own capital.

the change, to organise it, and to give a filip to those manufactures which had been largely responsible for the agrarian revolution, and which might in their turn have been made to provide a new market for the labour of the dispossessed and unemployed peasants.

age in
ustrial
nisation.

Though the agrarian revolution was by far the most important cause of destitution, other contributory causes must be considered. We have said that men of the 16th century had become accustomed to the use in industry of 'capital', i.e. money or stock accumulated and saved to be used for future gain. At the beginning of the 15th century, English Companies such as the Merchant Adventurers began to take an active part in foreign trade, and the chief source of the capital which they needed for their enterprises was the wealth which they had already acquired as merchants in the home trade. Side by side with this use of capital for foreign trade, was growing up a new organisation of industry on lines which necessitated the use of capital. "The 'Gild System,' manufacturing for a limited and local market, had in the cloth industry given place to the 'domestic system,' manufacturing for the whole of Western Europe. Instead of independent master craftsmen, who buy their own materials and work them up to meet the comparatively stable demand of the neighbourhood, we find 'clothiers,' i.e., traders with a certain command of capital, who give employment to the master craftsmen and their dependants, and send their goods by the Merchant Adventurers to be sold in the Netherlands

and elsewhere." The extension of the markets meant that the new industries were much less stable than the old, and workers suffered from the fluctuations of trade arising from economic or political causes over which they had not the slightest control. Crises in the cloth trade occurred in 1528 when Wolsey prohibited the import of cloth to the Netherlands, thus closing their market to the Merchants, so that many craftsmen were thrown out of employment, and again in the early 17th century when the merchants stopped the sale of goods during their dispute with Charles I about customs exactions which they considered illegal. A certain amount of distress was thus caused by recurrent periods of unemployment.

dismissal
retainers.

The struggles of the 'Wars of the Roses' were the death agony of the relics of the Feudal System. Henry VII's determined efforts to stamp out "livery" and "maintenance" had the result of flinging upon the world large numbers of men whose training had quite unfitted them for participation in crafts or agricultural pursuits. The warlike society of Feudal times was giving place to a peaceful industrial community, in which they found themselves adrift with no outlet for their martial energies and no inclination to turn to the ^{arts} ~~arts~~ of ^{peace} ~~peace~~. We have seen that More noticed that the vagrant and criminal classes were swelled by the addition of such men, and other contemporary writers concur in his opinion. ¹¹ 'Roderick Mors' complains that "He (the heir) must byd them shift for them selves, and so thei must take

standings in Shoter's Hill, Newmarket Heath, and in Stangate Hole ---- Commonly the great thieves and robbers are the masterles and cast-away courtiers, or pompos bisshops servants, that have no wages of their master."

ormation.

In Chapter II we saw that the dissolution of the religious establishments and the seizure of endowments threw on to the mercy of the world numbers of poor people who had been dependent on them for relief. We also concluded that the indiscriminate almsgiving of the monasteries, in common with other medieval institutions and agencies for relief, had been partially responsible for the creation of the problem of pauperism. But the Reformation had wider and more subtle effects than those already discussed. The church lands, comprising nearly one-fifth of the area of the country, passed by gifts or easy terms of sale by the crown to lay lords and gentry, and we have seen that the country people felt the effects of the sharp contrast between the easy-going conservatism of the religious establishments and the progressiveness of the new landlords. The Reformation was essentially an expression of individualism and it was only one side of a general tendency to free the individual from tradition and make him think for himself. It was inevitable that this individualistic spirit should make itself felt in the economic sphere. The contrast between the old and the new landlords was not so much a contrast between kindness and hardness as between slackness and keenness. The men of the Middle Ages were not at all indisposed to follow self-

interest when the path occurred to them, but it did not occur to them so frequently as to the new generation of progressive and thinking men who pursued self-interest openly. The Church, which might have inculcated a more social spirit, had cast down Authority and had not yet conceived anything vital to offer in its place.

In England, the Reformation was primarily a political movement, rather than, in any real sense of the word, a religious change. It was a compromise, so that the mass of the new clergy were 'middle-men' who were content to retain their benefices on any terms, for they had neither the zeal of the ardent Reformers who wished for thorough-going doctrinal reforms based on a change in the spirit of the people, nor the faith and loyalty of those stalwarts of the old school who preferred the loss of their cures to submission to the fiat of a temporal ruler. The numerous complaints of slackness and of non-residence show that the clergy were not conspicuous for their devotion to duty. It was not until the dross of materialism had been purged away by the fires of Smithfield and the blood of the Marian martyrs that the clergy of the English Reformed Church could be considered spiritual leaders of the people.

rise in
prices.

The one other cause of distress was partly due to misfortune. England, in common with the rest of Europe, suffered from a series of bad harvests and consequent shortage of food between 1527 and 1536. Prices rose

rapidly, and the rise in wages, though steady, by no means kept pace with the increase of prices. The debasements of the coinage by Henry VIII and Edward VI added to the evil¹² and we find that the prices increased by about 60% between 1511 and 1550. During the latter half of the century, the influx of silver from America meant an inflation of the currency, and between 1550 and 1560 prices rose by a further 60%¹². The evil appears to have continued, for a tractate written in 1587 tells of the great "inhaulment of pryces in thyngs Domesticall and forren," and says that "in England our Moneys and treafure are und^r valued to the Moneys and treafure in other Contryes."¹³

These considerations show the conditions which led to the growth of the new poor law. This was a time "when to the old evils of mendicity and vagrancy as the Middle Ages had produced them, were being added all over the country much distress and misery amongst the honest labouring population." For centuries, society had sought to rid itself of vagrants by hounding these Ishmaelites out of existence by means of stern repressive measures. These measures had woefully failed, and the social conscience developing amongst the men of the 16th century quickened their minds to see that vagrants were a mixed class of deserving and undeserving poor and that there must be a careful enquiry into causes before effects could be removed.

England was not alone in suffering from the evils of vagrancy, for they were also widespread on the Continent of Europe. A 'Liber Vagatorum,' containing an account of

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classes of vagabonds and a 'Canting Dictionary', appeared in Germany in 1514, and in 1528, Luther, who was deeply interested in the problem of mendicity, wrote a preface to this book. It was a continental city which led the way to sounder ideas on the subject of vagrancy and to reform of measures dealing with it. The town authorities of Ypres laid down two principles which ran counter to the medieval ideas of almsgiving. The first was that it was the duty of the town authorities, as such, to look after the poor, that almsgiving was not sufficient for the situation. The second stated that civic authorities who took over relief would be justified in prohibiting begging and vagrancy. These principles were embodied in an ordinance of 1524 or 1525. The reforms led to a great discussion in the Sorbonne¹⁴, which, on the whole, leaned to the side of reform.

We thus see that in the 16th century, the European countries started with much the same problems and ideas. England, though she was gradually growing to a knowledge of sounder principles, on the whole lagged behind her continental neighbours and was probably stimulated by their example. In the 17th century, we shall find that the English Poor Law organisation was much more complete than that of the continental countries, because in this country the organisation was driven in by the energetic action of the Privy Council working through the Justices. It is something to be counted for righteousness to the

'personal government' of Charles I, that during the 11 years, 1629 to 1640, the Privy Council was particularly active in bullying the Justices to carry out the duties assigned to them by the Poor Law.

Notes to Chapter III.

1. Introduction to Henry Brinklow's "Complaynt of Roderick Mors." E.E.T.S.
2. Lever. 2nd "Sermon before the King." 1550.
3. Lever. 3rd " " "
4. Latimer. 'Sermon of the Ploughers.' 1549.
5. Brinklow. 'Lamentacyon of a Christen Against the Cytye of London. 1545.
6. Written 1546, and published in "Four Supplications, E.E.T.S.
7. 'Epigrams,' printed in Select Works. E.E.T.S.
8. Bland and others. Select Documents of English Economic History.
9. Notes to Ashley, Economic History Vol. I. Chap.IV.
10. E.g. one man might keep his strip clear and yet have it sown with thistle-seed from the strip of his next neighbour.
11. Brinklow. 'Complaynt of Roderick Mors.'
12. The figures are given in the 'History of Agriculture and Prices.' Vol.IV.
13. Lansdowne MSS. 55. No.121. Page 31, Br.Museum.
14. The theological faculty of the University of Paris was the highest tribunal of its kind in the Catholic world, of which England was still a part.

Chapter IV.

The Great Poor Law of 1601.

We have seen that the great increase of vagrants and the fact that many of them became vagrants of sheer necessity arising from the circumstances of the time made essential a re-organisation of the methods of relief. Circumstances had changed, the old method of stern repression was obsolete and new ideas about the duty of Municipality and State to their poorer members were gradually making themselves felt. We shall find that these new ideas were first embodied in the town orders, on which, later, legislation was based, and the Statutes when passed were enforced by the Orders of the Privy Council to the Justices. The earlier part of the Tudor epoch was essentially a time of local experiment in poor relief; in the '60's legislation became increasingly important until it culminated in the Great Poor Law of 1601. The proof of a Statute, however, is in its administration, and we shall find that it was during the early Stuart period, that the relief of the poor became a vital and integral part of our social fabric. The reigns of the first James and Charles are usually remembered for governmental encroachments on liberty, for the struggles about ship-money and arbitrary imprisonment, but it is undeniable that during this period, and particularly during the years 1629-40, the Privy Council were most active in enforcing measures destined to benefit

the poor.

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Town communities had always exhibited a certain spirit of independence in regulating their own affairs, and the town authorities had large powers during Tudor times. "They imposed taxes without the authority of Parliament; uncontrolled, they could expel new comers from their borders and they were fertile in the device of new punishments to drive the sturdy vagabond to honest labour." ¹ The experience of the towns and the results of the experiments made by them were a valuable object lesson to the Government, and many of the more successful measures adopted by the towns were afterwards made the basis of legislative enactments. Then, as now, there were great differences between the attitudes of the various towns to social questions. London was most vigorous and progressive in these matters. As early as 1359, the civic authorities made regulations against vagrants, the purport of the proclamations being similar to that of the Labour Statutes of the same period. The ordinance of 1359 declared that "many men and women of divers counties who might work to the help of the common people" migrated to London and became beggars, and ordered these unwelcome visitors to leave the city at once, 'on pain of being put into the stocks.' In 1375, anyone "who by handicraft or the labour of his body can earn his living" was forbidden to 'counterfeit the begging poor', i.e., the impotent.

Measures
to ensure
a regular

The London authorities not only issued orders to repress vagrants, but also took measures which tended to

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prevent destitution and consequent vagrancy, by providing an adequate and constant supply of corn. As early as 1391, the Lord Mayor of that year "in a great dearth procured corn from parts beyond the seas to be brought hither in such abundance as sufficed to serve the city and the counties near adjoining." The towns were always dependent on the country districts for their food supply, communication was difficult and there was nothing to ensure that the dealers would bring their wares into the market with any regularity. The food problem became more pressing as the population grew more rapidly. In 1520, an attempt was therefore made by the Common Council to obtain the funds necessary to ensure a supply of grain, by assessment of the craft companies. ² Each company was assessed in proportion to its wealth, and the money was used to purchase a public store of grain which was brought into the market when the supply was scanty. In this way prices were kept down to a more normal level. As the burden of a high price of corn fell most heavily on the poor, these measures were taken chiefly in their interest.

urdy
gabonds.

Regulations were also made for the repression of vagabonds and the relief of the impotent poor. Able-bodied vagrants were forbidden to beg and the citizens were forbidden to give to unlicensed beggars. Four surveyors were appointed to look after the sturdy beggars who were to have the letter 'V' fastened on their breasts and were to be "dryven throughoute all Chepe with a basone rynging afore them."

The
impotent.

The Court of Aldermen gave to impotent beggars tokens

of white tin: unlicensed vagrants were sternly forbidden to beg. This system was soon found to be inadequate, for, although the deserving poor were licensed, there was no guarantee that they would be sufficiently relieved. Therefore, in 1533, the Aldermen deputed people to gather the alms of the parishioners weekly and distribute them at the church doors, though the licensing system still continued.

dissolution
the
monasteries.

So far the civic authorities had made little attempt to organise funds and none to prevent begging entirely, but the dissolution of the monasteries in 1536 made municipal relief of the poor more urgently necessary. Stow³ gives a list of 20 hospitals in London at this time and many of them were threatened with disendowment. The City made efforts to save some of them, and in 1544 St. Bartholomew's was refounded and also Bethlehem, Christ Church and the Church of St. Nicholas were given over to the civic authorities.

decay of
city &
subsequent
position
a com-
munity
society.

We know, however, from the complaints of contemporaries that the citizens of London were at this time little disposed to give to the poor. "Roderigo Mors"⁴ complains that they provide for the dead but not for the poor living. "Bestowe (your alms) -- from henceforward - upon the trewe image of Christe, which is upon the poore, the sycke, the blynde, the lame, the presoner, etc. London, beyng one of the flowers of the worlde as touchinge worldlye riches, hath so manye, yea innumerable of poore people forced to go from dore to dore, and to syt openly in the stretes a-beggyng -- (or) lye in their houses in most grevous paynes, and dye for lacke of ayde of the riche." On account of this decay of charity, the

Common Council, in 1547, decided that the Sunday collections should cease and that a rate of a "half-fifteenth" should be imposed on all citizens. Probably this was the first compulsory tax levied for the relief of the poor, and it preceded by 25 years the first direct assessment ordered by Parliament.

hospitals.

In 1550, Ridley was appointed Bishop of London and under his stimulating influence the organisation of municipal poor relief went forward apace. A classification of the poor⁵ was made and the Hospitals were organised systematically to deal with the various classes. St. Thomas's Hospital was acquired by the citizens and this together with St. Bartholomew's which was again repaired and re-endowed, was used for the reception of the sick-poor. Christ's Hospital was dedicated to the care of orphan children and Bethlehem (Bedlam), which in later times was always reckoned along with Bridewell, was used for pauper lunatics. Bridewell, which was destined for "the training, correction and relief of the able-bodied," was the greatest innovation of all. Ridley had used great efforts to obtain this disused Royal Palace for the use of the citizens and had endeavoured to interest Cecil in the matter. In 1553 the citizens presented a petition for Bridewell to the Privy Council and stated that the provision of work there was to be "profitable to all the King's Majesty's subjects and hurtful to none." The difficulty of disposing of pauper-made goods was to be obviated in an interesting way.

Merchants were to give out raw materials to the unemployed in the Hospital, pay the authorities for the finished goods and sell them in the ordinary course of trade with the rest of their stock.

In 1557 orders were drawn up for the government of the hospitals and in the orders we see that the distinction between 'beggars' and 'poor' was now recognised.⁶ Sixty-six Governors had general authority over all the hospitals and the particular responsibility for each was divided between them.

This new municipal system had developed out of the old: the same hospitals were refounded, improved and enlarged, and carried on much the same work. Now, however, they were under public management and each had a definite sphere as part of a system. Bridewell was the key-stone of this system; the principle underlying it was that, if all the destitute had means of relief, it was justifiable and politic to punish and set to work the able-bodied.

periments
other
ns.

Somewhat similar experiments, on a smaller scale, were made by other towns. Ipswich had introduced compulsory taxation before 1569, and in York, hospitals were founded under the municipal authorities. Some towns were much more backward and allowed begging to go totally unrestrained.

antages
the
municipal
tem.

We shall find that the Statutes embodied regulations which had already been tried by the towns. These municipal experiments were therefore of great use in demonstrating to the Government the probable effect of their measures before they became law. Under the municipal system there was also a very close connection between the authorities who administered

poor relief from the public funds and those who administered charities. "Most of the London charities seem to have belonged either to the parishes or to the Companies. The parochial charities were administered by authorities closely connected with those responsible for the public system of poor relief in the parishes, and the City charities were administered by authorities closely connected with the public system of poor relief in the City. Moreover the work of all the parishes was controlled by the same central authority."

failure.

Despite the valiant efforts of some of the municipalities, this system must be deemed a failure for two reasons. In the first place there was a difficulty in getting funds, for people were less inclined to subscribe for the relief of the poor when they felt that the City had taken the matter in hand. Secondly, it failed just because it was municipal and not national. The poor immigrated to towns where provision was made for them, especially to London, so that the citizens of the progressive towns had to bear an additional burden. Obviously the remedy for the latter evil was nationalisation and we must now consider the steps taken by the Privy Council and the Legislature in this direction.

Measures of
the Privy
Council
1509 - 1570

Crisis in
the cloth
trade,
1528.

During this earlier period, the Privy Council was not particularly active in promoting measures for the relief of the poor, but we find the Council or prominent members of it taking action in certain crisis which boded danger to the public peace. In 1528, the Council interfered in a crisis in the cloth trade caused by the English alliance with France

against the Emperor and the consequent closing of the market in the Netherlands. The clothiers were persuaded to continue buying cloths and so to provide employment, though no market was open. Wolsey personally addressed a great meeting of merchants and told them, "the King straitly commandeth you to buy their cloths ---- upon pain of his high displeasure." This expedient was successful, because fortunately the crisis only lasted a very short time: it would have been impossible had the trade been permanently affected.

We notice that employment in manufactures on a large scale for foreign markets was more unstable than in the old industries supplying a limited and local market. The distress resulting from unemployment caused riots, and action was taken as much to preserve public peace as to relieve the suffering of the poor. This is also exemplified by the corn measures of 1527-8.

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ly of
, etc.

Riots occurred as the result of the failure of the corn harvest in 1527. In the same year the coinage was debased, and the price of wheat rose to 12s.11d., more than double what it had been in the preceding year. The Council thought that the rise in prices was partly due to unfair practices in the corn trade, so a commission was issued to punish all forestallers, regrators and engrossers⁷, to enquire into the extent of the stock of corn and to see that it was brought to the market when needed.

In 1548, Somerset issued a Proclamation against enclosures,

whose language clearly recalls that of More's Utopia.

In 1549, the price of provisions was again very high and an attempt was made to fix prices and enforce the fixtures by a commission. The scarcity was partly responsible for the rebellion which brought about Somerset's fall in that year. The difficulty of high-priced corn frequently recurred, but as more experience was gained, there was less attempt to regulate prices and more directly to organise the relief of the poor.

Besides these measures which concerned the whole country, the Council also sent letters to local officials urging them to do their duty in relieving the poor.

In 1542, the Mayor of Kingston-upon-Hull was asked to fix the price of provisions so that "the worckmen sent thither by the King's Ma^{tie} might live upon theyre wages."

The civic authorities of London were ordered in 1569 to be diligent in enforcing the laws against vagrants and in relieving the impotent poor.

The Statutes, during this period, were suggested by the regulations of the towns and were rarely enforced unless the town government was vigorous. We shall summarise the main provisions of the "Poor Laws" up to the Act of 1563 and then glance at other legislation which concerned the poor, though not so directly.

The Statutes of 1531, 22 Henry VIII, Cap.12, was a repressive measure designed rather to limit the number of beggars than to give relief. Impotent beggars were to be licensed by the Justices to beg within a certain limit

and were to be whipped if they went outside that limit or begged without license. An able-bodied beggar was to be "tied to the end of a cart naked, and be beaten with whips ---- til his body be bloody," after which punishment he was to be returned to the place where he was born or where he had last lived 3 years.⁸ The officers appointed to carry out the provisions of the Statute were the Justice of the Peace in the country and the Mayors and Bailiffs in the towns.

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ging.

A considerable advance was made by the 27 Henry VIII Cap.25 which was passed to remedy deficiencies in the preceding Act and which tried to secure that no-one should "of necessity be compelled to wander and go openly in begging." Provision was made for the collection of alms every Sunday by the Mayors of cities and by the churchwardens of the parishes, and these alms were to be used for setting the sturdy vagrants to work and for relieving the impotent. Children found begging were to be put to service.

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pgars.

The dissolution of the monasteries in 1536 and 1539 threw on to the world those who had been dependent on their charity. Vagrancy seems to have increased considerably between 1536 and 1547 when the next Statute was passed.⁹ The preamble to this, the I Edward VI cap.3, says that the "goodly Acts and Statutes" to repress vagrancy had not had the success desired, "partly by foolish pity and mercy of them which should have seen the said goodly laws executed, partly by the perverse nature and long accustomed Idleness of the persons given to loitering.----- Idle and vagabond

persons being unprofitable members or rather enemies of the Commonwealth hath been suffered to remain and yet so do, who if they should be punished by death, whipping or other corporal pain it were not without their desert for the example of others and to the benefit of the Commonwealth, yet if they could be --- made profitable and do service it were much to be wished and desired." As we should expect after this introduction, the punishment of vagabonds was made much more severe. A sturdy beggar who ran away was to be branded on the breast with a 'V' and for two years to be a slave fed on bread and water and the offal of meat. If he ran away again, he was to be branded with the letter 'S' and made a slave for life. His master was allowed to "cause the said slave to work by beating, chaining, or otherwise, in such --- labour how vile so ever it be as he shall put him unto."

Vagrant children and the children of vagabonds were to be apprenticed, for if brought up in idleness they "might be so rooted in ~~it~~ that hardly they may be brought to good thrift and labour." In the language of the Statute there is no inkling of care for the children for their own sake, all is done from the point of view of the preservation of the State. Cottages were to be erected for the habitation of the impotent poor who were to be relieved or cured. Those who were capable of doing anything at all were to be kept at work.

The severity of the provision against the sturdy ~~it~~ defeated ~~their~~ own end and two years afterwards the clauses about slavery were repealed. In 1551, further provision was

made for the collection of charitable contributions for the relief of the "impotent, feeble and lame, which are poor in very deed." Two collectors were to be appointed in every parish to gather alms, a record of the sums promised was to be kept, and anyone refusing to give was to be exhorted by the parson and by the bishop if the parson was unsuccessful.

itating
pure of
pulsion.

The clauses of the 5 Elizabeth, cap.3, which relate to relief and punishment are almost identical with those of the Statute of 1551, but this Statute is noteworthy for having introduced the principle of compulsion, though only in a very hesitating manner. If the exhortations of the clergy failed to induce anyone to give alms, the offender was to appear before the Justices in the country or the Mayor in a town and was again to be exhorted. If he persisted in his refusal he was to be assessed, and if he were still obdurate he was to be imprisoned. Compulsion came surely, but very slowly, owing to the strength of the tradition of almsgiving which had been inculcated by the Church.

In the same year an Act was passed against "the gipsies or Egyptians" who had been very troublesome for many years as earlier statutes show. Their ranks were swelled by vagabonds who were attracted by their mode of life, and it was enacted by the V Elizabeth, cap.20, that such vagabonds should "be deemed and judged felons, and suffer the pains of death.

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gislation
lating to
, 'Poor
s.'

At this point, we shall note several statutes which had reference to the condition of the working classes, though they are not "poor laws" in the narrow and correct sense of

the term.

Statute In this same year, 1563, was passed the V Elizabeth,
entices. cap.IV, known as the Statute of Apprentices. This is a
direct descendant of the "Labour Statutes" of previous
reigns, but there are signs of a more commendable spirit
in its hope that it would "yield unto the hired person,
both in time of scarcity and in time of plenty, a convenient
portion of wages."

Every unmarried person, and every married person under thirty,
not having 40 shillings per annum nor being otherwise employed,
was to serve as a yearly servant in the trade to which he was
brought up, and no-one was to quit such service or be dismissed
therefrom unless on cause allowed by two justices.

The hours of work and the time for meals were prescribed, and
the rates of wages to be paid to artificers, servants and
labourers were to be settled annually by the justices in
sessions assembled. The justices were to confer with 'such
discreet and grave persons as they chose' and fix the wages
'according to the plenty or scarcity of the time, and other
circumstances necessary to be considered. The rates of wages
were then to be made known by Proclamation of the Privy
Council to the Sheriff.

All persons were compelled to serve if necessary in time of
harvest.

The period of apprenticeship to certain trades was fixed at
10.
7 years.

Although this Act makes no express reference to the poor

as such, "it aimed at preventing destitution and mendicancy, by forcing employment upon every one of age and ability to work."

Several statutes dealing with enclosures and the decay of tillage have already been noted in another connection. Other Acts dealing with trade practices and labour problems are curiously à propos of several modern questions. The 2 & 3 Edward VI, cap.15, prohibited combinations of "sellers of victuals, (who) not contented with -- reasonable gain have -- covenanted together to sell their victuals at unreasonable prices," and also of "artificers, handicraftsmen and labourers (who) have made confederacies --- to appoint how much work they should do in a day, and what hours and times they shall work, to the great hurt and impoverishment of the King's subjects." Whatever be our views as to the policy of prohibiting combinations of this kind, we must admit that the Government showed fairness in dealing with both merchants and workmen on similar lines.

The fear that machinery will interfere with manual labour is very old and deep-rooted. In 1551, "gigge-mills," i.e. mills "for the perching and hurling of cloth" were prohibited, ostensibly because thereby "the true drapery of this realm is wonderfully impaired" but more probably because the legislature feared a displacement of labour.

Under Elizabeth various sumptuary laws were passed, apparently to prevent people impoverishing themselves, and regulations were also made for the manufacture of various commodities. In 1563 the making of leather was regulated, as

many people had caught divers diseases by using leather which had been badly tanned, curried and wrought." It was also laid down that calves were not to be killed under 5 weeks old.

In 1561, because "the Queen's Majesty's true subjects, using the art of making woollen caps, are impoverished and decayed by the excessive use of hats and felts," all persons under the degree of a knight were therefore prohibited from wearing a hat or cap of velvet, under a penalty of 10/-.

In order to "increase the Navy and Mariners of this realm" and yet at the same time to prevent a shortage of coin in this country, an act of some importance was passed in 1571. Permission was given to export corn to friendly countries whenever the prices were so moderate that no prohibition was made to the contrary, but on the other hand, the Queen was given power at all times to prohibit exportation from all or any of the ports or places within the realm.

We have mentioned several Acts against the decay of houses, but towards the latter end of Elizabeth's reign we have to notice two Acts against the erection of small houses. A Statute of 1588 directed that new houses in the country were each to have 4 acres of land attached and that only one family was to live in each house. In 1593, to prevent the migration of poor people to London and their crowding in unhealthy tenements, it was enacted that no new houses were to be built except such as should be fit for the

habitation of those assessed at £5 in goods or £3 in land." Under date 20th October, 1598, a decree of the Star Chamber is also recorded "against the deviding of Tenements and placing poore to inhabit the same."¹²

liament &
Privy
cil.
- 1601.

We shall now return to the measures which were more directly concerned with the relief of the poor, and during this latter period we shall find that the legislation becomes increasingly important. The records of debates in the two Houses of Parliament which can be read in D.Ewe's' Journals, and the numerous measures for the relief of the poor which were proposed and discussed show how great was the interest taken by the Elizabethan Statesmen in this problem. Cecil's personal care for the welfare of the poor inhabitants of the realm is witnessed by the large number of manuscripts relating to measures for them which are preserved amongst the Burleigh Papers.

In 1566, there had been some discussion on a Bill read in the House of Lords for the provision of grain, and on one in the Commons for the punishment of vagabonds and loiterers, but apparently neither of the measures became law. In the same year, we find that Cecil made notes on a scheme for the prevention of dearth and on the definition of the word 'vagabond.'

A new bill against vagabonds was introduced into the Commons in 1571, and on the first reading, an interesting discussion was provoked, "which is not commonly used until¹³ after the second reading." The sharp division of opinion

on the subject under discussion is very noticeable. Mr ~~lands~~ tried to prove "this law for beggars to be over-sharp and bloody. It is possible with some travail had by the Justices to relieve every man at his own house and stay them from wandering." He quoted what was done in the county of Worcester in proof of his contention. The influence of the London Bridewell on the minds of Statesmen is evident in the speech of the Treasurer, Sir Francis Knollys, who would have a Bridewell in every town to which every Tippler in the country should contribute 12 pence yearly. Mr Wilson urged greater severity and wished that Constables who were remiss in their duty of apprehending vagabonds should be punished with imprisonment.

pulsory
e, 1572.

No Bill was passed in that year, but in the following year a comprehensive measure became law as the 14 Elizabeth, cap.5. Unauthorised beggars, workmen who refused to labour for the customary wages, poor scholars of Oxford and Cambridge who begged without license, shipwrecked mariners, fortune-tellers and proctors or collectors of subscriptions were included under the term vagabond as defined by the Act. There was a dispute between the Lords and Commons about the inclusion of "minstrells, bearwards and pedlers," and this was eventually settled by the compromise that they should be allowed if licensed by two justices of the peace. At last, the principle of compulsion was adopted wholeheartedly. Justices in the country and mayors in the towns were required to compute the cost of maintaining the poor for whom they were

■ Keeper of a public-house.

responsible, and were then to "taxe and assesse all and every the Inhabitauntes" in their divisions "to suche weekly charge as they --- shall contribute to the Releef of the said poore People." Collectors and overseers of the poor were to be appointed and the latter were to continue in office for one year: the penalty for refusing to serve was ten shillings.

At this point we may observe that the compulsory rate did not become general at once and that it excited great indignation in some quarters. A worthy burgess of Ipswich complained that "the scot and lot (for the poor) voted on him was done against reason, consent, charity and honesty."

The administration of relief to the impotent was based on the principle of 'Settlement' or local responsibility. The justices were to make a register of the poor in every parish and find habitations for them. Strange poor were to be sent back to their own neighbourhood. The assessment of the rate was to be based on the estimated cost of relief. If any surplus money remained it was to be used for setting the sturdy to work.

The regulations regarding vagrants were very severe. For a first offence, they were to be whipped and bored through the ear, unless a surety could be found to keep them in service for a year. For a second, they were to be judged felons, unless they could find surety for 2 years' service. The third offence exposed them to the penalty of death without benefit of clergy.

Pauper immigrants, who came chiefly from the Isle
of Man and from Ireland, ¹⁴ were to be punished as sturdy

vagrants and sent home again. A fine of 20/- was imposed on anyone who should bring them into the country.

Elizabeth,
.3.
Act for
putting the
poor on work.

Though the regulations against vagrants were so severe, the Act was deficient in providing work for the poor, so in 1576 this deficiency was remedied by the Statute entitled "An Act for the setting of the poor on work and for the avoiding of idleness." A store of hemp, wool, flax, etc, was to be provided for setting the willing poor to work and so that the idle might not plead unemployment as an excuse. Houses of Correction were to be set up in each County for the punishment and improvement of those who refused the work provided for them.

These two Acts remained the basis of the Poor Law until 1597, when the general dearth was the occasion for the whole question to be re-opened and thoroughly discussed. The Statute of 1572 was, however, modified in 1593 by the repeal of the clauses relating to the penalties on vagabonds and the revival of the whipping punishments of 22 Henry VIII, cap.12. In the same year special provision was made for soldiers and sailors. They were to be relieved in their own localities from the proceeds of an additional rate levied by the justices for that purpose.

Dearth of
corn, 1594 -
1597.

The years 1594 to 1597 were a time of great dearth of corn and consequent enhancement of prices. There was much distress throughout the country and riots in many districts, so that the legislature was again constrained to discuss measures for the relief of the poor and the restriction of vagrancy.

Parliament met in October 1597, and a Bill against Forestallors, Regrators and Ingrossers was at once read for the first time.¹⁵ Mr Francis Bacon spoke first and brought forward a motion against "Enclosures and Depopulations of Towns and Houses of Husbandry and Tillage." I should be sorry to see as in Troy so in England, 'Iam seges ubi Troja fuit'; instead of a whole town full of people, nought but green fields, but a Shepherd and a dog." He therefore introduced "two Bills not to be drawn with a polished pen, but with a polished heart, free from affection and affectation."

A Committee was appointed to enquire into enclosures. On the motion of Mr Finch who showed "sundry great and horrible abuses of idle and vagrant persons - and further the extreme and miserable estate of the Godly and honest sort of the poor subjects of the realm," a consideration of the redress thereof was referred to the same Committee. A few days later, Sir Francis Hastings made complaint that the Committee had expended all their energies on the consideration of enclosures and none on measures for the impotent and sturdy vagabonds. He therefore asked that Bills drawn up by several members might be considered by the House. This was granted, and several Bills dealing with Bastardy, with the relief and employment of the poor and with the punishment of vagrancy were referred to a large and distinguished committee which included Sir Francis Bacon, Sir Thomas Cecil and Sir Edward Coke. The results of the inquiries of the committee, of discussions in the Houses and

of a conference between Lords and Commons are seen in the Statutes 39 and 40 Elizabeth, capita 1-6.

& 40
Elizabeth,
capita 1-6.

The first two Statutes were concerned with the decay of towns and houses of husbandry and with the maintenance of tillage. The preamble to cap.I stated that "the strength of this realm consisteth in the number of good and able subjects,"¹⁶ and suggested that the decay of towns and houses of husbandry was responsible for a great number of poor people becoming "wanderers, idle and loose." It was therefore ordered that all houses decayed within the last 7 years were to be rebuilt.

The fourth, fifth and six Acts of the series dealt respectively with the "punishment of rogues and sturdy vagabonds," the erecting of "Hospitals or abiding and working houses for the poor" and the reformation of "Deceits and Abuses of Trust touching land given to charitable uses."

Cap.3, the most important of the series, was entitled "An Act of the relief of the poor." In every parish the churchwardens were to be ex officio overseers of the poor and the justices were to appoint yearly in Easter week "four other substantial householders" to the like office. Their duties were to set poor children to work, to raise stock for that purpose and money for the impotent poor and for the apprenticing of children, and to levy a rate on all citizens by the authority of two justices. The overseers were to account yearly to two justices, and ratepayers could appeal against their assessment to the justices in Quarter Sessions.

A 'rate-in-aid' might be levied by the justices to help those parishes which could not raise sufficient money for their needs.

The Act also dealt with liability of relatives to claims to maintenance. By its provisions, the mutual liability of parents and children was established.

This Act differed from earlier statutes in making the overseers primarily responsible for the administration of the law. It approximated very closely to the 43 Elizabeth, cap.2, which is still in force and which is the groundwork of our English Poor Law. The Statute of 1601 introduced no new principles and was essentially a consolidating act, a comprehensive measure which summarised all the enactments of previous statutes which it was thought advisable to keep in force.

Elizabeth,
cap.2.

Four, three or two overseers were to be nominated according to the size of the parish and were to act with the ex officio overseers, i.e, the churchwardens. Their duties were the same as those prescribed in 39 Elizabeth, cap.3.

Every inhabitant and occupier of land was to be assessed, and the liability of the parish, vicar, owner of tithes impropriate and of saleable underwoods is specially mentioned. Anyone refusing to serve as Overseer was liable to penalty and the fine for justices who should neglect to nominate overseers was fixed at £5.

If an action for trespass was brought against anyone acting in accordance with the provisions of the statute, it was made lawful for him to plead "not guilty" and to adduce the

authority of the Act.

The liability to maintenance of parents to children and children to parents was extended to grandparents.

A rate-in-aid could be levied on other parishes in the same hundred, or if necessary on the county.

Justices of the Peace were empowered to "commit to the house of correction or common gaol, such poor persons as shall not employ themselves to work." They also had power to issue a warrant of distress to recover unpaid taxes and had the power of committing offenders to prison in defect of such distress. Ratepayers could appeal to Quarter Sessions against an assessment which they considered unfair.

This Act is still the basis of the English Poor Law. It established a fairly complete system to deal with the problem, and as long as its main principle was adhered to, the working of the Law was on the whole successful. It showed great wisdom in the scope of its provisions. The "industrious poor" were left altogether outside its bounds and it dealt only with the impotent who can not and the idle who will not work, while vagabonds were left to the criminal law.

We must now glance at the other two factors which contributed to the development of the English system of Poor Relief during this period; we refer to the measures of the Privy Council and the growth of local organisation.

asures of
e Privy
ncil
1579 - 1601

Until the years of scarcity from 1594 to 1597, the general measures adopted by the Privy Council consisted

chiefly in orders to the justices to organise searches for the discovery and punishment of rogues and vagabonds and in measures to prevent sudden alterations in the price of corn.

a whipping
campaign."

In 1569 there was much disturbance in the country and a serious rebellion in the North. Vagabonds increased the disorder and were often rebels, so the Privy Council instituted a "whipping campaign." The justices sent in¹⁷ reports on their proceedings and though the reports indicated a considerable amount of disorder, for all the vagrants were taken in two or three searches, they also showed that the wanderers were more often in want than mere wicked plunderers of their fellows, for many were impotent and some were children.

The orders given by the Privy Council were primarily for the decrease of vagrants, but in the hands of the justices they were also concerned with the relief of the poor. We read that the justices "set people on work" at Barking, Walthamstow, Brixton and Wallingford.

gulation
markets.

The Privy Council also continued the policy of regulating markets which they had tried without conspicuous success in 1528 and 1549. In the times of scarcity which ensued in 1572, 1586 and from 1594 to 1597, similar orders were issued and more vigorous action was rewarded with better success.

In years of bad harvests, prices always rose, but this was not the only reason for sudden fluctuations.

Rises in price were caused largely by the narrowness of the area from which the corn could come and by the defects in the means of communication. They were also affected by the practices of "engrossing, forestalling and regrating."

Enquiries as to the price of wheat in 1572 showed great variations in adjacent counties. In 1573 a Commission was issued with powers to order the farmers to bring corn to market in proportion to the amount they possessed.

In 1586, the organisation was more developed. Early in the year, letters were sent to the justices ordering them to see that the markets were supplied with corn and to prevent abuses of dealers. In the West of England, which was suffering from lack of employment in the cloth trade owing to the clothiers being compelled to sell their goods exclusively to the Merchant Adventurers, the justices were ordered to call before them the clothiers of Gloucester and Somerset and demand that such as had stocks should set the poor to work.

The Council also took further action with regard to the scarcity of corn. On the recommendations of the justices Popham, Mildmay and Manwood, amended by Burleigh, a Proclamation¹⁸ was issued which ordered the appointment of juries to make surveys of the amount of corn possessed by everyone. After due allowance for the household and for seed, all the rest was to be brought to market. The juries were also to see to the execution of the laws re the relief of the poor and to the provision of stock for work, though these provisions were secondary to the corn measures. The justices sent back reports in answer to these orders and the fact that

in Gloucestershire they actually fixed the price of corn witnesses to the extensive powers left in their hands. Extra expedients of a rather dangerous kind were adopted in some places. In Norfolk, the "poorer sort" were served at lower prices, and in Notts., the Duke of Rutland sold corn to the poor in small quantities at less than market prices.

In 1594, the Privy Council re-issued the orders of 1586-7 and great efforts were made to enforce these instructions. The Queen herself committed an oration to the Lord Keeper who delivered it in the Star Chamber to the justices who dwelt in and near London. They were asked "to exercise Justice with a Herculean courage." In 1597, the justices of Devonshire were definitely asked to see that corn was sold underprice to the poor.

On the whole, however, the policy of the orders was not so much to sell to the poor underprice as to prevent monopoly, and arrange by organisation that the supply of corn should be more even all the year round. The measures were chiefly in the interests of the poor because the lack of supply affected them most. The Privy Council undertook the measures partly to repress disorder, because disorder and scarcity usually occurred together. We notice a gradual change in the attitude of the Council towards the subject. Measures of organised relief were found to be a more effectual means of suppression than mere severity.

By these measures the Central Authority was brought into close connection with the poor and the relief of poor members of society came to be looked upon as one of the prime

functions of the Government. Under the Stuarts, the organisation which had been prepared for the repression of vagrancy and for dealing with the supply of corn was used for the administration of relief. The previous "ad hoc" training of the officials made for efficiency in that administration.

The Privy Council also brought pressure to bear on local officials. In 1569, and again in 1573, the Lord Mayor of London was censured for neglect in matters concerning vagrants and the poor. On the other hand, the authorities of London sometimes asked advice from the Council re measures for the poor. The Privy Council even interfered in matters of detail such as the disposal of the cargo of a particular ship. They wrote to Cambridge to order that care should be taken to prevent the increase of tenements in the town.

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anisation,
pecially
London.

During this period, there was considerable improvement in local organisation, particularly in the City of London. The measures designed to carry into effect the law of 1572, the first statutory authority for compulsory assessment, show that the old voluntary payments were still the basis for the new compulsory ones. In 1572, the churchwardens were ordered to estimate what amount of money was needed for relief, and to assess every inhabitant who then paid nothing and to do what they thought necessary if there were cause to increase the amount given by rich men. In 1573, the contributions for the next year became due while some arrears were still unpaid, and the Lord Mayor complained that London was losing her position of exemplar. Next year, he ordered the resumption of the collections after the Sunday services.

In 1576, an attempt was made to deal with the poor all over London and regulations were made for searches for vagrants. Every fortnight at least the Constable, beadle and churchwardens were to visit the houses of all the poor people ~~in~~ ^{any new} in their districts, and were to order ~~only~~ ^{any new} arrivals who could not support themselves without burdening the parish to be sent away.

A new "Acte for the Poore" was issued in 1579 and this, if carried out, would have provided methods for dealing with all classes of poor. The basis of administration was two-fold: vagrants were to be dealt with by the Municipal system ¹⁹ working through the Hospitals, and the impotent by the parochial officials. Children and the able-bodied poor came under both authorities. Vagrants were to be brought to Bridewell and divided into 3 classes:-

(a) Those who were not diseased and did not belong to the City. They were to be whipped and sent back to their settlement.

(b) The sick, who were to be sent to St. Thomas's or St. Bartholomew's, and, when cured, to be returned to Bridewell and treated in like manner.

(c) Sturdy beggars of the City, who were to be kept in Bridewell "with thin diet onely sufficing to sustaine them in health" and were to be made to work at the occupations for which they were most fitted. If skilful, the officials were to try to arrange for them to be taken into service.

A strict watch was to be kept over the rest of the London poor by the parochial officials, who were to take a survey of

their names, ages, sex, etc. They were also empowered to give pensions to the impotent. A suggestion was made that the poor should be visited "daily if it may be -- to see how they apply theyr work," idle youths were to be corrected by their parents, or if they failed, by the parish, and refectory ones were to be sent to Bridewell.

Interesting experiments were made in setting the poor to work. Twenty-five occupations, including the making of gloves, silk, lace and tennis balls, were instituted at Bridewell, and pauper-made goods were put on the market through the Companies, in order to prevent competition between the two classes of goods. Funds were provided by a tax of two-fifteenths, and the law was executed against those who did not come to church and subscribe to the relief of the poor.

In spite of all these detailed regulations, there seems to have been great difficulty in enforcing the law. In 1594, begging had not been wholly abolished, for fresh orders were issued that the impotent poor were to be maintained without begging or straying.

In London, this was a period of rapid growth of organisation with which the success of the administration scarcely kept pace. The regulations were of most paternal nature, and the orders for strict surveillance showed little regard for individual freedom, though they were evidently actuated by real care for the welfare of the people as well as for the preservation of public order.

During the whole of the Tudor period we see public opinion, as exemplified by the contemporary writings and by the

measures of the Privy Council, the Legislature and the local officials, gradually advancing to new and sounder ideas on the subject of poor relief. Harsh repression of vagrants had been found to defeat its own purpose, and an enquiry into the reasons for this failure taught thinking men to see that repression without measures for relief was not only unsuccessful but unjust, for many of the vagrants were "poor by impotence or casualty" and not through any fault of their own. Also men gradually came to realise that the care of the poor, "the weak part of the social fabric" was so important to the well-being of the community that it could not be left to the casual charity of individuals, but must be regarded as a common charge.

Notes to Chapter IV.

1. Leonard. English Poor Relief. Chap. III
2. The funds contributed were "by way of a prest and loone."
There was some difficulty in persuading the Companies to advance capital after one occasion on which the authorities misjudged the market and lost money. However, we find during the reign of Elizabeth that the Companies' Store had become a regular institution.
3. Stow. Survey of London.
4. Brinklow. Lamentacyon of a Christen Agaynst the Cytie of London." 1545. E.E.T.S.
Vide also Latimer, "Sermon of the Ploughers," quoted in Chapter III.
5. The classification is quoted in Harrison - "Description of England."
6. "There is as great a difference between a poor man and a beggar, as is between a true man and a thief."
7. Defined in Chapter III.
8. It is interesting to notice that scholars of the two Universities who begged without license, and people who "feigned to have knowledge in physic, physionomie and palmistry" were to be treated as sturdy beggars.
9. The preambles of the Statutes of this period are intensely interesting as throwing light on the circumstances of the time and the point of view of the Legislature.
10. The regulations about apprenticeship and about the justices'

assessments were both abolished in the 19th century, in fact assessment had practically stopped in the early 18th century. There is no reason to believe that the statute, when abolished, was unpopular amongst the working classes; it was repealed at the request of the employers who wished to be 'free to employ any labour. Although the justices, who were always of the employer class were not the most unbiased of wages tribunals, there was a distinct movement in the beginning of the factory system and of modern Trades Unionism in favour of putting the assessment clauses into operation. The modern view seems to be that it is expedient to fix wages in some trades and we have had to evolve new machinery for this purpose.

11. There seems to be urgent need for new building regulations today. Not only have we inherited an awful legacy of "slum property" from the past, but also the "jerry-built" houses which of late years have so rapidly sprung-up in middle class residential districts, will be little better than "slum property" in a not-far-distant future.
12. Harleian MSS. 299. f. 95. Br.Museum.
13. D'Ewes's Journal, p.165.
14. It would seem that not only have Irishmen always been inclined to dream of the "streets of London as paved with gold," but also a certain section of Englishmen have thought of Ireland as a kind of colony where we could dump down our undesirables. In the British Museum, Titus MSS. B.xii, is preserved a tract bearing title:- A religious and easy course offered for the transplantation into Ireland of the superfluous poor

people of England; and means for the provifion of them.

15. D'Ewes's Journals. p.551.

16. The stipulation that the subjects should be "good and able" showed more wisdom than many of the utterances of modern preachers on the "More babies" text. When our labour system is adequate to deal with the present population, such a campaign might be seasonable.

17. Domestic State Papers. Queen Elizabeth.

18. Lansdowne MSS.

The problem of food scarcity and high prices comes very closely home to us to-day. The three justices made a proposal that bread should only be made of wholemeal flour, but at the time, Burleigh erased this provision, apparently thinking it un-necessary.

Chapter V.

Historical Sketch, 1601 to 1909.

An historical summary extending over more than three centuries must necessarily be sketched in the merest outline, but a review of the salient points of Poor Law History during that period will show the continuity of that history and will link up the Great Poor Law of 1601 with modern problems to which it still has reference. Considerable stress will be laid on a comparatively short term of years, the period 1601 to 1640, because it was then that the Poor Law became an integral part of the English social fabric.

England, Scotland and the Continental Countries had started in the 16th century with much the same problems and ideas and had evolved much the same organisation, but only in England does Poor Law History show real continuity. Under the Tudor sovereigns Statutes concerning the poor were continually being enacted and re-enacted; the enforcement and administration of the law was always the chief difficulty. In 1601, an efficient system for dealing with the problem had been evolved, and owing to the vigorous action of the Privy Council under the early Stuarts and particularly during the 11 years of "personal Government," the justices were constrained to put the provisions

of the Statute into effective operation. Whereas, in other countries, the Poor Law fell into abeyance through lack of use, in England it became an active force working for good.

The year 1795 was the next conspicuous landmark in Poor Law History. In that year, the "industrious poor" were definitely brought within the scope of the "Poor Law", and the practice was sanctioned and extended by legislative enactment in the following year. The intervening period is chiefly interesting for the gradual substitution of the authority of the justices for that of the overseers, for alterations in the law of settlement and for the introduction of workhouses in the modern sense of the term.^I

In 1834 was published the Report which at the time ^x merited

^ T. W. Fowle's description of it as "the most remarkable and startling document to be found in the whole range of English, perhaps of all, social history." In it were most clearly set forth the evil results of the policy instituted in 1795. Reform followed the disclosure of abuses, but the Reports of the last Great Poor Law Commission, in 1909, showed that changing circumstances had brought new problems and that a total reconstruction of policy and machinery was again necessary.

^x The Report of 1909 is even more remarkable.

Measures
of the
Privy
Council

1601-1644

During the years 1601 to 1630, the Privy Council

was active in putting into operation measures which it had

hitherto found effective in dealing with the problem of

"lean years" and the problem of the poor which always became

more urgent during those years. Proclamations were issued

giving strict orders for the relief and employment of the

poor all over the country and special orders were issued

during crises in various trades. Their interference in the

cloth trade in 1621-2 illustrates the difficulties with which

Stuart statesmen had to deal. The cloth trade was suffering

from great depression owing to the outbreak of the Thirty

Years' War, and to the small amount of coin, which was then in

circulation in England; this was increased in 1622 by the

closing of the Spanish Ports to English cloth. The Council

continued its former policy of ordering the clothiers to employ

workmen on the stock they had despite the absence of markets,

but the slackness in the trade continued so long that soon many

of the employers became bankrupt. The difficulty lay in the

fact that the demand for manufactured goods was essentially

fluctuating whereas the social organisation was based on the

assumption that work was stable. It was a practical

impossibility for a poor man to migrate from one district to

another where more work might be available, and when and where

the apprenticeship laws were enforced, there was little prospect

of a man getting employment in another trade if his own failed him.

Orders were also issued to secure an adequate and regular supply of corn, and in 1622, after the disastrous season of the preceding year, the Government adopted the additional expedient of issuing two Proclamations ordering country gentlemen to return from London to their homes, so that hospitality should be kept up and order maintained in the country districts. This was not a novel idea, but the Proclamations of 1622 were much more emphatic than before in their provisions and the King was very strict in ensuring that they were obeyed. The paternal character of the Government was also illustrated in other ways. A Proclamation of 1630 ordered that no suppers were to be eaten on Fridays and fasting nights, in order to conserve the supply of corn and victuals. Throughout the reigns of James and Charles, several statutes were passed to regulate tippling-houses and restrain drunkenness, which is "the root and foundation of many of the enormous sins."

The Commission of 1630 and the Book of Orders of 1631.

In 1630, the King issued a Commission under the great seal to members of the Privy Council and other magnates in the country, "for putting into execution the laws for the relief of the poor." The Commission declared that many good laws had been made for the relief of the aged and impotent

poor, for the setting to work of the unemployed and the idle and for the apprenticing of youths, but these had failed owing to defective execution, - "all which we taking into our princely care, and after long and mature deliberation, find no better means to have the said laws put in full execution than by committing the oversight thereof to the special care of certain persons of principal place and dignity near unto our person." The instructions issued by the Commissions in 1631 consisted of "Orders" to the justices and general "Directions." The justices of the Shires were to allot the responsibility for particular hundreds amongst themselves: they were to hold monthly meetings and meet the constables, church-wardens and overseers, to inquire into relief measures, punish offenders and report every three months to the Sheriff. The "Directions" urged that the existing laws for relief of the impotent, setting to work of those who were involuntarily unemployed and for the correction of the sturdy vagrant should be rigorously enforced. The orders that correction houses in all counties should be built next to the gaol and that the rates should be raised in all parishes were the two new regulations imposed.

Interfer-
ence with
wages.

Since the middle of the 14th century attempts had been made to fix wages by law, and by the "Statute of Apprentices", V Elizabeth, cap IV, the justices were given

power to fix the scale of wages each year in accordance with the prevailing conditions. The assessments seem to have been fairly generally enforced, and although the justices, as members of the employer class, were not the most unbiased of tribunals to fix wages, the Privy Council, kept an alert watch over their proceedings and were ready to interfere on behalf of the employee. For instance, in 1630, the people of the South-eastern counties complained that the rates of wages had not been fairly assessed for them, and the Council thereupon wrote to the justices and ordered them to do their duty for "these hard and necessitous times do require some better care to be had in that behalf."

Punishment
for truck.

The Council also protected workmen by severely punishing 'truck.' In 1637, Thomas Reignolds, Cloth Manufacturer who at a time of trade depression had made his workmen accept cloth in lieu of wages, was confined in the Fleet Prison until he had paid them double the amount they had lost and refunded the costs for bringing the complaint.

Reports of
the

Justices. shows that though the administration of the law was lax at some times and in some places, it was on the whole efficiently carried out. This period is very important for the efforts which were made to set the unemployed to work. The laws relating to the impotent poor and to the apprenticing

of children were enforced continuously after the reign of Charles I, but the clauses affecting the unemployed fell into desuetude during the Civil War because the able-bodied were absorbed into the army.

Summary.

The system of poor relief which was effectively administered during the period 1601 to 1644 included provision of the necessary sustenance for "the poor by impotency", provision of work for "the poor by casualty" and punishment of the "thriftless poor" in the Houses of Correction. It was part of a paternal system of government under which "gentlemen were ordered home to their estates, farmers were required to bring their corn to market, cloth manufacturers had to carry on their trade under well-defined regulations and merchants were obliged to trade in the manner which was thought to conduce most to the good order and to the power of the nation."² The able-bodied were compelled "to work before they should eat" and workmen had to accept the rate of wages assessed by the justices. Men were not allowed to indulge to an unlimited extent a craving for strong drink: fines were imposed for non-attendance at church, for the profanation of the Sabbath and for swearing, and these fines were commonly used for the relief of the poor.

It is only reasonable to suppose that the adoption of this policy of paternal care for the welfare of the subjects

and particularly of the poorer subjects of the realm was "an attempt to secure the adhesion of the poorer classes to the government" and "to make the majority of the nation cease to regard Proclamations and Orders in Council as instruments of tyranny." It is also impossible that measures, however effective, which the people had had no share in framing and which were imposed from above should be the "dernier mot" of government. But when these reservations are made and accepted, we can freely admit that the measures themselves were informed with a truly socialistic spirit, if we define 'socialistis' in its best sense as caring for the welfare of all members of the community and particularly of the poorer members, who are the weak part of the social fabric. The Government considered it part of their duty at least to maintain the usual standard of prosperity of all classes. In times of fire and sickness³ relief measures extended to all classes of the community. Provisions for an adequate supply of corn, affected the labouring class as a whole, not only those who were usually paupers. In 1619, the justices were ordered to find suitable places for the storage of corn, in order to protect farmers and landlords who had been impoverished by the season of plenty and consequent low prices. The attitude of the government towards the "food problem" could not be better summed up than in the words of the Order:- "(It is) the care

of the State to provyd as well to keepe the price of corne in tymes of plenty at such reasonable rates as may afford encouragement and lively good to the farmer and husbandman as to moderate the rates thereof in time of scarcitie for the releefe of the poorer folke," ⁴ We must ~~not~~ give the government of the period credit for making its system of organisation 'thorough' and for declining to 'muddle along' ⁵ on half measures.

The period
1644 to
1795.

The foregoing period has been treated in some detail, not only because of its intrinsic interest, but because it offers positive lessons to modern times. The following period will be passed over more rapidly because its lessons are chiefly negative. Before the great change of policy which was inaugurated in 1795, changes had been made re the Poor Law Authorities, the idea of indoor relief as a test of destitution had been evolved and the Law of Settlement had become a tyranny binding not only paupers but all the labouring classes.

Changes
in the
Authorit-
ies.

In 1691, because complaints were made that oversea^{sees} had used their own discretion contrary to the general good, an Act was passed which provided that a register should be kept of all paupers and of the amount of relief they received. This was to be produced yearly for examination at the parishioners' vestry meeting and the list for the ensuing year was to be allowed by the parishioners. No one else was to "receive

collection" except by authority of one justice or by order of the Bench of justices at Quarterly Sessions. The practical result of this enactment was to make the justices, who had not the knowledge requisite for this function, the dispensers of relief. An attempt made in 1723⁶ to modify the Act was useless, and the Report of 1834⁷ plainly showed the abuses which had arisen from the perversion of the plain meaning of the Act, which had been devised to check extravagance by giving the parishioners the right to say whom they thought should have relief; the justices were only to come in in case of default.

Indoor-
relief.

In 1696, John Locke suggested the idea of building "working schools" for paupers and in the following year a work-house was built at Bristol by the sanction of a Special Act of Parliament. The use of this as a test of destitution produced such excellent results that the example of Bristol was soon followed. Local enterprise again gave an object lesson to the government, and by the 9 Geo. I cap 7 it was enacted that parishes might, either singly, or in unions, provide houses for the reception of the indigent, and no poor who refused to be lodged and kept in such houses should be entitled to ask or receive parochial relief. The promoters of the new scheme were enthusiastic and it worked well at first, but gradually the evils of a system of management without central supervision

began to be felt. Expenditure grew rapidly, but far too large a proportion of it was absorbed in administration charges and the condition of the inmates of many of the insitutions was appalling.⁸

The Law
of
Settlement.

We have seen that the Elizabethan Poor Law laid upon the parochial authorities the obligation to look after their own poor, those who had a "settlement" in the parish. Under this system it was natural that parishes should be chary of welcoming newcomers who were likely to become a burden to it. In the reign of Charles II the operation of the Law of Settlement was deliberately made intolerably harsh and oppressive. In 1662, the justices were empowered, on complaint of the overseers, to order a person, within 40 days of his coming to the parish, to be sent back to his own place of settlement, unless he could give security against becoming chargeable to the rates. The reason given for this enactment, "that poor people try to settle in those parishes where there is the best stock" was certainly naïve. This act was the ^{source} source of "much fraud and injustice, of endless litigation and ill-will.

Twenty-three years later, because "poor people at their first coming into a parish do commonly conceal themselves" the 40 days were to count from the time when they gave notice to the overseers of their residence in the parish. In 1691 it was ordered that the notice should be read in church, at the

same time, however, derivative settlements were introduced, such as the payment of taxes for one year, serving an annual office, hiring for one year and apprenticeship. The spirit of chicanery to which the Law of Settlement gave rise is illustrated by an act of 1758 to put down the practice of "binding apprentices by certain deeds not indented (i.e. not legal), whereby people had been refused a settlement and suffered great loss and damage."

In 1776, Adam Smith showed how economically unsound is the policy of restricting the mobility of labour. "There is scarce a poor man in England of 40 years of age I will venture to say, who has not in some part of his life felt himself most cruelly oppressed by this ill-contrived law of settlement."⁹

Period
1760-1834.

The accession of George III may be taken as a convenient date to mark the beginning of a policy of sentimental care for the labouring classes which was in striking contrast to the first period of Poor Law Administration. In the first part of the period 1760 to 1834, the statutes gave expression to this policy; in the second part feeble attempts were made to deal with the evil results of its application.

Laws to guard
the
interests of the
poor.

Some of the statutes of the early period were a distinct advance. Parish authorities were to be punished for making payments in bad money to the poor, regulations were

made for the administration of Friendly Societies, of hospitals and other charitable institutions and to guard the interests of pauper children and apprentices. In 1782, Gilbert's Act, which was an adoptive measure, permitted the formation of unions and the building of a common workhouse by voluntary arrangement of adjacent parishes. The inspection of poorhouses by justices of the peace or by clergymen and doctors acting under their authority was ordered in 1790. In 1795 the rigour of the Law of Settlement was at last mitigated by an act which forbade the removal of persons from any parish until they actually became chargeable.

The spirit which prompted to care for the interests of the poorer classes of the community is beyond praise, but we shall find that this spirit can do incalculable harm if the measures it evokes are not based on sound principles of political economy. In the latter half of the 18th century, owing to the war with France and the consequent rise in prices, the condition of the working classes excited much pity and gradually the idea gained ground that it was the duty of the State to provide for them a proper subsistence.

Admission
of the

"industrious poor"
to relief to make up the earnings of all working families in their
in 1795.

district to a certain level. In the following year out-relief

to the able-bodied was legalised, and the workhouse test of 1722 was rescinded because "it was inconvenient and oppressive, inasmuch as it often prevents an industrious poor person from receiving such occasional relief as is best suited to his particular case and in certain cases holds out conditions of relief injurious to the comfort and domestic situation and happiness of such poor persons." As a result of this act, wages were made up out of the rates, and the labourer, who was no longer paid according to his earnings, rapidly deteriorated.

Justices
became the
rating
authority,
1801.

In 1801 the justices were given power to amend any rate and thus they became the rating, as they had already become the relieving authority. It was almost an impossibility for them to be impartial, they were placed in a position of antagonism to the Poor Law Officers, and were given duties which they could not discharge properly because they had neither the requisite opportunity nor information.

Report of
1817.

A Committee of the House of Commons reported on the administration of the Poor Law in 1817 and pointed out many abuses. The only practical outcome of their recommendations was the appointment of 'select vestries' for the administration of relief. They were ordered to distinguish between the "deserving and the idle, extravagant and profligate poor."

Summary.

It was not until 1834 that a determined attempt was made to deal with the abuses that had grown up in the administra-

tion of the Poor Law. Up to that time "the public funds were regarded as a regular part of the maintenance of the labouring people engaged in agriculture, and were administered by more than 2,000 justices, 15,000 sets of overseers, and 15,000 vestries, acting always independently of each other, and very commonly in opposition, quite uncontrolled and ignorant of the very rudiments of political economy."¹⁰

Report of
1834.

The early 30's of the 19th century were noteworthy for an outburst of reforming zeal, and in 1832 a Commission of 9 men, all of whom were known to be interested in sociological problems, was set up to inquire into the practical working of the Poor Laws. The Commission reported in 1834 and the results of their enquiry have already been summarised in Chapter I.

The officials who administered the Poor Law were severely criticised. Overseers were taken from the shop-keeping or farming class, were unpaid and so tempted to be fraudulent, and kept no accounts. Vestries kept no minutes and rendered no accounts, and as they chiefly represented the employer class had a direct interest in the giving of relief. The justices were essentially unfitted for their place as the pivot of the system.

The Commission condemned the operation of the law of settlement and subjected the methods of giving both outdoor and indoor relief to severe criticism. Outdoor relief had usually been given quite gratuitously because that was easier than

exacting labour in return. As a result of this the labouring classes had come to rely on relief in aid of wages and had become thoroughly demoralised. The cost of relief had advanced by leaps and bounds so that in 1817 it had amounted to nearly £8,000,000 for a population of 11,000,000. The workhouses exhibited great variations. In some the inmates were far more luxuriously treated as regards material needs than the independent labourer could be: in others the inmates were in an appalling condition because the officials misappropriated the funds intended for their relief.

The Act
of 1834.

An act embodying the recommendations ~~of the~~ of the Commissioners followed immediately on the publication of their report. The provisions of the Poor Law Amendment Act of 1834 have also been summarised in Chapter I. By the establishment of the "Workhouse Test" it was hoped to put a stop to all relief to the able-bodied except in well-regulated workhouses. The new Central Department was to co-ordinate and standardise the work of the local bodies which henceforth were to consist chiefly of elected representatives of the ratepayers. ^{Paid} Relieving Officers were to be appointed to administer relief. The Commissioners had recommended that all settlements should be abolished except by parentage for children under 16, by marriage for women, and in all other cases by birth. In the Act the suggestions were modified by the retention of settlement

by one year's residence and by estate or property in land. Parishes were to be formed into Unions, and it was hoped that by this means the "General Mixed Workhouse" would be abolished and that the principle of classification by institutions would be adopted.

It is hardly too much to say that by these measures the labouring classes were saved from moral ruin and the country from bankruptcy. Before passing on to the Report of 1909, we must notice several changes in the constitution of the ^{Central Department} ~~CENTRAL DEPARTMENT~~ and of the Local Authorities and also show the means by which the Central Department controls the Local Authorities.

Changes
in the
Authorit-
ies,
1834-1909
Central
Author-
ity.

Originally the Central Department consisted of 3 Commissioners, known as the Board of Control, who were appointed for 5 years. In 1839 they published a report on their work, showing that they both originated business re the introduction and maintenance of the machinery of the Poor Laws, e.g. the constitution of unions, the election of Guardians, the definition of officers' duties, the restriction of out-relief and the valuation of rateable property, and dealt with business arising from applications for advice for local authorities. The five years had been a difficult time, for they were years of reaction against the reforming tendencies of the government and the Commissioners

had had to wage war on the "selfishness timidity and obstructiveness" of local authorities. The report practically amounted to a defence and plea for the continued existence of a Central Authority, and the Commission continued to exist until 1847.

In 1847, as the special reforming functions of the Commission had ceased, ~~and~~ a ministerial department responsible to Parliament and called the Poor Law Board was constituted. This Authority was merged in the Local Government Board in 1871.

b) The Local Authority. By the Local Government Act of 1894, the justices who had been retained as ex officio members of the Boards of Guardians and all nominated members were removed. The property qualification for the Office of guardian was abolished. At the same time, Rural District Councils were set up, and the men elected to these bodies were to carry out the duties of both Councillor and Guardian. In the Urban Districts, the Guardians remain a specially elected body.

Another change which can without bias be described as of the first importance, was the advent of Women Guardians. In 1875, Kensington elected a woman as a member of its Board of Guardians. This election was the result of a great deal of good work done by Miss Twining in London Workhouses since 1853. She had been very active in drawing attention to the horrible

condition of these institutions. Much useful and onerous work can be and has been done by Women Guardians, who are particularly useful in dealing with children and with maternity cases.

ontrol of The Local Government Board has the right to inquire
he Local
authorit- freely into the adminstration of all Local Poor Law Authorit-
es by the
entral ies. It controls them by means of Poor Law Inspectors, some
pard.
of whom are now women, and also by means of the power of
Audit. The Central Audit Department was completely organised
in 1879: the auditors are appointed by the Local Government
Board and their salaries are charged on the Treasury. The
Central Authority itself constitutes a Court of Appeal for
parties aggrieved by surcharges of the District Auditors,
and this power to allow expenditure otherwise illegal gives
useful elasticity to Poor Law adminstration.

The Central Department also has power to make regula-
tions binding on Local Authorities. This is done by means of
Poor Law Orders, which have to be laid on the table of the
Houses of Parliment and published in the London Gazette, and
can be revoked by Order in Council. The most striking of the
Orders issued since 1834 are the Outdoor Relief Prohibitory
Order of 1844, which was modified in 1852 by the Outdoor Relief
Regulation Order, and the General Consolidated Order of 1847
which had reference to almost every detail of Poor Law Adminis-
tration .

In order to protect Poor Law Officers who are

appointed by the Local Authorities from the bias of local opinion, the Central Board fixes their salaries and qualifications. If necessary, it can also dismiss them without reference to the immediate authority.

mary.

In 1834, the re-organisation of Poor Relief was an urgent necessity, and the measures which were introduced in that year were successful in putting an end to the worst abuses that existed. The nation had passed through the throes of the "Industrial Revolution" and of the French War, both of which had occasioned widespread, if temporary, distress. A "laissez-faire" attitude towards the organisation of the labour market, combined with a demoralising system of Poor Relief, was ruining the morale of the working classes and particularly of the agricultural labourers, for men in the towns could usually find work in the rapidly growing new industries. The first essential in 1834 was to put a stop to the dependence of the able-bodied labourer on assistance from public funds.

The later years of the 19th century witnessed a growing spirit of humanity in Poor Law Administration. But the authorities were always faced with two great difficulties. Despite the efforts of the Charity Organisation Society and other similar institutions, a life of idleness was still encouraged by much promiscuous charity. The condition of the lowest class of independent workers

was - and still is - so appalling that it was impossible to act on the recognised principle that "the condition of the pauper should be less eligible than that of the lowest class of independent labourers" ¹¹ without making that condition degrading.

Also, conditions had changed and new problems had arisen. In 1834, the burden of pauperism lay heavy on the rural districts, but it had gradually shifted to the towns. The Poor Law had to deal less and less with the able-bodied, and more and more with the impotent and old, the physically or mentally diseased and the children.

The Reports published in 1909 showed that the organisation of 1834 was unsuited to deal with the new circumstances.

Notes to Chapter V.

1. I.e. establishment where the work provided is used as a 'test' of destitution.
2. Leonard. English Poor Relief. Chapter Vlll.
3. Fires frequently occurred because many of the houses were still built of wood, and the recurrence of plague made relief in sickness an urgent necessity.
4. Privy Council Registers, quoted by Miss Leonard.
5. This seems to be a favourite policy, even a favourite method of expression with a certain section of modern politicians.
6. By the 9 Geo.I, cap.7.
7. Report of 1834, pages ¹¹⁸118-120.
8. No one could fail to remember the vivid description in "Oliver Twist" of the state of the workhouses of the early 19th century.
9. "Wealth of Nations."
10. T.W.Fowle. The Poor Law.
11. Report of 1839:

Chapter VI.
1909 and after.

The Modern Poor Law problem is so complex and so intimately connected with vast questions of labour conditions, of sanitation, public health and housing, and also of education, that a complete treatment would have to be based on an exceptionally wide experience. Exigencies of space forbid a detailed treatment of the Reports issued respectively by a Majority and a Minority of the Poor Law Commissioners who were appointed in 1905 and reported in 1909. This is the less necessary in that the Reports are easily available in their original form and have been expounded and criticised¹ by competent authorities. We shall confine ourselves to a few general considerations, and bearing in mind the lessons of past history, we shall attempt to show the light which has been thrown on the Poor Law problem by recent events.

•• We set out with the contention that guidance for the future could be sought in the storehouse of the past, and in order to show some grounds for this argument, it has been necessary to show the continuity of Poor Law history and to sketch in outline the modern Poor Law problem, although the issues involved are so wide and complex that we cannot pretend to treat them adequately in and for themselves.

It is interesting to discover the parallel between the 16th century and the present day. In the age of the Tudor sovereigns England awoke to a new consciousness of national unity and it was in a spirit of regard for the interests of

nuity
or Law
ry.

16th
ary.

the community as a whole that the Great Poor Law was at last conceived. The government used its paternal power of organisation to a very wide extent and exercised a strict surveillance over the lives of the people.

18th
ury.

During the 18th century, individualism ran riot and a "laissez-faire" policy applied to the organisation of industry, together with a sentimental care for the supposed interests of the poor, combined to undermine the morale of the workers and almost involved the whole country in bankruptcy and ruin. The interest and the philosophical theory of the 18th century went hand in hand, and the growth of the idea of "freedom of contract" brought suspicion and hatred of grandmotherly legislation. But the Poor Law report of 1834 showed the evil which had been wrought by the policy of giving "relief in aid of wages", and on the other hand the results of the "laissez-faire" policy with regard to industry were apparent in the appalling conditions of the workers in the factories. The major half of the 19th century was consumed with a bitter struggle over the Factory Acts, but after the battle had been won for the cause of interference on behalf of the workers, a truer view of the distinction between liberty and license began to prevail.

20th
ury.

The legislation of the 20th century has embodied an increasing sense of collective responsibility for the welfare of the labouring classes. The liability of the employer in case of personal injury caused to a workman through defect in "the ways, works, machinery, etc, used in the business

of the employer" was recognised as early as 1880, and the 20th century has seen the passage of Workmen's Compensation, and Unemployed Workmen Acts, Old Age Pensions and National Health and Unemployment Acts and a Labour Exchanges Act. A social conscience has been awakened and we seem again to be returning to the Tudor spirit of paternal care for the welfare of the individuals who compose the nation.

Rise of
democracy.

There is, however, an essential difference between the Tudor problem and our own, and this difference is constituted by the rise of democracy. The titles Conciliation Act of 1896, Trade Disputes Act of 1906 and Trade Boards Act of 1909 point to the fact that the modern state can now make use of corporate organisations representing both sides of the wages contract, for by 1894 the workers in all the great industries were organised, though not of course completely, into Trades Unions strong enough to bargain with the associations of employers which had grown up side by side with them.

Reports
1909.

Emphasis has been laid on the question of labour organisation because the Commissioners of 1909, and particularly the Minority, looked at the modern Poor Law problem from that point of view. This attitude was foreshadowed in the twofold reference in the Royal Warrant. The Commission was to enquire:-

1. "Into the working of the laws relating to the relief of poor persons in the United Kingdom;
2. Into the various means which have been adopted outside of

the Poor Laws for meeting distress arising from want of employment, particularly during periods of severe industrial depression;

And to consider a report whether any, and if so, what, modification of the Poor Laws or changes in their administration of ¹fresh ²legislation for dealing with distress are advisable."

In Chapter 1 it was stated that the findings of the Commission were issued in a Majority ³ and a Minority ⁴ Report and the proposals of the two reports were summarised. On many points there is a fundamental agreement between the reports: their differences lie in their difference of emphasis on one or other cause of poverty and in their rival administrative proposals.

ages since

Both agree as to the changes which have taken place since 1834 and have made the principles and machinery of that date obsolete.

The Guardians have become a Public Health as well as a Poor Law Authority and their functions have become multiplied and differentiated. They have to deal not only with the aged and those who through moral or industrial weakness are unable to support themselves, but also with children, with the sick and mentally afflicted and with the able-bodied who are reduced to poverty through the chances of industrial life. Both reports question the adequacy of Boards elected on the present system to deal with such a differentiated problem. Although poverty existed in the

towns at the time of the report of 1834, the problem was chiefly a rural one, whereas today it is chiefly urban. The tone of the report of 1834 suggested that people should be satisfied if they had enough to eat, and the crying need of the time was the prevention of pauperism, but the Commissioners of 1909 were influenced by the idea of the prevention and cure of poverty, which, though outside the sphere of the Poor Law as such, is very closely connected with it.

Many of the causes of unemployment were shown by the evidence to be quite beyond the control of the worker. Fluctuations of trade and consequent unemployment seem inevitable under the competitive system, and as the community as a whole gains by these fluctuations it is collectively responsible for unemployment.

There is also evidenced the growth of what Professor Muirhead terms "an appreciation of positive rather than negative motives for action." The principle of deterrence on which the Poor Law is based had often succeeded in deterring the really needy and deserving from applying for help, though it still left the workhouse attractive to the idle and vicious. The Commissioners thought that the spread of education had made possible an appeal to people's human interests as well as to the principle of deterrence.

The authorities and voluntary agencies which deal with Poor Law and cognate problems had multiplied rapidly. There was much overlapping and insufficient co-ordination.

causes of
pauperism.

The Minority Report laid great stress on the economic causes of pauperism, on the evils of casual labour, and the employment of boys in "blind-alley" occupations. It accumulated evidence to combat the notion of the Majority that old age is a primary cause of people depending on relief from the rates.⁴ Both reports agreed that sickness and disease are responsible for a very large proportion of pauperism, and both point to the need for better housing conditions and sanitary reform. Indulgence in strong drink, again, is a potent cause of dependence, but this question is closely connected with that of casual labour and under-employment. Obviously, there is a great temptation for the under-employed man in his idle time, and⁵ the casual between jobs, to spend their earnings in drink. The evils of dependence are also aggravated by a lax administration of relief, as was shown by the result of this policy in six London Unions between 1888 and 1908. The Majority report⁶ says:- "There are very many who simply follow the line of least resistance, who are quite capable of earning their living and will do so in the absence of any temptation to the contrary, but who are easily drawn into loafing and thriftlessness by the prospect of relief. It is to these people on the borderland that an unwise policy of relief on easy terms is fatal; they quickly lose the habits of energy and foresight, and become in the true sense of the word pauperised."

The Majority's chief contribution to our knowledge of the causes of pauperism lies in its trenchant analysis of

the moral and psychological conditions; to the Minority, Society, and, in particular, students of sociology, owes a debt of gratitude for its exposure of the economic causes. Though we do not believe that we cannot pass any moral judgment on the actions of the poorer members of the community,⁷ experience teaches that an economic fact is often at the root of much moral evil and crime. We must therefore look more closely at the question of unemployment.

unemployment.

In Chapter IV of their report, the Minority give a fourfold classification of the unemployed and show how easily each class is recruited from the one next above it.

1. The "first-class" men, who are thrown out of employment by changes of industrial structure and the fluctuations of trade which seem inevitable under a competitive system. The community as a whole gains by these changes and fluctuations so that it should shoulder the responsibility of taking thought for men" sacrificed to the gains of their fellow-citizens and of posterity."⁸
2. The "Public Works" men, whose employment is discontinuous and often carried on under conditions which seem designed for the manufacture of casuals.
3. The "Under-employed", such as dockers and carmen, who spend perhaps half their time at work and the other half looking for jobs.
4. The "Unemployable" who are very easily recruited from the class above.

Inadequacy
of agencies
to deal with
unemployment.

The problem of the unemployed has long been recognised

in this country, but both reports show the inadequacy of the agencies set up to deal with it, and that this failure has been largely due to the fact that the conditions lying at the root of casual labour and unemployment have not been understood. In 1886, the President of the Board of Trade issued a circular which recommended the setting up of Municipal Relief Works for men who were temporarily in distress through lack of employment. These works failed in their purpose, attracted and even added to the numbers of casual labourers instead of providing for the "first-class" men temporarily out of employment, were very costly, because the labour employed on them was inefficient, and in many cases created unemployment by forestalling work which would have been done later by the ordinary staff. This failure was only emphasised by the machinery set up by the Unemployed Workmen Act of 1905 which was designed to remedy the defects of the system of Municipal Relief Works. By the Act of 1905, Distress Committees consisting of members of the Borough Council, of the Board of Guardians of every union and of "persons experienced in the relief of distress" were set up in every metropolitan Borough in London, and in the Provinces in all Municipal Boroughs and Urban Districts of not less than 50,000 inhabitants at the last census. Both reports agree that the Act has been an entire failure. In the words of the Minority:- "With insignificant exceptions the Distress Committees had no other idea than a continuance of the policy of municipal

employment..... We have the same swamping of the lists of applicants by men who are at no time more than intermittently employed, and who are glad at any time to present themselves for odd days of work at current rates. We have the same excessive cost of every work in which comparison can be made. We have the same inevitable tendency to a shrinkage of the ordinary staff of the municipal departments and to a throwing out of employment of the regular hands of the municipal contractors."

A tribute is paid to the good work done by organised Private and City aid in tiding over good workers who are temporarily in distress. But the voluntary agencies are continually running up against the problems of almost permanent unemployment and under-employment and they cannot continue doles for an indefinite period.

We may here add that a round of visits to Poor Law Institutions offers convincⁿg proof that the Poor Law is totally inadequate to deal with the problem of the unemployed. Excellent work is done in the specialised institutions for the care of the sick and the feeble-minded, and the work done amongst the children is most hopeful and encouraging, but the casual wards and the labour yards fill the observer with despair.

All these considerations point to the need for an adequate organisation of labour, for the stoppage of casual labour at its source and for institutions to deal with the specific needs of each class of unemployed and unemployable. It might be objected that no organisation

could remove the surplus of men who form the unemployed and that as a nation we are suffering from over-population or over-production or both. Against this, we reply that the figures showing the proportion of wealth to population demonstrate that we have not yet and are not yet likely to reach the point at which "the law of diminishing returns" operates and we can safely say that so long as numbers of people are half-fed and half-clothed there can be no talk of "over-production" in general, though there might easily be over-production of one particular thing. The demand for labour is always rising, but this rising demand is not a cure for unemployment which is the result of "specific imperfections of adjustment," an adjustment being rendered necessary by changes in industrial structure and fluctuations of industrial activity.

posals for
dealing with
employment.

The reports put forward constructive schemes for dealing with unemployment. They recognise that modern industry is continually in a state of flux and that there is need for the increased mobility of labour, for an index of the general state of the labour market and for a simple test of the ~~(1)~~ genuineness of unemployment.

1. They hold that a system of well-co-ordinated Labour Exchanges would fulfil these requirements. It is shown that the failure of Labour Exchanges in England in the past has been due to specific causes and not to defects inherent in the system.
2. It is hoped that further education would put a stop to the

evils of boy labour. The system of apprenticeship cannot be restored, but the principle that everyone under 21 should be learning something as well as earning can be revived. Both reports advocate the raising of the school age and the extension of continuation schools.

3. Labour must be de-casualised. Reform is possible on the lines of that inaugurated by the London and India Docks Company, by means of which men are assured a fair degree of permanence of employment, and are transferred from one point to another as occasion for their services arises.
4. Dovetailing should be employed to mitigate the hardships caused by seasonal fluctuations in employment. This is the more possible because, as the Minority Report shows, the shortage of demand for labour in the seasonal industries does not occur all in the same month, but in each month unemployment in one seasonal industry goes along with a busy time in another. Dovetailing cannot be a complete remedy because it is not always possible for the labourer easily to turn from one so-called "unskilled" employment to another, so that other remedies must be used as well.
5. One of the remedies advocated is Insurance against employment. Both reports advise the Ghent system by which insurance is administered by the Trades Unions and Friendly Societies, and the State contributes to their funds.
6. Compensatory works are to be set on foot to mitigate the industrial depression which comes from the cyclical fluctuations of trade under the competitive system. Of the

proposals of the two reports, the Minority Scheme for a "10 years' programme" of Municipal works seems less likely to suffer from the old evils associated with Municipal Relief Works.

7. Training and detention colonies are to be set up, the former to remedy physical and industrial defects which have led to destitution, and the latter to punish culpable but not criminal conduct which has led to the same fate.

case for
new author-
and a new

Turning now to the administration of relief, we find that both reports totally condemn the mixed workhouse, where "the young servant out of place, the prostitute recovering from disease, the feeble-minded woman of any age, the girl with her first baby, the unmarried mother coming to be confined of her third or fourth bastard, the senile, the paralytic, the epileptic, the respectable deserted wife, the widow to whom outdoor relief has been refused, are all herded indiscriminately together." Neither report advocates the stoppage of outdoor relief because it is thought highly desirable to preserve the family as a group where such treatment is deserved; both condemn the insufficient investigation and the inadequate doles which are features of the present system of administering out-relief.

The reports urge that the area of the Union should be enlarged so that adequate scope can be given for the principle of classification by institutions, and consider that the Boards of Guardians as at present constituted cannot be expected to fulfil properly functions which have become so differentiated.

vergence
administ-
tive
proposals.

The Majority advise that the Boards of Guardians should be replaced by a Statutory Committee of the County or Borough Council, half of which must be appointed from outside it from "persons experienced in the local administration of public assistance or other cognate work." These committees are to be called the Public Assistance Authority and their duties include the provision, staffing and financing of the necessary institutions within their area, and the appointment and supervision of District Public Assistance Committees. The district Committees are to have the functions of the Guardians, they are to decide applications for relief and co-operate with the Voluntary Aid Committees which are to be set up. The County and Municipal authorities are to be under a statutory obligation to set up Voluntary Aid Councils and district Voluntary Aid Committees in order to secure the co-operation of private charity.

The Minority do not regard destitution as a special problem, and advise that the duties of the relief authority should be split up amongst the existing Committees of the Councils, that the children should be dealt with by the Education Committee, the aged by the Pensions Committee, and so on. This would provide for all the non-able-bodied, while the able-bodied are to be dealt with by labour organisation. Relief is to be paid for by those who can afford to defray the whole or part of the cost, and a Registrar of Public Assistance

is to be appointed in each county area to assess and recover payment. These proposals for specialisation of function led the Minority to term their proposals "the Break-up of the Poor Law."

While agreeing with the Minority that the Destitution authority should have ample power to delegate special functions to particular committees of the Council, facts seem to warrant the belief that it is not yet possible to do away with a Destitution authority as such, and in the Registrar, who in effect forms the special authority under their scheme, we see an extension of the danger of bureaucratic control from which our government as a whole is suffering to-day.

In this sense the proposals of the Majority seem more reasonable, but their system of Dual Committees is extremely cumbersome and would in all probability prove unworkable. Also their suggestion that the Aid Committees should be eligible for grants from the rates, would result in the stoppage of voluntary contributions, as past experience clearly shows.

Professor Muirhead says:- "Supposing that the Minority's proposals were carried out, the first thing that efficient administrators would seek to do would be to organise some approved mode of consultation and co-operation between the members of the separate committees which are dealing with the means of particular families, and herewith you have the nucleus of an authority"- which could deal with

destitution as a problem of the family. This suggestion ^{was} ~~not~~ put forward as an alternative to the recommendations of the reports, but it seems to be an excellent one.

Would it not be possible for a committee of this nature to be reinforced by members elected by, or co-opted from approved charities such as the Birmingham City Aid Society, so that the new Public Assistance authority could support voluntary charitable efforts with all its organisation?

We now turn to the proposals of the two reports about co-operation with voluntary organisations for relief, and though the proposals of the Minority may seem revolutionary, we think that they point out the safer way. The majority report urges stricter legal control and a reconstitution of the Charity Commissioners, but relies mainly on "the spread of a higher standard of knowledge and experience, and of the spirit of co-operation among the administrators of Charity." Its suggestions for the dual system of committees have already been outlined. On the other hand, the Minority wish clearly to limit the sphere of voluntary workers. Their views must be given in their own words:-

"The utmost use should, under proper conditions, be made of voluntary agencies and of the personal service of men and women of good will A great distinction is to be drawn between the use of voluntary agencies in the visitation of the homes of the poor and the use of these agencies in the establishment and management of institutions. In the one case there should be absolutely no finding of money. In the other case the more private money the better."

The "visiting service" must be organised and trained in order to keep at bay the mere irresponsible amateur. But in the sphere of institutional treatment - "There is room for many pioneer experiments in the treatment of every type of distressed person. In this field of initiating and developing new institutional treatment - whether it be the provision of perfect almshouses for the aged, or the establishment of vacation schools or open-air schools for the children, whether it be the enveloping of the morally infirm, or of those who have fallen, in a regenerating atmosphere of religion and love, or some subtle combination of physical regimen and mental stimulus for the town-bred 'hooligan' - very large sums of money can be advantageously used, and are, in fact, urgently needed."¹²

On the question of Medical Relief both reports agree as to the evil of the principle of deterrence, the inadequacy of the means for prompt and efficient treatment of cases, and the overlapping of Poor Law agencies with hospitals and other institutions and with the department of Public Health. The Majority, seeing the matter from the point of view of the psychology of the people chiefly concerned, advises a system of Provident Dispensaries to which contributions are made in advance. The Minority, regarding chiefly the danger to the community of diseased people in their midst, would have all doctors organised into a State Medical Service to be at everyone's call. They suggest that expenses should be recovered through the Registrar, but experience of the difficulties of recovering payment under the Education

(Provision of Meals) Acts of 1906 and 1914 shows that this suggestion is not very feasible.

The Majority would keep the Local Government Board as the Central Authority for public assistance, but recommends that in future it should be presided over by a Secretary of State, that it should appoint more medical inspectors and give more State grants. The Minority, after splitting up the work of the Poor Law Guardians amongst the Committees of the Councils, has no further use for the Local Government Board as the Central authority for relief. On the other hand, it proposes that a Ministry of Labour should be set up and should consist of the following 6 divisions, the National Labour Exchange, the Trade Insurance Division, the Maintenance and Training Division, the Industrial Regulation, Emigration and Immigration and the Statistical Divisions. Quite rightly, it considers that unemployment is such a wide problem that it must be dealt with nationally and not left to the municipalities.

islation
er the
ue of
reports.

No comprehensive measure followed the issue of the reports which seem almost to have been forgotten by the general public, especially now that the overwhelming fact of the European war is filling the thoughts of everyone. On the other hand the publication of the reports certainly led to reforms in actual administration, particularly in the care of children and the sick and mentally afflicted, and led the Local Government Board to consolidate many of its Orders so that administration might the more easily be systemised^{at}.

Also between 1908 and the present day, several statutes ^{been} ^{by} which bear directly on the Poor Law Problem have ^{the} passed the Legislature. In 1908, the Old Age Pensions Act (8 Ed. VII, c.40, amended by 1 & 2 Geo. V, c.16) provided for the payment of pensions to old persons over 70 whose yearly means do not exceed £31.10. 0.¹³ The Insurance Act of 1911 provided sickness benefit to be paid through Societies, or failing them, through the Post Office, and while it encouraged insurance against unemployment in all trades, made it compulsory in certain scheduled industries. In 1913, the Mental Deficiency Act gave power to detain Defectives within the provisions of the Act under an order of judicial authority in certified institutions. This power of detention is very important to Poor Law authorities, for a large number of the unmarried mothers who continually come under their aegis are found to be mentally defective. Since the outbreak of war we have had urgent need to organise our labour resources, and by the "New Ministries and Secretaries Act" of 1916 a Minister of Labour was appointed to whom were transferred the duties of the Board of Trade, under the Conciliation Act of 1896, the Labour Exchanges Act and the Trade Boards Act of 1909, the National Insurance (Unemployment) Act of 1911 and Part 1 of the Munitions of War Act of 1915.

Conclusions
from visits
to Poor Law
Institutions.

Before quoting facts and figures from the recent Local Government Board reports we will indicate certain conclusions which were borne in upon the observer by visits to Poor Law Institutions during 1916-1917. The able-bodied and casual wards of the workhouses are strikingly empty, and all the casuals who remain seem to be suffering from

defects remediable or otherwise. Excellent work is evident in large specialised institutions such as the Darent Industrial Colony which is controlled by the Metropolitan Asylums Board, and where, owing to the size of the institution, a large variety of occupations can be provided. Goods are made at the colony and supplied to other institutions under the control of the Board. Except where the children remain inmates of the "Mixed General Workhouse," work amongst the young seems to be a most hopeful aspect of Poor Law enterprise. Whereas older individuals usually come upon the Poor Law as the last resort of despair, it is possible in practically every instance to make the children into self-supporting and self-respecting citizens. As an officer of the Training Ship 'Exmouth' put it, "We exist to make men."

ports of the
al Govern-
Board.

The figures given in the recent reports of the Local Government Board throw interesting light on the effect of the war on the problem of pauperism, though it is rather difficult to make adequate comparisons because the figures for the last two years are much less complete, owing to the depletion of the Staff of the department.

The first table gives the total numbers receiving relief on the 1st of January.

Year.	No.	Proportion.
1914	761,578	20.6 per 1000
1915	763,060	20.6 per 1000
1916	684,549	■

■ Population not estimated.

Excluding pauper lunatics in lunatic asylums the total number of persons in receipt of relief at the end of each year was:-

Year	No.	Decrease.
1913-14.	672,120	
1914-15.	652,152	17,934
1915-16	581,101.	71,051.

Including pauper lunatics:-

Year	No.	Net decrease.
1913-14	773,061	
1914-15	755,127	17,934
1915-16	681,233.	73,844.

The Chart published in the 1913 Report illustrating the relative variation in pauperism since the year ended March 1889, shows a marked decrease of all classes of paupers, except the insane, after 1909.

In August 1914, owing to the disturbing influence of the war there was a sudden rise in pauperism. This reached its maximum on August 22nd, but after that date fell off steadily, till the figures for January 1915 showed a substantial decrease as compared with the previous year. Up to 1915-16, though there was a decrease in all other classes of paupers, there was an increase of lunacy, but during 1915-16, the number of lunatics in asylums decreased also. Probably this decrease is to be accounted for ^{by} the increased prosperity and the consequent lightening of

strain and worry of the working classes, whose condition is, materially, much better than before the War.

After 1908, there was a large decrease in the number of aged paupers, due mainly to the operation of the Old Age Pensions Act of 1908, and a subsequent further decrease in 1911 because of the discontinuance after January 1st, 1911, of the disqualification for the receipt of a pension which previously attached to the receipt of Poor Law Relief.

The next table gives the numbers of Casual Paupers on Jan. 1st, 1914:-

Men	6,957.
Women	559
Children	<u>52</u>
Total	7,568.

For the years 1912-1914:-

	<u>1912</u>	<u>1913</u>	<u>1914.</u>
London	<u>938</u>	<u>534</u>	<u>292.</u>
Rest of England and Wales	8,794.	8,348	7,276

The large and continuous decrease of casual paupers in London was due to the operation of the Metropolitan Casual Paupers Order of 1911, to the transference of the casual wards from the control of the Guardians to that of the Metropolitan Asylums Board and to the work of the Houseless Poor Committee, consisting of representatives of official bodies and charitable agencies. Under the new régime of uniformity of diet and treatment in all the wards, and the keeping of a strict account of all cases, casual pauperism was

remarkably lessened and many of the wards have been closed. Outside London, and especially since the Order of February 1913 to facilitate the establishment of Committees of Guardians, with, where possible, representatives of charitable societies and of the police, ~~to~~ better^{to} administer relief to casual paupers, successful attempts have been made to reduce casual pauperism by securing uniformity of treatment, and by detaining vagrants, while giving "way-tickets" to genuine wayfarers. An officer in his report to the Board remarks that "such reductions strongly support the view that the number of absolutely unemployable men on the roads is very small, but that besides a considerable number ~~of~~ unwilling^{to} work, the majority of tramps in normal times are unable to get work, because of inferiority in skill or stamina."

Today, the men in the casual wards are almost without exception sufferers from mental, moral or physical defect and their numbers are still further reduced as the following table shows:-

Year	Nos:
Jan. 1st, 1914	7,568
" 1915	5,416
" 1916	3,576.

e Cost of
lief.

One of the objections urged against the Reports of 1909 was the cost which the adoption of their proposals would involve. The figures have not been given since 1914, but for the years 1913 and 1914, the total cost was as under:-

Year ended Mar.31, 1913..... £14,935,605.

" " " " 1914..... £15,055,863.

The increased cost was accounted for by increased expenditure on salaries and superannuation, buildings, and lunatics. Some of this extra expenditure on the institutional section of relief is open to criticism and would probably have been un-necessary if the area of administration had been enlarged. On the other hand the Commissioners' proposals for raising the school leaving age; and for the giving of adequate out-relief, where such relief is given, would mean increased expenditure but would probably be true economy.

Conclusion.

The events of the last three years have proved the wisdom of the Commissioners of 1909, and particularly of the Minority, in treating the Poor Law problem as largely one of industrial organisation. The mixture of desert and un-desert amongst the unemployed caused the authorities to have great difficulty in treating them. It was impossible to lump them altogether, and very difficult to find out in which cases relief was subsidising inefficiency and slackness and in which it was really relieving want. If adequate labour organisation could secure that no able-bodied man need have recourse to the Poor Law because he could not find employment, it would be possible to give the most humane treatment to the aged and the sick without attracting the slack able-bodied to the workhouse or labour yard.

Since the first year of the war, the country has

been in an exceptional position with regard to unemployment. In the report for 1914-15, the Local Government Board was able to state that "the question of unemployment generally amongst the industrial classes had almost disappeared... The position had now become one of a marked shortage of labour in many trades and districts."

The shortage of labour has led to a rise in the real wages of the working classes and the calls of the War upon them, their increased sense of value and responsibility, and their increased prosperity have been for them an education in the deepest sense of the word. In the future, the workers will not be prepared to "muddle through" and will demand a larger share in the control of industry.

The time is approaching when we shall have to face the crisis which demobilisation will inevitably bring; we shall have to undertake the task of restoring the major half of our fighting forces to productive industry. The Government has already recognised that demobilisation must come gradually, and has put forward a scheme for a monetary bonus to each man as he leaves the forces. It is not possible here to criticise the scheme in detail, but it is extremely doubtful whether it goes far enough. During the years of war, "Public Works" have been almost at a standstill. To mention only two instances, the condition of many of our roads is appalling, and vast areas of wood-land have been cleared without any attempt at re-afforestation. Here is scope for schemes of work

which would absorb some of the men who return to industry. Again, for the men who were called away during the war from their own small businesses, it might be advisable to inaugurate a system of loans to enable them to re-start those businesses.

It may be objected "What of the cost?"

We make no attempt to deny that the process will be a costly one, but we point out that it is the duty of a nation which has spent incredible sums of money on a war which we hope will preserve posterity from having to fight on like terms, to spend a much smaller sum of money on saving posterity from a burden of pauperism which is otherwise inevitable. We shall have a hard struggle to provide for those whose health and industrial efficiency have^{ve} been ruined by the privations of the campaigns: this brings all the more reason why we should give every encouragement to those who can again become self-supporting in productive industry. History again teaches us what can be done by careful organisation. On the restoration of Charles II, the Commonwealth army was disbanded and many obstructive bye-laws were swept away, and new rules were made to enable the soldiers to fall back into the ranks of industry. "Fifty thousand men, accustomed to the profession of arms, were at once thrown upon the world; and experience seemed to warrant the belief that this change would produce much misery and crime, that the discharged veterans would be seen begging in every street,

or would be driven by hunger to pillage. But no such result followed. In a few months there remained not a trace indicating that the most formidable army in the world had just been absorbed into the mass of the community¹⁴."

Let us emulate the example of our forefathers and be able to point to a like achievement in reasonable time after the return of peace. We owe protection to those who have protected us.

Notes to Chapter VI.

1. See, for example, Mrs Helen Bosanquet's "The Poor Law Report of 1909" for an exposition of the findings of the Majority, the pamphlets issued by the National Committee to Promote the Break-up of the Poor Law for the Minority, and Professor Muirhead's "By what Authority" for a comparison and criticism of both reports.
2. Introduction to Majority Report, 1909.
3. 15 Members of the Commission.
4 " " " "
4. Its evidence, which appears convincing, is based on Trade Union Statistics, the testimony of employers, and the fact that the liability of employers with respect to older men, who would presumably be more prone to injury in the course of their work, is generally covered by Insurance. See Minority Report. p.1167.
5. See Minority Report. p.1140.
6. Majority Report p.228.
7. We have heard this doctrine preached in Labour Churches and at Political meetings.
8. J.S.Mill. quoted by Beveridge, "Unemployment."
9. The personnel of this class is continually changing.
10. Contrast the 16th and 17th century assumption of the stability of industry.
11. Minority Report. p.728.
12. " " p.1022.

In this connection, experience of the excellent work which can be and has been done by voluntary agencies such as the Children's After-care Committees seems to show that the true sphere of voluntary agency is the giving of advice and information, and that it is all the better for not having to deal with gifts in money or in kind.

13. We notice the working of Ruskin's idea that the man who has given his labour to the State is as much entitled to a pension as the employ^ee of a government department. Vide "Sesame and Lilies" for the suggestion which brought so much execration upon its author.
14. . Macaulay "History of England," quoted by Nicholls.

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Visits to Poor Law Institutions in Birmingham, Stoke-on-Trent
and under the Metropolitan Asylums Board.

Information gained during the course of a short investigation
during 1916 into "The Public Feeding of Elementary School
Children."