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THE NEW POOR LAW AND COUNTY DURHAM

Peter James Dunkley

**Submitted for the M.A.
Degree in the University
of Durham, 9 July 1971.**

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ABSTRACT

The thesis traces, in a general sense, the developments that directly led to the legislative reform of a poor relief system that had remained essentially unaltered since its inception two hundred years earlier. The impetus for the dismantling of the Old Poor Law is seen in largely economic terms - the breakdown of a traditional administrative scheme under the pressure of the dramatic fluctuations of an embryonic industrial society.

After an extensive review of the provisions of the 1834 Poor Law Amendment Act, the paper turns to a close examination of its implementation in County Durham. The administrative framework erected in the latter 1830's receives careful attention. An attempt is made to ascertain Poor Law Commission policy and its actual application by local organs. It is found that although the form of poor relief administration was substantially altered by the new measure, in a substantive sense, the economic considerations that animated relief management in previous years continued to dictate, to a large extent, regional administrative practices after the introduction of the Act, despite increasing interference by the Commission.

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PREFATORY NOTE

This is a long paper. Perhaps one might say it is too long for an M.A. degree, but I have been loath to extract what seems to me to be significant merely for the irrelevant reason that this is an M.A. and not an M. Litt. or Ph.D. thesis. Consequently, I have carried on, trusting to the indulgence of the reader. The reader will also notice that certain words in the text, with the exception of those found in quotations and proper nouns, are spelled in the manner peculiar to North America. This policy was decided upon for the sake of consistency; that is, if I had been compelled to adopt the English method, a mode of spelling wholly unfamiliar to me, it is certain that spellings of both types would have appeared inadvertently in the text.

The original purpose of this paper was to examine in detail the 1834 Poor Law Amendment Act and its specific application in the County of Durham. It became clear from the start, however, that the Act was basically a formulation of poor relief principles and attitudes that arose in the years following the Napoleonic Wars and, accordingly, that a thorough investigation of the measure necessitated some reference to this pre-formulation period. More importantly, certain developments in Durham following the implementation of the Act require an understanding of relief administration in the 1820's, if their full significance is to be appreciated. I have, therefore, prefaced the main feature of this thesis with general comments (including appropriate allusions to Durham) on poor relief prior to 1832 and on the shaping of the Act in the crucial years 1832-34. Although an inspection of this thirty-year period was bound to be time-consuming, both for the writer and the reader, I have sustained myself in the knowledge that this work encompasses the

New Poor Law itself, as well as its history in County Durham, and that a comparison of the new with the old would be of value.

I have drawn mostly on secondary sources and British Sessional Papers for the writing of the first two chapters. The general, more well-known books on the English poor laws may be located in any tolerably supplied library, while certain contemporary works on early nineteenth-century Durham may be found in the local history collection of Durham University Library. The Sessional Papers are also deposited there; however, they are only available on microcard, which renders their examination a formidable task.

The remaining portion of the thesis is based on four sets of primary information: the annual reports of the Poor Law Commissioners, boards of guardians' minutes, Ministry of Health Papers (Series 12), and local newspapers. From these materials I have been able to compile a reasonably complete picture of relief administration in eleven of Durham's fourteen poor law unions up to 1847, the year the Poor Law Commission was dissolved. The Stockton, Lanchester, and Weardale Unions are the areas for which I have been able to evolve only a sketchy idea as to administrative developments. In the case of Stockton, by far the most important of the deficiencies, the records are unsatisfactory and, in some instances, non-existent. The minutes of this Board in the Durham County Record Office do not include any notations prior to the 1880's, and the Union correspondence on deposit at the Public Record Office in London is incomplete until well into the 1840's. No similar alibi exists for the Lanchester and Weardale Unions; they are, I am afraid, merely victims of the exigencies of time. Nevertheless, the eleven areas coming under close scrutiny include the major unions in

Durham, and being distributed evenly throughout the county, they represent every type of local characteristic.

The original editions of the Poor Law Commissioners' annual reports are relatively common; a complete set is available in Durham University Library. A fairly extensive collection of guardians' minutes is located in the Durham County Record Office, although only five unions have records on deposit there for the period of this paper. Consequently, in order to examine the minute books of Durham's most important Union, Sunderland, the investigator must resort to the Central Reference Library in that town. The most definitive group of documents on poor relief administration in Durham is the correspondence of the Poor Law Commissioners (Ministry of Health Papers), which may be seen at the Public Record Office in London. This material includes observations by the Assistant Commissioner for the northern district, as well as communications with local administrators and ratepayers. It should be pointed out, however, that while these papers remain the most important single collection of primary poor law information, a concurrent review of regional records is advisable, in order to avoid a distorted impression of actual administrative practices. The investigator quickly learns that official correspondence did not always accurately reflect regional developments.

I should like to record here my appreciation for assistance I have received during the writing of this thesis. Mr. P.A.J. Heesom of the University of Durham kindly read the paper in draft, and his encouragement enabled me to survive periodic fits of depression and doubt. I should also like to thank Dr. Norman McCord of the University of Newcastle upon Tyne for his advice concerning the Ministry of Health

Papers, and especially for his generosity in allowing me to see and make use of some of his transcripts of Poor Law Commission correspondence. The relevant material is noted in the bibliography.

It goes without saying that I alone am responsible for any errors in the work.

Gilesgate, Durham
6 July 1971

P.J.D.

INTRODUCTION

A discussion of the Poor Law Amendment Act of 1834 is certain to be incomplete without at least a cursory look at what is known as the Old Poor Law, being a convenient term for the myriad of poor law administrative methods practiced throughout England under the problematical provisions of the 43rd of Elizabeth (1601). The New Poor Law, as the Amendment Act is commonly called, was conceived, adopted, and developed as a direct consequence of the alleged foibles of the Old Poor Law, most particularly those of the famous Speenhamland system of poor relief, the supplementation of wages by allowances. The Royal Commission of 1832, constituted to review the poor law administration of England and from whose report came the recommendations that formed the basis of the New Poor Law, found that by that period the allowance system had "spread over almost every part of the country, and into the manufacturing towns . . . [and] the evil . . . is, on the whole, steadily and rapidly progressive."¹ On the other hand, scholars have suspected for some time, for reasons discussed later, that the Commissioners greatly exaggerated the importance and extent of the allowance system, and two recent articles by Dr. Mark Blaug have given evidential weight to these suspicions.²

¹[Royal Commission,] Extracts [from the Information Received by His Majesty's Commissioners, as to the Administration and Operation of the Poor Laws], (London, 1837. First published 1833.), p. vi.

² Mark Blaug, "The Myth of the Old Poor Law and the Making of the New," Journal of Economic History, XXII, 2 (June, 1963), pp. 154-184; "The Poor Law Report Reexamined," Journal of Economic History, XXIV, 2 (June, 1964), pp. 229-245.

The first of these two important articles argues that the much-vaunted influence of the Speenhamland Plan on the economy was largely illusory, the allowance system being rather an effect than a cause of low wages and pauperism. I concur with this interpretation.

The second article proposes that the allowance system was practically non-existent in England some years prior to 1834. Dr. Blaug

What is important for our purposes, however, is the particular view of the allowance system entertained by its contemporaries, for it was the shape of their attitudes that fashioned the New Poor Law.

The general characteristics of the Old Poor Law should be understood before a detailed investigation of specific cases can be made, for in view of the vast disparities in local practices, the Old Poor Law was a proposition of generalities. Even a survey of formal poor law legislation would prove fruitless, because Parliamentary legislation consistently lagged behind actual administrative development at the parish level.¹ And in any event, as the Webbs found during the preparation of their classic work on the poor law, "between the statute book and the actual administration of the parish officers there was . . . normally only a casual connection."²

The first main characteristic of the Old Poor Law was one already alluded to, the tremendous diversity of the system. During and after the Napoleonic Wars, there were more than 15,000 parishes in England, each relying on a method of poor relief that in some way, large or small, differed from that of its neighbors. Between 1795 and 1834, over 200 local Acts regarding poor law administration were introduced in Parliament.³ Attempts were made throughout the period of the Old Poor Law to

bases this conclusion on a survey of parishes made, via questionnaire, by the 1832 Commission. Although it is certainly true that allowances were somewhat curtailed following the Vestry Acts of 1818 and 1819, there are several examples, which are included in the following text, of allowance and minimum wage scales in use right up to 1834 in Durham alone.

¹ Dorothy Marshall, "The Old Poor Law," reprinted in Essays in Economic History, (London, 1962), I, p. 43.

² Sidney and Beatrice Webb, English Poor Law History: The Old Poor Law, (London, 1927), p. 149.

³ Thomas Mackay, Public Relief of the Poor, (London, 1901), p. 50.

enlarge the administrative areas and thus reduce the vast number of units, among the most notable being the Incorporations of Guardians in East Anglia, established for the purpose of turning a profit on pauper labor, and Gilbert's Unions. By 1834, 975 parishes were operating under the provisions of Gilbert's Act.¹ In keeping with views on local control, however, the adoption of the Act was left up to the individual parishes, and so the general rule of widely-differing parochial administration prevailed right up to the passing of the New Poor Law.² This was particularly true in the North, where a long tradition of independence would prove to be a bulwark against the centralizing measures of the New Poor Law. It is perhaps indicative of the northern preference for the small administrative unit that Durham and Northumberland never had a Gilbert's union.³

¹ This Act, passed in 1782, attempted to discourage the use of the workhouse as a deterrent to the application for parish relief, which had become wide-spread since the beginning of the century and had been legitimized by the 9th of George I (c.7) in 1723. Gilbert's Act provided for the abolition of the "workhouse test," and the right of parishes to combine for administrative purposes and the construction of workhouses, which were to be used as refuges for the young, aged, and infirm. More importantly, it became a sort of proto-allowance plan by placing on the parish the responsibility for finding adequate employment for their able-bodied paupers, and barring this, for their support out of doors from parish funds.

This Act was deprecated by the 1832 Commission as being the result of a misguided humanitarian spirit that arose in the latter part of the eighteenth century. For a discussion of this "wave of humanitarianism," see A.W. Coats, "Economic Thought and Poor Law Policy in the Eighteenth Century," Economic History Review, XIII, 1 (1960), pp. 40-45.

It appears, however, that more pragmatic reasons, such as an increased population, the enclosure movement, the introduction of machinery, and a glutted labor market, lay behind this legislation. For this interpretation, see C.R. Fay, Life and Labour in the Nineteenth Century, (Cambridge, 1920), pp. 89-92.

² See Dorothy Marshall, The English Poor in the Eighteenth Century. (London, 1926), p. 129.

³ J.H. Clapham, An Economic History of Modern Britain, (Cambridge, 1926), I, p. 354.

The second characteristic of this hodge-podge of administrative practices was the essential amateurism and corruption of the poor relief authorities. The two primary officers in the distribution of relief were the overseers and the Justices of the Peace, both unpaid positions. The overseers, who were annually elected members of the parish, were in a singular position to indulge in self-aggrandisement. They were responsible for establishing and collecting the rate, subject to some control by the magistrates, and dispersing relief to the poor. If the overseer happened to be a tavern owner, for example, it was clearly in his own interest to see that the parish paupers received enough aid to allow them the luxury of beer, and if a farmer, an increase of the pauper allowance would reduce the need to pay his laborers adequate wages. However, many parishoners were reluctant to take this thankless job, so heavy fines had to be imposed in order to prevent refusals to serve the office. Such reluctance invariably led to shoddy and haphazard administration. In Durham, the mal-administration of the overseers became so apparent as to warrant the observation, in a report to the Board of Agriculture and Internal Improvement in 1810, that they "are in general glad to execute the office with the least trouble to themselves, and . . . [they] have no other inducement for the undertaking, than pecuniary advantage."¹ Moreover, if an exemplary overseer were to be found, the parish only had the benefit of his service for one year, and when a conscientious parishoner was just beginning to learn the nuances of his office, his term was up. Thus, the administration of poor relief not only varied from parish to parish, but from year to year.

¹ John Bailey, Agriculture of the County of Durham, (London, 1810), p. 319.

The magistrates, on the other hand, were guilty of less mercenary qualities. Their extravagance in granting aid, whether out of humanitarian considerations or a desire for popularity, is a commonplace of poor law history. The decisions made by the parish authorities, who reacted to the steep rise in the rates following the Napoleonic Wars with parsimony in granting relief, were "liable to be overset by the orders of the Magistrates,"¹ for it "rests in the discretion of every Justice of the peace, to say whether every able-bodied man is able to maintain his children, and the Magistrate is empowered to make an order of relief which the Overseer is bound to obey (there being no appeal)" ² Consequently, from 1795 onwards, the magistrates' interjection in parish attempts to reduce the poor rates made these efforts, in many cases, hopeless.³

The third characteristic of the Old Poor Law was geographical variation in the burden and form of relief. The differences in trade, industry, and agriculture throughout England shaped regional peculiarities in poor law administration and expenditure.⁴ In the North of England, "where the condition of the peasantry is universally allowed to

¹ Report [from the Select Committee] on Labourers' Wages, British Sessional Papers (Microcard), 4 June 1824, VI, p. 406.

² Report [from the Select Committee] on [That Part of the Poor Laws Relating to] the Employment or Relief of Able-Bodied Persons [from the Poor Rate], B.S.P. (Microcard), 3 July 1828, IV, p. 141. Their emphasis.

³ Sidney and Beatrice Webb, The Old Poor Law, p. 166. The legislative history of the eighteenth century is littered with attempts at defining the responsibilities of the two offices, with one gaining the ascendancy over the other until the abuses became such that paramountcy was reversed. See T. Mackay, Public Relief of the Poor, p. 48; by the same author, History of the English Poor Law, (London, 1899), III, pp. 76-77, 107-108; J. Redlich and F.W. Hirst, Local Government in England, (London, 1903), I, p. 101; and D. Marshall, The English Poor in the Eighteenth Century, pp. 57-59, 85.

⁴ J.D. Marshall, The Old Poor Law, 1795-1834, (London, 1968), p. 12.

be the best,"¹ the growing industrial character of the region endowed it with a means of alleviating the increasing pressure of population. Here the rates never assumed the enormous burden they did in the South. John Wilson, the Assistant Commissioner for Durham,² reported in 1833 that "the maintenance of the able-bodied out of local, often inadequate, funds, whether or not administered on a regular allowance-system," did not "bear . . . comparison with the height which it has reached in the southern counties."³ Wages remained somewhat buoyant in the North, which also mitigated poor relief expenditure here.⁴ This is not to imply that the North was not affected by the general upswing in the pauper burden following the French Wars. As Engels observed, "from that time onwards the agricultural districts have been the seat of permanent pauperism, while the factory districts have been the seat of fluctuating pauperism"⁵

South of a line drawn approximately at the Vale of Trent, the principal economic feature of the area was agriculture, and it was here that the poor rates became prohibitive and the abuses of the Old Poor Law, both real and imagined, most overt, scrutinized, and criticized.

¹ Report on the Employment or Relief of Able-Bodied Persons, 1828, p. 147.

² Wilson's assistant commissionership is not to be confused with those offices held under the authority of the Poor Law Commissioners following 1834. His was merely an investigatory role under the auspices of the Commission of Inquiry of 1832. See infra, p. 55.

³ Extracts, p. 169.

⁴ ". . . many counties in England are nearly, if not totally, exempt from the grievance of low wages. In Northumberland, wages are at twelve shillings a week; and labourers, having families, do not usually receive assistance from the poor-rates." Report on Labourers' Wages, 1824, p. 405; see also, James Caird, English Agriculture in 1850-51, (London, 1968), pp. 510-516.

⁵ Friedrich Engels, The Condition of the Working Class in England, (Stanford, 1958), pp. 296-297. His emphasis.

In the rash of poor law investigations that came in the wake of the wars with France, the essentially agrarian character of the pauper problem was revealed, although it did not require committee reports to convince the nation that distress was rife in the rural counties. The Lords Committee on the Poor Law in 1818 reported that "though in some of the districts . . . the increase in the rates has not been of any great amount, . . . yet in other districts, which are almost exclusively agricultural, the Committee have reason to believe that very great distress has prevailed, and that the rates have been considerably augmented."¹

And this brings us to the fourth and most important characteristic of the Old Poor Law, the prevalence, especially in the southern rural areas, of the allowance system. The economic and sociological effects of this method of wage supplementation continue to be debated, but as we have said, what is of significance to us is the development of the frame of mind that led to the adoption of the New Poor Law, and that frame of mind was marked by the belief that this scheme of poor relief was the major contributory factor in the distress of the working class following the defeat of Napoleon. "The gradual increase," a Parliamentary committee concluded, "which has taken place both in the number of paupers, and in the assessments for their support, can hardly fail to have arisen from causes inherent in the system itself, as it does not appear to have depended entirely upon any temporary or local circumstance."²

In 1795, the magistrates of Speenhamland in Berkshire, faced with growing agricultural devastation precipitated by population pressures,

¹ Report of the Lords Committee on the Poor Laws, B.S.P. (Microcard), 1 June 1818, V, p. 98.

² Report [from the Select Committee] on the Poor Laws, B.S.P. (Microcard), 4 July 1817, VI, p. 8.

the enclosure movement, the decay of domestic industries, and a series of poor harvests, published a scale of relief based on the price of bread.¹ The poor laws had always been considered a bulwark against social revolution and now an increased pauper burden and the vague and ominous thunderclouds gathering in the vicinity of France prompted the Berkshire magistrates to expand the provisions of the poor law to outdoor relief for the able-bodied, whether employed or not. In doing this, the justices actually codified and popularized a practice which had been gaining ground in the previous decade as a response to unemployment and wages below the subsistence level.² In the next year, 1796, the 36th of George III (c.23) was passed to quell the "double panic of famine and revolution," and in attacking the Workhouse Test Act of 1723, directly encouraged the extension of outdoor relief to the able-bodied pauper.³

The Speenhamland bread scale was, in effect, a uniform minimum wage that fluctuated with the price of bread. A bread allowance was computed for each worker, his wife, and his children. If the laborer

¹ The Hammonds present a more left-wing interpretation of the motives behind the propertied class' adoption of the Speenhamland Plan. They see it as a sinister engine designed with an eye to undermining working class spirit and independence; the governing class thereby hoped to check "the demand for higher wages and the danger that the labourer might claim a share in the bounding wealth of the time." J.L. and Barbara Hammond, The Village Labourer, 1760-1832, (London, 1913), pp. 169, 173-174.

This analysis suffers, it seems to me, from the temptation of hindsight.

² C.R. Fay, Life and Labour in the Nineteenth Century, pp. 90-91.

³ See supra, p. 3. The 36th of George III stated that the refusal of outdoor aid to the poor "has been found to have been and to be inconvenient and oppressive, inasmuch as it often prevents an industrious poor person from receiving such occasional relief as is best suited to his peculiar case" Quoted in John J. Clarke, Public Assistance, (London, 1934), p. 26.

were unemployed or receiving wages below the amount necessary to purchase the minimum bread allowance, the entire amount or the difference was made up in money by the parish, depending on the price of bread, although relief was sometimes paid in kind. After the Speenhamland scale was published, the method, if not the actual scale, spread rapidly throughout southern England as the pauper host increased pressure on the monied classes. The scales seemed a logical response to the rapid spread of poverty and provided an infallible means by which the poor could maintain themselves at the subsistence level -- an important consideration to the nation as the need arose for a healthy peasantry to provide troops for the prolonged struggle with France. Printed scales, moreover, had the aura of authority about them, which added to the credibility of the system.¹ In addition, definite and well-known rates of relief were a deterrent to the caprice of the overseers, which in small parishes had doubtless played a part in the distribution of the poor's dole.

While it is true that the allowance scheme was most prevalent in the South, there were many instances of relief in aid of wages being practiced in the northern counties, and it appears that only Northumberland managed to avoid entirely the abuses of the system.² The primary example in Durham of a supplementary relief program was at Darlington. Rather than a sliding bread scale, however, the authorities here preferred the use of an established minimum allowance. By 1833, the fixed allowance amounted to two shillings per week per worker, a like sum for his spouse, if married, and one shilling and six pence for each child. Hence, a

¹ Allowances in aid of wages became popularly known as the "Speenhamland Act of Parliament," although the authorization for their use had emanated from the bench.

² S. and B. Webb, The Old Poor Law, pp. 180-182.

single man would have to be earning less than two shillings a week in order to qualify for parish relief, and with wages "of eighteen or twenty shillings and upwards" being available to workers in the town,¹ this precluded all but the most wretched from applying for relief.

Barnard Castle, too, employed a minimum wage guarantee rather than a fluctuating bread scale. Here the magistrates fixed the minimum allowance for the laborer and/or able-bodied pauper at two shillings and six pence per week, a similar amount for his spouse, and one shilling for each child under twelve years old. The impotent poor, the aged and infirm, received an allowance of up to three shillings depending on circumstances.

Once a commitment had been made to support the poor of the community, it seemed expedient to exact some sort of labor from the unemployed able-bodied paupers in order to defray as much as possible the cost of their maintenance, even though their employment was not strictly required. Accordingly, the labor rate and the roundsman system came into use. In 1824, a Parliamentary committee reported that these supplementary measures were, in some form or another, always found in conjunction with the allowance system.² The roundsman system was used mainly in the agricultural districts. The paupers were sent round to the farmers who paid them a portion of their wages, the parish making up the difference to bring the wages up to the allowance standard. The labor rate offered the ratepayer the choice of paying a levy to the parish or of employing paupers at fixed wages, which would then be applied to the parishoner's rate obligation. If the employer chose to pay wages below the fixed

¹ Extracts, p. 172.

² M. Blaug, "The Myth of the Old Poor Law and the Making of the New," p. 160.

level, the difference had to be paid to the parish. This method was most often used in the small parishes. Many parishes that were either unable or unwilling to conduct a distributed labor program resorted instead to a crude labor test by requiring work in a parish enterprise, usually in the gravel pit or on the roads, where the paupers whiled away the day in order to qualify for relief. Other parishes required attendance at a roll call, sometimes several a day, while others merely utilized a simple dole by way of the parish pay table. Although Dr. Blaug disputes the use of these methods beyond the years immediately following the Napoleonic Wars,¹ the 1828 Committee on Relief to the Able-Bodied found that "in many districts parish employment (varying in its nature) is afforded to able-bodied labourers, during a part of the year; . . . in some parishes a weekly allowance is made to them without any employment being given; and . . . in others, they are put up to a kind of auction, as servants, to the best bidder, the difference between the amount paid, and their sustenance, being paid by the parish."² And this is somewhat borne out by practices in Durham. John Bailey wrote in 1810 that harvest labor was "mostly hired every morning, by a kind of auction in every village, one farmer bidding against another."³ Barnard Castle required its unemployed paupers to work in the parish stone quarry, and Darlington set those paupers to work that were unable to subsist on the minimum allowance granted by the

¹ See also J.D. Marshall, The Old Poor Law, p. 14.

² Report on the Employment or Relief of Able-Bodied Persons, 1828 p. 141.

³ J. Bailey, Agriculture of the County of Durham, 1810, p. 319.

parish.¹ The parish of Houghton-le-Skerne, just outside Darlington, regularly used the houserow or roundsman method of distributing its pauper surplus from the end of the French Wars to 1830.² It should be pointed out, however, that only about eleven percent of Durham's rural parishes were utilizing the roundsman or labor rate systems by 1832.³ This represented a decline since the second decade of the nineteenth century, although what is salient, Dr. Blaug's evidence to the contrary notwithstanding, is that the governing classes assumed and reported in 1828 that the sundry methods of granting outdoor relief to the able-bodied pauper, whether employed or not, were in common use in "many districts" throughout England.

The use of these artificial employment measures began to increase the laborers' reliance on the parish as a distributing agency of employment as well as occasional relief, which tended to undermine the workers' independence and ambition. It became widely held that "all parishoners not able to maintain themselves have a right to employment by the parish,"⁴ and the English parochial mechanism staggered under the weight of the novel obligation of being a sort of employment exchange. The independent worker was unable to compete with a subsidized pool of surplus labor. Not only could the farmer employ pauper labor at reduced wages, but he gave preference to this type of worker, as he was already

¹ Extracts, pp. 170-171.

² Parish records, 1830, in N. Sunderland, A History of Darlington, (Darlington, 1967), p. 86; see infra, p. 14.

³ M. Blaug, "The Poor Law Report Reexamined," p. 237.

⁴ Report on the Employment or Relief of Able-Bodied Persons, 1828, p. 140.

contributing to the poor's subsistence through the rates, and he would quite naturally be anxious to receive some labor for his expense. If the independent laborer had been prudent and thrifty, having managed to purchase a cottage and perhaps a cow, he was ineligible for parish relief, and thus the local farmers would be reluctant to hire him. Eventually, he would sink into the morass of pauperism, taking his place on the parish rolls, there to receive the same wage as the incorrigibles and idlers. Indolence and imprudence were rewarded at the expense of industry and thrift, and the line between wages and relief became more and more obscure. The workers, faced with a situation that held out few, if any, incentives, became demoralized, and the committees that met to consider the poor laws in the second and third decades of the century were inundated with testimonials of worker ineffectiveness, insubordination, and moral collapse. It should be remembered that these were the views of generally middle class persons, who were wont to minimize labor's productive and moral effectiveness, and perhaps were anxious to justify the depressed wages they were paying the workers.

That a climate of discontent and imprudence gathered in the lower class during this period can scarcely be denied, however. Sociologists now know that reduced expectations produce reduced levels of performance and self-respect, but the higher orders of the early nineteenth century traced the growing malaise of worker despair to the operation of the poor laws, rather than a general depression of trade, industry, and agriculture. The Select Committee on Labourers' Wages of 1824 concluded that "by far the worst consequence of the system is the degradation of the character of the labouring class,"¹ and this view was shared by

¹ Report on Labourers' Wages, 1824, p. 404.

nearly all of the members of the governing class. The notion that the allowance system placed a "bounty on indolence and vice" became so universal that the moral destruction of the lower orders wrought by the Old Poor Law became the chief argument for the adoption of the Poor Law Amendment Act in 1834. On introducing the Bill, Lord Althorp observed that "the administration of the Poor-laws had been injurious in its operation to every one of those classes [landlord, farmer, employer]; but, most of all, it had been injurious to the labouring classes themselves."¹ On the local level, first-hand observation tended to confirm this view, as the authorities consistently found a seemingly logical connection between moral degradation and low wages, and low wages and poor law administration. The parish records of Houghton-le-Skerne indicate that the houserow system was abandoned in 1830 because it was "inimical to their [the laborers'] morals (having a tendency to engender idleness by the small sustenances paid by them to whom they are sent), [and] revolting to the feelings of a man like and willing to work and to provide things honest in sight of all men"²

That indiscriminate and abundant relief could pervert laboring class independence and ambition was also attested to by the erosion of working men's societies in Durham. "Box clubs," or friendly societies, had become so popular during the latter eighteenth century that by 1803 there were 178 such bodies in the country encompassing 11,556 members, and nearly every village could boast of at least one self-help organization. Nonetheless, as the French Wars progressed, the parish relief

¹ Lord Althorp in the House of Commons, 17 April 1834; Hansard, Third Series, XII, pp. 874-875.

² Parish records, 1830, in N. Sunderland, A History of Darlington, p. 86; see supra, p. 12.

mechanisms came increasingly into play, and the number of friendly societies accordingly declined. In 1810 John Bailey lamented that the "virtuous pride of independence is fast declining, as several . . . box clubs have been dissolved of late years," and the dissolution of a box club at Cockfield provided him with an insight into the reason why: "The principal reason given for so unjustifiable a transaction, I was much concerned to hear, was, that they had no occasion to contribute any thing towards their own support, as the parish was obliged to maintain them; and the weekly allowance that a magistrate would order them, would be more than what they would receive from the society."¹

Hand in hand with the degradation of the working class went the moral lapse of the higher orders.² We have already mentioned the petty corruption of the parish officeholders, but the encouragement of abuses was practiced on a more general scale. The farmers were glad of a pauperized labor force whose wages were partly subsidized by a portion of the community that received no benefit from such an anomaly.³ Shopkeepers and tradesmen were anxious that the pauper population be kept in change for the purchase of their goods. Landlords were pleased to raise rents on property that the parish leased for the use of its pauper host. And manufacturers were found to be artificially lowering wages in the hope that they could saddle the parish with supplementing their labor costs.⁴ Even in counties, such as Durham, that had an increasing but

¹ J. Bailey, Agriculture of the County of Durham, 1810, p. 319.

² J.L. and Barbara Hammond, The Age of the Chartists, (London, 1930), p. 59.

³ Report on the Poor Laws, 1817, p. 7; see infra p. 28.

⁴ T. Mackay, History of the English Poor Law, III, pp. 68-69.

manageable poor problem during the period 1795-1834, abuses by the "establishment" ranged from the brazen to the petty. In the parish of Hurworth, members of the vestry were apparently involved in "jobs of the grossest description." A group of men had "speculated in purchasing houses to let to the parish, or paupers who have their rents paid by the parish,"¹ and had succeeded in raising the rents at the parish's expense. At Washington, the parish authority, a committee of vestrymen called "The Twelve," engaged in similar but less substantial corruption. The parish records recount large and expensive dinners enjoyed, periodically, by the committee at the expense of fellow parishoners; one entry for 1831 shows a plum pudding costing more than three pounds!² Only the colossal increase in the rates throughout England in the second decade of the nineteenth century convinced so many interests that a pool of superfluous labor was detrimental to the entire community.

A great deal of blame was heaped on the allocation of child allowances for producing the burdensome surplus population. Since a laborer received an increased weekly allowance for each child he had to support, a correlation between this policy and the vast increase in population during the early nineteenth century was quickly and easily established in the minds of a generation that diligently read Malthus. It seemed obvious that the surplus population was encouraged, because "men who receive but a small pittance know that they have only to marry, and that pittance will be augmented in proportion to the number of their

¹ Extracts, p. 179.

² Parish records, 1831, in Fredrick Hill, History of Washington Parish Church, (Newcastle, 1929) pp. 30-31.

children."¹ Since it was manifest that "wherever the practices [of rates-in-aid-of-wages and child allowances] prevail, . . . there is a redundancy of labour . . .,"² contemporaries lost little time in concluding that the population "excess is in great part to be attributed to the mal-administration of the poor laws during the latter years of the late war."³ They also pointed to another influence child allowances had in promoting population increase. Since the relief bill was higher for laborers with children, parishoners were more apt to hire the family man in order to defray the greater cost of his maintenance.⁴ Hence, single men were at a disadvantage in the labor market and so were encouraged to marry early.

Actually, the evidence on the demographic effect of child allowances is conflicting. The 1821 census seemed to justify Malthusian fears by revealing that most, but not all, of the Speenhamland counties had undergone acute population growth during the previous decade. However, after 1821 the increase in population in these counties was usually below the national average for agricultural areas, a fact the 1832 Commission either ignored or overlooked, and more importantly, some of the lowest rates of increase just prior to 1832 were found in those areas where child allowances were in vigorous use.⁵ In any event, the rise in population

¹ Report on Labourers' Wages, 1824, p. 404.

² Report on the Employment or Relief of Able-Bodied Persons, 1828, p. 142.

³ Report on Labourers' Wages, 1824, p. 405.

⁴ Report on the Employment or Relief of Able-Bodied Persons, 1828, p. 143.

⁵ J.D. Marshall, The Old Poor Law, p. 42.

following the Napoleonic Wars was part of a general increase, regardless of the use of the allowance system. In Durham, a non-Speenhamland county, the population increased more than 20 percent during the period 1811-21, from 177,625 to 211,900.¹ It is, therefore, a risky business indeed to attribute the growth of population during this period to the operation of the poor laws.

All of the four major characteristics of the Old Poor Law, administrative diversity, local prerogative, geographical variation, and the allowance system, were especially vulnerable to attack. Although modern scholars have been at pains to disarm contemporary criticism of the system, the fact remains that it did, indeed, engender a substantial degree of abuse and mal-administration. The ruling classes of this period, however, are guilty of extravagance in their views of the old relief methods, and as a consequence, the construction of a revolutionary engine, the Poor Law Amendment Act of 1834, was designed for the specific purpose of supplanting the four pillars of the Old Poor Law with the notions of an embryonic industrial state. It must be realized that in the final analysis, it was the pressures of an economically transformed society that first revealed the weaknesses and then provoked the destruction - at least legislatively - of a public assistance system that had remained untampered with for more than two hundred years.

¹ Report [from the Select Committee] on Poor Rate Returns, B.S.P. (Microcard), 15 July 1822, V, Appendix C, p. 283; Report [from the Select Committee] on Poor Rate Returns, B.S.P. (Microcard), 16 July 1823, V, Appendix I (D), p. 358.

I state fearlessly that even our north-country labourers do not, as a whole, perform more than three-fifths of the work they might, without detriment to their health. And the great object should be to encourage them to exert their full powers. This cannot be done directly by the legislature, but it should boldly sweep away everything having an opposite tendency; all payments for doing nothing — all interference with the application of wages — everything calculated to make them depend upon any person but their immediate employer.

— Joseph Little, Select Vestryman of Stanhope, to John Wilson, Assistant Commissioner for Durham, 28 January 1833, Extracts.

Although the Napoleonic Wars caused wide-spread distress in the industrial areas of England owing to the Continental System and British retaliation in blockading France,¹ the agricultural districts enjoyed relative prosperity. The war kept the price of grain at a high level, and capital flowed into land. Waste land was brought into cultivation, and the demand for labor increased, as did wages. Those individuals who found their way onto the parish rolls did so under the influence of economic factors other than the machinations of the allowance system. Victims of the enclosure movement and the introduction of machinery into the spheres of the domestic industries made up the main portion of the pauper class, although allowances were sparingly made to general farm laborers during these years in order to combat winter unemployment.²

¹ See J.L. and Barbara Hammond, The Town Labourer, 1760-1832, (London, 1919), pp. 102-103.

² Nationally, the annual poor relief bill at the turn of the century averaged £3,913,945 (figures for 1801 and 1803). Sidney and Beatrice Webb, English Poor Law History: The Last Hundred Years, (London, 1929), II, p. 1037.

In Durham, poor relief expenditure for 1803 was £54,686. Report on the Poor Laws, 1817, Appendix A (2B), p. 157.

Until 1813, the supposed abuses of the Speenhamland Plan were not seen, as rural expansion had made the extensive use of parochial relief unnecessary.¹ However, a sensationally productive harvest that year revealed the over-extension of British agriculture. The price of wheat dropped to 109 shillings and 9 pence per quarter from a high in 1812 of 126 shillings and 6 pence, and by the end of the war in 1815 the price had plummeted to 65 shillings and 7 pence.² In addition, similarly productive harvests in Ireland and Scotland during this period swelled England's corn supply, and lands that had been brought under cultivation during the years of scarcity fell back into disuse.³

The termination of hostilities further aggravated the situation. An already crowded labor market was augmented by discharged military personnel returning to England to take up jobs. Castlereagh estimated that more than 300,000 operatives were added to the growing labor pool,⁴ and Engels, writing three decades later, bore witness to the long-range effect of this influx: "the surplus population -- hitherto 'latent' -- was now 'free.' And so wages have fallen and the poor rates have increased enormously."⁵ That the large amount of superfluous labor arising in England at the end of the war was not easily dissipated is further evidenced by a report in 1819 that "the market for labour is

¹ Lord Ernle, English Farming, Past and Present, (London, 1922), p. 327.

² J.M. Stratton, Agricultural Records, A.D. 220-1968, (London, 1969), pp. 96-97.

³ Lord Ernle, English Farming, p. 319. Rural receipts were diminished by £100,000,000, and farming stock declined in value by fifty percent.

⁴ J.L. and Barbara Hammond, The Town Labourer, p. 104.

⁵ F. Engels, The Condition of the Working Class in England, p. 296.

in many parts of the kingdom at present much overstocked . . ."¹ Moreover, the stepped-up introduction of machinery contributed to the problem by continuing to replace the domestic operatives, who were rarely absorbed into the new scheme of mechanization.² At the same time, the usual outlets for population pressures were drying up. War-related industries fell on hard times with the return of peace, and the vast reduction in government spending following the war seriously affected all parts of industry, commerce, and agriculture. The disbanding of the allied armies destroyed an important market for food, clothing, arms, and equipment. The potential market in Europe, now open to trade, proved illusory as two decades of conflict had left the Continent exhausted and poor, and although Parliament reacted to British agriculture's new vulnerability to foreign competition by passing the Corn Laws, their general effect in raising the price of grain is moot.³ And so a shrinking consumer market coupled with a bolstered labor supply produced the inevitable result — wages crashed and unemployment swept through England.

An examination of Houghton-le-Skerne might serve to illustrate the means by which a small Durham parish attempted to cope with the acute problems of unemployment during and just after the Napoleonic Wars. (It should be kept in mind that Houghton was located just outside increasingly industrial Darlington. The significance of this will become

¹ Report [from the Select Committee] on the Poor Laws, B.S.P. (Microcard), 30 June 1819, II, p. 256.

² See E.P. Thompson, The Making of the English Working Class, (New York, 1963), p. 248.

³ W. Hasbach, A History of the English Agricultural Worker, (London, 1920), p. 179.

evident later.) Like most small parishes in the county, Houghton did not have a workhouse, so this method of relief was not a factor in its administration, and as a result, the parish was forced to rely on outdoor relief. It should be mentioned, however, that a row of cottages for the use of the poor had been built in 1806 with money raised in 1776 for the construction of a school. At the time, it had been hoped that the poor would let the houses at a low rate, but the rents had been so difficult to collect that the parish no longer required payment for occupancy, and New Houses, as the cottages were called, lapsed into true poorhouses.

The rates in Houghton, as in the rest of England, had been steadily rising since the beginning of the war. In 1776 the poor rate had been one pence in the pound, and by 1804 it had climbed to six pence. Accordingly, in 1811 the parish officials requested all parents with employable children to find work for them outside the parish. The labor surplus persisted nonetheless, and the influx of discharged soldiers and the downward turn in trade at the end of the war compounded further the parish's employment problems. By the end of 1815 the parish records show that "the labouring men of the township are off work,"¹ and the parish authorities strongly suggested that the town's workers settle for wages of one shilling and six pence a day. It was realized, however, that even wages on the subsistence level would not induce employers facing bankruptcy to hire more labor than they required, so the parish itself sought to provide jobs, the repair of the roads being the principal employment.

¹ N. Sunderland, A History of Darlington, p. 85.

As the depression deepened, the parish officials authorized a minimum allowance of one shilling and two pence a day for the unemployed able-bodied worker, and one shilling for his wife and each child. Grain prices remained depressed, and farmers in the area cut wages to a shilling a day, which the parish authorities supplemented with a three pence grant. The additional penny to be earned by full labor over that given as a dole provided little incentive to find work, so the parish soon found itself conducting a labor test whereby the paupers were sent on the rounds, called houserow. This method of relief persisted in Houghton until 1830.¹ By 1834 two decades of chronic unemployment and the support of an allowance system had raised the rates to three shillings in the pound.

Several ancillary measures were tried during this period to alleviate pressure in Houghton's depressed labor market. In 1817 the parish poor relief committee began providing handlooms to those paupers who requested them, although these efforts were, in the main, unsuccessful, as the mere existence of the unemployed pauper was an indication of the lack of demand for woven goods. Some attempts were made at encouraging emigration, and as late as 1830 the parish had recourse to this method of relieving an over-abundant labor force; John Hodgson, a laborer, was given twenty five shillings "to assist him getting into a better way of subsistence by travelling to a . . . district where work is more plentiful."² On the other hand, the parochial officers were insistent on the immobility of those workers in jobs that the parish had managed to procure for them. Those men who left parish-obtained employment were

¹ See supra, p. 12.

² N. Sunderland, A History of Darlington, p. 86.

threatened with the House of Correction. But Houghton's problems were relatively insignificant when compared with those of the agricultural districts, particularly in the South.

Reports on the depressed state of English agriculture after 1815 are plentiful. Some consideration must be given to the disappointment arising from an exaggerated anticipation of plenty at war's end and the agrarian interest's stake in promoting the view of rural depression in order to justify the retention of the Corn Laws, but the sharp rise in poor relief expenditure during this period attests to the severity of agricultural distress.¹ Although the post-war farmer received higher prices for his grain than in pre-war days,² he was now faced with hitherto unknown financial burdens as a result of the war. National expenditure had increased five-fold, tithes by 25 percent; a property tax had been instituted and, as we have seen, the poor rates had reached astronomical levels; the county rate had increased by 700 percent, and a highway rate was now frequently levied. And since land was saddled with a considerable part of this public burden, any advantage that might have accrued to the farmer from the long-term grain price increase was easily nullified by added expenses.³

¹ Annual expenditure reached its highest level under the Old Poor Law in 1818 at £7,870,801. Sydney and Beatrice Webb, The Last Hundred Years, II, p. 1038. Durham, too, suffered its greatest expense on the poor in 1818 by spending £101,908. Report on Poor Rate Returns, 1821, Appendix B, pp. 278-279.

² The price of wheat averaged about 54 shillings per quarter during the period 1790-95. J.M. Stratton, Agricultural Records, pp. 89-91.

³ ". . . the burden [of the rates] has been imposed almost exclusively, on land and houses . . ." Report on the Poor Laws, 1817, p. 6.

The national breakdown of the poor rate for the year ending 25 March 1823 was as follows:

The farmers reacted to falling profits by discharging their independent laborers, while relying on the pauper labor provided by the parish, for which they were already being charged, to fill their labor needs. "The farmer, finding himself charged for a greater quantity of labour than he requires," the Committee on Labourers' Wages observed, "naturally endeavours to economize, by discharging those labourers of whom he has the least need, and relying upon the supply furnished by the parish for work, hitherto performed entirely at his own cost."¹ In this way, more and more men were added to the parish rolls already swollen with the victims of other factors in the economic malaise of the first quarter of the nineteenth century.² The parish increasingly became an intermediary in the payment of wages, and thus the economic life of the countryside revolved to a large extent around the local relief authority, which tended to become a focal point for criticism of incidental

Lands	—	£4,602,252
Dwelling Houses	—	1,762,950
Mills & Factories	—	247,389
Manorial Properties	—	90,908

Report on Poor Rate Returns, 1824, p. 355.

The breakdown of Durham's county rate for the year ending 25 March 1823 was as follows:

Lands	—	£67,914
Dwelling Houses	—	20,116
Mills & Factories	—	6,332
Manorial Properties	—	12,537

Ibid, Appendix I (E), p. 383.

¹ Report on Labourers' Wages, 1824, p. 403.

² See N. Gash, "Rural Unemployment, 1815-1834," Economic History Review, VI, 1 (October 1935), p. 93; A.J. Taylor, "Progress and Poverty in Britain, 1780-1850: A Reappraisal," History, XLV (1960), pp. 25-26; and E.P. Thompson, The Making of the English Working Class, p. 224.

actions and policies in shaping rural distress. The depression was not easily dissipated, and the pauper population grew until the farmers regularly looked to the parish as the principal supplier of cheap labor. In 1817, a Parliamentary committee recognized and complained of this use of the parish relief mechanism.¹ And by that year the rural employers were pleased to be able to draw on a large body of cheap labor in order to meet the shrinking profits of the grain market.²

The availability of the pauperized rural labor market was guaranteed by the law of settlement in conjunction with the general depression of agriculture. Although the 35th of George III (c.101), passed in 1795, had abolished removal unless the worker had actually become chargeable, the wide-spread use of the subsidized parochial labor pool by employers considerably reduced the opportunities for independent labor, so even a liberalized settlement law served to discourage working class mobility during this period. Expenditure involved in litigation regarding removals increased from £35,791 in 1786 to £287,000 in 1815.³ By 1832, litigation and appeals regarding settlement became by far the main work of Quarter Sessions,⁴ which is in itself an important indication of the extent of the post-war depression as regards the mobility and independence of labor. The precariousness of the times, too, tended to discourage the

¹ ". . . the occupier pays, in the shape of poor rates, what should be more properly paid in wages." Report on the Poor Laws, 1817, p. 7.

² J.L. and Barbara Hammond, The Village Labourer, p. 174.

³ Report on the Poor Laws, 1817, p. 26; J.L. and Barbara Hammond, The Village Labourer, p. 179.

In 1815 there were 41 suits in Durham involving removals, as compared with 38 in Cumberland, 66 in Northumberland, 153 in Lancashire, 10 in Westmorland, and 33 in the North Riding. Of the 41 suits brought by Durham parishes, 10 were denied, 30 confirmed, and 1 dismissed. Report on the Poor Laws, 1817, Appendix I, pp. 168-169.

⁴ Gilbert Slater, Poverty and the State, (London, 1930), p. 59.

faint-hearted from looking for employment in more distant parts. The inducement to remain in a parish where one was at least assured of meagre support remained a strong deterrent to mobility, and several investigatory bodies of the period found cases of a labor shortage in one parish going unanswered, even though a neighboring parish was suffering from a labor glut.¹

Although the landed classes provided the largest portion of the rates for the support of this stagnant, pauperized labor force, several factors intervened that enabled them to obtain some advantage from such a situation. As his rates increased, the farmer was able to induce the landlord to lower his rent so that he might meet his obligations. Until 1816 landlords had been remiss in appreciating the extent of the depression and had steadfastly refused to lower war-inflated rents, which went a long way in ruining the marginal farmers and adding to the relief rolls. However, by 1816 this process became so prevalent that economic survival for the landlords recommended a recognition of the severity of the distress, and henceforth rents began to fall; £9 million was lost on rent revenue in 1816 alone. As the poor rates increased, the rents fell, until in many parts of England the occupier was paying as much to the parish as to the landlord.² There is some evidence that farmers even preferred high rates, for rent reductions enabled them to transfer a portion of their labor costs onto the landlords.³ While it is a commonplace of poor law history that the allowance system, or at least

¹ W. Hasbach, A History of the English Agricultural Worker, p. 185; T. Mackay, History of the English Poor Law, III, p. 71.

² G. Slater, Poverty and the State, p. 86.

³ Extracts, p. 60; J.L. and Barbara Hammond, The Village Labourer, p. 167.

the economic situation extant when that method of poor relief was in frequent use, demoralized labor and reduced productivity by rewarding equally the good and the bad worker, the large farmers compensated for this by utilizing a greater amount of pauper labor at wages well below its value, or at no wages at all in those parishes where the rates paid the entire wage and work on the farmers' land was merely used as a labor test. Finally, since all members of the rate-paying class were not employers of labor, the larger farmers were able to accrue to the full advantage of a subsidized labor pool for whose support they paid only a part, a system that was "to a certain degree attended with the injurious effect of taxing those who have no interest in it with a proportion of the expense."¹ This anomaly continued as long as the entire community supported a pauper class from which was drawn the personnel to fill labor requirements. In 1824, a Parliamentary committee again pointed out the inequity that had induced the most powerful group in England, the landed, to tolerate the extensive use of parochial relief during the wars with France: "Persons who have no need of farm-labour are obliged to contribute to the payment of work done for others."²

As we have already mentioned, the tradesmen and renters of cottages, too, recouped some of their outlay on the rates by selling goods to the paupers or the parish or speculating in property rented by the parish for the poor. Primarily, it was upon the small farmer that the heaviest burden of the rates fell. The family farmer, who scratched out a living

¹ Report of the Lords Committee on the Poor Laws, 1818, p. 99.

² Report on Labourers' Wages, 1824, p. 404.

on a few acres, relied entirely on the labor of his relatives to provide the slight edge over poverty. The availability of a large, cheap labor market, which he was required to help support, brought him no advantage, and indeed, its very existence served to narrow his own margin of subsistence. Mark Blaug's work notwithstanding, it appears that a fair number of small occupiers, who had managed to eke out a living during the Napoleonic Wars, was gradually slipping into the quagmire of pauperism following the agrarian collapse, and once there increased the pressures on their neighbors who remained in the struggle for solvency.

In Durham several considerations mitigated the severity of the post-war agricultural distress. The county participated in the economic expansion that took place during the later eighteenth century and early nineteenth century, while at the same time it developed a diversified economy that played a crucial role in providing the county's agricultural community with a market during the depression. In the eighteenth century, Durham established a thriving mining industry. New coal, lead, and iron mines were opened, and the old mines, such as those belonging to the Bishop in Weardale, the iron mines around Winlaton, and the ancient coal mines of the Palatinate, increased in size and activity. A growing rural population found vent in the mines, and Durham's agricultural sector became prosperous supplying the new market of colliers with food stuffs. Farming became so profitable that efforts were made to enlarge the arable land surface of the county, and 1,400 acres of corn land were reclaimed from Saltholm and Billingham Marsh at the mouth of the Tees at the turn of the century.¹

¹ See William Page, The Victoria History of the County of Durham, (London, 1907), II, p. 241.

The inflated prices of the war further encouraged expansion. Districts that hitherto had been uninhabited were brought under the plough; forests were cleared and land fertilized and developed. In both Durham and Northumberland, families such as the Greys, Culleys, and Collings led the way in reclaiming land for agriculture, and many districts, such as the valley of the Till in Northumberland, became productive areas that before the war had been wilderness.¹

The farm laborers, as well, shared in the economic prosperity of the region. In 1810, John Bailey reported that "the rise of labour [wages] is about double within the last 20 years."² At that time, farm servants hired by the year were earning £21, and day laborers from two shillings to two shillings and three pence in the winter and from two shillings and six pence to three shillings in the summer, their average annual wage being £36 to £40.³ Bailey's claim is borne out by an examination of a report by Joseph Granger, who had observed in 1794, just before the French wars, that "annual wages of a man servant in husbandry, having meat, drink, washing and lodging, are from £10 to £14 . . ."⁴ Day laborers earned from one shilling to one shilling and six pence, and during harvest time two shillings and six pence.

The health of Durham's agrarian community following the war was maintained by a peculiarity in its population growth. Like the rest of England, the county recorded considerable increases during the first part of the nineteenth century; the population climbed from

¹ See Lord Ernle, English Farming, pp. 318-319.

² J. Bailey, Agriculture of the County of Durham, 1810, p. 263.

³ Ibid., p. 262.

⁴ Joseph Granger, Agriculture of the County of Durham, (London, 1794), p. 44.

177,625 in 1811 to 211,900 in 1821 and to 253,910 in 1831. The salient characteristic of this increase, unlike the more unfortunate southern rural counties, was that it took place entirely in the industrial districts of Durham, while the population in the agricultural parishes remained stable or even declined.¹ Moreover, the advent of a public works system in South Durham assisted agriculture in keeping its feet when other parts of rural England had few alternate employment opportunities available. A John Cartwright of Norton parish near Stockton told John Wilson that "for some few years past this parish and the surrounding neighborhood have been peculiarly circumstanced, -- large public works have been proceeding, and . . . these public works (railways, etc.) have employed all our best labourers, and the inferior hands, who at other times would have difficulty in finding employment, . . . are now the only labourers left for common agricultural work."² The attraction of the mines and factories, as well as the retention of the hindling system in Durham and Northumberland have also been cited as factors in the economic health of the northern-most counties following the war.³ Consequently, from 1810 when John Bailey reported that "the poor rates in the agricultural districts of this county are not high . . ."⁴ to John Wilson's report in 1833 that Durham's

¹ W. Page, The Victoria History of the County of Durham, II, p. 244; J. Bailey, Agriculture of the County of Durham, p. 333.

² Extracts, pp. 176-177.

³ See J. Bailey and G. Culley, Agriculture of the County of Northumberland, (Newcastle, 1797), p. 53; W. Hasbâch, A History of the English Agricultural Worker, pp. 87, 145, 191-192; and M. Blaug, "The Myth of the Old Poor Law and the Making of the New," pp. 168-170.

⁴ J. Bailey, Agriculture of the County of Durham, 1810, p. 361.

relief methods were relatively trouble-free,¹ the much-criticized abuses of the Speenhamland Plan were rarely found in rural Durham.²

In the industrial areas, on the other hand, the population increase, fluctuations in trade, and the larger size of parishes compounded poor relief problems. Therefore, it is here that we find the resort to a myriad of administrative practices and a losing battle against the rising rates. The primary feature of Durham's urban poor law administration as opposed to rural was the use of the workhouse, although practices varied from place to place and the main portion of relief recipients remained out of doors. At Durham City, for instance, the parish authorities attempted to "discourage the entrance of paupers into the poor houses," preferring to administer outdoor relief.³

The workhouses arose in the towns as a consequence of the larger number of paupers, particularly of the impotent variety, and the lack of parochial paternalism as displayed in the rural areas. The size of the towns also allowed the construction and maintenance of these establishments.⁴ Gilbert's Act and the 36th of George III had discouraged the use of the workhouse as a deterrent, and since the townships found

¹ Extracts, p. 169.

² According to a questionnaire circulated by the Royal Commission of 1832 which was answered by 13 percent of Durham's agricultural parishes, representing 49 percent of the county's rural population, only 3 percent of the parishes were granting allowances in aid of wages, while 5 percent distributed some sort of allowance based on the number of children in a family. No rural parish was utilizing a formal bread scale. M. Blaug, "The Poor Law Report Reexamined," p. 237.

³ E. Mackenzie and M. Ross, View of the County Palatine of Durham, (Newcastle, 1834), II, p. 403.

⁴ According to returns made in 1777, Durham had forty-seven workhouses, and from that date to the introduction of the New Poor Law, no substantial change in that number occurred. J.H. Clapham, An Economic History of Modern Britain, I, p. 355.

that it was cheaper to grant outdoor relief than provide disciplined accommodation,¹ Durham's workhouses lapsed into depositories of the truly destitute and helpless rather than engines of "less eligibility," although some stringency in their administration was introduced just prior to the passing of the New Poor Law.²

The workhouse at Darlington was erected under the provisions of the 22nd of George III in what formerly had been the Bishop's manor house. It was administered by an appointed visitor and two guardians of the poor. A governor and governess were hired at a weekly salary, and they actually ran the workhouse. Two overseers were appointed by the parish; however, their duties were mainly concerned with levying the rate. During the Napoleonic Wars, the workhouse inmates were used as a supplementary labor force. "Such of the poor in the house as are able to work," Bailey wrote, "are mostly employed in the manufactories of the town, such as spinning mills, weaving, etc."³ The wages earned by the paupers were turned over to the town clerk, and the money was then used in defraying the cost of their maintenance. After it was discovered that this practice interfered with the wages of independent workers, other occupations were made available to the paupers. In 1833, for example, the township purchased a farm of twenty-two acres on which the unemployed able-bodied paupers, whether workhouse inmates or out-relief recipients, were required to work. By 1834, Darlington's workhouse contained 60 inmates.⁴

¹ W. Page, The Victoria History of the County of Durham, II, p. 245.

² See infra, p. 51.

³ J. Bailey, Agriculture of the County of Durham, 1810, p. 318; see also W.H.D. Longstaffe, The History and Antiquities of the Parish of Darlington, (Darlington, 1854), p. 334.

⁴ E. Mackenzie and M. Ross, View of the County Palatine of Durham, 1834, II, p. 137.

The periodic depression of Barnard Castle's primary industry, carpet weaving, greatly augmented the poor relief burden here.¹ Manufacturers consistently turned out their employees during periods of slack trade, so the parish had a substantial portion of its population sporadically on the rates. Barnard Castle's workhouse population provides an indication of the extent of the distress. In 1834 there were 65 inmates, as compared with 60 in the much larger town of Darlington, each costing about two shillings and three pence a week to maintain.² In desperation, the parish authorities attempted to use pauper labor to reduce their costs. Three handlooms and a warping-mill were operated at the workhouse, but this proved unprofitable and probably endangered the livelihood of those laborers just managing to remain independent.³

In Durham City the Castle Precincts and College had virtually no poor to support, and there was no poorhouse in the North Bailey district. However, the City did contain a large number of small poorhouses in its peripheral parishes. There were poorhouses at St. Nicholas, St. Giles, Elvet, and St. Margarets. The number of inmates was small although varied from parish to parish. In 1834, St. Giles and St. Nicholas had four and eight inmates respectively, while Elvet's workhouse population

¹ Ibid., p. 238. Nonetheless, Durham had been unable to support domestic textile manufacturing during the eighteenth century like some of its northern neighbors, which explains the absence in the county of a large pauperized body of domestic operatives. J.H. Clapham, An Economic History of Modern Britain, I, p. 364.

² E. Mackenzie and M. Ross, View of the County Palatine of Durham, 1834, II, p. 238.

³ Barnard Castle utilized a novel, and perhaps desperate, method of dealing with the chronic able-bodied pauper. An arrangement was made between the overseer and the applicant, whereby for a certain sum of money, the latter agreed not to trouble the former for a specified period of time. See Extracts, p. 174.

fluctuated between eight and twenty paupers. St. Margaret's poorhouse contained a relatively large number of inmates, about twenty-three, as a result of its policy of taking in "on contract" paupers from other parishes. Crossgate parish contracted out its impotent poor to St. Margaret's for two shillings and two pence each a week, as did Brandon, Framwellgate, and Broom at two shillings and six pence. During the French Wars, Gateshead and Stanhope parishes, too, relied on a contractor for the care of their impotent poor, although both parishes granted outdoor relief to the major portion of their paupers.

Stockton provides the best example of the mixed relief system most prevalent in Durham's towns — the granting of outdoor relief to the bulk of the pauper host with the secondary use of the more-costly workhouse for the incorrigibles, orphaned, aged, and infirm. The town's poor relief machinery was run by a select committee of the "more respectable inhabitants," who reviewed each application for relief. This was usually a matter of granting an outdoor allowance as evidenced by the fact that in 1810 there were only twenty-five to thirty inmates in the town's workhouse, while more than two hundred paupers received some sort of outdoor relief.¹ The workhouse master received four shillings a week for each inmate under his charge, but the paupers on outrelief were never awarded more than two shillings a week, which rendered the workhouse a last resort by the parish. The able-bodied paupers who were sent to the workhouse were required to work, although the committee was careful not to allow workhouse labor to interfere with the independent market of the town. The paupers were set to work in the Elizabethan tradition, opening oakum, drawing rope yarn, and so

¹ See W. Page, The Victoria History of the County of Durham, II, p. 245.

on. The return on this labor to the parish rarely exceeded £20 per annum.

Like Stockton, other towns found it cheaper to grant outdoor relief than to provide workhouse accommodation. Sunderland, particularly, supported a large outdoor relief system, although its workhouse contained a considerable number of paupers. A poor relief authority consisting of a visitor and two guardians of the poor, having been constituted under the 22nd of George III, administered outdoor aid to four hundred and twenty town poor, as well as two hundred and three sailor poor in 1809; the workhouse population amounted to one hundred and eighty six. The total poor relief bill for 1809 came to £7,058.¹ By 1819 the workhouse, which had been erected in 1740 by public subscription, contained three hundred and fourteen inmates. An attempt was made to profitably employ these paupers, but the manifest depression in the trades in which the inmates were trained rendered these efforts nugatory. Nonetheless, the paupers were kept busy at weaving, spinning, and teasing oakum.

This large number of paupers arose in Sunderland owing to its vulnerability to the health of the national economy. The factors that spared Durham from the worst shocks of the depression were not engaged in this town which was so closely linked to the other ports of England. The poor rates increased steadily from 1769, when the assessment had been three and one-half pence in the pound, to two shillings and nine

¹ J. Bailey, Agriculture of the County of Durham, 1810, p. 320. Since a large percentage of Sunderland's relief burden arose from the vicissitudes of commerce, the shipping interest was called upon to provide one-half of the cost of supporting the sailor poor. Under the provisions of a local Act passed in 1809, all ships registered "to any Person residing or carrying on any Trade or Business in any of the Parishes of Sunderland, Bishopwearmouth, and Monkwearmouth" were assessed a poor rate of a half-penny per ton per month, and the parish officials were given authority to raise the rate as high as a penny per ton. See George Garbutt, View of Sunderland, (Sunderland, 1819), pp. 337-338.

pence in the pound on stock in trade and approximately one-third of rent revenues in 1818. Some contemporaries put this dramatic increase down to the "small extent of the parish and its comparatively great population,"¹ which, of course, stated only a part of the cause that included the flooding of Sunderland's labor market with discharged naval personnel, and a downturn in trade all over the country. The deepening depression drug Sunderland even lower. In 1822 a Parliamentary committee reported that the town was suffering under a "general depression of the shipping and coal trade,"² and that it had had an especially expensive year in supporting its poor. The overseer for the parish told the House of Commons that in 1821 the families of 1,120 sailors were being aided, as well as 660 additional families, totalling 7,120 persons (1,850 were under the age of fourteen); all of these persons were receiving relief out of doors, costing the parish in excess of £9,300.³

Although Sunderland's rate increase surpassed that of the average Durham parish, the county was not entirely immune to the pressures that were raising poor relief expenses throughout England. Before England entered into long struggle with France, the rates in Durham had been steady for most of the century. Expenditure in 1785 had been £18,478, but by the mid-point of the war it had risen to more than £51,000.⁴ By the end of the war and during the years that followed, the rate burden became progressively worse, although it did not bear comparison with the

¹ Ibid., p. 337.

² Report [from the Select Committee] on Poor Rate Returns, B.S.P. (Microcard), 15 July 1822, V, Appendix I (E), p. 543.

³ Ibid., p. 543.

⁴ Report on Poor Rate Returns, 1821, Appendix C, pp. 282-283.

more hard-hit counties of the South. Below is a list of poor relief expenditure in County Durham for this period (all years ending 25 March):¹

1813	-	£81,752
1814	-	84,826
1815	-	78,726
1816	-	83,714
1817	-	90,770
1818	-	101,908
1819	-	101,184
1820	-	101,755

As we would expect, the rise in the rates centered primarily in the towns. In 1810 John Bailey recorded the trend toward heavier rates and more complex relief troubles in the industrial areas: "The poor rates in the large towns, and manufacturing and mining districts, are from 2s. 6d. to 4s. 6d. per pound; in the districts purely agricultural, from 1s. 3d. to 2s. 6d."² In discussing Barnard Castle two decades later, Mackenzie and Ross confirmed Bailey's observation. "Barnard Castle," they wrote, "like other manufacturing towns, is subject to great fluctuations in the amount of its poor-rate, which is generally . . . very heavy."³

The Darlington scale became a source of great public burden during any slackening of trade. The minimum allowance granted by the parish was applicable to the unemployed, and large numbers of men were thrown on the rates when falling profits prompted employers to discharge their workers. This was particularly the case with the weavers, who were "the class most constantly burthensome to the parish,"⁴ as they suffered

¹ Ibid., Appendix B, pp. 278-279.

² J. Bailey, Agriculture of the County of Durham, 1810, p. 70.

³ E. Mackenzie and M. Ross, View of the County Palatine of Durham, 1834, II, p. 237.

⁴ Extracts, p. 171.

under the acute competition of Irish woven linen.

The parish of Hartlepool held lands that had been donated to the poor by various benefactors over the previous two centuries. The revenue raised on this land, which amounted to £141 in 1816, was applied to the cost of maintaining the poor. Since the parish relief expenditure for 1815 was £310, the ratepayers were responsible for a poor relief bill of only £169. However, townsmen complained that "parochial relief is very considerable and the rates are proportionably [sic] high."¹ This sort of reaction was elicited by an increase in the poor rate, however small, rather than an actual onerous public burden, for the residents of Hartlepool, in 1816, could well-remember when the revenue raised on the parish's charity property was sufficient to cover the entire cost of relief.

On the national level, too, a storm of protest was beginning to arise over the increasing rates during a period of falling profits, and in the next decade and a half, attitudes were formed regarding the granting of relief that led directly to the measures of the New Poor Law. As we have already seen, certain considerations allowed the ruling class of England to profit from a large pool of pauperized labor during the early years of the century. Indeed, as the Webbs found, "the policy of the Allowance System, embodied in the Speenhamland Scale, met with little criticism so long as the war lasted."² This may be explained as the acceptance by a prosperous class of general inflation and a rise in all matters of expenditure, as well as profits. Although poor relief costs

¹ Sir Cuthbert Sharp, A History of Hartlepool, (Durham, 1816), p. 169.

² S. and B. Webb, The Old Poor Law, p. 182. See also Lord Ernle, English Farming, p. 327; and J.D. Marshall, The Old Poor Law, p. 15.

increased from £3,750,000 at the beginning of the century (1801) to £5,418,846 at war's end (1815),¹ it was "well known, that in the period antecedent to 1812, the Expenditure for Other Purposes, increased more rapidly than the Expenditure On account of the Poor."² The depression of trade and agriculture following the war, however, threw many more men on the rates while at the same time it quenched the landed class' desires to subsidize a poverty-stricken labor force. Poor relief expenditure mounted steadily to a high in 1818 of £7,870,801.

Also arising at this time were certain economic and philosophical notions inimical to the granting of poor relief. Malthus' widely-read work on population convinced a generation that aid to the poor merely induced further misery and should therefore immediately cease. On this point, Malthus could not have been clearer:

There is one right which man has generally been thought to possess — a right to subsistence when his labor will not fairly purchase it. Our laws indeed say that he has this right . . . [but] we are bound in justice and honor . . . formally to disdain the right of the poor to support.³

The increasingly mammonistic nature of English society took its cue from such concepts. A relief scheme that had been largely unquestioned since the days of Elizabeth now represented an "evil which must be necessarily inherent in any system which undertakes to provide for the Indigent by a compulsory contribution from the funds accumulated by the industry of others . . ."⁴ A good deal of nostalgia grew up around the fantasy of

¹ S. and B. Webb, The Last Hundred Years, II, pp. 1037-1038.

² Report on Poor Rate Returns, 1822, p. 517.

³ Essay on Population (6th edition, 1826), II, p. 319. Quoted in J. H. Clapham, An Economic History of Modern Britain, I, p. 349.

⁴ Report on the Poor Laws, 1819, p. 251.

the beneficent results of voluntary charity in the previous century, and men of wealth consistently decried the destruction of the ties and control they had enjoyed under the practice of the occasional handout: "Parochial aid, which was formerly received with gratitude and afforded in those cases alone where distress arose from bodily infirmity, is now demanded as a matter of course, and received in many instances without thankfulness."¹

Under the influence of Smith's law of supply and demand, the principle of the "just" wage was being supplanted by that of the "natural" wage.² An over-stocked labor market, of course, adjusted wages in the direction most advantageous to the higher orders. Nevertheless, the ruling class became convinced that in tampering with the machinations of the "invisible hand," the poor relief system precipitated the depressed level of laborers' wages. In 1819 a Parliamentary committee formally added the fostering of low wages to the growing list of indictments against the granting of relief to the poor. "Your Committee," they wrote to the House of Commons, "conceive that the demand and supply of labour have in the natural course of things, such a tendency to regulate and balance each other . . .; whereas the practice now under consideration [relief to the able-bodied] . . . is calculated to perpetuate evils that would otherwise be transient . . ."³

Another wage principle gained credence during this period, and it, too, undermined the concept of poor relief. The "wage Fund" theory stated that at any given time there was just so much capital available to be dispersed as wages. The punch line was that any relief granted to the

¹ C. Sharp, A History of Hartlepool, 1816, p. 169.

² See E.P. Thompson, The Making of the English Working Class, p. 220.

³ Report on the Poor Laws, 1819, p. 255.

poor was necessarily drawn from this fund, which reduced the remuneration available for honest labor. Hence, it appeared that the thriftless and the idle were being rewarded at the expense of the virtuous. And so, in a society replete with self-made men, the recipients of aid were invariably seen as the millstones around the working-class neck, for "unless he had the knowledge and humanity of Dickens or Mayhew, the middle-class man saw in every open palm the evidence of idleness and deceit."¹

The primary relevance of these attitudes, and the reason they have been included here, is their appearance in the reports of the Parliamentary committees on the poor laws following the war, and thus their importance in shaping the attitudes of the ruling class. In full Malthusian cry, the 1817 Committee on the Poor Laws placed the responsibility for the alleviation of poverty on the doorstep of the poor. "The labouring classes," they wrote, "can only be plunged deeper and more hopelessly into the evils of pauperism, by the constant application of additional sums of money to be distributed by the poor rate; true benevolence and real charity point to other means," which include "patience, labour, frugality, sobriety and religion."² This committee, particularly, seems to have embraced the new principles of the emerging industrial age.³

¹ E.P. Thompson, The Making of the English Working Class, p. 266.

² Report on the Poor Laws, 1817, p. 10.

³ The following extracts are but a few examples of several available that reveal the addiction of the Committee of 1817 to popular concepts of political economy.

"Wage Fund" theory:

"What number of persons can be employed in labour, must depend absolutely upon the amount of the funds which alone are applicable to the maintenance of labour . . . The immediate effect of a compulsory application of the whole or part of these funds, is to change the application, not to alter the amount of them . . . Whoever therefore is

The thoughts of Smith and Malthus provide a thread which is woven through the committee's review of poor law abuses and its recommended remedial measures, measures reinforced in 1819 by a similar body that by that date was openly advocating the termination of a centuries-old dole by the state to the poor. This committee recommended "provision continuing to be made by law for the infirm and helpless, and the partial and temporary distress which might occasionally befall even the able and industrious, being left, as it confidently might, to the aid of voluntary and discriminating benevolence . . ."¹ Even the aid to be granted to the truly helpless was fraught with dangers to the community and the lower orders themselves, the committee found. Without the spectre of want, the laboring class could easily slip into habits of indolence, and the committee concluded that "a compulsory provision, for even the helplessness of age and infirmity, has a tendency to weaken in a degree, the natural efforts of men to provide against future ill."²

maintained by the law as a labouring pauper, is maintained only instead of some other individual who otherwise would have earned by his own industry, the money bestowed on the pauper." Ibid., p. 17.

Malthus, Smith, and "Wage Fund" theory:

"By holding out to the labouring classes, that they shall at all times be provided with adequate employment, they are led to believe they have nothing to dread while they are willing to labour. The supply of labour, therefore, which they alone have the power to regulate, is left constantly to increase, without any reference to the demand, or to the funds on which it depends." Ibid., p. 18.

¹ Report on the Poor Laws, 1819, p. 257. Since many individuals were active in both the parochial relief system and private charitable organizations, this has been tentatively proposed as evidence of a benevolent disposition toward the poor by these men. However, it was widely believed at this time that only "voluntary and discriminating benevolence" constituted acceptable and beneficial aid to the poor, and members of private organizations were perhaps the most vigorous supporters of this view. Hence, harsh administration of public assistance by persons connected with charitable endeavors may not be ruled out.

² Ibid., p. 255. Their emphasis.

The Select Committee of 1817, in attacking the contemporary English relief system, was careful to first divorce it from the provisions of the 43rd of Elizabeth, which continued to be regarded as the venerable touch-stone of British charity and wisdom. It was the facility with which relief was obtained under the allowance system and the advent of mal-administration that were held responsible for the high rates and working class degradation.¹ Contemporaries, in their rush to discredit poor relief, continued to minimize the part played by economic factors. The 1817 committee concluded that "independent of the pressure of any temporary or accidental circumstances . . . both the numbers of paupers, and the amount of money levied by assessment, are progressively increasing."² The committee, therefore, pressed its main attention on the administrative practices of the system, and from their recommendations resulted the passing of the Parish Vestry Act (58 George III, c. 69) in 1818 and the Select Vestry Act (59 George III, c. 12) the next year, the latter becoming popularly known as Sturges Bourne's Act after the chairman of the Committee of 1817.

These Acts provided for the control of expenditure by the rate-payers themselves, who, it was thought, would be the most prudent in granting relief. If a parish chose, it could constitute a vestry by election amongst the ratepayers. Each parishoner received one vote for an assessment of £50 and an additional vote for every £25 assessed beyond that amount, up to a limit of six. Once established, a vestry had the

¹ P.F. Aschrott, The English Poor Law System, Past and Present, (London, 1902), p. 23. See also, Report of the Lords Committee on the Poor Laws, 1818, p. 101.

² Report on the Poor Laws, 1817, p. 5.

further option of forming a select vestry, which would be "required to inquire into and determine upon the proper objects of relief, and the nature and amount of the relief to be given."¹ Select vestries consisted of from five to twenty persons, not counting the churchwardens and overseers who sat as ex-officio members, chosen by and from the vestry and submitted to the magistrates for formal nomination.

In order to circumvent the abuses apparent in a system of sporadic, and sometimes irresponsible, administration, the Vestry Acts provided that "the vestry may appoint an assistant or assistants, with an adequate salary,"² to aid the overseers in raising and dispersing the rate. This provision had an added appeal in that a salaried assistant overseer would be more directly under the control of the ratepayers in the vestry. There was a very important qualification in the Acts, however, that hampered, to a certain extent, the parsimonious proclivities of the vestries. Although it required at least two magistrates to overturn a decision made by a select vestry, power was "given to one Justice to order relief 'under certain circumstances' to an 'industrious poor person' at his own home."³ "Certain circumstances" referred to urgent need, the definition of which was determined by the magistrate himself.

The major consequence of the formation of select vestries was the sharp diminution of relief granted to England's poor during the twenties.⁴

¹ 59 George III, c.12. Quoted in Report on Labourers' Wages, 1824, p. 408.

² Report on the Poor Laws, 1819, p. 252.

³ Report on the Employment or Relief of Able-Bodied Persons, 1828, p. 141. Their emphasis.

⁴ N. Gash, "Rural Unemployment, 1815-1834," p. 90; J.L. and Barbara Hammond, The Village Labourer, pp. 184-185.

The Report of 1817 was widely read and had a considerable influence in discouraging the distribution of adequate relief, even

Assistant overseers concerned solely with poor relief, and prodded on by tax-burdened vestries, introduced a severity of administration that reduced the body of unemployed to the lowest possible subsistence. Indeed, they represented an acute dimension to a trend that had been gaining impetus in England since the collapse of 1813. The Speenhamland magistrates had fixed the allowance at the amount required to purchase a three gallon loaf each week for each pauper, with an additional one and one-half loaf for each member of his family. Following the war, relief began to be granted at amounts lower than the 1795 standard. In Northamptonshire in 1816, for example, single men received an allowance of five shillings a week, while married men were granted six shillings for themselves and their wives. With the quartern loaf costing eleven and a half pence at this time, these allowances translated into about a two and a half gallon loaf for the single man and a little more than a three gallon loaf for the married man and his spouse, the quantity considered the minimum for single laborers in 1795. However, under the regime of the assistant overseers, relief was reduced even more drastically, until by 1830 the pauper allowance in England averaged only about sixty-five percent of that granted in 1795.¹ This parochial niggardliness was, of course, reflected in the rates. The expenditure seen in 1818 was never again equalled under the Old Poor Law, and a few years later a Parliamentary committee was able to report that "much benefit has been produced by taking advantage of the provisions of the 59 George III, c. 12. on this subject [the reduction

though most parishes did not formally adopt the Vestry Acts. S. and B. Webb, The Last Hundred Years, I, p. 41.

¹ S. and B. Webb, The Old Poor Law, pp. 182-183.

of rates]."¹

Poor relief expenditure declined in Durham during the period 1820-21 to £97,619 as compared with £101,755 for 1819-20. It was generally felt by the county authorities that the institution of select vestries and salaried overseers affected these savings even at a time of economic stress.² The parish officers at Birtley claimed that "a well conducted select vestry" had reduced their poor rate over the previous two years by nearly two-thirds, and similarly, Bedlington reported substantial savings accruing upon the formation of a select vestry. The parish authorities at Sedgefield, too, expressed certainty that their select vestry would be able to reduce poor relief expenditure by one-half, "if not interfered with by the magistrates."³

Returns for the year 1821-22, again showed a decrease in Durham's poor relief costs, and as in the previous year, the cause was assigned to the influence of the growing number of select vestries.⁴ However, the intervention of the justices "from a clause in the Act" of 1819 ameliorated some of the harsher thrift measures, and complaints from Durham's vestries can be found in House of Commons records: the authorities at Stainton and Streatham complained that their select vestry "is nearly useless;

¹ Report on Labourers' Wages, 1824, p. 408.

² In 1821, Durham had fifty-seven select vestries and fifty assistant overseers, both the highest figures at this time for the northern-most counties. Report on Poor Rate Returns, 1821, Appendix B, pp. 278-279.

³ Report on Poor Rate Returns, 1822, Appendix I (E), p. 543. Sedgefield's rate at this time was five shillings in the pound on rack rents.

⁴ Durham's number of select vestries had risen to seventy-three, although the number of assistant overseers had declined to forty-four. Report on Poor Rate Returns, 1823, Appendix I (B), p. 355.

for the magistrates still arrogate to themselves . . . the power of ordering what relief they choose to paupers, and quite against the opinions and directions of the select vestry," and the township of Sedgefield lamented that they were unable to realize a saving for the year "on account of the magistrates interfering with the select vestry."¹

In the period 1822-23, the amount of Durham's expenditure continued to decline. Select vestries remained the most powerful force for exacting thrift in relieving the poor, and it was to them that credit was charged for the poor rate having "been reduced one-third" at Sedgefield and Birtley. Moreover, the trade slump was beginning to break, and Durham's ports again bustled with business. At Stockton the problem of unemployment and high rates was eased "in consequence of the trade of the town and port flourishing."²

The Sturges Bourne Committee of 1817 also noted the effectiveness of the workhouse in deterring applicants for relief in the eighteenth century.³ Accordingly, they recommended that England's workhouses, which had fallen into decay and laxity in administration since 1796, again be utilized in the control of poor relief expenditure. The two Acts which followed the report, therefore, accorded powers to the vestries for the construction of workhouses and for their use as a deterrent measure by way of strict discipline and administrative methods. And so in some parts of England, local authorities returned to "the principle of relief of the able-bodied by giving them work" within the confines of a

¹ Ibid., Appendix I (E), p. 361.

² Report [from the Select Committee] on Poor Rate Returns, B.S.P. (Microcard), 15 June 1824, VI, Appendix I (F), p. 387.

³ Report on the Poor Laws, 1817, p. 9.

parochial structure.¹

Workhouse experiments at Southwell and Bingham in Nottinghamshire during the twenties became celebrated for their alleged effectiveness in reducing the rates and raising the moral standards of the local laborers, and they had "much influence on the framing of the great measure of 1834"² George Nicholls, the overseer responsible for the success at Southwell and who later was appointed one of three Commissioners under the New Poor Law, popularized the use of the workhouse in dealing with able-bodied pauperism by publishing a tract called "Eight Letters on the Poor Laws, by an Overseer." Like nearly all poor law practices following the war, his methods consisted of "attending to the interests of the rate-payers as well as to the relief of the poor."³ "Restraints," such as separation of the sexes, classification of inmates, control of ingress and egress, and a rigorous daily discipline, were imposed in Southwell's workhouse, and consequently, the able-bodied paupers were "unwilling to enter the house if they could avoid it; and thus an offer of admission to the workhouse became, in the hands of the overseers, a test of actual want, and a protection of the parish from improper claimants."⁴ This policy had the effect of reducing Southwell's able-bodied population in receipt of relief to four persons, which, of course, allowed Nicholls to claim credit for a dramatic reduction in the rates, although what he had accomplished was, in effect, the abolition of the

¹ P.F. Aschrott, The English Poor Law System, p. 24. My emphasis.

² Sir George Nicholls, History of the English Poor Law, (London, 1898), II, p. 227.

³ Ibid., p. 230.

⁴ Ibid., p. 231.

parish's poor relief system.¹ For instance, in the year 1821-22 the parish spent two pounds ten shillings and six pence in providing employment for its able-bodied laborers. Although Nicholls denied it, there was some feeling that the rigorous measures practiced at Southwell merely drove the poor to other districts, instead of raising them from poverty by inducing the indolent to find employment.²

Nicholls' pre-Southwell experience in the rural village of Farndon is supposed to have impressed upon him the degradation wrought by an indiscriminate dole to the able-bodied. Figures for the years in which he lived at Farndon, however, indicate that out of a population of four hundred and fifty-one there was a permanent pauper host, including both able-bodied and impotent-types, of only twenty, with an additional six persons being occasionally relieved.³ There is also conflicting evidence as to the incidence of able-bodied pauperism in Southwell during the twenties. Nicholls claimed that "the circle of pauperism embraced nearly the whole labouring population."⁴ On the other hand, a modern scholar has found that there was "nowhere a suggestion of widespread pauperism or agricultural stagnation in rural Nottinghamshire between the very early twenties and 1833"⁵

¹ J.D. Marshall attributes Lowe's apparent success at Bingham to a county-wide improvement in the rates. See J.D. Marshall, "The Nottinghamshire Reformers and Their Contribution to the New Poor Law," Economic History Review, XIII, 3 (April 1961), p. 389.

² See Poulett Scrope in the House of Commons, 26 May 1834; Hansard, Third Series, XXIII, pp. 1321-1332.

³ J.D. Marshall, "The Nottinghamshire Reformers and Their Contribution to the New Poor Law," pp. 389-390.

⁴ G. Nicholls, History of the English Poor Law, II, pp. 228-229.

⁵ J.D. Marshall, "The Nottinghamshire Reformers and Their Contribution to the New Poor Law," p. 385.

Nicholls' view of the extent of able-bodied pauperism was shared by nearly all members of the ruling class. The proportion of the able-bodied in the aggregate of the poor on the rates was practically always over-stated by contemporaries.¹ In fact, even during the worst periods of unemployment, most laboring families didn't have recourse to the parish.² It has been estimated that only one-third of relief recipients were of the able-bodied-type when the Royal Commission met in 1832.³ Indeed, even a reliable figure on the total number of paupers relieved was precluded by the misleading practice of counting each application for relief during the entire year, for it was common for some men to apply for relief several different times during a year. The lump figure also implied a constant burden to the extent of the sum returned, while, in fact, the number of paupers on the rates fluctuated, being never more, but most usually less, than the number returned. As the Webbs pointed out, "the returns represented not the numbers simultaneously in receipt of relief on any one day, but the total numbers of different persons (. . . in some places possibly of the same persons, families, or households repeatedly applying for relief) during . . . the year."⁴

Nevertheless, Nicholls' and Lowe's influence grew, and vestry zeal prompted the expansion of the workhouse deterrent. The workhouse at Bishop Auckland appears to have been run on the lines of a prison, with egress being strictly controlled. For those paupers who proved unco-

¹ J.H. Clapham, An Economic History of Modern Britain, I, p. 362.

² J.D. Marshall, The Old Poor Law, p. 37.

³ S.E. Finer, The Life and Times of Sir Edwin Chadwick, (London, 1952), p. 81.

⁴ Sidney and Beatrice Webb, The Last Hundred Years, II, p. 1039. See also M. Blaug, "The Myth of the Old Poor Law and the Making of the New," p. 157.

operative, the master made use of the "truant's clog." "This was a log of wood," a local historian wrote, "weighing about two stones, with a short chain attached, having at the other end a clasp which encircled the ankle . . . This article was kept at the Workhouse, and was used as a cure for many . . . runaways . . ." ¹

A rigid administration, centered on the use of the workhouse, was introduced at Stanhope in Durham's lead-mining district in the early thirties by men such as Joseph Little, a select vestryman who was called upon to give evidence before the Royal Commission of 1832. It was his quaint belief that "great harm is done to the labourer by the public contributions from the rich, and . . . [all] public charities create the necessity they relieve, but they do not relieve all the necessity they create." ² In accordance with such views, Little and his fellow-vestrymen resolved on April 6, 1830, that relief in aid of wages was to be terminated, that the parish would not pay pauper-rents if the claimant had "any property, cattle, or furniture," and that the workhouse was to be operated with an eye to providing "full and constant work . . . for all its inmates." Here was the proto-type of the 1834 Poor Law, and here, too, the authorities recognized that the success of such a scheme was contingent on the concurrent operation of a workhouse held in terrorem over the poor. "Upon the management of the workhouse," Little told Wilson, "must depend our power of acting on the other resolutions [those stated above] ." ³ Hence, the seed germinated at Southwell and Bingham

¹ Matthew Richley, History and Character of Bishop Auckland, (Bishop Auckland, 1872), p. 45.

² Joseph Little to John Wilson, n.d., his emphasis. Quoted in Extracts, p. 180.

³ Little/Wilson, 28 January 1833. Quoted in ibid., p. 181.

found fruition even in distant Durham.

The immediate result of the monied class' administration of poor relief during the twenties was the generation of deep discontent and distress in the lower orders. The severity of the situation was somewhat ameliorated by a steadying of the economy, but by the thirties the return of agricultural depression drove rural pressures to the bursting point. Agrarian difficulties reached a climax in 1830-31 when sheep-rot destroyed up to two million sheep.¹ Wages fell and large numbers of men were discharged to fend for themselves or to enter the pauper class, which, of course, was now subject to even harsher measures from parish authorities who were naturally anxious to weather the economic storm.² The reduction in parochial relief at a time when such a large portion of the agricultural laboring class was on the rates led directly to rural insurrections in 1830 and 31.³ Riots broke out all over southern and eastern England in protest against inadequate relief, unemployment, and the introduction of machinery, particularly the threshing machines.⁴ Incredibly, the ruling class attributed the rural unrest to the discontent and moral debasement precipitated by the indiscriminate and over-generous distribution of parochial relief.⁵ Confusing effect with cause, they pointed to the

¹ J.M. Stratton, Agricultural Records, p. 103.

² In 1832 there were 2,234 select vestries and 3,134 assistant overseers in England. P.F. Aschrott, The English Poor Law System, p. 25. In Durham there were 86 select vestries and 68 assistant overseers during this period. E. Mackenzie and M. Ross, View of the County Palatine of Durham, 1834, II, p. LXXXV.

³ J.L. and Barbara Hammond, The Village Labourer, pp. 182-183.

⁴ See N. Gash, "Rural Unemployment, 1815-1834," p. 93.

⁵ Sidney and Beatrice Webb, The Last Hundred Years, I, pp. 45-46.

rising rates of the early thirties as a factor in breeding irresponsibility in the working class.¹ The savagery of the Whig revenge serves to illustrate the seriousness with which the higher orders viewed the rural disturbances. Ten men were hanged and four hundred transported for life. The upshot was a clamor throughout the country for an investigation of the entire poor law structure, and the way was now clear for the constitution of the Royal Commission of 1832.

¹ Nationally, poor relief expenditure rose from £6,798,889 in 1831 to £7,036,969 in 1832. Sidney and Beatrice Webb, The Last Hundred Years, II, p. 1038.

In Durham, the increase was on the order of £4,000, from £82,000 to £86,000. J.H. Clapham, An Economic History of Modern Britain, I, p. 364; E. Mackenzie and M. Ross, View of the County Palatine of Durham, 1834, II, p. LXXXV.

CHAPTER TWOTHE NEW POOR LAW

It is now our painful duty to report, that in the greater part of the districts which we have been able to examine, the fund, which the 43rd of Elizabeth directed to be employed in setting to work children and persons capable of labour, but using no daily trade, and in the necessary relief of the impotent, is applied to purposes opposed to the letter, and still more to the spirit of the Law, and destructive of the morals of the most numerous class, and to the welfare of all.

— Commissioners of Inquiry, Report of the Royal Commission, 1834.

i. The Commission

The return of agricultural distress in 1830 led, as we have seen, to an upsurge in the rates and the spread of rural discontent. The erroneous impression that the manifested distress had been the result of the mal-administration of the poor relief system was subsequently confirmed by a report published four years later: "It was among these gangs [of paupers working on parish holdings], who had scarcely any other employment or amusement than to collect in groups, and talk over their grievances, that the riots of 1830 appear to have originated."¹ The seriousness of the insurrections was compounded by an increased relief burden that dissolved the complacency that had arisen over the steady poor rates during the twenties. Although expenditure was not quite on the same order as it had been in 1818, contemporaries pointed out that the price of bread had fallen by a third during the previous decade, and so the present expenditure on the poor was highly augmented in real terms.² A

¹ Royal Commission, Report from His Majesty's Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws, (London, 1834), p. 36.

² S.E. Finer, The Life and Times of Sir Edwin Chadwick, p. 42.
 "The fall in the price of wheat since 1817-1818 has been very considerably greater than the reduction of the Poor Rates." Report on Poor Rate Returns, 1823, p. 349.

comparison with cotton exports also convinced the ruling class that poor relief, the most expensive single item in civil administration, had reached a point where it endangered the national health; relief costs were about £7 million annually during the early thirties, while cotton exports amounted to approximately £19 million per annum.¹

A Parliament elected on the issue of reform did not stop short at the franchise. In February 1832, Lord Althorp, the Chancellor of the Exchequer, announced the appointment of a Royal Commission to investigate the operation of the poor laws, a matter that had monopolized public attention since the Report of 1817 and the devastating rates of 1818.² Chaired by C.J. Blomfield, Bishop of London, the Commission, chosen "with a total absence of party feeling" according to Lord Brougham, the Lord Chancellor,³ included such familiar names as Sturges Bourne, Nassau Senior, lately Drummond Professor of Political Economy at Oxford, and Dr. J.B. Sumner, then Bishop of Chester and later Archbishop of Canterbury. And in 1833 Edwin Chadwick, who up until that time had been serving in the capacity of Assistant Commissioner, was added.

On the suggestion of Lord Brougham, the Commission decided to depend on the first-hand observations of twenty-six appointed Assistant Commissioners, rather than on the usual practice of calling witnesses to Westminster, as the best method of gathering information and evidence for their report. This decision had an important effect on the outcome

¹ David Roberts, Victorian Origins of the British Welfare State, (New Haven, 1960), p. 2.

² See P.F. Aschrott, The English Poor Law System, p. 26.

³ Sidney and Beatrice Webb, The Last Hundred Years, I, p. 48.

of the Commission's findings. It has been shown by several historians that the men appointed as Assistant Commissioners had an overwhelming bent toward Benthamism,¹ and in conjunction with the influence of Chadwick, Walter Coulson, and later Senior at the Commission, the investigation was deflected from the usual path trod by its predecessors.²

Actually, the makeup of the Commission pointed to a probable Malthusian conclusion, i.e., the further curtailment of parish relief by merely altering, in some way, the pivot of fund distribution. Sturges Bourne, of course, had been the chairman of the Malthusian Committee of

¹ Maurice Bruce, The Coming of the Welfare State, (London, 1965), p. 78; Sidney and Beatrice Webb, The Last Hundred Years, I, pp. 52-53.

² Coulson, one of the Royal Commissioners, had been Bentham's amanuensis, and Chadwick had actually lived in the philosopher's house just prior to his death. Largely under the influence of Chadwick, Senior was eventually converted to the view that a radically altered administrative scheme, rather than a simple reduction in the amount of relief dispersed, would best serve to solve the problem of pauperism. See S.E. Finer, The Life and Times of Sir Edwin Chadwick, p. 46.

Oliver MacDonagh, "The Nineteenth-Century Revolution in Government: a Reappraisal," Historical Journal, I (1958), 52-67; and David Roberts, "Jeremy Bentham and the Victorian Administrative State," Victorian Studies, II (1959), 193-210 argue that Benthamism was not a crucial factor in the development of such administrative reforms as the New Poor Law, because 1) exigencies of the period rather than philosophical considerations provoked reform, and 2) Benthamite attitudes, namely laissez-faire, a static view of social regulation, and the necessity of checks and balances between local and central authorities, preclude interpretations of Benthamite influence in the shaping of the great reformed social departments of the nineteenth century.

In reference to the latter point, L.J. Hume, "Jeremy Bentham and the Nineteenth-Century Revolution in Government," Historical Journal, X (1967), 361-375 shows that MacDonagh and Roberts have gravely misread Bentham, that in his writings there is no commitment to laissez-faire (p. 372), no suggestion of a static governmental model (p. 365), and no aim of local/central checks and balances (p. 373). Regarding the former proposition, I have clearly shown in Chapter One, I believe, that "events" rather than the currency of Benthamite precepts did indeed compel the reform of the poor laws.

The argument of the Webbs, Finer, and others, which Hume has shown to be credible, is that "opinion" (or Benthamism) defined the theoretical outline of the New Poor Law. For instance, several passages from the Panopticon appear to have been inserted verbatim into the Report of 1834. See infra, p. 64.

1817, and both Blomfield and Sumner were committed to the total abolition of relief. Senior, as well, had advocated this view in 1831 in his Letter to Lord Howick on a Legal Provision for the Irish Poor.¹ However, Chadwick was able to convert the Commission to the "productivity school" of economic thought.² Essentially anti-Malthusian, this precept was predicated on the belief that the destruction wrought by population pressures could be indefinitely postponed by increasing the productivity of each worker. Rates in aid of wages had placed pauper labor in competition with independent labor, which, of course, was more productive. The constant strain on the ambitious and conscientious worker by the employers' desire to hire the cheapest labor possible drove him onto the rates and into a demoralizing position that sapped the qualities of his character that had marked him as a productive worker. The main culprit in the degradation of the working class, then, was the allowance system that substituted an idle and disorderly mob subsisting off the rates for an efficient and well-behaved work force. For it was when the productivity of the work force was in decline that the Malthusian process was engaged. The great object, therefore, was to force pauper labor back onto the open market, where the dynamics of competition would induce the workers to take up again the virtues of industry and thrift. The Report of 1834 outlined the steps in the conversion of the working class: "First, the labourer becomes more steady and diligent; next, the more efficient labour makes the return to the farmers capital larger, and the consequent increase of the fund for the employment of labour enables and induces

¹ See Cecil Driver, Tory Radical, (New York, 1946), pp. 273-274.

² S.E. Finer, The Life and Times of Sir Edwin Chadwick, p. 44.

the capitalist to give better wages."¹ Here, then, was the crux of the New Poor Law, not the total suppression of poor relief, but the forcing of the able-bodied pauper back onto the competitive labor market. The encompassing principle of the system, less eligibility, and the means of its attainment will be discussed in the next section.

During the latter half of 1832, the Assistant Commissioners managed to visit about three thousand townships and parishes,² and in the first months of 1833, their voluminous reports began to arrive at Whitehall Yard where the Commission was meeting. Coupled with the answers to the town and rural queries that were then being received from ten percent of England's parishes, the Commissioners were awash in a sea of paperwork. As the Cabinet was anxious for a report, it was decided that the Assistant Commissioners would be invited to submit "extracts from the evidence collected by them as they thought most instructive."³ and in March, 1833, the selections were published. The very nature of the Commission's request invited the Assistant Commissioners to choose the most flagrant and extreme examples of the evidence, evidence that in any event appears to have been collected for the specific purpose of disparaging the existing relief system. No attempt seems to have been made to ascertain those parts of the poor law that had produced beneficial results, or that had signaled improvements during the twenties.

With money granted by the Treasury, Extracts was widely circulated amongst the influential, and it achieved an immediate success to the

¹ Report of 1834, p. 239.

² See J.D. Marshall, The Old Poor Law, p. 17.

³ Extracts, p. v, my emphasis.

extent that large numbers of the monied classes purchased their own copies. Hence, the opinions of twenty-six individuals of primarily the same ilk permeated a public opinion that now clamored even louder for a sweeping reform of the system. It seems that the Assistant Commissioners' evidence also guided the Commissioners in their deliberations, as it has been shown that the town and rural queries could not have been properly scrutinized, for if they had been, judgements other than those reached by the Commission would have been necessitated.¹ Finally, when the Commissioners acquiesced in allowing Chadwick to frame and Senior to write the General Report that was published in March 1834,² the practical extension of philosophical radicalism was assured.

ii. The Report

Extracts had been plainly propagandistic, and in it England's poor relief system had been deftly and imaginatively maligned by assorted anecdotes, accounts of corruption, and even stories of the eccentricities of individual parochial officers, comprising what the Webbs called "good copy." Having thus whetted the public appetite for further revelations, the Commission published their Report, "the most extensive, and at the same time the most consistent, body of evidence that was ever brought to bear on a single subject,"³ embodying principles and recommendations that were to shape poor law administration well into the twentieth century. Indeed, no blue book ever enjoyed greater influence, and in the

¹ M. Blaug, "The Poor Law Report Reexamined," pp. 229-245.

² Sidney and Beatrice Webb, The Last Hundred Years, I, pp. 56-57.

³ Report of 1834, p. 5.

sweeping enquiry into the poor laws in 1909, we find dissenters to the "principles of 1834" still in the minority.

Although the rate burden had fallen in 1834 to £6,317,255,¹ the General Report urged an immediate reformation in poor law administration. The Commissioners declared the amendment of the laws to be "the most urgent and the most important measure now remaining for the consideration of Parliament."² This urgency arose, it was said, from the danger to the welfare and property of the realm. Acceding to alarmists' statements that the poor rates were "an evil, in comparison of which the national debt with all its magnitude of terror, is of little moment,"³ the Report conveyed the impression that the nation's financial resources were gravely threatened by the hungry mouths of the pauper host. "It appears to us," the Commission stated, "that any parish in which the pressure of the poor rates has compelled the abandonment of a single farm, is in imminent danger of undergoing the ruin which has befallen Cholesbury."⁴ This was, of course, misleading to say the least. The indigent relief burden fluctuated between £6 and £7 million, while the charge on the national debt totaled £31 million. J.H. Clapham estimates that the national dividend of England and Wales must have been more than a quarter of a million pounds at this time, and that the depressed southern districts expended only $3\frac{1}{2}$ percent of their income on poor relief. This

¹ Sidney and Beatrice Webb, The Last Hundred Years, II, p. 1038.

² Report of 1834, p. 5.

³ T. Malthus, Essay, (6th edition, 1826), II, p. 335. Quoted in J.H. Clapham, An Economic History of Modern Britain, I, p. 363.

⁴ Report of 1834, p. 67, my emphasis. This is a reference to an account in Extracts of an abandoned parish, allegedly the victim of an insupportable poor rate burden.

compares favorably with Guernsey's income tax for the relief of the poor of 3 percent, the difference being that the island was prosperous during this period.

The Report is clear as to the responsibility for the breakdown of the relief system. Outdoor relief to the able-bodied, which we have seen to be the least prevalent type of aid administered, provided the "master evil of the present system."¹ Hence, not the main, but the entire thrust of the Report was in the investigation and criticism of outdoor aid to the able-bodied, and so the Commission's recommendations, and consequently the tenor of poor law administration for the next century, dealt exclusively with the suppression of this form of relief. The crippled, blind, insane, sick, aged, orphaned, helpless, and infirm received scant consideration by the Report, which found that "even in places distinguished in general by the most wanton parochial profusion, the allowances to the aged and infirm are moderate."² Only a page and a half are devoted to the problem of relief to the impotent, while more than three hundred pages are concerned with the able-bodied. Indeed, the position of the impotent in the Report and hence under the provisions of the New Poor Law was sufficiently amorphous as to allow varying and sometimes disagreeable treatment of the helpless poor by the machinery erected in the wake of 1834.

In holding out the possibility of comfort and sustenance without the requirement of effort and industry, the granting of outdoor relief to the able-bodied, "which may be concisely designated as: I. Relief

¹ Ibid., p. 279.

² Ibid., p. 43.

without Labour. - II. The Allowance System. - III. The Roundsman System. - IV. Parish Employment. - V. The Labour-Rate System,"¹ afforded a "bounty on indolence and vice," the Commission found. Without the spectre of want, the Report predicted the eventual degradation of the working class and the collapse of the commonweal. "It appears to the pauper," the Commission lamented, "that the Government has undertaken to repeal, in his favour, the ordinary laws of nature."² Thus, the lack of a competitive basis for existence, and the assurance of support, no matter how meagre, subverted the qualities in the laborer that created the common fund upon which depended the well-being of himself and his fellows. And it was ostensibly upon this theme, the harm done to the laboring class themselves, that the principles of 1834 were founded.³

As we have seen, in order to re-institute the moral healing powers of competition, it was thought necessary to force the poor receiving relief back onto the open labor market.⁴ The Report laid down the primary principle by which this was to be accomplished: "The first and most essential of all conditions . . . is, that [the able-bodied pauper's] situation on the whole shall not be made really or apparently so eligible as the situation of the independent labourer of the lowest class."⁵ By rendering the situation of the pauper less appealing than

¹ Ibid., p. 19.

² Ibid., p. 59.

³ " . . . the severest sufferers are those for whose benefit the system is supposed to have been introduced, and to be perpetrated, the labourers and their families." Report of 1834, p. 77.

⁴ See supra, p. 58.

⁵ Report of 1834, p. 228; see also G. Nicolls, History of the English Poor Law, p. 242.

that of the employed laborer, the poor would be reluctant to come on the parish and would thus be more apt to remain in the rejuvenating waters of the competitive market. This doctrine was derived, of course, from the casual assumption that the lower classes were easily corrupted. This was perhaps a hangover from the Malthusian notion of poverty being directly traceable to the lack of moral restraint in the lower orders, and it appears that the Commission acceded to the implications of this premise in perceiving that if the poor were too comfortably relieved, they would readily accept pauperism over independent labor.

Once the doctrine of "less eligibility" had been determined upon,¹ the other provisions recommended by the Report merely served the capacity of administrative apparatus. The Commission recognized that to produce a climate of less eligibility the application of relief would have to be highly controlled. Following the lead of the apparently successful experiments at Southwell, Bingham, and other scattered parishes, they fixed upon the workhouse as the most expedient method in administering a policy of less eligibility: "The most efficient application of the principle is usually by means of a workhouse."² Clearly, within the confines of such an establishment, relief could be applied with an exactitude that would perforce be impossible if relief were to be continued out of doors, regardless of the conditions under which it was distributed. Accordingly, the Commission made its first and most important recommendation, i.e., that "all relief whatever to able-bodied persons

¹ Chadwick claimed credit for its formulation throughout his life. However, Professor Finer proves convincingly that Chadwick adopted the principle from Bentham's Panopticon. See S.E. Finer, The Life and Times of Sir Edwin Chadwick, p. 75.

² Report of 1834, p. 268.

or to their families, otherwise than in well-regulated workhouses . . . shall be declared unlawful . . ."¹

It was realized that care would have to be taken in defining the proper means of relief administered in the workhouse. Obviously, to reduce the level of sustenance and shelter to a degree below that of "the situation of the independent labourer of the lowest class," in order to artificially create an engine of less eligibility, would effectively be to commit claimants to a poverty of the most wretched sort, or even condemn them to death by starvation. Therefore, less eligibility as administered in the workhouse was perceived as consisting of primarily psychological deterrents. Adequate food, care, and shelter were to be at all times provided, while the Commission relied on the strict discipline and restraints to be visited on the able-bodied as the means by which the "indolent and disorderly" were to be induced to remain in the independent market.² Moreover, the setting to work of the able-bodied in the workhouse provided a further measure of distastefulness and had the additional appeal of apparent conformity with the provisions of the 43rd of Elizabeth, although it should be mentioned that the Report speci-

¹ Ibid., p. 262, my emphasis. The Report is quite unambiguous as to the able-bodied being incarcerated in a workhouse in order to receive relief. On the other hand, in the case of the impotent poor, their intentions are less lucid. The Webbs point out (The Last Hundred Years, I, p. 64) that the continuation of outrelief to the impotent is explicitly suggested throughout the Report, but in discussing the proposed workhouse system, the Commissioners appear to have contemplated the eventual interment of the entire pauper population. "To permit out-door relief as an exception," they wrote, "would be to permit it as a rule . . .; and under provisions directing that the able-bodied shall be relieved only in the workhouse, but allowing relief in money to be continued to the sick, we must be prepared to find allowances continued to many of the able-bodied, as belonging to the excepted class." Report of 1834, p. 289.

² Ibid., p. 231.

fically excluded the use of purposeless employment as a proper policy of workhouse administration.¹

Given the Commission's belief regarding the large degree "in which the existing pauperism arises from fraud, indolence, or improvidence,"² the repellant nature of the workhouse precluded the possibility of these facilities being swamped with applicants. Since the profusion of parish relief, it was stated, arose from the support of semi-criminals feigning poverty,³ only the truly destitute, which made up an insignificant portion of the individuals on the rates, would be willing to accept the deprivations of the well-regulated workhouse, or, as it was said, submit to the "workhouse test" of poverty. "The express or implied ground of his [the pauper's] application is, that he is in danger of perishing from want,"⁴ the Report maintained, and so his acceptance of the "offer of the house" was proof in itself of his necessity. Hence, relief was to be denied to no one, for the pains of less eligibility, as applied in the workhouse, "would be a self-acting test of the claim of the applicant."⁵

As the workhouse was to be a means of providing relief for all manner of poor persons, it was clear that the stringencies of the less eligibility principle would have to be carefully confined to the able-

¹ Ibid., p. 324.

² Ibid., pp. 277-278.

³ "The tribunal which enforces it [the prolific distribution of aid to the able-bodied] sits, not at the petty sessions, but at the beer shop; - it compels obedience, not by summons and distress, but by violence and conflagration." Report of 1834, p. 99.

⁴ Ibid., p. 263.

⁵ Ibid., p. 264.

bodied inmates. Since the truly impotent poor were unfit for regular employment, their forced inclusion in the competitive labor market would only serve to reduce them to an abhorrent condition. Consequently, an important consideration of the application of less eligibility in the workhouse revolved around the strict classification of inmates by sex, age, and ability to work. "Each class [of inmate] ," the Commission pointed out, "might thus receive an appropriate treatment; the old might enjoy their indulgences without torment from the boisterous; the children be educated, and the able-bodied subjected to such courses of labour and discipline as will repel the indolent and vicious."¹ It was also thought to be of fundamental significance that the able-bodied, particularly, be separated from the other inmates, for the Commission was convinced that pauperism was a state of mind rather than an effect of economic vicissitudes or population pressures, and so the influence of the "indolent and vicious" was not to be allowed to spread, especially to the impressionable minds of the children. Classification also provided the added bonus of being itself a measure of deterrence in necessitating the separation of man and wife, and parents and children.

The problem of the proper classification of inmates had been the bane of previous uses of the workhouse in poor law administration. By 1834 the "general mixed" workhouses of the eighteenth century had declined, for the most part, into nothing more than depositories of squallor, "in which the young are trained in idleness, ignorance, and vice; the able-bodied maintained in sluggish sensual indolence; the aged and more respected exposed to all the misery that is incident to

¹ Ibid., p. 307.

dwelling in such a society, without government or classification . . ."¹ More importantly, the Commission found that even in those cases where "good order" in the workhouse had been maintained by "superior management," it had been impossible to prevent "vicious connexions" from arising between the various types of paupers, young and old, chronic and transient.² Since it was held that pauperism was contagious, and that indiscriminate hardships had been visited on the helpless poor in mixed establishments, the Report was adamant in its condemnation of all workhouse facilities that attempted to consolidate the various classes of paupers under one roof and one superintendence.³ As England's available workhouse accommodation amounted to nothing more than widely scattered, usually small buildings, the Commission recommended the incorporation of parishes into unions for the purpose of combining workhouse facilities. "Although a considerable proportion of the parishes are without workhouses," the Report noted, "there are . . . few districts in which by combined management, and under good regulations, the existing workhouse-room would not suffice."⁴ The primary purpose of this proposal, then, appears to have been the provision for the separate maintenance of the varying classes of inmates in the individually designated workhouses of those parishes comprising the poor law union.⁵

Under such a scheme, it was argued, the construction of new work-

¹ Ibid., p. 53.

² Ibid., p. 306.

³ Ibid., p. 307.

⁴ Ibid., p. 313.

⁵ Ibid., pp. 307, 313-314; see also Sidney and Beatrice Webb, English Poor Law Policy, (London, 1963), pp. 9-10.

houses, if necessary, could be accomplished with greater facility than if the parishes, sometimes comprised of no more than a handful of local farmers, were required to provide their own requisite workhouse in order to continue relief to the able-bodied.¹ Furthermore, larger administrative units, the Report pointed out, would encourage more systematic book-keeping and audit procedures, as each parish would have a direct interest in seeing that they were charged an appropriate sum for the maintenance of its poor.² The increased area of management would also guarantee the availability of larger and more ambitious work programs for the able-bodied, and better provide the means of "appointing and paying permanent officers . . .,"³ which the Commission saw as an absolute necessity for the efficient operation of a relief system.⁴

Before going on to discuss the most extraordinary proposal of the Report, the establishment of a Central Authority, it is necessary to preface it with an examination of the suppositions and considerations that led the Commission to adopt such a surprising recommendation. With the exception of the hazards posed by the continued application of outdoor aid to the able-bodied, the Report's principal concern was with the profusion of parochial corruption and ineptitude in the distribution of relief. Again ignoring the economic factors in precipitating

¹ The Commissioners had recommended that all outdoor relief to the able-bodied be declared unlawful two years following the institution of their proposals. Report of 1834, p. 297.

² Ibid., p. 319.

³ Ibid., p. 326.

⁴ Ibid., p. 283. Among the Commission's scant praise for the Old Poor Law was their recognition of the "great public services" performed by the salaried assistant overseers: ". . . the reports of the Assistant Commissioners are unanimous as to their general utility." Report of 1834, p. 105.

pauperism, the Commission found the opportunity for and pervasiveness of self-interest in the poor law system to be the paramount consideration in provoking southern agricultural distress. "In towns," they reported, "the allowance system prevails less probably because the manufacturing capitalists form a small proportion of the rate-payers, and consequently have less influence in the vestries than the farmers in country places."¹ The spectre of "sinister interests" was thus recruited to explain away England's poverty problem! Although we have seen that the select vestries had closely controlled the allocation of aid during the twenties, the Report dismissed them as having been merely the mouthpieces of a priori corrupted vestries from which their members were drawn.² In the way of proving this allegation, the Commission, in typical style, presented several examples carefully chosen from the evidence submitted by the Assistant Commissioners. At Morpeth, for instance, a select vestry was indicted and condemned by innuendo, rather than by an actual examination of its administrative methods: "Out of the twenty persons composing it, one is a brewer, two are brewers' clerks, five are publicans, two beer-shop keepers, and one a porter-seller."³ The Report, nonetheless, was confronted with demonstrating that the rate burden, which had always been regarded as the lever of parochial parsimony, was not a sufficient motive for the prudent administration of relief at the local level. This was accomplished by divorcing "sinister interests" from a concern for the good of the whole; ". . . although each creditor [ratepayer] has an interest in the good management of the estate," the

¹ Ibid., p. 62.

² Ibid., p. 115.

³ Ibid., p. 115.

Commission declared, "yet, as the particular creditors who were appointed assignees had not an interest sufficient to incite them to exertions which necessarily interfered with their other and stronger interests, no estates were ever so extensively mismanaged" ¹ The Report also assigns indifference and ignorance as obstacles to an adequate understanding and regard for the "correct principles" of parochial management. In view of the supposedly universal outcry against the indigent burden as presented in the Report, it is curious indeed that a volte-face was attempted as a means of proving local incompetency: "We have seen how slight, in ordinary cases, is the interest of the majority of the rate-payers in the permanent reduction of rates." ²

The Commissioners were firm in rejecting proposals that had been the hallmark of previous investigations of the poor laws, i.e., the strengthening of local prerogative in order to effect savings in relief expenditure. "What our evidence [shows]," the Report declared, "is, that where administration of relief is brought near to the door of the pauper, little advantage arises from increased knowledge on the part of the distributors, and great evil [occurs] from their increased liability to every sort of pernicious influence." ³ As the relief system was then constituted, it required "the perpetual succession" of more than fifteen thousand individuals of firmness and integrity to ensure the preclusion of "adverse interests" and mismanagement, the Commission pointed out. ⁴ The vast number of parochial officials, apparently working

¹ Ibid., p. 286.

² Ibid., p. 108.

³ Ibid., p. 276.

⁴ Ibid., pp. 283-284.

in opposition to their best interests, rendered the systematic application of the principles embodied in the Commission's Report highly unlikely. Nor could the successful demonstration of correct methods of relief administration in selected parishes be relied upon to promote a general implementation of policies that were seen to be of critical national importance.¹ Parochial control of aid, moreover, could be proved to be a major contributory factor in the manifest discontent of the lower orders, the Commissioners maintained.² Consequently, the Commission was moved to assert what may be one of the most revolutionary statements made by a governmental body in the first half of the nineteenth century: "It has been strongly, and we think conclusively, urged, that all local discretionary power as to relief should be withdrawn."³

Having affixed on the necessity of a nationally-administered poor law policy, the Commission quickly disposed of the idea of establishing indigent relief as a branch of "general government." Following the lead of the 1817 Committee on the Poor Laws, which had rejected a national administrative scheme because of "the impossibility of devising any adequate means to check the demands "of the pauper host,"⁴ the 1834

¹ Ibid., p. 280.

² "A refusal by a person who is nearly an equal, excites more animosity than one by a person who is comparatively a stranger and has greater authority." Report of 1834, p. 289.

³ Ibid., p. 279.

Although not a burning issue, some historians consider the Report's proposals, founded as they are on a return to the use of the workhouse-as-a-deterrent method, to be reactionary rather than revolutionary. See J.L. and Barbara Hammond, The Age of the Chartists, p. 58.

On the other hand, David Roberts argues, I think correctly, that the administrative reforms forwarded by the Report signify it as a revolutionary document. See Victorian Origins of the British Welfare State, pp. 40, 109.

⁴ Report on the Poor Laws, 1817, p. 11.

Commission believed that relief to the poor would become the plaything of parties and interests on the national level. Issues would arise to be resolved by political expediency rather than being founded upon proper rehabilitary policies. In short, the incorporation of the relief authority into the national government would merely alter the administrative pivot without assuring the complete reform of the system or the adoption of the principles advocated by the Report.

The Commissioners hoped to circumvent the potential abuses of a government-controlled relief scheme, while at the same time providing for the national supervision of poor law policy, by modestly proposing the formation of "a comparatively small and cheap agency, which may assist the parochial or district officers, wherever their management is in conformity to the intention of the legislature; and control them wherever their management is at variance with it."¹ This body, it was argued, would ensure national uniformity in the administration of relief, which the Commissioners deemed essential "as a means, first, of reducing the perpetual shifting from parish to parish . . .; secondly, of preventing the discontents which arise among the paupers maintained under the less profuse management . . .; and, thirdly, of bringing the management, which consists in details more closely within the public control."² Moreover, since it was assumed that membership on the proposed central board would be confined to individuals of the highest integrity and intelligence, having a thorough knowledge of the "correct principles" of poor relief, and being suitably removed from local bias

¹ Report of 1834, pp. 296-297, my emphasis.

² Ibid., p. 280.

and interests, the administration of the poor laws would proceed on policies in the furtherance of the welfare of the nation.¹ The Commission's enthusiasm for the central board was so complete, in fact, that by the time the Report actually recommended its constitution, its purpose and powers appear to have grown beyond the narrow confines of "the intention of the legislature."

We recommend . . . the appointment of a Central Board to control the administration of the Poor-Laws, with such assistant Commissioners as may be requisite; and that the Commissioners be empowered and directed to frame and enforce regulations for the government of workhouses, and as to the nature and amount of relief to be given and the labour to be exacted in them, and that such regulations shall, as far as may be practicable, be uniform throughout the country.²

In addition, the central board was to be endowed with power to "cause any number of parishes which they may think convenient to be incorporated . . .;"³ to set minimum qualifications for salaried local officials, and to recommend persons for such posts, as well as to remove any official from same;⁴ to act as public prosecutor in cases pertaining to fraud;⁵ to formulate regulations for the relief of vagrants, ex-convicts, and children by apprenticeship;⁶ and to submit an annual report to the nation.⁷ The collection of the rates and the actual supervision of expenditure, however, were to continue in the hands of

¹ Ibid., p. 298; see also Sidney and Beatrice Webb, The Last Hundred Years, I, p. 78.

² Report of 1834, p. 297, my emphasis.

³ Ibid., p. 314.

⁴ Ibid., p. 329.

⁵ Ibid., p. 331.

⁶ Ibid., p. 338.

⁷ Ibid., p. 341.

"the officers appointed immediately by the rate-payers."¹ In effect, then, a national bureaucratic authority was to be given the prerogative of revamping an ancient system of local government, by supplanting it with a series of unique, larger local authorities, whose decisional maneuverability was decidedly narrowed by fiat from London, to which there was no appeal and whose formulation depended on neither local consent nor Parliamentary ratification.² Although the implications of such a proposal were not always adequately understood or explicitly explained,³ the fact that it was passed into law, nay, even given serious consideration, at this time is indication enough of the national fear of and determination to squash the charge of the poor on the community.

Once the four great principles of 1834, Less Eligibility, the Workhouse Test, Parochial Consolidation, and Central Control, which, the reader will notice, entirely subverted the major characteristics of the Old Poor Law, had been delineated, the Report passed quickly on to its remaining recommendations. A reformation of the Laws of Settlement and Bastardy provided the main focal point of the Commissioners' remaining proposals. In order to prevent fraud and perjury, which had grown up around settlement litigation, and to allow the working class greater mobility, the Report recommended that "settlement by hiring and service, apprenticeship, purchasing or renting a tenement, estate, paying rates,

¹ Ibid., p. 297.

² See Sidney and Beatrice Webb, The Last Hundred Years, I, p. 81.

³ See infra, p. 92.

or serving an office, be abolished."¹ However, the Commission was not persuaded to advocate the discontinuance of the concept entirely, so the parish was to remain the unit of settlement. In place of the multifarious means of securing a settlement, the Report recommended the simple expedient of basing it on birth, and marriage in the case of females. Children were to follow the settlement of their parents until they were sixteen years of age, and then revert to that of their birth.² In a similar manner, illegitimate children were to follow their mothers' settlement until sixteen years old.³ As regards Bastardy, the Commission advocated a volte-face in dealing with the mother of the illegitimate child. The father was no longer to be held responsible for the support of the child; that burden now resided with the mother, whom, it was said, God meant to be the restraining influence in sexual relationships.⁴ The Report added that any relief allocated for the bastard child should be considered relief to the mother.⁵ The Commissioners ended their Report with other assorted recommendations, to wit that the purveying of goods and produce to the relief authority be open to competitive bidding,⁶ that authorities be allowed to grant relief in the form of a loan,⁷ and that expenses for those paupers wishing to emigrate be

¹ Report of 1834, p. 342. It was hoped that by reducing the means of attaining a settlement, parochial authorities would be more apt to allow the immigration of labor.

² Report of 1834, p. 343.

³ Ibid., p. 347.

⁴ Ibid., p. 351.

⁵ Ibid., p. 347.

⁶ Ibid., pp. 330-331.

⁷ Ibid., pp. 336-337.

granted from the relief fund.¹

As we shall presently see, the success of the Report - particularly in a Parliamentary sense - was without precedent. Its glaring defects were not perceived by a class that, being conditioned against the granting of aid to the poor since 1813, was inclined to believe almost anything about the contemporary indigent relief system. The Commissioners themselves seem to have been mesmerized by the simple expedient of attributing pauperism to the machinations of a monetary redistribution program. No account was taken of the fluctuations of trade in the creation of unemployment, of the effect of the introduction of machinery into a manual labor market, of the problems peculiar to agriculture and manufacturing, or of the individual circumstances that produce able-bodied destitution. Instead, the Commissioners sifted and sought out "evidence" that conformed to the presuppositions that in the first place had provided the impetus for the formation of the Commission in 1832,² and consequently, they presented to the nation a lopsided view of English pauperism, lopsided because they had confined their attention to the allowance system, which was prevalent only in the South (and this, too, is debatable), to able-bodied pauperism, which probably accounted for no more than one-third of the population receiving relief, and to the remedy of the twin principles of Less Eligibility and the Workhouse Test, which was clearly called into being in order to deter a phantom able-bodied host.

¹ Ibid., p. 357.

² For example, the Commissioners scrupulously gathered all evidence that pointed to the ready absorption of labor and a rise in wages following the institution of a workhouse deterrent. Report of 1834, pp. 236-239.

What the 1834 Report did do well was to persuade the higher orders that a strict administration of indigent relief, which had been seen as a "premium against social revolution," was in the best interests of the poor as well as the rich. The Report's fixation with the degradation of the poor precipitated by the allowance system appealed to a social bias that viewed individual morality as the touchstone of national well-being. Malthus had provided the correlation between personal conduct and universal prosperity, although some historians are quite incorrect in regarding the abolition of outdoor relief to the able-bodied as a Malthusian measure.¹ The suppression of out-relief was predicated on the view that moral rearmament expanded the possibilities of mankind either individually or in the accommodation of a larger population. Indeed, the Report presupposed and convinced its readers that poverty was not a natural state of society, that properly administered a poor relief system could in itself greatly mitigate poverty.²

In an age that believed that "all the grand sources . . . of human suffering are in a great degree, many of them almost entirely, conquerable by human care and effort,"³ the optimistic prognosis of the 1834 Report on the Poor Laws was applied in other areas of social management. Slowly, local functions pertaining to sanitation, educa-

¹ For instance, H.L. Beales, "The New Poor Law," reprinted in E.M. Carus-Wilson, Essays in Economic History, III, p. 181.

² "From the evidence collected under this Commission, we are induced to believe that a compulsory provision for the relief of the indigent can be generally administered on a sound . . . principle." Report of 1834, p. 227.

³ John Stuart Mill, Utilitarianism, Liberty, and Representative Government, (London, 1948), p. 14.

tion, and industrial regulation passed into the hands of national bodies plied by men whose imaginations had been captured by the possibility of beneficent social reform by governmental agencies and the example of the Poor Law Commission. In fact, the very constitution of the Commission, being rather a Royal than a Parliamentary body, remained the proto-type for subsequent investigatory organizations concerned with the problems of an emerging industrial society.

The shift in temperament from 1817 to 1834, from Malthusian to Benthamite precepts, also provides a hint as to the content and influence of the two important reports published in those years. Overwhelmingly Malthusian, the 1817 Committee on the Poor Laws could only advocate the sharp curtailment of relief, for the overriding premise of their beliefs was the complete abolition of public charity, which, of course, was an impossible consideration at that time. The 1832 Commission, being, as we have said, subject to Benthamite influence,¹ was, on the other hand, able to envision and recommend a drastic reform of the system—proper without relying on the wholly unacceptable panacea of the entire abolition of relief,² although it was perceived that a proper administration of the reformed device would result, quite naturally, in a situation where poor relief would come to play only a minor part in national priorities. Consequently, in the pursuance of policies well within the realm of practicability, given the frustration of the monied classes with supporting their less-fortunate fellow-citizens, the Commission was able to advocate and realize a revolution in poor law

¹ See supra, p. 57.

² See C. Driver, Tory Radical, p. 275.

administration.

The Commissioners also relied on Benthamite logic to shore up their recommendations in anticipation of criticism of the potential for inhumane treatment engendered in the neat little scheme they advocated. Having convinced the public that a continuation of the present relief system would spell financial and moral ruin, the Commission employed the facile and weighty argument that some casualties would have to be accepted in order to maintain the welfare of the whole. "Relief in a well-regulated workhouse would not be a hardship," the Report claimed, "and even if it be, in some rare cases, a hardship, it appears from the evidence that it is a hardship to which the good of society requires the applicant to submit."¹ Indeed, the Commission had been so successful in preparing contemporary opinion with Extracts, and traded so skilfully on the growing reluctance to support the poor, that it could feel secure in delineating policies that flew directly in the face of the laissez-faire myth, and in delivering perhaps the inaugural statement of a century of social reform: "It may be assumed, that . . . the public is warranted in imposing such conditions on the individual . . ., as are conducive to the benefit either of the individual himself, or of the country at large . . ."²

iii. The Bill

Nassau Senior and Sturges Bourne opened negotiations with the Whig Cabinet in March 1839 supported by the prodigious effect in the

¹ Report of 1834, p. 263.

² Ibid., p. 228.

country of the Commission's Report. There was reason to believe that some of the Cabinet members would be antipathetic to the Bill prepared by Senior, founded upon the principles embodied in the Report.¹ Although there were scattered grumblings about specific provisions, the Bill passed through a month of Cabinet scrutiny largely unscathed, however. The Duke of Richmond presented the most consistent and vehement objection to the Bill in the Cabinet stage. Seconded with varying degrees of conviction by Lords Lansdowne, Ripon, and Melbourne, the Duke's primary uneasiness arose over the prohibition of outdoor relief to all able-bodied paupers and the extent of the Central Authority's control over the proposed local boards of guardians.² In reference to the former point, the Duke argued that such a provision would necessitate a colossal expense in order to construct the requisite workhouses, and that once erected they would degenerate into penal institutions from which the pauper would be unable to extricate himself. This sort of situation, he maintained, would lead to devastating rural insurrections. Accordingly, he advocated allowing the diffusion of proper principles, via the Report, to take its effect among the parochial authorities for a self-imposed reformation of the poor laws.

Senior was able to answer that the initial expenditure on the workhouses would be insignificant in comparison to the supposed untenable annual outlay on the indigent, and that in any event, the numbers of able-bodied poor applying for relief would be considerably

¹ See S.E. Finer, The Life and Times of Sir Edwin Chadwick, pp. 96-97.

² These locally elected bodies were to supervise the day-to-day administration of relief in lieu of overseers, magistrates, and vestries. See infra, p. 124 for a fuller description of their functions.

reduced by the prospect of less eligibility, and as a consequence, the existing workhouse accommodation would not have to be greatly augmented. Moreover, the union of parishes, he pointed out, would ensure the more efficient utilization of these facilities. Senior also had at his disposal accounts of the experiments at Southwell and Bingham as an answer to the charge that paupers once incarcerated would become permanent fixtures in the workhouse. In those parishes, it will be remembered, the workhouse populations nearly dwindled away to nothing. Furthermore, Senior explained, the Workhouse Test principle depended entirely upon the free-exercise of pauper determination in accepting either independent labor or the restraints of the workhouse. Since the abolition of outrelief confined the authorities to granting aid only in the workhouse, they would quite naturally be anxious to encourage an inmate's return to a state of independence, which would absolve them from continuing to maintain him. Thus the system was workable only if relief (in a workhouse) were denied to no able-bodied person, and if that person were allowed to return to independence after being deterred by the unpleasantness of confinement. The universal assumption that the riots of 1830 had been caused by the abuses of the unreformed poor relief system also allowed Senior to dispose of the Duke's argument that the Bill's proposals engendered the seeds of revolt. As for the voluntary implementation of the Report's recommendations, Senior declared this to be wishful thinking. The Report itself had found that sinister interests precluded the extension of efficient and reformed relief mechanisms.¹ Having satisfactorily answered the main objections to the

¹ Report of 1834, p. 280.

abolition of outdoor aid to the able-bodied, Senior successfully carried the portions of his Bill that touched on this aspect of the proposed reformed scheme.

On the second point of contention, that of the sweeping powers to be enjoyed by the Central Authority, he was less successful, which is perhaps understandable given the penchant for localism still extant during the first part of the nineteenth century. Consequently, at least two alterations in the Bill were made by the Cabinet that hampered, indeed, that may have effectively castrated, the vitality of the Poor Law Commission (as the Central Authority was called). The actual provisions coming under attack in the Cabinet were those relating to the Commission sitting as a "court of record" with full powers of indicting for contempt of court, and to the necessity of compliance by the local Boards with orders from the Commission pertaining to the construction of workhouses. The upshot was that the Commission was divested of its status as a court, which reduced its coercive authority to the laborious channels of writ of mandamus and King's Bench. And Senior was only just able to dissuade Lansdowne and Althorp from further undermining Commission authority by amending the Bill to read that orders for the construction of workhouses were subject to ratification by a majority of the ratepayers. Nonetheless, the Cabinet insisted on confining the Commission's prerogative in controlling monetary allocation, so the Commissioners were limited to ordering compulsory expenditure not exceeding one-tenth the annual rate or fifty pounds for workhouse improvement or construction in the individual unions. Of course, with the consent of the ratepayers, additional expenditure could be ordered.

Another onslaught by Melbourne was more adroitly handled by Senior.

The Home Secretary, under whose jurisdiction the Poor Law Commission was to come, complained bitterly that he would have no control over the substance of the Commission's decisions. A compromise was agreed upon whereby "General Orders" of the Commission were to be submitted to the Home Office, and would only come into force after forty days and providing no objection was made either by the Secretary or Parliament. "Special Orders," those forwarded to only one Union, however, were to be immediately applicable.¹ On the other hand, Senior was unable to induce the Cabinet to accept the establishment of settlement on the basis of birth only.

We now pass to the Parliamentary stage of the Bill, for although resistance in both Houses was surprisingly light, certain criticisms were raised that were harbingers of things to come. Moreover, statements were made by the Bill's supporters that facilitated its passage through a Parliament thirsty for any measure of reform of the poor laws,² but that indicated either a conscious attempt to misguide the members, or a misunderstanding on their own part of the implications of such a revolutionary proposal. Lord Althorp introduced the Bill on April 17 with a speech of cautious optimism and moderate tone. He immediately referred to the influential Report as the basis for his statements and the need for immediate and complete reform, while at

¹ The Special Order, of course, was subsequently used in nearly all instances by the Commission in order to avoid the quagmire of red-tape at the Home Office.

² "There can scarcely have been, during the past hundred years, a measure of first-class social importance, gravely affecting the immediate interests of so large a number of people, that aroused, in its passage through both Houses of Parliament, so little effective opposition . . . as the Poor Law Amendment Bill." Sidney and Beatrice Webb, The Last Hundred Years, I, p. 94.

the same time appealing to the principal bias that had ensured the Report's reception by the monied classes, the sanctity of property: "He [Lord Althorp] would now assert, and he would appeal to the facts detailed in the Report of the Commissioners for the confirmation of what he stated, that the effect of the Poor-laws tended directly . . . to the destruction of all property in the country."¹ Perhaps a more effective foundation for the passage of the Bill could not have been presented. Althorp, nonetheless, proceeded to exploit, in the manner so typical of all previous investigations and discussions of the poor law, the alleged deleterious effects of the contemporary relief system on the poor themselves as the second prong in his argument for the overhaul of the Old Poor Law.² Having convinced, in the main, a Parliament already in effect convinced of the necessity of reform, Althorp gave a brief sketch of the provisions of the Bill. Even in such an amenable atmosphere, an ill-omen arose when he arrived at that section of the proposal that dealt with the powers to be invested in the Poor Law Commission. It is recorded that "he [Lord Althorp] observed some honourable Gentlemen seemed to dissent to this portion of the proposition; he admitted, that by this measure he was asking for extraordinary discretionary powers, but at the same time he must contend that it would be utterly impossible to carry on improvement in the present system of

¹ Lord Althorp in the House of Commons, 17 April 1834, Hansard, Third Series, XXIII, p. 877.

² It is important to note that in all the Parliamentary discussions on the Bill, not one individual directly challenged the Report's general indictment of the prevailing relief system; only the remedial measures came under attack. Two decades of conditioning by economic and philosophical teachings and Parliamentary committees, as well as the 1834 Report, had virtually compelled the dismantling of the Old Poor Law.

Poor-laws into effect without acting upon great discretionary powers."¹ Thus, the fear of the pauper host was employed to stifle Parliamentary sensitivities regarding local prerogative and governmental intervention; however, as we shall see, the views of the man at the parochial level were sometimes not so easily overcome.

Outside the House of Commons, where the bulk of the opposition to the New Poor Law was always to be found, resistance began to coalesce. The Times which had remained ominously silent in the days following Althorp's introductory speech came to life on April 30 via a disparaging letter in the advertisement columns from John Walter, member for Berkshire and proprietor of The Times, and a leading article expressing "apprehensions" about the inhumane proposals relating to the workhouses and the provisions regarding the Poor Law Commission. Walter had been for some time an opponent of any attempt to curtail outdoor relief,² and his letter marked the beginning of a protracted and virulent resistance by him to the New Poor Law. Setting aside his objections to the Bill, Thomas Barnes, the editor of The Times, provided the unflagging impetus behind that paper's prolonged and often exaggerated opposition to the Amendment Act. Barnes was open to the charge of personal vindictiveness in his campaign against the Act, for he had detested Blomfield since their Cambridge days, and he distrusted Chadwick and Senior with their dry-as-parchment solutions for the ills of society.³ Although Brougham and Barnes had been friends and collaborators in the past, at the time

¹ Hansard, XXIII, p. 883.

² Sidney and Beatrice Webb, The Last Hundred Years, I, p. 95.

³ S.E. Finer, The Life and Times of Sir Edwin Chadwick, p. 100. Senior reciprocated by waging a counter-campaign against The Times in the Chronicle and the Globe.

of the introduction of the Bill, tensions were mounting between the two over their differences on Irish Coercion. It appears, however, that Barnes' opposition sprang from a genuine regard for the poor and an abhorrence of bureaucratic centralization, two themes that were to bludgeon Times' readers for the next decade and a half. His concern for the poor was early revealed in a letter he sent to Le Marchant, Brougham's secretary, the day following Althorp's speech. "In fact our principal objection," he said, "is to one branch of the measure - a very important branch certainly - the refusal of relief except in workhouses: a system in my opinion enormously expensive, degrading to the honest pauper and ruinous to fathers of families who will not any more receive that temporary relief which might set them on their feet again without being torn from their wives and children who will all be pauperized and imprisoned under the new system because the parent requires 20 or 30 shillings to set his loom or stocking frame a-going."¹

The Times' opposition, supplemented by that of practically all the Tory and Metropolitan newspapers,² began slowly and mounted in intensity as the Bill passed through the various stages of becoming law. Support for the Bill in the press was so sparse that John Easthope, a wealthy Whig M.P., was moved to purchase the nearly defunct Morning Chronicle for the sole purpose of publicly supporting a measure that was encountering only limited resistance in the legislature. In fact, the press itself realized early on that with such varied Parliamentary

¹ Barnes/Le Marchant, 18 April 1834, quoted in Times Company, The History of The Times, (London, 1935), I, p. 295. My emphasis.

² D. Roberts, Victorian Origins of the British Welfare State, p. 42.

support as the Duke of Wellington and Peel and Place and Hume, the Bill was certain to become an Act, and that the most that could be hoped for was an amelioration of the harsher remedial measures. In a moment of prophetic insight, Barnes admitted the futility of deterring the measure legislatively. He told Le Marchant that "the Poor Law Bill you will I suppose carry: but you will never execute it."¹ Indeed, the storm in the press apparently went unnoticed by Parliament, for on May 9 the division on the Second Reading indicated that only twenty members opposed the Bill in a House of three hundred and forty-four.

Following a motion to go into committee, further alterations were made in the Bill, one of which proved to be of considerable significance later on. An amendment was accepted by Althorp that limited the authority of the Commission to a five year period. Of lesser importance was the allocation of the right to the parish, through an order issued by two magistrates, of proceeding against the father of a bastard in order to indemnify the parish for the maintenance of the illegitimate child.

On May 26, Poulett Scrope rose in the House to deliver the most comprehensive objection to the Bill made during its passage through Parliament. Since his speech is considered representative of opposition to the measure, both in and out of Parliament and particularly in The Times,² it is perhaps worthwhile to consider the main thrust of his arguments. He, like nearly all members of the House, could claim to

¹ Barnes/Le Marchant, c. 24 April 1834, quoted in Times Company, History of The Times, I, p. 296.

² T. Mackay, History of the English Poor Laws, III, p. 135.

have been desirous of reform, having been persuaded to this view by the compelling case made by the Report,¹ but the subsequent revelations of the Bill had presumably grated against his regard for the sanctity of class interdependence and the ancient institutions of England. The revolutionary proposals of the measure prompted Scrope, like so many after him, into a false and extravagant Tory reaction:

With all its defects the Poor-law of England was a noble, a God-like institution, - worthy of the age (the brightest in our national annals) in which it originated, - worthy of the great statesmen (Cecil, Burleigh, Bacon, and Wolsingham) who enacted it For more than two centuries it had been the blessing and the boast of England - the guarantee of her internal tranquility - the security for the lives of the poor - and for the property and peace of the rich.²

Scrope challenged the 1832 Commission's interpretation of the 43rd of Elizabeth, the "God-like institution." In providing for the "setting to work" of the able-bodied poor, this Act, he maintained, had not envisaged the locking away of the pauper. The poor were, in fact, to have been set to work in their homes in order to increase the common stock. He declared the workhouse to be repugnant to a long tradition of English benevolence and opposed "this violent and experimental nostrum" on humanitarian, political, and financial grounds:

Where were the workhouses into which to put all the unemployed able-bodied labourers in the kingdom? Workhouses must be built, therefore. The whole country must be studded with district workhouses, or rather work-gaols; . . . the whole country would have

¹ Scrope had, in fact, shown enthusiasm when Althorp asked leave to introduce the Bill.

² Poulett Scrope in the House of Commons, 26 May 1834, Hansard, Third Series, XXIII, pp. 1321-1322. Thomas Barnes said much the same thing in perceiving that the New Poor Law would "sow the seeds of perpetual enmity between the Poor and the Rich." Quoted in History of The Times, I, p. 293.

been convulsed and revolutionized! What an expense, too. But further - would it be just, would it be right, would it be safe, to refuse relief and employment except in a prison, to all those able-bodied men, some of the very best and most industrious workmen of the kingdom, whose only fault was, that their families were very large¹

The powers afforded to the proposed Commission, the whipping-boy of nearly all subsequent criticism of the Amendment Act, provided Scrope with an easy target, and an argument that stood the best chance of receiving a sympathetic reception in the House. The rights of property and localism, as well as the projected abolition of the ancient right of the magistrates to order relief for the poor, induced him, he stated, to "hesitate to invest them [the Commissioners] with the most extraordinary dictatorship."² The control of poor relief by the Commission would amount, it seemed to him, to the virtual abolition of aid to the poor,³ which would constitute the defamation of "a title 300 years old, as old, as legal, as fully recognized in Parliament, as the title of the wealthiest noble to his estate"⁴

These sentiments were echoed on July 1 at the time of the Third Reading by William Cobbett, who had been a persistent opponent of the Bill since it had been introduced, and who was then waging a pamphlet offensive in the country against it. Styling it as the "Poor Man's Robbery Bill," a measure designed to "rob the poor man to enrich the landowner,"⁵ Cobbett decried the attempt to abrogate the poor's right

¹ Hansard, XXIII, p. 1326.

² Ibid., p. 1329.

³ Ibid., p. 1331.

⁴ Ibid., p. 1332.

⁵ William Cobbett in the House of Commons, 1 July 1834, Hansard, Third Series, XXIV, p. 1051.

to relief recognized by the state at the time of the Reformation and the Dissolution of the Monasteries. It was absurd, he maintained, to tamper with the poor's paltry £7 million when the nation was paying £30 million to "usurers" and £8 million to "sinecurists." Annual taxation amounted to £52 million, he pointed out, and landlords' rents had increased ten-fold since the beginning of the century. Moreover, colossal amounts were spent on the army, clergy, and governmental parasites each year.

These complaints notwithstanding, the Bill passed the Third Reading by one hundred and eighty-seven to fifty. It will be noticed, however, that the opposition had more than doubled since the Second Reading on May 9, and this may be an indication of the growing influence of the press campaign and some belated stirrings in the constituencies. Even on the day of the division, petitions against the Bill were arriving at Parliament.¹ The towns, especially, appear to have been centers of this early resistance, probably arising from a recognition of the threat posed by the Commission to their prerogatives held under local Acts and incorporations.

There have been 103 petitions with 9,000 signatures against the Bill. Twenty-five of the largest towns, and ten of the largest parishes in and near London, had petitioned, not against the details, but against the principle of the Bill, including Bristol, Birmingham, Leeds, Huddersfield; Halifax, Gloucester, Exeter, Oxford, Westminster, Wakefield, and many others.²

It should be emphasized, however, that public opinion actually

¹ ["Minutes] Petitions presented . . . By Dr. Lushington, Mr. Vigors, and Sir Samuel Whalley, from several Metropolitan Parishes against the Poor-Law Amendment Bill." Hansard, XXIV, p. 1027.

² Sir Henry Willoughby in the House of Commons, 1 July 1834, Hansard, XXIV, p. 1032.

avored reform at this point, or at least feelings of indifference precluded the possibility of large-scale resistance. And this indifference was fed by statements made in the House of Commons that tended to minimize the true novelty and significance of the Bill. As we would expect, the paramountcy of the Poor Law Commission was reckoned to be the most distasteful medicine to be applied in a country still only partly through the transition stage from a traditional to a modern society. Consequently, the bulk, nay, the entire body of mis-statement in the House regarding the Bill relates to this aspect of its provisions. Whether or not this was an intentional effort to deceive is moot; however, the fact remains that Hansard records no mincing of words regarding less eligibility and the workhouse test, whereas those in reference to the Commission's powers are many times problematical. For instance, Althorp, in his introductory speech, encouraged the impression that Parliament would continue to be the final arbiter in the formulation of subsequent poor law policy. "It was obvious," he remarked, ". . . that to legislate successfully on this subject, . . . the House must act gradually, introduce the improved system into different parishes step by step . . . and thus more certainly insure its final success."¹ In fact, he went on to explicitly deny the intention of forming unions throughout England, and even the possibility of the Commission tampering with well-managed local institutions, by assuring the House that "when a parish was really well regulated, it need not entertain the slightest apprehension of interference upon the part of

¹ Lord Althorp in the House of Commons, 17 April 1834, Hansard, XXIII, p. 879. My emphasis.

the Commissioners."¹ Right up until the Third Reading, the Bill's supporters continued to allay local fears with assurances of moderate and constrained actions by the Poor Law Commission. Robert A. Slaney, member for Shrewsbury, for example, in coming out for the measure, argued that "the operation of this Bill should [would] be confined to particular counties, where the Poor-laws had been badly administered, and the interests of the labouring classes neglected."² And Althorp persisted in mitigating the image of an omnipotent and ambitious bureaucratic authority, as the Poor Law Commission was being presented in The Times. The Bill, he said, "gave a discretion to the Commissioners to dispense relief when any sudden changes might make it necessary to do so. This would enable the Bill to come into effect gradually, and without danger."³

But this is a small matter in explaining the facility with which such an extraordinary measure passed through the House of Commons. The Whigs, of course, supported it as a Government proposal, their interests as large landowners and crypto-reformers withstanding. Even the Radicals had ample grounds for coveting a Bill that appeared to enervate the tight grip of the gentry on local mechanisms and that constituted a system animated by an abhorrence of Bentham's arch-villain, the sinister interest. As for laissez-faire, the Poor Law Amendment Bill is not the sole example of Radical-supported legislation that may indicate that the Invisible Hand was at times considered by the Radicals to be merely a useful stick with which to bludgeon the privileged classes.

¹ Ibid., p. 897, my emphasis.

² Hansard, XXIV, p. 1044.

³ Ibid., p. 1056.

The action of the Tories, on the other hand, is less comprehensible at first glance. Nevertheless, they, too, had sufficient reasons for providing a smooth voyage for the Bill. First of all, the Bill itself was couched in rather innocuous terms. It did not abolish a single local authority (indeed, it contemplated increasing the possibilities of patronage),¹ nor was the Commission "to interfere in any individual case for the purpose of ordering relief."² The construction of workhouses was to be left virtually to the individual units, and at no time did anyone of consequence indicate that unions were to be systematically formed throughout England. In fact, no specific policy was offered in the Bill, and although the implication was there that the Report was to be the guideline in the formulation of policy, the principles of the Workhouse Test and Less Eligibility did not always violate the sensitivities of a class that had itself readily devised stringent relief policies during the agricultural depression. Furthermore, the local gentry was the class most heavily burdened by the poor rates and would thus be more anxious to welcome an alleviation of relief taxation. In short, the Tories voted their pocketbooks, not their hearts.³ Finally, there are indications that the petty ruling class had grown tired of wrestling with a responsibility that proved onerous and singled them out for the animosity of the lower orders. An M.P. remarked: "The Magistrates had at present a most unpleasant and difficult task to perform; and he [Sir Thomas Fremantle], as one, would most willingly throw from his own shoulders, to those of the Commissioners, the responsibility

¹ Sidney and Beatrice Webb, The Last Hundred Years, I, p. 100.

² Poor Law Amendment Act, 1834, section 15.

³ See D. Roberts, Victorian Origins of the British Welfare State, p. 43.

which rested on the Magistrates in the administration of the Poor-laws."¹ Overlying all these diverse motives, of course, was the general reluctance to continue further aid to a group of individuals, who, it was feared, represented a national cancer, as well as the confirmative and vastly influential assertions of the Report of 1834.

Similarly, the Bill had a relatively easy time of it when it went up to the Lords. The Second Reading resulted in a seventy-six to thirteen division, which found the Marquess of Londonderry among the handful of dissenters. When it entered the committee stage, however, further adjustments were made in its provisions. On a motion by the Duke of Wellington, the Lords amended the right of the parish to proceed against the father of an illegitimate child. The overseers were now required to submit their application for an order of indemnity to Quarter Sessions, rather than to two magistrates.² Also, in order to circumvent the objections of the more paternalistic Tories, the obligatory provision for the abolition of all outdoor aid to the able-bodied two years following the enactment of the Bill was dropped. Instead, the Commission was given the right to "regulate" the type and extent of relief as it saw fit. Although the Lords made forty more alterations in the Bill, none were considered to be of particular significance. So Althorp guided Commons in accepting all the upper house's amendments, and on August 14, 1834, the Poor Law Amendment Bill received His Majesty's assent.

The circuitous path that had been trod since 1817 had now arrived

¹ Sir Thomas Fremantle in the House of Commons, 17 April 1834, Hansard, XXIII, p. 895.

² See supra, p. 88.

at its nearly inevitable destination. Steady expenditure on the poor during the twenties had failed to reconcile the nation to maintaining a large body of its poor, and when the crunch came, the rulers of the country barely hesitated in bringing a two-decades-old trend to its logical conclusion, from haphazard overseer/magistrate administration to skinflint collective local action and on to a national bureaucracy breathing the fire of philosophical radicalism. In the scramble of economic self-interest, precepts cherished and ancient fell before the axe of expediency, for who can deny that Local Prerogative and Laissez-Faire were dead letters at Westminster in 1834?

iv. The Act

The Act signed by the King (4 and 5 William IV c. 76) did not actually specify a poor law policy of any sort. Instead, it provided for the machinery from which policy decisions, presumably anchored upon the recommendations of the Report of 1834, would emanate and by which they would be carried out at the local level. In a sentence, then, Parliament had abdicated its powers of guiding the direction of the largest single branch of civil administration in the country (based on annual expenditure), and in its own place had substituted an independent Central Authority whose latitude in the formulation of policy was practically unlimited.

A detailed discussion of the Act is unnecessary here; however, before proceeding to a more pointed examination of its actual application, perhaps it would be convenient for the reader if a sketch of the Act's provisions were included in this chapter. For the sake of brevity,

the contents are listed in outline form by section:¹

Sections 1 - 14 provided for the appointment of three Poor Law Commissioners and without the consent of the Treasury no more than nine Assistant Commissioners (to be chosen by the Poor Law Commissioners), none of whom were to sit in Parliament. The Commission was to submit an annual report to the Secretary of State. The authority of the Commission was limited to five years.

Sections 15 - 18 provided for the administration and control of poor relief in England and Wales by the Poor Law Commission. The Commissioners were empowered to decide on rules, orders, and regulations for the management of the poor, and to carry out the Act in all its aspects. General Orders were not to come into effect for forty days, and the Commission was not to interfere in any individual case regarding relief.²

Sections 19 - 25 provided for the religious freedom of workhouse inmates. The Assistant Commissioners were to be allowed attendance at the meetings of the local authorities, but without the right of voting. The Commission was to control the erection, alteration, and administration of workhouses, but they could not order the expenditure of more than £50 or one-tenth of one year's rates for the purchase, hire, erection, alteration, or enlargement of workhouses without the consent of a majority of the ratepayers or the union guardians.

¹ Synopses of the Act may be found in G. Nicholls, History of the English Poor Law, II, pp. 272-281; T. Mackay, History of the English Poor Law, III, pp. 146-151; P.F. Aschrott, The English Poor Law System, pp. 37-44; Sidney and Beatrice Webb, The Last Hundred Years, I, pp. 100-101; and by the same authors, English Poor Law Policy, pp. 11-20.

² See supra, p. 94.

Sections 26 - 37 provided for right of the Commission to form unions at their discretion, while each parish was to be charged for the cost of relieving its own poor. Payment to the common fund was to be based on the proportion of each parish's annual rate. The Commission could dissolve or alter any union with the consent of two-thirds of the guardians. The guardians with the consent of the Commissioners could declare the union to be the unit of settlement and/or rating. Two justices could order outdoor relief to aged and infirm paupers, provided they were entirely unable to work.

Sections 38 - 41 dealt with the election of the boards of guardians of the unions, the number to be fixed by the Commission in each case, but each parish was to have at least one guardian. The ratepayers were to have one vote if rated under £200; two votes if between £200 and £400; and three votes if over £400. The Commission was to set the minimum rating qualification for a guardianship, but it was not to exceed £40 a year. Justices could sit as ex-officio members on the board.

Sections 42 - 51 provided for the control of the workhouses and parish officials by the Commission. Justices could freely inspect workhouse facilities. The Commission could order the establishment of salaried posts for the relief of the poor, fixing qualifications, duties, and remuneration. The Commission could remove any salaried person, including a workhouse master. The Commission was to establish the guidelines for all contracts made by the guardians, and any entered into not conforming to the standards were void. The overseers were to account to the guardians for all expenditure made on behalf of the poor.

Sections 52 - 60 dealt with the relief of the poor. The Commission

could regulate the type and extent of relief to the able-bodied pauper and his family. Departures from the regulations, as in the case of extreme emergency, had to be reported to the Commission within fifteen days. Only guardians or select vestries were to be allowed to grant relief. The overseers could give relief only in the face of urgent necessity, and then only in kind. Justices could grant relief in emergencies when it had been refused by an overseer, and order medical aid in the event of sudden and acute illness. Aid granted to children under sixteen was to be considered as relief allocated to their parents. The Commission could order that relief accorded to any person over twenty-one be granted in the form of a loan.

Sections 61 - 68 dealt with the apprenticeship of children, the means of raising money to finance the emigration of paupers, and the repeal of settlement by hiring and service.

Sections 69 - 76 dealt with the alteration of the Bastardy Laws and the rights of the relief authority in seeking action against the putative father, which we have already discussed in a previous section.¹

Sections 78 - 90 dealt with miscellaneous provisions regarding penalties for conflict of interest, the issuance of orders of removal, the Commission's right to examine the accounts of any trust or charity estate applicable to the relief of the poor, stamp duty and postage, and the service of summons.

Sections 91 - 104 provided for penalties for the introduction of alcoholic beverage into the workhouse and the mistreating of pauper inmates, as well as for the "infringement" of orders of the Commission

¹ See supra, p. 95.

and in the case of the overseers, of guardians or justices.

Sections 105 - 109 dealt with the machinery by which the legal validity of the Commission's orders and regulations could be tested.

On August 23, 1834, ten days following the enactment of the Bill, T. Frankland Lewis, J.G. Shaw-Lefevre, and George Nicholls were sworn in as Poor Law Commissioners. On the same day, they appointed Edwin Chadwick as Secretary to the Commission and held their first meeting, proceeding to convert theory into practice.

CHAPTER THREEDURHAM: PRELUDE

Our chief object was to impress upon the parish officers generally, that the Legislature had not exonerated them from the performance of their duties; that they were still to continue to administer the existing laws for the relief of the poor . . . [and] the general transaction of parochial business should be continued (with strict attention to economy) in the accustomed course, until we should be enabled to take specific measures thereon.

— Poor Law Commissioners,
First Annual Report, 1835.

The Poor Law Commissioners spent their first months in office gathering data regarding the various methods of relief employed throughout England. Durham's overseers received long questionnaires as to the actual relief procedures then operative in their respective parishes. Their responses indicated that a widely-differing and unsystematic approach to relief was characteristic of the region, which no doubt helped to persuade the Commissioners that no part of England could claim a right to exemption from the new law. Nonetheless, the southern counties, as expected, presented the most critical picture of the old system, with their heavy use of the now disreputable rates-in-aid-of-wages method and their high incidence of pauperism and labor problems. And it was here that the Commissioners chose to begin their work.

In order to actually implement the provisions of the new law, the Commission relied on a staff of Assistant Commissioners whose first members were appointed in the Autumn of 1834. By Christmas, nine of these men were in the southern counties preparing reports on local conditions and relief administration. This cadre soon were shown to be the linchpin of the entire poor law system. Their conduct and methods could have a direct bearing on the reception accorded the new Act in

the districts, and in their role as intermediaries, they could effectively control, to a large extent, the administration of the law at the local level. Unlike Chadwick, the Commissioners were not extreme ideologues, and they fully appreciated the view that they sometimes would have to alter the shape of their administration in deference to local exigencies and peculiarities. Consequently, they were particularly dependent upon the opinions of the man on the scene. They recorded early on their reliance on the Assistant Commissioners, which for at least the first few years remained unshaken: ". . . we have not as yet felt ourselves called upon . . . to reverse the main recommendations of any of our Assistant Commissioners."¹ This is not to say that the Poor Law Commissioners were pulled hither and dither by men of contrasting opinions, which would have resulted in the same potpourri of administrative practices that had existed under the Old Poor Law. In fact, the Commissioners had taken care to select men particularly amenable to their views on proper poor law administration. "The considerations which mainly influenced our choice [of Assistant Commissioners]," they said, "were the possession of sound practical knowledge and experience of the subject matter of this commission"² Hence, the local administration of the New Poor Law as directed by the Assistant Commissioners differed in degree rather than kind.

The first major act of the Poor Law Commissioners was to instruct their assistants to form unions of parishes in the southern counties, and their energies during the first year were taken up "almost exclusively"

¹ [Poor Law Commissioners], First Annual Report [of the Poor Law Commissioners for England and Wales], (London, 1835), p. 25.

² Ibid., p. 12.

with this colossal task. The salient feature emerging from the wholesale unification of parishes in the South was the Commissioners' determination to extend their authority to even the best-regulated parishes, in direct contradiction to Althorp's earlier assurances.¹ They had found no reason, they maintained, "to omit the best-managed parish from a union, on account of its management being relatively superior to that of any parishes remaining under the old system."² In only three instances did they place single parishes under the control of boards of guardians, although a loophole in the law allowed some local incorporations and Gilbert's Unions to retain their former administrative configurations. While the Commissioners claimed that the revelations of the Assistant Commissioners' reports from the field prodded them into these activities, they revealed their determination, in their first annual report, to carry similar methods to the North where no Assistant Commissioner had as yet trod: "We see nothing in the present situation of the unvisited counties which will be likely to induce us to deviate materially from the course of proceedings we have hitherto adopted."³

While the Commission was busy in the South, Durham and the other northern counties merely plodded on in the old ways. The parochial officers in Durham were left so much to their own devices, in fact, that as late as 1836 the authorities were still uncertain as to their obligations under the new Act. In that year a Staindrop vestryman wrote to the Commissioners "to request information as to how far the Poor Law Act is binding upon us, (not having been yet organised upon the new system) . . .

¹ See supra, p. 92.

² First Annual Report, 1835, p. 23.

³ Ibid., p. 65.

As circumstances now exist, we seem neither under the obligations of the new system, nor under the old jurisdiction of the magistrates."¹ The remarkable feature of the Poor Law Commission's correspondence with Durham's parochial officers during the years 1834 to 1836, however, is its scarcity. The county's 280 parishes do not seem to have felt a need to rely upon the Commission for advice in running their own affairs. While scattered queries may be found here and there in the records for these years, it is certain that Durham's relief system continued to be administered as in previous years, untampered with by Somerset House. This, of course, was at the Commissioners' pleasure, for their other duties precluded them from interfering, and their letters show a marked disinclination to be drawn into the day-to-day management of relief in Durham. They told an assistant overseer of the township of Sunderland, in answer to several of his questions, that "they [the Poor Law Commissioners] will not express an opinion as to the detailed management of the Parish except upon the Report of one of their assistant Commissioners . . ."²

It would not be correct, however, to say that the Commissioners entirely neglected those parishes not coming directly under their attention. Certain answers were made to parochial queries, particularly those touching upon the principles of relief and the correct application of funds, and the Commission constantly attempted to influence northern administrative practices by "suggestions" made in their circular letters. The crux of these suggestions was strict economy in the distribution of outdoor relief and attention to the proper management of workhouses,

¹ John Dean/Poor Law Commissioners (hereafter referred to as P.L.C.), 21 April 1836, Ministry of Health Papers (hereafter referred to as M.H.) 12/3313 (Teesdale).

² P.L.C./H.B. Taylor, 24 March 1836, M.H.12/3268 (Sunderland).

including classification of inmates, where these formed a part of relief administration. On the whole, however, the Commissioners were content to allow the northern parishes to exercise their own discretion, reminding them at the same time that the new law did not relieve them of their responsibilities. In one of the Commissioners' first communications, the Durham authorities were told that "boards of guardians, select vestries, and other district or parochial officers . . . are to continue to administer the existing laws for the relief of the poor of the parish or place for which they act; and that, subject to the provisions of the Poor Law Amendment Act, the general transaction of parochial business should . . . be continued in the accustomed course until the rules, orders, and regulations which the Commissioners are authorised to make shall have been duly prepared and promulgated."¹

The reaction of the propertied classes of Durham to this limited interference, indeed, to the Poor Law Amendment Act itself, is difficult to gauge during these pre-implementation years. The state of the evidence, scattered and varied, reduces historical judgement to educated guesswork. We have already mentioned the parochial reluctance to consult the Commission. Sir William Chaytor^T, for instance, a Member of Parliament and staunch supporter of the New Poor Law, told Chadwick that if the law was to be implemented in Durham, the Commissioners themselves would "have to do it", as they could expect little voluntary adoption of its provisions.² On the other hand, the conservative Durham Advertiser, one of the main organs of opposition in the county, lamented that the petitions against

¹ P.L.C. Circular Letter, 4 September 1834, First Annual Report, 1835, App. A, No. 1, p. 67.

² Sir William Chaytor^T/Edwin Chadwick, 16 September 1834, M.H.12/2928 (Auckland).

the Bill that it had called for were "not more numerous."¹

County newspapers provide the only record of dissent against the Act during the period 1834 to 1836, and this opposition generally represented clear-cut political alignments, the Tory periodicals opposing and the Whig journals, such as the Durham Chronicle, supporting the measure. The Advertiser trotted out all of the well-worn objections to the Act, the erosion of local prerogative, the barbarity of the workhouse system, and the increased charges to be expected on the public funds,² while the Chronicle flogged its opponent with a well-thumbed copy of the Report of 1834. Just how far the conservative papers were prepared to go in exploiting the political possibilities of resistance to the New Poor Law was revealed in an Advertiser editorial that declared increasing pauperism and the Act to be the result of "the contraction of the currency, and the demoralizing free-trade system."³

Despite the apparent failure of the right-wing press to foment any substantial manifestations of revulsion against the New Poor Law and the Commissioners' proceedings in the South, pockets of uneasiness regarding the new law did exist, although these feelings usually took the form of concern over the parochial position in the new scheme, rather than a rejection of the "principles of 1834." Chayton told Chadwick that "the idea prevails much in the County that when towns are joined to others that they will have to pay equal expenses for the workhouse. . . ."⁴

¹ Durham Advertiser, 30 May 1834.

² See ibid., 25 April 1834.

³ Ibid., 27 June 1834.

⁴ Sir William Chayton/E. Chadwick, 25 September 1834, M.H.12/2928 (Auckland). This, in fact, did seem to trouble parishes with light relief

However, there is also some evidence to suggest that Durham's parochial authorities did not expect to be brought under the control of London and formed into unions, despite the Commission's arbitrary and pervasive progress in the South.¹ This in itself may account for the lack of response to the Advertiser's appeal for resistance.

On the other hand, the official records indicate a more enthusiastic response to the New Poor Law, although great caution should be exercised in assessing the weight of this evidence. The Commission's records are more likely to contain testimonials than protests, and it may be argued that no similar depository is extant to exhibit contrasting views.² What is certain is that many individuals, particularly those of secure social position, welcomed the law and assured the Commissioners of their support. A county magistrate told them that an always potential source of trouble for the new Act, the bench, stood behind its provisions: "I am happy to say that the Magistrates in the County of Durham seem anxious to afford every opportunity for the full development of the good intended by the act."³ That other figure of local stature, Sir William Chayton, also

obligations. Agricultural parishes, particularly, feared that unification with manufacturing areas would result in increased rates. Apparently, they did not realize that each parish in a union paid a proportional part of expenses according to their pauper burden. See Neasham Township Petition/P.L.C., 28 January 1835, M.H.12/2989 (Darlington).

¹ See R.H. Williamson, Rector of Hurworth/P.L.C., 3 January 1835, M.H.12/2989 (Darlington); and R. Lockey, Vestry Clerk/P.L.C., 6 October 1834, M.H.12/3188 (Sedgefield).

² The main exception, of course, would be the "Letters to the Editor" columns in local newspapers. But here again, opposition is not to be found. The Advertiser, the journal most likely to print derogatory letters of this sort, is empty of such correspondence; this feature of the newspaper was concerned almost entirely with the "Church in danger" question during these years.

³ J. Newburn/P.L.C., 17 October 1834, M.H.12/2989 (Darlington).

offered to "give every assistance in my power" in establishing the Commissioners' prerogative in southern Durham.¹ Some local ratepayers, too, were caught up in the initial excitement over the possibility of progressive and efficient poor law administration. In forming the Sedgefield Union, Sir John Walsham² claimed he was yielding to "the very strongly expressed wishes of parties . . . who joined in petitioning, in every way plausible, . . . for the establishment of a Sedgefield Union."³ Even the controversial workhouse system found its advocates in the county. Again on establishing a local union, Walsham remarked that a previous strike by the pitmen had induced the ratepayers "to appreciate fully the great advantages incidental to a well-organised system, which would enable them to meet and deal with any sudden pressure on the poor rates."⁴ The rector of Hurworth told the Commissioners that "the poor of Hurworth are generally well managed, but a workhouse is greatly wanted to put a stop to our being bullied by outlying paupers . . ."⁵ And the township

¹ Sir William Chayton/E. Chadwick, 16 September 1834, M.H.12/2928 (Auckland).

² See infra, p. 109.

³ Sir John Walsham/P.L.C., 31 December 1836, M.H.12/3188 (Sedgefield). The Commissioners were fond of ascribing any opposition to the New Poor Law as the selfishness of interested parties. See, for instance, First Annual Report, 1835, p. 62. This, however, was a two-edged sword, as shown in the case of the several Sedgefield petitions for a union. "Lockey and Eccles," Walsham told the Commissioners some years later, "were . . . the principal parties in putting up a petition for me to form a Union at Sedgefield, of which Union Lockey proposed to be Clerk and Eccles relieving officer . . . To tell the honest truth I do not believe either party is good for much." J. Walsham/P.L.C., 18 August 1838, M.H.12/3188 (Sedgefield).

Eccles for some years was, in fact, relieving officer of the Union.

⁴ J. Walsham/P.L.C., 3 December 1836, M.H.12/2928 (Auckland).

⁵ R.H. Williamson/P.L.C., 3 January 1835, M.H.12/2989 (Darlington). This letter was accompanied by a parish petition stating that the rate-

of Neasham declared that its "men of property" were prepared to erect a workhouse at their expense when called for.¹

The evidence at hand indicates the presence in Durham of a vague but amenable attitude toward the New Poor Law, or rather a general lack of interest, which probably represents a correct picture of the tenor of county opinion in the years before the implementation of the Act. Of course, this situation is altered somewhat following the arrival of the Assistant Commissioner and the formation of unions; after 1837 a more discernible, even if negligible, opposition to the new measure is to be found in Durham.² It may be that more complete records for the years following 1837, that is, those of the new administrative structure itself, give a distorted emphasis to post-implementation agitation. However, we may safely assume that actual interference in local affairs would be more likely to provoke reaction than the activities of an unfamiliar Commission plying an obscure law in the distant southern counties. Those individuals in Durham prone to disagreement with the provisions of the Act may logically have taken Althorp at his word and fallen in with those who thought Durham's low relief rates would discourage the Commissioners from meddling with the county's affairs. Not many Durhamites can be expected to have read the annual reports of the Commission.

On 23 November 1835, Sir John Walsham, Bart., was appointed an Assistant Commissioner. His selection was to have particular importance

payers¹ were "desirous of attaining the nature and extent of accommodation which would be desirable in a workhouse for the purpose of effectually putting the new Poor Laws into execution in [the] parish."

¹ Neasham Township Petition/P.L.C., 28 January 1835, M.H.12/2989 (Darlington).

² See *infra*, p. 202.

for Durham in that a year later he was given responsibility for the establishment and supervision of the unions in the northern-most district of England, comprising Northumberland, Cumberland, Westmorland, Durham, and the North Riding. His assured social position and his marriage, which gave him valuable contacts in Durham and Northumberland society, rendered him an excellent choice to undertake the administration of a system that by 1837 was encountering difficulties in the other northern districts, most notably Yorkshire and Lancashire.¹ A man who had been received by William IV at Windsor, where the king told him that the New Poor Law was "one of the greatest measures that has ever passed the legislature,"² need not have had fears of being overawed by the local status of any member of the boards under his supervision, and in the nineteenth century social position could play a sometimes decisive role in the administration of the poor laws.³

Walsham was on good terms with his superiors at Somerset House, especially with Lefevre to whom he was directly responsible, and he was left much on his own in directing the course of administration in Durham. The Commissioners certainly deferred to his opinion in all doubtful cases, and a typical notation on a piece of his correspondence reads: "Follow the course suggested by Sir J. Walsham"⁴ Consequently, great

¹ See Norman McCord, "The Implementation of the 1834 Poor Law Amendment Act on Tyneside," International Review of Social History, XIV (1969), pp. 94-95 for a discussion of Walsham's social importance and the implications of his marriage.

² Quoted in D. Roberts, Victorian Origins of the British Welfare State, p. 303.

³ See infra, p. 252 ; also N. McCord "The Government of Tyneside, 1800-1850," Transactions of the Royal Historical Society, XX (1970), p. 13.

⁴ Quoted in ibid., p. 14. Like Dr. McCord, I have been unable to find a single instance where the Commissioners decided on action in contravention to that suggested by Walsham.

significance for the future of Durham's poor law administration was attached to his individual opinions and personality.

Walsham is perhaps best described as a flexible moderate totally imbued with the poor law propaganda of the preceding decade. That he subscribed to Chadwickian formulae there can be no doubt. He certainly preferred the consistent policies of Chadwick to the sometimes wishy-washy and wrong-headed notions of the Commissioners. In 1836, just before beginning his work in Durham, he told Chadwick that he was eager to hear his opinions on proper administration but not those "from the gentlemen down below [the Poor Law Commissioners] . . ."¹ But unlike Chadwick, he was not willing to take ideology to extremes. The next few years found him consistently bending to the exigencies of Durham's local conditions and attitudes, and he became a persistent champion of the exception-to-the-rule hard case. He was always fully aware that the principles delineated in the Report of 1834 were particularly prone to over-zealous application, and he took care to ensure the protection of the helpless in the event of unsympathetic local regimes. This admixture of ideology and restraint is perhaps best illustrated in one of his first circular letters sent to the clerks of Durham's unions, both established and prospective. "It is essential," he told them, "that your Board - remembering that they are the Guardians of the Rate-Payers as well as of the Poor - should also remember, that the possession of a well regulated Workhouse, however small, and however cheaply built or acquired, is the keystone of a well regulated system of Parochial Management . . . but your Board must not fall into the common error of supposing that I wish all the Poor to be indiscrim-

¹ J. Walsham/E. Chadwick, 28 June 1836, Chadwick Papers, quoted in D. Roberts, Victorian Origins of the British Welfare State, p. 239.

inately hurried into the Workhouse, merely because there is a Workhouse."¹

Walsham's moderate tone and conciliatory attitudes enabled him to disarm many potential enemies of the New Poor Law during its first years of operation in Durham, and his presence must be seen as a decisive factor in the trouble-free implementation of the Act. Minor local luminaries were flattered by his attention and apparent interest, and he soon became the quickly-looked-to arbiter in all manner of disputes. In 1841 both parties in a row, which could have cost them their positions, independently requested his presence at the inquest so that "the ends of substantial justice will be thereby greatly promoted."² He received his ultimate accolade as a conciliator in the early forties. When Charles Mott, Assistant Commissioner for Lancashire, caused a national and Parliamentary uproar with his severely disparaging reports on the Keighley and Bolton Unions, it was Walsham whom Sir James Graham, the Home Secretary, chose to hurry to Lancashire to make another report and assist in calming down the local relief authorities.³

In 1842 Walsham left the North to take up the supervision of a new district consisting of Norfolk, Suffolk, Cambridgeshire, Huntingdonshire, most of Essex, and parts of Hertfordshire and Bedfordshire.⁴ This

¹ J. Walsham/all Boards of Guardians, 26 December 1836, Guardians' Correspondence, U/SS/63, his emphasis.

² G. Carney, Medical Officer/J. Walsham, 3 December 1841, M.H.12/2928 (Auckland); see also R. Joplin, Relieving Officer/J. Walsham, 4 December 1841, M.H.12/2928 (Auckland).

³ See D. Roberts, Victorian Origins of the British Welfare State, p. 222. Actually, Walsham's subsequent report was nearly as critical as Mott's, but he wisely confined himself to judgements on the existing conditions and not on the personal motives of the guardians as Mott had done.

⁴ See E. Chadwick/J. Walsham, 19 February 1842, Guardians' Minutes (hereafter referred to as G.M.), 15 March 1842, U/SS/3, p. 60.

immediately elicited a response of regret from Durham's guardians, and high-flown testimonials and fond-farewells adorn nearly all of their minute books, which indicates that, at least among the actual administrators of the poor law, Walsham held a position of popularity in the county, even after half a decade of supervision that sometimes saw conflicts between him and the boards. The length and enthusiasm of the letters sent to him on his new appointment leave little doubt as to the sincerity of his correspondents. Reflecting the general tenor of feeling, Richard Shortridge, chairman of the South Shields Union, told him that he felt convinced that "we cannot expect to find a successor to you with whom we can go on more cordially or more satisfactorily than we have done with yourself."¹ Of course, there were exceptions, and some particularly independent or troublesome unions passed quickly over his transfer or merely neglected to note it in their minutes.²

All this, however, was in the future. In 1836, the Commissioners were still occupied with their activities in the South, where their progress was remarkably complete and generally without major incident.³ By the end of the year, their work was nearly finished in the pauperized

¹ R. Shortridge/J. Walsham, 7 March 1842, G.M., 15 March 1842, U/SS/3, p. 61.

² For instance, the Chester-le-Street Board failed to register his departure, and the Sunderland Board merely expressed their "regret at losing his Valuable Services." G.M., 4 March 1842, (Sunderland), II, p. 235.

³ In the first year of operations, there were some disturbances in East Kent, Eastbourne, Ampthill, and Chesham, Bucks., which the Commissioners ascribed to the deleterious influence of local shopkeepers incensed over the substitution of relief in kind for that in money. See First Annual Report, 1835, pp. 62-63. The second year saw riots, characterized by attempts to fire workhouses, at Bishop's Stortford, Saffron Walden, South Molton and Okehampton, Devonshire, and Heckingham, Suffolk. See Second Annual Report, 1836, p. 4.

districts, and their attention swung to the unvisited counties. In the Autumn, Sir John Walsham was sent north to County Durham to take up the task that had been entrusted to him.

CHAPTER FOURDURHAM: THE FIRST YEARS

To make the transition . . . more easy, a distant day has usually been fixed for the peremptory operation of the rules, leaving an interval for their gradual enforcement, according to the discretion of the Guardians.

— Poor Law Commissioners,
First Annual Report, 1835.

i. The Implementation

In July of 1837, the Commissioners announced that in the preceding Winter their Assistant Commissioner for the northern district had combined Durham's 280 parishes, representing a population of 253,910 (1831), into 14 poor law unions.¹ The implementation of the Act had followed what had become a classic pattern. In October and November of 1836, Walsham, after carefully reviewing the parochial answers to the Commissioners' queries of the previous two years, was engaged in gathering information on Durham's relief mechanisms, economic characteristics, the disposition of the propertied classes, and so on. These factors were used in the formulation of his recommendations for the makeup and extent of the proposed unions. By December, the Commissioners had approved his plans without making a single alteration, and he was advised to proceed with the actual formation of Durham's unions.

His first step usually was to call a meeting of all interested parties in the major center of each proposed union. Here he explained the provisions of the Poor Law Act and the principles upon which relief was to be administered in the area. Individuals were encouraged to ask questions, and he used this opportunity to great advantage, correcting

¹ Third Annual Report, 1837, p. 2.

misinformation and misapprehensions and reassuring his listeners that the Commission had their interests at heart. Following these preliminaries, a Tabular Form of Data issued by the Commissioners was read, setting down the formation date of the union, its area, parochial configuration, assessment, as well as administrative details, such as the number and property qualification of the guardians, the date and method of their election, and the date of the first meeting of the board. In this way, Walsham moved through the county with remarkable speed, beginning with the establishment of the South Shields Union on 10 December 1836 and finishing with that of the Stockton Union on 22 February 1837.

The primary criterion for the formation of a union was a market town. Walsham selected a town center for each of his unions and then constructed a group of parishes around this focal point, taking care that no parish in the union was more than 10 miles distant from this center.¹ The administrative nucleus of each of Durham's unions, then, was in the main the town to which the inhabitants were accustomed to resort. Thus, the Darlington Union was comprised of 41 parishes around "the important and flourishing . . . market town of Darlington", and the Auckland Union consisted of 33 parishes focused on Bishop Auckland, "one of the petty sessional and polling places of the Southern Division [of Durham] . . ."² This procedure led Walsham into a bit of iconoclasm, that is, he found it necessary to combine with the Stockton and Teesdale Unions a large number of North Riding parishes.³ This in itself is one

¹ See First Annual Report, 1835, p. 19.

² J. Walsham/P.L.C., 16 January 1837, M.H.12/2989 (Darlington); J. Walsham/P.L.C., 3 December 1836, M.H.12/2928 (Auckland).

³ Third Annual Report, 1837, App. C, No. 9, pp. 244-245.

of the many examples of the Poor Law Commission's disdain for ancient practices and precedent when they hindered the efficient administration of a relief program.

What difficulties Walsham found during these initial stages of implementation took an entirely different form to the type of opposition encountered by such Assistant Commissioners as Alfred Power in the more heavily industrialized counties of Yorkshire and Lancashire. The picture that emerges in Durham is one of local disputes over the makeup of unions, rather than a question of whether or not to allow their formation. As early as 1835, the Commission's records indicate a running controversy between the townships of Neasham and Hurworth in the parish of Hurworth as to the propriety of joining them together in a union.¹ At a meeting to consider the formation of a Gateshead Union, Walsham was inundated with protests concerning his tentative decision to include Whickham, Winlaton, and Ryton with Gateshead and Heworth in the Union. W.H. Brockett, a local figure of considerable influence who managed Gateshead's affairs in conjunction with the leading manufacturers, was intent on the town's having its own union like its neighbor Newcastle.² His sentiments were echoed by the group from the outlying areas, who were anxious to avoid becoming mere satellites of the larger town. However, Walsham thought it "seriously undesirable that Guardians of the same clique should have the sole control of a Union," and Whickham, Winlaton, and Ryton were

¹ See Neasham Township Petition/P.L.C., 28 June 1835, M.H.12/2989 (Darlington). Both townships were eventually included in the Darlington Union.

² See N. McCord, "The Implementation of the 1834 Poor Law Amendment Act on Tyneside," p. 97; and by the same author, "The Government of Tyneside, 1800-1850," p. 20.

included in the finalized plans for the Union.¹ On the other hand, local pressure of a different sort was more successful in influencing him. As we have seen, the town of Sedgefield repeatedly petitioned to be made the center of a poor law union. In declaring its formation, Walsham told the Commissioners that he felt "less satisfaction in advising the erection of a Sedgefield Union, than I did even in submitting the Easington Union. The circumstances of both districts are, however, so peculiar from the total absence of able-bodied pauperism, on the one hand, and the great and progressive advance of population on the other . . . [that] I deem it most desirable and best calculated to secure the harmonious and efficient working of your regulations, to [accede to the inhabitants' request]" He leaves little doubt in attributing the formation of this Union to popular opinion by having assured the Commissioners that he looked forward to the time when "the Sedgefield Union will memorialize to be dissolved, with a view to the fresh distribution of its Townships between the Durham, Auckland, and Stockton Unions."²

Walsham's progress was immeasurably facilitated by the economic conditions prevailing in Durham at the time of the implementation. The mixed economy of the county enabled it to avoid for some years the depression that was beginning to appear in Yorkshire and Lancashire in 1837 and that rendered the formation of unions in these counties a matter for the constabulary and dragoons, rather than Assistant Poor Law

¹ J. Walsham/P.L.C., 18 November 1836, M.H.12/3068 (Gateshead). His emphasis.

² J. Walsham/P.L.C., 31 December 1836, M.H.12/3188 (Sedgefield).

Commissioners.¹ Some indications of the malaise may be detected in the manufacturing economy of southern-most Durham, but even here the general economic outlook was encouraging.² Walsham reported Darlington's population rapidly increasing but still able to find "plentiful and remuneratory employment, from the mixed mining, manufacturing and agricultural character of the District."³ In the county's northern industrial centers, similar conditions were to be found. Walsham described the districts around Gateshead as "opulent and flourishing"⁴ and Sunderland's employment possibilities as "multifarious - in ship-building - in manufacturing salt, glass, earthenware, ropes, . . . clothes, and chain cables - but especially in the coal trade there is abundance of demand for labour."⁵ Indeed, the entire Northern Division was free from serious recessions throughout the later 1830's.⁶ Although the protectionist Durham Advertiser was constantly lamenting about the fallen state of agriculture,⁷ this sector continued to display a virtually non-existent pauper problem. The rates remained low in the rural parishes, and the

¹ See Rhodes Boyson, "The New Poor Law in North-East Lancashire, 1834-71," Transactions of the Lancashire and Cheshire Antiquarian Society, LXX (1960), pp. 35-36; and M.E. Rose, "The Anti-Poor Law Movement in the North of England," Northern History, I (1966), pp. 70-91.

² In 1837, Henry Pease and Co. of Darlington turned down an offer of seven workhouse children from the South Shields Union "in consequence of the depression of trade in their factories . . ." G.M., 25 April 1837, U/SS/1; also Henry Pease and Co./Board of Guardians, 22 April 1837, Guardians' Correspondence, U/SS/63, p. 66.

³ J. Walsham/P.L.C., 16 January 1837, M.H.12/2989 (Darlington).

⁴ J. Walsham/P.L.C., 18 November 1836, M.H.12/3068 (Gateshead).

⁵ J. Walsham/P.L.C., c. 16 October 1836, M.H.12/3268 (Sunderland).

⁶ N. McCord, "The Implementation of the 1834 Poor Law Amendment Act on Tyneside," p. 93.

⁷ See, for instance, Durham Advertiser, 17 October 1834.

vestry clerk of Sedgefield was reporting a county-wide phenomenon when he told the Commissioners that the roundsmen system and other such palliatives had been long in decline in his area.¹ The chief objection of the ratepayers of agricultural Neasham in being joined to industrial Hurworth in a union was that considerable industrial unemployment "never can happen in a township like ours where employment can be found for every able bodied person."² Finally, in summarizing the entire economy of his district, Walsham drew a picture of general prosperity:

[The minimal rate burdeñ] marks, of course, distinctly that freedom from the evils of pauperism which this part of England has happily enjoyed; of able-bodied pauperism there are but occasional traces - few and far between - to be detected . . .; mines and manufactures, agriculture and commerce afford throughout my district, each vocation in its degree, constant, increasing, and excellently paid employment for all denominations of the working classes. The labour market is nowhere overstocked.³

Like all significant activities of the Poor Law Commission, the unification of Durham's parishes and the introduction of the Act required justification. The Commissioners were addicted to clarifying all of their decisions by elaborately contrived arguments. Their annual reports were more than records of the Commission's progress; they were mainly unabashed apologies for all actions taken by them during the preceding year. The Commission's short tenure of five years and a recognition of the potentially dangerous enemies arrayed against the New Poor Law may have prompted them into this procedure, or perhaps the Commission's utilitarian heritage prescribed the necessity of well-

¹ See R. Lockay/P.L.C., 6 October 1834, M.H.12/3188 (Sedgefield).

² Neasham Township Petition/P.L.C., 28 June 1835, M.H.12/2989 (Darlington).

³ J. Walsham/P.L.C., 22 January 1837, M.H.12/3313 (Teasdale).

reasoned and documented action. In the case of Durham, this necessity was doubly apparent. The county had an exceptionally low incidence of pauperism, and the local authorities had been making considerable progress in reducing expenditure following the relatively high rates of 1833-1834, even before the arrival of Walsham. The county expenditure for the relief of the poor for the parochial year 1834 stood at £79,399; it dropped to £72,197 in 1835, and by 1836 it had fallen to £65,391,¹ which represented a decrease of nearly 20 percent in two years. This reduction, of course, was partly owing to the same economic prosperity that allowed Walsham to accomplish the formation of unions without difficulty, but this did not alter the need for an "excuse" for the Commissioners to begin meddling with Durham's parochial affairs.

The groundwork for the implementation of the Act in Durham was laid in their first annual report, where the extension of the union system to all parts of England was argued. The primary justification for tampering with even the best-managed parish revolved around the unlikelihood of the parochial structure voluntarily adopting the principles intended by the legislature, i.e., those of the Report of 1834, and the impossibility of small units directing economical relief administration free from the taint of local interest, patronage, and corruption.² After Walsham arrived in Durham, more specific reasons were gathered and in some cases published. No doubt these same pleas for interference were also presented to the local ratepayers who attended his pre-implementation meetings.

¹ Second Annual Report, 1836, App. D, No. 1, pp. 562-563.

² See First Annual Report, 1835, pp. 6, 9, 16-17.

The county's loosely administered and un-uniform relief system provided the first avenue of attack, which in itself would have been sufficient grounds to the efficiency-conscious Commissioners for taking up the burden of directing Durham's relief system. Walsham told them that in Northumberland and Durham "looser or more unsystematic management than what lately prevailed wherever there were no select vestries, it would be difficult to conceive."¹ Even when he found local institutions governed with tolerable efficiency, an attempt was sometimes made to discredit these efforts and explain away their permanency. Although he found the Sunderland workhouse "well managed," he declared it to be the result of a fear of cholera rather than a desire for correct workhouse administration.²

As far as the poor were concerned, Walsham employed an argument that had a special appeal in the nineteenth century - the use of the relief system as a moral restorative. Although Durham's relief system could boast of a low expenditure rate, could it, he asked, be relied upon to compel the lower classes to assimilate lessons of morality? He declared that there was much "still to be done, pecuniary savings apart, towards encouraging the industrious to [embrace] . . . habits of self-reliance . . . and to eschew that moral pest of beer-shops, where their large surplus earnings are too commonly swallowed up, towards checking the frequency of Bastardy . . ., and towards bringing back the children to that consciousness of what they owe their Parents when old

¹ J. Walsham/P.L.C., 22 June 1837, Third Annual Report, 1837, p. 30.

² ". . . the cholera first made its appearance in England in the Sunderland Workhouse . . . and to this application this workhouse owes its present improved condition . . ." J. Walsham/P.L.C., c. 16 October 1836, M.H.12/3268 (Sunderland).

and in poverty . . ."¹ There can be little doubt that he was sincere in this view of the purpose of carrying the Commissioners' authority to Durham. He was always apt to see relief in moral terms. But even here there were strictly practical reasons for engaging in this sort of crusade, i.e., the fulfillment of the hope presented by the Report of 1834 - the eventual suppression of pauperism in England: ". . . although . . . very little reduction is immediately to be anticipated from the establishment of the [South Shields] Union, I look forward with much confidence to the period when, under your guidance, the future Boards of Guardians will have guarded against the replacing the present paupers as they die off from age, by another generation, aged and infirm as their predecessors though they may be."² In the end, however, he was forced to resort to the hypothetical situation in order to fully justify his claims of the inadequacy of Durham's relief system. "Had a serious strike," he supposed, "or a diminishing trade, induced the Pitmen, or the Keelmen, or the Leadminers to throw themselves on their respective parishes, had a continued falling off in the prices of corn in this corn county, tempted the farmers to tamper with the poor rates as an aid of wages . . ., had any such injurious, tho' by no means impossible, events occurred in these districts, they [the parochial authorities] might have been suddenly overwhelmed with a torrent of pauperism which they possessed no power to resist."³ By these assorted

¹ J. Walsham/P.L.C., 22 January 1837, M.H.12/3313 (Teesdale).

² J. Walsham/P.L.C., 30 November 1836, M.H.12/3201 (South Shields). Quoted in N. McCord, "The Implementation of the 1834 Poor Law Amendment Act on Tyneside," p. 95.

³ J. Walsham/P.L.C., 22 January 1837, M.H.12/3313 (Teesdale). See Fourth Annual Report, 1838, p. 51 for a letter from Walsham setting down all of the above points, printed by the Commissioners in an

arguments, then, Durham was added to the southern counties coming under the operation of the new law. It should be noted, however, that the Commissioners were not obligated in any way to provide excuses for the application of their authority, but they were no fools; the lesson of the effectiveness of Extracts (1833) in precipitating the dismantling of the Old Poor Law had been well learned.

ii. The Hierarchy

Once the Durham unions had been declared, it was necessary to elect their administrators, the boards of guardians. Each parish, depending on its average annual rate, elected a specific number of guardians to its union's board, each having at least one representative. In the unions comprised of numerous parishes, such as Stockton, Teesdale, and Darlington, this necessitated large and unwieldy boards,¹ while the smaller unions had correspondingly smaller boards.² The large town unions, such as South Shields, Gateshead, and Sunderland, with complex and heavier pauper burdens, were fortunate in having more compact boards, owing to the limited number of their parochial components.³ Any ratepayer whose rates were paid up could nominate a guardian. Each nominee was listed on a voting paper which was delivered to the homes of the ratepayers, who were allowed a day or two to decide on their parish representative(s). The papers were then collected and the results

attempt to exonerate their efforts in extending their directorship to the northern counties.

¹ Stockton: 54 guardians; Teesdale: 52; and Darlington: 50.

² Weardale: 16 guardians; Lanchester: 21; Easington: 22; and Sedgefield: 24.

³ South Shields: 25 guardians; Gateshead: 30; and Sunderland: 34.

published. In prescribing this method of voting, the Commissioners hoped to involve the entire ratepaying community in the election of the boards, and it had the additional bonus of being relatively free from the possibility of commotions that could be got up at public polls by opponents of the New Poor Law.

In all of the new unions, Walsham personally conducted the election of the first boards, which only sat until 25 March 1837, that being the end of the parochial year, the administrative and fiscal calendar reluctantly adopted by the Commissioners. Thereafter, the annual election of the boards was left in the hands of the overseers until 1840. In that year, the Commissioners made another of their periodic attempts to undermine the parochial basis of relief administration by transferring this responsibility to the union clerks. As the Commission was always wont to do with all administrative alterations, this procedure was introduced in Durham by careful stages over a period of two years. For example, while the election of the South Shields Board was first conducted by its clerk in March of 1840, the Chester-le-Street clerk was not entrusted with this duty until 1841.¹ By that year, the Commissioners were able to report that practically all unions in England were operating under the new procedure.² The clerks, of course, had to be reimbursed for their time and trouble, so what hitherto had been a parochial expense now became a union charge. Since the voting procedure had to be conducted only in those parishes where seats on the board were contested, this charge was invariably minimal, amounting to little more than a few

¹ G.M., 3 March 1840, U/SS/2; G.M., 22 January 1841, U/CS/1.

² Seventh Annual Report, 1841, p. 25.

pounds.¹ However, in the great town unions, with their large numbers of ratepayers, even a contest in one parish could require a good deal of time and expense. After the 1840 election of the South Shields Board, the Guardians complained that "this alteration [of the voting procedure] was quite uncalled for the former mode never having been complained of and being besides unattended with expense whilst at the last Election for this Union the fees . . . amounted to nearly £50."²

Although the entire ratepaying community participated in the election of guardians, eligibility to sit on a board was more closely confined. The Commissioners prescribed property qualifications for the office of guardian, which precluded the lower elements from making relief decisions and guaranteed property-holding boards. The voting qualifications varied from union to union but were usually set at from £15 to £25. In some parts of the county, this represented a bar to all but the most well-to-do men; many parishes had not been re-assessed for many years, and the increasing value of town property and general inflation, therefore, had not been taken into account. Thus, one of the most powerful men in Gateshead, W.H. Brockett, encountered difficulties in securing his position on the Board in consequence of his home having been rated at £20 many years earlier.³ As would be expected, the some-

¹ See, for example, G.M., 25 April 1844, U/CS/1, p. 298.

² House of Commons Petition, G.M., 11 May 1841, U/SS/3, p. 10.

³ See J. Walsham/P.L.C., 10 September 1838, M.H.12/3068 (Gateshead).

The Gateshead property qualification was £25 at this time. Several years later, complaints about the exclusiveness of the Gateshead Board induced Walsham to get the qualification lowered to £15, which immediately more than doubled the number of inhabitants eligible to sit as Guardians. See J. Walsham/P.L.C., 16 February 1844, M.H.12/3068.

times narrow limits of eligibility allowed the community luminaries more easily to assume control of relief administration. In fact, the arrival of the New Poor Law in Durham generally marked the inclusion, for the first time, of the influential classes in a relief mechanism that hitherto had been dominated by the small, and sometimes petty-minded, local ratepayer. In describing the Board of the Tynemouth Union in Northumberland, Walsham might have been referring to many of the Durham unions, especially those centered on the large towns: "The Guardians elected are, without exception, the most influential persons in their respective parishes."¹

Although the occupations of the guardians provide only a hint as to the "respectability" of the men who ran Durham's relief system, one common thread may be detected among them - they were all self-supporting. With the exception of the Board of the Durham Union, which met on Saturdays, board meetings normally took place in the week, necessitating a certain amount of occupational independence. Among the Guardians of the South Shields Union for the year 1841-1842 were eight farmers, three ship owners, and two ship builders, drapers, merchants, agents, and "gentlemen", respectively, as well as a rope maker, gardener, cordwainer, and brewer.² A more impressive group of individuals was nominated by three ratepayers of the Darlington parish for the election of 1839: five "gentlemen," two spirit merchants and innkeepers, respectively, and a draper, farmer, and timber merchant.³ The clergy, too, appear to have

¹ J. Walsham/P.L.C., 7 October 1836, M.H.12/9156, quoted in N. McCord, "The Implementation of the 1834 Poor Law Amendment Act on Tyneside," p. 97. See also by the same author, "Gateshead Politics in the Age of Reform," Northern History, IV (1969), p. 171.

² G.M., n.d., U/SS/3, forward.

³ R. Wilson/P.L.C., 3 April 1839, M.H.12/2989 (Darlington). A larger number of inhabitants (110) was nominated for this election, but only the above three ratepayers were paid up.

taken an interest in the administration of relief, and not surprisingly they gravitated to positions of responsibility on the boards.¹ The local importance of the boards was further enhanced by the inclusion of magistrates as ex-officio guardians. It was from this group of members that nearly every board, correctly recognizing social precedent, selected its chairman, even where the chairman consistently neglected to attend board meetings.² On the other hand, the vice-chairmanship appears to have been reserved for elected guardians, although some unions preferred that all board officers be ex-officio members.³ There was, however, a marked tendency for the interest of ex-officio guardians to quickly wane, which rendered the chairmanship of most unions an honorary position, with the real work being carried on by the vice-chairman. The most notable exceptions to this general rule were Andrew White, M.P. (Sunderland), Richard Shortridge (South Shields), and the Rev. H.G. Liddell (Easington), who served their boards for many years and played important parts in providing a cloak of respectability for the New Poor Law in the county.

The non-remunerative feature of being a guardian tended to curtail enthusiasm for serving on the boards, and most union returns were remarkable for the consistency with which the same names appeared on the board lists. This phenomenon was not peculiar to Durham, for in the majority of England's parishes, the election of guardians was not contested.⁴

¹ The Chairmen of the Houghton-le-Spring, Teesdale, and Weardale Unions were ministers, and the vice-chairmanships of the Auckland and Easington Unions were held by clergymen. See Third Annual Report, 1837, App. C, No. 2, pp. 201-202.

² See G.M., 3 April 1838, U/Ea/1, p. 73.

³ See, for instance, G.M., 27 June 1837, U/Ea/1, p. 2; and Board of Guardians/P.L.C., 27 February 1837, M.H.12/3313 (Teesdale).

⁴ Seventh Annual Report, 1841, p. 26.

Exceptions were constantly to be found, of course. In the 1841 elections, for example, both Durham and Houghton-le-Spring Unions had competitions in some of their parishes.¹ Interest could fluctuate from year to year as well. Following the 1841 election in Darlington, Walsham told the Commissioners that it had been "sharply contested,"² while the next year found the Union clerk complaining that "there are fourteen Townships in the Union without Guardians on account of their neglecting to nominate."³ Further evidence of the lack of competition for places on the boards may be found in the problems many unions encountered in getting the ratepayers to nominate representatives. Houghton-le-Spring Union, especially, seems to have had great difficulty in finding willing guardians.⁴ In unions where few problems of this sort arose, such as South Shields, Sunderland, Easington, and Chester-le-Street, the occasional negligence of the ratepayers in nominating guardians could be circumvented by the board merely appointing the member of the previous year to the vacancy, or by other such circumspect methods.⁵ Indeed, in some cases the electoral process became so confused and inefficient that the Commissioners received several letters of complaint about election procedures in the county.⁶

¹ Gilesgate, St. Nicholas, Crossgate, Elvet and Framwellgate, and Houghton and Painshaw, respectively. G.M., 27 March 1841, U/Du/1, p. 277; G.M., 5 April 1841, U/Ho/1, p. 185.

² J. Walsham/P.L.C., c. 30 May 1841, M.H.12/2989 (Darlington).

³ L. Robinson/P.L.C., 26 April 1842, M.H.12/2989 (Darlington).

⁴ See, for instance, G.M., 8 April 1838, U/Ho/1, p. 59.

⁵ See G.M., 30 March 1843, U/CS/1, p. 210.

⁶ "I apprehend there is scarce I may almost say not one Guardian in the Darlington Poor Law Union elected according to the directions of the Act of Parliament . . ." Sir William Chayton/P.L.C., 13 May 1842, M.H.12/2989 (Darlington).

Not only were the boards composed of the same individuals year after year, but small groups of guardians tended to dominate poor relief in Durham. Nearly all the boards had attendance problems, and only a limited number of men consistently turned out for meetings. Even the large and important unions of South Shields and Sunderland were hampered by dwindling attendance over the years, and some unions had a persistent problem in gathering a quorum (3) for each meeting. As early as 1838, the Darlington Board was running into difficulties of this kind. In petitioning the Commissioners to sanction fortnightly, instead of weekly meetings, the Guardians admitted that they had had "some difficulty in procuring the attendance of three Guardians . . ."¹ And three years later, the clerk of the same Union complained that "there are 50 Guardians and six Ex Officio. Twelve of the Guardians work the whole Union . . ."² This is not to imply that selective knots of men conspired to turn relief administration to their own advantage. Indeed, these groups of conscientious guardians displayed all the individuality and sundry shades of opinion that were to be found on the more heavily attended boards, and in the final analysis, it was their interest and efforts that allowed the New Poor Law to be administered with a fair degree of efficiency.

Although all important decisions were made by the guardians as a whole, a good deal of work went on in board committees, such as finance, workhouse, visiting, and so on. Ad hoc committees, constituted from time to time to consider special problems, further divided the work load.

¹ Board of Guardians/P.L.C., 9 July 1838, M.H.12/2989 (Darlington). Easington, in particular, had attendance problems.

² L. Robinson/P.L.C., 25 May 1841, M.H.12/2989 (Darlington).

Actual procedure at all board meetings followed a strict regimen established by the Commissioners, and even the mannerisms of the clerks in the union minute books display a curious uniformity. In fact, the minutes recorded for the first meetings of all the boards were obviously copied from a prescribed form, the variables being inserted where appropriate. All the boards adopted virtually identical by-laws as supplied by Walsham, and even relief tickets, medical orders, query sheets, and the like, conformed to Commission standards. Of course, Somerset House could only hope to establish the barest of outlines, and within the broad limits of the packaged procedural pattern, boards could, and did, exercise their discretion. During the first months of operation, particularly, the guardians were allowed to continue administering relief as in previous years, but it was hoped that they would gradually move toward the application of the Commissioners' rules so that the "peremptory operation" of the regulations later would cause as little dislocation and disturbance as possible.¹

Among the guardians' first functions was to appoint the subordinates that ran the daily administration of relief in the unions. Of course, these appointments were subject to the sanction of the Commissioners, but this rarely caused any problem. Each board required a clerk to supervise its procedural affairs. Besides keeping the minutes, notifying the guardians of meetings, and generally administering the business of the boards, the clerks were the Commissioners' direct representatives among the guardians in that all correspondence circulated through their hands, and the Commission's instructions and regulations were customarily

¹ First Annual Report, 1835, p. 28.

addressed to them, sometimes accompanied by extensive letters of explanation from Chadwick. Hence, the Commissioners relied upon this group of men to assure the correct interpretation of their rules and to report any deviations or misunderstandings. The importance of the union clerk is clearly demonstrated by the fact that the refusal of the Huddersfield Guardians to appoint one rendered impossible for some time the implementation of the Act in that Union.¹ The clerks were many times solicitors or professional accountants and, with the exception of Easington's first clerk, were literate and well-educated men. Their salaries varied from place to place but generally reflected the size and importance of the union. Thus, the clerks of the Sunderland and South Shields Unions received £100 and £80 a year, while their counterparts at Sedgfield and Easington were paid only £40 and £30, respectively.² However, since the clerkships were only part-time positions, this remuneration represented supplementary income.

As far as the paupers were concerned, the most important official in any union was the relieving officer. Like the clerk, he was appointed by the guardians. Each union was divided into relieving districts, in charge of which was placed an officer. It was his duty to distribute relief to the poor as directed by the guardians, which delivered into his hands one of the primary responsibilities of the overseers under the Old Poor Law. The size of each union not only determined the salaries of the relieving officers, but also their number. While the smaller

¹ See R. Boyson, "The New Poor Law in North-East Lancashire, 1834-71," pp. 35-36.

² Board of Guardians/P.L.C., 20 December 1836, M.H.12/3268 (Sunderland); G.M., 13 December 1836, U/SS/1; Board of Guardians/P.L.C., 9 February 1837, M.H.12/3188 (Sedgfield); G.M., 27 January 1837, U/Ea/1, p. 2.

unions, such as Easington and Sedgefield, relied on one district, the large town unions required more extensive relief structures and, therefore, more relieving officers.¹ A good deal of diversity in their wages existed across the county; two of Sunderland's three relieving officers were paid £100 per annum, while their counterparts in the Houghton-le-Spring, Easington, and Teesdale Unions received only £50.² Generally speaking, they were better paid than the clerks, but as the Commissioners stipulated that they were to devote all their time to their duties,³ this position attracted men of lesser abilities. Among their ranks may be found the bankrupt baker, the unsuccessful farmer, the self-educated operative, and most important of all, the former assistant overseer of the Old Poor Law, who found his way into the new structure through this office.⁴

Following the selection of the relieving officers, the guardians quickly moved to divest the overseers of their control of relief. In

¹ Gateshead had four relieving districts. There were three in the Sunderland and Teesdale Unions, necessitated in the latter on account of its great east-west length. The Auckland Union, too, began its history with three districts but later switched to two, the usual number of districts in Durham's unions.

² Board of Guardians/P.L.C., 20 December 1836, M.H.12/3268 (Sunderland); G.M., 31 January 1837, U/Ho/1, p. 5; G.M., 27 January 1837, U/Ea/1, p. 2; Board of Guardians/P.L.C., 27 February 1837, M.H.12/3313 (Teesdale). The salaries of the relieving officers often differed from district to district within the same union.

³ Article 7, General Order - Duties of Officers, 21 April 1842, Eighth Annual Report, 1842, App. A, No. 8, p. 153.

⁴ The Registration Act of 1837 (for births, marriages, and deaths) was entrusted to the Poor Law Commission for administration. Consequently, in most unions the clerk was appointed superintendent registrar, with the relieving officers acting as his deputies. In this way, both officials were able to realize additional income. In some unions, however, individuals other than the relieving officers were allowed to assume the positions of deputy registrars. See, for example, G.M., 22 May 1841, U/Du/1, p. 282.

the Houghton-le-Spring Union, the Board notified the overseers that the two relieving officers would "supersede them in the Duties of relieving the outdoor paupers . . ."¹ Once the distributory responsibilities were assumed by the relieving officers, it became necessary for the guardians to begin actually interviewing applicants and making relief decisions. The Commissioners specifically charged each board with immediately reviewing all relief recipients with an eye to becoming familiar with the type of pauper receiving relief in the union and to ensure that only the truly destitute had been and were receiving aid. In nearly every union this procedure was followed. In the Easington and South Shields Unions, the paupers were required to submit to a personal inspection by the Guardians at meetings convened for this purpose,² while most boards confined themselves to a review of the overseers' relief books. In some unions, however, such as Durham, no attempt seems to have been made to adjudicate on the paupers' eligibility for relief, and the Houghton-le-Spring Board was content to leave the matter in the hands of its newly-appointed relieving officers. It appears from these first exercises in guardian discretion that few, if any, alterations were made in regard to relief as administered by the overseers in pre-implementation years. The failure of the boards to significantly revise the relief lists indicates that either the parish officers had virtually conformed to the earlier "suggestions" of the Commissioners, or the guardians were revealing a predilection in favor of traditional relief distribution.

More permanent arrangements for the review of outdoor paupers had

¹ G.M., 7 February 1837, U/He/1, p. 6; see also G.M., 28 January 1837, U/Du/1, p. 8.

² G.M., 2 February 1837, U/Ea/1, p. 5; G.M., 20 December 1836, U/SS/1.

to be devised following the initial examinations of the overseers' relief books. In the smaller unions, of course, the boards had no difficulty in interviewing each applicant for aid, although there is some evidence that the guardians relied heavily on the advice of the relieving officers, rather than on personal interviews with the paupers, in making relief decisions. The boards of the large town unions, with their heavier rate burdens, tended to be more conscientious in controlling aid. The South Shields Board formed a standing committee to investigate all relief cases,¹ and it is clear that the relieving officers were functionaries of this committee, carrying out all its orders. In an attempt to increase the efficiency of the process, another committee was constituted later to share the responsibility.² The Sunderland Board, too, relied on this method of review. Here, district committees were established for each one of the three relieving districts. The Guardians of the parishes in each relieving district composed the membership of the corresponding committee. Although the committees were required to submit reports at every Board meeting, their decisions were rarely amended. Paupers could, however, appeal to the Guardians as a whole any decision made by a district committee. When a widow complained that her relief had been stopped, the Board ordered the relieving officer to "make immediate enquiries into her Circumstances and report thereon at the Meeting of the Board next week and . . . in the meantime . . . pay her five shillings."³

¹ G.M., 3 January 1837, U/SS/1.

² G.M., 12 September 1837, U/SS/1.

³ G.M., 15 May 1840, Sunderland, I, p. 281. Since there was no mention of this case at subsequent meetings, it may be assumed that her relief was continued.

In the event of irreconcilable disagreement arising between the Board and one of its district committees, Walsham was called in to settle the dispute.¹

For the most part, the boards or the relieving officers, in cases where the guardians were negligent, assumed nearly total control of relief right from the implementation of the Act in Durham. In some unions, however, the overseers retained a fair amount of freedom in distributing relief. The Durham Board appears to have been lackadaisical in guarding its prerogative; the overseers occasionally granted money aid to paupers and were reimbursed by the Guardians.² A more acute example of the failure of a board to supersede the overseers in granting relief was to be found in the Easington Union. Here, the overseers continued to allocate aid unchecked by the Board. The Guardians even seem to have preferred the ministrations of the overseers, for the relief they distributed was Union-controlled funds. The parish officers granted money to the paupers and then applied for and received compensation from the Guardians; there is no instance recorded in the minutes where reimbursement was denied. Consequently, a large portion of the relieving officer's weekly relief return consisted of payments made to the overseers, rather than directly to the outdoor paupers. In addition, besides managing the extent and amount of relief granted by themselves, the parochial authorities successfully intervened in the administrative decisions of the Board. They applied for increases, reductions, suspensions, and

¹ See G.M., 5 February 1841, Sunderland, II, p. 19.

² See, for instance, G.M., 20 May 1837, U/Du/1, p. 42.

invariably the Guardians complied with their requests.¹ The influence of the overseers even induced the Guardians to disregard the most basic of the Commissioners' tenets.² Of even greater significance was the tendency of the overseers to retain the superintendence of whole categories of relief administration, some of them considered by the Commissioners to be of cardinal importance. For example, a year after the Union had been formed, the overseer of Easington was reimbursed 23 shillings and 7 pence "paid [by him] towards the lodging and relief of Vagrants for the last quarter . . ."³ But even in this Union, time tended to erode parochial power, especially as Durham entered the economically unsettled years of the forties. By late 1839 few notations of parochial applications for compensation are to be found, and in 1841 the Guardians resolved that "in future, they will not allow any charges paid by Overseers to Vagrants, excepting those caused by sickness or accident."⁴ An economic situation that induced a similar tightening of administration in all the unions, finally provoked the most acquiescent Board in the county into accepting the methods of Somerset House in preference to those of the old parochial structure.⁵

Given the nature of poverty, with its fickle and capricious temper-

¹ "The Overseer of Haswell applied to have the Relief of Mary Fisher stoped [sic], ordered." G.M., 14 November 1837, U/Ea/1, p. 46.

² "The Overseer of Easington applies to be reimbursed the sum of 2/- given to Richard Reed a pauper belonging to that Township to assist in clening [sic] his house, ordered . . ." G.M., 23 January 1838, U/Ea/1, p. 59.

³ G.M., 26 December 1837, U/Ea/1, p. 56.

⁴ G.M., 19 June 1841, U/Ea/1, p. 188.

⁵ See infra, p. 239.

ament, it was clear that the boards of guardians could not, with proper regard for the effective alleviation of distress, retain all authority over the distribution of outrelief. The case of urgent necessity argued against a system wherein all discretionary powers resided with a weekly-convened body. Consequently, the Commissioners actually provided for, in the event of specific contingencies, the delegation of certain of the guardians' responsibilities to the relieving officers, but not, it must be noted, to the overseers. Although always subject to the individual flexibility and judgement of the relieving officer, the New Poor Law scheme always took into account the possibility of unforeseen and urgent hardship. The outlines of Commission policy on the assumption of guardianship prerogative by other officials was laid down in a Chadwick letter of 1837:

If any person state that he have no food, and that he is destitute, or otherwise express or signify that he is in danger of perishing unless relief be given to him, then any officer charged with the administration of relief is bound, unless he have presented to him some facts or reasonable evidence to rebut such statement, to give relief to such destitute person . . .¹

Any continuation of such emergency relief, however, was subject to review by the board.

Under the previous system, of course, the magistrates had held and applied authority in the appropriation of aid. The reduction of their role in relief distribution was one of the main arguments - employed particularly by those of a conservative bent - against the new system. As we have seen, there was a reasonably plausible basis for the belief that the bench had a propensity to protect the destitute against the

¹ E. Chadwick/Commissioners of Police, 6 September 1837, Fourth Annual Report, 1838, App. A, No. 2, pp. 154-155. My emphasis.

rapacity of penny-pinching vestries. In characteristic rapture over earlier times, the Durham Advertiser decried the exit of the magistrates from relief administration: "Formerly the poor sufferer had a recourse to which he could fly in the hour of need; a refuge from the sharp pinching teeth of hunger and poverty, in the magisterial bench. Let this be restored: let the magistracy again become the protectors of the poor"¹ In point of fact, the magistrates did continue to enjoy certain powers that extended into the area of administration customarily reserved for the guardians. For instance, they were empowered to decree that any "aged person" unable to work should not be confined to a work-house in order to receive aid.² Of course, the question of the amount and quality of relief to be granted the pauper was expressly reserved for the guardians to decide. This privilege, however, was rarely employed by the Durham bench whose members seem to have deferred from handing down relief decisions, which signals a new development in the county's poor law history. As late as 1841, Rowntree, the clerk of the Gateshead Board, told the Commissioners that since the formation of the Union, no orders for outdoor relief had been made by any magistrate.³ This absence of interference from a body of men who hitherto had been prone to closely scrutinizing the dispensation of aid must be seen as a significant piece of evidence in supporting the contention that the New Poor Law found ready allies in Durham, or at least that the county's

¹ Durham Advertiser, 23 September 1835.

² Second Annual Report, 1836, p. 8.

³ Rowntree/P.L.C., 8 November 1841, M.H.12/3068 (Gateshead).

bench had few quarrels with the manner in which the boards - as compared with the select vestries - apportioned relief to the poor. Of course, the inclusion of the magistrates as ex-officio members on the boards proved to be a master-stroke and may have deterred them from criticizing a system of which they were a part.

iii. Outdoor Relief

Among the first resolutions of all boards was that of establishing the intervals and procedure for the payment of outdoor relief.¹ The distribution of aid was usually on a weekly basis, with the relieving officers travelling to the various pay stations in the unions on specific days. In some of the smaller districts, only one station was maintained. In South Shields, for instance, the paupers received their weekly payments from an office in the Union's workhouse, which must have lent a disheartening air to the proceedings.² In order to avoid confusion, Walsham requested the boards to print up handbills informing the paupers of the location of the stations, the times at which they would be manned, and to whom they should apply in the event of emergencies.³ In most cases the guardians complied, and there is no account on record of the distribution system itself breaking down, excepting always, of course, on those occasions when the officers responsible for its operation failed in their duties.

Until workhouses could be constructed or altered, the Commissioners were forced to rely on carefully administered outdoor aid as the means of

¹ See G.M., 18 January 1837, U/Du/1, p. 5.

² G.M., 25 September 1838, U/SS/2.

³ See G.M., 1 January 1838, U/Ho/1, p. 48.

applying proper relief principles and realizing the economies that were expected of them. In order to accomplish this, they instructed all boards of guardians to substitute a portion of their relief in money for relief in kind. This decision may have sprung from the current belief that paupers were generally irresponsible, much given to disposing of their relief money in the beer shops. The Commissioners appear to have been reinforced in this view by events in the southern counties during the first year of operations there. They ascribed the minor disturbances encountered in the area to "the rule which requires that one-half of the relief should be in bread or other necessities."¹ Ostensibly, however, the replacing of money aid for that of kind was a policy pursued for the purpose of acclimatizing the poor to more vigorously and closely managed relief so that the subsequent application of the workhouse test "would not involve a sudden or violent transition from the usual practices in the parishes united."² In any event, Chadwick's enthusiasm for the scheme was obsessional, and Walsham, too, considered it to be of paramount importance. In a long instructional letter sent to each Durham union at its inception, he underlined the necessity of conforming to the Commissioners' directives in this regard: ". . . your Board should always bear in mind that to substitute Relief in kind for money payments . . . is a primary principle of good administration, universally recognized."³ Therefore, the course of the administration

¹ First Annual Report, 1835, p. 62.

² Ibid., p. 28.

³ J. Walsham/all boards of guardians, 26 December 1836, Guardians' Correspondence, U/SS/63, p. 9, his emphasis.

of this policy in Durham is a ready indicator of the Commission's influence and determination to ply their leadership in the county.

In the first months following their formation, nearly all the boards began to enforce the Commissioners' wishes respecting relief in kind. The Durham Guardians at their second meeting resolved that "a Portion of the Relief given to the Outdoor Poor, be in Bread . . ." ¹ The South Shields Guardians were even more explicit: ". . . all paupers receiving above 1/- relief per week be paid 6d. in kind and above 1/6 per week to the amount of as near one fourth in kind as possible . . ." ² And so it went as each union was formed. The normal method of supplying the bread was on a contractual basis, the local bakers being invited to submit tenders. The lowest bids were always accepted, although the guardians invariably insisted on inspecting samples of the product. It appears that the boards followed a prescribed form issued by the Commissioners in ordering bread "of the best Wheat Meal, to be made up in six Penny Loaves weighing four pounds each . . ." ³

The zeal with which the boards allocated the contracted bread varied enormously. In the Houghton-le-Spring Union relief in kind represented an insignificant portion of weekly outrelief, while the Sunderland relieving officers distributed an average of 750 six penny loaves a week for several years. South Shields, too, relied heavily on relief in kind, and even some of the smaller unions, such as Durham, for a time utilized large quantities of bread as relief payments. On the

¹ G.M., 18 January 1837, U/Du/1, p. 9.

² G.M., 24 January 1837, U/SS/1.

³ G.M., 4 February 1837, U/Du/1, p. 9. For identical wording, see G.M., 7 February 1837, U/Ho/1, p. 6.

other hand, the Chester-le-Street Guardians barely concerned themselves with this aspect of aid, and the Easington Board never even went through the motions of calling for tenders. They preferred to rely on the old practice of doling out clothes, shoes, coals, and so on as the need arose, and their records are replete with notations of such grants over several years, which, ironically, left them one of the most extensive distributors of relief in kind in the county several years after the other unions had reverted to money payments. There is no discernible pattern in these various local practices. After their initial efforts to induce the boards to distribute relief in kind, the Commissioners appear to have left the matter to the predilection of the guardians. And in the absence of strong guidance from London, the problems connected with running programs of relief in kind from the start began to turn Durham's boards in other directions.

The principal difficulty arose over the problem of ensuring that the contractors fulfilled their obligations. Supplying bread at a price as low as was practicable and recognizing that his product was subject only to the scrutiny of the silent, and usually helpless, body of poor, the contractor was constantly tempted to debase the quality of his bread. Nearly all the unions carrying on bread programs had to grapple with bakers supplying products of poor quality or insufficient weight.¹ These problems regularly necessitated the guardians' compromising policy. "Mr. Ward the Relieving Officer for St. Nicholas District," the Durham clerk noted, "stated that Part of the Bread supplied last Week . . . had been made of unsound Flour, that he therefore returned it and relieved the

¹ See, for example, G.M., 14 March 1837, U/Ho/1, p. 10; G.M., 4 July 1837, U/SS/1.

Poor with money."¹ In the South Shields Union in the same year, an "extraordinary meeting" of the Board was called on account of "the greatest part of the Loaves supplied this morning by the contractor [a Charles Brown], being of such inferior Quality . . .;" the relieving officers were therefore ordered to "pay the Paupers their relief in money this Week, in lieu of Bread."²

Such difficulties coupled with guardian indifference spelled the end of the Commissioners' outrelief policy in Durham. Some boards did not even attempt to properly test the effects of aid in kind; only a month after calling for tenders, the Houghton-le-Spring Guardians resolved that "the poor in future [be] relieved altogether with Money . . ."³ Three months later the Durham Board virtually ceased to appropriate relief in kind, although some effort was made to appear to conform to the Commissioners' regulations.⁴ The larger unions of Sunderland and South Shields, however, continued with the experiment for several years, but by 1840 they too had had enough. In that year the South Shields Board decided, in consequence of transport problems, to relieve the poor of the rural districts only in money, but aid in kind to all paupers fell off dramatically thereafter.⁵ Two months earlier the Sunderland Guardians had told Walsham that "the distribution of Loaves as relief

¹ G.M., 18 March 1837, U/Du/1, p. 21.

² G.M., 29 September 1837, U/SS/1.

³ G.M., 21 March 1837, U/Ho/1, p. 12.

⁴ "Resolved, . . . That Out Relief be given in Money, in all cases where Relief in Kind is not required by the Rules and Regulations of the Poor Law Commissioners . . ." G.M., 10 June 1837, U/Du/1, p. 47.

⁵ G.M., 13 October 1840, U/SS/2.

in Kind to the . . . poor has not been found to answer the purpose expected and ought therefore to be discontinued," and he had accordingly consented to the cessation of this sort of aid.¹ Thus, by 1840 at the latest, Walsham, as well, had come to realize the pointlessness of pursuing this policy. The previous three years had seen the continual erosion of a "universally recognized" principle of relief, and the Commissioners' mild attempts to encourage Durham's boards to implement it ended in failure.²

As far as the actual amount of aid granted to each outdoor pauper was concerned, there is reason to believe that the introduction of the Act in Durham made virtually no change.³ In the South Shields Union, most allotments amounted to only one or two shillings a week. In one case, a widow with seven children was receiving four shillings, while in others, unemployed workers were allowed only a six penny loaf each per week.⁴ The Guardians of this Union also displayed a peculiar tendency to refuse relief of any sort, sometimes only a pair of shoes, to old people (60-80 years old).⁵ There is no apparent explanation for this

¹ G.M., 14 August 1840, Sunderland, I, p. 329.

² In discussing the New Poor Law in Lancashire, Rhodes Boyson remarks that less relief in kind was dispersed under the new system than had been apportioned by the parochial authorities. R. Boyson, "The New Poor Law in North-East Lancashire, 1834-71," p. 41.

After 1840, this assessment holds good for County Durham as well.

³ For a contrary opinion in reference to the Gateshead and South Shields Unions only, see N. McCord, "The Government of Tyneside, 1800-1850," p. 21.

⁴ See G.M., 15 August 1837, U/SS/1.

⁵ See, for instance, G.M., 2 October 1838, U/SS/1.

phenomenon, but it may be that the Board thereby hoped to force the employed children of aged paupers to support their parents.¹ Even in the smaller, more paternalistic unions, the level of aid remained fairly constant throughout the thirties. In the Easington Union, the success of the overseers in influencing the early years of administration under the Act guaranteed the continuation of former relief allowances. Here, it appears that the common procedure was to allow two shillings per week to the single pauper and three shillings to married couples; additional aid for children varied from case to case.² As nearly as can be determined, these levels of outdoor aid were representative of those allocated in most of Durham's unions.

This county-wide preference for the small allowance was reinforced by the prevalent view of the workhouse being an overly-expensive mode of relief. After Walsham had successfully persuaded the Darlington Board to increase the insufficient relief of two elderly ladies, a Guardian protested to the Commissioners that this violated what must have been, at least for him, a rule of thumb, i.e., the outdoor allowance was not to exceed the cost of indoor maintenance. "I beg leave to ask you," he complained to the Commissioners, "if the Guardians have powers to grant paupers outdoor relief more than we can keep them for in the house . . ."³

¹ The reader will recall that in Walsham's view this was one of the foremost objectives of poor law administration. See *supra*, p. 122.

² See G.M., 18 April 1837, U/Ea/1, p. 15.

³ James Raw/P.L.C., 22 December 1837, M.H.12/2989 (Darlington). This frame of mind had had a long run among the county's poor law administrators. In describing the relief procedures under the Old Poor Law, the Sedgefield vestry clerk told the Commissioners in 1834 that "we [the vestry] never give relief out of the Poor House to . . . Men or Women to the Amount they would cost weekly in the Poor House, the general allowance being 2/- weekly to one Single person, when Man and

After some years, the catholicity of this mood and the paltry sums being dispensed by Durham's boards became apparent to Somerset House. Walsham was told to carefully examine the outdoor allowances granted by the guardians under his supervision, in order to determine

whether this mode of relief is not resorted to by the Guardians under a false notion of economy . . . , and whether applicants are not sometimes induced to accept inadequate relief, by the offer of the alternative of the workhouse. The cases in which the smallest weekly sums are given are those in which this is most likely to have occurred.¹

The steady poor rate expenditure during the first few years after 1837 in Durham, despite the imposition of more complex and expensive administrative machinery on the county by the New Poor Law, attests both to the health of the local economy and the persistence of the boards in distributing aid at pre-implementation levels.²

It should be pointed out, however, that the bulk of Durham's

Wife without family 3/- weekly and Widows with families are allowed 1/6 weekly for each child" R. Lockett/P.L.C., 6 October 1834, M.H.12/3188 (Sedgefield).

Notice how these pre-implementation relief allowances compare with those of the Easington Union under the supervision of the Board of Guardians.

¹ P.L.C./J. Walsham, n.d., Seventh Annual Report, 1841, p. 58.

² See Fourth Annual Report, 1838, p. 52.

County expenditure on relief was as follows (all years ending 25 March):

1834	-	£79,399
1835	-	£72,197
1836	-	£65,392
1837	-	£60,594
1838	-	£61,369
1839	-	£67,490
1840	-	£67,331

Seventh Annual Report, 1841, pp. 16-17.

paupers, that is, the aged and infirm, did not require the large amounts of aid needed by able-bodied workers with large families. Although Walsham was constantly on the alert for inadequate relief appropriated to the bona fide destitute, there are surprisingly few examples among the evidence of problems and complaints arising over the insufficiency of aid given during the first years of operation in the county. Moreover, the guardians' attachment to previous administrative practices increased the number of those paupers receiving aid than would otherwise have been eligible under the strict application of the regulations of the Commission, which mitigated somewhat the effects of low relief allowances. "It is a subject of general complaint with our Assistant Commissioners," the Commissioners lamented after several years of experience, "that under the local discretionary powers . . . considerable abuses are still maintained: that inferior workmen, or persons only slightly disabled, are allowed such relief as could only be given, according to law or any sound principle of administration, to persons in a state of complete destitution."¹ This charge was brought closer to home by a John Foster, who claimed, in a letter to The Times, that "the contentment and comfort of the middle and lower classes of the Borough [Sunderland] . . . arise from the moral courage and Christian Feeling of the Guardians acting on their own responsibility and in defiance of the orders of the Poor Law Commissioners."² Even after a decade of the application of the Commissioners' rule in the county, Robert Carr, ex-officio member of the Gateshead Board, told the Select Committee on Settlement and Poor Removal (1847)

¹ Fifth Annual Report, 1839, p. 15.

² The Times, 2 February 1841, quoted in J. Walsham/Board of Guardians, 7 February 1841, M.H.12/3268 (Sunderland). The Guardians denied the accusation, and Walsham declared himself satisfied.

that Durham's guardians could and did engage in the granting of illegal relief and that Somerset House "knew nothing of it."¹ In addition, he probably correctly attributed these deviations from Commission regulations to a "reluctance to apply the workhouse test, from apprehension, I believe, of raising the establishment charges."²

The payment of rents by the relief authorities under the Old Poor Law had been fiercely attacked by the Report of 1834, and from the inception of their authority, the Commissioners strictly prohibited any continuation of such practices. Although it appears that only the Easington Union had the effrontery or ingenuousness to openly consider the direct payment of rents,³ the boards could merely increase the pauper's weekly allowance to enable him to meet this obligation. Indeed, many of the more substantial grants allowed by the boards probably were made to cover this contingency. The Webbs claim that the Commissioners were slow to recognize that the paupers were free to apply ordinary outrelief to rents, but there is evidence available that indicates that Somerset House always comprehended the impossibility of controlling this particular application of relief and were even willing, in times of distress, to encourage increased allowances for this purpose.⁴ During a local trade slump in Darlington in 1837, which saw many unemployed able-bodied workers thrown on the rates, Lefevre sent a long instructional letter

¹ First Report [from the Select Committee] on Settlement and Poor Removal, Parliamentary Papers, 1847, XI, p. 321.

² Ibid., p. 320.

³ See G.M., 18 February 1840, U/Ea/1, p. 152.

⁴ S. and B. Webb, English Poor Law Policy, p. 25.

to the Guardians that indicated his willingness to circumvent this major "principle of 1834": "The . . . Rule which forbids Relief to be given specifically as rent or towards rent will not prevent the Gdns. from giving such relief as they may think adequate to the necessities of the pauper."¹

Of greater relevance to Durham, perhaps only because there are more specific examples of this type of deviation available, was the Commissioners' directive against the granting of aid for the purpose of furthering the occupational endeavors of the indigent.² When the Darlington Guardians applied for permission to loan a local basketmaker two pounds, which would have enabled him to purchase materials to carry on his trade, they were told that they "have no power to give materials for work or stock in trade or tools or other aids in any ones [sic] occupation by way of relief."³ The most flagrant disregard for this rule was to be found in the South Shields Union, where, as we have said, the weekly allowances were minimal. Here, unlike the well-managed and generally acquiescent Darlington Board, the Guardians did not seek Commission sanction for such grants of aid, for certainly it would have been withheld. In 1837 the Board ordered one of its relieving officers and the overseers of Whitburn to "exercise their discretion as to paying John Wright £2 to assist in defraying his expenses in going to Germany

¹ Lefevre/Board of Guardians, 16 May 1837, M.H.12/2989 (Darlington). Curiously, the general tone of this letter was of a get-tough nature. It is surprising, therefore, that he should have advocated the circumvention of a "principle" that had loomed so large in the Report of 1834.

² See S. and B. Webb, English Poor Law Policy, p. 25.

³ P.L.C./Board of Guardians, 21 December 1841, M.H.12/2989 (Darlington).

with Horses,"¹ and three years later another pauper was allowed two pounds to purchase a horse, which was necessary for him to continue in his trade.² Walsham, displaying characteristic flexibility, may even have disregarded these occasional lapses of discipline, for the Guardians gave an applicant, in his presence, two shillings and six pence to travel to Edinburgh to seek work.³

Other assorted examples of illegal relief may be found here and there in the minute books of Durham's unions, but it would be incorrect to suppose that this type of relief was granted on a large scale or that a concerted effort was being made by the guardians to disregard the Commissioners' supremacy. In fact, the nature of pauperism in the county precluded any full-scale attempts to grant illegal outdoor aid, even if the guardians had wished to do so.⁴ Like the Report of 1834, the Commissioners' principal concern was with able-bodied pauperism, and its virtual absence in Durham during the period 1837-40 forestalled the possibility of the guardians wandering too far off the procedural path. In urging the Commissioners to sanction fortnightly instead of weekly

¹ G.M., 31 January 1837, U/SS/1.

² G.M., 7 January 1840, U/SS/2.

³ See G.M., 29 August 1837, U/SS/1.

The Commissioners themselves encouraged the migration of laborers for the purpose of relieving labor gluts, but these operations were conducted under the auspices of a special agency. London was not prepared to allow individual boards to grant funds for such purposes without its sanction.

⁴ Perhaps it should be noted here that during these first years of operation, outrelief to the able-bodied was not yet specifically prohibited, although at least half was to be in kind, and work on a union holding was required. All regulations under this heading were temporary, only "to be sanctioned as a palliative for a time, and until adequate and efficient workhouse accommodation shall be provided." Second Annual Report, p. 45.

meetings of the Sedgefield Board, Walsham cited "the absence of all pressure of [able-bodied] applications,"¹ and he was certain that the stability of expenditure in the three years following the implementation of the Act in Durham was the result of a decreasing charge of the able-bodied poor on the community.² In their sixth annual report, the Commissioners held up the Sunderland Union as an example of a superlatively managed union, bragging that "only 6 able-bodied paupers received out-relief in the Quarter ending March 25, 1839."³ The total lack of able-bodied males in health receiving relief in the county was convincingly driven home to Walsham and the Commissioners early in 1839. In that year, the Outdoor Relief Prohibitory Order⁴ was issued to the large and important Union of South Shields; at the same time the Commissioners wished to know the number of those presently receiving outdoor aid who would no longer qualify under the new order. The Guardians' subsequent report is as revealing as it is extraordinary. Those removed from the outdoor relief list were as follows: in South Shields, eleven able-bodied widows and two mothers of illegitimate children; in Hedworth, Monkton and Jarrow, six able-bodied widows; in Westoe, eleven able-bodied widows; and "there were none liable to be struck off the list in Harton, Whitburn and Boldon."⁵ Hence, out of a pauper population of nearly two thousand, only

¹ J. Walsham/P.L.C., 7 August 1837, M.H.12/3188 (Sedgefield).

² J. Walsham/Board of Guardians, 9 August 1840, M.H.12/2989 (Darlington).

³ Sixth Annual Report, 1840, p. 29.

⁴ This directive prohibited outdoor relief of any kind to certain categories of paupers that the Commissioners felt should be subjected to the workhouse test, most notably the able-bodied. See infra, p. 229.

⁵ G.M., 8 January 1839, U/SS/2.

thirty persons were receiving outrelief whom the Commissioners would have considered improper recipients.¹

Widows, in fact, appear to have been the largest group of poor in Durham that the Commissioners might have considered the most objectionable of the county's outrelief claimants. This was especially true in the port towns. In explaining to Chadwick the presence of seventy able-bodied females on the 1834 parish list of South Shields, an assistant overseer told him that they were "nearly all Widows; and for the most part Causal [sic] Poor, . . . this ever is the case in maritime districts from accidents of Death etc., happening at sea . . ."² On the other hand, when able-bodied males did find themselves in need of aid, it was normally through misfortune. When a male under 60 years of age was found on the relief lists, it nearly always involved accident or disease, and occasionally large groups of workers had to be supported if a malady became endemic. In 1838, for example, South Shields was supporting several men in consequence of their being "ill of Typhus."³ It may not be argued, either, that the Commissioners' directorship had induced the

¹ A year and a half earlier, the Guardians had informed H.T. Liddell, M.P., that the Union had supported 1,897 paupers during the quarter ending 25 September 1837. Of these there were 253 males, 826 females, and 818 children. Unlike the southern counties, then, unemployed males did not figure prominently on the relief rolls. In the above Union, males of all types made up far less than 20% of the pauper population. G.M., 7 November 1837, U/SS/1.

A similar percentage of able-bodied paupers was maintained on a county level throughout the period. In 1840, 4,294 able-bodied poor out of a total pauper population of 18,520 were receiving aid of some kind. Eighth Annual Report, 1842, App. E, No. 1, pp. 610, 614.

² T. Wilson/E. Chadwick, 3 November 1834, M.H.12/3201 (South Shields). His emphasis.

³ G.M., 30 January 1838, U/SS/1.

boards to dispense with aid to the able-bodied. The healthy local economy and the retrenchment of the twenties had all but blotted out able-bodied pauperism prior to 1837.

Since the county's relief problems principally involved the aged and infirm, with the sick coming on the rates as the need arose, the Commissioners' relationship with Durham boards decidedly differed from that found in the southern counties. In reference to the bulk of paupers found in the county, that is, the aged, infirm, and sick, Somerset House showed little inclination to control relief given to this type of applicant.¹ And so, this explains the relatively independent nature of most of Durham's boards and the willingness of Walsham and the Commissioners to allow them a great deal of autonomy in controlling outrelief.

iv. The Workhouses

On the discharge of workhouse policy, the Durham guardians could not expect similar acquiescence from the Commissioners. Following the formation of all unions, their "chief attention" was always directed to the introduction of the workhouse system.² For the carrying out of such a program they had an admirable instrument in Walsham, who, as we have seen, was fully committed to the concept, deeming it the "keystone" of all proper relief administration. Under his guidance, the county boards proved remarkably malleable in regard to the erection and alteration of workhouses, and after a year of unceasing efforts, Walsham reported to the Commissioners that "in no districts confined to my superintendence,

¹ Indeed, the Webbs positively state that in these cases "the policy of the Central Authority was to leave the local authorities the same absolutely unfettered discretion with regard to the grant of outdoor relief that they had before possessed." S. and B. Webb, English Poor Law Policy, pp. 47, 51.

² See First Annual Report, 1835, p. 6.

whether in the North or in the South of England, have I encountered less opposition on the subject of Workhouse arrangements than from the clear-sighted and excellently disposed guardians of the Northern Division of the County of Durham."¹

This attitude on the part of the guardians may be attributed to the tolerably well-developed workhouse system already existing in the county before Walsham's arrival. Durham's workhouses had been sufficiently distributed throughout the county so that each union, with the exception of Easington, could boast of at least one establishment within its boundaries. The unions centered on the larger towns many times contained several workhouses, and Durham, of all the counties under Walsham's superintendence, could claim the most numerous pre-existing workhouse facilities. In the Sunderland Union, especially, there were several establishments:

The Workhouse accommodation of this Union is far more extensive than that of any other part of my present district. There is an old but airy, spacious, but well managed Workhouse in Sunderland capable of containing more than 200 inmates. At Bishopwearmouth a new and excellent [sic] built Workhouse has been very recently erected . . . capable likewise of containing with attention more than 200 inmates. At Monkwearmouth there is another well-conducted House. And there are two in three parishes in the Union, in addition to the three specified above.²

¹ J. Walsham/P.L.C., 6 December 1837, M.H.12/3268 (Sunderland). In this group he lists the Unions of Gateshead, Chester-le-Street, Lanchester, Durham, Easington, Houghton-le-Spring, Sunderland, and South Shields.

This is a curious statement in that, as we shall see, the Gateshead and Houghton-le-Spring Unions were a source of trouble in preparing workhouse arrangements, and the Easington Union never had a workhouse for the period of this paper. It is true that most of the new establishments were built in the above Unions, but from my examination of the records, I should say Walsham was more successful in his efforts in the Southern Division.

² J. Walsham/P.L.C., c. 16 October 1836, M.H.12/3268 (Sunderland). There were also at least four workhouses in each of the Durham,

In addition, the careful administration of relief in the twenties and the emerging popularity of the workhouse as a relief instrument had encouraged the diligent employment of advanced workhouse administrative techniques in several of the county's parishes. "There is a Workhouse and House of Industry in and belonging to the Town of Darlington," Walsham reported, ". . . [that] is without exception the best as regards its capabilities, arrangements, and government, that it has ever fallen my lot to inspect . . . It will require scarcely any alterations . . ." ¹

Neither the theory nor the use of a workhouse system, therefore, was novel to the sundry classes of Durham, and the example and influence of the major towns in both the Northern and Southern Divisions of the county assured a relatively peaceful reception for the workhouse idea.

Walsham was able, without any apparent difficulty, to induce every board at their first meeting to appoint special committees to "consider what steps it may be most desirable to take towards adapting the existing Workhouse Accommodation, or towards otherwise providing classified Workhouse Accommodation for the Paupers of this Union . . ." ²

His insistence upon the formation of these committees and the lack of any substantial opposition among the guardians allowed him to report to

South Shields, and Gateshead Unions. The facilities in the Auckland Union were typical: here, there were two workhouses "easily convertible," so accommodation was "readily provided." J. Walsham/P.L.C., 3 December 1836, M.H.12/2928 (Auckland).

¹ J. Walsham/P.L.C., 16 January 1837, M.H.12/2989 (Darlington). In the way of a postscript, he added: "In fact the whole system of parochial administration in the Town of Darlington is admirable."

² G.M., 12 January 1837, U/Du/1, p. 3. Walsham's influence is obvious here in that identical notations may be found in the minute books of every union.

the Commissioners only a few months after his arrival in Durham that he had "committees of every Board of Guardians now engaged in making plans for the furtherance of this all-important subject [the workhouse system]" ¹ For the most part, the reports of these committees were encouraging. It was found that the existing accommodation would be sufficient, if certain renovations were made. Eventually, the construction of new workhouses was required only in the Durham, South Shields, Teesdale, and Gateshead Unions. ² As the old workhouses were built to hold only the numbers of applicants likely to arise within the confines of a parish rather than a union, lack of space commonly dictated the necessity of raising a new building. The architect employed by the South Shields committee told the Guardians that the workhouses at their disposal could not "be made to accommodate 150 Paupers and Class them in such a manner as the Commissioners of the New Poor Law would require" ³ On inspecting the four establishments available to the Durham Guardians (Elvet, Framwellgate and Crossgate, St. Nicholas, and Gilesgate), their committee noted that "in order to carry into Effect the Intention of the Legislature, it . . . [would] be most desirable to purchase a Piece of Ground . . . for the Erection of a Workhouse with classified Accommodation" ⁴

¹ J. Walsham/P.L.C., 22 January 1837, M.H.12/3313 (Teesdale).

² See Fifth Annual Report, 1839, App. D, No. 4, pp. 184-189.

³ J. Green/Board of Guardians, 17 January 1837, Guardians' Correspondence, U/SS/63, p. 22. See also G.M., 27 December 1836, U/SS/1.

⁴ G.M., 2 February 1837, U/Du/1, p. 11.

The need for the proper classification of inmates appears to have been readily accepted by Durham's boards. The Houghton-le-Spring Guardians, too, decided on converting their workhouse in order to provide facilities for classification. G.M., 26 June 1837, U/Ho/1, p. 28. The

Only in the Gateshead, Houghton-le-Spring, and Easington Unions did Walsham encounter difficulties. It was not until the middle of 1839 that he was able to induce the Gateshead Board to proceed with the arrangements for their workhouse, and 1840 found it still under construction.¹ Houghton-le-Spring, as well, had to wait until the next decade for the improvements to be completed on its workhouse. The first problems arose over "the jealousies between Houghton and Hetton" as to which of the Union's workhouses was to be renovated.² After some preliminary modifications were made, the Guardians decided that any further expenses on this account were uncalled for,³ but by 1840 it appears that Walsham had persuaded them to expend another £500 on improvements.⁴ Easington's limited population and financial resources rendered "the expense of building and keeping up a workhouse undesirable . . ."⁵ Therefore, throughout the period of this paper, the Guardians were compelled to resort to the use of facilities in the Houghton-le-Spring Union. Unlike Gateshead and Houghton-le-Spring,

chairman of the Teesdale Union told the Commissioners: "I perfectly agree with your observations on the necessity of separating young married couples." Archdeacon Headlam/P.L.C., 22 June 1837, M.H.12/3313 (Teesdale).
See infra, p. 168.

¹ Sixth Annual Report, 1840, App. E, No. 3, p. 426.

² J. Walsham/P.L.C., 6 December 1837, M.H.12/3268 (Sunderland).

³ G.M., 17 June 1839, U/Ho/1, p. 111.

In the previous year, the Guardians had told the Commissioners that the Board "consider a Workhouse upon the plan recommended by the Assistant Commissioner Sir John Walsham Bt. unnecessary and that they wish to be relieved from the necessity of altering the present Workhouse." G.M., 7 May 1838, U/Ho/1, pp. 62-63.

⁴ Sixth Annual Report, 1840, App. E, No. 3, p. 427.

⁵ J. Walsham/P.L.C., 6 December 1837, M.H.12/3268 (Sunderland).

however, Easington was quite amenable to the notion of building a workhouse. In 1839 the fear of over-crowding in the Union establishment convinced the Houghton Guardians to decline to accept any further consignments of Easington paupers.¹ The upshot was that the Easington Board decided "unanimously" to proceed with the construction of their own workhouse.² The plan was abandoned, however, when the Houghton Guardians decided to rescind their earlier decision and accept inmates from Easington at the rate of three shillings per head per week.³

Before any board was permitted to advertise for tenders for the erection or modification of their workhouse, they were required to forward all plans and proposals to Somerset House, where they were minutely reviewed by a staff especially assembled for the task. After submitting one proposal, the workhouse committee of South Shields Union received a letter from the Commissioners requesting "a detailed specification of the Works, and the amount of the Estimated Cost of Building the same, before they [the Commissioners] could confirm the Plans."⁴ And the Board later received an itemized list of the deficiencies in their plan and procedures to follow in rectifying them.⁵ The Commissioners were dependent, nonetheless, on the good-will and cooperation of the guardians, for Walsham could not hope to personally supervise the

¹ G.M., 17 June 1839, U/Ho/1, p. 111.

² G.M., 15 October 1839, U/Ea/1, p. 140.

³ G.M., 10 February 1840, U/Ho/1, p. 137.

⁴ P.L.C./Board of Guardians, 27 February 1837, G.M., 7 March 1837, U/SS/1.

⁵ J. Walsham/Board of Guardians, 23 March 1837, Guardians' Correspondence, U/SS/63, p. 53.

building or conversion of thirteen workhouses. The records, in fact, show that at least one board attempted to avoid the Commissioners' exacting requirements for workhouse construction. The Houghton-le-Spring overseers attended a meeting of the Board in 1839 to complain that the workhouse alterations then under way did not conform to Commission standards and that the Guardians had falsely certified to the Commissioners that they did so.¹ However, the use even today of many of these buildings (mostly as hospitals) attests not only to the care and attention given to the details of construction by the Commissioners, but also to the conscientious application of their regulations by the boards.

Walsham's exertions achieved fruition in the middle of 1838 when the new workhouses at Durham and South Shields opened for use. By that date, nearly all workhouse arrangements in the county had been executed, and certainly as Durham entered the forties, only the workhouses at Gateshead and Houghton-le-Spring remained incomplete. The building costs of these establishments had been fairly substantial for an area with an insignificant pauper problem. The Gateshead Guardians eventually spent £4,200 on their workhouse, while the costs in the other three unions requiring new buildings hovered around the £2,500 mark.²

Modification expenditures, of course, varied with the extent of the improvements required by the Commissioners; Chester-le-Street Union expended only £92, Darlington £280, and Sedgfield £260. The Sunderland Guardians, on the other hand, laid out £2,000 for renovations after purchasing the Bishopwearmouth workhouse for £2,100. A similar

¹ G.M., 25 February 1839, U/Ho/1, p. 92.

² Durham: £2,550; Teesdale: £3,000; South Shields: £2,506.

necessity of buying a workhouse from a constituent township or parish and performing modifications thereon also arose at Auckland and Lanchester.¹ In order to finance such large undertakings, the Exchequer had made funds available for loan to the poor law unions. However, by the years the Act was being introduced in the county, this fund was nearly exhausted, and with the exception of the Durham Union, Durham's boards financed their workhouses through the Royal Assurance Exchange, as recommended by the Commissioners.²

These high building costs precluded the possibility of the boards' conforming to one of the principal recommendations of the Report of 1834. The Commission of Inquiry had repeatedly attacked "general mixed workhouses" and reported in favor of a number of classified workhouses within each union. Indeed, the consolidation of several parochial workhouses under one authority had provided the main justification for the unification of parishes.³ But the workhouse committee in every union advocated the erection or conversion of a single union structure. The Commissioners, too, contrary to their supposed adoration of the "principles of 1834," encouraged each board to confine its attention to the administration of a common union workhouse.⁴ However, it appears

¹ Total costs: £1,200 and £1,330, respectively.

² E. Chadwick/Board of Guardians, 29 March 1837, Guardians' Correspondence, U/SS/63, p. 56.

The Unions requiring only small amounts of money, such as Chester-le-Street, Darlington, and Sedgfield, handled these matters internally. The Houghton-le-Spring Board, for instance, borrowed £500 from the township of Houghton. G.M., 17 June 1839, U/Ho/1, p. 111.

³ See supra, p. 68.

⁴ See First Annual Report, 1835, p. 15; and Fifth Annual Report, 1839, p. 29.

that there were many guardians who preferred the separate maintenance of impotent inmates as per the Report of 1834. During the formulation of workhouse arrangements for the Sunderland Union, Thomas Reed, vice-chairman of the Board, told Walsham that he and a group of Guardians had had "some trouble to get the Board to sanction the idea that Bishopwearmouth Workhouse should be the sole Workhouse for the Union . . ."¹ Nonetheless, Walsham's efforts and the weighty argument of expense smothered most dissent on this point. Only in the Teesdale Union did Walsham advocate a contrary policy. The great east-west length of this Union induced him to insist on the maintenance of workhouses at both Barnard Castle and Middleton to ensure a close-at-hand establishment for all parts of the Union.² But the problem of transportation, inspection, and administration quickly compelled a resort to the mixed workhouse scheme. "The Guardians," the auditor of the Union informed the Commissioners, "have . . . now discontinued the use of the Middleton house as it was found a great additional trouble and expense."³

The adoption of single union establishments left many workhouses vacant but still under the effective control of the overseers. Fearing that these buildings would be used by the parochial authorities as unregulated supplementary refuges for the poor, the Commissioners hastily launched a campaign to dispose of these premises to private individuals.⁴

¹ Thomas Reed/J. Walsham, 10 June 1837, M.H.12/3268 (Sunderland), his emphasis.

In forwarding Reed's letter to London, Walsham made a rather revealing comment: "This letter [Reed's] from the V. Chairman of the Sunderland Union will show you that I have . . . accomplished my object of concentration, in respect to W. Houses, in this . . . Union." J. Walsham/Lefevre, 13 June 1837, M.H.12/3268 (Sunderland).

² J. Walsham/P.L.C., 22 January 1837, M.H.12/3313 (Teesdale).

³ N. Gibson/P.L.C., 29 July 1837, M.H.12/3313 (Teesdale).

⁴ See Seventh Annual Report, 1841, p. 34.

Throughout 1838 and 1839, Durham's boards were selling workhouses by private treaty or at public auction, and the proceeds were being applied to debts incurred by the erection and renovation of the union workhouses or invested in "public funds." Since these buildings lent themselves most readily to use as factories, a great many of them were sold to manufacturers. In some areas, however, the local parishoners were anxious to avoid the taint of industrialism in their communities and inserted stipulations in the contracts that disallowed the utilization of these workhouses for manufacturing purposes. This hindered, of course, their sale, and some Unions had difficulty in finding buyers for the abandoned buildings.¹ Nonetheless, by 1843 the Commissioners reported that "much of this kind of property has been disposed of since the passing of the Poor Law Amendment Act"²

Durham's location adjacent to the troublesome counties of Yorkshire and Lancashire inspired Walsham to concentrate his attention on the proper administration of the workhouses here, in order to combat the extravagant charges being made against the system by such northern luminaries as Castler, Stephens, and Bull. As a consequence, more than any of the counties under his supervision, Durham's importance stood forth. Sunderland, in particular, attracted his interest. "The Sunderland Union," he told the Commissioners, "is one of the most important in England. On the perfect conduct of its new workhouse in every detail, everything depends"³ Only a few months in the county

¹ See, for example, G.M., 30 March 1839, Sunderland, I, p. 42.

² Ninth Annual Report, 1843, p. 28.

³ J. Walsham/P.L.C., 24 May 1838, M.H.12/3268 (Sunderland).

had convinced him that the circumstances of pauperism in the area required a special brand of workhouse administrative policy. It was manifest that the poor of Durham were not the impudent and vicious able-bodied louts who had figured so prominently in the Report of 1834. Even while the boards were making their workhouse plans, Walsham was busy attempting to persuade London that local conditions necessitated a somewhat revised approach to the management of workhouses.

"It must . . . be borne in mind," he advised, "that these paupers [those in the workhouse] will almost invariably consist of the aged and infirm, and I would therefore venture to submit that, considering the peculiar circumstances of the North of England, you should, in the first instances, refrain from pressing for a more extended separation of inmates than that of the sexes, . . . and that in all other respects the Establishments be conducted with . . . such modified indulgences as may not be inconsistently or imprudently admitted in the workhouse treatment of the old and the helpless."¹

The significance of this advice is all the more obvious when it is remembered that the Commissioners regularly fell in with his views, and so these early impressions were crucial in shaping the tone of his and the Commissioners' line on workhouse administration in Durham.

The workhouse regulations they issued in subsequent years found ready acceptance in the county. Nearly all the boards appear to have been willing ostensibly to accede to the sundry orders of the Commission, although, as we shall see, they were selective in the application of certain aspects of these directives. The Commissioners allowed the administration of the local workhouses to continue in the hands of the guardians, who invariably carried on in the manner of previous years, in

¹ J. Walsham/P.L.C., 22 January 1837, M.H.12/3313 (Teesdale). My emphasis.

some cases even "contracting out" the indoor poor,¹ until all of the required workhouse improvements had been completed,² whereupon administrative rules for the workhouses were issued. Upon receiving these orders, most boards immediately declared their intention of conforming to them,³ proceeding to appoint a master and matron to institute the proper procedures in the union workhouse. The Darlington Guardians even wrote to the Commissioners specifically to request that their workhouse regulations be forwarded to the Union at the earliest possible date.⁴

In order to ensure the correct application of the Commissioners' rules and, more importantly, to "examine the House and the condition of the paupers," each board was ordered to form a visiting committee to inspect the union workhouse at regular intervals. Most boards accepted the need for such a body, although the Durham Guardians negated a motion to constitute one, "considering that every Member is at Liberty to visit the House whenever he may think proper."⁵ There is ample evidence available, however, that shows that in some unions even after the formal organization of these committees, the system of guardian inspection quickly broke down, leaving the masters and matrons in unhindered control of the management of the workhouses. The Easington Guardians, shuffling their few workhouse burdens off into the Houghton-

¹ See, for instance, G.M., 6 May 1837, U/Du/1, p. 38.

² In the Gateshead and Houghton-le-Spring Unions, this meant that former workhouse administrative practices were still in use well into the forties.

³ See G.M., 25 August 1838, U/Du/1, p. 137; G.M., 25 September 1838, U/SS/2.

⁴ Board of Guardians/P.L.C., 14 November 1838, M.H.12/2989 (Darlington).

⁵ G.M., 27 April 1839, U/Du/1, p. 184. Note the date of this minute. This indicates that eight months had elapsed from the receipt of the Commissioners' workhouse regulation before the Board even began to consider the establishment of a visiting committee.

le-Spring facilities, made no arrangements for the supervision of their paupers while there, but instead relied on the Houghton Guardians to provide for the proper administration of the union workhouse. But their confidence appears to have been misplaced, for I can find no mention in the records of a visiting committee or an inspection of the workhouse by the Houghton Guardians.¹ In the Chester-le-Street Union, too, no reference is made to workhouse surveillance. After compelling the Durham Guardians to reverse their earlier decision in regard to the appointment of a visiting committee, the Commissioners sent them a communication "relative to the Visiting Committee not entering their Reports in the Book kept for such purpose,"² which may indicate that periodic inspections were not being conducted. The Sunderland Union, as well, had trouble maintaining adequate vigilance of its workhouse, but in contrast to some of the other unions facing a similar problem, repeated attempts were made by this Board to formulate a satisfactory inspection policy. In 1840 fifteen Guardians were added to the visiting committee in consequence of the "thin attendance of the Gentlemen named in the aforesaid Committee . . ."³ Continued negligence prodded the Guardians into further action: the entire Board was declared to constitute the visiting committee, which was split into three groups, each section being assigned a week of duty in rotation.⁴ Thereafter, matters

¹ The Board did appoint a workhouse committee, but it seems that its main function was to determine the cost and feasibility of workhouse alterations. This view of its purpose is made even more plausible by the fact that later it was incorporated into the finance committee. G.M., 6 April 1840, U/Ho/1, p. 145.

² G.M., 4 September 1847, U/Du/2, p. 140.

³ G.M., 6 November 1840, Sunderland, I, p. 370.

⁴ G.M., 8 April 1841, Sunderland, II, p. 63.

seem to have improved, but a year later the Board evidently felt the need for a more comprehensive inspection program. It was resolved that:

the [Visiting] Committee shall be at liberty to Visit the House on any Day, and at any hour of the day they may think proper. And that whenever two or more of the Committee are present it shall be competent for them to Visit the day room of the inmates unaccompanied by the Governor or Matron. And that any Guardian shall be at liberty to Visit the house when he thinks proper but on such occasions he shall be accompanied by the Governor.¹

Though many other examples of indifference on the part of the guardians may be cited, it appears nevertheless that the great majority were concerned at the very least with protecting their substantial investments, i.e., the workhouses themselves, and accordingly that union visiting committees were generally active bodies. More significantly, their membership was normally comprised of those men who had a special interest in the condition of the workhouse poor and who, in many instances, were sympathetic with their plight.²

The fundamental principle of workhouse operation revolved around the classification of the inmates so that the various types might receive the appropriate regimen. The responsibility for carrying this policy out was invested in the guardians: "To each class shall be assigned by the boards of guardians that apartment or separate building which may be best fitted for the reception of such class, and in which they shall respectively remain, without communication . . ."³ The abandonment of

¹ G.M., 1 April 1842, Sunderland, II, p. 255.

² See *infra*, p. 206.

³ First Annual Report, 1835, App. A, No. 9, p. 97. The inmates were to be classed as follows: (1) aged or infirm men; (2) able-bodied males over thirteen; (3) boys between seven and thirteen; (4) aged or infirm women; (5) able-bodied females over thirteen; (6) girls between seven and thirteen; and (7) children under seven.

These classes were slightly altered by general orders in 1842 and 1847.

the individually classified parochial workhouse scheme increased pressure on the Commissioners to pursue a strong policy of internal segregation, and so this aspect of workhouse administration was carefully supervised by Walsham. As we have seen, the construction of new and the modification of old workhouses appear to have been undertaken for the express purpose of providing facilities wherein classification could be implemented,¹ and Walsham persistently urged the visiting committees to direct their special attention to this aspect of administration. As nearly as can be determined, the regulations touching the segregation of the workhouse poor were adhered to by Durham's boards. While it may be true that they failed in achieving an exactitude that would have pleased the theorists, Walsham's influence and the cooperation, on the whole, of the guardians ensured that classification was at least carried out by age and, more importantly, by sex, which necessitated the separation of married couples.² T.R. Torbock, medical officer, was only referring to the Sunderland Union when he told Walsham that "strict attention is paid to this important point [classification] ," but he might have been speaking of most of the unions in the county.³

With regard to the sick, the first regulations on classification emanating from Somerset House made no mention of this category of inmate. Indeed, it was not envisaged that the sick should be admitted to the work-

¹ See supra, p. 157.

² See infra, p. 206.

The boards seem to have shown a disinclination to separate aged couples, and they must, therefore, be noted as exceptions to this generalization.

³ T.R. Torbock/J. Walsham, 5 January 1842, G.M., 7 January 1842, Sunderland, II, p. 207.

house at all, but relieved at home.¹ The impracticality of total submission to such a policy in Durham, with its high proportion of poor being in this group, soon became manifest. Responding to local exigencies, Walsham began a campaign, with the blessings of London, to induce the boards to add sick wards to their workhouses. In the larger unions, such as Sunderland and South Shields, this involved the erection of "hospitals" connected to the workhouses.² By the middle of the forties, the Commission had been largely successful in persuading the boards, during a period of considerable economic upheaval, to provide facilities for the sick, either in the workhouse itself or in adjoining buildings, which more and more over the years came to dominate workhouse administration.³

Beside the classification system, the dietaries of the "starvation bastiles" drew the most severe criticism from the enemies of the New Poor Law. "The convicted felon's weekly allowance at the Millbank Penitentiary . . .," a Tory paper cried, "is somewhat more than twice as much as that of an able-bodied pauper in a Union workhouse, against whom no crime but poverty has been alleged."⁴ Moreover, the dietary policy of the Commissioners, as eventually devised, provided legitimate grounds for a national outcry, for it appeared that the odious concept of less eligibility was being applied in an area not contemplated by the Report of 1834. In a circular letter, all unions were informed that "on no

¹ S. and B. Webb, English Poor Law Policy, p. 63.

² See G.M., 25 September 1840, Sunderland, I, p. 349; G.M., 20 August 1839, U/SS/2.

³ P.L.C./Board of Guardians, 21 March 1842, M.H.12/2928 (Auckland).

⁴ Metropolitan Conservative Journal, 25 December 1840, quoted in G.R. Wythen Baxter, The Book of the Bastiles, (London, 1841), p. 466.

account must the dietary of the workhouse be superior or equal to the ordinary mode of subsistence of the labouring classes of the neighbourhood."¹ Assuming, in characteristic fashion, that the able-bodied indigent were the culprits of the piece and the most pressing of pauper problems, the Commissioners erected their dietary policy solely on the basis of feeding this type of inmate. The boards were allowed the choice of one of six dietaries, after which a special order was issued to "render its observance imperative."² A desire for uniformity prompted the Commissioners into directing that the dietaries prescribed for the able-bodied, those designed with less eligibility in mind, were to apply to all classes of inmates, except where the medical officer might issue a written order for an alternative diet for individual cases of sickness.³

The dietaries selected by the Durham boards were substantially similar, although quantities varied here and there. The Darlington Guardians, for example, appear to have chosen the dietary with the least amount of meat allowances.⁴ In fact, most of the boards emulated one

¹ P.L.C. Circular Letter, n.d., Second Annual Report, 1836, App. A, No. 7, p. 63.

The reader will recall that less eligibility, as envisaged by the Commission of Inquiry, entailed "psychological" deterrents and did not extend to shelter and sustenance. Anyone familiar with the food consumption of the working classes during these years will realize that the Commissioners' directive was harsh in the extreme.

² Ibid., p. 64.

The titles of the tables read: "No. 1. - Dietary for Able-Bodied Men and Women . . . No. 2. - General Dietary for the Able-Bodied . . . No. 3. - Dietary for Able-Bodied Paupers . . . No. 4. - Dietary for Able-Bodied Paupers of Both Sexes . . . No. 5. - Dietary for Able-Bodied Men and Women . . . No. 6. - Dietary for Able-Bodied Paupers . . ."

³ S. and B. Webb, English Poor Law Policy, pp. 67-68.

⁴ See Board of Guardians/P.L.C., 15 July 1837, M.H.12/2989 (Darlington).

another in their choices, thus establishing a fairly uniform dietary policy in the county.¹ The Durham Union's table being typical, it may be worthwhile to set it out here so that an idea of the levels of nutrition we are referring to may be better understood:

- 1) Breakfast: (Everyday) 1 pint oatmeal, $\frac{1}{2}$ pint milk, 1 pint coffee, and 8 ounces bread.
- 2) Dinner: (Saturday) 1 pint rice, and 8 ounces bread; (Sunday) 14 ounces suet pudding; (Monday and Thursday) 6 ounces beef, 12 ounces potatoes, 4 ounces bread, and $\frac{1}{2}$ pint broth; (Tuesday and Friday) 8 ounces bread, and 1 pint broth; (Wednesday) 1 pint soup, 4 ounces bread, and 12 ounces potatoes.
- 3) Supper: (Everyday) 1 pint milk, and 1 pint tea.²

What is absolutely certain about the Commission's dietary policy is that it was largely ignored by the Durham authorities during the first years of operation. The quantities and, indeed, the kinds of food printed on the official tables bore no resemblance to the fare being distributed regularly in the county's workhouses. The contracts for supplying the workhouses with provisions in all the unions encompassed items not listed on the dietary tables, such as butter, cheese, sugar, and so on. In the South Shields Union, the Board habitually ordered beer

¹ See G.M., 8 April 1839, U/Ho/1, p. 101.

² G.M., n.d., U/Du/2, frontpiece.

The reader will notice that the dietaries were more generous than the pronouncements of the Commission might lead one to believe, the Webbs considering them "ample for health." S. and B. Webb, English Poor Law Policy, p. 70.

Dr. McCord has also noted that the diets authorized by the tables may have been superior to those of the independent workers outside. N. McCord, "The Implementation of the 1834 Poor Law Amendment Act on Tyneside," p. 100.

Nevertheless, the prescribed quantities of food may not by any stretching of the point be considered more than extremely spartan, and it rankled the opponents of the New Poor Law that a conscious effort should be made to preclude a fully adequate diet.

for the inmates.¹ In the Durham Union, two inmates were punished for "refractory conduct" by being put on bread and water for 24 hours, with "all Butter, Cheese, . . . [and] Sugar . . . withheld during that Period."² In the Sunderland Union, too, which was always closely supervised by Walsham owing to its importance, there were indications that the Commissioners' dietary policy was a dead letter. Facing increasing costs during the forties, the Guardians gravely noted "the serious difference in the Cost of maintaining the inmates of the Workhouse as compared with what it would cost if the established dietary was observed."³ In fact, Walsham appears to have been somewhat sympathetic with these digressions. He clearly indicated his dissension from prevailing policy when he told the Commissioners that it was proper to "supply the ablebodied inmate of a workhouse (not merely with sufficient, but) with superior food clothing fuel and lodging . . ."⁴ And there is an instance where the South Shields Guardians examined their beer accounts in his presence, which is significant in that they must have felt sufficiently assured that he would not be moved to interfere with their dietary practices, even though they were obviously illegal.⁵ More-

¹ It was resolved that "Archibald Mitchelson have the contract for supplying the Workhouse with small beer at 3/6 per Half Barrel." G.M., 21 March 1837, U/SS/1.

The Union accounts indicate that the workhouse received two half barrels every week, and in 1838 one firkin of ale was added to the weekly order. G.M., 30 October 1838, U/SS/2.

² G.M., 21 May 1842, U/Du/1, p. 322. These items, of course, did not appear on the Union table.

³ G.M., 9 October 1840, Sunderland, I, p. 359.

⁴ J. Walsham/P.L.C., 5 September 1841, M.H.12/9002, my emphasis. Quoted in N. McCord, "The Implementation of the 1834 Poor Law Amendment Act on Tyneside," p. 100.

⁵ G.M., 18 September 1839, U/SS/2.

over, the workhouse paupers in nearly all the unions were "regaled" with roast beef, plum pudding, ale, and tobacco every Christmas and on such special occasions as Victoria's coronation and marriage.¹ The Commissioners had expressly forbidden such feasts unless they were provided by private persons,² but the guardians many times appear to have supplied these dinners with union funds, and they could not have done so without Walsham's implicit consent.³

While in the workhouse, the paupers were required to conform to a strict daily regimen which was taken up mainly with meals and occupations of all sorts. The female, aged, and certain of the infirm inmates were employed in household work or other similar light tasks such as knitting.⁴ The lack of any substantial number of able-bodied inmates during the late thirties dispensed with the need for large-scale heavy work programs.⁵ However, with the forties came an influx of the unemployed poor, so the

¹ See, for instance, G.M., 19 December 1837, U/SS/1; G.M., 12 June 1838, U/SS/1; and G.M., 7 February 1840, U/SS/2, respectively.

² S. and B. Webb, English Poor Law Policy, p. 69.

³ Each board had hired a union auditor at an annual wage of about £5 or £10. Every quarter he was required to conduct an audit according to the procedures laid down by London. Later, unions were joined into audit districts, the most efficient auditor of the union components appointed to the office of district auditor. See Eleventh Annual Report, 1845, pp. 18-19.

The results of the quarterly audits were always sent first to Walsham, who reviewed them, made recommendations, and then forwarded them to London.

⁴ See E. Hunter/Board of Guardians, n.d., Guardians' Correspondence, U/SS/63, p. 65. In the South Shields workhouse, the paupers were knitting with brightly colored yarn, and this may indicate that the Guardians were attempting to produce marketable goods, which would have been in direct contravention to Commission regulations.

⁵ In the Sunderland and South Shields workhouses, the paupers that were able were sometimes utilized in street cleaning chores, even though outside employment was prohibited by the Commission. See G.M., 29 November 1839, Sunderland, I, pp. 178-179; G.M., 19 December 1837, U/SS/1.

useless and toilsome occupations of stone breaking and oakum picking began to be adopted by the boards, and more stringent daily work schedules were introduced.¹

The few able-bodied poor to be found in the workhouses in the thirties were often used as servants or assistants to the workhouse masters. Over the years this practice sometimes developed in ways directly opposed to the regulations of the Commission. In order to discourage the pauper from remaining in the workhouse, the Commissioners had directed that no labor whatsoever undertaken by an inmate was to be remunerated,² but some of Durham's workhouses seem to have become establishments for the paid employment of the poor. The South Shields minute book is filled with notations of inmates receiving weekly and quarterly wages for specific tasks, which tended to undermine the deterrent aspect of the workhouse.³ In the Sunderland Workhouse alone, no fewer than fourteen inmates were receiving weekly wages for such duties as making shoes, nursing, and "Washing Boys."⁴ In this particular case, however, the matter came to the attention of Somerset House, and the Board was

¹ See Eighth Annual Report, 1842, p. 16; G.M., 27 February 1841, U/Du/1, p. 270; G.M., 9 July 1839, U/SS/2; G.M., 26 February 1841, Sunderland, II, p. 35; Board of Guardians/P.L.C., 1 January 1844, M.H.12/2990 (Darlington).

² S. and B. Webb, English Poor Law Policy, p. 75.

³ A few examples must suffice:
An inmate was ordered to be paid five shillings a quarter "for working at the Garden and assisting the Master of the Workhouse in the general management thereof." G.M., 13 October 1840, U/SS/2.

It was ordered that "the sum of Ten shillings per quarter be paid to Dorothy Blacket for extra trouble and work in assisting the Matron in the duties of the House." G.M., 13 October 1840, U/SS/2.

It was ordered that one shilling per week "be allowed to the persons employed in the Workhouse as attendants on the sick paupers, for their extra trouble and the unpleasantness of the duty of their office." G.M., 27 April 1841, U/SS/3, pp. 6-7.

⁴ G.M., 14 January 1842, Sunderland, II, pp. 210-211.

told that "the Commissioners strongly object to the continuance of the system of paying paupers for work done in the Workhouse, which seems to have prevailed in the Sunderland Union."¹ Thereafter, the practice in this union was effectively curtailed, although in South Shields it continued undetected for several years.

Since it was the central object of the workhouse to repel applicants, the Commissioners always attempted to maintain the right of the inmate to leave the workhouse after giving proper notice. "Any pauper may quit the workhouse," they established, "upon giving three hours' previous notice of his wish to do so . . ."² In the Easington and Houghton-le-Spring Unions, however, this order was not strictly conformed to. Here, the peculiar circumstances of the workhouse arrangements encouraged the Guardians of these Unions to establish policies that tended to render the Easington inmates virtual prisoners. Since the Easington Guardians were faced with the expense and trouble of transporting their workhouse poor to Houghton-le-Spring, it appears that often their permission was required for an inmate of this Union to be released by the Houghton authorities.³ Evidentially, this permission was given readily, for in later years the Houghton Board felt a need to limit the Easington Guardians' prerogative in this regard, and in so doing, increased the difficulties of the paupers in extricating themselves from the workhouse. In 1846, they resolved that "no [Easington] pauper will be received from their Union for a shorter period than one Week and that Whenever

¹ P.L.C./Board of Guardians, 30 March 1842, M.H.12/3268 (Sunderland).

² Workhouse Regulations, First Annual Report, 1835, App. A, No. 9, p. 99. The time requirement was dropped in subsequent orders.

³ See G.M., 1 February 1842, U/Ea/1, p. 230.

they wish to remove any of their paupers a Weeks Notice must be given"¹ Nonetheless, it seems clear that in most of Durham's unions, the inmates of workhouses were not deterred in any way from gaining their own release.

Religion played the most important part in defining the extent of the inmates' contact with the outside world, although temporary leaves of absence from the workhouse were commonly granted by Durham's boards.² From the very inception of the Commissioners' directorship, attempts were made by the critics of the New Poor Law to persuade them to relax their rule that prohibited inmates from being allowed out of the workhouse, except on discharge, even for the purpose of attending places of worship on Sundays.³ But the Commissioners consistently proclaimed themselves satisfied that the appointment of chaplains to the workhouses ensured that the inmates were receiving adequate religious instruction.⁴ While the controversy raged over this point, some of Durham's boards were busily allowing the inmates to leave the workhouses on Sundays. The South Shields Guardians noted that "the Paupers are

¹ G.M., 5 January 1846, U/Ho/1, p. 351, my emphasis.

² See, for instance, G.M., 13 August 1842, U/Du/1, p. 333.

³ Second Annual Report, 1836, p. 5.

⁴ Although the appointment of a workhouse chaplain was obligatory, I have been unable to find many instances where a Durham board appointed one (the Durham Union is an exception). In some cases the Guardians positively refused to hire a minister for this office. See G.M., 25 September 1838, U/SS/2.

The local clergymen, on the other hand, were usually quite prepared to perform this function without pay. In fact, a rash of disputes arose as to which sect was going to establish sway in the various workhouses. See E. Edmunds/Board of Guardians, 15 January 1845, G.M., 16 January 1845, U/CS/1, p. 351.

allowed to go to their respective places of Worship twice and some times thrice every Sunday."¹ Walsham was encouraging this drift away from the strict application of the Commissioners' order when he decided that the children in the Sunderland workhouse might be permitted to attend outside services.² In fact, the Board had previously been allowing the children to attend outside Sunday worship, apparently without his knowledge.³ A year and a half later, the Sunderland Board decided unilaterally to extend the privilege to all the workhouse inmates, when it was resolved that "such of the adult paupers in the House as are desirous of going to a place of Worship on a Sunday Evening, have permission to do so . . ."⁴ A month later, London capitulated: on 5 February 1842, a general order was issued to the Auckland, Durham, Gateshead, Houghton-le-Spring, Sedgfield, South Shields, Sunderland, and Weardale Unions authorizing workhouse paupers to be accompanied by the master or other union official to Sunday services.⁵ Clearly, in the face of local non-cooperation, Somerset House could not hope to enforce

¹ G.M., 2 April 1839, U/SS/2.

² J. Walsham/Board of Guardians, 26 September 1839, M.H.12/3268 (Sunderland).

It seems that he took this decision in order to avoid a mounting controversy as to which sect was to be allowed dominance in the Union workhouse. See J. Walsham/Lefevre, 11 October 1839, M.H.12/3268 (Sunderland).

³ G.M., 2 August 1839, Sunderland, I, p. 117.

⁴ G.M., 7 January 1842, Sunderland, II, p. 208.

⁵ Ninth Annual Report, 1843, App. B, No. 2, pp. 377-378.

Most unions took advantage of this slackening of the rules. See Board of Guardians/P.L.C., 14 July 1842, M.H.12/2928 (Auckland). In the Durham Union, in fact, the Guardians were driven by excessive zeal to prescribe punishments for those paupers who did not attend Church services. G.M., 18 May 1844, U/Du/1, p. 408. The Commissioners, of course, refused to sanction this practice, so the Board reluctantly dropped the idea.

a policy that grated against that grain of hyper-morality found in the nineteenth century.

Since the fear of high workhouse expenditure prodded some boards into allocating low outrelief allowances, the workhouse being seen as an expensive last resort,¹ in the administration of relief the workhouse played only a small part. In 1839, the Commissioners complained that "four-fifths of the money now expended as relief is still out-door relief,"² but in Durham it was probably even more. In 1840, the county's workhouse population only amounted to 1,188 out of 18,520 persons receiving relief.³ Indeed, the workhouses in the county were incapable of accommodating really substantial numbers of poor, which reinforced the guardians' predilection to find other means of relieving the indigent.⁴

¹ In some cases, the boards only admitted certain persons under the assurance that relatives would cover the cost of their maintenance. See G.M., 4 January 1839, Sunderland, I, p. 3; G.M., 14 February 1837, U/SS/1.

² Fifth Annual Report, 1839, p. 13.

³ Eighth Annual Report, 1842, App. E, No. 1, p. 610.

⁴ The capacities of nine of Durham's thirteen union workhouses totaled only 1,391:

Sunderland	-	270
Gateshead	-	260
South Shields	-	205
Teesdale	-	200
Durham	-	160
Darlington	-	140
Auckland	-	66
Sedgefield	-	50
Lanchester	-	40

I have gleaned these figures from many different sources. They must not be considered definitive, as conversions were constantly underway. I have been unable to compile comparable figures for the Stockton, Weardale, Houghton-le-Spring, and Chester-le-Street Unions.

In any event, the capacity of the county's workhouses would not have been sufficient to accommodate the paupers of the South Shields Union alone, who numbered around 2,000 during the thirties.

Such a disposition, of course, influenced the manner in which the workhouses were employed by the boards. The willingness of the able-bodied poor to accept pittance for outrelief, rather than face incarceration, encouraged the guardians to dispense with the notion of using the workhouse as a "test."¹ And so the able-bodied inmate became the exception rather than the rule in Durham's workhouses. In 1840 only 226 out of the 1,188 persons interned were classed as able-bodied.² There are further indications, other than the sometimes unreliable figures of the Poor Law Commission, that the able-bodied made up a relatively insignificant proportion of the inmates in the county's workhouses. The Parliamentary Return on Workhouse Offences in 1843 revealed a startlingly low level of inmate misbehavior. During the period 1836-1842, only 10 paupers were removed from county workhouses to penal institutions. This compares with 45 for Northumberland, 18 for Westmorland, 56 for Cumberland, and 41 for the North Riding; in all of England only Rutland returned a lesser figure (7).³ As would be expected, the offences occurred primarily in the town unions: Sunderland, Darlington, Durham, and Teesdale recorded two each, and South Shields and Stockton both returned one.⁴ In the face of such extraordinarily low figures, it is probably safe to conclude that Durham's workhouses did not contain large

¹ See G.M., 30 March 1839, Sunderland, I, p. 40.

² Eighth Annual Report, 1842, App. E, No. 2, pp. 610, 614.

This proportion may have been even lower in the first two years under the Act, as the economic difficulties beginning in 1839 tended to increase the percentage of the able-bodied in the pauper population. See infra, p. 219.

³ Return on Workhouse Offences, Parliamentary Papers, 1843, XLV, pp. 344-346.

⁴ Ibid., p. 347.

numbers of the type of pauper capable of perpetrating the sort of offence punishable by imprisonment, the able-bodied.¹

In the absence of a conscientiously pursued policy of utilizing the workhouses as deterrent-factors, these establishments soon evolved into refuges for the impotent poor in the hands of the guardians. While the workhouse was still used from time to time as a threat, or as a means of inducing voluntary removal,² the chief portion of workhouse traffic consisted of those cases that required special care or were wholly dependent upon the union, such as orphaned or abandoned children, widows or "loose women" with several children, and the very old and infirm.³ The presence of this latter group had induced Walsham to encourage the erection of the sick wards.⁴ The reluctance of the boards to admit any paupers but the helpless into the workhouses is illustrated by the lack of family groups in some of the establishments of the Southern Division. In the Sedgefield Union there were only three married persons (not couples) in the workhouse in May of 1843.⁵ Similarly, in the large Union of Darlington there were only eleven couples.⁶ Walsham

¹ The transgressions involved disorderly conduct, drunkenness, refusal to work, and other minor infractions. In three cases, however, the charges were desertion, theft, and assault. *Ibid.*, p. 363.

² See G.M., 18 August 1840, U/Ea/1, p. 169; G.M., 8 December 1840, U/Ea/1, p. 182.

³ The Easington Guardians, particularly, confined their workhouse orders to the impotent poor. The Houghton-le-Spring Board called several times for the Guardians to send an able-bodied pauper to the workhouse to look after the Easington aged and sick inmates. See G.M., 5 January 1846, U/Ho/1, p. 351.

⁴ See *supra*, p. 169.

⁵ Questionnaire, 13 May 1843, M.H.12/3188 (Sedgefield).

⁶ Questionnaire, 10 May 1843, M.H.12/2990 (Darlington).

had immediately recognized after his arrival in Durham that the bulk of the workhouse inmates would be of the impotent variety, and in the next few years, no boards of guardians implemented policies that invalidated his earlier observation.

Inevitably, when discussing workhouses, one is drawn into an examination of the treatment of the inmates therein. Perhaps no single aspect of the New Poor Law has attracted so much attention and, indeed, criticism. Certainly the basis for their existence, the application of the less eligibility principle, is abhorrent in modern eyes and was, in fact, similarly deprecated by some contemporaries. It seems clear that in those unions where the workhouse was seen as a "test," the life of the inmates was unenviable; however, during the thirties (and it should be made clear that here we are referring only to the period 1837-1839) this aspect of workhouse administration was singularly absent in Durham. Nonetheless, the very nature of these establishments, and the regime under which they were conducted, rendered them prone to harsh administration. For instance, the opening of the new workhouses in the county found the Commissioners advising the purchase of mattresses filled with coconut fibre in order to save money, and most unions followed this recommendation.¹ In the months before the erection of the new workhouses or the completion of alterations, the paupers were often herded into make-shift establishments, and a great deal of overcrowding occurred, which the Commissioners were powerless to stop.² Many times these conditions led to the spread of disease, which the guardians would sometimes

¹ See Board of Guardians/P.L.C., 26 June 1838, M.H.12/3268 (Sunderland).

² Eighth Annual Report, 1842, p. 13.

combat with the most cruel of palliatives: in 1837 the South Shields Board, after creating conditions of overcrowding in the old establishment, resolved that "during the continuance of the Typhus Fever in the Workhouse, Mr. Hunter the Governor be directed, not to allow any of the Paupers to come out of the House . . ."¹ Further abuses were encouraged by the propensity of the boards to leave the punishment of inmates solely in the hands of the masters. In a typical report, a visiting committee ordered that in the case of two girls guilty of misconduct "the Master do put them on Bread and Water at his discretion."²

On the other hand, the basically benevolent temper of Durham's boards was illustrated by their failure to apply the more stringent workhouse directives of the Commissioners. We have seen that in the areas of deterrence, diet, employment, and freedom of egress the guardians were sometimes unwilling to alter their preconceptions of humane administration at the insistence of London. Moreover, Walsham cast his influence on the side of benevolent and enlightened administration, always making provision for the fact that little need existed in Durham for a system of workhouses held in terrorem over the poor. He may have been the only individual connected with the Commission who considered that of all the objects of the workhouse "the first [was] to afford an Asylum for the Aged and Infirm . . ."³ Workhouse inspection continued throughout to be his primary duty, and the small number of union establishments in the county permitted him to keep a careful surveillance of their administration. Nearly all his reports on the workhouses indicated that the

¹ G.M., 24 October 1837, U/SS/1.

² G.M., 4 July 1837, U/SS/1.

³ J. Walsham/all boards of guardians, 26 December 1836, Guardians' Correspondence, U/SS/63, p. 9.

inmates were clean, well-fed, properly clothed, and generally well-treated,¹ and he was not a man apt to wink at the abuse of the poor. While other Assistant Commissioners were attempting to limit workhouse admissions in the economic upheavals of the forties in order to ensure that filled establishments would not preclude their use as tools of deterrence, Walsham was similarly busy but for the purpose of avoiding "the reception of such a number of inmates in any workhouse as [would be] prejudicial to their health."² Under his supervision a large array of structural improvements were made in the workhouses, the foremost of them being for the purpose of providing proper ventilation, increased living space, and better care of the sick. It is to the credit of the boards that his recommendations were nearly always implemented, even in periods of soaring administrative costs.

When seen against the misery and degradation of working class life, the comparatively humane administration of the workhouses in Durham during the thirties becomes more apparent. The overcrowding of the early years does not bear comparison with the wretchedness found in the homes of independent laborers; Walsham told the Commissioners that "eight persons constitute a not uncommon average of the inhabitants of a single room . . ."³ Certainly, no workhouse in the county could match the scene of horror described to Walsham by Nesbit, the Stockton relieving

¹ We should bear in mind that these were relative concepts. In 1840, for example, the Sunderland Union visiting committee recommended that "the Boiler Grates and pipes with the Bathing Apparatus in the Union Workhouse . . . be taken away as they are not used nor likely to be. . ." G.M., 13 March 1840, Sunderland, I, p. 236.

² J. Walsham/all boards of guardians, 23 December 1841, G.M., 7 January 1842, Sunderland, II, p. 205.

³ J. Walsham/P.L.C., 16 April 1840, Report on the Sanitary Condition of the Labouring Population, Parliamentary Papers, 1842, XXVI, p. 411.

officer:

Four months ago I went into a room . . . ; the room was very dirty; it was 9 feet broad by 15 feet long and contained four beds, in which slept two men, four women, and thirteen children. I found in one of the beds two children, very ill of scarlet fever; in another, a child ill of the measles; in another, a child that had died of the measles the day before; and in the fourth, a woman and infant born two days before; and the only space between the four beds was occupied by a tinker hard at work.¹

v. Medical Relief

After only a few years of experience in administering the poor laws of England, it began to become clear to the Commissioners that the problem of destitution was not a straight-forward matter of "indolence and vice" as the Report of 1834 had implied. In some of the counties, such as Durham, it became increasingly apparent that the bulk of the poor were rather victims of circumstances beyond their control, the foremost of which was ill-health. Just prior to the opening of the new Durham work-houses in 1838, Southwood Smith, special Assistant Commissioner for medical affairs, pointed out to the Commissioners that "there are evils [in this case disease]. . . , more general and powerful in their operation, which can be avoided by no prudence, and removed by no exertion, on the part of the poor."² The Select Committee that met in that year to investigate the operation of the laws under the Commission devoted a good deal of its time to the subject of adequate medical relief, and from that point, this aspect of administration received the distinctive atten-

¹ J. Walsham/P.L.C., 15 May 1840, ibid., p. 418.

² Southwood Smith/P.L.C., May 1838, Fourth Annual Report, App. A, No. 1, p. 130.

Chadwick, especially, was beginning to realize the important part played by disease in the creation of poverty, and public sanitation was to become his life's work.

tion of Somerset House.¹ The Committee had made it clear that the nation expected the Commission to produce beneficial financial results as well as adequate relief for the poor, and subsequently this remained the basis for all efforts in this area. "In general," the Commissioners told the Home Secretary, "all epidemics and all infectious diseases are attended with charges, immediate and ultimate, on the poor rates."² Walsham, too, shared his superiors' enthusiasm for developing adequate provisions for medical relief, perceiving the benefits likely to accrue to the community as a whole from a healthy working class. In the Sanitation Report of 1842, Chadwick included his observation that "labourers who . . . [are] healthy [are] more industrious and independent also . . ."³

The particular characteristics of the Durham economy underlined the need for the extension of efficient medical relief into the county. The large number of mining operations and the relatively early development of the railways in the area increased the possibilities of industrial accidents, and some unions appear to have been plagued with applicants of this type. The Chester-le-Street Guardians reported to the Commissioners that "this is a district peculiarly liable to such accidents [fractured limbs] from the number of collieries in and railways traversing it, and . . . [in] nine cases out of ten, accidents of the above description have the effect of pauperizing the sufferers."⁴ The continuing prosperity of

¹ See P.L.C. Circular Letter, 12 March 1842, Eighth Annual Report, 1842, App. A, No. 6, p. 138.

² P.L.C./Lord John Russell, 14 May 1838, Fourth Annual Report, 1838, App. A, No. 1, p. 94.

³ J. Walsham/P.L.C., 15 May 1840, Report on the Sanitary Condition of the Labouring Population, 1842, p. 429.

⁴ Board of Guardians/P.L.C., 3 March 1843; G.M., 16 March 1843, U/CS/1, p. 202.

the late thirties, while the more industrial counties were beginning to experience a slackening of trade, also brought further medical problems. Although the influx did not reach critical proportions until the forties, the level of vagrancy in the county began to rise after 1837. Travelling north to seek work in the mines or on the railways, the unemployed expanded the ranks of a group of poor always prone to the spread of disease. "A medical gentleman told me in Stockton this morning," Fowler, the chairman of the Stockton Union, informed Walsham, "that in the common lodging-houses where travelling vagrants are frequently attacked with fever, etc., and in many cases die, the beds are the very next night occupied by fresh inmates, who, of course, are infected with the same disorder."¹ Moreover, Durham's contact with the Continent and other parts of England through its sea trade rendered it vulnerable to epidemics. Typhus and cholera, always noted in the records of the county's unions, had easy access through the great ports of Newcastle and Sunderland; the devastating cholera epidemic of 1831 had entered England by way of the latter town.²

Unlike the workhouse system, Durham's medical arrangements prior to the introduction of the New Poor Law were haphazard and incomplete. On first reviewing the county, Walsham found that his work was cut out for him: "I find very few pre-existing [medical] contracts. In large towns, the poor are generally attended and supplied with medicines from a dispensary to which the parish pays a yearly subscription of no great

¹ J. Walsham/P.L.C., 15 May 1840, Report on the Sanitary Condition of the Labouring Population, 1842, p. 418.

² See J. Walsham/P.L.C., 15 May 1840, ibid., p. 423.

amount."¹ In the rural areas, matters were even more rudimentary. Here it was customary for the individual practitioner to give his service on the cuff, hoping to be paid when the pauper returned to employment.² Not surprisingly, Walsham's initial efforts to impose a more systematic approach to medical relief met with some resistance. The Easington Board refused to consider the matter and tabled for six months a motion to appoint medical officers.³ The Durham Guardians even suggested alternate plans more amenable to their views on the proper priority to be given medical relief. When confronted with orders to appoint medical officers, they wrote to Walsham "to ascertain whether the Commissioners will allow each Township in the Union to engage and pay their own Medical Officer . . ."⁴ But Walsham remained undeterred, and eventually all the boards were induced to take up a relief responsibility wholly unknown in the county.

For the purposes of administration, each union was divided into medical districts, in charge of which was placed an officer who was responsible for all the sick poor coming within his district.⁵ His assistance was required by medical orders issued by the guardians and relieving officers, or in the event of emergencies, the overseers; he could, of course, administer relief on his own recognizance. In the first years, the Commissioners prescribed no more than that the districts

¹ J. Walsham/P.L.C., 22 January 1837, M.H.12/3313 (Teesdale).

² Ninth Annual Report, 1843, p. 16.

³ G.M., 16 May 1837, U/Ea/1, p. 20.

⁴ G.M., 8 April 1837, U/Du/1, p. 29.

⁵ It is important to note that sometimes a medical officer was charged with more than one district.

"should be of moderate size, so far as circumstances would permit. . . ."¹

And the most common procedure appears to have been the adoption of the relieving districts for the purpose of fixing boundaries. In subsequent years, some of the unions found that these areas were too large for the officers to effectively administer, and alterations were made in the district configurations. Both the Durham and Houghton-le-Spring Boards increased the number of their units from two to four, and the South Shields Guardians eventually settled on three districts instead of two as the best means of ensuring adequate care of the sick.² On the other hand, several unions from the introduction of provisions for medical relief determined on more extensive coverage.³ The Darlington Board decided on four medical districts (two relieving districts), and the Easington Guardians finally accepted proposals for three (one relieving district).⁴ The uncommon length of the Teesdale Union again dictated an unusual policy, as it had done in the case of dual-workhouses; in this Union there were no less than seven medical districts!⁵

The novelty of medical relief in Durham precipitated a problem that

¹ Seventh Annual Report, 1841, p. 7. The quote is in reference to policy from 1835 to 1840.

² See G.M., 17 March 1838, U/Du/1, p. 104; G.M., 12 March 1838, U/Ho/1, pp. 54-55; G.M., 5 March 1839, U/SS/2.

The Durham Board later reverted to two medical districts. G.M., 16 March 1839, U/Du/1, p. 175.

³ It seems that the Auckland Union was the only example of a union with fewer medical districts than those for relieving purposes. The numbers were two and three, respectively. Board of Guardians/P.L.C., 3 April 1837, M.H.12/2928 (Auckland).

⁴ Board of Guardians/P.L.C., 28 April 1838, M.H.12/2989 (Darlington); G.M., 12 December 1837, U/Ea/1, p. 52.

⁵ Board of Guardians/P.L.C., 26 March 1837, M.H.12/3313 (Teesdale).

was to mar the relationship between the local authorities and the Commission for at least a decade, that is, the proper payment of the officers.¹ The extremely low rates required to run the previous system of medical relief had accustomed the inhabitants to regarding this sort of expenditure as incidental, and any attempt to increase it was consistently met with resistance.² "The medical relief under the former management of my district," Walsham recalled in later years, "constituted so insignificant a feature among the disbursement . . . that at the outset neither the Guardians nor the Assistant Commissioners had any comprehensible data furnished by the experience of the past upon which to calculate the future remuneration of medical officers."³ During these first years, consequently, the Commissioners were content to let competitive bidding among the applicants fix the price of services, rather than attempting to impose prescribed salary scales on the guardians.⁴ However, only a handful of Durham's boards undertook to establish salary levels by tender, and in subsequent years even these boards joined the others in peremptorily fixing the remuneration.⁵

The salaries arrived at by the boards varied greatly from union to union, but they all had one thing in common - they were low, or at

¹ See infra, p. 246.

² See J. Walsham/P.L.C., 22 January 1837, M.H.12/3313 (Teesdale).

³ J. Walsham/P.L.C., in Report on the Further Amendment of the Poor Law, App. B, No. 6, III, p. 198; Ninth Annual Report, 1843, p. 17.

⁴ See First Annual Report, 1835, p. 53.

⁵ See G.M., 17 March 1838, U/Du/1, p. 104; G.M., 12 March 1838, U/Ho/1, pp. 54-55.

least the Commissioners thought so.¹ Although the populous unions, such as Sunderland, South Shields, Gateshead, and Darlington, expended more than £100 each annually on medical wages, the smaller unions advertized for medical officers at salaries around the £20 mark.² In addition to these wages, it was common to allow twelve shillings per case for paupers on suspended orders, i.e., non-resident paupers receiving relief (to be reimbursed by the parish of their settlement). However, some unions, in an effort to inexpensively increase medical remuneration, provided for a pound per case for non-resident paupers, but the Commissioners quickly halted these obvious attempts to saddle other unions with onerous medical fees.³ Towards the close of the decade, the Commissioners ordered the cessation of extra payments for the care of non-resident paupers altogether, as it had been interfering with the effective administration of relief. The South Shields Guardians were told at the beginning of 1839 by Walsham that henceforth the medical officers were to give their

¹ When the Auckland Guardians set the salary of their medical officer at £52, the Commissioners commented that "the sum to be granted - viz. £52 - is an inadequate remuneration for the performance of the duties which must of necessity devolve on the medical officers of the said Union." P.L.C./Board of Guardians, 19 April 1838, M.H.12/2928 (Darlington).

The reader will notice below that £52 represented, in Durham, a fairly substantial salary for a Union the size of Auckland. But the Commissioners, during these years of delicate negotiations over workhouse arrangements, were loath to assert a stronger line in this area, and the above correspondence is one of only a few examples I have been able to uncover of a Commission attempt to interfere with the wage of a medical officer in the thirties. We shall see later that the forties found Somerset House more unbending in this matter.

² The aggregate annual medical expenditure of the Teesdale Union was £120, but this amount was divided up amongst seven districts. Only the Easington Guardians adopted the "per case" method of remuneration favored by the Commissioners. See First Annual Report, 1835, p. 53.

³ See G.M., 1 May 1838, U/SS/1; G.M., 17 April 1838, U/Ea/1, p. 52.

attention to "all sick paupers resident within the limits of their respective Districts . . . (without any reference to their places of Settlement) . . . [and they] shall not be entitled to claim in addition to their Salary or remuneration, any extra salary or remuneration whatsoever."¹

As the Commissioners had feared, the low salaries fixed by the boards began to compromise the quality of medical aid in the county.² Some unions were unable to find practitioners willing to take on indeterminate duties for such low levels of pay. The Gateshead Board, on at least one occasion, had to appoint a medical officer living some miles outside his district, in consequence of his application for employment having been the only one received.³ The Durham Guardians were only successful in finding officers for two of their four districts, which may have precipitated their return to a two-district configuration.⁴ In Houghton-le-Spring, two medical districts were given over to the care of one officer after active attempts to solicit the interest of local practitioners had failed.⁵ And in other unions where single men were responsible

¹ J. Walsham/Board of Guardians, 18 March 1839, G.M., 19 March 1839, U/SS/2.

² For a discussion of the extent and quality of this type of relief, see *infra*, p. 287.

³ Board of Guardians/P.L.C., c. April 1840, M.H.12/3068 (Gateshead).

⁴ G.M., 17 March 1838, U/Du/1, p. 104.

⁵ G.M., 4 April 1838, U/Ho/1, p. 58.

During 1837, the Union had been divided into two districts, with medical officers' salaries at £40 and £20. There had been no difficulties in filling the positions. In 1838, however, four districts were established, with salaries of £15 in two and £10 in the other two, and it was at this time that the Board found they were unable to attract the interest of local medical men.

for more than one district, similar problems may have been encountered by the boards.¹

In this tenor, the Commissioners' medical arrangements limped through the remaining years of the thirties. It is clear that the new system provided for more extensive coverage and efficiency than previous practices. The workhouses, for one thing, now had the regular services of medical men.² But the shoddiness of administration invited the special attention of London in later years.

vi. The Parochial Authorities

Although the officials of the Old Poor Law had come under a scathing attack in the shape of the Report of 1834, the Amendment Act had left considerable power in their hands, and under the New Poor Law the activities of the parochial authorities continued to be of importance in the administration of relief. The difficulty with which the Board of Guardians of the Easington Union wrested the control of aid from the overseers is a case in point. Perhaps the most important prerogative still exercised by the local officers was the assessment and collection of the rates. The implications of this authority were capable of such extension that if the overseers had been so inclined, they could have used it to subvert the entire operation of the Act in Durham. Early in 1837, K. Taylor, Walsham's secretary, told the South Shields Guardians that "the Poor Law Commissioners would be unwilling to take or recommend any compulsory measures against

¹ See, for example, P.L.C./Board of Guardians, 23 June 1840, M.H.12/2928 (Auckland).

² The medical officer charged with the district in which the union workhouse was located generally assumed responsibility for the care of the inmates. Invariably, he was better paid than his fellow officers.

Parish Officers who collected and duly applied . . . voluntary Rates . . ."¹ Thus, under the cover of collecting "voluntary" rates, the overseers could have set up alternate machinery controlled by themselves. It is significant that the above letter was marked "private."

The Amendment Act had made it clear that rate collection would continue to reside with the overseers, and in subsequent years the Commissioners consistently abided by this provision, declining to interfere, in most instances, with rating procedures. During a jurisdictional dispute between a Sunderland overseer and a collector (a union official), the latter officer was informed by London that "the overseers are alone responsible for the insertion of persons and property in the Rate book."² With the local petty-ratepayer in unfettered control, then, this aspect of administration began to break down. The most prevalent abuse found in the records involves the incomplete rating of property, which deposited the relief burden on only a limited percentage of the ratepayers, and which in turn led to discontent and bitterness about the system and the charge of the poor on the community.³ In a typical case, the Clerk of

¹ K. Taylor/Board of Guardians, 29 March 1837, Guardians' Correspondence U/SS/63, p. 57. My emphasis.

² P.L.C./W. Galley, 7 March 1840, M.H.12/3268 (Sunderland).
Appointed by the guardians with the sanction of the Commissioners, the rate collectors assumed another of the three leading responsibilities of the overseers under the old system (the guardians and the relieving officers had already superceded them in two others, the allocation and distribution of relief). These officials were full-time employees, who were paid at a specified percentage of the rates they were able to collect. Collectors were most commonly appointed in the large parishes, where assistant overseers had normally been employed, but many of the county's smaller parishes, anxious to be rid of onerous parochial duties, clamored for and received permission to hire these officials.

³ See K. Taylor/Board of Guardians, 17 May 1837, Guardians' Correspondence, U/SS/63, p. 72.

the Highway Board wrote to the Sunderland Guardians to complain of the poor rate, "in which a very large portion of the rateable property in the Township [Bishopwearmouth] is totally omitted . . . out of the 21 houses in Woodbine Street only 12 are rated and [there] is much reason to believe that other Streets are similarly circumstanced."¹ As these practices tended to discredit the entire relief system, the guardians, unlike the Commissioners, showed less willingness to allow the overseers unconfined supremacy over rating, and with no apparent resistance from local officers, some boards proceeded to revise the parish rate books. The South Shields Guardians, for example, formed a committee "to superintend the revision of the Poor Rate Book for the Township of Westoe, and to cause the whole of the property unrated to be valued and entered into the next Assessment."²

The failure of the overseers to correctly assess parochial property does not appear to have emanated from an active attempt at self-aggrandisement, as the Commission of Inquiry had claimed to be the case in all such matters. Rather the keynote seems to have been apathy and a desire to avoid the multifarious problems in collecting any tax. After the Sunderland Guardians had noted, in 1840, that the new rate neglected to

¹ R.A. Davison/Board of Guardians, 11 April 1839, G.M., 12 April 1839, Sunderland, I, p. 51; see also G.M., 23 May 1837, U/SS/1.

² G.M., 5 January 1841, U/SS/2.

It is important to point out that the guardians had no statutory authority to interfere in this way, and only the acquiescence of the overseers allowed them to carry out these policies. In fact, it was generally recognized that many of the rate books were hopelessly out of date, and some parishes requested the boards to intervene. These joint efforts customarily took place under the Parochial Assessment Act, which authorized parishes to draw on relief funds the necessary expenses for the re-rating of property. During the late thirties, the Commissioners carried on a brisk correspondence with Durham's parishes, approving the application of funds for this purpose.

include certain ships registered in the Union, the overseers merely stated that "they were ready and willing to amend the Rate by inserting therein such Ships and Houses as were omitted . . ." ¹ They knew full well, of course, that the actual collection of the rate would prove to be virtually impossible. A local magistrate in 1839 had refused a warrant against a ship owner in default of rates, and his colleagues had immediately declared themselves no longer liable to taxation for poor relief. And there were subsequent indications that the overseers, indeed, were unable to come up with the full assessment: "From peculiar Circumstances occasioned in a great measure by objections being made by the Shipowners to pay a rate on their shipping, considerable difficulty has been felt particularly by the Overseers of Bishopwearmouth in Collecting the rates . . ." ² The intricate problems of rating stock in trade also deterred the parochial authorities from levying a complete assessment. A relieving officer in the South Shields Union told Chadwick that "there is not a single parish in Northumberland, and but three in the county of Durham, assess stock in trade." ³ Moreover, the law that compelled the rating of occupiers, rather than landlords, rendered whole blocks of tenements exempt from the cess in that they were occupied by a highly transient population. ⁴ However, the determination of the guardians to

¹ G.M., 10 January 1840, Sunderland, I, p. 199.

² Board of Guardians/P.L.C., 25 April 1840, M.H.12/3268 (Sunderland).

³ T. Wilson/E. Chadwick, 20 March 1840, Sixth Annual Report, 1841, App. A, No. 8, pp. 113-114.

⁴ See South Shields Petition/House of Commons, G.M., 21 November 1837, U/SS/1.

This was not the sole problem arising from this mode of assessment. The exemption of sub-standard dwellings from the rates did not always relieve the occupier, as it was designed to do, from heavy housing costs. Thomas Reed, vice-chairman of the Sunderland Union, told Walsham that "in

establish a consistent and equitable levy began to reap results by the mid-forties. Although problems continued to exist, in general terms it could be said that Durham during these years achieved the most even-handed rating system known in the county since the time of Elizabeth.

This is not to imply that guardian and overseer worked together in unrelieved harmony. In fact, without exception every board in the county was confronted continually with difficulties in inducing the parish officers to turn over funds for the administration of relief at union level. This is one of the few really consistent themes coursing through the poor law records. The Sunderland Board reported to the Commissioners that they had "been engaged in constant squabbles with the Overseers on this very matter [the transference of funds to the union treasurer], almost ever since the Union was formed . . ."¹ And similarly, the major Union in the Southern Division, Darlington, recorded problems of this sort. "The Magistrates," the Union clerk told Walsham, "have summoned fourteen Townships for non payment of an Order made upon them for their contribution towards union Expenditure . . ."² In some unions, overseer intransigence threatened to disrupt the functioning of administration altogether. After a long history of difficulties with the overseers, the Chester-le-Street Guardians lamented that their "next cheques would probably be dishonoured in consequence of the Union account being

the great majority of cases [of exemption] . . . the parish funds go into the pocket of the landlord, in the shape of an increased rent, which he receives and often claims on the ground of such exemption."
 J. Walsham/P.L.C., 15 May 1840, Report on the Sanitary Condition of the Labouring Population, 1842, p. 437. His emphasis.

¹ Board of Guardians/P.L.C., 16 November 1840, M.H.12/3268 (Sunderland).

² L. Robinson/J. Walsham, 28 February 1842, M.H.12/2989 (Darlington).

largely overdrawn."¹

The most common method employed by the guardians in exacting payment from the overseers was usually in the form of court orders. Again and again the parochial authorities found themselves faced with warrants from justices, who, many times, were members of the boards filing complaints. The readiness of the guardians to use these coercive tactics varied from place to place, but those boards who hoped to rely merely on persuasion soon found themselves in financial difficulties. After repeated requests for payments, the Sunderland Board in 1840 reluctantly took their local officials to court, as they were more than £1,800 in arrears.² The Houghton-le-Spring Guardians, on the other hand, displayed a less conciliatory attitude. Only a few months after the formation of the Union, the Board was handing out fines to those overseers tardy in coming up with the required funds.³ Nonetheless, this mode must have proved ineffective, for a few years later the Guardians were resorting to the bench for the necessary leverage.⁴

This remissness on the part of the parochial authorities does not appear to have been sprung from a negative response to the New Poor Law. Again, incompetence and indifference seem to have characterized overseer activities (or lack thereof) in these years. In 1839, only three years

¹ G.M., 4 February 1841, U/CS/1, p. 44.

After the treasurer resigned in protest, the Board adopted a get-tough stance: it was resolved that "any further neglect in this particular will not be passed over but that the Board are determined to use their powers to ensure more punctuality in payments to the Treasurer than has been heretofore observed." Ibid., p. 44.

² G.M., 13 November 1840, Sunderland, I, p. 373.

³ See G.M., 28 March 1837, U/Ho/1, p. 14.

⁴ See G.M., 28 June 1841, U/Ho/1, p. 195.

after the introduction of the Act into Durham, the Sunderland Guardians told the Commissioners that the overseers "from some cause or other evinced an apathy and ceased to take the same interest in parochial affairs they were accustomed to under the old system."¹ Similar complaints may be found in all the union records. In 1838, the Sedgefield Guardians reported that the overseers were "indebted to the Treasurer of the Union in a considerable sum, not having collected a rate for many months past."² And six months later the same Board was unable to forward a complete audit to Somerset House, because several "parochial officers" had neglected to attend a meeting called for the examination of the Union accounts.³ The economic dislocation of the forties, furthermore, reinforced this disinclination to perform what at the best of times were distasteful duties, and these years saw a steep rise in the number of overseers brought before the bench. With the exception of the Easington and Gateshead Unions,⁴ then, the years following the implementation revealed a penchant for the parochial authorities to disengage themselves from most facets of relief administration and marked the beginning of the progressive decay of the old parish offices.

In addition to the collection of the rates, the overseers continued to exercise absolute control over the removal of unsettled poor. In

¹ Board of Guardians/P.L.C., 21 June 1839, G.M., 24 June 1839, Sunderland, I, p. 94.

² Board of Guardians/P.L.C., 1 June 1838, M.H.12/3188 (Sedgefield).

³ Board of Guardians/P.L.C., 1 March 1839, M.H.12/3188 (Sedgefield).

⁴ The Gateshead overseers throughout 1838 stirred up a good deal of trouble for the New Poor Law in that area. A controversy broke out over the validity of a guardian election. Spewing anti-poor law sentiment, the overseers gathered around them a group of dissenters, which tended to increase for a time the importance of the parochial offices in this Union. See J. Walsham/P.L.C., 10 September 1838, M.H.12/3068 (Gateshead).

retaining the parish as the unit of settlement, the Amendment Act provided for the paramountcy of the local offices. "The Guardians," the South Shields Board was warned just after its formation, "cannot decide questions of settlement . . . nor can they prevent the Overseers from litigating questions of this nature."¹ And, in fact, their prerogatives in this regard extended even further. During a row over who should govern the means of the conveyance and lodging of removal cases, Walsham told the Darlington Guardians that "there could be no doubt that this important piece of patronage rested in the Churchwardens and Overseers, who alone were expected to . . . take all . . . steps connected with orders of removal."² More significantly, this was the one area in which the overseers continued to pursue more active policies than the guardians. In 1847, Ralph Carr, ex-officio member of the Gateshead Board, told a Parliamentary committee that "Boards [rather than overseers] are, so far as I have seen, always indisposed to remove."³ His testimony is borne out by the extremely high removal rate found in the Easington Union during the years that the parochial authorities exerted considerable influence over its administration.

¹ K. Taylor/Board of Guardians, 29 March 1837, Guardians' Correspondence, U/SS/63, p. 57.

This did not mean that the Guardians could not order the removal of unsettled poor themselves, but they were dependent upon the cooperation of the overseers in carrying out the order: ". . . the Poor Law Amendment Act [appears] to vest in those Officers [the overseers] the discretion of applying for orders of removal . . . [but] they [the board of guardians] cannot in the present state of the law make any order on the Overseers which will have the effect of subjecting the latter to penalties in case of its being disobeyed." P.L.C./Board of Guardians, 22 December 1841, M.H.12/2989 (Darlington).

² J. Walsham/P.L.C., c. 15 December 1841, M.H.12/2989 (Darlington). His emphasis.

³ First Report on Settlement and Poor Removal, 1847, p. 319.

Although one of the proud boasts of the Poor Law Commission was the declining rate of removals following upon the inception of their directorship, several factors force us to re-assess these claims.¹ Occupying the middle ground (financially speaking) between ratepayer and board, the overseers were relatively free to control limited amounts of expenditure, and their enthusiasm in pursuing the removal of chargeable poor may have proved to be the object of attraction for any wayward funds.² Certainly the unreliability of the quarterly audit would not have precluded the overseers from pursuing extensive removals without the knowledge of the boards, particularly as Somerset House was reluctant to interfere with the right of the parochial officials to do so.³ In any event, any comparison of litigation charges after 1838 (with those before) is doomed to inaccuracy, for following that year the cost of removals and travel expenses were separated from the sum returned for litigation and included with those under the heading of "miscellaneous expenses."⁴ But more importantly, the scrutiny of a Commission in London

¹ The Commissioners judged the general removal rate on the basis of union litigation expenditure. In Durham, the records for the first decade of Commission authority show a decrease from £5,245 spent in 1834 to £1,479 in 1844. Seventh Annual Report, 1841, App. F, pp. 542-543; Eleventh Annual Report, 1845, App. C, No. 1, pp. 256-257.

² The overseers were notorious for keeping shoddy and inaccurate financial records: ". . . with the exception of the Relieving Officers, they [the books] have been from the commencement [of the Darlington Union] kept in an extremely unsatisfactory state . . ." T.C. Maynard, Auditor/P.L.C., 8 June 1838, M.H.12/2989 (Darlington).

³ Just one of the many examples available may be cited as to the rudimentary nature of auditing procedures: the Commissioners were quite miffed with the auditor of the Sunderland Union after they discovered that the collector of rates of Bishopwearmouth had been embezzling large sums of money for several years. P.L.C./R. Smart, November 1839, M.H.12/3268 (Sunderland).

⁴ See Ninth Annual Report, 1843, p. 34.

provided the necessary motive for the overseers to undertake clandestine practices. Illegal removals, and the subsequent need to conceal expenditure connected with them, became rife in Durham in the years following the imposition of the Commissioners' rule. The county's transgressions in this regard figured prominently in a circular letter issued by Chadwick in 1839:

The Poor Law Commissioners have had under their consideration a report transmitted by their Assistant Commissioner, Sir John Walsham, from which it appears that, in several of the Unions under his superintendence, there lately occurred frequent instances in which certain of the parish officers of these Unions have resorted to the very reprehensible course of bribing or otherwise inducing casual paupers (who from sickness or other accidental causes have appeared likely to become burthensome) to quit the parish in which¹ the chargeability has arisen, for some other place

Despite the published figures of the Commission, there are indications that Durham's overseers may have maintained a level of removal activity remarkably similar to that of pre-New Poor Law days; this especially holds true for the forties when economic pressures encouraged a more vigorous policy. What is certain is that the Commissioners' boasts in this respect must be regarded with care.² Perhaps they were right, but

¹ P.L.C. Circular Letter, 13 February 1839, Fifth Annual Report, 1839, App. A, No. 7, p. 86.

² It is only fair to mention that my assessment also is vulnerable to attack. In the face of an extremely large number of non-resident paupers in Durham (Third Annual Report, 1837, p. 30), the Commissioners pursued a policy of attempting to break down the old habits of removing unsettled poor. They managed to persuade most guardians to distribute relief to this type of pauper with the proviso that they would be reimbursed by the unions of settlement. Later, the Commissioners even appear to have induced the boards to bury all paupers dying within their unions, regardless of settlement. We have already seen that similar policies were introduced in respect to medical relief.

Many boards, however, found difficulty in controlling the relief granted by other boards to their paupers resident elsewhere (See, for example, G.M., 26 December 1837, U/Ea/1, p. 53.). And more significantly, a great deal of fraud and broken agreements was generated by the system. (See G. Broom, Clerk/J. Walsham, n.d., M.H.12/3313 (Teesdale); and Board

they could not have founded their conclusions on any bases of validity. The truth will only be known when the first historian enters into the tedious task of examining both the union and parish records of the county.

vii. Opposition

It was not entirely characteristic of Durham's response to the New Poor Law that one of its best known critics was the North Durham M.P., H.T. Liddell. Although he was not the only important county personality opposed to the implementation of the new law,¹ he must certainly be considered the most prominent Durham member of that knot of individuals who devoted many years of their careers to the repeal of the Act in Parliament and the generation of opposition in the country. In 1841 his name figured with those of Castler, Fielden, Stephens, Bull, Disraeli, Stanhope, and the Bishop of Exeter in the long list of subscribers to the most famous indictment of the New Poor Law ever written, The Book of the Bastiles.² He provided the focal point for the various groups discontent with the workings of the law in Durham, but the fact that he was unable to rally a sustained opposition must be seen as an indication of the lack of deep-seated discontent with the Act in the county.³ Nonetheless, his indivi-

of Guardians/J. Walsham, 11 December 1839, M.H.12/2928 [Auckland]). Consequently, this policy probably only hindered the removal of paupers of those unions with which the union of chargeability was on particularly good terms. Removal continued to be the surest means of disposing of non-resident pauper burdens.

¹ It should be remembered that the Marquess of Londonderry was among the handful of men who opposed the Bill when it came up to the Lords. Indeed, Liddell was his "man" in the Commons.

² G.R.W. Baxter, The Book of the Bastiles, 1841, frontpiece.

³ His prominence was reflected in the local press, and the row that ensued over his activities was not always without humor: "We [the Durham Chronicle] are credibly informed . . . that it is the intention of Sir Robert Peel, whenever he may re-enter Downing Street, to appoint Mr. Liddell

dual efforts did influence what local opposition there was, and Walsham was ever-ready to refute charges emanating from his corner.¹ In November of 1837, Liddell gave a speech in the House of Commons attacking the principles of the Amendment Act, particularly the workhouse system. In it charges were made that Walsham later was able to prove were largely unfounded,² but the speech had the immediate effect of stirring up problems for him that he had not encountered since his arrival in Durham. According to T. Reed, vice-chairman of the Sunderland Union, the speech "acted upon the Town like an electric shock; the subject spread like Wildfire . . ."³ And a growing hostility vis-a-vis the workhouse system threatened for a time to undo the progress that Walsham had made during the preceding year; he told London that Liddell's speech had "created the greatest excitement and hostility [to the workhouse system] in that part of the North of England where he resided."⁴

Notwithstanding Liddell's total commitment to the repeal of the

to the situation of a Gentleman Usher at Court, with the prospect of advancement to the post of Governor of the Royal Nursery - a trust which his known ability for frightening old women and children, evidenced by his well-known Tales of the Ogres [reference to an anti-poor law speech given in the House of Commons in 1837], published under the protection of Parliamentary privilege last year, would, in Sir Robert's opinion, amply qualify him to fill." Durham Chronicle, 12 October 1838.

¹ It is interesting, nay, surprising, that Liddell was able to gather material for his attacks on the system from the guardians themselves, presumably without Walsham's knowledge. In 1837, at least two boards answered questionnaires sent to them by Liddell on the administration of relief in their unions. See G.M., 20 November 1837, U/Ho/1, p. 44; G.M., 7 November 1837, U/SS/1.

² See T.C. Maynard, Coroner/J. Walsham, 4 December 1837, M.H.12/3268 (Sunderland).

³ T. Reed/J. Walsham, 3 December 1837, M.H.12/3268 (Sunderland).

⁴ J. Walsham/P.L.C., 6 December 1837, M.H.12/3268 (Sunderland).

New Poor Law, the realities of Durham politics and the general tenor of county opinion eventually drove him back to moderation. Indeed, the Durham strain of anti-poor law agitation was never as virulent as that of Lancashire and Yorkshire, even among those individuals, like Liddell, who were ready to consort with the extremists. By December of 1837 we find him assuring Walsham that his speech was mis-reported and that he was certain relief in Durham was administered with a generous hand. From his investigations, he told Walsham, he had found that "the same Quantum of outdoor relief was continued under the New as under the Old Law and . . . to the best of my belief the practice of the New Law was humanely and discreetly carried into effect."¹ He had been forced to adopt a similarly problematical stance in his election campaign six months earlier, and the Durham Advertiser was moved to defend him against charges of "equivocation."² A similar need for such tactics in the county was experienced by Lord Harry Vane during his campaign as a Whig candidate for the South Durham seat in 1841. A member of the party responsible for the passage of the Act, Vane had to make some concessions to the "anti" element in the county. In an election address he conceded that a review of the harsher provisions of the law was in order.³ His opponent,

¹ H.T. Liddell/J. Walsham, 4 December 1837, M.H.12/3268 (Sunderland). His emphasis. This is yet another example of the evidence available to support the contention that the boards continued to distribute aid as the authorities had done in previous years.

² "He was wishful to repeal the objectionable clauses, but would preserve those parts of the Bill which were good." Durham Advertiser, 30 June 1837.

³ D/St. "Address of Lord Harry Vane to the Electors of Barnard Castle," 21 June 1841, cited in P.J. Hardcastle, Free Trade, the Corn Laws, and Elections in County Durham, 1841-52, unpublished B.A. thesis, (Durham, 1970), p. 28.

James Farrer, was, on the other hand, conducting a less conciliatory campaign. Following Vane into Barnard Castle, he told a public meeting that he stood bitterly opposed to the "despotic authority exercised by the Somerset House Commissioners, who are nearly as absolute as three kings."¹ Vane was returned.² Finally, the truly innocuous character of Durham-style Parliamentary resistance is underlined by a small item found in the social columns of the Durham Advertiser: it was noted that at a formal dinner to celebrate the return of Liddell to Parliament, "the Rev. H.G. Liddell had thanked those electors who voted for his nephew."³ At this time, the Rev. H.G. Liddell was the vice-chairman of the Easington Union. Amid such gentle opposition, Walsham was able to continue with his plans for the workhouse arrangements.

As the passage of time showed that Parliamentary resistance, in any event, was unlikely to hinder the administration of the new law, the epicenter of opposition drifted more and more into popular channels. The growing disillusionment with Parliamentary action was shown in the sharp dropping off of petitions against the New Poor Law being sent to Westminster during the late thirties.⁴ In Yorkshire and Lancashire, this

¹ D/St. "Address of James Farrer to the Electors of Barnard Castle," 23 June 1841, cited in ibid., p. 29.

² The necessity of Vane's compromising his party's position must indicate that there were several individuals about apt to regard the "principles of 1834" as overly-severe. The fact remains, however, that the compromise-candidate won, which probably reflected the ambivalent feelings of most electors. A proper analysis is complicated by the fact that the New Poor Law was not the central issue of the 1841 election. Hardcastle attributes Farrer's defeat to a lack of connections.

³ Durham Advertiser, 8 September 1837.

⁴ In 1837, 279 such petitions had been received by Parliament. A paltry 87 petitions, representing only 6,526 signatures, were received in 1840. G.R.W. Baxter, The Book of the Bastilles, 1841, pp. 557-558.

meant for a time the fusion of certain middle class elements with the mob, which rendered the Act virtually inoperative there for at least fifteen years.¹ But in Durham no such concerted action occurred, popular agitation here being rather a series of localized responses to specific or supposed abuses. The absence of ideology in the "movement" is best illustrated by the lack of response in the county to certain grievances that became the fundamental issues in opposition elsewhere. The separation of families in the workhouses under the Commissioners' regulations for strict classification had been made use of by the principal opponents of the New Poor Law from the start,² and this appeal was nearly always guaranteed to elicit a reaction. Durham's unions were especially vulnerable to these attacks, as workhouse classification was generally implemented and the local press did not spare any efforts in lambasting the provision "which enables the Commissioners to intercept even the interchange of domestic affections, to separate husband and wife, father and child."³ However, there are indications that this tenet of anti-poor law agitation never made much headway in the county. In 1839, rather than consider a motion requiring Guardian approval of any separation of families in the Union workhouse, the Sunderland Board decided to allow the matter to rest, for no complaints had been made to them by the inmates or the public regarding classification.⁴ Even the pressures of a trade slump could not

¹ R. Boyson, "The New Poor Law in North-East Lancashire, 1834-71," p. 35.

² See Second Annual Report, 1836, p. 5.

³ Durham Advertiser, 8 August 1834.

⁴ G.M., 19 July 1839, Sunderland, I, pp. 108-110.

The motion appears to have been the action of two members of the visiting committee who considered interference with the "sacred relations of life" beyond the authority of Somerset House. G.M., 12 July 1839, Sunderland, I, p. 104.

always be relied upon to produce manifestations of discontent with the system. Following a local recession in Darlington in 1837, which saw four hundred weavers thrown out of work, Walsham reported to the Commissioners that "nothing can be better than the disposition of the Guardians; the town was as quiet as a country village . . ."¹ The dearth of organized protest is further highlighted by the singular absence of reports in the local papers of the kind of activities found in the larger counties to the south. Indeed, it appears that not one large anti-poor law meeting took place in Durham during the years 1837 to 1840, the period of greatest reaction to the Commissioners' leadership.²

Having said all this, it remains to be pointed out that without doubt isolated pockets of resistance did exist in the county, and in some cases, leading members of the community swung their weight against the new law. In boasting of the reduction of relief expenditure in the Easington Union, the Durham Chronicle mentioned that this "success" had been contrary to the predictions of "highly influential parties who strenuously opposed the formation of the Union."³ And as elsewhere, the tales associated with the treatment of the paupers in the workhouses could reach extravagant proportions. In 1841 Walsham, almost wearily, told the Commissioners that he had had "more than once to demonstrate the untruthfulness in cases where even the Poor Law Correspondents of the Times

¹ J. Walsham/P.L.C., 27 May 1837, M.H.12/2989 (Darlington).

² The Durham Chronicle would not have passed up an opportunity to assail a gathering of opponents of the Act. The Durham Advertiser, especially, would have been certain to record any significant protest. The editor was addicted to providing colossal spreads for any public manifestation denoting agreement with his sentiments; Peel's installation as Rector of Glasgow University claimed at least half of the edition of the week following. Instead, the editor was forced to confine himself to printing extracts of protest meetings lifted from papers in other parts of the country.

³ Durham Chronicle, 18 May 1838.

dared not venture to affirm that the administration of some given Union was marked by inefficiency or inhumanity."¹ These stories, of course, affected the disposition of the working classes, who, not surprisingly, Walsham found to be generally resentful of the machinery a-building in 1837. "There has been," he complained, ". . . a feeling of distrust and dislike fomented among the working classes, against the Poor Law, by the rabid notions of moral incendiaries . . ."² However, many more factors than the activities of "moral incendiaries" contributed to the spread of discontent with the new scheme in Durham.

The laborers always harbored suspicions that the New Poor Law was a vast middle class conspiracy to drive down wages by forcing them to rely more fully on the employers in order to avoid the rigors of the workhouse system. These opinions were reinforced by the Commission's attempts to encourage and facilitate the migration of pauperized farm laborers to the industrial north.³ Although these efforts centered largely on Lancashire, other Commission palliatives in Durham tended to point to a wider collusion with the local manufacturers. The industrialist J.B. Pease was a prominent member of the Darlington Board, and under the auspices of the poor law system, female children from workhouses all over the county were sent to him "for the purpose of being educated in an Establishment kept by him at Birkenhead . . .". Of course, many of these youngsters later found their way into his factories at Darlington, and over the years a considerable amount of resentment about these practices

¹ J. Walsham/P.L.C., 9 February 1841, M.H.12/3268 (Sunderland).

² J. Walsham/P.L.C., 6 December 1837, M.H.12/3268 (Sunderland).

³ See P.L.C. Circular Letter to Manufacturers, 2 March 1835, First Annual Report, App. A, No. 7, p. 90; and Second Annual Report, 1836, p. 17.

accumulated in the area. W.T.H. Hawley, who replaced Walsham in 1842, told Somerset House that "many statements have lately appeared in the public prints prejudicial to the proceedings of this man [Pease], and so much suspicion is naturally excited as to his motives for obtaining possession of female orphan paupers . . ."¹ In a more indirect manner, the reprehensible actions of others, many times those of the parochial officials, were attributed to the Commissioners. In conducting an investigation into a charge made by Liddell that London had ordered the termination of relief to 200 bastard children in the Sunderland Union, Walsham found that the decision had been taken by the select vestry prior to the formation of the Union.² In a similar vein, the New Poor Law was used to shield the parsimony of the ratepayers in the Auckland Union, which drove at least one influential inhabitant into the arms of the opposition. In 1842 the Commissioners received a distressing letter from the vicar of Merrington: "There has been from time immemorial an annual distribution among the poor in this parish of certain monies arising from ancient charitable bequests . . . [Last Christmas] six pounds . . . was handed over by them [the churchwardens] to the overseers of the several townships in the parish to assist the poor's rate collection in such townships; and this proceeding has been adopted, as I have been given to understand, by your direction."³ The situation was somewhat exacerbated,

¹ W.T.H. Hawley/P.L.C., 5 November 1842, M.H.12/2989 (Darlington).

² J. Walsham/H.T. Liddell, 7 December 1837, M.H.12/3268 (Sunderland).

³ John Tyson/P.L.C., 26 January 1842, M.H.12/2928 (Auckland).

The Commissioners lamely answered that they were "not aware of their having given any directions on the subject of the distribution of any money derived from this . . . Charity in the Parish." P.L.C./J. Tyson, 5 February 1842, M.H.12/2928 (Auckland).

Of course, the many transgressions of the union officials, too, caused periodic disgust with the system: "His [the relieving officer's]

moreover, by the willingness of even the supporters of the new measure to exploit the discord engendered by its operation for the purpose of achieving wider political objectives. The Durham Chronicle went so far as to predict, and advocate, the union of the Anti-Poor Law agitation, which it opposed, with the Anti-Corn Law movement, which it staunchly supported:

[Let] a period of suffering arrive - let the price of bread be what it is now, from 8d. to 9d. the quartern loaf - and then let the Poor-law be enforced. What would be the consequence? Probably such a resolute and powerful demand for the repeal of the Bread-tax, as would destroy the monopoly of that "interest" . . . [For] the cause of it [high bread prices], will become familiar to the masses, when the Poor-law shall have thrown them upon their own resources in times of scarcity of work and dearness of food.¹

Despite the presence of these sundry features, they did not provide sufficient motivation (as we have said) for full-scale popular attempts to disrupt the administration of relief in the county.² The principal reason for this probably resided in the characteristics of Durham society. It may be argued that a highly-developed industrial economy, like that

Drunkenness has now become Matter of Observation to the Public and is operating to the discredit of the Board of Guardians, and tends to bring the new Poor Law here into Contempt." Board of Guardians/P.L.C., 30 January 1838, M.H.12/3313 (Teesdale).

¹ Durham Chronicle, 5 January 1838, their emphasis. Here, the greatest champion of the New Poor Law in the county implies exactly what its opponents were busily trying to prove to the populous, i.e., that the working of the law could produce dire distress among the working classes.

² This is not to say that the Durham relief system came through the upheavals of 1837-40 unscathed. The activities of the opponents of the Act in other parts of England directly affected the administration of aid in the county. "The chief obstacles to my progress, as your Assistant Commissioner in Northumberland and Durham," Walsham informed London in 1837, ". . . have issued not so much from unwillingness to build or alter workhouses, . . . as from the uncertainty which these guardians were compelled to feel respecting the permanency of [the Poor Law Commission] . . ." J. Walsham/P.L.C., 6 December 1837, M.H.12/3268 (Sunderland).

found in Yorkshire and Lancashire, was required for the necessary combination of class-forces and the urgency with which the united interests fought the Commissioners' authority.¹ The Short-time Committees of the 10-Hour Movement provided the framework of organization for the poor law agitation in the industrial counties, and Castler, the chief architect of both movements, always regarded the two as inseparably linked.² In Durham, on the other hand, no such cohesive basis existed, and here the development of an industrial economy lagged far behind that of its southern neighbors. As James Caird remarked in the early fifties: "Unlike Lancashire and the West Riding, the coal fields of Durham have not led to the establishment of a great manufacturing population, the coal being wrought principally for export to London, and to the east coast and continental ports."³ Isolated and sharing relatively few common interests, the working population of Durham was never able to achieve a requisite impetus for administrative disruption, and so examples of this kind of resistance must be sought elsewhere. Finally, during the crucial years of the late thirties, the mixed Durham economy was able to support the potential trouble-makers, i.e., the workers, in contrast to Lancashire and the West Riding. But the gaunt fingers of depression could not be held at bay indefinitely, and in the forties hard times arrived in Durham and with it came a new style of relief administration ominously reminiscent of that of the early twenties.

¹ The manufacturers had an interest in promoting liberal outrelief in order to maintain their work force in times of depression. R. Boyson, "The New Poor Law in North-East Lancashire, 1834-71," p. 35.

² C. Driver, Tory Radical, pp. 334-335.

³ J. Caird, English Agriculture in 1850-51, p. 331.

CHAPTER FIVEDURHAM: CRISIS AND REACTION

The true cause of alarm to Ultras and to all other agriculturalists is not the reduction of prices from a good season, or even from the Tariff, but it is from the increase of the Poor Rate

— Sir Robert Peel to Charles Arbuthnot,
30 October 1842, N. Cash,
Reaction and Reconstruction in
English Politics, 1832-1852.

Although Durham's more industrial southern neighbors had been suffering periodic trade slumps throughout the late 1830's, the county's economy was continuing to show signs of health as the forties approached. A remarkable expansion in the industrial sector provided an increasing demand for labor, which enabled the local working class to maintain a relative independence. Sometime in early 1839, Walsham attributed the lack of distress among the laborers to "the demand for constant and varied employment at high wages . . . [and] the almost unchecked progress of public and private works"¹ The distress of the operatives in Lancashire and the West Riding had been exacerbated by the high cost of provisions resulting from poor harvests during the period 1837-1839. From 48 shillings and 6 pence per quarter in 1836, the cost of wheat had steadily climbed to 70 shillings and 8 pence in 1839.² In Durham, however, this price revolution seems to have created little dislocation. The high wages afforded by the county's industrial development compensated for increased food costs, and unlike some areas, the poor harvests of these years did not greatly affect agricultural employment. "Whilset

¹ J. Walsham/P.L.C., n.d., Fifth Annual Report, 1839, pp. 9-10.

² J.M. Stratton, Agricultural Records, pp. 104-105. This was the highest price since 1821.

the change of prices," Walsham remarked, "has produced much less distress, or at any rate much fewer demands for relief in the district under my superintendence than might have been anticipated, such change has had also little or no influence here on wages and employment."¹

While the industrial counties were plagued with only fluctuating conditions, Durham might hope to avoid the more acute twists and turns of a vacillating economy, but when the bottom fell out of the entire northern market during the early forties, the situation was altered. Early in 1842, the Poor Law Commission informed the nation what it already knew - the so-called "hungry forties" were underway: "In the manufacturing districts . . . the distress of the operatives has been severe and extensive . . ."² And a year later the refrain rang the same: ". . . during the parochial year . . . severe and extensive distress prevailed in the manufacturing districts . . ."³ Durham, of course, was dragged down with the other counties. The industrial centers of the Northern Division followed Stockport, Huddersfield, and the rest into momentary stagnation, and large numbers of men were thrown into unemployment. In the town of Newcastle, where prevailing conditions always affected North Durham's labor market, 1842 found staggering numbers of men out of work: "Three fourths of the mechanics and labourers are out of employment; and the demand for labour is less than at any preceding period since the [Newcastle] Union's formation in 1836 . . ."⁴ In South Shields, the

¹ J. Walsham/P.L.C., n.d., Fifth Annual Report, 1839, p. 9.

² Eighth Annual Report, 1842, p. 7.

³ Ninth Annual Report, 1843, p. 1.

⁴ J. Walsham/P.L.C., c. February 1842, M.H.12/3068 (Gateshead).

Guardians noted that the large number of unemployed men in the Union were "chiefly Carpenters and Labourers at the Factories . . ."¹ And throughout 1842 and 1843, public meetings of unemployed workers were held in Sunderland and South Shields to demand adequate relief or jobs.² Unfortunately, Durham was made to pay for its late entry into depression by a late recovery. A year after Lancashire and Yorkshire were beginning to find their feet, Northumberland and Durham were still in the grip of unemployment. After rejoicing over the diminution of union expenditure for the year of 1844, the Commissioners pointed out that a handful of counties continued to labor under an increasing rate burden. "The principal of these," they remarked, "are Lincolnshire, Shropshire, Durham and Northumberland. The increase of expenditure in the two latter counties was owing to the state of employment among the colliers . . ."³ Nonetheless, by 1845 the worst was over.⁴

In the agricultural areas of the county, similar distress prevailed. Sometimes this was a direct result of the industrial depression in that several centers, such as Barnard Castle, Darlington, and Bishop Auckland, employed weavers who lived in the surrounding rural districts.⁵ In 1835, for example, the ratepayers of Hurworth told the Commissioners

¹ G.M., 15 August 1843, U/SS/3, p. 136.

² See G.M., 27 May 1842, Sunderland, I, p. 285; and G.M., 18 July 1843, U/SS/3, p. 132.

³ Eleventh Annual Report, 1845, p. 3.
The year 1844 was marked by pitmen's strikes which compounded problems in the coal industry. See infra, p. 232.

⁴ See ibid., p. 12.

⁵ Report on the Sanitary Condition of the Labouring Population, 1842, p. 20.

that although their parish was primarily agricultural, "a very considerable proportion of the population . . . consists of hand-loom weavers and their families, who work for the manufacturers of the neighbouring town of Darlington . . ." ¹ More importantly, however, the diminishing demand for produce and the unstable labor market, precipitated by conditions in the industrial sector, affected in a most direct way the salubrity of the rural economy. Unemployment in the town almost certainly meant unemployment in the country: "It . . . appears that the welfare of the agricultural labourer is, more than that of any class in the community, dependent on the continued progress of our manufacturing and mercantile industry." ²

Notwithstanding the industrial factor, problems indigenous to local agriculture itself assisted in provoking rural depression. Throughout the thirties, it had become more difficult for the small farmer to survive. Rents on small holdings had skyrocketed, while those charged the large occupiers had declined. In 1838, the overseers of Barton, near Darlington, reported that "the great Farms are now and for some Yrs. past reduced about 25 per cent below the Rent formerly paid, not so the smaller Occupiers, who hold enclosures at more than twice the Sum per ac. paid by the larger Occupiers . . ." ³ Resembling the debacle of 1813-14, although on a much less critical scale, slipping wheat prices beginning in 1840 in conjunction with these inflated rents was sufficient to hinder

¹ Hurworth Parish Petition/P.L.C., 3 January 1837, M.H.12/2989 (Darlington).

² J. Caird, English Agriculture in 1850-51, p. 519.

³ Barton Overseers/P.L.C., 30 May 1838, M.H.12/2989 (Darlington).

agricultural development.¹ But the real core of agricultural difficulties in the early forties was to be found in the changing nature of Durham society. The expanding industrial enterprises in the county had been diverting capital away from land for several decades, and the rural development that had been characteristic of the eighteenth century gave way to torpor and submissiveness in the nineteenth. "The return from capital invested in working coal," James Caird noted in 1852, "has been so much more remunerative than land, that improvements on the latter have been comparatively neglected [since Arthur Young's days], and the skill and enterprise so abundantly lavished below ground form a very marked contrast with the absence of those qualities and the evident defect of capital everywhere too conspicuous on its surface."² The comparative decline of land is clearly demonstrated by a review of the poor rate assessment. In 1826, land was taxed at a rate 38 per cent higher than all other property combined; by 1841, the gap had narrowed to 4 per cent.³

Overlying all of these economic problems was the colossal growth of the county's population. In 1841, the population exceeded 324,000, and during the next decade it rose by 27 per cent, with one exception the highest rate of increase in England.⁴ As in preceding years, a large

¹ Prices slid from 70 shillings and 8 pence per quarter in 1839 to 50 shillings and 1 pence in 1843. J.M. Stratton, Agricultural Records, pp. 105-106.

This reduction may be attributed in part to abundant harvests, but as in 1813-14, a depressed consumer market drove the price below a point warranted by the increased supply. See Ninth Annual Report, 1843, p. 2.

² J. Caird, English Agriculture in 1850-51, pp. 331-332.

³ Eleventh Annual Report, 1845, p. 11.

⁴ J. Caird, English Agriculture in 1850-51, p. 330.

percentage of this upsurge took place in the industrial areas, the expanding coal and railway enterprises having attracted workers from the depressed southern economy.¹ But in contrast to earlier years, the population advance was creeping into Durham's countryside. It had been one thing to maintain a rural society free from pauperism in a climate of stable population, but it was now quite another in the face of a population growth of such dimensions. The situation was compounded by the failure of the agrarian interest to develop concurrently with the altered societal situation. Referring to a decades' old trend, James Caird remarked in 1852 that Durham's small inland farmers "have made no endeavor to improve their farms . . . , have done nothing to enlarge the field of employment for an increasing population of labourers, nor contributed any greater produce to the extended requirements of the country."²

These economic and demographic pressures were, of course, reflected in the administration of poor relief. After 1840, the rate burden began to resemble that found in the county following the French Wars. In a typical minute, the Board of the Sunderland Union noted in 1843 that "in consequence of the distressed state of the labouring population in the Town during the last Two Years, the amount levied for the maintenance of the poor has been great beyond all precedent"³ Indeed, if we accept the Commissioners observation that "the expenditure of the poor's

¹ J. Walsham/P.L.C., 15 May 1840, Report on the Sanitary Condition of the Labouring Population, 1842, pp. 420-421; G.M., 5 July 1842, U/Ea/1, p. 252; W. Haslewood/P.L.C., 26 December 1843, M.H.12/2990 (Darlington).

² J. Caird, English Agriculture in 1850-51, p. 334.

³ Board of Guardians/Lords of the Treasury, n.d., G.M., 23 April 1843, Sunderland, III, p. 115.

rate . . . [may] be taken generally as affording some approximation to an index of . . . amounts of destitution,"¹ then it appears that destitution was on the increase in Durham during the first half of the forties. Expenditure for these years was as follows:²

<u>Year</u>	<u>For Relief of the Poor</u>	<u>Total Union Expenditure</u>
1840	£67,331	£ 72,461
1841	£66,639	£ 92,937
1842	£71,101	£ 95,491
1843	£79,143	£105,408
1844	£80,564	£109,740
1845	£72,129	£ 99,745

Only seven counties (three in Wales and four in the industrial north) recorded a higher rate of augmentation than Durham for overall union expenditure for the year 1842-43.³ And at the half-year mark for the period 1843-44, only two counties (Shropshire and Rutland) were laboring under heavier increases.⁴

Regarding the number of poor relieved, as well, the early forties were burdensome years. In 1844, the Commissioners stated that "the number of paupers relieved both in and out of the workhouse has increased annually, and by a tolerably rapid rate of progress since 1840."⁵ In Durham, the number of paupers receiving aid increased by a half during

¹ Eleventh Annual Report, 1845, p. 11.

² All statistics used in this chapter have been gleaned from the appropriate annual reports, unless otherwise noted.

The decrease in relief expenditure for the year 1840-41 will be explained later. See infra, p. 224.

³ Tenth Annual Report, 1844, p. 5.

⁴ Ibid., p. 7.

⁵ Ibid., p. 4.

the period 1840 to 1843:¹

<u>Year</u>	<u>Paupers</u>
1840	18,520
1841	19,046
1842	24,529
1843	27,591
1844	26,611
1845	21,092

The Easington Union, where up until 1844 the Guardians made a practice of recording quarterly indigent figures, exemplified the growth of poverty in an area of mixed economic characteristics. In a period of only four years, the incidence of pauperism doubled. The figures below represent the number of poor receiving aid during the quarter ending 25 September (picked at random) for the years designated:²

<u>Year</u>	<u>Paupers</u>
1837	256
1840	269
1841	353
1842	402
1843	508
1844	523

In absolute terms, however, Durham's difficulties could not bear comparison with the severity of depression in Lancashire and the West Riding. Mining, particularly, continued to burgeon, albeit at a slower

¹ The percentage of able-bodied poor was progressing at an even more rapid rate. From 1840 to 1843 the number of able-bodied paupers more than doubled:

<u>Year</u>	<u>Able-Bodied Paupers</u>
1840	4,294
1841	4,620
1842	8,035
1843	9,612
1844	8,563
1845	5,698

² The 1844 figure actually represents the return for the quarter ending 25 March, the last period for which figures were recorded in the minutes.

pace, despite occasional unemployment problems. Several investigations of the local laboring classes during this period noted the relative prosperity of the pitmen in comparison to the other workers.¹ For this reason, the county remained an attraction for the depressed laborers to the south, and Durham's indigenous pauper problem was more and more augmented by an increasing influx of unemployed workers in search of jobs. In any event, distress throughout England set the unemployed on the roads, regardless of the possibility of finding an alleviation for their destitution, as it had done since the breakup of feudalism. "It has been often assumed and publicly stated," the Commissioners reported in 1844,² that vagrancy has materially increased, and that the number of applicants for relief of this class is far more numerous than it formerly was² Notwithstanding this observation, it is clear that London had no idea as to the extent of the problem, especially as it touched on Durham. In their tenth annual report, the Commissioners held up Durham as an example of how proper relief techniques could keep vagrancy within manageable limits, stating that in the period 1 January 1843 to 1 January 1844 only 263 vagrants were relieved by the county's unions.³ However, a random selection of minute book notations will demonstrate that vagrancy constituted a far graver and burdensome relief problem. In February of 1843, the Durham Guardians resolved that "the Sum of £5-7-6 be paid for the maintenance of 592 casual Paupers during the

¹ See Report on the Sanitary Condition of the Labouring Population, 1842, p. 421; and Report on Settlement and Poor Removal, 1847, p. 315.

² Tenth Annual Report, 1844, p. 14.

³ Ibid., p. 16.

Past Month (Excavators who had come in Search of Work)."¹ Although not strictly within the period referred to by the Commissioners, a knowledge of the huge number of vagrants relieved in the Sunderland Union alone during the few months prior to 1843-44 should suffice to show the degree to which the Commissioners underestimated the incidence of vagrancy: ". . . by far the greatest proportion of the Vagrants or Trampers apply to the relieving officer of Bpwearmouth for relief . . . for the quarter ending 25 December last [1842] 4,128 Vagrants or Casual poor were relieved in Bpwearmouth."²

Caught in an economic crunch, the ratepayers began to feel the effects of the growing pressure of the poor. In a minute typical of these years, the Sunderland Guardians noted that "owing to the same depression of trade which has produced distress among the labouring population, the ratepayers find it increasingly difficult to pay the poor rates."³ In many unions, the parishes, as we have seen, were unable to come up with the necessary funds for the relief of the indigent. In 1843, for example, the Easington Board stated that the town-

¹ G.M., 11 February 1843, U/Du/1, p. 352.

Later in the same year a similar notation is to be found: "Cheque signed for £1-4-6 for the Maintenance of 98 casual out Paupers during the last Fortnight." G.M., 23 September 1843, U/Du/1, p. 379. Notice the small amount of relief allocated.

² G.M., 24 February 1843, Sunderland, III, pp. 55-56. There is no mention in this minute that the number of vagrants was decreasing; in fact, the figures for the quarter of 25 December 1842 were used to show that the Union was being inundated with this type of pauper.

The inability of the Commissioners to appreciate the situation may have arisen from the fact that the relief accorded vagrants was of such a transitory nature that their number was not usually included in the pauper returns noted earlier in this paper. See supra, p. 219.

³ Board of Guardians/Lords of the Treasury, n.d., 23 April 1843, Sunderland, III, p. 115.

ships of Thornley and Wingate as a result of "the great and unexpected increase of Outdoor Relief had become greatly in debt to the Union . . ."¹ Fearing the consequences for the New Poor Law, Walsham increasingly took an interest in the amount of expenditure in the unions.² "I have for some weeks past," he told the Sunderland Board at the beginning of 1842, when the worst had yet to come, "indeed I might say months, observed with much concern the very great increase which has taken place in the expenditure on the Poor of the Sunderland Union . . ."³ The Guardians were also moved to consider cheese-paring policies by the mood and actions of their constituents. In 1841, a Guardian resigned in protest over local ratepayers having assumed the management of relief in his area: ". . . the Ratepayers have taken the Office upon themselves by sending Mr. Hutchison [the relieving officer] an order to discontinue the payment of some of the Paupers contrary to the rules of the Board."⁴ And the Guardians were visited several times by deputations of outraged ratepayers complaining of the heavy taxes for the poor.⁵ Responding to these pressures, the Board passed a motion, by a vote of 21 to 6, which could not have made their intentions clearer; it was resolved that "in consequence of the depressed state of Trade it is expedient at present ^{NOT} to add any increase of expense upon the Rate

¹ G.M., 6 June 1843, U/Ea/1, p. 289.

² After 1839, the Poor Law Commission's continued existence depended on an annual renewal vote in Parliament.

³ J. Walsham/P.L.C., 26 January 1842, G.M., 28 January 1842, Sunderland, II, p. 218.

⁴ W. Scott/Board of Guardians, 21 July 1841, G.M., 23 July 1841, Sunderland, II, p. 126.

⁵ See, for instance, G.M., 17 February 1843, Sunderland, III, p. 44.

payers of the Borough."¹ Nor can it be said that this was an isolated reaction to the increasing charge of the poor on the community; board after board passed similar resolutions, either to placate their constituents, or to suggest an altered view of relief administration. Facing an earlier rise in pauperism in 1839, the South Shields Board had pre-figured the Sunderland Guardians by noting that "they conceive from the increased, and increasing amount of outlay, there appears to be a necessity for strict attention to economy."² The upshot of this clamor was the appointment of a considerable number of assistant overseers in parishes throughout the county under the authority of 59 George III, c.12, which was still in force.³

The presence of assistant overseers in the relief mechanism and the frame of mind that saw the paupers as a threat to the well-being of ratepayers suffering through a ruinous depression could not have failed to affect the extent and quality of aid dispersed to the poor. The figures for the years 1840 and 1841 are especially salient as regards the fiscal policy of Durham's unions in a period of increasing pauperism. The returns for these years were as follows:

For the year ending 25 March 1840:

¹ G.M., 29 April 1842, Sunderland, II, p. 272.

² G.M., 9 July 1839, U/SS/2.

³ See Board of Guardians/P.L.C., 21 October 1837, M.H.12/3313 (Teesdale); Board of Guardians/P.L.C., 13 October 1839, M.H.12/2928 (Auckland); G.M., 28 June 1841, U/Ho/1, p. 195; G.M., 11 October 1842, U/Ea/1, p. 263.

Under the Amendment Act, the Commissioners had the power to rescind the appointments of assistant overseers; however, they appeared to have disapproved of this practice only in the very small parishes.

<u>Union</u>	<u>Relief of Poor</u>	<u>Litigation</u>	<u>Total Union Expenditure</u> (including other categories not shown here)
Auckland	£ 3,155	£ 48	£ 4,207
Chester-le-Street	4,967	104	6,168
Darlington	5,194	5	6,681
Durham	3,914	102	5,221
Easington	1,183	41	1,841
Gateshead	6,917	20	9,037
Houghton-le-Spring	3,561	285	4,776
Lanchester	2,260	17	2,951
Sedgefield	1,789	12	2,363
South Shields	6,184	60	7,177
Stockton	5,236	75	6,921
Sunderland	11,803	100	16,974
Teesdale	6,198	238	7,507
Weardale	3,894	85	4,469

For the year ending 25 March 1841:

<u>Union</u>	<u>Relief of Poor</u>	<u>Litigation</u>	<u>Total Union Expenditure</u>
Auckland	£ 2,964	£ 0	£ 4,618
Chester-le-Street	4,877	15	6,678
Darlington	5,089	6	7,523
Durham	3,677	33	5,458
Easington	1,105	11	2,129
Gateshead	7,650	82	10,141
Houghton-le-Spring	3,528	44	4,962
Lanchester	2,187	36	3,279
Sedgefield	1,612	6	2,506
South Shields	6,759	20	8,142
Stockton	5,111	34	7,853
Sunderland	12,347	450	16,790
Teesdale	5,177	110	7,172
Weardale	3,667	90	4,530

These figures reveal that although pauperism was advancing, the amount of relief appropriated to the poor was actually diminishing. This, of course, must be seen in general terms as evidence of a probable deterioration in the quality of life of Durham's poor, precipitated by official reluctance to meet rising numbers of the indigent with similarly increasing aid. Only three unions, Sunderland, South Shields, and Gateshead, show an increase in expenditure on the poor for these years, and this probably was accounted for by the fact that the greatest rise in pauperism occurred in these Unions. The second conclusion to be

gleaned from these comparative figures is that the aid granted to the paupers was the area of expense that suffered the initial and most drastic economy measures when the authorities hoped to combat rising expenditure. While the funds allocated to the poor were decreasing, the overall union costs, which included law charges, registration fees, re-assessment costs, the county rate, and so on, showed an increase. Thus, we find the relief machinery costing more and more to run, while the fundamental objective of its existence, the distribution of aid to the poor, appears to have been curtailed.

It is true that the year 1840-41 was atypical in respect to relief expenditure declining in absolute terms, but on a per-capita basis, a similar reduction in aid may be detected throughout the early forties. According to Commission returns, between 1840 and 1843 the pauper population in Durham rose from 18,520 to 27,591, which represented an increase of 50 per cent. It should be noted that the actual increase was probably higher in that the large number of vagrants receiving aid was not normally included in the Commission returns.¹ Nonetheless, the actual expenditure for the relief of the poor in these years only rose from £67,331 to £79,143, a rate of increase well below 20 per cent. The situation was somewhat exacerbated by the fact that a greater proportion of the indigent population was now made up of the able-bodied, a group customarily requiring larger, not smaller, amounts of relief than the aged and infirm.²

¹ See supra, p. 221.

² The sick, of course, required more extensive care and medicines, but this came under the responsibility of medical relief and did not necessarily involve large outrelief allowances as such.

More specific examples of this diminution of aid may be found in the Easington and Houghton-le-Spring Unions. Throughout 1841, the outdoor relief bill remained steady in Easington. The weekly cost for the entire Union averaged about £40 in the first half of 1841 and approximately £39 for the second half of the same year. However, during this period, the number of poor being relieved had increased by a third. The Union minutes indicate that 303 paupers received aid during the quarter ending 25 March 1841, while 404 were relieved during the quarter of 25 December.¹ In the Houghton-le-Spring Union, the weekly outrelief figures for the year 1845 would lead an investigator to assume that pauperism was declining here, or at least remaining steady. Throughout the year, the relieving officer of the Hetton district distributed about £55 a week in aid, while the Houghton relieving officer allocated approximately £45 weekly. However, toward the end of the year, a notation appears in the minute book that strongly suggests that the Guardians were engaged in an economy drive at the expense of the poor; in November of 1845, the Newbottle medical officer requested a rise in salary "on account of Increased Pauperism in his District."²

Despite these local efforts to keep relief costs at a minimum, the Commissioners decided that rising expenditure was the result of a disregard for the principles laid down in the Report of 1834. Like their predecessors, they seem to have been unable to relinquish the myth that a humanely administered relief system bred pauperism. "With respect to the increase of expenditure which has occurred since 1837,"

¹ G.M., 13 April 1841, U/Ea/1, p. 198; G.M., 18 January 1842, U/Ea/1, p. 229.

² G.M., 24 November 1845, U/Ho/1, p. 347.

they concluded, deep in the throes of an economic depression, "we fear that it is partly attributable to an increasing laxity with respect to the relief of the able-bodied . . ."¹ The economic situation did not persuade London to mitigate the harsher aspect of some of their directives. On the contrary, confusing effect with cause, the distress in the North prompted them into calling for more stringent conformity with correct relief principles. They recorded early on their intention of pursuing stricter policies in response to economic depression in their third annual report, in which they claimed that "on no occasion is a strict adherence to principle more necessary than on any failure of employment in a manufacturing district."² They showed that this was no empty phrase during a trade slump in Darlington in 1837. With four hundred weavers out of work, Lefevre warned the Board that in times of distress and unemployment "there will always arise a great many fraudulent claims under the expectation that . . . [the Guardians'] sympathies [will be] more strongly excited . . . it is extremely important [therefore] that [the Board] should be fully impressed with the necessity of adhering to sound principle . . ."³

In accordance with these views, the Commission began issuing the Outdoor Relief Prohibitory Order to Durham's unions. It is significant that South Shields was the first Union to receive the order in 1838.⁴ In South Shields, relief difficulties appear to have peaked earlier than

¹ Eighth Annual Report, 1842, p. 4.

² Third Annual Report, 1837, p. 6.

³ Lefevre/Board of Guardians, 16 May 1837, M.H.12/2989 (Darlington).

⁴ G.M., 11 December 1838, U/SS/2. The order did not come into effect until 25 March 1839. See supra, p. 152.

in other parts of the county. The reader may recall that in 1837, 1,897 paupers had been relieved during the quarter ending 25 September.¹ Less than two years later this figure had risen to 2,924 for the quarter ending 25 March 1839.² In any event, during the next two years, nearly every union in the county received the order, most of them in late 1840.³ However, as of 11 February 1841, the four Unions of Gateshead, Sunderland, Easington, and Houghton-le-Spring had not received instructions to implement the directive and were carrying on under previous regulations.⁴ Six months later, the Houghton-le-Spring Union was issued the order, leaving the other three Unions unaffected by the administrative alterations.⁵

The immunity of these Unions from the directive may be attributed to two reasons. First, the workhouse arrangements in the Gateshead, Houghton-le-Spring, and Easington Unions were incomplete at the time the Prohibitory Order was being issued. Although most unions throughout England had received the regulation by the Spring of 1841, the Commissioners hoped "to issue the order to some of [those] Unions, having a sufficient workhouse, to which it has not yet been issued" during the following summer months.⁶ Under this criterion, it meant, of course, that Easington could never be brought under the operation of the regulation,

¹ G.M., 7 November 1837, U/SS/1.

² G.M., 9 July 1839, U/SS/2.

³ Seventh Annual Report, 1841, p. 1.

⁴ G.R.W. Baxter, The Book of the Bastiles, 1841, p. 564.

⁵ G.M., 18 October 1841, U/Ho/1, p. 206.

⁶ Seventh Annual Report, 1841, p. 7. My emphasis.

but the completion of the workhouse renovations in Houghton saw the directive immediately issued to that Union. Secondly, in the case of Sunderland and Gateshead, the critical aspect of the depression became so apparent once the forties were underway that the Commissioners seem to have been deterred from actually implementing the "principles of 1834" in these Unions, notwithstanding their earlier pronouncements.¹ When the Sunderland Guardians were informed that the Commissioners were considering the issuance of the order to their Union, they answered that "it is at present impracticable [sic] to carry [sic] into effect in this union,"² and no more about it was heard from Somerset House. By the time the new workhouse was completed in Gateshead, unemployment had gotten such a grip on the area that Hawley recognized that it would be impossible to implement the order, and in July 1842 he managed to persuade the Commissioners to delay issuing the outrelief restrictions.³

The regulation as issued to the sundry unions stated that "every able-bodied person, male or female, requiring relief from any parish of said Union shall be relieved wholly in the workhouse of the said Union, together with such of the family of every such able-bodied person as may be resident with him or her, and may not be in employment . . ."⁴

¹ After 1840, the Commission revealed a definite disinclination to tamper with administration in the large northern industrial centers. Three years of constant turmoil in the North had convinced them that to do so would be foolhardy. It is perhaps significant that Gateshead had been the scene of considerable resistance, in the form of overseer intransigence, and Sunderland the main object of Liddell's criticisms, which tended to foment discontent in that Union. See supra, p. 203.

² G.M., 13 November 1840, Sunderland, I, p. 373.

³ N. McCord, "The Implementation of the 1834 Poor Law Amendment Act on Tyneside," p. 103.

⁴ Amended Prohibitory Order, Seventh Annual Report, 1841, App. A, No. 1, p. 99.

However, the order also included an extensive list of exceptions:

1. In the case of sudden and urgent need.
2. In the event of sickness or infirmity.
3. For the purpose of defraying funeral expenses.
4. During the first six months of widowhood.
5. In the case of widows with at least one legitimate child.
6. In the event the bread-winner was in gaol.
7. The families of men in Her Majesty's service (sailor, soldier, etc.)

Thus, the primary group of paupers affected by the regulation was the unemployed industrial and agricultural laborers just then beginning to rely on the rates for support. For the first time, London was directly ordering the workhouses to be utilized as "tests" of destitution.¹

Confronted with declining profits and rising costs, the middle-class-controlled boards no longer displayed a reluctance to resort to the workhouses as engines of deterrence. From 1840 to 1843 the inmate population of the county workhouses nearly doubled; this was a much greater rate of increase than the general rise in pauperism:

<u>Year</u>	<u>Indoor</u>	<u>Outdoor</u>
1840	1,188	17,332
1841	1,454	17,592
1842	1,866	22,663
1843	2,229	25,362
1844	2,181	24,430
1845	1,426	19,666

More importantly, this increase was composed of the able-bodied more than

¹ An important corollary to the Prohibitory Order was the provision that allowed the guardians to grant outdoor aid to an able-bodied pauper, provided the Commissioners were informed within 15 days and they gave their sanction to a continuance of such relief.

In their eighth annual report, they affirmed that they had "never hesitated to permit or establish exceptions where the peculiarities of the district required a deviation from the prevalent system." Eighth Annual Report, 1842, p. 22. Indeed, Durham's unique place in Commission policy was carried over into the forties, for I have been unable to locate one instance in the records where the Commissioners refused to sanction an exception to the Prohibitory Order. Its application in Durham, therefore, was left to the predilection of local boards.

any other group of indigent. While the general workhouse population was growing at a rate of 100 per cent during the period 1840 to 1843, the number of able-bodied inmates was increasing at 380 per cent:¹

<u>Year</u>	<u>Able-bodied Inmates</u>
1840	226
1841	336
1842	601
1843	872
1844	865
1845	411

Whereas the able-bodied had constituted less than 20 per cent of the workhouse population in 1840, they made up about 40 per cent of those interned three years later.

This increase, however, should be kept in perspective. Even at the high-water mark of 1843, the indoor poor still made up less than 10 per cent of all paupers receiving aid. The greatly accelerated rate of workhouse admissions did not always imply that a resort to the workhouse was necessary for the boards to conform to the Prohibitory Order. In 1842, Hawley reported that in the Sedgefield Union "there are only 29 Inmates - the House being capable of holding 50 . . . [but] the prohibitory order is strictly carried out, though a deficiency of employment is alleged to exist . . ."² There are many indications that the boards, composed of those men most likely to be financially hurt by depression, simply did not disperse relief to the able-bodied unless absolutely compelled to do so by the vast weight of numbers, as found in

¹ The entire able-bodied pauper population, on the other hand, was advancing at a rate of 100 per cent during these years. See *supra*, p. 219.

It is significant that half of the 10 workhouse offences requiring the imprisonment of their perpetrators, during the years 1836 to 1842, occurred in 1842. See *supra*, p. 179.

² W.T.H. Hawley/P.L.C., 2 July 1842, M.H.12/3188 (Sedgefield).

the Gateshead, South Shields, and Sunderland Unions, or that the unemployed workers were too proud or frightened of entering the workhouses to apply for relief.¹ During the 1837 slump in Darlington, Walsham told the Commissioners that "the Guardians have so dealt with the claims made upon them that no very material increase has been made in the number of applicants, . . . notwithstanding that three to four hundred weavers have been thrown out of work."² A more serious example of the failure of the system to allocate relief during times of great hardship was to be found in the Houghton-le-Spring Union. The following account is the evidence given by Ralph Elliot, an underviewer at the collieries of the Marquess of Londonderry in the towns of Pensher (Penshaw), Rainton, and Piddington, before the committee investigating the state of the miners, in reference to a pitmen's strike beginning in April of 1844:

They remained out 22 weeks. They supported themselves by pawning and selling their clothes, furniture, etc., and by breaking up their benefit boxes. Many of them so much reduced themselves by low living, that they were good for nothing for weeks after they started again. The "strike" was very bad for their families - most demoralizing. There were 10 families collected in one large room at one of the public houses, all huddled together (after they were turned out of their cottages); and the shopkeepers let others have out-houses, etc.;

¹ It appears that London was aware of the temptation offered the boards of refusing to relieve the able-bodied altogether. In 1841, the Commissioners told Walsham to be on the lookout for cases in which aid had been denied. "You should ascertain," they said, "whether the Guardians ever absolutely refuse relief; and if so you will do well to inquire into the reasons for this course of proceeding." P.L.C./J. Walsham, n.d., Seventh Annual Report, 1841, p. 57.

During the cotton famine of 1842, Cooke Taylor reported that "nearly all the distressed operatives whom I met north of Manchester . . . had a thorough horror of being forced to receive parish relief." Quoted in E.P. Thompson, The Making of the English Working Class, p. 423.

² J. Walsham/P.L.C., 27 May 1837, M.H.12/2989 (Darlington). He added, rather naively I think, that even though very little aid was distributed "no serious distress [was] permitted . . ."

and they have not recovered yet . . .¹

A review of the Union records during these months indicates that out-relief increased only very slightly, while the weekly workhouse return shows about a 50 per cent increase in activity.²

In South Shields, the sheer volume of unemployed workers precluded a resort to the workhouse in all cases of able-bodied applications. Here, as in the Speenhamland counties under the Old Poor Law, it was found necessary to implement outdoor work programs for the able-bodied, although these years did not see a return to the allowance system as such.³ In 1841, the Board, confronted with a quickly-filling workhouse,

¹ Report on the State of the Population in the Mining Districts, Parliamentary Papers, 1846, XXIV, p. 397.

² 224 collective days for the last week of December 1843 (G.M., 8 January 1844, U/Ho/1, p. 286); 313 collective days for the last week of May 1843 (G.M., 10 June 1844, U/Ho/1, p. 299); and back again to 238 collective days for the second week of November 1844 (G.M., 25 November 1844, U/Ho/1, p. 311). These periods were chosen at random.

With approximately 5,000 men on strike, this increase does not account for even 10 per cent of the numbers involved. The salient point here is that the Guardians were willing to offer aid only in the workhouse and that the bulk of the workers preferred to go without aid altogether, or barring that, the Guardians simply refused to grant any sort of relief.

While it is true that the relief system was not erected for the aid of strikers and the support of working class movements, Commission regulations directed that destitution must be relieved, regardless of its origin. See supra, p. 138.

³ It should be noted, however, that the prevalence of distress did tempt at least one board to return to a limited rates-in-aid-of-wages scheme. In 1842, the Darlington Guardians applied to the Commission to sanction a supplementary grant to a worker's salary, "the Workhouse [being] nearly full . . ." They pointed out that if the man "be taken from his present employ and brought into the Workhouse . . . his place at the Factory would be immediately supplied so that there would be no probability of his resuming his former Employment." Board of Guardians/P.L.C., 14 January 1842, M.H.12/2989 (Darlington). Their emphasis. The Commissioners refused to sanction such a procedure.

This request may indicate that wages in Darlington's factories were being cut at this time and that the Board was conscientiously carrying out the Prohibitory Order.

decided to alter somewhat the Prohibitory Order as it touched on the relief to be given able-bodied seamen. It was resolved that

on application being made by any able-bodied Seaman for parochial Relief, in consequence of their being unable to obtain work, . . . this Board adopt the following course viz:

Single persons, or married men without Families be relieved in the Workhouse.

Able-bodied men, married and with Family, be provided with work out of the House and paid at the Rate of One shilling per day.¹

Facing similar problems in the Gateshead and Sunderland Unions, where the Prohibitory Order was not in force, as well as in the Easington Union, the Commissioners were compelled to devise a new means of relieving the increased numbers of able-bodied, and the solution they fixed upon was that unilaterally employed by the South Shields Union in 1841 - outdoor labor. In the annual report of 1842, the Commissioners announced the return of a former relief practice to Walsham's district:

The Poor Law Amendment Act contemplates relief in the workhouse as the appropriate relief for the able-bodied. But . . . it confers on them [the Commissioners] the power of imposing other conditions of relief where that condition is inapplicable . . . The most obvious and generally applicable condition of this sort is the exaction of labour in return for relief, without the reception of the persons relieved into the workhouse . . .

[In] the Unions to which the prohibitory order has not been issued, or in which the workhouse becomes full, we have prepared an order embodying the regulations necessary for imposing an out-door labour test, which we have issued as a general rule to five Unions, situated ² in Northumberland, Cumberland, Durham, and Yorkshire . . .

A year later, the provisions of the Outdoor Labour Test Order were

¹ G.M., 27 April 1841, U/SS/3, p. 7.

² Eighth Annual Report, 1842, pp. 20-21.

This general regulation applied to Sunderland and Easington. A special order, embodying the same directive, was issued to the Gateshead Union a few months later, after Hawley had convinced the Commissioners that the area's employment problems were too critical for the extension of the Prohibitory Order to the Union. See Board of Guardians/P.L.C., 15 November 1842, M.H.12/3068 (Gateshead); also supra, p. 229.

extended to two other Durham Unions that ostensibly were administering relief under the direction of the Outdoor Relief Prohibitory Order, South Shields and Stockton. In their ninth annual report, the Commissioners stated that they had taken this action because the weight of rising pauperism in these Unions had forced them in the previous year "to sanction large exceptions to its provisions [the Prohibitory Order] ."¹

In resorting to outdoor labor programs, the Commissioners were attempting to find an alternate method of relief to the workhouse that would conform as nearly as possible to the "principles of 1834." Clearly, all outdoor labor as prescribed under the order, which normally included stone breaking or work on the roads, was seen as a "test" in the same sense as the workhouse. "The main object of prescribing a task of work to be performed in exchange for relief out of the workhouse," the Commissioners established in 1843, "is to supply a test of the reality of destitution on the part of the applicant, and thereby to afford him an inducement to seek for independent employment."² Therefore, the order prescribed the most onerous of work, and remunerated it at wages below those found in independent employment.³ Unless specifically exempted, every able-bodied pauper not in the workhouse was to be relieved under

¹ Ninth Annual Report, 1843, App. B, No. 3, p. 381. See also G.M., 20 July 1843, U/SS/3, p. 133.

Thus, by the middle of 1843, nine of Durham's unions were subject to the Prohibitory Order, three were administered under the Labour Test Order, and two were operating under a combination of both.

² Ninth Annual Report, 1843, p. 381.

Some might find it ironic that the existence of unemployment and destitution would have to be "proved" by an instrument only instituted because of the existence of such conditions.

³ In the words of Chadwick, the relief authorities were to be "the hardest taskmaster, and the worst paymaster, that the idle and dissolute can apply to." Quoted in J.L. and Barbara Hammond, The Age of the Chartists, p. 77.

its direction, with at least half of the aid given to be in kind, and no pauper whatsoever was to be allowed to supplement independent wages by part-time work on union enterprises.¹ After paying these cursory gestures toward the Report of 1834, the Commissioners found themselves confronted with an impasse - the extent of relief to be granted men with families. The problem led the Commission into an interesting position:

A single man, or a man with a wife and one child, ought not to receive as much [pay for outdoor labor] as a man with a wife and eight children . . . It may, indeed, be objected to this plan, that it involves a return to the "scale system" . . .; viz. of making up wages according to a certain scale, dependent on the numbers of the family.

But all relief must be determined according to the numbers of a family; because the largest ought to receive adequate support, and a single person ought not to receive more than is sufficient for his maintenance.²

Hence, faced a half century later with substantially the same dilemma as the Speenhamland magistrates, the Poor Law Commissioners for England and Wales were compelled to resort to virtually the same solution!³

The reaction of the boards to the Labour Test Order may be characterized in one word - negative. The implementation of the order necessitated the appointment of at least one salaried official to oversee the pauper laborers, and during a period of rising costs, such a proposal was bound to be ill-received. When the Easington Guardians received the directive, they replied with what can only be described as an untruth: ". . . it is the opinion of this Board, that from the unfrequency of

¹ General Out-door Labour-Test Order, 13 April 1842, Eighth Annual Report, App. A, No. 11, pp. 175-176.

² P.L.C. Minute, 31 October 1842, Ninth Annual Report, 1843, App. B, No. 3, p. 383.

³ The primary exception, of course, was that the Commissioners did not sanction wage supplementation.

application from any able-bodied male paupers in this Union; it is inexecutable [sic] to appoint a Supt. with a Salary . . ."¹ And London was never able to induce this Board to take the necessary steps to implement the regulation. Although the Sunderland Guardians were directed to set up the machinery for the operation of the order in May 1842, nearly a year had passed before they reluctantly appointed a labor superintendent.² The South Shields Board, on the other hand, conformed to the directive upon its receipt by hiring an overseer of outdoor labor,³ but only two months under its provisions convinced them that the added cost of administering such a program was not warranted by the savings realized from its use as a deterrent, and the superintendent was released.⁴

The alternate practice adopted in the Easington Union was merely to carry on distributing insufficient aid to the able-bodied when the degree of destitution had reached such a point as to compel them to do so. In the other Unions, the failure of the Boards to set up relief machinery to aid the able-bodied persuaded other authorities to take up the responsibility of conducting work programs, which brought back many of the abuses found under the Old Poor Law. Up until April 1843 in the Sunderland Union, extensive labor programs were being conducted by the constituent parishes, although in 1842 a group of Guardians vainly attempted to get the Board to appoint their own officer to supervise "the Able bodied Men at Work who are paid by the parish and Townships

¹ G.M., 21 June 1842, U/Ea/1, p. 249.

² G.M., 13 April 1843, Sunderland, III, p. 101.

³ G.M., 20 July 1843, U/SS/3, p. 134.

⁴ G.M., 26 September 1843, U/SS/3, p. 141.

in the Union."¹ In other unions, the highway rate was employed as a means of relieving the destitute. In 1845, the Commissioners complained that "there is no periodical return of the highway rate; a rate which is liable to great abuse, and is, we fear, in not a few parishes converted into a subsidiary poor's rate for the relief of able-bodied labourers."² That this charge was applicable to County Durham was revealed two years later in the testimony of Ralph Carr, ex-officio member of the Gateshead Board and magistrate of North Durham, given before the Committee on Settlement and Poor Removal (1847).

Under the new [poor] law [he stated] we found that . . . the expenditure on the highways was extravagant, and that very many who were got rid of as applicants under the poor-rate were merely transferred to the list of the surveyor of the highways; that he employed them at little more than half the wages of the county; that they dawdled away the time in a gang; that they mended the roads very badly, and displaced a great deal of valuable free labour, and were themselves very much demoralized.³

Thus, during the years of economic adversity, we find the guardians extremely reluctant to distribute aid of any sort to the unemployed able-bodied workers, and their failure to provide proper facilities for their relief induced extra-legal bodies to assume former relief practices

¹ G.M., 3 June 1842, Sunderland, II, p. 289.

² Eleventh Annual Report, 1845, p. 12.

³ Report on Settlement and Poor Removal, 1847, p. 320. My emphasis. Apparently this mode of relief was utilized in the Sunderland Union also: "Robert Clarke lately in the Workhouse but discharged applied to be readmitted on account of being unable to procure any Employment and having no home Resolved that he be referred to Mr. Cox Surveyor of Highways who will give him Employment in breaking Stones." G.M., 20 May 1842, Sunderland, II, p. 281.

This further supports the proposition that pauperism in Durham was increasing at an even faster rate than indicated by the Commission returns.

in order to combat the destitution among the laboring classes.

Both the increasing number of able-bodied workhouse inmates and the economic depression prompted some of the boards to institute revised establishment procedures, and the Durham records reveal the altered dispositions of many guardians during the forties. The inducement to apply the rigors of less eligibility in the workhouses had never been lacking from the direction of London, and the deprivations arising in the northern counties did not deter the vehemence of the official pronouncements emanating from Somerset House. "Warmth of temper and passionate conduct," the Commissioners warned the guardians in 1841, "generally betray a consciousness of want of firmness. The discipline of a workhouse is to be maintained by an undeviating adherence to rules, and a steadiness which defies provocation . . ."¹ As we have seen, however, notwithstanding this type of vicious statement, the Commissioners and Walsham were normally prepared to allow the boards to administer the workhouses with a slack hand during the thirties, but the difference in the forties was that the boards themselves were ready to take seriously for the first time the pronouncements habitually made by the Commissioners. After 1840, a marked increase in subscriptions to Commission publications, such as official circulars, annual reports, and the "Poor Law Unions and Parish Officers Gazette," were made by the boards.² The Sunderland Guardians, for instance, began to show a new interest in the efficient and proper methods of administering workhouses, and visits were made by

¹ P.L.C. Circular Letter, January 1841, Seventh Annual Report, 1841, App. A, No. 3, p. 122.

² See, for example, G.M., 18 February 1840, U/SS/2; G.M., 29 September 1842, U/CS/1, p. 165; G.M., 3 October 1842, U/Ho/1, p. 244; G.M., 29 April 1844, U/Ho/1, p. 296.

them to the establishments in the Hexham and Newcastle Unions to determine what policies "might be worthy of imitation in this Union."¹

The result of such proceedings was inevitable - the ideology of workhouse-deterrence began to gain a foothold in the county. Even while Walsham was declaring the first object of the establishments to be a refuge for the helpless,² some guardians, who hitherto had sympathized with such views, were adopting "principles of 1834." In the South Shields Union, where, the reader will recall, a rise in pauperism occurred in the late thirties, an increased expenditure of only £275 for maintenance of the workhouse poor for the year 1839 elicited resolutions of unusual severity for a Union that had shown itself to be particularly humane in the administration of its workhouse. The report of a committee convened to investigate the increased cost was accepted unanimously by the Board. In it, the committee pointed out that the workhouse, under the Amendment Act, "is intended as a test of the necessities of the applicants for relief, and not as an asylum where the inmates may live better than the independent labourers in their own Houses."³ The committee, therefore, urged a strict attention to workhouse economy, and in a manner reminiscent of the Report of 1834, anchored this proposal on the ostensible reason of providing for the moral re-armament of the lower orders: "The Committee are aware that this is a subject on which the sympathies of Guardians are likely to be enlisted, in favor [sic] of the poor, but if the wholesome principles of the new act be departed from, it will be in

¹ G.M., 5 March 1841, Sunderland, II, p. 38.

Letters were also sent to the Guardians of the Berwick and Carlisle Unions requesting information on workhouse procedures.

² Supra, p. 182.

³ G.M., 9 July 1839, U/SS/2. Their emphasis.

vain to expect any improvement in the Industrious classes, in prudence, forethought, and independence, and increased House room will soon again be required."¹ Thereafter, no more notations of Christmas dinners for the inmates appear in the records, and the beer and ale hitherto ordered for the workhouse diminished in quantity and eventually disappeared from the Union accounts altogether. Similar alterations in the Sunderland dietary appeared during these years. In August 1840, the Guardians replaced soup on the table with rice,² and two months later a new dietary policy was adopted: resolved that "the Dietary Table be strictly adhered to on and from this Day Week."³ And in order to get the economy drive off to a good start, it was unanimously resolved that the milk contractor "will in future supply the Union Workhouse with Old Milk [instead of fresh] . . ."⁴ As we have already noted, the forties saw the application of deterrent-style occupations in workhouses all over the county.⁵ Stone breaking became a popular means of employing male inmates, and as for the females, the lighter chores of household work and knitting gave way to oakum picking. In the matter of egress, as well, more stringent policies appear to have been implemented by the boards. In the South Shields Union, for example, an establishment modification order in the minute book tells volumes: ordered that "the North, South and East Outer Walls [of the workhouse] be raised Three Feet, and that the whole of the

¹ Ibid., no page number.

² G.M., 28 August 1840, Sunderland, I, p. 338.

³ G.M., 16 October 1840, Sunderland, I, p. 359.

⁴ Ibid., p. 359.

⁵ Supra, pp. 173-174.

Walls be covered at the Top with Glass."¹

The workhouses came into play in the administration of relief in the forties in an even more significant way than indicated by the inmate returns shown earlier,² that is, they were utilized as the means of allocating aid to the mass of vagrants streaming north. In many unions, the first reaction to this influx had been to deny their right to relief, except within the limits of strictly defined conditions.³ After the parish of Bishopwearmouth had been inundated with vagrants in late 1839, the Sunderland Board resolved that "the Relieving Officers should in the future relieve no able bodied person of that description [i.e., vagrant] unless they have reason to believe they are in great destitution or unless they have an order from a Magistrate."⁴ The Commissioners, however, evinced such a determination to see that vagrants were properly relieved that they delineated policies in this regard that ran counter to all the "correct principles" of relief administration and a social

¹ G.M., 10 October 1843, U/SS/3, p. 144.

In the Sunderland Union, it was resolved that "the Workhouse rules with respect to allowing the Inmates temporary leave to go out of the House, be Strictly Enforced." G.M., 11 November 1842, Sunderland, II, p. 378.

It should be mentioned that Walsham, and later Hawley, continued to closely supervise workhouse administration and that this ensured that the inmates were treated with reasonable care. The principal problem in these years was seeing that the boards conformed to the workhouse capacity standards. The guardians, it seemed, had a penchant for allowing the establishments to become overcrowded, and many times the Commissioners were forced to order boards to release inmates with outrelief allowances. See, for example, P.L.C./Board of Guardians, 9 March 1843, Sunderland, III, pp. 70-71.

² Supra, p. 230.

³ Under Commission regulations, the denial of relief to anyone, unless it could be proved conclusively that the applicant was not in need of aid, was unlawful. This regulation was introduced to avoid the obvious pitfalls of allowing relieving officers to exercise their discretion as to whom should or should not be relieved. See supra, p. 138.

⁴ G.M., 17 January 1840, Sunderland, I, pp. 206-207.

prejudice that had persecuted the wandering unemployed worker for centuries. In reference to this type of pauper, the Commissioners stated in 1842 that their "constant endeavour will be . . . not to withhold relief from the really destitute, whatever may be the risk of imposture and the trouble of management."¹ A comment made in their tenth annual report reveals the probable basis for what really must be seen as a new departure in the history of vagrancy:

Contingencies of this kind [sickness and destitution occurring while in search of work] can never be avoided, and unless we are prepared to renew the fetters which bound a workman to the spot on which he was settled - unless we are prepared to hinder his taking his labour to the best market, and exercising those rights which are usually thought an essential part of personal freedom, we must make up our minds to expect such contingencies, and to provide for them accordingly.²

Thus, while the advent of large-scale vagrancy contradicted the Commission's earlier beliefs that labor surplus was an untenable concept, it was recognized as being an essential part of a free labor market, the bed-rock and elemental objective of Less Eligibility and the Workhouse Test.³ The vagrants, then, were manifestly attempting to alleviate their distress via conspicuous efforts to seek employment rather than relying on the rates. Consequently, a Commission imbued with the notions of political economy brought to bear on recalcitrant local officials all their authority to persuade them to meet the exigency with novel and extensive relief methods. The success of the Commissioners' efforts is attested to by the addition in the forties of vagrant wards to the work-

¹ Eighth Annual Report, 1842, p. 26.

² Tenth Annual Report, 1844, p. 15.

³ See supra, p. 59.

houses of all the major town unions, such as Sunderland, Gateshead, South Shields, Durham, Darlington, and so on.

The principal difficulty that hounded the poor law officers in reference to administering workhouse aid to the vagrants, centered on the necessity of maintaining a modicum of deterrence so that the workhouses would not evolve into mere soup kitchens. In 1841 the Darlington Board informed the Commissioners that "the Guardians [wish] to detain able bodied Vagrants during working Hours on the Day following the Day of their admission for . . . Six Hours . . . such power of detention would tend to lessen the abuse of Workhouse Relief by Vagrants under the present Law."¹ The Commissioners' reply is not recorded, but in any event, the difficulty of enforcing and supervising such a regulation soon moved the Board in other directions. By 1844 we find them reporting to London that: "The Guardians have made no regulations for the Work to be performed by casual Poor Wayfarers and Vagrants."² In the South Shields Union may be found the best examples of the petty attempts made by the local authorities to deter vagrancy applicants, given the impossibility of conducting cheap and effective work programs. In 1841 the Guardians ordered the workhouse committee "to procure Benches, instead of Beds for these Wards [for vagrants - there were two] ."³ The inevitable soup-kitchen aspect of this type of aid must have eventually surfaced, for two years later the Board again was endeavoring to curb a

¹ Board of Guardians/P.L.C., 1 March 1841, M.H.12/2989 (Darlington).

² Board of Guardians/P.L.C., 1 January 1844, M.H.12/2990 (Darlington).

³ G.M., 26 October 1841, U/SS/3, p. 38.

resort to the Union for assistance; it was resolved that "the paupers in the Vagrant wards be charged at the Rate of One Penny per Meal"¹ Notwithstanding these home-grown practices, the workhouses were extensively employed to relieve the homeless poor during these times of distress, and the Commissioners' enlightened vagrancy policies induced most boards, however reluctantly, to accept the responsibility of aiding an army in search of work. "We firmly believe," the Commissioners were moved to brag in 1842, "that at no time was a starving wanderer so certain of being relieved as at the present moment."² And what is significant is that their boast was substantially true.

Just at the time the increased pauper burden signalled the need for a higher standard of relief administration, several factors arose that tended to exert pressure in a contrary direction. One of the pivotal problems of conducting a relief system was attracting and retaining able men to staff the mechanism in the salaried posts.³ The most critical of these positions, of course, were those of relieving officer, medical officer, and workhouse master in that they involved direct contact with the poor. Incompetence or abuse in any one of these offices could have the most dire effects on the helpless poor, who were entirely dependent upon these officials for the necessities of life. Recognizing this, the Commissioners sought to improve the

¹ G.M., 14 March 1843, U/SS/3, p. 118.

The severity of this directive is all the more apparent when it is remembered that the outrelief being granted by the Board would barely have covered the cost of a week's meals under such an order.

² Eighth Annual Report, 1842, p. 24.

³ N. McCord, "The Implementation of the 1834 Poor Law Amendment Act on Tyneside," p. 98.

performance of the officers by two means: first, by encouraging adequate salary levels, and second, by investigating and dismissing inefficient or inhumane officials.¹ In both these policies, however, they were only partially successful as a consequence of local efforts to thwart the effectiveness of the proceedings.

We have already seen how insufficient medical officer salaries precipitated inefficacy in the administration of medical relief in the late thirties.² And the slump of the forties produced an even stronger impulse in the guardians to keep these salaries at a low level. In 1843, the Commissioners commented that they had recently found "a prevalent disposition to reduce their [the medical officer's] salaries, in common with those of the other Union officers . . . The parts of the country to which we particularly refer are the northern counties and Cornwall."³ The Union records for these years are replete with requests from either Somerset House or the Assistant Commissioner to raise the wages of the practitioners, and equally prevalent are the boards' refusals to do so.⁴ The situation was compounded by the growing numbers of paupers to be attended to, and many officers were increasingly adverse to carrying on unless the remuneration for their duties were increased.⁵

¹ Seventh Annual Report, 1841, p. 23.

² Supra, p. 191.

³ Ninth Annual Report, 1843, p. 14. Later Durham was specifically cited as an example.

⁴ See, for instance, G.M., 15 April 1842, Sunderland, II, p. 261; G.M., 28 February 1843, U/SS/3, p. 116; G.M., 24 March 1843, Sunderland, III, p. 81; G.M., 6 April 1844, U/Du/1, p. 403; G.M., 3 July 1845, U/CS/1, p. 397.

⁵ See T.R. Torbock/J. Walsham, 8 January 1841, M.H.12/3268 (Sunderland).

Disputes of this sort were not confined merely to the medical officers; guardian parsimony extended to the salaries of all the union officials. As a Commission minute recorded:

The Poor Law Commissioners have recently received several proposals from Boards of Guardians for reducing the salaries of the paid officers of the Unions, particularly of the master and matron, and the clerk to the Guardians . . . it cannot be doubted that a system of reducing them below their existing rates would tend to prevent the Unions from obtaining good officers.¹

Undeterred by such considerations, nearly every board fought a bitter delaying action against Commission attempts to encourage raised salaries. In 1841, the clerk of the Darlington Board told London that a handful of Guardians normally administered the Union, "except when there is a Proposal for an increase of Salary to any of the Officers when we muster about fifty Guardians who Vote on the question and then leave the Board Room and the Business of the Day to be transacted by others."² In the Durham Union, especially, a body of opinion opposed any increases whatsoever. After several years of bickering with the Commissioners over official remuneration, the Board resolved that "no Increase of Salary be given to any Officer of this Union until such Office be declared vacant . . ."³ This was too much for the Commissioners, who, under the law, had authority to fix remuneration at will.⁴ Following

¹ P.L.C. Minute, 31 October 1840, Seventh Annual Report, 1841, App. A, No. 4, p. 123.

² L. Robinson/P.L.C., 25 May 1841, M.H.12/2989 (Darlington).

³ G.M., 3 October 1846, U/Du/2, p. 88.

⁴ This is another example of the great restraint shown by the Commission in dealing with Durham's boards. By law, it was not necessary for Somerset House to procure the permission of the guardians to raise official salaries.

a protracted and sharp exchange of correspondence, the Board received a letter, dated 6 November 1847, from the Commissioners, "stating their Intention to proceed against the Guardians in the Court of Queen's Bench during the present Term by Mandamus, to enforce Obedience to their Order of 21 November 1846, for increasing the Clerk's Salary . . ."¹ Facing possible legal retaliation, the resistance of the Guardians collapsed, and the clerk received his rise, but only after "9 Guardians declined voting and 2 had left the Room."²

Besides the obvious fact that low salaries encouraged official incompetence, peculation, and misuse of the poor, they also delivered into the hands of the officers willing to work at reduced wages a degree of power over the boards that in some cases rendered them immune to retribution for the mistreatment of the indigent. Insufficient remuneration meant difficulties in finding applicants for these positions, with the corollary that failure to do so required added inducements, that is, increased salaries. The aversion of the boards to part with their officers is best illustrated in an extraordinary letter sent to the Commissioners by the Sedgefield Guardians in 1843:

[On 20 October 1843] a complaint was made by a female pauper against Mr. Slater [the medical officer], and in consequence the Vice Chairman reprimanded him . . . Mr. Slater [thereupon] stated . . . his intention to resign his office. The

¹ G.M., 13 November 1847, U/Du/2, p. 152. The clerk's request for a rise had prompted the original defiant motion and the subsequent controversy.

This is the only example I have been able to uncover of the Commission proceeding legally against a local authority. Notice, however, that a year had passed before Somerset House was sufficiently provoked to proceed in this manner. Their reluctance to become involved in legal squabbles may explain their tolerance of guardian refusals to raise salaries.

² G.M., 11 December 1847, U/Du/2, p. 156.

Guardians then . . . passed a resolution to the effect, that the complaint was unfounded and untrue and that the pauper making the complaint was a person of bad character and unworthy of credit.¹

A similar example of a petty official exerting a remarkable influence over a Board (at the expense of the poor) may be found in the Easington Union in the same year. It is worth including here the entire relevant minutes:

The Board having decided that E. Rain for Thwartes of Shotton has established her case to be correct, in which she claims the sum of 4/- which she says he [the relieving officer] has not paid to her. He is therefore ordered now to pay her the same. The Relieving Officer having declined the immediate payment, but having promised to consider the matter.²

These difficulties might have been rendered somewhat nugatory, if London had been able to perfect a pervasive and efficient means of investigating local transgressions, but here again, certain factors intervened that deflected the full impact of Commission policy.³ The activities of the opponents of the New Poor Law had, if anything, discouraged the system from reacting to abuses. The enormous number of extravagant charges made in the late thirties may have blunted the resolve of the authorities to seek out real misconduct, and we find important county organs unabashedly advocating a policy of see-no-evil: "The exposure of their [O'Connor, Stephens, and Liddell] senseless and unprincipled fabrications will . . . serve to put the well-

¹ Board of Guardians/P.L.C., 23 November 1843, M.H.12/3188 (Sedgefield).

² G.M., 19 December 1843, U/Ea/1, p. 307.

³ It may be worth reminding the reader that the dismissal of cruel and inept officials was the second method by which the Commissioners hoped to improve the standard of relief administration.

intentioned portion of the community on their guard against tales of horror"¹ The deference of the poor, too, increased the difficulties of exposing victimization. After a Sunderland coroner's jury had found that an infant had perished because her mother had not been able "to supply the said Infant with sufficient nourishment from her own want of the Common necessaries of life,"² Chadwick charged the Board with keeping in view "the real state of their [the pauper's] wants, and not to trust to the mere fact of their not applying for relief more frequently, especially when there is sickness of any kind existing in a family."³ A similar hesitation of the poor to complain, unless provoked by severe suffering, was discovered by the Sunderland visiting committee on an inspection tour in 1839; their report noted that "the ground floor of the Union Workhouse is in a very wet and damp state . . . although when questioned on that subject they all [the inmates] declared that they felt not the least inconvenience from the damp nor were they aware of any injurious effect it had on their health."⁴ Unquestionably, many cases of mistreatment remained undetected merely because the poor were disinclined or afraid to expose them.

The vast area of the northern district precluded any hope of the Assistant Commissioner ferreting out all official transgressions; clearly, the responsibility for ensuring the correct behavior of subordinate

¹ Durham Chronicle, 27 April 1839.

² G.M., 19 August 1842, Sunderland, II, p. 334.

³ E. Chadwick/Board of Guardians, 28 September 1842, G.M., 30 September 1842, Sunderland, II, p. 356.

⁴ G.M., 26 April 1839, Sunderland, I, pp. 60-61.

officials rested on the shoulders of the guardians.¹ However, the records indicate, in general terms, that the guardians were not always particularly careful in investigating charges of misconduct.² In 1840 the Sunderland Guardians received several complaints from the inhabitants of Ford regarding neglect of duty by the medical officer of the Bishopwearmouth District, whereupon the Board requested a written explanation from the officer. The subsequent reply did not answer the specifications and was phrased in such general terms (the charge was "destitute of truth"; he had "strictly attended at all times to the [medical] Orders"; he had never received "a personal complaint"; and so on) as to render it virtually useless as a defence. Nonetheless, no further action was taken.³ The Chester-le-Street medical officer was charged with "insufficient attention" to a sick female pauper by two ratepayers in the same year,⁴ but the Guardians exonerated him, for he "has since his appointment given every satisfaction to this Board . . ."⁵ When the Hetton medical officer of the Houghton-le-Spring Union was charged with similar neglect in 1839, the Guardians' requested a written explanation from him; however, no other notations whatsoever concerning the matter appear in subsequent minutes.⁶

¹ The Commissioners actually named the northern district as one of two examples of the great extent of territory sometimes entrusted to an Assistant Commissioner. Seventh Annual Report, 1841, p. 55.

² The exception to this generalization was cases involving the misapplication or disappearance of union funds.

³ G.M., 10 July 1840, Sunderland, I, pp. 309-310.

⁴ G.M., 10 December 1840, U/CS/1, p. 33.

⁵ G.M., 24 December 1840, U/CS/1, p. 37. They declared the pauper's mother to be at fault.

⁶ G.M., 20 May 1839, U/Ho/1, p. 106.

Several possible reasons present themselves to explain the boards' indisposition to proceed against their salaried subordinates. We have already noted that insufficient remuneration may have been a factor. In some cases a consciousness of the social position of the officers vis-a-vis the poor may have induced some boards to simply accept the word of the charged officer as sufficient evidence against the claims of a pauper. Even Walsham was, on occasion, subject to the restrictions of social precedent. On investigating "a few of the many Complaints" against the medical officer of the Auckland Union, a practitioner of considerable local influence, Walsham found that "there was certainly some inattention formerly displayed [by the medical officer], but . . . the Board of Guardians had already made enquiry, and delivered an opinion exculpatory of Mr. Canney [the medical officer] . . ." The matter was further complicated by the intervention of an individual of even greater importance: ". . . I have just been honoured [by a letter from] the Bishop of Durham, whose general testimony to Mr. Canney's character and conduct would . . . tend of itself to outweigh all doubtful points of accusation."¹ The result was that although Walsham had found Canney "inattentive . . . neglectful . . . [and] irresponsible" in certain of the charges made against him, London delivered a verdict of unusual mildness for such a case: "The Commissioners request that the Guardians will seriously admonish [the medical officer] . . . as to [his] future conduct . . ." ²

¹ J. Walsham/P.L.C., 27 December 1841, M.H.12/2928 (Auckland). His emphasis.

² P.L.C./Board of Guardians, 5 January 1842, M.H.12/2928 (Auckland). This is not to imply that the Commission was guilty of the same laxity in prosecuting misconduct as the boards. Indeed, in the event of serious accusations, or in those cases coming to the attention of London, Walsham, and later Hawley, were invariably called in to conduct investigations, and in their presence, the pursuit of malfasants was undertaken with remarkable vigor.

In 1841, the Commissioners ascribed the protection of officers guilty of abuses by the boards to the bond of loyalty in a master/servant relationship: ". . . in a considerable number of these cases [of dismissal] the Guardians, from compassionate motives, have desired to prevent the dismissal of the officer, or to obtain his restoration to his office after he had been dismissed."¹ Rather than reacting negatively to offenders after accusations against them had been substantiated, boards often rallied to their aid. In 1844, the South Shields Board "heard with feelings of regret" that criminal proceedings had been instituted against Thomas Wilson, relieving officer and deputy registrar, by the Registrar General for fiddling the registration book for the purpose of generating additional fees. The Board immediately expressed its "voluntary opinion of the absence of all fraud Dishonesty or Mercenary Motive on the part of Mr. Wilson and its continued confidence in him as . . . Relieving Officer . . ."² It eventually required an order from the Commissioners to get the Board to remove Wilson from office, and it was subsequently found that there may have been some paupers under his responsibility not properly receiving aid.³ In a similar case, the Sunderland Board shielded its deputy registrar, I.C. Hare, from charges of "misconduct" and an order by the Registrar General for him to resign. The Guardians resolved unanimously that "considering Mr. Hare's contribution his general good conduct his competency for the office and his assurances that no occasion of complaint

¹ Seventh Annual Report, 1841, p. 23. My emphasis.

² G.M., 2 July 1844, U/SS/3, p. 173.

³ G.M., 10 September 1844, U/SS/3, p. 181.

shall happen in future, this Board is of the opinion that Mr. Hare may safely be continued in his office."¹ A more serious charge against the workhouse matron of the same Union three years later brought the Board into conflict with the Commissioners. Reports had been received by the Board in 1842 that the matron was habitually drunk and on occasion had been mistreating some of the female inmates. A committee convened to investigate the accusations, however, cleared her of any misconduct,² whereupon a handful of Guardians raised a clamor over the verdict, and the matter came to the attention of Somerset House.³ Hawley was immediately dispatched to Sunderland to conduct an investigation,⁴ where he discovered that the matron was indeed guilty of drunkenness, as well as petty embezzlement; the Commissioners thereupon ordered her dismissal.⁵ The Board, however, asked the Commissioners to reconsider their decision.⁶ After a denial of this request, a group of Guardians managed to pass a motion postponing the election of a new matron for three months.⁷ In reply to this action, Somerset House underscored their observation of the preceding year: ". . . the Commissioners think it not improbable that the Guardians have been induced to adopt this Course by a feeling

¹ G.M., 9 August 1839, Sunderland, I, p. 123.

² G.M., 7 October 1842, Sunderland, II, p. 360.

³ See G.M., 14 October 1842, Sunderland, II, pp. 364-365.

⁴ G.M., 28 October 1842, Sunderland, II, p. 371.

⁵ G.M., 25 November 1842, Sunderland, II, pp. 386-387. The porter also was ordered to be released, as he had allowed the matron to bring spirits into the workhouse.

⁶ G.M., 9 December 1842, Sunderland, II, p. 396.

⁷ G.M., 16 December 1842, Sunderland, II, pp. 403-404.

in favor [sic] of an old servant of the Union, and by the hope that their refusal to appoint another person in her stead might possibly lead to her reinstatement" ¹ After several months of further bickering (including the threat of legal action against the matron, who continued to assume duties at the workhouse, although she was ostensibly in attendance only as a member of the master's family), the Board finally appointed a new matron.

Another important factor in the protection of union officers involved the protection of local prerogatives. The Sunderland Board's desire to retain the matron may have originally sprung from a sense of loyalty to an "old servant," but as the conflict grew, it became more obviously a struggle between the central authority and a local organ. In the Chester-le-Street Union, particularly, strong feelings of local loyalty hampered attempts to weed out "bad apples," and the Guardians showed a propensity to assail any person or persons who would bring the Union into disrepute or involve London in matters thought to be the preserve of the Board. In 1842, the Commissioners received a letter from the overseers of Pelton (Chester-le-Street Union) claiming that William Morrison, one of the Union's medical officers, had been criminally negligent in attending a pauper giving birth; he had sent his apprentice to see to the delivery, who omitted removing the afterbirth, which remained in the woman's womb for nearly a week afterwards. The officer himself did not examine the woman until more than two weeks later. ²

¹ P.L.C./Board of Guardians, 3 January 1843, G.N., 6 January 1843, Sunderland, III, p. 12.

² G.M., 17 February, U/CS/1, p. 118.

The Commissioners immediately ordered the Board to conduct an enquiry into the matter, which resulted in a finding against the officer:

"... the Board have come to the conclusion that the Medical Officer has been guilty of neglect (which he however declares to have been unintentional)"¹ During the investigation, however, the Guardians discovered that the Pelton overseers had not, in fact, written the letter of complaint, and in reporting to the Commissioners, the Guardians neglected to mention that they had found the medical officer "guilty" and, indeed, left the definite impression that he was an innocent victim of a forgery. The report is replete with indignation over the forgery and was written for the sole purpose of requesting the return of the letter to the Board, so that "the author of the forgery can be traced sufficiently to ensure the punishment he so richly deserves."² The result of the hubbub is as surprising as it is revealing: on 17 March 1842, William Morrison was re-appointed medical officer for the two medical districts of Harraton and Lamesley for the year 1842-43!³ A similar example from the same Union may be cited that reveals Guardian carelessness in investigating abuses and the existence of a "local code". In 1843, the Commissioners had received "information" that Scott,

¹ Ibid., p. 119.

² Board of Guardians/P.L.C., 17 February 1842, G.M., 3 March 1842, U/CS/1, p. 123.

The Guardians eventually decided that a Mr. Linton was the guilty party: "The Board came to the following resolution; that there are strong grounds of Suspicion against Mr. Linton but not sufficient evidence to prove him actually guilty." G.M., 17 March 1842, U/CS/1, p. 127.

³ Ibid., p. 127.

The fact that he was appointed to two medical districts may indicate that another factor, the difficulty of finding practitioners to assume the positions, was involved.

the relieving officer, in contravention to Commission regulations, was carrying on "the Trade of an auctioneer and appraiser and held other offices . . .,"¹ the Guardians, however, denied that Scott was engaged in any other occupation than relieving the poor.² Two years later, the Commissioners again received a complaint that both relieving officers, including Scott, were employed in other positions, and a subsequent enquiry by Hawley revealed that the charges were true and that Scott had been so employed at the time the Board had assured London he was not. The Guardians, nonetheless, appear to have been concerned with matters of more import locally: ". . . the representations . . . are much exaggerated and have arisen from the personal hostility of a few individuals who form a very unimportant portion of the rate payers of the Union and [the Board] request that the Poor Law Commissioners will be kind enough to favour the Guardians with a copy of the document with the signatures attached thereto."³ The Commissioners ended the squabble, as they no doubt would have done in 1842 if they had known that Morrison had not been exonerated, by pointing out that "the Motives of the Memorialists are immaterial. The fact is established that these two officers have been acting contrary to the understanding on which they were appointed . . ."⁴

During the late thirties, some critics of the new system were claiming that financial advantage encouraged some boards to overlook

¹ G.M., 8 June 1843, U/CS/1, p. 236.

² Board of Guardians/P.L.C., 9 June 1843, G.M., 22 June 1843, U/CS/1, p. 240.

³ Board of Guardians/P.L.C., n.d., G.M., 27 February 1845, U/CS/1, p. 362.

⁴ P.L.C./Board of Guardians, 17 March 1845, G.M., 24 April 1845, U/CS/1, p. 378.

abuses. Although this is the least credible of the reasons available to explain local incompetency or unwillingness to proceed against malfeasants, there are extant several examples that suggest this may have been a facet of the problem, especially during the economic pinch of the forties. Snaithe, the relieving officer of the Easington Union, had had a long history of complaints lodged against him as to insufficiently relieving the poor at a rate below that adopted by the Board. Walsham was eventually able to get the Guardians to institute a means of checking the allowances as actually distributed: "Ordered that the Relieving Officer be prepared on the first and second Board day of every Quarter . . . to lay before a committee to be specifically appointed for that purpose, receipts, or other sufficient documents to show that every pauper resident or non-resident belonging to the Easington Union, have been paid at their full amount of relief . . ."¹ However, many subsequent complaints and even Snaithe's removal as deputy registrar by the Registrar General did not move the Board to dismiss him or apparently even to properly supervise his "thrift" in administering aid, for it was the Commissioners and not the Board who were eventually compelled to sack him in 1845 for dispersing inadequate relief.² In the South Shields Union, too, an aversion to increasing administrative costs may have encouraged the Board to avoid scrutinizing too carefully the condition of the poor, both in and out of the workhouse. In March 1842, the entire Board of

¹ G.M., 28 September 1841, U/Ea/1, p. 216.

² G.M., 18 November 1845, U/Ea/1, p. 371.

The Guardians cannot avoid censure here; presumably they were checking the amount of relief distributed. Snaithe was retained as relieving officer after his dismissal by the Registrar General in 1844 on a motion passed "by a large majority" of the Guardians. G.M., 10 December 1844, U/Ea/1, pp. 340-341.

Guardians decided to inspect the workhouse premises, where they found "everything in good order and a most satisfactory state and well ventilated [sic]."¹ After completing an inspection tour the very next week, Walsham found that ventilation, particularly, was totally lacking and that structural alterations would have to be made in order to rectify the difficulty.²

It seems clear, then, that the economic slump of the early forties affected not only the extent, but also the quality of aid in Durham. Rising pauperism and declining relief expenditure (in per capita terms) tell only a part of the story. Local reluctance to incur additional costs in all areas of administration, was translated into inadequate remuneration for union officials, which in turn tended to preclude competent and enlightened day-to-day administration of relief. Coupled with this, was an unfortunate propensity for the local authorities, whether out of a misguided loyalty to their employees, a defence of prerogative, or a ruthless disregard for the treatment of paupers in order to save money, to protect the perpetrators of abuses. That the problem extended beyond the boundaries of Durham was attested to by the Commissioners, who found their efforts to ensure the proper treatment of the poor thwarted in "a considerable number" of cases.³

¹ G.M., 1 March 1842, U/SS/3, p. 58.

² G.M., 15 March 1842, U/SS/3, p. 59.
It is only fair to note that the Guardians agreed to implement Walsham's suggestions. However, their earlier notation is striking in the light of Walsham's subsequent discoveries.

³ Supra, p. 253.
I have included in this paper a large number of examples of guardian negligence in investigating abuses; many more are available. It is true that a perhaps equally impressive array of instances may be

The pressure of able-bodied pauperism in the early forties also marked the end of the Commissioners' attempts to forestall the removal of unsettled poor.¹ While the boards were reluctant to properly relieve their own able-bodied indigent, their control of other unions' funds (through reimbursement agreements) for the relief of non-resident paupers on suspended orders did not encourage them to carefully review the applications of paupers from other unions. Consequently, aid to non-resident poor was increasingly distributed with a comparatively lavish hand. Moreover, it was discovered that some unions were using money forwarded to them for the relief of paupers on suspended orders to relieve their own poor. "We have found, . . . by experience," the Commissioners recalled in 1845, "that the opportunity thus thrown in the way of relieving officers [the distribution of money from other unions for non-resident paupers] not unfrequently led to misapplication of money over which no effectual control could be exercised."² These practices moved the Commissioners to declare the termination of reciprocal non-resident relief agreements between poor law unions: "The authorities in immediate contact with a non-resident case have not their vigilance stimulated by any sense of self-interest; they are spending other people's money . . . We may assume [therefore] that a universal system of non-

gathered to show that the guardians pursued transgressors with laudable tenacity; however, I should like to state here unequivocally that in the records I examined, I found that in more cases than not, the boards of guardians (not the Poor Law Commission) displayed an ineptitude in investigating abuses and many times attempted to conceal them or to protect their perpetrators.

¹ See supra, p. 201.

² Eleventh Annual Report, 1845, p. 14.

resident relief is utterly inadmissable."¹ So under the General Prohibitory Order of 1841, the Commissioners withdrew their earlier sanctions, and with the exception of certain exigencies such as sickness, accidents, and vagrancy, the authorities were denied permission to administer aid "to any person who does not reside in some place within the Union . . ."²

The economic conditions of the forties further signalled the subversion of yet another Commission policy founded on the recommendations of the Report of 1834. In order to discourage the practice of parishes proceeding against putative fathers in cases of bastardy, the Amendment Act had authorized the issuance of filiation orders by Quarter Sessions only.³ In theory, the consequent difficulty of bringing a putative father to justice would deter females from entering into illicit relationships that offered them virtually no possibility of recourse in the event of an "accident"; thus, the incidence of illegitimacy would be reduced.⁴ In subsequent years, the measure did, indeed, mark the reduction of filiation orders issued by the Durham authorities, and Walsham was prepared to view this as an indication that bastardy was decreasing. "The return to Parliament, recently published . . .," he told the boards

¹ Ninth Annual Report, 1843, p. 39.

² General Prohibitory Order, 2 August 1841, Eighth Annual Report, 1842, App. A, No. 1, p. 70.

Under the provisions of the 7th and 8th Victoria (c. 101), passed in 1845, the boards were authorized to employ agencies other than poor law unions for the distribution of aid to their paupers resident elsewhere. But very few of the Durham unions wished to return to the troublesome administration of non-resident relief, and so the Commissioners encountered a great deal of difficulty in persuading the boards to return to the position of 1840.

³ See supra, p. 95.

⁴ See P.L.C./Lord John Russell, 13 May 1835, First Annual Report, 1835, App. B, No. 6, p. 360.

in a circular letter in 1837, "shows that a remarkable diminution in such number [of bastards] - a diminution indeed of 37 per cent - has been co-temporaneous with the progressive operation of the Poor Law Amendment Act."¹ As the economic pinch of the forties approached, however, the guardians showed less willingness to desist from attempting to indemnify the relief machinery for its support of bastard children, and a significant body of county opinion supported the notion that a return to filiation orders in petty sessions was called for; many boards directly petitioned Parliament to this effect.² In a Durham Union petition, the Guardians argued that bastardy was not, in fact, decreasing and that the present law merely saddled the ratepayers with supporting the children of immoral persons: ". . . the Decrease in Bastardy, as appears by public Returns, is futile and illusory, and the apparent Decrease arises from Parish Officers and Boards of Guardians declining to incur the Expense of obtaining Orders of Filiation and Maintenance."³ Responding to a barrage of criticism from within the system, as well as from external critics, Lord John Russell, the Home Secretary, introduced a bill in July 1839 that provided authority for the petty sessions to adjudicate on cases of illegitimacy. The Act itself, the 2nd and 3rd of Victoria (c. 85), presented in clear terms the principal purpose of its enactment: ". . . it is expedient to give more speedy and effectual means for obtaining orders upon the putative fathers of bastard children

¹ J. Walsham/all boards of guardians, 14 November 1837, Guardians' Correspondence, U/SS/63, p. 125.

² See, for instance, G.M., 11 March 1839, U/Ho/1, p. 95; and G.M., 25 April 1839, U/Ho/1; p. 103.

³ Durham Union Petition/House of Commons, n.d., G.M., 9 March 1839, U/Du/1, pp. 173-174.

for their support and maintenance."¹ Four years later, the Commissioners contrasted the state of the law on bastardy of pre-1840 England with that passed at the insistence of economically pressured boards in 1840: "The Poor Law Amendment Act was intended to discourage parishes from attempting to indemnify themselves by orders on putative fathers: the Act of 2 and 3 Vict., c.85, is shown, both by its recital and its provisions, to tend in the opposite direction."² Without exception, the union records indicate a phenomenal increase of filiation orders in the years following the passage of Russell's bill. Within a few years, the number of bastardy actions had surpassed that of pre-implementation days. By 1844, Durham figured among a handful of counties known for the vigor with which their guardians sought out the fathers of illegitimate children, in order to defray the cost of their maintenance. "The desire of obtaining an efficient legal remedy against putative fathers" the Commissioners reported to the Home Office in 1844, "is particularly prevalent in Lancashire, Yorkshire, and the other northern counties."³

As the Commissioners' effectiveness in the matters of removal and bastardy receded, they began to show more interest in medical relief, and these years saw increased interference from Somerset House in regard to medical arrangements. The rising pauper burden reinforced London's determination to introduce efficient and effective methods of medical

¹ 2 and 3 Vict., c. 85, Tenth Annual Report, App. A, No. 7, p. 238.

² P.L.C./Sir James Graham, 31 January 1844, ibid., p. 239.

³ P.L.C./Sir James Graham, 31 January 1844, ibid., p. 239.

In 1845, after the trade slump had eased, Parliament passed an act (7 and 8 Vict., c. 101) that prohibited parochial or union officials from participating in bastardy actions. Thereafter, the mothers of illegitimate children were to be regarded as any other pauper, relieved according to their needs. Eleventh Annual Report, 1845, pp. 17-18.

relief, and in some instances, this brought them into conflict with boards attempting to economize in all matters of expenditure. As we have seen, medical aid, particularly, stood low on the list of relief priorities of Durham's boards. Looking back over the preceding few years in 1844, the Commissioners recorded the primary difficulty they had encountered: ". . . the Guardians . . . consider them [medical arrangements] as less necessary than other parts of the expenditure for the relief of the poor . . . Guardians thought that if the indigent poor were furnished with food, clothing, and habitation, the duty of the administrator of relief was fulfilled."¹ Consequently, the alterations in medical relief administration during the early forties were a direct result of Commission efforts in this area.

As the Commissioners had allowed the individual boards to fix the boundaries of the medical districts, many times they were unrealistically large. The Select Committee of 1838, convened to look into the administration of the poor laws, had found that the great extent of some districts had rendered it impossible for a single officer to adequately relieve the sick paupers therein.² Moreover, the niggardliness of some guardians had discouraged local practitioners from accepting positions under the boards, and the advent of the single medical officer holding down two or more districts had further compounded the problem. Such a situation in the Auckland Union contributed greatly to a breakdown of the system there: ". . . the Commissioners are . . . informed, that [the] appointment of a Practitioner, resident in Bishop Auckland, as sole

¹ Tenth Annual Report, 1844, p. 19.

² P.L.C. Circular Letter, 12 March 1842, Eighth Annual Report, 1842, App. A, No. 6, p. 140.

Medical Officer of the Union, has been productive (not only of dissatisfaction, but) of serious inconvenience to the outlying Townships."¹ The Commissioners' solution was to impose new district standards on the boards. It was ordered that the area of a medical district was not to exceed 15,000 acres, and a population maximum was similarly fixed at 15,000; any deviation from these limits was to be reported to London immediately, and its continuance was contingent upon Commission sanction.²

This regulation, of course, necessitated an increased number of medical districts as well as medical officers, for the district standards applied equally to the responsibility limits of a single officer. In 1843, the Commissioners told the Darlington Board that they did not entertain "any objection to a medical man being appointed medical officer of two Medical Districts, provided the districts adjoin each other and together do not exceed in area or population the limits prescribed by . . . the General Medical Order of the Commissioners."³ Faced with the need to hire more salaried officials, some boards protested vigorously, and in the main, the Commissioners permitted slight deviations from the Medical Order.⁴ Nevertheless, they were able to induce most of the boards to increase the number of their medical districts. During

¹ P.L.C./Board of Guardians, 23 June 1840, M.H.12/2928 (Auckland). Their emphasis. At this time, the Union had two medical districts.

² General Medical Order, Eighth Annual Report, 1842, p. 27.

³ P.L.C./Board of Guardians, 13 March 1843, M.H.12/2990 (Darlington).

⁴ In order to avoid the necessity of expanding their salaried staffs, the Chester-le-Street and Durham Guardians re-arranged their medical districts so that their areas only slightly exceeded the Commission limits; in both cases the Commissioners endorsed the arrangements. G.M., 25 May 1843, U/CS/1, p. 230; G.M., 16 December 1843, U/Du/1, p. 386.

In the case of the South Shields Union, the Guardians merely stated their unwillingness to conform to the district standards, and nothing more was said. G.M., 16 March 1841, U/SS/2.

1842 and 1843, for example, the Sunderland Union raised its district components from three to four, as did Darlington from four to five, Sedgefield from one to three, Auckland from two to three, and Easington from three to four. In some unions, this had the effect of checking the decline in medical expenditure in a way that the Commissioners' attempts to elevate salaries could not have done; it should be noted that individual salaries were not necessarily increased, but the work loads were reduced. This phenomenon is best demonstrated by the medical returns for the Darlington Union during this period:¹

<u>Year</u>	<u>Medical Officers</u>	<u>Salaries</u>
1840	4	£164
1841	4	169
1842	4	164
1843	4	157
1844	5	177

The failure of the Commissioners to convince the boards of the need for increased medical officer salaries, in order to raise the

¹ Questionnaire, 15 April 1844, M.H.12/2990 (Darlington).

The Medical Order had a similar effect on a county-wide basis, although the reader should notice that notwithstanding the increased pauper burden and number of medical officers (as well as Commission pressure), the early forties marked a diminution in medical salaries in some unions:

<u>Union</u>	<u>1840</u>	<u>1844</u>
Auckland	£ 70	£ 94
Chester-le-Street	60	60
Darlington	171	223
Durham	72	57
Easington	32	22
Gateshead	106	198
Houghton-le-Spring	68	104
Lanchester	39	54
Sedgefield	50	36
South Shields	100	162
Stockton	168	227
Sunderland	190	359
Teesdale	157	159
Weardale	90	90

standard of relief, had resulted in a critical shortage of funds available for medical aid. In 1842, the rate for this type of relief in Durham averaged only a penny per head of population, with the exception of Lancashire, the lowest average in England.¹ Under the Medical Order, the Commissioners made another attempt to raise the remuneration of the officers. Special fees for surgical and midwifery cases, in addition to usual salaries, were provided for by the order. Established on the basis of surgical and midwifery rates throughout England, the prescribed fees not only placed an added burden on the Durham boards, but appeared excessive in an area that hitherto had incurred little cost for medical relief. The reaction in the county was swift and negative. Several boards refused outright to honor bills for special services from their medical officers, the Chester-le-Street Guardians resolving that the constituent townships, rather than the Union, were to be responsible for these expenses.² The South Shields Guardians even petitioned the House of Commons, "complaining of the principle on which such Scale of Fees is prepared, and also of its excessive amount."³ The guardians' minutes and the Ministry of Health papers for these years are replete with conflicts between the boards and their medical officers over the amount of remuneration to be awarded under the Medical Order.⁴ This disposition on the part of the boards could not have failed to deter the medical officers from administering aid to marginal cases for fear of not being

¹ Ninth Annual Report, 1843, p. 15.

² G.M., 3 July 1845, U/CS/1, p. 397.

³ G.M., 21 May 1844, U/SS/3, p. 169.

⁴ See, for example, G.M., 6 February 1843, U/Ho/1, p. 256.

compensated or in being adverse to the disagreeable disputes arising over the presentation of special bills for supplementary services.¹ In arguing against charges that the extra fees would tend to encourage pauperism, the Commissioners inadvertently highlighted the major deficiency of their efforts to force the boards to augment medical relief expenditure: "On the contrary, the Guardians will probably in general be inclined to be more circumspect in giving medical orders when the payment to the medical officer is considerable. If, therefore, the number of medical orders is not increased by these fees, they can have no tendency to encourage pauperism."² Even in those unions where the boards reluctantly conformed to the order on supplementary rates, they were taken into account as part of medical remuneration, and in subsequent years, base salaries dropped accordingly. "The Guardians," the Commissioners remarked in 1844, "very generally consider the rates of payment for these cases [surgical and midwifery] prescribed by our Order as excessive; and they have, in a large number of Unions, sought to reduce the salaries of the medical officers on account of these additional fees."³

In the early forties, the Commission also made its first attempt

¹ The Commissioners had opened the door to medical officer discretion in administering aid in 1841: "The Medical Officer is not in general entitled to exercise any discretion as to obeying any such order [from a relieving officer]; but if he . . . thinks that the Relieving Officer has been induced to give an order to a person who is not destitute, he may, upon his own responsibility, venture to disregard such order." P.L.C./J. Manisty, Rector, c. October 1841, M.H.12/2928 (Auckland).

² Ninth Annual Report, 1843, p. 13.

³ Tenth Annual Report, 1844, pp. 18-19. This may explain the diminution of medical expenditure in the Durham, Easington, and Sedgfield Unions.

to ensure, in a direct way, the competency of the practitioners appointed to the position of medical officer. Qualifications were established to guide the boards in their selections, among which was the possession of a medical degree (from an English university), membership in the Royal College of Surgeons, or the practice of medicine since 1815. The state of the law precluded the Commissioners from recognizing Scottish or Irish degrees,¹ which disqualified many of Durham's medical officers, the county being in such close proximity to Scotland. In the rural areas, especially, this sometimes had the effect of disqualifying the only medical man in the region, and, indeed, many times medical officers were to be found with no qualifications whatsoever, let alone a Scottish degree.² In these cases, London skirted the issue by "temporarily" allowing the boards to engage the services of these men, on the basis that they were the only practitioners available in the area, but the Commissioners were careful to point out that they were unable to formally recognize them as medical officers.³ Thus, in a legal sense, several medical districts in the county did not have officers.⁴

In July of 1840, a novel Act extended the medical responsibilities of the poor law structure and added a further unwelcome financial burden on the boards. The 3rd and 4th of Victoria (c. 29), the Vaccination Act, stated that the boards were "directed to contract with the medical

¹ P.L.C. Minute, 12 May 1842, Ninth Annual Report, 1843, App. B, No. 4, p. 387.

² See, for instance, G.M., 7 June 1842, U/Ea/1, p. 248.

³ See, for example, P.L.C./Board of Guardians, 27 March 1843, M.H.12/3188 (Sedgefield).

⁴ In late 1843, the Attorney General informed the Commissioners that they could properly recognize Scottish (not Irish) degrees. Tenth Annual Report, 1844, p. 18.

officers of their several Unions or parishes respectively, or with any legally qualified medical practitioner or practitioners for the vaccination of all persons resident in such Unions or parishes respectively."¹ Like the Registration Act, the Vaccination Act provided for an important extension of the Commission's duties and revealed the propensity of a reforming age to hang innovations on various, sometimes inappropriate, parts of an incomplete system of social administration. That is, the responsibility entrusted to the poor law structure was to encompass the vaccination of not only the poor, but also "independent persons;" the Act extended "to all classes who choose to take advantage of its benevolent provisions."² The cost of the innovation, however, was to be paid out of the poor rates.³

In most unions, the boards utilized medical districts as the basis for the vaccination districts, appointing the appropriate medical officer as vaccinator for the district; some unions, such as South Shields, Easington, and Sedgefield, preferred to adopt smaller, and therefore more numerous districts, appointing practitioners other than medical officers to the post of vaccinator. While the Commissioners were content to allow the boards wide discretion in these arrangements, London was particularly careful to review the proposed plans for the location and times of operation of the vaccination stations within the districts; this they clearly saw was the crucial consideration in ensuring

¹ 3 and 4 Victoria, c. 29, Seventh Annual Report, 1841, App. A, No. 7, p. 152.

² P.L.C. Circular Letter, 23 September 1840, Seventh Annual Report, 1841, App. A, No. 7, p. 162.

³ Eighth Annual Report, 1842, p. 40.

an adequate coverage.¹ An extract from instructions forwarded to the Darlington Board will serve to illustrate the Commissioners care in making these arrangements: "The Commissioners . . . would suggest [among other things] that the Gns. should appoint an additional station at the north most part of the Union which would afford greater facilities for . . . the residents of the surrounding District . . ."² Inevitably, some boards displayed an indisposition to incur the additional costs of a vaccination program, and Somerset House was sometimes unable to persuade the guardians to make adequate provision for the execution of the Act. In the Chester-le-Street Union, for example, the Board set up three vaccination districts but appointed only one vaccinator.³ On complaining of these sparse arrangements, the Commissioners were told, in effect, to mind their own business, there being "many local and extraneous circumstances in the Union with which the Commissioners could not be presumed to be acquainted."⁴

The Commissioners suggested that payment for vaccinations be on a per-case basis, with the vaccinator receiving one shilling and six pence for every person vaccinated.⁵ With the exception of the Easington and Sedgfield Unions, who fixed the rate at one shilling, every Durham union conformed to this recommendation. However, economic pressures again moved some boards to reduce the level of remuneration in later

¹ The vaccination return for the year ending 25 March 1844 indicated that in Durham (12 unions) there were 51 vaccinators and 103 vaccination stations. Eleventh Annual Report, 1845, App. B, No. 8, pp. 190-191.

² P.L.C./Board of Guardians, 14 November 1840, M.H.12/2989 (Darlington).

³ G.M., 17 September 1840, U/CS/1, p. 7.

⁴ G.M., 15 October 1840, U/CS/1, p. 25.

⁵ Seventh Annual Report, 1841, p. 42.

years. In 1842, the Auckland Guardians lowered the vaccination fee from one shilling and six pence to six pence. In explaining the decision to London, they remarked that "the Board considered 1/6 per case too high . . . and they were informed that several of the neighbouring Unions were giving no more [than six pence]."¹ After a little gentle persuasion, the Guardians were induced to raise the fee to one shilling.² As on the implementation of surgical and midwifery rates by the Medical Order of 1842, the added burden of vaccination expenditure prompted some boards to decrease medical officer salaries. "In apportioning the salaries of the Medical Officers under the new arrangements of districts [under the 1842 Medical Order]," the Chester-le-Street Guardians replied to a Commission complaint, "the reduction was made by the Board in consideration of their appointment as Vaccinators."³ The Commissioners' retort proved effective in this instance by persuading the Board to increase the remuneration: "If . . . the Guardians think fit to appoint the Medical Officers as Vaccinators, that forms no ground whatever for reducing their salaries as Medical Officers, any more than if other persons than the Medical Officers were appointed Vaccinators."⁴ The Sunderland Guardians were similarly admonished in the same year, after they, too, had tried to justify wage reductions: ". . . the Vaccination fees must not be mixed up with other payments to the Medical Officers [in

¹ Board of Guardians/P.L.C., 16 April 1842, M.H.12/2928 (Auckland).

² In 1843, the Chester-le-Street Guardians also reduced their fee to one shilling. G.M., 11 May 1843, U/CS/1, p. 227.

³ Board of Guardians/P.L.C., 9 June 1843, G.M., 22 June 1843, U/CS/1, p. 240.

⁴ P.L.C./Board of Guardians, 20 June 1843, *ibid.*, p. 241.

determining salary levels], with which they have no connection whatever being provided for under district contracts."¹ Thus, in the area of vaccination, as well, we find the Commission running against a tide of local parsimony.

While the Commissioners continued to tackle these local problems for several more years, developments in Somerset House began increasingly to signal the administrative atrophy of the Commission. The disputes arising over relief methods between the local and central authorities during the forties had found the Commissioners many times holding the "correct principles" of relief administration in abeyance, especially in respect to Lancashire and Yorkshire, and their "supineness" in regard to such matters as the Prohibitory Order rent what little cohesion there had been in the central office.² The Andover Scandal of 1845 added fuel to criticisms of the Amendment Act, although by that year the anti-poor law movement had been absorbed, to a large extent, by Chartism.³ More importantly, the Andover committee revealed the divisions within the Poor Law Commission itself.⁴ Its autonomous role had always rankled its opponents, and, in fact, the inability of the Commissioners to defend their policies in Parliament may have been the fatal flaw in the administrative scheme. Indeed, George Nicholls, one of the Commissioners,

¹ E. Chadwick/Board of Guardians, 24 April 1843, G.M., 28 April 1843, Sunderland, III, pp. 111-112.

² R.A. Lewis, Edwin Chadwick and the Public Health Movement, 1832-1854, (London, 1952), p. 25.

³ Mark Hovell, The Chartist Movement, (Manchester, 1925), p. 98.

⁴ See J.L. and Barbara Hammond, The Age of the Chartists, pp. 66-68.

declared this to be the principal consideration in the dismantling of the Commission in 1847.¹ In any event, a decade of unremitting criticism, internal dissension, and a growing lack of confidence in the mechanism's ability to check pauperism and to relieve the burden on the ratepayer all contributed to the dissolution of the Commission. Under the provisions of 10 and 11 Victoria, c. 109, a new central authority was established with direct ties with Parliament and members of the government. The Poor Law Board, as it was called, entered into the administration of the poor laws in 1847 with the experience of the Commission to guide them and in possession of a set of relief principles that had evolved from the chaos of the Old Poor Law. Whether or not they strictly implemented them or carried on in the path of their predecessors is another story.

¹ G. Nicholls, History of the English Poor Law, II, pp. 383-384.

CHAPTER SIXCONCLUSION

The Commissioners of Inquiry intended that power should be taken out of the hands of Magistrates, mostly 'men of fortune, unacquainted with the domestic economy of the applicants for relief,' and given largely to men of the middle class In so far as they were tenant farmers and shopkeepers the effect of the law was to give the management of the poor to the representatives of the small employers and the ratepayers with the greatest interest in keeping down rates.

— Ursula Henriques, "How Cruel Was the Victorian Poor Law?," The Historical Journal.

When confronted with the great ~~how-cruel-was-the-Victorian-poor-law~~ question, the investigator finds the controversy complicated by so many variables as to render practically all generalizations invalid.¹ The most obvious difficulty arises over the disparity between official policy and its actual implementation by the central authority. The situation becomes even more confused by the propensity of the local authorities to apply central directives in a manner suited to regional exigencies, which over a period of years may themselves change.

Although the Poor Law Commissioners were in possession of the most persuasive and drastic set of poor relief principles compiled since the time of Elizabeth, the modulating effect of practical application tended to mitigate the severer pronouncements of the document upon which policy was based. Even though the Commissioners found it expedient to formulate policy in terms associated with the principles laid down in 1834, the influence of their Assistant Commissioner in Durham, who

¹ See David Roberts, "How Cruel Was the Victorian Poor Law?," The Historical Journal, VI (1963), 97-107; Ursula Henriques, "How Cruel Was the Victorian Poor Law?," The Historical Journal, XI (1968), 365-371.

recognized the difference between pauperism as it was portrayed in the Report of 1834 and pauperism as it really existed, rendered many fundamental concepts inoperative. Among his first communications with London was a recommendation for a deviation from the harsher aspects of workhouse administration. "Universally accepted" principles of outdoor relief were allowed to lapse without apparent protest from Somerset House, and locally-contrived practices of administering aid with a marked laxity were tolerated, even in those cases where they contravened official directives. Indeed, as long as the provincial organs continued to administer relief above the minimum standards established by the Commission, London was content to allow a considerable degree of local autonomy, which probably accounts for the almost total absence of central/local conflicts during the first years of operation.

The Commissioners' willingness to permit a great deal of local discretion undoubtedly sprang from a recognition of their dependence on the cooperation of the guardians for the proper functioning of the system. The rejection of the clauses in Senior's Bill that provided the authority for the Commission to sit as a court of record and for the peremptory ordering of workhouse construction necessitated a moderate position vis-a-vis the boards. Despite legislative innovations, the newly-developed doctrines of social reform did not always find favor at the provincial level, and the national panic conjured up by the Report of 1834 may have been the sole factor in persuading Durham's ruling classes to accept the form of the novel scheme. In a substantive sense, however, a considerable degree of prerogative and power remained in their hands, and when sufficiently provoked, they were not adverse to testing the limits of their power. After half a decade of administering the poor laws of England,

the Commissioners came to fully realize the boundaries of their own authority: "Instead of our powers being, as they are sometimes supposed to be, absolute and arbitrary, it appears to us that we are subject to nearly all the possible varieties of responsibility . . .," which included, of course, the maintenance of harmonious relations with regional organs.¹

During the second half of the 1830's, when comparative economic salubrity precluded any substantial amount of pauperism in Durham, funds were readily available for the relief of destitution. Although the unstable years of post-war England had produced penny-pinching select vestries in some parts of the county, the return of prosperity in the mid-thirties revitalized impulses of charity. In times of relative plenty, the predilection of the higher orders was more commonly in the direction of adequately caring for the deferential poor, particularly if doing so afforded the opportunity of a public display of philanthropy. It became important again to be considered a benefactor of the poor, and most guardians were conscious of the figure they cut in this regard. Writing poor law officials were always careful to have recorded the benignity of their administration.² The concern of local officials with their "image" as enlightened benefactors is best illustrated by a dispute among the Sunderland Guardians in 1839. After inspecting the workhouse, two members of the visiting committee noted in the visitors' book that "Children should never be separated from their Parents or Wives from their husbands . . .;" the Guardians immediately ordered its expunction.³ Complaints by the visiting committee resulted in the

¹ Seventh Annual Report, 1841, p. 63.

² See, for example, G.M., 22 March 1839, Sunderland, I, p. 37.

³ G.M., 7 June 1839, Sunderland, I, p. 83.

Board agreeing unanimously to return the notation to the visitors' book and to consider the noted suggestion, provided that a statement was added to the original notation that the observation did not reflect on the Board's previous treatment of the inmates.¹ Such a disposition, of course, found vent in the comparatively liberal administration of the poor laws in Durham during the late thirties.²

On a community level also, the light pauper burden and ratepayer prosperity produced similar exhibitions of munificence, which reinforced the guardians' penchant. The coronation of Victoria, for example, provoked charitable events throughout the county. In Gateshead, a mass dinner for the poor was held:

Upwards of 400 poor persons, of all ages, and of both sexes, were . . . entertained in a large tent, fixed in the yard of the Gateshead workhouse. The supply of roast beef and plum pudding, and ale, was most profuse; and the guests were waited on by the members of the town council and board of guardians, the town clerk, the churchwardens and overseers, and other gentlemen . . . At the close of the feast, sixpence each was given to the company assembled.³

In Darlington, an affair to mark the same occasion underscored the existence of the same impulses, and the relief machinery was opened to public scrutiny in such a way as to convince the investigator that the facilities for the aid of the poor were by contemporary standards of an order to produce local pride:

¹ G.M., 19 July 1839, Sunderland, I, pp. 108-110.

The Board later decided to postpone consideration of the matter in order to avoid possible trouble on an issue that had not yet captured the imagination of the local inhabitants. See *supra*, p. 206.

² ". . . I can bear testimony to the fact that the Guardians are more humane and liberal to the Poor than ever the Select Vestry were." James Scott/Home Office, 5 January 1838, H.O. 40/39. Quoted in N. McCord, "The Government of Tyneside, 1800-1850," p. 21.

³ Durham Chronicle, 6 July 1838. Quoted also N. McCord, "The Government of Tyneside, 1800-1850," p. 22.

The inmates of the workhouse were regaled with an excellent dinner, provided by a subscription set on foot for the purpose, by the New Poor Law Guardians and other inhabitants. The large dining room of the workhouse, in which the dinner took place, was decorated with evergreens, etc., for the occasion. The dinner party were served with spice cake and tea in the afternoon. The Darlington Brass Band attended, and played a considerable time. Several ladies and gentlemen visited the workhouse, and on being shown through the different apartments by Mr. and Mrs. Elwin, the master and matron, all expressed their high satisfaction at the neatness and cleanliness of the 'bastile,' and the comfortable and healthy appearance of the inmates¹

It should not be surprising, on the other hand, that the advent of an economic slump would curtail such activities. As the pauper burden increased, the means of its relief diminished. Essentially, the class fêting the poor at Victoria's coronation had been the class decrying the magistrates' attempts to ensure adequate relief allowances during the early twenties. It would be too much to hope that similar, indeed, perhaps more severe conditions would not conjure up a similar response from the monied classes.² In a much more effective way than the Vestry Acts of 1818 and 1819, the New Poor Law provided the philosophy, the machinery, and the justification for stringent local policies. In fact, the influence of the "principles of 1834" assumed a supplementary role in encouraging sharp practices, for there were enough remnants of the old vestry system in the new structure to provide for Old Poor Law-style economies.

In addition to the outright appointment of assistant overseers

¹ Durham Chronicle, 6 July 1838. It is significant that local opinion thought that workhouse inmates ought to be "comfortable and healthy."

² Recall that it has been shown that pauperism was more prevalent in Durham than indicated by official Commission returns.

by constituent parishes, the union officials were primarily individuals who had served in that capacity under the previous regime. In 1839, the Commissioners observed that former assistant overseers "have generally remained in office under the respective Boards of Guardians."¹ In most of the Durham unions, particularly those centered on the large towns, former assistant overseers filled the position of relieving officer. The Chester-le-Street Guardians, for instance, told the Commissioners in 1843 that the relieving officers appointed at the formation of the Union "had been parish officers in the principal townships now comprised in the Union . . ."² More significantly, the relief reviewing mechanisms set up by the boards many times took the form of the old select vestries. The district committees of the Sunderland Union were constituted and conducted business in essentially the same manner as vestries. In the Gateshead Union, decisions regarding aid to be granted to the impotent poor "took place, not at the union Board, but at a committee of the union Board, sitting in the vestry of the parish, and was, in fact, a perpetuation of the old special vestry."³ When the Commissioners asked the Houghton-le-Spring Guardians to return to weekly meetings in order to more closely control the allocation of aid, the Board, in declining, revealed their retention of a modified vestry scheme: ". . . the Guardians of the most populous Townships [hold] a Meeting in the Week when the Board does not sit in conjunction with a select Vestry

¹ Fifth Annual Report, 1839, p. 29.

² Board of Guardians/P.L.C., 29 April 1843, G.M., 11 May 1843, U/CS/1, p. 222.

³ Testimony of Ralph Carr, ex-officio Guardian, Report on Settlement and Poor Removal, 1847, p. 320.

The same witness reported that it was common for pauper allowances to be "proposed by the parishes" Ibid., p. 322.

and at which last Meetings the relieving officers frequently attend."¹

Such grass-roots control of relief expenditure resulted in a diminution of aid distributed to the poor during the early 1840's, as it had done in the previous recession of the twenties. There is evidence available that demonstrates in a more pungent way than comparative relief figures the drift of administrative mood in times of economic upheaval. The Commissioners found that "compassionate motives" induced many boards to protect their salaried officials from the retribution of a central authority, but apparently this consideration did little to persuade the guardians to properly remunerate these same individuals. It cannot be suggested, therefore, that a greater "compassion" moved the boards to maintain just-adequate levels of relief when their pocketbooks were undergoing the strain of declining production and profits.

Although the New Poor Law had neutralized the independent influence of the magistrates in conducting regional relief affairs, their former role was taken up by the Poor Law Commission during the forties. The assumption of this responsibility by the central authority marked the entrance of a more effective supervisory body, even though local non-cooperation became more prevalent, for judicial control had been haphazard, dependent upon pauper complaints. The object of so much contemporary and subsequent criticism, the Commission remained, nevertheless, the only bulwark against the possibility of local cheese-paring practices undermining the welfare of a significant portion of the community. It was the Commissioners who were concerned with providing proper medical relief and raising the standard of administration through extended salary schemes;

¹ G.M., 7 July 1845, U/Ho/1, p. 332.

it was the Commissioners who attempted to avert workhouse overcrowding, insufficient relief dispensation, and the neglect of vagrants; and it was the Commissioners who insisted on the dismissal of officials guilty of victimizing the poor. While fully recognizing the malevolent basis of the New Poor Law and its vulnerability to intolerable mal-administration, it is fair to say that during the early 1840's, the Poor Law Commission was the agency of restraint and enlightenment in the context of Durham's poor relief administration.

The extent of local prerogative allowed the boards to implement Commission directives in a way favorable to their wider objectives; while the dietaries were followed to the letter, the regulations for medical and vaccination relief were sometimes ignored. Even though the guardians had disregarded many Commission orders in the early years, the flexibility of Walsham and the Commission's willingness to allow him a free hand had avoided anything resembling a dispute. But the failure of the boards in the forties to provide adequate funds for the administration of relief in Durham generated central/local conflicts in a manner wholly unknown in previous years. The economic pressures of the 1840's appear to have lowered the boards' threshold of tolerance with Commission meddling, and a new spirit of de jure as well as de facto independence may be detected in the records. When the crunch came, even such acquiescent Boards as Darlington and South Shields exhibited a reluctance to allow London to tamper with their bread-and-butter affairs. It was one thing to apply to Somerset House for permission to depart from this or that clause of the Prohibitory Order, and quite another when the Commissioners wished to augment union expenditure by increased salaries and medical relief schemes. Their success in directing enlightened relief administration, therefore, was many times sporadic and incomplete.

In terms envisaged by the founders of the Poor Law Commission, its subsequent efforts were generally marked with failure. According to one of the two principal architects of the New Poor Law, the cardinal purpose of the Amendment Act was "first, to raise the labouring classes . . . from the idleness, improvidence, and degradation into which the maladministration of the laws for their relief has thrown them; and, secondly to immediately arrest the progress, and ultimately to diminish the amount of the pressure on the owners of lands and houses."¹ That is to say, the objective of the Act was to reduce the incidence of pauperism and accordingly to reduce the rates. The operational concept of this ambition revolved around the belief that pauperism was a condition largely divorced from and independent of economic considerations, that it progressed by a momentum of its own, feeding on the extravagance of an inefficient and corrupt relief system. In 1836, the Commissioners indicated their failure to grasp the importance of economic factors in the generation of destitution: ". . . prices may fall or rise, as seasons or circumstances vary; but under all such circumstances a principle of adaptation will . . . [afford] a remedy for the evil [of pauperism]."² The "principle of adaptation," of course, involved the incarceration of the able-bodied poor in the workhouse, "which formed the first recommendation of the Commissioners of Poor Law Inquiry, and is, in fact, the main object of the Poor Law Amendment Act."³ However, despite vigorous efforts over a period of years, the number of able-bodied work-

¹ N. Senior manuscript, G. Nicholls, History of the English Poor Law, II, p. 270.

² Second Annual Report, 1836, p. 43.

³ Ibid., p. 6. My emphasis.

house inmates remained an insignificant portion of those receiving relief, even though the able-bodied inmate population in Durham nearly quadrupled during the early 1840's. The high cost of establishment construction precluded the admission of the increased number of able-bodied applicants, even when the boards readily accepted the need for a workhouse test. The shortage of workhouse space was rendered critical by the large number of dependent poor whose helplessness absolutely required their accommodation in a union establishment. The foremost of these were orphaned or abandoned children, whose number the Commissioners estimated accounted for nearly half of the space in most workhouses.¹

The fundamental error of the Commissioners' approach centered on their belief that they could materially influence factors that were dependent upon the shifts and vagaries of a wider economic picture. They quickly claimed credit for the reduction in relief expenditure that followed upon the establishment of their authority. However, a concurrent diminution in the areas not under their control pointed out the existence of more substantial elements. Nevertheless, Somerset House contrived to see the results of their activities in this reduction as well: "The extensive effect of the impulse given by the change of law, and the wide promulgation of its principles by means of the Reports which His Majesty's Government have caused to be published, as well as the correspondence, admonitory and instructional, of this office, is shown in the reduction of the rates in those parishes which have not yet been placed under the control of Boards of Guardians."² Even after the hard lessons of the

¹ Fourth Annual Report, 1838, p. 90.

² Second Annual Report, 1836, p. 36.

1840's, at least one key figure continued to adhere to the myth that the actions of the Poor Law Commission influenced to a large extent economic trends and the creation of destitution.¹ Clearly, the Commissioners' efforts in this respect were bound to be fruitless, for, in the words of J.D. Marshall, "the economic problems which underlay the high relief bills . . . were not of a kind which could have been removed by Senior and Chadwick."²

In fact, in Durham the New Poor Law itself tended to exert pressure in an opposite direction to the stated objectives of the Act. The continuing high level of the county's rates, when other parts of the country were showing reductions, may have been due to the costs of running and maintaining a cumbersome relief mechanism. As we have seen, even in those cases where actual expenditure on the poor was decreasing, overall expenses continued to mount. In those counties where undoubtedly inefficient and corrupt practices were to be found, the imposition of a larger, more highly controlled administrative structure might be expected to have streamlined relief administration and reduced expenditure. In a county such as Durham, however, with its low incidence of pauperism, substantial savings could not be wrung from the establishment of a more complex system.³ Indeed, the imposition of the new administrative scheme merely increased the cost of distributing relief. Hence, by the mid-forties, it was manifest that the Commissioners had not been able to

¹ G. Nicholls, History of the English Poor Law, II, pp. 358-359.

² J.D. Marshall, The Old Poor Law, p. 46.

³ The reader will recall that the implementation of the Prohibitory Order in South Shields had the effect of depriving only 30 persons of outdoor relief.

reduce the rates, nor had they checked the advance of pauperism.

In more realistic terms, on the other hand, the accomplishments of the Poor Law Commission were more substantial. In maintaining a vigilance over provincial administrative practices, the Commissioners were generally able to curtail the boards' engaging in the more obvious forms of economic self-interest. The Commissioners' insistence on salaried officials and their interest in scrutinizing each appointment eventually resulted in a comparatively competent staff of relief administrators, despite the failure of the boards to provide sufficient inducements. In contrast, the old system had been plagued by incompetency and inefficacy in the key positions - those involving direct contact with the poor. A Durham ratepayer told the Commissioners in 1835, for example, that "the late Overseer [of Bishopwearmouth] . . . [who] held the appointment for several years was totally inefficient to fill such a responsible situation being very illiterate and almost unable to write . . . [Duties have] been frequently neglected."¹ Unquestionably, the existence of a moderately uniform and prominent relief structure increased the effectiveness with which poverty was detected and relieved, even if the amounts of aid distributed were not considerable. Subjected to casual overseer administration the destitute had not always been able to count on being relieved, but in the aftermath of 1837, the truly impotent poor were reasonably assured of receiving some sort of aid. A question put to Ralph Carr, ex-officio Guardian of the Gateshead Union, by the committee investigating removals pointed out the failure of the Commission in one respect, while it highlighted its achievement in

¹ James Hills/P.L.C., 22 October 1835, M.H.12/3268 (Sunderland).

another:

. . . the operation of the Poor-law Amendment Act of 1834 has had little or no effect in decreasing the rates? - No; but I think there has been a much better distribution of relief since then . . .¹

In the area of medical relief, especially, the Commissioners' accomplishments were important and long-lasting. Under the old system in Durham, virtually no provisions for the relief of the sick and infirm were in evidence. "[In] the northern counties . . . prior to the introduction of the Poor Law Amendment Act," the Commissioners remarked in 1845, "little medical relief was given by the overseers, and . . . the practice of employing permanent parish doctors, paid by a salary, which was almost universal in the south, had scarcely any existence."² Under the direction of Somerset House, extensive medical arrangements were forced on the boards, and if these measures were incomplete and subject to recalcitrant local officials for their operation, they provided the administrative framework upon which subsequent generations were to hang improvements and innovations. Indeed, even in the first years, any advance in medical relief was a step in the right direction. By 1840 we find Walsham justifiably boasting of the progress made in this area: ". . . I may here mention . . . that I do not know a Union in my district in which . . . the Union disbursements on account of Medical Relief to the sick - have not very considerably exceeded the previous parochial expenditure for similar purposes."³

¹ Report on Settlement and Poor Removal, 1847, p. 317. He added, however, that "as regards the able-bodied applicants, it [relief] is more sternly bestowed . . ." Ibid., p. 322.

² Ninth Annual Report, 1845, p. 16.

³ J. Walsham/Board of Guardians, 9 August 1840, M.H.12/2989 (Darlington).

In a wider sense, the New Poor Law provided the wedge of more beneficent reforms. The unpleasant lessons of its experience indicated the necessity of improved administrative techniques. More than a decade of adversity pointed out the need for adequate legal powers, salaried local administrators, clearly defined responsibilities and prerogatives, an extensive and well-trained inspectorate, compatible internal organization, and a closer relationship with Parliament and the Government. Its reports, although prejudicial and open to rebuttal, were read by the people who counted - ministers, members, and newspaper editors - which enabled it to become an important and influential exponent of reform. It is difficult to envisage, for example, the public health movement arising as early as it did without the platform of the Poor Law Commission from which it was launched.¹ The movement was almost single-handedly shaped by Chadwick at Somerset House, who used all the trappings of poor law enquiries and reports to disseminate the propaganda that was required to stir public interest. Even more significantly, the Commission's facilities for gathering and digesting sociological information contributed heavily to the effectiveness of public health administration and that of the other reformed departments of the mid-nineteenth century. In a letter to Walsham, the Commissioners emphasized this aspect of their administration: "The collection and diffusion of useful information . . . is an important function of the Poor Law Commissioners"²

The image of the New Poor Law, then as now, was repeatedly distorted

¹ See E.M. Carus-Wilson (ed.), Essays in Economic History, III, p. 185.

² P.L.C./J. Walsham, n.d., Seventh Annual Report, 1841, p. 61.

by a nostalgia for the Old Poor Law. Reacting to the usurpation of local prerogative and a wretched series of poor law principles, opponents drifted into the fantasy of reminiscence:

The [Old] Poor Law formed one of the noblest monuments of the charity and benevolence of our ancestors . . . [Do] not uproot the noble tree under which our ancestors have dispensed their bounty with a lavish hand; and which forms a shelter and protection to the poor, when the shafts of stern adversity blow around them.¹

Although a product of societal impulses to crush the charge of the poor on the community and the embodiment of wrong-headed and vicious "remedial" measures, the New Poor Law as administered in County Durham may safely bear comparison with the Old and in many respects was a positive advancement in enlightened reform. It must be recognized that many, albeit assuredly not all, of the excesses of the new system may be traced to the pre-1837 factors in the mechanism and the ever-present influence, regardless of the form of poor law administration, of the economic interests of local administrators.

¹ Durham Advertiser, 18 July 1834.

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