

A HISTORY  
OF  
THE ENGLISH POOR LAW,  
IN CONNEXION WITH THE  
LEGISLATION AND OTHER CIRCUMSTANCES AFFECTING  
THE CONDITION OF THE PEOPLE.

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INTRODUCTION.

THE laws of any period throw much light upon the habits and condition of the people at the time, and some knowledge of this condition and these habits is necessary for judging of the character and suitableness of the laws—each, in fact, reflecting light upon the other, and each requiring to be viewed with reference to the other. If this be true in a general sense, it is more especially true with regard to the laws immediately affecting the poorer classes; and therefore an inquiry into the origin and progress of the English Poor Laws, necessarily involves an inquiry into the state of the country and the condition of the people at the several periods when these laws were enacted, without which it would be impossible to judge of their fitness, or form an accurate estimate of their results.

In every country, and in all states of society, destitution has existed, and from the nature of things ever will exist; and on the relative proportion which the destitute bear to the entire population, and on the manner in

which this destitute class is dealt with, the general condition of the whole will in no small degree depend. For this destitute class in England the Poor Law has been chiefly framed—not at once, nor, in the several stages of its progress, always wisely, but from time to time, and as it were casually, when legislative interposition appeared to be called for to remedy some existing evil, or to prevent the occurrence of some evil which was apprehended.

The establishment of a Poor Law in any shape, or any systematic organisation for affording relief to the destitute, must be regarded as indicating a considerable advance in civilisation, and in the appreciation of duties arising out of a common interest for securing a common good. Sir Matthew Hale declares the relief of the poor to be “an act of great civil prudence and political wisdom, for that poverty is in itself apt to emasculate the minds of men, or at least it makes men tumultuous and unquiet. Where there are many poor, the rich cannot long or safely continue such. Necessity renders men of phlegmatic and dull natures stupid and indisciplinable, and men of more fiery or active constitutions rapacious and desperate.”\* It is accordingly an admitted maxim of social policy, that the first charge on land must always be the maintenance of the people reared upon it. This is the principle of the English Poor Law. Society exists for the preservation of property, but subject to the condition that the abundance of the few shall only be enjoyed by first making provision for the necessities of the many.

In the early age of a community, the prime object, after supplying the wants of nature, would be the pro-

\* See Sir Matthew Hale's plan for the relief of the poor, given at length in Dr. Burn's 'History of the Poor Laws.'

tection of life and property from assault, whether by persons acting under the influence of violent and selfish passions, or labouring under the pressure of actual want; and we accordingly find that severe laws, and usages not less imperative than laws, existed in the early history of every people, having for their object the guarding of life and the protection of property, and imposing heavy penalties on transgressors in respect of either. But man will not submit to starve where the means of supplying his necessities can be obtained in any way, whether by force or by fraud. Necessity is above law, and, as far as the really necessitous are concerned, the dread of punishment has ever been found insufficient to protect property, or to deter from the commission of crime.

It may be presumed that the natural impulse to aid the distressed, which is common to the whole human race, would in the infancy of a community be sufficient to protect it against the consequences of extreme necessity in any of its members; and when in the progress of society this impulse failed through the excess of demands upon it, the influence of religion would probably be invoked in furtherance of the same object. Thus, throughout the East, and in all the earlier nations of the world, we find the practice of charity or almsgiving authoritatively inculcated as a religious observance. Even hospitality appears to have come under the same category. Wayfarers were entertained, not so much because the state of the world rendered such entertainment necessary for enabling persons to travel from one place to another, as from its being enjoined as a religious duty.

At a still later period, the Church of Rome constituted itself the general receiver and dispenser of alms, in all the countries subject to its influence. Its

charitable distributions were not confined to the poor alone, but were extended as well to the idle and the profligate, who, naturally preferring subsistence without labour to that obtained by their own industry, roved about from one religious establishment to another, resorting most frequently and in the greatest number to those where alms were most easily and abundantly obtained. As the funds of these establishments were increased by successive donations, their almsgiving was likewise increased, and consequently the idle mendicants increased in number, and became a burthen and serious evil, and even a source of danger, to the rest of the community.

Fuller,<sup>b</sup> in his 'Church History,' printed in 1656, after lauding the hospitality of abbeys as "beyond compare," thus speaks of these institutions: "Some," he says, "will object that this their hospitality was but *charity mistaken*, promiscuously entertaining some who did not need, and more who did not deserve it. Yea, these abbeys did but maintain poor which they made. For some vagrants, accounting the abbey alms their own *inheritance*, served an *apprenticeship*, and afterwards wrought *journeywork*, to no other trade than *begging*; all whose children were, by their *father's copie*, made *free of the same company*. Yea, we may observe that generally such places wherein the great abbeys were seated swarm most with poor people at this day, as if beggary were entailed on them, and that laziness not as yet *got out of their flesh*, which so long since was bred in their bones."<sup>c</sup> And Mr. Hallam, in his 'Constitutional

<sup>b</sup> Fuller's 'Church History,' 2nd sec., p. 298. The words in italics are so printed in the original.

<sup>c</sup> At a far earlier period it was found "that the liberality of certain Roman ladies, and other rich Christians, brought a great number of mendicants to Rome; and it is said that there was a decree made on this account by Valentinian the Younger, and directed to the prefect of Rome, in the year 382 (Cod.

History,' remarks—"There can be no doubt that many of the impotent poor derived support from their charity; but the blind eleemosynary spirit inculcated by the Romish Church is notoriously the cause, not the cure, of beggary and wretchedness. Nothing could have a stronger tendency to promote that vagabond mendicity which unceasing and very severe statutes were enacted to repress."<sup>d</sup>

It would appear, then, that the natural impulse of charity, aided by the higher influences of religion, and organised into a system through the agency of institutions richly endowed, and governed by the most powerful priesthood the world has ever known, failed in effectually relieving poverty; whilst such institutions and miscalled charities directly operated to the encouragement of idleness and vice, by leading the people to rely upon alms and casual contributions for support, instead of depending on their own exertions.

Man is destined to live by labour, and the love of life with which he is imbued, and the various wants by which he is surrounded, unceasingly operate as incentives to exertion, the right application of which is sure to bring its own great reward. Anything that tends to turn him from the persevering exercise of his own natural powers, or to divert him from a reliance upon his own honest efforts for obtaining the means of living, cannot fail to prove injurious both to the individual and to the community; and this the various institutions

Theod. xiv. tit. 18), in which he requires that their age and strength be inquired into, that the disabled might be provided for; but as for the strong, they were to be delivered up to the informer if they were of servile extraction, and if they were free they were to be compelled to cultivate the ground." See Fleury's 'Ecclesiastical History,' revised translation, by the Rev. J. H. Newman, p. 51.

<sup>d</sup> Hallam's 'Constitutional History of England,' 4th edition, vol. i. p. 79.

created throughout the country by the influence, and governed by the power, of the Roman Catholic Church, unquestionably did.

In thus adverting to the evils occasioned by organised almsgiving, it is not intended to deny the merit or to depreciate the value of charity when judiciously exercised, neither is it intended to question the authoritative injunctions to its observance contained in Holy Writ, which must have been given with the beneficent intentions that characterize all the revelations of the Divine will. A charitable disposition ought doubtless to be cherished by all, as well on religious as on social grounds, and within the limits of prudence and sound principle its promptings should be obeyed. But it must not be forgotten that the great end of charity, both as enjoined by religion and demanded by humanity, is to benefit the recipient, not to exalt or glorify the giver; and the consequences of whatever may be done ought therefore never to be lost sight of; for if the effects be evil, either to the recipient or to society, the act of giving becomes a cause of evil—it is not charity in the true sense of the term, conducing to the good of its object and the benefit of the community.\*

In England the Reformation brought with it a remedy for many evils. Much of the Church property then passed into lay hands. The monastic establishments were dissolved, and the large funds which, through the agency of these institutions, had been misapplied to the encouragement of idleness, were devoted to other and more legitimate purposes; whilst the “vagabonds and sturdy beggars,” no longer able to

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\* De Foe, in a tract published in 1704, and quoted by Sir F. Eden, justly observes that “an alms ill directed may be charity to the particular person, but becomes an injury to the public, and no charity to the nation.”

obtain their usual doles, were driven to labour for their maintenance or to prey upon the public. Their previous idle habits led them for the most part to adopt the latter course, and hence the various enactments of that period prohibiting vagrancy, and inflicting punishments of a severe and, in some instances, of a revolting character on this class of persons.

In order to obtain a clear view of the English Poor Law, and of the way in which it has grown with the wants and habits of the people, and become engrafted on our institutions as a means of protecting life and property by affording needful relief to the destitute, it will be necessary to trace the various enactments bearing on the subject as they appear in the Statute Books. At present there is no complete work of the kind. The nearest approach to it will be found in Dr. Burn's ‘History of the Poor Laws,’ published in 1764, and in ‘The History of the Poor,’ in a series of Letters by Mr. Ruggles, and ‘The State of the Poor, or History of the Labouring Classes,’ by Sir Frederic Eden, both published in 1797. Each of these works contains valuable information, especially the last; but they are for the most part desultory or over-technical in the mode of treating the subject, and in some instances recommendations are made which subsequent experience has shown to be attended with danger. Since they were published, moreover, much has taken place of a nature both eventful and instructive in regard to Poor Law matters, and the law itself has been materially changed. With these exceptions, and Mr. Pashley's ‘Pauperism and Poor Laws,’ published in 1852, and which the author did not see until the first part of the present work was written, the publications on the subject have mostly been put forth with the view of explaining the law as it existed at the time, such as Mr. Nolan's ‘Treatise on

Settlement,' or to point out some defect or some evil requiring amendment. There is no comprehensive account of the Poor Laws, showing the changes they have undergone, the circumstances under which they were made, and the objects they were intended to accomplish; and this deficiency the author has here endeavoured to supply.

The legislation which it is proposed to consider, naturally arose out of the circumstances of the several periods to which it applies: first, the mere suppression of vagabondage and violence was aimed at—next, this suppression conjointly with some relief for the destitute by means of charitable or enforced contributions—then, the relief of poverty and want as well as destitution, from whatever cause either the one or the other may have arisen—and lastly, the relief of destitution and want in such a manner as that, whilst effective for that object, it shall not weaken the incentive to independent exertion on the part of individuals or of the labouring classes and the public generally. For the sake of convenience the work will be divided into four parts—the first extending from the earliest times to the end of the reign of Queen Elizabeth; the second, from that time to the end of the reign of Queen Anne; the third, to the end of the reign of George III.; and thence to the end of the parochial year 1852, constituting the fourth part.

The author had intended to include in the present work some account of the Scotch Poor Law, the origin of which was nearly contemporaneous, and the attendant circumstances in many respects similar, with the English law; and also to give a summary description of the Poor Law now established in Ireland, with the preparing of which, and likewise with its introduction, it was his fortune to be connected; and he has collected materials for both these objects. But having now completed the

'History of the English Poor Law,' he has determined upon publishing it as a separate work, complete in itself; and for the present, at least, to defer entering upon the Scotch and Irish portions of the subject.

The authorities which have been consulted are, first and chiefest, the folio edition of 'The Statutes of the Realm,' published under the authority of the Royal Record Commissions of 1800 and 1806, and extending to the end of Queen Anne's reign; and thence the octavo edition of the 'Statutes at Large' to the present time, from which such extracts as appeared necessary for an elucidation of the subject have been made from every enactment immediately connected with the Poor Law, or which seemed in any way calculated to throw light upon, or materially affect, the condition of the people. These extracts are, for the most part, given verbatim, and in no instance is anything which would alter or weaken the sense of a passage omitted, but merely redundancies, and words in the earlier Acts more or less obsolete, and not necessary for a clear understanding of what is meant. Nothing has in any instance been added, and the omissions are made sparingly, and solely with a view to economising space and clearing away encumbrances.

The statutes, taken as a whole, may be regarded as expositors of public opinion, and as affording the best criterion for judging of the character of the times in which they were enacted. They are fraught with interest social and historical, and it is hoped that the reader will not complain either of the length or the frequency of the extracts which are made from them. It is right to remark, however, that it is not stated what statutes have been repealed, or permitted to expire. This was not necessary for our purpose, which is to show—first, the successive steps by which legislation advanced

to establishing a direct charge upon property for the relief of the poor, together with a recognition of their right to relief; and secondly, to mark, in like succession, the consequences thence arising, and the remedies from time to time sought to be applied to evils either existing or apprehended. A List will, however, be given towards the end of the Work of the principal Statutes then in force, and by which the administration of Relief is chiefly regulated.<sup>f</sup>

The order of time has been occasionally departed from, for the purpose of keeping particular subjects more together; but this has not, it is hoped, been done to such an extent as to derange the general sequence, or cause embarrassment or confusion to the reader. Use has been made of the different Histories of England, for the purpose of carrying forward the chain of events, and placing before the reader the circumstances of the country at the periods coincident with the several acts of legislation. Use has also been made of various other works affording information on the state of society and the habits of the people, and to which reference will generally be found, either in the text or in a foot-note. The Reports which have from time to time been made with respect to the condition of the poor and the state and administration of the law, together with the debates on the subject as given in Hansard, and the Returns laid before Parliament, have likewise been examined and quoted; but it has been endeavoured to condense and simplify as much as possible the information derived from these and all other sources, and to avoid overburthening the subject with references.

The quantity of materials requiring to be examined has been very considerable, and selection was sometimes

<sup>f</sup> See post, 4th part.

difficult; but it was also necessary, in order to bring within reasonable limits the object which the author proposes—namely, to give in an intelligible form an account of the several enactments having reference to the poor and the working classes generally, and the grounds on which the enactments were based; to show how far they were in accordance with sound principle and the circumstances of the period; and whether, and to what extent, they were sanctioned by the results—in short, to put the reader in a position to judge whether the several enactments were in themselves right, or rightly timed; and what were their effects as regards the poorer classes and the rest of the community.

The author is aware of the onerous nature of the duty he thus imposes on himself, and there are circumstances which might well excuse his undertaking it; but he is encouraged to do so by the hope of producing a work which may be useful, and which his long and intimate connexion with Poor Law administration, both before and since the passing of the Amendment Act, seems to require from him, now that his retirement from official labour affords him leisure for the task. If in adverting to that measure he shall be led to speak of himself in connexion with anything that was done, he entreats that it may be attributed solely to his wish to place before the reader the facts as they actually occurred, which he would not in every instance be able to do, if all allusion to himself were omitted.