

## **English Poor Laws**

For centuries, successive British social systems have recognised that there are people who cannot work – too old, too young, too ill, too infirm. These need to be provided for, in the first instance by the family. Most people who could work are unemployed because of economic circumstances, relatively small minority are not working because they don't want to. An even smaller minority resort to pretence in order to claim benefits, whilst working on the sly.

### **What is poverty?**

Poverty is always relative to the society in which it is measured.

Individuals, families and groups in the population can be said to be in poverty when they lack resources to obtain the type of diet, participate in the activities and have the living conditions and amenities which are customary, or at least widely encouraged and approved, in the societies in which they belong.

Two commonly used measures of poverty based on disposable income are:

**Relative low income:** This refers to people living in households with income below 60% of the median in that year.

**Absolute low income:** This refers to people living in households with income below 60% of median income in a base year, usually 2010/11. This measurement is adjusted for inflation

**Median income** is the point at which half of households have lower income and half have higher income.

Income can be measured before or after housing costs are deducted.

### **Tudor Poor Law**

Origins of the English Poor Law system can be traced back to medieval statutes dealing with beggars and vagrancy. The Black Death which it's estimated wiped out between 2 to 3 million out of a population of 6 million in turn causing a shortage of labour. Feudal ties were weakened which led to peasants moving to try to seek better terms of work. Before the Dissolution of the Monasteries, monasteries had been a primary source of poor relief. In 1495 in the reign of Henry V<sup>11</sup>, parliament passed the Vagabonds and Beggars Act., ordering

"vagabonds, idle and suspected persons shall be set in the stocks for three days and three nights and have none other sustenance but bread and water and then shall be put out of Town. Every beggar suitable to work shall resort to the Hundred where he last dwelled, is best known, or was born and there remain upon the pain aforesaid."

This offered no immediate remedy to the poverty problem but merely swept it from sight or moved from town to town. Moreover, no distinction was made between vagrants and the jobless; both were simply categorised as "sturdy beggars", to be punished and moved on.

Such itinerant workers were regarded with fear and suspicion, much as modern day travellers are.

Under Henry V 1111, the Vagabonds Act 1530 directed the justices of the peace to assign to the impotent poor an area within which they were to beg. Generally, the licences to beg for the impotent poor were limited to the disabled, sick, and elderly. An impotent person begging out of his area was to be imprisoned for two days and nights in the stocks, on bread and water, and then sworn to return to the place in which he was authorised to beg. An able-bodied person found wandering outside his area were to be 'whipped until bloody'. and sworn 'to return to the place where they were born, or last dwelt for the space of three years, and there put himself to labour'. By 1536 provision was made for the mutilation, imprisonment or execution of repeat offenders.

Still no provision was made, though, for the healthy man simply unable to find work. All able-bodied unemployed were put into the same category as the impotent poor. Those unable to find work had a stark choice: starve or break the law. In 1535, a bill was drawn up calling for the creation of a system of public works to deal with the problem of unemployment, to be funded by a tax on income and capital. By 1555, London became increasingly concerned with the number of poor who could work, but yet could not find work, so it established the first House of Correction (predecessor to the workhouse) in the King's Palace at Bridewell where poor could receive shelter and work at cap-making, feather-bed making, and wire drawing.

In 1552, Edward VI passed the Poor Act 1551 which designated a position of "Collector of Alms" in each parish and created a register of licensed poor. Under the assumption that parish collections would now relieve all poor, begging was completely prohibited.

One of the problems of a parish-based system was that there was no consistency across parishes.

### **A New Colonial Solution.**

In the early 1580s with the development of English colonisation schemes, initially in Ireland and later in North America, a new method to alleviate the condition of the poor would be suggested and utilised considerably over time. Merchant and colonisation proponent George Peckham noted the then-current domestic conditions; "there are at this day great numbers which live in such penurie & want, as they could be content to hazard their lives, and to ser[v]e one yeere for meat, drinke and apparell only, without wages, in hope thereby to amend their estates."

Richard Hakluyt also suggested sending the poor out of the realm and additionally recommends emptying the prisons and sending the inmates to the New World. The first indentured servants travelled to the American colonies in 1607.

By 1619 Virginia's system of indentured service would be fully developed, and subsequent colonies would adopt the method with modifications suitable to their different conditions and times. English penal transportation would be implemented soon afterwards, and evolve into a subsidised government endeavour with the Transportation Act 1717.

Later, of course America - until the American colonies were lost in 1783 - and then Australia would be the destinations not only of the poor but of criminals. It's worth remembering, too, the way successive governments relieved themselves of some child poverty by evicting orphaned children to Australia (and Canada) as late as the 1970's. 130,000 children were forcibly shipped to Australia, Canada and other colonies where they separated brothers from sisters, trucked out to remote locations and put to work as soon as they arrived. The parents often didn't know what had happened to their children who often went out undocumented and without passports.

Margaret Humphries, a Nottingham social worker uncovered the reality of what was happening to orphaned and 'illegitimate children' and wrote an account of what was happening in her book 'Empty Cradles'. A film 'Oranges and Sunshine' was made in 2010, based on her book, starring Emily Watson who herself grew up in care. This was part of a plan to keep the racial integrity of the colonies i.e keep Canada and Australia white. Many of the children were handed over to the Congregation of Christian Brothers at the hands of whom many suffered appalling sexual and physical abuse.

The Fatal Shore by Robert Hughes, an Australian art critic, is a superb account of conditions on the transport boats to Australia in the nineteenth century.

### **Elizabethan Poor Laws and The Old Poor Law**

The origins of Elizabethan poor laws were deteriorating economic circumstances in 16<sup>th</sup> century England – rapid inflation, debasement of coinage and poor harvests.

The Vagabonds Act 1572 called for offenders to be burned through the ear for a first offence, and that persistent beggars should be hanged; however, the Act also made the first clear distinction between the "professional beggar" and those unemployed through no fault of their own. Early in her reign, Elizabeth I also passed laws directly aimed at providing relief for the poor by requiring parish residents, with the ability to do so, to contribute to poor collections, with punishments for those who refused. JPs were enabled to survey and register the impotent poor, assess the money required for their relief and assess parish residents for the appropriate amount weekly.

The poor Act of 1575 required towns to create 'a competent stock of wool, hemp, flax, iron and other stuff' for the poor to work on, with houses of correction for the undeserving.

1597, a session of Parliament was called to deal with increased poverty and vagrancy resulting in Poor Law Relief Act 1597 Vagabonds Act 1597.

These were refined and formalised in The Poor Relief Act 1601 which created a system administered at parish level of relief for those too ill or old to work, the 'impotent poor'. This was in the form of a monetary payment, or items of food ('the parish loaf') or clothing all designated outdoor relief. Some aged people might be accommodated in parish alms houses, though these were usually private charitable institutions. Able-bodied beggars who refused to work ('the undeserving poor') were often placed in Houses of Correction set up by an act of

1607 perhaps being beaten to mend their ways and subjected to a harsh regime. These Acts came to be known as the Elizabethan Poor Laws.

The Old Poor Law was a parish-based system; there were around 15,000 such parishes based upon the area around a parish church. The system allowed for despotic behaviour from the overseers of the poor, but as they would know their paupers, they were considered able to differentiate between the deserving and undeserving poor, making the system both more humane and initially more efficient. The population was then small enough for everyone to know everyone else's circumstances, so the idle poor would be unable to claim on the parishes' poor rate. The system provided social stability yet by 1750 needed to be adapted to cope with population increases, greater mobility and regional price variations.

The Poor Relief Act of 1662 required a pauper applicant had to prove settlement. This reduced the mobility of labour and encouraged industry to create short term contracts that did not make an employee eligible for poor relief.

If he could not prove settlement, he was removed to the parish nearest to his birthplace, or where he prove some connection; some paupers were moved hundreds of miles. Although the parishes he passed through en route had no responsibility for him, they were supposed to supply food and drink and shelter for at least one night. An act of 1697 required beggars to wear a badge of red or blue cloth on the right shoulder with an embroidered letter "P" and the initial of their parish. However, this practice soon fell into disuse.

The workhouse movement began at the end of the 17th century with the establishment of the Bristol Corporation of the Poor, founded by the Bristol Poor Act in 1696. The corporation established a workhouse which combined housing and care of the poor with a house of correction for petty offenders. Following the example of Bristol, some twelve further towns and cities established similar corporations in the next two decades. As these corporations required private acts, they were unsuitable for smaller towns and individual parishes.

Starting with the parish of Olney, Buckinghamshire in 1714 several dozen small towns and individual parishes established their own institutions without any specific legal authorization. Sir Edward Knatchbull supported by the Society for the Promotion of Christian Knowledge succeeded in getting an act through parliament that gave legislative authority for the establishment of parochial workhouses.

In 1776-7 There was a Parliamentary survey of poor relief provision across the country, published as the Abstracts of Returns Made by the Overseers of the Poor.

Legislation in 1776, gave authority for the establishment of parochial workhouses, by both single parishes and as joint ventures between two or more parishes. More importantly, the act helped to publicise the idea of establishing workhouses to a national audience. By 1776 some 1,912 parish and corporation workhouses had been established in England and Wales, housing almost 100,000 paupers. Perhaps one million people were receiving some kind of parish poor relief by the end of the century.

In Derby there were five parishes, St Alkmunds (34) , All Saints (60) , St Michael's (14) St Peter's (40) St Werburgh's (50) a provision of 198 places.

If those hoping to make money from the labour of the poor, they were disappointed as the vast majority of people obliged to take up residence in workhouses were ill, elderly, or children whose labour proved largely unprofitable. At this time, unlike later, workhouses came to take on the character of general social policy institutions, combining the functions of creche, and night shelter, geriatric ward and orphanage.

In 1782, Thomas Gilbert finally succeeded in passing the Relief of the Poor Act that established poor houses solely for the aged and infirm and introduced a system of outdoor relief for the able-bodied. This was the basis for the development of the Speenhamland system. A meeting in a pub in Speenhamland (Berkshire) in 1795 sought to alleviate the distress caused by high bread prices. The subsidy was based on the cost of a gallon loaf . The burden of this relief fell on landowners who owned the parishes who had to provide the money for this outdoor relief. One effect of this was interfere with what were seen as the laws of supply and demand and allowed employers to force down wages to below subsistence level knowing that the wages would then be subsidised by the parish. The Tolpuddle Martyrs – of more later – had had their wages reduced to below subsistence level.

We have modern echoes of this now. Real unskilled wages have been falling which means reduced demand in the economy and lower tax revenues. Many benefits are now paid to the in-work poor.

During the Napoleonic Wars it became difficult to import cheap grain into Britain which resulted in the price of bread increasing. As wages did not also increase, many agricultural labourers were plunged into poverty. Following peace in 1814, the Tory government of Lord Liverpool passed the Corn Laws to keep the price of grain artificially high so protecting the landed interest. 1815 saw great social unrest. The end of the wars against revolutionary France saw industrial and agricultural depression and high unemployment. Social attitudes to poverty began to change after 1815 and overhauls of the system were considered.

The enclosure movement, especially after formal enclosure by parliamentary act, also impacted significantly on the poor who no longer had access to land on which they could grow food, graze animals, draw water, collect wood etc..

Land was a commodity under the control of single owners who could do as they pleased with it. It was legitimate to place man traps on your land to deter people from trying to supplement their diet by catching rabbits, game etc.. Many of the people transported to Australia were poor and sent for petty crimes. The famous Tolpuddle Martyrs were a group of labourers from Tolpuddle in Dorset who had seen their wages cut to near starvation levels. They had formed a friendly society which was legal. However, an obscure law was invoked that led to them being tried and transported in 1834.

The enclosure movement in turn catalysed urbanisation and the Agricultural and Industrial revolutions.

## The New Poor Law

By 1820, before the passing of the Poor Law Amendment Act 1834 workhouses were already being built to reduce the spiralling cost of poor relief. Southwell was an early workhouse built in 1824, and looked at by the Poor Law Commissioners as a good example of the model. John T Becher who was involved with Southwell was a keen proponent of hard labour including breaking stones and picking oakum.

The New Poor Law is considered by some to be one of the most "far-reaching pieces of legislation of the entire Nineteenth Century" The act aimed to reduce the burden on rate payers and can be seen as an attempt by the Whig government to win the votes of the classes enfranchised by the Great Reform Act of 1832 which had widened the franchise.

Two over-arching principles governed the Act:

'Less eligibility' – Conditions had to be worse than outside.

'Workhouse test' – Conditions so uninviting that anyone capable of coping outside would choose not to enter.

The new Act established a Poor Law Commission to oversee the national operation of the system. This included the forming together of small parishes into poor law unions and the building of workhouses in each union for the giving of poor relief.

Although the Poor Law Amendment Act did not ban all forms of outdoor relief, it stated that no able-bodied person was to receive money or other help from the Poor Law authorities except in a workhouse. Conditions in workhouses were to be made deliberately harsh to discourage people from claiming. Workhouses were to be built in every parish, or in poor law unions. The Poor Law Commissioners were to be responsible for overseeing the implementation of the act.

The system failed badly in the industrial north of England as people found themselves temporarily unemployed due to recessions or a fall in stock demands (usually called 'cyclical unemployment'). People were reluctant to enter the workhouse though it was the only method of gaining relief (Nottingham exemption).

Conditions in the workhouse were deliberately harsh a last resort for the desperate. The old concept of the benevolent poorhouse had gone. Everyone, young, ill, infirm, widows and unemployed were subject to the same regime. Regardless of circumstances you were in the workhouse because you had committed the crime of worklessness.

Work itself was regarded as virtuous so workhouses provided just that – hours and hours of it; pointless boring, demeaning work such as picking oakum, breaking stones etc. Families were separated, children from their parents, husbands from wives. Worklessness was seen as a moral defect so no-one wanted it to spread. People entering the workhouse often died there.

Food was basic. The problem was that in order to make the diet of the inmates 'less eligible' than what they could expect outside it would be necessary to starve the inmates beyond an acceptable level.

The abuses and shortcomings of the system are documented in novels in the novels of Dickens and Francis Trollope and later by Jack London in *The People of the Abyss*.

In 1846, the appalling conditions culminated in the infamous Andover workhouse case where starving inmates were reduced to eating bones they had been assigned to grind down to make fertilizer.

After the Andover scandal, there were attempts to improve condition; the Workhouse Visiting Society formed in 1858 highlighted conditions in the workhouses and led to more frequent inspections. Changes in legislation led to passing the financial burden of pauperism onto whole unions rather than individual parishes.

After the Reform Act of 1867, there was increasing welfare legislation. The Local Government Board, overseeing poor law led a crusade against outdoor relief as it was seen as destroying the self reliance of the poor. Consequently numbers in workhouses increased by 12% - 15%.

With the establishment of County Councils in 1888 and District Councils in 1894, public housing, unlike health and income maintenance developed outside the scope of the Poor Law. Conditions for the sick, mentally ill and children became more humane. However the stigma of the workhouse never disappeared, even though conditions improved over time.

### **Decline and Abolition.**

The Poor Law system began to decline with the availability of other forms of assistance. The growth of friendly societies provided help for its members without recourse to the Poor Law system. Some trade unions also provided help for their members.

The Conservatives passed the Unemployed Workmen Act 1905 which provided for temporary employment for workers in times of unemployment.

The Liberal Government of 1905 – 15 in 1905 set up a royal commission to investigate what changes could be made to the Poor Law. The welfare reforms of the Liberal government] made several provisions to provide social services without the stigma of the Poor Law, including old age pensions and National Insurance, and from that period fewer people were covered by the system.

Means tests were developed during the inter-war period, not as part of the Poor Law, but as part of the attempt to offer relief that was not affected by the stigma of pauperism. Numbers using the Poor Law system increased during the inter-war years and between 1921 and 1938 despite the extension of unemployment insurance to virtually all workers except the self-employed. Many of these workers were provided with outdoor relief. One aspect of the Poor Law that continued to cause resentment was that the burden of poor relief was not shared equally by

rich and poor areas but, rather, fell most heavily on those areas in which poverty was at its worst.

This was clearly illustrated by what happened in Poplar, one of the poorest boroughs in east London in 1921. As it was a poor borough, rents were low but as local taxation was assessed on the basis of rateable value, the Poplar Council had to set a much higher rate to produce the same amount of money as low rates in a wealthy borough. In addition to the precept for the Poplar Poor Law Union, ratepayers were also charged for payments to pay for London County Council, the Metropolitan Police, Metropolitan Water Board and the Asylums Board. To cut a long story short, they refused to pay the extra demands and the Council was taken to the High Court. The council's response was to organise a procession of 12000 supporters. Thirty councillors including six women, one of whom was pregnant, were sent to prison indefinitely. (Brixton and Holloway), The revolt received widespread support with neighbouring councils threatening similar action. Eventually they were released after six weeks imprisonment. A bill, the Local Authorities (Financial Provisions Act) was rushed through parliament in November 1921 which more or less equalised the tax burdens between rich and poor boroughs.

[The problem with the Council tax, which was developed after the disastrous Poll Tax, is that the problem remains. For example areas of high deprivation like Gateshead, with relatively low-band housing stock ends up having to charge more to its citizens in order to cover the demands of central government which has over the years significantly shrunk the payments to local authorities as well as making more and more mandatory requirements.

Furthermore, the demands on the council in an area of deprivation are likely to be much greater than in an affluent area. Mandatory requirements of councils have increased.

A 'D' band house in Gateshead pays £2578 per annum in Council Tax; Derbyshire £2255. In extremely affluent Westminster which has houses worth several million, a 'D' band house will pay £1017 less than half of the house in Gateshead. A £50,000,000 house/apartment in the top band (H) in Westminster pays just £2034.36. Poorer families in Gateshead are hit not only with rising energy and water bills but a higher Council Tax bill ]

Workhouses were officially abolished by the Local Government Act 1929, and between 1929 and 1930 Poor Law Guardians, the "workhouse test" and the term "pauper" disappeared. The Unemployment Assistance Board was set up in 1934 to deal with those not covered by the earlier National Insurance Act 1911 passed by the Liberals, and by 1937 the able-bodied poor had been absorbed into this scheme. By 1936 only 13% of people were still receiving poor relief in some form of institution.

In 1948 the Poor Law system was finally abolished with the introduction of the modern welfare state and the passing of the National Assistance Act. The National Health Service Act 1946 came into force in 1948 and created the modern day National Health Service.