

THE LEICESTER POOR LAW UNION, 1836-1871

by

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## ABSTRACT

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Although there have been many studies of the operation of the new poor law in a variety of unions little research has been done on the East Midlands. This region shared features with both southern agricultural areas and northern urban ones and is interesting to study because unions were established there before the onset of the 1837 trade depression which contributed towards the difficulties encountered in establishing northern unions. The Leicester union adds a new dimension to poor law studies: it began fairly successfully but when the trade slump hit the town in 1837 its administration became overwhelmed with the problems facing it and appeared to lurch from one crisis to the next. After several years of poor employment prospects the town's improving economy from about 1850 led to a substantial reduction in the number of paupers. The pressure on the union decreased so that by the beginning of the 1860s it was able to maintain the workhouse test quite successfully.

It is the intention of this thesis to show that the improving economy was the single most important reason for the success of the union. It affected many of its actions and was a prime factor in the amount of political activity generated by the board of guardians. The individual chapters discuss various aspects of the union's business and show that, while there may have been some improvement in its finances and staff, these would have been insignificant on their own. The union faced a number of problems throughout the period of this study, some of them found in other unions but some unique to Leicester. Without the drastic amelioration of the town's economy the Leicester union would not have been a success.

## ACKNOWLEDGEMENTS

My interest in the new poor law was first awakened by Gerald Innocent when he was undertaking research for his MA dissertation on 'Aspects of the practical working of the New Poor Law in Leicester and in Leicestershire 1834-1871' (University of Leicester, Victorian Studies Centre, 1969) and used the resources of the Leicester Museum Archives Department; I am indebted to him for introducing me to such a rewarding area of research. Innocent looked at two aspects of the operation of the new poor law in Leicestershire: the practical difficulties of unionisation and the comparison between rural and urban unions. His task was 'to consider the multiplicity of problems which locally faced the New Poor Law...in a "mixed-economy" of frame-work knitting and agriculture' and his thesis was that the new poor law could not be applied with the degree of uniformity which the Poor Law Amendment Act had intended. He studied the conflicts between Leicester and the other county unions on the subjects of the rate-burden and migrant paupers and showed, in a 'detailed study' of the Leicester union, that complex interests made uniformity impossible in even one union.

While Innocent's dissertation introduced some interesting points it is impossible in 56 pages to do more than scratch the surface of the subject. There is obviously scope for a much fuller and wide-ranging study of the Leicester union, to encompass the many and varied aspects of the operation of the new poor law in the town. It is the intention of this study to look at the union in much more depth and to try and put it into a national framework.

I am grateful to the staff of the Public Record Office, British Library and Leicester Reference Library, and to my colleagues in the Leicestershire Record Office for their help and support over the years. I am also grateful to a number of individuals for their help and advice. Dr I J E Keil and Dr J V Beckett offered constructive criticism and Dr M E Rose kindly read the text for any factual errors. Dr M Palmer, as ever, provided invaluable help and support.

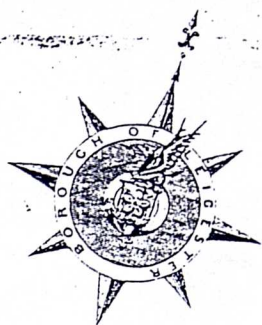
I also wish to thank John Fletcher for his assistance with layout and printing. Last, but no means least, I wish to thank David Johnson, my supervisor, for his painstaking help and advice.



SPENCER'S  
NEW MAP OF  
**LEICESTER,**  
FROM A SPECIAL SURVEY  
CORRECTED TO  
**1866.**

PUBLISHED BY J. & T. SPENCER, 20, MARKET PLACE,  
LEICESTER.

- St. Margaret
- St. Mary de Castro
- St. Martin
- Au saints
- St. Leonard
- St. Nicholas
- Augustine friars
- Black friars
- The Newark
- Castle view



REFERENCE

Divisions of Parishes ————  
Divisions of Wards ————

WARDS

|                     |       |
|---------------------|-------|
| St. Martin          | _____ |
| North St. Margaret  | _____ |
| Middle St. Margaret | _____ |
| East St. Margaret   | _____ |
| East St. Mary       | _____ |
| West St. Mary       | _____ |
| All Saints          | _____ |



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## ABBREVIATIONS

|     |   |
|-----|---|
| PRO | Public Record Office                      |
| LRO | Leicestershire Record Office              |
| PLC | Poor Law Commissioners                    |
| PLB | Poor Law Board                            |
| LGB | Local Government Board                    |
| HO  | Home Office records                       |
| MH  | Ministry of Health records                |
| QS  | Quarter Sessions records (Leicestershire) |
| LC  | <u>Leicester Chronicle</u>                |
| LH  | <u>Leicester Herald</u>                   |
| LJ  | <u>Leicester Journal</u>                  |
| LM  | <u>Leicestershire Mercury</u>             |

## PREFACE

Until local poor law studies were undertaken it was generally believed that a common philosophy and central organisation meant each union was very similar to the next: this myth has now been thoroughly laid to rest. The object of this thesis is to look at an urban union in the East Midlands and to consider how the new poor law operated in it. Research so far has tended to concentrate on the north of England and rural unions in the south: the Midlands shared features with both these parts of the country and also had its own peculiarities. A study of an urban union such as Leicester in this part of the country will therefore give a fresh dimension to the study of the operation of the new poor law and may also throw light on its administration in the north, as its introduction to the Midlands came a year earlier and, more importantly, before the devastating effects of the 1837 depression were felt.

The thesis will attempt to show what was special about the operation of the law in Leicester between 1836 and 1871, a period covered by the terms of office of the Poor Law Commissioners and Poor Law Board. It will begin by setting Leicester in context, discussing the economic and social structures of the town between about 1800 and 1871 and the particular problems of poverty and pauperism it experienced. The last years of the old poor law will be considered: how it operated in the various parishes, how effective it was and whether there was any pressure for change. The following chapter will look at the principles behind the new poor law and the background to its implementation in Leicester in the light of previous research. Subsequent chapters will then consider various facets of the administration of the new poor law, attempting to discern how the Leicester union conformed to or differed from experience in other unions. This will include important questions such as the part



played by outdoor relief, the attitude of the guardians to the law they were elected to administer and the effect of central control on the personnel, all of which have been extensively debated in the many secondary sources and in research into other unions. Comparisons will be made with other areas, most especially with Bradford which is the only union comparable to Leicester which has been studied in any depth so far. It will conclude by discussing whether the administration of the new poor law in Leicester was able to solve the problems it faced.

The argument of the thesis is that the Leicester union had succeeded in solving the problem of pauperism by 1871 and that, contrary to popular belief, the new poor law could work in an urban union, at least to the satisfaction of central authority. The town's problems under the old poor law were acute although hard evidence is tantalisingly difficult to find. The 1832 Commissioner left much unsaid and few records survive; the information available therefore comes largely from sources such as newspapers and contemporary journals. Nevertheless the overwhelming impression is of a system breaking down in the face of unprecedented demand for its services and which provided inadequate relief in a very muddled way. This experience of poor management continued under the new poor law for some years; the union was frequently admonished by the Poor Law Commissioners and their assistant commissioners. Like many others it resented outside 'interference' and its very political nature ensured that the guardians did their utmost to preserve their independence. The key to a change in both the union's fortunes and its attitude to central authority was economic: Leicester was badly hit by the trade depressions of the late 1830s and the 1840s but after about 1850 there was a very noticeable improvement. It seems very clear that economic changes more than anything else were responsible for the union's success.

## CHAPTER 1: LEICESTER, c. 1800-1871

### (i) poverty in Leicester

Like most towns Leicester's population increased dramatically during the course of the nineteenth century as the following table shows:

|      | <u>Population</u> | <u>Inhabited houses</u> |
|------|-------------------|-------------------------|
| 1801 | 16,953            | 3,120                   |
| 1811 | 23,146            | 4,609                   |
| 1821 | 30,125            | 6,085                   |
| 1831 | 38,904            | 7,693                   |
| 1841 | 48,167            | 8,670                   |
| 1851 | 60,642            | 12,816                  |
| 1861 | 68,056            | 14,595                  |
| 1871 | 95,220            | 19,800                  |
| 1881 | 122,376           | 24,973                  |
| 1891 | 174,624           | 29,228                  |
| 1901 | 211,579           | 32,995                  |

In the 40 years between 1831 and 1871 the population rose by 245% and the number of inhabited houses by 257%.

Although it had virtually no back-to-back houses or cellar dwellings conditions in many of the older parts of the town were very unpleasant. In 1845 it had a death rate of 30 per 1,000, compared with a national average of 22 per 1,000, but the town council tackled the severest problems of public health so that by 1870 the death rate had fallen to 23.3 per 1,000.<sup>1</sup> Many of the poorer inhabitants were not only badly housed but ill-fed and poorly clothed, and their standard of living

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1. M Elliott, Victorian Leicester (Chichester, 1979), p 86;  
J Simmons, Leicester Past and Present, vol 2 (1974), p 20



was inadequate even by contemporary standards. This was because the town's economy in the first half of the century was weak, relying as it did on one staple trade - hosiery - which was subject to periodic severe trade depressions. It was traditionally a home-based industry, often involving the whole family. The framework knitter (or stockinger), usually but not always a man, knitted the cloth on a hand frame, while his wife and children did the finishing, winding of thread and other ancillary tasks. He was employed either by a master hosier or a middle man (bag hosier or undertaker) or in very rare instances was self-employed. His frame was usually rented and the payment of frame-rent became one of the principal grievances of the operatives, as it had to be paid regardless of the amount of work on hand.

The first decade of the nineteenth century was relatively prosperous according to 'an old Hosier' writing in 1841:

The period...from 1800 to 1810...was the most flourishing period of the trade within my recollection ...The demand for hosiery during the whole of these years was very great, it was impossible fully to execute all the orders received. In order to increase the quantity manufactured so as to enable the hosiers to execute orders on hand, they were obliged to bid against each other in order to get workmen, and in all cases to offer them higher wages than what they were obtaining at the time...During the whole of the period ...there was an incessant draft of framework knitters ...into the army...so numbers of agricultural labourers and boys (as apprentices) from Leics., Northants., and even Bucks. crowded into the trade...

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This happy state of affairs did not last long: Napoleon's blockade in 1811, the war with the United States the following year and the end of the war with France in 1815 proved disastrous. Manufactured goods could not be exported (a third of the town's products went to America) and the

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2. R Gurnham, The Hosiery Unions 1776-1976 (Leicester, 1976), p 9

return of men from the army meant that there were more operatives seeking to produce goods for which there was a lower demand. In 1811 there were riots and instances of frame-breaking, and in 1819 the 'Frame-work Knitters' Relief Fund' was established. The well-known Baptist minister, Robert Hall, appealed in emotive terms on its behalf:

Were the state of suffering with which we have long been familiar removed from immediate observation, we could scarcely hear of it without agitation; how much more afflicting to be placed in the midst of it, to feel it pressing on our senses in all directions, without the power of contributing anything to its mitigation and relief, beyond a barren and impotent commiseration...

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1819 also saw a petition to the House of Commons from the Leicester framework knitters against 'cut-ups', a cheaper and less durable form of stockings which had been introduced a few years earlier and which were blamed for many of the operatives' problems.<sup>4</sup> The state of trade and the condition of the framework knitters continued to deteriorate in the 1820s and 1830s and in 1843, in response to mounting pressure, an official enquiry investigated the reasons for the decline in the industry; its report was published two years later.<sup>5</sup>

A Nottingham doctor observed that by the 1830s a stockinger could be identified by his physical appearance - pale and thin, even emaciated.<sup>6</sup> Of course the framework knitters were not unique: within the domestic system searing distress afflicted the majority of textile workers from the

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3. Report from the Commissioner appointed to inquire into the condition of the frame-work knitters, 1845, XV, p 95

4. Ibid, p 13

5. Ibid, p 38

6. J H Treble, Urban Poverty in Britain 1830-1914 (1983), p 24



early years of the nineteenth century until the demise of their occupations in the post-1840 decades. Their poverty was the product of a number of economic factors but even when in full employment their wages were inadequate; evidence from silk weavers in Macclesfield and coarse grade calico weavers in Manchester in 1818 shows operatives struggling to earn a living wage and the latter were considered lucky if they earned 7/= a week.<sup>7</sup> Handloom weavers in Bradford formed a hard core of the underemployed with the growth in the number of power looms, which rose from 2,768 in 1836 to 29,539 by 1850; by contrast the number of hand looms fell from about 14,000 in 1838 to only 1,117 by 1851. By 1839 the average weekly wage of the handloom weavers had fallen to 5/= or 6/=; they came to rely on their children's earnings from the power looms, which could be between 9/= and 12/= a week. The condition of these workers challenged the principle of 'less eligibility' which became an important element in the new poor law: it was difficult to maintain a pauper at a level lower than the lowest independent labourer. Cyclical unemployment was a common feature in many towns and it is probable that in some parts of the economy there was a continual state of semi-employment or concealed unemployment.<sup>8</sup>

At the end of the eighteenth century framework knitters in Leicester earned between 7/= and 21/= a week, woolcombers between 9/= and 12/= and worsted spinners between 4d and 8d a day. By the 1840s there was little improvement: in his evidence to the Framework Knitters' Commission William Felkin gave figures for the various branches of the trade in

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7. Ibid, p 23

8. Ibid, pp 23-29, 51, 74-77; J F C Harrison, Early Victorian Britain 1832-51 (1979), p 73; D Ashforth, 'The Poor Law in Bradford c. 1834-1871' (PhD, University of Bradford, 1979), pp 3-6, 20; P Anderson, 'A Victorian Inheritance: Aspects of institutional provision for poverty in Leeds 1820-1844', Journal of the Loughborough Victorian Studies Group, no 3, October 1978, p 4

Leicester. The glove branch was the highest paid with the men earning between 12/= and 16/= a week, although these figures were probably overstated. At the other end of the scale men working 'narrow country frames' could not earn more than 6/= to 7/= a week. One of Leicester's leading hosiers, William Biggs, supported Felkin's view. He provided information on the earnings of his firm's operatives for a ten week period, which showed that the average for men working two wide frames (after all deductions) was 7/10<sup>3</sup>d a week; those working three or four wide frames earned an average of 10/8<sup>3</sup>d, those making shirts 11/7 but those employed in the county villages on narrow frames only 5/5.<sup>9</sup>

The 1845 Framework Knitters Report concluded that the operatives were 'in a very depressed and distressed state due to their low wages caused by inadequate demand for their goods and exacerbated by the imposition of frame-rent'; the Commissioner appointed to investigate the state of the trade could see no hope of improvement until this imbalance was corrected and the quality of the goods produced was improved. Other contributory factors were frequent unemployment, cut-ups, imports and truck payments. Many examples of fluctuations in prices were given in the report: for example that for women's 24-gauge worsted stockings was 7/6 in 1815 but only 4/6 in 1838-41.

Frame-rent was undoubtedly the major source of grievance particularly as it had to be paid regardless of how much work the operative had. One of the principal witnesses on this question was Edward Allen, a former chairman of the board of guardians, who estimated that frame-rent and other 'shop charges' accounted for 25%-35% of a man's

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9. Sir F M Eden, The State of the Poor (abridged and edited by A G L Rogers) (1928), pp 227-229; Framework Knitters Report, op cit, appendix, part II (Nottinghamshire and Derbyshire), p 15; appendix, part I (Leicestershire), pp 50-52

earnings and were responsible for many applications for relief. The other 'shop charges' included 'standing' (the charge for a frame not in the operative's own house), 'taking in' (taking the work to be finished), winding and seaming, and in addition money had to be found for needles, candles and firing, estimated together at about 1/= per week.<sup>10</sup>

The average value of hosiery exports fell nationally from £1,156,022 in 1814-16 to £410,408 in 1834-43, and there was increased competition from other countries, notably from Saxony.<sup>11</sup> The Report gave numerous examples of the rate of unemployment or underemployment, and the consequent distress; in 1839-40 for example, a subscription fund raised and expended £4,000 between November and May, and at one time as many as 10,700 were relieved weekly independently of the poor law system.<sup>12</sup> Hopes of a solution to the problem were frustrated by the fact that most children of framework knitters followed their parents into the trade, as there was rarely money to spare for apprenticing a child into another. This problem was less acute in the towns but nevertheless was still a considerable one.<sup>13</sup>

The social and moral condition of the framework knitters and their families was invariably poor; their food and housing were inadequate, they rarely attended a place of worship (the reason for which was given as a lack of suitable clothes) and often their only form of education was from a Sunday school. Edward Allen was asked his opinion of the framework knitters who applied for relief and replied:

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10. Framework Knitters Report, op cit, pp 47, 71

11. Ibid, pp 83, 87-90

12. Ibid, p 97

13. Ibid, p 106

Wretched in the extreme; the want of every necessary comfort that man requires, both male and female. I should say their clothing, their household furniture, their bedding, and all their domestic concerns, have been and are all in a most deplorable state...We have in a great many instances found it necessary to assist them with clothing. In many instances, such has been the destitution, that when women have been confined, they have scarcely had a shift of linen for their person or bed, nor any necessaries for the infant.

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Despite the conclusions of the Commissioner the operatives continued to press for legislative protection. They received some encouragement from the local MPs and Sir Henry Halford, the member for South Leicestershire, tried unsuccessfully to introduce a bill abolishing frame-rent. This finally happened in 1874 when the growth of the factory system had made it an anachronism; by this time power had begun to be applied to hosiery frames which made it more economical to group them together in factories.

Coincidentally it was shortly after the publication of the Framework Knitters' Report that there was a discernable improvement in the hosiery trade. After about the middle of the century there were changes in the organisation of the industry and an improvement in the types of available machines; the invention of the latch needle and Cotton's patent for a rotary frame were particularly important landmarks. The 1850s and 1860s were a time of general prosperity for the country as a whole and the increased standard of living led to increased demand for knitted goods so that for the first time for many years demand outstripped supply.<sup>15</sup>

In Leicester, in addition to the improvement in the hosiery trade,

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14. Ibid, pp 107-113

15. R A McKinley (ed), Victoria County History, vol IV: The City of Leicester (Oxford, 1958), p 308; F A Wells, The British Hosiery and Knitwear Industry: its history and organisation (Newton Abbot, revised edition, 1972), p 133



the introduction of new industries helped to turn round its economic fortunes. Elastic web manufacture began about 1839 and offered higher wages than framework knitting; by 1861 there were twenty firms making elastic web, employing about 1,000 people. The manufacture of boots and shoes started about the same time but only began to make an impact in the 1850s. In the following decade it produced a decisive change in the economy of the town with the number of wholesale manufacturers rising from 23 in 1861 to 117 in 1870.<sup>16</sup>

It has been estimated that 28,000 people, including children, were employed in hosiery in 1833 but in the second half of the nineteenth century the numbers in the shoe trade gradually increased, so that by 1901 there were twice as many adults aged twenty and over making boots and shoes as hosiery:

|      | <u>Population</u> | <u>Employed in hosiery (%)</u> | <u>Employed in footwear (%)</u> |    |
|------|-------------------|--------------------------------|---------------------------------|----|
| 1841 | 48,167            | 3,497 (7.26)                   | 660 (1.37)                      |    |
| 1851 | 60,584            | 6,167 (10.18)                  | 1,393 (2.30)                    |    |
| 1861 | 68,056            | 5,087 (7.47)                   | 2,315 (3.40)                    |    |
| 1871 | 95,220            | 4,707 (4.94)                   | 5,103 (5.36)                    |    |
| 1881 | 122,376           | 8,335 (6.80)                   | 13,055 (10.60)                  |    |
| 1891 | 174,624           | 12,667 (7.20)                  | 24,159 (13.80)                  |    |
| 1901 | 211,579           | 12,389 (5.80)                  | 26,491 (12.60)                  | 17 |

Significantly it was from about 1850 that Leicester began a period of unprecedented growth in prosperity which, with one or two setbacks, continued into the present century. In 1849 work was said to be relatively abundant, wages good and prices low, and the following year a local writer said 'In Leicester trade has been eminently prosperous - plenty of food, plenty of employment, and good wages. During the summer

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16. Simmons, op cit, pp 2-3

17. J Simmons, Leicester Past and Present, vol. 1 (1974), p 184;  
Simmons, vol 2, op cit, p 151

nothing was cared for but excursion trains; and all the year round feasting was the order of the day'.<sup>18</sup> An important factor in the improvement in the standard of living of people in Leicester must have been the dual incomes enjoyed by many families; more and more women came into the hosiery trade with the introduction of machinery, whereas men were predominant for a long time in the manufacture of boots and shoes. However this trend had more impact after 1871.

The importance of economic fluctuations as a prime cause of poverty seems to have been given less merit than it deserved on occasions. The investigations of Booth and Rowntree in London and York respectively at the end of the nineteenth century came as a great shock to many contemporaries, and emphasised that economic factors rather than moral turpitude accounted for much of the poverty they found.<sup>19</sup> The problem of cyclical unemployment produced voluminous and frequently well-informed comment in the local press but to many contemporaries the seasonality of employment was not regarded as a significant source of working-class poverty.<sup>20</sup> Adverse family circumstances, such as sickness, widowhood, large families and old age, were important factors: 40-50% of those in receipt of outdoor relief in England and Wales between 1842 and 1866 were sickness or accident cases.<sup>21</sup> During the first 70 years of the nineteenth century poverty in Leicester was heavily dependent on economic forces.

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18. E Roscoe (i.e. W N Reeve), Letters to the Young Men of Leicester (1875), quoted in J Simmons, 'Mid-Victorian Leicester', Transactions of the Leicestershire Archaeological and Historical Society, vol. XLI, 1965-66, p 43; Simmons, vol 1, op cit, p 166

19. A Digby, The Poor Law in Nineteenth-century England and Wales (1982), p 36

20. Treble, op cit, chapter 2

21. Ibid, pp 91-92

Subsequent chapters will show just how important these were and how greatly they influenced the actions and attitudes of the board of guardians between 1836 and 1871.

(ii) alternative sources of help for the poor

The official poor law was not of course the only provider of help to the poor. Philanthropy was an important part of the Victorian psyche and there were few social problems that did not generate charitable organisations and donations. The poor were an obvious target and in London and many of the large cities there were many poor relief societies operating side by side, and sometimes in opposition to each other. It has been argued that philanthropy was sometimes undertaken in an attempt to curb unrest but despite this many Victorians were sincere in their wish to help the less fortunate. It has been stated that 'far from exhibiting a degree of callousness unknown in earlier periods, British society in the nineteenth century evinced a degree of genuine benevolence which transcended the efforts of any previous period'.<sup>22</sup> Women were particularly involved; throughout the century philanthropy was seen as the leisured woman's most obvious outlet for self-expression.<sup>23</sup>

Not everyone thought philanthropy entirely a good thing and many people believed that indiscriminate charity discouraged the growth of self-help, one of the great tenets of Victorian social philosophy (the

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22. A Briggs, The Age of Improvement (1959), p 440; J Walvin, Victorian Values (notes to accompany TV series, 1987), no page reference; D Fraser, The Evolution of the British Welfare State (1973), p 117; N McCord, 'The Poor Law and Philanthropy' in D Fraser (ed), The New Poor Law in the Nineteenth Century (1976), p 106

23. F K Prochaska, Women and Philanthropy in Nineteenth Century England (Oxford, 1980), p 5

others being work, thrift and respectability).<sup>24</sup> Friendly societies were the prime example of self-help and were actively encouraged by the poor law authorities. By the 1870s there were four million members nationally and the societies ranged from mere burial clubs to ones that included a whole host of medical, accident and unemployment benefits.<sup>25</sup>

Many charities were inefficient and there was much duplication of effort; in addition some good causes were over-patronised and others ignored. The Charity Organisation Society was established in 1869 primarily to remedy these sorts of deficiency by defining proper areas of competence, using scientific methods, and educating and reforming the recipients to make them more independent and self-respecting.<sup>26</sup> The Charity Organisation Society discriminated between the 'deserving' and 'undeserving' poor and in this way echoed the poor law itself. One of the reasons why private charity spent so lavishly was the lack of confidence in the efficacy of the new poor law to alleviate poverty but in practice official and unofficial activity in the sphere of poor relief were controlled by much the same people, so that active co-operation was common. What tended to happen was that charity dealt with the 'deserving' poor while the poor law system was responsible for the 'undeserving'. One London board of guardians even used voluntary help to provide tools for paupers, something it could not do legally from its own resources.<sup>27</sup>

The amount of regular private charity could naturally have an effect on the operation of the poor law. In Coventry between 1830 and

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24. Fraser (1973), *op cit*, p 95

25. *Ibid*, pp 99-100

26. *Ibid*, pp 120-121

27. McCord, *op cit*, pp 97-102



1860 the statutory poor law became steadily less generous but the town's poor were better off than those in Nottingham and Leicester because non-statutory provision was far more lavish than in the other two towns which had fewer charities than Coventry. In Nottingham in the 1820s about £225 was disbursed annually from charities and in Leicester only about £150; in Coventry the figure was about £1,700. In contrast Leicester's expenditure on poor relief in 1847-48 was over £33,000 whereas Coventry's was only £7,400 in 1847, with a population three-fifths that of Leicester. Between 1851 and 1856 Coventry's average expenditure on poor relief was only £6,500.<sup>28</sup> In times of acute distress in Leicester special funds were set up, as in 1839-40 and 1848 when the proceeds of a subscription fund were distributed in the form of food and fuel. It appears however that this expedient was only resorted to occasionally and the statutory poor law raised most of the money required for the relief of the poor.

Leicester had its charities; even if they were modest compared with other towns they encompassed a broad range of interests. A local author wrote in 1927: 'Long before State or Municipal activity manifested any interest in the poor or afflicted members of the community there were humane men and women in Leicester, as generally speaking in all other parts of our country, busily engaged in that high and noble endeavour'. A witness to the Framework Knitters enquiry paid tribute to the 'variety of charitable institutions and charitable persons' without whom he despaired for the state of the poor of Leicester.<sup>29</sup>

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28. P Searby, 'The Relief of the Poor in Coventry, 1830-1863', The Historical Journal, vol XX, 1977, pp 360-361

29. Framework Knitters Report, op cit, appendix, part I (Leicestershire), p 35; C Howes, Leicester. Its Civic, Industrial, Institutional and Social Life (Leicester, 1927), p 265

The [Royal] Infirmary, opened in 1771, was the principal charitable institution and served the whole county. Patients could only be admitted on the recommendation of a subscriber but parishes as well as individuals could subscribe. It originally had room for about 60 patients and grew slowly for about a century; in 1860 a substantial legacy enabled it to undertake rebuilding and extension, to provide for a maximum of 200. The General Dispensary was established in 1833, to afford medical and surgical aid to the sick and lame poor of the town and neighbourhood, and some of the union medical officers were involved with it. In 1862 it became a Provident Institution and poor persons paying 1d a week were entitled to medical aid in all cases of sickness without having to apply for a recommendation. The number of members in 1875 was 17,637 but it seems to have been permanently short of funds; by the beginning of the twentieth century it was the largest of the self-help schemes in the town with a membership of nearly 51,000. There were also two homoeopathic dispensaries and by the end of the century it has been estimated that about 34% of the working class population in Leicester belonged to a dispensary or a private doctor's club.<sup>30</sup>

There were two main almshouses in the town, both of which are still in existence. The elder is Trinity Hospital, founded in 1330, and catering in the nineteenth century for 90 people, only 44 of whom actually lived in the hospital; the recipients were appointed by the mayor. Wyggeston's Hospital was established in 1513 and housed 25 poor people in the nineteenth century; all were to have lived in the town for at least three years and preference was given to those who had not received

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30. Simmons, vol 2, op cit, p 20; W White, History, Gazetteer, and Directory of...Leicestershire...and Rutland... (1846), pp 101-102; W White, Directory... (1863), pp 194-196; W White, Directory... (1877), pp 319-320

parochial relief during that time

Several other charitable institutions were founded during the course of the century. An asylum for poor girls aged between 12 and 16 was established in 1800 where the inmates were taught reading, writing and arithmetic and trained for 'domestic servitude'; they contributed towards their maintenance by needlework and washing done for the public and great attention was paid to their moral and religious instruction. An infant orphan asylum was established in 1851, for the maintenance and education of poor female orphan children belonging to the town or county, who were 'trained in such habits of virtue, industry, and usefulness as may best qualify them to become valuable domestic servants, or otherwise to fulfil the duties of the station in which Providence may place them'. In 1854 a house was built on Fosse Road and by the second half of the century there were between 25 and 30 inmates who, when they left at the age of sixteen, were 'properly clothed and placed in a respectable situation'. A Home for Penitent Females was established in 1846 providing accommodation for 20 to 25 inmates who did washing, sewing and general household work. They could stay in the home for two years, after which they were 'either restored to their friends or placed in suitable situations and provided with a respectable outfit'. In 1863 it was estimated that of nearly 100 who had left after being in the home for between six months and two years, more than a third had received 'decided and lasting benefit'; seven had 'died in hope' and more than 30 were either respectably married or 'conducting themselves well in domestic service'.<sup>31</sup>

Most of the town's charities were vested in the corporation and in the early nineteenth century there were allegations that only corporation

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31. 1846 Directory, pp 100-101; 1863 Directory, pp 192-193; 1877 Directory, pp 318-321; Howes, op cit, pp 266-268

supporters benefitted from them. Under the Municipal Corporations Act of 1835 two bodies of charity trustees were established, the Trustees of the Church Charities - to deal with the Anglican charities - and the Trustees of the General Charities - to deal with the rest. The Charity Commissioners' report of 1837 showed that generally the charities were well and fairly administered. Most of these charities were very modest. There were a number of small sums of money accruing from rents on land or interest on capital which were applied to the poor but the largest single sum was £6-12-0 a year given to Trinity Hospital and the largest sum for the poor generally was £3. The rest was to be given as fuel (the Wood and Coal Money), bread or clothing; an example of the last was the income from £4 to buy gowns for eight poor widows each year. An interesting item was £50 to provide interest-free loans to knitters, weavers, lacemakers or other artisans.<sup>32</sup>

The parish charities were equally insignificant. The small parishes of All Saints, St. Leonard and St. Nicholas could not muster much between them: they included 25/= per annum for the purchase of women's shoes, converted by 1837 into a money payment; 6/8 for bread, 20/= for the poor of St. Leonard's, later paid in bread; £10 to be used to apprentice poor children from St. Nicholas'; and £50 for bread. The large parish of St. Margaret did little better. The sum of £10-15-0 was distributed among the poor at Christmas and the proceeds of £60 paid to six poor widows on New Year's Day; the interest from £100 was similarly distributed among poor housekeepers on St. Thomas' Day. The wealthy parish of St. Martin had rather more resources but fewer poor to benefit. The Ossiter Charity yielded 30/= per annum which was used for the relief of the poor and

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32. McKinley, op cit, pp 410-414



another charity paid for two poor boys to be apprenticed. Most of St. Mary's charities died out during the nineteenth century; some had lapsed before 1837, others had disappeared by the early 1860s and those that remained were insignificant.<sup>33</sup>

The Blanket Lending Society was established in 1830 and by the 1870s was lending about 1,100 pairs of blankets every winter to the most destitute in the town, and in addition gave away 100 pairs of old ones. Other charitable institutions included a society for supplying the poor with cheap clothing; a Dorcas Society for clothing the destitute; a Ladies Charity for the relief of poor lying-in women; a society for visiting and relieving the sick; and a Society for the Relief of Indigent Old Age.<sup>34</sup> In addition there was help from the churches and chapels, of which perhaps the best known was the Leicester Domestic Mission attached to the Unitarian Great Meeting chapel. Its 'missionary', Joseph Dare, visited the homes of the poor and gave what help he could. Contemporaries apparently did not consider Leicester's charities to be inadequate. The compiler of the 1863 trade directory said: 'The stream which flows from the fountain of benevolence in Leicester...is as copious as that of most other towns of the same magnitude, both in contributions of the living and benefactions of the dead'.<sup>35</sup>

The town also had its share of self-help organisations. In 1846 the Savings' Bank was used by 35 friendly societies and by 1877 this figure had risen to 173; information on most of them is however sketchy. Eden reported at the end of the eighteenth century that there were fourteen

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33. Ibid, pp 343, 347, 349-350, 360-361, 368-369, 380, 387

34. 1846 Directory, p 101; 1863 Directory, p 194; 1877 Directory, p 319

35. 1863 Directory, p 198

friendly societies, considerably less than he found in Nottingham, but he added that they were popular and were increasing very rapidly. A report in 1874 gave details of the various friendly societies. The Manchester Unity Society was the largest with 30 lodges in the Leicester district and funds of over £24,000; by the end of the century it had nearly 18,000 members. The Ancient Order of Foresters and the Odd Fellowes were also represented, together with local societies such as the Archdeacon Lane Friendly Society, the 'Live and Let Live' Society and the Sir Thomas White Society. By the end of the nineteenth century about 11% of the working class in Leicester belonged to a friendly society.<sup>36</sup>

The Savings' Bank was opened in 1817 and its deposits in November 1845 were £74,226; sixteen years later this had risen to £130,066 and in November 1877 to £252,567. The Penny Savings' Bank was established in 1859 and a Post Office Savings' Bank two years later; the latter was specifically designed for the small investor and no depositor was expected to pay in more than £30 in any one year or have more than £150 invested in total.<sup>37</sup>

The Mechanics' Institute began in 1834 and was unusual, as the initiative for its establishment was taken by a number of working men and 'little masters' rather than the middle class; moreover the founders set out to create an institute largely supported and controlled by wage earners and small tradesmen. By 1856 however it was little more than a newsroom and library: although the lectures were well supported at first it later became necessary to make them more attractive 'by blending

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36. Eden, op cit, p 227; Friendly and Benefit Building Societies' Commission: Report of the Assistant Commissioner for the Midlands, 1874 (996) XXIII, Part II, pp 111-112

37. 1846 Directory, pp 100-101; 1863 Directory, p 194; 1877 Directory, pp 318-319

amusement with instruction' and popular concerts and other entertainments were held as well as lectures. The lectures themselves became less serious and eventually had to be abandoned. Four or five classes were held every year in subjects such as astronomy, grammar and mathematics but the average class size only seems to have been about twelve. The number of members in 1846 was about 450 but had fallen to about 200 by the late 1850s. The financial position also became insecure and consideration was given to winding up the Institute in 1863, although it struggled on for another seven years. There appear to have been other 'mutual instruction' classes but little evidence of their activities has survived.<sup>38</sup> Education for poor children was minimal: in 1814 it was estimated that all the charitable foundations together provided daily schooling for less than 500 and, despite developments during the first half of the nineteenth century, in 1851 there were less children attending day schools in Leicester than in the neighbouring county towns.<sup>39</sup>

From about the middle of the century an increasing number of learned societies developed - cultural, historical, horticultural, for example - but few of these catered for the working classes. While Leicester had a number of charitable and other organisations designed to help the poor, they had only a marginal effect on the basic problem. The new poor law was therefore the only effective agency that could offer any hope of a solution to the problems of poverty and pauperism.

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38. 1846 Directory, p 97; 1863 Directory, p 187; McKinley, *op cit*, p 274; W G Hoskins & R A McKinley (eds), Victoria County History, vol III (1955), pp 253-254

39. Simmons, vol 1, *op cit*, pp 174-177

## CHAPTER 2: THE INTRODUCTION OF THE NEW POOR LAW IN LEICESTER

### (i) the last years of the old poor law in Leicester

The old poor law was based on the parish as the unit of settlement and relief and by the end of the eighteenth century a number of problems were beginning to appear. Leicester had six parishes of unequal size, together with some extra-parochial areas (see map) and the burden of pauperism fell unevenly on them. St. Margaret's parish covered the eastern half of the town and contained some of the poorest inhabitants, while the western half was divided unequally between the other five parishes and the extra-parochial areas; in 1831 a table of expenditure on poor rates points out the disparity:

| <u>Parish</u> | <u>Population</u> | <u>Poor rates expended</u> | <u>Expenditure per head</u> |
|---------------|-------------------|----------------------------|-----------------------------|
| All Saints    | 3,440             | 1,211-09-0                 | 7/0½                        |
| St. Leonard   | 490               | 239-06-0                   | 9/9                         |
| St. Margaret  | 15,409            | 3,138-14-0                 | 4/1                         |
| St. Martin    | 3,200             | 2,331-02-0                 | 14/7                        |
| St. Mary      | 5,625             | 1,727-13-0                 | 6/1½                        |
| St. Nicholas  | 1,540             | 521-17-0                   | 6/9 <sup>1</sup>            |

It clearly shows that the poor parish of St. Margaret's spent considerably less per head on its poor than the other parishes, whereas the relatively wealthy St. Martin's spent over twice as much as any of the others. By the early years of the nineteenth century it was estimated that about 15% of Leicestershire's population was supported by poor relief, the vast majority of them on outdoor relief, and the average income of those

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1. W Curtis, A Topographical History of the County of Leicester (1831), pp 106-108

relieved outside a workhouse was calculated at less than £4 a year.<sup>2</sup> By the second decade of the century, when the hosiery trade was beginning to decline, the old poor law in Leicester had become overwhelmed by the economic problems of the town and short-term policies were adopted to alleviate them.

In 1816-17 the parishes paid premiums to the hosiers to keep the men at work and therefore 'off the parish', and this led to other employers reducing wages to compete with the lower production costs thereby attained. In addition the overseers forced men to accept the poorer wages paid by the middle-men by withholding relief if they refused. The operatives were in an invidious position and unable to challenge the hosiers or overseers. Moreover there is no evidence of an understanding by their masters of the basic underlying economic problems. Prices fell, wages continued to decline and more and more men turned to parochial relief.<sup>3</sup> Later in 1817 a 'Statement' on the level of wages was reached between hosiers and framework knitters which led to a reduction in the numbers on relief; unfortunately such a welcome state of affairs did not last long and the parish authorities reverted to the former system.<sup>4</sup>

The magistrates were accused of condoning the apparent lavishness of poor relief, thwarting all attempts by the parish vestries to distinguish between the deserving and undeserving poor. As a result there were numerous suggestions that the Leicester parishes should form a union under Gilbert's Act of 1782 which would mean the substitution of salaried guardians of the poor for overseers, and replace muddle by efficiency.

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2. J Britton & E W Brayley, Beauties of Leicestershire (1807), p 519

3. A T Patterson, Radical Leicester (Leicester, 1954), pp 104-105

4. Ibid, p 117 ff



The first proposal had come as early as 1792 but 'was finally defeated by the self-satisfied abstention of St. Margaret's vestry, on the ground that, as its own finances were satisfactory, it would lose rather than gain by co-operation with other parishes'. The same parish vetoed similar proposals and the differences between vestries and overseers continued.<sup>5</sup> Generally speaking the old poor law in Leicester provided a form of unemployment relief for those completely out of work and made up the wages of others to subsistence level. Three distinct types of relief can be discerned: to those totally unemployed, often in the form of outdoor relief; allowances to those on 'short time'; and subsidies to those fully employed, in a kind of Speenhamland system.<sup>6</sup>

Several of the parishes had workhouses although the available evidence suggests that they were rather poor. St. Martin's workhouse, for example, was described as 'not very well situated, nor aired in the best manner, but appears to be kept very clean. The beds are of flock, and much infested with bugs'. The diet of the inmates was very similar to the one later provided in the union workhouse. At least four of the six parishes 'farmed' their workhouses which only provided for a small number of the town's poor between them.<sup>7</sup>

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5. Ibid, pp 158-160; W A Jenkins, 'The Economic and Social History of Leicester 1660-1835' (MA, University of Leicester, 1952), p 136, quoting Leicester Journal, 24 February and 8 March 1792

6. Patterson, op cit, pp 291-292. The Speenhamland system took its name from the village in Berkshire where the justices met to adopt a method of poor relief supplementing wages from the rates according to a basic minimum wage scale related to the price of bread and the size of the family

7. Sir F M Eden, The State of the Poor (abridged and edited by A G L Rogers) (1928), p 228; R A McKinley (ed), Victoria County History, vol IV: The City of Leicester (Oxford, 1958), pp 187-189

The figures for expenditure on poor relief in the last ten years of the old poor law show a rapidly rising sum for Leicester, as indicated by the following table:

| <u>Parish</u> | <u>1825</u> | <u>1826</u> | <u>1827</u> | <u>1828</u> | <u>1829</u> |
|---------------|-------------|-------------|-------------|-------------|-------------|
| All Saints    | 817-00-0    | 1,751-12-0  | 2,031-18-0  | 1,726-08-0  | 1,649-02-0  |
| St. Leonard   | 238-08-0    | 226-06-0    | 304-00-0    | 290-03-0    | 378-16-0    |
| St. Margaret  | 3,879-19-0  | 3,698-06-0  | 7,725-02-0  | 6,150-00-0  | 6,697-14-0  |
| St. Martin    | 2,018-16-0  | 1,643-12-0  | 2,595-02-0  | 2,599-02-0  | 2,084-08-0  |
| St. Mary      | 1,611-10-0  | 1,383-17-0  | 4,365-05-0  | 2,960-18-0  | 1,896-03-0  |
| St. Nicholas  | 616-15-0    | 689-00-0    | 1,086-17-0  | 946-19-0    | 758-05-0    |
| Total         | 9,182-08-0  | 9,392-13-0  | 18,108-04-0 | 14,673-10-0 | 13,464-08-0 |
|               | <u>1830</u> | <u>1831</u> | <u>1832</u> | <u>1833</u> | <u>1834</u> |
| All Saints    | -           | 1,756-11-0  | 1,396-08-0  | 2,481-01-0  | 1,003-10-0  |
| St. Leonard   | -           | 202-02-0    | 179-02-0    | 180-00-0    | 249-06-0    |
| St. Margaret  | -           | 6,831-13-0  | 6,719-09-0  | 8,992-18-0  | 6,088-17-0  |
| St. Martin    | -           | 2,288-06-0  | 2,758-13-0  | 2,469-03-0  | 2,422-14-0  |
| St. Mary      | -           | 1,921-02-0  | 2,706-08-0  | 2,948-14-0  | 2,480-07-0  |
| St. Nicholas  | -           | 736-10-0    | 674-02-0    | 713-12-0    | 517-03-0    |
| Total         |             | 13,736-04-0 | 14,434-02-0 | 17,785-08-0 | 12,761-17-0 |

[N.B. Figures for 1830 unavailable because manuscript destroyed]<sup>8</sup>

These figures clearly show the years of acutest distress and corroborate the information given in the Framework Knitters Report which identified 1827 and 1833 as two of the crisis years. The figures soared in 1827 and then came down again, in some cases equally rapidly, in the following year; in St. Mary's parish for example the expenditure in 1827 was over three times that of the previous year but by 1829 was only about £500 more than in 1826. It was not until 1834 that the total expenditure began to drop significantly which seems to support the view of some contemporaries that the old poor law could have coped in 'normal' times and that there was no need to drastically alter the system of relief.

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8. Returns of Poor Relief Expenditure (1825-29), 1830-31 (83) XI, p 103; Money Expended for Relief of the poor...Each County...in England and Wales for the five years ending 25 March 1834, 1835 (284) XLVII, p 100

The Commissioner covering Leicestershire for the 1832 Royal

Commission failed to provide detailed evidence:

It may appear strange that, in a Report upon the Poor Laws, and their administration in the county of Leicester, I bring forward no evidence relating to so large and so important a portion of it as its county town. This is not owing to my not having visited it, or because I did not find in it matter well worthy of investigation. I visited it twice, at two separate periods, and finding that it was suffering under more than common burthens in every department of the Poor Laws, I took the utmost pains to unravel the causes which had led to such a disastrous state of things; and the evidence which I took in pursuit of this object would fill a volume of itself; but finding that part of it which related to the administration of the Poor Laws on many points contradictory, and having no power to administer an oath, or to compel the attendance of unwilling witnesses, I have thought it better to omit the whole...That Leicester is behind no town in the grievousness of its burthens, in the necessity for an investigation into the causes of those burthens, and for an alteration in the system under which they have "grown and strengthened", may be collected from the following statement, which must be indisputed alike by all parties; viz. that the different parishes of the town of Leicester, six in number, were obliged to furnish last year (1832) collectively to the support of the poor, a sum little short of 14,000l.; that the poor's rate, since the year 1825, the first of which I have any account, when it was 9,182l., has, with various fluctuations, sometimes even higher, sometimes lower, been gradually increasing to the present enormous amount, and that an expectation, founded upon the collections already made, is general among the overseers of all the parishes, that a still further sum will be wanted for the year now going on (1833) - a state of things, upon which it is impossible to come to any other conclusion than that, if not checked by timely interference of the legislature, this dreadful evil threatens, at no very distant period to paralyse the industry and swallow up the property of the whole town.

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One cannot help thinking that if the situation was so extraordinary

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9. Report from His Majesty's Commissioners for inquiring into the administration and practical operation of The Poor Laws, 1834, XXVII-XXIX, Appendix A (44) XXIX, p 102a

Pilkington would have spelled out the problems more clearly and he was not supported by later officials. It seems likely that he used a certain amount of hyperbole, perhaps in an attempt to persuade reluctant local administrators to accept any new system that might be imposed.

Richard Hall, appointed under the Poor Law Amendment Act for the district which included Leicester, reported on the operation of the old poor law in the various parishes. He generally approved of the state of St. Margaret's under its local Act which he thought in many respects had similar provisions to the Poor Law Amendment Act. It vested absolute control over the poor rates in a select vestry, chosen annually, which had the power to appoint, suspend or remove paid officers, and to fix and regulate their salaries. At the same time it took away from the churchwardens and overseers all power of giving relief or in any way interfering with the employment and maintenance of the poor. Although the Act improved efficiency it was not passed for that purpose but as the result of a political struggle for power between the overseers of the poor, supported by the corporation, and the select vestry.<sup>10</sup> Nevertheless in Hall's opinion the parish had greatly improved: applications for relief had been examined and scrutinised with care and vigilance, the accounts had been well kept and audited, and expenditure had decreased. He saw some problems with the administration: there were no rules or regulations to control or guide those who administered relief and decided on the applications, but the select vestry had to rely on the 'penetration and intelligence' of the assistant overseer; the workhouse was not used as a test of pauperism 'and the complaint of idle indigence, that neither relief nor work can be obtained, had not been silenced'; there was a lack

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10. 2 Wm IV, cap 10, 24 March 1832; Patterson, *op cit*, pp 189-190

of security against restricted dealing and jobbing, although Hall did not suggest any irregularity. He reported: 'A Door also has been left open for the admission of private interest; the Tradesmen of the Parish are its managers, and would regard with dislike and suspicion any suggested amelioration, by which their profits might be lessened'.

Hall said that St. Martin's parish had built a very good workhouse capable of holding 150 inmates. Four guardians were appointed annually, each managing the poor for a quarter of the year and acting during this period on his own responsibility and at his own discretion, a system patently open to abuse. There was little classification in the workhouse and no employment provided for the inmates. No regular system of administering the poor law had been adopted and the expenditure was greater in proportion to the population than in any of the large parishes of the town, but St. Martin's 'superior wealth' lessened the burden on the ratepayers.

St. Mary's parish was also under the control of a select vestry and according to Hall its affairs had 'suffered great injury from the dissensions of several factions, both Political, and Religious'. Its workhouse was inadequate, being merely an asylum for a few aged paupers and children. All Saints was also managed by a select vestry and had a small workhouse. Much of the poorest population of the town was to be found within its limits and the parish was therefore particularly susceptible to the vicissitudes of the hosiery trade.<sup>11</sup> Hall did not comment specifically on the other two parishes or the extra-parochial areas. In his evidence to the Select Committee of 1838 he said that the management of the poor under the old law was not as bad in Leicester as he

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11. PRO, MH 12/6468, no 1073C, 16 May 1846

had seen elsewhere, but that there was no settled system on which relief was given.<sup>12</sup>

There has been no in-depth study of the operation of the old poor law in Leicester and unfortunately the records for St. Margaret's parish have not survived, thereby making any such research inadequate. Available information comes mainly from other sources and contemporary views and seems to indicate that the parishes tended to react to pressures as they arose. Only St. Margaret's, right at the end of the old poor law's life, had paid staff and a system which bore any resemblance to those well administered townships in the urban areas of the north. The overriding impression of the old poor law in Leicester is of muddle and inefficiency. There was some opposition to the introduction of the new poor law in the town and no evidence of any wish for change; one would have expected the parish authorities to have been relieved to hand over their problems to another body but dislike of central direction overrode other feelings.

(ii) the general background to the new poor law

It is important to stress that the new poor law was essentially an attempt to cope with problems of poverty and unrest in rural areas of the south and as such it has frequently been suggested that it was totally incapable of dealing with urban problems. As the evidence from Leicester will show this was not necessarily true. Because most relief was outdoor there was a growing feeling that the law was too generous and unnecessarily expensive in its operation. Recent research has shown that the system, based on the parish as the unit of rating and relief, was more efficient than contemporaries credited it with but its increasing cost

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12. 6th and 7th Reports from the Select Committee on the Poor Law Amendment Act, 1837-38 (161), XVII-XIX, p 3

cannot be denied. Poor rates rose by 62% in the thirty years between 1802-3 and 1832-3 whereas the value of gross rentals of farm land only rose by 25% in the same period.<sup>13</sup> Despite the overall increase in expenditure on poor relief the per capita sum fell between 1816-19 and the early 1830s, from 12/= or 13/= to between 9/= and 10/=.<sup>14</sup> The combination of reduced relief, low wages and large-scale underemployment made the southern agricultural labourers' lives a misery and their desperation found expression in the 'Captain Swing' riots of 1830-1. The old poor laws were therefore doomed because increasing expenditure had not lessened the discontent with the system. Complete repeal was felt to be impracticable and the Poor Law Amendment Act has been described as the product of the search for a compromise that would rid the poor law of its defects but stop short of total abolition.<sup>15</sup>

In February 1832 a Royal Commission was appointed to look into the operation of the poor laws. One-fifth of the parishes in England and Wales were visited by assistant commissioners and questionnaires were completed from 10% of rural and urban parishes, accounting for 20% of the population. The resulting report, published in 1834, was largely the work of two men - Nassau Senior and Edwin Chadwick; it seems clear that they had already made up their minds on the remedies they would propose and used the evidence selectively to reinforce their arguments and persuade public opinion of their validity.<sup>16</sup>

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13. A Digby, The Poor Law in Nineteenth-century England and Wales (1982), pp 5-9

14. D Fraser, The Evolution of the British Welfare State (1973), pp 35-38

15. M E Rose, The English Poor Law 1780-1930 (Newton Abbot, 1971), p 76

16. S G & E O A Checkland, The Poor Law Report of 1834 (1974), p 9

Despite its faults the Report is one of the most important social documents of the nineteenth century: 'It was inspired by the fears of the day, guided by contemporary social philosophy, and inhibited by the primitive state of social inquiry'.<sup>17</sup> It differed from other equally important pieces of legislation of the 1830s by its stance on social discipline; 'behind the immediate attitudes and statements in the Report and the evidence there lay a complex of concepts about the nature of man and society'.<sup>18</sup> It concluded that the greatest abuse was the provision of outdoor relief to the able-bodied and recommended: 'That except as to medical attendance...all relief whatever to able-bodied persons or to their families, otherwise than in well-regulated workhouses...shall be declared unlawful, and shall cease...'.<sup>19</sup> In addition it recommended that 'the condition of the paupers shall in no case be so eligible as the condition of persons of the lowest class subsisting on the fruits of their own industry'.<sup>20</sup> The new poor law was therefore based on the twin principles of 'less eligibility' and 'the workhouse test'. Above all the 1834 Report was concerned to deter pauperism, not to reduce poverty, a crucial distinction which had a profound effect on many of the actions of local officials. Unions of parishes were to be created and elected guardians from each parish were to meet weekly or fortnightly to conduct business. The Report also introduced a fundamental change of principle: henceforth the system of poor relief should be administered by a 'central board of control' and should not be subject to local interpretations.

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17. Ibid

18. Ibid, p 375

19. Ibid, p 64

20. P Dunkley, 'The 'Hungry Forties' and the New Poor Law: A Case Study', The Historical Journal, vol XVII, 1974, p 329



This was a radical departure and in practice uniformity was not achieved. It is only since more local studies have been produced that this has become clear: the records of individual unions reveal so many variations in administrative practices 'as to render invalid nearly all generalizations regarding the operation of the Act'.<sup>21</sup>

The Bill was introduced in April 1834 and it is a measure of its parliamentary support that it passed into law the following August. Apparently some members of the Cabinet had severe misgivings about the Royal Commission's recommendations, in particular the proposal for central control: they were opposed to giving the Commissioners the power to levy a tax on parishes against their will and as a result restrictions on central authority's ability to order the building of a *workhouse* were introduced.<sup>22</sup> The Bill was vague on the important question of relief, on which the Report had expressed very decided views; in particular there was no mention of a workhouse test for able-bodied labourers, although a rigorous workhouse system was implied. Moreover the Poor Law Commissioners were given specific power to authorise the continuance of outdoor relief in a variety of circumstances. The publication of the Report prompted a deluge of papers critical of its findings and the most vocal opponents of the Bill regarded it as a Malthusian measure designed to force the poor to emigrate, to work for lower wages and live on a coarser sort of food. Nevertheless it passed into law quietly and quickly, to the surprise of its architects and the government.<sup>23</sup> Press

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21. P Dunkley, The crisis of the old poor law in England 1795-1834 (1982), p 155

22. Rose (1971), *op cit*, pp 87-90

23. Fraser, *op cit*, p 44

reaction was generally favourable with the notable exception of The Times which continued vigorously to oppose the new poor law.

When they took up office the three Poor Law Commissioners appointed nine assistant commissioners who were to oversee the formation of unions and thereafter act as a link between the Poor Law Commission and the unions in their charge. They worked from south to north, holding meetings of local landowners, magistrates, and other 'men of substance' whose support they needed if the union was to be a success, and outside boroughs the JPS were ex officio guardians. Until the new Unions were created parishes were instructed by a circular letter issued in September 1834 to continue with the old system for the time being.<sup>24</sup> Once a board was established it took over the duty of relieving the poor from the parish overseers and received a detailed set of regulations from the Poor Law Commission on how to conduct its business

Despite the obvious difficulties of carrying a national law into local effect the Poor Law Commission was helped by two years of general prosperity and was welcomed by and large by farmers and landowners in the south. It was only as it moved into the north of England in 1837 that the trade depression of that year severely hampered its attempts to form unions and that significant anti-poor law feeling erupted. It has been suggested that popular opposition was founded on expectations created by the old poor law; its flexibility, accessibility and familial values nourished popular beliefs about natural justice and the 'rights' of the poor, and labourers saw relief as something they had earned or inherited.<sup>25</sup> It was not only the prospective recipients who were in

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24. PLC, 1st annual report, 1835, Appendix A

25. J Knott, Popular opposition to the 1834 Poor Law (1986), pp 13, 30-34

revolt; those responsible for administering the old poor law were outraged at the prospect of interference by a central authority, believing that the old system had worked well in some parts of the country. It was argued that the idea of relieving the able-bodied poor only in well-regulated workhouses was irrelevant to the problems of industrial parishes in which there were few able-bodied paupers when trade was good and far too many for the largest workhouse in times of depression.

Nevertheless Edwin Chadwick believed that if the workhouse test had been introduced before the depression hit the industrial workers and administered with rigid honesty and efficiency, it would have withstood the impact of widespread and prolonged unemployment.<sup>26</sup> This seems somewhat naive but the experience in Leicester and neighbouring unions may lend some weight to his theory. The Poor Law Commissioners were particularly pleased with their initial success in Leicester and Nottingham because conditions there most closely resembled those in the textile districts of the north. In both places the strictest economy was practised from the very beginning and boards of guardians readily accepted the principle of a rigorous test for able-bodied applicants. Nottingham apparently became the Commissioners' prize exhibit.<sup>27</sup> On Tyneside there was little active opposition; the reason for this was that the depression of 1837 barely touched the north-east's mixed economy.<sup>28</sup> However the early successes in the East Midlands rarely survived the economic crises

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26. R A Lewis, Edwin Chadwick and the Public Health Movement 1832-1854 (1952), p 23

27. N C Edsall, The Anti-Poor Law Movement 1834-44 (Manchester, 1971) pp 45-49

28. D Ashforth, 'The Urban Poor Law' in D Fraser (ed), The New Poor Law in the Nineteenth Century (1976), pp 131-132

of the late 1830s and 1840s<sup>29</sup> and the clue to the apparent conundrum must lie in the timing of the introduction of the new system and the economic condition of each union.

(iii) the establishment of the Leicester poor law union

Assistant commissioner Richard Hall arrived in Leicestershire in the autumn of 1835, having apparently expressed a wish to act in the county. Although there is little evidence of his activities at this time he was apparently working hard to find out all he could of Leicestershire's problems. In April 1836 he submitted a long and detailed report to the Poor Law Commissioners, 'On the manufacture of stockings, and assessment of machinery'. He came to three conclusions: 'First, that the manufacturing parishes are the most heavily burdened with poor. Second, that the Burden falls exclusively on the Land. Third, that none of it falls on that interest which creates it'.<sup>30</sup> He discussed the suggestion of making stocking frames rateable but could see no real way of achieving this successfully.

Hall proposed retaining and adapting the workhouses of the four largest parishes to provide accommodation for 370, believing that in this way 'the most perfect classification will be possible'. He particularly stressed the need to avoid new buildings as many attempts had been made to prejudice the ratepayers against the union on those grounds: 'the enormous central Workhouse, with its Gaol discipline, has been held out to the apprehensions of both Poor and Rich, as the first product of our

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29. Edsall, op cit, pp 45-49; Ashforth, op cit, pp 133-134

30. PRO, MH 32/34, no. 612C, 25 April 1836. According to a letter in the Halford MSS Hall was stoned by a mob in Mountsorrel in March 1836 (DG24/1060/3)

System at Leicester; and I am peculiarly gratified with the prospect of bringing it into efficient operation, by means of such Workhouses only as will find ready built'. If necessary he felt the four workhouses could hold as many as 500 but realised that in times of sudden and great depression, such as Leicester was liable to experience, no workhouse would be adequate.<sup>31</sup>

Politics were an important element in the union's affairs from its inception. Hall reported that public opinion was 'anything but favourable' at first towards the proposed union, but 'time, and abundant explanations' effected a complete change. He summed up the mood of the town at the time:

*There is no place in which so much of Sectarian and Factious spirit is mixed up in all local Questions, as Leicester; a great deal of heat has just been elicited by the collision of parties, consequent upon the annual election of the different Vestries; and I am not sorry that some Interval should elapse in order to give time for angry feeling to subside before the Election of the Board of Guardians.*

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Hall proposed a total of 35 Guardians: fourteen for St. Margaret's, six for St. Mary's, four each for St. Martin's and All Saints, three for St. Nicholas', two for St. Leonard's and one each for The Newarke and Castle View. He gave his reasons for increasing the number for St. Margaret's from the twelve originally proposed, believing that if they had fourteen the chairman of the board would almost certainly come from their number and with that advantage they would be adequately represented. He added: 'I am very desirous of conceding to them, on account of the handsome way in which they have treated me, and because they are the most

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31. PRO, MH 12/6468, no. 1073C, 16 May 1836

32. Ibid

weighty among the Parishes of Leicester'. Until the last minute the select vestry of St. Margaret's parish had intended seeking exemption from the Union but Hall 'received a most satisfactory intimation, delivered in very flattering terms, that the project is abandoned'. It is clear that he was only too relieved that St. Margaret's had agreed to become part of the new Union. Hall recommended that the first meeting of the Guardians be held on 13 June, that the workhouses be prepared before 1 August and that all outdoor relief to able-bodied male paupers be discontinued from that date. His report was considered at a meeting of the Poor Law Commissioners on 18 May and it was resolved to 'declare' the proposed Leicester union. The order was duly issued two days later, to become effective on 20 June.<sup>33</sup> The election was fixed for 21 June.

Hall's report on his proceedings in Leicestershire was printed in the second annual report of the Poor Law Commissioners, presented in August 1836. He reported that the previous state of the county as described by Henry Pilkington, the commissioner appointed in 1832, was such 'as to give it an urgent claim on the attention of the Poor Law Commissioners'.<sup>34</sup> He said: 'everywhere the mischievous effects of an essentially vicious system were felt; evidence of the existence of abuses was freely given, while each deponent was anxious to remove from the class of the community to which he belonged, the blame of fostering and perpetuating the mischief...' He described the distinction between the manufacturing and agricultural workers, which he obviously saw as important:

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33. PRO, MH 1/6; LRO, QS 89/48

34. PRO, MH 32/34, 16 July 1836; PLC, 2nd annual report, Appendix (B) 17. The first union in the county (Market Harborough) was formed in November 1835

The manufacturers are a race altogether distinct from the agriculturalists, and differ from them both in physical and moral condition; while the supply of work to the [agricultural] labourer is nearly the same at the same seasons of the year, so that he can form his calculations from time to time with tolerable certainty; the manufacturing workman can never know when the demand for his services is likely to increase or diminish; it depends on that of which he has no information.

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Hall appears to have made himself familiar with the vagaries of the hosiery trade in the county; he referred to the general strike in 1824, to which his attention had frequently been drawn by people who doubted the ability of a board of guardians to cope with such an event. He also referred to the practice of employing paupers in houses of industry to do their normal work: 'the hosiers turned off their men, the men went straightway to the overseer, and were received into the houses; the parish, with such a number of men at command, took orders for work from the same hosiers, and executed them by means of their discharged workmen at a reduced rate'. He believed such a system led to further pauperism:

It frequently happens that the goods thus fabricated are sold at a price considerably below the cost of the materials...[the work] should involve no loss to the parish; and should, above all, not be the usual work of the district; so as in no way to affect the circumstances of the independent labourer. The productions of the workhouse should never enter the market in competition with the productions of the factory.

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Hall also criticised the use of the allowance system - the practice of making up the earnings of the framework knitters out of the poor rate according to a fixed scale - which had been prevalent for some time in Leicester and the other manufacturing towns of the county. The final

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35. Ibid

36. Ibid

section of his report dealt specifically with the borough, too recently formed into a union for the arrangements for carrying out the new regulations to have been completed, but he said:

I may, however, confidently augur well of the success of that Union, from the temper which persons of all parties in Leicester have shown towards the measure, and the courtesy with which I have been uniformly treated in my intercourse with them. Information on all points has been freely given; the evils and defects of the existing system were readily acknowledged, and the various remedial alterations proposed by me were discussed in the best possible spirit. The guardians have met and proceeded cheerfully to the despatch of business, feeling that their relation with your board is not maintained for the purpose of compelling them to be the unwilling instruments of establishing a system that they disapprove, but in order to strengthen and protect them in the discharge of their important and beneficial duties.

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While not wishing to doubt Hall's veracity it seems difficult to believe that the introduction of the new law was received with so little opposition, especially in view of the resistance met with elsewhere in the country. However this does appear to be so: Hall's health was drunk at an agricultural association dinner in Leicester immediately after that of the royal family and the Lord Lieutenant, '*with all due rattling of glasses and thumping of tables*'.<sup>38</sup> The Midlands and East Anglia as a whole saw the smoothest implementation of the new poor law and the lightest degree of resistance anywhere in the country, with relatively few trouble spots.<sup>39</sup> Hall himself reported that he had encountered no

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37. Ibid

38. A Brundage, The Making of the New Poor Law (1978), p. 127, quoting PRO, MH 32/34, 5 December 1835

39. Ibid, p 143



resistance when establishing the Leicester union and there were no popular agitators there stirring up people against the new poor law.<sup>40</sup> It therefore appears that Leicester had much in common with southern agricultural unions where there was opposition from the poor but where those in power generally welcomed the new poor law, rather than with unions in the north. The explanation for this may lie in the fact that it did not have a well-organised system of poor relief in any of the parishes (except for a short time in St. Margaret's) and that the governing classes saw the new poor law as a way of improving what appeared to be a lax and inefficient use of scarce resources.

The Poor Law Amendment Act has been seen as the major watershed in the nineteenth century poor law, dividing the parochial variety of the old poor law from the *centralised uniformity of the new*.<sup>41</sup> However, 'under a facade of uniform bureaucratic procedures, local diversity in the practice of poor relief continued to flourish after 1834'. Several studies show how little effect the new poor law had in certain unions but this was not the case in Leicester which saw a very definite break with the past.<sup>42</sup> Some of the officers of the old poor law served as guardians under the new but few of the officers of the new poor law had been former parochial officers. This may have been because of a lack of men with the necessary experience but this need not have been a deterrent as union officers were

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40. 6th and 7th Reports from the Select Committee on the Poor Law Amendment Act, 1837-38, XVII-XIX, pp. 26-27, questions 2457-2466

41. A Digby, The Poor Law in Nineteenth-century England and Wales (1982), p 14; M E Rose, 'The crisis of poor relief in England, 1860-1890' in W J Mommsen (ed), The Emergence of the Welfare State in Britain and Germany 1850-1950 (1981), pp 52-53

42. A Digby, 'Recent Developments in the Study of the English Poor Law', The Local Historian, vol. 12, no. 5, February 1977, pp 207-208; E C Midwinter, 'State intervention at the local level: The new poor law in Lancashire', The Historical Journal, vol X, 1967, pp 106-112

often recruited from a wide variety of occupations.

A few days before the date fixed for the election of guardians Stone, the Town Clerk, wrote to the Poor Law Commissioners informing them that the mayor had convened a public meeting on the subject of the new poor law for 20 June, at the request of about 160 persons. The main cause of concern was the proposed separation of families between the workhouses, and in view of the interest in the meeting and the expected high attendance it was felt prudent for a Commissioner to be present to 'prevent that misapprehension which will...prevail unless someone attend who is capable of going fully into the Subject'.<sup>43</sup> Stone also proposed allowing more time for the election and subsequent scrutiny of the voting papers. Hall attended the meeting and reported on it briefly;<sup>44</sup> unfortunately the next day he was ordered by his doctor to rest, fatigue and chest pains bringing a warning of consumption. In the event he needed several months' leave of absence before he was restored to health.<sup>45</sup> He was obviously frustrated by his illness and particularly anxious to establish the Leicester union with high hopes for its success, feeling 'extremely reluctant to give place to another to work out all my plans, and finish my beginnings'.<sup>46</sup> His incapacity could not have come at a worse time and although his colleague Edward Gulson looked after the infant union and apparently wrote most encouraging accounts of it,<sup>47</sup> Leicester obviously suffered from some lack of direction. In October 1836

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43. PRO, MH 12/6468, no. 1758C, 16 June 1836

44. PRO, MH 32/34, no. 1923C, 23 June 1836

45. PRO, MH 32/34, 24 June 1836; Brundage, op cit, p 89

46. PRO, MH 32/34, 24 June 1836

47. PRO, MH 32/34, 31 August 1836

Hall's continuing incapacity necessitated the transfer of his district to Thomas Stevens.

The election of guardians was postponed to 2 July and the first meeting of the newly elected board held ten days later. There were 80 candidates for the 35 seats and the Liberals put up over 50% more candidates than their rivals. Despite this the system of multiple voting, which gave up to twelve votes to each elector (who had to be a ratepayer or householder), favoured the Conservatives and ensured that they had a majority on the board at a time when the town council was overwhelmingly Liberal.<sup>48</sup> Thus the first board consisted largely of men whose views were at variance with the formulators of the new poor law.

The first meeting of the new board was held at the Guildhall, presided over by assistant commissioner Gulson. George Brushfield Hodges was elected as chairman and Joseph Wright as vice chairman - both were Conservatives representing St. Martin's parish,<sup>49</sup> not St. Margaret's as Hall had anticipated. A number of decisions were taken on this occasion: meetings were to be held every Tuesday at 10.00 a.m. in St. Martin's workhouse; a clerk was appointed; and the Conservative bankers Clark & Philips were appointed as treasurers, with a security of £2,000. It was also decided to divide the union into two districts for relieving the poor: St. Margaret's parish was to form district no 1 and the remaining parishes no 2. Each relieving officer was to be paid 100 guineas a year; the assistant overseer for St. Margaret's, William Thornton, was appointed to the no 1 district and the other post was to be advertised. Gulson

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48. PRO, MH 12/6468. no 2062, 2 July 1836. For further information on this subject see K M Thompson, 'Power and authority in Leicester, 1820-1870' (MA, University of Nottingham, 1985), passim, but especially chapter 6

49. LRO, 26D68/1, 12 July 1836

reported on the meeting to the Commissioners, stating that it had passed off very well. He continued:

There are two political sides of the house - and the parties take pretty good care that such fact should be known. They however elected a Mr. Beardshaw [sic] as Chairman and he seems to have the confidence of both parties. They elected a Mr. Riley as Clerk at a salary of 130£ - who appears a sharp fit man. The meeting passed off very quietly and satisfactorily...you must not go on too fast in this Union...allow them to feel their own way a little - and as one of the Guardians good humouredly said at the meeting - "don't whip them up too sharply at once" - and Leicester will in every respect conform to your wishes.

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The appointment of Thornton as relieving officer was rather controversial as he was an uncertified bankrupt, but an attempt to block his appointment was said to be politically motivated. Gulson was instructed to investigate the matter and reported that in his opinion Thornton would make a good officer, and on his recommendation the appointment was sanctioned.<sup>51</sup> He was one of the few officers of the old poor law in Leicester to continue with the new. At the next meeting of the board Frank Nedham was appointed as the second relieving officer and both men were ordered to begin work immediately. Two posts of medical officer (one for each district) were advertised at a salary of £150 p.a. each, to exclude charges for midwifery, leeches and trusses. At the board meeting on 16 August two active Conservatives, Thomas Macaulay and John Pinfold Stallard, were appointed.

Hall attended the board meeting on 15 November 1836 with his colleague Thomas Stevens; generally he found that 'the proceedings were conducted with a spirit and intelligence highly satisfactory to us, and

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50. PRO, MH 32/28, no. 2200, 12 July 1836

51. PRO, MH 12/6468, no. 2208C, 15 July 1836

indicative of a disposition to co-operate strenuously in administering Relief on the sound principles of the...Act'.<sup>52</sup> A rift between the Leicester board and the Commissioners arose over the admittance of 'strangers' to the board, usually members of the press. Gulson apparently stated that there would be no harm in admitting them except when relief applications were considered, but on a vote it was resolved that they not be admitted.<sup>53</sup> In December 1836 it was resolved to allow the reporters to attend meetings provided they withdrew if so ordered by the chairman. From this date reports of board meetings appeared regularly in some or all of the local newspapers despite periodic attempts by the Commissioners to stop the press being admitted. In March 1837 assistant commissioner Stevens urged the Commissioners to issue the Consolidated Order to Leicester as it forbade the presence of strangers at meetings. He said: 'at Leicester the reporters are now admitted, to the great hindrance of business...the Union cannot work well whilst [they] are admitted, a party spirit runs so high that the Guardians will never be able to exclude them without a positive order on that account from the Commissioners'.<sup>54</sup> Other unions were faced with the problem of whether or not to admit the press: in Gateshead they were excluded until 1849 due to the deliberate policy of the assistant commissioner, Sir John Walsham, who said their admission would be 'pregnant with tendencies most detrimental' and on two occasions (1838 and 1841) he made sure that motions proposing their admittance were

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52. PRO, MH 12/6468, no. 4505, 17 November 1836

53. Leicester Chronicle, 16 July 1836

54. PRO, MH 32/68, no. 1999C, 15 March 1837

lost.<sup>55</sup> In Loughborough the board decided not to admit the press and in Wincanton meetings were closed to the public until 1892.<sup>56</sup>

The introduction of the new law in Leicester was not as smooth as the Commissioners liked to believe and as later authors have stated. However in comparison with the problems encountered in certain parts of the north of England it is easy to see why the union was favourably regarded by central authority, and the examples of conflict were relatively mild. But for the onset of trade depression in 1837 it may have gone on to emulate the rural southern unions or those northern urban ones, such as some in the north east, where the new poor law worked fairly smoothly.

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55. F W D Manders, 'The administration of the poor law in the Gateshead Union, 1836-1930' (MLitt, University of Newcastle upon Tyne, 1980), p 8
56. A Becherand, 'The poor and the English Poor Laws in the Loughborough Union of Parishes 1837-1860' (PhD, Universite de Nancy, 1972), p 129; Randell, *op cit*, p 32

### CHAPTER 3: THE ADMINISTRATION OF THE UNION, 1836-1871

#### (i) the guardians

Traditionally urban guardians were small tradesmen, often shopkeepers or publicans, but not all unions conformed to this pattern; in Bradford some wealthy manufacturers were guardians. The men who served as guardians in north east Lancashire were important individuals; in the urban townships they were predominantly manufacturers and shopkeepers, men used to taking independent decisions and assuming responsibility and they were often the leaders of the local political parties.<sup>1</sup> In County Durham leading local figures vied with one another for election to the board especially in the early years of the unions. In other unions however there was general apathy to poor law service and it has been argued that the post had insufficient prestige to attract able volunteers, the position was unpopular and could be very time-consuming.<sup>2</sup> Many Guardians apparently earned the contempt of their contemporaries and of later historians as being self-interested to the point of corruption, hard-hearted and guardians of the rates not of the poor.<sup>3</sup>

Once elected many guardians did not take their duties very seriously. In Bradford the attendance of guardians at board meetings

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1. For further information on this subject see K M Thompson, 'Power and authority in Leicester, 1820-1870' (MA, University of Nottingham 1985); D Ashforth, 'The Poor Law in Bradford c. 1834-1871' (PhD, University of Bradford, 1979), p 90 and graph; R Boyson, 'The New Poor Law in North East Lancashire, 1834-71', Transactions of the Lancashire and Cheshire Antiquarian Society, vol LXX, 1960, p 54
  2. P Dunkley, 'The 'Hungry Forties' and the New Poor Law: A Case Study', The Historical Journal, vol XVII, 1974, p 330
  3. M A Crowther, The Workhouse System 1834-1929 (1981), p 75; M E Rose, The English Poor Law 1780-1930 (Newton Abbot, 1971), pp 136-138; P Wood, 'Finance and the urban poor law: Sunderland Union, 1836-1914' in M E Rose (ed), The poor and the city: the English poor law in its urban context, 1834-1914 (Leicester, 1985), p 22

between 1837 and 1848 ranged from 34.3% to 64.2% and similar examples can be found in Gateshead and Loughborough. In the rural union of Wincanton there were only two guardians present on two occasions and in Norfolk 'the stultifying boredom of routine business soon decimated attendances' and boards sometimes failed to achieve a quorum; one union in the county even tried to lay on refreshments to encourage attendance but the move was disallowed by the auditor.<sup>4</sup>

In Leicester the original board of 35 guardians was increased by one in 1851 and by a further two in 1862; the latter increase was due to the addition of the Friars extra-parochial areas to the borough. About 344 men served the office between 1836 and 1871 (it is impossible to give an accurate figure due to the inexactness of the records) and 112 of them - 32.5% of the total - also served as members of the town council during that period. Over half (173 men) did not stand for any other office and others unsuccessfully stood for the town council. The turnover rate was high: 101 only served for a year and 75% (258 men) did no more than four years. Some of the town's best-known sons were guardians and 27 of them later became mayor: they included two of the most influential men in Leicester - Edward Shipley Ellis and Joseph William Noble. Ellis was a member of the famous Quaker family and became chairman of the Midland Railway and Noble was a physician who became MP for the town in 1859. Other guardians included a well-known geologist, the honorary curator of

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4. Ashforth, *op cit*, p 112; A Becherand, 'The poor and the English Poor Laws in the Loughborough Union of Parishes 1837-1860' (PhD, Universite de Nancy, 1972), pp 129-130; F W D Manders, 'The administration of the poor law in the Gateshead Union, 1836-1930' (MLitt, University of Newcastle upon Tyne, 1980), p 10; P W Randell, 'Poor Law relief in Somerset, with particular reference to the Wincanton Union 1834-1900' (MLitt, University of Lancaster, 1983), pp 32 & 361; E C Midwinter, Social Administration in Lancashire 1830-1860 (Manchester, 1969), p 35; A Digby, Pauper Palaces (1978), p 78



the museum and an important local newspaper proprietor.<sup>5</sup>

As in Bradford some of the biggest manufacturers in the town stood as guardians and overall the pattern shows a wide range of occupations, from gentlemen, master hosiers and professional men to sinker maker and framesmith. There were 37 master hosiers, representing 10.7% of the total, and those involved in the hosiery trade accounted for 22.6%. Grocers, wine merchants and others dealing with food and drink accounted for another 21.8% and other clothing interests a further 11%. Overall the make-up of the boards was very similar to the town councils of the time which suggests that the board was not necessarily seen as an inferior office.<sup>6</sup> In Loughborough several families had a 'tradition of guardianship' and in Leicester too there were numerous examples of family relationships, such as son in law and father in law and nephew and uncle. In addition there were many business and social ties, often associated with the various nonconformist chapels.<sup>7</sup>

Most of the guardians' actions caused little comment but occasionally one of their number attracted more than usual public attention. Henry Mowbray was certainly the most publicity conscious; he was first elected in 1853 and was appointed junior Vice Chairman the following year. In 1855 he wrote to the Poor Law Board about the election of a medical officer which he said had not been conducted fairly, the result having been 'rigged' to allow the appointment of a particular

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5. Thompson, op cit, chapter 6; F Boase, Modern English Biography (1965); J D Bennett, Who was who in Leicestershire (Loughborough, 1975); The Wyvern

6. Thompson, op cit

7. Becherand, op cit, p 136

candidate.<sup>8</sup> He was forced to publicly apologise for his behaviour but a fortnight later again wrote to the Poor Law Board, this time about the case of a family named Barkby and about the way business was conducted at the Leicester board.<sup>9</sup> At a special board meeting a resolution about his behaviour was passed and he was asked to step down as Vice Chairman. Robert Weale, the assistant commissioner, reported that the Chairman (John Austin) was a very respectable and well meaning man and had been grossly insulted by Mowbray.<sup>10</sup> At the board meeting on 4 December the business was stopped by Mowbray leaving the room and returning with the Vice Chairman's chair in which he sat down. When he refused to comply with the board's earlier order the meeting was adjourned.

He continued to plague the board, always insisting that he acted only out of consideration for the poor but his colleagues were not convinced; one report concluded: 'his attempts to disgrace the Board by false accusations & his factious opposition to the decision of the majority has often been a source of pain to his best friends...'<sup>11</sup>

Mowbray's piece de resistance was to distribute a handbill to some of the workhouse inmates entitled 'Ratepayers of Leicester, See' Hear'' Believe''',<sup>12</sup> in which he accused several members of the board of harshness and inhumanity towards the poor. He said: 'every-day experience has shown that the administration of the Poor Laws in Leicester has been of the most cruel and arbitrary character...It is a standing disgrace to the

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8. PRO, MH 12/6477, no. 34216, 5 September 1855

9. LRO, 26D68/337, no. 38776, 29 October 1855

10. PRO, MH 12/6477, no. 41595, 6 December 1855

11. PRO, MH 12/6478, no. 8850, 17 March 1856

12. PRO, MH 12/6480, no. 10544, March 1860

fair fame of this populous town that in the nineteenth century there exists a practice [i.e. the outdoor labour test] repugnant to the feeling of Christians, and which adds to the misery of our fellow-men tenfold'. Every attempt by Mowbray to abolish the outdoor labour test having failed, he had 'persistently endeavoured to hold up the majority as "cruel oppressors"; charging the Guardians "with expending the rates not to relieve the sufferings, but to inflict hardship on the poor", thereby engendering ill-feeling out of doors, and a spirit of insubordination in the Workhouse'.<sup>13</sup> The example of Mowbray shows how one man could disrupt the even tenor of the board but it also points up the general satisfaction that its members apparently felt about their administration.

Central authority was frequently disparaging about the Leicester guardians. In 1839 assistant commissioner Edward Senior described the board as 'composed of persons of a very inferior class, and chiefly distinguished as violent political partizans...whose influence depends on their political popularity'; the Chairman, upwards of 70 years of age, possessed no influence of any description and 'there is not a single member of the Board who understands even the objects of the law'.<sup>14</sup> By 1844 the quality of guardians had improved, according to the clerk. He wrote to assistant commissioner Weale: 'the present Board of Guardians is a decided improvement upon that of last year, and I am in hopes the Leicester Union will in a short time redeem its character, and be no longer stigmatized as one of the worst managed in the kingdom'.<sup>15</sup> However as late as 1856 there were still grounds for complaint:

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13. LRO, 26D68/320, no. 144, 29 March 1860

14. PRO, MH 12/6478, no. 3986C, 15 May 1839

15. LRO, 26D68/236, no. 468, 15 May 1844

It would be indecorous for him [Weale] to express an opinion on grievances between different members of the board. Thank God, he had nothing to do with the squabbles of the Leicester Guardians. He deeply lamented them, because as he walked through the streets of the town, he heard remarks which were anything but Complimentary to the board. He was sorry for it, but he was obliged to hear such remarks, and he would advise them, if there had been a want of unanimity and good feeling, to endeavour to restore it. If he could be of any service in such a desirable matter he should be very happy.

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It is clear that some of the guardians acted out of genuine compassion for the poor and there are numerous instances of acts of kindness. In 1843 the Chairman, Edward Allen, gave the children in the workhouse 10/= on the occasion of the Queen's visit to Leicester, which was refunded by the board.<sup>17</sup> In 1851 the Chairman, Edward Shipley Ellis, gave four dozen bottles of wine for the use of the workhouse inmates<sup>18</sup> and was also responsible for arranging an annual 'treat' for the children in the workhouse to Bradgate Park.<sup>19</sup> It could be argued of course that such items were a poor substitute for a decent standard of living for the poor.

Local views on the Leicester guardians appear to have been more favourable than those of central authority but they would naturally have had different expectations and most of the examples come from a later period. Joseph Dare, the 'missionary' of the Leicester Domestic Mission attached to the Unitarian Great Meeting chapel, visited and helped the poor in the course of his work. In his 12th report (1857), in speaking of the aged poor, he said: 'I believe the Guardians are considerate where

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16. Leicester Chronicle, 16 February 1856

17. LRO, 26D68/3, 12 December 1843

18. LRO, 26D68/6, 11 February 1851

19. Ibid, 16 September 1851 et seq.

they are assured of character' and the following year, referring to the hard winter of 1857-58 reported: 'The guardians, I believe, did their utmost to mitigate the general distress, and I wish to thank them for their kindness in several cases to which I solicited their attention'.<sup>20</sup>

In a summary of 25 years of Liberal administration (1826-50), written in 1883, Searson was not surprisingly scathing about the early (Conservative) guardians: 'the unwarrantable assumption of powers, and infliction of hardships upon the poor, added to the unpopularity of the Poor Law itself, diminished public confidence in the Leicester Board of Guardians, and caused loud dissatisfaction among the ratepayers of the town'. He contended that the administration of the poor law in Leicester at that time was a hopeless failure and:

when cases of defalcations by the officials of the Board, and several instances of gross mismanagement were brought to light, chiefly by the agency of the press, and fully proved, the Guardians resented the service by excluding reporters from its meetings, a proceeding which increased public suspicion, and gave birth to a fixed determination to wrest the Guardianship of the poor from Tory control.

He went on to describe how the Liberals gained control of the board in 1845 and said that the administration of the poor laws which were 'beset with formidable difficulties arising from the claims of the poor on one hand, and regard for the ratepayers on the other', was in the hands of the Liberals thereafter:

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20. Leicester Domestic Mission Society, annual reports, 1846-1877

The most influential and capable men of the party presided over the deliberations and guided the Board; and that they discharged their arduous duties wisely and well is proved by the fact that, as politicians as well as Guardians, they never lost the respect of the poor who received relief, while their re-election year after year showed how firmly they retained the confidence of those who were heavily rated to supply the funds for that relief.

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The Leicester union had a poor record of attendance at board meetings (see block graph overleaf). On one occasion no one turned up for a meeting on a day when a borough election was taking place. Even fewer attended the relief boards, leading on at least one occasion to a reprimand from the Poor Law Board, and relief cases were often decided by the clerk and relieving officers.<sup>22</sup> The evidence suggests that the Leicester guardians were of indifferent quality: some took their duties seriously while others failed to justify their election, and few of them appear to have had more than a hazy knowledge of the law. In such an intensely political institution this seems inevitable but unfortunately it was the poor who suffered from the guardians' lack of professionalism.

#### (ii) finance

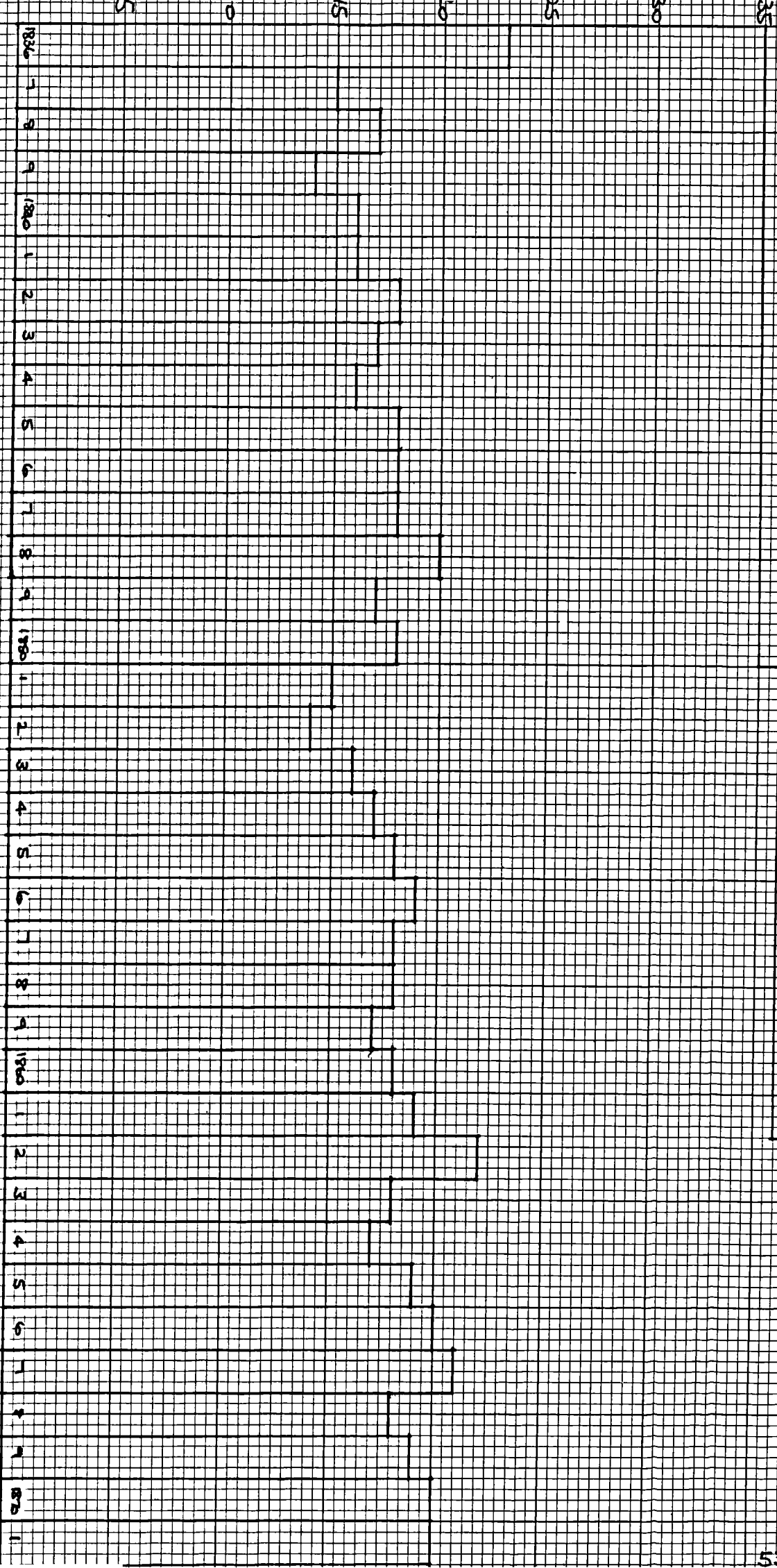
One of the problems of the new poor law was its weak financial base. The Royal Commission of 1832-34 gave little or no consideration to the question of finance and the 1834 Act left the power of collecting the poor rates with the parish overseers, thus perpetuating the illogicalities and inadequacies of the system. Each parish paid the cost of its own poor relieved in or out of the workhouse and also a contribution towards the

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21. G R Searson, The Leicester Municipal, Borough, and County Poll Book (Leicester, 1883), pp 48, 65-66, 116-118

22. LRO, 26D68/334, no. 23637B, 10 January 1848

Number of guardians elected



Average annual attendance of guardians at board meetings

common expenses of the union for such items as salaries and the cost of building and maintaining the workhouse. Its quota for the common fund was estimated not on the value of property but in proportion to its relief expenditure over the previous three years, i.e. on its poverty rather than its property. This meant that parishes with a large working-class population were forced to pay out heavily in a period of economic depression whereas those with wealthier inhabitants paid relatively little. While one can see some justification for this system - that those who used most of the services should pay most of the costs - it caused great difficulties. This was particularly obvious in towns where a high proportion of assessments fell on small tradesmen of limited means; attempts to assess stock in trade for rating purposes were largely unsuccessful and many wealthy businessmen did not pay proportionately to their worth.<sup>23</sup>

If one of the intentions of the *Poor Law Amendment Act* was to reduce poor relief expenditure it did not always succeed. In some parts of the country costs did fall: in Oxfordshire expenditure in the eight newly established unions fell from an average annual outlay for the constituent parishes of £124,094 during the three years prior to unionisation to £73,010 over the period 1841-43 inclusive. Bicester recorded the sharpest fall, by around 60%. Estimated per capita expenditure on relief and maintenance in the county was reduced from 15/10 in 1834 to 10/2 in 1836 and 8/5 in 1838, although it then increased

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23. Rose (1971), *op cit*, pp 213-221; Rose (1985), *op cit*, pp 7-8; M E Rose, The Relief of Poverty 1834-1914 (1972, reprinted 1974), p 36; A Digby, The Poor Law in Nineteenth-century England and Wales (1982), p 28



slightly to 9/10 in 1840.<sup>24</sup> By contrast expenditure in Lancashire rose: the average per capita rate in 1832-43 (before the new poor law was properly in operation) was 3/6 per annum whereas in 1844-55 it was 4/7. In the West Derby union the cost rose from £8,487 in 1842 to £25,314 six years later although the rise could be partially accounted for by the increase of Irish immigrants into Liverpool. Nationally the per capita cost fell from 10/2 in 1832 to 5/6 twenty years later; the nineteenth century statistician, G R Porter, calculated that in 1831-32 the average expenditure was 9/11½ per head and in 1848-49 was 6/6½.<sup>25</sup> These detailed figures are another indication of the lack of uniformity of experience and treatment in different parts of the country and at different times.

The inequitable method of raising money led to quite genuine difficulties of some parishes to pay their contribution to the union expenses. It was quite usual for them to delay their payments to the last possible moment and the union therefore ran low on funds at a time of greatest demand, as assistant commissioner William Day showed:

I was never fortunate enough to find in the majority of parishes that convenient season when orders were received with favour, and paid with punctuality. Excuses are never wanting. If the harvest is bad there is no corn to exchange for money - if good, there is no money to be got for corn. If there are restrictions on trade, the manufacturers languish, and cease to be customers; if restrictions are diminished or removed, then the foreigner is in the market, and undersells the home producer. Be the state of circumstances what they may, there is always a reason for payment in arrear.

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24. P Horn, 'Aspects of Oxfordshire poor relief: the 1830s', Cake and Cockhorse, vol 8, 1980, p 63
25. E C Midwinter, 'State intervention at the local level: The new poor in Lancashire', The Historical Journal, vol X, 1967, p 111; E W Martin, 'From Parish to Union. Poor Law Administration 1601-1865' in E W Martin (ed), Comparative Development in Social Welfare (1972), p 206; J Roach, Social Reform in England 1780-1880 (1978), pp 118-120

He added that each parish tried to be the last to pay and with all of them playing the same game the union became bankrupt. In one of his unions the guardians apparently adjourned indefinitely for want of funds and in others the poor went unrelieved for weeks on end. Sometimes the guardians themselves were in arrears with their payments.<sup>26</sup> The Poor Law Commission was not unaware of the inefficiency of rate collection; its enquiry into the rating system in 1843 reported that collection was the most laborious duty connected with it.<sup>27</sup>

Any attempt at the reform of parish chargeability was strenuously opposed in Parliament for twenty years.<sup>28</sup> The main opposition came from a section of the landed interest whose object was to maintain the status quo with regard to the law of settlement and to keep alive the distinction between open and close parishes.<sup>29</sup> The first efforts to reform the system came in 1845 but although the Poor Removal Act was passed the following year it did not include the principle of union chargeability. The first breach of the parochial system came with 'Bodkin's Act' of 1847 which placed the cost of relieving the irremovable poor on the union rather

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26. Rose (1971), op cit, pp 217-219

27. Wood, op cit, p 27

28. Information on the attempts to introduce union chargeability come from M Caplan, 'The New Poor Law and the Struggle for Union Chargeability', International Review of Social History, vol XXIII, 1978

29. Rose (1971), op cit, pp 195-196. 'Close' parishes were those in which all the land and property was in the hands of one or a few landowners. In order to keep down the rate burden an owner might refuse to build labourers' cottages or pull down those already there when they were vacated. Labourers who worked on farms in such parishes were forced to live miles away in the nearest 'open' parish where property was owned by several people who were only too anxious to profit from the demand for cottages by charging high rents for inferior accommodation. The Union Chargeability Act, by ending parochial settlement and chargeability, destroyed many of the advantages of the open parish

than the parish. At the time it was passing into law a Select Committee on Settlement and Removal also suggested that the union should be the unit of assessment. Bodkin's Act was due to expire in October 1848 and its main provisions were contained in the Poor Law Union Charges (no 2) Bill which added the cost of maintaining vagrants to the charge of the union common fund. It introduced an important innovation: whereas in Bodkin's Act the charges for the irremovable poor were based on the old system of average expenditure on poor relief of each parish, the new Bill's sponsor proposed a uniform contribution assessed on the rateable value of parishes. Unfortunately lack of time forced the clause to be withdrawn after the usual opposition, and a further attempt to introduce union chargeability suffered the same fate in 1854.

By the late 1850s the drift of people to London was becoming a serious social problem and a new body emerged - the Metropolitan Association for the Abolition of Poor Removals and Equalisation of Poor-Rates. In 1857 it changed its name to the Association for Promoting the Equalisation of Poor Rates and Uniformity of Assessments throughout the Metropolitan Districts and sought to influence public opinion by publishing pamphlets, holding public meetings, organising and presenting petitions to Parliament and providing evidence before Parliamentary committees of enquiry. The cause was taken up by the Liberal MP for Tower Hamlets, A-S Ayrton, who succeeded in being elected to every poor law select committee of the House of Commons between 1858 and 1864 and was thus able to influence the course of legislation.

Economic forces added to the impetus for reform. The harsh winters of the 1860s, beginning with that of 1860-61, rekindled alarm about the increasing pauperism of East London and the failure of the poor law system to arrest it. In the north-west the cotton famine of the early 1860s

exposed the weakness of the system, many townships being unable to meet the calls levied by the unions. Another Parliamentary select committee of enquiry was established at the instigation of C P Villiers, the President of the Poor Law Board, who became a notable poor law reformer.

The Irremovable Poor Act of 1861 reintroduced the principle of altering the assessment of parochial contributions to the common fund of unions from relief expenditure to rateable value. It was not passed without difficulty but opened the way for further reforms. The following year the Union Assessment Committee Act made the union rather than the parish responsible for the assessment of property to the poor rate; this piece of legislation also came under heavy attack from the country gentlemen in committee but was passed after a fight. Boards of guardians were required to appoint assessment committees to prepare lists of ratepayers and to assess the value of their property.

In April 1864 a wide-ranging report recommended, inter alia, that union chargeability be introduced and Villiers brought forward the Union Chargeability Bill the following April. By this time 51% of poor law expenditure was charged to the common fund, largely as a result of the 1861 Irremovable Poor Act, including the care of the sick, the insane, vagrants and the irremovable poor. Predictably the Bill met opposition but was finally passed in June 1865; a contemporary historian of the new poor law believed that 'with the passing of the Union Chargeability Act of 1865, the policy of 1834, in so far as it is compatible with the retention of an elected local executive, may be said to be complete'.<sup>30</sup> The Act did not eliminate all the problems and further legislation was necessary to deal with remaining inequalities. Nevertheless the legislation of the

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30. T Mackay, A History of the English Poor Law, vol III, 1834-1898 (1904), p 479

early 1860s gave the poor law system a greater permanency and considerably eased some of the problems which the continued parochial basis of settlement and finance had caused in urban areas after 1834.<sup>31</sup>

In Leicester the average expenditure on the poor for 1833-35 was £12,274; it fell slightly in 1835 to £11,496, to £9,248 in 1836 and in 1837, the first year of the union, to £8,523. In the year ending at Lady Day 1838 it rose substantially to £14,351, an increase over the previous year of 68.4%. The total expenditure of the union (which included a small amount of expenditure on non-poor relief items) showed a similar trend: it was £15,788 in 1835, £12,314 in 1836, £12,699 in 1837 and £20,424 in 1838.<sup>32</sup>

The union also shared in the problems of collecting the poor rates and the poorer parishes often found it very difficult to raise the money. The 'calls' required from each parish varied widely:

|              | <u>3.1.1837</u> | <u>4.1.1842</u> | <u>5.4.1842</u> |
|--------------|-----------------|-----------------|-----------------|
| All Saints   | 256-12-0        | 420             | 480             |
| St. Leonard  | 44-00-0         | 30              | 40              |
| St. Margaret | 1,140-12-0      | 2,200           | 2,700           |
| St. Martin   | 407-08-0        | 600             | 650             |
| St. Mary     | 480-12-0        | 850             | 1,000           |
| The Newarke  | 22-00-0         | 30              | 40              |
| St. Nicholas | 90-16-0         | 170             | 200             |
| Castle View  | 12-16-0         | 5               | 10              |
| Total        | 2,454-16-0      | 4,305           | 5,120           |

|              | <u>3.7.1842</u> | <u>4.10.1842</u> |
|--------------|-----------------|------------------|
| All Saints   | 750             | 650              |
| St. Leonard  | 40              | 40               |
| St. Margaret | 3,400           | 3,400            |
| St. Martin   | 650             | 650              |
| St. Mary     | 1,000           | 1,000            |
| The Newarke  | 10              | 20               |
| St. Nicholas | 180             | 160              |
| Castle View  | 10              | 15               |
| Total        | 6,040           | 5,935            |

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31. Rose (1971), *op cit*, p 215; Rose (1985), *op cit*, p 10

32. See appendix at the end of chapter 4

Without detailed figures of the numbers of poor relieved it is difficult to evaluate these figures with any degree of accuracy but they do highlight the differences between parishes and the enormous increase needed in a bad year to relieve the poor. The differences can be illustrated by the fact that in January 1848 the rates in St. Martin's were 1/= in the pound, in St. Margaret's 2/= and in All Saints 2/8. The parishes were frequently reminded to pay and legal action was threatened on more than one occasion. In September 1837 for example St. Mary's parish still had not paid its June contribution and in the crisis year of 1847 additional 'calls' had to be made to keep the union solvent; the following year All Saints asked permission of the Poor Law Board to borrow money in order to pay their share.<sup>33</sup>

The Leicester union had a particular problem with rate collectors. Most of the parishes already had paid officers, appointed before the formation of the union, who were still in office and responsible for collecting other rates. It is not surprising that the parishes were opposed to the appointment of additional officers to do the same job. Nevertheless assistant commissioner Gulson advised that the board must appoint collectors, at least until a new workhouse was built. Three were therefore advertised for at a salary of £80 p.a. each, which immediately brought letters of protest from the parish officers of St. Mary's and St. Nicholas' on the grounds that such appointments were not sanctioned by law or required by any order of the Poor Law Commissioners. As a result the resolution of the previous week was rescinded.<sup>34</sup> An

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33. A T Patterson, Radical Leicester (Leicester, 1954), p 350; LRO, 26D68/1, 19 September 1837; 26D68/4, 23 February 1847; PRO, MH 12/6473, no 6000, 24 February 1848

34. LRO, 26D68/1, 13 & 20 September 1836

extraordinary meeting was held on 23 September with John Taylor, one of the most vociferous Conservative guardians, in the chair. The decision to appoint collectors was confirmed and at the next ordinary meeting Thomas Pickering, Isaac Handscomb and Samuel Langton were appointed which brought further objections.<sup>35</sup> A fourth collector was appointed in November, William Taylor Laughton, and the board asked for all the appointments to be sanctioned by the Commissioners.

In his report of the meeting of the board on 15 November 1836 assistant commissioner Hall said that the question of the appointment of collectors had been discussed at several meetings 'with considerable acrimony' and was a subject on which the board was divided. The majority were in favour of making the appointments but the minority were 'violent and determined' in their opposition; he felt that unless some solution could be found the success of the union was in jeopardy. He added that the question was seen as a purely political one and debated 'with all that warmth and irritation which politics induce everywhere, and especially in Leicester'. He believed that all the parishes would benefit from having paid collectors but said that part of the trouble appeared to be a feeling, that because the guardians of St. Margaret's parish had a majority on the board, they would appoint their supporters to all the posts. He foresaw open resistance to the law if the appointments were sanctioned and said that many ratepayers had declared their intention to pay their rates only to the churchwardens and overseers, questioning the Commissioners' power to order the appointment of paid collectors when the parish officers were willing to discharge that part of their duty. He added: 'three protests against the measure have been respectively sent in

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35. PRO, MH 12/6468, no 3344C, n.d.

to the Board of Guardians from three Parishes, and sundry memorials addressed to your Board speak out clearly and boldly in the same language'.

The only solution that Gulson could suggest was that the collectors be appointed by the vestries in each parish, paid by a percentage on the sum collected by them, and that they be called assistant overseers; in this way he said 'You will have complete control over them; you can regulate the amount of their remuneration, can suspend or dismiss them, and you will still hold the Overseers responsible for the proper discharge of all the duties imposed on them by law'. He realised that this would violate the principle that all union officers should derive their authority from the guardians but felt that to insist on the appointments would excite 'a formidable opposition' against the authority of the guardians and Commissioners. He concluded: 'I would respectfully beg you...to consider how ill-prepared, on many accounts, the Commission is to encounter, at this time, such an opposition'.<sup>36</sup> The Commissioners sought legal advice and were recommended not to confirm the appointments but to continue the present collectors in office under proper rules for their due accounting, and to allow no future appointments without the consent of the Commissioners after an application from the parishes and enquiry from the guardians as to their necessity.<sup>37</sup> In response to the Commissioners' letter advising that course of action the guardians expressed their disappointment: the appointments had been made at Gulson's suggestion and they were convinced by his arguments. They believed the opposition had been politically motivated and the Commissioners had, by their decision,

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36. Ibid, no 4505, 17 November 1836

37. Ibid, no 4629C, 25 November 1836



'exposed themselves to a suspicion that their sympathy in such motives preponderates over their concern for the true interests of the Union'.<sup>38</sup>

They estimated that they could save at least £100 a year by having collectors and asked the Commissioners to reconsider; this was refused and no further attempt was made to appoint collectors for several years.

In the light of this episode the third annual report of the Commissioners makes interesting reading. They pointed out that in towns the offices of overseer and collector were often extensively used as a means of promoting private interests, of excusing many people from payment altogether, or of helping some people by collecting infrequently; furthermore the balance of rates collected was often used by the tradesman in his private business. To avoid these risks therefore paid collectors had generally been appointed in the more populous town parishes and for the same reasons the Commissioners had been induced to order the appointment of paid collectors for the new unions.<sup>39</sup>

The Leicester union was keen to see union chargeability and in February 1849 a meeting was held in the town to consider the Poor Law Union Charges Bill which, if successful, would have introduced assessment on rateable value. It was attended by the chairmen and clerks of neighbouring unions and they gave the Bill a cautious welcome, resolving to send a memorial to the Poor Law Board and a petition to the House of Commons urging that the obligation to maintain the poor should be borne equally by all the property of the nation.<sup>40</sup> The question continued to be a 'live' issue. In 1858 the board resolved that it was desirable that

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38. LRO, 26D68/1, 6 December 1836

39. PLC, 3rd annual report, 1837, p 40

40. LRO, 26D68/5, 12 February 1849

there should be one uniform rate or assessment made on the whole of the property in the union and all expenses defrayed out of a common fund. However the clerk was against the principle of a national rate: he disliked the idea of further centralisation and believed the change would increase the amount of pauperism overall, and refused to support a petition for a national rate in April 1863. Not surprisingly he welcomed the Union Chargeability Bill which he regarded as an 'admirable' measure.<sup>41</sup>

Financial irregularity was a general problem and apparently upset both guardians and central authority more than excess severity.<sup>42</sup> The Leicester union, in addition to the financial problems encountered by many unions, underwent a severe crisis in 1843 with the failure of the banking firm of Clark, Mitchell, Philips and Smith, as Clark and Philips were the board's treasurers. In April 1843 the clerk, Joseph Burbidge, informed the Poor Law Commissioners of the bank's failure and asked whether the guardians would have prior claims over other creditors. Nearly £2,000 was in the hands of the treasurers and the Commissioners censured the board for allowing £1,400 - the produce of the sale of two parish workhouses - to remain there when they had specifically instructed that it be put towards the loan for building the workhouse eighteen months previously.<sup>43</sup> At a special board meeting Messrs Clark and Philips were ordered to pay the sum of £1,879-15-10 to the new treasurer, in default of which the clerk was empowered to take any proceedings necessary to recover it.

This incident had clearly disturbed the guardians; they set up an

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41. LRO, 26D68/253, no 230, 8 September 1862; 26D68/254, no 30, 16 April 1863

42. Crowther (1981), *op cit*, p 32;

43. PRO, MH 12/6470, no 56058, 29 April & 2 May 1843

enquiry and in August 1843 asked for an efficient accountant to examine and report on the accounts, and to advise them as to the best way of keeping them in the future; John Moody, the clerk to the Derby union, was appointed.<sup>44</sup> The Poor Law Commissioners received at least two requests for an official investigation and St. Margaret's parish threatened temporarily to withhold its payments to the union.<sup>45</sup> The Commissioners were also concerned about the accounts of the relieving officer for the no 1 district; an excessive amount of money was still in his hands and they stated their intention to remove him from office. He was an uncertified bankrupt when appointed to the post which seems to vindicate those who were against his appointment.

Both the clerk and auditor (Richard Luck) wrote to the Poor Law Commissioners in early September, defending their actions. Burbidge hoped his case would not be prejudiced by the relieving officer's holding so large a balance in his hands, something he had never done before; he continued at some length to explain the procedures of the board in keeping its accounts and the deficiencies therein. He added that the 'ferment which exists in the public mind' had been caused by a leaked report that had exaggerated the general inaccuracy of the accounts; he denied that he had been careless or inaccurate and similarly defended the guardians against any charge of neglect of duty. He concluded:

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44. Ibid, no 12369B, 29 August 1843; LRO, 26D68/2, 29 August & 5 September 1843

45. PRO, MH 12/6470, nos 11717B & 11718B, 19 & 22 August 1843; no 17313B, 29 August 1843

I trust that I have now relieved myself from all imputations which tend to charge me with any wilful misconduct in these affairs, and though I cannot expect that parties at such a distance can estimate the confusion introduced by the failure of the bank of Messrs Clark, Mitchell & Co. with which this Union was peculiarly connected, yet I am sure that the Guardians and others can, and will, readily appreciate and allow for the difficulties almost indescribable which that event occasioned.

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As the clerk had reported, the problems with the accounts excited public outrage and the Poor Law Commissioners received memorials from two parishes on the subject.<sup>47</sup> At the board meeting on 19 September it was resolved to check the relieving officers' books weekly in future and the clerk was instructed to produce the ledger and other account books after they had been audited. He was also ordered to take proceedings against Thornton (the relieving officer) for embezzlement and misapplication of the monies of the union and at a later meeting was directed to proceed against Thornton's sureties for the recovery of the balance due.

John Moody's report was extremely detailed and described the investigations he had undertaken. He began by looking at the money spent on provisions and new stock for the workhouse and found that the ledger account for in-maintenance and the new stock in the provision book never agreed as they should. The account for some pigs bought and killed for meat had been incorrectly kept and no account at all had been kept of union clothing purchased. He also found discrepancies in the wheat and flour account and felt strongly that the workhouse master should not be a money accounting officer. He examined other accounts and found errors in the loan account but was pleased to report that Alston, relieving officer

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46. Ibid, no 12664B, September 1843

47. Ibid, nos 13031B & 13032B, September 1843

for no 2 district, had generally kept his accounts correctly even though he had had every chance to defraud the guardians. He concluded: 'I very much regret that I am compelled to say that...I have not in my experience found accounts so irregularly kept; and had it not been for the able assistance and information I derived from the committee of enquiry, it would have been next to impossible for me to have gone through them'.<sup>48</sup> He urged the guardians to contract for everything used in the workhouse and not to sign any cheque without the production of a voucher; he also offered any further help or advice they might require. Moody's report was considered at a special meeting of the board on 17 November and it was decided to have 100 copies of it printed, one to be sent to each guardian and parish officer. Assistant commissioner Weale believed that the disordered state of the master's accounts was the result of irregularity rather than intentional fraud. Many of the mistakes had arisen because of the clerk's inattention and the auditor's negligence.

Both the clerk and auditor tried to justify their behaviour but the clerk at least realised his job was in jeopardy. The Commissioners expressed their dissatisfaction with Burbidge's neglect and particularly deprecated his action regarding election expenses - he had claimed £10 for each parish in the union rather than £10 in total, and was apparently the only returning officer in the country who had interpreted the instructions in that way. After careful consideration the Commissioners issued orders dismissing the clerk, auditor and workhouse master, and urged the guardians to exercise great caution in replacing them. They strongly suggested that the clerk should devote his whole time to the business of

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48. Ibid, no 15406B, 16 November 1843

the union and transact it in the office attached to the board room.<sup>49</sup>

Luck did his best to get his dismissal order revoked. He told Weale that he deeply felt the stigma inflicted on his character and considered the proceeding extremely harsh and cruel; he added: 'if it were not for the general good esteem and regard which I trust I have gained for myself amongst my brother practitioners and my neighbours and friends generally, I might at this moment be a branded and ruined individual....' He rather acidly concluded by saying that if the various assistant commissioners who had visited Leicester had done their jobs properly they would have pointed out to him that the accounts were not being kept correctly. Not surprisingly Weale described his letter as 'very intemperate' but felt some excuse should be made for the excited feelings of the writer. The Commissioners wrote a soothing reply to Luck but refused to rescind their order of dismissal.<sup>50</sup>

The board's financial problems were far from being solved. In the middle of December 1843 the treasurer refused to cash the cheques for the current week and three guardians had to give personal securities to the bank for a few weeks. Moody came over to Leicester again the following month to advise the new clerk, Benjamin Goodman Chamberlain, on how to keep the accounts, and Chamberlain turned to him for advice on more than one occasion. By the middle of February he was able to report: 'I am happy to tell you I am at length getting into smooth water which I feel no doubt you will be pleased to hear'.<sup>51</sup>

The relieving officer for no 2 district, who had previously been

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49. Ibid, 22 November 1843

50. Ibid. no 160898, 29 November & 5 December 1843

51. LRO, 26D68/236, no 51, 9 January 1844; no 92, 19 January 1844; no 207, 19 February 1844

congratulated on the state of his accounts, was prosecuted and his colleague for the no 1 district, Wilkinson, was also in trouble. However by the summer of 1844 the accounts were apparently much better kept and were scrutinised more closely by the finance committee. In July 1845 for instance it found errors in the workhouse books which led it to suggest the dismissal of the master. The appointment of district auditors in 1845 helped to improve the financial affairs of the union, in much the same way as occurred in Sunderland,<sup>52</sup> but there seems little doubt that the difficulties of 1843-44 had given the guardians a severe jolt.

The Leicester union was often financially embarrassed, especially in years of depression. On one occasion in 1847 the board delayed paying the instalment of a loan because the large number of relief cases meant that there was difficulty in raising the money. The following March the payment of non-resident accounts was delayed for the same reason and in May 1848 the sum of £1,200 was borrowed from the treasurer to pay the last quarter's outstanding bills.<sup>53</sup> By the late 1860s however the financial affairs of the union improved in common with many other aspects of its business. Many of the large loans taken out in the early days of the union were paid off: between March 1870 and May 1871 four sums of £2,000, £5,600, £4,000 and £4,000 were repaid.

The Leicester union had many financial problems, some of which were common to unions all over the country. In addition however it showed considerable ineptitude in the events connected with the collapse of its bankers which added immeasurably to its difficulties. As the economic

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52. Wood, op cit, p 28

53. LRO, 26D68/241, no 150, 12 May 1847; no 420, 28 March 1848; 26D68/4, 2 May 1848

climate of the town improved so did this aspect of the board's administration and with the introduction of a more equitable system of rating in 1865 it ran along much smoother lines.



#### CHAPTER 4: OUTDOOR RELIEF

The Royal Commission of 1832 devoted a lot of time to the subject of outdoor relief, stating right at the outset of its report: 'The great source of abuse is the out-door relief afforded to the able-bodied on their own account, or on that of their families'.<sup>1</sup> The 'allowance system' (the giving of allowances in aid of wages) came in for particular scrutiny and 'became a serious crime in the eyes of the orthodox poor law administrator'; it was calculated to lower wages, upset the working of the labour market and demoralise its recipients.<sup>2</sup> Outdoor relief to the 'impotent' was considered to be subject to less abuse; the Commissioners found 'that even in places distinguished in general by the most wanton parochial profusion the allowances to the aged and infirm are moderate'.<sup>3</sup> They recommended that, except for medical attendance, all relief to the able-bodied or their families should be in well-regulated workhouses; this they believed would prevent pauperism which arose from fraud, indolence or improvidence.<sup>4</sup> In fact there was nothing particularly humane about outdoor relief either before or after 1834: the overseers of the poor and guardians used it to get rid of applicants for relief at the least possible cost in time, trouble and expense to themselves and the ratepayers.<sup>5</sup>

The 1834 Act left to the discretion of the Poor Law Commissioners

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1. S G & E O A Checkland (eds), The Poor Law Report of 1834 (1974), p 82
  2. M E Rose, 'The Allowance System under the New Poor Law', Economic History Review, 2nd series, vol XIX, 1966, p 607
  3. Checkland, op cit, p 114
  4. Ibid, pp 375, 393
  5. Rose, op cit, p 620

the way in which relief was to be regulated; the union and parish officers however could order relief contrary to regulations provided they informed the Commissioners within 30 days. When a union was established it was issued with a set of detailed instructions, one of which related to relief. This stated that no relief in money should be given to any able-bodied male pauper or his family, nor any contribution given towards his rent; at least half the relief to men working for the parish, or to able-bodied women, was to be in kind.<sup>6</sup> However the Poor Law Commissioners issued no general order until 1841 and this may have been a reflection on the political and economic climate of its early years. One of the difficulties regarding outdoor relief to the able-bodied was the definition of the term 'able-bodied': a Leicester guardian frankly admitted that he did not know what it meant except as a dietary classification for which 'able-stomached' would be more appropriate.<sup>7</sup> The problem in urban unions was often that of cyclical, short-term unemployment rather than the permanent underemployment found in the rural areas; even where a union had built a workhouse and strictly imposed a workhouse test outdoor relief was still needed in periods of acute distress.

The Leicester union workhouse was not opened until early 1839 and the parish workhouses were inadequate for all the poor needing relief. Outdoor relief continued to be given but although the weekly sums allocated to the two relieving officers are recorded the numbers receiving outdoor relief have not survived before 1848. There is little evidence of

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6. M E Rose, The English Poor Law 1780-1930 (Newton Abbot, 1971), pp 99-103

7. G A G Innocent, 'Aspects of the practical working of the New Poor Law in Leicester and in Leicestershire 1834-1871' (MA, University of Leicester, Victorian Studies Centre, 1969), p 14, quoting Leicester Chronicle, 18 February 1860

dissatisfaction with the system from either the poor or the Commissioners until 1837 when the onset of a prolonged economic depression put an enormous strain on the new poor law throughout the country. It was to last on and off until 1842, making these years the worst of the nineteenth century. Industry came to a standstill, unemployment reached previously unknown heights and the high food prices, combined with inadequate relief, meant that the manufacturing labourers faced hunger and destitution on an unprecedented scale.<sup>8</sup>

The depression hit Leicester in April 1837 and forced the guardians to adopt short-term measures to cope with the problem, much as the old poor law administrators had done. The clerk reported on events to the Commissioners, beginning by outlining the extent of unemployment. He said scarcely any men were then employed and pauper applications had increased at a frightening rate, standing at 2,200 heads of families - 'and the transition from a flourishing Trade and almost universal employment for the poor, to the greatest depression and almost total cessation from manufacturing was so sudden and complete, and altogether so unlooked for, that the Guardians found it to be quite impossible to adhere strictly to the rules and regulations of the Commissioners'.<sup>9</sup> They had allowed outdoor relief to able-bodied paupers but almost exclusively in kind and in return required those paupers considered strong enough to break stones. On the advice of the medical officers this did not include those used to sedentary indoor work as 'it would not only be impolitic, but even inhumane, so to employ many, classed as able-bodied, who had been accustomed all their lives to sedentary employments, and to work in warm

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8. J F C Harrison, Early Victorian Britain 1832-51 (1979), p 34

9. PRO, MH 12/6468, no. 4628C, 1 June 1837

Comb-shops, and close and warm rooms...' The clerk later reported that the pressure had been unexpected and the guardians unprepared with work for all those who applied for relief, besides which 'it was fully anticipated that the evil would be of much shorter duration than it eventually proved to be'. At first only the single men and 'those of indifferent character' were sent to the stone yards but as the numbers increased and the weather got warmer all were sent except the aged, sick and infirm.<sup>10</sup>

Expenditure on outdoor relief, which usually amounted to about £50 per week for each of the two relief districts, reached a record £168-18-7½ and £211-18-4 respectively at the end of June 1837. The problem was exacerbated by the large number of non-settled poor living in Leicester:

In addition to the poor belonging to the Union... there is a vast number of others residing in it who belong to Parishes situated in almost every part of the Kingdom - and the expense of relieving and removing these persons to their various places of settlement has and will be enormous, for Leicester is almost inundated with poor belonging to other places...

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About 600 of these people belonged to parishes in the Hinckley union and the number of applications for relief was so great that the guardians had to sit from 9.00 in the morning until 8.00 at night to deal with them. In the middle of May the Hinckley board, which was apparently weak and intimidated by unemployed workmen, was persuaded by assistant commissioner Hall to adopt tougher policies. One of these was the abolition of non-resident relief to their paupers living in Leicester, which the clerk to the Leicester board acknowledged was not illegal but

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10. Ibid; no 2269C, 26 February 1838

11. No 4628C, op cit

which exacerbated the situation in the town at a time of crisis.<sup>12</sup> The Hinckley guardians had previously agreed to go to Leicester weekly to examine and relieve their poor there rather than invoke legal removal. At first this had worked satisfactorily but when the Hinckley paupers learnt of their board's decision to stop non-resident relief about 100 of them went there to ask for relief and also where they were to receive it in future. Relief was refused and they were ordered to return to Leicester and 'fall upon the Parishes they were severally residing in'. As a result the Leicester board expended a large sum in examinations and orders of removal, as the guardians had resolved to remove all those chargeable. A few weeks later the Hinckley board, again on Hall's recommendation, reverted to the former system because of a threatened march on Hinckley by their non-resident paupers.<sup>13</sup> The Poor Law Commissioners regretted the lack of an adequate workhouse in Leicester and stressed the importance of imposing a test by way of task work, adding that they relied on the intelligence and zeal of the Guardians 'for that co-operation so essential to the success of the measure which it is their conjoint duty to carry into effect'.<sup>14</sup>

Richard Hall wrote to the Commissioners about the situation in Leicestershire; he felt the various boards would carry out the letter of the law but not its spirit. He reported that he had suggested to his colleague Stevens 'an alteration of the tone of his communications with the [Leicester] Guardians, and also that he should write less, and less

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12. Ibid

13. Ibid; A Brundage, The Making of the New Poor Law (1978), pp 131-132. (The Commissioners' instructional letter to the Hinckley board was published as appendix A5 in their 3rd annual report).

14. No 4628C, op cit, 7 June 1837

frequently'; he added: 'Politics are doing us much mischief at Leicester, and his letters almost always find their way into some Newspaper, where they are commented on with all the unfairness of Faction'. However he felt the Commissioners had some friends in the town.<sup>15</sup>

A few days later Hall sent a report entitled 'State of the County especially of the Unions of Leicester and Hinckley'.<sup>16</sup> He described the Hinckley board as not on the whole inimical to the new poor law but 'defective in moral courage, in intelligence, and in confidence in the soundness of the system they are required to carry into effect'; at Leicester, on the other hand, 'the Members of the Board are for the most part, unfavourable towards the Commissioners, under strong political Bias, but intelligent; and they have up to this time diligently performed the Routine of their duties...'. He found both boards extremely difficult to deal with. He believed the actions of the Hinckley board were illegal and was worried about the consequences. He estimated that it would be three or four months before the hosiery trade picked up and feared that the Leicester guardians' resolve would be weakened; he urged the Commissioners: 'the Guardians...must be supported, and their gratuitous labours alleviated, as far as possible, without an abandonment of the fundamental principle of our system'. He especially feared the withdrawal of St. Margaret's parish from the union: he thought it might cite its local Act and argue that it had been brought into the union illegally. The select vestry of St. Margaret's did apparently consider taking such a step.

Hall concluded that the excitement of feeling with regard to the

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15. PRO, MH 32/35, no 4548C, 29 May 1837

16. Ibid, no 4754C, 5 June 1837; see also Brundage, op cit, pp 130-132

introduction of the workhouse system was very great and kept up by the publication in the local press of the guardians' proceedings and some of their correspondence. He therefore urged a conciliatory tone and making the system 'bend to the exigencies of the time' without destroying its consistency. In a covering letter he stated that the prevalent feeling towards the law in Leicestershire was mistrust, and deplored the lack of cordiality towards the Commissioners and lack of confidence in the system by the guardians. He added:

An Idea extensively prevails that the Commissioners are now on their trial before the Parliamentary Committee, and hopes are certainly entertained that the verdict will be one, which will pronounce our system to be inapplicable in the Manufacturing Districts; hence a want of energy in our executive bodies, including as they do many Malcontents and political partisans, to whom defeat would be more welcome than success.

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At the end of June the Leicester board resolved to reduce the rate paid to the men employed at stone breaking from 2/2 per ton to 1/6 - a reduction of about 30%. Such was the reaction of the men that the guardians were forced to rescind their resolution which Hall described as 'sudden and most indiscreet'. He explained the reasons for it: the paupers had become so adept at the task that they were earning more than they would at their normal occupations; moreover the expense of getting the stone was very high, incurring a loss to the union and, most important of all, it had failed as a test of destitution. Hall described the men's action on hearing of the decision:

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17. PRO, MH 12/6468, no. 4755C, 5 June 1837

The Stonebreakers, armed with their hammers, marched upon the Workhouse where the Guardians were assembled; the Gates which were closed against them, were quickly battered down, and all the Guardians who could get away fled with precipitation; the rest were detained and compelled to rescind the resolution; their point gained the rioters formed in ranks, having first drawn up in lines to allow the Guardians a free passage from the Scene of action, and marched off in the most orderly manner.

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Hall thought it very likely that the stone yards would be closed; at that time about 500 were employed there and there were about 2,400 on outdoor relief. He asked: 'what is to be done with such a Board of Guardians?' and expressed his opinion that many of them rejoiced at the difficulties experienced. He added: 'when I am present with them, they are perfectly civil to me, and adopt my advice; when I am away, they act without deliberation, and totally neglect both law and principle'. He felt the case of Leicester aptly illustrated the need for a workhouse as a test of destitution and concluded by saying that there was nearly as much to be done then to reform the administration of the union as there had been before its formation.<sup>19</sup> At a special meeting on 3 July the board did decide to close the stone yards.

Hall was pleased to note that expenditure for the quarter ending on 30 June, though very great, did not equal a quarter's expenditure during a similar depression of trade under the old system.<sup>20</sup> By the end of July trade was improving but Hall was still very unhappy about the situation in Leicester:

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18. PRO, MH 12/6468, no. 5463C, 28 June 1837

19. Ibid

20. PRO, MH 12/6468, no. 6508C, 8 July 1837



My business at Leicester has been very interesting, and I must add, exceedingly troublesome; I never saw such a body of Guardians; it is impossible to estimate the extent to which political feeling of the lowest and most factious description, influences all their decisions and discussions; and unfortunately they are presided over by a Chairman [Richard Rawson] whose official incapacity is deplorable.

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The third annual report of the Poor Law Commissioners referred to the trade depression experienced in Leicestershire, Nottinghamshire and Staffordshire, caused by the interruption of the American trade and 'more sudden in its approach and more extensive in its operation than has been known on any former occasion'. The report referred to the feeling that the new poor law was inappropriate in the populous manufacturing districts and regretted that the system had been so imperfectly organised and established there as to 'render it impossible to show all the benefits which might have been effected under it, if its organization had been complete and mature'. Details of the proceedings in Leicester were given, particularly regarding the problem of the Hinckley paupers.<sup>22</sup>

In August 1837 the Poor Law Commissioners issued a new circular giving wider discretion to boards of guardians. As a result of the Select Committee report of 1837 exceptions to the ban on outdoor relief were extended to include sickness of the head of the family, widows and able-bodied labourers married before August 1834, some of whose children might be admitted to workhouses. A further exclusion, on the grounds of the unavailability of workhouse accommodation, was dropped.<sup>23</sup> Another

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21. PRO, MH 32/35, no. 6731C, 11 August 1837. This letter was mainly concerned with the question of building a union workhouse - see chapter 6

22. PLC, 3rd annual report, 1837

23. Brundage, op cit, (1978), pp 169-170

depression occurred in Leicester at the end of 1839: in his quarterly report for December 1839 assistant commissioner Senior stated that outdoor relief had doubled, and three months later he reported that more than half the population was in receipt of relief.<sup>24</sup> The labour test was next required in 1841 and this time corn mills were set up in addition to those in use in the workhouse; the men were originally paid for the amount of corn they ground but this was later changed to relief based on the number in the family. They worked a twelve hour day with three hours off for meals.<sup>25</sup> A stone mill was also erected and the method of providing relief at both mills was altered more than once.

In the face of overwhelming evidence to show the impossibility of maintaining the workhouse test in times of trade depression the Commissioners issued the Outdoor Labour Test Order in 1842, which stated that able-bodied men were not to receive relief unless they performed a task of work, which was to be monotonous and unpleasant, and replace the workhouse in maintaining the principle of less eligibility. Two years later the Commissioners issued the Outdoor Relief Prohibitory Order which laid down that relief to able-bodied men, women and their families was to be given only in the workhouse, subject to certain exceptions; it was only issued to selected unions and never to Leicester, despite Weale's recommendation that it should be, and unlike the neighbouring union of Loughborough.<sup>26</sup>

Work done under the labour test was often the same as that

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24. PRO, MH 32/66, nos 21B & 4232B, quarters ended 31 December 1839 & 31 March 1840
25. LRO, 26D68/2, 11 & 31 May 1842
26. PRO, MH 12/6471, no 13325B, 6 October 1845; Becherand, op cit, p 46; Poor Law Commissioners, 9th annual report, 1843

performed inside the workhouse, together with tasks such as stone-breaking and building work. It has been described as 'a crude attempt to apply the principles of 1834 to the special problems of industrial areas'<sup>27</sup> and it was disliked in many unions; in north-east Lancashire it was usually reserved for the idler and vagabond except during the cotton famine of the early 1860s.<sup>28</sup> The Bradford guardians had no objection to the labour test provided they could apply it selectively and they also strongly believed that it was unsuitable for the handworkers, making them unfit to return to their normal occupations; woolcombers were accustomed to work in heated rooms and therefore unsuited to outdoor work - echoing the sentiments of the medical officers of the Leicester union. The able-bodied in Bradford thought test labour to be demeaning, saying 'there was a degradation in being sent to the labour test and to be employed, as some paupers at Leicester had been employed, to dig sand out at one end and put it in a hole at the other end'.<sup>29</sup> In Gateshead the outdoor labour test (breaking stone for local roads) was fiercely resisted by the paupers and there was no market for the stone - a problem common to many unions.<sup>30</sup>

The middle of 1847 saw another large increase in the number of applications for relief in Leicester and the guardians had to allow

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- 27. M Bruce, The Coming of the Welfare State (3rd edn, 1966), p 91
  - 28. R Boyson, 'The New Poor Law in North East Lancashire, 1834-71', Transactions of the Lancashire and Cheshire Antiquarian Society, vol LXX, 1960, pp 45-46; M E Rose, 'Rochdale man and the Stalybridge riot. The relief and control of the unemployed during the Lancashire cotton famine' in A P Donajgrodzki, Social Control in Nineteenth Century Britain (1977), p 188
  - 29. D Ashforth, 'The Poor Law in Bradford c. 1834-1871' (PhD, University of Bradford, 1979), pp 175, 182-186
  - 30. F W D Manders, 'The administration of the poor law in the Gateshead Union, 1836-1930' (MLitt, University of Newcastle upon Tyne, 1980), pp 22, 55

outdoor relief to 'a numerous body of Frame Work Knitters and other persons out of employment'. The Commissioners urged them to give adequate relief and employ additional staff if necessary, a somewhat surprising piece of advice.<sup>31</sup> It was the middle of June 1848 before the situation improved and in one week 9,476 persons were relieved at a cost of almost £500. In all some 17,000 people - a third of the labour force - received relief and those guardians who objected to rebuilding the workhouse thought the money saved could go towards alleviating hardship during depressions, preferring outdoor relief to be carefully channelled to deserving framework knitters.<sup>32</sup> Apparently no suitable outdoor labour test could be found and according to assistant commissioner Weale several hundred able-bodied workmen were begging in the town, alleging that the relief they received was insufficient.<sup>33</sup>

The Mayor wrote at length to the Home Secretary about the state of the town: many thousands had been suddenly thrown out of work during the preceding few weeks 'owing to the almost entire cessation of demand for the staple manufacture of [the] Town' and between twelve and thirteen thousand were in receipt of relief. Many of those begging had been examined by the magistrates who, learning that their relief was only about 5d to 8d a head per week, urged the guardians to adopt 'a more liberal and adequate allowance'. Despite this the relief was still woefully inadequate and a public subscription had been set up. If something were not done, the Mayor believed, it would be impossible to preserve the peace of the town and the magistrates could not 'allow persons to continue to

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31. LRO, 26D68/333, no 11632B, 31 May 1847

32. LRO, 26D68/4, 14 December 1847; Innocent, op cit, p 25

33. PRO, MH 12/6472, no 11632B, 27 May 1847

perambulate the Town in bodies consisting of some hundreds, soliciting charity much to the annoyance of the Inhabitants, and greatly to the demoralization of the poor themselves'.<sup>34</sup>

The board decided to provide stone-breaking and oakum-picking as a test for able-bodied men and oakum-picking and the picking of coconut fibre for able-bodied women. The amount of relief was fixed at 6/= per week for single men, 5/= for single women, and other rates for families, to include money and bread.<sup>35</sup> The rates were lowered about 30% a few days later, because several employed people had refused employment at their usual occupations, but were increased again slightly the week after. Although trade improved during the summer of 1847 it fell off again at the end of the year; in December about 10,000 men were in receipt of relief, only 400 of whom were in the workhouse. There was some resistance among the guardians to reintroduce a labour test but the Labour Test Order was issued on 30 December.<sup>36</sup>

The work only occupied 510 men - 150 at the mill, 300 in sweeping the streets and 60 at stone-breaking. The Poor Law Board recommended, if this work was insufficient to employ all the able-bodied men, 'to hire a field in the neighbourhood of Leicester, in digging of which the Men may be required to perform a task of work under efficient superintendence, unless there should be some eligible Public Work in progress near the the Town in which they could be engaged'.<sup>37</sup> The numbers employed were

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34. Ibid, no 117548, 29 May 1847

35. LRO, 26D68/4, 15 June 1847

36. LRO, 26D68/333, no 210548, 18 November 1847; no 22181B, 7 December 1847; PRO, MH 12/6472, no 230438, 17 December 1847; LRO, 26D68/334, no 237908, 4 January 1848

37. LRO, 26D68/334, nos 1272, 1527 & 2050, 21 January 1848

obviously increased and at the end of January 860 of those engaged in stone-breaking and street-sweeping refused to receive their relief unless it was paid entirely in money, which the guardians agreed to in order to prevent a riot. The Poor Law Board refused to suspend the Labour Test Order, or that part of it that stipulated that half the relief was to be in kind - a move approved by Weale who thought that if the labour test were abandoned now 'in every future pressure a Mob law would prevail'. However he did not think much of the work: 'nothing could be worse than in a Town like Leicester sending upwards of 800 Men to sweep the Streets and I hardly believe such a thing would have been dreamt of by any other than the Committee appointed to carry out the Outdoor labor test Order at Leicester'.<sup>38</sup> He reiterated the need to find work suited to those who normally worked indoors.

Various emergency measures were taken by the clerk and other union officers when the Labour Test Committee refused to act further; the Bridewell was used as a temporary workhouse for stone-breaking and oakum-picking, and two additional stone yards provided. All the steps taken seem inadequate but it is difficult to suggest what else could have been done in the circumstances. Discontent over the rates of relief and hours worked finally boiled over and there was a severe disturbance in the town on 15 May, graphically described by the clerk.<sup>39</sup> It was only quelled by the intervention of the police and a body of pensioners. At the board meeting the following day a deputation from the men presented their grievances in writing as requested: the hours of attendance at the mill and stone yards were more than their physical strength would endure,

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38. LRO, 26D68/318, no 357, 28 January 1848; 26D68/334, no 3229, 29 January 1848; PRO, MH 12/6473, 8 February 1848

39. LRO, 26D68/242, no 12, 17 May 1848

'considering the scanty subsistence we have'; even under the old hours (eight) 'a poor man was carried away exhausted from the Mill Yard; the men who carried him away declaring that they did not know whether he would live the day through'. There was no food for him when he got home and if eight hours were too much, 'well may our nature revolt at the imposition of so many hours extra'; and they asked to be paid for the previous day, which by the wording of the Order they were entitled to, although they had refused to work. In conclusion they asked for the new Order to be withdrawn, which was refused; the guardians said that the hours were the same as in 1847 and the scale of relief adequate.<sup>40</sup> On 18 May the men resumed work at the outdoor labour test on the terms fixed by the guardians.<sup>41</sup>

The Leicester Chronicle gave a lurid account of the riot of 15 May; with the arrival of the pensioners: 'the noise of the staves, the groans of those who were struck, the yells of the multitude, and the screams of the women mingled in the crowd, added to the terror of the conflict'.<sup>42</sup> By the end of June the number employed under the Labour Test Order had fallen to 200, compared with over 1,100 in January, and by the end of July was only 20; two weeks later the stone yard and mill were closed.<sup>43</sup>

The following winter it was necessary to make some use of the outdoor labour test but on a much reduced scale; it was also used again to some extent in the spring and winter of 1851. With the rebuilding of the workhouse the test was only required in times of extraordinary pressure. This mainly consisted of oakum-picking, a task whose deficiencies were

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40. LRO, 26D68/4, 16 May 1848

41. PRO, MH 12/6473, no 14927, 19 May 1848

42. Leicester Chronicle, 20 May 1848

43. PRO, MH 12/6473, nos 17948 & 21381, 20 June & 28 July 1848

well appreciated:

I am quite sure I need not tell you that whatever Labour Test is adopted no profit need be expected - we have tried almost everything and picking Oakum is attended with as little loss as any, and it is very efficacious if you can so plan your men as not to have many together, otherwise they find it nice occupation for their fingers while they talk.

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The Poor Law Board replaced the Labour Test Order in 1852 with the Outdoor Relief Regulation Order. In its original form it was intended to apply to the sick, aged, widows and all the able-bodied, but this caused a storm of protest and it was amended to cover only able-bodied men. At least half of the relief was to be in kind and the guardians could not set up an applicant for relief in business or pay his house rent. The prohibition of relief in aid of wages remained but an instructional letter, issued in December 1852, gave the guardians more discretion, by stating that what was prohibited was the giving of relief 'at the same identical time as that at which the person receiving it is in actual employment, and in the receipt of wages'; therefore if a man was only working half a week he could receive relief for the other half.<sup>45</sup>

When the Outdoor Relief Regulation Order came into force the Leicester board reported that part of the relief had always been given in kind and for some time relief to the casual poor had been entirely in kind; the clerk indulged in a piece of self-congratulation on behalf of the board: 'I am not surprised at the Poor Law Board issuing the Order in question, and I am not a little gratified that among the large Manufacturing Unions to which it has been issued, this has taken the lead

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44. LRO, 26D68/246, no 197, 1 April 1853

45. Rose (1971), op cit, pp 141, 146-148



in carrying out its provisions'.<sup>46</sup> This is a good example of the changing attitude of the Leicester board to central authority.

The alterations in the Regulation Order left boards with considerable latitude which many used extensively. The allowance system continued, mainly because boards of guardians wanted it to and were determined to use all the loop-holes available to them. Their reasons were given as humanitarian and economic: workers on short time and underpaid handicraft workers were unlikely to see an improvement in their wages if allowances were abolished and the allowance system had little effect on wage rates. However it did cause a good deal of suffering and demoralised the poor who were given meagre pittances which they needed to supplement from other sources. Evasion of the regulations was easy but all the Poor Law Commissioners wanted was to eliminate some of the worst abuses.<sup>47</sup>

In north-east Lancashire the Outdoor Relief Regulation Order was widely disregarded, relief in aid of wages was given until 1871 and the boards even ignored the clause prohibiting the setting up of a pauper in business. They sometimes applied the workhouse test to the incorrigible, the trouble maker and groups such as single women with illegitimate children but opposed it for the genuinely unemployed.<sup>48</sup> In Loughborough

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46. LRO, 26D68/245, no 424, 30 September 1852

47. Rose (1966), op cit, pp 612-613, 619-620; M E Rose, 'The New Poor Law in an industrial area', in R M Hartwell (ed), The Industrial Revolution (Oxford, 1970), p 135

48. Boyson, op cit, pp 38-48

outdoor relief included the payment of rent and arrears to sick clubs.<sup>49</sup>

In Cumbria the workhouse test was apparently largely irrelevant as the majority of applicants were the sick, old and very young but the definition of sick was 'flexible', the number of sick relieved outside the workhouse showing a close relationship with the known peaks and troughs of male able-bodied pauperism in general. It seems ironic therefore that the Poor Law Commissioners should claim a great success in Carlisle, pointing out that the union showed the applicability of the workhouse test to manufacturing districts; this seems to endorse the view that the Commissioners were more interested in the apparent efficacy of the law even though evidence from their assistants showed them that it was being largely disregarded in many unions. Carlisle was another union where the outdoor labour test was considered unsuitable for handloom weavers but here they stopped applying for relief, so that the Commissioners' policy sidestepped rather than tackled the problem; the small number of paupers at the outdoor labour test increased its overheads which further encouraged boards to resort to relief in aid of wages. There are numerous other examples of a similar attitude to outdoor relief, not all of them confined to industrial areas.<sup>50</sup>

Some unions however took a different view. In Derby outdoor relief

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49. P Anderson, 'A Victorian Inheritance: Aspects of institutional provision for poverty in Leeds 1820-1844', Journal of the Loughborough Victorian Studies Group, no 3, October 1978, p 12; A Becherand, 'The poor and the English Poor Laws in the Loughborough Union of Parishes 1837-1860' (PhD, Universite de Nancy, 1972), p 215
50. R N Thompson, 'The new poor law in Cumberland and Westmorland (1834-1871)' (PhD, University of Newcastle upon Tyne, 1976), p 567; R N Thompson, 'The working of the Poor Law Amendment Act in Cumbria, 1836-71', Northern History, vol 15, 1979, pp 120-134; P W Randell, 'Poor Law relief in Somerset, with particular reference to the Wincanton Union 1834-1900' (MLitt, University of Lancaster, 1983), pp 108, 281-291

was rarely granted to the able-bodied and in County Durham the Poor Law Amendment Act was introduced with 'remarkable ease'. The latter county was not touched by trade depression until the early 1840s and was generally unaffected by the turmoil and disruption elsewhere in the north; most of the unions were subject to the Prohibitory Order and began to make use of their workhouses. Relief in aid of wages continued in County Durham but some boards apparently became increasingly reluctant to help the unemployed and '[their] failure to provide proper facilities for their relief induced extra-legal agencies to resume former relief practices in order to combat rising destitution among the lower classes'.<sup>51</sup>

Outdoor relief therefore continued, even to able-bodied men, and a cogent argument for this was the relative costs. There are a number of examples from research in different unions to show that outdoor relief was cheaper than indoor. The average annual cost of an indoor pauper in Lancashire and the West Riding of Yorkshire in 1854 was £5-10-5 compared with £3-11-0 for one on outdoor relief. In the City of London in 1862 an indoor pauper cost 4/8 a week whereas an outdoor one cost only 2/3. In the Haslingden relief district in 1852 were nine families, comprising 64 people, receiving 16/= weekly; if they had been sent to the workhouse it would have cost £8-5-4. In the quarter ending at Christmas 1837 it cost £1-6-2 to keep a pauper in the Chipping Norton workhouse, compared with 16/4 on outdoor relief; in Banbury the respective figures were £1-1-5 and

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51. J Lindsay, 'Excellent Order Throughout': Derby Workhouse, 1834-1844', The Derbyshire Archaeological Journal, vol C, 1980, p 101; P Dunkley, 'The Hungry Forties' and the New Poor Law: A Case Study', The Historical Journal, vol XVII, 1974, pp 330-340

The evidence from Leicester shows a gradual reduction of outdoor relief and the imposition of the workhouse test. Another trade depression occurred in 1856-57 when a Relief Fund Committee was set up in Leicester with which the guardians co-operated. On this occasion the union appears to have taken a strong line on the provision of relief to the able-bodied: the clerk reported that it was only given in the workhouse and when it was full an outdoor labour test was set up and anyone employed under it had first to go into the workhouse to prove his destitution.<sup>53</sup> In response to a request from a deputation of the unemployed to consider the propriety of giving relief out of the workhouse to able-bodied persons a special committee recommended that it be refused as there was still ample workhouse accommodation. Even when the numbers in the workhouse increased the board hoped 'to avoid the evils of giving relief in aid of wages, by withdrawing from the Labour market every person receiving parochial assistance - to check imposition, and yet adequately to relieve the poor'. It also had a duty to protect the ratepayers, 'the smaller class of whom in all times of pressure undergo privations fully equal to those borne by the applicants for relief. Every additional shilling wrung from them in the shape of Poor Rates, is severely felt, and is only provided for by increased thrift or privation'.<sup>54</sup>

Despite a resolution of a meeting of ratepayers that outdoor relief be given the board stood firm. In March 1858 it ordered 2,000 copies of

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52. Rose (1966), *op cit*, p 613 (and repeated in other works by Rose); Boyson, *op cit*, p 39; P Horn, 'Aspects of Oxfordshire poor relief: the 1830s', Cake and Cockhorse, vol 8, 1980, p 64

53. LRO, 26068/250, no 16, 17 December 1857

54. PRO, MH 12/6478, no 44259, 30 November 1857

its report to be printed, feeling that it had to justify the course it had adopted. In 1847-8 outdoor relief had had to be given due to the lack of workhouse accommodation 'to such an extent as to have rendered every third person of the entire population a pauper'. Although they believed the promoters of the plea for outdoor relief had been prompted by the best motives they could not know all the facts. It was stated, somewhat surprisingly, that the cost of outdoor relief was at least three times as expensive as indoor relief; however this was estimated in a curious way. 1378 applied for relief but only 202 accepted the offer of the workhouse, at a cost of £100-2-11, but the guardians argued that all 1378 would have accepted outdoor relief, which would have cost £413-8-0 over the six week period it used in its calculations. The report also stated that although the population had increased from about 58,000 in 1848 to about 68,000 in 1858 only 8,508 paupers had been relieved in the latter year compared with 19,109 in 1848. However the total cost only fell from £17,160 to £13,786, a point which was conveniently overlooked.<sup>55</sup>

This report was used by assistant commissioner Weale in a communication to the Poor Law Board and was printed as Appendix 14 in that body's 10th annual report. It drew special attention to 'the very satisfactory report' from the Leicester guardians:

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55. PRO, MH 12/6479, no 10585, March 1858; LRO, 12D70/3 (printed copy), 19 March 1858

It appears....that the Guardians having been convinced by the experience acquired in former periods of depression that any extended system of out-door relief tends greatly to increase pauperism, resolved to adhere steadily to the principle of a Workhouse Test as regards able-bodied applicants, as well as in all other cases in which there appeared any reason to suspect imposition. The result has been, as the Board believe, that the Guardians have been able to meet and overcome the very great difficulties with which they have had to deal, and to carry on the administration of relief in the mode best fitted to protect the interests of the ratepayers, and to provide for the wants of the really deserving poor.

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It was hoped that an outdoor labour test would not be required but steps were taken to set one up if necessary. The work suggested was levelling some land recently purchased and only the more robust men were to be chosen for it. Details of hours of work and rates of relief were established and the men were to be admitted to work only on production of a 'Labour Ticket' signed by the relieving officer. In addition a man with children had to produce a certificate to show that every child over two years of age was attending school before he could receive their bread allowance, and the guardians would undertake to pay the school fees. The workhouse became full on 28 December and again on 8 January 1858 and oakum-picking was used as a labour test; only 64 were employed at it. By the end of January the clerk was able to report that 'the danger is past that the Guardians will be compelled to abandon the principle they have adopted of refusing Out Relief to able-bodied persons'.<sup>57</sup>

The labour test was used intermittently thereafter but nobody was ever sent to it without having accepted the offer of the workhouse first;

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56. PLB, 10th annual report, 1857-58

57. PRO, MH 12/6478, no 44259, 30 November 1857; LRO, 26D68/9, 15 December 1857; 26D68/250, no 39, 30 January 1858

if the workhouse became full the best behaved of the inmates with families were offered outdoor labour. By this means, the clerk believed, 'we can regulate the number in the Workhouse, it offers a premium to good behaviour, and keeps the blackguards shut up'; except as an adjunct to the workhouse, he believed a labour test was an 'unmitigated evil'.<sup>58</sup> By this time the only test was oakum-picking although it became increasingly difficult to get the old rope and the demand for oakum was diminishing.<sup>59</sup>

When the next depression occurred in 1861 the board again had its report printed; it began by looking at the history of poor relief in the town since 1836 and in the clerk's opinion there had been a gradual improvement during this period. He said that 'on the first formation of the Union, the Guardians did not hesitate to express themselves as averse to the Law they had undertaken to administer; Out-Relief was the rule, and the Workhouse the exception'. Referring to the last depression he said:

With the experience gained in previous seasons of bad trade, the Board did not hesitate to maintain the same system of relief throughout the past winter, and so satisfied were both the Guardians and the public of its soundness, that neither in the Board Room, nor in the columns of the local press, has this mode of administering the law been mentioned, except in terms of commendation.

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He reported that during the winter of 1860-1 the public left the management of the poor entirely to the board and, unlike the winter of 1857-8 no public subscription was raised, although the depression was just as severe as the previous one. There had been a decrease of over 40% in the number of applications for relief compared with 1857-8, which the

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58. LRO, 26D68/256, no 499, 15 February 1868

59. LRO, 26D68/257, no 418, 24 October 1870

60. LRO, 1D72/II/4

clerk attributed to greater thrift exercised by the poor in the intervening months. He also wrote to The Times pointing out that the law, properly administered, was equal to the increased demands made upon it but his letter was not published.

The clerk again stressed the importance of the workhouse as a test and referred to the fact that many places, especially in large manufacturing towns or districts, still gave outdoor relief: 'the consequence is that such districts soon become pauperized, the spirit of independence and self-reliance, which ought to be encouraged, gradually decays...' He referred particularly to the Nottingham union where outdoor relief was still given: in the half year ended at Lady Day 1861 Nottingham had relieved 14,194 people at a cost of over £25,000 compared with 4,910 in Leicester at a cost of just under £17,000. (It is unclear, however, whether he is referring to outdoor relief to the able-bodied although that is implied).<sup>61</sup> The Nottingham guardians apparently visited Leicester and as a result resolved to adopt the workhouse test.<sup>62</sup> The 13th annual report of the Poor Law Board (1860-61) contained some flattering remarks about the Leicester union.

In the 1860s the growing desire for co-ordinated action between public and private relief led to the foundation of the Charity Organisation Society. The Lancashire cotton famine showed that in an emergency both the poor law and private charity were inadequate: the 1860s was a period of crisis in poor relief which provided the opportunity for a radical restructuring of the system. It was a major step towards achieving the ideals of the 1834 reformers, so that the new poor law can

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61. Ibid

62. Leicester Journal, 29 November 1861



be seen as a creation of the 1860s and 70s rather than the 1830s. An enquiry between 1861 and 1864 provided the groundwork for a major administrative restructuring, the chief instrument of which was the Union Chargeability Act of 1865. In the late 1860s and early 1870s central authority launched an attack on the lax administration of outdoor relief and urged the application of an efficient workhouse test to all able-bodied applicants for relief; the campaign against outdoor relief was supported by the Charity Organisation Society and the friendly society movement and was backed enthusiastically by the Leicester board.<sup>63</sup>

The trend in recent debates on outdoor relief has emphasised the need to look in more detail at the recipients. For example women formed the majority of adult recipients of relief under the new poor law but the policy makers ignored or underestimated the severe problems of poverty among adult able-bodied women.<sup>64</sup> In Bradford between 1837 and 1871 99.4% of adult able-bodied men received outdoor relief, 89.2% of adult able-bodied women, 81.9% of non able-bodied adults and 86.3% of children under sixteen, giving an overall average of 82.8%.<sup>65</sup> Nationally it has been estimated that by 1854 84% of paupers in England and Wales were on outdoor relief. In Loughborough the numbers on outdoor relief in 1851-60 ranged between 78% and 90%.<sup>66</sup> By contrast, in Leicester, as the

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63. Rose (1971), *op cit*, pp 141-143; M E Rose, 'The crisis of poor relief in England, 1860-1890' in Mommsen (ed), The emergence of the Welfare State in Britain and Germany 1850-1950 (1981), pp 52-59; P Wood, 'Finance and the urban poor law: Sunderland Union, 1836-1914' in M E Rose (ed), The poor and the city: the English poor law in its urban context, 1834-1914 (Leicester, 1985), pp 32 & 46; Ashforth (1979), *op cit*, p 588

64. P Thane, 'Women and the Poor Law in Victorian and Edwardian England', History Workshop, no 6, Autumn 1978, pp 29-31

65. Ashforth, *op cit*, p 437

66. Becherand, *op cit*, pp 247-256

appendices show, the percentage on outdoor relief showed an almost unbroken decline from 1849 (when the overall figures for relief were first separated) to 1871. The percentage receiving indoor relief rose from 7% in 1849 and 1851 to a high of 33% in 1868 (appendix 2), a higher than average ratio.

The clerk expressed his doubts about the value of printing lists of relief recipients; in 1864 the board had had 1,000 printed and distributed throughout the town, the first time it had done so for some years. The clerk, in common with the more experienced guardians, thought it was a waste of money as the list was out of date by the time it was published and he doubted if more than five out of every 100 ratepayers ever looked at it; it certainly did little to check imposition.<sup>67</sup> One such list has survived, for the half year ending 29 September 1849.<sup>68</sup> This gives a total of 2,088 recipients, made up of 777 men, 1243 women (240 of them listed with their husbands) and 68 children: 59.5% of the total were female, 37.2% male and 3.3% under sixteen, confirming the preponderance of female paupers. Of the 2020 adults 64.1% lived in St. Margaret's parish, which contained 60.6% of the population whereas St. Martin's parish, which contained 4.7% of the town's inhabitants, only accounted for 1.4% of those on outdoor relief. At the head of the list is a request for the guardians or union officers to be informed of any cases of imposition.

The experience of the Leicester union adds another dimension to the debate on outdoor relief. Its increasing adherence to the imposition of the workhouse test and the refusal to give outdoor relief to the able-bodied is one of the most interesting and important elements of its

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67. LRO, 26D68/254, no 234, 11 February 1864

68. LRO, 26D68/2

administration. In the early days of the union a board of guardians politically opposed to the framers of the new poor law, together with large-scale unemployment, meant that outdoor relief was given to a great extent; even so the board was not so liberal as others, insisting that part of the relief was paid in kind, thus anticipating the Outdoor Relief Regulation Order, and setting up an outdoor labour test before the 1842 Order. The late 1840s saw an ideological struggle between those guardians who felt a larger workhouse should be provided and those who wanted to spend the money on more outdoor relief. The outcome hung in the balance for some time but it was not long after the workhouse was rebuilt that the board began to move towards the 'principles of 1834'. Nevertheless the statements of the clerk about the abolition of outdoor relief to the able-bodied must not be taken at face value; as shown in appendix 3 it was still given to this group which never represented less than 16% of the total in the period 1853-1871. As the charitable resources of the town were minimal it seems that by and large the improving economic conditions meant that there were fewer people needing help and the board of guardians could insist on restricting outdoor relief without harming the poor to any great extent.

APPENDIX 1

Expenditure on relief of the poor 1833-1870

(years ending at Lady Day)

|                     |        |
|---------------------|--------|
| Average for 1833-35 | 12,274 |
| 1835                | 11,496 |
| 1836                | 9,248  |
| 1837                | 8,523  |
| 1838                | 14,351 |
| 1839                | 11,935 |
| 1840                | 12,654 |
| 1841                | 13,307 |
| 1842                | 16,303 |
| 1843                | 20,254 |
| 1844                | 18,837 |
| 1845                | 18,126 |
| 1846                | 15,542 |
| 1847                | 20,223 |
| 1848                | 33,045 |

|      | <u>Total</u> | <u>Outdoor relief</u> |
|------|--------------|-----------------------|
| 1849 | 25,989       | 16,383                |
| 1850 | 18,732       | 11,406                |
| 1851 | 15,629       | 8,869                 |
| 1852 | 19,321       | 9,304                 |
| 1853 | 15,441       | 7,166                 |
| 1854 | 16,210       | 7,163                 |
| 1855 | 19,316       | 8,513                 |
| 1856 | 21,486       | 9,645                 |
| 1857 | 19,302       | 8,823                 |
| 1858 | 21,685       | 9,751                 |
| 1859 | 18,315       | 7,198                 |
| 1860 | 15,500       | 5,997                 |
| 1861 | 16,623       | 6,405                 |
| 1862 | 17,449       | 6,503                 |
| 1863 | 17,041       | 6,712                 |
| 1864 | 16,849       | 6,536                 |
| 1865 | 16,970       | 5,986                 |
| 1866 | 17,053       | 5,501                 |
| 1867 | 19,849       | 6,153                 |
| 1868 | 24,283       | 6,903                 |
| 1869 | 25,995       | 6,870                 |
| 1870 | 24,998       | 7,405                 |

APPENDIX 2Numbers receiving indoor and outdoor relief, 1848-1871

| <u>Quarter</u> | <u>Indoor</u> | <u>Percentage</u> | <u>Outdoor</u> | <u>Percentage</u> |
|----------------|---------------|-------------------|----------------|-------------------|
| 3rd 1848       | 453*          | 9                 | 4665           | 91                |
| 4th            | 458*          | 8                 | 5313           | 92                |
| 1st 1849       | 351           | 7                 | 4862           | 93                |
| 2nd            | 304           | 8                 | 3696           | 92                |
| 3rd            | 346           | 10                | 3210           | 90                |
| 4th            | 340           | 9                 | 3525           | 91                |
| 1st 1850       | 259           | 8                 | 3042           | 92                |
| 2nd            | 235           | 8                 | 2673           | 92                |
| 3rd            | 252           | 9                 | 2617           | 91                |
| 4th            | 276           | 9                 | 2667           | 91                |
| 1st 1851       | 303           | 8                 | 3429           | 92                |
| 2nd            | 259           | 7                 | 3410           | 93                |
| 3rd            | 304           | 12                | 2219           | 88                |
| 4th            | 357           | 10                | 2253           | 90                |
| 1st 1852       | 295           | 12                | 2147           | 88                |
| 2nd            | 231           | 10                | 2049           | 90                |
| 3rd            | 242           | 11                | 1973           | 89                |
| 4th            | 296           | 13                | 1979           | 87                |
| 1st 1853       | 237           | 11                | 1849           | 89                |
| 2nd            | 205           | 12                | 1513           | 88                |
| 3rd            | 346           | 19                | 1522           | 81                |
| 4th            | 547           | 24                | 1778           | 76                |
| 1st 1854       | 444           | 20                | 1729           | 80                |
| 2nd            | 332           | 16                | 1740           | 84                |
| 3rd            | 409           | 19                | 1726           | 81                |
| 4th            | 773           | 25                | 2275           | 75                |
| 1st 1855       | 607           | 21                | 2272           | 79                |
| 2nd            | 395           | 17                | 1944           | 83                |
| 3rd            | 488           | 19                | 2079           | 81                |
| 4th            | 676           | 22                | 2433           | 78                |
| 1st 1856       | 420           | 16                | 2166           | 84                |
| 2nd            | 367           | 16                | 1905           | 84                |
| 3rd            | 468           | 19                | 2012           | 81                |
| 2nd 1859       | 327           | 19                | 1379           | 81                |
| 3rd            | 330           | 19                | 1367           | 81                |
| 4th            | 359           | 21                | 1387           | 79                |
| 1st 1860       | 352           | 21                | 1329           | 79                |
| 2nd            | 335           | 21                | 1247           | 79                |
| 3rd            | 448           | 25                | 1315           | 75                |
| 4th            | 639           | 29                | 1554           | 71                |
| 1st 1861       | 510           | 25                | 1529           | 75                |
| 2nd            | 406           | 24                | 1301           | 76                |
| 3rd            | 417           | 25                | 1250           | 75                |
| 4th            | 559           | 28                | 1423           | 72                |
| 1st 1862       | 497           | 26                | 1414           | 74                |
| 2nd            | 396           | 23                | 1327           | 77                |
| 3rd            | 412           | 23                | 1354           | 77                |
| 4th            | 536           | 26                | 1515           | 74                |

| <u>Quarter</u> | <u>Indoor</u> | <u>Percentage</u> | <u>Outdoor</u> | <u>Percentage</u> |
|----------------|---------------|-------------------|----------------|-------------------|
| 1st 1863       | 467           | 24                | 1498           | 76                |
| 2nd            | 392           | 22                | 1381           | 78                |
| 3rd            | 412           | 24                | 1300           | 76                |
| 4th            | 516           | 26                | 1443           | 74                |
| 1st 1864       | 443           | 25                | 1327           | 75                |
| 2nd            | 440           | 24                | 1383           | 76                |
| 3rd            | 503           | 28                | 1306           | 72                |
| 4th            | 557           | 29                | 1368           | 71                |
| 1st 1865       | 437           | 25                | 1320           | 75                |
| 2nd            | 395           | 25                | 1217           | 75                |
| 3rd            | 425           | 26                | 1203           | 74                |
| 4th            | 472           | 28                | 1211           | 72                |
| 1st 1866       | 422           | 26                | 1215           | 74                |
| 2nd            | 422           | 27                | 1148           | 73                |
| 3rd            | 496           | 29                | 1239           | 71                |
| 4th            | 610           | 30                | 1423           | 70                |
| 1st 1867       | 507           | 27                | 1378           | 73                |
| 2nd            | 497           | 29                | 1231           | 71                |
| 3rd            | 614           | 32                | 1309           | 68                |
| 4th            | 725           | 33                | 1466           | 67                |
| 1st 1868       | 569           | 30                | 1303           | 70                |
| 2nd            | 539           | 31                | 1191           | 69                |
| 3rd            | 588           | 32                | 1247           | 68                |
| 4th            | 650           | 31                | 1425           | 69                |
| 1st 1869       | 573           | 29                | 1378           | 71                |
| 2nd            | 536           | 28                | 1377           | 72                |
| 3rd            | 677           | 31                | 1518           | 69                |
| 4th            | 778           | 31                | 1742           | 69                |
| 1st 1870       | 650           | 28                | 1660           | 72                |
| 2nd            | 610           | 28                | 1599           | 72                |
| 3rd            | 661           | 28                | 1680           | 72                |
| 4th            | 738           | 28                | 1934           | 72                |
| 1st 1871       | 598           | 25                | 1823           | 75                |
| 2nd            | 566           | 26                | 1633           | 74                |

\* includes temporary workhouse

### APPENDIX 3

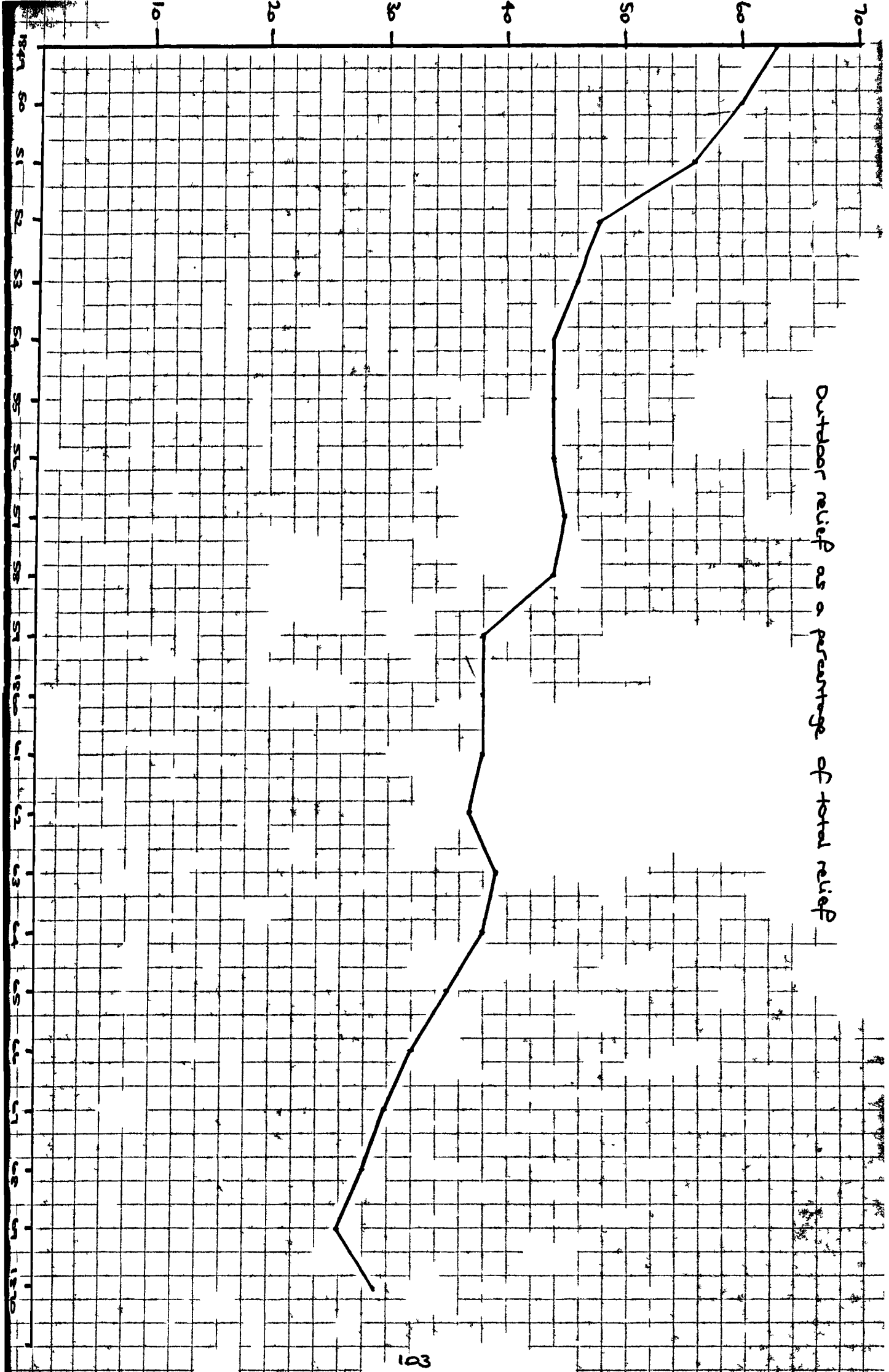
#### The recipients of outdoor relief

| <u>Quarter</u> | <u>Non a-b</u> | <u>%</u> | <u>A-b</u> | <u>%</u> | <u>Children</u> | <u>%</u> |
|----------------|----------------|----------|------------|----------|-----------------|----------|
| 2nd 1853       | 792            | 52       | 242        | 16       | 477             | 32       |
| 3rd            | 776            | 51       | 265        | 17       | 479             | 32       |
| 4th            | 808            | 46       | 379        | 21       | 591             | 33       |
| 1st 1854       | 824            | 48       | 309        | 18       | 596             | 34       |
| 2nd            | 846            | 49       | 310        | 18       | 585             | 33       |
| 3rd            | 837            | 49       | 319        | 19       | 559             | 32       |
| 4th            | 974            | 43       | 508        | 22       | 793             | 35       |
| 1st 1855       | 920            | 41       | 505        | 22       | 846             | 37       |
| 2nd            | 880            | 45       | 377        | 20       | 686             | 35       |
| 3rd            | 895            | 43       | 432        | 21       | 752             | 36       |
| 4th            | 970            | 39       | 559        | 24       | 904             | 37       |
| 1st 1856       | 889            | 41       | 484        | 22       | 792             | 37       |
| 2nd            | 879            | 46       | 352        | 18       | 673             | 36       |
| 3rd            | 895            | 44       | 420        | 21       | 698             | 35       |
|                |                |          |            |          |                 |          |
| 2nd 1859       | 692            | 50       | 229        | 17       | 458             | 33       |
| 3rd            | 711            | 52       | 231        | 17       | 425             | 31       |
| 4th            | 694            | 50       | 234        | 17       | 459             | 33       |
| 1st 1860       | 681            | 51       | 240        | 18       | 408             | 31       |
| 2nd            | 651            | 52       | 205        | 17       | 391             | 31       |
| 3rd            | 655            | 50       | 231        | 18       | 429             | 32       |
| 4th            | 704            | 45       | 340        | 22       | 511             | 33       |
| 1st 1861       | 688            | 45       | 308        | 20       | 533             | 35       |
| 2nd            | 641            | 49       | 233        | 18       | 427             | 33       |
| 3rd            | 645            | 52       | 219        | 18       | 386             | 30       |
| 4th            | 659            | 46       | 258        | 18       | 506             | 36       |
| 1st 1862       | 652            | 46       | 266        | 19       | 496             | 35       |
| 2nd            | 642            | 48       | 208        | 16       | 477             | 36       |
| 3rd            | 640            | 47       | 227        | 17       | 488             | 36       |
| 4th            | 658            | 44       | 290        | 19       | 567             | 37       |
| 1st 1863       | 660            | 44       | 277        | 19       | 560             | 37       |
| 2nd            | 646            | 47       | 229        | 17       | 506             | 36       |
| 3rd            | 646            | 50       | 214        | 16       | 440             | 34       |
| 4th            | 667            | 46       | 243        | 17       | 533             | 37       |
| 1st 1864       | 623            | 47       | 221        | 17       | 482             | 36       |
| 2nd            | 622            | 48       | 201        | 16       | 461             | 36       |
| 3rd            | 605            | 46       | 222        | 17       | 477             | 37       |
| 4th            | 624            | 46       | 234        | 17       | 510             | 37       |
| 1st 1865       | 602            | 46       | 220        | 17       | 497             | 37       |
| 2nd            | 579            | 48       | 192        | 16       | 445             | 36       |
| 3rd            | 571            | 47       | 203        | 17       | 429             | 36       |
| 4th            | 557            | 46       | 216        | 18       | 437             | 36       |
| 1st 1866       | 540            | 45       | 224        | 18       | 451             | 37       |
| 2nd            | 527            | 46       | 201        | 17       | 419             | 37       |
| 3rd            | 551            | 44       | 233        | 19       | 456             | 37       |
| 4th            | 575            | 41       | 274        | 19       | 567             | 40       |

| <u>Quarter</u> | <u>Non a-b</u> | <u>%</u> | <u>A-b</u> | <u>%</u> | <u>Children</u> | <u>%</u> |
|----------------|----------------|----------|------------|----------|-----------------|----------|
| 1st 1867       | 567            | 41       | 277        | 20       | 535             | 39       |
| 2nd            | 548            | 45       | 227        | 18       | 456             | 37       |
| 3rd            | 559            | 43       | 264        | 20       | 487             | 37       |
| 4th            | 590            | 40       | 297        | 20       | 580             | 40       |
| 1st 1868       | 603            | 46       | 250        | 19       | 453             | 35       |
| 2nd            | 575            | 48       | 223        | 19       | 393             | 33       |
| 3rd            | 575            | 46       | 243        | 20       | 428             | 34       |
| 4th            | 591            | 42       | 291        | 20       | 543             | 38       |
| 1st 1869       | 573            | 42       | 289        | 21       | 515             | 37       |
| 2nd            | 592            | 43       | 270        | 20       | 514             | 37       |
| 3rd            | 635            | 42       | 306        | 20       | 577             | 38       |
| 4th            | 724            | 42       | 366        | 21       | 652             | 37       |
| 1st 1870       | 713            | 43       | 333        | 20       | 613             | 37       |
| 2nd            | 679            | 43       | 309        | 19       | 605             | 38       |
| 3rd            | 688            | 41       | 337        | 20       | 655             | 39       |
| 4th            | 722            | 37       | 410        | 21       | 802             | 42       |
| 1st 1871       | 699            | 38       | 375        | 21       | 753             | 41       |
| 2nd            | 668            | 41       | 318        | 19       | 648             | 40       |



Outdoor relief as a percentage of total relief



## CHAPTER 5: SETTLEMENT AND REMOVAL

The system of settlement under the old poor law was based on the parish; a person was only entitled to relief in his parish of settlement and a complex network of arrangements between parishes developed, producing copious numbers of documents. The Poor Law Amendment Act failed to make any drastic change in the law of settlement, although it did abolish some ways of gaining a settlement - hiring and service for a year, serving a parish office or apprenticeship in the merchant navy - but it failed to make such provision retrospective, leaving the law even more confused. This is one of the reasons why the new poor law did not present so radical a change from the past or develop as well as it might. Settlement and removal also encompass a consideration of the questions of bastardy, emigration and vagrancy.

### (1) settlement and removal

The 1832 report and Poor Law Amendment Bill suggested abolishing all heads of settlement except birth but this would have burdened towns with children born to resident but non-settled paupers who had previously been removable or chargeable to the parishes of their parents' settlements, and it was probably this consideration that prompted Nassau Senior to convince Lord Althorp, the Chancellor of the Exchequer, to change the Bill, which was already receiving intimations of discontent from towns.<sup>1</sup> Because settlement was still parish-based disputes between unions and between parishes in the same union were not uncommon. The power of removal of a non-settled pauper was a valuable legal sanction,

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1. S G & E O A Checkland, The Poor Law Report of 1834 (1974), pp 472-479; A Brundage, The Making of the New Poor Law (1978), pp 64-65

especially for parish officers in towns. Urban poor law administrators were perhaps relieved at the new poor law's reluctance to tamper with the settlement laws, seeing their power of removal as a necessary line of defence against overwhelming demands for relief in a period of trade depression. It has even been suggested that the failure of any comprehensive attempt to reform the law of settlement in 1834 may have been a deliberate attempt to placate urban interests suspicious of the Act.

Often just the threat of removal was enough to dissuade a pauper from seeking relief: of 2,190 families ordered to be removed from Stockport between 1840 and 1846 only 656 were actually removed and removal was cheaper than the workhouse or labour test as a mechanism of less eligibility and a test of destitution. Even if the applicant was not deterred, his parish of settlement might prefer to refund the cost of any relief incurred by the parish where he was resident. This system had operated under the old poor law and continued under the new despite official disapproval by the central authority; a 'network of non-resident relief agreements' sprang up, especially in urban unions, which prevented the large-scale removal of paupers.<sup>2</sup> By 31 March 1846 there were 82,249 people in receipt of non-resident relief in England and Wales, which suggests that the settlement laws were not a significant impediment to the creation of a free labour market, although contemporaries did not share this view.<sup>3</sup> The system of non-resident relief may in fact have led to freer movement of immigrant labour and was essential to the developing

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2. M E Rose (ed), The poor and the city: the English poor law in its urban context, 1834-1914 (Leicester, 1985), pp 8-9; Brundage, *op cit*, p 64

3. A Digby, The Poor Law in Nineteenth-century England and Wales (1982), p 30

industries of northern towns. It prevented the hardship which large numbers of paupers would have suffered if removed to their parishes of settlement in trade depressions.<sup>4</sup>

In 1842 (a year of depression) the Mayor of Leicester wrote to the Poor Law Commissioners about the problem caused by non-settled paupers, who had been begging in large numbers and creating considerable alarm. He asked that the rule prohibiting relief to them by their own unions be suspended and in reply was reminded that the board was bound to relieve all persons who might be destitute in the union even though their settlements were elsewhere; if however their unions asked to be allowed to relieve them the Commissioners would consider the application. It is interesting that Leicester bothered to ask for the order to be suspended in contrast to other unions that ignored it. The Mayor issued a handbill recommending all non-settled paupers to go to the town hall so that their cases could be investigated. *Assistant commissioner Weale* reported that the Mayor had invited the other county unions to apply for permission to provide non-resident relief, but up to that time all had refused.<sup>5</sup>

The town council appointed a committee in 1844 to consider and report on Sir James Graham's Parochial Settlement Bill. In its report it referred to the problems that towns would face, especially with regard to the 'quinquennial-industrial-resident-maintenance-irremovability-clause'. It referred to the subscription fund raised in Leicester in 1840, which showed that in the fourth week of its distribution there were 1,313 families and 4,442 individuals who received help from it. Only 439 of the families belonged to Leicester parishes and the rest (874) to other

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4. M E Rose, 'The New Poor Law in an industrial area' in R M Hartwell (ed), The Industrial Revolution (Oxford, 1970), p 140

5. PRO, MH 12/6469, no 8001B, 11 & 14 June 1842, no 8639B, 27 June 1842

unions; it was estimated that four-fifths or five-sixths of the poor then belonging to *parishes outside* the union would become settled in the town. The five year residence clause, which was felt to be riddled with problems, would transfer to 'the great marts for labour' the burden of maintaining nearly all the poor who were not engaged in agricultural work. It referred to a number of other problems it foresaw and concluded that the proposed measure would 'inflict a most severe injury on Leicester and on all other large towns' and determined to oppose the bill.<sup>6</sup> In the event it did not become law.

In April 1845 the large increase in the number of non-settled poor in Leicester necessitated the temporary appointment of an assistant relieving officer for the no 1 district (St. Margaret's parish) and later in the year the board appointed an additional relieving officer to deal mainly with cases of non-settled poor, who continued in office until 1853. Early in 1846 it was resolved 'that in all cases where the chargeability of paupers is reported to Out Unions, unless an answer to such Report be received within 14 days, the paupers be immediately removed by Orders'.

Rural areas complained that they were subsidising industrial towns which benefited from the easy availability of labour in good times but had no responsibility for its workmen when they needed parochial relief; nothing brought out the conflict between town and country in poor law matters more than the law of settlement. To help the rural areas, and as a sop to the landed interest smarting from the repeal of the corn laws, the Poor Removal Act of 1846 was passed, which conferred irremovability on those who had lived in a place for five years; this was further reduced in 1861 to three years and in 1865 to only one year.

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6. Report of the Committee...appointed to consider Sir James Graham's Parochial Settlement Bill (Leicester, 1844), pp 14-19

The Poor Removal Act prohibited the removal of widows for a year after their husband's death, of children whose parents were irremovable, or those receiving relief on account of temporary sickness or accident. Another proviso laid down that receipt of poor relief during the five-year residential period disqualified the recipient from acquiring the status of irremovability, and after some initial confusion it was ruled that this did not apply to the period before 1846. Therefore many who had been receiving non-resident relief became the responsibility of the parishes where they lived and industrial areas that had attracted large numbers of migrants from surrounding villages were particularly hard hit. Trade depression and an influx of Irish immigrants in 1847 exacerbated the situation in many towns and poor law administration was seriously disrupted in some areas. Bodkin's Act of 1847 saved the system from complete chaos by transferring the charge of relieving persons rendered irremovable from the parish to the common fund of the union. However the Act was hastily drafted and had to be renewed annually, and the legislation was only tidied up in 1865 when the Union Chargeability Act placed the whole cost of all relief on the union, which became the unit of settlement.<sup>7</sup>

The Poor Removal Act was disliked just as much in Leicester as in other urban unions; during its passage through Parliament the union sent a petition against it to the House of Commons, with copies to neighbouring unions and other large towns. This stated that the bill would be of little real benefit to the poor and would 'inflict a deep injury upon the Inhabitants of all large Manufacturing Districts' and if it became law

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7. M E Rose, The English Poor Law 1780-1930 (Newton Abbot, 1971), pp 192-193, 201-202; Rose (1985) *op cit*, p 9; Sir G Nicholls, A History of the English Poor Law, vol II, 1714-1853 (1904), pp 372-373

would lead to a great increase in litigation. It added that the existing law of settlement was 'a great national evil' and asked for the whole subject to be considered with a view to a large and comprehensive measure of improvement.<sup>8</sup> According to the clerk the board was forced to adopt the Act 'in self defence' and the overseers of the various parishes were instructed to furnish him with reports on all non-settled poor, as their respective unions had stated that no relief would be repaid without them. In a letter to his colleague at Manchester he gave his opinion of the Act and how manufacturing unions might deal with it:

I apprehend the large Manufacturing towns will not quietly submit to the new order of things; should your Board take any steps towards an alteration of the Poor Law altogether, or to the abrogation of the late Statute you will greatly oblige me by informing me of it - That something must be done, appears certain, and I conceive it would be well for Unions similarly circumstanced to those of Manchester and Leicester, to act upon a well considered and combined plan of operations, by which it seems to me, we should be more likely to effect a revision of the whole Laws relative to the Poor and their relief.

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Early the following year the clerk reported on the Act's operation in Leicester, describing it as 'so replete with ambiguities, and drawn in such an unintelligible form, that hitherto, no settled and recognised construction of its first clause [relating to the five years' residential qualification] has been obtained, which has produced increase of litigation; rendering it almost hopeless to effect a removal'. Leicester had had an alarming increase in expenditure and pauperism and the Act had 'in a great measure extinguished the friendly feeling previously existing between the several Parishes'. During the quarter ended September 1846

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8. LRO, 26D68/3, 30 July 1846

9. LRO, 26D68/240, nos 375-378 & no 392, 29 October & 16 November 1846

the union had spent £830 on non-settled relief, of which over 80% was repaid, but in the following quarter £1215 had been expended of which no more than 6% was recoverable. This latter sum represented nearly three-eighths of the amount spent on outdoor relief. Not surprisingly the effects had been felt unevenly by the parishes, with those most unable to bear the burden having the heaviest part.<sup>10</sup>

Leicester had fewer non-resident poor than non-settled ones. A return of February 1847 reported 89 families in receipt of relief on 26 August 1846, involving 241 people; since that date 81 families (227 people) had become chargeable to the unions and parishes in which they lived. After the passing of the Poor Removal Act the board resolved that all authorities for granting non-resident relief should end and that no such relief would be repaid in future without a special undertaking; however if other unions did not adopt the provisions of the Act this rule would not apply.<sup>11</sup> The number of non-resident paupers and the amount of their relief was recorded from 1853: in the second quarter of that year there was an average total of 64 (31 non able-bodied and 33 children), a figure which slowly declined, and during this period no relief was paid to able-bodied non-residents.

The problems incurred by the Poor Removal Act brought criticism of the settlement laws to a head; one report recommended their total abolition. Those unions with a large Irish population were not happy at any suggestion that they would lose the power of removal whereas one attempt at legislation in 1854 was opposed by Irish MPs who wanted protection for Irish immigrants against removal back to Ireland. The Acts

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10. PRO, MH 12/6472, no 2922B, 1 February 1847

11. LRO, 26D68/3, 9 April 1844; 26D68/4, 13 October 1846



of the 1860s reduced the influence of the settlement laws and subsequent legislation in the twentieth century further weakened them but they were not in fact repealed until 1948.<sup>12</sup> As well as the economic arguments against settlement there was also a moral objection, especially to removals. There was the potential for paupers to be hounded by parish authorities and after 1846 to be forced to leave their homes before they fulfilled the five year residence requirement. An enquiry in 1852 apparently revealed the lengths to which some officers would go to avoid paying relief.<sup>13</sup>

The most detailed study of settlement and removal was undertaken by Ashforth, using evidence from Bradford between 1834 and 1871.<sup>14</sup> He points out that all towns attracted large numbers of migrant workers, with considerable movement into nearby urban centres from surrounding villages; it has been calculated that migrants seeking work rarely travelled more than ten miles from their place of origin. In 1851 43% of the inhabitants of Derby and 53% of the residents of Liverpool had been born outside the county; 55% of Bradford's population, 36% of Sheffield's and 31% of Leeds' were born outside the respective towns.<sup>15</sup> This would inevitably be reflected in urban relief statistics: in Nottingham almost half of all applicants were said to be legally settled outside the town; 20% of those in Sheffield in 1837 and 23.1% in Bradford between 1839 and 1842 were settled outside the unions. Leicester attracted migrants not only from

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12. Rose (1971) *op cit*, p 193; M E Rose, 'Settlement, Removal and the New Poor Law' in D Fraser (ed), The New Poor Law in the Nineteenth Century (1976), pp 29-31

13. Rose in Fraser, *op cit*, pp 33-34, 36-37

14. D Ashforth, 'Settlement and removal in urban areas: Bradford, 1834-71' in Rose (1985) *op cit*, pp 58-91

15. J Walvin, English Urban Life (1984), p 15

Leicestershire but also from surrounding counties. In 1851 45% of inhabitants had been born outside the town (a figure which had increased to 62% by 1911)<sup>16</sup> with the majority having been born in the county: 89% of those under the age of twenty and 72% of those aged twenty and over. The largest number of 'outsiders' came from Northamptonshire, a total of 1763 people, representing 0.03% of the inhabitants of the town, and only 877 were born in Ireland.<sup>17</sup>

In Bradford about a third of the outdoor poor were Irish who were more subject to poverty than English workers. However this does not appear to have been a problem in Leicester. A report on the state of the Irish poor in 1836 asked a number of questions of Roman Catholic clergymen. The replies for Leicester showed that there were about 300 Irish in Leicester of whom about 200 could be classed as poor, 'but not receiving pay as paupers'. They had first arrived in the town about 1815 and the number had gradually increased since; they were employed in a number of occupations, 'but, in whatever departments, they can procure employment'. They appeared to have integrated reasonably well with their English neighbours. In a letter to the chairman of Liverpool select vestry the clerk stated that the board had relieved 173 Irish people between Lady Day 1850 and 19 February 1851 at a cost of £61-5-0.<sup>18</sup>

Although a board of guardians could direct the overseers of the poor to take out orders of removal it could not itself initiate proceedings and 'the guardians' imperfect control of the removal process

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16. R A McKinley (ed), Victoria County History, vol IV: The City of Leicester (Oxford, 1958), p 276

17. Information from census figures, 1851

18. Enquiry into the Condition of the Poorer Classes in Ireland - 1st Report. Appendix G: State of the Irish Poor in Great Britain, 1836 (40) XXXIV; LRO, 26D68/244, no 261, 19 February 1851

must have reduced their enthusiasm for large-scale removals'.<sup>19</sup> Fear of appeals apparently deterred the Bradford board from indiscriminate removal and the overseers probably applied for removal orders only when the grounds for removal seemed strong; if the case went to quarter sessions the chances of an appeal succeeding were very good and the costs, in both time and money, could be high.<sup>20</sup> Nevertheless many removals did take place. In 1840 there were 11,000 orders issued by JPs in England and Wales involving 32,000 English paupers; in 1849 there were 13,867 orders accounting for about 40,000 people. The numbers reduced after the 1840s: in 1856 there were 6,800 orders (16,546 persons) and in 1867 4,600 (9,900 paupers and their families).<sup>21</sup> Some areas were more affected than others: of the 52,000 orders granted between 1845 and 1849 29,000 were taken out in Lancashire.<sup>22</sup> Most removals were relatively short distance ones, because of the expense involved. The average cost of all this litigation was surprisingly low although potentially it could be excessive. In the early 1840s, when removals were particularly heavy, Stockport only spent about 5% of its total relief expenditure on removals.<sup>23</sup>

In normal times removal was not often used in Leicester, probably for the same reasons as in Bradford. A report on removal orders granted by JPs in 1850 showed that the union had only removed 23 paupers in 1845-49; in 1847 and 1848, which were years of depression, there was only one removal each, five in 1846 and eight each in 1845 and 1849. None of

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19. Ashforth, *op cit*, p 65

20. *Ibid*, pp 66-67; D Ashforth, 'The Poor Law in Bradford c. 1834-1871' (PhD, University of Bradford, 1979), pp 303-304

21. Rose in Fraser, *op cit*, pp 27, 44 (table)

22. *Ibid*, p 38

23. *Ibid*, p 34; Ashforth (1985), *op cit*, pp 66-67

these involved Irish or Scottish paupers and the figures were lower than those recorded for other unions. However another return made in April 1847 showed that 48 removal orders had been obtained in 1845 of which 47 had been executed. A study of removals in Nottinghamshire between 1775 and 1844 excluded the county town and Southwell, for which information was unavailable; in the rest of the county the number of removals increased in years of depression but even at Mansfield, where the largest number of removals in the county were found, only about four people in every 1,000 were affected in the peak period of 1824-27.<sup>24</sup>

The problems caused by non-resident relief are highlighted by the number of letters on the subject. The clerk to the Bradford guardians wrote 1,335 letters in the half year ended at 25 December 1845 and received another 682. In addition to the 'normal' business there would inevitably be a number of illegal removals and no union appears to have been entirely innocent of this practice, despite the introduction of penalties for officers found guilty of inducing them. Some groups were more vulnerable to removal than others, especially those liable to be a permanent charge on the union. 61.9% of those removed from Bradford during the three years ended at Lady Day 1843 were woolcombers who were particularly prone to poverty and whose labour was unlikely to be in high demand, and many of them were removed to the textile centres of Leicester, Nottingham and Kidderminster; a further 25.5% involved unattached women. The deterrent aspect of the threat of removal was particularly significant with these groups.

The threat of removal also induced parishes to pay non-resident

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24. Removal Orders granted by JPs (1845-1849), 1850 (666) L; PRO, MH 12/6472, no 75338, 6 April 1847; H Collins, 'The pattern of poor law removals in Nottinghamshire in the early nineteenth century', Local Population Studies, no 27, Autumn 1981, pp 71-78

relief. This system was essentially a regional one; 63.2% of the unions and 76.6% of the parishes having non-resident accounts with Bradford in 1845 were in Yorkshire or Lancashire.<sup>25</sup> As a result most unions in the north paid non-resident relief; the Bradford board's problems usually lay with unions in the south which could confidently call its bluff as removal was unlikely to be carried out. During the two years ended March 1843 151 Bradford families were ordered to be removed but only 49 were; similarly in Manchester in 1852, out of 2,160 paupers threatened with removal only 337 were actually removed.<sup>26</sup>

The clerk to the Leicester union also wrote a copious number of letters to other unions on individual cases of non-resident and non-settled poor. In the period covered by the first surviving letter book (December 1843 to July 1844) he wrote to about 90 unions, as well as some individual parishes, a total of 516 letters. This is considerably less than Bradford's figure but nevertheless represents the majority of all the letters written; most of the letters to other unions were concerned with individual cases. As one would expect the largest number of letters involved neighbouring unions: there were 22 to Ashby de la Zouch, 25 to [Market] Bosworth, 24 to Barrow on Soar, 27 to Hinckley, 31 to Market Harborough, 26 to Loughborough and 24 to Lutterworth, representing 34.7% of the total. There appeared to be a strong regional structure, with about 400 concerning unions and parishes in neighbouring counties (about 80%) but there are others to very distant unions such as Edinburgh, Berwick on Tweed, Penrith, Warrington, Plymouth, Tiverton and the Isle of Wight. In November 1844 the clerk calculated that there were

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25. Ashforth (1985), op cit, p 71; Ashforth (1979), op cit, p 313

26. Ashforth (1985), op cit, p 72

1,000 families who had come to work in the woollen hosiery trade of the town but without a legal settlement there.<sup>27</sup> By the late 1860s the number of letters had dropped considerably. In the period May 1869 to January 1871 only 125 letters were written, to 50 unions and parishes. The only two unions which received more than ten letters were Leicestershire ones, Barrow on Soar (11) and [Market] Bosworth (13). The clerk was still writing to some unions a good distance from Leicester, such as Bridgwater, Bristol and Cardross.<sup>28</sup>

Following the Poor Law Commissioners' general order on non-resident relief introduced in December 1844 several unions announced that they would no longer authorise any board to administer relief on their behalf or placed particular restrictions on the non-resident relief they were prepared to authorise, such as cases of sickness, infirmity or old age, or by length of time or amount. Some unions refused to pay medical and funeral expenses. If the union medical officers were paid a salary rather than per case they could treat non-settled patients at little extra cost and the board was therefore reluctant to repay medical relief provided for their non-resident paupers. Bradford, and unions in a similar position where the medical officers were paid per case, could only place non-settled paupers under suspended orders of removal but this was made illegal by the 1846 Poor Removal Act which only allowed suspended removal orders in cases of permanent disability.<sup>29</sup>

Some unions were very slow in repaying relief; Leicester on one occasion apparently denied having given orders for relief in cases where

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27. LRO, 26D68/236; Innocent, *op cit*, p 36

28. LRO, 26D68/257

29. Rose in Hartwell, *op cit*, pp 316-318; Ashforth (1985), *op cit*, pp 73-74

Bradford's clerk claimed to have letters proving that it had done so. Under the general order of December 1844 responsibility for non-resident accounts was transferred to the clerk: during the quarter ended at Lady Day 1846 £1,640 was paid out to Bradford's non-settled poor of which 76.8% had been recovered by the following August, 12.7% was still to be collected and 10.4% (£171) was deemed to be irrecoverable. The non-resident relief system caused confusion in the minds of both officers and paupers and encouraged a belief amongst the poor that non-settled applicants were not only liable to removal but also that the union of residence was under no obligation to relieve them whereas in fact ultimate legal responsibility lay with this union.<sup>30</sup>

The Leicester board entered into reciprocal arrangements with other unions but otherwise would not relieve non-resident paupers unless they were proved to be removable.<sup>31</sup> It experienced difficulties with a number of unions: the Banbury union apparently declared that every non-settled pauper in that union, who became destitute, 'shall be left to struggle unaided with such destitution'. The Leicester clerk asked the Poor Law Commissioners to intercede and 'prevent the perpetration of any such systematic barbarity'.<sup>32</sup>

In July 1849 the Birmingham union decided to discontinue all payments for non-resident and non-settled poor and Leicester's clerk wrote to his colleague there expressing his great regret at the resolution which, 'while it only saves officers a little trouble, it is a cruel measure towards the Poor'. The two cases relieved on Leicester's behalf

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30. Ibid, pp 74-75; Ashforth (1979), op cit, p 318

31. LRO, 26D68/241, no 5, 30 December 1846

32. LRO, 26D68/240, no 395, 20 November 1846

were very aged people and one lived in Birmingham only because her daughter was there. By its resolution the Birmingham board would have to remove them by orders, 'breaking the only remaining tie they have left, and inflicting upon Poverty what in fact is equal to transportation'. He was sure the clerk could not approve the measure and 'would cheerfully have had performed the trifling additional duty' of keeping the non-resident accounts and concluded: 'there has been a large amount of odium attached to the Poor Law most undeservedly, the chief fault lying with the Guardians or Officers of Unions in not carrying out the provisions judiciously and with due consideration'.<sup>33</sup>

The Nuneaton union decided to emulate Birmingham, on the advice of the auditor. In a very long letter the Leicester union clerk reiterated his arguments against such a step which would save the auditor some trouble but which he doubted would persuade all the Nuneaton paupers to reside within the limits of the union:

This latter gain is a beautiful thing in theory, but as human nature is not a mere problem in mathematics, nor human beings pieces of Machinery exactly similar in every respect, the attempt to govern them even for the purpose of relief, upon one unvarying plan can only tend to increase the misery it is the professed object of the Law to relieve.

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In very emotive language he explained why he felt the proposed step to be wrong and urged the Nuneaton board to reconsider, adding: 'my experience of Union matters teaches me that the most humane and considerate mode of treatment is certainly the most consistent with the duty we owe to our fellow creatures but is also the most economical...'

Shortly afterwards he wrote in a similar vein to the clerk of the

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33. LRO, 26D68/243, no 34, 10 August 1849

34. LRO, 26D68/249, no 340, 9 November 1857



Newark union. In Leicester, he believed, more persons were relieved on account of other parishes than any other in the midlands, entailing a lot of extra work, adding: 'but when I consider the amount of outrage which must be done the feelings of the poor, and the evils that would result therefrom, my own labour and trouble is as nothing in the scale against them....' He again urged the union to reconsider its decision but only succeeded in offending its clerk who felt imputation had been cast upon himself and the board. According to Chamberlain, Leicester's clerk, several unions had adopted a similar resolution but had rescinded it when they saw the unnecessary hardship it would inflict on the aged poor.<sup>35</sup>

In the quarter ending March 1840 Bradford township relieved 1614 non-settled paupers at a cost of £752, while only 49 of its non-resident poor were relieved in other unions at a cost to Bradford of £35. The undermining of the non-resident system by the Poor Removal Act, which made many former non-resident paupers irremovable, added about £5,000 to Bradford's relief bill. The Act was alleged to have cost Bolton at least £800 a year and Norwich £4,000; in Leicester the poor rates apparently doubled and urban unions as diverse as Exeter, Rochdale and Canterbury all claimed to have suffered from the legislation. Many unions saw the Acts of the late 1840s as establishing a national system of poor relief without a national poor rate to make it equitable. *Local self-determination faded* in the light of greatly increased expenditure and several unions, such as Bradford, Leicester, Manchester, Rotherham and Sheffield, joined together to petition for a national poor rate.<sup>36</sup>

Irremovability had three effects - it prevented the actual removal

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35. LRO, 26D68/250, no 139, 9 June 1858

36. Ashforth (1979), *op cit*, pp 325-326; Ashforth (1985), *op cit*, pp 78-79

of non-settled and Irish paupers, it destroyed the deterrent effect of the threat of removal and undermined the system of non-resident relief. Some unions, like those in north-east Lancashire, used new legislation on appeals against removals to increase their chances of success but in Bradford there was apparently little change: between 1848 and 1871 71.0% of appeals against removal were successful compared with 74.6% between 1837 and 1848. The number of removals in Bradford dropped, in line with the national trend: during the three years ending Lady Day 1843 there was an average of 400, during the seven years ending Lady Day 1857 it fell to 116 and by 1867-8 was down to 33.<sup>37</sup>

Boards were more concerned about the loss of the deterrent value of removals, especially with respect to the Irish poor, and Bradford was one of several unions which decided that the Poor Removal Act did not apply to Irish paupers, no matter how long they had lived in the union. During the period 1847-58 about 1,600 paupers were returned to Ireland from Bradford and the union was able to maintain the deterrent element even if it was largely bluff. The Removal of Irish Paupers Act of 1861 charged the removing union with the responsibility of conveying the pauper to his ultimate destination in Ireland; this was obviously a strong incentive against Irish removals and by 1865 Bradford had abandoned them. Between 1867 and 1874 no Irish paupers left Bradford and only 36 from the West Riding returned to Ireland.<sup>38</sup>

The problems of settlement and removal were very important to the Leicester union, as they were to other urban areas most affected in particular by the Poor Removal Act. The views of the clerk are the only

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37. Ibid, pp 565-566; Ashforth (1985), op cit, pp 81-82

38. Ibid, pp 82-83

ones available and he seems to have been frustrated by the difficulties of a confused system, but nevertheless appeared to consider the interests of the poor. No amelioration was possible before 1865: with hindsight it seems so obvious that many of the financial difficulties experienced by unions could have been avoided.

(ii) bastardy

The bastardy clauses of the 1834 report were some of the most controversial and it was in this area that the legislators suffered their most serious obstacle and ultimate defeat. The letters of complaint on the subject equalled those on the separation of families in the workhouse. There were many problems surrounding the bastardy legislation of the old poor law; it was felt that the system undermined modesty and self-reliance and placed a premium on early and improvident marriages. A number of remedies were proposed in the Bill: the child's settlement was to follow the mother's to the age of sixteen; the repealing of the law requiring JPS to send 'lewd women' to gaol; requiring the mother of an illegitimate child to support it; and exempting the putative father from all legal responsibility for the child's maintenance.<sup>39</sup> Liability for the child would therefore rest with the mother, then her parents, and was a total reversal of the existing law. Under pressure it was agreed to restore a parish's rights to sue a putative father for maintenance, provided nothing was paid to the mother. Other changes were made, such as the removal of the maternal grandparents' liability, so that the bastardy clauses of the Poor Law Amendment Bill became a complete muddle.

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39. Checkland, *op cit*, pp 258-274, 477-483; U R Q Henriques, 'Bastardy and the New Poor Law', Past & Present, no 37, July 1967, pp 104-109

The eventual result was that the acts for the imprisonment of 'lewd women' disappeared; the child's settlement was to follow the mother's to the age of sixteen; affiliation actions were retained but transferred to quarter sessions where the mother's evidence had to be independently corroborated in some way; and maintenance payments were not to exceed the actual cost to the parish of maintaining the child and were to stop when it reached the age of seven. If a parish failed to obtain an order it had to pay the full costs of the action and a man could not be imprisoned for failing to pay; no money recovered was to be paid to the mother or applied to her maintenance. As a result deserted women no longer stood to gain anything by an affiliation order and any action at quarter sessions was difficult, costly and hazardous, as was intended.<sup>40</sup>

The two universal objections to the bastardy clauses were that they were inequitable, by putting the whole burden on the woman, and the parish was by and large prevented from recovering any part of the cost of supporting mother and child which now fell wholly on the poor rates. The Poor Law Commissioners claimed to have reduced bastardy but all they had done was push the problem out of sight. In the West Riding of Yorkshire between 1834 and 1836 for example the number of chargeable bastards fell by 34.1% but the number of affiliation orders by 64.5%. The falling income from putative fathers hit the mothers, not the ratepayers.<sup>41</sup>

In 1837 affiliation cases were returned to petty sessions but problems remained. In 1844 the enquiry into the 'Rebecca riots' in South Wales denounced the bastardy clauses, and the 1844 Poor Law Act forbade parish or union officers to intervene in maintenance actions so long as

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40. Henriques, *op cit*, pp 112-114

41. Ashforth (1979), *op cit*, pp 334-338

the mother was alive and capable. It became a misdemeanour to attempt to induce persons to marry by the threat of a maintenance order and instead the mother obtained a direct action at petty sessions against the father, but still subject to the provision of corroborative evidence of paternity. Other acts in 1868 and 1872 further tidied up the system.<sup>42</sup> The intense unpopularity of the bastardy clauses apparently endangered the whole poor law. In some parts of the country they seem to have upset a delicate machinery of social balance and they failed partly because they attacked the stability of still conservative communities and affected women inequitably, with servants being especially hard hit. They were unnecessarily severe and introduced a sudden withdrawal of the easy procedure for obtaining support for an illegitimate child.<sup>43</sup>

The overseer for St. Mary's parish in Leicester submitted a report on the subject of bastardy to the Commissioners investigating the poor laws, which was published in the 1834 report. He said that the town of Leicester would very soon be burdened with additional expense for bastardy cases from the extra parochial areas. Apparently women with illegitimate children had taken to moving into these areas to have their children and then returned to their parishes, leaving the children without a settlement in any of the parishes of the town but burdening the mother's parish of settlement with the child's relief. In addition the mothers often died and the fathers could not be traced. The reason for this curious procedure is not explained but the overseer suggested that every bastard

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42. Henriques, *op cit*, pp 117-119

43. *Ibid*, pp 125-129

child should take its mother's settlement.<sup>44</sup>

The incidence of bastardy fell less in Leicestershire than in other counties. The figures produced by the Poor Law Commissioners in their second annual report show only a 7% decrease in chargeable bastards and a 36% decrease in affiliations between the years ending at Lady Day 1835 and 1836. This was less than Nottinghamshire (16% and 49% respectively) and considerably below rural counties such as Hertfordshire which recorded a 28% decrease in chargeable bastards and Bedfordshire which had a 75% reductions in affiliations.<sup>45</sup> The lack of evidence on the subject makes it difficult to know how much of a problem bastardy was in Leicester. The Commissioners' figures quoted above seem to indicate that there were still a considerable number of cases but there is nothing comparable for a later date.

### (iii) emigration

One solution to the problem of large numbers of unemployed labourers was state-assisted emigration. The idea that it could reduce pauperism remained a respectable one and in years of social and economic disturbance it gained in credibility.<sup>46</sup> The first experiments took place in 1823 and 1825 but better economic conditions led to less interest in state-financed emigration. The Poor Law Amendment Act included a clause that enabled a parish to raise money for emigration and in 1835 there were

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44. Report from His Majesty's Commissioners for inquiring into the administration and practical operation of The Poor Laws, 1834, Appendix C, vol XXXVII, p 400C

45. Poor Law Commissioners, 2nd annual report, 1836, appendices D3 & D4

46. H J M Johnston, British Emigration Policy 1815-1830 (Oxford, 1972), p 163; H L Malchow, Population Pressures: Emigration and Government in late Nineteenth-Century Britain (Palo Alto, California, 1979), pp 2-8

about 5,000 assisted emigrants from England; however there were less than 10,000 in the following ten years. Between 1834 and 1853 nearly 24,000 people were helped to emigrate.<sup>47</sup>

A significant movement for state emigration re-emerged in the late 1860s, largely as a result of the cotton famine. The President of the Poor Law Board refused to consider assisted emigration but in the first six months of 1863 over 2,000 operatives were helped to emigrate through private efforts; the government made a token effort to promote emigration during the period of greatest distress in 1863. In 1867-68 four organisations for aiding emigration from distressed areas were established in London of which two assisted several thousands annually. The National Emigration League was established in December 1869 and contacted guardians in affected areas to urge them, without much success, to make use of their statutory powers to assist emigration through the poor rates; in 1866-67 only eighteen persons were assisted and between three and four thousand between 1853 and 1870. The League had declined by 1871.<sup>48</sup>

Some parishes and unions used emigration more extensively than others. Between July 1836 and December 1847 some 315 left eighteen Oxfordshire parishes under poor law auspices for Canada, South Australia and the Cape of Good Hope. Between 1835 and 1837 only 51 people left Somerset, seven of them from the Wincanton union; 181 left the union between 1835 and 1870. Nationally 6,403 paupers were assisted to emigrate between 1835 and 1837, a very small percentage of those who actually left

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47. Johnston, *op cit*, p 164; S & B Webb, English Poor Law Policy (1963), pp 141-143

48. Malchow, *op cit*, pp 14-23, 40; Webb, *op cit*

the country.<sup>49</sup>

Even at the height of its popularity emigration was not resorted to very often by the Leicester board. By 1845 not one case had been recorded and six years later there had only been one.<sup>50</sup> Various enquiries were made from 1845 onwards concerning passages to the United States and Malta, including an experimental voyage on the 'SS Great Britain' when the fares were greatly reduced.<sup>51</sup> In March 1849 came the first successful emigration, of Thomas Aris and his family to Canada. They belonged to St. Martin's parish; Thomas was 'a strong able bodied labourer' and his wife 'a very industrious woman', and the guardians were anxious to help them. Thomas was aged 42, his wife Ann was 34 and the four children (three boys and a girl) aged between one and a half and twelve; they were to emigrate on the 'Mayflower' on 28 June. The clerk however was a little unsure of how the family would behave, urging the person appointed to meet them in London, where they were to stay overnight: 'It would be well [to] give Aris a caution not to drink too freely, or perhaps it would be better to order the quantity of liquor he will require for him - not that I think the man will misconduct himself but that people of his class, too frequently on such occasions are apt to forget themselves'.<sup>52</sup>

In 1849 and 1851 three children of women being transported were allowed to accompany them; the government paid their passages and provided them with the necessary clothing, and the board the cost of conveying them

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49. P Horn, 'Aspects of Oxfordshire poor relief: the 1830s', Cake and Cockhorse, vol 8, 1980, p 56; Randell, op cit, pp 214-216

50. PLC, 11th annual report, 1845; PLB, 4th annual report, 1851

51. LRO, 26D68/241, no 380, 10 February 1845

52. LRO, 26D68/319, no 13, 31 March 1849; PRO, MH 12/6475, no 3348/4088, January 1850; LRO, 26D68/242, no 426, 23 June 1849



to the port of embarkation. In a similar case the following year the board received a request to send out to Sydney the wife and family of a man named Underwood who had been transported. He was then in the service of the Australian Agricultural Company who reported him to be industrious and steady; a request for government assistance was granted.<sup>53</sup>

The board was obviously lukewarm about emigration and in 1852 resolved that non-settled and irremovable poor should only be helped to emigrate in exceptional cases; the guardians for two of the parishes were opposed to any emigration.<sup>54</sup> In that year three men were assisted but there were only two more cases up to 1871.<sup>55</sup> Sometimes emigration was impossible because the person concerned wanted to go to somewhere that was not a British colony, but nevertheless it is clear that emigration was nowhere near as popular in Leicester as in other unions. After about 1850 this was probably because there was little surplus labour in the town; the numbers on relief were only high in times of particular distress, which lessened as the century progressed, and it would not be sensible to help workmen to emigrate whose labour would be in demand again within a matter of weeks.

#### (iv) vagrancy

Vagrants presented special problems. At first there was no uniform policy for them and in some unions they were treated as a police, rather than a poor law problem. The influx of Irish immigrants in the

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53. LRO, 26D68/5, 11 September, 20 & 27 November 1849; 26D68/319, no 102, 18 July 1850; 26D68/335, no 46714, 26 November 1851

54. LRO, 26D68/6, 25 June 1852

55. PRO, MH 12/6476, no 28420, 16 July 1852; LRO, 26D68/8, 6 May 1856; 26D68/319, no 301, 9 May 1856; 26D68/14, 28 March 1871

wake of the potato famine brought the problem into sharper focus. In 1848 the 'Buller Minute' was issued which urged guardians to distinguish carefully between those tramping in genuine search for work and idle vagrants; the latter, especially able-bodied men, were to be given only the minimum of aid. Over the next twenty years many unions built separate vagrant wards where food was sparse (bread and gruel) and the sleeping accommodation consisted of a platform covered only with a blanket; some unions required vagrants to be bathed on entry and to perform a task of work before leaving and the aim was to get rid of them as soon as possible. For much of the nineteenth century central authority had to persuade guardians to provide even passably sanitary conditions in casual wards and it also tried to impose uniformity on casual wards to stop the habit of vagrants of going to the less strict ones. They apparently had a system of 'coding' workhouses for the severity of their reception and left messages arranging to meet friends and so on. A 'way ticket' system was introduced in some unions which showed a vagrant's destination but it was later abandoned, along with the attempt to distinguish between the deserving wayfarer and the undeserving tramp.<sup>56</sup>

The Bradford union actively discouraged vagrants. In 1863 it decided to set the able-bodied men a task of breaking limestone, changed five years later to oakum-picking for both sexes. The vagrants were allowed to keep their clothes but often destroyed them in the hope of getting replacements so in 1868 the union bought sackcloth to replace their clothes. There was little change of attitude in the union from the

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56. Rose (1971), *op cit*, pp 193-194, 208-213; N Longmate, The Workhouse (1974), chapter 19, *passim*; M A Crowther, The Workhouse System 1834-1929 (1981), chapter 10, *passim*

1840s towards vagrants.<sup>57</sup> Vagrants in Gateshead were a regular source of trouble and in October 1847 they were refused relief except in cases of extreme destitution. Only ten were relieved in three months compared with 1,500 in the previous four. However the union had a change of heart from the mid 1850s; the average admission of eight per fortnight in 1858 rose to 60 ten years later and over 200 in 1878.<sup>58</sup> In any study of the incidence of vagrancy caution must be exercised: Dunkley uses the vagrancy returns as an example of the discrepancy between figures supplied to the central authority and those available in the local records.<sup>59</sup>

The Leicester union did not make vagrants welcome. At first it apparently did not have much trouble and issued tickets for the town's lodging houses.<sup>60</sup> However a return of vagrants in March 1846 showed a large increase since 1841:

|      | <u>Men</u> | <u>Men aged 18-40</u> | <u>Women</u> | <u>Total</u> |    |
|------|------------|-----------------------|--------------|--------------|----|
| 1841 | 42         | 24                    | 18           | 60           |    |
| 1842 | 1126       | 810                   | 205          | 1331         |    |
| 1843 | 1386       | 1094                  | 230          | 1616         |    |
| 1844 | 2482       | 1645                  | 490          | 2972         |    |
| 1845 | 2963       | 1814                  | 330          | 3293         | 61 |

This was an increase for men of nearly 7,000% and for women nearly 2,000%. However a report by assistant commissioner Weale in 1849 showed a slight decline from Michaelmas 1848 to Michaelmas 1849.<sup>62</sup> In January 1847

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57. Ashforth (1979), op cit, pp 521-527

58. F W D Manders, 'The administration of the poor law in the Gateshead Union, 1836-1930' (MLitt, University of Newcastle upon Tyne, 1980) pp 18, 61

59. P Dunkley, 'The 'Hungry Forties' and the New Poor Law: A Case Study', The Historical Journal, vol XVII, 1974, p 333

60. PRO, MH 12/6469, 4 March 1841

61. PRO, MH 12/6471, no 3531B, 11 March 1846

62. PLB, 2nd annual report, 1849, Appendix A15

Weale reported on vagrancy in his area; in Leicester vagrants were no longer received in the workhouse but supplied with lodgings in the town.

He gave his view of the overall situation:

The complaint of the riotous and disgusting conduct of Vagrants in Workhouses is universal, they frequently assault the Officers and the Justices are tired of committing them to Prison - it is difficult to advise what course is to be pursued with them. The numbers applying are greatly on the increase and it is the opinion of many persons that a great portion of this Class never attempts to get work but obtain their livelihood by begging in the day and lodging in the different Workhouses at night.

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The system of using lodging houses in Leicester led to a complaint by the borough magistrates about the vagrant poor congregating in those in Abbey Street, which they feared would cause an increase of fever in the town. The porter of the workhouse was instructed to separate the vagrants as much as possible when he gave them tickets for the lodging houses so that if possible no more than two were sent to each.<sup>64</sup> The cost of vagrants was made a common charge although the board was not sure if it was acting legally on this matter.<sup>65</sup>

In 1848 the board decided to adopt the system suggested by the Poor Law Board of issuing certificates to deserving vagrants and some 5,000 tickets were printed to be distributed among the ratepayers.<sup>66</sup> The clerk gave details of the treatment of vagrants in a letter to the clerk of the Stoke on Trent union: they were given a supper of bread and porridge, and a bed, and were required to pick 11b of oakum before being allowed

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63. PRO, MH 12/6472, no 1201B, 14 January 1847

64. LRO, 26D68/241, no 240, 5 August 1847

65. LRO, 26D68/242, no 3, 28 April 1848

66. LRO, 26D68/4, 29 August & 10 October 1848

breakfast, also of bread and porridge, and discharged. He concluded: 'since this system has been adopted, it is surprising how much Vagrancy has decreased, our average number of Vagrants now being 72 per week - previously it was nearly 200'.<sup>67</sup>

The system of dealing with vagrants was amended periodically, as the problem grew or lessened. Although they were treated fairly harshly there were still limits: in 1852 the assistant porter was dismissed after he was found guilty of keeping a female vagrant locked up for 24 hours without food.<sup>68</sup> The board's attitude however changed little over the years. In 1865 it was summed up by the clerk in a letter to his colleague at Nottingham:

Strong able bodied Men have a Barrack room Bed and a Rug, with drinking Water ad libitum, but nothing more. Women with or without Children have Beds and bedding, and a moderate supply of broken Victuals. Vagrants of either sex who appear feeble or really wanting food are supplied in a like manner. If ill they are detained until the Medical Officer has seen them, who passes them on if able, or if not he admits them into the Workhouse for a few days, until they are so.

We have not task of work, neither do we use the belt, except under Medical direction.

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Various recommendations were adopted early the following year. The tramp wards were to be warmed in winter, the yards attached were to be roofed over to form a workroom and vagrants admitted at or before 8.00 p.m. were to have a supper of a pint of porridge and 5oz of bread. All the able bodied were to pick  $\frac{1}{2}$ lb of oakum or 1lb if they had breakfast; anyone admitted after 8.00 in the evening and genuinely in need of food

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67. LRO, 26D68/242, no 128, 11 October 1848

68. LRO, 26D68/6, 18 May & 8 June 1852

69. LRO, 26D68/255, no 267, 21 August 1865

would be given it.<sup>70</sup> The regulations were amended slightly on the advice of the Poor Law Board: all vagrants admitted after 8.00 were to be given 4oz of bread and all who had breakfast and all the able-bodied were to pick 1lb of oakum.

Another rise in the number of vagrants in 1868 led to new regulations:

...it is desirable that one uniform system as to the treatment of Vagrants should be adopted...a distinction should if possible be made between the Wayfarer, and the professional Vagrant...the latter should be placed entirely under the superintendence and management of the Police, while the former might be provided for at the Workhouse. This might probably be accomplished if the genuine Wayfarer were provided with a Ticket (showing from whence he came and whither he was travelling), upon which being authenticated by the Police, should entitle the holder to accommodation at the Workhouse without any task of work being required of him.

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According to the clerk many vagrants applied to the workhouse for the treatment of 'itch' who had been refused treatment elsewhere. This, he said, 'not only throws the treatment of such a complaint most unequally about the Country, but tends to propagate a loathsome disorder which now frequently finds its way into the middle and upper classes of society'. He believed that if all workhouse medical officers were compelled to treat the complaint it would greatly diminish.<sup>72</sup>

Another vagrancy return of December 1870 showed that there was accommodation at the workhouse for only 40 men and fourteen women; they were not bathed on admission, searched, or their clothes taken away from them at night, but their clothes were dried if wet. The average number

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70. LRO, 26D68/321, no 89, 9 February 1866

71. Ibid, no 256, 12 February 1869

72. Ibid

admitted during the half years ending at Christmas 1869 and Midsummer 1870 was 123 (107 men, ten women and six children) and 128 (115 men, nine women and four children); no orders were given for lodging houses during the same period. Any vagrants guilty of disorderly behaviour were taken before a JP and there had been seventeen such cases - all for destroying their bedding - during the year ended 1 December 1870.<sup>73</sup> Regular figures on the number of vagrants were not recorded until the end of 1865 but in the few years to the end of the period of this study increased rapidly (see appendix).

Quite clearly vagrants were regarded as a nuisance and it was only under pressure from the central authority that the guardians did anything for them. The other problems outlined in this chapter tend to stem from the inadequacy of the legislation to deal with the 'nuts and bolts' of the poor law. A new system was imposed almost as a veneer, with much of the underlying structure unaltered. This meant that in Leicester, as in similar unions elsewhere, the administration could only deal with difficulties as they arose which militated against an efficient system. The importance of the Union Chargeability Act in particular gives more support to the view that it was only in the 1860s that the new poor law operated as it was intended.

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73. LRO, 26D68/344, 3 January 1870 [sic]

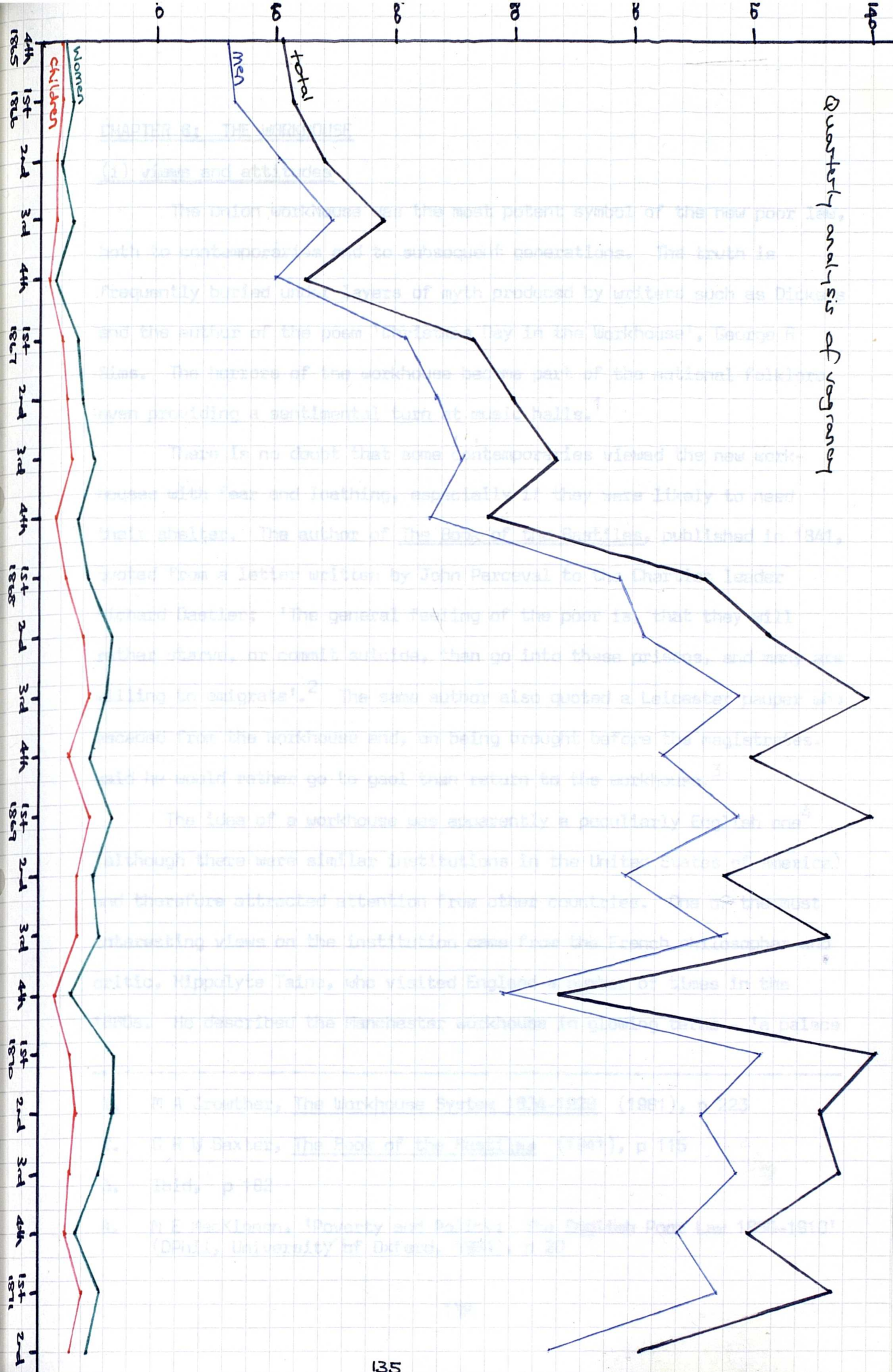
APPENDIX

Average number of vagrants, 1865-1871

| <u>Quarter</u> | <u>Men</u> | <u>Women</u> | <u>Children</u> | <u>Total</u> |
|----------------|------------|--------------|-----------------|--------------|
| 4th 1865       | 32         | 5            | 4               | 41           |
| 1st 1866       | 33         | 6            | 4               | 43           |
| 2nd            | 41         | 4            | 3               | 48           |
| 3rd            | 49         | 6            | 3               | 58           |
| 4th            | 40         | 3            | 2               | 45           |
| 1st 1867       | 62         | 7            | 4               | 73           |
| 2nd            | 67         | 8            | 5               | 80           |
| 3rd            | 71         | 10           | 6               | 87           |
| 4th            | 66         | 7            | 3               | 76           |
| 1st 1868       | 98         | 9            | 5               | 112          |
| 2nd            | 102        | 13           | 8               | 123          |
| 3rd            | 118        | 12           | 9               | 139          |
| 4th            | 105        | 9            | 6               | 120          |
| 1st 1869       | 118        | 13           | 9               | 140          |
| 2nd            | 99         | 10           | 7               | 116          |
| 3rd            | 115        | 11           | 7               | 133          |
| 4th            | 79         | 6            | 3               | 88           |
| 1st 1870       | 122        | 13           | 6               | 141          |
| 2nd            | 112        | 13           | 7               | 132          |
| 3rd            | 118        | 11           | 6               | 135          |
| 4th            | 108        | 7            | 5               | 120          |
| 1st 1871       | 115        | 11           | 8               | 134          |
| 2nd            | 87         | 9            | 6               | 102          |



Quarterly analysis of vagrancy



## CHAPTER 6: THE WORKHOUSE

### (1) views and attitudes

The union workhouse was the most potent symbol of the new poor law, both to contemporaries and to subsequent generations. The truth is frequently buried under layers of myth produced by writers such as Dickens and the author of the poem 'Christmas Day in the Workhouse', George R Sims. The horrors of the workhouse became part of the national folklore, even providing a sentimental turn at music halls.<sup>1</sup>

There is no doubt that some contemporaries viewed the new workhouses with fear and loathing, especially if they were likely to need their shelter. The author of The Book of the Bastiles, published in 1841, quoted from a letter written by John Perceval to the Chartist leader Richard Oastler: 'The general feeling of the poor is, that they will rather starve, or commit suicide, than go into these prisons, and many are willing to emigrate'.<sup>2</sup> The same author also quoted a Leicester pauper who escaped from the workhouse and, on being brought before the magistrates, said he would rather go to gaol than return to the workhouse.<sup>3</sup>

The idea of a workhouse was apparently a peculiarly English one<sup>4</sup> (although there were similar institutions in the United States of America) and therefore attracted attention from other countries. One of the most interesting views on the institution came from the French philosopher and critic, Hippolyte Taine, who visited England a number of times in the 1860s. He described the Manchester workhouse in glowing terms - 'a palace

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1. M A Crowther, The Workhouse System 1834-1929 (1981), p 223

2. G R W Baxter, The Book of the Bastiles (1841), p 115

3. Ibid, p 182

4. M E MacKinnon, 'Poverty and Policy: The English Poor Law 1860-1910' (DPhil, University of Oxford, 1984), p 20

compared with the kennels in which the poor dwell'. He could not understand why the poor were so reluctant to enter the building which at the time of his visit was almost empty and tried to solve the conundrum:

I am informed that they prefer their home and their freedom at any price, that they cannot bear being shut up and subjected to discipline. They prefer to be free and to starve...The workhouse is regarded as a prison; the poor consider it a point of honour not to go there. Perhaps it must be admitted that the system of administration is foolishly despotic and worrying, that is the fault of every administrative system; the human being becomes a machine; he is treated as if he were devoid of feeling, and insulted quite unconsciously.

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There are two kinds of myth about union workhouses: the gross and salacious stories fostered by the anti-poor law campaigners and the myth deliberately encouraged by the Poor Law Commissioners in their attempt to make the workhouse seem repulsive. The early administrators had no intention of allowing badly built, insanitary, overcrowded or unwholesome institutions to exist (thereby producing conditions identical to the homes of the poor) nor to see the inmates poorly fed, clothed and warmed. Their standards were in fact relatively high by contemporary levels so they needed to discourage the poor from entering the workhouse by some other means. Apart from the separation of families they used psychological methods: the individual was depersonalised by wearing union clothing and led a monotonous and regimented existence. The very fact of confinement within a workhouse with its associated loss of liberty established the important principle of less eligibility. The workhouse deliberately and publicly carried with it the stigma of pauperism and incarceration within

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5. M E Rose, The English Poor Law 1780-1930 (Newton Abbot, 1971), pp 170-171

its walls was seen as evidence of failure.<sup>6</sup>

One of the fiercest opponents of the new poor law was The Times and its opposition was of enormous importance. It gave innumerable instances of apparent cruelty in workhouses, many of which it did not fully investigate and which were shown to be false. Those that were true, such as the infamous 'Andover scandal', were due to lax administration and were vigorously tackled; they frequently derived more from incompetence than from malevolence. Some workhouses were crowded, dirty and cold, many of them in the north, but often they were buildings erected under the old poor law.<sup>7</sup>

Karl Marx described the new union workhouses as 'the revenge of the bourgeoisie upon the poor who appeal to its charity' because pauperism was seen as a crime to be suppressed and punished. Disraeli also said that the new poor law showed that in England poverty was a crime.<sup>8</sup> These may be extreme views but the 'policing' function of workhouses was often evident. The Luton board boasted that their workhouse looked like a prison, which made it 'better adapted to the reformation of the idle and vicious'. Where cruelty did occur it resulted from problems that were common to all residential institutions - understaffing, ill-chosen

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6. Crowther, op cit, pp 5, 34, 41; A Digby, The Poor Law in Nineteenth-century England and Wales (1982), p 17; G Himmelfarb, The Idea of Poverty. England in the early industrial age (1984), pp 164, 176

7. Himmelfarb, op cit, pp 178-185; D Roberts, 'How cruel was the Victorian Poor Law?' The Historical Journal, vol VI, 1963, passim; D Fraser, 'The English poor law and the origins of the British Welfare State' in W J Mommsen (ed), The Emergence of the Welfare State in Britain and Germany 1850-1950 (1981), p 12. The Andover scandal was the name given to the incident when paupers in the Andover workhouse were so hungry that they chewed the rotting flesh from the bones they had been given to crush as a task of work

8. Digby, op cit, pp 31-32 (quoting R L Meek (ed), Marx and Engels on Malthus (1953)); Himmelfarb, op cit, p 525

attendants and undue economy could be found in charitable as well as in state institutions.<sup>9</sup>

Although the workhouse test was one of the twin 'principles of 1834' it was not a new idea. The first 'offer of the House' to a pauper applying for relief can be traced to the Workhouse Test Act of 1723 and aversion to the workhouse was not a product of the new poor law; a Maidstone man wrote in the early eighteenth century: 'many of our poor have taken such an aversion to living in [a workhouse], as all the reason and argument in the world can never overcome'.<sup>10</sup> What was new was the opprobrium attached to the workhouse test which the new poor law refined and enhanced, making it the main weapon in its fight to deter pauperism. In 1855 the chairman of the Sheffield board of guardians gave his opinion of its value:

The great object of the poor law board is to ensure a constant unvarying and efficient discipline during the entire residence of the pauper within the workhouse. He rises to the minute; he works to the minute; he eats to the minute. He must be clean, respectful, industrious and obedient. In short the habits inculcated in the house are precisely those the possession of which would have prevented his becoming an inmate...The pauper naturally enough concludes that the relief he received in the workhouse is a very inadequate return for the surrender of his liberty - the full occupation of his time - the value of his labour - the humiliation he must endure in being associated with some of the depraved and abandoned members of the community and the painful consciousness that he has lost all self reliance and self respect. Who can wonder that the honest poor should make every effort to keep out of the workhouse.

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9. W Apfel & P Dunkley, 'English rural society and the New Poor Law: Bedfordshire, 1834-47', Social History, vol 10, no 1, January 1985, p 53; Crowther, op cit, p 270
  10. E W Martin, 'From Parish to Union. Poor Law Administration 1601-1865' in E W Martin (ed), Comparative Development in Social Welfare (1972), p 32; N Longmate, The Workhouse (1974), p 24
  11. Quoted in Fraser, op cit, pp 10-11

The most hated facet of the new workhouses was the separation of families within them, on which subject the central authority received more complaints than on any other subject except bastardy. In its report of 1839 it said that separation of the sexes was 'imperatively called for on grounds of decency and morality' but thought that it should be mostly confined to able-bodied inmates and children under the age of seven were not to be separated from their mothers.<sup>12</sup> Despite the Poor Law Commissioners' belief that the deserving poor would accept workhouse relief and the undeserving go to any lengths to avoid a well-regulated workhouse, it was well known that the opposite occurred. Guardians did explicitly take account of the character of applicants and a respectable workman reduced to destitution by an industrial crisis was unlikely to be subjected to the workhouse test in many unions.<sup>13</sup>

In Bradford able-bodied applicants were only offered the workhouse if they were deemed to be particularly undeserving, recalcitrant or immoral and the percentage of indoor paupers to the total was very low; up to the division of the union in 1848 the highest figure was 8.2% and on occasions was as low as 3%. However after a new workhouse was opened in 1851 the percentage of indoor poor rose to 20.6% although the board still had no intention of using the workhouse as a deterrent, even though it apparently saw some merit in a workhouse test.<sup>14</sup> In north east Lancashire

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12. Ibid, p 271

13. U R Q Henriques, 'How cruel was the Victorian Poor Law?', The Historical Journal, vol XI, 1968, pp 367-368; Report of the Poor Law Commissioners to the Marquis of Normanby on the continuance of the Poor Law Commission, etc., 1839-40 (226, 227), XVII, pp 29-31; P W Randell, 'Poor Law relief in Somerset, with particular reference to the Wincanton Union 1834-1900' (MLitt, University of Lancaster, 1983), p 122. For more information on the separation of families in workhouses see Crowther, op cit, pp 42-43

14. Ibid, p 216; MacKinnon, op cit, p 56

only two out of seven unions attempted to impose a workhouse test before 1871 and both had to abandon it after a short time in the face of hostile public opinion; however they did occasionally use it for incorrigible and troublesome paupers. Any attempt at strict supervision within the workhouses was attacked as interference with the inmates' liberty and families were rarely separated. There are similar examples of laxity in Rochdale and County Durham.<sup>15</sup>

Not all northern urban unions were opposed to using the workhouse as a test of destitution. Manchester was regarded as a model union, fully imbued with the principles of 1834 from as early as 1837, and during the Lancashire cotton famine the board was more dogmatic than the Poor Law Board. In Derby the workhouse test was generally adhered to, as work was fairly readily available in the town, although the framework knitters were recognised as a special class. The Outdoor Relief Prohibitory Order had been issued to the Nottingham union at once although the 1837 depression found it with inadequate workhouse accommodation, entailing the use of temporary premises. The strictest economy was practised from the very beginning and Nottingham became one of the Poor Law Commission's prize exhibits.<sup>16</sup>

Even in the rural south there was a different pattern. In Bedfordshire, although the greater part of the able-bodied paupers continued to be relieved outside the workhouse, the deterrent system was aimed at adult able-bodied males in good health. Throughout the county in the 1830s non-medical outdoor relief to the able-bodied was virtually confined

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15. D Ashforth, 'The Poor Law in Bradford c. 1834-1871' (PhD, University of Bradford, 1979), pp 215-216, 345, 427-430

16. P Dunkley, 'The 'Hungry Forties' and the New Poor Law: A Case Study', The Historical Journal, vol XVII, 1974, p 331

to widows of good character with young children; in its 6th annual report (1840) the Poor Law Commissioners used Bedfordshire's record as an example for the rest of the country - only 123 adult able-bodied paupers of either sex, 'exclusive of cases of sickness, accident or infirmity, and exclusive of cases of widows with large families', had received outdoor relief in the quarter ending at Lady Day 1839.<sup>17</sup> In Banbury the guardians were apparently 'anxious to build a W[ork]H[ouse] as soon as possible' but in Norwich the workhouse test was not achieved and the small scale of the labour tests gave the guardians wide discretion in the administration of outdoor relief. Over the course of the period of this study the role of the workhouse underwent a fundamental change. By encouraging guardians to build sick wards, vagrant wards, workhouse schools and the like central authority was pushing a line of development which must ultimately undermine the dominance of the deterrent role of the workhouse. In addition the stigma attached to poverty in the 1830s and 1840s gradually disappeared for the respectable poor.<sup>18</sup>

The Leicester board did not pursue a coherent policy until after 1850. The guardians were frequently at odds with each other over the role of the workhouse, with some willing to use it as a test of destitution and others preferring to continue with outdoor relief even for the able-bodied. In a stable economic climate the situation would have been

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17. J Lindsay, 'Excellent Order Throughout': Derby Workhouse, 1834-1844' The Derbyshire Archaeological Journal, vol C, 1980, p 95; D Fraser (ed), The New Poor Law in the Nineteenth Century (1976), pp 12-13; D Ashforth, 'The Urban Poor Law' in Fraser (1976), op cit, p 137; T Mackay, A History of the English Poor Law, vol III, 1834-1898 (1904), p 249; N C Edsall, The Anti-Poor Law Movement 1834-44 (Manchester, 1971), pp 45-49

18. M E Rose, The Relief of Poverty 1834-1914 (1972, reprinted 1974), p 13; E C Midwinter, Victorian Social Reform (1968), p 31; Fraser in Mommsen, op cit, pp 22-23



clearer but with the periodic trade depressions the application of a strict workhouse test was impossible and both the board and the central authority appreciated this fact. No workhouse would hold the hundreds thrown out of work at these times. At first Leicester was regarded as an 'almost unqualified success' where the strictest economy was practised and the board readily accepted the principle of a rigorous test for able-bodied applicants; however things were to change for the worse in the later 1830s and the 1840s.<sup>19</sup>

(ii) the building and rebuilding of the Leicester union workhouse

The question of building a workhouse for the Leicester union was considered at only the second meeting of the board on 26 July 1836 when a committee was appointed to consider how best to use the parish workhouses. It was felt that only the workhouses of the three largest parishes (St. Margaret's, St. Mary's and St. Martin's) should be retained for union use and that £3,000 was required to bring them up to standard, and a special committee recommended that a new workhouse be built at an estimated cost of £6,000 exclusive of the cost of the land. The sale of the existing workhouses was expected to raise £3,650, leaving £2,350 and the cost of the land to be found. The committee also estimated an annual saving of £300 and one of its objections to retaining the existing workhouses was that it would necessarily mean the separation of parents from children and in some cases husbands from wives, an arrangement which the committee believed the guardians 'would be as reluctant as themselves to see adopted, unless the absolute necessity and positive expediency of it could

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19. G A G Innocent, 'Aspects of the practical working of the New Poor Law in Leicester and in Leicestershire 1834-1871' (MA, University of Leicester, Victorian Studies Centre, 1969), p 28; Edsall, op cit, pp 45-49

be clearly shewn'.<sup>20</sup>

The board therefore resolved to build a new workhouse and to advertise for two to four acres of land; in the meantime the existing arrangements in the parish workhouses were to continue. The clerk received plans from the Poor Law Commissioners of suggested designs (reproduced in their 1st annual report) and the local architect William Flint was appointed. By the end of November no suitable site had been found and one of the Conservative guardians, John Taylor, successfully put forward a motion to rescind all previous resolutions relating to the new workhouse; his actions were considered to be taken out of pique against the Commissioners' refusal to appoint collectors.<sup>21</sup>

The question was reopened the following August and this time a substantial majority was in favour of building a new workhouse. At its meeting on 29 August 1837 the board decided on a site on the east side of London Road, thought by the medical officers to be the more healthy of the two suggested. Flint was reappointed as architect and his estimate of the cost of building was £8,450, necessitating the purchase of an additional 810 square yards of land. The Leicester Chronicle described the design:

The plan suggested by Mr Flint is that of an hexagonal exterior, with the buildings in the interior disposed in the form of the letter Y, the master's house being in the centre. The design includes, besides the ordinary domestic accommodations of the poor, a chapel, bakehouse, laundry, baths, infirmary &c. The front elevation is peculiarly judicious, having a neat, homely, English appearance, and nothing of the character of a Bastile.

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20. LRO, 26068/1, 6 September 1836

21. Ibid, 29 November 1836; Leicester Chronicle and Leicestershire Mercury, 10 December 1836

22. Leicester Chronicle, 4 November 1837

The Commissioners generally approved of the plans, based on one of their standard designs, but made a few suggestions: they thought the master's apartments unnecessarily large, that there was much superfluous decoration in the front elevation, the bay windows in the master's parlour were expensive and the finishing of the chimneys was unnecessarily ornamental and very expensive.<sup>23</sup> Flint replied to their criticisms:

Re the superfluous decoration I have before explained to the Guardians that the parts which give effect to the front of the design are to be in moulded brickwork and therefore inexpensive. I have been requested by almost all to save the building from a prison or infirmary like character and I have endeavoured to accomplish that object by the introduction of a style which is not more costly than the rusticated and Italian character, to most of the workhouses already built. To the reference to the bay windows and the chimnies I designed these bay projections that the view from the master's day-room might be more effectual and complete. I intend the chimnies to be wholly in brickwork and they are not much more expensive than common ones. The Guardians may see that this is the case if they will refer to similar chimnies which I have recently built...They are at the same time a cheap mode of giving effect and a preventative of smoke.

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A compromise was reached and tenders advertised for, for brick-laying, stonemasonry, carpentry, ironfounding, plumbing and glazing and painting. In each case the lowest tender was taken but the total cost still amounted to £8,569-10-9, some £119-10-9 more than Flint's estimate.<sup>25</sup> The new workhouse was impatiently awaited by assistant commissioner Stevens who reported: 'the Leicester Union is not going on to my satisfaction and never will till the new Workhouse is finished, and then I expect that a new era will commence. This work is now in hand'.

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23. PRO, MH 12/6468, no 9888C, 23 November 1837

24. Ibid, no 10215, 28 November 1837

25. LRO, 26D68/1, 9 January 1838

In a subsequent letter he added:

I am sure that at present I am no use at Leicester, they will not change till the Workhouse is ready, and it is only irritating to them to be constantly admonishing without effect. As soon as they have their Workhouse ready I will make a dead set at them ...There is no fear; they will do very well when the house is ready.

26

The Leicestershire Mercury described the new building in its issue of 28 July:

The New Union Workhouse is rapidly approaching its completion, being very nearly covered in. It is not only much larger than the generality of Union Workhouses, being calculated to accommodate 650 persons, but also one of the best-looking buildings of that description we have ever seen, reflecting great credit on Mr Flint the Architect. Standing on high ground, it forms a prominent object in the view from various parts of the county. The Midland Counties Railway will run very near the outer walls.

The paupers were finally moved to the new workhouse from 6 February 1839 and the first meeting of the new board on 2 April was held in the workhouse board room. The parish officers of St. Martin's visited the building to see their paupers there and 'were much pleased to hear the poor people express themselves generally satisfied with their residence, and the treatment they experienced at it'.<sup>27</sup> A detailed description of the building and the arrangements for the paupers was published in the Leicester Chronicle of 9 March 1839: it said that '[the] Sitting and bed rooms are lofty, commodious and healthful apartments, and the bedding clean and comfortable' and concluded: 'in short, for a workhouse, no convenience has been forgotten in its erection, to render the poor people

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26. PRO, MH 32/68, no 3689C, March 1838; no 3693C, 31 March 1839

27. Leicester Chronicle, 9 March 1839

who may inhabit it as comfortable as persons living on the bounty of others can reasonably expect'. By contrast an unknown correspondent in the Champion, writing in February 1840, said: 'we have a new Bastile here, of which the walls are so damp, that the inmates are dying of the black fever. Five were buried on Sunday, and four some days before'.<sup>28</sup> Presumably the truth lay somewhere between the two reports.

In November 1839 the board resolved 'in consequence of certain reports having been in circulation prejudicial to the several contractors... as to the execution of the work' that the guardians were entirely satisfied with it.<sup>29</sup> The costs however had risen considerably: £1,641-19-0 for the site and conveyancing; £8,569-10-9 for the original contract; and £799-13-2 for extra work - giving a total of £11,011-2-11.<sup>30</sup>

In May 1847 came the first proposal to enlarge the workhouse; the Liberals were now in firm control of the board and in the past it had been the Conservatives who had opposed any extension of the workhouse test. The existing building had been found incapable of holding all the able-bodied poor of the town (the Commissioners had reduced the number of inmates to 400 in 1842) and there was now a strong body of opinion on the board for increasing the available accommodation to prevent outdoor relief for the able-bodied being given except in times of trade depression. The guardians could also have been prompted by a 30% increase in poor rates in the year ending at Lady Day 1847 over the previous year.

A committee was appointed and recommended increasing the capacity to 1200. It was decided to inspect the Nottingham workhouse before

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28. Baxter, op cit, p 578

29. LRO, 26D68/1, 12 November 1839

30. PRO, MH 12/6470, no 22608, 17 February 1844

deciding on a plan; as the clerk wrote to his colleague there after the visit: 'our Guardians were so pleased with your Workhouse that they seriously entertain the idea of pulling down ours and commencing anew'.<sup>31</sup> A motion to enlarge the workhouse and borrow up to £15,000 was carried at the board meeting of 29 June 1847 after a vote and the clerk wrote to assistant commissioner Weale the following day:

As you are well aware how inefficient our present Workhouse is, and the great chance that if the present opportunity is lost we may never have another Board who will entertain the question, will you be good enough to support the application to the Commissioners who doubtless will ask your opinion on the Subject.

I am perfectly satisfied a large Workhouse is the only chance we have of keeping down the increasing mass of pauperism and at the same time of improving the moral condition of the town.

32

The Commissioners approved the rebuilding but already opposition was coming from the ratepayers, with memorials from The Newarke, All Saints and St. Margaret's parishes. The committee produced a printed report on 'the propriety of enlarging the Workhouse and the best means of accomplishing the same'<sup>33</sup>, which was in part a reply to the three memorials. It believed that the only additional burden on the ratepayers would be at most 3d in the pound per quarter and expressed its conviction that the only real test of destitution was the workhouse. The committee felt that the problem was exacerbated by the number of non-settled poor who left their own parishes because they knew there was insufficient workhouse accommodation at Leicester and they were likely to receive outdoor relief. It added: 'the character of many of these persons is of

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31. LRO, 26D68/241, no 181, 31 May 1847

32. Ibid, no 218, 30 June 1847

33. PRO, MH 12/6472, no 167368, 21 July 1847

the worst and most desperate description, whose sole object is to live without work'. The saving from offering these people the workhouse was estimated at nearly £5,000 p.a. and the provision of accommodation for lunatics, then lodged in various asylums, would save about another £470 p.a.

Having considered the financial benefits of rebuilding the workhouse the committee then considered 'how the morals of the population may...be improved, their condition bettered, and the blessings of education extended' by the proposed enlargement. It deplored the provision of relief in aid of wages and believed that the easy obtaining of outdoor relief did nothing to encourage frugality and the habit of saving. A larger workhouse, it contended, would also give a better classification of the paupers:

...many of the inmates of a Workhouse are of a notoriously profligate character, the very refuse and dregs of society, and of whose reformation there is perhaps little to be hoped; but there are others who from misfortune, sickness, or accident, may have become inmates, and to whom the Workhouse instead of being a place of rest, is one of continual torment; compelled as they of necessity are, to occupy the same rooms, to associate with, and to be witnesses of the blasphemy, obscenity, and profaneness, of those whose only aim seems to be to annoy their more orderly companions, and set at nought the common decencies of life.

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Single women with illegitimate children were said to be a very numerous class and those who wished to reform were ridiculed by the profligate until they 'openly glory in their shame'. The committee believed strongly in the value of educating the young to correct the 'evil habits' of those who inhabited workhouses, and believed it their moral duty to 'resist the spread of wickedness, and...raise a barrier against the torrent of

iniquity and licentiousness by which the young of both sexes are surrounded'.<sup>35</sup>

Because of the high price of the land adjoining the workhouse it was decided to rebuild on an entirely different site and to buy eight acres of land near Dane Hills, at that time some distance from the town. There was considerable animosity to the scheme from among the ratepayers, especially the proposal to move to Dane Hills where the building would 'intrude closely upon an ancient Family Mansion and Grounds'. It was claimed that the owner, Dr Noble, was very annoyed at the proposal and would obstruct the project in every way.<sup>36</sup>

At a public meeting on 30 August a report, drawn up by a committee of 'requisitionists' and ratepayers, was considered. It challenged the statements made by the special committee of the board and also stated an abhorrence to the workhouse test, asking, somewhat sarcastically, how the moral condition of the town would improve:

We really do not know how sufficiently to admire the courage which has prompted the Committee to undertake this Herculean task; but, unfortunately, even all the information and eloquence which they can bring to bear upon the subject, are insufficient to prove that an enlarged Workhouse is an increased blessing or that morality and virtue must necessarily follow its erection.

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The report stated that relief in aid of wages was inevitable and suggested, for a better classification, granting outdoor relief to the aged poor and renting additional premises in cases of extraordinary emergency. The public meeting adopted the report and resolved to send a

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35. Ibid, no 13825B, 24 June 1847

36. Ibid, no 17541B, 27 August 1847

37. Ibid, no 17736B, 31 August 1847



copy to the Poor Law Commissioners; a deputation also attended the next board meeting but was unable to persuade the guardians to change their mind. The clerk estimated that no more than 300 people were at the public meeting, of whom about a third were 'respectable' men, 'the remainder being composed wholly of the lower orders a very large proportion of whom were recognized by the Guardians and myself as applicants for relief'.<sup>38</sup> He urged the Commissioners to issue their order without delay.

The Commissioners were inundated with letters both for and against the proposed new workhouse; one petition consisted of about 100 sheets, each containing an average of twenty names.<sup>39</sup> The guardians also began to have doubts, and at the meeting of 12 October 1847 resolved not to borrow the requisite money. The situation became very confused with motion and counter motion being passed and the owner of the proposed site becoming anxious about the fate of his land. Before any further steps could be taken a new board was elected: during the election the question of a new workhouse had been the main point at issue and of the eighteen guardians who had signed the purchase order for the land only one was re-elected. A threat of legal action from the owner of the land led to the formation of a committee to investigate the whole affair which concluded that no written agreement existed and there was no obligation on the part of the board to buy it; the guardians were supported by the Town Clerk who advised that they might successfully defend any action against them.<sup>40</sup>

The workhouse improvement committee stated that the accommodation was insufficient and it was decided to buy extra land on the existing site

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38. LRO, 26D68/241, no 257, 1 September 1847

39. PRO, MH 12/6472, no 18120, 8 September 1847

40. LRO, 26D68/4, 25 July 1848

in order to extend the workhouse; the necessity for extra accommodation was emphasised by the need for a temporary workhouse during another trade depression. The matter was left for the new board which declined to take any further action despite pressure from the Poor Law Board. It finally began to lose patience and wrote a strongly worded letter in October 1849:

Upon the fullest consideration of the best interests of the Union and the Welfare of the poor especially, the Poor Law Board now think that they would not be justified in further delaying to carry their Order into effect, and to adopt those legal proceedings which they greatly regret to perceive are now their only available course. They have therefore to state that if the Guardians do not without further delay proceed to take steps for carrying the Order of September 6th 1847 into execution, the Poor Law Board will think it their duty in the ensuing Michaelmas term to cause an application to be made to the Court of Queen's Bench for a Mandamus in order to enforce obedience.

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The board still prevaricated but finally, at a special meeting on 26 October 1849, resolved to enlarge the workhouse; it also decided to call a public meeting of ratepayers on the question of the extent of the alterations. The Poor Law Board still urged the guardians to build an entirely new workhouse.<sup>42</sup> The public meeting was held five days later and resolved that to build a new workhouse at Dane Hills was 'a wasteful expenditure of public money wholly uncalled for' and that the existing building could be enlarged and improved at a comparatively moderate cost.<sup>43</sup> The guardians accordingly resolved to alter the workhouse in order to accommodate 800, to include a vagrant ward and provision for harmless lunatics. Weale gave his opinion on the proposed alterations:

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41. LRO, 26D68/334, 8 October 1849

42. Ibid, no 30679, 29 October 1849

43. PRO, MH 12/6474, no 31645, 3 November 1849

It is not possible to make the present Workhouse commensurate with the wants of the Union without purchasing at an exorbitant price additional Land and if that were done, there would be no Garden for the employment of the Children or other Inmates. From my knowledge of the Guardians I feel convinced they will not expend a sufficient sum to render the present Workhouse what it should be. From the whole proceedings of the Board of Guardians I have come to the conclusion that they will do anything to procrastinate and evade any outlay, and I trust the Poor Law Board will not delay its application to the Court of Queen's Bench on this representation.

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This would appear to be a bluff as central authority had no power to compel a reluctant union to build a workhouse; without the consent of the guardians or a majority of the voters it could only order the alteration or enlargement of workhouses up to a cost of £50.

The Poor Law Board was persuaded to allow the alteration of the existing workhouse, apparently after receiving 'a highly respectable Deputation' from the town. It believed the guardians were now serious in their intentions and was willing to give them one more chance of obviating the necessity for legal proceedings. If plans for an enlargement were submitted by 26 December and the Poor Law Board was satisfied of the guardians' intention to proceed without delay it would suspend the proposed application for a mandamus and forego it altogether on completion of the alterations.<sup>45</sup> At the board meeting on 16 November it was decided to increase the capacity of the workhouse to 1,000 and plans were invited for the design; these were voted on anonymously and the 'winner' was that of the local architects, Parsons and Dain, who were awarded a prize of

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44. Ibid

45. LRO, 26D68/334, no 31686, 10 November 1849

£80.<sup>46</sup> The Poor Law Board continued to push the guardians as hard as it could; it approved the plans for the alterations and meanwhile the guardians made enquiries about renting the old county bridewell and the old free grammar school while the work was completed.<sup>47</sup>

By the end of February 1851 arrangements were made for the rebuilt workhouse to be occupied but it was some time before it was fully operational, probably towards the end of the summer; the first board meeting at the new workhouse was on 9 September. The total cost of the rebuilding was put at £25,319-5-1. The average cost of building workhouses between 1840 and 1851 was £11,602 but Liverpool - the largest provincial workhouse in the country - cost over £120,000.<sup>48</sup> The cost does not appear to be unduly excessive however - the first building cost over £11,000 and the new one could hold twice as many paupers.

The clerk to the board had his views about the rebuilding. In answer to an enquiry he said that it had been entirely rebuilt, with the exception of the entrance hall and the rooms adjoining, and believed the new workhouse to be one of the best adapted in the country. He added:

It was a work of years to persuade the Guardians and the public to consent to so great an outlay and at one time the excitement ran so high that the promoters of the scheme, including your humble servant were abused on all hands as visionaries willing to squander the public monies to further their own theories - a year or two of depressed trade however convinced the Board of Guardians - who had been elected specially to prevent the rebuilding of the Workhouse - that it must be done. It was set about and completed forthwith and since then the public is as satisfied with the result as are its most sanguine supporters.

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46. LRO, 26D68/5, 21 December 1849

47. Ibid, 12 February 1850

48. LRO, 26D68/339, 21 May 1856; Crowther, op cit, pp 51-52

49. LRO, 26D68/248, no 293, 13 March 1856

The rebuilding coincided with the upturn in the town's economy and as a result the 'new' workhouse was never full. The highest figure recorded from the surviving records was 920 (in April 1855) but the average was usually about half its capacity (see appendix 1). The original workhouse would in fact have been adequate to house those given indoor relief after 1851 except on rare occasions. The number of able-bodied paupers varied between 5% and 30% (appendix 2) and in some weeks there were no able-bodied men in the workhouse; however when the numbers in the workhouse increased sharply, as in the fourth quarter of 1854, the percentage of able-bodied also increased steeply - from 18% to 29% - but fell off to 10% in the second quarter of 1855.<sup>50</sup> Until 1851 there were usually more able-bodied men than women but about this time the ratios changed and there could be twice as many women as men on indoor relief. This presumably reflected the types of jobs available at different times.

It would appear that the rebuilding was an unnecessary expense but to be fair to the guardians they could only use their experience of the previous years and the first workhouse would still have proved inadequate on occasions if the board were to adhere strictly to the workhouse test. They were strongly criticised by some people and those guardians and ratepayers who objected to the rebuilding were in favour of increasing outdoor relief. It seems unlikely that the guardians could be accused of building a large and grandiose building merely out of civic pride. The 1851 workhouse, latterly known as Hillcrest Hospital, was demolished in 1977; its exterior was still recognisable as a nineteenth century

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50. LRO, 26D68/788, 790-793 (Form A returns)

workhouse but the interior was of course much altered. The site is now occupied by a community college.

### (iii) life in the workhouse

The historical image of the workhouse has been created in the main by outsiders and any attempt to reconstruct life within its walls will be a patchwork, made up of the letters and reminiscences of the literate poor or gleaned from middle class accounts. An example of this is a letter written by a Witney guardian in 1835 to a local newspaper, informing potential workhouse inmates of what they would experience there.<sup>51</sup> Nevertheless many people have an image of what it must have been like to live in a workhouse, albeit a partial and often erroneous one. The qualities which apparently struck all visitors were apathy, tedium and listlessness and these are still to be found in residential institutions today.<sup>52</sup>

Sir George Nicholls, one of the original Poor Law Commissioners, said: 'the workhouse inmate...is better fed, better clothed, better lodged, better attended in sickness, better cared for in health, and far more lightly worked...[than the ordinary labourer]'.<sup>53</sup> However physical wants were not the only concerns and *more enlightened* guardians provided extras for the workhouse inmates. The children in particular were given treats such as outings and presents of food, which must have been a welcome break in their generally tedious lives. In Leicester treats were provided occasionally, especially for the children who were taken once a

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51. Crowther, *op cit*, p 193; Horn, *op cit*, pp 59-60

52. Crowther, *ibid*

53. Sir G Nicholls, A History of the English Poor Law, vol II, 1714-1853 (1904), p 311

year to Bradgate Park and were given other outings. Adult inmates were given presents of food, such as fruit, and a number of books were donated, especially hymn books. In 1855 a subscription library for the infirmary was established at the suggestion of the workhouse medical officer. The Mechanics' Institute also donated a number of books, including such items as the Saturday Magazine and the Penny Magazine.<sup>54</sup>

A newspaper report in 1866, entitled 'An afternoon in the Leicester Workhouse' ('from a Correspondent') gives a positively fulsome picture of the institution. It describes a visit by a party of ratepayers and details the rooms they saw and the conditions of the inmates. They found the old women, who were allowed to smoke, enjoying a cup of tea and their visit to the infant school excited their admiration: 'the cleanliness of the children's persons and clothes, their rosy-cheeked healthy appearance and the fascinating and pleasing way in which the little creatures behaved, was a spectacle not to be often witnessed, and produced an impression not soon to be effaced'.<sup>55</sup>

The following year Joseph Rowntree visited the Leicester workhouse, which he contrasted favourably with that at Derby, describing it as a 'well- conducted establishment'. The Leicester Domestic Mission was rarely critical: in 1866 Joseph Dare and a Mrs Herbert spent some time in the workhouse, including an overnight stay in Dare's case, and although their reports to the guardians *do not survive* it is clear from the clerk's replies that they were satisfactory. On one occasion he said to Dare: 'it is exceedingly satisfactory to the Board to have your Report

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54. LRO, 26D68/8, 13 November & 11 December 1855; 2D39/3 (minutes of the Mechanics' Institute), 4 December 1855

55. Leicester Chronicle & Leicestershire Mercury, 25 August 1866

...showing as it does, that all that is wanted to complete the comfort of the inmates is improved conduct on their own part'.<sup>56</sup>

The celebration of Christmas was a good indication of a board's attitude towards its workhouse inmates. At first the Poor Law Commissioners ordered the discontinuance of special dinners which some boards had supplied on Christmas Day but in 1840 they relaxed the rule by allowing extras supplied from private sources; seven years later the Poor Law Board authorised guardians to provide Christmas extras out of the poor rates.<sup>57</sup> The usual Christmas dinner was roast beef and plum pudding, often with a glass of beer, and was given in the Leicester workhouse most years. Special meals were also provided on Coronation Day 1838 and on the Prince of Wales' marriage in 1863.<sup>58</sup>

The subject of workhouse food was often an emotive one but although it was monotonous by twentieth century standards it was generally better than many of the poor would eat at home. According to article 19 of the General Workhouse Rules it should not have exceeded that of able-bodied labourers in either quality or quantity but this was obviously clearly impossible to achieve. The regulations rarely corresponded with reality: although the Poor Law Commissioners issued standard dietaries many unions ignored them and devised their own. These varied from those guardians who threatened to starve the poor to some quite lavish ones in the north of England. The diets were to relate to local ones in terms of the kinds of food supplied but quantity was considered more important than quality; the

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56. LRO, 26D68/256, no 94, 20 September 1866

57. N Longmate, The Workhouse (1974), chapter 18, passim; Henriques (1979), *op cit*, pp 49-50

58. A Becherand, 'The poor and the English poor laws in the Loughborough Union of Parishes 1837-1860' (PhD, Universite de Nancy, 1972), p 205



authorities relied on its monotony as a deterrent and anything that might make the diet more palatable was removed.<sup>59</sup> The guardians used the tender system for the supply of food and its quality was usually poor and often adulterated. The cooking was similarly variable and a knowledge of nutrition was in its infancy (although Dr Smith, the poor law medical inspector, conducted some surveys in the 1860s). Outside bread contracts appear to have been a problem in a number of unions and in Chesterfield, for example, it was decided that although it was more expensive to appoint a baker for the workhouse the quality of the bread was far superior.<sup>60</sup>

When workhouse discipline was relaxed in the 1890s the dietary was one of the areas of greatest change: for the first time official sanction was given to the supply of extras, including beer, vegetables, tea and even salt. Dr Smith, in a report of 1866, spelt out the Poor Law Board's views on workhouse diets: 'the aim shall be to obtain the largest amount of nutriment at the least cost, having due regard to the digestibility of the foods and the tastes of the people to be fed'. Potatoes and other vegetables were to be rationed unless grown on the workhouse premises when they could be given more liberally instead of bread.<sup>61</sup>

The Chesterfield union adopted one of the Commissioners' diets in 1837 but allowed 1oz of tea and half a pound of sugar a week for those aged over 60; no other variations or any alcohol was allowed except by order of the medical officer. Those at Derby, Wincanton and Hitchin appear to have been more liberal. In Bradford questions were asked when

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59. Crowther, *op cit*, pp 214-221; Henriques (1979), *op cit*, p 49; Baxter, *op cit*, p 438

60. Becherand, *op cit*, p 144; Lindsay, *op cit*, p 97; Bestall, *op cit*, p 76

61. *Ibid*; Report of Dr Edward Smith to the Poor Law Board on dietaries for the inmates of Workhouses, 1866 (3660) XXXV, pp 58-59

the cost of maintenance of the indoor poor rose in the late 1860s from 3/4 per head per week to over 4/3; it was partly attributed to the increasing consumption of alcohol, recommended by the medical officer because of the poor diet.<sup>62</sup> In Loughborough breakfasts for the able-bodied consisted of bread and milk porridge, and suppers were identical, except for Sundays when bread and cheese was served. The best dinner, served on Sundays and Thursdays, was 6oz of meat and 12oz of potatoes for men, 5oz and 8oz respectively for women. Dinner for the rest of the week was bread and soup (on three days) and potatoes and rice suet pudding (two days).<sup>63</sup>

The Leicester board, after much discussion, decided to adopt the dietary in use in the Nottingham union. This comprised milk porridge and bread for breakfast and supper each day (1½ pints of porridge and 7oz of bread for men, 1¼ pints of porridge and 6oz bread for women, and tea and coffee with raw sugar for the aged and infirm); dinner on two days was beef broth (made from five stones of beef without bone to make enough for 100 persons), as much as the inmates wanted, and 8oz bread for men and 7oz for women; on two further days cold meat and potatoes (7oz meat for men, 6oz for women and potatoes without stint; on another two days meat soup thickened with peas and potatoes (made from the bones of the meat cooked on the two meat days); and on the seventh day suet pudding with a sauce made from treacle, flour, water and vinegar. The pudding was made from 1½lbs of suet to a stone of flour, lightened with bread; men were allowed 16oz and women 14oz - but in fact unstinted. In addition each pauper was

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62. Bestall, op cit, pp 74-75; Lindsay, op cit, p 98; Randell, op cit, p 124 & Appendix IV, p 369; Ashforth (1979), op cit, pp 485-486; G Peters, 'The old and the new poor law in Hitchin' in P Kingsford & A Jones, Down and out in Hertfordshire (Stevenage, 1984), pp 165-167

63. Becherand, op cit, p 194

to be allowed  $\frac{1}{2}$  pint of 'small beer' on the cold meat dinner days.<sup>64</sup>

Three months later, on the medical officer's recommendation, the suppers were changed to bread, cheese and beer unless any of the paupers preferred porridge.<sup>65</sup>

The Poor Law Commissioners felt the diet was too high but because of the feeling against them at the time decided to leave well alone. Towards the end of 1843, a date coinciding with the appointment of a new clerk and the beginnings of a better organised union, a copy of the dietary was sent for the Commissioners' sanction; this was only forthcoming if beer was removed as part of the normal diet.<sup>66</sup>

The Irish potato famine affected all boards of guardians and the Commissioners issued a number of circulars on the subject. In Leicester bread was substituted for potatoes when the latter were in short supply and the use of hominey, a coarsely ground maize boiled with water or milk, was tried; the workhouse master reported that it was a good substitute for potatoes and the inmates preferred it to rice.<sup>67</sup>

There were a number of other alterations to the diet over the years. In 1847 it was slightly reduced, as an economy measure; one recommendation was that the prescribed amount for women should extend to children over twelve instead of nine, 'inasmuch as many of the Children are unable to consume their allowance of food'. Five years later some amounts were increased because paupers had complained of insufficiency; although the guardians did not think the complaints were valid they

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64. LRO, 26D68/1, 21 & 28 November 1837

65. Ibid, 13 February 1838

66. LRO, 26D68/3, 19 December 1843, 9 January 1844; 26D68/318, no 4, 10 January 1844; 26D68/332, no 4938, 18 January 1844

67. LRO, 26D68/241, no 86, 3 March 1847; 26D68/4, 30 March 1847

thought it better to increase the food 'to prevent well meaning but mistaken persons out of doors, alledging as they are apt to do that the inmates of the Workhouse have not sufficient food'.<sup>68</sup> Although the bread was tendered for at first a baker and miller were appointed in 1841; pauper labour was used to help the baker but in 1858 the guardians decided to appoint an assistant as they suspected the paupers of deliberately spoiling the bread. The introduction of a bread making machine in 1860 was apparently the cause of a lot of hostility both inside and outside the workhouse.<sup>69</sup>

The question of rations for workhouse officers at Leicester was one that often exercised the guardians' minds. Initially all officers received rations in addition to their wages (sometimes double rations) but later the more 'senior' officers were allowed a sum of money in lieu, an arrangement that apparently worked well and which appeared to be an unusual one.<sup>70</sup>

Workhouse clothing was another aspect of institutional life that was disliked; it clearly identified a workhouse inmate and was seen as a prime element of discipline. It remained important to the workhouse ritual and even when paupers were provided with non-uniform clothing for their afternoons out it was usually of poor quality and ill-fitting: the Lambeth guardians in the 1850s allowed elderly inmates out on a rota and

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68. LRO, 26D68/318, no 240, 25 May 1847; LRO, 26D68/319, no 178, 3 March 1852

69. LRO, 26D68/2, 14 & 28 December 1841; 26D68/320, no 175, 25 August 1858; 26D68/252, nos 2 & 14, 7 & 20 November 1860, no 311, 14 November 1861; 26D68/253, no 95, 30 April 1862

70. LRO, 26D68/318, no 147, 25 September 1845; 26D68/332, no 129938, 30 September 1845; 26D68/319, no 150, 14 August 1851; 26D68/245, nos 360 & 369, 14 & 20 July 1852; 26D68/248, no 219, 12 December 1855; 26D68/249, no 229, 11 July 1857

kept twenty sets of outdoor clothes for the purpose, which were handed from one pauper to the next.<sup>71</sup>

The Leicester union allocated clothing contracts quarterly but some items were made in the workhouse. A shoemaker and tailor were appointed both to teach the boys and to make workhouse shoes and clothes. From 1857 their salaries were repaid by the Committee of Council on Education and when the schools were opened an additional shoemaker and tailor were appointed to cover both parts of the workhouse. A curious incident occurred in 1856. At the board meeting on 15 January two guardians drew attention to the fact that they had discovered a quantity of women's stays, marked with the union mark, in the possession of a marine store dealer in the town who said he had bought them with the rags and bones and that they had come from the sewing room; after an investigation it was resolved that no rags, bones or stores of any kind were to be disposed of in the future without the prior examination and authority of the visiting committee.<sup>72</sup>

The Leicester union seemed to be dogged by problems with its lighting and heating equipment; the supply of gas in particular was a perennial problem. There were frequent complaints about the inadequacy of the gas supply and about its affect on the health of the workhouse inmates. A new steam boiler, erected by the local firm of Gimson & Co, was found to be unfit for use and had to be replaced. An engine man was appointed to look after all the equipment and to do ancillary jobs.

It was often difficult to find enough suitable work for workhouse inmates. Women tended to do domestic jobs and both sexes were employed in

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71. Crowther, op cit, pp 195-196

72. LRO, 26D68/8, 15 & 22 January 1856

tasks such as oakum-picking which were also used at the outdoor labour test. In Loughborough there was a more than usually wide range of jobs: stone-breaking, leather work, pumping, gathering ashes, night soil, manure and rags and bones, fattening pigs and a mill. Some unions apparently encouraged local industries such as straw-plaiting in Buckinghamshire or making fruit punnets in Kent but much workhouse labour was irksome or even positively loathsome. It was meant largely as a deterrent and the grinding of corn was very common for this reason: the work was hard and somewhat pointless, as the flour produced was very poor. The frequent comparison with work in prisons is all too obvious. Occasionally the work was profitable: the workhouse garden in Ashby de la Zouch apparently sold enough produce to pay the salaries of all the workhouse officers.<sup>73</sup>

A government report of 1852/3 gave details of the work undertaken in workhouses: for Leicester it was given as pumping water by a capstan pump, picking oakum, household work and needlework, plus tailoring and shoemaking by the boys. No work was done on land attached to the workhouse and the oakum was sold. The number of able-bodied indoor poor employed in these various tasks was 52 - 21 men and 31 women - and another 71 indoor poor were engaged in 'industrial pursuits' - 48 men, ten women and thirteen children under sixteen. The local Chartist leader, Thomas Cooper, gave more information on this subject. At a time of pressure on the workhouse in 1842 a mill was set up to be turned by the applicants for relief. This they said was beyond their strength and they complained that it was degrading. According to Cooper they were only allowed a few pence a day and about 40 of them used to go round the town in a group, begging at the shops; he concluded: 'At length they resisted one of the officials

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73. Bestall, *op cit*, p 77; Becherand, *op cit*, p 191; Crowther, *op cit*, pp 198-200

set to watch them at the wheel, and this led to a riot, in which the windows of the Union Poor House were broken. Police, however, were soon on the spot: the disorder was quelled, and the ringleaders taken into custody'.<sup>74</sup>

This 'riot' was graphically reported in the local press; the leading Conservative newspaper, the Leicester Journal, believed that 'the present condition of the men's ward...is a strong proof of the impropriety of collecting together two or three hundred sturdy, healthy and idle men in one spot, to foment discontent among themselves, and to plot and brood over plans of mischief and disobedience'. The Town Clerk also reported the disturbed state of the town to the Home Secretary: some of the men who damaged the mills were prosecuted and violent language was used against prosecution witnesses, who needed police protection. At the trial both the witnesses and the police were assailed with stones and the special constables were called out; between 800 and 1,000 people gathered round the workhouse but there was no further violence and the following day the Town Clerk reported that all was quiet.<sup>75</sup>

The problem of maintaining workhouse discipline was therefore a difficult one. In the 1840s the Poor Law Commissioners had an understandable fear of workhouse violence; wherever large numbers of able-bodied men and women entered the workhouse at a time of seasonal unemployment the threat of disruption was ever present. To some outsiders, however, the disciplinary effect of the new poor law was praiseworthy.<sup>76</sup> The problem that all unions faced was to make any punishment effective.

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74. Kinds of employment carried on in workhouses, 1852-53 (513) LXXXIV; T Cooper, The Life of Thomas Cooper (Leicester, 1971), p 183

75. Leicester Journal, 11 March 1842; PRO, HO 45/250, 26 & 27 April 1842

76. Crowther, *op cit*, pp 41-44, 209; Horn, *op cit*, p 64

At the same time the officers were governed by strict rules and could be in trouble if they were discovered to have ill-treated an inmate. Punishments included being put in a 'lock-up', with or without a bread and water diet, and the wearing of special clothes, but any serious cases had to be sent before the magistrates. A term of imprisonment rarely had any remedial effect and some paupers appear to have offended in order to be sent to prison where the food was often superior to that served in workhouses. In 1841 two policemen had to stay in Loughborough workhouse at night because of the great disorder there, 'a plot [having] been laid by the inmates for the destruction of the windows'. Cases of ill-treatment must have been common but a pauper's word was unlikely to have been believed against an officer's; however boards did act decisively on occasions. In its 19th report the Poor Law Board suggested that a notice be hung up in the wards stating that any pauper with a complaint could write to the clerk or speak to a member of the visiting committee, and that a book be kept to record the complaints.<sup>77</sup>

In contrast to the general opinion that workhouses were repressive a Leicester ratepayer complained to the Poor Law Commissioners in 1841 about what he considered to be bad management of the workhouse. He felt that the guardians rendered it too inviting by an over-generous dietary and by not employing the paupers enough. Assistant commissioner Weale thought his remarks were probably correct.<sup>78</sup> In Leicester the most favoured punishments were a bread and water diet and confinement in the 'lock-up' - often a combination of both - but severer measures, such as

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77. Crowther, *op cit*, pp 211-213; Randell, *op cit*, p 121; Becherand, *op cit*, pp 191-192; Poor Law Board, 19th annual report, 1866-67, Appendix 7

78. PRO, MH 12/6469, no 5454B, 4 & 15 May 1841



imprisonment, were also taken. Offences ranged from refusal to work and playing cards on a Sunday to assault and damage to property. Some inmates were persistent offenders and included women and children as well as men.

There was another serious disturbance in the workhouse in March 1846 when nine young men, led by one John Slack, caused a lot of damage, including the breaking of 596 panes of glass. The trouble had apparently started when two girls were put in the lock-up and, when one was released by her brother, both girls were replaced by two men. Seven of their fellows released them and then all nine committed the various acts of vandalism. The guardians appealed to the Poor Law Commissioners for advice and assistant commissioner Weale stated: 'the Paupers in this Union Workhouse are more refractory than in any other. I do not see what punishment can be inflicted further than that which the Justices can summarily inflict unless the disturbances can be considered as a riot. I do not think such a proceeding desirable'.<sup>79</sup> One remedy the guardians employed was to create two rooms for the able-bodied men who behaved 'in a turbulent manner'; Weale reported to the Commissioners:

Such has been the violence of some of the able-bodied men that they have disturbed the whole house; the aged and well conducted paupers have complained of the annoyance they have been subject to and it certainly was necessary to make a division of the able-bodied class and entirely to separate a portion of them from the other inmates of the House. One of this class was convicted at the last Spring Assizes of assaulting the master with intent to do him bodily harm and sentenced to fifteen years transportation. I firmly believe that the Guardians and their Officers have always treated the paupers with humanity and kindness, but the violence of some of them it has been found impossible to subdue by this mode of treatment.

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79. PRO, MH 12/6471, no 3219B, 6 March 1846

80. Ibid, no 11848B, 22 August 1846

The schoolmaster was accused in 1867 of corporally punishing a boy for not attending protestant worship in the workhouse but an enquiry cleared him of the charge. Two years later the matron of the schools was accused of ill-treating an eight-year old girl: an enquiry revealed that the child 'instead of using the water closet had deposited some dirt in the Yard...the Matron had said that she ought to be served as the Cats were and have her nose rubbed in it, and that she had ordered two of the elder Girls to do this'. The Matron was dismissed and the schoolmistress, who was also implicated, was admonished. In 1870 it was decided that when a child was punished with the cane, confinement, etc. the officer responsible was to write on a tablet 'kept in a conspicuous part of the schoolroom' the name of the child and details of the punishment, which was to remain until removed by the visiting guardians.<sup>81</sup>

Workhouse visiting was put on a formal basis in the late 1850s, largely through the efforts of Louisa Twining, a member of the tea merchant family. She visited an acquaintance in the Strand workhouse in London in the early 1850s and was so distressed by what she found that she wanted to organise regular charitable visits, and to provide both mental stimulation and practical assistance. She presented a paper to the National Association for the Promotion of Social Science in 1857 and began by stating that she wished to force boards of guardians to be more open and allow 'the free admission of non-official persons'; however she added: 'the officials hate inspection and interference, and every difficulty would be thrown in the way of such inspection'. She was not very complimentary about the workhouse staff who she believed were often incompetent and had too much power over those in their charge. Like

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81. LRO, 26D68/12, 2 April 1867; 26D68/321, no 247, 14 January 1869; 26D68/14, 13 December 1870

others she identified the sheer boredom of life in the workhouse as one of the problems and when she founded the Workhouse Visiting Society in 1858 one of its objects was 'to promote the moral and spiritual improvement of workhouse inmates'. At first both guardians and the Poor Law Board refused to co-operate and Miss Twining had to use all her connections to get them to change their minds. The Society had a comparatively short life but its influence spread into the provinces; it also produced successful offshoots such as the Metropolitan Association for Befriending Young Servants, which provided care for workhouse girls after they had gone out to work.<sup>82</sup>

The Leicester guardians tried to discourage regular coming and going of paupers: in 1840 they resolved that the young able-bodied should only be allowed to leave for very good reason, 'it having been stated by the Governor that much confusion and irregularity has been occasioned by the Paupers being permitted so frequently to go out of the House'.<sup>83</sup> They also decided that the inmates would not be allowed to leave on Mondays to look for work unless they could show reasonable grounds for expecting to find it, 'it appearing that the privilege heretofore allowed them in this respect has been much abused and the parties frequently returning to the House in a state of intoxication'.<sup>84</sup>

The clerk explained the board's policy on leave of absence in 1865: it was only granted in special cases by the visiting committee, the names of those given the privilege were recorded in a book and it was not

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82. Crowther, *op cit*, pp 68-69; L Twining, 'Workhouses', Transactions of the National Association for the Promotion of Social Science, 1857, pp 571-574

83. LRO, 26D68/2, 5 May 1840

84. *Ibid*, 18 January 1842

allowed more than once a fortnight to the infirm, and hardly ever to the able-bodied. Visitors were admitted to the workhouse only for two hours a month except for the sick who were allowed visitors twice a week or at any time if the case was urgent. He enclosed with his letter copies of various notices on visiting, one of which was designed to stop able-bodied paupers applying to enter the workhouse on Saturday and leaving again the following Monday - 'by this means they obtained a day's provisions including a hot Meat Dinner, and had no work to do'.<sup>85</sup> The workhouse officers needed prior permission from the board for friends to visit them.

The Workhouse Visiting Society locally was established in February 1861 by Miss Ellis, a member of the well-known local Quaker family. The previous year the clerk had told Louisa Twining: 'should any branch of your Society exist or be formed here, the Guardians will gladly afford its Members an opportunity of visiting...any part of the Workhouse'. The workhouse visiting committee recommended that members of the Society be allowed to visit the workhouse on Tuesdays, Wednesdays or Thursdays between 10.00 and 12.00 or 2.00 and 4.00., but no record of their visits has survived.<sup>86</sup>

The guardians in Leicester tried to retain the deterrent qualities of the workhouse while at the same time making life for the inmates as tolerable as possible. On the whole they appear to have succeeded but any judgement must necessarily be partial without more specific evidence. Like many other former workhouses it became a geriatric hospital and up to the day it closed was regarded with fear by potential inmates, emphasising the effectiveness of the myth that grew up around workhouses to both

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85. LRO, 26D68/255, no 194, 12 May 1865

86. LRO, 26D68/10, 5 February 1861; 26D68/252, nos 41, 72 & 74, 27 December 1860, 6 & 13 February 1861

contemporaries and later generations. The Leicester board began strictly to impose the workhouse test from the late 1850s but the improving economic situation in the town made this possible. It seems unlikely that there were numbers of the poor surviving without parochial aid and there is no evidence to show that many of them were shunning the workhouse. As appendix 1 clearly shows, the numbers in the workhouse varied enormously from one week to the next which undoubtedly reflects the nature of pauperism in the town - i.e. cyclical and short-term rather than regular and long-term.

## APPENDIX 1

### Workhouse inmates, 1845-1871

There are no regular figures available before August 1848 but the Poor Law Commissioners' half-yearly returns show that the maximum number in the workhouse in the six months ending at Christmas 1845 was 319 and in 1846 was 411. The equivalent figures for midsummer 1846 and 1847 were 313 and 449.

| <u>Quarter</u> | <u>Total</u> | <u>A-b</u> | <u>Infants</u> | <u>2-7 years</u> | <u>7-15 years</u> |
|----------------|--------------|------------|----------------|------------------|-------------------|
| 2nd 1848       | 381          | 63         | 19             | 71               | 85                |
| 3rd            | 453          | 98         | 28             | 78               | 98                |
| 4th            | 458          | 99         | 16             | 75               | 95                |
| 1st 1849       | 351          | 36         | 16             | 64               | 73                |
| 2nd            | 304          | 20         | 11             | 59               | 63                |
| 3rd            | 346          | 29         | 19             | 67               | 69                |
| 4th            | 340          | 32         | 20             | 57               | 62                |
| 1st 1850       | 259          | 17         | 14             | 48               | 48                |
| 2nd            | 235          | 18         | 12             | 46               | 41                |
| 3rd            | 252          | 35         | 14             | 44               | 33                |
| 4th            | 276          | 41         | 21             | 48               | 36                |
| 1st 1851       | 303          | 55         | 27             | 54               | 36                |
| 2nd            | 259          | 36         | 16             | 41               | 47                |
| 3rd            | 304          | 71         | 17             | 48               | 55                |
| 4th            | 357          | 92         | 25             | 58               | 60                |
| 1st 1852       | 295          | 50         | 20             | 55               | 52                |
| 2nd            | 231          | 34         | 11             | 37               | 41                |
| 3rd            | 242          | 31         | 8              | 32               | 42                |
| 4th            | 296          | 38         | 14             | 44               | 48                |
| 1st 1853       | 237          | 17         | 8              | 32               | 38                |
|                | <u>Total</u> | <u>A-b</u> | <u>Infants</u> | <u>2-9 years</u> | <u>9-16 years</u> |
| 2nd 1853       | 205          | 10         | 8              | 27               | 35                |
| 3rd            | 346          | 35         | 16             | 61               | 52                |
| 4th            | 547          | 126        | 40             | 107              | 86                |
| 1st 1854       | 444          | 84         | 24             | 85               | 77                |
| 2nd            | 332          | 46         | 11             | 63               | 52                |
| 3rd            | 409          | 73         | 22             | 80               | 54                |
| 4th            | 773          | 221        | 61             | 157              | 109               |
| 1st 1855       | 607          | 130        | 40             | 120              | 91                |
| 2nd            | 395          | 40         | 16             | 71               | 64                |
| 3rd            | 488          | 79         | 26             | 90               | 72                |
| 4th            | 676          | 155        | 48             | 142              | 96                |
| 1st 1856       | 420          | 52         | 16             | 79               | 61                |
| 2nd            | 367          | 57         | 10             | 61               | 59                |
| 3rd            | 468          | 103        | 21             | 87               | 66                |

| <u>Quarter</u> | <u>Total</u> | <u>A-b</u> | <u>Infants</u> | <u>2-9 years</u> | <u>9-16 years</u> |
|----------------|--------------|------------|----------------|------------------|-------------------|
| 2nd 1859       | 327          | 43         | 6              | 43               | 70                |
| 3rd            | 330          | 45         | 8              | 38               | 66                |
| 4th            | 359          | 58         | 9              | 43               | 66                |
| 1st 1860       | 352          | 49         | 13             | 48               | 65                |
| 2nd            | 335          | 45         | 7              | 53               | 60                |
| 3rd            | 448          | 85         | 21             | 62               | 85                |
| 4th            | 639          | 172        | 35             | 85               | 118               |
| 1st 1861       | 510          | 104        | 18             | 65               | 98                |
| 2nd            | 406          | 52         | 8              | 54               | 80                |
| 3rd            | 417          | 64         | 8              | 53               | 65                |
| 4th            | 559          | 133        | 20             | 76               | 76                |
| 1st 1862       | 497          | 102        | 15             | 65               | 84                |
| 2nd            | 396          | 63         | 8              | 46               | 75                |
| 3rd            | 412          | 78         | 10             | 38               | 76                |
| 4th            | 536          | 131        | 22             | 62               | 89                |
| 1st 1863       | 467          | 88         | 17             | 58               | 78                |
| 2nd            | 392          | 62         | 13             | 53               | 63                |
| 3rd            | 412          | 74         | 14             | 56               | 62                |
| 4th            | 516          | 123        | 20             | 74               | 70                |
| 1st 1864       | 443          | 87         | 18             | 78               | 64                |
| 2nd            | 440          | 73         | 18             | 69               | 57                |
| 3rd            | 503          | 122        | 21             | 67               | 73                |
| 4th            | 557          | 140        | 29             | 70               | 86                |
| 1st 1865       | 437          | 79         | 18             | 54               | 72                |
| 2nd            | 395          | 61         | 13             | 52               | 70                |
| 3rd            | 425          | 72         | 15             | 53               | 66                |
| 4th            | 472          | 93         | 20             | 63               | 61                |
| 1st 1866       | 422          | 71         | 17             | 55               | 57                |
| 2nd            | 422          | 69         | 17             | 55               | 60                |
| 3rd            | 496          | 104        | 17             | 61               | 69                |
| 4th            | 610          | 155        | 33             | 79               | 82                |
| 1st 1867       | 507          | 100        | 20             | 76               | 68                |
| 2nd            | 497          | 81         | 20             | 88               | 66                |
| 3rd            | 614          | 140        | 34             | 100              | 78                |
| 4th            | 725          | 200        | 46             | 106              | 94                |
| 1st 1868       | 569          | 108        | 27             | 96               | 87                |
| 2nd            | 539          | 82         | 25             | 98               | 89                |
| 3rd            | 588          | 117        | 26             | 96               | 91                |
| 4th            | 650          | 145        | 25             | 105              | 91                |
| 1st 1869       | 573          | 109        | 16             | 104              | 75                |
| 2nd            | 536          | 86         | 15             | 108              | 61                |
| 3rd            | 677          | 167        | 27             | 129              | 69                |
| 4th            | 778          | 233        | 33             | 133              | 77                |
| 1st 1870       | 650          | 142        | 27             | 128              | 68                |
| 2nd            | 610          | 114        | 22             | 133              | 60                |
| 3rd            | 661          | 158        | 26             | 132              | 57                |
| 4th            | 738          | 173        | 32             | 156              | 66                |
| 1st 1871       | 598          | 109        | 25             | 143              | 42                |
| 2nd            | 566          | 97         | 20             | 126              | 50                |

## APPENDIX 2

### Able-bodied as a percentage of all workhouse inmates

| <u>Quarter</u> | <u>%</u> | <u>Quarter</u> | <u>%</u> | <u>Quarter</u> | <u>%</u> |
|----------------|----------|----------------|----------|----------------|----------|
| 2nd 1848       | 16       | 2nd 1855       | 10       | 3rd 1864       | 24       |
| 3rd            | 22       | 3rd            | 16       | 4th            | 25       |
| 4th            | 22       | 4th            | 23       | 1st 1865       | 18       |
| 1st 1849       | 10       | 1st 1856       | 12       | 2nd            | 15       |
| 2nd            | 7        | 2nd            | 15       | 3rd            | 17       |
| 3rd            | 8        | 3rd            | 22       | 4th            | 20       |
| 4th            | 9        |                |          | 1st 1866       | 17       |
| 1st 1850       | 7        | 2nd 1859       | 13       | 2nd            | 16       |
| 2nd            | 8        | 3rd            | 14       | 3rd            | 21       |
| 3rd            | 14       | 4th            | 16       | 4th            | 25       |
| 4th            | 15       | 1st 1860       | 14       | 1st 1867       | 20       |
| 1st 1851       | 18       | 2nd            | 13       | 2nd            | 16       |
| 2nd            | 14       | 3rd            | 19       | 3rd            | 23       |
| 3rd            | 23       | 4th            | 27       | 4th            | 28       |
| 4th            | 26       | 1st 1861       | 20       | 1st 1868       | 19       |
| 1st 1852       | 17       | 2nd            | 13       | 2nd            | 15       |
| 2nd            | 15       | 3rd            | 15       | 3rd            | 20       |
| 3rd            | 13       | 4th            | 24       | 4th            | 22       |
| 4th            | 13       | 1st 1862       | 20       | 1st 1869       | 19       |
| 1st 1853       | 7        | 2nd            | 16       | 2nd            | 16       |
| 2nd            | 5        | 3rd            | 19       | 3rd            | 25       |
| 3rd            | 10       | 4th            | 24       | 4th            | 30       |
| 4th            | 23       | 1st 1863       | 19       | 1st 1870       | 22       |
| 1st 1854       | 19       | 2nd            | 16       | 2nd            | 19       |
| 2nd            | 14       | 3rd            | 18       | 3rd            | 24       |
| 3rd            | 18       | 4th            | 24       | 4th            | 23       |
| 4th            | 29       | 1st 1864       | 20       | 1st            | 18       |
| 1st 1855       | 21       | 2nd            | 17       | 2nd            | 17       |



## CHAPTER 7: THE STAFF OF THE UNION

The number of staff employed by a union would varied according to its size but included a clerk, master and matron of the workhouse, relieving officers, medical officers, teachers, domestic staff and nurses. The quality of union staff was a very important factor in its effectiveness, as 'the success or otherwise of the new Unions was heavily dependent on the ability to attract capable, reliable and honest staff'.<sup>1</sup> The Leicester union had problems attracting staff of the right calibre and keeping those who were efficient. Nationally the quality of union staff was poor: at best they were honest but were often selected through nepotism and few early officers had special qualifications. In many unions the guardians were unwilling to pay reasonable salaries to attract better people and in the same way parsimony encouraged them to keep inferior officers. Examples of this attitude have been found in County Durham, Gateshead and Sunderland; in the last union many of the problems arose from the guardians' desire for economy in the face of a rising population and expanding duties and pressure on the major officials was normally met by an increase of salary for the existing staff rather than by the appointment of additional officers. Some unions had a better record however: the officers in Wincanton were generally sound and salaries were sometimes increased to encourage good members of staff to stay. However even here the guardians were reluctant to dismiss staff, preferring them to resign voluntarily; they did not take allegations against officers very seriously and any complaints were perfunctorily investigated. In Norfolk too officers were defended against external

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1. F W D Manders, 'The administration of the poor law in the Gateshead Union, 1836-1930' (MLitt, University of Newcastle upon Tyne, 1980), p 13

criticism and often retained against the wishes of central authority, partly because they would be unlikely to get replacements at the poor salaries offered.<sup>2</sup> Workhouse staff had little contact with the outside world and the cloistered existence they led often caused tension; union records are full of details of their petty squabbles.

In some unions standards did rise over the years, helped by the intervention of central authority, who demanded better standards, and the growth of professional bodies such as the Poor Law Medical Officers' Association.<sup>3</sup> Senior officers, together with the assistant commissioners and various inspectors, 'bullied, blackmailed and cajoled' recalcitrant guardians into local improvements.<sup>4</sup> The case of B G Chamberlain, Leicester's clerk from 1843, is an example of this. Although the Poor Law Commissioners could dismiss union officials their appointments were in the hands of the guardians, which has been described as 'a piece of patronage well calculated to win their attachment to the new system'.<sup>5</sup> Salaries varied considerably from union to union and officers such as workhouse masters would move 'sideways' to get a higher salary, usually but not

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2. M A Crowther, The Workhouse System 1834-1929 (1981), pp 113, 121; P Dunkley, 'The 'Hungry Forties' and the New Poor Law: A Case Study', The Historical Journal, vol XVII, 1974, pp 342-343; P Wood, 'Finance and the urban poor law' in M E Rose (ed), The poor and the city: the English poor law in its urban context, 1834-1914 (Leicester, 1985), p 30; Manders, op cit, p 46; P W Randell, 'Poor Law relief in Somerset, with particular reference to the Wincanton Union 1834-1900' (MLitt, University of Lancaster, 1983), pp 46, 49-51; A Digby, Pauper Palaces (1978), p 80
  3. Crowther, op cit, pp 113-114, 133-134; R N Thompson, 'The new poor law in Cumberland and Westmorland (1834-1871)', (PhD, University of Newcastle upon Tyne, 1976), abstract, p 575
  4. D Fraser, 'The English poor law and the origins of the British Welfare State' in W J Mommsen (ed), The Emergence of the Welfare State in Britain and Germany 1850-1950 (1981), p 19
  5. U R Q Henriques, Before the Welfare State: Social administration in early industrial Britain (1979), p 39

always by going to a larger union. In their 7th annual report the Poor Law Commissioners said that they had 'recently observed a disposition in some Boards of Guardians to depress the salaries of the Union officers beyond what the Commissioners consider to be their proper amount' and urged caution in the matter.<sup>6</sup>

Unions were discouraged from retaining former parish servants unless they were of proven efficiency: the Commissioners said that the administration of the new poor law would generally be so different from the former system 'that length of service under the old system cannot of itself be taken as evidence of competency to carry into effect the new regulations'. They added that to appoint any candidate solely on the grounds of poor law office 'would be to inflict evil on a multitude of individuals from an undue regard to one. Nevertheless many local studies indicate that guardians preferred to retain officers from the past. The Leicester union had difficulty in attracting competent officers and their length of service was often short. However unlike some other unions there were few officers from the old poor law who found service with the new.

#### (i) clerk

The clerk was the key officer: his ability tended to colour everything the union did. He was often a local solicitor and in some unions was originally only employed part-time. He had to take the minutes at board and committee meetings, deal with correspondence and was often also the superintendent registrar for the district. Fortunately not many clerks were as poor as the Houghton-le-Spring officer: in 1851 a board meeting had to be adjourned because he was hopelessly drunk and the

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6. Dunkley, op cit, p 341; Poor Law Commissioners, 7th annual report, 1841, appendix A4

minutes of the meeting are a mere series of doodles. A strong-minded clerk could wield a lot of influence; in Loughborough for example the clerk filled the deficiency in the guardians and this substitution of power made him a supreme leader of poor law policy.<sup>7</sup>

Clerks' salaries could vary enormously and did not always relate to the size of the union. Hitchin paid its first clerk £50 p.a. and Chesterfield £120 p.a. Twenty years later this disparity was still apparent: a government report of 1854-5 showed that Leicester had a population of 59,246 and paid its clerk £200 p.a.; Nottingham's population was only slightly less (57,407) but its clerk only received £150 p.a. The clerk for Louth in Lincolnshire also received £200 p.a. in a rural union with a population of 33,388. Some of the largest salaries, as might be expected, went to the clerks of metropolitan unions where the highest sum was paid at Chelsea (£460) and where three other clerks earned more than £400 p.a. In addition to their basic salary clerks were paid election fees and payments as superintendent registrar, and these also varied considerably.<sup>8</sup>

Little is known of Leicester's first clerk, Henry William Riley, and he died on 15 June 1840 at the age of 39.<sup>9</sup> The appointment of his successor caused one of the biggest rows in the history of the union. At a special board meeting on 22 June Thomas Burbidge was appointed; he was the notorious ex-town clerk of the unreformed corporation who was at the

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7. N McCord, 'The Poor Law and Philanthropy' in D Fraser (ed), The New Poor Law in the Nineteenth Century (1976), p 98; A Becherand, 'The poor and the English Poor Laws in the Loughborough Union of Parishes 1837-1860' (PhD, Universite de Nancy, 1972), p 132

8. G Peters, 'The Old and the New Poor Law in Hitchin' in P Kingsford & A Jones, Down and out in Hertfordshire (Stevenage, 1984), p 162; J M Bestall, History of Chesterfield, vol 3, Early Victorian Chesterfield (1978), p 78; Salaries of Union Clerks, 1854-55 (391) XLVI

9. LRO, 26D68/1, 13, 20 & 27 February 1838

time involved in a long drawn-out lawsuit with the new town council; according to the Leicestershire Mercury Riley had been a member of his office staff<sup>10</sup> and one wonders how much indirect influence Burbidge wielded on the board. He was accused of misappropriating charity money and in turn claimed compensation for losing his job. The appointment was blatantly political: the board, which was overwhelmingly Conservative, sought to compensate Burbidge for loss of municipal office, as assistant commissioner Edward Senior told the Poor Law Commissioners:

Mr Burbidge was Town Clerk of the late Corporation and it is asserted that whilst in that office he [was] guilty of actions affecting his character for integrity. The Minority of the Board (the Liberal party) have intimated to me their intention of bringing these facts before you with the view of inducing you to withhold your sanction to the appointment.

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He added that the Lords of the Treasury and the report of the Municipal Commission could provide information and evidence on Burbidge. He was instructed to find out the truth without a formal enquiry and meanwhile the Commissioners received many letters on the subject. The dissenting ministers for example objected to Burbidge's appointment as superintendent registrar as in their opinion 'it would be difficult to select a gentleman more obnoxious to the Dissenters of Leicester'.<sup>12</sup>

At the board meeting of 7 July it was reported that the Commissioners withheld their sanction to the appointment, in reply to which the guardians sent the following resolution:

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10. A T Patterson, Radical Leicester (Leicester, 1954), pp 217-220, 226; K M Thompson, 'Power and authority in Leicester, 1820-1870' (MA, University of Nottingham, 1985), chapter 3, *passim*
  11. PRO, MH 12/6469, no 7612B, 22 June 1840
  12. Ibid, no 7864B, 26 June 1840

That the letter and explanations of Mr Burbidge are fully satisfactory, and that the Board feel quite confident that, in electing Mr Burbidge to the office of clerk to this Board, they have elected a fit and proper person to that office, and that they shall derive great advantage, as well from his talents and experience as from his zeal and legal knowledge.

That the Board therefore desire to express to the Poor Law Commissioners their unqualified approval of the election they have made, and their confident belief that their choice will do credit to the Board, promote the interests of the Union, and prove highly satisfactory to a great majority of the rate payers.

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The Commissioners made further enquiries which left them in no doubt of Burbidge's unfitness and said that if he persisted in carrying out the duties of clerk they would dismiss him.<sup>14</sup> Senior had made enquiries as directed and learnt from 'an authority whose accuracy I cannot doubt and on whose integrity I place the fullest reliance' that all the charges against Burbidge reported to the Commissioners were correct 'and that these transactions are matters of general notoriety'.<sup>15</sup> Burbidge himself wrote to the Commissioners:

I am not aware that the sanction of the Commissioners is at all essential. It is of much more importance to me that I should possess the good opinion and confidence of the Board of Guardians, who have known me, and I hope irreproachably so, to have filled a public office of great trust and confidence in this Town for so many years, and who have given me by the late Election a signal proof that they have not deemed me unworthy of such a public Trust.

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He gave his explanations of the charges against him and expressed his

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13. LRO, 26D68/2, 7 July 1840

14. PRO, MH 12/6469, no 81408, 25 July 1840

15. Ibid, no 81458, 6 July 1840

16. Ibid, no 81608, 6 July 1840

gratification to the guardians, while hoping that the Commissioners would come to find him worthy of their approval. He hoped to deserve the position of clerk for the sake of his character which had been 'so long and so unjustly assailed by those who have had neither mercy nor generosity nor justice to restrain them'.

At the board meeting of 28 July a letter of resignation was read from Burbidge, as he saw no way of resisting the 'arbitrary and irresponsible power [of the Commissioners] or the tyrannical use which they threaten to make of it'. He expressed his satisfaction with the confidence that had been shown in him and said 'it has been reserved for those who are utter Strangers to me to find out my unfitness for the situation to which you have elected me'. He knew, he said, that 'thousands' would stand by him 'in resisting this oppression' but he would not involve the board in such a conflict to achieve a personal object 'whilst the Law continues to give the Commissioners such absolute power, and they can be so readily instigated to the reckless use of it'.

At the same meeting a letter was also read from Joseph Burbidge, Thomas' son, soliciting the appointment, which he felt he could serve competently. He was aged 24 and had served 'a regular Clerkship to the Law'. He was duly appointed without the post being readvertised and the guardians passed the following resolution:

That in consequence of the unjustifiable interference and threats of the Poor Law Commissioners the Leicester union is deprived of the services of the most talented clerk in this country and further this Board of Guardians greatly lament that the arbitrary authority of the Commissioners should be put forth to carry out the spiteful and vindictive political malice of a party thereby inflicting a lasting injury upon the ratepayers of this important Union.

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The Commissioners not surprisingly were not entirely happy at the manner of Joseph Burbidge's appointment but sanctioned it provisionally for three months. They received a complaint from several guardians that they had not been notified of the non-sanction of Thomas' appointment and so were not at the meeting on 28 July. The Commissioners agreed that the election of Joseph had been irregular but saw no reason to withhold their sanction. Senior had reported that there was nothing against his general character to warrant any action except a trial period.<sup>18</sup>

Senior summed up the dilemma in which the Commissioners found themselves: if Burbidge senior had been appointed 'some fresh defalcation of funds may arise' as it was difficult to see how someone who had embezzled money when he was well-off could act differently 'now that he is insolvent, and with a ruined reputation, and in a position when breach of trust would be easy'. If however the appointment was not sanctioned the Tory press in Leicester, 'at present violent against the Law', would make a martyr out of him and the Conservative majority on the board would go to any length to keep him. Furthermore he felt that Burbidge, who had considerable interest with his party (Conservative), would do his best to ensure the election of a new board opposed to the law.<sup>19</sup> This illustrates the influence and political control a clerk could wield over a board of guardians which was evidently realised by the central authority.

Fortunately for the Leicester union matters did not go so far as Senior feared and Burbidge left relatively quietly. In November his son's appointment was sanctioned permanently; Senior reported that his books were satisfactory and added: 'he moreover appears intelligent, and

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18. PRO, MH 12/6469, nos 8934B, 8982B & 9112B, 5 & 1 August 1840

19. Ibid, no 9048B, 17 July 1840



desirous of conforming to your Regulations'. The guardians were equally satisfied with him.<sup>20</sup> Unfortunately his inexperience became apparent three years later and he was dismissed in November 1843 (see chapter 3). He was succeeded by Benjamin Goodman Chamberlain, a 32-year old printer and bookseller, who had been a guardian between 1838 and 1841. His experience of such work appears to have been minimal but in fact he became a very competent clerk. He was a Conservative and complaints against him were frequently preferred by the Liberal guardians but his ability and increasing experience (he served for over 32 years) eventually seem to have gained their grudging respect.

His salary was £150 p.a.; he asked for a rise in early 1845 and again in September 1847, on which occasion it was increased by £25, bringing it to the level of Riley's nearly ten years earlier. In 1853 he asked for a further increase, which was refused, and was in dispute with the guardians about his duties. He was often at odds with his fellow officers, especially the workhouse master and schoolmaster. In November 1853 his conduct was described as 'unjustifiable, reprehensible and contumacious in the highest degree'; the board was surprised and dissatisfied with the reason for his conduct, saying: 'such reason [the refusal of a rise] being improper in spirit and discourteous to the Board, and calculated to produce an injurious effect upon the other officers of the establishment'.<sup>21</sup> The guardians felt that he should either resign or carry out all the duties they required of him. A committee was appointed to investigate the question and it felt that he would not have to work such long hours if he did not hold so many other offices, such as tax

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20. Ibid, nos 11966B & 12656B, 24 October & 11 November 1840; LRO, 26D68/2, 10 November 1840

21. LRO, 26D68/7, 13 & 27 September, 8 November 1853

collector, borough assessor and partner in the firm of Chamberlain & Son, and concluded by saying that the board should have the power to compel its officers to perform duties other than those specified in the Consolidated Orders. The Poor Law Board supported the guardians in their attitude.<sup>22</sup>

In February 1857 it was decided to commute the fees for conducting elections and the gratuities for extra services formerly paid to the clerk, and to increase his salary accordingly. It was recommended that it be raised to £240 p.a., more than Nottingham's which was then given as £200.<sup>23</sup> After requests for a further rise he was finally granted an additional £25 in June 1863; there were several other adjustments and in January 1871 his salary was reduced to £210 exclusive of election fees.

Chamberlain continued as clerk until July 1876 when he resigned because of ill-health. His resignation was accepted with regret and his son, Lionel Percy Chamberlain, was appointed to succeed him, which appears to show that nepotism was still present. Chamberlain senior died on 15 August 1878 at Leicester.<sup>24</sup> There is no doubt that he was a great influence on the board of guardians and the correspondence shows that he was increasingly consulted by other clerks because of his vast experience of poor law matters. His apparent obsession with his salary and duties was not unusual: the Chesterfield union had similar problems with its clerk, who was criticised for doing work outside his union duties.<sup>25</sup> The history of the union clerkship at Leicester illustrates how vital this office was and how a strong-minded officer could be very influential in

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22. PRO, MH 12/6476, no 44496, 1 December 1853; LRO, 26D68/336, no 44496, 31 December 1853

23. PRO, MH 12/6478, no 5098, 9 February 1857

24. LRO, will register for 1878, p 580

25. Bestall, op cit, p 79

guiding union affairs; this can be seen particularly in the board's attitude to the granting of outdoor relief and in the issue of rebuilding the workhouse.

(ii) master and matron

The workhouse master had to 'enforce industry, order, punctuality and cleanliness', to see that the able-bodied were put to work, to call the medical officer in case of illness and to keep accounts of workhouse stores and property. Although the Commissioners' order did not stipulate that the master and matron should be married to each other they usually were. If a master became a widower he had to resign unless he could find an acceptable substitute. The master and matron were also expected to be without dependents and children could not usually live with their parents in the workhouse. In other ways too their job was no sinecure: they were rarely allowed holidays, had no pension and no ordinary domestic comforts. The master had to keep nineteen different books. In addition they were the victims of abuse or even assault but at the same time had tremendous power over their fellow officers and the inmates; it is therefore not surprising that there were problems. In theory abuses should not have occurred: excessive acts of violation or deprivation were against the rules, as were misappropriation of food or property, or undue familiarity by male officers with female paupers. However this still left a large area of discretion where the master could exercise tyranny over the inmates and look to his own interests without committing a technical offence; in particular he could collude with the local tradesmen or lose them business. There is evidence that guardians turned a blind eye provided discipline was maintained and central authority complained that they did not take their duties of visiting the workhouse seriously enough.

On the other hand the master could refuse entry to anyone who came without warning, including a guardian.<sup>26</sup>

No master could be dismissed without central authority's consent but often an officer who had transgressed was encouraged to resign instead. It was notoriously difficult to prove a case against a master: those who had most cause to complain, the inmates, had little chance of being heard, and masters seemed to survive in the face of apparently overwhelming evidence. Local studies show that guardians tended to stand by the master in spite of all proof of misbehaviour towards the paupers and often against the wishes of the central authority, and that offences against paupers weighed less than peculation of workhouse supplies. Enquiries into charges against masters show examples of mismanagement, financial irregularities, drunkenness, cruelty, sexual exploitation, tyrannical behaviour and general incompetence. Nevertheless most of them managed to survive their careers without any formal charges or serious complaints being brought against them.<sup>27</sup>

Part of the problem lay in the poor salaries paid. An attempt by the Poor Law Commissioners to grade them according to the size of the union failed because although they could refuse to sanction an excessively high salary they had no power to force a board to increase a very low one. The big town unions generally paid well: in 1869 the Liverpool master earned £350 compared with £30 at Aberaeron in Wales. Even this was not the lowest - the first master at Hitchin earned only £20 - and prison staff could earn a lot more than workhouse masters. As jobbery and

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26. Crowther, *op cit*, pp 116-119; R M Gutchen, 'Masters of workhouses under the new Poor Law', The Local Historian, vol 16, no 2, May 1984, pp 93-94

27. *Ibid*, p 97; Crowther, *op cit*, pp 121-122; Becherand, *op cit*, p 156

nepotism decreased throughout the country towards the end of the nineteenth century a career structure for masters developed. The average turnover reflected the quality of the masters; in 147 provincial unions between 1854 and 1918 it was about seven per union but small, poorly-paid ones had a higher rate. The Bridgwater union had eight masters within eighteen years and in Penzance three were dismissed or forced to resign in less than two and a half years. On the other hand there are examples of lengths of service of 51 years (Holywell) and 44 years (Sculcoates).<sup>28</sup> Few masters could move to any other kind of job and nearly a third of those who left died in post or retired; the lack of pensions meant that many of them worked into old age.<sup>29</sup> The insecurity of a master's life is illustrated by a case in Norwich where the master was dismissed and asked for help to prevent his becoming an inmate of the workhouse himself.<sup>30</sup>

The joint salary of the master and matron of the Leicester workhouse was fixed at first at £100 plus provisions, and the first appointees were William and Mary Clarke. The master was dismissed in November 1843 and he and his wife were succeeded by Marshall and Mary Goude, farmers from Hinckley in the county. Their term of office was somewhat short, the master resigning in July 1845 after the finance committee reported that he was not equal to his duties. They in turn were succeeded by John and Sarah Cole, who had resigned six weeks earlier from the Oakham workhouse. On enquiry it was reported that the master had allowed one of his daughters to take pupils into the workhouse and when the Commissioners had

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28. Ibid, p 124; Gutchen, op cit, pp 97-98; Peters, op cit, p 162; N Longmate, The Workhouse (1974), pp 105-106; D Ashforth, 'The Poor Law in Bradford c. 1834-1871' (PhD, University of Bradford, 1979), pp 222-223, 539

29. Crowther, op cit, pp 125-126

30. A Digby, Pauper Palaces (1978), p 12

expressed their disapproval the Coles had resigned.<sup>31</sup>

The Coles were frequently at odds with the other officers and one argument with the workhouse medical officer over the composition of the diet in 1846 led to an enquiry.<sup>32</sup> As the clerk reported to assistant commissioner Weale on that occasion a feeling of distrust had spread among the workhouse officers, the master having said that he would 'turn the heat upon them all' which the clerk interpreted as meaning 'that he would neglect no opportunity that offered a chance of their dismissal'. In fact the master's complaint against the porter and schoolmistress led to the dismissal of the former 'on the ground of general insubordination' and the resignation of the latter.<sup>33</sup>

The Coles resigned in November 1846 as the master had 'accepted an offer of employment in a private capacity, which he concurred would be more advantageous to himself than continuing in the Office he has hitherto held'.<sup>34</sup> They were succeeded by John's brother, Abraham Jobson Cole, and his wife Elizabeth; there seems strong grounds for the charge of nepotism as A J Cole was a 33-year old farmer.<sup>35</sup> John and Sarah Cole re-emerged on the scene in February 1848 when they were appointed master and matron of the temporary workhouse until John became vestry clerk to St. Margaret's select vestry.

In October 1848 charges were made by one Charles Chandler against the master, some of which were found to be true; Cole was instructed to be

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31. LRO, 26D68/332, no 11462B, 25 August 1845

32. PRO, MH 12/6471, no 2558B, 24 February 1846

33. LRO, 26D68/240, no 8, 17 January 1846; 26D68/3, 7 April 1846

34. LRO, 26D68/318, no 201, 5 December 1846

35. PRO, MH 12/6471, no 16327B, 21 December 1846

more careful in future but the guardians had no cause to question his integrity. The Poor Law Board also received a letter on the subject from 'A ratepayer of St. Mary's' which accused Cole of keeping his books in 'an irregular and loose manner' and of sending workhouse food to his niece (John Cole's daughter) who kept a school in New Walk. The writer also accused Cole of having the washing done for his niece and her boarders. As by this time John Cole was no longer at the temporary workhouse 'the game is at an end between the two brothers'.<sup>36</sup>

Further charges against the master were made by an inmate of the temporary workhouse, Alfred Smith, and Weale was asked to investigate. Smith accused Cole of purloining food and blankets which went to his brother and other members of his family. Weale found 'not the slightest foundation' in the charge of stealing blankets, and having learnt that Smith had misled him on one or two points regarding the charges of stealing food he decided his evidence was worthless. He added that this 'when coupled with the manner in which it was given generally and the vindictive feeling which prompted him to make the charges' led him to conclude that they were groundless and he did not even call on Cole for any defence.<sup>37</sup>

At the board meeting on 27 December the master was formally cleared of the charges. The incident was not however completely closed as at the next meeting a committee was appointed to investigate why the clerk had applied for a warrant to search John Cole's house and why the search had then been abandoned. At the subsequent enquiry the clerk said that he had found deficiencies in the temporary workhouse books relating in particular

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36. PRO, MH 12/6473, no 30391, 6 November 1848

37. PRO, MH 12/6474, no 389, 27 December 1848

to the stock of blankets; the evidence was somewhat confused and John Cole accused the clerk of being involved in a conspiracy against himself and his family, and of exceeding his duties. Apparently a policeman had been employed to watch the workhouse and the house of Cole's mother in law, and to report on what went in and out of both buildings.<sup>38</sup>

The schoolmaster, John Jackson, sent the clerk an unsigned note saying that the workhouse inmates were frightened of the master and 'the guardians are too blind to discover even the basest villainies'. He also sent a copy of a letter he had written to the two Liberal newspapers but neither had printed it; in it he accused the Coles of not carrying out their duties, of having their shoes and clothes made in the workhouse for nothing and of eating far better than the other officers.<sup>39</sup> There were obviously some grounds for the complaints against both Cole brothers although the master kept his job: when the books of the new master of the temporary workhouse (Thomas Parr) were audited some items were disallowed, but the clerk asked the auditor to remit the surcharge as he thought the objection 'a piece of vindictiveness on the part of the Coles, in revenge for his [i.e Parr] having spoiled their peculations'.<sup>40</sup> One wonders if this were true why the master was allowed to remain in post.

There were further complaints about A J Cole in early 1850 but the Poor Law Board declined to hold an enquiry; at a special meeting on 21 March he was cleared and the guardians resolved that they deeply sympathised with him 'in the attempt to ruin his character and reputation'. In July of the same year the clerk charged the master with

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38. Ibid, no 4222, January-February 1849

39. Ibid

40. LRO, 26D68/243, no 135, 21 November 1849



keeping his books 'in a fictitious and fraudulent manner' and this time an enquiry was held. Weale found irregularities, partly caused by the division of the workhouse inmates between three buildings during the rebuilding work, but it was resolved that although the charge of fraud was not substantiated, the accounts were kept so irregularly 'as to warrant the charge of their being fictitious, and have no doubt led to the impression that the Paupers have not been supplied with all the Articles charged on the Accounts'.<sup>41</sup>

After further complaints over the next few months the Coles resigned in May 1851 at the request of the visiting committee which felt that the master was incompetent.<sup>42</sup> The new master and matron were William and Ann Ogden who were paid £150 p.a. They came from the Tewkesbury union where they had also been master and matron.<sup>43</sup> Less than a year later the master was accused of inhumanity towards the workhouse inmates and with being drunk. At a special meeting on 6 & 7 May 1852 the charges were dismissed and it was resolved:

In no single instance has any charge of neglect, inhumanity or impropriety of conduct been established; but on the contrary that the result of this lengthened investigation is to increase the confidence of the Board in the ability and trustworthiness of the Master and its officers. The Board must also express its great regret that without having taken pains carefully to ascertain the truth of such statements, various parties in the Town should have listened to and apparently have believed them.

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41. LRO, 26D68/5, 1 August 1850; PRO, MH 12/6475, no 35453, 12 August 1850

42. LRO, 26D68/319, no 146, 28 May 1851; 26D68/246, no 249, 7 June 1853

43. PRO, MH 12/6475, no 33771, 8 August 1851

44. LRO, 26D68/6, 7 May 1852

The Ogdens resigned in 1853 on being appointed to similar posts in Birmingham. They were succeeded by William and Elizabeth Dickisson at a slightly reduced salary of £130 p.a. plus 8/= each per week in lieu of rations; the master had formerly been one of the relieving officers for the union.<sup>45</sup> Dickisson was refused a rise in 1855 and was obviously applying for other jobs as letters of reference for him survive; in January 1857 he was given a rise of £10 to keep him at Leicester. The couple continued as master and matron until March 1880 when they resigned because of their age, both having reached 65.<sup>46</sup> Their long period of office shows an improvement in stability compared with the unfortunate experience of the earlier years. The union had difficulty in recruiting competent and suitable masters and was equally reluctant to dismiss them even in the face of apparently conclusive evidence of guilt. It was also prepared to pay more to keep a good officer, as the case of Dickisson shows.

### (iii) relieving officers

The relieving officer was the union officer with the most direct contact with the poor and probably had the most difficult job of all; he was responsible for deciding whether a pauper should receive outdoor relief and thus could wield a lot of power. These officers were often unpopular with the poor and the subject of complaints of brutality and insolence.<sup>47</sup> At the same time they were answerable to the criminal courts

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45. PRO, MH 12/6476, no 15794, 6 May 1853

46. PRO, MH 9/10

47. K D M Snell, 'Agricultural Seasonal Unemployment, the Standard of Living, and Women's Work in the South and East, 1690-1860', Economic History Review, vol XXXIV, no 3, August 1981, p 120

for any refusal, or even any negligence, by which a destitute person suffered death or serious damage to health. This is graphically illustrated by an incident in Walsall in 1858 when a relieving officer, Purnell, was charged with manslaughter in the case of a child who had died after being burned, and whose father had been refused assistance as his income was 15/6 a week. This prosecution apparently caused a public outcry and the Walsall board sent requests to unions 'throughout the land' for contributions towards Purnell's defence. The Leicester officers sent 10/= and the clerk wrote to his opposite number at Walsall, saying it was one of the most abominable cases he had ever heard of. A Rev Bagnall, who had given the child's father a note to give to the relieving officer, appeared to be 'at the bottom of it all' and, 'like many other parsons', had a great notion of benevolence at other people's expense. He added that Bagnall seemed to have 'earwigged' the coroner and having seen Purnell sent to prison, 'went home contented with having shown that if a Parson's wishes are not complied with, the unfortunate wight who refuses "may look out for squalls"'. Chamberlain, Leicester's clerk, also gave his views on how relieving and medical officers could be protected and felt that the general remedy was to exclude all fools from office. Purnell was acquitted at the Assizes and the 'Defence Fund Committee' presented him with a purse containing £25, a testimonial dinner and an inscribed tankard.<sup>48</sup>

The Poor Law Commissioners originally hoped that relieving officers would be recruited from the police or military but even in 1834 it was difficult to find such men. The inevitable result of local

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48. S & B Webb, English Poor Law History, part II: The Last Hundred Years (1963), p 239; Walsall Free Press, 27 March, 24 April, 17 July & 7 August 1858; LRO, 26068/250, no 114, 21 April 1858

patronage therefore meant that officials of the old poor law were reappointed by the new regime. They were often unsatisfactory: between 1835 and 1841 ninety relieving officers were dismissed and others asked to resign, for malversation of funds, neglect of duty, misconduct or drunkenness.<sup>49</sup> Wages varied enormously: in Bridlington the joint post of relieving officer and master was paid only £60 but when the posts were separated the relieving officer received £80; the average salary for 82 Lancashire relieving officers was less than £100 each in 1837 but twelve years later this had been substantially increased. Gateshead had four relieving officers who were all paid £50 but only worked part-time. In the Loughborough union the relieving officers were also registrars and the average salary for the Loughborough district was £90.<sup>50</sup> The relieving officer's workload could be excessive; in Bradford three men had to serve a population of about 115,000 and in 1847, an exceptional year, could get nearly 200 new applications a day.<sup>51</sup>

One of the first relieving officers in Leicester, William Thornton, had been assistant overseer for St. Margaret's parish and there was some opposition to his appointment.<sup>52</sup> In August 1837 the first appointee to no 2 district, Frank Nedham, was suspended for not keeping his accounts correctly and was replaced by William Alston; in 1843 Thornton was dismissed and succeeded by Henry Joseph Wilkinson. This last appointment was almost certainly politically motivated: he had been the editor, printer and publisher of the Leicester Herald, an extreme Tory newspaper

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49. Henriques, op cit, pp 46-47

50. Ibid; Peters, op cit, p 162; Midwinter (1969), op cit, p 42; Midwinter (1967), op cit, p 109; Manders, op cit, p 155

51. Ashforth, op cit, pp 123-128

52. PRO, MH 12/6468, no 2208C, 15 & 20 July 1836; no 2489, 30 July 1836

which had ceased publication the previous December. His appointment was only sanctioned provisionally but assistant commissioner Weale reported that he seemed quite capable and that the objection to him was purely political; at his suggestion the appointment was permanently sanctioned but Wilkinson was warned to abstain from all political interference.<sup>53</sup> Alston was dismissed after trouble with his accounts and was succeeded by William Chamberlain, a former bookkeeper.<sup>54</sup> After an investigation into Alston's books it was resolved to prosecute him.<sup>55</sup> Wilkinson got into difficulties with his accounts later the same year and resigned; Weale stressed that no fraud had been committed but felt that Wilkinson was 'not a Man of business like habits'.<sup>56</sup> His successor was Thomas Pickering, the former clerk to St. Margaret's select vestry.<sup>57</sup> There were problems with Chamberlain's accounts in 1848 and the board engaged in a dispute with the Poor Law Board over his retention in office, even asking the town's two MPs for help. The problem was finally resolved when he took a similar post in Boston. He was succeeded by William Cartwright, a trimmer and dyer.<sup>58</sup>

In November 1845 the board decided to appoint a third relieving officer to deal with the cases of non-settled poor; William Dickisson was

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53. PRO, MH 12/6470, no 13298, 29 September 1843; no 149068, 3 November 1843; see also D Fraser, Urban Politics in Victorian England (1976), p 73

54. Ibid, no 10468, 22 January 1844

55. Ibid, no 44358, 2 April 1844

56. PRO, MH 12/6471, no 18708, 7 February 1845

57. Ibid, no 28708, 26 February 1845

58. LRO, 26D68/333, no 30997, 13 November 1848; 26D68/334, no 33297, 11 December 1848; no 35258, 5 January 1849; 26D68/242, nos 254 & 255, 2 February 1849; no 4154, 12 February 1849; PRO, MH 12/6474, no 6408, 28 February 1849

appointed at a salary of £60 p.a. and was apparently satisfactory.<sup>59</sup> By December 1847 his salary had been increased to the same level as his colleagues. The board decided in 1850 that it only needed two relieving officers and tried to dispense with Dickisson's services. However the Poor Law Board did not think this was a good idea until the new workhouse was ready, and pointed out that a relieving officer could only be removed because of unfitness or incompetency. The situation was resolved by Dickisson's appointment as master.<sup>60</sup> At various times assistants were appointed to help out in particular periods of pressure.

In 1857 Pickering's successor, Walter Dawson Smith, was severely reprimanded for being absent without making proper arrangements and thereby contributing to the death of a pauper who had been unable to get medical assistance.<sup>61</sup> This is the first recorded instance of a relieving officer being censured for inhumanity rather than for financial irregularities. Ten years later Cartwright was severely censured, along with the assistant overseer for All Saints parish, for trying to remove a pauper from the Leicester Infirmary to Newtown Linford before the Union Chargeability Act became operative. Weale held an enquiry and examined several witnesses, including the man's widow and brother, doctors and nurses at the Infirmary, and a policeman: both men were let off with a warning although Weale said that had the incident come to light sooner - it was by then over a year since it had occurred - he would have

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59. PRO, MH 12/6471, no 16111B, [December 1845]; LRO, 26D68/3, 24 March 1846

60. LRO, 26D68/335, no 56880, 16 December 1850; 26D68/336, no 7129, 11 March 1852; PRO, MH 12/6476, no 35261, 14 September 1852

61. LRO, 26D68/338, no 34120B, 20 October 1857

recommended sterner measures.<sup>62</sup>

The relieving officers were some of the few officers in Leicester who showed any continuity with the old poor law. Their lack of experience of poor law affairs and their inability to carry out the duties satisfactorily meant the appointment of unsuitable officers and a high turnover in this key post.

#### (iv) medical officers

During the nineteenth century the medical staff emerged from a subordinate role to become the most important of the indoor officers, and provided the vital link between the workhouse and the public hospitals which replaced it. The medical officers belonged to a profession which was rapidly gaining in social esteem and becoming increasingly well-qualified. At first it was badly disorganised: in 1836 only 930 out of 1,830 union medical officers had been examined in both medicine and surgery, and had been in practice for more than three years. In 1842 the Poor Law Commissioners anticipated the Medical Act of 1858 when they laid down that medical officers had to be qualified in both medicine and surgery and to have at least two of the formal qualifications then available; even so unqualified men were still employed into the late 1840s.<sup>63</sup>

One of the faults of the service was that appointments were often by tender, with the suspicion that the lowest was accepted. The Poor Law Commissioners said that tendering should be abandoned and medical officers

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62. PRO, MH 12/6482, no 26880, 10 June 1867; LRO, 26D68/343, no 205068, 26 June 1867

63. Crowther, *op cit*, pp 156-157; R G Hodgkinson, The origins of the National Health Service (1967), p 66

ought to be officers of the union; they felt that a combination of a fixed sum and a sum per case was the best payment method.<sup>64</sup> In Bradford the board was apparently more interested in the price of the tender than the competence of the applicants and the fee per case actually fell between 1837 and 1841 and again between 1848 and 1851. As a result most vacancies were poorly contested but the board usually managed to appoint qualified men. The tender system was abolished in 1842 but evasion of the rule that the salary must be fixed and stated in the job advertisement was widespread, and the salary was often lowered after an initial appointment.<sup>65</sup> Some medical officers left the work to poorly paid and inadequately qualified assistants.

Many medical officers also had a private practice and took on poor law work to supplement their incomes, often at uneconomic salaries. From the 1840s all except the workhouse medical officer could be paid extra fees for smallpox vaccination, midwifery and certain surgical operations. The 1842 order also pressed for permanent appointments, not annually renewable ones; this was largely ignored as in 1844 only 1,270 out of 2,825 medical officer posts were permanent. From 1854 medical officers living within their districts were to have a permanent contract but this did not extend to those living outside; by 1862, 711 out of 3552 medical officers were still employed annually.<sup>66</sup>

The growth of a medical service has often been referred to as one of the greatest achievements of the new poor law, despite the problems.

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64. Report of the Poor Law Commissioners to the Marquis of Normanby on the continuance of the Poor Law Commission, etc., 1839-40 (226, 227), XVII, pp 46-47

65. Ibid, pp 78-79; Ashforth, op cit, pp 197-198, 455-459

66. Hodgkinson, op cit, pp 116-117; Crowther, op cit, p 158



These were certainly large: one of the difficulties for instance was that only relieving officers could order medical relief, rather than the medical officers, and this often led to problems for the poor when the two officers were some way apart. A health service of the degree of comprehensiveness attempted after 1834 was not compatible with the underlying ideology of the new poor law or with the willingness or capacity of ratepayers to finance it: 'the miracle is that somehow the hamstrung service limped along until the slow but persistent sniping of the reformers prodded public opinion sufficiently to improve conditions within the service and to provide the bare minimum of adequate finance [in the late 1860s and early 1870s]'.<sup>67</sup> The 1842 General Medical Order laid down a maximum population of 15,000 and a maximum size of 15,000 acres for each medical officer's district. In practice however these limits were often exceeded; on one occasion one Leicester district was reported to have had 24,000 inhabitants. With all these problems it is not surprising that the poor were rather contemptuous of medical officers, especially in towns.<sup>68</sup>

The Leicester union paid its medical officers a fixed salary from the outset; two men were appointed at a salary of £150 p.a. each out of which they had to find all the necessary medicines and appliances except for leeches and trusses, and the medical officer for no 2 district was paid in addition 5/= for each case he attended in the Friars, which were outside the union until 1861. In 1843 the districts were increased to four and the salaries were reduced to £80 for three of the districts and

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67. M W Flinn, 'Medical Services under the New Poor Law' in D Fraser (ed), The New Poor Law in the Nineteenth Century (1976), pp 49-53

68. Hodgkinson, *op cit*, p 110; F B Smith, The People's Health 1830-1910 (1979), p 359

£60 for the fourth, which the Commissioners considered rather low. In October 1853 the workhouse was made a separate district, with a salary of £60, a move which assistant commissioner Weale had in fact recommended six years earlier.<sup>69</sup> At the end of 1857 St. Margaret's parish, the largest and most pauperised in the union, was further divided - this time into three districts and the salaries ranged from £50 to £70, reflecting the number of paupers in the different districts.<sup>70</sup>

One of the new appointees in 1853 only had a single qualification (contrary to the 1842 General Medical Order) but the other three had two.<sup>71</sup> Cases of neglect were laid at the door of more than one of the medical officers: the most serious appeared to be that against William Derrington, accused of causing the death of a man named Perkins through neglect. In fact it was his assistant who had been involved and this prompted the board to remind all the medical officers that they had to discharge their duties personally. One, Macaulay, was shown to have only attended eight out of 57 cases and was told by the Poor Law Board that if he did not have enough time to attend his cases personally he should give up the job.<sup>72</sup> Macaulay stated that the attack was made on him to force his resignation in favour of 'a young Gentleman recently established in practice in this town'; he told the Poor Law Board that he had performed his poor law duties diligently:

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69. PRO, MH 12/6470, no 21908, 22 February 1843; MH 12/6476, no 34257, 15 September 1853; nos 36261 & 36262, 12 October 1853; PRO, MH 32/87, no 78168, 9 April 1847

70. PRO, MH 12/6478, no 48219, 18 December 1857; MH 12/6479, no 5601, 11 February 1858; LRO, 26D68/339, no 4685B, 16 December 1858 & 20 March 1860

71. Ibid, no 39848, March 1843

72. PRO, MH 12/6474, no 10270, 2 April 1849; MH 12/6476, no 34486, 6, 7 & 17 October, 2 November 1853

I am yet bold to say that it will be a happy day for the poor throughout this Kingdom when every District is looked after as well as mine has been, and when the same amount of attention and skill is bestowed upon the distress and the sufferings of the sick as has been the case in mine during the last eight years.

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Nevertheless he promised to mend his ways and the guardians, after some initial doubts, agreed to remove the suspension they had imposed on him.<sup>74</sup> Two years later he was in trouble again for the same reason and this time he resigned.

The appointment of his successor was the cause of some discord among the guardians. Two candidates were eliminated from the competition, one of them for having sent in an application unaccompanied by testimonials; despite this he gained a majority of votes but his appointment was not confirmed by the chairman of the appointment panel. It was alleged that the chairman of the board had stated publicly a fortnight earlier that he would do all he could to secure the appointment and a report compiled by a special committee concluded with the belief that the chairman had a personal interest and had canvassed on behalf of Lankester, the successful candidate. When a fresh election was held Lankester was not appointed.<sup>75</sup>

In 1856 Bolton, the workhouse medical officer, resigned in acrimonious circumstances, after being censured for his conduct in the case of a man named Wright. He wrote to the Leicester Chronicle,

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73. Ibid, no 41468, 12 November 1853

74. LRO, 26D68/336, no 41468, 19 November 1853; PRO, MH 12/6476, no 42749, 21 November 1853; LRO, 26D68/7, 3, 10 & 31 July 1855

75. PRO, MH 12/6477, no 34204, 34216 & 34263, 5 September 1855; no 34806, 12 September 1855; no 34999, 13 September 1855; LRO, 26D68/337, no 35187, 24 September 1855; PRO, MH 12/6477, no 37174, 12 October 1855

explaining his conduct, and alleging that the charge against him was a trumped-up one. He told the board that he resigned 'in consequence of injustice, insult, abuse, and almost every other violation of gentlemanly bearing, which I have received at the hands of several members of your Board'. Self-respect compelled him to sever his connection with the guardians and he reckoned that he had been paid less than 1½d for each case he had attended, to include all medicines, instruments and dressings. He concluded that he had not asked for a rise for himself but 'in the name of humanity and justice' asked for one for his successor.<sup>76</sup> Among the charges against Bolton was that of belonging to the Poor Law Medical Reform Association, a pressure group for reform in poor law medical care (later reconstituted as the Poor Law Medical Officers' Association) and a body regarded with suspicion by many guardians.<sup>77</sup>

Towards the end of the period being studied occurred one of the most bizarre examples of the inadequacy of the poor law medical service in Leicester. The workhouse medical officer, John Moore, was given several months' leave of absence because of his failing health and his deputy was temporarily appointed to do his work; he resumed his duties but was again given leave of absence as he was felt to be unequal to the job. This followed a complaint against him when a pauper died of 'mortification' [gangrene] after breaking her leg; Moore was described as 'a poor old man' [he was 63] and because he was unable to set the leg had apparently said there was no point in doing it. A motion calling for his resignation was defeated but two months later he was tactfully asked to resign.<sup>78</sup> It

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76. PRO, MH 12/6478, no 1775, 22 December 1856 & 6 January 1857; Leicester Chronicle, 3 January 1857

77. Flinn, *op cit*, pp 60-61

78. LRO, 26068/343, no 16948, 16 January, 12, 19 & 26 March 1867

seems incredible that Moore should have got off so lightly.

It appears from the evidence on the Leicester medical officers that they were not so well qualified and committed as those in other unions. The case of the workhouse medical officer outlined above occurred in the late 1860s, a time when such things should have been impossible. They obviously varied individually but as a group appear somewhat inadequate. The case of Bolton seems to indicate that the more vocal (and probably more able) men were a nuisance to the guardians who found ways of ridding themselves of anyone who appeared to question their decisions and upset the even tenor of their administration.

#### (v) nurses

In contrast to the growing professionalism of medical officers the nurses employed in workhouses were untrained and often a positive danger to the patients they were supposed to treat. They were often paupers themselves and the use of pauper nurses was not forbidden until 1897, although the Poor Law Board recommended the discontinuance of the practice in 1865. The central authority disapproved of any attempt to pay pauper nurses for their services and even in 1850 the Poor Law Board resisted the employment of professional nurses for work which they regarded as part of the inmates' duties. The records of almost any union will produce 'a dreary tale of nursing inefficiency, neglect, and cruelty'; drunkenness, indifference and incapacity were very common. All the Poor Law Commissioners required of nurses was sobriety and hopefully enough literacy to read the medical officer's instructions.<sup>79</sup>

When professional nursing began to expand in the 1860s workhouse

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79. Crowther, op cit, pp 165-166

nursing became increasingly criticised; one of those to take an interest was Florence Nightingale. Guardians accepted the need for trained medical officers but were less convinced of the need for trained nurses. Even if they were prepared to appoint them they had difficulty in attracting suitable candidates and it was not until the 1870s that trained nurses really began to take over in poor law hospitals.<sup>80</sup>

Until 1857 Bradford had only one paid nurse but this had increased to eight by 1871; paupers were still used as assistants until the late 1860s. Some of the nurses were trained but others had previously held a variety of jobs, such as labourer, soldier, shoemaker and gardener. Their salaries ranged from less than £15 to £30 and they were usually inmates; several were dismissed or forced to resign. Their working conditions were poor and they worked excessively long hours. The first nurses in Wincanton were paid even less, between £5 and £8.<sup>81</sup>

The Leicester union resisted the appointment of paid nurses for a long time. In October 1846 assistant commissioner Robert Weale, on a visit to the workhouse, ordered the removal of a male pauper nurse because of his unkindness to the patients but the visiting committee was offended at his interference and reinstated the man. Weale raised the question of the appointment of paid nurses the following month and the Commissioners supported his views.<sup>82</sup> The workhouse medical officer also shared their opinion:

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80. Ibid, pp 175-176; Flinn, op cit, p 63

81. Ashforth, op cit, pp 489-492; Randell, op cit, pp 245-246

82. LRO, 26D68/333, no 14145B, 13 November 1846; no 15004B et seq, 2 December 1846 et seq

It is impossible for me to place confidence in pauper Nurses; my experience convinces me that the sick are not properly attended to, and in cases where I have ordered wine it has been consumed by those entrusted to administer it instead of the patient for whom it was intended. I have known mothers consume wine that I had ordered for their children.

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Both Weale and the Commissioners continued to urge paid appointments but to no avail. However at the end of 1847 a workhouse inmate died from an overdose of laudanum and at the coroner's suggestion the pauper nurse was removed. The Commissioners took the opportunity of raising the question of paid nurses again and the guardians finally resolved to appoint two.<sup>84</sup> They fixed the salary at £15 each p.a. plus rations and stipulated that they were to be single or widowed 'without incumbrance', to be able to read and write and be over 35 years of age. There were five applicants but none was felt to be suitable and the posts were readvertised; this time the board was successful and appointed a former warehousewoman and domestic servant, and a domestic servant who had been cook at the workhouse but had left because of illness.<sup>85</sup> When one of them resigned in June 1850 the post had to be advertised twice before a suitable replacement was found and the same thing happened when the board decided to appoint a male nurse but could not find an adequate person.<sup>86</sup>

The salaries were increased over the years and one of the nurses was the first union officer to be given a superannuation when she resigned. By 1867 one of the nurses was earning £20 and the same year the

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83. Ibid, no 9583B, 3 May 1847

84. PRO, MH 12/6472, no 218748, n.d.; LRO, 26D68/333, no 22183B, 6 December 1847

85. PRO, MH 12/6473, no 2852, 26 January 1848

86. LRO, 26D68/7, 11 & 25 July 1854

board decided to try and obtain the services of two women to be trained as nurses; they were to be provided with food, lodging, washing and a salary of £6 each while training. The Poor Law Board pointed out that training was not strictly within the object of the administration of the poor laws but agreed to sanction the appointments.<sup>87</sup>

There were numerous changes in the nursing staff over the years but the general picture is one of gradual improvement in both the number of nurses and their abilities. By the late 1860s the board appeared to be somewhat ahead of trends by the suggestion of training nurses. Nevertheless even by 1871 it was still finding difficulties in appointing suitable people and had to readvertise posts.

#### (vi) schoolteachers

From the outset the central authority realised the value of education as a way of breaking the chain of pauperism. It stipulated that each union was to establish a properly constituted school with a salaried schoolmaster and schoolmistress who had to provide at least three hours of schooling each day, as well as industrial training. Few workhouse schools had more than 50 pupils and few unions felt it necessary to seek exceptionally talented teachers; some were suspected of appointing very poor ones at very low salaries.<sup>88</sup> An attempt to set up district schools, with greater resources and, it was argued, the funds to employ better teachers, failed and only nine were formed.

A more significant step was the creation in 1846 of a central fund for paying teachers' salaries. Five poor law school inspectors were

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87. PRO, MH 12/6482, no 978, 7 January 1868; LRO, 26D68/343, no 47433, 6 January 1868

88. F Duke, 'Pauper Education' in Fraser (1976), op cit, pp 68-69



appointed, responsible to the Committee of Council on Education. The teachers were paid according to the certificate they were awarded: the categories were efficiency, competency, probation and permission. The maximum grants in each category for a master were £60, £45, £30 and £15, and schoolmistresses could earn four-fifths of these sums. In 1849, the first year of comprehensive inspection, most certificates fell in the bottom two classes. Many teachers left and their successors were generally an improvement; in 1849 only 137 male teachers got certificates of efficiency or competency compared with 236 in the other two categories but by 1857 the respective figures were 234 and 134.<sup>89</sup>

Workhouse teachers often had to act as attendants, nurses or general servants and were usually forced to live in the workhouse. In addition the guardians inflicted petty humiliations on them and the better qualified teachers became understandably sensitive about their status, dignity and rights. Conditions improved after 1848 but they were still answerable to the workhouse master and frequently in dispute with him over the children's education. Like the masters they tried to move from union to union but unlike the master they had the opportunity to move out of the workhouse environment if they were sufficiently able.<sup>90</sup> The view of officialdom on the quality of teachers was frequently damning; in 1839 it was said that more complaints were made about them than any other officers and many were apparently dismissed for drunkenness 'or other immoralities'. In addition many of them were ignorant and turned to teaching when they failed in business. Many of the first teachers were drawn from pauper inmates and applications from workhouse porters were

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89. Ibid, p 75

90. Ibid, p 75; Crowther, op cit, pp 130-132, 203-204; Digby, op cit, p 188

common. Schoolmasters often applied for posts as workhouse masters, showing that the job was seen as a rung on the ladder of union service.<sup>91</sup>

The problem of finding suitable teachers was apparent in more than one union: in Gateshead the post of boys' schoolmaster was advertised 23 times between 1851 and 1881 and the longest length of service was five years. The union did better with its schoolmistresses, however - one held the post for 30 years between 1862 and 1892. Even in Norfolk, where the system of pupil-teachers began, there was an inadequate supply of teachers and great difficulties in keeping them. In the first decade of the new system in the county union schools had an average turnover of teachers every eighteen months; salaries varied from £15 to £35 for a schoolmaster and from £10 to £20 for a schoolmistress, at a time when the salaries of elementary teachers in the county ranged from £8 to £60. The former occupation of those appointed to workhouses included hairdresser, tailor, saddler, parish clerk and workhouse porter (for the men), dressmaker, housekeeper and lady's maid (for the women); the applicants for the post of schoolmaster in Leicester in 1845 included a woolcomber, office clerk, warehouseman and commercial traveller. In 1841 a Loughborough schoolmaster was described as 'disordered in his senses', having 'a declining health from a derangement of the digestive organs and 'subject to attacks of epilepsy from which the intellect [had] become so considerably affected as to be unable to fulfill the duties of his office'. Those in the Bangor and Beaumaris union were all untrained and incompetent: one was dismissed for stealing and another for sexual impropriety with the matron and a

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91. J E Woods, 'The development of the education of pauper children in Workhouse schools 1834-1870' (Leicester, no publication details, copy in LRO library), pp 34-39, 80-94, 120-121

number of the female inmates.<sup>92</sup>

The first teachers were appointed in Leicester in May 1839, shortly after the workhouse was opened; they were man and wife (George Waring Cartwright and Selina Cartwright) and were paid £15 and £10 respectively, increased by £5 each three years later. When they resigned in 1845 the salaries were raised again by £5 each. The new schoolmaster had been a warehouseman but the schoolmistress moved from a similar position in the Rugby union. The schoolmaster resigned after only a month, having apparently left the workhouse in defiance of the master's order.<sup>93</sup>

His successor, John Annable, was soon in trouble: his 'sister' was arrested for stealing workhouse provisions and Annable was suspended while the matter was investigated. The girl's landlord stated that she often returned with provisions and when he asked if she were not afraid of being caught she apparently said: 'no, my Brother has got the Porter and Schoolmistress fast enough, and they dare not say anything'. The board asked the Commissioners to dismiss Annable but they were unconvinced by the evidence of his complicity. Annable in turn complained to the Commissioners about the master's behaviour, saying that the children were not properly supplied with clean clothes and that the food was insufficient. He denied the charge against him and added that the master had been determined to get him dismissed. Weale was not convinced of Annable's guilt but felt it better to dismiss him, feeling that little

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92. Ibid; Ashforth, op cit, p 514; Randell, op cit, p 165; Manders, op cit, p 48; Digby, op cit, pp 187-188; Peters, op cit, pp 173-177; Becherand, op cit, p 208; H G Williams, 'The education of workhouse children in the Bangor and Beaumaris Union 1846-80', Gwynedd Archives Service Bulletin, no 2, 1975, pp 50, 52; see also appendix

93. PRO, MH 12/6471, no 5270B, 15 April 1845; no 4745A, 21 April 1845; LRO, 26D68/318, no 121, 14 May 1845; PRO, MH 12/6471, no 7427B, 28 May 1845; LRO, 26D68/318, no 144, 5 September 1845

confidence could be placed in him and he had not helped himself by failing to appear at the enquiry. He also thought that the constant visiting of a male officer by a female was very improper, saying: 'Sisters and Cousins are very convenient relationships to assume where all the Parties are strangers'. Annable was succeeded by William Curtis, a man with over twenty years' experience as a schoolmaster'.<sup>94</sup>

Shortly afterwards the schoolmistress was recommended to resign on account of the continual differences between her and the matron; Weale felt that they could never work together harmoniously. Unfortunately for the union she appears to have been better than average as a teacher. She was succeeded by a seamstress who had kept her own school.<sup>95</sup> The board's problems with its teachers continued: the schoolmaster resigned in August 1848 after a series of incidents, including apparently saying that 'he thought nothing of the Board, and that the Rules were humbug'. He was followed by another schoolteacher whose wife was appointed to the new post of infant teacher with board and lodging in the workhouse but no salary. The Poor Law Board however was unwilling to permanently sanction the schoolmaster's appointment and he was soon replaced by another schoolmaster at an increased salary of £40. A new infant mistress was also appointed, this time at a salary of £15, plus board and lodging; she had been employed in a similar capacity by, among others, the Countess of Lanesborough. Her appointment was remarked upon by Her Majesty's Inspector who said: 'I congratulate the Board on the establishment of the

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94. PRO, MH 12/6471, no 394B, 31 December 1845; LRO, 26D68/333, no 394B, 12 January 1846; PRO, MH 12/6471, no 880B, 17 & 20 January 1846; no 2412B, 16 February 1846

95. LRO, 26D68/318, no 178, 22 April 1846; PRO, MH 12/6471, no 6457B, 7 May 1846; LRO, 26D68/241, no 88, 4 March 1847

Infant School and the appointment of so efficient an Infant Teacher as Miss Steads. The high condition of her School is very creditable to her considering the short time she has been in office'.<sup>96</sup>

The first certificates issued to the Leicester teachers were poor; the two mistresses got certificates of probation and the master one of permission. Bowyer, the inspector, was not very complimentary about Bradley: 'I consider the Candidate decidedly inefficient, and incapable of improvement, as, though no more than 56 years of age, he has lost his memory, and appears very infirm. He has all the appearance of a person who has injured his health by habitual intemperance. The School afforded abundant evidence of [his] inefficiency'.<sup>97</sup> His successor got a certificate of efficiency, the highest possible; unfortunately he resigned just over a year later. The next schoolmaster lasted the same length of time after trouble with the master.<sup>98</sup>

The following two masters both got a certificate of efficiency. The second one must have been one of the best schoolmasters the Leicester union employed as he left Leicester to become schoolmaster to the children of the royal household; he was apparently recommended by the principal of Kneller Hall, the workhouse teachers' training college. His two successors only lasted three months each. The board was experiencing similar problems with the schoolmistresses and in October 1854 raised the salary to £35 to attract better candidates; despite this the schoolmistresses continued to come and go at a rapid rate. The schoolmaster's

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96. LRO, 26D68/318, no 212, 6 January 1847; no 372, 29 March 1848; PRO, MH 12/6473, no 25912, 14 September 1848; MH 12/6474, no 3781, 2 February 1849; no 8804, 22 March 1849; LRO, 26D68/319, no 36, 15 June 1849

97. PRO, MH 12/6474, nos 27279-27281, September 1849

98. PRO, MH 12/6476, no 18130, May 1852; no 30135, 29 July 1852

salary was similarly raised, to £50, in September 1858 but the new appointee only got a certificate of competency; the two mistresses only got certificates of probation.<sup>99</sup>

There was no time during the 35 years of this study when there was a settled teaching establishment and the few really good teachers remained for only a short time. There were nineteen schoolmasters, ten schoolmistresses and ten infant schoolmistresses (from 1848). The effect on their pupils can be easily imagined.

#### (vii) chaplain

Many unions resisted the appointment of a chaplain, particularly where, as in Leicester, a significant proportion of the workhouse inmates were not members of the Church of England. Moreover he often commanded a higher salary than other officers and sometimes received as much as the workhouse master for less work. His duties were to read prayers and preach on Sundays, catechize the children once a month, visit the sick if requested and minister to the dying.

The Poor Law Commissioners saw the chaplain as 'the spiritual ancillary' of the master and hoped he would suffice for all denominations; they especially wanted to prevent paupers leaving the workhouse to attend church, believing that all kinds of evil would result if they did. They apparently underestimated the resistance from dissenters not only on ideological ground but also on economic ones. They were in a difficult position but accepted that no religious ceremony should be forced on paupers of other sects and this inevitably meant allowing paupers to attend their own chapel, either under supervision or by getting a

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99. LRO, 26D68/339, nos 49193-49195, 18 December 1858

certificate of attendance from the minister.<sup>100</sup>

In 1844 there were still 144 unions which refused to appoint a chaplain, mainly in the north, and many of these used the free services of nonconformist ministers. By and large Roman Catholic priests were excluded from workhouses, which led to many complaints. As a result the Poor Law Board issued the 'August Order' in 1859 which made the provision of religious instruction for Catholic orphan pauper children obligatory on all workhouse masters. This was a significant concession to Roman Catholics but its mandatory nature greatly offended and angered guardians with ultra-Protestant sympathies and connections. The vigour and persistence of the ensuing agitation for its repeal has been described as almost without parallel in the history of nineteenth century Protestant-Catholic relations in England. As early as February 1860 the Poor Law Commissioners stated that the order was not mandatory but merely permissive.<sup>101</sup>

A government report of 1844 on the salaries of chaplains showed that there was one at Leicester who was paid £50. Nottingham had no chaplain and Bradford had a system of free services; in the latter union Anglicans, Methodists and Independents all held services or meetings in the workhouse and all the inmates were allowed to visit a place of worship in the town on Sunday mornings. In 1847 the board was not allowed to have an unpaid chaplain so he was paid the nominal salary of £1 at the insistence of the Poor Law Commissioners.<sup>102</sup> Gateshead was another union

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100. Crowther, *op cit*, pp 128-129

101. *Ibid*, pp 129-130; J M Feheny, 'The Poor Law Board August Order, 1859: A case study of Protestant-Catholic conflict', Recusant History, vol 17, 1984, pp 84, 88

102. *Appointments and Salaries of Workhouse Chaplains, 1844* (144) XL; Ashforth, *op cit*, pp 243-246, 523

without a chaplain and here the guardians refused to allow Roman Catholic children to leave the workhouse to attend chapel until 1858. Loughborough had a full-time chaplain at a salary of £40 and when a vacancy occurred an offer of free services from dissenting ministers was rejected; like Gateshead, nonconformists were not allowed to attend their own chapels and the board even forced Roman Catholics to attend the Church of England services.<sup>103</sup>

When the new Leicester union workhouse was built some nonconformist ministers offered to give free services there, an offer which the board resolved to accept. The Anglican Leicester Journal was loud in its condemnation and allocated its 'leader' article to the subject:

We observe that the Radical Guardians of the Leicester Union, are determined to render their official position the means of aggression upon the Church establishment. In opposition to the universal practice of appointing clergymen of the Church of England, as Chaplains of Union Workhouses, certain sectarian individuals are anxious to introduce the novelty and uncertainty of gratuitous religious instructions...

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This was one year when the board was almost evenly divided between Conservatives and Liberals and the newspaper article urged all the Conservative guardians to vote against the proposal, 'which is the more dangerous as it makes its advance under the plea of disinterested benevolence, and seems to be recommended by a contemptible notion of Economy'. It concluded: 'it cannot be considered as otherwise than disgraceful to a town like Leicester, that the spiritual interests of the

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103. Manders, op cit, pp 59-60; D Fraser, 'Poor Law Politics in Leeds 1833-1855', Thoresby Society Publications, vol LIII, 1970, pp 41-42; Randell, op cit, pp 127-130; Becherand, op cit, pp 212-213

104. Leicester Journal, 25 January 1839



unfortunate paupers, should be left dependent on the precarious attention of those who offer their gratuitous services for ends obviously political'.

The Poor Law Commissioners refused to sanction the proposal and on the election of the new board in the following April, on which the Conservatives had a majority of three, the decision to appoint a chaplain was made. At the same time, under a ruling of the Solicitor-General of 1838, any licensed minister could visit a workhouse inmate of his religion upon request and in 1846 this privilege was extended to Roman Catholic inmates at Leicester.<sup>105</sup>

The chaplain died in 1853 and at the board meeting of 26 April it was resolved: 'That it is exceedingly desirable the religious services in the Union House should be conducted upon the Voluntary Principle by Church of England and Dissenting Ministers, resident in Leicester, alternately'. The board was made up of 28 Liberals and 8 Conservatives and was determined to resist the Poor Law Board's attempts to make it appoint another chaplain. The Anglican clergymen decided to dissociate themselves from the plan but thirteen dissenting ministers agreed to give services and visit the sick in the workhouse.<sup>106</sup> When the Poor Law Board predictably refused to sanction the plan it was asked to reconsider, especially as it had not compelled the guardians of other unions to appoint a chaplain; the case of Nottingham was cited, a town very similar to Leicester in its religious make-up. The guardians were convinced that an attempt to compel the appointment of a chaplain at Leicester 'would meet with the determined opposition of the Board and would call forth an

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105. PRO, MH 10/3, 25 January 1838; LRO, 26D68/3, 17 March 1846

106. PRO, MH 12/6476, no 16795, 10 May 1853

agitation in the Town and in the House of Commons'.<sup>107</sup>

Twelve of the thirteen dissenting ministers who offered their services were selected, but the influential Unitarian minister, Charles Berry, was excluded, apparently because the others were disinclined to act with him. Robert Weale believed it would be impossible to persuade the guardians to appoint a chaplain but said that there would also be complaints from Anglicans in the town. Moreover he thought the plan would lead to confusion and referred the Poor Law Board to a similar case at Royston; he believed a chaplain was essential to order and decorum in the workhouse and the comfort of the sick.<sup>108</sup>

The Leicester Journal was incensed at the idea and hoped to show 'that this war cry of the Liberal party is but a cloak to cover its bigotry and intolerance'. It believed that not all the dissenting ministers were willing to take part in the scheme and felt the guardians had insulted Rev Berry. After another attempt to appoint a chaplain failed the same paper again attacked the proposal of free services and repeated that the dissenting ministers had been dragooned into agreeing; it added that the real source of opposition to the appointment of a chaplain 'must be sought in the somewhat unromantic region of the breeches pocket'.<sup>109</sup>

The board insisted on giving the plan a fair trial and told the Poor Law Board that most of the Anglican inmates had attended the workhouse services although both they and the Roman Catholics could attend their own churches if they wished. Furthermore both the schoolmaster and

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107. LRO, 26D68/319, no 267, 13 May 1853

108. Ibid; Leicester Journal, 20 May 1853; Leicester Chronicle, 21 May 1853; PRO, MH 12/6476, no 16981, 16 May 1853

109. Leicester Journal, 13 May & 10 June 1853

schoolmistress were members of the Church of England and were competent to teach religious instruction to the children. The Poor Law Board remained unconvinced but obviously accepted defeat for the time being; not so the Rev Vaughan, the most vociferous of the Anglican clergy in the town, who protested vehemently about the plan.<sup>110</sup>

The guardians expressed their satisfaction with the support they received from the dissenting ministers both in conducting services and visiting the sick. Two years after the inception of the new scheme assistant commissioner Weale was asked to hold an enquiry and reported:

It is much to be deplored that the Guardians refuse to appoint a Chaplain whose positive duty it would be not only to perform the religious services in the House but to visit the sick and aged and other inmates of the Workhouse and regularly examine the Schools & who would be responsible for the performance of his duties, and not rely as they now do on what they call the voluntary system but I cannot see that any special reasons exist in this Union to warrant me to advise the issuing an order for the Appointment of a Chaplain.

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Not all the guardians were happy with the system and it was at their prompting that Weale held his enquiry. In early 1856 it was alleged that only 55 out of 117 services had been taken by the appointed minister and that the substitutes had been 'ineligible persons, obscure strangers, raw inexperienced youth, itinerants, theological adventurers - such as an iron moulder, a bobbin-turner, and a stockinger'. This allegation was emphatically denied.<sup>112</sup> Some of the Anglican clergy began to co-operate with the board and even Rev Vaughan gave a service from time to time.

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110. LRO, 26D68/319, no 278, 6 July 1853; 26D68/336, no 26163, 18 July 1853; PRO, MH 12/6476, no 44502, 30 November 1853

111. PRO, MH 12/6477, no 36355, 2 October 1855

112. PRO, MH 12/6478, no 4793, 11 February 1856

This situation continued to the end of the period under study.

Leicester was a strongly nonconformist town and it seems inevitable that the attempt by the Poor Law Board to force the guardians to appoint a workhouse chaplain was doomed to failure. The early boards were largely Anglican and therefore anxious to see the presence of an Church of England chaplain in the workhouse, but on his death the religious make-up had changed and the guardians were determined to resist the imposition of a successor. Apart from the theological objections the high salary commanded by a chaplain, compared with other members of staff, was felt to be unnecessary when the money could be better spent elsewhere.

#### (viii) other staff

*The appointment of collectors was not considered again until November 1844. The guardians' object was apparently not to replace the assistant overseers but to make both sets of officers subject to the board's control. Some of the parishes questioned the need for such officers, as they had in 1836, and objected to some of the appointees on what appear to have been political grounds. St. Margaret's select vestry was particularly vociferous, saying that 'the greater number of the persons appointed by [the board of guardians] have been subsequently dismissed... either as defaulters in their accounts, or incompetent to the discharge of the duties of their Offices';*<sup>113</sup> *one of their collectors was a victim of what amounted almost to a vendetta against him. Six out of the first ten collectors had previously held some parochial office.*

One collector became the union schoolmaster three years later which shows the curious value placed on these very different jobs, and a former

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113. LRD, 26D68/332, no 2202B, 11 February 1845

relieving officer became a collector because the work would be less harassing. After the first appointments these posts suffered from frequent changes of personnel, allegations of abuse and inefficiency and the choice of men with little experience of poor law work. There was a similar situation in Sunderland where the collectors were poor, even though they were often the most highly paid of the union officers.<sup>114</sup>

The first workhouse porter was paid £10 p.a. but this was doubled five years later. An assistant porter was appointed from time to time but sometimes a pauper was used in this capacity. The only recorded case of an ex-policeman being appointed as porter occurred in 1867. When the schools were opened a porter was appointed for them; the post proved particularly problematical with five different men being appointed in one year. Generally the level of porters was rather low and several were dismissed for various offences, such as insubordination and stealing workhouse food.

The remaining officers can be divided into those appointed permanently and those brought in for a special purpose. In the first category were the cooks, bakers, laundress and other domestic staff, tailor and shoemaker. The other group included people like the task-master, superintendent of labour and hairdressers. There was a frequent turnover among these officers as well and it could only have been detrimental to the smooth running of the workhouse.

In Leicester there was little continuity of staff between the old and new poor laws, probably because there were few paid officers of the old poor law in the town, but poor law experience was not necessarily a requisite for service under the new system. Some very unsuitable people

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114. Wood, op cit, pp 27-28

were appointed and there is often a hint of nepotism or political partiality. The union suffered from frequent appointments in some of its key posts, such as master and matron and schoolteachers. Efficiency was achieved more by luck than judgement and those members of staff who were above average soon moved on to better jobs, often outside the poor law. The guardians on the whole appear to have been poor judges of character and ability; they were reluctant to raise salaries to attract *more able* candidates and seem to have felt threatened by the growing professionalism of some of their officers. They must have been all too aware of their ineptitude compared with some of their employees but tried to maintain the image that they knew best how to administer the union's affairs.

## APPENDIX 1

### Comparative salaries of medical officers, 1847<sup>115</sup>

|                   | <u>Number</u> | <u>Total area<br/>(in acres)</u> | <u>Total<br/>Population</u> | <u>Total<br/>Salaries</u> | <u>Lowest &amp;<br/>Highest</u> |
|-------------------|---------------|----------------------------------|-----------------------------|---------------------------|---------------------------------|
| Ashby de la Zouch | 6             | 48,820                           | 24,236                      | £217                      | £24/£50                         |
| Blaby             | 2             | 32,024                           | 13,678                      | £190                      | £60/£70                         |
| Hinckley          | 3             | 20,157                           | 14,354                      | £130                      | £20/£55                         |
| Loughborough      | 4             | 42,433                           | 23,535                      | £190                      | £20/£90                         |
| Market Harborough | 6             | 62,978                           | 15,696                      | £340                      | £6/£109                         |
| Melton Mowbray    | 6             | 93,015                           | 19,228                      | £230                      | £25/£50                         |
| Derby             | 1             | 3,132                            | 35,015                      | £105                      | -                               |
| Kettering         | 4             | 51,057                           | 18,283                      | £355                      | £45/£125                        |
| Lincoln           | 10            | 49,218                           | 35,793                      | £260                      | £15/£65                         |
| Nottingham        | 2             | 2,610                            | 52,125                      | £240                      | £120                            |
| Leicester         | 4             | 3,960                            | 50,932                      | £300                      | £60/£80                         |

## APPENDIX 2

### Comparative salaries of schoolteachers, 1847<sup>116</sup>

|                   | <u>Master's salary<br/>and allowances</u> | <u>Mistress' salary<br/>and allowances</u> | <u>Average no.<br/>in school</u> |
|-------------------|---|--|----------------------------------|
| Ashby de la Zouch | -   | £15 + 4/6                                  | 41                               |
| Blaby             | -   | £15 + ?                                    | 33                               |
| Hinckley          | -   | £15 + 5/11                                 | 16-20                            |
| Loughborough      | £20 + £20                                 | £15 + £20                                  | 67                               |
| Market Harborough | -   | £15 + 4/8                                  | 18                               |
| Melton Mowbray    | £30 + 3/=                                 | £20 + 3/=                                  | 67                               |
| Derby             | £30 + 10/=                                | £20 + 10/=                                 | 55                               |
| Kettering         | £18 + ?                                   | £15 + 3/3                                  | 35                               |
| Lincoln           | £25 + £16-9-4                             | £15 + £16-9-4                              | 90                               |
| Nottingham        | £50 + ?                                   | £25 + ? )                                  | 105                              |
|                   |   | £20-16-0 + ? )                             |                                  |
| Leicester         | £30 + 6/=                                 | £20 + 6/=                                  | 125-130                          |

115. PRO, MH 32/87, no 78168, 9 April 1847

116. Ibid, no 69558, 31 March 1847. N.B. allowances sometimes given per week, sometimes per year; not all figures are given, as indicated by a question mark

## CHAPTER 8: OTHER RESPONSIBILITIES OF THE BOARD OF GUARDIANS

The new poor law encompassed a number of other functions, not strictly related to the relief of poverty. It also had to deal with certain groups who required 'special' treatment of one sort or another, such as children and the insane. These duties could be onerous and occupy a lot of time and energy of union officers.

### (i) the insane

Pauperism and insanity were closely connected because by and large the insane were incapable of earning a living; workhouses therefore became the home of many insane and quickly found themselves 'depositories for the decaying, the decrepit, and the unemployable'.<sup>1</sup> Under the 1834 Poor Law Amendment Act the insane were not to be kept in workhouses for longer than fourteen days and the authorities frowned on the insane being kept there instead of in asylums where they could receive specialised treatment. Guardians however argued that if a lunatic was incurable there was no point in paying the higher costs of keeping him in an asylum. The difference could be considerable: in 1843 the average weekly cost of caring for a pauper lunatic in a public asylum was  $7/6\frac{3}{4}$  compared with  $2/7\frac{3}{4}$  if he were maintained in the community. In the mid 1840s the weekly maintenance costs at the West Riding County Asylum at Wakefield were  $5/6$  to  $7/6$  and between  $8/=$  and  $12/=$  in a private asylum; by contrast it cost between  $2/4$  and  $2/11\frac{1}{2}$  to maintain lunatics in the workhouse and from  $1/=$  to  $3/=$  if they lived with relatives or friends.<sup>2</sup> Apart from the cost it

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1. A T Scull, Museums of Madness (1979), pp 40-41

2. Ibid, p 114; D Ashforth, 'The Poor Law in Bradford c. 1834-1871' (PhD, University of Bradford, 1979), p 238; R G Hodgkinson, 'Provision for pauper lunatics 1834-1871', Medical History, vol 10, 1966, pp 149-150



was not always easy to find enough suitable accommodation. There was an 'explosive' growth in the prevalence of identified mental illness in England and Wales, from 17,832 pauper lunatics in 1847 to 87,417 in 1896.<sup>3</sup>

Generally conditions for the insane in pre 1834 workhouses appear to have been inferior to those in union workhouses.<sup>4</sup> A further improvement was seen after 1842 when two itinerant Lunacy Commissioners were appointed to inspect provincial institutions (they had been acting in London since 1828). In addition the Poor Law Commission received statistics from unions on the number of insane in their care which ensured more enquiry into individual cases to be made. By the Asylums Act of 1845 the Lunacy Commission was permanently established, and a positive order and certificates were required for the confinement of a lunatic. All destitute lunatics were to be removed from the workhouse but when an asylum was full and paupers had to be maintained in the workhouse or farmed out they were to receive medical attention every three months. Henceforth two Commissioners in Lunacy (one a doctor and one a barrister) were to visit every workhouse once a year and supervise diet, accommodation and treatment, and report to the Poor Law Commissioners. Every pauper detained had to be certified by a Justice of the Peace or clergyman as well as by the union relieving officer.<sup>5</sup> The Act also provided for the compulsory building of pauper lunatic asylums to which all pauper lunatics were to be transferred, but in many unions it was several years before this was done.

The annual reports of the Commissioners in Lunacy showed the

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3. P Carpenter, 'Early institutional lunatic care - a case study' (Leicester, not yet presented), p 1

4. Hodgkinson, op cit, pp 139-140

5. Ibid, p 144

conditions and improvements necessary in workhouses. They objected to the erection of separate wards or the conversion of old ones because this induced guardians to regard them as lunatic asylums and to refuse to transfer patients to proper institutions. In some towns there were special staff for the insane wards but they were frequently inefficient or incapable, often being 'feeble-minded' themselves. By the Lunacy Act of 1853 the medical officers were to regularly visit and report on all pauper lunatics and the Poor Law Commissioners issued a circular requesting quarterly visits to the insane in the workhouse and attendance upon any outdoor pauper lunatic.<sup>6</sup>

The 1859 Select Committee on lunacy believed that lunatics in workhouses were subjected to restraint, cruel treatment, poor and insufficient diet, and general neglect. At this time it was estimated that of 126,000 workhouse inmates 6,947 were known to be insane.<sup>7</sup> The Lunacy Act of 1862 allowed for the reception and care of a limited number of chronic lunatics in workhouses because of the crowded state of many county asylums. However the accommodation and care had to be of a certain standard: specified separate day and night wards; a liberal diet analogous to that in asylums; adequate exercise and recreation; due medical visits and properly qualified attendants; adequate records to be kept. Nearly every workhouse began to have separate insane wards, the majority of which were apparently terrible.<sup>8</sup>

After a searching enquiry by the Lancet, which was completed in 1867, there was increasing demand for the removal of the insane from

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6. Ibid, p 148

7. K Jones, Mental Health and Social Policy 1845-1959 (1960), p 16

8. Hodgkinson, op cit, p 151

workhouses altogether; this began in London from 1867. The Commissioners in Lunacy were frustrated by their inability to change the conditions for the insane in workhouses but they did make progress. The insane in the workhouse lived better than they would have done in their own homes but also better than most other workhouse inmates. One example is the change in bathing arrangements in 1870 when a Poor Law Board circular stipulated, that only one patient was to be bathed in the same water.<sup>9</sup> Unfortunately this better treatment caused resentment and the Commissioners in Lunacy were felt to be making requirements on accommodation and treatment that the poor law authorities regarded as preposterously extravagant.<sup>10</sup> This seems a rather harsh attitude but it is easy to sympathise with the problems such apparent partiality could cause.

Information on the inmates in the Leicester workhouse is scanty before the 1840s. In September 1843 a Dr Begley of the Middlesex County Lunatic Asylum visited it and entered the following in the visitors' book:

I called at the Workhouse this Morning and though a perfect Stranger, I was shown over the House by the Matron. I find it in good order, the Inmates appear to be healthy and exceedingly comfortable but I was grieved to find several Lunatics, Epileptics, and Idiots in the House these ought all to be removed to an Asylum their detention is highly disgraceful to all parties concerned most Chiefly so to the Assistant Poor Law Commissioner.

Robert Weale was not surprisingly offended by this report and told the Poor Law Commissioners that he had never seen a lunatic pauper 'coming within the description of a dangerous lunatic' whom he had not ordered to be removed to an asylum. He suggested asking the workhouse medical officer

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9. Ibid, p 152

10. S & B Webb, English Poor Law Policy (1963), p 125

for a return of all insane there.<sup>11</sup> The report showed that there were 25 women and twelve men, of whom three women and two men were dangerous and not fit to be at large; six women and seven men were confined in separate wards but the rest were in the main wards. All except one who had since left the workhouse were ordered to be sent to the asylum. Weale told the Commissioners that he had never been informed about the dangerous lunatics and urged them to refuse to sanction the continuance of the insane in the workhouse unless separate wards were provided for them. He added: 'Nothing but a compulsory command will I am sure induce Guardians to send paupers of this class [i.e. harmless insane] to an asylum whilst the expense is so great as it is' but also pointed out the dilemma that the county asylum would be unable to accommodate them.<sup>12</sup>

The Commissioners in Lunacy first visited Leicester on 6 October 1843 but their report was not referred to the guardians until the following July. They saw eleven men and nineteen women, some of whom they described as dangerous. The medical officer disagreed about some of the cases and this was a continuing problem.<sup>13</sup> Another perennial difficulty was to find enough accommodation: enquiries were sometimes made as far afield as Haydock Lodge, near Liverpool, Camberwell and Peckham House and all these institutions (and others) were used from time to time.

The insane poor of the town were inspected in October 1844 by a Dr William Hitch. He found the workhouse accommodation inadequate with no means of separating the noisy from the tranquil or the dirty from the clean. The insane wards could only accommodate sixteen and at the time

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11. PRO, MH 12/6470, no 13390B, 22 & 24 September 1843

12. Ibid, no 14532, 24 October & 6 November 1843

13. Ibid, 27 July 1844; no 14666B, 19 August 1844; LRO, 26D68/332, 17 August 1844

there were 31 insane in the workhouse. He was generally satisfied with the treatment and control of the patients but was concerned that the medical officer had no overall supervision of them. They were looked after by two old and feeble paupers who were of 'low moral character' and incapable of exerting any physical force if necessary. Nevertheless he was pleased to report that mechanical restraint was not used. He thought the diet was too low, being the same as that served to the ordinary paupers, but could see no possibility of improvement. He concluded:

The Insane poor in this Workhouse have very little fresh air and but little exercise in it, they have no scenery but Brick walls, no employment unless the monotonous and laborious working of the Pump, occasionally, can be called such - no amusement of any kind - nothing in short to abstract them from a melancholy thought and to excite them to a brighter or happier one - nothing to enlarge what understanding they may possess, but all is calculated to depress the already enfeebled mind and to secure its fatuous tendencies.

Hitch also visited the insane poor receiving outdoor relief and those in the county lunatic asylum; in this he exceeded his direct instructions.<sup>14</sup>

Hitch's report was considered at the board meeting on 3 December when Weale was present and it was unanimously resolved to send all those reported as dangerous to the asylum. Not for the first time the magistrates refused to issue orders for the asylum in seven cases, as they were not convinced of their insanity.<sup>15</sup> At the same board meeting it was ordered that the insane in the workhouse should sleep in single beds, rather than sharing with another, and the number occupying the rooms should be fixed by the medical officer.

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14. PRO, MH 12/6470, no 15663A, 18 November 1844; no 18260B, 30 October 1844

15. LRO, 26D68/237, no 1033, 20 December 1844; PRO, MH 12/6470, no 19730B, 26 December 1844

Nationally the increasing cost of maintaining the insane poor was borne out by a return of February 1850, which gave the numbers and cost for the five years ending at Lady Day 1845 to 1849:

|      |    |             |    |
|------|----|-------------|----|
| 1845 | 38 | £742-9-8    |    |
| 1846 | 33 | £576-6-3    |    |
| 1847 | 36 | £666-13-5   |    |
| 1848 | 58 | £1,096-2-6  |    |
| 1849 | 59 | £1,285-11-3 | 16 |

Although more pauper lunatics were being looked after the per capita cost was also rising.

In December 1852 it was resolved to apply to the Poor Law Board and the Commissioners in Lunacy to licence the wards set aside for the harmless insane 'in order that persons placed therein may be legally detained'; the clerk explained the board's reason for the request:

There is no doubt that whilst under proper supervision they are perfectly harmless; but if such persons were allowed to quit the Workhouse, and enjoy perfect liberty it is probable that they would be provoked and teased by ignorant and mischievous persons, and soon become dangerous not only to themselves but to others. At present they are amply provided for in the Workhouse, and have separate Airing Yards, besides which they are taken out for exercise, occasionally under the care of an attendant.

After some consideration the request was turned down as neither body had the authority to issue such a licence.<sup>17</sup>

In response to a recommendation from the Commissioners in Lunacy that work should be provided for all those capable of doing it, the board

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16. PRO, MH 12/6475, no 7146, 20 February 1850

17. LRO, 26D68/336, no 2731, 19 February 1853

resolved to employ the women in sewing and household work as usual and the men in picking worsted or cotton waste.<sup>18</sup> The Commissioners in Lunacy urged the guardians to improve certain aspects of the provision for the insane as they did all over the country, including the substitution of more comfortable beds and more sources of amusement. Their report of 1858 was particularly critical: the workhouse was in effect a lunatic asylum but 'nevertheless it is defective, in a very great degree, in the ordinary comforts and accommodation universally considered necessary for the alleviation of the disease; and it is manifestly wanting in the means of ordinary Medical treatment'. They saw 71 patients, many of them 'out of health', several were thin and apparently feeble and four of the women were 'in a state of extreme attenuation'. The patients' records were defective: no record was kept of seclusion or restraint and no register of admissions to the insane wards.<sup>19</sup>

The board was generally prepared to make the alterations recommended but the workhouse medical officer disputed the allegations about the health of the insane:

With respect to the other inmates, I found they were nearly all in a very good state of health. A few of them were feeble and had a deficiency of muscular tone, and indeed it would be surprising if out of from 60 to 70 imbecile persons thus collected together, some of them should not be so, but all the cases of this character which came under my observation I consider attributable either to the age, or the form of disease under which they laboured, and not to any want of a more nourishing dietary.

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The Commissioners in Lunacy repeated some of their allegations

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18. LRO, 26D68/319, no 268, 3 May 1854

19. PRO, MH 12/6479, no 41941, 5 November 1858

20. PRO, MH 12/6479, no 46845, 23 & 25 November 1858

about Leicester in a supplement to their 12th report, entitled 'On the condition, character, and treatment of lunatics in Workhouses'. Under the section on medical treatment it said:

As regards the medical treatment of the Insane, no better instance of its total inadequacy in the Lunatic Wards of the Workhouses could be named than that which is presented by the Leicester Union, where the Medical Officer makes quarterly visits only. No special provision upon the subject is indeed thought necessary, and it is nowhere laid down as a rule that the ordinary visits of the Medical Officer of the Workhouse should invariably be extended to the Lunatic Ward.

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The board was very offended at the report: it had carried out all but two of the Commissioners' recommendations over the years and the clerk thought the published report 'a most shameful document'. He added: 'I do not say it contains any direct lies, but it is a very clever misrepresentation of the truth - and is evidently written to serve a purpose'.<sup>22</sup>

The board objected equally strongly to a report in the Lancet entitled 'Maltreatment of Lunatics in Workhouses', and based on the Lunacy Commissioners' report. After refuting all the charges, which were by now some two years out of date, the clerk concluded by saying: 'The Guardians, wish me further to say that the Workhouse is open to the inspection of any of your readers who may choose to satisfy themselves in this matter' and in a postscript wondered if perhaps there had been some mistake in the name of the workhouse.<sup>23</sup> The Commissioners in Lunacy report for 1860 was generally favourable and they were pleased to report

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21. Supplement to the 12th report of the Commissioners in Lunacy, 15 April 1859: On the condition, character, and treatment of lunatics in Workhouses, 1859, XXII & XXXVIII, p 19

22. PRO, MH 32/89, no 24801, 23 May 1859

23. Lancet, 18 & 25 August 1860; LRO, 26068/320, no 257, 21 August 1860



that the recommendations of October 1858 had been acted upon.<sup>24</sup>

Subsequent reports varied in their approval or otherwise of the insane wards and the guardians were not always prepared to make the recommended changes. On at least one occasion they were supported by Robert Weale who said, although he always wished to give effect to the recommendations of the Commissioners in Lunacy, he could not advise the Poor Law Board to press them on the guardians.<sup>25</sup>

The Commissioners in Lunacy attacked the bathing arrangements on their visit in 1868: four patients were put in a long narrow bath at the same time and on the men's side the water was only changed after eight men had been bathed. The board was willing to agree to a more frequent change of water but not the provision of baths in the wards, as suggested, which in its opinion would lead to untidiness. It was not until the next annual visit that the arrangements were finally changed. The women however had to wait a further year before their bathing arrangements were brought into line with the men's.<sup>26</sup>

The need for a borough lunatic asylum became more and more obvious but it was some years before any steps were taken. However by early 1866 plans were in hand for the building. By October 1869 arrangements were being made to move the patients to the recently opened asylum both from the workhouse and the various asylums round the country where they were housed.

The treatment of the insane in the Leicester workhouse showed a

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24. LRO, 26D68/340, no 30122, 22 August 1860

25. PRO, MH 12/6481, no 39435, 25 October 1864

26. LRO, 26D68/343, no 40553A, 20 August 1868; 26D68/321, no 229, 9 September 1868; 26D68/344, no 30247A, 22 June 1869; 26D68/321, no 279, 30 June 1869; 26D68/344, no 11093A, 12 March 1870

gradual improvement, prompted by the Commissioners in Lunacy and the poor law authorities. It is clear that without this encouragement the guardians would not have provided better conditions for the insane, feeling as they did that their first duty was to the smaller ratepayers who would find any increase in expenditure hard to bear. The incident of the Lancet report shows the care that must be taken in using any source; it is clear that Leicester was intended but that the evidence was hopelessly out of date by the time it was published. From 1853 there are regular statistics on the number of insane in the workhouse and asylums: they show an increasing number - from a total of 88 in 1853 to 271 in 1871 (appendix 1). The number in asylums rose faster than those in workhouses: in 1853 they represented 60% and 70% in 1871, which no doubt reflects the opening of the borough asylum in 1869. The total increase in the insane must reflect the increasing awareness of insanity rather than a higher incidence of the condition.

(ii) children: education and apprenticeship

Children were in a different category to other paupers as they could not be blamed for their plight; the principle of 'less eligibility' was not applicable to them.<sup>27</sup> It was argued that a sound basic education was the most effective way of breaking the chain of hereditary pauperism. Although the far-sighted scheme to establish district schools failed large unions set up separate schools and others paid greater attention to the importance of keeping the children apart from the other inmates.<sup>28</sup> There were more children than any other class of pauper in workhouses and about

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27. M A Crowther, The Workhouse System 1834-1929 (1981), p 202

28. F Duke, 'Pauper education' in D Fraser (ed), The New Poor Law in the Nineteenth Century (1976), p 74

half of them throughout the nineteenth century were without parents or close relatives. The number of children relieved in 1851 represented 38.6% of all paupers.<sup>29</sup> The lot of workhouse children was drab - they could only leave if accompanied by an officer and their supply of toys and 'improving' books often depended on charity.

The improvement in workhouse schools was directly attributable to the creation of the fund to pay teachers' salaries. Great advances were also made in the provision of industrial training and in many rural unions pointless task work was replaced by genuine training; girls were taught domestic economy and boys farm work. In urban unions the boys were generally taught tailoring and shoemaking. Sometimes however the system of industrial training was still abused: boys in Reading in 1839 were hired out to employers during the day and in the 1840s the Blackburn guardians defied central authority and sent very young children to work as short-time hands in nearby factories. In Bangor and Beaumaris the industrial training was poor and for most of the time the girls were left to nurse the babies of the inmate prostitutes.<sup>30</sup>

Before 1870 it was generally held that poor law schools provided a better basic education than comparable day schools, although they usually taught a narrower range of subjects and the day schools did not usually attempt to provide industrial training. However some writers have questioned the success of poor law schools and comment upon the mechanical style of learning that was used.<sup>31</sup> E C Tufnell, an inspector of poor law schools for 27 years, had no time for the argument that pauper children

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29. K Williams, From pauperism to poverty (1981), p 197

30. Crowther, *op cit*, pp 203-204

31. *Ibid*, p 205; Duke, *op cit*, p 86; A Digby, Pauper Palaces (1978), p 186

should be deprived of an adequate education because provision outside the poor law was lacking. He was supported by the influential poor law education reformer, Sir James Kay-Shuttleworth, who drew a sharp distinction between the physical and moral condition of the pauper child - while his diet, clothes and comfort ought not to be superior to those of the independent labourer's child, his need for moral guidance could not be inhibited by less eligibility since his pauperism was not his fault.<sup>32</sup>

The Poor Law Board was not apparently so enlightened: the Whitehaven union wanted to establish a workshop for the industrial training of children, who were to be treated 'as other cottagers' children' and not be considered as paupers but the Poor Law Board rejected the idea because the plan would destroy the distinction between paupers and independent children.<sup>33</sup>

It was not until 1855 that guardians were allowed to pay for the schooling of children of the outdoor poor, but some unions tried to provide for these children before then.<sup>34</sup> In 1856 the Poor Law Board issued a circular encouraging boards to take advantage of their new powers: Bradford decided to provide for the education of deserted, orphan and single parent children aged under nine, but was persuaded by the assistant commissioner for the district to extend it to all outdoor children. School managers were invited to submit offers to accept pauper children at 2d per week and an initial list of eleven schools was

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32. D Fraser, 'The English poor law and the origins of the British Welfare State' in W J Mommsen (ed), The Emergence of the Welfare State in Britain and Germany 1850-1950 (1981), pp 14-15

33. R N Thompson, 'The working of the Poor Law Amendment Act in Cumbria, 1836-71', Northern History, vol 15, 1979, p 136

34. Webb, op cit, p 105; Digby, op cit, p 194; Ashforth, op cit, p 214

approved. However only a minority of children were involved - in July 1857 only 114 out of 878 on the outdoor relief lists were attending school at the union's expense. Part of the problem was the lack of continuity; when relief to the parents ended so did the free schooling.<sup>35</sup>

During the Lancashire cotton famine educational classes were established, as it was felt that they were useful in maintaining order, promoting cheerfulness and preventing 'the contraction of evil habits'. Any educational value was secondary to their prime purpose of keeping the unemployed under surveillance in a disciplined environment and stop them from contracting 'habits of idleness'. The paupers objected to the compulsory attendance requirement which in Manchester included Saturdays.<sup>36</sup>

There is very little evidence about the education of the children in the Leicester workhouse before the quarterly examinations began in 1846 and even then the reports deal more with the ability of the teachers than the standard of education, although of course the two were naturally linked. In September 1849 a committee was set up to enquire into the instruction given to the children in the schools 'and how far it is calculated to meet the wants of Society and promote the real welfare of the children'; a copy of its report was sent to the Poor Law Board and the Committee of Council on Education. It stated that the children were taught reading, writing, arithmetic and the Church catechism; in addition the girls learnt plain sewing and knitting. Because most of the children were only at the school for a short time the committee saw little point in

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35. Ashforth, *op cit*, pp 469-471

36. M E Rose, 'Rochdale man and the Stalybridge riot. The relief and control of the unemployed during the Lancashire cotton famine' in A P Donajrodzki, (ed), Social control in Nineteenth Century Britain (1977), pp 192-193

teaching 'the higher branches of education' of which they would only receive an imperfect smattering. It is clear that the report was compiled in response to criticism of the schoolmaster and the guardians stated that they were better able to judge the kind of education required than school inspectors.<sup>37</sup> From evidence in 1847 it appears that the boys were also taught history and geography.<sup>38</sup> The school used a system of pupil teachers, at least one of whom went on to a teacher training college.<sup>39</sup>

Towards the end of 1864 the question of erecting separate schools was considered. The report of the committee set up to look at the matter began by referring to an earlier report of 1859 on the classification of children in the workhouse.<sup>40</sup> That had pointed out the evils of admitting children into the workhouse with their parents who only stayed for a short time and continued: 'These poor Children are generally of the most ignorant and degraded class, and while the short time spent by them in the Schools can scarcely be said to benefit them - except in so far as they are kept clean and made to conduct themselves decently - their evil example too frequently corrupts the others with whom they are associated'. The committee had recommended that whenever the workhouse was extended detached schools be built to hold 100 children. It laid great stress on training the girls in housewifery to teach them 'that very important female accomplishment, "how to make a home comfortable"', adding: 'many a man has become a reprobate and drunkard from the fact, that the ale-house

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37. PRO, MH 12/6474, no 29191, 5 October 1849; LRO, 26D68/334, no 36243, 17 December 1849

38. PRO, MH 32/87, no 6955B, 31 March 1847

39. LRO, 26D68/253, nos 145, 165, 170, 178, 208, 20 June, 3, 10 & 25 July, 12 August 1862

40. PRO, MH 12/6479, no 11624, 4 March 1859

bench was more comfortable than his ill regulated home, resulting from his wife's ignorance of domestic matters'. The 1864 committee felt the time had come for carrying the recommendations of the earlier committee into effect, as the large increase in population in the town meant that more workhouse accommodation was required; in the committee's opinion this could be best achieved by building separate schools.<sup>41</sup>

Despite attempts to postpone the building it went ahead. Accommodation was to be provided for 400 children, a considerable increase on the recommendation of 100 six years earlier - made up of 150 boys, 150 girls and 100 infants - and the cost was estimated at £6000. The tenders came to more than £6000 and a further £1,500 had to be borrowed in late 1866 to enable the schools to be furnished. Arrangements for opening them were made in May 1867 and the staff appointed two months later.<sup>42</sup> As a result of friction between various members of the school staff in 1869 it was decided to place the schools under the control of the master and matron of the workhouse, assisted by a competent housekeeper. Bowyer, the inspector, reported on the new schools to the Poor Law Board and his report was printed in its 22nd annual report:

The school erected by the Leicester Union affords another instance of a building imperfectly utilised. It is calculated to contain 400 children, but the present average number is considerably under 200, and all the Workhouse schools of the County would find ample accommodation in it. Though contiguous to the Workhouse, it is entirely distinct from it, and under separate management, and offers all the advantages of a District School, except that from its situation there is no land to be cultivated by the boys. With this exception the industrial training of both sexes is very efficient. The total cost of the building is £9,147 which would be

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41. PRO, MH 12/6481, no 37146, 14 September 1864

42. Ibid, no 13121, n.d. [April 1865]; LRO, 26D68/342, no 13121A, 27 April 1865; PRO, MH 12/6481, no 20233, 22 May 1865

The children were given industrial training from the early 1840s, although it is rather doubtful in the early days for whose benefit it was intended. In May 1842 they were to be employed spinning mops and shoe-making but two years later a shoemaker was appointed partly to instruct the children. As well as shoemaking the boys were taught tailoring and the girls learnt domestic duties.<sup>44</sup> The number of children taught naturally varied according to the state of the town's economy: in 1858 the Committee of Council on Education suggested that those taught by the shoemaker be increased but the clerk replied that the number of children in the workhouse had been so small that the eight each allocated to the tailor and shoemaker had been all those capable of the work. He added: 'It should be borne in mind that the boys employed at Shoemaking are required to be stronger than those employed under the Tailor, and consequently when the Trade of the Town is good, very few boys of this class find their way into the Workhouse'.<sup>45</sup> This is a further indication of the importance of economic conditions when studying the history of the union.

In 1849 the guardians resolved to use the old free school in Highcross Street as a school for the children of men employed under the Labour Test Order. The clerk explained the reasons for the decision: 'the object the Guardians have in view is to ascertain what the children

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43. PRO, MH 32/108, 1 January 1870; 22nd annual report of the Poor Law Board, 1869-70, p 122

44. LRO, 26D68/2, 24 May 1842; 26D68/3, 4 June 1844

45. LRO, 26D68/339, no 37885, 14 October 1858; 26D68/320, no 181, 23 October 1858



of this class of paupers are usually doing; and it is conceived that by adopting the proposed course, habits of Vagrancy, among the Children will be checked, and they will be receiving the grounds for a good situation, and be taught habits of order and subordination'.<sup>46</sup> The school was to be known as the 'General Parochial School' and was to be opened on 4 June; the children were to be admitted by ticket, an attendance register was to be kept and a journal in which a weekly report on the state of the school was to be recorded. A schoolmaster and schoolmistress were appointed at weekly salaries of 10/= and 5/= respectively.

The clerk reported the arrangements to the Poor Law Board and explained that the guardians had felt for some time that the families of men employed at the labour test were working, and that their combined earnings plus their relief amounted to more than the wages of the independent artisan. By establishing the school and requiring the daily attendance of every child between six and fourteen this additional income would be stopped. He concluded: 'the Guardians hope that the experiment will be successful in checking imposition:- and if the Children be really unemployed it will afford them some kind of education, instead of allowing them to wander about the streets and lanes of the town, as mendicants'.<sup>47</sup>

Unfortunately the Poor Law Board had to point out that, however apparently advantageous the proposal might be, there was no legal authority to charge the poor rates with the education of the outdoor poor.<sup>48</sup> The school was closed on 30 June, probably because the outdoor labour test had been abandoned a few days earlier. Later in the year the

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46. LRO, 26D68/242, no 368, 8 May 1849

47. LRO, 26D68/319, no 28, 31 May 1849

48. LRO, 26D68/334, no 16571, 6 June 1849

auditor disallowed the sum of £9-4-8 expended in cleaning and repairing the school but after an appeal was persuaded to allow it. According to the clerk the experiment was very successful: before the school was opened nearly 200 children, whose parents were employed under the labour test, received relief but the largest number attending the school was 37.<sup>49</sup> Joseph Dare, the 'missionary' of the Leicester Domestic Mission, referred to the subject in his report of 1852:

A successful experiment...was recently tried at the disused Old Free School in this town. The Board of Guardians wisely placed the children who received out-door relief under instruction, allowing the teacher a small weekly salary; but the Poor-Law Commissioners, or their Auditor, refused to sanction the arrangement. It was therefore given up, though happily it had been tried sufficiently long to prove that such schools would be promotive, not only of better habits, but of public economy.

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One major objective after 1834 was to destroy the parish apprenticeship system and it was hoped that it would be replaced by education in the workhouse. Legislation in 1844 and 1851 further restricted the terms of apprenticeship, but guardians could still pay a premium with each child to encourage an employer to take him. The 1844 Act abolished compulsory apprenticeship and made boards of guardians, instead of overseers, the responsible body. It also gave the Poor Law Commissioners authority to prescribe the duties of masters and the terms and conditions of the indentures. No child under nine or one who could not read or write his own name was to be bound; no premium was to be paid unless the apprentice was maimed, deformed or suffering from permanent infirmity; no one over fourteen was to be bound without his consent and no

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49. LRO, 26D68/319, no 44, 23 November 1849

50. 7th annual report of the Leicester Domestic Mission, 1852, p 7

one under sixteen without his father's consent, if still alive; and no period of apprenticeship was to be more than eight years. The 1851 Act provided for the prosecution of cases of neglect or ill-treatment and for a register of all those under sixteen to be kept; the apprentices were to be visited at least twice a year by the relieving officer or other nominated officer.<sup>51</sup> In practice many of these regulations were broken, most notably the one on premiums.

In Bradford 145 children were apprenticed between September 1848 and September 1871 and another 96 sent to domestic service. Over 100 more were sent on trial, some of them several times, without any evidence of their being taken on permanently. 52 boys were apprenticed to colliers and 49 to tailors or shoemakers. Ten ran away and at least one master was prosecuted for ill-treatment; legal action was rare but it was not uncommon for an apprenticeship to be terminated, usually because of ill-treatment. The board appears to have tried to assess the suitability of prospective employers. The Bangor and Beaumaris union took little care to see that its apprentices were treated humanely by their masters until shamed into doing so in the 1860s by the schools inspector; the favourite solution was to send the boys to sea, an option also used by the Loughborough board.<sup>52</sup>

Leicester was one of the unions that felt that the new regulations on apprenticeship introduced in 1844 were too restrictive and induced the

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51. Duke, *op cit*, p 68; Crowther, *op cit*, p 202; Henriques, *op cit*, p 51; Sir G Nicholls, A History of the English Poor Law, vol II, 1714-1853 (1904), pp 360-361, 415

52. Ashforth, *op cit*, pp 504-507; Randell, *op cit*, p 174; Williams, *op cit*, pp 52-53; A Becherand, 'The poor and the English Poor Laws in the Loughborough Union of Parishes 1837-1860' (PhD, Universite de Nancy, 1972), p 142

Poor Law Commissioners to amend some of them.<sup>53</sup> The guardians appear to have tried to ensure that the apprentices under their care were well taught and treated kindly. They co-operated with other unions in checking on men in their area applying for an apprentice and often reported them as unsuitable. They also showed an appreciation of the town's economy by resolving not to bind any boy to a framework knitter and hoped that other unions would follow their lead, 'as generally speaking the object of the Master is only to obtain the premium; and the Trade is so over-handed already that it is only Apprenticing a boy to learn pauperism under another name'.<sup>54</sup>

The quality of some applicants for apprentices was doubtful: the clerk described one man as 'a drunken worthless fellow and no more a tinman and Brazier than I am, being in fact nothing more than a travelling tinker and of the worst class'. The board considered him most unfit to have an apprentice - he had no suitable accommodation, 'his house containing but three rooms in which himself, wife, children and two or three dogs are already domiciled'. He gave an indication of the man's character by stating that one of his children had been given five Christian names and when the Registrar expressed his surprise the explanation was 'that when hereafter he was indicted for any crime an omission of some of these names might cause a flaw in the indictment!!!'.<sup>55</sup>

Leicester also had trouble with its apprentices: there were cases of boys running away and with masters who ill-treated them. One was prosecuted whose apprentice was 'in a woeful plight, having scarcely rags

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53. LRO, 26D68/318, no 67, 16 January 1845; no 128, 14 June 1845

54. LRO, 26D68/239, no 2073, 8 December 1845

55. LRO, 26D68/246, no 34, 11 November 1852

enough to cover his nakedness'.<sup>56</sup> A committee of three guardians was appointed to visit the children put out as apprentices under the terms of the 1851 Act and the relieving officers also paid regular visits.

An apprenticeship register has survived: it gives the name of the apprentice, date of the apprenticeship, sex, age, parents' names, residence, parish, name of master, his trade, residence, the term of the apprenticeship and the premium paid. 315 children are recorded, covering the years 1844 to 1871. The most popular trade for apprentices nationally was shoemaking, followed by tailoring; the former accounted for 80% of the boys apprenticed in Norfolk between 1834 and 1863. This was also true in Leicester where 115 boys were apprenticed to cordwainers or boot and shoe makers, and 89 to tailors, nearly two-thirds of the total. The next most 'popular' trade, bakery and confectionery, attracted only fourteen boys. The vast majority were apprenticed to masters in Leicester (243) but fourteen went out of the county; most of the boys were aged thirteen or fourteen with only two under the age of twelve.<sup>57</sup>

Towards the end of 1844 the board received an offer from the owner of a cotton mill to employ a certain number of girls, providing them with food, lodging and clothing for three years; the mill was at Mayfield, just outside Ashbourne on the Derbyshire/Staffordshire border.<sup>58</sup> The girls were to be employed as doublers and the guardians were anxious to accept the offer, having made enquiries and satisfied themselves on the character of the owner, a Mr Chambers. However Chambers could not consent to a

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56. LRO, 26D68/251, nos 246, 251-2, 20 & 29 March 1860; nos 300 & 315, 4 June & 3 July 1860; 26D68/256, no 121, 2 November 1866

57. LRO, 26D68/1181; N Longmate, The Workhouse (1974), p 188; see also appendix

58. I am indebted to Mrs Janet Spavold for information on Mayfield and Hanging Bridge mills, including details of their owners

formal apprenticeship as that would give the girls a settlement in Mayfield and the clerk asked the Poor Law Commissioners how the stipulated conditions could be met. About ten girls were required, aged between thirteen and sixteen, and they would work a twelve-hour day (nine on Saturdays). They would be expected to attend church and Sunday school; Chambers would provide medical treatment in cases of slight illness but would expect the girl's parish to pay in more serious cases. The factory was subject to the operation of the Factory Act. After the three years were up the girls could either remain and be paid the usual wage for doublers or seek work elsewhere.<sup>59</sup>

The Commissioners were opposed to the suggested arrangements but the board still went ahead and it was not until Weale visited Leicester the following February that the matter came to light. The clerk gave him further details and Weale reported to the Commissioners that a written agreement had been entered into with Chambers; he added that the previous year Chambers had approached the Nottingham board with a similar offer but that after a deputation of guardians had visited the mill no agreement was made. The clerk denied that any written agreement had been drawn up but expressed the willingness of both parties to do so.<sup>60</sup> There is no record of the Commissioners giving their permission but the scheme continued.

More girls were sent out during the next few months and to the neighbouring Hanging Bridge mill; when Chambers' mill was on short time in 1849 the board refused to take back the girls but agreed to their being

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59. LRO, 26D68/318, no 57, 13 December 1844; PRO, MH 12/6470, no 19215B, 13 December 1844

60. PRO, MH 12/6471, no 3041B, 28 February 1845; LRO, 26D68/318, no 106, 13 March 1845

transferred to Cooper, the owner of Hanging Bridge mill.<sup>61</sup> On other occasions the board did not have enough suitable girls to send but it still had faith in the enterprise: in 1853 the clerk told the clerk to the Ashby de la Zouch union, which he suggested might like to make up the required number, 'All the Girls we have sent have turned out exceedingly well, and they were treated in the kindest manner and provided for most comfortably'.<sup>62</sup> He also told the Poor Law Board all except one girl, who had returned to Leicester because of illness, had done very well and were 'filling a very respectable station in society'.<sup>63</sup> After this time the Poor Law Board appears to have formally approved the arrangements.

In December 1853 the board received a letter from the girls at Mayfield thanking it for 'so comfortable a situation', to which the clerk was asked to reply. He expressed the guardians' pleasure that they were comfortably provided for and added: 'the best way in which you can repay their kindness in sending you to Mayfield is to conduct yourselves as I believe you have hitherto done in a proper manner, by using your best exertion for your employer and by acts of kindness and forbearance to each other'. He also promised to visit them in a few months' time and concluded by hoping they would 'continue steady, good, girls and do credit not only to yourselves but to the Union which has placed you out in the world'.<sup>64</sup> In another letter a few months later he repeated his homilies: 'be good girls don't be inclined to grumble at trifles, and [if] ever you feel uncomfortable or discontented think also, how much worse off you

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61. LRO, 26D68/242, nos 283-4, 361-2 & 365, 28 February, 2 & 5 May 1849

62. LRO, 26D68/246, no 107, 20 January 1853

63. LRO, 26D68/319, no 247, 3 February 1853

64. LRO, 26D68/246, no 446, 29 December 1853

might be, - God bless You all'.<sup>65</sup>

At the end of 1855 the girls were apparently sent to work in another mill and under another master without the board's permission; others had been sent back to Leicester before the end of their contract. Those still at Mayfield were formally transferred to another master. The clerk went to Mayfield in the summer of 1858 and 1859 but there are no further references to girls being sent there.

There was one very unusual case of apprenticeship involving a deaf and dumb girl, Catherine Roberts, in which the board seemed to have taken an immense amount of trouble. She had been sent to the London Deaf and Dumb Asylum in 1850 but her term there expired at Christmas 1854. She apparently had a taste for millinery and dressmaking and after some effort the board found a Miss Mary Weston of Kibworth Harcourt who was willing to take her as an apprentice provided she did not have to provide medical attendance as usually required. The Poor Law Board was reluctant to agree to this but after a lot of negotiation the matter was finally resolved. Miss Weston was paid a premium of £40 - at least four times higher than the usual one - made up of four half-yearly instalments of £8 and £8 worth of clothing. The Poor Law Board issued a special order, which omitted the necessity for the mistress to provide medical relief and this was sufficiently unusual to attract the attention of the Webbs.<sup>66</sup>

At first Roberts appeared to do very well but in March 1857 her mother wanted to take her away from Kibworth. The clerk wrote to her at some length, spelling out all that the guardians had done for her, in

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65. LRO, 26D68/247, no 86, 18 April 1854

66. LRO, 26D68/319, no 309, 11 January 1855; no 255, 26 July 1855; 26D68/337, no 30113, 30 July 1855; 26D68/397, 11 August 1855; Webb, op cit, p 113n



return for which they wanted her to try to maintain her respectability - which she could never do if she listened to the 'temptings' of her mother. He continued: 'were you to yield to her wishes the result would possibly be, that you would be deprived of your Clothing bit by bit, to provide her with intoxicating drink, and again find your way back to the Workhouse and remain a pauper to the end of your days'. He reminded her of the gratitude she had often expressed and ask that she show it by ignoring her mother's request. He had written at length, he said, 'because it would give me great pain, were any misfortune to happen to you, or if you were tempted with courses which could only end in making you miserable'.<sup>67</sup>

At the end of two years Roberts went to stay with her brother in Birmingham but obviously returned to Miss Weston because in February 1858 the guardians had a complaint about her behaviour. The clerk told Miss Weston he did not know what could be done with the girl - 'we cannot expect you to keep her and put up with her wayward temper'. He blamed the girl's mother who 'not satisfied with having deserted her children in their infancy, seems now intent upon the ruin of this poor deluded girl both body and soul I fear'. He was angry that after all the trouble and expense the board had taken 'all should be thrown away and that she should prefer the vagabond life of her mother, to decency and order'. In an interesting comment on contemporary mores he added: 'it is enough to make us believe that there is something so inherently bad in the nature of these poor ignorant creatures, that no care and attention will eradicate it, and that the raising either them or their children in the social scale is altogether lost labour'.<sup>68</sup>

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67. LRO, 26D68/249, no 153, 26 March 1857

68. Ibid, no 272, 12 September 1857; 26D68/250, no 44, 3 February 1858

At the board meeting of 9 February the clerk was ordered to go to Kibworth and try to arrange with Miss Weston for the girl to remain with her. Unfortunately there are no further references to the subject so it is impossible to know the outcome. The case of Catherine Roberts reflects great credit on the board which appeared to show an above average concern for the welfare of the pauper children in its charge.

### (iii) health and vaccination

Sickness and poverty are frequently inseparable, the one often being the cause of the other and it has been estimated that cases of sickness formed three out of four instances of pauperism in the nineteenth century. Despite its importance sickness was hardly touched on in the Poor Law Report or the subsequent Act; the only specific piece of legislation was a clause giving Justices of the Peace power to order medical relief in cases of sudden illness.<sup>69</sup> The link between insanitary conditions and illness became increasingly appreciated and under the Nuisance Removal and Diseases Prevention Act of 1846 unions outside towns became responsible for carrying out its provisions.<sup>70</sup>

Most new workhouses had separate sick wards and quickly came to provide a comprehensive service with provision for children, midwifery cases, infectious diseases, the insane, chronically ill, disabled and aged. However conditions within them were 'a standing reproach' to a civilised nation and there is an abundance of evidence giving specific examples. According to Dr Rogers, the prominent and outspoken medical officer of the Strand workhouse, many people actually became worse in

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69. Flinn, op cit, p 48

70. Ibid, p 52

workhouse infirmaries and many women died in childbirth, along with their infant, both of whom could have been saved. Such improvements as occurred were minimal: for example under the 1847 General Consolidated Order punishment by alteration of the diet was forbidden to the sick, those over 60 and nursing mothers.<sup>71</sup>

The problem of the sick raised the spectre of the ambivalence of poor law ideology - the principle of 'less eligibility' was expected to apply to them but few paupers could afford even the modest sums to join sick clubs and thus prevent their need for the poor law medical services. The instinct of guardians was apparently 'to sail as close to 'less eligibility' as their strained humanity permitted them', but they had a powerful weapon: by accepting medical relief independent labourers would be classed as paupers. Voters were known to have refused to allow members of their families to ask for help for fear of being struck off the electoral register.<sup>72</sup>

Pressure for reform came from the poor law medical officers' professional bodies, helped by the British Medical Association, the Workhouse Visiting Society and influential lay individuals like Florence Nightingale, Louisa Twining and Edwin Chadwick, and especially by the medical press. The Lancet was particularly influential and conducted enquiries into workhouse infirmaries. In 1865, under intense pressure, the Poor Law Board conducted its own enquiry but the reason why the government finally decided to take action is unclear.<sup>73</sup> The 1867

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71. Ibid, pp 51, 55-56; R G Hodgkinson, The origins of the National Health Service (1967), p 152

72. Flinn, op cit, p 59

73. Ibid, p 63; J E O'Neill, 'Finding a policy for the sick poor', Victorian Studies, vol VII, no 3, March 1964, pp 269-277

Metropolitan Poor Act opened the door to improvements and was 'the first explicit acknowledgement that it was the duty of the state to provide hospitals for the poor'. Perhaps the most important step was that 'less eligibility' was no longer to apply to the sick poor, but it was not until 1885 that the recipient of medical relief could retain his voting rights.<sup>74</sup> 1867 was a watershed after which 'state hospitals' could increasingly be divorced from workhouses and by the late 1860s the Poor Law Board recorded that workhouses had of necessity been gradually transformed into infirmaries for the sick.

Outside the workhouse district medical officers looked after the sick poor but they were often hard-pressed and they did not necessarily have all the requisite skills. The amount of untreated sickness was apparently enormous and it was rare for outdoor relief to be given to the sick for more than three months at a time. The sick outdoor paupers were often as much in need of adequate nourishment as medicine.<sup>75</sup> One problem area was midwifery: guardians were often reluctant to pay the extra fees ordered by the General Medical Order of 1842 and incompetent midwives continued to be employed.<sup>76</sup> The Poor Law Commissioners advocated the formation of sick clubs and the idea was taken up enthusiastically by at least one union.<sup>77</sup> Other boards subscribed to medical charities: Bradford used the Harrogate Bath Hospital and the Liverpool School for Indigent Blind (among others) and Hitchin subscribed to the Margate Sea

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74. Flinn, *op cit*, p 65; Ashforth, *op cit*, p 589

75. Hodgkinson (1967), *op cit*, p 277; Digby (1982), *op cit*, p 34

76. Hodgkinson (1967), *op cit*, p 31

77. Randell, *op cit*, p 228

Bathing Infirmary.<sup>78</sup>

Leicester, like many nineteenth century towns, was very unhealthy: epidemics reported in the local press included typhus, measles, scarlet fever and smallpox and the town was also subject to a virulent 'summer diarrhoea'. In addition two common, but not usually fatal complaints were 'itch' and fever; in 1842 a separate room was provided in the workhouse for the reception of paupers suffering from itch and a machine provided for dressing the patients. Two years later the former stable and female refractory ward were converted to male and female itch wards.

In August 1845 smallpox became prevalent in Leicester and the former house of correction was turned into a temporary fever house. A male and female superintendent, porter and five nurses were appointed and it continued in use until the end of November. During the time it was in use 189 people were admitted of whom seventeen died. As the clerk explained to the Commissioners the guardians thought it highly improper to send cases to the workhouse but felt the disease could be better checked 'by removing the sufferers into an establishment where cleanliness and a proper course of medicine and diet can be had, instead of leaving them amidst the squalid misery and filth, with which their own houses too frequently teem'.<sup>79</sup>

The recurrence of 'fever' in August 1847 meant that the fever house was reopened until November; this time 84, chiefly Irish, were admitted of whom three died.<sup>80</sup> Smallpox was again prevalent in 1853 and the board

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78. Ashforth, *op cit*, pp 212-213; G Peters, 'the Old and the New Poor Law in Hitchin' in P Kingsford & A Jones, Down and out in Hertfordshire (Stevenage, 1984), p 171

79. LRO, 26D68/318, no 192, 11 September 1846

80. *Ibid*, no 285, 8 December 1847

took various steps on the advice of the General Board of Health. In 1860 alterations at the [Royal] Infirmary meant that no fever patients could be sent there but after a deputation from the board went to see the governors they relented to the extent of admitting any urgent case. A year later, when 'fever' was again prevalent, the board resolved that it could not accept any cases from the Infirmary as all the available accommodation would be required for paupers. This is an interesting comment, apparently indicating that the workhouse infirmary was in some ways equated with the town's only 'private' hospital. In 1871 the borough fever hospital was opened and thereafter all smallpox cases were sent there.

The Leicester board subscribed to a number of outside institutions. It paid £25 a year to the fever house and £20 to the Infirmary itself, which entitled the guardians to send a number of patients there. In 1857 they also resolved to subscribe to the Buxton Bath Charity and (in 1866) to the Margate Sea Bathing Infirmary. In 1865 the board agreed to contribute £25 towards building a new dispensary: as the clerk reported to the Poor Law Board the guardians thought the institution was very praiseworthy, 'as tending to extend the principle of self reliance' and as an auxiliary to the medical services of the poor law. Unfortunately, as the expenditure was not allowed by law, the Poor Law Board could not sanction it.<sup>81</sup>

A midwife was employed when considered necessary although often the medical officer chose to work alone. In 1839 'a most difficult and extraordinary' case was reported, of a dwarf only 42" tall; on this occasion the medical officer called in two of his colleagues to help and

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81. LRO, 26D68/321, no 47, 27 April 1865; 26D68/342, no 14370A, 6 May 1865

all three were given a gratuity by the guardians.<sup>82</sup> Midwives were appointed from about 1839 but it was 1850 before they were employed on a permanent basis. There were frequent complaints about them, the most serious incident occurring in 1856 and involving a Mrs Fearn. One of her patients had died after childbirth and the inquest showed that Fearn had not removed the afterbirth; it was recommended that she be dismissed.<sup>83</sup> The guardians refused to do so, despite more evidence to her unfitness, mainly because the medical officers had refused to hear either Fearn or any witnesses in her defence. One of the guardians reported the matter to the Poor Law Board and the newspapers got hold of the story. A report of the board meeting of 12 February included a statement by assistant commissioner Weale that he wished the guardians would restrain themselves, 'but they were really such an inflammable body that it seemed impossible for them to do so'.<sup>84</sup> The Poor Law Board continued to press the guardians to dismiss Fearn but she finally tendered her resignation at the end of April.

Dr Smith, the poor law medical inspector, visited the Leicester workhouse in 1866 as part of his comprehensive investigation. He gave details of the layout of the building, the equipment provided and the staff. The infirmary was separate, with another building for fever and smallpox cases, there were separate itch wards, wards for 'dirty cases', a female venereal ward and a sick nursery for young children. On the day of his visit (15 November) there were 58 sick adults and ten children. He reported that according to the medical officer the patients did as well in

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82. LRO, 26D68/1, 26 March 1839

83. LRO, 26D68/8, 23 January 1856

84. Leicester Chronicle, 16 February 1856

the workhouse as in the Infirmary.<sup>85</sup>

At a meeting of the National Association for the Promotion of Social Science in 1867 Ernest Hart read a paper on 'A National Scheme for the better organization and management of workhouse infirmaries'. In Leicester he said the three workhouses [sic] showed the utmost variety in space and arrangements. In some rooms floors were badly boarded, in others bricked; some had lockers and cupboards, others none; one of the infirmaries had recently been put into a comparatively satisfactory condition but another was left without repair and was to continue so. According to Hart Dr Smith had ignored this diversity and his report allowed the inference that he was as satisfied with the workhouse in the wretched state as with the other where amenities had been provided.<sup>86</sup>

Dr Smith submitted a further report in April 1871, by which time attitudes had changed towards the treatment of the sick poor. The infirmary was, he said, 'built on a defective plan' with windows on one side only giving imperfect ventilation in summer. There were 147 beds but Smith felt the accommodation was inadequate; however the guardians were about to increase it. The infectious wards were unsatisfactory in construction and site and he felt itch and venereal wards should also be separate. He thought about £6,000 to £8,000 ought to be spent in erecting new buildings as it was likely that the Midland Railway Company would buy the existing site. Nevertheless he concluded that the general arrangement of the workhouse was very good.<sup>87</sup>

Pauper burials have an important place in the mythology of the poor

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85. PRO, MH 32/67, no 12939½, 15 April 1867; Poor Law Board, 19th annual report, 1869-70

86. Hodgkinson, op cit, pp 460-461

87. PRO, MH 32/67, no 17125, 21 April 1871



law. At first the Poor Law Commissioners said that paupers should be buried as cheaply as possible but later they compromised by saying that their burials should not be worse than, or superior to, those of the lowest classes. There were frequent complaints about the poor quality of coffins and paupers in St. Pancras could observe the burials from the workhouse.<sup>88</sup> In 1850 the Leicester board made regulations for the burial of paupers; it included the rule that the coffins should be 'well and substantially made' with a plate giving the name and age of the deceased and two pairs of black handles, but no other ornament, and that a car be provided at a cost of £14. When the time for the funeral was fixed the convenience of the friends of the deceased was to be considered as far as possible and the body was to be taken to the place of burial in the 'Union car' by four of the workhouse inmates 'habited in their usual Clothing' and superintended by the assistant porter or the assistant relieving officer. The board hoped by these recommendations that 'the poor will have their funerals conducted in a decent and becoming manner'. In reply to a question from the Poor Law Board the clerk reported that much imposition had previously been practised which the regulations had stopped. The regulations were later printed and a copy sent to the Poor Law Board.<sup>89</sup>

The poor law authorities became responsible for the vaccination of children from 1850 when an Act allowed medical officers to act as vaccinators, for which they were paid a separate per capita fee. A special Act of the following year expressly stated that the vaccination service was of a non-pauperising nature, marking a significant new

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88. Becherand, *op cit*, p 146; Crowther, *op cit*, pp 241-242

89. LRO, 26D68/5, 26 November 1850; 26D68/319, no 213, 4 August 1852; PRO, MH 12/6482, no 25380, June 1867

departure. Infant vaccination was made compulsory in 1853 and the regulations tightened up in 1867.<sup>90</sup> Vaccination - 'in its national, free and compulsory character' - represented an early but remarkably modern extension of government action.<sup>91</sup> The smallpox epidemic of 1837-40 and the high mortality arising from it meant that immediately after the 1840 Act there was a significant increase in vaccinations but they decreased again thereafter.

Under the 1853 Act all infants in England and Wales had to be vaccinated within three months of their birth; the local registrar was to notify parents of their obligation and to record the vaccinations. Again there was an initial rise but a reduction soon after to an average of 68.16% of births between 1856 and 1858. However guardians could not prosecute defaulters and got little support from the Poor Law Board.<sup>92</sup> In the 1860s attempts were made to improve the quality and quantity of vaccination: a thorough inspection between 1861 and 1864 showed the former to be appallingly low.<sup>93</sup> Under the 1867 Act local prosecuting officers could be appointed and there was an increase in grants to encourage an improvement in the quality of vaccination; guardians were also urged to prosecute those who failed to have their children vaccinated. There was considerable opposition to vaccination however and the Anti-Vaccination League was established in 1866; one of its strongholds was apparently Leicester. There was another Act in 1871 which confirmed the principle of compulsory vaccination and also made the

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90. Flinn, op cit, pp 51-52

91. R J Lambert, 'A Victorian National Health Service: State Vaccination 1855-71', The Historical Journal, vol V, no 1, 1962, p 1

92. Ibid, pp 3-4

93. Ibid, p 7

appointment of paid vaccination officers mandatory.<sup>94</sup>

Leicester was a leader in the cause of anti-vaccination but it has been stated that the guardians tried to carry out the legislation with greater zeal, energy and determination than any other board.<sup>95</sup> At first they delayed implementing the 1840 Act but after prompting from the Commissioners resolved to treat all the unvaccinated workhouse inmates; the workhouse medical officer was initially paid 1/6 per case, but this was soon increased to 2/6. The board needed further encouragement before it agreed to vaccinate other cases, this time at 1/= for each successful case.<sup>96</sup> It needed to be reminded of its duties from time to time, even after the 1853 Act, and in 1864 only agreed to co-operate with the Local Board of Health in appointing a public prosecutor if it did not need to accept any responsibility in the matter.<sup>97</sup> It appears however that no appointment was made as in October of the same year there were calls for a public prosecutor after the death of a child in the workhouse 'partly from smallpox'. Instead the board entrusted the duties to the relieving officers, giving them an extra £10 a year. After the 1867 Act new contracts were entered into with the medical officers; the following year a new official, called a public prosecutor, was appointed and paid 4d for every registered successful vaccination. He was soon in action, being instructed to prosecute 21 people if necessary in November 1868, and was similarly instructed thereafter.

As the clerk reported to the Registrar General it was no deterrent

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94. Ibid, pp 10-12

95. J T Biggs, Leicester: Sanitation versus Vaccination (1912), p 324

96. PRO, MH 12/6469, nos 5723B & 6439B, 22 April & 12 May 1842

97. LRO, 26D68/254, no 311, 11 May 1864

to some people to be prosecuted. He cited the case of a man who had been fined the full penalty of 20/=: 'this will probably be paid, but the man still persists in his refusal to have the Vaccination performed'.<sup>98</sup> Prosecutions continued but failed to influence some people. The Leicester Anti-Vaccination League was formed in 1869 and whereas over 94% of children born in 1867 were vaccinated, the figure in 1897 was only 1.3%, despite many prosecutions under the 1867 Act. In his evidence to the Royal Commission on Vaccination of 1889-96 Biggs said 'it is no exaggeration to say that the name of Leicester is more prominently associated with the agitation against compulsory vaccination than that of any other town in the United Kingdom, or probably in the world'. He added that the early prosecutions caused great indignation and led to the formation of the League in Leicester, and gave a good deal of evidence to back his assertion that sanitation and isolation were more effective than vaccination.<sup>99</sup> This attitude prevailed well into the twentieth century as evidence from the town's medical officer of health clearly shows.<sup>100</sup> In the 1880s and 1890s the vaccination law was often allowed to lapse in Leicester and more than one election of guardians was fought on the issue.<sup>101</sup>

It appears that in matters of health the board had a variable record. Its use of outside agencies is commendable but its inability or unwillingness to appoint efficient officers led to some unfortunate occurrences.

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98. LRO, 26D68/256, no 772, 20 January 1869

99. Biggs, *op cit*, pp 79, 145ff

100. LRO, DE 3139/12-14

101. R A McKinley (ed), Victoria County History, vol IV: The City of Leicester (Oxford, 1958), pp 280-281

(iv) the registration of births, marriages and deaths

In parts of the north of England the duties under the Registration Act of 1836 were the only facets of the new poor law which the Commissioners were able to establish. There was apparently a danger of the same thing happening in the Midlands as a letter written in early June 1837 by assistant commissioner Hall shows. He began by saying that the prevalent feeling towards the Commissioners and their assistants was mistrust and lack of cordiality and confidence in the system, and continued:

In this state of things I would by no means recommend the hasty formation of Unions in that part of Leicestershire which is still not worked up...I, therefore, subject to your approbation, shall proceed to work up that part of the County into temporary Registration Districts...

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This did not of course happen in the end.

The board intended to make the whole union one registration district but after repeated promptings from the Registrar General divided it into two, coterminous with the relief districts. There was a registrar of births and deaths for each district, but one marriage registrar for the whole union; the clerk was the superintendent registrar. In November 1840 the extra-parochial places were annexed to the west district and from the mid 1840s deputy registrars were appointed. There was some difficulty about the appointment of a second registrar for marriages: the man preferred by the guardians was not acceptable to the dissenting ministers and vice versa, but the matter was eventually settled to mutual satisfaction.

Registration was only a peripheral part of the union activities,

but no less troublesome for all that. The appointment of staff caused as many problems as in all the other posts. Occasionally an unusual case baffled the clerk: in 1869 for example two Jews had given notice of marriage but as there was no synagogue in the area they wanted to be married at the woman's house, where a rabbi from London would officiate.<sup>103</sup>

The non-poor law activities of the board were a significant drain on its resources of money, staff and time. They were seen as ancillary to the main purpose of the new poor law but increasingly came to absorb more of the union's attention. The development of a medical service was crucially important in Leicester where the only hospital was a subscription one, and without the services of the union the poor would have been unable to receive treatment. The board's growing involvement with these activities could not have been envisaged in 1834 and did not play any part in the deliberations of the legislators. Like the experience of the court of quarter sessions in an earlier period, the presence of a 'local authority' enabled responsibility for non-poor law activities to be placed on an established body which had inadequate resources to deal with these duties but was seen as better than nothing.

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103. LRO, 26D68/256, no 879, 21 April 1869

APPENDIX 1The insane in workhouse and asylums, 1853-1871

| <u>Quarter</u> | <u>W/h</u> | <u>Asylum</u> | <u>Total</u> | <u>Quarter</u> | <u>W/h</u> | <u>Asylum</u> | <u>Total</u> |
|----------------|------------|---------------|--------------|----------------|------------|---------------|--------------|
| 2nd 1853       | 35         | 53            | 88           | 1st 1864       | 66         | 97            | 163          |
| 3rd            | 38         | 53            | 91           | 2nd            | 72         | 98            | 170          |
| 4th            | 37         | 54            | 91           | 3rd            | 71         | 95            | 166          |
| 1st 1854       | 38         | 57            | 95           | 4th            | 69         | 96            | 165          |
| 2nd            | 38         | 64            | 102          | 1st 1865       | 69         | 98            | 167          |
| 3rd            | 39         | 66            | 105          | 2nd            | 67         | 102           | 169          |
| 4th            | 39         | 61            | 100          | 3rd            | 68         | 104           | 172          |
| 1st 1855       | 40         | 64            | 104          | 4th            | 68         | 109           | 177          |
| 2nd            | 39         | 63            | 102          | 1st 1866       | 69         | 115           | 184          |
| 3rd            | 42         | 64            | 106          | 2nd            | 67         | 113           | 180          |
| 4th            | 44         | 64            | 109          | 3rd            | 68         | 112           | 180          |
| 1st 1856       | 43         | 68            | 111          | 4th            | 68         | 109           | 177          |
| 2nd            | 44         | 74            | 118          | 1st 1867       | 67         | 121           | 188          |
| 3rd            | 46         | 74            | 120          | 2nd            | 68         | 123           | 191          |
|                |            |               |              | 3rd            | 70         | 126           | 196          |
| 2nd 1860       | 62         | 83            | 145          | 4th            | 74         | 128           | 202          |
| 3rd            | 63         | 87            | 150          | 1st 1868       | 71         | 132           | 203          |
| 4th            | 67         | 89            | 156          | 2nd            | 71         | 141           | 212          |
| 1st 1861       | 68         | 94            | 162          | 3rd            | 72         | 150           | 222          |
| 2nd            | 65         | 96            | 161          | 4th            | 77         | 154           | 231          |
| 3rd            | 62         | 93            | 155          | 1st 1869       | 83         | 157           | 240          |
| 4th            | 63         | 90            | 153          | 2nd            | 84         | 163           | 247          |
| 1st 1862       | 63         | 90            | 153          | 3rd            | 82         | 153           | 235          |
| 2nd            | 65         | 93            | 158          | 4th            | 78         | 159           | 237          |
| 3rd            | 64         | 91            | 155          | 1st 1870       | 77         | 164           | 241          |
| 4th            | 70         | 89            | 159          | 2nd            | 75         | 164           | 239          |
| 1st 1863       | 69         | 89            | 158          | 3rd            | 77         | 174           | 251          |
| 2nd            | 67         | 86            | 153          | 4th            | 77         | 179           | 256          |
| 3rd            | 65         | 83            | 148          | 1st 1871       | 75         | 188           | 263          |
| 4th            | 63         | 90            | 153          | 2nd            | 80         | 191           | 271          |

## APPENDIX 2

### Children in schools and undertaking industrial training, 1853-1871

| <u>Quarter</u> | <u>Schools</u> | <u>Training</u> | <u>Quarter</u> | <u>Schools</u> | <u>Training</u> |
|----------------|----------------|-----------------|----------------|----------------|-----------------|
| 2nd 1853       | 61             | 7               | 1st 1864       | 142            | 40              |
| 3rd            | 115            | 10              | 2nd            | 126            | 40              |
| 4th            | 193            | 17              | 3rd            | 139            | 42              |
| 1st 1854       | 163            | 13              | 4th            | 156            | 47              |
| 2nd            | 116            | 14              | 1st 1865       | 126            | 44              |
| 3rd            | 133            | 13              | 2nd            | 121            | 42              |
| 4th            | 265            | 19              | 3rd            | 119            | 41              |
| 1st 1855       | 212            | 15              | 4th            | 124            | 41              |
| 2nd            | 136            | 21              | 1st 1866       | 112            | 39              |
| 3rd            | 163            | 29              | 2nd            | 116            | 40              |
| 4th            | 238            | 36              | 3rd            | 131            | 40              |
| 1st 1856       | 140            | 23              | 4th            | 161            | 43              |
| 2nd            | 119            | 26              | 1st 1867       | 144            | 41              |
| 3rd            | 153            | 30              | 2nd            | 153            | 40              |
|                |                |                 | 3rd            | 179            | 44              |
| 2nd 1860       | 113            | 37              | 4th            | 200            | 55              |
| 3rd            | 147            | 37              | 1st 1868       | 183            | 64              |
| 4th            | 202            | 39              | 2nd            | 188            | 64              |
| 1st 1861       | 163            | 40              | 3rd            | 187            | 62              |
| 2nd            | 134            | 40              | 4th            | 195            | 61              |
| 3rd            | 118            | 40              | 1st 1869       | 179            | 60              |
| 4th            | 153            | 40              | 2nd            | 170            | 60              |
| 1st 1862       | 149            | 40              | 3rd            | 198            | 60              |
| 2nd            | 121            | 40              | 4th            | 210            | 60              |
| 3rd            | 115            | 40              | 1st 1870       | 196            | 60              |
| 4th            | 150            | 40              | 2nd            | 193            | 60              |
| 1st 1863       | 137            | 40              | 3rd            | 189            | 60              |
| 2nd            | 116            | 40              | 4th            | 220            | 62              |
| 3rd            | 117            | 40              | 1st 1871       | 188            | 61              |
| 4th            | 144            | 40              | 2nd            | 177            | 58              |



### APPENDIX 3

#### Boys apprenticed, 1843-1871<sup>104</sup>

##### Numbers apprenticed to each trade

|    |  |
|----|--|
| 92 | cordwainer   |
| 89 | tailor   |
| 23 | boot and shoe maker  |
| 14 | baker and confectioner   |
| 12 | blacksmith   |
| 6  | framesmith; coalminer; builder, carpenter and joiner   |
| 5  | woodturner; tinman, brazier and gas fitter; nail and pattern maker; cabinet maker; hairdresser and barber  |
| 4  | sinker maker; stonemason and carver  |
| 3  | saddler and harness maker; rope maker  |
| 2  | grocer; plumber and glazier; bricklayer; painter and engraver; wheelwright; clock and watch maker; brushmaker; lastmaker                               |
| 1  | machinist; butcher; plasterer; general dealer; screw maker; coachbuilder; engineer; fancy hosier; dyer; attorney; basket maker; ironmonger; whitesmith |

##### Places to which boys apprenticed

|     |   |
|-----|---|
| 243 | Leicester   |
| 5   | Countesthorpe; Ibstock  |
| 4   | Anstey  |
| 3   | Desford   |
| 2   | Belgrave; Coalville; Market Harborough; Mountsorrel; Oadby; Shepshed; Whetstone   |
| 1   | Arnesby; Billesdon; Broughton Astley; Dunton Bassett; Earl Shilton; Evington; Frowlesworth; Glenfield; Great Dalby; Higham on the Hill; Hinckley; Houghton on the Hill; Little Stretton; Markfield; Medbourne; Melton Mowbray; Nailstone; Newbold Verdon; Quorndon; Ratby; Shackerstone; Sileby; Somerby; Syston; Thurmaston; Whitwick; Wigston Magna |
| 14  | Out county parishes   |

##### Ages at which boys apprenticed

|         |     |
|---------|-----|
| Aged 11 | 2   |
| 12      | 22  |
| 13      | 119 |
| 14      | 112 |
| 15      | 50  |
| 16      | 5   |
| 17      | 3   |
| 18      | 1   |

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104. Abstracted from minutes (26D68/1-14) and 26D68/1181

APPENDIX 4

Number of vaccinations, 1846-1855<sup>105</sup>

|                              | <u>No vaccinated</u> | <u>No successful</u> | <u>Births</u> |
|------------------------------|----------------------|----------------------|---------------|
| Year ended 29 September 1846 | 805                  | 760                  | 2405          |
| 1847                         | 845                  | 801                  | 1980          |
| 1848                         | 1306                 | 1275                 | 2071          |
| 1849                         | 1486                 | 1441                 | 2146          |
| 1850                         | 1103                 | 1051                 | 2160          |
| 1851                         | 1020                 | 982                  | 2434          |
| 1852                         | 1387                 | 1362                 | 2393          |
| 1853                         | 1403                 | 1369                 | 2287          |
| 1854                         | 2046                 | 2037                 | 2457          |
| 1855                         | 1491                 | 1474                 | 2263          |

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105. PRO, MH 12/6471, etc. (no returns after 1855)

# Quarterly analysis of the income



## CHAPTER 9: THE POOR LAW AND POLITICS IN LEICESTER

### (i) the poor law as a political institution

The poor law was both intrinsically political in itself and an important element in the urban political structure. A great deal of local power was exercised within the poor law and the mode, aims and consequences of such execution of power were often controversial. It provided a vehicle for party rivalry and aspirations to be fought over and, like other aspects of the poor law, had a different pattern according to local circumstances. In Leeds for example the Tories maintained almost a complete domination of the board of guardians between 1844 and 1868, and in only three years failed to gain a substantial majority.<sup>1</sup> In Leicester by contrast the Liberals won control in 1845 and kept it throughout the remainder of the period of this study. Apart from the elections there were three other contexts in which the poor law became political: it was an integral part of the local political structure with important powers to exercise and patronage to dispense; poor law policy and administration were politically controversial in many respects; and the poor law was officially and inextricably linked to the political system because of the connection of voting and poor rates, whereby the franchise depended on payment of the charge.<sup>2</sup>

A struggle for power within the poor law was often part of a much broader contest for control and in many towns those who lost power by the 1835 Municipal Corporations Act sought to regain some of it through

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1. D Fraser, Urban Politics in Victorian England (Leicester, 1976), pp 55, 57; K M Thompson, 'Power and authority in Leicester, 1820-1870' (MA, University of Nottingham, 1985), *passim*

2. D Fraser (ed), The New Poor Law in the Nineteenth Century (1976), p 12

the board of guardians. In Leeds the politicising of the poor law was a characteristic feature of the years 1830-80.<sup>3</sup> When attempts to form a union were made early in 1837 it was hoped that the new system would be introduced free of past associations and recriminations but in fact both sides went into the election 'with party colours flying' for which each blamed the other. The first poor law election took place in December 1844, a month after the town council had once more refused to elect any Tory aldermen and so the Conservatives pursued political power through the poor law in compensation.<sup>4</sup>

The Leicester union was very much part of the local political structure, in which nearly every 'local authority' was politically motivated, as Richard Hall observed in 1836.<sup>5</sup> The Conservatives initially took advantage of the system of multiple voting which enabled them to control the board until 1845 and they owed their dominance in this period to the fact that they gained all eighteen seats for St. Margaret's and St. Martin's parishes, giving them a slim majority even if they failed to win any others. This not surprisingly irked the Liberals, who had controlled the town council since 1835, and some of the Conservative guardians' actions roused them to a fury.

Until municipal reform in 1835 the corporation of the town was dominated by the Tories, but from the early years of the nineteenth century opposition to their stranglehold on municipal affairs grew. With the passing of the Municipal Corporations Act the reformers gained almost

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3. D Fraser, 'The Poor Law as a Political Institution' in D Fraser (New Poor Law), op cit, pp 112-114; D Fraser, 'Poor Law Politics in Leeds 1833-1833', Thoresby Society Publications, vol LIII, 1970, passim

4. Fraser (1970), op cit, pp 28-29, 36

5. See chapter 2

complete control of the town council and in 822 elections held in the next fifty years the Conservatives were successful in only 190.<sup>6</sup> The change in political control also meant a change in religious control: no dissenter had been a member of the corporation in its latter years and churchmen were in the minority on the new town council. The town was called 'the Metropolis of Dissent' by its own nonconformist sons<sup>7</sup> and, like Leeds, had its 'Mayors' Nest' - the Unitarian Great Meeting - which supplied the first seven mayors of the reformed corporation.<sup>8</sup> The dominance of nonconformity is amply illustrated by the refusal to replace the chaplain. The Tories who lost power in 1836 saw the board of guardians as a way of regaining some of it; unlike other towns there were few other avenues open to them.

Although the Liberals did manage to capture two of the St. Margaret's seats in 1838, a year of distress, the Conservatives' dominance was maintained for nearly ten years; in 1842, their best year, they formed 77% of the board. However the Liberals made a determined effort in 1845 and the revelations of mismanagement and corruption that had recently emerged helped their cause. The Liberal agent, Lawrence Staines, succeeded in securing the disqualification of over 500 Conservative votes; in one case, where a club in Thrussington (a village a few miles north of the town) had lent money on the security of two houses in Leicester, the Conservative agents had claimed votes on behalf of all 154 members without their knowledge or consent. Many of the Conservatives' actions were at least doubtful and did nothing to counter their opponents' charges of

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6. J Simmons, Leicester Past and Present, vol 1 (1974), p 149

7. A T Patterson, Radical Leicester (Leicester, 1954), p 247

8. For further information on this subject see Thompson, op cit

election fraud. As a result the Liberals took 30 of the 35 seats at the 1845 election and although they rarely reached that peak again they did maintain their grip on the board until the end of the period under study:

|           | <u>Liberal</u> | <u>Conservative</u> |                 |
|-----------|----------------|---------------------|-----------------|
| July 1836 | 12             | 23                  | (35 seats)      |
| May 1837  | 15             | 20                  |                 |
| May 1838  | 18             | 17                  |                 |
| May 1839  | 16             | 19                  |                 |
| May 1840  | 15             | 20                  |                 |
| May 1841  | 11             | 24                  |                 |
| May 1842  | 8              | 27                  |                 |
| May 1843  | 9              | 26                  |                 |
| May 1844  | 12             | 23                  |                 |
| May 1845  | 30             | 5                   |                 |
| May 1846  | 27             | 6                   | (2 unnominated) |
| May 1847  | 23             | 12                  |                 |
| May 1848  | 21             | 14                  |                 |
| May 1849  | 28             | 7                   |                 |
| May 1850  | 27             | 8                   |                 |
| May 1851  | 23             | 13                  | (36 seats)      |
| May 1852  | 25             | 11                  |                 |
| May 1853  | 28             | 8                   |                 |
| May 1854  | 30             | 6                   |                 |
| May 1855  | 31             | 5                   |                 |
| May 1856  | 30             | 6                   |                 |
| May 1857  | 27             | 9                   |                 |
| May 1858  | 23             | 13                  |                 |
| May 1859  | 23             | 11                  | (2 unnominated) |
| May 1860  | 24             | 12                  |                 |
| May 1861  | 23             | 12                  | (1 unnominated) |
| May 1862  | 27             | 11                  | (38 seats)      |
| May 1863  | 26             | 12                  |                 |
| May 1864  | 26             | 12                  |                 |
| May 1865  | 25             | 13                  |                 |
| May 1866  | 27             | 11                  |                 |
| May 1867  | 30             | 8                   |                 |
| May 1868  | 29             | 9                   |                 |
| May 1869  | 31             | 7                   |                 |
| May 1870  | 31             | 6                   | (1 unnominated) |

It is clear that many of the Conservative members of the corporation who lost office in 1835 saw service on the board of guardians as some compensation, especially as the first elections were held within a few months of their fall from grace. Thirteen of them stood for election in 1836, of whom eight were successful, and both the chairman and vice

chairman of the first board had been members of the old corporation. Altogether 23 members of the old corporation served on the board of guardians between 1836 and 1871; 112 guardians (32.5% of the 344 who served in this period) were also members of the reformed town council. However 173 guardians (50.2% of the total) did not even stand for any other office, which leads to the conclusion that some were urged to stand for election to help to achieve or to maintain Liberal control. Election to the board of guardians was definitely seen as a way to exercise political power in Leicester.<sup>9</sup>

Leeds was by no means the only town for which there is evidence of politics playing a part in the appointment of officials; there is evidence of the same thing in Salford in 1840, and examples of party contests and a political-spoils system in Leicester, Nottingham, Bradford, Gateshead and Birmingham.<sup>10</sup> In all these instances the political interest derived from the local political situation rather than from poor law policy itself. In Leicester the most notorious example of political patronage was the attempt to appoint Thomas Burbidge as union clerk; suspicion surrounded many of the other appointments but by and large the allegations were not proved. Patronage could also extend to the contractors who either supplied the union with goods or tendered for building contracts but claims of this sort were rare. An assistant commissioner claimed that political motivation and patronage accounted for nine-tenths of all the Leicester guardians' actions. Discussions at the board were not only partisan but often sharply personal and sometimes

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9. Thompson, *op cit*, *passim*

10. Fraser (1970), *op cit*, pp 36-37; Fraser (New Poor Law), *op cit*, pp 115-116; D Ashforth, 'The Poor Law in Bradford c. 1834-1871' (PhD, University of Bradford, 1979), p 130; Fraser (Urban Politics), *op cit*, p 74



disorderly. The local newspapers, when reporting union affairs, were less than complimentary about the 'opposition' guardians: in 1836 for example the Leicester Herald, the extreme right-wing organ of the unreformed corporation, referred to two Liberal guardians as 'Old Boozing Baxter' and 'Funny Hudson'.<sup>11</sup>

The most obvious example of the controversial nature of poor law policy and administration concerned the workhouse; fear of the institution and dislike of centralisation were the two main planks on which the anti-poor law movement was built. In Nottingham a workhouse dispute merged with the anti-poor law movement and a Tory/Radical alliance was created on an anti-poor law platform. The guardians' refusal to abandon the project was the key political issue in Nottingham in the winter of 1840-41 and anti-workhouse feeling affected not only the poor law election but also the municipal election and a parliamentary by-election: 'thus the contentious issue of the Nottingham workhouse altered the composition of the board of guardians, sacrificed four Liberal seats on the municipal council and finally enabled the local Tories to return their candidate as the first Tory M.P. for Nottingham since 1807'.<sup>12</sup> In Rochdale and Sheffield in the 1850s a similar battle over the building of a workhouse excited equally high feelings and in Leeds in the 1850s three issues became politically controversial - religious education, the running of the industrial school and the question of extravagance and high poor rates. In Gateshead a 'parish question' affected the 1850 mayoral election even though it did not concern any aspect of municipal government, and even had

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11. G A G Innocent, 'Aspects of the practical working of the New Poor Law in Leicester and in Leicestershire 1834-1871' (MA, University of Leicester, Victorian Studies Centre, 1969), pp 48-49; Leicester Herald, 3 December 1836; see also section (iii) below

12. Fraser (New Poor Law), op cit, p 117

some influence in the 1852 parliamentary election.<sup>13</sup> In Leicester the building and subsequent rebuilding of the workhouse caused a great deal of unrest in the town (see chapter 6).

The poor law did not provide a continuous vehicle for political excitement but it did not take much to rekindle political interest; within the urban political structure the poor law could at times generate considerable political excitement.<sup>14</sup> An example of this is the 'Basford Union Workhouse Affair' of 1844 which generated so much publicity that it was referred to by Engels in his book The Condition of the Working Class in England.<sup>15</sup>

As the overseers were responsible for drawing up the provisional list of voters from their rating records any party which controlled them not only had access to vital information but could use that information to its advantage, such as paying the rates of supporters in arrears who might otherwise have lost their vote. The magistrates appointed the overseers, providing yet another opportunity for political interference. In Leeds it was decided to appoint an equal number of overseers from each party in the early 1840s and they became 'a haven of non-political administration in a highly political Victorian city'. Similar examples of maladministration in this area of poor law business are found in Salford in the 1840s and Preston in the 1860s.<sup>16</sup>

By and large there was little political interest outside towns

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13. Ibid, pp 119-122; Fraser (1970), op cit, p 41; Fraser (Urban Politics), op cit, pp 69-70, 75-76

14. Fraser (Urban Politics), op cit, p 90

15. C P Griffin, 'Chartism and Opposition to the New Poor Law in Nottinghamshire: The Basford Union Workhouse Affair of 1844', Midland History, vol II, 1974, passim

16. Fraser (New Poor Law), op cit, pp 123-127

and in unions of mixed urban and rural parishes any political activity was confined to the urban areas. In Wincanton politics were unimportant and elections infrequent, there only being two by 1857. In Gateshead contested elections died out after the mid 1840s and there were sometimes no nominations for seats. In some Lancashire unions many guardians were constantly re-elected and there were few contests; however assistant commissioner Alfred Power was apparently alarmed at political feelings ruling elections at Wigan, Bolton and Clitheroe. Throughout the country there was therefore a strange mixture, of intense political activity and apathy, with many small parishes returning the same representative to the board year after year without even the formality of a contest.<sup>17</sup>

#### (ii) elections

Voting in poor law elections was by open ballot. Voting papers were delivered to the house of those eligible to vote and later collected by the parish overseer and his assistants. This made corruption easy and there were frequent allegations of rigged elections, some of which were substantiated. In Leeds an enquiry in 1852 revealed widespread corruption: voting papers had been destroyed, altered, miscounted and filled in by the clerks, and many witnesses swore that the papers had been altered after they had been collected. The inspector concluded that poor law elections in Leeds were shown to be not the expression of the will of the electorate but of an 'unexampled mass of frauds, forgeries, tricks and

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17. P W Randell, 'Poor Law relief in Somerset, with particular reference to the Wincanton Union 1834-1900' (MLitt, University of Lancaster, 1983), p 35; F W D Manders, 'The administration of the poor law in the Gateshead Union, 1836-1930' (MLitt, University of Newcastle upon Tyne, 1980), p 9; E C Midwinter, Social Administration in Lancashire 1830-1860 (Manchester, 1969), pp 31-32; M E Rose, The English Poor Law 1780-1930 (Newton Abbot, 1971), p 135

knaveries'. The following year two Conservative agents were imprisoned for a month for electoral offences and another enquiry in 1870 into election malpractices showed that the tricks of 1852 were still being used.<sup>18</sup> Leeds was by no means alone: in Bradford there were allegations of electoral malpractices in many of the townships.<sup>19</sup>

In Leicester it was in the realm of elections that most of the political excitement lay. In 1848 assistant commissioner Weale said: 'all contested Elections at Leicester are carried on with great warmth and no little acrimony; till the last year the Elections of Guardians have been carried on in the spirit of Political party...'. For the first fifteen or so years of the new poor law in Leicester elections were always contested, except in one or two of the smaller parishes, but from the 1850s a quieter mood prevailed; a return of 1857 showed that there were three contested elections in 1853, four in 1854 and six each in 1855 and 1856; there were no complaints in these years of non-delivery or collection of voting papers and no elections had been set aside.<sup>20</sup>

Complaints that the voting papers had been tampered with were common. In 1844 the clerk reported to the Poor Law Commissioners that the overseers of St. Margaret's had employed the agent of a political party to make out the list of owners and proxies 'and that the person so employed ...erased (by scratching with a knife) upwards of 100 names previously standing on the list as Owners, taking upon himself to decide the question of their ownership'. He was told that if the erasures had been made on

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18. Fraser (1970), *op cit*, pp 47-48; Fraser (New Poor Law), *op cit*, p 113; Fraser (Urban Politics), *op cit*, pp 59-60

19. Ashforth, *op cit*. p 100

20. PRO, MH 12/6474, no 390, 26 December 1848; Return of...contested elections of Guardians (1853-1856), 1857, 2nd Session (314) XXXII

the authority of the overseers there would be no objection but otherwise the person responsible would be liable to a fine of £50.<sup>21</sup> Unfortunately for the clerk some voters did not have much faith in his ability to conduct the elections to their satisfaction, ostensibly because of his lack of knowledge of election law. In addition, after the Liberal victory in 1845, he was distrusted by many of the guardians as he was a Conservative and they felt would not act fairly. He had been appointed by the previous (Conservative) administration and it is to his credit that he was retained in office. His most persistent critic was Staines, the Liberal agent, and the correspondence books of the central authority are full of letters from him on the subject of the clerk's apparent shortcomings.

As might be expected the 1845 election was especially troublesome. As a result of the rather lax arrangements for delivering and collecting the voting papers Staines and three others wrote to the Commissioners alleging that certain papers had been tampered with and that 'everything has been done or resorted to as could be to keep the old Guardians in'.<sup>22</sup> It was decided that an enquiry was necessary and Weale took evidence from a number of people. William Smith, a Conservative guardian, was suspected of having altered the voting papers and the clerk travelled to London to see him. After getting the clerk to agree to inform no one but Weale or the Commissioners he admitted that he had altered two or three voting papers and had never ceased to regret it since. He had 'in a moment of excited feelings, produced by the shameful conduct of opponents' made the alterations and would have been glad immediately afterwards if he could have remedied 'so great a piece of folly'. In a letter to Weale Smith

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21. LRO, 26D68/318, 25 March 1844; PRO, MH 12/6470, no 40258, 25 March & 3 April 1844; LRO, 26D68/332, no 40258, 3 April 1844

22. LRO, 26D68/332, no 5343B, 16 April 1845

hoped that the matter would be dropped without communicating his remarks to 'that monster Staines and his party' as otherwise he would never hear the last of it.<sup>23</sup>

Weale thought the clerk had been rather foolish to allow Smith into the room where the voting papers were, even to look at his own, as he was aware of the 'jealousy that existed in the minds of many of the electors against himself'. However Chamberlain (the clerk) could not believe that a person 'in the respectable station of life in which Mr. Smith moves' could so far forget himself and commit the forgery.<sup>24</sup> Weale hoped that Staines would now let the matter drop; on the contrary he wrote to the Commissioners stating that many more voting papers had been altered and the enquiry should continue, saying:

The ratepayers for which [sic] I appear are a very numerous body and they are not satisfied with the examination as it now stands, they request to have Mr. William Smith examined before them to enable us if possible to bring the alterations home to other individuals who at present have been screened from this investigation as we have no doubt left on our minds that those alterations and forgeries were made with the knowledge and consent of the Clerk of the Board, or he never would have permitted any individual however respectable to have entered his private office that was to be held so sacred by him as the protector of their Voting papers.

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The Commissioners declined to take any further action and also advised that it would be difficult to obtain a conviction against Smith.

Partly as a result of all this trouble, and partly because of the new (Liberal) board's lack of confidence in the clerk, the guardians asked the Commissioners to appoint Richard Toller, the Clerk of the Peace for

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23. PRO, MH 12/6471, no 6682B, 13 May 1845

24. Ibid

25. Ibid, no 6787B, 15 May 1845

the borough, to act as revising officer of the register of owners. They thought that a paid officer had too much discretionary power in the revision of the list of those entitled to vote 'and this led no doubt to the irregularities which were so notorious at the election of 1845'. The Commissioners also received a letter from a group of Conservatives stating that the real reason for the request was that 'the Political tenets of the Clerk are known to be adverse to those of the majority of the Board' and saying that the appointment of Toller would be objectionable to many of the ratepayers, as he was Staines' legal adviser; if a revising officer were to be appointed he should be completely independent. Fortunately for the Commissioners they did not have to make a decision on this occasion as the request had been made too late.<sup>26</sup>

The following year there were similar allegations of forged voting papers, this time after they had been delivered into Staines' hands at the Reform Office; Staines apparently tried to insinuate that the forgeries had been made after they had left his office and might have occurred while they were in the clerk's custody. Chamberlain alleged that Staines had made a 'gross attack' on his character and as he was now a member of the board felt that he should ask for an enquiry, adding: 'indeed my silence might be construed most unfavourably had he, by some, held as a proof that I knew somewhat of the matter'. Weale reported that a forgery had been committed but it was impossible to determine who had done it. He thought nothing could be gained by holding an enquiry: 'it would only lead to a political encounter and gratify the passions of the violent partisans on each side; and the enquiry would be endless, as fresh hares to be hunted

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26. Ibid, no 22398, 10 February 1846; no 22418, 11 February 1846

would be started at every turn'.<sup>27</sup>

In 1847 the board again tried to appoint an independent person to revise the list of owners but nothing came of the suggestion. The complaints against the clerk continued until the mid 1850s, after which time they were reduced to occasional grumblings. It is almost impossible to separate the genuine from the frivolous, as the clerk remarked: 'any person aware of the manner in which these memorials are got up, will attach very little importance to the statements they contain; it being almost a certainty that out of the 69 memorialists [to a petition in 1847] 66 knew nothing of [the] matter (except by hearsay) and have probably never given the subject five minutes' consideration'.<sup>28</sup>

The election of 1848 was the one mainly fought on the question of rebuilding the workhouse and a committee was appointed to enquire into complaints against the clerk and it asked the Poor Law Board to investigate his conduct as assessor. It claimed that 'many of his decisions were unjust, and that his conduct throughout the Election was that of an excited, partisan instead of being that of a calm, unbiased, and equitable Assessor'. It claimed that his object was 'a Board of Guardians whose parochial views would be in unison with his own', that he had tried to influence the voting and persuaded some candidates to stand down, and concluded that he had lost the ratepayers' confidence. It asked that an independent assessor be appointed 'since the Union of the Offices [of clerk and assessor] in one person here, has been the source of great injustice and much discontent'.<sup>29</sup>

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27. LRO, 26D68/318, no 196, 7 November 1846; PRO, MH 12/6471, no 14388, 14 November 1846

28. LRO, 26D68/318, no 226, 20 March 1847

29. PRO, MH 12/6473, no 23109, 14 August 1848



Again Weale held an official enquiry at which there were six specific charges and Staines conducted the case against the clerk. In Weale's view Chamberlain was not actuated by any improper motives and any irregularity arose from an error of judgement. The clerk in fact made no secret of his support for rebuilding the workhouse but Weale obviously felt that he should not have pressed so hard for it: 'at the last Election the question of a new Workhouse...was the one prominently brought before the Public, and there can be no doubt that the interest which the Clerk took in this important question has occasioned his conduct to be impugned by many whose opinions were adverse to his on this question'.<sup>30</sup>

Some years later the clerk gave his views of the state of the law governing elections, in a letter to Weale. As he said, 'no one knows better than yourself the evils which follow, when an Election of Guardians is made a party question...many a good man is rejected...and others are returned whose sole merit is that they [are] subservient to the party to whom they owe their election'. He proposed repealing the 21st section of the 1844 Poor Law Amendment Act which related to parishes being divided into wards, as St. Margaret's had been since 1851. By this section every owner, ratepayer and proxy had to give notice to the overseers of the ward in which he intended to vote and the clerk believed that so few voters were aware of the regulations that they were 'practically disenfranchised' unless they employed party agents.<sup>31</sup>

Weale passed the clerk's letter on to the Poor Law Board which asked for further details, which were duly supplied:

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30. PRO, MH 12/6474, no 390, 26 December 1848

31. LRO, 26D68/320, no 364, 15 April 1863

With regard to the practice in this Union no sooner has the month of March opened than the Agents of the political parties send round Messengers to obtain the signatures of the Non resident Owners and Ratepayers as required by the 21st section of the 7 & 8 Vict. cap. 110. When this is done I have reason to believe that the agents arrange the Votes for the several Wards, as may best suit the object they have in view; and it is no unusual thing at the Election to hear these Agents avow, "that Mr. So and So did not vote to please them at previous Elections and therefore he has not been claimed for".

He stated that at the last election there had been contests in three of the four wards in St. Margaret's parish: 201 non-resident owners and ratepayers had not been claimed for, out of a total of 650. The clerk suggested giving the overseers the power to make objections to names in the register of owners, if for instance a person died.<sup>32</sup>

By the last decade of the period under study relations between the Conservative clerk and the mainly Liberal board had settled down but were never entirely amicable, and the trauma of disputed elections cast its shadow over many of the board's actions and decisions. The clerk's ability to conduct the election in accordance with the law was questioned as late as 1867 and it is clear therefore that Leicester had more in common with Leeds, where politics occupied front stage for many years, than it did with some other unions where political contests died out fairly soon after the creation of the union.

### (iii) public perception of the new poor law

The maintenance of law and order was very important to many Victorians with memories of serious disturbances in the earlier part of the nineteenth century. There was often an ambivalent attitude towards

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32. LRO, 26D68/341, no 13197C, 27 April 1863; 26D68/320, no 368, 1 May 1863

the poor; although in some instances the rich made a conscious and cynical use of religion, education and similar devices to keep the poor down, they were just as likely to have a genuine desire to help them. It has been argued that private charity flourished most when public relief was most generous, thus belying the familiar prediction that the assumption of responsibility by the state would diminish the sense of private responsibility. In fact attitudes changed over the course of the century; about 1880 men came to expect the state to take more responsibility and local initiatives were replaced by the growing dominance of central power: 'imperfect the New Poor Law may have been, but it did reaffirm the principle that the state had an obligation to ensure some basic standard of livelihood for its citizens. From that concern developed most of our modern programme of public welfare'.<sup>33</sup> Attitudes and perceptions of the poor changed over the century: at first it was the 'undeserving' poor who were the primary focus of the perceived social problem but the concept of the 'deserving' poor was redefined so that they became eligible for public assistance when earlier they were thought deserving precisely because they were self-sustaining, hence not in need of assistance. In practice, because too few officers worked in densely-populated urban parishes they found it difficult to distinguish between the 'deserving' and 'undeserving' poor.<sup>34</sup> However the new poor law only partially succeeded in solving the problem of pauperism and never got to grips with the greater one of poverty. The system quickly became little more than the abatement of the nuisance of destitution and a guarantee against

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33. A P Donajgrodzki (ed), Social control in Nineteenth Century Britain (1977), p 15; G Himmelfarb, The Idea of Poverty. England in the early industrial age (1984), pp 5-6; J Roach, Social Reform in England 1780-1880 (1978), pp 7, 120

34. Himmelfarb, op cit, p 8; Innocent, op cit, p 15

starvation but the terms on which it offered relief were sometimes socially unacceptable.<sup>35</sup>

An important agency in contemporary views of the new poor law was the press: in Leicester the main Conservative organ, the Leicester Journal was not surprisingly extremely critical of a Whig law. In 1838 for example it said:

The growing and appalling evils resulting from the New Poor Law Bill are exciting precisely that species of opposition to the measure, which it is the duty of every well wisher of his country to see arise. At present we can do no more than refer our readers to the energetic system adopted in Lancashire and Derbyshire, of which an account will be found elsewhere. With such good examples amongst their immediate neighbours, we do hope the inhabitants of Leicestershire, in town and county, will array themselves in sacred opposition to the introduction of a system, un-English in its origin, despotic in its operation, arbitrary in its application, and painfully indifferent to the better feelings and impulses of morality and religion.

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The Journal continued to express its opposition to the new poor law at some length; a report on the 'Great Anti-Poor Law Meeting of the Operatives of Leicester' in its issue of 23 February 1838 ran to several columns. In contrast the leading Liberal newspaper, the Leicester Chronicle, generally supported the Leicester board of guardians. The importance of the press in influencing public opinion cannot be overstressed although it was frequently uninformed and, in Leicester at least, the reader must have been uncertain which version of events to believe.

Many contemporaries apparently believed that the poor law had

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35. E C Midwinter, Social Administration in Lancashire 1830-1860 (Manchester, 1969), p 60; D Fraser, The Evolution of the British Welfare State (1973), p 224

36. Leicester Journal, 5 January 1838. The Bill referred to is presumably that to continue the Poor Law Commission

'drawn the teeth' from a potentially revolutionary working class as Rayner Stephens, a revered mob orator of the 1830s, said in 1863:

First of all you see they catch the lion in their  
toils: then they cage him within bars of iron, clip  
his claws, draw his teeth, tame him with soup and  
gruel and having severely gagged him so that he  
cannot give either a roar of defiance or a howl of  
misery, they invite the world to look at him and  
admire him as the very pattern of all popular lions  
- the contented lion, the peaceable lion, the only  
fierce English lion turned into the harmless...  
lamb.

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Dickens used a similar analogy in 1850 in 'A walk in a workhouse', published in Household Words, when he described Sunday in the workhouse chapel: 'upon the whole, it was the dragon, Pauperism, in a very weak and impotent condition; toothless, fangless, drawing his breath heavily enough, and hardly worth chaining up'. Nearly a century later the apathy that Dickens had observed was still present.<sup>38</sup>

The stigma of pauperism was a deliberate contrivance to shame those considered capable of maintaining themselves and their families into doing so but in spite of efforts to distinguish between the 'deserving' and 'undeserving' the reputation of the latter inevitably tainted the former. The workhouse deliberately and publicly carried with it the stigma of pauperism and it was this that provoked the wave of opposition in the 1830s and 1840s: it came from the poor who felt degraded by the idea of the workhouse; from local authorities who resented the usurpation of their traditional functions; from critics who looked back to a 'golden age' of social harmony and hierarchy; and from radicals who looked forward to a

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37. D Fraser, 'The English poor law and the origins of the British Welfare State' in W J Mommsen (ed), The Emergence of the Welfare State in Britain and Germany 1850-1950 (1981), pp 10-12, 24-28

38. M A Crowther, The Workhouse System 1834-1929 (1981), p 193

political or economic egalitarianism that would eliminate pauperism by reforming the suffrage and redistributing property.<sup>39</sup>

It was believed that some paupers would go to almost any lengths to avoid entering the workhouse and evidence from Nottingham, Durham and Norfolk corroborates this. In some parts of the north-east however, where the guardians ran the workhouses leniently, poor relief does not appear to have been seen as a stigma and the workhouse was not thought to be socially disgraceful. In Cumbria it was pressure exerted by society as a whole rather than the policies or attitudes of boards of guardians or the central authority which attached a disgrace or stigma to workhouse relief and made the workhouse an object of fear; the institution deserves little of its present-day evil reputation but never quite escaped the shroud of mythology.<sup>40</sup> Paupers in Leicester took the same view and their fear of the former workhouse lasted until its demolition in 1977.

#### (iv) anti-poor law activity

Anti-poor law activity tended to be centred on towns and villages rather than large cities and workers in handicraft trades were more active than those in factory production. Paupers themselves were conspicuously absent from the campaign of protests which were essentially community-based: by denying the community's right to care for its less fortunate members the new poor law threatened the very existence of that community. Northern opposition differed from that in the south in two important ways: the radical traditions of the northern workers ensured that they had the

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39. Himmelfarb, *op cit*, p 176

40. Crowther, *op cit*, pp 224-225; R N Thompson, 'The new poor law in Cumberland and Westmorland (1834-1871)', (PhD, University of Newcastle upon Tyne, 1976), p 589; Ashforth, *op cit*, p 41

organisational skills and ideological insights necessary to mount and sustain an effective campaign; and many respectable inhabitants, especially those with radical or Tory sympathies, were prepared to speak out against the poor relief regulations. The result was an extremely well organised opposition campaign which at first enjoyed widespread support from all sectors of the community, but among the working classes anti-poor law protesters were drawn rather from the ranks of potential than actual recipients of relief.<sup>41</sup>

Virulent objection was not sustained for long, possibly because of an improved economy, the distraction of other issues such as Chartism and the fact that, especially after Chadwick's influence dwindled in 1841, the apparent doctrinaire vigour of the new poor law was quickly diluted. After about 1850 the sense of tension was very much lessened in English society because economic circumstances were working in favour of better conditions for a large proportion of the population. In Leeds for example, at the peak of the protest, the anti-poor law movement began to fade, mainly because by 1838 the poor law was being administered in the West Riding in much the same way as it had under the old poor law. In less urbanised parts of the north there was no anti-poor law movement; the system was not violently opposed in the North Riding although there was no great enthusiasm for it.<sup>42</sup> Examples of opposition can be found from all over the country; rural Oxfordshire saw riots in several parishes in the west of the county during May 1835 as unions were established, and in Bed-

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41. J Knott, Popular opposition to the 1834 Poor Law (1986), pp 270-276

42. P Anderson, 'A Victorian Inheritance: Aspects of institutional provision for poverty in Leeds 1820-1844', Journal of the Loughborough Victorian Studies Group, no 3, October 1978, pp 1, 12-13; R P Hastings, Poverty and the poor law in the north riding of Yorkshire c. 1780-1837 (Leeds, 1982), p 33

fordshire it has been stated that popular discontent was never far below the surface, and when and where it erupted into active opposition the anger of the poor may be seen to have been no less vehement and deeply felt than in the north. In Wincanton however most physical opposition had ended within four years of 1834 and was never extensive, exceptionally bitter, violent or prolonged.<sup>43</sup>

Anti-poor law feeling in Leicester frequently ran high. It was composed of two elements - middle class opposition made up of Conservative dislike of a Whig measure, distaste for centralisation and sympathy (genuine or assumed) for the poor; and working class opposition directed against the attempt to abolish outdoor relief to the able-bodied and against the harsh and deterrent atmosphere of the new workhouses. The latter group disregarded the abuses of the old poor law and remembered only that it had been used by sympathetic parish authorities to maintain those who could not find work at a reasonable wage. Like paupers all over the country they felt they were being treated as criminals for being poor.<sup>44</sup> The Poor Law Commissioners acted with circumspection at first in Leicester; outdoor relief was allowed to continue, even in the form of the payment of house rent, and this may explain why the opposition never became so violent as it did in the north; the Tory board may have been more sympathetic towards the poor than it should.

Until the end of 1837 the anti-poor law movement was fairly muted but the attempt at that time to discontinue outdoor relief to the able-bodied and to enforce the separation of the sexes in the old workhouses

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43. P Horn, 'Aspects of Oxfordshire poor relief: the 1830s', Cake and Cockhorse, vol 8, 1980, p 61; Randell, *op cit*, p 85; W Apfel & P Dunkley, 'English rural society and the New Poor Law: Bedfordshire, 1834-47', Social History, vol 10, no 1, January 1985, p 53

44. A T Patterson, Radical Leicester (Leicester, 1954), p 293



then in use led to an outcry which forced the guardians to back down. Shortly afterwards the large meeting of operatives on 19 February 1838 attracted nearly 6,000 signatures in favour of the repeal or modification of the 1834 Act. It also led to the establishment of the Anti-Poor Law Society whose chief activity was an attempt to bring to the notice of the local guardians cases of alleged hardship or neglect.<sup>45</sup> Parliamentary and municipal reform were seen by many people as the keys to the amelioration of their problems and the failure of both to improve their plight made them all the more receptive to the appeal of Chartism, which subsumed the anti-poor law movement in the town; it 'seemed like the fulfilment of the long, fruitless search of an effective means of expressing the peculiar misery of the hosiery workers'.<sup>46</sup>

Chartist agitation in Leicester lasted for about thirteen years, from 1836 to 1848, with peaks of activity in 1838/9, 1842 and 1848. One of the aims of the Leicester and Leicestershire Political Union, established in October 1843, was repeal of the poor laws.<sup>47</sup> and in this respect the town was following a familiar pattern. The Poor Law Amendment Act was one of two government moves (the other being its treatment of the duty on newspapers) which aroused the most sustained reaction in the country and which led directly into the Chartist movement.<sup>48</sup> Samuel Kydd, a young shoemaker working in the 1830s, later wrote:

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45. Ibid, pp 294-296

46. J Simmons, Leicester Past and Present, vol 1 (1974), p 161

47. J F C Harrison, 'Chartism in Leicester' in A Briggs (ed), Chartist Studies (1959), p 102

48. D Thompson, The Chartists. Popular Politics in the Industrial Revolution (Aldershot, 1986), pp 28-29

The passing of the New Poor Law Amendment Act did more to sour the hearts of the labouring population, than did the privations consequent on all the actual poverty of the land. Rightly, or wrongly, may be a subject of discussion, but the fact is undeniable, that the labourers of England believed that the new poor law was a law to punish poverty; and the effects of that belief were, to sap the loyalty of the working men, to make them dislike the country of their birth, to brood over their wrongs, to cherish feelings of revenge, and to hate the rich of the land.

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Some middle class men were as opposed to the Poor Law Amendment Act as the poor themselves; Joseph Rayner Stephens, a former Methodist minister, saw the poor law as part of a deliberate policy of factory owners to force down wages and to use the cheap labour of women and children instead of men's, and Bronterre O'Brien believed that the Act swept away the delusion that the middle class supported the labourers.<sup>50</sup>

During the agitation which accompanied the first presentation of the Charter in 1838/9 there was no great stir in Leicester although the Mayor asked for a small military force to be stationed in the town 'on Account of the excited state of the public mind & the apprehensions entertained by many of Disturbances of the public peace in consequence of the determined spirit and violent conduct of the persons calling themselves Chartists'.<sup>51</sup> The Home Secretary declined to send troops and a few days later the Mayor reported that there had been regular Chartist meetings but the only violence had been in language.<sup>52</sup>

The Leicester Complete Suffrage Association was formed in March

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49. Ibid, p 30, quoting History of the Factory Movement, vol. II, p 76

50. Ibid, p 35

51. PRO, HO 40/44, letter of 9 August 1839

52. Ibid, letter of 20 August 1839

1842 and shortly afterwards there was serious trouble in the town, including an attack on the workhouse; 1842 was another year of trade depression and distress among the framework knitters. Much of our knowledge of Chartist activity in the town at this period comes from the autobiography of one of its leaders, Thomas Cooper, as well as from The Midland Counties Illuminator and other journals associated with him. In addition to political events Cooper provides much useful detail about the social side of the movement, such as reading-rooms, coffee shops and adult education classes.<sup>53</sup> He referred to the attack on the workhouse but stated that none of the men in custody as a result were members of the Chartist Association, adding however that meetings were held in the market place to protest against the measures of the guardians and against the support given them by the magistrates; Cooper and his chartist friends were often speakers at these meetings.

The Leicester magistrates reported to the Home Secretary that a band of men from the workhouse mills were begging in the town: 'in one instance they have been headed by a person [John Senior] who pretends to be their Commander, dressed in an old Military Suit and who marches with his band of 30 or 40 men whom he terms "The Bastille Mill Brigade" from their having been required to work at the Flour Mill at the Workhouse'. Public meetings were held nearly every evening after which the men - estimated at between 600 and 1200 - marched along the streets singing Chartist songs. On the previous day, a Sunday, Cooper and a number of men had entered a dissenting chapel and St. George's church during the sermons, after which the men (some of whom wore labels reading 'Remember

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53. Thompson, *op cit*, pp 44, 157; T Cooper, The Life of Thomas Cooper (Leicester, 1971)

the Poor') had begged for money.<sup>54</sup>

The Home Office replied that these proceedings were illegal and should be stopped; the leader should be taken before the magistrates, who were expected to stand firm.<sup>55</sup> Nevertheless a small troop of soldiers was sent to Leicester to help to maintain the peace and the town quietened down. An attempt by Cooper to get men to strike failed and despite isolated instances things had returned to normal by the end of August, helped largely by an improvement in trade. Cooper himself was arrested in August 1842 for incitement to arson (in the Potteries).<sup>56</sup>

The European revolutions of February and March 1848 stirred Chartism into life all over the country and Leicester was no exception; as befitted one of the chief strongholds of the 'moral force' wing of the movement activity was predominantly peaceful. A reform meeting was held on 27 April to launch a new petition for the extension of the suffrage; it had the support of the leading Liberals in the town but the sympathy aroused was largely dissipated by serious riots early in May.<sup>57</sup> They showed clearly the link between anti-poor law agitation and Chartism but stemmed mainly from the former: 'though the Chartists were blamed for the disturbances they were not really responsible'.<sup>58</sup> Nevertheless support for the movement was still strong: the Chief Constable of Leicester reported to the Home Office that he calculated at a conservative estimate

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54. PRO, HO 45/250, 6 June 1842

55. PRO, HO 41/16, 7 June 1842

56. Thompson, *op cit*, p 124

57. See pp 84-85

58. A T Patterson, 'Chartism, with special reference to Leicester', Transactions of the Vaughan Archaeological and Historical Society, vol. 1, 1947-48, p 29

that he had 5,035 men and 1,748 women Chartists in his district and that they possessed considerable supplies of firearms.<sup>59</sup>

Although there were attempts to revive the Charter as late as 1853 it was not an effective political force after 1848. The last important local leader, the hot-tempered and outspoken framework knitter George Buckby, emigrated to the United States in 1856, which marked the death of Chartism in Leicester.<sup>60</sup> The reasons for the decline of Chartism have never been satisfactorily answered but although the movement failed to achieve any of its aims it taught the working class valuable lessons about the organisation of its members in other spheres.<sup>61</sup>

Anti-poor law activity in Leicester was short-lived and merged into other working class movements, most notably Chartism. Thereafter particular incidents could arouse working class fury, as the attempts to reduce the wages of the men at the outdoor labour test in 1848 prove, but by and large opposition was minimal. The reason for this must lie in the improved economic circumstances of many of the operatives; it has been shown that improving wages and living conditions are an effective solution to public disorder. Men with full stomachs are much less inclined to rebel.

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59. PRO 45/2410(3), quoted in Thompson, op cit, p 150

60. R A McKinley (ed), Victoria County History, vol. IV: The City of Leicester (Oxford, 1958), p 218

61. Thompson, op cit, pp 330-336

## CHAPTER 10: THE BOARD'S RELATIONSHIPS WITH OTHER BODIES

### (i) central authority

The introduction of central control in the administration of poor relief was one of the aspects of the new poor law that caused the most opposition and objection to centralisation was the great common denominator among opponents of the new poor law.<sup>1</sup> As a result it has attracted a lot of attention from historians. The fear of central direction at the outset can be readily understood but contemporaries persisted with it long after the initial popular resentment at the workhouse test had abated. Successful resistance to central direction, which was only achieved by stubborn persistence, did not convince local people that high-handed assistant commissioners or their London masters had abandoned centralisation as one of their goals. Rochdale was still fighting against centralisation in 1852 when a large gathering heard the Liberal MP John Bright argue the case for independent local government. In both Sheffield and Leeds the central authority had to battle to persuade the boards to build a union workhouse, in much the same way as it did in Leicester.<sup>2</sup>

In effect the central authority's powers were limited, as graphically described by one author: 'for the task of cleansing the Augean stables of the English poor-law system, the Poor Law Commission was given a broom with remarkably few bristles'. The philosopher and economist, John Stuart Mill, writing in 1860, said:

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1. D Ashforth, 'The Poor Law in Bradford c. 1834-1871' (PhD, University of Bradford, 1979), pp 49-50; G Himmelfarb, The Idea of Poverty. England in the early industrial age (1984), pp 177-178
  2. D Fraser, Urban Politics in Victorian England (Leicester, 1976) pp 75, 83-85

You think perhaps that the administration of our Poor Law has been centralized since the law of 1834. Not in the least. The immense abuses that had taken place in the local administration had so terrified the public that the enactment of the law had become possible. But it proved impossible to carry it out. Local authority presently regained its predominance over central authority; and the latter has only managed to retain its nominal powers by exercising them with so excessive a reserve that they have remained rather a reserve for use in extreme cases than a systematic mainspring of administration.

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In theory centralisation brought uniform treatment and the local administration was constrained down to the smallest detail. However this situation was more image than reality and recent research indicates the ineffectiveness of central control.<sup>4</sup> Nevertheless many local administrators, particularly in urban areas, were offended by the implicit suggestion that they were incapable of running their own affairs, especially as they had done so very successfully under the old poor law.

Sir George Nicholls, one of the first three Commissioners, did his best in later years to defend himself and his colleagues. In his history of the poor law, published in 1853, he said: 'it would be going too far to say that the Commissioners always used their powers in the best manner, or that they always secured the best results; but I may...be permitted to declare, that it was on all occasions their earnest endeavour so to do'. He said that the Commissioners were convinced of 'the generally trustworthy and considerate manner in which the boards of guardians discharge their functions, and of their readiness to devote to the transaction of

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3. M E Rose, The English Poor Law 1780-1930 (Newton Abbot, 1971), p 77; M E Rose, 'The New Poor Law in an Industrial Area' in R M Hartwell (ed), The Industrial Revolution (Oxford, 1970), p 143

4. D Fraser, 'The English poor law and the origins of the British Welfare State' in W J Mommsen (ed), The Emergence of the Welfare State in Britain and Germany 1850-1950 (1981), p 21

the business as much of their time as can be reasonably expected of the unpaid members of a body so constituted'. He also believed that the ill-feeling formerly directed towards parochial authorities was never shown to guardians but was concentrated on the Commissioners, thus showing his awareness of the dislike incurred by central authority.<sup>5</sup> However the Commissioners' good intentions were not always viewed by contemporaries in the same light. Instead of initiating and guiding public policy, the central body devoted its energies to checking and restraining local authorities whenever they showed any tendency to stray beyond the limits of what a narrow interpretation of poor law policy permitted.<sup>6</sup>

There are many examples of the conflict between central and local authorities. The guardians in north east Lancashire were important men in their own right and they not only opposed central authority on principle as opponents of the new poor law, but were drawn from a class believing in laissez-faire and disliking all interference in trade and industry. This feeling, that important local men controlling large private enterprises were giving up their time only to be hindered by well-paid central officials who had no idea of local conditions, was important in the continued suspicion and antagonism felt towards the central authority. A Blackburn guardian said in 1852 that so long as they managed their affairs properly and economically there was no reason for the interference of the Poor Law Board but by 1871 there was much closer co-operation between central and local authorities in the area.<sup>7</sup>

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5. Sir G Nicholls, A History of the English Poor Law, vol II, 1714-1853 (1904), pp 305, 339, 381

6. M Bruce, The Coming of the Welfare State (3rd edn, 1966), p 87

7. R Boyson, 'The New Poor Law in North East Lancashire, 1834-71', Transactions of the Lancashire and Cheshire Antiquarian Society, vol LXX, 1960, pp 54, 56



In Cumbria the guardians grew in confidence and were not content to be mere cyphers; at first private efforts to help the poor in Carlisle enabled the board to adhere to the orders of the central authority but when the private funds began to be exhausted during 1863 the latent conflict between the guardians and Poor Law Board began to emerge.<sup>8</sup> In County Durham the years 1840 to 1845 saw a series of clashes between the Commissioners and guardians, and the economic pressures of the slump in the area lowered the boards' threshold of tolerance of the Commissioners' meddling. There was a similar pattern in Gateshead, with relations between the central and local authorities deteriorating after 1850.<sup>9</sup>

It has been suggested that the late 1840s represent a watershed in poor law administration and that the early 1850s saw an end to the 'harmful preoccupation' with the male able-bodied poor which had diverted attention from the needs of other paupers and soured the relationship between the central and local authorities, and the spate of workhouse construction contributed to a generally improved relationship. In Bradford for example anti-centralisation feelings persisted but with the workhouse question resolved there was no tangible, emotive issue to keep them alive.<sup>10</sup> Exactly the same thing happened in Leicester. The major exception to the improving economic pattern was the Lancashire cotton belt badly affected by the cotton famine in the early 1860s. The Poor Law Board already felt on trial because of the investigations into poor relief

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8. R N Thompson, 'The working of the Poor Law Amendment Act in Cumbria, 1836-71', Northern History, vol 15, 1979, pp 118, 124

9. P Dunkley, 'The 'Hungry Forties' and the New Poor Law: A Case Study', The Historical Journal, vol XVII, 1974, pp 344-346; F W D Manders, 'The administration of the poor law in the Gateshead Union, 1836-1930' (MLitt, University of Newcastle upon Tyne, 1980), p 39

10. D Ashforth, 'Settlement and removal in urban areas: Bradford, 1834-71' in Rose (1985), *op cit*, p 77

administration engendered by the distress in east London. It hoped by keeping the Lancashire unions 'on a light rein' to maintain some control over relief policies while preventing open rebellion against its authority.<sup>11</sup>

The key to the sort of relationship between central and local authority often lay with the assistant commissioners. These men had a strong sense of camaraderie with each other and with the central poor law officials and took pleasure in the formation of well-governed unions. However they had to work hard for their salaries and several retired on grounds of ill-health.<sup>12</sup> The character of the assistant commissioner was vital and could have enormous effects on the union. Sir John Walsham, who acted in the north, appears to have been very pragmatic and was prepared to compromise in order to get some sort of system into operation, and the 'patient, persuasive' Harry Farnall made more headway in the area than the abrasive Charles Mott. In Bradford seven assistant commissioners served between 1837 and 1848, only two of them continuously for more than two years, and it was not until Alfred Austin's appointment in 1845 that there were signs of a changing relationship.<sup>13</sup> Almost exactly the same thing happened in Leicester, where the appointment of Robert Weale marked a distinct improvement in relations with central authority. Nevertheless central supervision was often limited to a twice-yearly visit by an assistant commissioner and the regular submission of statistics.

The Commissioners began with high hopes in Leicester and one

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11. M E Rose, 'Rochdale man and the Stalybridge riot. The relief and control of the unemployed during the Lancashire cotton famine' in A P Donajgrodzki (ed), Social control in Nineteenth Century Britain (1977), pp 186-189
12. A Brundage, The Making of the New Poor Law (1978), pp 86-90
13. Ashforth (1979), op cit, p 347

wonders if relations with the board would have remained more harmonious if assistant commissioner Richard Hall had been able to continue at work. Because of his ill-health his district was looked after by others; Gulson, Senior and Stevens were all responsible for the Leicester union between its formation and the end of 1841. Stevens was obviously inflexible and succeeded in upsetting the Leicester board, and in Hall's view was not helping to cement good relations between the Poor Law Commissioners and the Leicester guardians.<sup>14</sup>

Severe trade depression, inadequate workhouse accommodation, the presence of reporters at board meetings and high political and religious feelings all combined to make Leicester very unsatisfactory in the eyes of the Commissioners; despite this Hall said: 'there is however, even there, a strong body of friends to our cause, and they appear to have confidence in us, and to be contented with our proceedings'. Like his colleagues, Senior and Stevens, he felt the union should be vigorously taken in hand but urged caution, 'for it has been said, and that not in private, that "The Commissioners had better be sent for to come down themselves and administer their own law"'.<sup>15</sup> Nevertheless he reported that the guardians were always civil to him and he tried to keep on good terms with them.

In June 1837 Stevens advised against removing the troops from the town, saying: 'the state of things is very bad'. Two months later Hall wrote an equally gloomy report on the union but said that he had achieved two things - the suspension from office of an inefficient relieving officer [Frank Nedham] and an almost unanimous resolution to build a new central workhouse. He clearly took every opportunity to impress on the

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14. Brundage, op cit, pp 93, 129-131; PRO, MH 32/35, no 4548C, 29 May 1837

15. PRO, MH 32/35, no 4548C, 29 May & 17 June 1837

guardians the need for the latter and at the special meeting on 10 August 'the discussion was long, stormy and grossly personal' but the decision was favourable.<sup>16</sup>

The assistant commissioners objected strongly to the attendance of the press at board meetings<sup>17</sup> and in March 1837, when Stevens asked for the Consolidated Order to be issued to Leicester, he felt it would be better if the press were excluded by a general rather than a specific order. A few months later Hall, referring to the special meeting at which the decision to build a workhouse was taken said a 'lamentable error' had been made in allowing the reporters to attend, but one which would be extremely difficult to repair. He cited the effect of their presence on the guardians' actions and said that had he not been at the meeting the decision to build the workhouse would not have been made, adding:

I shall not be satisfied until this intimidation is at an end; the Guardians, many of them at least, see their error, but they dare not expose themselves to the wrath of the Newspapers by an act of hostility against them; I am not sure that many of them who know and feel that the Reporters ought not to be there, would not cry out against an order for their exclusion, that thereby they might gain credit for liberality, and receive a favourable mention of themselves in the public Journals. To this point the attention of the Assistant Commissioner entrusted with the charge of the Leicester Union must be constantly directed.

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In May 1839 an order for the exclusion of strangers was issued. The guardians resolved however that it did not apply to them as the reporters were not allowed in during the administration of relief and

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16. PRO, MH 32/68, no 4220C, 16 May 1837; no 4791C, 3 June 1837; MH 32/35, no 6731C, 11 August 1837

17. See pp 43-44

18. PRO, MH 32/68, no 1999C, 15 March 1837; MH 32/35, no 6731C, 11 August 1837

discussions on pauper applications, 'and as no inconvenience has hitherto resulted from their attendance, the Commissioners be respectfully requested to rescind the order for their exclusion'. Somewhat surprisingly the Commissioners acquiesced.

Stevens decided to leave the board alone as he felt his presence was counter-productive, but resolved to 'make a dead set at them' as soon as the workhouse was finished. In his report for the quarter ending in September 1838 he said:

I have nothing new to say of this Union. I feel convinced that nothing can be done to improve them till the Workhouse is completed and in full operation. I have stayed away till this time, because I felt that my presence was only annoying without being of service. The Guardians were not able to change the course which they had so unwisely adopted without some good excuse for so doing. I have expressed that the new workhouse would afford them this, and the next quarter I should visit them and do my best to bring about a more satisfactory state of things.

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Early the following year Edward Senior took over responsibility for the union for a short time but he too stayed away for the same reasons as his colleague. When he finally visited Leicester in June 1840 he expressed his dissatisfaction with the workings of the union.<sup>20</sup>

In July 1839 the board sent a petition to the House of Commons which was then considering the Bill to continue the Poor Law Commission. Among other things it stated that assistant commissioners were no longer necessary; they had only visited Leicester four times in the previous two and a half years 'and that on several of those occasions, from the want of

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19. PRO, MH 32/68, no 3689C, March 1838; no 3693C, 31 March 1838; no 9500C, 30 September 1838

20. PRO, MH 32/66, nos 888, 21B, 4232B & 1990B, quarters ending September & December 1839, March & June 1840

a correct knowledge of the local circumstances, orders or instructions were issued that were found to be so disadvantageous or impracticable as to be soon afterwards annulled or suspended'. Edward Senior agreed that only four visits had been made but referred to Stevens' remark - 'from the reception he met with he should not have attended the Leicester Board again had he remained in the District'. Senior himself felt that with the constitution of the Board [i.e. mainly Conservatives] his visits did more harm than good.<sup>21</sup> Practically the last dealings Senior had with the board concerned the attempt to appoint Thomas Burbidge as clerk when he gave it as his opinion that 'the majority of the Board will go to extreme lengths in resisting the authority of the Commissioners'.<sup>22</sup>

Robert Weale was assigned to the district which included the Leicester union in late 1841 and began to visit it regularly. Returns of 1845-46 show that he attended either the board or workhouse twice a quarter and in one quarter, ending December 1846, came to Leicester four times.<sup>23</sup> With the advent of Weale relations with the Poor Law Commissioners generally improved. A number of factors combined to bring this about; the collapse of the bank serving the union in 1843 undoubtedly gave the board a fright and made it more prepared to listen to advice. Much of the credit for the improvement must go to Weale (a solicitor by profession). As well as his regular visits, which were an improvement in themselves, he was often asked to hold enquiries into particular incidents. From 1847 his half-yearly visits are recorded and his views seem to have been respected by the Leicester guardians; in December 1849,

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21. LRO, 26D68/1, 16 July 1839; PRO, MH 12/6468, no 47298, 19 July 1839

22. PRO, MH 12/6468, no 90488, 17 July 1840

23. PRO, MH 32/87, no 45268, etc., quarters ending March 1845 to December 1846

for example, he was asked to attend the special meeting held to choose a plan for the rebuilt workhouse. Nevertheless there were still disputes with the Poor Law Commissioners and Poor Law Board. The most serious one arose over the question of the rebuilding of the workhouse, when the guardians displayed all the stubbornness and resistance to central control witnessed in other unions. This attitude was also evident in their refusal to sack staff when recommended to do so by central authority: one of those involved was a midwife who was a positive danger to her patients but the board refused to dismiss her. They refused to appoint a successor to the chaplain in 1853 and on this matter the Poor Law Board had to give in, obviously realising that there was no way they were going to win the argument.

The central authority did not always help itself in trying to win the confidence of boards. It often declined to express an opinion on a difficult matter and left the guardians to solve a problem as best they could. As late as 1871 the Leicester clerk wrote to a colleague: 'never write to the Poor Law Board in such matters [i.e. relating to elections], I never knew them to give an opinion worth having'.<sup>24</sup>

Despite the improvement in the operation of the Leicester union after about 1850 the board was still antipathetic to central control in 1855. It passed a resolution that the principle of centralisation invested in the Poor Law Board had been carried too far and that its powers operated injuriously to the interests of the ratepayers. It considered that the appointment and contract of the union officers should

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24. LRO, 26D68/258, no 78, 5 April 1871

rest exclusively with 'the representatives of the ratepayers'.<sup>25</sup> However five years later, when the Bill for continuing the Poor Law Board was introduced, the guardians recorded that its continuance was necessary to secure a proper administration of the law, that its powers were not excessive and 'according to the experience of the Board those powers have hitherto been exercised with great moderation'. The North Bierley board similarly refused to campaign against a renewal of the Poor Law Board's powers. The Leicester union reinforced these views the following year in a series of resolutions, which included:

That this Board has *never had reason to complain* of any interference on the part of the Poor Law Board, with its action in the appointment or dismissal of its Officers; and it is convinced that the regulations at present in force in reference thereto, secures to the Unions throughout the Country, a better class of Officers than could be obtained, were the security from dismissal in anywise weakened.

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Moreover the board refused to take part in any agitation which, in its opinion, 'would...inflict a serious injury upon all classes'.<sup>30</sup> This shows a remarkable change of attitude which is almost certainly explained by the board's new views on the workhouse test and the applicability of the 'principles of 1834' to manufacturing districts. By this date the union was considered one of the best managed urban unions in the country and was regarded as one of the Poor Law Board's successes.

Perhaps the best indication of the vastly improved relations occurred on the retirement of Robert Weale in 1867. He asked the clerk to acknowledge and thank the guardians 'for the attention and good feeling

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25. LRO, 26D68/7, 27 March 1855

26. LRO, 26D68/10, 3 July 1860 & 8 January 1861; Ashforth (1979), *op cit*, p 590



they have invariably evinced towards me, and for the consideration they have always had to any suggestions I have offered to them in the performance of my official duties'. He also thanked the clerk personally for 'the great assistance you have rendered me and for the many acts of personal attention I have received at your hands'.<sup>27</sup> This may of course be pure convention but if the sentiments are genuine it is a further indication of how far the Leicester union had moved in a few years. Much of the change must owe a lot to the clerk; all the evidence points to the fact that he was a great believer in the ideology of the new poor law and it is quite likely that he guided the board in this way as in many others.

(ii) relationships within the union and with other unions

Before the Union Chargeability Act of 1865 there were frequently tensions between individual parishes in a union. This was felt most commonly in unions made up of a mixture of urban and rural parishes but could occur in any union while there was inequality between parishes. This was certainly the case in Leicester where friction occurred quite regularly over the parishes' 'calls' - i.e. their contribution towards the expenses of the union - as well as over settlement disputes. At first the extra-parochial areas of Augustine Friars, Black Friars, Freak's Ground, Newfoundpool and New Parks were outside the jurisdiction of the union; the only relief the inhabitants (some 1,396 of them in 1856) received was medical relief which was charged to the common fund of the union and in bad times the poor of the areas 'migrated' into the adjoining parishes to escape starvation.<sup>28</sup> Moves were made from the mid 1850s to transfer them

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27. LRO, 26D68/343, 1 November 1867

28. PRO, MH 32/89, no 40784, 27 October 1856

to the union but there was some opposition from the board, based as it alleged on the objection of the principal ratepayers, but in 1861 the necessary administrative arrangements were finally set up.<sup>29</sup>

The Leicester board had a greater problem with the select vestry of St. Margaret's than with the other parish authorities. Its local Act, passed in 1832, was not repealed by the Poor Law Amendment Act and led to friction over such matters as the appointment of collectors. According to the clerk the select vestry was regarded by the board as 'one of the greatest of our local nuisances'. He told Weale that the vestry had 'in numerous instances acted in such a manner as would lead to the supposition that its only object was to obstruct and defeat the intentions of the Board...'<sup>30</sup> Two particular points of conflict in the early years of the new board concerned the path of a culvert from the workhouse and the refusal of the auditor to pass St. Margaret's accounts because they included £50 for defending proceedings in Queen's Bench compelling the vestry to levy a church rate.<sup>31</sup> Another dispute arose over who had the right to sell the parish workhouse: the Commissioners ruled that it was the guardians, with the consent of the ratepayers and owners, but despite this the select vestry pulled the building down and advertised the materials for sale. Not for the first time the Commissioners declined to interfere.<sup>32</sup>

The select vestry also opposed the division of the parish into

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29. PRO, MH 12/6480, no 43652, 16 December 1861

30. LRO, 26D68/243, no 219, 16 January 1850; 26D68/236, no 509, 4 June 1844

31. LRO, 26D68/1, 14 August & 23 October 1838; PRO, MH 12/6468, no 3159C, 19 April 1839 et seq.; Patterson, op cit, pp 249-250

32. PRO, MH 12/6469, no 9554B, 16 July 1842

wards, which was first suggested in 1850. The clerk reported to Weale: 'as the division is very much deprecated by this body, and knowing as I do what they are capable of, I think it probable they may supply such data only as may suit their advocates at the Board'. He added that he hoped the Poor Law Board would persevere with the division of the parish, 'all persons of respectability with whom I have conversed having testified their approval of it, as tending to break up the system of making political lists'.<sup>33</sup> Relations appear to have improved over the years, reflecting the general amelioration of the board's affairs. Occasionally there was positive co-operation, as in February 1869 when the select vestry offered a room at the vestry hall for a vaccination station.

Tensions between unions centred around the cases of non-resident and non-settled relief and although the Leicester board's relations with other unions were cordial there were occasional causes of friction, most notably in settlement cases.<sup>34</sup> An example of this occurred in 1841 when a pauper named Richard Cavender, belonging to Hythe in Kent, was given money by the parish officers there to return to Leicester after being legally removed from St. Margaret's parish. The Poor Law Commissioners thought the conduct of the Hythe parish officers had been extremely irregular and the clerk was instructed by the board to prosecute anyone guilty of illegally sending back paupers 'and that he particularly communicate this Resolution to the Clerk of the Eltham Union...for the information of the parish officers of Hythe'.<sup>35</sup>

Leicester was not always the innocent party in cases of illegal

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33. LRO, 26D68/244, no 172, 23 October 1850

34. Ashforth, *op cit*, p 585

35. PRO, MH 12/6469, no 7003B, 14 June 1841; MH 4/2, no 7003, 8 July 1841

removal. In 1845 a woman named Alice Brookes was illegally removed to Bromsgrove after that union had refused to acknowledge her. She stated that she had lived in Leicester for nine years and had been admitted to the workhouse when she became ill with cancer. About a year later she was given some money and seen off on the train to Bromsgrove where she was admitted to the workhouse, and soon after the clerk sent a bill for her relief while in Leicester. The Commissioners told the board that the proceedings of the parish officers of St. Nicholas had been entirely irregular and unauthorised by law, and they did not see how the expenses could therefore be paid out of the poor rates.<sup>36</sup>

The board had further problems with the Hinckley union in June 1847. The previous December the Hinckley board had decided to refuse to accept non-resident paupers except by orders of removal, but had excepted Leicester from this ruling. In June however all the cases reported from Leicester were refused and the clerk wrote to his opposite number in Hinckley expressing his surprise and anger at their bad faith:

Since I have had the honour to hold the office of Clerk to this Union, my desire, and that of the Board has been to cultivate a good understanding with other Unions; our hostility could only be detrimental to the best interests of our respective Unions and I therefore feel the greater regret, that your Board should have adopted a course of proceeding which must entirely dissipate the good feeling which has hitherto existed.

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Sometimes settlement cases were beyond the comprehension of the guardians and the help of central authority was sought: one such case occurred in 1853 when Leicester and Blaby sent a joint statement to the Poor Law Board about the case of Elizabeth Snow and her five children.

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36. LRO, 26D68/332, nos 9459B & 9790B, 28 June & 7 July 1845

37. LRO, 26D68/241, no 210, 21 June 1847

The parish officers of St. Margaret's had tried to recover the cost of their relief during the suspension of a removal order after the death of the woman's husband, but the Poor Law Board ruled against them.<sup>38</sup>

The case of the relieving officer at Walsall<sup>39</sup> indicates the network of inter-union help and advice that developed. Chamberlain, Leicester's clerk, became increasingly experienced in poor law matters and his advice was sought by fellow officers on several occasions. He advised the clerk to the Oxford union on outdoor relief and the outdoor labour test, and an 'Inspector of Poor' in Edinburgh on the best sort of workhouse to have. In 1862-63 when the Norwich incorporation became a union Chamberlain wrote three very long letters to its clerk, John Copeman. In the first he recommended the new union establish a well-regulated workhouse and maintain the workhouse test, giving details of the system at Leicester, and concluded: 'if you ever turn your steps towards Leicester, it would afford me great pleasure to make your acquaintance and show you our system in operation'. He wrote again three months later at even greater length. He had obviously studied the bill for repealing the local Act in Norwich which he generally approved of, but on which he made one or two observations. His final letter gave details of the employment of paupers, purchase of supplies and industrial teaching. It is clear that Copeman had been regularly sending him the Norwich newspapers and had visited Leicester, but unfortunately the clerk was away and did not see him.<sup>40</sup>

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38. PRO, MH 12/6476, no 8392, 28 February 1853

39. See p 193

40. LRO, 26D68/254, no 254, 8 March 1864; 26D68/256, no 207, 1 February 1867; 26D68/256, no 5, 4 June 1866

In spite of these examples of co-operation, as the clerk himself said 'it will readily be conceded that the major part of the communications passing between Unions, is upon the subject of relief'. A disputed settlement could wreck years of good relations, as he thought might happen in a case involving the Melton Mowbray union. A law suit would be costly and the end result could be reached just as well 'by a little mutual forbearance and moderation'.<sup>41</sup> If the system of union chargeability had been introduced earlier it would not only have benefitted many unions financially but would also have made relations both within the union and with other unions much less fraught; however, in view of the vested interests opposed to it,<sup>42</sup> realistically it could not have been achieved sooner.

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41. LRO, 26D68/253, no 286, 22 November 1862; no 349, 4 February 1863; 26D68/254, no 176, 20 November 1863

42. See pp 56-58

## CHAPTER 11: CONCLUSION

The new poor law was essentially an attempt to solve the problem of rural pauperism: many people argued that it was inapplicable to towns and that a national system could not deal with the diverse experiences of urban areas. Central authority refused to accept this view and as late as 1873, in a report on London pauperism, the metropolitan inspector was critical of arguments that the poor law had failed or broken down when faced with mass distress in urban centres, citing the Leicester union's use of the workhouse test in the trade depression of 1857 to add to his case.<sup>1</sup> However, like many contemporaries, he ignored the importance of economic factors: evidence from Leicester in the period before 1871 supports the belief that the new poor law could work in an urban union but only with the background of greater stability in trade and employment. Research on other towns strengthens the case for underlying economic factors being the most important reason for the success or failure of poor law administration: in Bradford an improved economy reduced the strain on the board but in other urban unions, such as those in Cumbria and County Durham, worsening economic circumstances increased tension and led to conflict between the local guardians and central authority where previously the administration of the new poor law had been fairly successful.

Leicester's economy was volatile until about 1850 and subject to very severe periodic trade depressions, and neither the administrators of the old poor law nor the poor law union succeeded in coping with the consequent effects of short-term unemployment; measures such as the

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1. P Ryan, 'Politics and relief: East London unions in the late nineteenth and early twentieth centuries' in M E Rose (ed), The poor and the city: the English poor law in its urban context, 1834-1914 (Leicester, 1985), p 144

outdoor labour test failed, even if they maintained the image of 'less eligibility'. The guardians were divided in their views on a solution to the problem: some wanted liberal outdoor relief but others disagreed; those in favour of rebuilding the workhouse in the late 1840s disliked the 'allowance' system, believing that the ease with which applicants for relief had obtained it in aid of wages had contributed to the 'present miserable condition' of the framework knitters by engendering the system of 'half work and whole charges', i.e. the payment in full of frame rent and other 'shop charges' when there was insufficient work to be had.<sup>2</sup>

Poor law administrators throughout the country were undoubtedly helped by a significant upturn in the nation's economy. The improvement in the quality of urban life for the majority of working people and the substantial, long-term rise in the standard of living<sup>3</sup> was very discernible in many towns, but perhaps not to the extent that it was in Leicester; Nottingham, for example, did not see an improvement in its economy until some ten to fifteen years later. The economic upturn was the single most important reason for the reduction of pressure on the poor law authorities in Leicester. The union's most serious troubles coincided with periods of trade depression, most noticeably in 1837, 1842 and 1848, but until about 1850 it was badly administered despite a promising start. Its finances and staff were poor, the numbers on relief threatened to overwhelm its resources and the workhouse was inefficient. In addition it had problems which it shared with other urban unions, such as large numbers of non-settled poor and a weak financial base. After mid century the hosiery trade attracted more demand for its goods and the growth of

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2. PRO, MH 12/6472, no 16736B, 21 July 1847

3. J H Treble, Urban Poverty in Britain 1830-1914 (1983), pp 185-189



other industries provided greater job opportunities. In the second half of the nineteenth century there were rarely large numbers of poor requiring relief and the imposition of the workhouse test for the able-bodied came at a time of better employment prospects. The depression of 1860-61 marked an important step: for the first time outdoor relief was not given on a large scale in a time of crisis, which must show that it was less severe than the earlier ones, despite the clerk's assertion to the contrary. The board may have been influenced by the campaign against outdoor relief in the late 1860s but it seems unlikely as it was already imposing the workhouse test by this time. Outdoor relief as a percentage of total relief fell from 63% in 1849 to 26% twenty years later.

In the early days of the Leicester union politics dictated many of the board's decisions: 'The inhabitants of Leicester resembled those of many other nineteenth-century towns in their love of the sound and fury of politics...[and] the introduction of a board of guardians provided them with a further opportunity to enjoy the eminently satisfying spectacle of processions, oratory, and sensational stories and letters in the press'.<sup>4</sup> Much of this agitation was fuelled by the newspapers, especially the leading Conservative one, the Journal, which expressed its opposition to a Whig law both locally and nationally. However the increasing prosperity of Leicester from the 1850s reduced the pressure on the board and to a large extent removed the union from the political arena; decisions were less often taken on political grounds. In the depression of 1860-61 for example the management of the poor was apparently left entirely to the board with no public involvement as there had been in all the earlier periods of difficulty. In this respect Leicester had much in common with

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4. Brundage, op cit, p 130

the Bradford union where the economic improvement and an amelioration of poor law administration meant that the union 'almost literally ceased to occupy the front page' and where relative prosperity discouraged any further reappraisal of poverty.<sup>5</sup>

The lessening of political tension in Leicester was almost entirely due to the improved economy, rather than better administration, and this can be seen in a number of ways. The staff appeared to improve but this may have been merely because of the reduction of pressure on them; similarly the larger workhouse appears to have been more efficiently run but it is impossible to say whether this was due to anything more than a diminution of demand for its services. Perhaps the most significant change was in the board's relationship with its masters which improved out of all recognition. Its other responsibilities however did not diminish and issues such as the treatment of the insane and vaccination continued to present problems.

One advantage of a central authority was the overall view it could take and it often used comparisons between unions to amplify its opinions. Leicester was frequently compared with Nottingham, as the two towns were similar in population size, type of trade and the amount of distress in times of depression; they were also apparently run on similar lines.<sup>6</sup> The assistant commissioners were primarily concerned with the relative expenditure of the two unions and the steps they took to enforce the regulations in times of distress. In 1840 Edward Senior reported that the depression in Nottingham had started earlier than in Leicester and had been more severe. Nevertheless the former union had increased its

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5. Ashforth (1979), *op cit*, p 593

6. See for example PRO, MH 12/6469, no 45B, 15 January 1840; MH 12/6473, no 196888, 5 July 1848

expenditure on outdoor relief by about £70 a week compared with £90 in Leicester and only 520 heads of families had been relieved by a voluntary fund which had been established whereas in Leicester the figure was 1,600. Senior attributed the difference to the provision of a labour test at Nottingham (building a new road) whereas the Leicester paupers were idle; he added: 'when trade revives the Leicester operatives will have been taught that habits of frugality are valueless, and will expect on similar occasions to be again maintained in habits of indolence'.<sup>7</sup> The appendix shows that the relative expenditure of the two unions fluctuated over the period 1836-71 but the importance of economic conditions is further illustrated by the fact that the costs in Nottingham rose much higher than they did in Leicester in the 1860s. A detailed study of the Nottingham union would be very valuable but unfortunately no minutes of the board survive, so that any research would necessarily be somewhat one-sided and largely reflect the views of the central authority.

The operation of the new poor law has been described as a mixture of social control and social paternalism and both these elements can be seen in Leicester. Social control was exercised in a number of ways, especially by the use of the workhouse and labour tests. Some of the Leicester guardians saw the workhouse as an element in the overall structure of relief: it should be a deterrent to the able-bodied but not deter those genuinely in need. It is always difficult to separate fact from fantasy where the workhouse is concerned and the bias of an individual or organisation must always be considered. In 1842 for instance a letter in the radical Leicestershire Mercury, professedly from some of the workhouse inmates, complaining about the quality of the food,

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7. PRO, MH 12/6469, no 452B, 15 January 1840

brought a response from the more moderate Leicester Chronicle:

We ourselves are so fully convinced of the kindness  
...with which the inmates are treated so long as  
they conduct themselves properly - and that the  
quality of the food supplied is, with very rare  
exceptions...of excellent quality, though  
necessarily plain...We have been over the Workhouse  
at different times, and that not merely on  
show-days, and have always found the house in a  
cleanly condition and the provisions of wholesome  
quality.

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There are several examples of the Leicester guardians exercising social paternalism. The board appeared to show a commendable attitude towards the 'deserving' poor but at the same time they were expected to be grateful for the help they were given. The fact that many paupers who applied for relief refused the offer of the workhouse, especially once the workhouse test was fully enforced, confirmed the guardians' view that many applicants could maintain themselves. They said: 'persons of good character who from time to time have become inmates of the Workhouse have cheerfully acknowledged the excellent fare and accommodation provided therein, and the uniform kindness with which they have been treated'.<sup>9</sup> As the clerk reported to a colleague, the imposition of the test caused an outcry 'as to the hardship of "breaking up the little houses"' but the board had proved the fears to be without foundation. It had offered to take care of every inmate's goods while he was in the workhouse and restore them when he left, and had allocated a room for the purpose; however 'not a stick of Furniture was ever brought in'.<sup>10</sup> The clerk's complacency ignores the widespread fear of the workhouse among the poor.

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8. Leicester Chronicle, 2 April 1842

9. PRO, MH 12/6479, no 10585, 19 March 1858

10. LRO, 26D68/252, no 288, 31 October 1861

There are numerous examples of the Leicester board's concern for individual paupers, especially children. In 1856 for example, a girl who had been sent into service was readmitted to the workhouse when her employer refused to keep her any longer and, as the clerk reported to the girl's stepmother, she was badly bruised and undernourished. He said: 'you may depend upon the Guardians sifting the matter to the bottom, and now the child is back to us again, we hope shortly to restore her, to the same healthy condition as when she left us to go to these people'.<sup>11</sup> The guardians also showed a commendable attitude towards the children sent out as apprentices and were particularly anxious that they should not bear any obvious marks of pauperism. When the board was considering sending some boys to a mill in Glossop they stated that they would be provided with two suits, one of fustian for work days and a better one for Sundays; the clerk said: 'we wish to give the boys a start in the world without it appearing either by their dress or otherwise that [they] had been paupers'.<sup>12</sup>

The available evidence for the Leicester union shows that the new poor law could and did work in an urban union after an initial 'settling in' period, but that much of its success was a result of the vastly improved economic condition of the town. Without this it seems clear that the union would have muddled along as it had for the first couple of decades. The guardians - and certainly the clerk - may have believed that it was their improved management that made the union a success by the end of the period of this study but this was almost certainly not the case. On one occasion the clerk specifically disputed that the town's improving

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11. LRO, 26D68/248, no 354, 19 May 1856

12. LRO, 26D68/247, no 196, 24 August 1854

economy was responsible but the evidence clearly shows him to have been wrong.

Research on other urban unions in the Midlands would indicate if Leicester was unusual or whether other towns succeeded in achieving the aims of the central poor law authority. In Leicester itself further research also needs to be done on the 'pauper host' - its composition and the extent to which it used other sources of relief to alleviate its poverty. It would also be interesting to study the union after 1870 to see if the strong line taken in the 1850s and 1860s was maintained in the face of changing attitudes to the poor in the latter part of the nineteenth century and into the twentieth century, especially as there is evidence that the percentage of outdoor relief was beginning to rise again after 1869. It has been suggested that a study of the taxpayer and ratepayer would tell us more about the evolution of social policy than a study of the poor but little work has so far been done on this aspect of poor law administration.<sup>13</sup>

It is clear then that pauperism in Leicester was under control by 1871: improved economic circumstances meant that the system could cope with it. However the more difficult problem of poverty was still present and indeed has not yet been solved. The 'long debate on poverty' is still with us and many facets of the Victorian poor law have their late twentieth century equivalents. Family Income Supplement, a method of raising income to above subsistence level, is the natural successor to the allowance system so disliked by the legislators of 1834, and the outdoor labour test can be compared with the various Manpower Services Commission schemes introduced in the 1980s to reduce the level of unemployment. In

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13. N McCord, 'Ratepayers and Social Policy' in P Thane (ed), The Origins of British Social Policy (1978), p 21

the same way ideas have changed little - the 'undeserving poor' of the nineteenth century have become the 'social security scroungers' of the twentieth. Both the new poor law and the modern welfare state have dealt successfully on the whole with the problem of pauperism but neither have found a solution to the greater one of poverty.

APPENDIX: COMPARATIVE EXPENDITURE IN THE LEICESTER AND NOTTINGHAM  
UNIONS, 1835-70

(years ending Lady Day)<sup>14</sup>

|      | <u>Leicester</u> | (£) | <u>Nottingham</u> |
|------|------------------|-----|-------------------|
| 1835 | 15,788           |     | 18,058            |
| 1836 | 12,314           |     | 15,895            |
| 1837 | 12,699           |     | 16,820            |
| 1838 | 20,424           |     | 25,722            |
| 1839 | 17,239           |     | 19,319            |
| 1840 | 16,980           |     | 19,267            |
| 1841 | 18,787           |     | 22,133            |
| 1842 | 22,242           |     | 25,563            |
| 1843 | 26,386           |     | 28,457            |
| 1844 | 24,667           |     | 27,303            |
| 1845 | 24,294           |     | 20,084            |
| 1846 | 20,555           |     | 19,637            |
| 1847 | 24,718           |     | 23,465            |
| 1848 | 38,639           |     | 29,332            |
| 1849 | 32,784           |     | 27,165            |
| 1850 | 25,855           |     | 22,057            |
| 1851 | 21,825           |     | 21,208            |
| 1852 | 25,836           |     | 22,018            |
| 1853 | 22,254           |     | 22,036            |
| 1854 | 25,144           |     | 20,683            |
| 1855 | 26,210           |     | 27,078            |
| 1856 | 29,711           |     | 29,351            |
| 1857 | 26,086           |     | 26,504            |
| 1858 | 27,846           |     | 29,669            |
| 1859 | 24,030           |     | 30,091            |
| 1860 | 21,491           |     | 29,648            |
| 1861 | 24,241           |     | 38,984            |
| 1862 | 26,064           |     | 44,434            |
| 1863 | 26,050           |     | 42,874            |
| 1864 | 25,033           |     | 41,475            |
| 1865 | 24,637           |     | 39,298            |
| 1866 | 25,828           |     | 38,493            |
| 1867 | 29,719           |     | 38,704            |
| 1868 | 36,990           |     | 42,105            |
| 1869 | 42,446           |     | 38,644            |
| 1870 | 40,537           |     | 40,926            |

Population

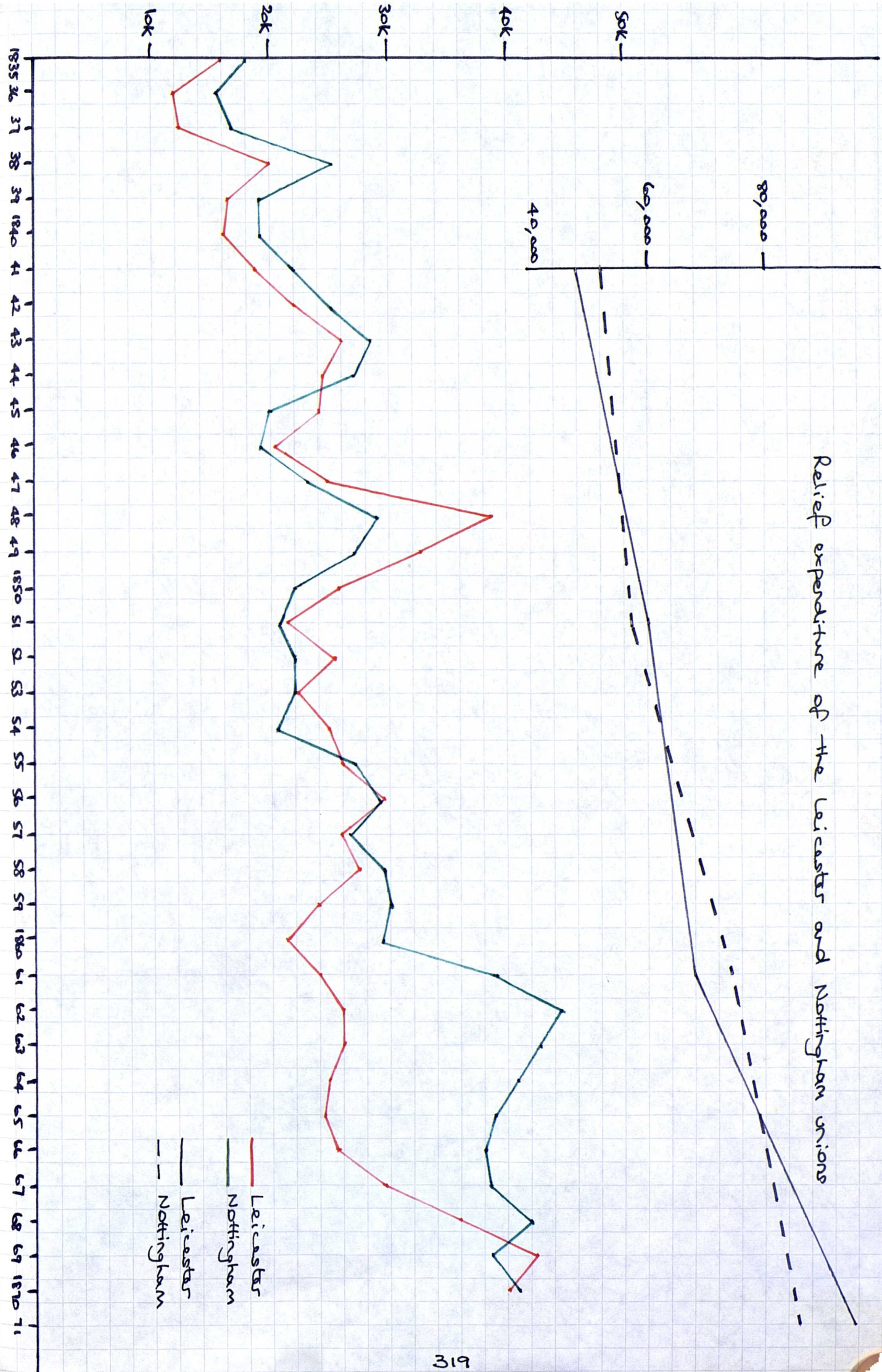
|      |        |        |
|------|--------|--------|
| 1841 | 48,167 | 52,164 |
| 1851 | 60,584 | 57,407 |
| 1861 | 68,056 | 74,693 |
| 1871 | 95,220 | 86,621 |

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14. From annual reports of PLC and PLB



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318-321 (out-letters to PLC/PLB)  
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\* NB The numbering of the out-letters (26D68/236-258 and 318-321) is inconsistent, many of the numbers being repeated and with large gaps in the numeration.

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